

From: John Pearce
Sent: 22 September 2022 10:03
To: Planning Planning
Subject: 2022/2863/P - 9-11 Belsize Grove, London, NW3 4UU
Attachments: 22-09-2022 Objection Letter.pdf

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Dear Sirs,

Please find attached an objection letter submitted on behalf of Adam Sweeting, Luke Palmer and Bob Katovsky, the directors of 9-11 Belsize Grove Freeholders Ltd in respect of application reference 2022/2863/P for the “*Replacement of existing structure and erection of a single storey garden studio for ancillary residential purposes*” at land rear of 9-11 Belsize Grove, London, NW3 4UU.

The content of the letter has been submitted via the Council’s website.

I would be grateful if you could confirm receipt of this letter.

Thank you.

Kind regards,

John

JOHN PEARCE | Principal Planner

For & on behalf of Brooks Leney

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Camden Council
Development Management
Camden Town Hall
Judd Street
London
WC1H 9JE

Our ref: JDP/KATOVSKY/61588P
Your ref: 2022/2863/P
Date: 22nd September 2022

FAO Cameron Banks-Murray

Dear Sirs

Ref: Proposed Replacement of existing structure and erection of a single storey garden studio for ancillary residential purposes at land rear of 9-11 Belsize Grove, London, NW3 4UU

We are instructed by Adam Sweeting, Luke Palmer and Bob Katovsky, the directors of 9-11 Belsize Grove Freeholders Ltd to object to application reference 2022/2863/P for the “*Replacement of existing structure and erection of a single storey garden studio for ancillary residential purposes*” at land rear of 9-11 Belsize Grove, London, NW3 4UU (“the Site”).

Background

The application contains inaccurate information, which throws into question the quality of the submission. The parcel of land upon which the Site is located comprises a wholly separate piece of land, detached from Flat 6, 9-11 Belsize Grove, which is a flat to the front of the building overlooking Belsize Grove. There are two separate, and distinct, Titles of land, a point which is note highlighted within the application submission. The Title Number in respect of Flat 6 (NGL518755) has been superseded by Title Number BB2485, whilst the Title Number in respect of the land to the rear is NGL623035. These separate Titles are owned separately and independently and could be sold independently to separate owners.

There is no direct access from Flat 6 to the Site with the only way of accessing the Site being through the existing building comprising 9-11 Belsize Grove. Drawing Number 2201.PL.01, which shows the location plan is somewhat misleading in this respect as the Site is separate from the flats, including Flat 6, within 9-11 Belsize Grove, being under a wholly separate title.

The description of the development indicates that the proposed garden studio would be a replacement for an existing structure, however it is evident that there is no existing structure at the Site and the studio would therefore not be a ‘replacement’. In addition, it is noted that the building would be ‘for ancillary residential purposes’ but fails to provide any further explanation as to what purposes these could entail. The layout plan, as shown on Drawing Number 2201.PL.02, suggests that the studio could include a workstation, but the layout also includes a W.C. with a shower, a sink to the rear wall and a large walk-in cupboard, as well as further storage space to the side

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accessed via a separate external door. The facilities to be provided within the building, alongside throws into question the intended use of the building, and rather than being ancillary, could actually be a wholly separate unit of residential accommodation. The Council should seek clarification on the intended purpose(s) of the building, particularly if the Site is sold off; whilst the current owner may not be considering using the building for commercial purposes, a future owner may well consider using it for such purposes, i.e. for 'Airbnb' use.

Furthermore, an inspection of the plans, raises concern as to the final layout of the building. The floor plan on Drawing Number 2201.PL.02 indicates that there would be a skylight in the roof (as shown dashed in blue), however no such skylight appears in the proposed elevations within Drawing Number 2201.PL.03.

Planning Considerations

It is considered that the proposal constitutes an unacceptable form of development, contrary to the relevant policies provided within the Camden Local Plan, the London Plan and the National Planning Policy Framework (the NPPF). The salient issues of this application are considered in turn below:

Effect on the Character and Appearance of the Site and its Surroundings (including the Belsize Conservation Area)

Policy D1 of the Camden Local Plan states that the Council will seek high quality design in development, which respects local context and character, and preserves or enhances the historic environment and heritage assets in accordance with Policy D2. The Site is located within the Belsize Conservation Area, which is a designated heritage asset, and Policy D2 therefore applies alongside the provisions within the NPPF.

Paragraph 189 of the NPPF states that heritage assets "*...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*" and Paragraph 199 states that "*when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation*". Policy D2 of the Camden Local Plan repeats the thrust of the NPPF and requires that development within conservation areas preserves, or where possible enhances the character or appearance of the area.

The Site is located to the rear of the existing buildings fronting Belsize Grove, within the Belsize Conservation Area. The existing buildings fronting Belsize Grove are historic and typical of the locality. Whilst not listed, their age and character of the buildings mean that they should be considered as non-designated heritage assets; Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed outbuilding would be located to the rear of the Site close to the rear boundary, shared with the properties located in Howitt Road. Whilst not visible from the public realm, the building would be visible from many of the properties in the locality, including 9-11 Belsize Grove, but particularly the properties fronting Howitt Road, all of which are within the Conservation Area. The addition of a large outbuilding, which is of a scale significantly in excess of any other nearby structures (including the building which was proposed to be extended under application reference 2013/6600/P), within an area typified by its verdant open space and mature trees, would appear

wholly incongruous and out of character with the undeveloped area to the rear of the existing buildings and would harm the character of this part of the Conservation Area.

The proposed development would appear incongruous within the Site and appear out of character within the surroundings. The development would therefore be in conflict with Policy D1 of the Camden Local Plan. Furthermore, the proposals would harm the significance of the Belsize Conservation Area. In the absence of any public benefits for the scheme, the development would fail to accord with the Policy D2 of the Camden Local Plan and the NPPF.

Effect on Trees

Policy A3 of the Camden Local Plan states that *"the Council will protect, and seek to secure, additional, trees and vegetation"* and will resist the loss of trees, including for proposal which may threaten the wellbeing of such trees.

The Arboricultural Impact Assessment and Method Statement ("the AIAMS") states at Paragraph 1.6 that the consulting arborists have not been advised of a Tree Preservation Order ("TPO") at the Site. The Site is subject to a Tree Preservation Order Number 'C220 2000', which relates to a Birch, Robinia and an Ash to the rear of 9-11 Belsize Grove. Although the Birch and Robinia are positioned away from the Site, the Ash is located immediately adjacent to the intended access path, which would be used to accommodate the services below ground. The value of the tree is emphasised by the TPO designation, notwithstanding the protection afforded to it by being located within a Conservation Area. The lack of information within the AIMAS in respect of the protection given to the tree through the TPO raises some doubt as to the veracity of the report.

The AIMAS notes, at Paragraph 5.8.1, that *"the nature of the design is such that it benefits from large, glazed areas maximising light penetration"*, but this fails to correspond to the submitted details, whereby only three openings are provided, allowing only minimal natural light into the accommodation. Two of the openings, to the W.C./shower room and to the front of the 'desk area', comprise small openings that would allow little natural light into the respective rooms, whilst the door and larger window is recessed from the front elevation limiting the amount of light penetrating into the room. The proposed retention of many of the existing mature trees would further reduce the amount of natural light reaching the rooms and would result in future pressure to carry out works to the trees to improve the amount of natural light reaching the building.

The proposed development would be located amongst several mature trees, which help to define the character of the area within which the Site is located. The development, both during the construction and operational phases would threaten the integrity of the trees at and near the Site and could put pressure on the trees to be further cut back or removed due to excessive shading causing a lack of daylight. The proposed development would therefore have an unacceptable, detrimental effect on trees and would fail to accord with Policy A3 of the Camden Local Plan.

Residential Amenity

Paragraph 130 of the NPPF requires that development proposals seek to ensure that existing and future users are provided *"...with a high standard of amenity"*. In addition, Policy A1 of the Camden Local Plan states that *"the Council will seek to protect the quality of life of occupiers"* and will only grant planning permission if there would be no *"unacceptable harm to amenity"*.

The Site is located close to the rear boundary of the wider parcel of land comprising 9-11 Belsize Grove, abutting the boundary with properties fronting Howitt Road. The building would project above the height of the boundary wall/fence, being clearly visible from the neighbouring properties,

which have shallow rear gardens whereby development such as this would have a high impact on the outlook from their properties. The provision of a building in the location proposed, in such close proximity to the boundary, would appear oppressive and, with the intended use of the building unclear, could have the potential to generate significant levels of noise and disturbance in an area, which has a low level of background noise.

The proposed development would reduce the level of amenity enjoyed by occupants of neighbouring properties, through the loss of outlook and through the potential harm generated by increased levels of noise and disturbance. The proposed development therefore fails to accord with Policy A1 of the Camden Local Plan and the NPPF.

Other Matters

It is noted that the only way of accessing the Site, and providing services to it, is through the existing building at 9-11 Belsize Grove. This would appear to be a wholly unacceptable scenario, particularly during the construction phase, whereby materials, equipment/machinery as well as water, sewerage and electricity services would need to be installed (including within the existing building itself) causing disruption to residents. The front door is the main Fire Exit for the existing building and any disruption would therefore be of significant Health and Safety concern.

In addition, the installation of such services could allow for future severance to become an independent unit of accommodation. The provision of facilities, such as the W.C. and shower room, kitchenette and storage space, within the proposed building suggests that the studio could be used independently.

Summary

It is considered that the application scheme fails to accord with the aforementioned policies and is unacceptable in terms of the effect on the character and appearance of the Site and the Conservation Area, its effect on trees and in respect of its impact on the level of amenity enjoyed by neighbouring residents. It is therefore suggested that the application should be refused.

If the application is to be determined by Committee, we request that we are advised of the Committee date so that our clients or their representative can attend and make any further representation, should they wish to do so.

Yours faithfully,

John Pearce MSc MRTPI | Principal Planner
For & on behalf of Brooks Leney

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