

14th January 2019

Committee Services
Camden Town Hall
Judd Street
London
WC1H 9JE

Sent by email – planningcommittee@camden.gov.uk

Dear Sir/Madam,

Re: 106 King Henry's Road, London. NW3 3SL – Objection to the planning application – Written submission (Ref: 2017/6307/P)

I write to reiterate, strongly, my objection to the planning application at 106 King Henry's Road. This application is not in accordance with the Development Plan or adopted Supplementary Guidance and, therefore, should be refused. Moreover, it should have been refused last year, yet the process has been dragged out for over a year, causing unnecessary uncertainty, worry and concern to adjoining occupiers. The application does not meet the Council's very specific policies on basements and should, therefore, be refused. Otherwise, I would ask why the Council has spent the time and money drafting these policies, and how they can, in good conscience, try and apply them to other applications and appeals elsewhere in the borough in a random and inconsistent manner.

This written submission should be seen in conjunction with my earlier formal objection of 20 December 2017. The application site is located next to my property at ■ Lower Merton Rise, and both buildings share a party wall. I have outlined before my concern about structural issues, and do not intend to repeat myself. My fundamental concerns are the proposed basement, the principle of the loss of the existing garden and the extent of the proposed basement which are contrary to Camden's current planning policy and guidance on basement development. This issue is discussed in the officer's report with very little evidence or justification for why an exception should be made in this case.

The proposed 'courtyard' as well as the music room must be treated as Basement Development. Para 6.109 of the Camden Local Plan defines basement development as: *'When this policy refers to basement development this includes basements, lightwells and other underground development.'*

The proposed development includes the loss of the entirety of the existing garden to make way for a large sunken lightwell, subterranean garden and music room, and be, in part, covered with a new terrace. The definition of 'Garden' in relation to basement policy is laid out in the Camden Local Plan (para 6.111) which states: *'When this policy refers to gardens and garden space this includes all outdoor (unbuilt) space on the property, including paved areas, driveways, as well as grassed or landscaped areas.'* Therefore, the existing terrace must be treated as 'Garden' when assessing the acceptability of the proposed basement against the Development Plan and associated Planning Guidance.

As detailed in the officer's report, the proposed basement development should be tested against Policy A5 – Basements, which includes specific criteria in relation to the siting of basements labelled

F to M. The proposed development fails criteria: **H, J, K, L and M**. It is acknowledged in the officer's report that it fails to meet criteria H, J and K. I note in the officer's report that it is considered that the proposed development meets criteria L and M. I respectfully disagree. As illustrated on the proposed basement plan, there is no set back from the neighbouring properties at basement level, where the existing garden is located (north west corner), and therefore the design fails criteria L. The proposed design fails to meet criteria M since it involves the removal of the entire garden and not half as specified in the officer's report. The officer's report contends that communal space to the rear should be considered when reviewing this criterion. This, in my opinion, is incorrect since the communal garden is outside of the application red line. If this logic were to be applied to other similar sites, developers could argue that the removal of entire gardens would be acceptable, as long as neighbouring properties have a garden.

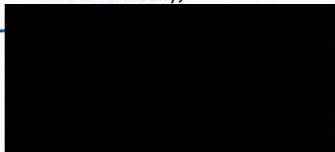
The final line of the policy states that exceptions to these requirements may be made on large comprehensively planned sites. The exception is explicitly stated. It must be assumed, therefore, that when determining the policy, the Council carefully considered when it felt an exception should be made. It was decided that the only exception was to be on a large comprehensively planned site. This application does not fall into this category, and therefore an exception should not be made.

The officer has applied this policy in a flexible manner, and explains the rationale in paragraphs 6.10 to 6.14. It is argued that Policy A5 is in place to ensure that basements are proportionate to the host building and to ensure that there is sufficient space to sustain the growth of vegetation and trees. The officer then goes on to argue that although the application breaches the specific criteria of the policy, it meets the overall objective of the policy.

It is my contention that the policy has been applied incorrectly in this case. The Council has a policy regarding basements, and within that policy the Council has prepared specific criteria to meet the objective. These criteria have been tested at a formal examination in public. The policy explicitly states when an exception can be made. Moreover, the Council has prepared specific Planning Guidance on basement development to reiterate and expand how these policies should be applied (Camden Planning Guidance Basement adopted 2018). At no point in the policy does it allow an exception to be made in a more ad hoc manner. Rather the guidance states that it should apply to all developments in Camden that propose a new basement or other underground development, or an extension to existing basement or other underground development. One of the 'key messages' in the guidance is that – 'Basement development must be no more than one storey deep and must not exceed 50% of the garden of the property'. The adopted CPG included guidance and diagrams on how policy A5 should be applied. It is therefore clear that the Council intended the test to be applied to all applications. Paragraph 2.6 of the CPG states that criteria of policy A5 must be considered together. It goes on to illustrate the size of a suitable basement in respect to certain situations.

As confirmed by the officer, the application fails this policy and therefore the application should be refused.

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the official.