

**1 REGARDING PROPOSED WORKS TO 34 GLENILLA ROAD. APPLICATION NUMBER 2020/2412/P**

**ABBREVIATIONS**

#34, #36 etc.: 34, 36 Glenilla Road, etc.

Owner: Mike Hudson, of 36 Glenilla Road, London NW3 4AN.

CLP: Camden Local Plan.

CCA(S): Camden Conservation Area (Statement).

The Council: Camden Council.

**INTRODUCTION**

The Owner has laid out their opposition to parts of the application, below. They reserve the right to add to or amend these. In the Summary, objections are laid out by the type of proposed works. In the more detailed section beneath, objections are arranged largely in the sequence in which the relevant policies are to be found in the CLP.

The Owner would like to attend and speak at any appropriate committees or meetings virtual or otherwise.

**SUMMARY OF OBJECTIONS**

**Conservatory**

Because:

- People in it would be able to see into Owner's house.
- Overshadows #36 conservatory and prevents enjoyment of evening sun.
- Light pollution from #34 conservatory into #36 conservatory.
- Obtrusive: it further harms the traditional appearance of what was a beautiful Edwardian house (see Picture 1) recognised in the CCAS, and harms the character of the surrounding area.
- Its imposition would harm natural habitat and would entail partial loss of garden which would go against the Council's obligations to preserve CCA's gardens, to preserve nature conservation value and amenity value, to resist loss of garden space, and (in respect of biodiversity) to protect gardens, and to not adversely affect the character of the townscape.

**New Window Overlooking #36 Conservatory**

Because:

- People in #34 would be able to see people in the Owner's house.
- Light pollution from #34 window into #36 conservatory.

**Lightwell**

Because:

- Obtrusive: it further harms the traditional appearance of the house and harms the setting and character of the surrounding area.
- Digging out a lightwell would harm natural habitat and would entail loss of garden which would go against the Council's obligations to avoid the loss of garden space, to not harm the amenity of neighbours, to preserve CCA's gardens, to preserve nature conservation value and amenity value, to resist loss of garden space, and (in respect of biodiversity) to protect gardens, and to not adversely affect the character of the townscape.

**Gravel Area**

Because:

- Obtrusive: it further harms the traditional appearance of the house and harms the character of the surrounding area.
- Uprooting the grass and replacing it with gravel would harm natural habitat and would constitute further loss of garden which would go against the Council's

- 2 obligations to preserve CCA's gardens, to preserve nature conservation value and amenity value, and to resist loss of garden space, and (in respect of biodiversity) to protect gardens, and to not adversely affect the character of the townscape.

Ground Floor Works to Party Wall

- If these weaken, narrow or reduce density of party wall.

Basement

Because:

- Inadequate investigation into groundwater, and consequent concerns over damaging effects of groundwater.
- No proposal on how to protect #36 conservatory from basement works.
- Too large.
- Too deep.
- No offer of security bond.
- No consideration of cumulative impact of basement works in the context of other existing and planned basements in respect of sub-surface water and stability.

### 3 DETAILED OBJECTIONS

#### OVERLOOKING / PRIVACY

##### Overlooking from Proposed Conservatory

Visual privacy is important to the Owner.

p184 CLP Policy A1 requires the Council to consider

"...e. visual privacy; outlook" and continues at section 6.4 to state that "visual privacy, [and] outlook" are considerations for planning decisions and that "potential harmful effects.....on neighbours" should be prevented.

Page 14 of Design Access Statement Chapters 1-2 says "The conservatory floor at garden level..... prevents overlooking". It would not do so because:

- i) #36 conservatory floor is stepped, and is therefore higher than #36 *ground* floor level and therefore substantially higher than the architect has apparently assumed; and
- ii) The Owner is 1.95m tall.

and so the drawing on p23 of Design Access Statement Chapters 3 therefore does not show accurate lines of sight: #36 conservatory floor is higher than supposed and the Owner much taller than drawn. People in one conservatory would be able to see those in the other.

p23 of Design Access Statement Chapters 3 says "new planting along the boundary will minimise any potential aspect between the two properties." This would not be effective or necessarily permanent because:

- i) the planting is proposed to extend only to the southern-most extent of #36 conservatory - about 3m. #34 conservatory would project approximately 2m further south than that. People in #34 conservatory would therefore be able to see into the west side *and* front of #36 conservatory and into #36 living room.
- ii) the planting as shown would not be tall enough to block aspect.
- iii) Section 6.4 is clear that planning decisions should consider future effects; the planting could easily be removed in future after planning permission has been granted, leaving the aspect open.

People in each conservatory would easily be able to see one another. A temporary, removable barrier to aspect is unacceptable, and therefore the proposed conservatory is opposed.

##### Overlooking from New Window

A new window is proposed in the East side of the main body of #34, c1.3m from and directly opposite to #36 conservatory, facing its west side. Although described as having obscured glazing this could be changed at a later date, creating overlooking. (As noted, planning decisions should consider future effects).

People in #34 would be able to see people in #36 conservatory through this window. Even with obscured glazing they would see their silhouettes lit by artificial light. A temporary, removable barrier to aspect is unacceptable (because it could be removed) and this proposed window is opposed.

It would seem that this proposed window would gather rather little natural light anyway abutted as it would be by #34's plantings, the boundary fence and #36's conservatory, all within a narrow 1.3m gap.

#### LIGHT POLLUTION

p35 CLP Section 6.6 says: "Artificial lighting should only illuminate the intended area and not affect or impact on the amenity of neighbours."

#### 4 Light Pollution from Conservatory

The extreme proximity of the proposed #34 conservatory to #36 conservatory means that at night artificial light from one would enter the other.

The proposed conservatory, an almost entirely glass structure, would overlook and overshadow the glass west and south sides and glass roof of #36's conservatory. At a distance of 1.3m light pollution is inevitable. Given that the only planned stone flagstones in the gravel area appear to lead away from the conservatory it seems likely that its external door would be the main egress into the gravel area and therefore it would be likely to be used frequently and therefore artificially lit for long periods. The Owner believe they should continue to be able to enjoy, for example, candlelit dinners in their conservatory, which such persistent light incursion would make impossible.

The plantings as proposed would not be tall enough to prevent light pollution, and would be removable, and would be inadequate to prevent light pollution in the same way and for the same reasons as they would be inadequate to prevent overlooking, as described above, and the conservatory is opposed.

Light pollution from the Owner's 1<sup>st</sup> floor rear bedroom is also likely to be an impediment to successful use of the proposed conservatory in its proposed location, as an observatory.

#### Light Pollution from New Window

A new window is proposed in the East side of the main body of #34, directly facing the west side #36 conservatory at a distance of c 1.3m. Although described as being obscured it would not be opaque and would permit the passage of artificial light.

The extreme proximity of #36 conservatory to the proposed window means that at night artificial light from one would enter the other, creating the same loss of amenity to the Owner as light pollution from the proposed conservatory as described above.

The plantings as proposed would not be tall enough to prevent light pollution, and would be removable, and would be inadequate to prevent light pollution in the same way and for the same reasons as they would be inadequate to prevent overlooking, as described above.

The proposed window is opposed.

#### **OVERSHADOWING**

p184 CLP Policy A1 requires the Council to consider

"...f. sunlight, daylight and overshadowing"

The proposed addition of a conservatory to the 2010 extension would if realised completely obscure the west side and part of the south side of #36's conservatory. The proposed conservatory would be much higher (c 1m higher) than the glass walls of #36's conservatory and would therefore also obscure part of its glass roof. If permitted it would indeed give the new owner the facility to observe the stars, but only at the expense of the Owner's enjoyment of the afternoon and evening sun and so the Owner opposes it.

#### **HERITAGE/ CONSERVATION AREA**

##### Obtrusive Extensions

#34 was until quite recently a beautiful and characterful Edwardian house, as can be seen from Picture 1. Whilst the front of the house is preserved, the rear was disfigured in 2010 by the addition of a large and ugly extension out of keeping with the original building. It is now proposed to compound that insult by adding a conservatory, removing part of the garden to form a concrete lightwell, and replacing the traditional lawn with sterile gravel.



These proposed changes are in no way in keeping with the traditional Edwardian nature of this building as remarked upon in the Camden Conservation Area Statement, Belsize which describes #34 as one of the "buildings which make a positive contribution to the special character and appearance of the area". Surely some effort must be made to preserve the rear aspect of such buildings?

BE22 of that document says that "rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area....and its effect on neighbouring properties and Conservation Area will be the basis of its suitability."

BE23 says "Extensions should be in harmony with the original form and character of the house".

The 2010 extension was obtrusive, distorted the house's original form and changed its character. The proposed conservatory and lightwell would also be obtrusive, compounding those earlier unwelcome changes and so these proposed extensions are opposed.

#### Proposed Loss of Garden Does Not Preserve the Conservation Area's Gardens

p235 CLP Policy D2 Heritage says: "h. The Council will.....preserve garden spaces which contribute to the character and appearance of a conservation area". The removal of one part of the garden to create a lightwell, the building of a conservatory on another, and the removal of the garden's lawn are not in the interests of preserving the Conservation Area's gardens and should not be permitted.

#### **GROUND FLOOR PARTY WALL**

Existing and proposed plans Drawing P\_L090 appears to show demolition leading to a narrowing of the ground floor party wall around the current location of the gas fireplace (at the south-east chimney breast). If this interpretation of the proposals is correct then those works are opposed. #36 has previously experienced cracking on that area on its side of the party wall following the works done in 2010 and the Owner had concerns that that wall had already been narrowed or weakened at that time in that area. If this proves to be the case the Owner would be happy to see that rectified.

#### **BASEMENT**

##### Water

Pending further investigation and clarification the basement works are opposed. (Please also see "Cumulative Impact, below"). The Owner has concerns that the extensive planned basement developments to #34, #32a, #32b, and #30 may change the flow of groundwater in the area around #36, which may cause i) Instability during construction ii) Movement to #36 iii) Water ingress into #36 basement. Prior to #36's quite recent basement refurbishment there were significant problems with water ingress and it does not seem likely that the statement in BIA Part 1 that "Substantial groundwater ingress during excavation is not anticipated." can be relied upon. We note that there was a tributary "of the historical River Tyburn which flowed approximately 20m west..... of the site." The Basement Impact Assessment appears to rely entirely upon investigations carried out at 32 Glenilla Rd which is described as being up to 20 metres distant. We would suggest an investigation directly adjacent to #36.

##### #36 Conservatory

The proposal documents do not make it clear how the integrity of #36 conservatory and its foundations, which are 1.3m from proposed excavation and do not share the party wall, would be protected, and the Owner would welcome proposals on how this might be done.

- 8 affect the character of the townscape, and that the proposals should therefore not be permitted.

#### Loss of Garden Would Impact Biodiversity and Nature

p200 CLP Policy A3 Biodiversity says: "We will.....c. seek the protection of other features with *nature conservation value, including gardens*, wherever possible;" and "The Council will protect, and seek to secure additional.....vegetation". [Our italics]

p202 CLP 6.63 says "The Council will also seek the retention of other areas with nature conservation value, such as gardens."

p220 CLP 6.139 says ".....the Council will protect green areas including gardens".

Belsize Park is a beautiful green enclave, rich in urban flora and fauna. There is a variety of trees, and lots of birds, squirrels, foxes, hedgehogs, frogs, bees and butterflies all of which require a natural habitat in which to thrive. Lawns as a natural habitat are superior to decking, tiling or gravel, which are extremely poor natural habitats. An uprooted lawn is rarely reinstated and is therefore usually a permanent loss of habitat.

The plans propose a further reduction in garden size beyond that which occurred in 2010, and replacement of the lawn with a more sterile gravel surface. The Owner contends that the Council is therefore bound to reject the proposals.

Having already lost the green space to the East of #36 (#38, now unfortunately fully decked) the Owner would be sad to see the neighbourhood also losing #34's green space and would miss the possibility of seeing, for example, fox cubs playing on that lawn.

#### **WORKING HOURS**

The Owner understands that due to the Covid-19 crisis, there is now a temporary fast track deemed consent route under section 74B of the Town and Country Planning Act 1990 which could permit working until 9pm or even later Monday to Saturday.

Clarification on whether such consent would be sought, and proposals on general working hours and noisy working hours, would be welcomed by the Owner (the Owner and their partner both work from home. One of them is a GP providing telephone consultations in and out of normal hours from home during the Covid-19 crisis and thereafter, and noisy building work would make that difficult).

#### **NO CONSULTATION**

The Design and Access Statement dated May 2020 states that "...emerging proposals were discussed with officers at two pre-planning application meetings on 15 and 24 April 2020. In addition applicants shared their proposals with their immediate neighbours. The feedback from these consultations has helped shape and inform the content of the application proposals." this was not the case with the Owner, with whom the proposals were not shared at that time.

The Owner reached out to James Dover, the Project Manager director, 28 April '20, and explained that they would welcome the chance to discuss the plans, in particular loss of Garden Space, movement, noise, sub-surface water and changes to thickness and density of party walls. Unfortunately they were not given that opportunity. The Owner would have liked to have been able to review these proposals at pre-planning stage with a view to discussing what might have been acceptable, including an alternative site for the conservatory.

Mike Hudson, 36 Glenilla Road, 5 August 2020.



Picture 1





