

Dr. Diane V. Silverthorne, 22 Merton Rise, London, NW3 3EN

Objection to Planning Application 2020/5906/P – Garden of Flat 2, 68 Fellows Road

1. Inaccurate and misleading application – omission of any references to 22 Merton Rise

1.1 The planning application makes no reference to my property and garden, 22 Merton Rise, even though my property is the most materially affected by the proposed Garden Room.

1.2 The supporting letter to the planning application states that 'the Western boundary of the garden runs adjacent to the garden associated with the plot at 70 Fellows Road'. This is incorrect. In fact, the western boundary of the garden of Flat 2 68 Fellows Roads runs the entire length of the garden and plot of 22 Merton Rise, my home.

The Location Plan is incorrect and needs to be replaced. Please see the Land Registry plan for my home, as attached. It clearly shows the accurate position of the two properties.

1.3 Because of the factual errors in the application (as related above), the application does not consider the impact that the Garden Room would have on my property and garden. The planning application should therefore be made Invalid until such time as the inaccurate and misleading documents have been substituted/updated.

2. Loss of privacy and overlooking – the Garden Room should be re-sited to reduce impact

2.1 The proposed Garden Room would face directly onto my garden. It would overlook my garden and my house, and negatively impact on the enjoyment of my home. It has glazed panels throughout its design which would overlook my property.

No weight can be attached to the blinds which are shown on the Proposed drawings; there is no guarantee that any such blinds would be even be used/closed.

2.2 Because of the downward slope of the land from the application site, my home sits lower down in the landscape than the garden of Flat 2.

My home has glazed doors and windows which look out onto and lead directly from all four rooms on the ground floor into the garden. The Garden Room would therefore be very visible from my garden and my property.

2.3 The Garden Room would be very visible and as a result always feel overbearing and intrusive. The installation would severely impact on the sense of privacy currently enjoyed in the garden and ground and upper floors of my home.

2.4 The applicants should be encouraged to re-site their proposed Garden Room against the rear wall of their garden. That would substantially reduce the impact on my property.

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3. Excess size and bulk – inappropriate scale

3.1 The size and scale of the proposed Garden Room is disproportionate to the modest size of the garden of Flat 2. The proposed Garden Room is of a scale suitable for a large garden of a substantial detached house.

3.2 The inappropriate size and scale of the proposed Garden Room, which would be visible from many properties, means that it would neither preserve nor enhance the Belsize Park Conservation area.

3.3 Furthermore, it is understood that Flat 2 intend adding a porch/veranda – i.e. a raised platform with a roof – along the front of the proposed Garden Room. In the event that planning permission is granted for the Garden Room, a Condition/Informative should be added so as to ensure that any such platform (including any roof over it) needs to be the subject of a separate application.

4. Installation of extensive hard-standing paved areas

4.1 The applicants installed an extensive new area of paving in their garden in 2020. These substantial paving works were clearly done in readiness for the proposed Garden Room, and so are part of the same development proposal. To the extent that Flat 2 wishes to retain the paving, it should be added into the current planning application.

4.2 Such large areas of hardstanding have a negative impact on the Conservation Area.

4.3 In laying the hardstanding last year, the owners of Flat 2 removed a long-established area of mature planting including several substantial mature evergreen shrubs. The extent of the previous planting is shown in the photograph on page 2 of the Applicant's own Arboricultural Report. The removal of the planting (to make way for the paving and Garden Room) has also removed the screening that would – until last year – have reduced the impact of the Garden Room upon my property.

4.4. Any paving which prevents necessary planting, i.e. planting which is required to screen the proposed Garden Room, should be not be approved. That includes paving running all along the base of the wall between the application site and my garden.

5. Planting

5.1 Planting would be vital to provide some screening and reduce overlooking, in the event that planning permission were to be granted for the Garden Room. This is particularly so along the boundary wall between the applicant's property and 22 Merton Rise. Strict planting Conditions should be imposed.

5.2 The fact that the applicant has recently carried out paving works across large areas of their garden should not be accepted as justification for non-imposition of Conditions aimed at reducing the impact of the Garden Room, such as requiring planting to act as screening.

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Paving along the applicants' side of the wall, between my garden and their garden, would have to be removed to facilitate planting along that boundary.

6. Replacement of Tree, as required by 2020/3550/T

6.1 The owners of Flat 2 are already required, pursuant to 2020/3550/T (issued in October last year) to replace the tree they recently removed.

The Proposed drawings for the current planning application need to be revised, to show where the replacement tree is to be located. An Arboricultural report confirming the appropriateness of that location should also be required. We look forward to reading the comments of your Tree officer and have copied Mr Little (who dealt with 2020/3550/T) into this submission.

6.2 The replacement tree also offers the opportunity, which should be grasped, for providing screening of the proposed Garden Room.

6.3 In the event that this application for a Garden Room were to be granted on terms that do not safeguard the provision of a replacement tree (as required by 2020/3550/T) the Council's decision could be used to justify not providing any replacement tree.

7. Light pollution

7.1 The entire front of the proposed Garden Room is fully glazed and would have interior lighting (there is already an electricity supply to the garden). From my property, once dusk approaches it would be a "light box". The fully illuminated Garden Room would be visible and intrusive from all aspects of my garden and property at 22 Merton Rise.

This would cause substantial light pollution with full impact on my garden and be evident from the ground and upper floors of my property.

7.2 The applicant has also stated that he intends adding exterior lighting at the entrance of the Garden Room. If planning permission were granted for the Garden Room, Conditions/Informatives should be added to ensure that any external lighting or additional structures would need to be the subject of a separate application. It is important that the angle and glare of any proposed external lights be considered and controlled.

8. Potential noise pollution and disturbance

8.1 – Increased usage of garden and Garden Room

Given the size and scale of the Garden Room, it would be capable of accommodating a large number of children and adults throughout the year. They would be able to move into the Garden Room (or just under the proposed veranda) if it starts raining and spill out again once the weather improves.

This would result in more regular and intense use of the whole garden area. This would increase the flow of people into the garden and the garden room and disrupt the right to

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quiet enjoyment of my garden and property. It could lead to much greater footfall in the garden, making use of the newly paved areas.

Whilst the applicants have stated that they intend using the room for 'recreation', given the scale the building it could accommodate a variety of facilities and uses. All noise from the garden adjacent carries into my garden and house, particularly in the summer when my doors and windows are open.

8.2 Working from home

I work from home and would be exposed to the full impact of the noise should this unit be installed.

8.3 Potential business use

Although the applicants mention recreation, there is no certainty as to how the Garden Room would be used. Furthermore, whenever the property is sold or rented out a new occupier may have different intentions for the Garden Room.

My understanding is that if the Garden Room is to be an office then that may need a separate planning permission, for change of use and/or sub-division of the planning unit (as well as having implications in terms of Business Rates and Capital Gains Tax).

Would you please confirm. Would the issue be addressed by Conditions/Informatives on the planning permission?

8.4. The impact of noise from plant equipment – air conditioning

An air-conditioning unit had originally formed part of the proposed Garden Room drawings. It appears to have been removed from the drawings prior to submission of the application, perhaps to avoid complications and objections.

I understand that planning permission would be required for subsequent installation of such equipment – would you please confirm if that is correct.

Ends

21.02.21