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[redacted]

Mr Ben Farrant
Development Management
Camden Town Hall
Judd Street
London
WC1H 9JE.

3rd December 2019.

Dear Mr Farrant,

Re. : Planning Application Ref: 2019/5348/P.
18a Frognal Gardens, Hampstead
London
NW3 6XA.

Further to our recent telephone conversation I can confirm that I am instructed by Mr and Mrs [redacted] as owners and occupiers of the immediately adjoining property [redacted] Frognal Gardens, to submit the following **OBJECTIONS** to the above planning application.

The planning application seeks detailed approval for the demolition of 18a Frognal Gardens, an existing 3 storey property, with a replacement 4 bedroom, four storey single family dwelling with basement excavation, landscaping and associated works. The application is accompanied by a series of detailed plans together with a number of supporting documents of which I have now had an opportunity to complete a preliminary review. In undertaking your assessment of the proposals and establishing any recommendation I would be grateful if you would take into consideration the following objections.

As you are aware there are a number of planning policies that need to be reviewed in the assessment and determination of this planning application. The National Planning Policy Framework and the London Plan provide broad guidance in assessing all planning applications. Importantly, careful assessment also needs to be carried out on all planning applications to ensure compliance with the relevant adopted local plan and associated local planning guidance publications.

In relation to this planning application, of material consideration are the Camden Local Plan 2017 ("the Local Plan"), the Hampstead Conservation Area Statement ("the HCA") and the Camden Planning Guidance Design statement dated March 2019. Other relevant documents include your policy guidance on Basements dated March 2018 and the Hampstead Neighbourhood Plan 2018-2033 ("the HNP").

In relation to the Local Plan, of direct relevance is Policy D1 Design that lists matters of importance in determining any application and Policy D2 Heritage that includes direct reference and guidance on development in conservation areas. My clients' objections are primarily based on the unacceptable and unjustified impact of the

proposals on the Hampstead conservation area as well as the serious affect that the proposals will have on their amenities, and in particular, the loss of privacy and sunlight to their rear garden area. They also have serious concerns regarding the construction process of this replacement dwelling on their property and in particular the extent of potential damage to their property from the provision of a basement.

In terms of conservation matters, I note from the submitted documents that the applicant would appear to place considerable emphasis on the fact that that both 18a and 18b Frognal Gardens are considered as "neutral buildings" in the HCA and that this would justify demolition of 18a. Such justification is not appropriate as the position on any such matter is clearly set out in paragraph H4 of the HCA which states;

"The Council will seek the retention of those buildings which are considered to make a positive contribution to the character and appearance of the Conservation Area, and will only grant consent for demolition where it can be shown that the buildings detract from the character of the area." (my emphasis).

Both 18a and 18b are not included in the list of buildings that *"...detract from the character of the area"* (Page 41 HCA) but are, as referred to above and in the applicant`s reports, considered as "neutral". A "neutral" classification does not detract from the character of the area and therefore in itself does not justify demolition.

In relation to my clients` objection on design grounds it is accepted that judgements on matters of design can often be subjective. However, in this particular design it is not accepted that the replacement proposals are in keeping with this part of the conservation area. The existing pair of semi detached buildings are at this point in time essentially similar in height and design. The proposed height of the replacement building together with the design features are materially different from 18b and do not enhance but derogate from the existing character of this part of the conservation area. The incongruity of the proposals on both 18b and the street scene are clearly evident in the submitted proposed street elevations.

Under the circumstances, it is considered that the proposals do not satisfy the relevant requirements of both policies D1 and D2 of the Local Plan and should be refused.

In addition to the above, my clients have serious concerns regarding the potential impact of the additional height of the building that is proposed on their rear garden that provides them both with an important amenity. Whilst at this point in time the clients have not commissioned their own study on daylight and sunlight, it is considered that the additional height will materially reduce the existing level of sunlight in the garden.

Also of serious concern is the potential loss of privacy to their rear garden due to the increase in height of the building and the extensive curved window design on the rear upper elevations of the new building. Their privacy is currently protected by the existing boundary wall. However, the upper rear windows of the replacement dwelling are well above the level of the existing wall. The proposed new window design will impact my clients` privacy and use of their rear garden area

In addition to the above Local Plan related objections, I have been informed that there is considerable local opposition to the proposals from local neighbours that will be objecting on the basis that the proposals do not meet the requirements of the HNP.

I have reviewed the guidance in the HNP on matters of Design under Policy DH1 and issues relating to Conservation Areas under Policy DH2. I have also reviewed the documentation submitted with the planning application. Similar to the Local Plan, I do not believe that in terms of the detailed requirements set out in the HNP, there is sufficient justification for the demolition of the existing building and its replacement with a significantly taller building of a design which, at best, might be considered as "neutral" in terms of its contribution to the conservation area.

Finally, during our conversation I mentioned that it is my understanding that there are important covenants on both 18a and 18b restricting, amongst other matters, the form and scale of development permitted on both properties and the . Whilst it is accepted that these are not planning matters I can confirm that amongst the numerous covenants it is clear that the proposals do not meet either the stipulated requirements regarding height or the design of the front elevation or the use of materials on the front elevation other than brickwork "preferably red brickwork". I have been instructed to review and confirm the position regarding covenants with Counsel.

In light of the above considerations I would recommend that the application be refused. Not only do the proposals fail to satisfy the requirements for the demolition of a building in an established conservation area but the replacement building will not enhance the conservation area and will have unacceptable impact on the existing amenities enjoyed by adjoining dwelling.

Yours sincerely,

[redacted]

[redacted]
Chartered Town Planning Consultant.