

From: Ewan Campbell
Sent: 10 December 2021 16:57
To: Planning Planning
Subject: FW: (2021/4432/P) [REDACTED] - Objection on behalf of Mr. & Mrs. Brown (4 Wadham Gardens)
Attachments: Covering Letter.pdf; SITE PLAN.pdf

Hi

Can this be uploaded on to the website and registered as a objection

Thanks

Ewan Campbell
Planning Officer
Supporting Communities
London Borough of Camden

Web: camden.gov.uk

5 Pancras Square
London N1C 4AG

From: Tim Waters [REDACTED]
Sent: 10 December 2021 16:44
To: Ewan Campbell [REDACTED]
Subject: (2021/4432/P) 2 Wadham Gardens, NW3 3DP - Objection [REDACTED]
[REDACTED]

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious. Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Dear Mr. Campbell,

Please find attached representations from Mr. & Mrs. Brown [REDACTED] objecting to this planning application.

I would be grateful if you could kindly acknowledge receipt in return.

Yours sincerely,

Tim Waters
Director

[REDACTED]



W: renewplanning.co.uk

[REDACTED]

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10 December 2021

Camden Council
Development Control
Planning Services
Town Hall
Argyle Street
London, WC1H 8ND

Dear Sir/Madam,

2 Wadham Gardens, London, NW3 3DP
Planning Application Reference No. 2021/4432/P
Objection on behalf of Mr. & Mrs. Brown [REDACTED]

We are instructed on behalf of the freehold owners of no. 4 Wadham Gardens (Mr. & Mrs. Brown and hereafter 'our client') to object to planning application reference no. 2021/4432/P relating to no. 2 Wadham Gardens and registered by the Council on 11 November 2021 with the following development description:

"Variation of Condition 5 (Approved Drawings) of planning permission ref: 2007/6360/P dated 01/07/2008 for 'The excavation of the basement and erection of a glazed extension to the rear and new door to replace existing within the rear elevation', namely to omit part of the basement under the driveway, addition of lightwells to the front, reduction of skylights to the rear, basement slab lowered, skylight reconfigured to reflect red line boundary and omission of internal skylight and internal glazed stairwell".

We have undertaken a detailed review of this planning application and the site planning history generally and our client's objection is manifested in the following substantive concerns:

- Planning permission 2007/6360/P granted on 01/07/2008 for the excavation of the basement and erection of a glazed extension to the rear and new door to replace existing within the rear elevation is held by the applicant to be extant (i.e. capable of being fully implemented at any time) by virtue of the lawful development certificate granted on 30/11/2011 under application reference no. 2011/5077/P, which had the effect of determining that the underpinning works undertaken at the time constituted a lawful implementation of the planning permission.
- Notwithstanding this, the approved site plan (PL/02 Rev A) under planning permission 2007/6360/P incorporated an element of our client's land ownership interest within the red lined area (namely the boundary wall marked 'existing wall' on this drawing). For completeness, a copy of this drawing is attached. In fact, we are advised that the red lined area also incorrectly includes part of our client's garden demise. Furthermore, the associated planning application form shows that a Certificate A ownership certificate was completed and not the required Certificate B.



Hence, notice of this planning application failed to be served on our client under the provisions of Section 65 of The Town and Country Planning Act and The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- The current planning application proposes amendments to planning permission 2007/6360/P and has been submitted pursuant to Section 73 of The Town and Country Planning Act 1990 in the belief that this planning permission remains extant. However, we would contend that there was no such lawful implementation of the planning permission in circumstances where planning permission 2007/6360/P was granted with an incorrect ownership certificate and without the required notice being served in accordance with the relevant statutory provisions.
- It is instructive, therefore, that the current Section 73 application seeks to remedy this error with a 'corrected red line boundary' (as so described in the covering letter from Savills dated 10 September 2021). Nevertheless, the submitted site plan (drawing no. P_0201) continues to incorporate the boundary wall within our client's ownership interest. Consequently, the planning application is deficient in terms of its incorrect ownership certification and a failure of the applicant to correctly serve notice on our client in accordance with the relevant statutory provisions.
- Furthermore, it is evident from a comparison of the basement drawings (PL/07 Rev B & PL/21 Rev A) approved under 2007/6360/P and the proposed amended basement drawings (P_1999 & 2021-148-02-A) that the basement excavation appears to have been enlarged to the extent that it is understood that the basement construction would lie directly under our client's boundary wall. However, this enlargement has not been directly acknowledged by Savills in its covering letter and nor is it referenced in the Council's proposed development description.
- In view of the substantive nature of this amendment and notwithstanding our contention regarding the current legal status of planning permission 2007/6360/P, the current planning application must be properly assessed according to the provisions of the statutory development plan. In this respect, it is instructive that there has been a material change in planning policy since planning permission 2007/6360/P was granted. The statutory development plan currently comprises the London Plan 2021, Camden Local Plan 2017 and Hampstead Neighbourhood Plan 2018. Regard must also be had in decision-making to the National Planning Policy Framework (NPPF) and Camden Planning Guidance.

As such, planning law dictates that the current planning application must be assessed against the provisions of Policy A5 of the Camden Local Plan relating to basement development.

Policy A5 states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:



- a. Neighbouring properties;
- b. The structural, ground, or water conditions of the area;
- c. The character and amenity of the area;
- d. The architectural character of the building; and
- e. The significance of heritage assets.

The policy further advises that when determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan. The expectation is that the siting, location, scale and design of basements must have a minimal impact on, and be subordinate to, the host building and property.

To this end, basement development should:

- f. Not comprise of more than one storey;
- g. Not be built under an existing basement;
- h. Not exceed 50% of each garden within the property;
- i. Be less than 1.5 times the footprint of the host building in area;
- j. Extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. Not extend into or underneath the garden further than 50% of the depth of the garden;
- l. Be set back from the neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. Avoid the loss of garden space or trees of townscape or amenity value.

The policy states that all applicants will be required to demonstrate that basement development proposals:

- n. Do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';
- o. Avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- p. Avoid cumulative impacts;
- q. Do not harm the amenity of neighbours;
- r. Provide satisfactory landscaping, including adequate soil depth;
- s. Do not harm the appearance or setting of the property or the established character of the surrounding area;
- t. Protect important archaeological remains; and
- u. Do not prejudice the ability of the garden to support trees where they are part of the character of the area.



- The current planning application has been submitted to the Council with no such technical assessment. Instead, the Savills covering letter, while acknowledging the material change in planning policy, simply asserts that the 'implemented basement could be completed on site at any time and this is a material planning consideration'. Savills further maintain that 'overall the proposed amendments seek to reduce the extent of basement in terms of volume as such the construction period and impacts will be reduced'. In the circumstances, this is a completely disingenuous and factually incorrect statement.
- While we would obviously dispute the materiality of the original planning permission, the current planning application is procedurally deficient (in terms of red line, ownership certification and notice provision) and thus should be withdrawn. In any event, the proposed revisions constitute a material change to planning permission 2007/6360/P (by virtue of the Section 73 procedure being engaged) and the applicant has failed to justify the amendments according to current planning policy. As such, and in circumstances where the basement excavation appears to have been enlarged to the extent that it would lie directly under our client's boundary wall, it is incumbent on the applicant to comply with the provisions of Policy A5 of the Camden Local Plan and submit a Basement Impact Assessment examining the scheme's impact on drainage, flooding, groundwater conditions and structural stability. In the absence of such assessment, the planning application is contrary to the provisions of development plan policy and must therefore be refused.

We trust these comments are helpful and we would respectfully reserve the right to submit further representations to the Council according to our further examination of these plans in the event it is considered necessary to do so. Notwithstanding this, in our view, the application should clearly be withdrawn.

If we can be of any further assistance in the meantime, please do not hesitate to contact the undersigned.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Tim Waters", with a stylized flourish at the end.

Tim Waters
Director
For and on behalf of RENEW Planning Limited



Site: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Name: 2 WADHAM GARDENS
Project Number: 450
Project Date: 30 JULY 2022
Project Status: PLANNING
Project Type: PLANNING
Project Description: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Address: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Contact: 020 7123 4567
Project Email: info@greigling.com
Project Website: www.greigling.com
Project Notes: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project History: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project References: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Documents: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Images: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Videos: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Audio: 2 WADHAM GARDENS, LONDON, W8J 7JN
Project Other: 2 WADHAM GARDENS, LONDON, W8J 7JN

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