

## **RE: FORMAL OBJECTION TO PLANNING APPLICATION 2020/1671/P**

**2 Hillfield Road, London NW6 1QE**

We are writing to wholeheartedly object to application 2020/1671/P.

My wife and I own the adjoining house at 2a Hillfield Road and strongly believe that the planned development would not only have a very substantial and adverse affect on our property directly, but would also adversely affect the amenity of the area for surrounding residents in many ways.

We wish to object to this application in full for a multitude of reasons.

We have outlined our concerns as below.

In reviewing our objection, please also note that as per the Background and Timing of Development section as below, as we would like to understand from the council what our rights are for the applicant developer who owns 2 Hillfield Road forcing us to live next to a construction site for almost 10 years now – a situation we wouldn't wish on any new home purchaser. We surely have some rights here and it would be useful how we can complain and seek some recompense from the council/other parties as a result. Also, we need to understand what rights the council has to either invalidate the planning applications granted, or require construction to be completed within a certain timeframe.

### **BACKGROUND AND TIMING OF DEVELOPMENT**

My wife and I purchased and moved our house at into 2a Hillfield Rd in early 2007. This was our first home together, we were newly married and very excited to be moving in. At the time the street was quiet and had a very pleasing aspect with the small green area at the end of the street which we could see when sitting on our couch out of the bay window in front living room. 2 Hillfield had 3-5 residents at the time and kids played freely in the cul de sac. We met the neighbours. It was a really nice place to live.

Then, later that same year, 2 Hillfield was sold to Mr Alexander Sebba, a developer and the planning permit applicant in this case. Mr Sebba submitted his first planning applications for works on the site in 2007 and has submitted others since. Some of these were granted being 2007/2996/P and 2007/2689/P. Others were rightly withdrawn such as 2007/5926/P and 2007/3748/P.

Mr Sebba, the applicant, is a developer who has a company called Elevations, which is based in Maygrove Road – see <https://www.elevationstld.co.uk/contact-us/> .

Further to the granting of the application permits as above dated 2007, Mr Alexander Sebba and his team at Elevations, then commenced work. As per the form *Application for Planning Permission. Town and Country Planning Act 1990* which has been included as a form as part of 2020/1671/P, works commenced by 1/1/2009.

Since that time, Mr Sebba and his company Sebba developments have completely ruined the way of life for all of us (except his own connected parties) who live and have lived at the cul-de-sac end of Hillfield Road.

Since commencing works, from the current photos submitted to you by Charabanc, he has not done much constructive building in the past 10+ years!

Instead, he has:

- Left the property forecourt an absolute tip with construction materials piled high on an almost continual daily basis throughout the past 10 years. He has used left the front area of 2 Hillfield Road as a construction storage facility, with construction materials and hoardings completely covering the front forecourt of 2 Hillfield Road, on a continual basis which has completely ruined our own aspect from our bay window at the front for that whole time – nearly 10 years! Both ourselves (and our tenants when we have not been there, who have rented at a significantly reduced rent due to Sebba's construction circus next door)), have literally spent all this time unable to open our front bay window blind as we would be staring at Mr Sebba's construction materials, skips, piles of mud, heavy machinery, hoardings etc for around 10 years!
- Imagine if you had to go through this from your own front window! An absolute nightmare – with seemingly no end in sight and lots of false promises made by Mr Sebba whenever questioned.
  - o See an example photo from 2015 attached (see date file was saved for proof)
- There have been a stream of lorries taking up parking, ruining the pavement, seemingly dropping off any picking up construction materials and creating lots of noise. And, for what? Hardly any real work has been done over 10 years by what is an apparently competent developer over this time!
- And, remember that Mr Sebba is a developer. He apparently knows how to build projects and has built quite a few Since 2010. So, why subject us all to a tip for 10 years?
- The net impact on the area I would assume, as well as an obviously loss of amenity is a loss of value, and rental income for the surrounding properties.
- I can only assume that he uses 2 Hillfield Road as a storage facility for his commercial enterprise, including in the main the forecourt of 2 Hillfield Rd.

If you look at the current photo which has been provided by the applicant (see current site photos submitted by Charabanc) , you can see that 2 Hillfield is now, in effect, a hollowed out shell.

- Do you honestly believe that someone who is a developer would take 10+ years (ie since pre 1/1/2009) to simply turn a house into a hollowed out shell? No.
- Does this give him the right to store huge amounts of construction materials in the forecourt of 2 Hillfield Road for 10 years and ruin the amenity for everyone else? No.
- Why hasn't the council imposed some sort of penalty onto him and made sure that his 2007 applications were completed and built long ago?
- How about a hefty fine for non-completion by a set date? How about a restriction that he can't have his materials sitting in the forecourt for year after year after year after year after year after year after year after year?

Mr Sebba is also not short of cash and can afford to undertake the build. He and his development business have undertaken and completed many other developments since 1/1/2009. There is simply no excuse.

All we can assume is that he must have an ulterior motive here, and as residents of the area we have rights to live in the area in peace and enjoy our lives.

It is scandalous that the council has allowed this to continue for so long, and surely as residents we must have some rights. The loss of quiet enjoyment, financial loss in property

value and rental income we have suffered is significant. To not be able to look outside our front window without seeing stacked up building materials, skips and hoardings for close to 10 years is simply unacceptable. Now, in the latest application as one of the points raised, he plans to replace building materials in the front garden with 27 refuse bins!

So we will go from, pleasing aspect from our front window when we purchased in 2007, to 10+ years of looking at ugly construction materials, to 27 refuse bins?!?

Surely this is a fate you would not wish on your worst enemy.

In our option, Mr Sebba should not only have this application completely rejected, he also needs to simply get on and finish building his 2 dwelling houses, which he has been given permission to complete in 2007 – thirteen years ago!, with a strict 1 year deadline for completion (not commencement) being set by the council, and a hefty fine being levied upon Mr Sebba if the completion deadline is not adhered to or for non-progress, as well as a hefty fine for using the forecourt as his construction tip.

I welcome your comments by email to darionpohl@gmail.com as to how we can protect ourselves in this situation – noting that as adjoining owners of property and residents of Camden having paid council tax occupants of 2a Hillfield Road should simply be able to enjoy life and not feel like we are continually part of a never-ending construction site.

He simply makes it impossible for us or our tenants (when we are not living there) to quietly enjoy life.

He also seems to be a crafty developer, continually applying for planning permits so he can get closer to his dream of fully wrecking the cul de sac, so that we all continue to suffer for his own gain. It has been over 10 years and is simply long enough.

It is simply not fair to us as landlords and the council needs to step in.

Please let me know how can we make a formal complaint about Mr Sebba's actions to the council as this is well overdue and extremely well warranted!

Please also let me know what action the council is able to take against Mr Sebba. Surely you may also have some powers here?!?

### **THE CURRENT APPLICATION 2020/1671/P**

With regards to the current application being 2020/1671/P it is atrocious for many reasons and should be completely thrown out and rejected by council. We firmly object to this application for a multitude of reasons, which should be clear and obvious to the council, but which we have listed below.

You may also wish to look back at the responses to 2007/3748/P, which was a similar application made by Mr Sebba, which was withdrawn for similar reasons.

### **OVERDEVELOPMENT OF SITE:**

2 Hillfield Road is located in what was (until Mr Sebba's arrival) a quiet, leafy residential cul-de-sac with a number of family houses. A large development such as that proposed in 2020/1671/P will destroy the ambience of the area.

The fact that Mr Sebba has turned the cul-de-sac at the end of Hillfield Rd into his own construction site for 10 years is not a reason for further damage. We need to consider and remember what the area was like pre Mr Sebba's construction circus moving in.

The 9 units as proposed will house up to 22 residents. Prior to Mr Sebba, 3-5 people lived at 2 Hillfield Rd. The proposed development is therefore a major increase in population density in a small cul-de-sac, which is quite a confined space and simply does not have the space for all these extra people.

This has numerous implications for the quality of life of surrounding residents.

These include:

### **1. Parking**

Hillfield Road is already heavily overparked. From our own experience as prior Hillfield Road residents (house is currently tenanted until we return) we had difficulty parking in our street on most evenings and have been forced to park on nearby streets. Gondar Gardens is also frequently overparked and as a result we were forced to park at the Fortune Green road end of Hillfield Road on numerous occasions – a significant walk to our house.

The additional parking that will be needed by the increased numbers of residents at 2 Hillfield Road is not available and will force more current residents to park far from their homes, causing parking problems in other streets. These issues would make overnight parking, which is already the busiest parking time, much more difficult for current residents of both Hillfield Road and Gondar Gardens.

With an extra 22 residents, 6 bike parking spaces comes nowhere near addressing the significant extra congestion we will incur and have no extra space for cars as it is. Consider also that many of these 22 people will have visitors. There is already a severe shortage of parking spaces and no room to create extras.

**2. Overuse of the small communal green space** at the end of the cul-de-sac due to the increased population density.

**3. Increased noise** due to increased population density. One of the main attractions (prior to Mr Sebba's arrival and his construction site tip) of the cul-de-sac was its quietness compared to many other parts of West Hampstead. This will be significantly compromised by the planned increase in the number of residents.

**4. Dramatically increased refuse** outside the 2 Hillfield Road site, which will have implications for neighbours in terms of both appearance and smell. 27 extra bins?!

Why should we have to deal with the smell and looking at 27 refuse bins?

## **EFFECTS ON 2A HILLFIELD ROAD IN PARTICULAR**

### **1. Significant Blocking/Loss of natural light, and potential shadowing**

**a. Significant blocking/loss of natural light /shadowing - internal**

Significant blocking of light to rooms including our only kitchen, our only dining room and one of our main bedrooms. Each of these have windows which face the rear of our property on the ground floor/face 2 Hillfield Rd and benefit from light from the space above and behind 2 Hillfield Road.

I have attached a floor plan and some photos and would be pleased to provide further photos should you require to understand the current usage of these rooms which has not changed throughout since we bought the property in 2007.

There is only a narrow corridor of space between the walls of the rear extensions of 2 and 2a Hillfield Road, which allows the light in from above and into our kitchen and dining room.

This narrow space between these walls already slightly limits the light to the windows of 2A Hillfield Road which face the border with 2 Hillfield Road. The increased height and rear extension proposed for 2 Hillfield Road will significantly reduce the natural light to this corridor of space and therefore the light coming into rooms with windows facing on to this small area to an unacceptable level.

In addition, natural light into a main bedroom of ours on the first floor of 2a Hillfield will be significantly diminished unacceptably, as will natural light into our upper floor bathroom as a result.

This development 2020/1671/P, will hence block out our natural light to a large extent.

Surely we deserve to have a decent amount of natural light coming into our property?

Note that we were in no way consulted by the party undertaking the light study as part of this application.

This decrease in the light coming into habitable rooms of our house would markedly affect the quality of living at 2a Hillfield Rd.

**b. Blocking of light to garden area:**

The garden at 2A Hillfield Road is south facing. We receive a decent amount of sun. I have attached some photos evidencing this. The sunlight comes from three main areas:

- Over the top of our property
- Over the top of 2 Hillfield Rd
- Over the rear of 2 Hillfield Rd in its current form (There is a gap behind 2a Hillfield Road from the rear of our own property behind the houses at 2a Hillfield and 2 Hillfield through to Gondar Gardens, facing West)

We enjoy the sunlight coming into our garden, and there is quite a bit of this on a sunny day.

The proposed extra height at 2 Hillfield Road and rear extension will block out light to these spaces. It will also likely cause shadowing.

We have a small garden and can't really afford to lose any further light if the area is to receive decent sunlight.

Why should we be giving up our sunlight and quality of life simply so Mr Sebba can have a bigger property and roof terrace?

We would like our own house to have an outdoor space which is enjoyable to sit in, when the sun is out.

The reduction of light to the garden would also lead to the reduction of light to the kitchen through its windows. The considerable amount of shadowing does not seem to have been addressed.

We object to this application.

## **2. Privacy and Overlooking**

Although the garden of 2A Hillfield Road suffers from some limited privacy due to the block of council flats behind it, our privacy would be massively impaired and compromised by the new application in a number of ways, which should be obvious when the application is viewed by the council.

This overlooking and loss of privacy would be caused by:

- ALL the new balconies proposed at the rear from 2 Hillfield;
- ALL the new windows facing out from the rear of 2 Hillfield;
- ALL new angled windows overlooking 2a Hillfield Rd and
- The roof terrace.

Each of these should be rejected by council and we object to each of these.

It is a very scary thought thinking that we could suddenly lose our sunlight and also suddenly have a lot of extra people watching everything we do.

We would be sitting in our garden feeling like the world is looking down at us and have no privacy whatsoever.

It is noticeable that in the diagram with the rear elevation of the Design Access statement, our property at 2a Hillfield has simply been left off. This is because such would in no way assist the case of 2 Hillfield Rd to have 2020/1671/P approved. The ramifications of having this application proceed on 2a Hillfield Rd would be quite obvious if it showed the location of our garden and windows.

The loss of privacy and overlooking will make it impossible for us or anyone else living at 2a Hillfield Rd to be able to enjoy the garden at 2a Hillfield Rd in privacy without feeling like they are being completely and blatantly overlooked.

Surely we have rights here. The rear extension, all extra windows and balconies and roof terrace to the rear and extra height should all be knocked back by council.

The overlooking, loss of sunlight and loss of privacy and overbearing nature of the application 2020/1671/P through this application is significant.

This is all simply unacceptable and we object to it.

### **3. Stability, Subsidence and Insurance Risk:**

The properties on Hillfield Road are built on clay, on a slope and are subject to subsidence risk. This risk is so significant that for houses with a bay window on the south facing side of Hillfield Road, the majority of buildings insurance companies will no longer offer buildings insurance policies to cover the risk of subsidence. We found this out to our dismay in finalising the purchase of 2a Hillfield Road in January 2007 and we tried to obtain quotes for buildings insurance over our property. We were knocked back by every insurance company we spoke to for this reason. The only way we were able to obtain buildings insurance was by continuing the policy effected by the prior owner a number of years earlier.

A further buildings survey carried out on our property at 2A Hillfield showed evidence of initial subsidence.

Adding extra height and a significant increase in density to the property on the site at 2 Hillfield will significantly increase this risk to an even more dangerous level and threaten the stability of this already vulnerable group of surrounding houses. As the slope of the street is downwards from 2 Hillfield Road towards 2A and 2B, these properties are at highest risk from the planned development.

Any progression of subsidence affecting our property at 2A or other neighbouring properties, secondary to this major development, would have disastrous implications for present and future owners. This would not only include the financial burden and work needed to repair damage and underpin properties, but problems obtaining household insurance policies and therefore mortgages.

### **4. Refuse**

The proposal suggests 27 refuse bins (9 food, 9 recycling, and 9 general refuse) will be outside 2 Hillfield Road - at the front of the property (as there is nowhere else to put them). This is a considerable increase from the 1-3 refuse bins which had been placed in front of the property pre Mr Sebba's decade long construction tip. The planned layout will *force* us to have a direct view of these from our living room windows and the appearance and potential smell from the living room and front garden will be unpleasant for any occupants of 2A Hillfield.

Going from a pleasing access in 2007, to 10+ years of Sebba's construction tip, to 27 refuse bins is not something you would wish on your worst enemy as your main living room view!

It will also likely exacerbate the problem we all currently have with rats in the vicinity.

### **5. Sewage and drainage issues**

The proposal replaces what we understand was 3-4 toilets at 2 Hillfield Rd (prior to Mr Sebba's initial application in 2007, noting that nothing much aside from creating a messy construction site has been done since) with 10-11 planned toilets together with a substantial increase in numbers of baths and showers. This will put far greater demand on sewage and drainage systems in the vicinity. We understand that 2a Hillfield Road (my property) shares the drainage facilities with 2 Hillfield Road to some extent so this will put our own property at greater risk.

## 6. Noise pollution

We are concerned that the large increase in population density at 2 Hillfield Road will cause an unacceptable increase in noise levels experienced by inhabitants of 2A, detracting from quality of life.

### DEVELOPMENT OUT OF CHARACTER WITH THE STREET

Hillfield Road is lined on both sides with delightful terraced houses dating from the 1800s and early 1900s. Most of these have pitched roofs and a great deal of period character. Only 2 and 2a Hillfield Road lack the pitched roof. The planned design would be completely out of character with the rest of Hillfield Road (all of which have pitched roofs on the south side) in various ways.

It is noticeable that in the Design Access Statement that developer mentions that *'The site is an existing two storey, late Victorian terraced house on the Southern side of Hillfield Road. The building is part of a short terrace of 7 properties, each showing different architectural proportions. As a result the street elevation contrasts greatly with the Northern side of Hillfield Road where a regular rhythm of late Victorian houses is unbroken.'*

However, what the developer fails to mention is that the remainder of the Southern Side of Hillfield Rd, all the way up to Fortune Green, consists of properties which have pitched roofs, the same as for 2b Hillfield and 4 Hillfield. The other neighbour to 2 Hillfield (ie not our own), with the address of Gondar Gardens, is designed in keeping with Gondar Gardens, not Hillfield Road. All it would take is for a council representative to visit Hillfield Road and drive up the road from the Fortune Green end along Hillfield Road to the end to see the point I am making here, the result, proposed development is not in keeping with the character of Hillfield Rd.

The comments in italics as above as included in the design statement are hence out of context with the remainder of the South side of Hillfield Rd.

Further comment is made in the design statement that: *All of the gardens on this block are small with poor provision of daylight.*

This is simply untrue. Our property receives a substantial amount of daylight currently, so that when the sun is out, we have a very bright rear garden and can enjoy sitting outside. We have clear and wide views of the skies including above and through the current rear of 2 Hillfield in its current form. We welcome a visit from someone at the council as you will see that this comment, which has simply been inserted to suit the developers own purposes is simply untrue. Should any such development as proposed be undertaken this will have severe negative impacts on ourselves as a result and there is no way we can support it. We need to be able to enjoy our garden as best as we can. Even if it is regarded as small, is not reason in itself to overlook, reduce our privacy or tray and significantly block out our light!

In section 2.5 of the design statement on Urban analysis, mention is made of the house at 4a Hillfield having a 3 storey rear addition, however this takes no account of the slope on the street - ie 4a Hillfield is downhill compared to 2 Hillfield and we understand has experienced significant subsidence issues in the past. It also borders a street corner and does not have a



house next door (ie like us at 2a Hillfield, who would be severely overlooked and lose rights to privacy, light and lots of other points as outlined herein).

We also note that the pictures shown in 4.1 and 4.2 are very careful not to show any more of Hillfield Road from number 6 onwards, as it would easily be seen that what is being proposed is out of character with the remainder of Hillfield Rd. The developer is simply looking to leverage off the Style of Gondar gardens, but we are Hillfield Road, not Gondar Gardens.

Section 4.3 of the design statement – we completely object to:

- Double height mansard roof extension, including brick faced dormer towards the street; - This is completely out of character with the rest of Hillfield Rd
- Conversion of existing rear addition pitched roof into flat roof to form accessible terrace – This has significant negative implications for us at 2a Hillfield Rd due to a loss of privacy, overlooking and important loss of light to our kitchen, dining room and a main bedroom;
- Small extension to existing rear addition – again, we object to this due to overlooking, loss of privacy and loss of light.

Any amendments proposed to the rear or height are simply unacceptable.

We completely object to the proposed rear extension, side extension, extra level and roof terrace.

Note that the developer/applicant has also had planning requests turned down in the past as well, for good reason, as the impact of the loss of light, overlooking and loss of privacy to ourselves as adjoining land owners is obvious. Likewise, this application 2020/1671/P should also be rejected by the council.

Section 4.4 of the design statement states: *A spacious 4-bed duplex enjoys a large terrace is located at the top levels.*

We completely object to this in its entirety for all the reasons mentioned herein. Please consider us as land owners at 2a Hillfield Rd. Having this is a complete intrusion to our enjoyment/light and privacy and through overlooking.

Section 4.7 of the design statement reads: *The general massing of the proposal while adding volumes to the original building seeks to remain in keeping with the existing buildings of the block. It also has looked at mitigating any negative impact on neighbouring properties such as loss of daylight or privacy.*

This is absolute rubbish. Please review the picture and look at our property being number 2A. We have not been consulted by the owners of 2 Hillfield about the proposed application, and as you can see quite obviously this large monstrosity being applied for in 2020/1671/P is not in keeping with the rest of the south side of Hillfield Rd, completely crowds us out (see the diagram), creates a huge loss of privacy for us, will create a huge shadowing impact leading to loss of the sunlight we get on our garden and will create a loss of daylight to our rear garden kitchen, dining room and bedroom. We were never consulted about this study and cannot support the numbers outlined in the design access statement.

There is simply on way any of this should be allowed by the council and no way this application should be able to proceed.

The design statement continues - *The additional volume towards the street is a mansard roof, set at a 70° angle. The line of the new dormer windows is set back from the original elevation to read as a secondary roof feature, making it thus sympathetic to the streetscape.*

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The proposed development makes a complete break from the style of the street by rejecting a pitched roof and instead choosing to adopt a 2nd floor extension with vertical walls and a 3rd floor with a further mansard on top.

The design statement continues - *With the addition of the roof terrace the rear addition will be three storey high which will match n°2b, n°4 and n°4a Hillfield Road. It will also be at a similar height than its rear neighbour of Mill Lane.* – But, what about us? We are at 2a Hillfield, and are not mentioned. Why not? We will be massively overlooked, lose privacy, light to all areas already mentioned, have extra shadowing etc etc. We have a south facing garden and enjoy sitting outside, receiving the sun and growing plants! We receive quite a bit of sun as our property is only 2 levels. The sun comes in to our rear garden mainly over the current rear elevation and open space at the rear of 2 Hillfield Road. This would be completely/almost completely blocked out should the new development go ahead.

Design statement 4.9 –We note that the design statement picture here conveniently (for the developer) does not show our property on the right hand side being 2a Hillfield Rd. We can only assume that the developer would know that for us to suddenly have lots of windows overlooking us at the rear would be completely inappropriate, How would you feel if instead of being able to sit in the sun and enjoy it, you had lots of extra people on the proposed 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors suddenly all looking over you. None of these windows, rear extensions, balconies or terraces should be allowed. What an absolute nightmare!!

We object wholeheartedly to the rear extension being proposed on the 2<sup>nd</sup> floor.

We object wholeheartedly to the extra floor in full

Section 5.3 – Refuse. Our area already has a problem with rats. How do you think having an extra 27 bins will help??? 9 recycling/9 refuse/9 food waste will again be a detriment to the character of the area, be extra smelly and ugly for us. Note that the front bay window of our own property at 2a Hillfield looks directly onto the forecourt of 2 Hillfield Rd. What this application means if granted for 9 units, is that our main living room, which (when we bought the property in 2007) looked out onto a peaceful street with an appealing aspect, and which has unacceptably been subject to 5-10 years of machinery, water and hoardings in the front of 2 Hillfield from Alexander Sebba (the applicant) who by his actions has caused the area nothing but grief, will all of a sudden look out onto 27 bins? - Again, a nightmare - we must wholeheartedly object to this!

Section 6.1 – *‘The proposal has been designed to allow as much natural daylight into the building’* – This is at the expense of our own as already outlined. We fully object

**Height** - The proposed extension will rise above all the houses on that side of the road, and is therefore completely out of character in terms of height and skyline. Both these features will ruin the aesthetic of this attractive cul-de-sac.

We are aware that the planning application includes many photos of 2 Hillfield Road angled towards 1-2 Gondar Gardens. However, the application does not show views down Hillfield Road. If such photos were included they would show clearly a uniform streetscape of lower terraced houses on the south side with identical pitched roofs.

## **CONCLUSION**

We strongly object to this application in its entirety and believe that it should be completely rejected by Camden Council.

The proposal will adversely affect the amenity of the area through overdevelopment and loss of character. It will have significant negative implications for our property in particular for the many reasons outlined above.

We also look forward to hearing how Camden council can support our rights as home owners when we are faced with an aggressive developer who has done his best to completely ruin the standard of living for the occupants of 2a Hillfield Road, as above for over 10 years now.

We would be pleased to further discuss these comments with the Council. In the first instance please contact us by emailing [darionpohl@gmail.com](mailto:darionpohl@gmail.com).

Yours sincerely

Nicola and Darion Pohl

Owners of 2A Hillfield Road