
From: e-mail oliver.froment [REDACTED]
Sent: 04 July 2021 20:05
To: Nora-Andreea Constantinescu; Planning Planning
Cc: grifkohl@aol.com; agnicoll; dmcastle1234; Stephen Stark; Maria Higson
Subject: Objections to Planning Application: PA 2020/0927/P 31 Willoughby Road NW3

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Dear Nora,

I object to the above application on many planning and legal grounds. In reference to the [UK Planning Portal](#) there are several material considerations why this application must be refused:

1. Layout and density of building: This proposal constitutes over development as it proposes additional development to an already over developed site.
2. Effect on listed building and conservation area: This proposal undermines the integrity and benefit of both the existing conservation area and contiguous heritage assets.
3. Overlooking/loss of privacy: This proposal via its close proximity to abutting listed Willow Cottages overlooks both habitable rooms and premium amenity space of immediate neighbours.

NPPF and Camden Plan: These applications breach both the NPPF and the Camden Plan on numerous grounds. Paragraph 7.41 of the Camden Plan states:

“7.41 The Council places great importance on preserving the historic environment. Under the Planning (Listed Buildings and Conservation Areas) Act the Council has a responsibility to have special regard to preserving listed buildings and must pay special attention to preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework states that in decision making local authorities should **give great weight** to conservation of designated heritage assets in a manner appropriate to their significance. **The Council expects that development not only conserves, but also takes opportunities to enhance, or better reveal the significance of heritage assets and their setting.**”

It is clear that the proposal does not in any way “enhance, or reveal the significance assets and their setting.” It does the opposite. One will also note that the applicant has not attempted to demonstrate that its proposal would enhance, or better reveal the significance of the heritage aspects and in any circumstances it could not.

This proposal is not in accordance with Paragraph 180 of the [NPPF](#) either:

“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”

Due to the very close proximity of Willow Cottages to 31 Willoughby Road where the rear amenity space to the 9 cottages is of prime importance as premium community and private south facing amenity space, this proposal will impact on the privacy of all residents and families living in Willow Cottages.

There will also be light pollution from the large side and rear glazing of the proposal which is excessive and will impact on a number of habitable rooms facing the proposed works.

Paragraphs 193 and 196 of the [NPPF](#) state:

“193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

There are no public benefits to this application. On the contrary there are multitude of negative effects and nuisances that would accrue to the community under this proposal as described by the many objections of nearby residents and local amenity groups.

The heritage asset in this case is not a singular building but an integrated group of 9 listed terrace cottages set within a listed retaining trench. Greater weight must therefore be applied.

Given this, the cohesive collection of these cottages and structures makes their heritage importance even more important and LPA have a clear duty to recognise this. Remember too that the submitted Eldred documents identify the fragility of such buildings by way of poor construction methods and poor building materials used in this type of housing and during this period.

The importance of the heritage asset value is beyond the numeracy exercise set out in the engineering analysis of the applicant’s submitted BIA. It is of far greater importance. Policy Paragraph 193 must be adhered to. This proposal only adds unnecessary risk and real damage to heritage assets. This application should be refused on these grounds alone.

There will also be damage to the rear listed wall that bounds the rear of the 9 listed cottage properties known as Willow Cottages. This is contrary to Policy A5 of the Camden Local Plan and it will also harm the prime amenities of neighbours.

The application is also contrary to paragraph 6.143 of the Camden Local Plan.

-Density of building: the property of the applicant is sandwiched on several sides by properties in a tight corner and it would materially and negatively impact the layout and the density of the built layout, which is another material consideration,

There will also be damage to the rear listed wall that bounds the rear of the 9 listed cottage properties known as Willow Cottages. This is contrary to Policy A5 of the Camden Local Plan and it will also harm the prime amenities of neighbours.

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Procedural issues on the BIA process:

There are outstanding issues many of them raised by GCG, the neighbour's geotechnical expert, that have not been duly addressed to this day. These issues need to be addressed correctly, given full and proper consideration as the fragility of the existing listed contiguous and abutting structures is documented.

One of the many deficiencies of the BIA is that the predicted damage on the listed wall does not show that it has factored in the rudimentary texture and fabric of the listed wall built in the 1850's. Whilst it is acknowledged by the applicant's consultants in the recent Audit 3 submission documents that [a] there is a bowed end of the terrace at 33 Willow Road, [b] the construction methods and materials found in such period buildings as Willow Cottages, is both poor and fragile, this critical information has not been factored properly into the engineering analysis nor has there been an attempt to have additional and cautionary protections suitable for such heritage assets in its proposal.

Furthermore, the Eldred report dated 02/21 submitted by the applicant admit this when it states "Neither strength nor stiffness of the wall and footing materials are considered" in page 13 of its report. This sort of information should have been addressed and included prior to determination. It would be procedurally negligent to leave this to the party wall agreement process as at that stage the neighbours would have no legal say on the applied methodology.

This application is also in breach of policies DHA1, DH2 and BA2 of the Hampstead Neighbourhood Plan.

Please refuse this application.

Oliver Froment, NW3 1SL