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Tewkesbury Lodge Estate Residents' Association

Member of the London Forum of Amenity and Civic Societies

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Membership Secretary: Daniel Bailey

Date: 19th December 2012

For the attention of: Geoff Whittington

Reference: DC/12/81741/X

Dear Mr Whittington,

Please find below our objection to above planning application for 51-53 Canonbie Road. The Tewkesbury Lodge Estate Residents' Association (the 'Association') has existed for over 50 years and one of its aims is to protect and preserve the quiet residential character of the neighbourhood for the benefit of the Association's members and all the other residents of the Tewkesbury Lodge Estate (the 'Estate').

Background

The development proposal is to demolish the existing building at 51-53 Canonbie Road (herein 'the site') and to construct a "part two / part three-storey building with roof space, incorporating Juliette balconies...". As pointed out in other letters of objection to this proposal, the elevation drawings show that there would be four storeys at the rear and three storeys at the front of the proposed development, given that the roof space is to be used as living accommodation. The above statement made by the applicant therefore appears to be a misrepresentation of the facts of the application.

Canonbie Road

Canonbie Road is one of the best (and yet quietest) roads in London. The top of the road is the same height as Kenwood on Hampstead Heath and the steeply sloping road falls away to afford some of the most stunning views across the whole of London's skyline. The existing properties in this road are a mix of period Victorian and 1930s large family houses which step down the street and afford each other views across the city.

The plot for this application is an unusual double width plot with a character 1926 house and one could imagine it being redeveloped into two family houses in such a way as to continue this existing street rhythm and add positively to the street.

The proposed development is vastly out of scale with the existing context and will have an unacceptable impact on the adjoining houses and on the character of the street as a whole.

Objections

Our objections are given below, along with some additional notes.

Overdevelopment of the plot

The applicant states in their Design and Access Statement (DAS) that any development “would need to stay as close as possible to the existing building footprint” (section 3.1, p10). Other sections of the DAS make reference to the proposed development keeping the footprint the same as that of the building currently on the site.

The proposed development is:

- Still twice the footprint of the existing building.
- Very much larger in height than the existing single storey dwelling (with roof space) in spite of the applicant's claims in their DAS section 7.2, p15, point 4 that the “extent of the roof height is minimised to maintain a natural appearance on the streetscape”.

Therefore the proposed development will clearly dominate the Canonbie Road streetscape and constitutes overdevelopment of the plot.

Impact on daylight / sunlight, overlooking and blocking of views

The proposed development will:

- Result in significant daylight loss to three ground level windows (facing within 90 degrees of south) on 49 Canonbie Road; one of the rooms affected is a habitable room, and this would not be acceptable under Building Research Establishment (BRE) guidelines.
- The owner of 55 Canonbie Road will suffer from reduced daylight in to their conservatory as well as having the views across London's skyline that they have enjoyed for many decades blocked by the proposed development.
- The owners of 49 Canonbie Road will suffer from significantly reduced sunlight to both front and rear gardens.
- The Juliette balcony at the rear of the proposed development will lead to unacceptable overlooking in to the conservatory and rear garden of 55 Canonbie Road.

The above points were raised during previous applications and have clearly not been addressed by the developer.

Adverse impact on parking

The Lifetime Homes Statement (LHS) states under Criterion 2 that “the majority of parking is provided at the rear of the site with additional parking available on the front and on the highway”. There are several significant problems with this:

- Building six flats on the site is likely to bring a significant number of additional cars, and need for car parking, on to this particular part of Canonbie Road (which is near a junction with Netherby Road). Provision of only four car parking spaces will increase the pressure on car parking around the site, inconveniencing existing residents and potentially encouraging parking on the near-by road junction, thus introducing a public safety hazard.
- The Proposed Site Plan neither shows any parking to the rear of the site nor how much could be provided; in fact that part of the plan is classified as a “communal garden”.
- Furthermore, if this part of the site is to be used for parking (several references are made to this in the applicant's DAS), access to that would have to be from Sydmons Court, which is a private road. Therefore the applicant has no right of access on this road. It is also highly unlikely that the residents of Sydmons Court would accept granting of access, especially as granting of access would have to be unanimously agreed.

The LHS describes that on-plot parking should have at least one parking space where the width is at least 3.3m wide and 4.8m deep. The Proposed Ground Floor Plan shows four off-street parking spaces (2 set of 2 car parking spaces). None of the 4 individual parking spaces drawn is of this minimum width; therefore, to accommodate this, one vehicle parking space would have to

be sacrificed, thus pushing yet one more vehicle on to the street. This will put further pressure on car parking on the road outside the site.

Additionally, the LHS says that an "...additional bay is proposed to the front of the site for wheelchair users which is located closer to the main entrance" (Criterion 1b). Pursuing this option would detract further from the front appearance of the proposed development and completely remove the front garden. The loss of the front garden would be a significant and permanent blot on the Canonbie Road streetscape.

Moreover, the above points further show that the application has been inadequately put together and is considered overall to be of very poor quality.

Inaccuracies in the DAS not covered elsewhere in this letter

The applicant states that:

1. A "daylight study has been conducted with no negative impact on number 49 Canonbie Road found".
 - The BRE guidelines state that there 3 main tests which can be carried out in order to establish impact of light loss to neighbouring properties (1. Diffuse day lighting to windows; 2. Sunlight availability to windows; and 3. Sunlight availability to open spaces and gardens).
 - This daylight study, which presumably is independent and incorporates the abovementioned tests, has not been submitted (or, if it has, no copy has been provided for viewing on the online service).
2. This new proposal has "the benefit of a local resident consultation". Other parts of the DAS point to the new application taking in to account local residents' concerns.
 - A Canonbie Road resident (Mr Jason Syrett, who has also written a letter of objection) very kindly arranged a meeting, in the absence of any such consultation driven by the developer. This meeting took place on 31st July 2012.
 - The plans are dated 21st May 2012, which pre-dates the meeting between the developer, local residents and the Association. It is therefore not clear if the feedback given at that meeting has actually been incorporated in to the revised proposal.
3. Section 1.5, paragraph 1 states that the housing on Canonbie Road consists of mainly post-war properties. It has been pointed out on many occasions that this is incorrect.
4. Section 4.2, point 4, state that "the development will promote a sense of ... community".
 - We have found that involvement with community events and activities is significantly reduced from residents who live in flats on the Estate compared to those who live in detached / semi-detached properties. Therefore, we ask for them to provide supporting evidence for the above claim.
5. Section 5.1, top of p13, the applicant states that "currently the site is flanked on either side by properties which are 2-3 storeys high".
 - The applicant has notably misstated the number of storeys in their development by omitting the roof space as being a single storey, yet including the roof-space in the above statement with respect to the neighbouring properties.
6. Section 7.1, p14, the applicant states that the "Architectural characteristics of the road ... are varied and comprises mainly of detached and semi-detached houses ... although there is a mixture of architectural styles in the area, it doesn't lend to the idea that any sort of scheme would be acceptable".
 - During the meeting with local residents and representatives of the Association on 31st July 2012, it was made very clear that the loss of the existing building and development of a block of flats was not acceptable; however, a high quality development of potentially 2 semi-detached properties **might** be acceptable.
 - The applicant implicitly states that a block of flats on Canonbie Road is not usual and is yet proposing such a development.

7. Section 7.2, p15, point 10, states that the 'elevational treatment' with respect to the material façades “breaks down the mass of the building and would be in keeping with the neighbouring properties”.
- As has also been pointed out in other letters of objection, the current proposal is out of context with existing asymmetric Victorian / 1930s character properties on Canonbie Road.
 - There has also not been any proper attempt to break down the scale of the development nor properly step the buildings down the hill.

Lifetime Homes Design Guide (LHDG) criteria that have not been met

With respect to the LHS submitted:

1. Criterion 5b has not been met:
 - The lifts need to have minimum internal dimensions of 1.1m by 1.4m – all four floor plans show a lift which, according to the scale, is smaller than this.
 - All clear landings adjacent to the lift entrance should be 1.5m by 1.5m – according to the scale, all four floor plans show the area outside the lift entrances is smaller than this.
2. Criterion 6 has not been met in the hallway entrances to Flats 3 and 5 (it must be of width minimum 1.2m; the scale drawings show a width less than this).
3. Criterion 12a (potential for installation of a stairlift): this requirement is stated as being met; the minimum width specified is 900mm – all four floor plans show a width less than this on the stairways.
4. Criterion 14 has not been fulfilled in many of the bathrooms.
 - In most cases a clear 1.1m space between the end of the toilet and a wall / bath is not provided according to the floor plans.
 - There are numerous other examples where this criterion has not been met but they are omitted here.
5. Criterion 15 has been stated as being met throughout, however, from the submitted drawings, it is not possible to tell if this has been met in Flat 6.

Miscellaneous

The application form states that the site is currently vacant. This is not true. We understand that the house is currently rented out as residential accommodation under a standard 6 month assured shorthold tenancy agreement.

Our conclusions

From the above analysis, this development appears to have clearly been designed (once again) to maximise profit at the expense of the neighbours' amenity. In our subjective opinion, leaving the points above to one side for a moment, this proposed development is wholly unacceptable for this reason alone. We therefore conclude, taking in to account all of the above, that the Council should reject this application.

Yours sincerely,

David Lowe
Chairman
For, and on behalf of, Tewkesbury Lodge Estate Residents' Association

Addendum

Restrictive covenants and other common law considerations (including the Prescriptions Act 1832)

Although we recognise and accept that the matter of restrictive covenants (and other common law mentioned herein) is not a consideration within the planning process, their existence has already been brought to the attention of the applicant. We wish to raise the below points with the Council and kindly request that the Council bring this to the attention of the applicant (for the benefit of all involved) as any development must be within the law, even if permitted under the planning process.

Restrictive Covenant

There is a Restrictive Covenant on the site which states clearly that "Nothing is to be erected beyond the building line shown on the said plan. No more than one house is to be built on either of the plots hereby conveyed." Local residents are aware, from recent experience, that restrictive covenants are still enforceable by those who have the benefit of them.

Prescriptions Act 1832

Our understanding is that, under this Act, the 'right to light' is automatically obtained if light has been enjoyed through defined apertures of a building uninterrupted for more than 20 years. It seems to us (albeit as laymen) quite likely that this would be the case here.