
From: Fieldsend, Sofie
Sent: 11 January 2021 09:58
To: Planning
Subject: FW: Planning application 2020/5187/P for 14 & 14A Hampstead Hill Gardens

Subject: Planning application 2020/5187/P for 14 & 14A Hampstead Hill Gardens

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Dear Sofie,

I was glad to learn that you are now also the Case Officer on this application, 2020/5187/P.

As you know, I have been consulted by the owners of the adjoining property, no. 12 Hampstead Hill Gardens.

Below are my initial comments on this latest application - 2020/5187/P - in relation to no. 14 Hampstead Hill Gardens.

Without these points (including the key issue of “planning unit/units”) first being clarified by the applicant, it is simply not possible to assess the planning impacts of the proposals.

1. The applicant needs to clarify which property/properties this application relates to.
No. 14 consists of 4 flats, with two garages (and hardstanding) at the side of the property.
Council Tax records identify the 4 flats as 14a, 14b, 14c and 14d.
The basement flat is cited as 14a in both this application, 2020/5187/P, and another pending application, 2020/2165/P.
The site address for application 2020/5187/P needs to be corrected, it currently states “14 and 14A” (e.g. if the garden is for all 4 flats, then all 4 should be cited as the site address).
2. The Existing Site Plan for 2020/5187/P labels the garden rear of no. 14 as “14” and the garden rear of the garages of no. 14 as “14a”.
By contrast, the layout on the proposed landscaping drawing indicates just one large garden - it does not allocate it between the flats (nor indicate if/how it would be shared).
Such proposals conflict with application 2020/2165/P, which purports to be solely on behalf of and in relation to the basement flat which is 14a; 2020/2165/P shows the whole of the garden as being for 14a. (Application 2020/2165/P looks to deprive all 3 upper flats of any external amenity space.)

3. The arboriculturist who prepared the Tree Report for this application, 2020/5187/P, describes the application site as simply no. 14.
The arboriculturist relates that he had been simply been told the basement was being "renovated". He does not appear to have seen the drawings for either 2020/5187/P or 2020/2165/P.
4. The application form includes Certificate B, citing Notice as having been served on the lower-ground floor flat (14A). However, a search at the Land Registry confirms that that flat is not in separate ownership. The applicant should therefore be required to re-do the Certificate/Notice.
5. The site constraints which Camden's planning records identify for this site show a National Rail tunnel, but that body does not appear to have been consulted on the application. This should be rectified.

Application 2020/5187/P forms part of a package of changes. Some are covered by other applications - 2020/2165/P or 2020/5383/T - and various further works have already been carried out but are not addressed in any application. All of the works should be considered together, preferably within one application.

Regards,

Christine Hereward
ch@hereward-solicitors.com

Hereward & Co, solicitors
Planning Matters

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From: Christine Hereward
Sent: 22 December 2020 15:27

Subject: RE: 2020/2165/P - 14A Hampstead Hill Gardens, NW3
Importance: High

Dear David/Ramesh,

1. Has the owner of no. 14 been told that they need to either remove the air-con unit, installed on the side of no. 14 (and which is potentially very noisy) or make a retrospective application to retain it? Please confirm the position.
2. I understand that the owner of no. 14 has also demolished a low wall, which is shown as being retained on the Proposed drawings for application 2020/2165/P.
Looking at the Existing and Proposed Front View, it is to the right of the entrance (on the boundary with the pavement).

Have they been told that they need to re-instate that wall?

3. I note that an application has now been submitted for works to the rear of the property (2020/5187/P for Alterations to rear garden landscaping including excavation and installation of artificial grass (retrospective)) and that the Case Officer is Adam Greenhalgh. Is Adam taking over Case Officer for 2020/2165/P as well?
There's also Tom Little dealing with 2020/5383/T, but I appreciate that is specifically a Tree matter.

Regards,

Christine Hereward
ch@hereward-solicitors.com

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From: Christine Hereward
Sent: 09 December 2020 10:55

Importance: High

Dear Sofie,

I have not heard back from you on my previous emails, as below.
The webpage shows no change to the application documents since 8th October.

Further additional works have now been carried out. On the photos attached you will see steps up into the rear garden and railings around, neither of which are shown on the Proposed plans. The "turf" laid appears to be artificial.

Has the Applicant been told that it needs to update its application?

Regards,

Christine Hereward
ch@hereward-solicitors.com

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From: Christine Hereward
Sent: 27 November 2020 10:45

[REDACTED]

Importance: High

Dear Sofie,

Is there any update on this application?

Also, as I recall some of the works carried out were outside the terms of 2020/2165/P and the owner of no. 14 was being asked either to expand 2020/2165/P or submit a separate application to regularise those elements.

Unauthorised works included the air-con unit, which had been installed on the outside of the building and is potentially very noisy.

There's no sign of either on the Council's webpages (only a tree application).

Would you please advise.

Regards,
Christine
Christine Hereward
ch@hereward-solicitors.com

[REDACTED]

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From: Christine Hereward
Sent: 09 November 2020 09:49

[REDACTED]

Subject: RE: OBJECTION to 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Many thanks.

I look forward to hearing from Ramesh and Sofie in due course.

Regards,
Christine

[REDACTED]

Subject: RE: OBJECTION to 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Morning Christine,

Yes, the case would need to go to Members' Briefing given that local groups have objected – if we are recommending the application for approval. MB happens every Monday and the reports are published on the preceding Thursday.

Sofie – please could you let Christine know if and when this case goes to MB?

Ramesh – can I leave the enforcement issues with yourself?

Kind regards,

David

David Fowler
Principal Planner

Telephone: 0207 974 2123

Subject: OBJECTION to 2020/2165/P - 14A Hampstead Hill Gardens, NW3

David,
Many thanks for sending that link.

There have so far been objections to 2020/2165/P from the Heath & Hampstead Society, the Hampstead Neighbourhood Forum, no. 16C Hampstead Hill Gardens and no. 12 Hampstead Hill Gardens. I take it therefore that application 2020/2165/P could not be granted under Delegated Powers without first having been reported to, and considered by, the Members Briefing? Would you please confirm. Are objectors notified when an application is referred to Member Briefing? How far ahead are the Reports published?

May I bring to the attention of yourselves and Ramesh/Enforcement another element of works, at lower-ground level of no. 14, that appeared yesterday.

The photo attached shows a large air-con type unit has been fixed to the side of the property. Quite apart from the “look” of what they’ have installed, such equipment can be very noisy and so needs assessment by acoustic consultants and Environmental Health and to be regulated by Conditions. I have looked at the Proposed drawings of that elevation as comprised in 2020/2165/P and can see no sign of the unit that has now been installed. Will no. 14 will be asked to add this to their application, along with an acoustic report, and not switch the equipment on unless/until consented?

While typing this email, I’ve been informed of yet further developments at no. 14. I received the first photo (the 5 MB one) yesterday. This morning I have received another photo (the 396KB one attached); a difference between the two is that the owner of no. 14 has now removed the electricity/gas metre for one of the four flats within no. 14.

Regards,
Christine

Christine Hereward
ch@hereward-solicitors.com
Tel: 07900 424640

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From: Fowler, David <David.Fowler@camden.gov.uk>
Sent: 06 November 2020 09:34
To: Christine Hereward <ch@hereward-solicitors.com>; Bushell, Alex <Alex.Bushell@camden.gov.uk>
Cc: Fieldsend, Sofie <Sofie.Fieldsend@camden.gov.uk>; Depala, Ramesh <Ramesh.Depala@camden.gov.uk>; Little, Tom <Tom.Little@camden.gov.uk>
Subject: RE: OBJECTION to 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Hello Christine,

I have discussed this application with Sofie. She is still in discussion with colleagues/managers in the enforcement team over how to proceed. No decision has been made on this application yet. Your objection will of course be taken into account in our assessment.

Please note that one objection does not trigger an application to go to committee. Please see our webpage on [Deciding the outcome of a planning application](#) which explains our decision-making procedures.

With regards your query on the garages at no. 14, I have chased the planning agent. I will get back to you on this when I hear from them.

Kind regards,

David

David Fowler
Principal Planner

Telephone: 0207 974 2123

From: Christine Hereward <ch@hereward-solicitors.com>
Sent: 05 November 2020 17:46
To: Bushell, Alex <Alex.Bushell@camden.gov.uk>; Fowler, David <David.Fowler@camden.gov.uk>
Cc: Fieldsend, Sofie <Sofie.Fieldsend@camden.gov.uk>; Depala, Ramesh <Ramesh.Depala@camden.gov.uk>; Little, Tom <Tom.Little@camden.gov.uk>
Subject: FW: OBJECTION to 2020/2165/P - 14A Hampstead Hill Gardens, NW3
Importance: High

Dear Alex/David,

I'm not clear whether Sofie, the Case Officer for 2020/2165/P, is working this week and I anyway understand (from Ramesh) that this application is being reviewed by Sofie's managers.

Please see below therefore my Objection, on behalf of the neighbouring house at 12 Hampstead Hill Gardens.

My email concludes with

"Further / additional objections may follow after clarification of outstanding points. Please confirm that application 2020/2165/P will not be determined under Delegated Powers (unless it is Refused, which we would not object to) in the interim."

David is also aware of enquiries that I have made about redevelopment proposals (there having been a Pre-App with an officer who has since left) for the garages of no. 14.

I look forward to hearing from Sofie/yourself.

Regards,

Christine Hereward

07900 424640

From: Christine Hereward

Sent: 05 November 2020 15:38

Subject: OBJECTION - 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Importance: High

I write further to speaking with Ramesh Depala (Enforcement team) yesterday.

Would you please ensure that this email is registered without delay as an OBJECTION to planning application 2020/2165/P

I write on behalf of the owners of no. 12 Hampstead Hill Gardens, i.e. the house next door to no. 14.

As you are aware, the owner of no. 14 has carried out substantial works without any planning permission - perhaps most of the works which are the subject of 2020/2165/P, and (as I understand from the Council's Enforcement team) additional works also.

The concerns expressed by others about the acceptability of including of railings / a gate at the front of no. 14 are shared. The internal Consultation responses of specialist officers within Camden (as requested from the Case Officer some time ago, see below) are still awaited. The Conservation officers views will be helpful in assessing this issue and we ask that they be shared without further delay.

As evidenced by the many recent email exchanges and conversations with your Enforcement team, the "charging ahead" - without any planning permission - by no. 14 has prompted huge concerns among neighbours (including about consequences for the stability of flats at no. 16, adjoining no. 14).

A point raised with Ramesh this week -

I note the definition of "basement" on your website -

"A basement is a floor of a building which is partly or entirely below ground level. A ground or lower ground floor with a floor level partly below the ground level (for example on a steeply sloping site) will therefore generally be considered basement development. (Camden Local Plan paragraph 6.109)"

Looking at the proposed drawings for 2020/2165/P, the element currently described as "lower ground floor rear extension" does seem within the definition above.

Do the works the subject of 2020/2165/P - and/or the additional works carried out - constitute a "basement" within the terms of Camden's policies? If so, then a Basement Impact Assessment is surely necessary in order to meet Validation requirements.

Unacceptable damage to trees has been caused and additional planting should be required to be added to 2020/2165/P in order to compensate, so far as possible.

I understand that the owner of no. 14 has decided to submit a separate planning application for the additional excavation works" (already carried out, either in full or in part), rather than amend the current application.

This is puzzling, particularly as Ramesh explained that the follow-up application would be on behalf of one of the flats on the upper floors of no. 14 (though he did not know which one). I query if this would be the correct approach.

The current application, 2020/2165/P, purports to relate solely to the basement flat. If the "additional" works have been in connection with the basement flat (which we had been given to understand to be the case), then surely they relate to that planning unit – and not to one of the flats on the upper-floors.

NB – The site plan for 2020/2165/P shows the whole of the garden within the "red line". Also, the application form addresses only the basement flat (e.g. the boxes at question 17 about the "residential units" comprised in the application site – there is no mention of the other flats).

Furthermore, how could excavation works be for an upper flat?

As previously requested, it would be good to speak – and I also look forward to receiving the information previously requested and clarification about the "additional works" (as above).

Further / additional objections may follow after clarification of outstanding points. Please confirm that application 2020/2165/P will not be determined under Delegated Powers (unless it is Refused, which we would not object to) in the interim.

I look forward to hearing from you.

Regards,

Christine Hereward
ch@hereward-solicitors.com

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From: Christine Hereward

Sent: 03 November 2020 23:01

Subject: URGENT - 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Importance: High

Dear Sofie and Ramesh,

Further to exchanges with each of you separately –

The owner of no. 14 has continued to carry out works without planning permission. The attached photo shows stairs constructed at the front of no. 14, leading down to the new entrance to the basement flat, as well as a gate having been installed – all on the lines of the submitted Proposed Plans.

As you are aware, this “charging ahead” with unauthorised works has caused considerable concerns amongst neighbours.

When we spoke last week, Ramesh mentioned that excavation works have taken place which may go outside the terms of the current application, 2020/2165/P. Would you please clarify the nature of these works. In particular, do the works underway – or proposed – constitute a “basement”?

I note the definition of “basement” on your website –

“A basement is a floor of a building which is partly or entirely below ground level. A ground or lower ground floor with a floor level partly below the ground level (for example on a steeply sloping site) will therefore generally be considered basement development. (Camden Local Plan paragraph 6.109)”

Looking at the proposed drawings for 2020/2165/P, the element currently described as “lower ground floor rear extension” does seem within the definition above.

Has the Applicant been asked to revise the application so as to include the additional works?

I look forward to hearing from you without delay.

Regards,

Christine Hereward
ch@hereward-solicitors.com

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Planning Matters

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From: Christine Hereward
Sent: 30 October 2020 09:56
To: Fieldsend, Sofie <Sofie.Fieldsend@camden.gov.uk>
Subject: RE: URGENT - 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Dear Sofie,

I just found your reply. (Apologies, I was so busy with the Hampstead Police Station Inquiry that I didn't see it come in yesterday.)

I'm very glad to hear that Elizabeth Beaumont has been in touch with you and that officers are liaising about what's going on at no. 14. As you will now be aware, the owners have charged ahead and carried out substantial works without planning permission.

Trees are indeed a major issue, but far from the only one. As the application has been in for a few months, I presume that you have received some consultation responses – e.g. Transportation, Conservation, Network Rail etc ...

Would you please send to me all the consultation responses, from internally within Camden and externally, that you have received so far.

Regards,
Christine
Christine Hereward
ch@hereward-solicitors.com

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Planning Matters

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From: Fieldsend, Sofie <Sofie.Fieldsend@camden.gov.uk>
Sent: 29 October 2020 10:37
To: Christine Hereward <ch@hereward-solicitors.com>
Subject: RE: URGENT - 2020/2165/P - 14A Hampstead Hill Gardens, NW3

Dear Christine,

Sorry for the delay, I've had quite the backlog of emails. I have been informed the enforcement team is currently looking into this and you have been contacted by the enforcement manager Elizabeth Beaumont this week.

On this site the Council's tree team are currently discussing the tree report for the original scheme in this application and no final tree comments are available at the minute as this is still under consideration. No decision will be made until enforcement come back to me and final tree comments are received.

Kind regards,

Sofie Fieldsend
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

From: Christine Hereward <ch@hereward-solicitors.com>
Sent: 26 October 2020 23:00
To: Fieldsend, Sofie <Sofie.Fieldsend@camden.gov.uk>
Subject: URGENT - 2020/2165/P - 14A Hampstead Hill Gardens, NW3
Importance: High

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Dear Sofie,

I would be grateful if we can speak tomorrow. I appreciate that you are all working remotely at present, so would you please call me on [REDACTED]

Despite this planning application still being Pending, considerable works have already taken place at the site and are continuing.

I have been consulted by neighbours, who are understandably very concerned – particularly as the operations undertaken include significant excavations and movement of earth, unregulated by any CMP.

As this planning application was submitted in June, I presume that you will have received responses from the specialist officers consulted within the Council and external consultees?

Would you please send to me, or upload, all consultation responses received to date in relation to this application. (The only consultation responses on the webpage so far are from neighbours and local residents' groups.)

I look forward to hearing from you.

Regards,

Christine Hereward
ch@hereward-solicitors.com

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