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**From:** Oliver Froment [REDACTED]  
**Sent:** 25 April 2020 16:47  
**To:** Sild, Thomas  
**Cc:** Planning  
**Subject:** Objections to Planning Application 2020/0927/P : 31 Willoughby road NW3 1RT

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Objections to Planning Application: 2020/0927/P 31 Willoughby road NW3 1RT  
Attention: Thomas Sild, Planning Officer – Camden

Dear Mr Sild,

**This application breaches many planning policies. Furthermore, some information in the application is faulty on many counts and incomplete. Hereunder is a non exhaustive list of the reasons why this application must be rejected.**

**It violates the Hampstead Neighbourhood Plan “HNP” DH1, DH2, BA2 as well as the Camden Planning Policies D2 and A5.**

HNP DH1 (e) requires the applicant to “protecting the amenity and privacy of neighbouring properties” but the new glazed extension is proposed to be 7 meters only to the living rooms of 39 and 40 Willow Road, hence creating light pollution. There will also be loss of privacy contrary to Camden Local Plan A5 item q.

HNP DH2 is not complied with. The proposed basement would come within 1 meter of the rear retaining wall of Willow Cottages which is listed. There is no detailed information on the blue print for excavation next to this listed structure and how close the temporary excavation works will be to the wall either. It does not document sufficiently how it is proposed not to damage the wall.

HNP Policy BA2 is not complied since the BIA does not show “how the construction will overcome any potential harm to neighbouring properties, the water environment, ground conditions and stability, the character and amenity of the building or wider area, the significance of heritage assets, or any other identified potential harm” .

**This is an overdevelopment contrary to Camden Local Plan policy HC1 reference items 3.140 and 3.141**

The Design, Access, Heritage and Planning Statement compiled by the applicant on February 2020 is deficient since it also totally omits to refer to the HNP’s.

The tree report erroneously states that the tree is of low value category C. Recent photographic evidence proves the contrary. The photo produced in # 6.3 of the report is not representative of the current aspect of the tree that is in full blossom.

There is no evidence of consultation statement with neighbours either contrary to paragraph 5.16 of Policy BA2 of the HNP.

**The numerous unknowns in the BIA and the absence of a Basement Construction Plan for a deep basement in a tight and sensitive location are also reasons for refusal. This also in breach of Policy BA2 – 5.13 of the HNP.**

I will elaborate on the above two points below.

- logistic: the scheme provides for voluminous drilling, piling and excavation machineries to be installed and to operate in the courtyard. There is also the need to bring large steel beams on site. The only access would be along the very narrow pathway owned by Willow Cottages that gives limited access onto Willoughby Road. This pathway is sandwiched between 33 Willoughby Road and the rear of listed Willow Cottages.

The legal deeds require the prior written consent of access from all the owners of Willow Cottages who own the rear access and amenity space. These neighbours are deeply opposed to this application and have said that they will not give consents to access.

Under these circumstances the applicant has failed to explain how he would be able to bring and operate the equipment in the courtyard. Considering this matter and the fact that this is a second application, the applicant should have filed a basement construction plan showing how he would deal with this physical restraint. This should be explained at the time of the application but has not.

-the BIA cites on numerous occasions that there are many unknown and fails to provide a reasonable amount of documented execution blue prints. Considering that this application is for a deep basement tightly sandwiched between two old houses with shallow foundations, the high level of unknown is inappropriate and must be tackled at the time of the application to the fullest extent reasonably possible. For example, there are no plans or details showing the structure and the dimensions of the new concrete floors and retaining walls. A section 106 is not appropriate as the residents would have no say in its content and wording and the party wall act does not allow the next door neighbours to have a say in the plans either. There is a repeated lack of details and plans on how the applicant proposes to proceed the excavations and related work without damaging the neighbouring properties e.g. it does not show how the retaining wall structure is proposed to be propped up and built during the temporary phase. There are insufficient details of the structure and foundations of the neighbouring properties and walls contrary to paragraph 5.12 -d of the HNP.

This renders this scheme problematic due to both the high number of unknowns and the very substantial execution risks. Paragraph 5.7 of the HNP highlights that “rows of terraced Victorian or earlier townhouses with shallow foundations one the riskiest situations in which to construct a basement ...”

-the incidence of rain fall and flood issues is underestimated. A simple analysis of the neighbourhood shows that there is a substantial history at proximity to the site of water seepage, damp and in a number of instances serious flood problems at 19, 23, 25, 44 and 50 Willoughby caused by nearby basements. These are alarm bells of cumulative effects that have been ignored in the BIA. The borehole measurements were conducted during a year when rain falls were substantially below historical averages: the rain figures in 2019 and 2018 were around one third of the average of the majority of the previous 70 years.

-it has not been demonstrated how the piling of this deep basement will not damage the nearby Heritage assets at 38 to 41 Willow road. This should be demonstrated in details at the application stage as Willow road will not, in all likely hood, be eligible for protection and recourse under the Party Wall Act because of their shallow foundations above the 45 degree line withing 6 meters from the excavation under section 6.2 of the Act. This is in breach of item 6.143 of the Camden Local Plan and paragraph 7.41 of Camden’s Policy on Heritage.

Please refuse this application in its entirety.

Best regards,

Oliver Froment  
Resident at NW31SL