

Rohan Heath  
29 Downshire Hill  
London  
NW3 1NT

Te  
E:

10<sup>th</sup> May, 2021

Re planning application: 2019/3948/P

Dear Laura Hazelton.

I am writing this email to you in response to the SBIA, GMA and DCA reports uploaded onto the Camden planning portal in April 2021.

There are now 17 objectors to the above proposed development, including myself and other neighbours, the Ham And High Society, the Netherhall Neighbourhood Association and the Belsize Society – all of whom have raised their objections on the Camden Planning Portal. A list of these objectors is listed at the end of this letter. **I and the other objectors wish to make it known that we would like to make a personal representation to the planning committee as it is clear that the project is getting overwhelming officer support from Camden Council.**

It is clear from and in spite of the above-mentioned reports that most of the issues I have raised in my letters to you of 20th January 2021 and 3<sup>rd</sup> March 2021 remained unaddressed by both the developers and Campbell Reith.

In those letters I have described in full detail why this planning application goes against the Camden Planning Guidance, BASEMENTS (January 2021) and Camden's overall planning policy.

I am not going to once again re-list all the reasons here, but instead refer you to those letters of January and March 2021. I respectfully request that at the point of making your final decision as to whether or not you grant planning permission that Camden individually and exhaustively address each and every point raised within those two letters.

I will, however point, out the glaringly obvious reasons that planning application for this development must now, in my opinion, be refused:

- It remains the case that Eldred's Geotech Report of Oct 2019, commissioned by me, states that the potential **damage to my property, no 47C Netherhall Gardens, is likely to be Category 2 magnitude or greater (ie Category 3) on the Burland Scale.** The latest BIA report submitted by the developers now puts this risk at Category 0, downgraded from Category 1 as cited in the initial BIA report. This

downgrade is based on no further technical data, but rather seems to be a random downgrade from their own previous assessment. That Campbell Reith did not explicitly query this possible damage of Category 3 magnitude is remiss of them. It remains that Category of damage to 47C Netherhall Gardens still remains disputed and unresolved. For this reason alone **Camden cannot allow this development to go ahead as their policy explicitly allows damage of a maximum of Category 1.**

- The extent of the development as submitted in the planning application represents a blatant overdevelopment. The measurements of the size of the existing property (specifically its depth from front to back) have been over-reported at 8.5m the actual measurement is 7.8m. As per my letter of 20<sup>th</sup> January 2021, the proposed basement at 125m.sq therefore represents 169% of the existing building's footprint. **Camden limit such developments to 150% footprint. On this basis the basement development explicitly goes against Camden's planning policy and must be rejected.** It was remiss of Campbell Reith not having checked these measurements and raised them as a query with the developer.
- There is still no mention in the latest BIA report of the fact that the rear extension of 47C Netherhall Gardens is partially subterranean. That Campbell Reith have not raised this issue with the developers can only lead to the conclusion that they have not read my letters of January and March 2021 (and earlier letters), in which I state this point clearly. Once again, this is remiss of Campbell Reith. **Camden cannot let a basement development go ahead when an adjoining property (which already may be susceptible to Category 3 damage) already contains a subterranean part of the building that has repeatedly been omitted from the planning application.** To permit planning permission after being repeatedly notified of this would, simply put, be negligent.
- Despite the latest BIA now containing a drawing of the building that is 49 Netherhall Gardens, (which already contains a basement), **the conclusion that the proposed development will not cause extensive damage to no 49 has still not been properly assessed and surveyed, but instead remains based on speculative and assumed depths of its foundations and measurements of its existing basement.** It is worth pointing out that 49 Netherhall Gardens is only 1m away from the proposed development, and as such is seriously at risk of damage. Camden should not allow the development to go ahead on this basis alone.
- **It remains the case that the properties of the neighbours at 47B (a large house) and 47 (a driveway not only directly abutting the proposed development site, but disputably into which the development illegally encroaches) Netherhall Gardens, remain completely unconsidered in any of the reports, despite part of each of these properties falling within the Zone Of Influence of the proposed development.** This is despite repeated and submitted concerns from the owners of both these properties, as well as myself. (This issue should have been raised by Campbell Reith in their queries to the developers; that it was not was is remiss). **Given the above**

**omission, I cannot see how Camden can grant planning permission for this project.**

- There has now been a groundswell of objections from immediate neighbours to this proposed development, as well as by other interested parties (eg the Ham And High Society, the Belsize Society and The Netherhall Neighbourhood Association).

It is my view that Campbell Reith have not been nearly exhaustive enough in their queries to the proposed developers. Nor have they fully assessed the effect this development would have on the neighbouring properties and surrounding environment. In 2019 I presented Camden the Eldred's Geotechnical Report. Many of the concerns raised therein remain unaddressed. Camden have not confirmed that they will allow me to commission a further geotech report to assess the latest BIA report, despite my asking. Surely if a potential Category 3 magnitude on the Burland Scale is a possibility to my property (47C Netherhall Gardens), I should be granted the time necessary time required to employ an engineer to give his view on the latest BIA report, and that Camden should take into account the findings in that view; without this they will be unable to make a fully informed decision. I point out, that so far Camden have granted the developers over one and a half years, encouraging them at every step.

May I once again take this opportunity to state that **the above points represent only a snapshot of the reasons why this development should not be allowed to go ahead. Before Camden make their decision, it is crucial that the planning committee read and exhaustively consider all of the points against this proposal listed in my letters of 20th January 2021 and 3<sup>rd</sup> March 2021**, which include the points listed above in much further detail. The letters contain numerous other points against this development, many of which have not been mentioned in the brief list above, but most of which still represent stand-alone reasons as to why the BIA reports are inconclusive, under-researched, based on speculation and technical assumptions, rather than confirmed measurements.

***List of objectors who have posted objections on the Camden Planning Portal:***

*The Ham & High Society  
The Belsize Society  
Netherhall Neighbours Association  
Gilda & John Riccio (49 Netherhall Gardens)  
Peter Aden (47A Netherhall Gardens)  
Bryan Sanderson (40 Netherhall Gardens)  
D McMillan  
Viviana Antinolfi  
Neda Toofarlian  
Karen Simon  
Ruth & Jack Baswary (44 Netherhall Gardens)  
Susanne Lawrence (47B Netherhall Lawrence)*

*Sheila Jalving*  
*Gunter Straub (49 Netherhall Gardens)*  
*Sarah Robbins (47 Netherhall Gardens)*  
*Marc Van Der Lubbe*  
*Rohan Heath*

**I would be grateful if you would acknowledge receipt of this letter and confirm that it will be uploaded onto the Camden Planning Portal.**

Kind regards

Rohan Heath

Cc Susanne Lawrence (47B Netherhall Gardens), Sarah Robbins (47 Netherhall Gardens), Gunter Straub (49 Netherhall Gardens), John Riccio (49 Netherhall Gardens), Sheila Jalving, Henry Newman / Andrew Parkinson / Linda Williams / Stephen / Annabel Bacall / Hampstead Conservation Area Advisory Committee / The Belsize Society / Ham & High Society