

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/3945/P	V.Malde	07/11/2020 19:41:32	OBJ	<p>As an owner of a rear apartment at 117 Canfield Gardens the proposed development will have a significant adverse affect:</p> <ul style="list-style-type: none">- according to my surveyor, the view of the communal garden from my property will be shortened by 30 feet due to the height of the proposed extension.- due to the proposed widening and raising of the ground floor extension occupants of my property will be overlooked when using the communal garden.- there is a potential risk to the stability of the building due to the creation of a basement in an area known to be liable to subsidence. <p>I would also point out that:</p> <ul style="list-style-type: none">- the proposed extension will occupy greater than 50% of the original private garden area for Flat 1.

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2020/3945/P	Bernard Cummings	06/11/2020 16:59:50	OBJ	Dear Mr. Da Costa:

Re: Planning Application no. 2020/3945/P: Flat 1, 117 Canfield Gardens, NW6 3DY

On behalf of residents and owners at 80, 82 and 84 Priory Road, NW6 3NT, we oppose the proposed Planning Application no. 2020/3945/P: Flat 1, 117 Canfield Gardens, NW6 3DY and question whether the Planning Application for a second and multi-level rear extension at Flat1, 117 Canfield Gardens meets the specified standards, material planning considerations and other LPA Guidelines for the following reasons:

- a) Loss of residential amenity. How, if at all, does this 'accord with policies on the local development plan'?
- b) Overlooking, Loss of privacy: How does the proposed development protect the privacy of existing neighbours (and upstairs residents in particular) at 115, 113, 119, and 121 Canfield Gardens, and particularly importantly at 80, 82 and 84 Priory Road knowing that over-looking occurs despite any boundary fences, that habitable rooms of these neighbours face the development from at least three levels, and the fact that loss of outlook is a material planning consideration? How, if at all, does this 'accord with policies on the local development plan'?
- c) Overdevelopment. It is the second rear extension at Flat 1, 117 Canfield Gardens and extends the building out significantly from the original historic building line. This is clearly out of scope to the original building. Extensions must be secondary in size and in scope. How, if at all, does this 'accord with policies on the local development plan'?
- d) Artificial Light: glare +/- skyglow effect. The controversial rear extension at 121 Canfield Gardens is causing significant evening and night-time glare and skyglow effect which is significantly worse in autumn and winter months. This adverse effect will be added to significantly with the proposed development's double storey rear extension at Flat1, 117 Canfield Gardens. How, if at all, does this 'accord with policies on the local development plan'?
- e) Loss of preservation of South Hampstead Conservation Area's special character. Special attention must be paid to the desirability of preserving the character of the South Hampstead conservation area under LPA Guidelines. How does the Planning Application accord with the Council's duties in this special regard?
- f) The Planning application is based in part on - and any Council Decision will also be irresponsibly reliant on - poorly designed historic and controversial precedents: 1. a decision granted under appeal at 119 Canfield Gardens and 2. a recent highly controversial precedent at 121 Canfield Gardens, Garden Flat (a decision that went before UK Ombudsman for Investigation, caused sanctions against Camden Council for breaching its own Complaints procedure and is now to go before the High Court potentially). What the Council has/is knowingly enabling is a harmful and potentially illegal 'Domino Effect' in the South Hampstead Conservation Area with all such controversial planning approvals under its purview. The Planning Permission Refusal for 119 Canfield Gardens, NW6 3DY in 2011 by the Council (Application Ref: 2011/3875/P) included the following reason: The proposed single storey rear extension by reason of its excessive height, bulk, massing and detailed design would represent an incongruous feature on the building and fails to preserve or enhance the character and appearance of the conservation area contrary to policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), and DP24 (Securing

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high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

The same serious objection exists with the current case of Flat 1, 117 Canfield Gardens, NW6 3DY.

Appeal Decision for 119 Canfield Gardens (Appeal Ref: PP/X5210/A/11/2165313) made exclusively by one individual – an appointed Town Planner named Peter D. Biggers, BSc Town Planning (1981) and non-resident of South Hampstead Conservation Area. This controversial Planning Permission was granted on Appeal by an individual (not by consensus or committee) despite no responses from relevant parties within the prescribed timetable (this was procedurally unfair). Mr Biggers acknowledged the issue when he stated: Main Issue 3. The main issue in this case is whether the proposal would preserve or enhance the character and appearance of the building and the South Hampstead Conservation Area. His reasons for over-ruling this are publicly available and illogical. It reads as a white-wash Decision by one functionary.

Mr. Biggers' reasons for allowing the Appeal appear weak or to lack support altogether. None are material planning considerations. Mr. Biggers' reasons were:

-rear elevations cannot be seen from the street (irrelevant consideration for the most part)

-immediate neighbours have sizeable rear extensions (domino effect of historic poor decisions allowing subsequent poor decisions)

-neighbouring properties at Greencroft Gardens looking towards the appeal property are at some distance (the distance is unspecified, nor does he refer to adjacent neighbours on Canfield Gardens on either side of 119 Canfield Gardens)

-It would appear secondary and subordinate. (reasons supporting this statement are not provided)

-the extension design is aesthetically pleasing to Mr. Biggers (not a relevant consideration let alone a material one)

Mr. Biggers concludes: For the reasons given above I am satisfied that the proposal would not be in conflict with these policies and guidance. This is an extraordinary argument given those policies and guidance or any reasonable Planning Application standard.

The Council has enabled each such controversial decision without proper stakeholder or regulatory scrutiny - to date.

1. The Council requires of itself and applicants high quality applications for works in a Conservation area. The Council needs to demonstrate that it acted in accordance with the relevant policies and guidance (see below) which are standard procedure in any process it applied in this case or others.

2. In regarding the Council's declared responsibilities Councils need to provide evidence to show they have considered the material planning considerations.

Please verify if the Council has/will comply with its own Planning Guidance (CPG) in regards to the proposed development. You will be aware that CPG is a formal supplementary planning document and therefore 'a material consideration' for planning decisions. I refer you to the following CPGs:

CPG: Altering and extending your home (March 2019)
Section 3 Extensions rear

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Section 4 Roof Lights
Section 5 Rear gardens, biodiversity & gardens

CPG: Amenity (March 2018)

Section 2 Overlooking, Privacy, and outlook
Section 4 Artificial light

CPG: Trees (March 2019)

Section 2.6 Tree Preservation orders
Section 2.10 Trees in Conservation areas
Section 2.17 Private gardens
Section 2.24 Trees and planning applications

3. Please verify if the Council is complying with its own Conservation Area Appraisal and Management Strategy in regards to the proposed development. You will be aware that the Conservation Area Appraisal and Management Strategy is adopted guidance and support for supplementary planning documents which form part of the Local Development Framework that is itself a statutory requirement for Camden Council. I refer you to the following sections in the Conservation Area Appraisal and Management Strategy (South Hampstead Conservation Area, Feb 2011)

Section 7.13, 12.15-12.17 Rear extensions and loss of rear gardens

Section 12.9 Alterations in existing buildings

Section 12.18-12.20 Roof extensions and changes to roof profiles

I look forward to your response. The Council is now under increased scrutiny because of the above 'Decisions' and their 'domino effect'. Multiple stakeholders await the outcome here including members of Camden Council and the GLA's London Assembly.

With serious concern

Bernard Cummings
Resident and owner,
South Hampstead Conservation Area.

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2020/3945/P	Bernard Cummings	06/11/2020 16:55:26	OBJ	Dear Mr. Da Costa:

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With serious concern

Bernard Cummings
Resident and owner,
South Hampstead Conservation Area.

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2020/3945/P	Michelle Stephen	07/11/2020 14:07:22	COMMNT	Objection

1. I wish to object to the application on the grounds of loss of visual amenity both for the existing and future occupiers of 117, and the neighbours at the rear of the property.
 2. The unnecessary height above local datum of the kitchen extension (4.7m), the unacceptable depth from the rear of the building, and the extended canopy (up to the boundary fence) all severely restrict the view of the communal garden for residents of the 1st floor flat.
 3. Appropriate measures to minimise potential negative impacts have not been incorporated into the design, specifically, the dwarfing of the 3.10m high rear extension of no. 119.
 4. The extension is going to greatly overshadow the sideway to the garden for all residents and is visually overbearing.
 5. I believe that the proposed extension is in contravention of The Local Plan Policy A5 Basements in the following ways:
 - a) The basement should (h) not exceed 50% of each garden within the property. Which it does.
 - b) The basement should (k) not extend into or underneath the garden further than 50% of the depth of the garden. Which it does.
 - c) The extension should (m) avoid the loss of garden space and maintain amenity value. Which it does not.
 6. The design has not sought to prevent potential harmful effects of the development on occupiers and neighbours.
It has an adverse impact on the scale and character of the dwelling and is both inappropriate and unsympathetic.
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2020/3945/P	Diarmuid O'Hegarty	06/11/2020 09:20:48	OBJ	Dear Sirs

This comment [originally submitted on 16 October 2020 but is not displayed as such] is an objection to part of the application and is made on behalf of CRASH, the Combined Residents' Associations of South Hampstead.

CRASH objects to the application to dig a basement. CRASH acknowledges that the this basement application does not involve digging under the foundations of number 117. However, basements have an unhappy history in the South Hampstead Conservation Area. They destabilise the neighbouring Victorian housing stock which was built to take account of the likelihood movement in the London clay on which they were built. New basements have affected underground water movement that has lead to increased risk of flooding in neighbourhood properties. CRASH believes that new basement excavations should not be permitted because of their damaging effect both on the stability of the original building stock and on the water levels in the surrounding soil.

Yours faithfully

Diarmuid O'Hegarty
Committee Member
CRASH, the Combined Residents'
Association of South Hampstead
