

Garden Flat  
19 Frognal Lane  
London NW3 7DB  
14<sup>th</sup> April 2021

Planning Department, London Borough of Camden

Dear Sir/Madam,

**Re: 2020/4667/P 38 Frognal Lane**

This house has been owned by the Fitzpatrick family of developer/builders since 2003. They also own several other important buildings in Hampstead which, over the last 20 years, I have observed they have wrecked through demolition, and/or through 'salami slicing' destruction of the original building plus expansion of both footprint and depth via multiple planning applications.

22 Frognal Way is a case in point. Following their purchase of most local people's favourite building in the area, they removed the roof saying it was causing damage to the property walls then, after 3 years of allowing the elements to cause really serious damage, they applied to demolish the building. Camden stood up to them and refused this. However they began their project to strip away the original building and expand its replacement. This expansion was to the extent of even extending a basement illegally beyond the curtilage of the property under the commonly owned but unadopted roadway. Camden fortunately stood up to them again over many of their projects or at least worked to try to limit the damage and alter applications to some extent. Camden though are still receiving repeated applications to attempt to expand the rear of the property further, burying any remaining vestiges of its original design and form. There have been 25 planning applications by this family for this building since 2007.

Now we have 38 Frognal Lane.

I have no photographic evidence but remember the gently sloping lawn at the front of the house being deeply excavated & was surprised to see in this application that there is supposed not to be a basement here already. Maybe I'm mistaken and the digging out merely lowered the front lawn and gravelled it over in its new lowered height, now claimed as exiting. The Flood Risk Assessment states that 'the gravel forecourt does not have any formal drainage' but I wonder if it lacks informal drainage? It is surprising that the borehole was performed to the side of the front of the house.

There have been 12 planning applications since 2003 so, rather than remove the roof, they are here using the salami slicing approach to hack away at the building then to add on extensions until 'they might as well demolish it'. From past experience Camden should know that once the building is demolished, multiple planning applications will be presented until there is a monster in its place which 'might as well' be constructed from non-original materials, since it will be so unlike its original. If 22 Frognal Way is anything to go by the result will look like something built and garishly fitted out by Homebase.

The proposed swimming pool and basement application of 2014/7752/P plus tree removal has lapsed, which should allow Camden to resist the demolition since the 'might as well' argument will have lapsed with this.

The Design & Access Statement states:

- 1) The external appearance of the proposal maintains a very similar appearance to the recent approval (though with an enhanced design, proportions and detail).

While I concur that some welcome effort has been made in the detail to enhance this design, I cannot agree that it enhances the proportions. This building was built with, though subservient to 12 Langland Gardens, but while its footprint might well still measure 184 square metres the effect of the new building will be of significantly increased massing as seen from their Design & Access Statement (DAS):



Despite the proposed elevations being drawn lighter and in two colours, one can't get away from the fact that despite the apparent equality of footprint, the massing is totally different, and this building risks no longer being subservient to the main house at 12 Langland Gardens. The basement is also under more than 50% of the already lowered garden so is against CPG Basements A5 criterion h to *'not exceed 50% of each garden within the property.'*

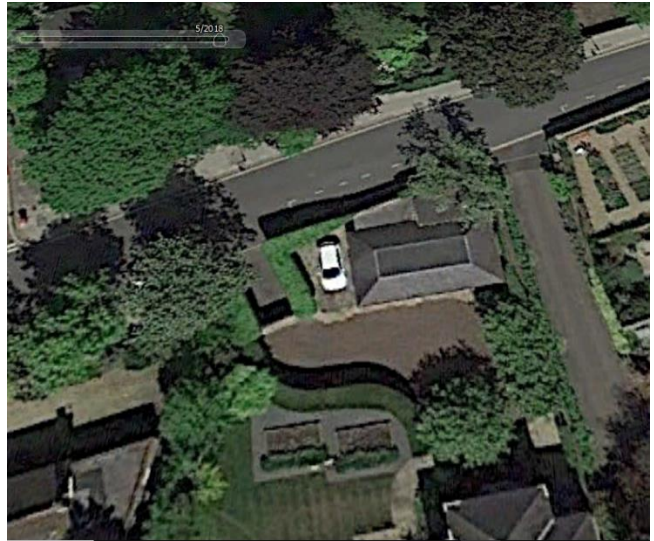
Most of the trees have already been removed in preparation:

2009/5938/T: FRONT GARDEN: 1 x Flowering Cherry - Remove 1 x Flowering Apple - Remove 1 x Yew - Remove REAR GARDEN: 1 x Red chestnut - Crown reduce by 30% 1 x Norway Maple - Cut ivy. Crown reduce by 30% and reduce back from property. 1 x Eucalyptus – Remove

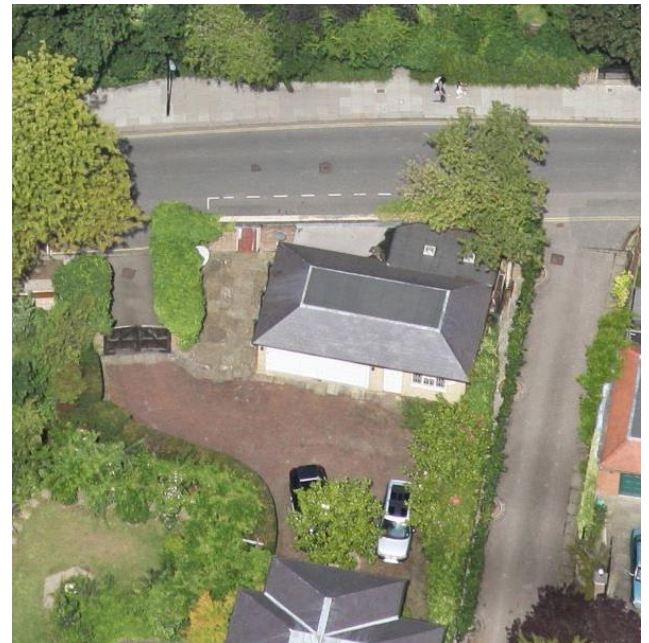
- the verdant garden seen in 1946 has become a sterile car park since the Fitzpatricks purchased it in 2003:



38 Frogmal Lane, south of Chesterford Gardens in 1946 ('Britain from above') with its lush well-treed garden -



- has now become a car park (Google Earth December 2006), and an increasingly sterile one (May 2018) with almost no trees on site now – merely the group T1, 2 and 3 on the rear eastern side boundary. The 'Landscape 'Masterplan'' merely indicates raised beds with shrubs crowded out by car parking at the front, all other greenery provided by street and neighbours' trees.



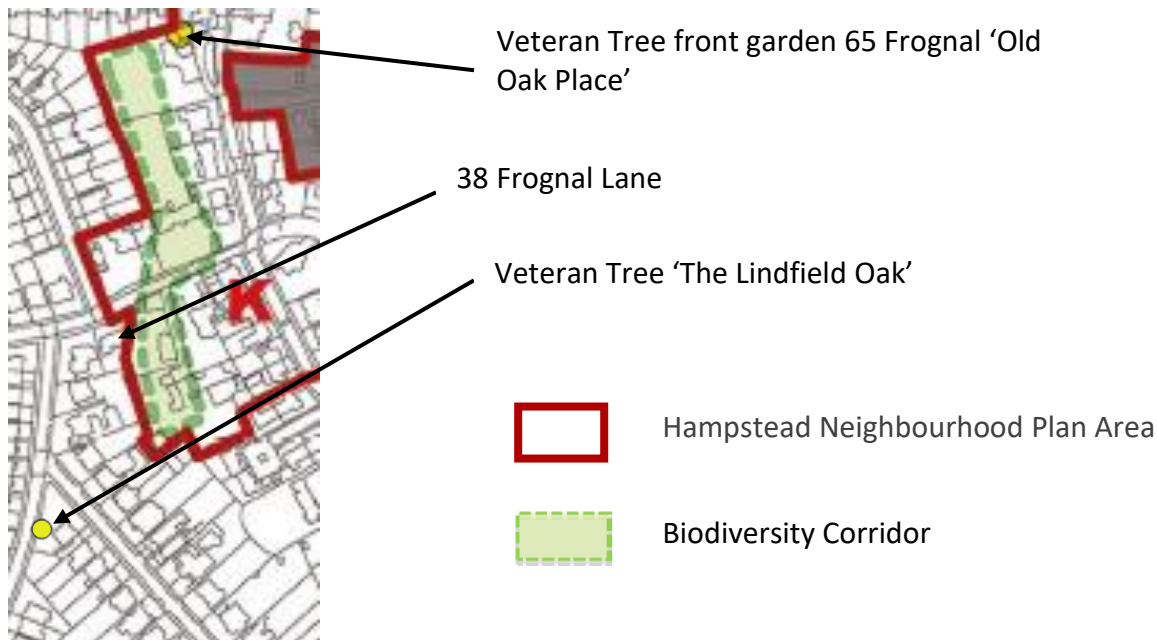
BING Birds Eye shots taken around 2010

The footprint of the proposed new building and failure to reduce hardstanding will not fulfil Paragraph 170 of the NPPF which requires that development contributes to and enhances the natural and local environment, including, "d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

Neither does it fulfil Policy A3d supporting the Strategic Objective of the Camden Local Plan to protect and enhance biodiversity, or the Redington Frognal Neighbourhood Plan's requirements to enhance biodiversity and Conservation Area character.

Indeed, while not actually in the Hampstead Neighbourhood Plan area, it is immediately adjacent to its Biodiversity Corridor K 'West Frognal Redington Rd to HNF boundary' (see over), itself in-line with the veteran tree 'The Lindfield Oak' in the side garden of 17 Lindfield Gardens and designated as Notable on the Ancient Tree Inventory and a thickly treed area to the south of Lindfield Gardens, continuing the Biodiversity Corridor.





The lack of consideration of surface water run-off is of concern. I can attest to the effect of the 2002 storm when Chesterford Gardens was flooded as reported to Camden by number 15 and noted in 'Floods in Camden: Report of the Floods Scrutiny Panel, June 2003', whose lower ground floor flat was inundated with water to several feet in depth. My own lower ground floor flat at 19 Frognal Lane was also flooded to around 4 inches in depth in the lower part of the flat, though I didn't report this to Camden. Surface run-off is exactly that. During rainstorms, rainwater runs off Chesterford Gardens straight into 38 Frognal Lane as well as down Frognal Lane, and thence into Langland Gardens.

The groundwater measurements reported in the BIA of 2014/7752/P showed it to range from 1-3 metres below ground level depending on the rainfall, its superficial depth confirmed by the BIA dated 4<sup>th</sup> March 2021 as being 1-2 metres below ground level as measured between October to December 2020. This superficial level of groundwater, coupled with the potential for surface water run-off means that if this were to be repeated while the site was in the process of demolition or while open prior to basement perimeter piling, the consequences would be significant, putting neighbours – already suffering from subsidence hence the proposal to use existing crack monitoring as a way of monitoring building movement – at further risk. In any case, while crack monitoring is useful for established cases of subsidence, for basement construction it merely indicates "too late". *Continuous* movement monitoring of the surrounding listed buildings would be a much better early warning system.

While the effects on ground stability as a result of vertical ground pressure changes have quite rightly been assessed, what has been omitted is the effect of significant fines erosion: a possibility at this site. I would suggest that IF Camden is minded to grant permission to demolish the building, the risks of fines erosion should be specifically addressed prior to commencement, though preferably prior to granting planning permission.

Otherwise, if demolition occurs and/or the site remains open – such as if a consented scheme is abandoned while waiting for planning permission for yet another salami-slicing, 'might as well' larger project - during or following an intense rainstorm, this may well not only cause uncalculated altered ground pressures but also serious site flooding, erosion of fines and risk of ground collapse. Such resultant volume changes could affect not only the site but also neighbouring buildings and the roadway.

Frognal Lane already suffers from repeat occurrence of potholes and carriageway subsidence between its intersection with Frognal and with Langland Gardens, it would seem aggravated by the basement dig-outs of 59a and 59b Frognal and 44 Frognal Lane. Since 40 Frognal Lane has permission for a basement yet to be dug but potentially imminent, this aspect of demolition, prior to piling to prop the construction phase, has not been addressed.

In conclusion, I request that Camden refuse to allow demolition of this building that makes a positive contribution to the Conservation Area.

- The planning consent to increase its volume from the present building has been cunningly achieved, with other local evidence present that the push to increase will continue if demolition is allowed;

- The demolition process and basement dig-out have not been sufficiently examined with respect to the potential effects of silt erosion by surface run-off or groundwater surging on neighbours, and
- This proposal does not fulfil the Redington Froggnal Neighbourhood Plan's requirements to enhance biodiversity and Conservation Area character, nor Policy A3d supporting the Strategic Objective of the Camden Local Plan to protect and enhance biodiversity.
- The basement footprint does not fulfil CPG A5 being more than 50% of the front 'garden'.

Dr Vicki Harding