

APA Artists' Management

Mr John Diver
Planning Officer South Solutions team Planning and Regeneration
Culture and Environment Directorate London Borough of Camden
5 St Pancras Square
London N1C 4AG

31st April 2019

By post and email to

[REDACTED]

Dear Mr Driver

**Planning application 2019/1697/P - to build two houses in the rear gardens of 29-33
Arkwright Road NW3 6BJ**

I write regarding the above planning application and confirm that I am in complete agreement with the letter sent by my husband Philip Mercer with regard to this planning application. My husband and I are joint owners of 25E Frognal, London NW3 6AR. I therefore formally object to this planning application.

Yours sincerely

[REDACTED]

Alexandra Mercer

[REDACTED]

A.P. Associates



Mr John Diver
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Culture and Environment Directorate
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5 St Pancras Square
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30 April 2019

by email *only to onl put*
letter only



Dear Mr Diver

Planning application 2019/1697/P

to build two houses in the rear gardens of 29-33 Arkwright Road NW3 6BJ

I write in regard to the above Planning Application.

1. The Site and Ownership. (Refer to land registry 'mapsearch' plan enclosed)

The only contact has been with Mr Alex Shinder, though the application is in the names of Sascha Shinder and Nicholas Shinder. The Lane deed was signed with Provost Investments Ltd, though negotiations were with Mr Alex Shinder's father. I therefore assume that the applicants and owners of the lane are in effect the developers and will refer to them as the Applicant

The site consists of title deed areas NGL919537 and part of LN121820. LN121820 has restrictions on its use as in the enclosed Deed of Rights dated 19/06/2006 and therefore the declaration in section 8 of the planning application form is incorrect. The restricted part being part of the land known as the Lane was not included as part of the site in the previous application 2015/6218/P, nor is it included in the ADL Planning Ltd's proposal as shown on their drawing ADL/2933ARK/APOX-B1, which is included in the current application. I enclose the Architect's drawing 1514_L_310, with the restricted area hatched. (Plan1)

Adjacent to the site are 4 houses

25a believed to be built pre 1939

25b re-built in 2013 PP 2012/3265/P

25c and garages built post 1944

25e built in 1993 Application 9200578

title LN74340 Mr Frankel

title NGL163389 & Mr Yang

title LN147289

title LN237267 & Mr Yeo

titles LN154773 + LN250891

titles NGL876449 & Mr Mercer

NGL919537

titles NGL201021 & TheApplicant

LN121820

The garages for which permission was given
for a single house PP 2015/6231, but no section
106 agreed.

As can be seen from the Deed of Rights the permission for the house in PP 2015/6231 was given on an incorrect declaration in that part of the site is restricted by the deed, which was not declared. I am advised that this may render this planning permission invalid.

Philip Mercer



2. Density.

The 3 adjacent detached houses have the following site areas

25a Frogna 471 sq m.

25b Frogna 414 sq m.

25e Frogna 512 sq m

The proposed new houses are said in the form to be built on an area of 506 sq.m, but when the part of the lane which has rights over it is excluded, the area is 468 sq. m

It would therefore seem that the proposed scheme would give twice the density of the existing houses, thus radically changing the ambience of the area. If permission is given it should be for one building only. See photo 5, which illustrates this point.

3. Conservation Area

It is proposed to take down the existing old brick walls, some of which are more than 2 metres high and rebuild in the case of proposed house 25F, on the lane boundary. It is also intended to take down the wall between the site and neighbouring house 25E and rebuild it nearly 2 metres higher. The house on the lane boundary will in particular be overbearing to the lane, 25E and also 25B across the lane.

4. Trees and Habitat

Trees have been taken down illegally. Some of the neighbours, after hearing chain saws asked one of your tree officers to inspect. He came, but never contacted anyone again. As is the case for all of us neighbours access was not made possible and trying to observe the site over the lane wall was made very difficult because of the razor wire (photo 2) placed by the applicant at the top of the Lane wall.

It should be noted that some years ago, when the applicant was in possession of no 29 Arkwright Road, but not no. 33, a gate was formed in the wall to the land of no 29, for which no permission was sought. This is not shown on the Architect's survey drawings. Photo 3 shows this access and that the land of no. 29 is now generally free of major trees. Photo 5 shows 3 trees on the site of no 29, which have been illegally removed. This photo was taken before 25B was re-built in 2013. I can find no record of permission for removal of these trees.

The applicant is now in possession of no. 33, thus allowing the present and previous (2015) proposals.

The tree survey supplied shows 14 trees, the proposals show 5 remaining. Some of those to be removed are very large (photos 2 and 3). I am not convinced that the tree survey is accurate. As an example tree 028 is shown as a single tree, in fact there are 3 (photo1). The photograph taken from 25c (photo 4) gives a general view of the site and I have marked on a copy (photo 4 annotated) the major trees seen in this photo which would be removed in the proposed scheme. Those in photo 1 are also shown as being removed.

In my first application for 25e Frogna in 1987, application 8601727, there was a large Elm tree in the middle of the site. I designed my house around it. However the site having been used as a dump for old oil tanks before I bought it, when summer came it was clear that it was dying and so I produced a new design after the tree was removed, for which permission was given. It is perfectly possible, though perhaps inconvenient, to build a house whilst retaining trees.

As we all know the road is called Frogna and the Lane is known as Frogna Lane. There is a spring which is very active in heavy rain near to the boundary of 29/33 and the lane. Water sometimes runs from it down to the garage courtyard area. One evening my wife and I were returning down the lane at night and the lane from side to side was covered in baby frogs. Mrs Bradford who lived at 35 Arkwright road and was blind loved to hear them.

The back gardens of 29/33 Arkwright Road are an oasis of green in an area of Camden which has become largely covered over with buildings, parking and hard standing. These gardens are part of a wild life corridor, which photo 5 shows. They should be left alone.

5. Traffic and Parking

The traffic plan proposed with the use of the applicant's garages as storage will create havoc in the lane and garage area. There are 4 garages in use, plus the parking space at 25E. The applicant owns 29 and 33 Arkwright Road, where he has a large parking area and passages

Philip Mercer

down the side of his houses. This parking area, together with his adjacent buildings could be used for delivery and storage, with access down the side of his houses. Large lorries are not necessary for building the proposed buildings. I have recently completely re-built a house in a Chelsea street with a new basement, where excavation was done by hand and only vans were used for deliveries and removals. They were able to park on residents or metered bays, for which of course they paid. This is of course more expensive, but there has to be a balance between profit and respect for the neighbours.

For the garage users and the owners of the adjacent houses, which use the lane for access, the proposal would be a nightmare, especially since there will be constant chaos in the lane if any of the walls are rebuilt. My house [REDACTED] is currently let, but if these works begin it will be un-lettable and I will move back in. I am nearly 82 and my wife nearly 75. We need constant access for doctors and taxis, since we might not be able to walk up the lane. [REDACTED] is an ideal house for old people, since it is all on one level. In this respect I note that the WC in proposed house F would not be suitable for wheelchair users.

Your requirement is that no cars are to be allowed to park on the site. I wonder therefore why the entrance gates proposed are shown with side panels, which if removed or hinged would widen the access. The applicant has not proceeded with his house in the corner of the garage courtyard, so perhaps these garages will be sold with the proposed houses to overcome this matter and thus increase the value of the properties.

6. Massing, Design, Boundaries and Overlooking.

When I built 25E I built it at the lower level of the lane to prevent disturbing my neighbours and with no windows overlooking other houses. The proposed houses are set on the higher ends of their sites, so that they dominate the lane and their neighbours. There are large 1st floor windows looking across the lane into the gardens of 25B and 25C. Adjacent to 25E it is proposed to build up the wall (which may be a party fence wall or because the buttresses are on my side may be my wall (as the applicant's father used to claim) from 2.8 to 4.8 metres (nearly 16 feet) an increase of 2 metres. This wall is covered in old ivy (photo 3), which is trimmed from time to time and is a wonderful bird habitat. To increase this by 2 metres, would make it incredibly dominant and we would be facing a virtual cliff. Currently the angle of light from my window cills is 17 degrees, the proposals including the upper floor beyond will increase this to 35 degrees, see architects part drawing proposed section BB with annotation (Plan 2). Were the houses to be built to be level with the lower parts of the lane this wall could be reduced by a metre, which would be better, but still too high, unless it was also set back.

There are windows at 1st floor level looking directly into my bedroom windows, one for a landing and one a bathroom. There are also 3 windows looking into the bedrooms of 25A, one a side bedroom window and the other two bathrooms. These windows also look down on the conservatory of 25A. The bathrooms and landing could all be lit with roof lights, the small bedroom window could be omitted. If side window are needed they could surely be on the sides of the proposed houses, which face each other.

I understand that the architects haven't spoken of louvres to the windows which overlook. I assume this means letting light in from above, thus restricting overlooking. Not, I would assume suitable for bedrooms. However the drawings do not show this and they would be very difficult to police, unless they were part of the external cladding and a condition to retain them was imposed.

I enclose a copy of an email received from the Architects following a conversation I had with Mr Shinder. This does not speak of louvres, but does agree no building on my boundary wall. Neither of these assurances are shown on the drawings.

7. Consultations

To the best of my knowledge no consultations were carried out with neighbours before submitting this application as required in your advice. Surely someone should have consulted some of us before giving advice to the applicant.

8. Conclusions

I am aware that the Council is under pressure to build more affordable housing in the Borough. The proposals are clearly not affordable housing. However this proposal is on one of the few remaining Green Sites in the area and contains many lovely trees. It is also a habitat for frogs, birds and no doubt other species.

Philip Mercer [REDACTED]

It is my hope that no building will be allowed on this site, however if you decide that providing housing is more important than maintaining this oasis of green, I would beg you to ask this scheme to be redesigned with a maximum of one building, placed so that the major trees are not removed and in such a way that it does not overpower and overlook its neighbours. Also that a traffic strategy is used to minimise any inconvenience to the neighbours and access to their houses and garages, whilst the building is being built. A single building containing two small flats or two semi-detached houses would be more in line with your policies for affordable housing than the two luxury houses shown and could be built with very little tree loss.

9. Suggestions

1. No removal of mature trees and replacement if any have been removed illegally.
2. Respect for overlooking
3. Respect for overpowering existing houses or lane.
4. Respect for legally binding Deed of Rights.
5. Respect for lane users should any building take place.
6. Any housing built to be affordable.

I am a signatory to the letter sent from frogark@icloud.com on behalf of the neighbours to this site objecting to these proposals.

I write to formally object to the current proposals.

I would be grateful to be allowed to speak at the committee meeting regarding this application.

Please acknowledge receipt of this email to my email address.

[REDACTED] I am c

Yours sincerely

Philip Mercer B.Arch. RIBA R

Encl.

Plan 1, Plan2,

Photo 1, Photo 2, Photo 3, Photo4, Photo 5. Photo 4 annotated.

Email from Square Feet Architects

Deed of Rights

Mapsearch Deed Plan.

Philip Mercer [REDACTED]