

Your Ref: 2019/2263/P

FAO: Ms. Kate Henry
Camden Council,
Planning Services,
5 Pancras Square,
Kings Cross,
London
N1C 4AG

24th June 2019

Dear Ms. Henry,

Re: Local Planning Authority Reference 2019/2263/P
For: Erection of detached, single storey, 3 bed-dwelling to the rear of No. 17 Frognal
At: 17 Frognal, London, NW3 6AR

I write to strongly object to the above planning application. The proposal is contrary to certain national and local planning policy, has omitted significant information that is required by the Camden Local Validation Checklist, will result in a dwelling with incredibly poor access, will have insufficient access to utilities, will remove a valued area of green space within the area and has not considered drainage implications (the area is known to be boggy). As such, this planning application should be refused.

National Planning Policy

NPPF

The NPPF is the fundamental guiding policy for new development – as such, new development needs to comply and carefully consider the guidance outlined within this document. The following is relevant to this application and has not been fully complied with:

Section 9: Promoting sustainable transport

'P.102. Transport issues should be considered from the earliest stages of plan making and development proposals so that:

- a) the potential impacts of development on transport networks can be addressed;*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'*

Section 12: Achieving well-designed places

'P.124. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests

throughout the process’.

‘P127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’

P130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.

Building for Life Document

This document is cited within the NPPF – and includes guidance for all new development. As such, the following is relevant to this application – and has not been thoroughly considered by the applicant:

1: Connections

Does the scheme integrate with its surroundings by reinforcing existing connections and creating new ones?

1a. *where should vehicle come in and out of the development?*

1d. *how should the new development relate to existing development? What should happen at the edges of the development site?*

We recommend: thinking carefully before blocking or redirecting existing routes, particularly where these are well used.

We recommend that you avoid: not considering how the layout of the development could be designed to improve connectivity across the neighbourhood; not considering where future connections might need to be made – or could be provided – in future.

5: Character

We recommend that you avoid using the lack of local character as a justification for further nondescript or placeless development; ignoring local traditions or character without robust justification.

6: Working with the site and its context

We recommend: being a considerate neighbour – have regard to the height, layout, building line and form of existing development ...carefully consider views into the development.

7: Creating well defined streets and spaces

We recommend that you avoid homes that back on to the street or offer a blank elevation to the street.

8: Easy to find your way around

We recommend creating a logical hierarchy of streets.

We recommend that you avoid creating overly long cul-de-sac developments, rather than a connected network of streets and spaces; terminating views down streets with garages, the rear or side of buildings, parking spaces, boundary fences or walls.

Local Planning Policy

Camden Local Plan 2017

Numerous policy from the local plan concerns new development and the necessity for thoroughly considering local planning policy cannot be emphasised enough. The following is relevant to this application:

Policy A1: Managing the impact of development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will: seek to ensure that the amenity of communities, occupiers and neighbours is protected; seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.

Policy A2: Open Space

In order to protect the Council's open spaces, we will:

- c) resist development which would be detrimental to the setting of designated open spaces;*
- e) protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible.*

6.37

Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area.

6.38

Spaces above rooflines, gaps between buildings and even small, sometimes isolated pockets of amenity space can be vital in supporting the notion of openness, provide visual interest, soften the built environment and contribute to wellbeing.

6.8.

Tree planting should, as a minimum, offset the capacity of trees lost as a result of the development to absorb carbon, taking account of the time needed to reach maturity.

Policy D1: Design.

The Council will seek to secure high quality design in development. The Council will require that development:

a. respects local context and character;

e. comprises details and materials that are of high quality and complement the local character;

f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;

g. is inclusive and accessible for all;

j. responds to natural features and preserves gardens and other open space;

l. incorporates outdoor amenity space;

n. for housing, provides a high standard of accommodation. The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.3. The Council will welcome high quality contemporary design which responds to its context, however there are some places of homogenous architectural style where it is important to retain it.

7.4. Good design takes account of its surroundings and preserves what is distinctive and valued about a local area.

7.5. Design should respond creatively to its site and its context including the pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area.

7.12. Buildings and spaces should also allow people to easily navigate their way around an area – a quality known as legibility. Designs should provide recognisable routes and be easy to understand.

7.14. Good access benefits everyone. The Council requires new buildings and spaces to be inclusive and accessible to all. As accessibility is influenced by perceptions as well as physical factors, buildings should also be designed to appear, as well as be, fully accessible.

7.19. New development should respond to the natural assets of a site and its surrounding, such as slopes and height differences, trees and other vegetation.

7.20. Development within rear gardens and other undeveloped areas can often have a significant impact upon the amenity and character of an area. The Council will resist development that occupies and excessive part of a garden and where there is a loss of garden space which contributes to the character of the townscape.

Policy D2: Heritage

The Council will:

e. require that development within the conservation areas preserves or, where possible, enhances the character or appearance of the area;

h. preserve trees and garden spaces which contribute to the character of a conservation area or which provide a setting for Camden's architectural heritage.

7.55. The value of existing gardens, trees and landscape to the character of the borough...make a particular contribution to conservation areas. Development will not be permitted which causes the loss of trees or garden space where this is important to the character and appearance of a conservation area.

Policy CC2: Adapting to climate change

Sustainable design and construction measures

The Council will promote and measure sustainable design and construction by:

e) ensuring that development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.

Redington and Froggnal Conservation Area

The proposed site is within the Redington and Froggnal Conservation Area. The design therefore needs to adhere to / acknowledge this more explicitly. The following is relevant and has not been considered whatsoever by the applicant:

'[The area is] an exceptional example of consistently distinguished Victorian and Edwardian architecture'.

'The houses are predominantly large detached and semi-detached and display a variety of formal and free architectural styles typical of the last years of the 19th and early years of the 20th centuries'.

'Of great significance to the area's character are its contours and slopes causing numerous views and vistas and giving emphasis to many of the buildings'.

'Sub area 8: Arkwright road, Froggnal, Froggnal close and Linfield garden - buildings and groups of buildings that make a positive contribution to the conservation area – the distinct quality of Redington/Froggnal is that it largely retains its homogenous late 19th / early 20th century architectural character.

'Where new development does not preserve or enhance the character and appearance of the Conservation Area it is generally due to one of the following: inappropriate materials; inappropriate scale/bulk/height/massing; inappropriate relationship to street and neighbouring properties; inappropriate front boundaries; traffic generation and parking pressures, impact upon soil stability; impact on privacy of neighbouring properties'.

'Backland/rear gardens: development within gardens is likely to be unacceptable'.

Ultimately, it is evident that the application **should not** be allowed to progress further, given the lack of adherence to such a large proportion of national and local planning policy guidance.

Documents submitted

The planning statement submitted is basic and does not provide sufficient detail to justify the development.

As is outlined in the following section, there is a significant amount of required information missing from the application.

Information omitted / insufficient information

Local Validation Checklist Requirements

The applicant has omitted a significant amount of information from the Camden Local Area Requirements for Planning Applications document. As such, this application is acutely lacking in the necessary information to make the proposed scheme acceptable.

Accessibility Statement

Given the problematic access at the site (which has, incidentally, been acknowledged as being problematic by the applicant), it is very surprising that this statement has not been provided. Including just one short paragraph (section 5) in the planning statement which only discusses available public transport rather than the practicalities of accessing the site is certainly insufficient.

Daylight and sunlight assessment

This is required for any development that will potentially negatively impact on the existing levels of daylight / sunlight of other land uses near the application site *including* gardens and amenity spaces.

Energy statement

An energy statement is required for *all* new build dwellings. This has not been provided by the applicant.

Sustainability statement

Similarly, a sustainability statement has not been provided by the applicant. This is required for all new development.

We also note that no Design and Access statement has been submitted; no visibility splays or similar have been submitted, no parking information has been submitted; and no drainage or surface water treatment information has been submitted.

Material Planning Considerations

Very poor access

Whilst the applicant argues that the site is 'sustainable' with good access to public transport facilities, this does not resolve the very significant issue of the narrow access to the site and overall inaccessibility. No visibility splays or similar have been provided to demonstrate that traffic / people turning into or leaving the site will be safe. The site is only accessible via a Right of Way that is narrow and also includes the front door access to one lower ground floor flat and the back entrance to another flat.

Moreover, the applicant contends that the development will be car free – however, it will be difficult to maintain this when the building is erected and future occupiers may require a car / there is no guarantee that it will remain 'car free'.

Insufficient access to utilities

The site currently has no access to utilities such as gas, water and electricity – it will be extremely difficult to provide sufficient access to 17 Frognaal given this insufficient access.

Trees

There are several trees protected by TPO's in the area. The planning application merely states that some trees will be removed – insufficient detail has been provided concerning TPO's. There is no necessity to remove these trees and remove valuable greenspace.

It should also be noted that the owner of the proposed site applied for works under TPOs and failed to fulfil this requirement – please see Appendix 2 for this correspondence.

Nature Reserve

At present, the proposed site and garden is in the process of Neighbourhood Plan consultation – the site has been nominated as Local Green Space by the Reddingto Frognaal Neighbourhood Forum. This site is the last remaining area of green woodlands behind Finchley Road and it is an oasis of protected trees and species: a real Hampstead gem. It has a positive impact on the local community and will be acutely missed if it is redeveloped for housing. The applicant is fully aware of this – please see Appendix 1 for previous correspondence between the applicant and the secretary of the Redington Frognaal Neighbourhood Forum.

Boundaries

We believe the boundaries have been incorrectly drawn on the submitted plans. The proposed application includes boundary lines that are incorrect and no reason or explanation has been given as to why this is the case.

Watercourse in the garden

The proposed site is of a boggy nature – the proposal does not appear to have provided any information concerning drainage and potential for surface water flooding / run-off.

Other considerations**Unsuitable location**

Ultimately the location is wholly unsuitable for a new dwelling. It constitutes as back-garden development and will remove a valuable area of greenspace.

Safety

No visibility splays or similar have been provided by the applicant. It is evident from the location plans / block plan submitted that the access will be very narrow.

Design

The drawings submitted are very basic and certainly do not show that the new dwelling will be sympathetic to the local area. The submitted drawings also show that the dwelling will be significantly set back from the street scene and completely out of character with the local area.

Conservation Area

Notwithstanding the above, the proposal has failed to make any reference or provision for the fact that the site is within the Redington and Frognal Conservation Area – merely stating that the land is 'located within a conservation designate area' in the planning statement.

Right of Way

The block plan submitted includes a blue L-Shaped line that includes a considerable area of our garden – this is also incorrect. The ROW access is only achieved via a straight 'line' i.e. path. Please see the ROW title in Appendix 3.

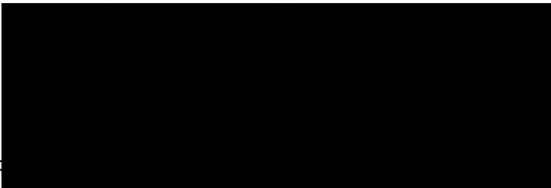
Summary

Ultimately, the purported 'benefits' of this development do not outweigh the detrimental impact that the development will have upon existing residents and the community. The proposal contradicts numerous national and local planning policies, will have an irreversible impact upon the Conservation area and represents a 'development at all costs' approach. It should therefore be refused.

Yours sincerely,

Mr. A. Saraiva

Neighbour / Resident



APPENDIX 1: REDINGTON FROGNAL NEIGHBOURHOOD FORUM
CORRESPONDENCE

REDINGTON FROGNAL
NEIGHBOURHOOD FORUM

Mr. Nektaraky Sofroniou



16 July 2018

Dear Mr. Sofroniou,

**Copse behind 17 Frognal: Proposal to designate as Local Green Space in the draft
Redington Frognal Neighbourhood Plan**

The draft Redington Frognal Neighbourhood Plan is seeking to introduce Policy BGI 5 Local Green Spaces, which proposes that nine local green spaces be designated in accordance with the provisions of Paragraph 77 of the National Planning Policy Framework.

We are writing to inform you that the Copse behind 17 Frognal is proposed to be designated as a Local Green Space. This designation can be used in Neighbourhood Plans to give protection against development for green areas of particular importance to local communities.

Policy BGI 5 is attached. If you have any comments on this proposal, please contact the Forum at:

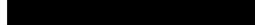


Yours sincerely,



Secretary

Redington Frognal Neighbourhood Forum



REDINGTON FROGNAL
NEIGHBOURHOOD FORUM

APPENDIX 2: PREVIOUS EMAIL CORRESPONDENCE – TREE TPO's

Saturday, June 22, 2019 at 3:43:53 PM British Summer Time

Subject: ** Urgent Assistance ** Application Ref 2018/4091/T
Date: Wednesday, 12 June 2019 00:23:35 British Summer Time
From: artur saraiva
To: [REDACTED]
BCC: Michael Hibbs, Margot Schiemann, Kate Colleran

Dear Mr Nick Bell and Mr David Joyce,

Forgive me for the e-mail but I come to you in need of desperate assistance.

Last year, the owner of the land behind 17 Frognal requested permission for works on trees protected by TPO (Application Ref: 2018/4091/T).

The Council decided to Grant consent subject to a few conditions including:

Prior to the end of March 2019, a Quercus robur (English oak) shall be planted as an extra heavy standard with a girth size of 14-16cms. The tree should be planted within 5m of the sycamore tree that is approved for removal and more than 1m away from any structure. The ground should be prepared to the standards set out in BS5236:1975. The tree should be suitably staked and tied. Should the tree be removed, die, become severely damaged or become seriously diseased within 5 years of planting it shall be replaced by a tree of the same size and species as originally required to be planted.

<http://camdocs.camden.gov.uk/HPRMWebDrawer/Record/7364409/file/document?inline>

The owner of the site has carried out the works requested but he has not fulfilled the Council's required condition of replantation of a *Quercus robur* prior to the end of March 2019.

Additionally, the owner of the land has now applied for planning permission to build a single story 3 bedroom house on the land (Application Ref 2019/2263/P).

<http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:2019/2263/P>

It seems the owner of the land may acting in bad faith and not in the spirit of your decision.

I would kindly ask that the site be inspected by the Regeneration and Planning Development Management or Local Planning Authority to demand that the abovementioned tree be planted and also to ascertain that the standard of all works was carried out in accordance with the relevant recommendations of British Standard 3998: 2010.

Unfortunately, time is of the essence as we have until the 27th of June to lodge comments for planning permission.

Please advise on what can be done to avert this unfairness.

I very much look forward to hearing from you.

Kind regards,

Artur Saraiva
[REDACTED]

APPENDIX 3: LAND TITLE MAP (219525) FOR RIGHT OF WAY:

