

**Joint Response NW6 Residents Group to
SHP Response to Objections
Ref: Planning Application 2020/0928/P**

The **NW6 Residents Group** has reviewed the response and would like to provide the following comments.

Items 6-10 SHP Response: DESIGN, SCALE & MASSING

Massing

The Applicant states that the footprint of the existing and the proposed building will be approximately the same. The objections, however, are not about the footprint, but about the increased height and overbearing mass of the new build.

The Applicant downplays this objection by suggesting that the current and the proposed building heights are comparable. This is not correct, as can be seen from the illustration '*Comparison of proposed and existing front elevations*' on page 6 of this letter.

The current building has four storeys and a recessed mansard floor set back from the face of the building. By reducing the historic ceiling heights, the new building will have six storeys which are no longer set back. The projecting bays at the front elevation will bring the face of the building further forward while the addition of a penthouse increases the height of the building to seven floors.

It is important to know that the mansard roof of the current building has already been the subject of a planning application which was granted in 2005, but only after the roof mass had been considerably reduced. The Applicant fails to mention this in their Planning Statement.

The addition of two floors will substantially increase the mass and scale of the new build. This will impact negatively on the immediate neighbour 93 West End Lane and onto the adjacent properties in West End Lane, Gascony Avenue, and Smyrna Road.

Design

The Applicant states that the Design Panel recommended to go further on the front elevation and 'to go quieter on the rear'. The Applicant argues that most buildings in the area are more decorative at the front, with the sides and rear being more reserved.

In the case of the current building, however, all elevations are highly visible to the public and the surrounding neighbours. Therefore, the traditional public front/private back scenario does not apply. The removal of all the windows on the southern elevation and the removal of all the decorative elements and the flattening of the western façade disrupts the architectural harmony severely. The design language of the proposed building is not consistent on all respective elevations and therefore does not respect the architectural integrity of the area.

The Applicant justifies the simplified façades with the use of 'high quality' materials. Yet, average red bricks, Polyester Powder Coated steel windows, or Zinc cannot reasonably be defined as 'high quality'. They are just generic building materials.

This 'high-quality' argument is also used by the Applicant to support their rationale for the new build. As the Applicant does not define the quality, it is hardly sufficient for making a convincing case

for the demolition of a late Edwardian building, which is a critical part of the fabric that makes up the historic character of the area.

Items 11-13 SHP Response: HERITAGE IMPACTS ON CONSERVATION AREA

The Applicant states that the current building makes a 'neutral' contribution to the character of the South Hampstead Conservation Area (SHCA) and argues that this 'neutral' status justifies its demolition. This is a misleading statement.

According to the SHCA Appraisal Report of 2011 *"elements identified as neutral are those that broadly conform with the overriding scale, form, materials and elevational characteristics of their context"*. The report recommends that *"any demolition of an unlisted building would need to be fully and robustly justified in terms of the requirements set out in Planning Policy Statement 5"*.

In other words, neutral buildings contribute to a large extent to the overall character of the South Hampstead Conservation Area and should be preserved, not demolished.

Policy D2 (Heritage) for Camden advises that *"The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and listed buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss"*. The only benefit the Applicant has provided so far is the net gain of 18 additional student beds, which is not a 'substantial' public benefit justifying the demolition of a neutral building and disrupting the architectural harmony of the conservation area.

Items 14-17 SHP Response: AMENITY & PRIVACY

The Applicant does acknowledge that there are serious issues with overlooking and privacy to the rear, but states that the number and size of the windows of the proposed western elevation are like those of the current building. This is not a correct statement, as can be seen from the illustration *'Comparison of proposed and existing Western rear elevation'* on page 7 of this letter.

The Applicant's calculation includes the squint bay windows of the current building, which should not be considered as they are not directly overlooking the adjoining properties. The correct number of windows directly overlooking the adjoining properties is therefore currently only 29 against the 42 windows of the proposed building (excluding the additional 11 windows at basement and roof level). This is an increase of 45%.

The Applicant also does not consider the related impact the increase in bed spaces in the rear of the building will have on the adjoining properties. The bed spaces will increase from 23 in the current building to 42. This is an increase of 83%.

While the southern elevation has been designed purposefully without any windows to "avoid overlooking into Kings Garden and to increase privacy at this elevation", the design strategy at the western elevation is the complete opposite. The Applicant has concentrated all the windows and residents here, which is overlooking Smyrna Mansions and 12 Smyrna Road.

Furthermore, there is a significant shift of the physical mass of the new building line towards these properties. The Applicant uses the low-level external escape walkway as the actual building line instead of the brick wall. By doing so, the Applicant is moving the true mass of the new building by about 2 metres closer to the neighbouring properties of Smyrna Mansions.

The combined effect of increased number of windows and bed spaces concentrated solely on the western elevation, and at the same time moving this building line further forward, constitutes an unacceptable invasion of privacy for the immediate neighbours.

Items 18-20 SHP Response: DAYLIGHT/SUNLIGHT

The Applicant's consultant eb7 suggests that the daylight and sunlight impact of the new development on surrounding properties is acceptable in accordance with the standard assessment methods contained in the BRE Good Practice guide. Clause 8.2 of the eb7 Daylight/Sunlight report states that alterations in daylight and sunlight to adjoining properties are often inevitable because natural lighting is only one of the many factors in layout design. However, the Applicant relies solely on the BRE base standards without considering any alternative layouts.

There are several instances where the Vertical Sky Component (VSC) outputs fall significantly below the recommended 27% to less than 10%. The Applicant considers this to be acceptable as the VSC output is within existing parameters.

The Average Daylight Factor (ADF) calculations for the proposed Studio accommodations are based on incorrect assumptions. Studios are not simply bedrooms. They serve the combined functions of a living, dining, bedroom, bathroom space. Therefore, a higher percentage rating must be applied. The Applicant's ADF calculations are unacceptable under BRE ADF guidelines for new buildings.

The Applicant's duty is to explore and present alternatives. Instead the Applicant solely relies on guideline default levels which are at odds with both The London Plan and the Camden Local Plan. The loss of light as a result of the new building is unacceptable.

Items 21-23 SHP Response: RATIONALE FOR REDEVELOPMENT

Over half of the objections have questioned the Applicant's rationale for demolition/new build versus any alternatives of modernising the existing building. The Applicant's statement that the building is at the end of its 'viability' is not substantiated by any evidence.

The Applicant argues that the current building needs to be demolished because of the building's "complex internal layout with stairs linking different levels". The Applicant fails to present any options to reorganise the circulation without demolishing the building.

It seems inconceivable, that in terms of sustainability, the only way to achieve BREAM Excellent ratings, is the demolition of the existing building. It implies a draconian view which would discount large numbers of London buildings of the Victorian and Edwardian era. This approach is unacceptable in modern-day construction techniques, which strive to achieve over-all sustainability.

ENVIRONMENTAL IMPACT

The Applicant has not addressed the objections raised about the environmental impact of the proposed development and has failed to include them in the response.

The Energy and Sustainability report produced by the Applicant's consultant Mendick Waring Limited summarises that the new building (which it classes as non-domestic) would achieve a 35.10% reduction in CO2 emissions. However, the report does not highlight that only 8.61% of this is achieved by energy efficiency and the majority is instead achieved by energy supply.

In the recent London Plan Energy (2017) topic paper, 'Lean' targets of 15% reductions from energy efficiency (within the 35% overall reduction target) for non-domestic builds were identified and included in the new draft London Plan (clause 8.1.2.). At 8.61%, this required target is clearly not met. Clause 8.2. of the same report states further that 'these targets are achievable for most development types' and 'applicants are therefore expected to adopt [these] measures'.

AFFORDABILITY & THE LONDON PLAN (ITP) 2019

The Applicant has not addressed the objection that the proposed development does not comply with the affordability requirements of the new London Plan (ITP) 2019.

Most London Boroughs are already taking the new London Plan into consideration for their ongoing planning decisions. LBC with its large percentage of purpose-built student accommodation will most certainly adopt the principles on student housing, set out in Policy H15, which stipulates: 35% affordable accommodation, a viability report, and a nomination agreement with an educational institution for student housing.

The Applicant instead refers to the London Plan (2016) and the Supplemental Planning Guidance (2017) and concludes that the 35% affordable accommodation requirement will only apply to the increased floorspace of their proposed development.

The Applicant has not submitted a viability report and simply states that a nomination agreement will not be provided. Instead, the Applicant quotes LBC as wanting to formalise the use of the new building through the Applicant's proposed development. It is unclear what formalisation is intended.

Should the intention be, to formalise this current unregulated position - without a nomination agreement and with a low level of affordable accommodation - then the Applicant's proposal must fail.

A formalisation through planning application would still require from the Applicant a viability test, a nomination agreement, and a reasonable level of affordable bed spaces.

The Applicant states that they are 'happy' to provide 35% of the uplift on a floor area basis. This means that 35% of the 18 new bed spaces would constitute the affordable accommodation. This equates to only 6 affordable bed spaces out of a total of 87. This is unacceptable and far from the policy directives.

The Applicant's affordability assessment, which is based solely on the increased floor space, could only ever be justified if the mix of accommodations were adopted, as laid out in the 2005 planning permission (Ref 2003/3484/P03). The present planning application is clearly not adopting this mix.

This substantiates the view of the **NW6 Residents Group** that the present application must be a totally fresh application, which can only enjoy a 'sui generis' classification with a potentially established student accommodation.

The Applicant cannot use the current unregulated status as valid for their planning application and thereby continue to provide only inadequate affordable accommodation levels and continue this no nomination policy.

The present planning application has raised numerous objections from residents, which the Applicant's response has failed to address.

The NW6 Residents Group therefore upholds its objection to this planning application.

We respectfully ask the Committee Members to take our valid concerns into consideration when deciding on this planning application.

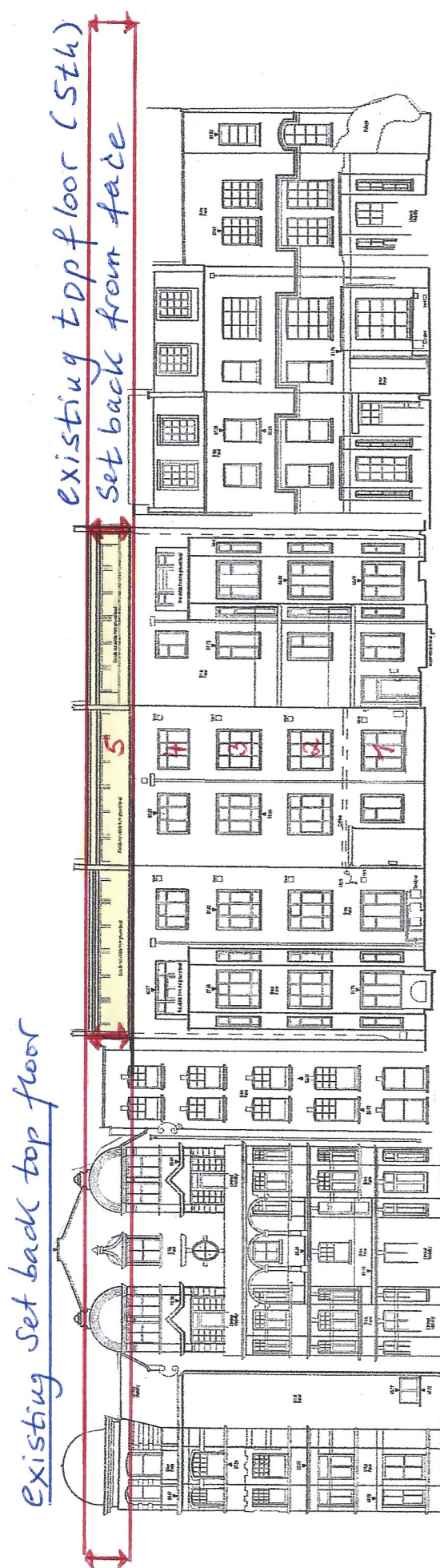
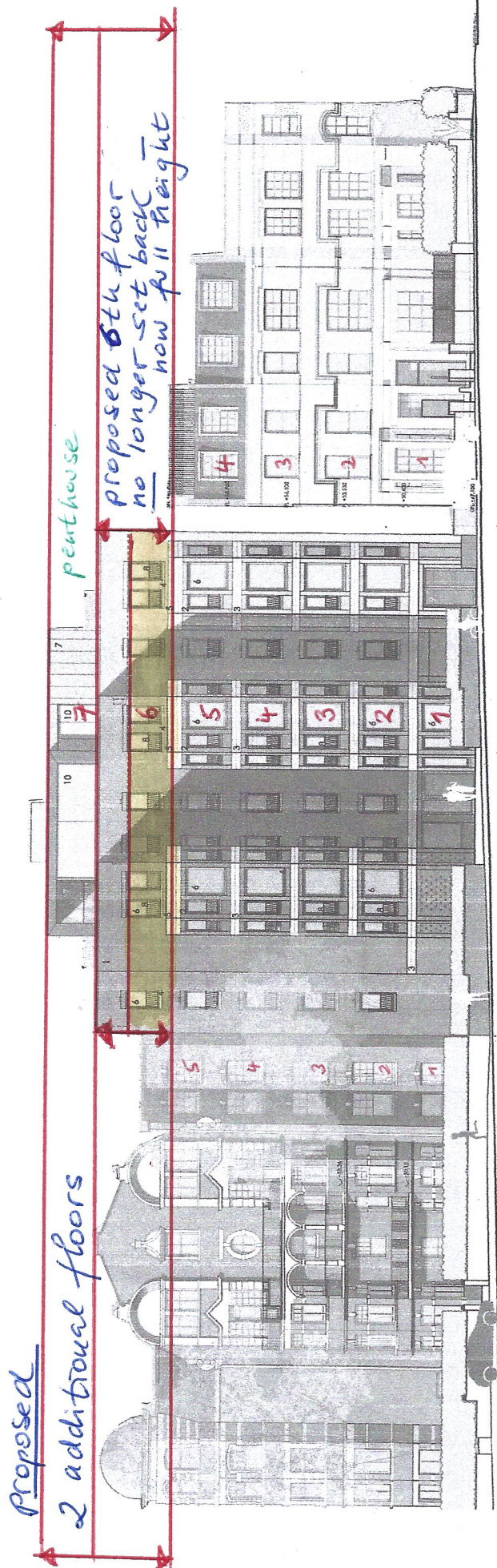
Yours sincerely

NW6 Residents Group

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PLEASE NOTE: The composite comparisons on the following pages 6 & 7 were done using the individual drawings provided by the Applicant.

Comparison of proposed and existing Front elevations :



Comparison of proposed and existing Western rear elevations :

Proposed

additional 2 floors
no longer set back or
recessed - full height

penthouse set back

proposed basement

GASCONY AVENUE 93-97 WEST END LANE

PROPOSED SITE BOUNDARY 88-91 WEST END LANE

KING'S GARDENS

existing - mansard roof

set back recessed - mansard