Todd J. Berman

Chair, The Hampstead Hill Gardens

Residents’ Association

 3 Hampstead Hill Gardens

 London NW3 2PH

 toddberman@msn.com

15 July 2019

Attn.: Mr. Thomas Sild

Planning Officer

Camden Council

Thomas.sild@camden.gov.uk

**RE: Planning Application 2019/2964/P, 4b Hampstead Hill Gardens.**

Dear Mr. Sild**:**

I am writing to you in my capacity as Chair of the Hampstead Hill Gardens Residents’ Association, and on behalf of the Committee of the Residents’ Association, in order to state our very strong opposition to the proposed plans to radically redevelop 4b Hampstead Hill Gardens (2019/2964/P).

The decision of the RA Committee was taken unanimously and reflects our view -- and the professional advice we have received -- that the proposed development contravenes a number of critical Camden Council planning policies, the Hampstead Neighbourhood Plan and the Hampstead Conservation Area Statement.

Our opposition is based on the harm that would result to neighbouring properties, to Hampstead Hill Gardens more generally, as well as to the Hampstead Conservation Area, and the neighbouring roads and gardens which will all be impacted:

**Streetscape:** The streetscape on this road, and in particular at the specific point in the road where the site is located, would be severely compromised by this proposal. The proposed redesign of the building is not in keeping aesthetically with its surroundings. If allowed, it would detrimentally impact the character and continuity of the existing streetscape, one which is defined by surrounding Grade II listed buildings.

The site itself is a semi-detached building which today has a consistency with its neighbouring property at 4a, which has a consistent height, shares a similar roofline and a design aesthetic which would be seriously compromised by this plan. The roofline would become a jagged edge, with one roof substantially out of kilter with its fully attached and larger next door property.

The site historically was one home, with one roofline: The Applicant is proposing to radically alter the roofline, creating a “tower block” effect which would be quite inappropriate in the context of the surrounding homes and the protected style of building which forms the core of the immediate road’s character.

**Massing:** The Applicant’s proposal results in substantial massing of the building, in particular against the street and public walkway for those passing and for near neighbours. This would be entirely out of context on this road where most of the properties are set well back from the public pavements.

The building’s current low, consistent roofline and clear setback from the road and public pavement creates a sense of openness which would be destroyed as the light and views would be blocked by the substantial increase in height and density of the new design. The Applicant’s own pictorial representations of the proposed design most definitely illustrate the massing effect on the immediate area in front of the building as well as in the rear gardens of 4a, 4, 2a, 2 and 6 Hampstead Hill Gardens.

**Overbuilding:** The site of the existing building comprising both 4a and 4b was originally a tennis court. This was designed so that the older original houses which are arranged in a horseshoe shape around the site on both sides of the road had as their focal point an open space rather than dwellings jammed together. The Applicant’s father was allowed to build 4a to replace the tennis court. He later converted the garage to what is now 4b but that was in the immediate post War years and prior to the area being designated a Conservation Area in 1968.

What was a space between the dwellings was thus converted into two homes, with the Applicant’s current residence having previously been the attached garage to 4a’s principal residence. The proposed plan would convert what was a garage, and now a 3/4 bedroom home, into a much larger 4 bedroom family home, doubling the habitable space and dwarfing the original primary residence next door.

This is precisely the type of overbuilding which the Hampstead Neighbourhood Plan and the Conservation Area Statement were designed to prevent. The massing of the building near the public pavements and against the property lines; the increase in height of the structure which blocks views and compromises the skyscape; the loss of sunlight to neighbouring gardens and homes; the creation of an extended basement well outside the footprint of the existing building are all key indicators that collectively establish that this is a case of overbuilding a site and it should not be approved.

**Obscuring/Blocking of Views:** The increased height of the additional storey creates a tower which would very dramatically alter views to and from at least seven nearby Grade II listed properties, interfering with them and in part obscuring some, depending on the point of observation.

It was the express intent of the Hampstead Conservation Area Statement and the Hampstead Neighbourhood Plan that these views be protected from overdevelopment such as is proposed by the Applicant. Protecting the ability to view these heritage properties – as well as the views from these homes -- is as critical as protecting the properties themselves and the Applicant’s plan would most definitely obscure them.

Critical views from several of these nearby listed properties would be compromised. For example, there are line of sight views from a number of windows to the spire of Grade I listed St. Stephens’ Church which will be partially obscured or entirely blocked if this plan is allowed to proceed.

**Skyscape:** The proposed plans would damage the skyscape for virtually all near neighbours, both from the front of the building and in neighbouring gardens, all of which share and benefit from the current relatively open vistas. The proposed plans would materially and detrimentally alter the perspectives each of the Applicant’s several neighbours currently enjoy and would damage their ability to enjoy evening sun, morning light and the beauty of the Hampstead skyscape throughout the day.

**Restrictive Covenants:** The original architect and builder clearly intended to limit the scale of future building at the site -- and in particular sought to ensure there could be no further vertical growth -- by placing a restrictive covenant on the property which most clearly applies to 4a but which we believe also applies to 4b as it was and remains a fully integrated part of the original structure and the passage of 50 years has created a constructive easement for light and air on behalf of 4a that should be respected and enforced.

**Failure to Create Additional Housing in Camden:**  The current structure at 4b HHG is a 3/4 bedroom property occupied by one family with 5 residents: The Applicant, his spouse and their three children.

The new structure which is being proposed doubles the size of the property but only adds one bedroom. This proposal does not in fact increase Camden’s housing stock because the exact same family will live there but simply in a more expansive space. There is in fact no net new housing stock being added for the Camden community despite the loss of amenity, the massing and overbuilding required and the damage to the streetscape and green environment that will result.

**Basement Construction Damage:** The Applicant’s plans involve creation of a very large basement structure, one which is particularly disproportionate for the small space and close setting in which it is proposed. The size of the basement substantially exceeds the footprint of the building under which it sits and, in fact, extends to the boundaries of the property. This is inconsistent with Camden’s own recommendations for basement projects included within London Borough of Camden’s Planning Guidance on Basements published in March 2018 and should be refused on the basis of this consideration alone.

The extended design of the proposed basement would result in a loss of the entirety of the garden space despite the Applicant’s claim that the garden would still exist but in a sunken trench-like structure. This potential damage is very concerning and we would ask that you reject this outright.

It is also critical to appreciate that the Applicant is applying to build a basement in an area with very well known groundwater flows which migrate in and around existing structures, properties, walls and trees. This creates a significant risk of both flooding and subsidence. London clay volume is a function of water levels which here have not been properly tested (it was dry in the week before the tests were done 4 years ago, for example).

There is a serious risk of subsidence damage from this plan and there is a documented history of subsidence claims on the road, including two relating to the Applicant’s own dwelling. Neighbours at 4 Hampstead Hill Gardens, for example, suffered subsidence which was so severe they were forced to move home for six months while substantial repairs were completed.

The massive, old growth protected Copper Beech tree at the shared fence line of 4a, 4b, 4, 2, 2a and 6 Hampstead Hill Gardens has extensive root growth which has in the past impacted each of these properties and creates a material risk of damage from the proposed extended basement design in particular.

The Camden Plan is clear that risk of damage to neighbours is an important criterion for rejecting a basement application. The Applicant’s Basement Impact Assessment supposes that this is a low risk flood area and that provided construction is careful all should be ok. That, however, has not been the experience at this site nor on this road.

The Applicant’s site is immediately near claygate substrate. The proposed basement structure creates a solid submerged concrete block, damming and redirecting surface and subterranean water flows and thereby exacerbating subsidence problems which already affect properties on the road and which were experienced in severe form when an adjacent neighbour excavated a basement (and that was in a fully detached property from the one which suffered the subsidence whereas these are in fact integrated, fully attached properties so the risk is far greater).

**Noise and Vibration:** The Northern Line runs very close to the houses in question and all near homes already experience noise and vibration from the train lines. The creation of a large, concrete underground structure within tens of yards of the Tube line threatens to substantially increase noise and vibration to these properties, several of which are Grade II listed, and all of which will experience damage if these works are approved.

**Light:** The plans should be rejected if for no other reason than the damage the addition of the new 3rd storey tower would do to the lightscape of neighbouring properties. The increased height of the structure creates a sundial effect, casting a block of shade more or less continuously across nearby homes and gardens throughout the day as the sun traverses the sky.

Light is incredibly critical in this area, in particular given historical development on the road which would almost certainly no longer be allowed. Flora and fauna in neighbouring gardens would be damaged and likely not be able to flourish in a substantially shaded environment while today those gardens teem with bees, birds and wildlife precisely because they benefit from the fullness of the current light conditions.

As an example of the harm from this proposed design, there is an active artist’s studio within 30 feet of the boundary wall of 4b. The light that is currently enjoyed in that space would be severely diminished by the addition of the 3rd storey tower block to the point that it would unlikely to be useable for painting in future.

Hampstead’s history is so intimately linked to its creative community and the idea that this application would be allowed when it would destroy one of the few remaining active artist’s studios in Hampstead is simply unacceptable. With the impairment of light this project would cause, this artist studio’s functionality would be reduced and a key part of the character and history of this area of Hampstead would be further diminished.

**Heritage:** The proposal would result in the destruction of a subordinate and inoffensive structure which while not listed has nevertheless through the passage of time become a critical part of the character of the road. The structure’s design is now firmly a part of the streetscape. Local residents have grown accustomed to the size, shape and integrated style of 4a and 4b and it would be a tremendous loss to this community to allow a radical new design which is already widely opposed.

The homes at 4a and 4b HHG reflect a unique postwar style which has become integral to this road and to this community and we as a Residents’ Association and as neighbours want that heritage to be protected.

**Design:** The Applicant’s proposed design is bulky, overbearing and entirely inconsistent with the character and architecture of neighbouring properties. Some materials used such as reflective tiling are out of keeping with nearby homes. This incompatibility would be particularly severe in the case of 4a, which is entirely different in design, style, materials and shape.

The proposed design would clash outright with the setting in which it is proposed: There are seven near neighbours whose Grade II listed homes were built by the acclaimed architects Batterbury & Huxley. The proposed design is alien to the consistent style of local properties and makes no contextual sense.

Perhaps as importantly, the proposed design is completely out of character and out of context with respect to the larger part of the structure to which it is attached. The Applicant’s proposal bears virtually no resemblance to 4a but would rather create a jarring, irrational vision entirely lacking any relationship to where it is and to what it is attached.

**Overlooking (front and back):** The proposal results in a loss of privacy for nearby homes by building too high and by seeking to add a terrace in the front upper level. Whether intended or not, the result will be that additional windows will be added to the property, existing windows enlarged, and several new windows added on the proposed new tower level which will all have direct views into near properties. This is in particular the case with direct views into bathrooms and bedrooms at 7 and 9 as well as 2, 2a, 4a, 4 and several of the residences at 6 Hampstead Hill Gardens.

In the front of the building, the Applicant proposes a new balcony which would create a viewing platform directly across the road into the bedrooms, bathrooms and sitting rooms of several facing properties, a number of which have young children whose privacy will be at risk if this plan is allowed to proceed.

**Overshadowing** **(at the sides):**  By virtue of its increased height, the new tower structure will substantially increase the incidence of overshadowing, in particular affecting neighbouring gardens at 4a, 4, 2, 2a and 6 Hampstead Hill Gardens. The privacy of several gardens will be almost entirely compromised with virtually every corner of adjacent and facing properties now overshadowed, most dramatically for the home at 4a. These gardens are all used continuously as integral inside/outside spaces: Allowing an adjacent neighbour to build a structure which would as a matter of certainty overshadow those private spaces is unacceptable.

**Amenity:** The bulk, the size and the scope of this design would materially compromise the amenity of surrounding properties, reducing light, obstructing views, exacerbating noise and vibration and destroying the heritage of the site itself as well as the streetscape. Local residents have every right to seek to preserve the amenity value of their properties and roads and this proposal most definitely would present a threat to that quality of life. There is no doubt that the amenity of the road and near properties would be reduced and it is our considered view that the level of amenity reduction is simply not acceptable in the context of what is being proposed.

**Protected Trees:** There are two mature protected trees that would be at risk of substantial root damage from this plan, in particular because of the construction of such a large basement structure in such a confined space. The Copper Beech tree immediately adjacent to the property will, in particular, suffer as the root structure within the circumference of the tree’s crown will be cut back to allow for the basement walls to be constructed.

The Council has a duty of care to prevent damage to the trees in question which, if felled for any reason, intentional or otherwise, would create a substantial risk to people and neighbouring properties.

**Lack of Consultation:** The Applicant has failed in his duty to properly consult neighbours regarding this proposal. The broad plans were discussed with neighbours in February 2019 and the Applicant was given very consistent and clear feedback that virtually all near neighbours were opposed to the design, the scale and scope of the plans, and the logistics of the building proposal.

The Applicant was very strongly guided to consult with Camden Planning through a formal pre app process to ensure that whatever was ultimately submitted for planning review reflected the experience and expertise of Camden Planning and avoided creating unnecessary conflict with neighbours and the Council itself.

The Applicant has stated he thought the cost of the pre app process was too high and unnecessary in any event.

The result is a planning application which ensures conflict with no real benefit to anyone. This is precisely what the pre app process was designed to avoid and which the Applicant – an experienced, professional real estate operator – very consciously rejected. We very much hope that this fact will be considered by you – and, if necessary, by the Planning Committee -- when you assess the overall project.

Given the importance of this planning application to the local community, we would respectfully request that this application be rejected outright.

I would also like the opportunity if possible to speak to the Planning Committee as the Chair of the relevant Residents’ Association and as a near neighbour directly impacted by this proposal. I am certain other neighbours affected by this Application will also seek to address the Planning Committee if it gets to that stage.

All of that said, I urge you on behalf of many local residents, on behalf of several near neighbours for whom this plan would be quite damaging to their persons and properties, and on behalf of the Hampstead Conservation Area more generally to reject this planning application in its entirety.

Kind regards.

Todd J. Berman,

Chair, The Hampstead Hill Gardens Residents’ Association.