

Ground Floor Flat
5 Hillfield Road
London NW6 1QD

24 June 2021

London Borough of Camden
Planning Department
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London WC1H 9JE

For the attention of Jonathan McClue

Dear Mr McClue

Re: Planning Reference 2021/2596/P

**Description: Site R/0 1 Hillfield Road NW6 – OBJECTION TO APP 2021/2596/P
OBJECTION BY 5 HILLFIELD ROAD**

**Site Address: Land between Gondar House and South Mansions, Gondar
Gardens and to the rear of Hillfield Road, West Hampstead, London NW6 1QD.**

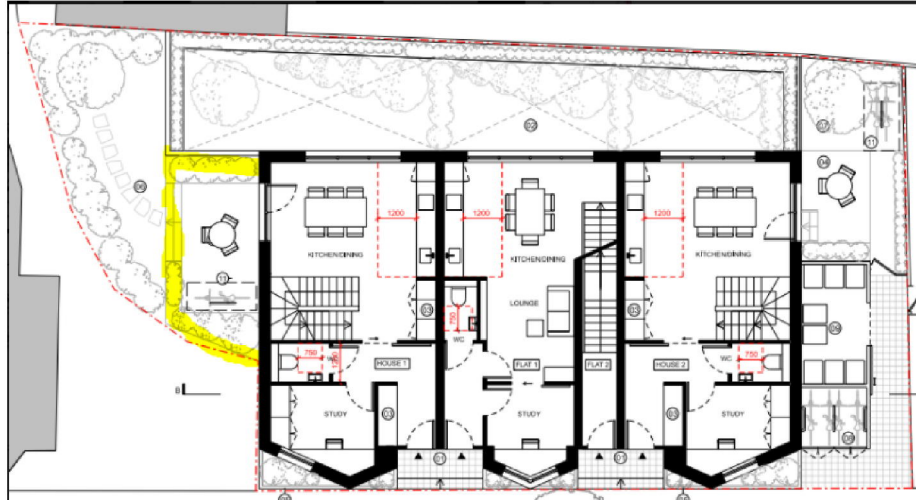
I represent Gondar Gardens Investments Ltd, the owner of the ground floor flat at 5 Hillfield Gardens and I wish to object to this proposed development in the strongest possible terms. My grounds for objection are itemised below.

Overdevelopment

Policy D1 of the Camden Local Plan (2017) states 'that all development needs to, amongst others, respect local context and character.... (and) integrate well with the surrounding streetscene'. It does not! The proposed building will dwarf 5 Hillfield Road and the quiet enjoyment of my property will be negatively impacted.

It is worthy of note that that this is not an empty plot of land at present. This garden area is currently home to 3 flats and recently permission has been granted for a further 5 bedrooms in the existing building. This further intensification of use on the site is unacceptable to me and my neighbours.

The claim that this is not a garden as it has parking spaces but the building is not built on just the entire parking spaces, an area of about 10sqm as half to the area is occupied by the passage and the bin area. The entire garden is being redeveloped with a new building, lightwell or hard surfaces, only a slither of about **10sqm of the garden will remain at the north part** with south mansion. That is 3% of the garden remaining as a garden. **This is 3% of the 328sqm of the site which currently has about 6% covered with a parking spaces.** Part of the parking space was already designated for bin area and cycle storage with the application of the development of the existing building itself. Below one can see the extent of the built area and the area highlighted in yellow is part of the basement going under the patio area



I also would like to comment that from the previously refused application 2020/3553/P, the case officer quoted from the Fortune Green and West Hampstead neighbourhood plan which was adopted by Camden council in 2015. The paragraph for ease is A13

“A13. Garden developments: in order to protect the Area’s green/open spaces, the development of new dwellings in private gardens should be avoided. If any developments are approved, they should maintain a **much lower profile than existing housing stock, usually one or two storeys**. (Also see Policy 17).”

I fail to understand why the building opposite where there are two-story high and the ground floor all seem to be set lower down from pavement level and this new development the ground floors are raised. The building should be simply two floors in line with building opposite and the surrounding areas of new building of 2 story high.

We are aware that the London Borough of Camden has stretching housing targets to build 16,800 new homes by 2031 but the application site is ill suited to an infill development and intensification of use of this magnitude. My neighbours and I are not NIMBYS and we realise that the need to accommodate significant and enduring housing need is a local and national priority. But housing delivery should not be prioritised at the expense of building at scale on inappropriate sites. To this end CPG 3.2 and Camden’s policy H6 is instructive. This policy states ‘*The Council will attach equal weight to the quality and quantity of new homes proposed in the borough and will not sacrifice housing quality in order to maximise overall housing supply*’. I am firm believer that all of these thoroughly written policies are not meant to sacrifice existing householders in expense of profit driven Property Developers’ proposal. There are already more suitable sites such as the redevelopment of the O2 site which will provide more new homes.

Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan

(2015) is also relevant in this regard. This policy sets specific design requirements for infill development and states 'the development should be the same scale as the terrace including the roofline, similar in form design and materials...' I would contend that the proposed development is non-compliant with this neighbourhood plan policy too.

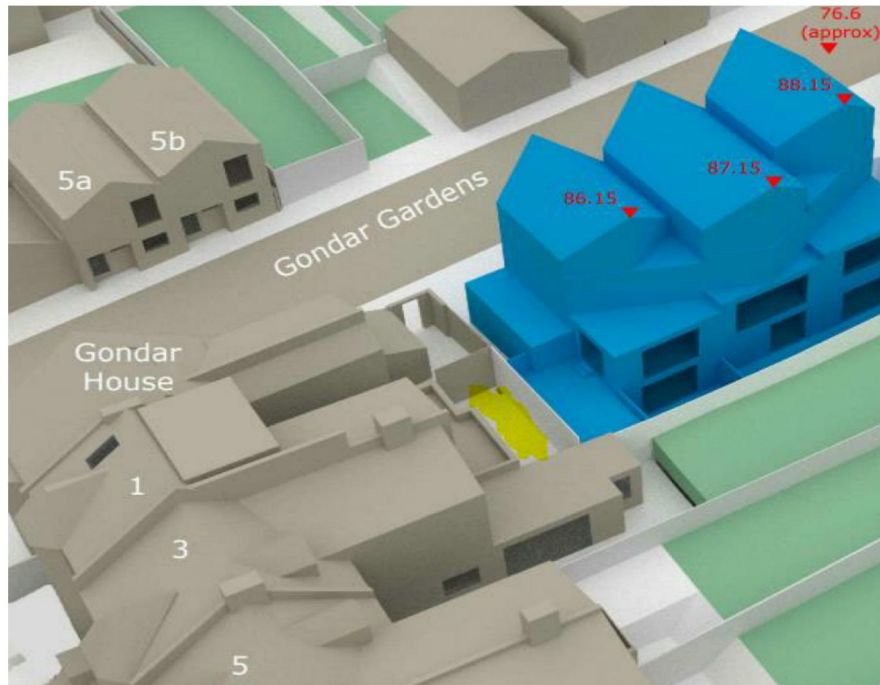
My objection includes concerns over bulk, massing and design of the proposed development in addition to overdevelopment.

Local Townscape incl. Amenity impact to 1 Hillfield (big elephant in the room)

The proposed development screams serious negative effects on amenity of neighbours and community which includes amenity issues for the existing 1 Hillfield Road which no one is raising any issues about because this building is own by the same person/company (both freehold and leasehold as per Land Registry). Irrespective that no objections are being lodged on behalf of existing dwellings of 1 Hillfield Road, loss of amenity, outlook and daylight should still be seriously considered by the case officer. It is worth noting that number 3 Hillfield Road has submitted a planning for a very small side extension under PD which was supported by Flat 1, 5 Hillfield Road but was refused due to amenity impact on Flat 1, 5 Hillfield Road. The following reason was provided by the case officer which refused the PD submitted by number 3 – *"The proposed single storey extension, by reason of its siting, depth, height and bulk, would result in a dominant addition which would cause unacceptable harm to the residential amenity of the adjoining ground floor flat at No. 5 Hillfield Road by way of an increased sense of enclosure, loss of outlook, and loss of daylight/sunlight."* This demonstrates that Camden Planning are required to consider amenity/outlook even when the owners of the respective buildings/properties are related or supportive of the application.

For the sake of emphasis and clarity, I will restate that the majority of the proposed development will be built on the current communal garden which is shared by the existing 3 flats access through a rear spiral staircase. If this is not loss of amenity of current dwellings in the neighbourhood, I do not know what it is. Not to mention that the newly proposed building will completely shadow the existing dwellings. It is also my opinion that the currently approved planning to increase the ground floor flat to 3 bedroom flats will not meet its' minimum requirement of required open space.

Below drawing submitted by the applicant from the Daylight report clear shows that the current ground floor flat is now completely "boxed in". **It is also worth noting that because the garden of 1 Hillfield Road is elevated by more than 1 metre, that with the proposed 2m fence/wall (acting as a privacy screen) on the side of the newly proposed development, this will result to an unacceptable an effect of more than a 3m wall of the rear "patio" area of the ground floor flat of 1 Hillfield Road.** If one looks below on the image from the day light report it is clear the fence is higher than the extension of 3 Hillfield Road.



To mirror the same sentiments of the case officer who dealt with number 3 Hillfield Road for a small side extension application which is comparatively insignificant to the one proposed for Landsite No. 1, **this development would result in a dominant addition which would cause unacceptable harm to the residential amenity of the adjoining ground floor flat of No.1 Hillfield Road by way of increased sense of enclosure, loss of outlook, and loss of daylight and sunlight.**

It appears to me that the developer is happy to sacrifice the existing dwellings to maximise his profits on the proposed new development. In the applicant planning statement for the proposed development, on 4.2 it stated "The proposed development seeks to achieve... To provide residential accommodation with good natural daylight and high standards of residential amenity" and on 4.7 "The design of each dwelling has sought to meet and exceed the residential development standards contained within relevant planning policy and guidance, with specific focus on the delivery of high quality amenity space for future occupants". However, the applicant's design proposal has completely failed that in seeking to achieve these objectives for the proposed dwellings, it has successfully destroyed the residential amenity and standards for the current and future occupants of the existing dwellings of Number 1 Hillfield Road and its' neighbouring properties, such as South Mansions, Gondar House, number 3,5,and 7 Hillfield Road. To put it simply, if this proposed development is approved and built, the neighbourhood will sadly end up with 3-4 (with the additional basement flat approved) **sub-standard dwellings with next to nothing outside space.**

Building on Gardens policy

London especially with the central boroughs is an area which is extensively built upon and that is why all boroughs seek to protect gardens from undue development. They may be privately owned but they contribute to the green lungs of the city.

Policy 3.5 Quality and design of housing developments for the Mayor of London, Strategic.

This is just such a policy and it states, 'A housing development should be of the highest quality, internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified'. Camden's Local Plan does address the aspect of gardens under 6.37 and states 'The Council will protect such spaces in accordance with **paragraph 74 of the National Planning Policy Framework (NPPF)**. The Interim Housing CPG also addresses this in the section on Residential development standards (Section 4) and states '**Existing gardens and green spaces should be retained**'. This policy was devised to address unacceptable garden encroachment by way of development. It demonstrates that there are strong grounds for a policy presumption against garden development and that that this should be at its highest when it is proposed to develop gardens in their entirety. By adopting this policy the Council has demonstrated political will and officers need to ensure their actions are consistent with this policy objective.

Camden Local plan classifies the gardens as a nature conservation. Policy A2 protects open spaces and section e states the following

"protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible"

The policy goes further in policy 6.63 where it states the council will seek the retention of nature conservation value such as gardens.

"6.63 The Council will also seek the retention of other areas with **nature conservation value**, such as gardens. Development will be resisted where it would result in the loss of an excessive part of the garden or garden space which contributes to the character of the townscape. Native hedgerows and vegetation comprised of native species should be retained as far as possible. However, we also recognise that existing non-native plants may also make a significant contribution to biodiversity"

The following policy also applies and the development is clearly contradicting this policy by being very excessive.

"7.20 Development within rear gardens and other undeveloped areas can often have a significant impact upon the amenity and character of an area. The Council will resist development that occupies an excessive part of a garden and where there is a loss of garden space which contributes to the character of the townscape. "

Bulk and Height of building

Policy A13 of the Fortune Green and West Hampstead Neighbourhood Plan (2015) builds upon this Mayoral policy and states 'In order to protect the Area's green/open spaces, the development of new dwellings in private gardens should be avoided. If any developments are approved, they should maintain a much lower profile than the existing housing stock, usually one or two storeys. Officers now need to step up to the plate and ensure that this policy is upheld.

It is worthy of note that recent developments in the area, namely Homedale Road, Sumatra, Menelik, Gondar Gardens and Mill Lane are all respectful of the Gardens policy and are only two storeys high. Other objectors have gone into greater detail regarding this, but I shall not to avoid unnecessary repetition.

My flat will be very negatively impacted if planning permission for the proposed development is granted. Severe overshadowing of my garden would result, and this would cover the whole garden.

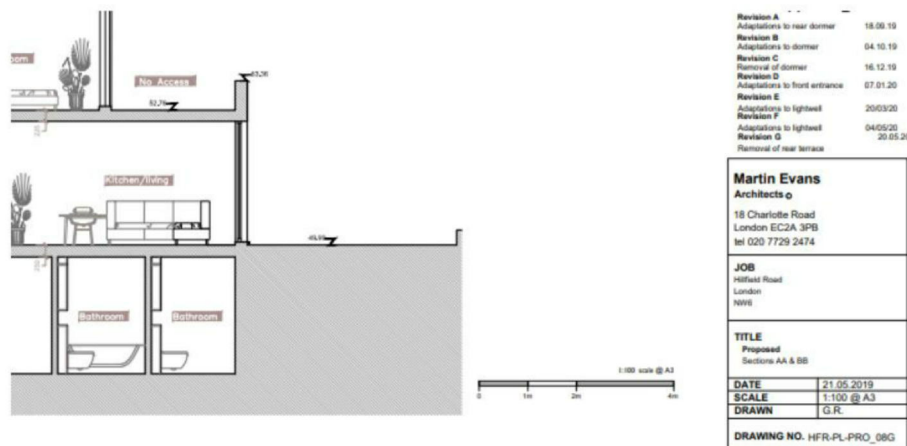
Permitted development rules state that extensions should not cover more than 50% of gardens and in many London local planning authorities this limit is reinforced by specific policies concerning development which encroaches onto gardens.

Moreover, the quiet enjoyment of my home and my privacy would also be affected by other negative impacts. My living room windows are situated extremely close to the application site and this development if permitted would negatively impact on daylight and sunlight to my home. I have estimated that the basement of the proposed development would only be **7 metres away** from my home and in consequence I may suffer noise nuisance too, notwithstanding that 3 Hillfield Road is located even closer to the site. The structure itself situated in such close proximity to my flat would be overbearing.

It is also very concerning that there is a distinct lack of attention of detail in addressing the safety aspects of having a steep drop lightwell right which is right up to the boundary fence of number 3 Hillfield Road. With neighbour [REDACTED] playing in each other's gardens, this is not just an issue for 3 Hillfield Road.

Daylight and Sunlight

I am concerned that issues of daylight and sunlight have not been adequately addressed by the applicant's advisors when submitting this application. There is an approved planning application for additional dwelling/flat for 1 Hillfield Road which shows this flat submitted to planning with a nice patio area (see image below) in this planning application they have made a smaller patio with a fence c2m away as a starting position before the development. The starting position should be with no fence and no development as this is the garden of 1 Hillfield Road. The day light should represent the current situation and after. Putting a fence up blocking the light and doing a day light report as if the fence is in position is very misleading.



Policy 6.146 Lightwells to the side or rear of a property should be **set away from the boundary of a neighbouring property**. Excessively large lightwells will not be permitted in any garden space. CPG Basement also states that “Basement development must not cause harm to neighbouring properties”.

Garden shadowing – The gardens North facing so we have the morning sun and the afternoon sun. The day light report is misleading as it says it could be subject to overshadowing caused by the proposed development. Then the report goes further that the BRE requires only 2 hours of sunlight a day and then to show statistics that the development achieves this 100% of the time and 98% in June is not a large achievement. The fact is the afternoon is when most people have time to enjoy the garden after school or work and in the afternoon is when we will have the shadow of the building coming down on us.

Rubbish bins

Rubbish bins I am not sure if this space is adequate for 8 flats to include recycling bins.

Windows facing gardens of Hillfield Road houses

Appreciate that the new design now only have staircases overlooking the gardens of Hillfield Road houses, however, I expect that the design should have incorporated frosted windows instead of clear glass windows to protect the privacy of the neighbouring properties.

Front Elevations

The front elevations was misrepresented in the architectural drawings, the site as it incorporates the parking space of South mansion and the site frontage is simply build up to the boundary. See below illustration.



Conclusion

It is not disputed that Gondar Gardens is diverse including Victorian Mansion blocks and terraces, brick garages and modern brick infill development' but the scheme proposed will add nothing positive to this diversity simply negative impacts as highlighted above. I am not alone in expressing concern over the proposed development. Many of my neighbours have submitted objections to Camden Council. We care deeply about our local area and the scheme as proposed, if permitted, would be a detriment to our enjoyment of the area not an enhancement.

For the above reasons I would respectfully request that planning permission be refused. I believe there are substantial policy grounds for refusal where the application is non compliant and this includes supplementary planning guidance (SPG) and London Plan policies as highlighted.

Yours sincerely

Anna Proud
Gondar Gardens Investments Ltd