

For the attention of Mr John Mclean  
Planning and Building Control  
2 Bristol Avenue  
Colindale  
London, NW9 4EW

Date: 14-11-20

From: JEFFREY AND OFRA GRAHAM  
171 WEST HEATH ROAD  
LONDON NW3 7TT

Dear Mr Mclean

**Ref: Application reference 20/4748/FUL**  
**84 West Heath Road, London, NW3 7UJ**

My/our comments on the above are as indicated below:-

(tick accordingly)

- ☒ No council notes of any pre application and no positive feedback has been given to residents.
- ☒ The current use of this property is C2 (nursing home, school etc). This has protection under the current Barnet Council Local Plan. Under that plan, "only under exceptional conditions they would allow the loss of such use" and in the event that it could be demonstrated it could not be put this use. There is no evidence provided of this and no advertising of the site for the permitted use has been undertaken.
- ☒ The planning statement contains no such assessment of the land use principal.
- ☒ The applicant claimed in statement of community involvement to have undertaken consultation. This is the first time that the application has been seen let alone discussed.

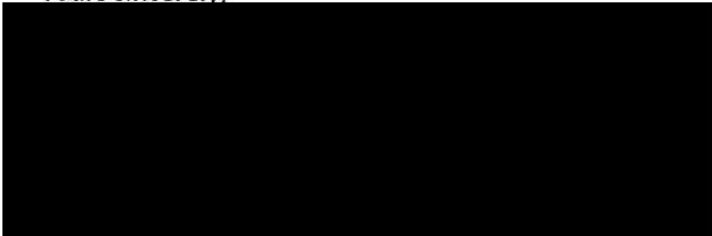
- ✓ The application is aggressive and hideous. It has no regard to planning policy consideration of compatibility with local context and character (The immediate surrounding is characterised by family sized housing and not multi storey apartments). Certainly not in keeping with the ethos of the area.
- ✓ The premises have significant historical relevance and knocking down this beautiful Victorian property would be unthinkable.
- ✓ There is a genuine and increasing lack of care home spaces in London. This site has permission for care home and could be restored as such use. Care home spaces are reaching crisis point with a 8% decrease in spaces in London. Why is Barnet allowing change of use when this is a viable site for a care home paying market rate as opposed to elevated cost for big commercial development. [www.telegraph.co.uk/news/2017/10/04nine-ten-areas-have-shortage-care-home-places-within-five-years](http://www.telegraph.co.uk/news/2017/10/04nine-ten-areas-have-shortage-care-home-places-within-five-years)
- ✓ The proposed roof terrace from its position '6' floors up will overlook all neighbouring properties, taking away the residents right to privacy and quiet enjoyment. If garden space is required it should be incorporated into the landscaping and not provided up high as a result of over developing the building mass.
- ✓ It seems extraordinary that planning was found to be non compliant on the premises when it 'partially complied with being a boarding school and C2' use, but the ratio of day to overnight students was not felt to comply. The school was told that there was 'no way' that planning officers could grant leniency and a school which supported **children with special education needs in the area was therefore forced to disband** to smaller premises causing many pupils to go to less suitable schools. This proposed use, which is purely of financial benefit to the developers and does not comply in any way with C2 use should not be granted permission.
- ✓ Eden Close is the closest premises to the site it is a high end housing development. They were not invited to a local stakeholders meetings. Why?
- ✓ Feedback on the Applicants proposed redevelopment of the site suggests that there is good support for the scheme, with many local residents welcoming both the Applicant's involvement and the change of use from education to residential. Again there is absolutely no evidence of this.

Additional comments This development will entail years of large lorries delivering + taking away spoil, - creating danger in a busy road as well as dust, pollution and lower air quality and noise from machines.  
This has never been a residential site - it's ex status usage  
Recommend rejection of this application for the sake of all local residents.

Would you please kindly acknowledge this representation and keep me/us advised at all times.

Please also advise of any zoom meetings that could be participated in and kindly pass these comments on to the councillor(s) who sit on the planning committee.

Yours sincerely,



**From:**siobhanbussetil

**Sent:**Mon, 16 Nov 2020 16:40:48 +0000

**To:**Planning Consultation

**Subject:**84 West Heath Road, NW3 7UJ. Application 20/4748/FUL

Dear Sir,

I am writing to register my objections to the above Application for the construction of a five storey apartment block.

I have read the guidelines on your website regarding reasons for objecting to a development and I have to say that I object on practically every level. Some of the houses on Westover Hill will be overlooked, particularly since the developers plan to create a roof garden on what will effectively be a sixth storey. A beautiful Victorian house will be demolished, many mature trees will have to be cut down, and the construction will cause noise, pollution and considerable disruption of traffic for possibly two to three years.

I believe that at present the site has a usage of C2, ie community use as a school or residential home, surely there is a greater need for such an establishment than a huge development comprising of 45 apartments and parking for over 60 cars.

I would like to add my objections to those of many local residents who share my dismay at such a proposal.

Yours faithfully,

Siobhan Bussetil  
7 Westover Hill  
London  
NW3 7UH

Sent from my iPhone



## Carter, Richard

---

**From:** Planning Consultation  
**Sent:** 16 November 2020 15:05  
**To:** Mclean, Josh  
**Subject:** FW: 20/4748/FUL 84 West Heath Road NW3

FYI

Regards

[REDACTED]  
Planning Technician  
Planning Department  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)

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-----Original Message-----

**From:** [REDACTED]  
**Sent:** 11 November 2020 12:09  
**To:** Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
**Subject:** Re: 20/4748/FUL 84 West Heath Road NW3

Dear [REDACTED]

My address is 19 West Heath Gardens NW3 7TR


Kind regards

Valerie Shannon


Sent from my iPhone

> On 11 Nov 2020, at 09:57, Planning Consultation <[Planning.Consultation@barnet.gov.uk](mailto:Planning.Consultation@barnet.gov.uk)> wrote:  
>  
> Dear madam  
>  
> Please provide your full home address in order to log your comments.  
>  
> Many thanks

>  
> Kind regards  
>  
> [REDACTED]  
> Planning Technician  
> Planning and Building Control  
> London Borough of Barnet  
> 2 Bristol Avenue, Colindale, London, NW9 4EW  
> Tel: [REDACTED]  
> Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)  
>  
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>  
>  
>  
>  
>  
> -----Original Message-----  
> From: [REDACTED]  
> Sent: 04 November 2020 12:58  
> To: Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
> Subject: 20/4748/FUL 84 West Heath Road NW3  
>  
> Dear Sirs  
>  
> I would like to raise an objection to the proposed building of a large block of flats at 84 West Heath Road. I am a resident in West Heath Gardens and understand this building will cause a lot of mayhem in this area with noise and air pollution being one of the many unwelcome factors.  
> The property has been used for community purposes e.g. as a school or nursing home, not for residential use and there will be the loss of trees and shrubs as well as a lot of private homes being overlooked.  
> I hope you will take these observations into consideration and refuse the grant to build this large block of flats on this site.  
>  
> Yours faithfully  
>  
> Valerie J Shannon  
>  
> Sent from my iPad  
>  
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>  
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>  
> This message has been scanned by Exchange Online Protection.

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From:   
Sent: Mon, 16 Nov 2020 16:02:58 +0000  
To: Planning Consultation  
Subject: Re: FW: Possible development on 84 West Heath Road

Dear Peter Zinkin,

You asked for my address. It is:

Flat 3,  
4 Cannon Place  
London NW3 1EJ

I do hope you can stop this.

With best wishes,

Lana Gavin

On Mon, Nov 16, 2020 at 3:11 PM Planning Consultation  
<[Planning.Consultation@barnet.gov.uk](mailto:Planning.Consultation@barnet.gov.uk)> wrote:  
Hello,

Would you please confirm your address as it is something we need to log your objection?

**Regards**



**Planning Technician  
Planning Department**

London Borough of Barnet

2 Bristol Avenue, Colindale, London, NW9 4EW

Tel:   
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** Mclean, Josh <[Josh.Mclean@Barnet.gov.uk](mailto:Josh.Mclean@Barnet.gov.uk)>

**Sent:** 11 November 2020 11:55

**To:** Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
**Subject:** FW: Possible development on 84 West Heath Road

Objection to 20/4748/FUL

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**From:** [REDACTED]  
**Sent:** Tuesday, November 10, 2020 5:35 pm  
**To:** [peter.zinkin@gmail.com](mailto:peter.zinkin@gmail.com)  
**Subject:** Possible development on 84 West Heath Road

Dear Peter Zinkin,

I am writing to you to let you know that I object to the possible development at 84 West Heath Road. This is not a residential buui;lding, nor has it ever been. it will cause a huge amount of dust, pollution and noise to the surrounding area (where I live) - which will be a health hazard to local inhabitants. Also many mature trees, foliage and scrub will be destroyed.

I believe that the council is supposed to be marketing the site as a C2 use for a substantial period - up to 2 years - before another use can even be considered - and this has not happened.

So I do hope this will not go forward.

Sincerely,

[REDACTED]

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## Carter, Richard

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**From:** Planning Consultation  
**Sent:** 18 November 2020 12:33  
**To:** Mclean, Josh  
**Subject:** FW: 84 West Heath Road, NW3 7UJ. Application 20/4748/FUL

FYI

Regards

[REDACTED]  
Planning Technician  
Planning Department  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)

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-----Original Message-----

**From:** [REDACTED]  
**Sent:** 16 November 2020 16:41  
**To:** Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
**Subject:** 84 West Heath Road, NW3 7UJ. Application 20/4748/FUL

Dear Sir,

I am writing to register my objections to the above Application for the construction of a five storey apartment block.

I have read the guidelines on your website regarding reasons for objecting to a development and I have to say that I object on practically every level. Some of the houses on Westover Hill will be overlooked, particularly since the developers plan to create a roof garden on what will effectively be a sixth storey. A beautiful Victorian house will be demolished, many mature trees will have to be cut down, and the construction will cause noise, pollution and considerable disruption of traffic for possibly two to three years.

I believe that at present the site has a usage of C2, ie community use as a school or residential home, surely there is a greater need for such an establishment than a huge development comprising of 45 apartments and parking for over 60 cars.

I would like to add my objections to those of many local residents who share my dismay at such a proposal.

Yours faithfully,

Siobhan Bussetil  
7 Westover Hill  
London  
NW3 7UH

Sent from my iPhone

**From** [REDACTED]

**Sent:**Wed, 18 Nov 2020 19:43:33 +0000

**To:**Planning Consultation

**Cc:**Ryde, Cllr Shimon;Zinkin, Peter (Personal);Clarke, Cllr Anne;mike.freer.mp@parliament.uk

**Subject:**84 West Heath Road Application 20/4748/FUL

Dear Sir/Madam

We are the owners of Flat 3 Horizons's Court 51 West Heath road which is very close to the subject property. We object to the redevelopment proposed on the grounds that the scale and height is excessive. In addition, we object to the loss of the attractive existing building which we would have hoped could be reused and incorporated within any scheme. The proposals represent an overdevelopment of the site and an unacceptable intensification of use for the site.

We are not averse to reasonable development but the scale proposed is not appropriate in the area. Please have regard to our representations.

Thank you.

Yours faithfully

Charles and Lesley Okin

## Carter, Richard

---

**From:** Tim Waters <tim@renewplanning.co.uk>  
**Sent:** 18 November 2020 10:40  
**To:** Mclean, Josh  
**Subject:** (20/4748/FUL) Land at 84 West Heath Road, London, NW3 - Objection on behalf of Mr. & Mrs. Katz

Dear Mr. Mclean,

We are instructed on behalf of Mr. and Mrs. Katz (an immediate neighbour on Eden Close) to submit the attached representations registering their strong and formal objection to this planning application. I would be grateful if this documentation could be uploaded onto the Council's electronic planning file of the application and we would also request that significant weight be given to these concerns when exercising your future decision making on this application. For completeness, I have also attached an unsigned copy of our correspondence to assist with your redaction protocols.

I trust this is helpful, but if we can be of any further assistance in this matter, please do not hesitate to contact me. Please can you also kindly acknowledge receipt of this objection in return.

Regards  
Tim

**Tim Waters**  
Director

T: +44 (0) 20 7243 9827 | M: +44 (0) 7798 826988



W: [renewplanning.co.uk](http://renewplanning.co.uk)  
A: 22 Berghem Mews, Blythe Road, London, W14 0HN

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18 November 2020

Josh Mclean  
Planning and Building Control  
London Borough of Barnet  
2 Bristol Avenue  
Colindale  
London  
NW9 4EW

Dear Mr. Mclean,

**84 West Heath Road, London, NW3 7UJ**  
**Planning Application Reference No. 20/4748/FUL**  
**Objection on Behalf of Mr. & Mrs. Katz**

We are instructed on behalf of Mr. & Mrs. Katz to object in the strongest possible terms to planning application reference no. 20/4748/FUL, dated 7 October 2020, relating to land at 84 West Heath Road, London, NW3 7UJ, and proposing the full demolition of the existing (Class C2) building and construction of a new 7-storey building (including 2 storeys below ground level) containing 45 flats (Class C3), basement car parking and related facilities.

Our clients live on Eden Close, a private estate road serving 8 large family-sized dwellings situated directly to the north and north-east of the application site and within an area that would be both directly and detrimentally affected by the proposed development in terms of its wider townscape and amenity impacts.

Accordingly, we would wish to object on the following grounds:

1. Land-Use Principle.

The current lawful use of the application site is Class C2 (residential institutions) which The Town and Country Planning (Use Classes) Order 1987 (as amended) defines as follows:

*"Hospitals, nursing homes, residential education and training centres. Use for the provision of residential accommodation and care to people in need of care".*

Health facilities (which would include care homes) are defined in Barnet's Local Plan (and specifically in the Appendix D Glossary of the Core Strategy) as a community facility.

Community facilities are afforded planning policy protection in Barnet's Local Plan and specifically under Policy DM13 of the Development Management Policies DPD.

Policy DM13 advises that the loss of community (and education) uses will only be considered acceptable in “*exceptional circumstances*” and where:

- i. *New community or education use of at least equivalent quality and quantity are provided on the site or at a suitable alternative location.*
- ii. *There is no demand for continued community of education use and that the site has been marketed effectively for such use.*

More detailed policy guidance is given at Paragraph 14.1.8 of the supporting policy text advising that the following factors should be evidence-based when considering the loss of any community use:

- Does the community facility meet the needs of a specific section of a community?
- Can these needs be met by another local community facility or proposed facility (replacement)?
- Could improving the facility strengthen the demand for its use?
- Could it be used for another community use?
- How accessible is the building to public transport, walking and cycling and other local services such as shops and could this access be improved?
- Is there an overriding community need for another use?
- Has effective marketing been carried out? Effective marketing is continuous active marketing for a period of 12 months at an appropriate level both for rent and sale which can be agreed in advance with the Council (at pre-application if appropriate) with no interest expressed in its existing use or other community facilities.

Paragraph 14.1.19 further advises that redevelopment of a community facility will only be permitted “*where the above factors are appropriately addressed and the criteria set out in the policy are met*”.

The Planning Statement prepared by SM Planning in support of the planning application fails to justify the loss of the existing Class C2 use as part of its overall assessment of land-use principle. Indeed, it does not even acknowledge the policy protection afforded to the current use and the need to directly address Policy DM13 of the Development Management Policies DPD (which is conveniently not cited as a material policy consideration at Section 6 of the Planning Statement) as part of the required first-principles approach to demonstrating the acceptability of an alternative housing use of the site in planning policy terms. Instead, the Planning Statement simply contends (at Paragraph 7.1.2) that “*housing is compatible with the existing land uses in the surrounding area and the site, for the purposes of planning law, is defined as previously developed land*”.

The Planning Statement also maintains (at Paragraph 7.1.5) that the proposed development would “*contribute significantly to Barnet’s identified housing need*” and that as the existing use is “*redundant*”, the provision of housing “*in this sustainable location outweighs the loss of the existing building*”. However, the Council currently benefits from a 5-year housing land supply and so any housing need argument would only carry a very limited degree of weight (and would not be decisive on its own) in any land-use argument.



Accordingly, the applicant has failed to address the requirements of planning policy conferring protection on the existing use and in the absence of any such assessment and demonstration of ‘exceptional circumstances’, we would maintain that the land-use principle of a proposed housing development on the site has not been appropriately justified.

## 2. Principle of Demolition

The existing building is not without architectural and historic merit (a point directly acknowledged by the Victorian Society in its own representations to the Council on this application) and merits retention and re-use. Furthermore, the principle of demolishing the building has not been established in land-use terms relative to point 1 above.

## 3. Development Density/Character & Appearance

The NPPF requires all planning decision-making to ensure that new developments are sympathetic to local character and history, including the surrounding built environment and landscape setting (127). This objective is reinforced at the London-wide level through Policy 7.4 of the London Plan, requiring development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings, and Policy D3 of the draft (Intend to Publish) New London Plan, requiring the form and layout of development proposals to enhance local context by delivering buildings and spaces that respond to local distinctiveness, including in terms of their scale, appearance and shape. At a local level, Policy CS5 of the Core Strategy seeks to ensure that all development in Barnet respects local context and distinctive local character, creating buildings and places of high-quality design. Furthermore, Policy DM01 of the Development Management Policies DPD requires development proposals to be based on “*an understanding of local characteristics*” with proposals expected to “*preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets*”.

The proposed development would result in the introduction of a large flatted development into an immediate and localised site context that is characterised predominantly by single family dwelling houses extending over 2-3 storeys in height. While there are some examples of flatted developments nearby (e.g. Oracle Apartments (4-storeys) – 63 West Heath Road & Oak Lodge (5-storeys) - 67 West Heath Road), they are both situated on the west side of West Heath Road approximately 100m away from the application site. Hence, they cannot be considered to define the immediate site context and the established/predominant building typology within the area.

The excessive scale of the proposed development is readily apparent from a comparison of the existing and proposed perspective view drawings that are somewhat conveniently hidden away in the applicant’s Daylight and Sunlight Assessment report (at Appendix 1). These drawings provide a perfect illustration of how the overall scale, bulk and massing of the proposed development would result in an overly dominant and visually obtrusive building that would be completely out of keeping with, and detrimental to, the established character and appearance of the area.

While it is acknowledged that the existing building also helps to define local context, it is considerably smaller than the proposed replacement building and is of an appreciably more sympathetic scale to its surroundings.

As such, it is unquestionably the case that the proposed development constitutes gross over-development (which is also evident from the overall GIA increasing from 1,812m<sup>2</sup> currently to 6,069m<sup>2</sup> as proposed) and would be completely incompatible with the established local context and character of the surrounding area. Hence, it completely fails the test of planning policy in this respect, which seeks to ensure that all new development has regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.

In our view, this harm is manifested in the fact that the proposed development density (113dph) exceeds the provisions of the London Plan Density Matrix that would ordinarily be viewed as a starting point for planning judgement when assessing the true development capacity of a site, albeit it is acknowledged that the density matrix has been removed as an assessment tool in the draft New London Plan in favour of a greater emphasis being placed on the need for development to be compatible with local context. Notwithstanding this, it is also noted how the Council is still applying this density matrix to its own decision-making and so we would maintain that this 'exceedance' is symptomatic of the over-development and incompatibility with local context.

#### 4. Affordable Housing

There are planning policy objectives at all levels of contemporary decision-making aimed at securing the maximum reasonable amount of affordable housing from major-scale residential developments. Policy H4 of the draft New London Plan sets a strategic target of 50% of all new homes delivered across London to be genuinely affordable with Policy DM10 of the Development Management Policies DPD identifying a borough-wide target of 40% affordable housing (subject to viability) on sites providing 10 or more units gross or covering an area of 0.4 hectares or more. The Planning Statement is silent on this issue, although the Design and Access Statement references an 'affordable housing viability assessment', which concludes that an affordable housing contribution would be "*more appropriate*" than on-site provision. The NPPG (Paragraph 021) advises that any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Furthermore, even in those circumstances, an executive summary should be disclosed. In the absence of any such disclosure, we would maintain the lack of on-site affordable housing would constitute a further breach of planning policy.

#### 5. Housing Mix

The proposed development provides predominantly for 2-bed units (comprising 87% of the overall proposed dwelling mix) whereas Policy DM08 of the Development Management Policies DPD advises that the 'highest priority' need for market dwellings is 4-bed homes with 3-bed homes being a 'medium priority'. By contrast, the applicant's accommodation schedule shows that just 7% of the flats are proposed to be 3-bed dwellings (with no 4-bed dwellings proposed).

The Planning Statement asserts that *“the area is saturated with large detached homes comprising of 5 bedrooms or more”* (Paragraph 7.3.2), which fails to directly address the question as to why the priority need for smaller family-sized homes (in the form of 3/4-bed dwellings) is unable to be met on site. Consequently, the applicant has not provided any evidence-based justification to support the substantial shortfall of family-sized housing relative to planning policy in this respect.

#### 6. Housing Size

The applicant's accommodation schedule shows the majority of the flats to be substantially over-sized relative to the minimum NDSS space standards. If the current dwelling mix were sized to the minimum NDSS standards, the overall GIA would be 3,165m<sup>2</sup> relative to the 6,069m<sup>2</sup> GIA proposed in this application. Hence, on this basis alone, the proposed development is almost twice the size of what a more NDSS compliant scheme would be expected to be in terms of floorspace provision, a point accentuated by the fact that the excess floorspace (2,904m<sup>2</sup> GIA) would be sufficient to accommodate an additional 40 or so flats sized to minimum NDSS standards. Hence, the true housing capacity of the proposed development would be 95 flats if the current dwelling mix were resized to minimum NDSS standards. This provides further evidence of the excessive and completely unacceptable scale of the proposed development.

#### 7. Car Parking

The Council's car parking standards are set out under Policy DM17 of the Development Management Policies DPD. The standard for 2/3-bed flats is 1.5 spaces to 1 space per unit, which equates to a maximum car parking provision of between 45-68 car parking spaces. The Transport Statement prepared in support of the planning application references a total of 66 car parking spaces being provided for the proposed development of which 55 spaces would be provided at lower ground and basement levels. However, according to the Council's 2019 Parking Study, the average car ownership levels in Barnet for 2-bed flat is 1.14, which would equate to a parking demand of 52 spaces (as rounded up).

Accordingly, we would maintain that there is an over-provision of car parking (equating to 14 spaces) relative to standard, which has not been appropriately justified. This would also call into the question the sizing of the proposed basement car park area.

#### 8. Misrepresentation

The applicant's Statement of Community Involvement is misleading insofar as it is stated that there is 'good support' locally for the application proposals. The strength of the local opinion (and objection) emerging against this proposed development suggests that this is far from the case and so it is completely disingenuous for the applicant to maintain otherwise.

## 9. Tree Impact

Our clients also have multiple concerns relating to the tree and landscape impacts of the proposed development, which are set out in the Arboricultural Assessment Note prepared by DPA and forming part of this submission.

## **Conclusion**

The planning application is deficient in a number of respects and planning permission should be refused for the following reasons:

1. The applicant has failed to justify the loss of the existing Class C2 use according to the precise assessment criteria outlined under Policy DM13 of the Development Management Policies DPD, which otherwise confers protection on existing community facilities (which are defined in the Core Strategy as including health facilities) unless there are exceptional circumstances for not doing so. The applicant's land-use justification for a housing development on the site has not been predicated on any evidence-based assessment (including the minimum 12-months marketing evidence) demonstrating a lack of need for a retained Class C2 use on the site.
2. The proposed development would result in the introduction of a flatted development into an immediate site context predominantly characterised by large family-sized dwellings. This incompatibility with local context is manifested by the excessive scale of the proposed development accentuated through its siting and design, which would result in an overly dominant and visually obtrusive development that would be completely out of keeping with, and detrimental to, the established character and appearance of the area. The application proposal constitutes over-development, which is reflected in its excessive development density relative to the provisions of the London Plan density matrix. The proposal would therefore be contrary to Policy CS5 of the Core Strategy and Policy DM01 of the Development Management Policies DPD.
3. The proposal would fail to provide affordable housing on the site in accordance with the provisions of Policy DM10 of the Development Management Policies DPD.
4. The over-development is also manifested in the over-provision of car parking on the site relative to the provisions of Policy DM17 of the Development Management Policies DPD and fails to take account of average car ownership levels in Barnet for 2-bed flats.
5. The overall 2-bed housing mix (and, in particular, the lack of family-sized housing) has not been appropriately justified in the context of Policy DM08 of the Development Management Policies DPD.
6. The resultant tree impacts are unnecessary and can be avoided without the need for such an aggressive and overly dominant development that would completely detract from the established local context of the immediate area.



Finally, it is completely disingenuous and misleading for the applicant to maintain that the proposed development benefits from the broad support of the local community based in prior public consultation. This is certainly not the case and is evident from the ever-increasing number of objections being made to this application.

For the above reasons, we urge the Council to move to an immediate refusal of planning permission.

Yours sincerely,

**Tim Waters**  
**Director**  
**RENEW Planning Limited**

## ARBORICULTURAL ASSESSMENT NOTE

Project No: DPA-9099

Project Name: Land At 84 West Heath Road, London NW3 7UJ

Date: 17<sup>th</sup> November 2020



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### 1.0 INTRODUCTION

- 1.1 I have been appointed by Mr & Mrs Katz to undertake a detailed review of the recently submitted planning application Ref: 20/4748/FUL for the development of land at 84 West Heath Road, London ('the site'). Mr & Mrs Katz live within Eden Close, a road with 8 residential dwellings that are situated directly to the north and north-east of the application site.
- 1.2 I have been asked to identify the arboricultural issues of the planning application, to carry out a technical investigation, including desktop study and to express my independent opinion with respect to matters within my expert field that materially influence this application. I have been supplied with the relevant documents that pertain to the planning application including the application and supporting documents.
- 1.3 I am the Director of DPA Arboricultural Consultants. I have over 30 years' experience in both the private and public sectors of the arboricultural industry. I have been the Tree & Landscape Manager for three Local Authorities (Richmond, Kingston & Haringey Councils), been appointed the Vice Chairman of the London Tree Officers Association and been a Technical & Regional Director for one of the largest Tree, Landscape and Ecology Consultancy Practices in Europe (Landscape Planning Limited).
- 1.4 During this time, I have managed entire Council tree populations with principal responsibility for Highways, Parks, Housing & Education trees, and all tree-related planning matters, including Tree Preservation Orders and trees on development sites. I have written planning policy, strategy and guidance documents both for individual Councils and all 33 London Boroughs. I have assisted with the development of specific methodologies and systems for Tree Preservation Order Reviews, including Tree Preservation Order file audits, method statements, survey techniques and tree landscape value & amenity assessments that are utilised by a number of Local Planning Authorities.
- 1.5 I am an Arboricultural Consultant specialising in tree failure, hazard evaluation, risk assessment related to trees and buildings, planning and development where trees are involved, protection of trees on or close to construction sites, personal accidents involving trees, insurance claims where tree failure is involved and/or building damage occurs, Tree Preservation Orders and other Statutory Designations.
- 1.6 I operate across the UK, and overseas, providing services to private and public sector clients principally, but not solely, within the construction and property industries on projects ranging from single dwellings through to major developments of thousands of units. Our clients include national and local developers and builders, architects, planning consultants, UK airports, local planning authorities, housing associations, schools, religious organisations and various corporate and private landowners.
- 1.7 My assessment has been undertaken with reference to the relevant local and national planning policies, Standing Advice, British Standard (BS 5837:2012 – Trees in relation to design, demolition and construction - Recommendations) and accepted best practice.
- 1.8 **I have concluded that there are numerous significant trees at the application site, that are shown as retained, that will be detrimentally impacted upon by the proposed development. The proposed development is therefore not in accordance with local and national planning policy, published guidance and accepted best practice and should not be granted planning permission in its current form.**



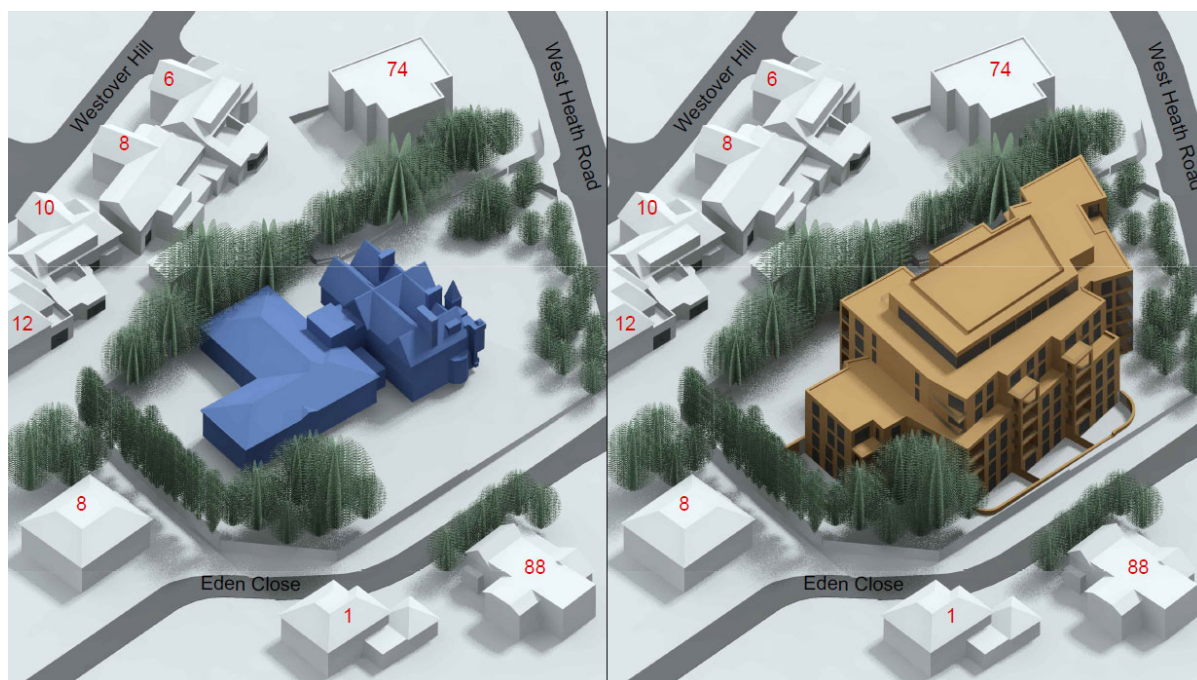
## 2.0 THE SITE AND STATUTORY CONTROLS – DESCRIPTION

- 2.1 The site is comprised of an existing detached school building with associated extensions, hard surfaces, and surrounding grounds. Numerous trees are currently situated both at and adjacent to the application site. The trees are of varying species, size, age, condition and visual significance.
- 2.2 The trees at this site contribute to boundary screening for several neighbouring properties and are making an important contribution to the general character and appearance of the local area.
- 2.3 A total of 39 individual trees, 7 groups of trees comprised of some 29 trees and 2 hedges comprised of some 19+ trees were surveyed by Landmark Trees in September 2020. A copy of the Landmark Trees Arboricultural Impact Assessment Report dated October 2020 and associated drawings has been submitted to accompany the planning application. All tree numbers noted within this statement are as detailed within the Landmark Trees report.
- 2.4 A copy of the Landmark Trees Tree Constraints Plan and Arboricultural Impacts Assessment drawings are enclosed at Appendix A for ease of reference.
- 2.5 I understand the line of Lime trees situated along the south-eastern boundary of the application site, which are detailed as T32, G35 & T36 within the Landmark Trees report, are subject to a Tree Preservation Order. I understand the application site is not situated within a Conservation Area.
- 2.6 A single Oak tree (T37) at the application site has been classified by Landmark Trees as a ‘Veteran’ tree with a safe life expectancy of more than 20 years. It states within the relevant British Standard (BS 5837:2012) that veteran trees are especially valuable and that veteran trees should therefore almost always be classified as A3 Category (i.e. Trees of high quality with significant conservation, historical, commemorative or other value) and given special consideration within any proposed development.
- 2.7 The 3 trees detailed as Oak T45, Oak T47 and Oak T48 were judged within the Landmark Trees report to be Category A (BS 5837:2012 – Table 1) and/or to be standout high quality specimens.
- 2.8 A further 14 trees (T2, T6, T7, T10, T11, T13, T22, T27, T28, T32, T34, T40, T41 & T42) were judged to be to be Category B (BS 5837:2012 – Table 1) and/or of moderate quality and landscape importance.
- 2.9 Some 18 individual trees, 7 groups of trees and 2 hedges were judged to be to be Category C (BS 5837:2012 – Table 1) and/or of low quality and landscape importance. However, the collective amenity value of many of the trees judged to be Category C within the Landmark Trees report should be taken into consideration. The collective value of many of these trees far exceeds their value as individual trees. Therefore, many of the trees at this site judged to be Category C should be considered to be Category B (BS 5837:2012 – Table 1) and/or trees of moderate quality and landscape importance. This opinion was also expressed by the London Borough of Barnet (Tree Officer) within a recent application (Ref: TPM/0624/19) at the site where the Tree Officer stated (in connection with Lime trees that are shown as being Category C or low landscape value within this application): *The trees are visible as part of a group from Westover Hill above and between the houses and can also be seen from Eden Close and partially seen from West Heath Road. They are also visible from surrounding properties. The line of TPO Lime trees has a collective amenity value that exceeds the value of the individual specimens and contributes to boundary screening as well as helping to soften the built form of the adjacent buildings and making a contribution to the general character and appearance of the area.*
- 2.10 There are numerous trees at the site that were not included within the Landmark Trees survey. The collective amenity value of these trees, which include specimens directly adjacent and/or prominent within West Heath Road, makes them a significant feature within the local landscape. It is unclear within the documents submitted to accompany the planning application whether these trees are to be retained and/or afforded the required protection in accordance with BS 5837:2012 or if they are to be removed as part of the proposals.

## Land At 84 West Heath Road, London NW3 7UJ

### 3.0 THE PROPOSALS

- 3.1 The proposed development of the site is described by the applicant as; *Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground.*
- 3.2 An extract from the Sunlight & Daylight Report dated October 2020 prepared by BVP and submitted to accompany the planning application is shown below and shows the extent of the existing building(s) at the site and the proposed development:



### 4.0 IMPACT ON TREES

#### Forward

- 4.1 The following detailed assessment of the arboricultural issues of the planning application are based upon a desktop study of the documents submitted to support the planning application.
- 4.2 Within a short distance of the stem, the roots of trees are highly branched, so as to form a network of small-diameter woody roots, which can extend radially for a distance much greater than the height of the tree, except where impeded by unfavourable conditions. All parts of the root system bear a mass of fine, non-woody absorptive roots, typically concentrated within the uppermost 600mm of the soil. The root system tends to develop sufficient volume and area to provide physical stability. The uptake of water and mineral nutrients by the root system takes place via the fine non-woody roots and associated beneficial fungi. Their survival and functioning, which are essential for the health of the tree as a whole, depend on the maintenance of favourable soil conditions. All parts of the root system, but especially the fine roots, are vulnerable to damage. Trees growing on a site before development takes place can, if adversely affected, be in decline over a period of several years before they die.
- 4.3 BS 5837:2012 provides information on determining a root protection area ('RPA') for a tree. This RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure must be treated as a priority.

- 4.4 Where tree retention (and tree planting) is proposed in connection with proposed developments the objective of the proposals should be to achieve a harmonious relationship between trees and structures, that can be sustained in the long term. This good practice is at the heart of the recommendations made the British Standard BS 5837:2012 and the other relevant published guidance.
- 4.5 Poorly and/or inconsiderately designed development can lead to: buildings having to be situated within root protection areas which can cause harm to root systems and result in the early decline of previously healthy trees, trees being so close to buildings that they need to be pruned to 'fit the building in', the shading or blocking of sunlight and daylight to habitable rooms and amenity spaces by trees and other perceived and actual nuisances which can all lead to pressure from occupiers for the removal of trees in the future.
- 4.6 It should be noted that comments made within this statement with respect to the potential conflicts between the proposed development and trees due to shading, daylight and sunlight matters have been made from my experience both in private practice working with Chartered Building Surveyors making these assessments and as a Local Planning Authority Tree Officer liaising with the general public living in close proximity to trees retained on development sites.
- 4.7 Please note the BVP Daylight and Sunlight Report dated October 2020 submitted to accompany the planning application does not consider daylight and sunlight matters within the application site (i.e. it only considers the impact of the proposed building on neighbouring properties). A detailed study in accordance with the relevant Building Research Establishment (BRE) criteria has not been undertaken by the applicant to assess the potential obstruction of light that will be caused by trees to habitable room windows and/or the private and communal amenity spaces shown within the proposed development.

#### Oak T37 (Veteran Tree)

- 4.8 As previously noted, Oak T37 has been judged by the applicant's Arboricultural Consultant to be a high quality or a Category A tree (BS 5837:2012 – Table 1) and to be a veteran tree. I concur with this assessment and classification of Oak T37.
- 4.9 I however do not concur that the construction of a 7 storey block of apartments and associated infrastructure within only some 4 to 5m of the main stem of a large veteran tree like Oak T37 is acceptable. **This is not in accordance with Section 5.2.4 of BS 5837:2012** which states '*Particular care is needed regarding the retention of large, mature, over-mature or veteran trees*' and '*Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance.*'. Furthermore BS 5837:2012 recommends that no construction works should occur within the root protection area ('RPA') of veteran trees.
- 4.10 Whilst there is an existing building within close proximity to Oak T37 the use of this building is entirely different being a Class C2 (i.e. a school building). The change in use to Class C3 or a residential building means that habitable rooms are now proposed adjacent T37, the closest window of which will be only some 4.6m away from the existing canopy of T37. Additionally, the proposals show a new private garden space for one of the proposed apartments is to be created, with T37 situated within it. The majority of the proposed private garden space will be under the canopy of this large veteran Oak tree and therefore shading and seasonal factors such as falling acorns, leaves and other natural debris will be likely to cause a nuisance for the occupiers. These factors will be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of T37. **This is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012, the published Standing Advice and accepted best practice for the retention of veteran trees adjacent a proposed development.**
- 4.11 Paragraph 175 of the National Planning Policy Framework (2019) states: '*When determining planning applications, local planning authorities should apply the following principles: **development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.***'.

- 4.12 The RPA (Section 4.6 BS 5837:2012) for Oak T37 is shown within the Landmark Trees report submitted to accompany the planning application as being some 399.7m<sup>2</sup> (or if expressed as a simple circle, a circle with a radius of 11.3m). **This is not in accordance with good practice and/or the standing advice from the Forestry Commission and Natural England**, who recommend increasing the size of the RPA for veteran trees.
- 4.13 When the Standing Advice for veteran trees is applied the RPA for T37 is some 624.5m<sup>2</sup> (or if expressed as a simple circle, a circle with a radius of 14.1m). Therefore, the total incursion into the RPA for T37 (assuming the construction of the basement and other retaining walls will not require any excavation beyond the footprints shown) is some 152.5m<sup>2</sup>. The incursion into the RPA by the proposed development is considerable and has the potential to cause significant harm to T37.
- 4.14 The landscape proposals include some 67.7m<sup>2</sup> of hard surface (or patio and/or terrace area) within the RPA for T37. Section 7.4 of BS 5837:2012 recommends that no construction, including the installation of new hard surfacing (permeable or otherwise), occurs within the RPA of veteran trees.
- 4.15 **The proposed development is therefore not in accordance with Sections 5.2, 5.3 & 7.4 of BS 5837:2012, the published Standing Advice and accepted best practice for the retention of veteran trees adjacent a proposed development.**
- 4.16 Within the Landmark Trees report submitted to accompany the planning application some 23.9m<sup>2</sup> of land is shown to be reclaimed (or made open ground) from under the existing building to compliment (or add to) the open ground within the RPA for Oak T37. This represents an area of just 3.8% of the overall RPA for T37. This relatively small improvement is outweighed by the extent of the incursion elsewhere within the RPA and/or the potential for the proposed development to cause harm to the root system of this veteran Oak tree.

#### Limes T34 & G35 (Trees Subject to Tree Preservation Order)

- 4.17 The proposed access ramp that descends into the basement car parking area and the associated retaining wall structure are situated within the RPAs of the above trees. Within the Landmark Trees report submitted to accompany the planning application the RPAs for T34 & G35 have been offset into neighbouring properties and/or significantly reduced within the application site.
- 4.18 Whilst there are existing changes in site levels, retaining walls and hard surfaces within the site that are likely to have restricted root growth, it is anticipated that some root growth from T34 and G35 (and T36) will be present underneath these existing site features. For example, the spot level shown on the applicant's topographical site survey within the raised ground adjacent Lime T34 is 19.021 and the spot level for the adjacent lower ground is 18.988. This change in levels is only some 330mm and therefore the small retaining wall adjacent these trees will not have completely prohibited root growth within this area of the site (depending on a number of factors roots can extend to 2m or more below ground level). Therefore, the RPAs for T34 & G35 should not be significantly offset and/or ignored within this area of the site.
- 4.19 The total RPA for Lime T34 is 221.6m<sup>2</sup> and the incursion by the access ramp into the RPA for Lime T34 is some 36.5m<sup>2</sup>. This is a significant incursion and therefore the proposed development has the potential to cause harm to Lime T34.
- 4.20 The average stem diameter at 1.5m of the 3 Lime trees within G35 is some 600mm, which equates to an RPA for each of the trees within G35 of 162.8m<sup>2</sup>. The average incursion into the RPA for the trees within G35 is some 32.6m<sup>2</sup>. This is a significant incursion and therefore the proposed development has the potential to cause harm to the Lime trees within G35.
- 4.21 As no finished levels for the proposed hard surfaces or access ramp and no engineers and/or construction drawings showing the actual construction details for the proposed retaining walls have been provided within the documents submitted with the planning application, a proper assessment of the potential impact on the root systems of the retained trees by the proposals cannot be undertaken. In the absence of this information I must conclude that **the proposed development has the potential to cause harm to the trees which are to be retained at and adjacent to the application site, some of which are subject to a Tree Preservation Order.**



Sycamore T42 (& Sycamore T40, Oak T41 & Oak T45)

- 4.22 Sycamore T42 has been judged by the applicant's Arboricultural Consultant to be a moderate quality or a Category B tree (BS 5837:2012 – Table 1). I concur with this assessment and classification of Sycamore T42.
- 4.23 The total RPA for Sycamore T42 is some 122.3m<sup>2</sup> and the incursion (assuming the construction of the basement and building walls will not require any excavation beyond the building footprint shown) into the RPA for T42 is some 12.9m<sup>2</sup>. This is a moderate incursion, and therefore proposed development has the potential to cause harm to Sycamore T42.
- 4.24 Within the Landmark Trees report submitted to accompany the planning application some 12.2m<sup>2</sup> of land is shown to be offset to the north of the RPA for T42, to compensate elsewhere on the site for the incursion into the RPA by the proposed building. However, this area of the site is under the main stems, canopies and within the root systems of other trees which are to be retained at the site. Therefore, the offset area shown will be very unlikely to either have existing roots from T42 within it at present and/or will not be able to provide an alternative rooting area to compensate for the proposed incursion in the future.
- 4.25 The pruning of Sycamore T42 back from the proposed building to provide 2m clearance has been specified within the application. There are a number of habitable room windows on the flank wall of the proposed building facing and/or directly adjacent T42, which is a large or 20m high tree. The canopy of T42 will be only 2m away from some occupiers' windows. Therefore, shading from T42 (and Sycamore T40, Oak T41 & Oak T45) will restrict daylight and sunlight to the habitable room windows within the proposed development and/or cause a nuisance for occupiers. This will be likely to bring about pressure from occupants in the future for significant tree works and/or the removal of T42 (and potentially T40, T41 & T45 for the same reasons).
- 4.26 Given the very close proximity of the proposed building, insufficient space has been allowed for the long-term physical retention and/or future growth of Sycamore T42. Given all of the above factors it is therefore likely that the retention of T42 will not be sustained in the future.
- 4.27 **For the reasons given above the proposed development is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

T1, T2, T4, T5, T6, T7, T9, T10, T11, T13, G14, T15, T18, G16, T19, T22 & T25

- 4.28 These trees are all situated adjacent the west site boundary and directly adjacent West Heath Road. Whilst some of these trees are individually of low quality or amenity value their collective amenity value is high and they make a significant contribution to the character of both the local and wider landscape.
- 4.29 The proposed apartment block, and associated habitable room windows and balconies, are so close to the canopies of some of these large mature trees that some will need to be pruned back from the proposed building to allow access during construction. The average clearance between the habitable room windows within the proposed block of apartments and the existing tree canopies is only some 3.4m. It is therefore likely that these retained trees will cause significant shading and/or obstruct daylight and sunlight to habitable room windows (and the proposed amenity spaces). These factors allied with both the actual and perceived nuisances of having large mature trees so close to residential apartments will be likely to bring about pressure from occupants in the future for significant tree works and/or the removal of trees adjacent this site boundary.
- 4.30 It should be noted that whilst False acacia T10 is shown as a Category U tree (i.e. trees in such a condition that they can only be expected to be retained for 10 years or less) on the drawings that accompany the planning application, T10 is described as a BS 5837:2012 Category B tree with 20+ years life expectancy within the Tree Data Tables of the Landmark Trees report submitted to accompany the planning application.

- 4.31 The total RPA for False acacia T10 is some 416.9m<sup>2</sup> and due to the adjacent public highway being likely to have restricted root growth, the RPA for T10 has been shown as increased and/or offset within the site (in accordance with Section 4.6.3 of BS 5837:2012) on the drawings submitted to accompany the planning application. Assuming the construction of the basement and building walls will not require any excavation beyond the building footprint shown, the incursion into the RPA for T10 is some 24m<sup>2</sup>. This is a significant incursion, and therefore proposed development has the potential to cause harm to False acacia T10. Within the Landmark Trees report submitted to accompany the planning application some 24.1m<sup>2</sup> of land is shown to be offset to the south of the RPA for T10, to compensate elsewhere on the site for the incursion into the RPA by the proposed building. However, this area of the site is some 15m distant from T10 and under the main stems, canopies and within the root systems of other trees which are to be retained at the site. Therefore, the offset area shown will be very unlikely to have existing roots from T10 within it at present and/or will not be able to provide an alternative rooting area to compensate for the proposed incursion in the future.
- 4.32 Trees T1, T2, T4, T5, T6, T7, T9, T10, T11, T13, G14, T15, T18, G16, T19, T22 & T25 are collectively prominent within the local landscape and are clearly visible from within the public realm. The proposed building is within very close proximity to these trees and insufficient space has been allowed to alleviate perceived and actual nuisance for future occupiers and/or allow the long-term physical retention and future growth of these trees.
- 4.33 Given all of the above factors it is therefore likely that the retention of some of the trees adjacent the West Heath Road will not be sustained in the future and tree removals and/or significant tree works will erode and/or eventually result in the loss of this important local landscape feature.
- 4.34 **For the reasons given above the proposed development is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

#### Holly T23

- 4.35 Holly 23 is shown to be retained and protected, both during and post development of the site, within the documents submitted with the planning application. Holly T23 is situated within very close proximity to the proposed building and the canopy of this tree will need to be pruned back to provide adequate space for scaffolding and/or access during construction.
- 4.36 The canopy of Holly T23 overhangs the majority of one of the proposed car parking spaces. Whilst there is some 3m clearance from ground level to the first branches within this tree, that will allow most vehicles to physically fit under the canopy of this tree (e.g. most luxury 4x4s are some 2m high), it is likely that this juxtaposition will cause a nuisance for future occupiers and/or their visitors. This in turn will be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of T23. Trees are naturally growing and shedding organisms and it is considered good practice to consider this with the design phase of the proposed development. Given the above factors it is likely that the retention of T23 will not be sustained in the future.
- 4.37 **For the reasons given above the proposed development is not in accordance with Section 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

#### Yew T27 & Horse Chestnut T28

- 4.38 Yew T27 and Horse Chestnut T28 have been judged by the applicants Arboricultural Consultant to be of moderate quality or a Category B tree (BS 5837:2012 – Table 1). I concur with this assessment and classification of these trees. It should be noted that there are numerous other small trees within this raised area of the site that are not included within the Landmark Trees report and/or drawings submitted to accompany the planning application. These ‘un-surveyed’ trees are collectively prominent within the local landscape and are clearly visible from within the public realm.



- 4.39 It is proposed to construct a refuse collection point and/or bin storage area that is some 15.04m<sup>2</sup> in size under the canopies and within the RPAs of Yew T27 and Horse Chestnut T28, adjacent to the site entrance. The existing site (and soil levels) within this area of the site and the RPAs of T27 & T28 are significantly raised and/or higher the adjacent existing driveway and footpaths. There is also an existing retaining wall to the edge of the existing driveway that is some 450-500mm high.
- 4.40 Within the London Borough of Barnet guidance document Information for developers and architects – Provision of Household Recycling and Waste Service dated April 2019 it states: ‘*Bin storage areas should be designed so bins can be easily accessible **without any steps or steep inclines**, with doors wide enough to enable bins to be manoeuvred through easily*’ and ‘*All bin sheds must have adequate storage capacity and space for manoeuvrability, **with access point and floor level at the same height as entrance footway**.*’ From my experience waste management services will not support proposals for development and/or grant consent for new bin collection points and/or bin storage areas for blocks of apartments that require bins to be manoeuvred up or down even small slopes or gradients or up and down over kerb edges etc.
- 4.41 BS 5837:2012 clearly recommends that no excavation and/or lowering of existing soil levels should occur within RPAs, to prevent damage to tree roots. In order for the proposed refuse collection point and/or bin storage area to comply with the Council’s requirements significant excavation works and/or lowering of existing soil levels will be required within the RPAs of both Yew T27 and Horse Chestnut T28. This will result in the loss or damage of roots and cause significant harm to these trees. In addition, several other trees that are not detailed within the Landmark Trees report and/or drawings submitted to accompany the planning application, but are clearly visible from within West Heath Road, will need to be removed to facilitate these proposals.
- 4.42 Within the London Borough of Barnet’s Local Plan Supplementary Planning Document: Residential Design Guidance dated October 2016 it states: ‘*Try not to disturb the ground near a tree or large shrub. If intending to undertake excavation or building works, always contact the council’s Tree and Landscaping section (within the Planning Department) to see if your proposal affects any tree (or its roots) and if any trees are protected by a Tree Preservation Order or by virtue of being locally listed within a conservation area. During building operations the council will expect that adequate precautions are taken to ensure that existing trees and their root systems and other landscape features are protected.*’.
- 4.43 **For the reasons given above the proposed development is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

#### Tree Works Recommended Irrespective of Proposals For Development

- 4.44 Tree works (not required to facilitate of the development) have been recommended within the Landmark Trees report submitted to accompany the planning application. These works include the removal of trees False acacia T12 & T18 and Holly T26. The removal of these trees is acceptable and/or required given their poor condition. Various other tree works and further inspections have been recommended to some 7 individual trees (T8, T10, T11, T22, T34, T41 & T45) and these proposed works are also all considered to be acceptable and/or required given the condition of some of the trees at the application site.

#### Tree Works Recommended To Facilitate The Proposals For Development

- 4.45 The removal of some 6 trees, Cherry T20, Pear T43, Hornbeam T44 & Yew G21 (x3 trees) are required to facilitate the proposals for development. The removal and replacement of these trees is considered to be acceptable as none of these trees are individually or collectively significant within the local or wider landscape. However, the replacement of Pear T43 and Hornbeam T44 will be difficult and/or not possible to achieve in similar locations and/or adjacent the site boundary with Eden Close for the reasons set out below at paragraph 5.9, within our assessment of the landscape proposals

## 5.0 LANDSCAPE & BIODIVERSITY

- 5.1 A Landscape Masterplan for the site, prepared by Cool Gardens Landscape Associates dated October 2020, which includes a number of concept drawings and planting plans, has been submitted to accompany the planning application.
- 5.2 BS 5837:2012 recommends that proposals for soft and hard landscaping should aim to protect existing trees and integrate them into new layouts. Within the London Borough of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance document dated October 2016 it states landscape proposals: *'should aim to protect existing trees and integrate them into new layouts'*.
- 5.3 The landscape drawings show both communal and private garden spaces at the site, the majority of which (at ground level) are to be situated directly under the canopies of established trees that are to be retained at the site. The extract below from the Cool Gardens Landscape Associates Drawing Number 795-005 dated October 2020 entitled Concept Plan with Trees, shows the extent to which the canopies of the existing trees overhang the proposed private and communal garden spaces:



- 5.4 Whilst there is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment, the recommendations within the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (which was developed in conjunction with daylight and sunlight recommendations in BS 8206: Part 2: 'Lighting for Buildings - Code of Practice for Daylighting') are seen as the benchmark and/or standing advice with respect to such matters. The BRE guidance states that for a private garden or communal amenity space to appear adequately lit throughout the year, at least half of the area should receive at least 2 hours of sunlight on March 21<sup>st</sup> (or the Spring equinox).

- 5.5 As previously noted a detailed study in accordance with the relevant Building Research Establishment (BRE) criteria has not been undertaken by the applicant to assess the potential obstruction of light that will be caused by trees to habitable room windows and/or the private and communal amenity spaces shown within the proposed development.
- 5.6 The combination of shading and/or lack of daylight and sunlight within the communal and private garden areas at this site caused by existing trees, combined with seasonal factors such as falling seeds, leaves and other natural debris will cause a nuisance for future occupiers. These factors will be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of established trees at the site.
- 5.7 The landscape proposals include numerous 'Sculptural Benches' which are shown within very close proximity and/or over the top of the main stems of the retained trees at the site. This shows a lack of consideration with regard to the existing constraints and/or trees at the site. If these works were to proceed as shown on the drawings submitted to accompany the planning application some trees would need to be removed to facilitate the landscape proposals.
- 5.8 Substantial new sculptural and ornamental planting is shown to be planted directly under the canopies and within the shade of the existing trees at the site. This again shows a lack of consideration with regard to the existing constraints and trees at the site. A combination of the roots of existing mature trees competing for water and nutrients within these areas and shading will make it difficult or some cases not feasible to establish the proposed planting.
- 5.9 Adjacent the site boundary with Eden Close there is some 2.3m between the substantial retaining wall structure for the basement apartment gardens and the existing site boundary. This leaves very little space (or insufficient soil volume) for replacement or new planting and means that larger tree species would be difficult to establish within this area of the site. The 8 trees shown to be planted within this area of the site on the Landscape Masterplan are *Amelanchier lamarckii* (Snowy Mespilus). This species is described by the Royal Horticultural Society as 'a large erect deciduous shrub or small tree' with an ultimate mature height of 8-12m after 10-20 years of growth. Given the mass and scale of the proposed block of apartments and the impact this will have on adjacent resident's amenity I consider both the area of land provided for landscape planting and the proposed landscape planting to be inadequate and contrary to the requirements of both local and national planning policy.
- 5.10 Within the London Borough of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance dated October 2016 it states that applicants should ensure new development '*is not detrimental to the biodiversity of an area and amenity spaces of existing and future occupants*'.
- 5.11 The National Planning Policy Framework 2018 states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity*'.
- 5.12 It is therefore important to establish the ecological baseline of a site in order to understand the impacts of the development proposals, including the loss of any trees, other vegetation and any habitats, to ensure the proposals make the required provisions for biodiversity net gains. Further clarification is therefore required as to the extent of habitat removal at this site and what provisions have been made with regard to biodiversity before the planning permission is granted. The Standing Advice from DEFRA recommends that the applicant should use an appropriate metric such as the DEFRA Biodiversity Metric 2.0 to demonstrate how the site will provide biodiversity net gain in order to comply with the National Planning Policy Framework 2018.



## 6.0 PLANNING POLICY

6.1 Within the Landmark Trees report submitted to accompany the planning application it states that the proposals will not have a significant impact on either the retained trees or wider landscape and therefore comply with the requirements of Policy 7.21 of the London Plan, Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS5 and CS7 of the of the London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012).

6.2 Within Chapter 7 of the London Plan, Policy 7.21 Trees and Woodlands, states: *'Existing trees of value should be retained'* and *'Boroughs should follow the advice of paragraph 118 of the NPPF to protect 'veteran' trees and ancient woodland where these are not already part of a protected site.'* Within this assessment I have shown that the proposed development is not in accordance with the recommendations made within the relevant published British Standard BS 5837:2012 and the Standing Advice from the Forestry Commission and Natural England and will therefore have a detrimental impact on the veteran Oak tree detailed as T37, as well as trees subject to a Tree Preservation Order and other trees of value. The proposed development is therefore not in accordance with London Plan Policy 7.21 or Paragraph 118 of the National Planning Policy Framework (2018).

6.3 Within the Development Management Policies DPD (adopted September 2012) Policy DM01: Protecting Barnet's character and amenity states:

- *All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.*
- *Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.*
- *Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*
- *Development proposals will be required to include hard and soft landscaping that:*
  - i. Is well laid out in terms of access, car parking and landscaping*
  - ii. Considers the impact of hardstandings on character*
  - iii. Achieve a suitable visual setting for the building*
  - iv. Provide an appropriate level of new habitat including tree and shrub planting*
  - v. Make a positive contribution to the surrounding area*
  - vi. Contributes to biodiversity including the retention of existing wildlife habitat and trees*
  - vii. Adequately protects existing trees and their root systems*
- *Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.*

6.4 Within this assessment I have demonstrated why the proposed development and landscape proposals represent poor quality design that does not carefully consider or respect the trees and their root systems or make adequate provision for their protection. The proposed development also does not allow for adequate daylight and sunlight for potential occupiers, either within their own apartments or within the proposed private and communal amenity spaces. The proposed development is therefore not in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

6.5 Within the London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012) Policy CS5: Protecting and enhancing Barnet's character to create high quality place, sets out how the Council will ensure that development helps to protect and enhance Barnet's heritage and character, and states developments should:

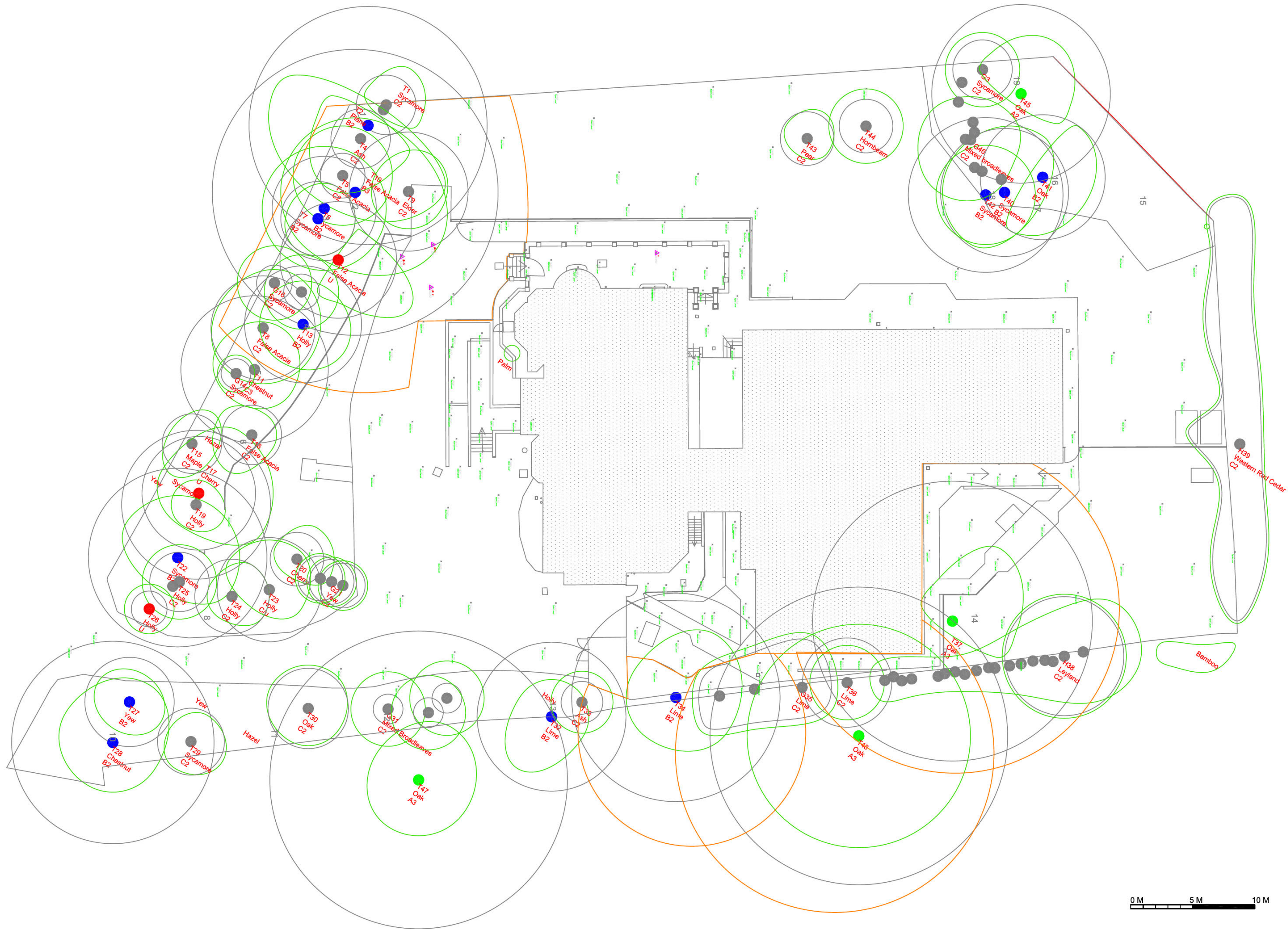
- address the principles, aims and objectives set out in the following national design guidance: By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life
- be safe, attractive and fully accessible
- provide vibrant, attractive and accessible public spaces
- respect and enhance the distinctive natural landscapes of Barnet
- protect and enhance the gardens of residential properties
- protect important local views from places within Barnet (as set out in Map 8)
- enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.

- 6.6 By Design, Secure by Design, Safer Places (and the updated new planning practice guidance), Inclusive Design and Lifetime Homes do not contain any recommendations with regard to arboricultural matters. The national design guidance Building for Life (2015) recommends that: *'any existing trees need to be carefully designed into the development.'*
- 6.7 My assessment has ascertained that due to the close proximity of the proposed block of apartments to trees on the site that there is likely to be damage to the root systems of trees during construction works and unreasonable pressure in the future from occupiers to either significantly reduce the height of trees or seek their complete removal leading to the premature loss of an important landscape feature. This is contrary to London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012) Policy CS5
- 6.8 Policy CS7 of the of the London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012) focuses on enhancing and protecting open spaces, Green Belt and Metropolitan Open Land and is not pertinent to the retention and safeguarding of trees on this site. Policy CS7 does however note that development should protect existing site ecology and that development should make the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements.
- 7.0 SUMMARY
- 7.1 It has been demonstrated within this assessment that:
- the proposed development will result in harm to and/or loss of trees that are significant within the context of the local and wider landscape.
  - the trees shown to be retained within the proposed development, including a veteran tree, trees that are subject to the Tree Preservation Order and other trees of value, will not be suitably protected either during or post development of the site in accordance with the requirements of the relevant British Standard (BS 5837:2012), Standing Advice or the Barnet Supplementary Planning Guidance documents.
  - the proposals for development do not comply with the recommendations made within BS 5837: 2012 (Section 5.3 – Proximity of structures to trees) and the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.
  - the proposals for development do not comply with both local and national planning policy.
- 7.2 **I must therefore respectfully submit that, given that the proposed development is not in accordance with local and national planning policy, published guidance or accepted best practice, the Local Planning Authority should not grant planning permission for the proposed development in its current form.**


## APPENDIX A

Landmark Trees Tree Constraints Plan and Arboricultural Impacts Assessment Drawings





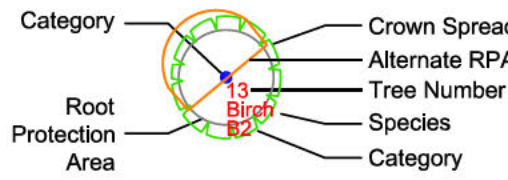
**NOTE:**  
This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.  
Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.  
Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).

**Landmark Trees**  
Holden House, 4th Floor, 57 Rathbone Place, London W1T 4JU  
Tel: 0207 851 4544 Mobile: 07812 989828  
e-mail: [info@landmarktrees.co.uk](mailto:info@landmarktrees.co.uk) Web: [www.landmarktrees.co.uk](http://www.landmarktrees.co.uk)

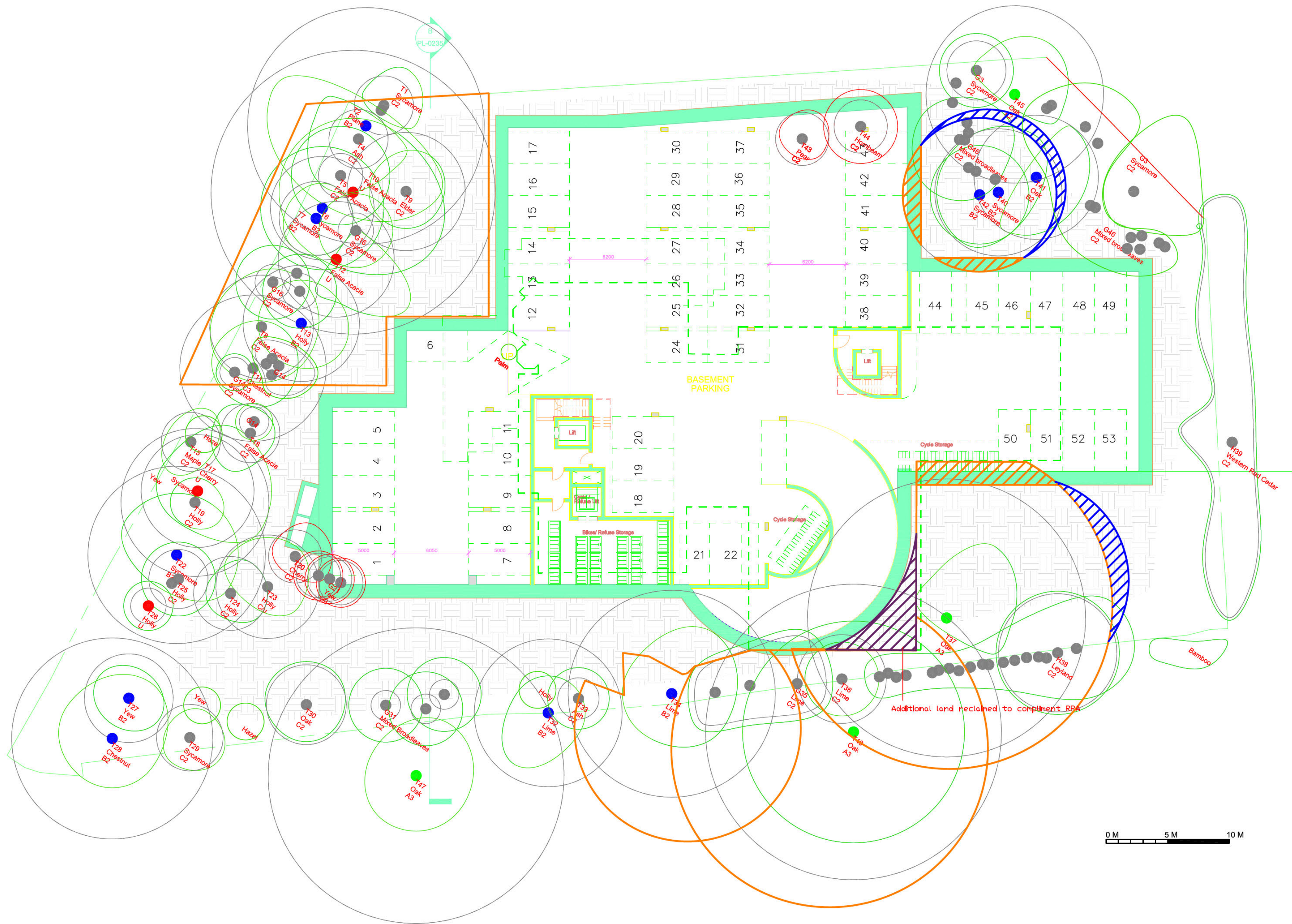
Site: 84 West Heath Road	1:200@ A1
Drawing Title: Tree Constraints Plan	September 2020

**Key:**

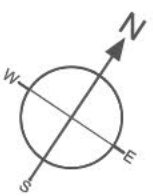
- Category A High Quality
- Category B Moderate Quality
- Category C Low Quality
- Category U Trees Unsuitable for Retention








0 M 5 M 10 M



Proposed Basement Plan

Area displaced from RPA  
Area from RPA redistributed

**NOTE:**  
This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.  
Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.  
Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).



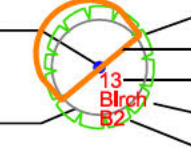
**Landmark Trees**  
Holden House, 4th Floor, 57 Rathbone Place, London W1T 4JU  
Tel: 0207 851 4544 Mobile: 07812 989928  
e-mail: info@landmarktrees.co.uk Web: www.landmarktrees.co.uk

Site: 84 West Heath Road	1:200@ A1
Drawing Title: Arboricultural Impacts Assessment	October 2020


**Key:**

- Category A High Quality
- Category B Moderate Quality
- Category C Low Quality
- Category U Trees Unsuitable for Retention

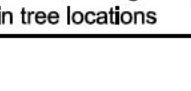
Note: Minor discrepancies between bases in existing and proposed plans may cause some approximation in tree locations



Crown Spread  
Tree Number  
Species  
Category



Root Protection Area

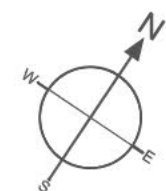


Tree Felled To Facilitate Development






Proposed Lower Ground Floor Plan



**NOTE:**  
This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.  
Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.  
Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).



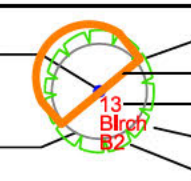
**Landmark Trees**  
Holden House, 4th Floor, 57 Rathbone Place, London W1T 4JU  
Tel: 0207 851 4544 Mobile: 07812 989928  
e-mail: info@landmarktrees.co.uk Web: www.landmarktrees.co.uk

Site: 84 West Heath Road	1:200@ A1
Drawing Title: Arboricultural Impacts Assessment	October 2020


**Key:**

- Category A High Quality
- Category B Moderate Quality
- Category C Low Quality
- Category U Trees Unsuitable for Retention

Note: Minor discrepancies between bases in existing and proposed plans may cause some approximation in tree locations



Crown Spread  
Tree Number  
Species  
Category



Root Protection Area  
Tree Felled To Facilitate Development






**NOTE:**

This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.

Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.

Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).

**Landmark Trees**  
Holden House, 4th Floor, 57 Rathbone Place, London W1T 4JU  
Tel: 0207 851 4544 Mobile: 07812 989928  
e-mail: info@landmarktrees.co.uk Web: www.landmarktrees.co.uk

Site: 84 West Heath Road	1:200@ A1
Drawing Title: Arboricultural Impacts Assessment	October 2020

**Key:**

- Category A High Quality
- Category B Moderate Quality
- Category C Low Quality
- Category U Trees Unsuitable for Retention

Note: Minor discrepancies between bases in existing and proposed plans may cause some approximation in tree locations

**Key:**

- Crown Spread
- Alternate RPA
- Tree Number
- Species
- Category
- Root Protection Area
- Tree Felled To Facilitate Development



[REDACTED]

---

From: [REDACTED]

Sent: Thu, 19 Nov 2020 09:53:19 +0000

To: Planning Consultation; Ryde, Cllr Shimon; Zinkin, Peter (Personal); Clarke, Cllr Anne; mike.freer.mp@parliament.uk

Cc: westheathaction@yahoo.com

Subject: 84 West Heath Road NW3 7UJ Application 20/4748/FUL

Hello,

I am writing to you and joining my neighbours in stopping the demolition of the last Victorian residence in this area. They are planning on destroying this property and building 45 new flats. I have young children and live in the area. We are constantly walking and cycling around there and the thought of having yet another project like this is frustrating. They plan on increasing the square footage by 350%. The area will be heavily congested, noisy and dusty and our quiet enjoyment will be gone.

We moved to Hampstead 5 years ago with our young family in the hopes of living next to the Heath and being closer to the green fresh environment but all these new developments are ruining everything.

I would be grateful if you would reconsider this proposal.

Kind regards,

Sanam Oveyssi

17 West Heath Gardens NW3 7TR

## Carter, Richard

---

**From:** Planning Consultation  
**Sent:** 20 November 2020 11:59  
**To:** Mclean, Josh  
**Subject:** FW: 84 West Heath Road NW3 7UJ Application 20/4748/FUL

Morning Josh,

I hope you're well. Please see below an objection comment for the above reference number. I have uploaded the comment and done the necessary redactions for you.

Kind regards

**Technician – Building Control, Planning and Street Naming & Numbering  
Development and Regulatory Services**

London Borough of Barnet | 7th Floor, 2 Bristol Avenue, Colindale, London NW9 4EW

Tel: 020 8359 3000

Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk) Regional Enterprise: [www.re-ltd.co.uk](http://www.re-ltd.co.uk)

**P** please consider the environment - do you really need to print this email?



Re (Regional Enterprise) Ltd is a joint venture between Capita plc and The London Borough of Barnet.  
Registered Office: 17 Rochester Row, London, England SW1P 1QT. Registered in England 08615172.



**From:** [REDACTED]  
**Sent:** 19 November 2020 09:53  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Zinkin, Peter (Personal) <Peter.zinkin@gmail.com>; Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>; mike.freer.mp@parliament.uk  
**Cc:** [REDACTED] m  
**Subject:** 84 West Heath Road NW3 7UJ Application 20/4748/FUL

Hello,

I am writing to you and joining my neighbours in stopping the demolition of the last Victorian residence in this area. They are planning on destroying this property and building 45 new flats. I have young children and live in the area. We are constantly walking and cycling around there and the thought of having yet another project like this is frustrating. They plan on increasing the square footage by 350%. The area will be heavily congested, noisy and dusty and our quiet enjoyment will be gone.

We moved to Hampstead 5 years ago with our young family in the hopes of living next to the Heath and being closer to the green fresh environment but all these new developments are ruining everything.

I would be grateful if you would reconsider this proposal.

Kind regards,



17 West Heath Gardens NW3 7TR

**From** [REDACTED]

**Sent:** Sun, 22 Nov 2020 13:01:49 -0000

**To:** Planning Consultation; Ryde, Cllr Shimon; Zinkin, Peter [REDACTED]); Clarke, Cllr Anne; 'FREER, Mike'

**Subject:** 84 West Heath rd

Dear Sirs

I am writing to put on record my dismay at this development proposal. I am a long standing (43 years ) resident of West Heath Rd .This is the biggest development proposed for our area.

If it goes ahead it will mean years of disturbance by large lorries on already over used roads .There will be dust and noise pollution of the local environment. The destruction of the last beautiful Victorian mansion

In West Heath Road replacing it with a seven storey monstrosity will lead to further congestion and pollution of the area and increase in the carbon footprint.

A more appropriate use must be found for this building

Yours

Dr Simon Cohen

175 West Heath Rd

NW37TT

## Carter, Richard

---

**From:** Planning Consultation  
**Sent:** 26 November 2020 15:44  
**To:** Mclean, Josh  
**Subject:** FW: Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL  
**Attachments:** Comments on Town Planning Application 20-4748-FUL.pdf

[REDACTED]  
**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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Registered in England 08615172. Registered Office: 17 Rochester Row, London, England SW1P 1QT.



---

**From:** [REDACTED]  
**Sent:** 20 November 2020 11:21  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Subject:** FW: Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

With corrected email address.

---

**From:** [REDACTED]  
**Sent:** 20 November 2020 11:08  
**To:** 'planning.consultation@barnet.gov.uk.' <[planning.consultation@barnet.gov.uk](mailto:planning.consultation@barnet.gov.uk)>  
**Cc:** [REDACTED] >; 'Cllr.S.Ryde@barnet.gov.uk' <[Cllr.S.Ryde@barnet.gov.uk](mailto:Cllr.S.Ryde@barnet.gov.uk)>; 'cllr.a.clarke@barnet.gov.uk' <[cllr.a.clarke@barnet.gov.uk](mailto:cllr.a.clarke@barnet.gov.uk)>  
**Subject:** Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

Dear Sirs,

Please find attached a document in PDF format with reference to the above Planning Application, fully setting out my Comments on the proposal with Grounds for our objecting to it.

As you will see, I have taken the liberty of copying this email and attachment to Councillors representing Childs Hill Ward.

I should be grateful if you would kindly include a copy of this document within the bundle placed before Members of the Planning Committee.

Kind regards,

[REDACTED]  
for and on behalf of  
Andrew and Judith Kasriel  
90 West Heath Road  
London NW3 7UJ  
mobile [REDACTED]  
home land-line [REDACTED]



**COMMENTS ON TOWN PLANNING APPLICATION**

**in respect of**

**84 WEST HEATH ROAD**

**LONDON NW3 7UJ**

**LONDON BOROUGH OF BARNET**

**Reference 20/4748/FUL**

**Submitted by**

**ANDREW KASRIEL**

**on behalf of**

**A.T. & Mrs. J.F. KASRIEL**

**90 WEST HEATH ROAD**

**LONDON NW3 7UJ**

**Re: 84 West Heath Road, London NW3 7UJ**

**Town Planning Application – London Borough of Barnet – Reference 20/4748/FUL**

---

1. This Application proposes demolition of St. Margaret's Residential Home for the Elderly, and construction of a new 7-storey block of Residential Flats comprising 5 storeys above ground level, together with basement and sub-basement for Car Parking, Leisure Uses, and Services.  
The proposed building is bulky in appearance and excessive in height; clearly it amounts to over-development of the site.
2. The existing buildings are well set back from the road, behind a Building Line which, at the mid-point of the site, is some 30 metres from the back of footway. The site is very deep, extending to some 100 metres to the rear boundary, leaving space for attractive gardens even where modern extensions have been later added.
3. At the front there is the original period house of Victorian style which is of pleasing appearance. It is some 15 metres in height, excluding the chimney stacks and copper spire, and comprises facing brickwork with stone ornamentation in the lower storey. It is part tile-hung above and has a tiled roof. It is generally in harmony with other, although not all, surrounding buildings. Because it is well set back from the road, and well screened by trees, it is not over-bearing or out of place within the street scene.
4. Towards the back of the site there is a substantial brick-built two-storey extension with very shallow pitched roof. Although it reaches to the side boundary with neighbouring houses to the South, it is unobtrusive because the ground rises towards Hampstead Heath, enabling clear views from the adjoining houses built at a higher level.
5. By comparison, the planning proposal suggests a massive block utterly dominating its surroundings. It appears too tall and is too close to the site boundary on all sides.
6. It uses the site excessively, leaving insufficient amenity space for its inhabitants to use any gardens or to sit outside enjoying the shade of trees in the Summer.
7. It will seriously affect the amenity of neighbouring houses, being built to a much greater height.

8. The proposed structure presents elevations of low quality and insufficiently articulated, rather monolithic, appearance.

As designed, it resembles an unattractive, inner-city multi-storey complex rather than more modest accommodation built to a suburban scale: it is inconsistent with this outer-London Borough. It is wholly out of keeping with any of the various styles of building in West Heath Road whether traditional, or contemporary post-war, or strikingly modern.

9. The degree of over-development is apparent from a consideration of floor areas.

The proposal is for residential internal floor area amounting to some 6,000 sq.m. or 65,000 sq.ft., arranged over all seven floors of the building.

This is to be compared with the existing buildings of 2 and 3-storey height, comprising some 2500 sq.m. or 26,000 sq.ft.

Taken together with circulation spaces, leisure areas and car parking, the proposal becomes more like a hotel complex, exceeding 10,000 sq.m. or 110,000 sq.ft. in size, which the Applicant seeks to construct on a relatively modest plot of land, being 1 acre (0.4 hectare) in area.

10. The intended building density would be remarkably high, as is apparent from the number of habitable rooms proposed. The scheme envisages 45 flats among which there are to be:-

3 no. x 1 bedroom + living room flats	Total	6 habitable rooms
39 no. x 2 bedroom + living room flats	Total	117 habitable rooms
3 no. x 3 bedroom + living room flats	Total	12 habitable rooms
18 no. additional study-bedrooms in flats	Total	<u>18 habitable rooms</u>
Accordingly, the scheme suggests a total of:-		153 habitable rooms

Given a plot size of approx. 1 acre (0.405 hectare), this proposes a density of 153 habitable rooms per acre (378 habitable rooms per hectare).

This is hugely greater than the density level that should be permitted.

It is submitted that the Council should be thinking in terms of no more than 60 – 75 habitable rooms per acre (150 – 185 habitable rooms per hectare) at this location.

11. As presently conceived, the impact of the proposal on the surrounding streets and houses would be colossal. The Council has always maintained a policy of careful and sensitive treatment applicable close to the fringes of Hampstead Heath as an Area of Special Character. With that in mind, buildings should be surrounded by gardens and preserved trees.

12. In negotiations on an alternative design, or a redesign of the existing proposal, it is suggested that the Council should seek to argue for the above-ground accommodation

to be arranged as distinct blocks comprising no more than 3 storeys above ground level, arranged with separation between the blocks. As a result, there could be more fenestration to each flat.

13. Such spaces between the blocks would break up the monolithic, “warehouse” appearance of the present proposal. They would result in clear daylight views between blocks from neighbouring properties and allow more sunlight into individual flats.

14. In conclusion, the Council’s attention is drawn to the annexe attached below in which are cited extracts from LB Barnet’s Unitary Development Plan Barnet [UDP].

These support many of the points made above.

It is submitted that these policies have not been followed in the present Application, and that, accordingly, the Application should be refused.

ANDREW KASRIEL  
90 West Heath Road  
London NW3 7UJ

## **Annexe**

### **Extracts from LB Barnet's Unitary Development Plan [UDP]**

#### **POLICY D2 - Character**

---

The council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

#### **POLICY D3 - Spaces**

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The size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

#### **POLICY D4 - Over-development**

---

New development should respect the constraints of the site to accommodate development and should not result in over-development.

#### **POLICY D5 - Outlook**

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New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

#### **POLICY D6 - Street Interest**

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To ensure attractive, safe and, where appropriate, vibrant streets, new development should provide visual interest, particularly at street level. Blank walls overlooking streets will be resisted and new development should provide windows to such elevations.

#### **POLICY D7 - Local Townscape and Landscape**

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New development should respect, as well as contribute to, the local townscape and landscape.

#### **POLICY D11 - Landscaping**

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The council will require development schemes to include hard and soft landscaping proposals that:

- Achieve a suitable visual setting for buildings;
- Provide attractive, accessible and practical external space;
- Make a positive contribution to the character of the surrounding area;
- Contribute towards community safety; and
- Improve environmental and ecological quality.

## POLICY D12 - Tree Preservation Orders

The council recognises that trees are important visual features in the landscape and townscape and are of environmental importance. Therefore the council will:

- Make Tree Preservation Orders where appropriate to protect trees of high public amenity value;
- Require replanting with suitable species where appropriate when protected trees are to be felled; and
- Resist treatment to protected trees which does not accord with good arboricultural practice.

## POLICY D13 - Tree Protection and Enhancement

When assessing development proposals the council will seek to ensure that:

- Subject to the health and amenity value of individual trees, development schemes retain as many of the existing trees on site as is practicable;
- Existing trees and their root systems are adequately protected during works on site; and
- An appropriate level of new tree and shrub planting is provided.

## POLICY D17 - High Buildings – Acceptable Locations

Development proposals for high buildings will only be permitted where they:

- Are carefully related to their surroundings in terms of their design;
- Have a well-designed setting with hard and soft landscaping;
- Are of the highest design and architectural quality;
- Do not mar the skyline nor intrude to the detriment of important views and sight lines;
- Contribute positively to any relevant point of civic or visual significance;
- Have taken account of the impact on wind turbulence, overshadowing, light/noise reflection, telecommunication channels and other functional considerations;
- Are accompanied by a design statement including analysis of the urban design context; and
- Minimise energy consumption.

## POLICY D18 - High Buildings – Unacceptable Locations

High buildings will not be acceptable where they adversely affect the character and appearance of:

- Conservation Areas
- Metropolitan Open Land
- Areas of Special Character
- Heritage Land

- The Green Belt
- Sites containing Listed Buildings and their setting
- Historic parks and gardens
- Views of local landmarks.

DANIEL BAUM 6 Elm Park Gardens London NW4 2PJ

Chief Planning officer  
London Borough of Barnet  
Hendon Town Hall  
The Burroughs  
London  
NW4 4BG

3 December 2020

Dear Sir/Madam

### DEVELOPMENT ALONG WEST HEATH ROAD LONDON NW3

I often have the pleasure of driving through Hampstead and in particular, West Heath Road NW3.

Although I live in a small house in Hendon, I am able to admire and am inspired by the elegance and beauty of the homes in Hampstead; the beautiful brickwork, the interesting shapes of the properties and the romantic gardens that front these large properties.

It is therefore all the more depressing when I come across new developments on that and surrounding roads, which your office has presumably sanctioned, that are so at odds with the character of the area.

Square, dull, characterless, concrete edifices, large glass windows, bland frontage and usually some natural wood hammered onto the concrete to make it look environmentally friendly. Sometimes, there is even a grass roof that I presume is an attempt to blend the ugly home into the wooded and tree lined landscape.

When Barnet council is so concerned about loft extensions not being too large or a tiny porch being 50cm too wide, how on earth does it allow the building of these concrete and glass cubes that jar against the surrounding homes?

I presume they are all well insulated, let in lots of natural light and that having some timber on their frontage makes them look in tune with nature, and some trendy planning officer thinks this is the way forward, but they are soul destroying, bland and sad.

I realise that this letter is destined for the bin and will make little difference to future planning proposals, but I feel a lot better for having written it and at least you know how an 'ordinary Barnet resident' feels.

Daniel Baum



From [REDACTED]  
Sent: Thu, 3 Dec 2020 09:50:22 -0000  
To: Planning Consultation  
Subject: RE: 84 West Heath Road (Barnet Planning Application 20/4748/FUL)

Attention: Yasmeen Khan

My address is:-

Flat 4,  
75 West Heath Road,  
London,  
NW3 7TH

Regards

*Martyn Woolf*

From: Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
Sent: 02 December 2020 12:34  
To: [REDACTED]  
Subject: FW: 84 West Heath Road (Barnet Planning Application 20/4748/FUL)

Dear Sir

Please provide your full home address in order to log your comments.

Thanks

Kind regards

[REDACTED]

**Planning Technician**

**Planning and Building Control**

London Borough of Barnet

2 Bristol Avenue, Colindale, London, NW9 4EW

Tel: [REDACTED]

Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** Mclean, Josh <[Josh.Mclean@Barnet.gov.uk](mailto:Josh.Mclean@Barnet.gov.uk)>  
**Sent:** 29 November 2020 22:24  
**To:** Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
**Subject:** FW: 84 West Heath Road (Barnet Planning Application 20/4748/FUL)

Can this be added to 20/4748/FUL please?

**From:** [REDACTED] <[REDACTED]@woolf.com>  
**Sent:** 29 November 2020 22:21  
**To:** [REDACTED] <[REDACTED]@victoriansociety.org.uk>  
**Cc:** 'Jessica Learmond-Criqui' <[jessicalc@lawlcs.com](mailto:jessicalc@lawlcs.com)>; [mike.freer.mp@parliament.uk](mailto:mike.freer.mp@parliament.uk); Clarke, Cllr Anne <[Cllr.A.Clarke@Barnet.gov.uk](mailto:Cllr.A.Clarke@Barnet.gov.uk)>; Ryde, Cllr Shimon <[Cllr.S.Ryde@Barnet.gov.uk](mailto:Cllr.S.Ryde@Barnet.gov.uk)>; Zinkin, Cllr Peter <[Cllr.P.Zinkin@Barnet.gov.uk](mailto:Cllr.P.Zinkin@Barnet.gov.uk)>; Mclean, Josh <[Josh.Mclean@Barnet.gov.uk](mailto:Josh.Mclean@Barnet.gov.uk)>; [REDACTED]  
**Subject:** 84 West Heath Road (Barnet Planning Application 20/4748/FUL)

Dear Ms Stockdale,

I live exactly opposite No 84 and although I oppose the suggested development I do not believe the case for the building's retention is aided by erroneous comments.

You state:

*As to the architectural significance of the building, no. 84 is in many ways representative of late Victorian mansions. It displays a wealth of characterful detailing which speaks to the self-confidence of the higher classes of late Victorian society. The prominent corner plot of the building makes this more noticeable, and the unusual corner oriel window, and turret, enhance this subtle ostentatiousness. Despite the unsympathetic extension, it remains an attractive building which greatly contributes to the streetscape.*

The building has only become a corner plot in very recent years when a close of houses, Eden Close, was built. Before that the building was one of a number leading down to the corner of West Heath Road. It does not contribute to the streetscape in any manner. It is totally invisible from the street and is only visible in winter from my apartment after the leaves of the few deciduous trees have fallen. There is no other view from the street.

It is NOT true that it has never been a residential house. It was certainly a residence until sometime after 1945 when it was purchased by Camden Council and used as a care home until 2016. It was then purchased from Camden by a property developer, RBE Investments Ltd., who wanted to develop the site. The developer leased it to Heathside School. The school moved into the building without permission from Barnet Council on the basis of a specious opinion from a lawyer, that as there had been a care home on the site, a school could operate there without authorisation. There was a proviso that perhaps it would be necessary for the school to be a boarding School. Heathside operated there as a day school, causing enormous problems for its neighbours until finally the owner of the school was bankrupted.

Barnet's officials had been half-heartedly trying to remove it for the four years of its existence and the company that purchased the school and its five branches in Hampstead village finally realised that a boarding school in West Heath Road was never going to be viable and closed it.

The owner, presumably with the lease having been cancelled, then either arranged to sell or did sell, to a developer of good reputation.

For my part and for several of my immediate neighbours, the thought of two or three years of development and the noise and inconvenience is not welcome but neither was the development of Eden Close which took longer to develop.

I believe that the best use for this building, by far, would be as a Nurses Home for the nursing staff at the Royal Free Hospital. It is convenient, it would of enormous help to the NHS staff and would certainly not cause the problems that a re-development of the site would occasion.

I have written to Barnet suggesting such a course but without response.

Perhaps you would like to add your society's weight to this proposal. Such an outcome would seem to be the most favourable.

Best regards

A solid black rectangular box used to redact the sender's signature.

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Josh Mclean  
Planning Services  
Barnet Council  
2 Bristol Avenue  
Colindale  
NW9 4EW

**FAO: Mr Josh Mclean**

10<sup>th</sup> December 2020

KH/AH- 15/020  
BY EMAIL to [josh.mclean@barnet.gov.uk](mailto:josh.mclean@barnet.gov.uk)

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**84 WEST HEATH ROAD, LONDON NW3 7UJ (LPA REF: 20/4748/FUL)**

---

We write on behalf of client Mr Sohail Sarbuland, who is owner and resident at No.7 Eden Close, London NW3 to object to the current planning application for development at 84 West Heath Road London NW3 7UJ (ref: 20/4748/FUL) which seeks permission for

*"Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground."*

**Summary of grounds for objection**

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Our objection is based around the following key planning considerations:

- Lack of engagement and consultation.
- Principal of Demolition.
- Heritage and character of existing building.
- Sustainability.

- Loss of existing Class C2 use.
- Harm to Local Character.
- Overdevelopment.
- Density.
- Height, bulk and mass.
- Impacts on neighbouring amenity.
- Harm to trees and planting.
- Transport and traffic impacts.
- Demolition and construction impacts.

We address each planning matter in turn below.

### **Lack of engagement**

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Engagement with local residents is a requirement of the Localism Act, however, it is crucial that this engagement is proper and meaningful. Our client and the residents of Eden Close object to the lack of proper and meaningful engagement undertaken with regard to the proposals.

Our client was not consulted by the applicant at any stage in the evolution of the scheme, either at pre-application stage or following the submission of the application, neither were any of the other residents of Eden Close.

The Statement of Community Involvement (SCI) submitted with the application provides the details of a number of meetings with residents that took place during August and September 2020. However, given their immediate proximity to the application site, our client and the residents of Eden Close were astonished that this consultation did not include them.

The SCI notes that the Applicant engaged local residents via a hand-delivered letter. Our client, nor any of the residents of Eden Close received such a letter. It is not clear why this is the case (potentially due to the fact that Eden Close is a private gated road and the letters were hand-delivered), however the fact that Eden Close is a private road should not have prevented the applicant from engaging with the residents in a proper and meaningful way. For example, it would have been very easy for the applicants to write letters to my client and the Eden Close residents and send these in the post.

In addition, at the entrance to Eden Close there is a brass sign advising any caller that access to the Close is managed by Dillons and clearly stating their contact details. Dillons can confirm that they did not receive any contact from any party regarding the planning application.

In addition, the short window of time for consultation is considered insufficient for a scheme of this size, scale and impact. The date shown on the original letters in the appendix to the SCI is 4<sup>th</sup> August 2020. This invited residents to meetings held on 11<sup>th</sup> August, 25<sup>th</sup> August and 1<sup>st</sup> September. This is not considered to provide sufficient time or notice to allow for residents to reasonably attend a meeting, providing only a 3-week window over what is traditionally the summer holiday period. The timeframes do not make any provision in relation to the current pandemic situation that would have prevented



some residents from attending during this tight timeframe even if they had been made aware of such events, which they had not been.

Finally, the application was submitted in the first week of October. This represents a 'consultation process' of circa 2 months over a holiday period and during a pandemic which is far too short a period and would have provided very little time for any of the residents to attend, engage, review, consider and comment on the scheme and for any comments to have been meaningfully considered and incorporated into the design proposals, especially given the need and time turnaround for the production of drawings and technical assessments from the design team.

A consultation process which starts at the beginning of August and which results in the submission of an application in October means that planning application documents must be prepared either before the consultation or in parallel with it. This gives the distinct impression that the applicant sought to press ahead with the proposals regardless of any comments made by Eden Close residents and our client feels that he and the other residents of Eden Close were deliberately not consulted as they are closest to the application site where the proposals would have had the most significant and adverse impact.

The detail provided of the feedback in the SCI is also limited. There is little discussion of any negative comments in relation to the proposals, only direct quotes that support the scheme are included and there is no evidence that a) resident's comments were taken into consideration to inform the evolution of the design and the proposals and b) if so how any comments were taken into consideration, through, for example revisions to the proposals.

Given that Eden Close is a private road and the applicant has not notified or engaged with Eden Close residents, they also presumably would not have at any time being able to access Eden Close and thus consider or model the impact of their scheme on Eden Close. Given the proximity of Eden Close to the application site, this is a serious omission. How can these proposals and their impact be fully considered and justified if the applicant has not at any time assessed or viewed the proposals from this important and immediately adjoining residential perspective?

Our client and the residents of Eden Close are firmly of the view that had proper, timely and meaningful engagement taken place then they would not be in the position of having to object to these proposals now.

## **Principle of demolition**

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We object to the demolition of the existing building in principle.

The objection the demolition of the existing building in principle is based on the following planning reasons:

- The heritage of the existing building and its contribution to the character and appearance of the conservation area.
- Sustainability.
- The loss of existing C2 Use

We address each in turn below.

### Heritage and contribution to character

The existing building is an historic and traditional building of heritage value, which makes a positive contribution to the character and appearance of the locality.

The main villa house has been on site since the mid-1800s and indeed was the main dwelling house for the much larger parcel of land which has now been subdivided into further plots along Eden Close

and West Heath Road. This is evident in the progressive historical mapping shown on page 4 of the submitted Design and Access Statement, an excerpt map from the mid-1800s as shown below:



As such, the existing building is old, being one of the oldest buildings in the area. In this respect it has local heritage value and local significance. The demolition of the building would destroy this heritage.

The building is also significant as it is one of the few remaining buildings which retains an original relationship to its plot i.e. a large detached building on a substantial plot and which was built to a design, character and density commensurate with the green and open characteristic of the site and the surrounding area, a character which is important to local distinctiveness, which continues to prevail and which should be protected.

Although the building is largely screened by trees, it still makes a significant contribution to the streetscape and surrounding character of the area, and this older original villa is clearly prominent and visible in views in the approach along West Heath Road, particularly in the winter, as evidenced in the photographs shown in the submitted Design and Access Statement.



Lastly, we would draw officer's attention to the separate objection to the application submitted by The Victorian Society, which elaborates on the points above and which further describes the architectural and historic merit of the existing building.

#### Sustainability

The Intend to Publish Draft London Plan (2019) Policy SI 7 sets out the need to reduce waste and support the circular economy to improve resource efficiency and innovation to keep products and materials at their highest use for as long as possible.

As such, developments are encouraged to undertake whole life-cycle carbon assessments, the guidance for which is currently being consulted on by the Mayor and is expected to be adopted early in 2021.

Given this focus on the need to consider embodied carbon in addition to operational carbon in developments in order to address the climate crisis, it is clearly wasteful and unsustainable to demolish a functioning existing building without considering options for its reuse.

No evidence has been submitted to demonstrate why the existing building has to be demolished and why it cannot be repurposed, reused, altered or extended to meet future or alternative land use needs.

#### Loss of existing C2 use

The existing use is described in the description of development as Use Class C2 and has previously been used for retirement/care home and boarding school purposes.

The current land use of the building (Class C2) is protected by the councils planning policies, specifically Policy DM13 of the Development Management Policies DPD, which states that the loss of such uses should only be considered in exceptional circumstances. As such, the loss of the existing use is contrary to adopted policy. There have been no exceptional circumstances set out in the

application submission to justify a departure from adopted policy. Indeed, there is a need to retain such Class C2 uses in Barnet for the reasons we set out below.

The Barnet Housing Strategy 2019-2024 (2019) (page 27) notes that *“The older population in Barnet is expected to increase significantly over the next 25 years, with the over 60 population expected to increase by 68% from 72,500 to 121,700 by 2041 and the over 85 population expected to increase by 130% from 8,600 to 19,800 during the same period.”*

As such, it notes that the Council has identified a need for additional supported housing and is increasing the supply of extra care housing, providing a more flexible and affordable approach that can help older people live more independent lives for longer, and is progressing a number of schemes including Ansell Court which was completed in January 2019 to increase provision.

It is therefore crucial not to undermine this by reducing the overall capacity of suitable buildings and accommodation through the loss of existing Class C2 sites.

The Intend to Publish London Plan also sets further pressure on the need to supply additional older persons accommodation, setting a benchmark target of 275 new homes per annum for Barnet, the highest benchmark for any of the London Boroughs.

It is acknowledged that the site is not currently in use as an older person's retirement home but has been used for this purpose in the past and could easily do so again in accordance with the buildings existing use class.

However, should planning permission be granted for C3 residential on the site, it will not be possible to return the site to care home use in the future. Whilst the Applicant notes that the current buildings are redundant for the current tenant, they do not note whether a marketing exercise has been carried out to seek a new tenant or operator for residential retirement C2 purposes.

Policy CS11 of Barnet's Local Plan also specifically supports the remodelling of residential care homes to other forms of special accommodation. It is unclear why other forms of specialist accommodation have not been considered in the context of this site.

In summary, there is an identified London wide and local need for older persons residential care. The existing building could meet this need within its exiting use class without further recourse to planning. The existing building should therefore be retained in its existing use.

## **Harm to local Character**

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The Barnet Characterisation Study (2010) was commissioned as part of the evidence base for the Local Plan to identify those areas of the borough that can accommodate growth. The Study is used as a key piece of information in Barnet's Residential Design Guidance SPG to assess residential character. This study categorises all urban land outside of conservation and major development areas into various typologies.

The application site falls within the 'residential streets' typology, which is then broken down into sub-categories. The application site falls within the 'Linear Rural' sub-category.

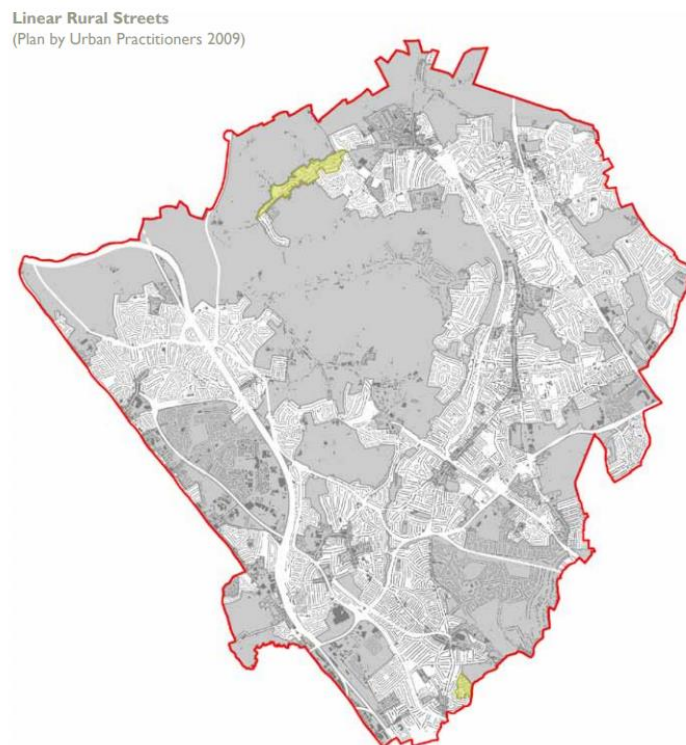
The 'Linear Rural' sub-category area is important as it is incredibly rare and is one of only two small areas of Barnet that are identified as fitting within this sub-category. The site then benefits from a rare and unique character as defined by the councils own Study.

The rare and unique character of the 'Linear Rural' sub-category is described in detail on pages 62-65 of the Study. However, key features of the typology include:

- Distinctly low-density forms of development. The net density varies from 2 -10 dwellings per hectare.
- Houses are almost entirely detached from one another.

- Building heights range from 1 – 3 storeys in height.
- The streetscape of the linear rural routes is typically leafy and rural in character.
- Lack of any consistent architectural period or style.
- Large plots with houses set back often far into the plot.

The site is one of only two small areas that fit the description of this sub-category within the entirety of LB Barnet (shown highlighted in yellow below in the extract map from the Characterisation Study). Therefore, the erosion of this rare and unique character would be considered a significant loss.



The current proposals for 84 West Heath Road would represent a distinct divergence from the existing character of the area as defined by the Study and would cause substantial harm, the application proposals by reasons of their height, bulk, mass and density being alien and entirely contrary to the green, open and rural character of the area as defined by the Study.

### Overdevelopment

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The proposed scheme displays clear signs and symptoms of overdevelopment, including elements that are excessive and out of character for the plot and the surrounding area.

### Density

On such characteristic of overdevelopment is the proposed density which is significantly higher than the surrounding context and character of the area.

The Applicant has cited new London Plan (2019) Policy D3 as a mandate for optimising density. However, the supporting text to the policy notes at paragraph 3.3.1 that *“the optimum capacity for a site does not mean the maximum capacity; it may be that of a lower density development”* Paragraph 3.3.2 goes on to state that *“A design-led approach to optimising site capacity should be based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site.”*

Barnet's Residential Design Guidance SPG notes at paragraph 5.5 that whilst Barnet seeks to optimise density *"Density should not drive development, it is an important factor to take into account along with local context, design, transport accessibility and infrastructure."*

The SPG goes on to note that in relation to density, the key principles development should ensure are that:

- Design of new residential development relates to its setting and local character.
- Proposed density is suited to the site and to the wider context.
- Proposal responds positively to reinforcing or improving local character.

The application site is 0.41ha. Providing 45 homes on the site gives a density of 109.7 units per hectare.

The Barnet Characterisation Study (2010) considers the Linear Rural Street' typology of the site the lowest density of any of all the identified typologies throughout the Borough This is specified as having a density of circa 10 units per hectare at most.

As such, the density of the proposed scheme is more than 10 times higher than the existing density of development in the area.

In addition, the applicants SCI shows a map of the area at page 5 paragraph 2.4 which it considers to be the site's immediate neighbourhood and context. It claims that this totals 202 addresses. An approximate re-mapping of this area suggests it measures circa 18 hectares in area providing an overall density for the surrounding neighbourhood of closer to 11 dwellings per hectare and entirely commensurate with The Barnet Characterisation Study (2010).

In summary then, the scheme is considered to represent a gross overdevelopment of a site as it proposes a density that is more than 10 times higher than the established surrounding character.

#### Height, bulk and mass

Another symptom of overdevelopment displayed at the site is the inappropriate height, bulk and mass of the proposals, which is not in keeping with the character of the area and is therefore inappropriate for the location.

As discussed in the section above, the surrounding area is identified as being within a clearly identified typology sub-category in which the building heights are all approximately 1-3 storeys in height. The proposal rises significantly above this with 5 storeys above ground.

This height is accompanied by a large footprint on the site which is also out of character with the area and leads to uncharacteristic and excessive bulk and massing. In order to address the issue of overdevelopment, the Applicant has carried out an exercise analysing the plot ratios of the surrounding area (page 14 of the Design and Access Statement). However, the existing plot ratios in the surrounding area relate to buildings of 1-3 storeys in height and the footprint of the building cannot be considered without also taking into consideration how this manifests in terms of massing above ground floor level.

We also consider it a false equivalency to compare the site with surrounding plot ratios when assessing the overall massing the site can accommodate. The site is clearly one of the largest plots within the immediate surrounding area, and therefore maximising to this extent causes severe symptoms of overdevelopment which have further implications on a range of other planning considerations set out within our further objections below.

#### **Neighbouring Amenity- Overlooking, outlook, amenity impacts and light pollution**

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Barnet's Policy DM01 notes that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Planning Statement gives this justification at para 7.6.2 *“The physical separation from properties to the north, as well as the screening afforded by mature landscaping would ensure those properties would similarly not be affected by the proposed development.”*

The Daylight and Sunlight Report assesses 8 Eden Close as one of the closest residential properties along with others. Whilst the report finds that all the windows on these properties will comply with the BRE Guidelines for daylight and sunlight, it is considered that scheme by reason of its height and proximity to the boundary would cause substantial overlooking of the properties at Eden Close and would harm the existing tree lined and landscaped outlook currently enjoyed by the Eden Close residents to the detriment of their overall amenity.

The proposed sixth floor communal roof terrace and third and fourth floor level external balcony areas would be particularly harmful with regard to overlooking to residents of Eden Close and the application seems to have given little consideration to the privacy and security implications to the close effected Eden Close property at no.8 Eden Close being owned by the Republic of Kazakhstan and duly registered with the UK Government as an Ambassadorial residence and we draw officers attention to the separate objection submitted on behalf of Ambassador Extraordinary and Plenipotentiary of Kazakhstan to the United Kingdom.

### **Harm to trees and planting.**

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The existing site is characterised by a large number of mature trees (48 identified in the Arboricultural Impact Assessment). The proposals will lead to harm to the existing trees on the site due to the bulk and large footprint of the building within the Root Protection Area ('RPA') of a number of the trees and the loss of a number of other mature trees.

The Arboricultural Impact Assessment suggests that this harm is acceptable, and the loss of trees can be mitigated by additional planting. However, the site is already dense with tree coverage and it is clear from the landscape plan that there is little area that would allow for further planting in a sustainable manner.

Given this dense tree coverage around the perimeter of the site, it is also considered that the footprint of the proposed building is too large. In order to preserve as many of the trees as possible, the proposed buildings and new residential dwellings will suffer from diminished outlook given their proximity to the trees, in contradiction to Barnet's Policy DM01 which requires good outlook for future occupiers as well as neighbours.

It is also important to remember that the new building because of its vast footprint, bulk and encroachment towards the boundaries would bring the windows of the proposed residential flats in close proximity to existing trees. This is likely to result in insufficient daylight to the proposed flats and / or a requirement for trees to be removed / pruned / cut back following complaints by the new residents who are unable to get sufficient light into their properties.

### **Transport and Access**

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We object to the application on the grounds that the proposals would result in increased trip and traffic generation in the surrounding area that will lead to an increase in traffic and harmful impacts on road safety, and that fundamentally, this is an unsustainable location for this quantum of development.

The application scheme proposes 66 car parking spaces across the site. Barnet's Local Plan Core Strategy states at Chapter 14 that *“Parking standards in new developments will vary across the borough to reflect the transport, particularly the public transport, accessibility of individual locations.”*

However, the amount of car parking for 45 apartments demonstrates that this is an unsustainable quantum of development for this location which scores a 'moderate' rating of 3 on the Public Transport Accessibility Level (PTAL). The Transport Statement further notes that residents would be provided with a Travel Plan to encourage sustainable travel modes. However, it is considered that this represents an overprovision of off-street vehicle parking which would fail to promote or prioritise sustainable transport or reduce car use, in line with Barnet's policies, and would result in an adverse



impact on transport and highways of the locality. Put simply, the quantum and density of development proposed is far too high for this location and is evidenced by the total reliance on the scheme by private car. The level of development proposed being suitable for more urban and town centre locations better served by public transport.

Furthermore, the Transport Statement accompanying the application notes that it is expected that throughout the day the site will generate approximately 291 daily trips in and out of the site within the peak AM and PM hours of the day, including 71 two-way car driver movements.

The Transport Statement suggests at paragraph 6.7 that this would represent a reduction in trip overall at peak hours compared to a school use. However, this assumption has been made incorrectly as the current use for the site is Use Class C2, with a boarding school as the most recent use. This C2 use results in a much lower baseline level of trip generation and therefore a change of use to a high-density C3 use would have a significantly increased impact on local highways in terms of trip generation than the current use.

It is also noted that no consideration is given to the small and narrow singular access and egress point to and from the site, and how this will be expected to cope with the multiple trips at peak hours. Barnet's Policy DM17 notes (point f. ii.) that the council will expect development to provide safe and suitable access arrangements for all road users to new developments.

### **Demolition and construction impacts**

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A Construction Management Plan and layout has been provided with the submission of the application. However, we consider this to be extremely generalised and does not provide sufficient or full detail of how construction and unloading will be specifically managed within the constraints of the site, access and the road network. The information contained within this CMP is generic information that does not apply specifically to the constraints of the site.

The submitted Basement Impact Assessment also appears to be insufficient. It only represents a first stage desk-based screening and some scoping however; this has not been informed by any on-site investigation or fieldwork on the site. Instead, old data from nearby historic sites and third-party information on sites over 100m away. It is insufficient for a basement proposal of this size to be assessed without any investigative works or anything beyond a Stage 1-2 (Screening and limited Scoping) Basement Impact Assessment.

### **Summary**

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In summary, we object to the principle of the demolition and redevelopment of the site in the manner proposed for the following reasons:

- Unsustainable development of the site without considering alternative development options;
- Loss of the existing main house which is still visible from the street and contributes to the character of the surrounding area; and
- Loss of the existing C2 use on the site.

Notwithstanding this, the proposed development at the site is also considered to result in a poor planning outcome, principally through clear symptoms of overdevelopment which manifest themselves in:

- Density, height, bulk and massing that are inappropriate for the location and surrounding character;
- Adverse impacts on amenity both to neighbouring residents and future occupiers;
- Transport and highways impacts; and

- Impacts on trees and planting.

Finally, we object to the lack of consultation opportunity provided to neighbours and the lack of detail with which the planning application has been prepared, particularly in relation to the construction and basement impacts. The quality of this information and consultation process has not been adequate throughout the preparation process and further consideration should be given to meaningful engagement and more site-specific construction considerations and investigations before any planning application is put before the Council for assessment.

For all these reasons above, we object to the proposed development and respectfully request that it be refused planning permission.

Please contact Kieron Hodgson or Alice Hawkins at this office should you have any questions or wish to discuss any aspect.

Yours faithfully,

A handwritten signature in black ink that reads "Iceni Projects Ltd." in a cursive, slightly stylized font.

ICENI PROJECTS LIMITED

**From** [REDACTED]  
**Sent:** Fri, 11 Dec 2020 16:59:15 +0000  
**To:** Planning Consultation  
**Cc:** Ryde, Cllr Shimon; Zinkin, Cllr Peter; mike.freer.mp@parliament.uk  
**Subject:** RE: Re :- 84 west heath road NW3 - Application number 20/47/48/ful  
**Importance:** High

Dear Mr. McLean,

**Re 84 west heath road, NW3**  
**Application number 20/47/48/ful**

We represent Eden Close ( Hampstead) Limited and Dillons management agent for the Estate.

We wish to raise the most strongest objections to the above numbered application and proposed development upon the following grounds:-

A. On each side of the pillar entrance to Eden close are large signs with clear notice giving the name address and telephone numbers of the Management of Eden close and how to make contact with them.

B. No one from the applicants and or their agents has ever contacted us let alone CONSULTED with us as is claimed in the application and from that aspect alone the application is untrue.

C. The current building is well set out in the grounds and is the last and fine example of a Grand Victorian mansion within this part of Hampstead and as such needs preserving for its heritage rights.

D. The government in general and Barnet council in particular have a special interest in reducing the carbon footprint and giving residents clean air and we thus question why one would take down a period building to create a large carbon footprint causing pollution to local residents .

E. The proposal by its height and bulk are totally inappropriate for this area which comprises of mainly two and sometimes three floor [maximum ] houses and flats.

F. This proposal impacts on the whole of the surrounding neighbourhoods and as such is a clear case of over development to squeeze the maximum out of the land with no due regard to the surroundings

G. The current use is C.2. And one would question why a community use is being considered to be given away when there is a shortage for such use without the councils declared safeguards being undertaken.

H. The proposal impacts very adversely on the trees and shrubs and greenery which is one of the prime reasons that the residents enjoy and purchased in this area as opposed to elsewhere. The proposal to BUILD TO THE BOUNDARIES will kill off the roots of mature trees which have taken years to grow.

I. There appears to be an urgency to push this application through without sufficient consideration given for the impact on e.g. a two floor basement being constructed. How many thousands of lorry loads will be required to remove the compacted soil from the site? Where will those lorries be sited. How long will residents be subjected to daily diggings? This is a major thoroughfare on a dangerous blind bend where a fatality has already occurred previously.

The Planning officers and councillors, who are the representatives of the residents should be aware and under no illusions that there are already two consented abandoned flat developments both within a few hundred yards of this site. One is the Oren development where after 2.5 years of daily digging out for a large basement and holding up journeys of hundreds of people daily using west heath road to allow builders lorries to take over the roads-in the meantime all the trees were removed and none replaced and now there is only a wilderness to observe. Once again in elm walk and Beechworth close off west heath road, another large abandoned concrete flat development being a blot on the landscape and for such a great length of time causing a blight yet again.

For all these reasons and for many more we hope the planning officer will reject this application in its entirety.

Yours truly,

[Redacted Signature]

MNAEA / MARLA



Phone: [Redacted]  
Email: [Redacted]  
Web: [www.dillonsproperty.co.uk](http://www.dillonsproperty.co.uk)  
Address: 619 Holloway Road, London N19 5SS

Block Management  
Specialists Est. 1979



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Registered name Dillons Management Limited.  
Registered in England and Wales with company number 04311550  
Registered at 619 Holloway Rd, London, N19 5SS

**From** [REDACTED]  
**Sent:** Tue, 12 Jan 2021 14:03:03 -0000  
**To:** Planning Consultation  
**Subject:** 84 West Heath Rd

Attention Mr Josh MacLean

Dear Sir,

Although we are situated in Cenacle Close a fair way from No 84 West Heath Rd we do strongly sympathise with those directly affected by this very large scale development proposal.

To replace 18,000 sqft with some 65,000 on 6 floors does seem somewhat excessive.

We appreciate that there is a need for additional housing but we question whether this scale of redevelopment is justifiable.

We do urge you to consider a radical reduction in size to make it more in conformity with the character of the road.

We would also ask you to consider the substantial increase in traffic and pollution it will create.

Yours sincerely

*Peter & Helen Briess*

*12 Cenacle Close*

*London W03 7UE*

[REDACTED]

**Carter, Richard**

---

**From:** Planning Consultation  
**Sent:** 13 January 2021 15:52  
**To:** Mclean, Josh  
**Subject:** FW: PLANNING - 84 WEST HEATH ROAD

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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---

**From:** [REDACTED]  
**Sent:** 13 January 2021 10:52  
**To:** [REDACTED]  
**Subject:** PLANNING - 84 WEST HEATH ROAD

Application: 20/4748/ful

Hello we live at [93 West Heath Road](#), NW37TN and have reviewed the plans concerning [84 West Heath Road](#). We categorically object with the proposed plans in the area. The building height and overall size of the project would damage the roads charm and will clearly cause immense disruption to the area. The Oren (next door) is big enough we don't believe another big development is required right next door.

I do hope this above will be considered. Feel free to contact me on [07710490479](tel:07710490479) I'd required.

Regards

Rudy and Nathalie Metta



[REDACTED]

---

From: [REDACTED]  
Sent: Fri, 15 Jan 2021 15:58:31 +0000  
To: Planning Consultation  
Cc: Zinkin, Peter (Personal); Ryde, Cllr Shimon [REDACTED]  
Subject: 84 West Heath Road - Application 20/4748/FUL

Dear Mr Mclean,

I am writing to register my objection to the proposed development at 84 West Heath Road under application number 20/4748/FUL.

The proposed development is not in keeping with the character of West Heath Road. Our section of the street is a community centric neighbourhood made up of households who have known each other for many years. It is a safe and quiet environment and we wish for it to remain this way.

It is needless to say that the vast majority of properties on West Heath Road are single family dwellings at a maximum height of 3-4 floors. Erecting a building of 45 flats at 6 floors is not in line with the existing properties on the street. Over the past few years, there has been increased traffic in our area and finding resident parking on the West Heath Road has become increasingly difficult, in fact, just driving onto the street from Finchley Road is becoming challenging with the amount of cars parked on either side of it. Adding 45 dwellings with all their vehicles will make this portion of West Heath Road terribly congested.

In addition to the above, I don't need to remind you that our street currently has 2 abandoned building sites which are an eyesore, a security risk and pose a threat to the value of our properties. We certainly do not need another.

I hope that the Planning Department in our local council will choose to work in the best interest of its current residents.

Feel free to contact me for any further information.

Kind regards,  
Mrs. Noor Aldulaimy  
91 West Heath Road  
Tel: [REDACTED]



**From** [REDACTED]  
**Sent:** Mon, 18 Jan 2021 15:41:58 +0000  
**To:** Planning Consultation  
**Cc:** Zinkin, Peter (Personal); Ryde, Cllr Shimon; FREER, Mike  
**Subject:** 84 West Heath Road NW3 7UJ

I write to express concern over plans to build 45 flats over six floors, together with the excavation of a further two basement floors, at the above address. There is no indication that this is a project designed to provide affordable housing or relieve any of the problems of homelessness in north-west London.

Much of the housebuilding in this area represents the 'Arts and Crafts' movement in domestic architecture of the period around 1900, and is time that the area as a whole, including West Heath Drive, West Heath Avenue and Redington Road, were subject to a conservation order. Far too many buildings have been allowed to decay, or to lose the distinctive features which enhance the neighbourhood, and no doubt add to property values there.

Our surroundings matter; our living conditions matter; too many of us are literally sick and tired of living among building sites. This project meets no social or public need, and would work to the positive disadvantage of its immediate environment.

Please reject this application.

Yours sincerely

Anne Summers (Dr)

46 West Heath Drive, NW11 7QH  
[REDACTED]

**From** [REDACTED]  
**Sent:** Mon, 18 Jan 2021 16:00:51 +0000  
**To:** Planning Consultation  
**Subject:** Re: Application 20/4748/FUL (84 West Heath Road, NW37UJ)

Hi [REDACTED]

16 West Heath Drive, NW117QH  
Regards  
M Lee

Sent from my iPhone

On 18 Jan 2021, at 15:59, Planning Consultation <Planning.Consultation@barnet.gov.uk> wrote:

□

Dear Sir

Please provide your full home address in order to log your comments.

Thanks

Kind regards

[REDACTED]

**Planning Technician**

**Planning and Building Control**

London Borough of Barnet

2 Bristol Avenue, Colindale, London, NW9 4EW

Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)

<image001.jpg>

<image002.jpg>

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<image003.jpg>

**From:** [REDACTED]  
**Sent:** 16 January 2021 23:51  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** [REDACTED]; Zinkin, Peter [REDACTED] Ryde, Cllr Shimon  
<Cllr.S.Ryde@Barnet.gov.uk>; mike.freer.mp@parliament.uk  
**Subject:** Application 20/4748/FUL (84 West Heath Road, NW37UJ)

Dear Mr Mclean

I hope you are keeping well.

Please note that as a resident of West Heath Drive I object to the above proposed development.

My family moved here four years ago especially to be in a quiet area that was also aesthetically pleasing.

This development would change the face of the immediate area in a negative dramatic fashion.

I do hope that my objection will be taken seriously as this affects so many local residents.

Kind regards

Martin Lee

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**From** [REDACTED]  
**Sent:** Mon, 18 Jan 2021 16:53:23 +0000  
**To:** Planning Consultation  
**Cc:** [REDACTED]; Zinkin, Peter [REDACTED]; Ryde, Cllr Shimon  
**Subject:** Planning application 20/4748FUL  
**Importance:** Normal

Dear Sirs,

I wish to lodge my objection to this application on the following grounds.

1. The development is too large.
2. An attractive heritage building would be lost. I remember walking in the grounds and the building itself when it was a local authority care home for the elderly in the 1960's.
3. Indeed, with the urgent need for community care in these times of Covid, the existing property should be renovated and restored to it's original function.
4. The application represents an overdevelopment of the site.
5. We do not need more luxury housing in the area- plenty already exists!
6. What we do need is affordable housing for care and health workers so that they can provide care for the aging population in this immediate area!

I do hope that Mr. Josh Mclean, the planning officer, realises that this scheme has no merit.

Yours sincerely,  
D.Danzig.  
11, West Heath Close, NW3 7NJ

Sent from my Samsung Galaxy smartphone.

From [REDACTED]  
Sent: Mon, 18 Jan 2021 15:12:23 -0000  
To: Planning Consultation  
Cc: mike.freer.mp@parliament.uk; Zinkin, Peter [REDACTED]; Ryde, Cllr Shimon [REDACTED]  
Subject: Re Planning Application 20/4748/FUL - 84 West Heath Road NW3 7UJ

Attention Mr J. McLean

Dear Mr McLean,

I am writing with respect to the proposed development of a block of flats at 84 West Heath Road, NW3 7UJ.

As a lay member of the public, I find it difficult to envisage the effect of this building on the surrounding area and the adjacent properties. Also, I am not sure how its height compares with that of some large properties on the opposite side of West Heath Road. However, my impression is that it will be out of proportion to neighbouring properties and it will dominate the skyline. For example, will it rise above the surrounding trees and be visible from Golders Hill Park? If so, it will definitely be too tall.


Although the proposed planting details appears to be well thought out this will not offset the dominance of the building and I believe that it needs to be reduced by at least one floor, if not two. The top floor may be very appealing to a potential resident, and provide a significant financial gain for the developer, but it is at the expense of the rights of neighbouring residents ☐to enjoy their views☐. I imagine that the developer can make a ☐reasonable☐ profit for a less intrusive building.

I would like to object to the building in its present form.


Yours sincerely,

Roger Reynolds.

(33 West Heath Drive, NW11 7QG)

---

From:   
Sent: Tue, 19 Jan 2021 10:38:01 +0000  
To: Planning Consultation  
Subject: Re: Objection to 84 West Heath Road NW3 7UJ

Hi

Benjamin Bikard  
6 Carlton Close  
Nw3 7ua london

Thx

Le mar. 19 janv. 2021 à 10:21, Planning Consultation  
<[Planning.Consultation@barnet.gov.uk](mailto:Planning.Consultation@barnet.gov.uk)> a écrit :  
Dear Sir

Please provide your full home address in order to log your comments.

Thanks

Kind regards



**Planning Technician**

**Planning and Building Control**

[London Borough of Barnet](#)

[2 Bristol Avenue, Colindale, London, NW9 4EW](#)

Tel:   
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)





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**From:** [REDACTED]

**Sent:** 17 January 2021 18:04

**To:** Ryde, Cllr Shimon <[Cllr.S.Ryde@Barnet.gov.uk](mailto:Cllr.S.Ryde@Barnet.gov.uk)>; [mike.freer.mp@parliament.uk](mailto:mike.freer.mp@parliament.uk);  
Zinkin, Peter (Personal) <[Peter.zinkin@gmail.com](mailto:Peter.zinkin@gmail.com)>; Planning Consultation  
<[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>

**Subject:** Objection to [84 West Heath Road NW3 7UJ](#)

Dear Mr McClean,

I do not understand why the Council would authorize to demolish such a nice building in order to build more flats.

Not only is the existing building a heritage building full of character, but it's also of community use.

Hampstead is such an amazing place, full of history. Pls don't destroy our heritage and this beautiful atmosphere for more modern flats.

I hope you can consider it.

Best

Benjamin Bikard



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## Carter, Richard

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**From:** Planning Consultation  
**Sent:** 19 January 2021 15:36  
**To:** Mclean, Josh  
**Subject:** FW: Re Planning Application 20/4748/FUL - 84 West Heath Road NW3 7UJ

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]  
**Sent:** 18 January 2021 15:12  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** mike.freer.mp@parliament.uk; Zinkin, Peter ([REDACTED]) Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; [REDACTED]  
**Subject:** Re Planning Application 20/4748/FUL - 84 West Heath Road NW3 7UJ

Attention Mr J.McLean

Dear Mr McLean,

I am writing with respect to the proposed development of a block of flats at 84 West Heath Road, NW3 7UJ.

As a lay member of the public, I find it difficult to envisage the effect of this building on the surrounding area and the adjacent properties. Also, I am not sure how its height compares with that of some large properties on the opposite side of West Heath Road. However, my impression is that it will be out of proportion to neighbouring properties and it will dominate the skyline. For example, will it rise above the surrounding trees and be visible from Golders Hill Park? If so, it will definitely be too tall.

Although the proposed planting details appears to be well thought out this will not offset the dominance of the building and I believe that it needs to be reduced by at least one floor, if not two. The top floor may be very appealing to a potential resident, and provide a significant financial gain for the developer, but it is at the expense of the rights of neighbouring residents 'to enjoy their views'. I imagine that the developer can make a 'reasonable' profit for a less intrusive building.

I would like to object to the building in its present form.

Yours sincerely.

Roger Reynolds.  
(33 West Heath Drive, NW11 7QG)

**From:**Mclean, Josh  
**Sent:**Mon, 25 Jan 2021 12:30:20 +0000  
**To:**Planning Consultation  
**Subject:**FW: ref 20/4748/FUL - 84 West Heath Road

Letter of support for 20/4748/FUL

**From:** [REDACTED]  
**Sent:** 25 January 2021 12:29  
**To:** Mclean, Josh <Josh.Mclean@Barnet.gov.uk>  
**Cc:** Zinkin, Cllr Peter <Cllr.P.Zinkin@Barnet.gov.uk>; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>  
**Subject:** Re: ref 20/4748/FUL - 84 West Heath Road

I refer to the updated application for consent to construct a new apartment block on 84 West Heath Road. I am a local resident (address below), and these comments supplement my original comments made in October 2020.

1. I remain generally supportive of the application. Contrary to many of the other comments, in my view the existing building has no architectural merit whatsoever. Because of its previous institutional lease and many extensions over the years, is actually something of an eyesore. It is only the fact that it is screened by trees and hedges that no one notices this.

2. Whilst no one welcomes the disruption caused by demolition and construction work – I recognise that the existing building is not realistically capable of being reused, and it is better that a high quality building (of the sort proposed by the applicant) which is likely to have a long life is built in its place. I especially welcome the fact that the applicant will retain the trees and hedges surrounding the property. Of course a construction management plan will be essential to minimise disruption during the demolition and construction phase.

3. I would prefer a "green wall" to have been incorporated into the design – as originally intended – as this would add to the green nature of the local environment, and assist in "camouflaging" and blending the building into the green environment. Given the nature of the development and the fact that residents will have to pay service charges, I am not concerned that the green wall will be neglected.

4. The risk of accidents on West Heath Road is a serious concern. **There was an accident very recently outside the property – and a vehicle collided into the wall of the property opposite, crossing the pavement and bringing down the wall altogether.** Given the number of flats on the site, there will be significantly more traffic movements on and off the property than hitherto. As this is a blind bend, some form of traffic calming is very necessary – not just in the construction phase – but afterwards as well. Speed humps and cushions are unwelcome. But traffic islands would prevent overtaking, and chicanes could be used to slow traffic down. In addition the 20mph speed limit in the Camden part of West Heath Road could usefully be extended up to the T junction. This could form part of a s106 agreement with the applicant.

5. There is already stress on local parking, and it should be part of the planning consent that sufficient on-site parking is available not only for residents, but their guests as well. In addition, it should be a term of the planning consent that residents are not entitled to residents parking permits – this kind of condition is widely used elsewhere in London for new builds in areas of parking stress. The applicant had indicated during the public consultation that he would not be adverse to such a condition.

6. The movement of commercial wheelie bins onto the pavement for refuse disposal will be unwelcome and obstruct the pavement for pedestrians walking along West Heath Road. And the refuse collecting trucks will be stopping at an accident blackspot – requiring traffic to pull out into the opposite side of the road, adding to the accident risk. All arrangements for the collection of refuse should be on site – so that the refuse collection trucks enter the site to empty the bins.

7. 4. A construction management plan is essential to minimise disruption and the risk of traffic accidents on West Heath Road during the construction phase. The construction management plan needs to address not only the management (and queuing) of trucks delivering materials (and taking away demolition material and refuse), but also the transport of construction workers to and from the site. In the case of previous construction projects on and around West Heath Road, construction workers have parked their cars in residents bays, blocking them for residents' use (the bays are only restricted for one hour each day). The plan needs to ensure that construction workers use public transport to travel to and from the site – with the applicant (if necessary) providing a minibuss or similar to take and collect them from a local station (although both Golders Green and Hampstead stations are within an easy walk).

--

Nicholas Aleksander

[REDACTED]

3 Elm Walk

London NW3 7UP

**From:** [REDACTED]

**Date:** Thursday, 15 October 2020 at 14:11

**To:** [Josh.Mclean@Barnet.gov.uk](mailto:Josh.Mclean@Barnet.gov.uk) <[Josh.Mclean@barnet.gov.uk](mailto:Josh.Mclean@barnet.gov.uk)>

**Cc:** Zinkin, Cllr Peter <[Cllr.P.Zinkin@barnet.gov.uk](mailto:Cllr.P.Zinkin@barnet.gov.uk)>, Ryde, Cllr Shimon <[Cllr.S.Ryde@barnet.gov.uk](mailto:Cllr.S.Ryde@barnet.gov.uk)>, Clarke, Cllr Anne <[Cllr.A.Clarke@barnet.gov.uk](mailto:Cllr.A.Clarke@barnet.gov.uk)>

**Subject:** Re: ref 20/4748/FUL - 84 West Heath Road

I refer to the planning application 20/4748/FUL for 84 West Heath Road, NW3. As a local resident, I would like to comment on the application. I sent you an email with my comments yesterday, but because there were problems with my internet connection, I am resending these comments below, in case my original email was not received.

1. I am generally supportive of the application, and the change of use to residential. I particularly like the fact that the trees on the site are to be preserved. I participated in the local residents' consultation, which I found to be helpful.

2. However, there are aspects of the development proposal on which I have some comments which are as follows:

a) 84 West Heath Road is located on a blind bend in West Heath Road – which is something of an accident blackspot. West Heath Road is a rat-run, and can get very busy (although the impact of COVID-19 has been to reduce traffic temporarily). There have been fatal accidents at this location, and in consequence there are parking restrictions on one side of the road, and an electronically activated illuminated speed limit sign for traffic coming down the hill (from the Platts Lane junction).

The entrance to the site is on the blackspot itself, and there is a risk of accidents as vehicles exit the site – or if pedestrians cross the road at that point. It should be a requirement of the development (perhaps under a planning agreement with Barnet) that the developer pays for traffic calming measures on West Heath Road, in order to force vehicles (particularly those coming down the hill) to slow down. This could take the form of traffic islands (which would be useful for pedestrians) or a chicane – speed bumps would not be welcome. In addition, consideration should be given to extending the existing 20mph speed limit on West Heath Road from the junction at Platts Lane to the T junction at the foot of the hill.

b) I am also concerned about the risk of accidents due to construction traffic – particularly if heavy lorries are queuing on West Heath Road to enter the site (either to collect waste or to deliver). There should be no vehicles waiting on West Heath Road at all. Instead there needs to be a waiting area located well away from the site, and vehicles are then called onto the site with a traffic marshal. In addition, there will need to be traffic management measures at the site entrance to control and manage vehicles driving along West Heath Road. It should be a requirement that no construction traffic should reverse without a banksman/woman watching the rear of the vehicle.

c) The planning application refers to there being twice-weekly collections of recycling waste and residual waste from the development. This is four collections each week. No doubt there will also be a requirement for horticultural waste to be collected too. These collections are to be kerbside on West Heath Road. I am concerned about large refuse trucks having to park at an accident blackspot whilst the bins are emptied. In addition, these heavy commercial bins will have to be manhandled across the site and across the pavement – and given their weight and the sloping site, there is a risk that they could run away and hit a pedestrian or a passing vehicle. It would be better if provision could be made for the refuse to be collected on the site, and for the refuse trucks to enter the site, so that the bins never leave the site (and the site can be graded to minimise the risk of the bins running



away). This would also mitigate the risk of waste blowing away along the road.

d) One of the problems experienced with other developments on West Heath Road is that construction workers drove to the sites, and parked in adjoining roads. Because the residents parking restrictions are only for one hour (to discourage commuter parking), the construction workers can park freely in residents' bays for virtually the whole of the day, causing inconvenience and annoyance to residents. The developers should adopt a travel plan for the construction workers so that they minimise workers travelling to the site by car – and instead use public transport – or a minibus or similar service provided by the developer.

e) There is no capacity for residents of the development (or their guests) to use on-street residents parking bays in the area – this is already an area of parking stress, with most of the bays being fully utilised. As parking facilities for residents and their guests are provided on site, there should be no need for the residents or their guests to use on-street parking. In consequence there should be a planning condition that occupiers of the flats on the development will not have any entitlement to residents' parking permits.

f) During the residents' consultation there was a proposal for the building to have green walls. This seems to be no longer part of the plan. This is disappointing, as the use of green walls would soften the visual impact of a large building – particularly given its setting, which is close to Hampstead Heath and Golders Hill Park, and the site itself benefits from lots of trees.

Could you please confirm that these comments have been received, and will be provided to the planning officer responsible for the application, and to the planning committee making the decision?

I have copied this email to my local councillors.

Regards

--

Nicholas Aleksander



3 Elm Walk

London NW3 7UP

## Carter, Richard

---

**From:** Tim Waters <tim@renewplanning.co.uk>  
**Sent:** 28 January 2021 11:57  
**To:** Mclean, Josh  
**Subject:** (20/4748/FUL) 84 West Heath Road, NW3

Dear Josh,

Thanks for our earlier telephone conversation, which was very much appreciated.

It would be helpful to see the consultation response from the Council's tree officer in order to put the applicant's recent amendments into context. Are you able to forward this through.

Also, I am obviously aware of the fact that many local planning authorities upload consultation response online for public view. Is there a reason why Barnet are not adopting that same practice too?

Regards  
Tim

**Tim Waters**  
Director

T: +44 (0) 20 7243 9827 | M: +44 (0) 7798 826988



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A: 22 Berghem Mews, Blythe Road, London, W14 0HN

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## Carter, Richard

---

**From:** Kieron Hodgson <KHodgson@iceniprojects.com>  
**Sent:** 28 January 2021 10:30  
**To:** Mclean, Josh  
**Cc:** Alice Hawkins  
**Subject:** RE: 84 WEST HEATH ROAD, LONDON NW3 7UJ (LPA REF: 20/4748/FUL) - Re-consultation

Dear Mr Mclean

I hope you are well.

I understand from Eden Close residents that there is a re-consultation on this application.

Is there any summary please as to the principal changes?

I have looked on line but there is no information.

Thanks in advance for your help.

Kieron

**Kieron Hodgson**  
Director, Planning

**telephone:** 020 3435 4218  
**mobile:** 07807 264 704  
**email:** KHodgson@iceniprojects.com



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**From:** Kieron Hodgson <KHodgson@iceniprojects.com>  
**Sent:** 10 December 2020 13:10  
**To:** josh.mclean@barnet.gov.uk  
**Cc:** Zinkin, Cllr Peter <Cllr.P.Zinkin@Barnet.gov.uk>; [REDACTED] Kieron Hodgson <KHodgson@iceniprojects.com>  
**Subject:** 84 WEST HEATH ROAD, LONDON NW3 7UJ (LPA REF: 20/4748/FUL) - OBJECTION

Dear Mr Mclean

We write on behalf of client Mr Sohail Sarbuland, who is owner and resident at No.7 Eden Close, London NW3 to object to the current planning application for development at 84 West Heath Road London NW3 7UJ (ref: 20/4748/FUL).

Please find attached to this email a self-explanatory letter which sets out our clients grounds for objection.

We trust this letter shall be given due consideration by the Council.

Kind regards

Kieron Hodgson

**Kieron Hodgson**  
Director, Planning

**telephone:** 020 3435 4218

**mobile:** 07807 264 704

**email:** KHodgson@iceniprojects.com



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Planning And Building Control  
2 Bristol Avenue  
Colindale  
London  
NW9 4EW

The Owner and/or the Occupier  
7 Eden Close  
London  
NW3 7UL

Contact: Josh Mclean  
Tel: 020 8359 3000  
Date: 19 January 2021  
Our Ref: 20/4748/FUL

Dear Sir or Madam,

### **Town and Country Planning Act 1990**

**SITE:** 84 West Heath Road, London, NW3 7UJ

**PROPOSAL:** Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground.

**Further to my previous letter, please note that amended plans have been submitted in respect of the above planning application.** If you would like to look at the application, the easiest way is through our website, by following the link at <https://publicaccess.barnet.gov.uk/online-applications/> and entering the application reference 20/4748/FUL or address into the Simple Search.

Comments should be submitted online using the 'Make a Public Comment' option once you have found the application you wish to comment on and should be received by 9 February 2021. The website contains guidance on how to comment on a planning application.

Comments can be made in writing and posted to us at the above address if you don't have access to the internet. All comments must be received by 9 February 2021 if you want us to consider them. Please ensure your name, address, is included in any written correspondence and quote reference **20/4748/FUL**. You will not receive an acknowledgement if you comment by post.

### **Publication of Comments**

Any formal comment you make about an application will form part of the planning register, which is open to the public and available online. This means that your comment, name and address will form part of the application documents and will be available for inspection. **Your comment, name and address will be published online.** Signatures, email addresses and telephone numbers will be redacted.

Please do not include any personal information in your comment that you would not be happy to be made publicly available. *Do not include personal information about other people without their*

*permission*. Please note that transparency is in the public interest and names of individuals will only be redacted in exceptional circumstances.

If you wish to be considered as a potential speaker, should the application be determined by committee, you need to state this when making your comment on the application. This is done either by ticking the 'request to speak' box on the online system for commenting, or if you are providing a written response by post then please write '*I request to speak at committee*' visibly at the top of your letter.

### **Speaking at Committee**

Most planning applications are approved or declined by council officers who review your written comments and summarise these within their report where the application is determined. Some applications will be discussed at a council planning committee – usually these are major applications, applications that have been 'called-in' by a ward Member or have been referred to committee for determination by the Chief Planning Officer. Where an application is decided by a committee, the council's constitution allows for up to two speakers for each application, plus the applicant or their representative.

If more than two people request to speak in favour or against an application, then we will expect commenters to agree among themselves who is best placed to speak. To arrange this, we provide the name and email address of everyone who has requested to speak on the item to each other. It is not possible for you to request to speak without agreeing to your name and email address being shared with other people who also want to speak on this application.

If an appeal is made against the decision, your comment in its entirety will be passed to the Planning Inspectorate and appellant.

Yours faithfully,

**Josh Mclean**

**Principal Planner**

**Finchley and Golders Green Area Team**



## Carter, Richard

---

**From:** Tim Waters <tim@renewplanning.co.uk>  
**Sent:** 29 January 2021 09:48  
**To:** Mclean, Josh  
**Subject:** Re: (20/4748/FUL) 84 West Heath Road, NW3

Dear Josh,

I just wanted to make you aware of the fact that the applicant circulated the attached questionnaire to residents around Christmas time. I am unsure what the primary intention of this as the questions are deliberately leading and fail to address the primary issue of overdevelopment.

Are you aware of it?

Regards  
Tim

---

**From:** Tim Waters <tim@renewplanning.co.uk>  
**Date:** Thursday, 28 January 2021 at 11:56  
**To:** "Josh.Mclean@barnet.gov.uk" <Josh.Mclean@barnet.gov.uk>  
**Subject:** (20/4748/FUL) 84 West Heath Road, NW3

Dear Josh,

Thanks for our earlier telephone conversation, which was very much appreciated.

It would be helpful to see the consultation response from the Council's tree officer in order to put the applicant's recent amendments into context. Are you able to forward this through.

Also, I am obviously aware of the fact that many local planning authorities upload consultation response online for public view. Is there a reason why Barnet are not adopting that same practice too?

Regards  
Tim

**Tim Waters**  
Director

T: +44 (0) 20 7243 9827 | M: +44 (0) 7798 826988



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## Carter, Richard

---

**From:** Tim Waters <tim@renewplanning.co.uk>  
**Sent:** 29 January 2021 16:48  
**To:** Mclean, Josh  
**Subject:** Re: (20/4748/FUL) 84 West Heath Road, NW3

Apologies – see attached.

---

**From:** "Mclean, Josh" <Josh.Mclean@Barnet.gov.uk>  
**Date:** Friday, 29 January 2021 at 16:03  
**To:** Tim Waters <tim@renewplanning.co.uk>  
**Subject:** RE: (20/4748/FUL) 84 West Heath Road, NW3

Tim,

I don't think I was aware but I think you forgot to attach the questionnaire in your previous email.

Josh

**Josh McLean MRTPI**  
**Planning Manager**  
**Planning and Building Control**  
2 Bristol Avenue, Colindale, NW9 4EW  
Tel: 0208 359 6039 | [Barnet Online: www.barnet.gov.uk](http://Barnet Online: www.barnet.gov.uk)

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---

**From:** Tim Waters [mailto:tim@renewplanning.co.uk]  
**Sent:** 29 January 2021 09:48  
**To:** Mclean, Josh <Josh.Mclean@Barnet.gov.uk>  
**Subject:** Re: (20/4748/FUL) 84 West Heath Road, NW3

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Are you aware of it?

Regards  
Tim

---

**From:** Tim Waters <[tim@renewplanning.co.uk](mailto:tim@renewplanning.co.uk)>  
**Date:** Thursday, 28 January 2021 at 11:56  
**To:** "[Josh.Mclean@barnet.gov.uk](mailto:Josh.Mclean@barnet.gov.uk)" <[Josh.Mclean@barnet.gov.uk](mailto:Josh.Mclean@barnet.gov.uk)>  
**Subject:** (20/4748/FUL) 84 West Heath Road, NW3

Dear Josh,

Thanks for our earlier telephone conversation, which was very much appreciated.

It would be helpful to see the consultation response from the Council's tree officer in order to put the applicant's recent amendments into context. Are you able to forward this through.

Also, I am obviously aware of the fact that many local planning authorities upload consultation response online for public view. Is there a reason why Barnet are not adopting that same practice too?

Regards  
Tim

**Tim Waters**  
Director

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# Heathside, 84 West Heath Road, NW3 7UL

**KANDA**

**Kanda**  
44 - 48 Paul Street  
London EC2A 4LB

**Tel:** +44 (0) 20 3900 3676

**Email:** [heathside@kandaconsulting.co.uk](mailto:heathside@kandaconsulting.co.uk)

**Website:** [heathside.site](http://heathside.site)

**Date**

18<sup>th</sup> December 2020

Dear Resident,

I am writing to you on behalf of Harrison Varma Ltd, who have submitted a Planning Application (Ref: 20/4748/FUL) to Barnet Council and which is currently awaiting a decision.

Following our invitation sent on 4<sup>th</sup> August 2020 to 202 addresses neighbouring the site, I have been informed that not all residents on Eden Close received the invitation to attend our three Residents' Consultation Meetings held across August and September.

As such, earlier this month we sent out a further invitation to residents on Eden Close offering the opportunity to meet the project team virtually to discuss the proposals and see where we may be able to incorporate your feedback. Whilst we were not taken up on our offer to meet, we continue to seek your feedback.

Therefore, enclosed within this envelope is a brief questionnaire intended to understand your views on the current proposals. We kindly ask that you complete the questionnaire and return it to us via the Freepost envelope provided by Friday 8<sup>th</sup> January 2021.

If you require any additional assistance or if you have any queries, then please do get in contact via the details provided above.

On behalf of the team, I wish you a pleasant Christmas break, and we look forward to hearing from you in the New Year.

Yours sincerely,



**John Greenshields**

## FEEDBACK FORM

We would be grateful if you could take a few moments to provide your views on the proposals for 84 West Heath Road. If you have any questions, or would like assistance, please get in touch via the contact details overleaf.

### CONTACT DETAILS

Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_

All information you give us will be treated confidentially and only used in connection with the project. We may use the information you provide to keep you up to date with the project. If you would prefer us to not store your information or keep you updated please tick this box ☐

---

Please provide your views on the following questions by ticking the relevant box. Space for additional comments is provided overleaf.

**1. To what extent do you agree with the provision of new homes in the local area?**

☐ Strongly Agree    ☐ Agree    ☐ No View    ☐ Disagree    ☐ Strongly Disagree

**2. To what extent do you agree that there is a need for additional care facilities in the local area, such as a care home?**

☐ Strongly Agree    ☐ Agree    ☐ No View    ☐ Disagree    ☐ Strongly Disagree

**3. The site may be most suited to one of these options - which one would you support?**

☐ Residential Flats    ☐ Care Home    ☐ School    ☐ None of these

**4. If given the choice between residential apartments or a care home, for which purpose would you prefer the site was redeveloped?**

☐ Residential Flats    ☐ Care Home

Questions continued overleaf....



## Carter, Richard

---

**From:** Tim Waters <tim@renewplanning.co.uk>  
**Sent:** 29 January 2021 17:51  
**To:** Mclean, Josh  
**Subject:** Re: (20/4748/FUL) 84 West Heath Road, NW3

Thanks Josh and much appreciated.

I have noted the ecology objection. If you are minded to move the application to decision towards the end of February, then the required bat emergence surveys would be unable to be completed in time and so I am assuming this would translate into a maintained reason for refusal. I appreciate you are unable to comment on that, but as you will know, the surveys cannot be conditioned.

Regards  
Tim

---

**From:** "Mclean, Josh" <Josh.Mclean@Barnet.gov.uk>  
**Date:** Friday, 29 January 2021 at 16:01  
**To:** Tim Waters <tim@renewplanning.co.uk>  
**Subject:** RE: (20/4748/FUL) 84 West Heath Road, NW3

Hi Tim,

Yes happy to share the received Arboricultural response with you. It's attached for you review.

Josh

**Josh McLean MRTPI**  
**Planning Manager**  
**Planning and Building Control**  
2 Bristol Avenue, Colindale, NW9 4EW  
Tel: 0208 359 6039 | [Barnet Online: www.barnet.gov.uk](http://www.barnet.gov.uk)

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---

**From:** Tim Waters [mailto:tim@renewplanning.co.uk]  
**Sent:** 28 January 2021 11:57  
**To:** Mclean, Josh <Josh.Mclean@Barnet.gov.uk>  
**Subject:** (20/4748/FUL) 84 West Heath Road, NW3

Dear Josh,

Thanks for our earlier telephone conversation, which was very much appreciated.

It would be helpful to see the consultation response from the Council's tree officer in order to put the applicant's recent amendments into context. Are you able to forward this through.

Also, I am obviously aware of the fact that many local planning authorities upload consultation response online for public view. Is there a reason why Barnet are not adopting that same practice too?

Regards  
Tim

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Director

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**From** [REDACTED]  
**Sent:**Sat, 30 Jan 2021 20:55:55 -0000  
**To:**Planning Consultation  
**Cc:**Zinkin, Peter [REDACTED]; Ryde, Cllr Shimon; Clarke, Cllr Anne  
**Subject:**Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

Dear Sirs,

**84 West Heath Road, London NW3 7UJ**

**Application 20/4748/FUL**

We are writing to set out our thoughts about the proposed residential blocks on the above site. We are NOT in favour of the proposed demolition of St. Margaret's Residential Home and the erection of a new 7 storey block of residential flats in its place. Please forgive our lay language.

There are several reasons for our objection:

1. The proposed block is much too large for the plot upon which it stands. The plans indicate that the building would extend right to the boundary on all sides, making it disproportional to the size of the land.
2. The plans indicate a building far, far higher than any building in the road, making it stand out like an eyesore, in the place of a large Victorian house set in spacious grounds of natural beauty. The current house is set back from the street, protected by trees affording privacy, and is in harmony with other similar buildings in the road.
3. The other houses and blocks of flats in this road would be overshadowed by the height of the proposed building, which has the appearance of a commercial, urban edifice. This would have a negative effect on them in so many ways and be a blight to the residents of the road and the neighbourhood.



4. The proposal of 45 flats is far too many for the building and land, which is only 1 acre in size. As a result of so many people living within this small space, there would also be an unacceptable increase in the number of cars on this road, making it look and feel like an ugly urban thoroughfare.
5. There would not be enough land around the building for landscaped gardens, i.e. grass, paths, shrubs and trees, which are the hallmark of Hampstead and its natural beauty. There would not be enough space for residents to enjoy a garden or enjoy the environment within the estate.
6. Although Barnet Council has a strict policy towards trees and their preservation, there would, no doubt, be trees which would have to be taken down on this site and others where the roots would be disturbed through the digging of foundations and other engineering works. Some of these trees are very old and beautiful and have taken over one hundred years to grow to maturity. The plant kingdom must be respected as well as the human kingdom, and we should build around such trees, not destroy them.  
We OBJECT STRONGLY.

We understand that the plot has now been bought and no doubt the new owners wish to make a profit from the purchase. To re-develop the existing house, extend it slightly and divide it into a small number of flats, would be a better idea, provided it still lay in beautiful, gracious grounds as was the original plan for houses in the Hampstead area.

Please therefore, note that we object strongly to the proposed development and are of the opinion that accordingly, this planning application should be refused.

Yours sincerely

**Arlene & Roger Seaton**

12 West Heath Close, London NW3 7NJ

**From** [REDACTED]  
**Sent:** Mon, 1 Feb 2021 12:59:56 +0000  
**To:** Planning Consultation  
**Cc:** Greenspan, Cllr Eva; Ryde, Cllr Shimon; Zinkin, Peter  
(Personal); mike.freer.mp@parliament.uk; [REDACTED]  
**Subject:** Development 84 West Heath Road

Dear Sir,

I have received various letter informing about the planning consent given for development of 84 west heath road.

I am very surprised that the planners have given consent to developmen knowing it is a conservation area and a very quiet and beautiful residential area for houses.

I live in house no 4, 74 West Heath Road and my property is adjacent to the development of 84 West Heath Road.

I do not agree this planning has been granted without the neighbours consent.

This development will bring lot of disturbance to our property and the neighbouring residence.

Our action group has written against this development and yet there has been no response from the planners.

This development will bring lot of noise and air pollution to the neighbours and for the future this development is not very healthy as this will increase the traffic on the road which is already quite busy.

Many accidents take place on this road and this development will increase more accidents.

I have also learnt the site has a usage of C2 for community schools and nursing home, it will be advantageous to provide the planning for nursing or elementary school which can be more useful for the neighbours.

I will really appreciate if this development can be stopped until further review and after the consent of the neighbours.

What is the point of giving notice to neighbours of this development when the planners are not willing to consider the objection made by the neighbours.

Looking forward to your favourable response.

Thank you and kind regards,

Shekhar Agarwal

House no. 4

74 westheath road

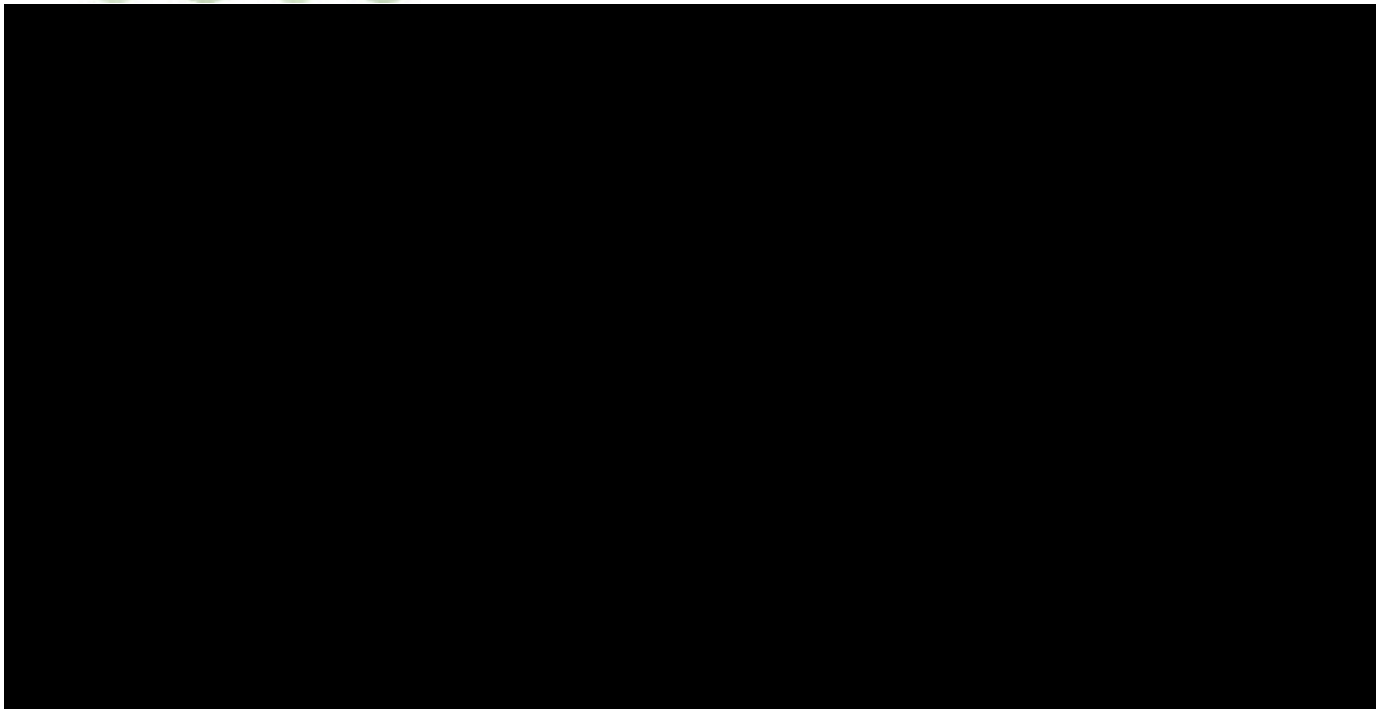
London NW3 7UJ

Shekhar Agarwal

Stone World London

T: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



**Carter, Richard**

---

**From:** [REDACTED]  
**Sent:** 04 February 2021 12:37  
**To:** Mclean, Josh  
**Subject:** 84 West Heath Road. 20/4748/FUL

Dear Mr McLean,

There seems to be a lot of building work occurring at the above address. Has permission been granted in relation to the above application?

At present there are two large lorries in the forecourt and a number of men at work.

I would be glad to have your news.

Regards

*Martyn Woolf*

**From** [REDACTED]  
**Sent:** Sat, 6 Feb 2021 15:25:58 +0000 (UTC)  
**To:** Planning Consultation  
**Cc:** Zinkin, Peter [REDACTED]; Ryde, Cllr Shimon; Clarke, Cllr Anne; mike.freer.mp@parliament.uk; [REDACTED]  
**Subject:** Re: Application No. 20/4748/FUL - 84 West Heath Road

Dear Sir

I am writing to express my strong opposition to the revised planning application No. 20/4748/FUL - 84 West Heath Road.

The scheme represents outrageous overdevelopment of a site which will damage views from Golders Hill Park and the Heath Extension, as well as almost certainly leading to increased traffic congestion at White Stone Pond / East Heath, which is already a traffic choke point.

Having already objected to the original planning, I see minimal changes in the second application and certainly no attempt to respond to these fundamental concerns.

Yours sincerely

Daniela Skacanova

97 West Heath Road  
NW3 7TN London

Sid  
Gould

---

From: Sid Gould  
Sent: Mon, 8 Feb 2021 17:58:58 +0000  
To: Planning Consultation  
Subject: Application 20/4748/FUL

We strongly object to the proposed development at 84 West Heath Rd (20/4748/FUL).  
Besides anything else it will be completely out of character with other buildings in the road.

Sid and Jean Gould

flat 1 Oak lodge, 67 West Heath Rd

[REDACTED]

---

From: [REDACTED]

Sent: Mon, 8 Feb 2021 11:32:19 +0000

To: Planning Consultation; westheathaction@yahoo.com; Zinkin, Peter [REDACTED] Ryde,  
Cllr Shimon; Clarke, Cllr Anne; mike.freer.mp@parliament.uk


Subject: Planning Application 20/4748/FUL (84 WEST HEATH ROAD)

Good Morning

I would like to place on record that I strongly object to the proposed building at 84 West Heath Road, NW3. I am the resident and owner of 48 West Heath Road, London, NW3 7UR

Regards  
Simone Krok






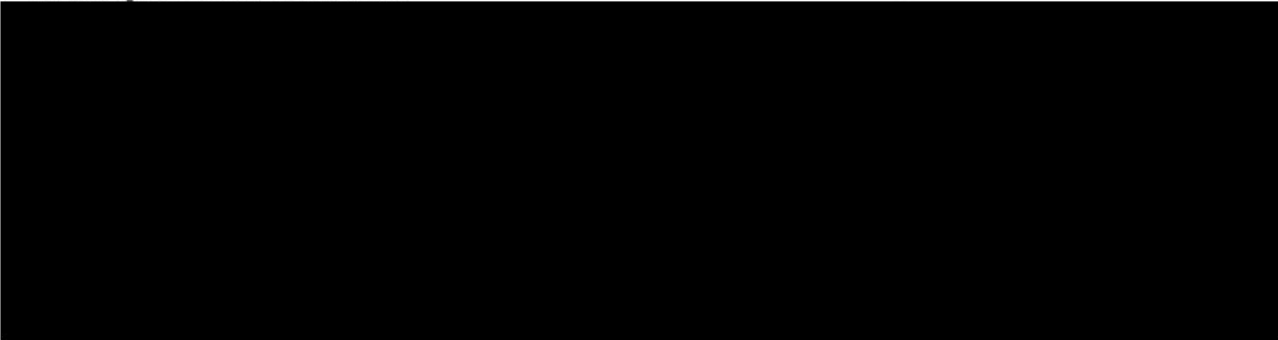
**By email:** [planning.consultation@barnet.gov.uk](mailto:planning.consultation@barnet.gov.uk)  
Attn: Josh Mclean  
Principal Planner,  
Finchley and Golders Green Area Team


8 February 2021

Dear Sirs,



I strongly object the proposed development at 84 West Heath Road, London, NW3 7UJ, as with its five floors, a sixth-floor roof garden, and 45 new residential flats the new building will tower over the adjacent area, thus affecting privacy and security of other residents.



Furthermore, although the Applicant claimed in their Statement of Community Involvement to have undertaken proper consultations, neither I nor the majority of my neighbours have been consulted or contacted by the Applicant. 



. Should the application be approved, we

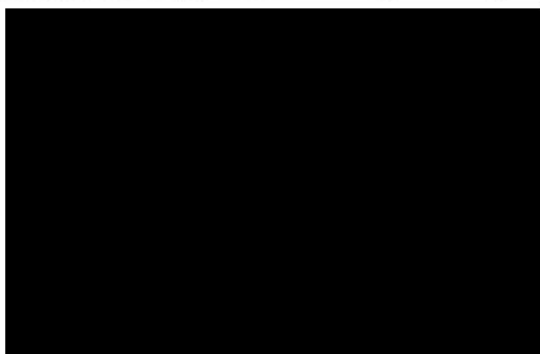
could request a judicial review on the grounds of this point alone, and I reserve the right to claim one in future.

Please, also be informed that the Applicant acting through their influencers Kanda Group have tried to approach me and other Eden Close residents very late December last inviting us to a very short noticed meeting and then sending us a very unclear "Questionnaire" requesting our quick responses. And of late – I was away from London from 17 January and came back a few days ago on 29 January only to discover in my mail a letter from the Barnet Council dated 19 January (your ref. 20/4748/FUL) informing me of some minor amendments to the above application and inviting my comments to them. Again, let me state here that I was surprised to learn about the amendments not directly from the Applicant but from the Council. And as someone who is most directly affected by the proposed new property development I am afraid I have to state once again that the Applicant completely failed to engage in a meaningful consultations process with me and other residents and that the Applicant's belated efforts to do something in this respect as described above seem to be contrived, rushed, poorly timed and thus totally unacceptable.

And finally, I strongly believe that the proposed tall block of flats is going to be overly aggressive and totally incongruous with scenery and spirit of the surrounding area.

I hope and request that the Application is rejected by the Council.

Erlan Idrissov



Cc: [cldr.s.ryde@barnet.gov.uk](mailto:cldr.s.ryde@barnet.gov.uk), [cldr.p.zinkin@barnet.gov.uk](mailto:cldr.p.zinkin@barnet.gov.uk),  
[cldr.a.clarke@barnet.gov.uk](mailto:cldr.a.clarke@barnet.gov.uk), [mike.freer.mp@parliament.uk](mailto:mike.freer.mp@parliament.uk),  
[westheataction@yahoo.com](mailto:westheataction@yahoo.com).

**From** [REDACTED]  
**Sent:** Mon, 8 Feb 2021 08:13:31 +0000  
**To:** Planning Consultation  
**Cc:** wastheathaction@yahoo.com  
**Subject:** Application 20/4748/ful

I object strongly to the proposed  
development at 84 west heath rd  
Of 45 new flats .

I am advised that the amendments to the planning application have still not allayed my  
major concern  
that this is gross overdevelopment !  
This planning application must be refused

Regards  
Harold Sorsky  
Flat 4  
67 west heath rd  
Nw37th

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**From** [REDACTED]  
**Sent:** Tue, 9 Feb 2021 20:34:52 -0000  
**To:** Planning Consultation  
**Cc:** Zinkin, Peter [REDACTED] Ryde, Cllr Shimon; Clarke, Cllr Anne  
**Subject:** FW: FW: Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

Dear Sirs,

**84 West Heath Road, London NW3 7UJ**

**Application 20/4748/FUL**

Further to our email of 30<sup>th</sup> January (see below), we are writing once again, to OBJECT to the proposed development, the plans for which have been very slightly altered in response to Barnet's Tree Officer.

- The proposed development of 45 flats is STILL far too large for the plot of land with hardly any land surrounding the building which would extend right up to the boundary on all sides.
- The proposed height of the building, with 5 floors above ground, is STILL much too high, and not in keeping with the other buildings in the road. In no way is it in keeping with the beauty of the architecture in the area.
- As mentioned before, the long roots of these old mature trees go far beyond the limits set, and any tampering with the land, such as engineering/foundation works, will cause trees to be damaged, or worse, wither and die.
- The proposed development for Residential Use would presumably require a change of C2 Community use to C3 Use. There is no justification for such a change. This piece of land, in its existing category of C2, could in our view, be more constructively used for a care home, or a nursing home, school, college or training centre or indeed a home for nurses, or a housing association, ie affordable housing which Barnet badly needs, as there is an increasing demand (and limited supply) of such accommodation.

- The existing old Victorian/Edwardian house is of architectural merit and exceptional beauty in harmony with its surroundings. If it were to be modernised and possibly converted into say, 4 flats, there would be no need to demolish the existing house, whose exterior could be maintained. (Any new foundations would almost certainly damage the surrounding trees and bushes.)

In the light of these serious and strongly felt objections, we are of the opinion that this planning application should be REFUSED.

Yours sincerely

**Arlene & Roger Seaton**

**12 West Heath Close, London NW3 7NJ**

**From:** [REDACTED]  
**Sent:** Saturday, January 30, 2021 8:56 PM  
**To:** Josh Mclean ([Planning.consultation@barnet.gov.uk](mailto:Planning.consultation@barnet.gov.uk)) <[Planning.consultation@barnet.gov.uk](mailto:Planning.consultation@barnet.gov.uk)>  
**Cc:** 'Cc:' <[peter.zinkin@gmail.com](mailto:peter.zinkin@gmail.com)>; 'Cllr.S.Ryde@barnet.gov.uk' <[Cllr.S.Ryde@barnet.gov.uk](mailto:Cllr.S.Ryde@barnet.gov.uk)>; 'cllr.a.clarke@barnet.gov.uk' <[cllr.a.clarke@barnet.gov.uk](mailto:cllr.a.clarke@barnet.gov.uk)>  
**Subject:** Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

Dear Sirs,

**84 West Heath Road, London NW3 7UJ**

**Application 20/4748/FUL**

We are writing to set out our thoughts about the proposed residential blocks on the above site. We are NOT in favour of the proposed demolition of St. Margaret's Residential Home and the erection of a new 7 storey block of residential flats in its place. Please forgive our lay language.

There are several reasons for our objection:

1. The proposed block is much too large for the plot upon which it stands. The plans indicate that the building would extend right to the boundary on all sides, making it disproportional to the size of the land.
2. The plans indicate a building far, far higher than any building in the road, making it stand out like an eyesore, in the place of a large Victorian house set in spacious grounds of natural beauty. The current house is set back from the street, protected by trees affording privacy, and is in harmony with other similar buildings in the road.
3. The other houses and blocks of flats in this road would be overshadowed by the height of the proposed building, which has the appearance of a commercial, urban edifice. This would have a negative effect on them in so many ways and be a blight to the residents of the road and the neighbourhood.
4. The proposal of 45 flats is far too many for the building and land, which is only 1 acre in size. As a result of so many people living within this small space, there would also be an unacceptable increase in the number of cars on this road, making it look and feel like an ugly urban thoroughfare.
5. There would not be enough land around the building for landscaped gardens, i.e. grass, paths, shrubs and trees, which are the hallmark of Hampstead and its natural beauty. There would not be enough space for residents to enjoy a garden or enjoy the environment within the estate.
6. Although Barnet Council has a strict policy towards trees and their preservation, there would, no doubt, be trees which would have to be taken down on this site and others where the roots would be disturbed through the digging of foundations and other engineering works. Some of

these trees are very old and beautiful and have taken over one hundred years to grow to maturity. The plant kingdom must be respected as well as the human kingdom, and we should build around such trees, not destroy them. We OBJECT STRONGLY.

We understand that the plot has now been bought and no doubt the new owners wish to make a profit from the purchase. To re-develop the existing house, extend it slightly and divide it into a small number of flats, would be a better idea, provided it still lay in beautiful, gracious grounds as was the original plan for houses in the Hampstead area.

Please therefore, note that we object strongly to the proposed development and are of the opinion that accordingly, this planning application should be refused.

Yours sincerely

**Arlene & Roger Seaton**

12 West Heath Close, London NW3 7NJ



**Carter, Richard**

---

**From:** Planning Consultation  
**Sent:** 10 February 2021 09:29  
**To:** Mclean, Josh  
**Subject:** FW: Application No. 20/4748/FUL - 84 West Heath Road

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED] 8  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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---

**From:** [REDACTED]  
**Sent:** 06 February 2021 15:26  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** Zinkin, Peter [REDACTED] Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>; mike.freer.mp@parliament.uk; Nunzio Quacquarelli <nq@qs.com>  
**Subject:** Re: Application No. 20/4748/FUL - 84 West Heath Road

Dear Sir

I am writing to express my strong opposition to the revised planning application No. 20/4748/FUL - 84 West Heath Road.

The scheme represents outrageous overdevelopment of a site which will damage views from Golders Hill Park and the Heath Extension, as well as almost certainly leading to increased traffic congestion at White Stone Pond / East Heath, which is already a traffic choke point.

Having already objected to the original planning, I see minimal changes in the second application and certainly no attempt to respond to these fundamental concerns.

Yours sincerely

Daniela Skacanova

97 West Heath Road  
NW3 7TN London

**Carter, Richard**

---

**From:** Planning Consultation  
**Sent:** 10 February 2021 11:38  
**To:** Mclean, Josh  
**Subject:** FW: Application 20/4748/ful

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]  
**Sent:** 08 February 2021 08:14  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** Application 20/4748/ful

I object strongly to the proposed  
development at 84 west heath rd  
Of 45 new flats .

I am advised that the amendments to the planning application have still not allayed my major concern  
that this is gross overdevelopment !  
This planning application must be refused

Regards  
Harold Sorsky  
Flat 4  
67 west heath rd  
Nw37th

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**From:** [REDACTED]  
**Sent:** Wed, 10 Feb 2021 11:36:21 +0000  
**To:** Planning Consultation  
**Subject:** RE: Re Application No 20/4748/FUL - 84 West Heath Road

My address:

97 West Heath Road

London NW3 7TN

Thanks

Nunzio

**From:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Sent:** 10 February 2021 09:56  
**To:** [REDACTED]  
**Subject:** RE: Re Application No 20/4748/FUL - 84 West Heath Road

Dear Nunzio Quacquarelli

Please provide your full home address in order to be able to log your comments.

Thanks

Kind regards

[REDACTED]  
**Planning Technician**

**Planning and Building Control**

London Borough of Barnet

2 Bristol Avenue, Colindale, London, NW9 4EW

Tel: [REDACTED]

Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]

**Sent:** 06 February 2021 12:54

**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>

**Cc:** Zinkin, Peter (Personal) [REDACTED]; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>;

Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>; mike.freer.mp@parliament.uk; [REDACTED]

[REDACTED] >

**Subject:** Re Application No 20/4748/FUL - 84 West Heath Road

Dear Sir

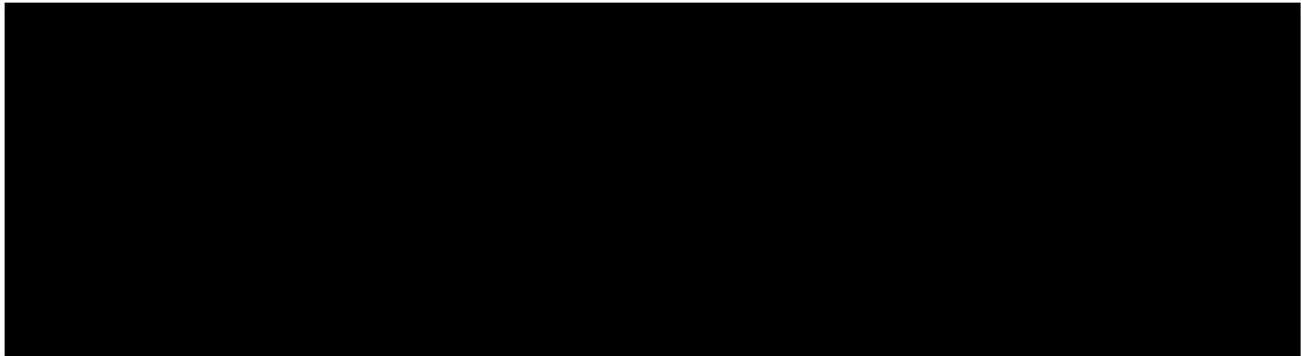
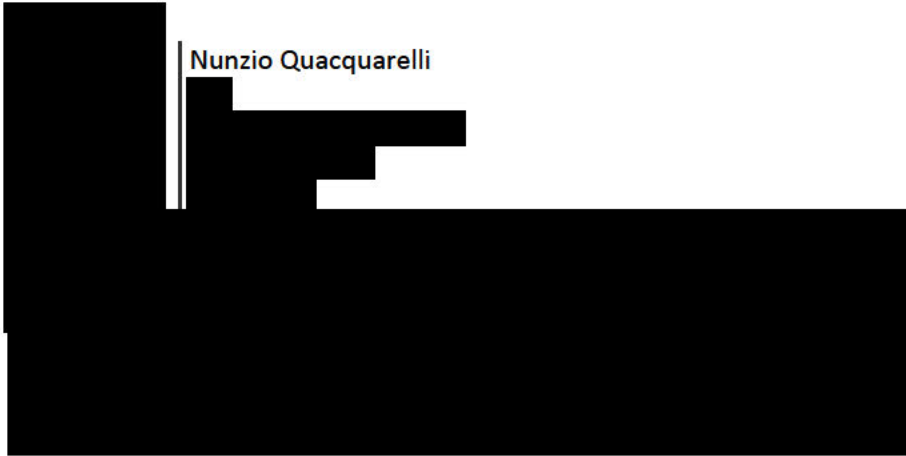
I am writing to express my strong opposition to the revised planning application No 20/4748/FUL - 84 West Heath Road.

The scheme represents outrageous overdevelopment of a site which will damage views from Golders Hill Park and the Heath Extension, as well as almost certainly leading to increased traffic congestion at White Stone Pond / East Heath, which is already a traffic choke point.

Having already objected to the original planning, I see minimal changes in the second application and certainly no attempt to respond to these fundamental concerns.

Yours sincerely

Nunzio Quacquarelli





**From:** [REDACTED]  
**Sent:** Wed, 10 Feb 2021 12:18:24 +0000  
**To:** Planning Consultation  
**Subject:** RE: Planning application 20/4748 FUL?, 2nd application re 84 West Heath Road NW3.  
**Importance:** Normal

11, West Heath Close  
NW3 7NJ.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Date:** 10/02/2021 12:11 pm (GMT+00:00)  
**To:** [REDACTED]  
**Subject:** RE: Planning application 20/4748 FUL?, 2nd application re 84 West Heath Road NW3.

Dear Sir

Please provide your full home address in order to log your comments.

Kind regards

[REDACTED]

**Planning Technician**

**Planning and Building Control**

London Borough of Barnet

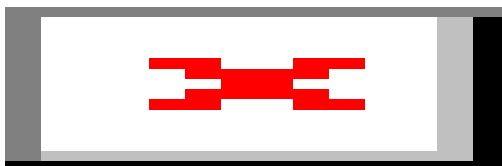
2 Bristol Avenue, Colindale, London, NW9 4EW

**Tel:** [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]

**Sent:** 09 February 2021 10:46

**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>;  
[REDACTED]

**Subject:** Planning application 20/4748 FUL?, 2nd application re 84 West Heath Road NW3.

Dear Sir,

I wrote to you on the 18th January citing my objections to this proposed development.

The fact that the developer has tweaked his application in an attempt to satisfy any tree/tree root or wildlife issues raised by a council official is an obfuscation of the real issues.

They are-

1. The proposed building constitutes blatant over development of the site.
2. There is a lovely building there already that could be modernised and adapted for residential or professional use.
3. It could be restored to its original use ie. a care home for the elderly or as a post covid recovery/rehabilitation centre.
4. There are plenty multi-million pound homes in the area already. Indeed, quite a number have been available for sale presently for some time!
5. What is needed is building use that serves the community at large and at the same time preserves the flora/fauna and open space in the immediate vicinity.

Please can I ask you to again reject this latest planning application.

Yours sincerely,

David Danzig.

West Heath Close.

Sent from my Samsung Galaxy smartphone.

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10 February 2021

Josh Mclean  
Planning and Building Control  
London Borough of Barnet  
2 Bristol Avenue  
Colindale  
London  
NW9 4EW

Dear Mr. Mclean,

**84 West Heath Road, London, NW3 7UJ**  
**Planning Application Reference No. 20/4748/FUL**  
**Maintained Objection on Behalf of Mr. & Mrs. Katz**

We are instructed on behalf of Mr. & Mrs. Katz to maintain their strong objection to planning application reference no. 20/4748/FUL, dated 7 October 2020, relating to land at 84 West Heath Road, London, NW3 7UJ, and proposing the full demolition of the existing (Class C2) building and construction of a new 7-storey building (including 2 storeys below ground level) containing 45 flats (Class C3), basement car parking and related facilities. Our client's further representations should be read in conjunction with the objections originally made to the application in correspondence from RENEW Planning Limited to the Council dated 18 November 2020.

Our client's maintained objection relates to the applicant's amended plans, which were subject to re-consultation on 19 January 2021 and are simply proposing minor changes to the proposed development in terms of adjustments to the lower ground floor in an effort to avoid the root protection area of the adjacent sycamore trees and removing/replacing the ramped access to the basement car park with car lifts.

The amended plans are aimed at responding to a maintained objection to the proposed development from the Council's Tree Officer in his recent consultation response on the application. That objection was predicated on a concern that the building unacceptably encroaches into the root protection areas of trees (and canopies), which, of course, is symptomatic of overdevelopment. The objection also identified deficiencies in the applicant's biodiversity assessment and highlighted a need for further bat surveys to be undertaken. These surveys can only be completed during the optimal survey season (i.e. from mid-May at the earliest according to prevailing weather conditions) should not be deferred to condition. This constitutes yet another fundamental flaw of the planning application and would normally constitute a valid reason for refusal in its own right and irrespective of the other breaches of planning policy that we have already identified in our previous representations.

Furthermore, the amended plans do not confer the appropriate tree protection and our client's continued concerns in this respect are set out in the supporting technical note prepared by David Partridge Associates (and dated 9 February 2021).

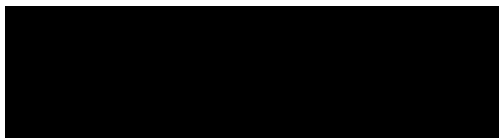
RENEW Planning Limited, 22 Berghem Mews, Blythe Road, London W14 0HN  
Company Registration No. 7792336  
Registered Office: Camburgh House, 27 New Dover Road, Canterbury, Kent CT1 3DN



It is also the case that the applicant's updated Statement of Community Involvement (January 2021) continues to contain a number of misleading and/or factually inaccurate statements about the nature and extent to which the local residents on Eden Close have been directly engaged on this proposal. These statements should be immediately withdrawn/corrected in the interests of fairness and transparency of process. Irrespective of this, the applicant's public engagement strategy has been contrived, ill-timed and poorly executed, giving the impression of the applicant trying to force the application through at all costs with scant regard to local community opinion and impact.

Consequently, we urge the Council to move to an immediate refusal of planning permission.

Yours sincerely,



**Tim Waters**  
**Director**  
**RENEW Planning Limited**

Encl.

First objection letter dated 18 November 2020  
Letter from David Partridge Associates dated 9 February 2021.



## Carter, Richard

---

**From:** Planning Consultation  
**Sent:** 10 February 2021 11:54  
**To:** Mclean, Josh  
**Subject:** FW: 84 West Heath Road London NW3 7UJ Ref. No: 20/4748/FUL  
**Attachments:** 84 WHR objection.docx

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]  
**Sent:** 08 February 2021 11:55  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; Zinkin, Peter [REDACTED]  
<Peter.zinkin@gmail.com>; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Clarke, Cllr Anne  
<Cllr.A.Clarke@Barnet.gov.uk>; mike.freer.mp@parliament.uk  
**Subject:** 84 West Heath Road London NW3 7UJ Ref. No: 20/4748/FUL

Dear Sir

We are residents of 61 West Heath Road. We have already objected to the above application on the following grounds:

- Scale of the proposed development
- Visual impact
- Traffic generation
- Road safety
- Pressure on on-street parking

A copy of our objection is attached.

Since then the Government have stated that local communities will be given the power to set design standards for all new developments under plans to improve the look and quality of housing and that developers will have to make sure that all new properties adhere to the character of the areas where they are being built. The measures come in response to the Building Beautiful Commission that reported last year. It called for local people to be given much more say in setting standards for new homes in their areas and emphasising the importance of ensuring that new developments had adequate green space.

Mr Robert Jenrick, the Secretary of State for Housing, Communities and Local Government is reported as saying:

“In recent decades some development has acquired a bad name due to shoddy workmanship, at times outright unsafe, and the development of ‘anywhere’ places, which have little relevance or connection to local character.

“Local people [should] set the rules for what developments in their area should look like, ensuring that they reflect and enhance their surroundings and preserve our local character and identity.

“Instead of developers forcing plans on locals, they will need to adapt to proposals from local people, ensuring that current and new residents alike will benefit from beautiful homes in well-designed neighbourhoods.”

Although this is not yet formal Government policy. It should inform future decisions on planning applications. In this case, the developer did not consult the local community prior to submitting the application. It is just the kind of development that the Secretary of State is seeking to prevent: it involves loss of green space and is totally inconsistent with the character of the area. Consent for it should be refused.

Yours sincerely

Irving and Marion Yass  
Robert and Sandra Clifton  
Dr George Conn  
Howard and Sheila Harris  
Peter Levi  
Nigel and Sheila Raine

**61 West Heath Road  
London NW3 7TH**

Planning Services  
London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
London NW9 4EW

29th October 2020

Dear Sirs

**84 West Heath Road London NW3 7UJ**  
Ref. No: 20/4748/FUL

We are residents of seven flats at 61 West Heath Road. We object to the above application on the following grounds:

- Scale of the proposed development
- Visual impact
- Traffic generation
- Road safety
- Pressure on on-street parking

**Scale**

Development of 45 flats is out of scale with the rest of the area, which comprises mainly single dwellings or small apartment blocks like ours. The Design and Access Statement (DAS) shows that the average plot density ratio in the area is 30% (building footprint to plot size). It does not give the ratio for the proposed development, but it is obvious from the floorplans that it is much higher than this.

**Visual Impact**

The development has six storeys above a lower ground floor level. Its bulk will be visible from the road: it will be particularly dominant as one comes up from the corner. It would be out of scale with neighbouring buildings which are at most four storeys. The Oren is cited as a comparator, but it is only five storeys and located at the foot of West Heath Road, where it will be much less obtrusive.

Any development on this site should be no more than four storeys, well set back from the road and if possible inside a dip in the ground so as to make it less visible from the road. The existing trees must be preserved.

**Traffic**

The Transport Assessment (TA) greatly under-estimates the number of car trips that would be generated by the development. It assumes that only 25% of the estimated

291 trips a day would be by car. This is based on overall London travel which is 65% by public transport. The developers have said they expect most of the flats would be bought by 'empty nesters' who would be down-sizing. It is implausible that this demographic would travel mainly by public transport, particularly given the ample provision for residents parking and lack of convenient public transport – the nearest bus stop is 450m away and the Underground station 850m away, both down a steep hill.

A development of this size would also generate additional delivery and service traffic.

The TA states that the amount of traffic generated would in any case be less than that from the site's previous use as a school. However the school was a boarding school, so the traffic generation was not significant.

There is already too much traffic on West Heath Road. In the morning peak: it regularly backs up to the corner of Westover Hill. The development would add to the congestion and consequent CO2 emissions and pollution.

### **Road Safety**

Traffic on West Heath Road travels much too fast, particularly going down the hill. It is dangerous to cross the road, particularly for the elderly and infirm. There is a need for traffic calming measures or a lower speed limit with camera enforcement. The need for such measures will be increased by the development. The application site is on a blind bend. Vehicles leaving the site will create an additional hazard .

Any development on this site should be conditional on speed reduction measures, to be paid for by the developer in addition to any CIL contribution.

### **Parking**

The application includes 66 parking spaces on site ie 1.5 spaces per flat .So if half the flats have two cars there will be no room for visitors or tradespeople, which will put extra pressure on on-street parking. There is limited provision for on-street parking, which is already fully occupied most of the time. Any development on this site should include adequate provision for visitor parking. Residents should not be entitled to visitor permits for on-street parking.

Yours faithfully

Irving and Marion Yass

Flat 1

Gary Caplan

Flat 2

Dr George Conn	Flat 3
----------------	--------

Robert and Sandra Clifton	Flat 4
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Howard and Sheila Harris	Flat 5
--------------------------	--------

Peter Levi	Flat 6
------------	--------

Nigel and Sheila Rayne	Flat 7
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**Carter, Richard**

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**From:** Planning Consultation  
**Sent:** 10 February 2021 12:09  
**To:** Mclean, Josh  
**Subject:** FW: Application 20/4748/FUL

[REDACTED]  
**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
[REDACTED] [barnet.gov.uk](http://barnet.gov.uk)



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Registered in England 08615172. Registered Office: 17 Rochester Row, London, England SW1P 1QT.



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**From:** [REDACTED]  
**Sent:** 08 February 2021 17:59  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Subject:** Application 20/4748/FUL

We strongly object to the proposed development at 84 West Heath Rd (20/4748/FUL). Besides anything else it will be completely out of character with other buildings in the road.

Sid and Jean Gould

flat 1 Oak lodge, 67 West Heath Rd



**Carter, Richard**

---

**From:** Planning Consultation  
**Sent:** 10 February 2021 12:57  
**To:** Mclean, Josh  
**Subject:** FW: Application No. 20/4748/FUL - 84 West Heath Road

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]  
**Sent:** 10 February 2021 10:14  
**To:** Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
**Subject:** Re: Application No. 20/4748/FUL - 84 West Heath Road

49 West Heath Road  
NW3 7TH.

**Stuart Isaacs**

On 10 Feb 2021, at 09:57, Planning Consultation <[Planning.Consultation@barnet.gov.uk](mailto:Planning.Consultation@barnet.gov.uk)> wrote:

Dear Sir

Please provide your full home address in order to be able to log your comments.

Thanks

Kind regards

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)  
<image001.jpg>

<image002.jpg>

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<image003.jpg>

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**From:** [REDACTED]  
**Sent:** 07 February 2021 11:18  
**To:** Planning Consultation <[Planning.Consultation@Barnet.gov.uk](mailto:Planning.Consultation@Barnet.gov.uk)>  
**Cc:** [REDACTED]; Zinkin, Peter [REDACTED]  
[REDACTED]; Ryde, Cllr Shimon <[Cllr.S.Ryde@Barnet.gov.uk](mailto:Cllr.S.Ryde@Barnet.gov.uk)>; Clarke, Cllr Anne  
<[Cllr.A.Clarke@Barnet.gov.uk](mailto:Cllr.A.Clarke@Barnet.gov.uk)>; [mike.freer.mp@parliament.uk](mailto:mike.freer.mp@parliament.uk)  
**Subject:** Application No. 20/4748/FUL - 84 West Heath Road

Dear Sirs,

I refer to the revised planning application recently submitted by the developer in respect of the above.

My and my wife's original opposition to the application remains unchanged. We both consider that the proposed land-use principle of a housing development is wholly unacceptable in the light of the Council's planning policy which confers protection of the existing Class C-2 use. The revised application does not alter the fact that the proposed development would constitute gross overdevelopment incompatible with local context and character.

The Council's Tree Officer's objections are also not met by the revised planning application and by themselves constitute a valid ground for the refusal of permission.

Yours truly,  
Stuart Isaacs  
Melodie Isaacs

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This message has been scanned by Exchange Online Protection.

**Carter, Richard**

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**From:** Planning Consultation  
**Sent:** 10 February 2021 12:20  
**To:** Mclean, Josh  
**Subject:** FW: FW: Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From:** [REDACTED]  
**Sent:** 09 February 2021 20:35  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** Zinkin, Peter [REDACTED]; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>  
**Subject:** FW: FW: Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

Dear Sirs,

84 West Heath Road, London NW3 7UJ

Application 20/4748/FUL

Further to our email of 30<sup>th</sup> January (see below), we are writing once again, to OBJECT to the proposed development, the plans for which have been very slightly altered in response to Barnet's Tree Officer.

- The proposed development of 45 flats is STILL far too large for the plot of land with hardly any land surrounding the building which would extend right up to the boundary on all sides.
- The proposed height of the building, with 5 floors above ground, is STILL much too high, and not in keeping with the other buildings in the road. In no way is it in keeping with the beauty of the architecture in the area.
- As mentioned before, the long roots of these old mature trees go far beyond the limits set, and any tampering with the land, such as engineering/foundation works, will cause trees to be damaged, or worse, wither and die.
- The proposed development for Residential Use would presumably require a change of C2 Community use to C3 Use. There is no justification for such a change. This piece of land, in its existing category of C2, could in our view, be more constructively used for a care home, or a nursing home, school, college or training centre or indeed a home for nurses, or a housing association, ie affordable housing which Barnet badly needs, as there is an increasing demand (and limited supply) of such accommodation.
- The existing old Victorian/Edwardian house is of architectural merit and exceptional beauty in harmony with its surroundings. If it were to be modernised and possibly converted into say, 4 flats, there would be no need to demolish the existing house, whose exterior could be maintained. (Any new foundations would almost certainly damage the surrounding trees and bushes.)

In the light of these serious and strongly felt objections, we are of the opinion that this planning application should be REFUSED.

Yours sincerely

**Arlene & Roger Seaton**

**12 West Heath Close, London NW3 7NJ**

---

**From:** [REDACTED]  
**Sent:** Saturday, January 30, 2021 8:56 PM  
**To:** Josh Mclean ([Planning.consultation@barnet.gov.uk](mailto:Planning.consultation@barnet.gov.uk)) <[Planning.consultation@barnet.gov.uk](mailto:Planning.consultation@barnet.gov.uk)>  
**Cc:** 'Cc:' [REDACTED]; '[Cllr.S.Ryde@barnet.gov.uk](mailto:Cllr.S.Ryde@barnet.gov.uk)' <[Cllr.S.Ryde@barnet.gov.uk](mailto:Cllr.S.Ryde@barnet.gov.uk)>; '[cllr.a.clarke@barnet.gov.uk](mailto:cllr.a.clarke@barnet.gov.uk)' <[cllr.a.clarke@barnet.gov.uk](mailto:cllr.a.clarke@barnet.gov.uk)>  
**Subject:** Town Planning Application - 84 West Heath Road, London NW3 7UJ - LB Barnet Ref: 20/4748/FUL

Dear Sirs,

**84 West Heath Road, London NW3 7UJ**

**Application 20/4748/FUL**

We are writing to set out our thoughts about the proposed residential blocks on the above site. We are NOT in favour of the proposed demolition of St. Margaret's Residential Home and the erection of a new 7 storey block of residential flats in its place. Please forgive our lay language.

There are several reasons for our objection:

1. The proposed block is much too large for the plot upon which it stands. The plans indicate that the building would extend right to the boundary on all sides, making it disproportional to the size of the land.
2. The plans indicate a building far, far higher than any building in the road, making it stand out like an eyesore, in the place of a large Victorian house set in spacious grounds of natural beauty. The current house is set back from the street, protected by trees affording privacy, and is in harmony with other similar buildings in the road.
3. The other houses and blocks of flats in this road would be overshadowed by the height of the proposed building, which has the appearance of a commercial, urban edifice. This would have a negative effect on them in so many ways and be a blight to the residents of the road and the neighbourhood.
4. The proposal of 45 flats is far too many for the building and land, which is only 1 acre in size. As a result of so many people living within this small space, there would also be an unacceptable increase in the number of cars on this road, making it look and feel like an ugly urban thoroughfare.



5. There would not be enough land around the building for landscaped gardens, i.e. grass, paths, shrubs and trees, which are the hallmark of Hampstead and its natural beauty. There would not be enough space for residents to enjoy a garden or enjoy the environment within the estate.
  
6. Although Barnet Council has a strict policy towards trees and their preservation, there would, no doubt, be trees which would have to be taken down on this site and others where the roots would be disturbed through the digging of foundations and other engineering works. Some of these trees are very old and beautiful and have taken over one hundred years to grow to maturity. The plant kingdom must be respected as well as the human kingdom, and we should build around such trees, not destroy them. We OBJECT STRONGLY.

We understand that the plot has now been bought and no doubt the new owners wish to make a profit from the purchase. To re-develop the existing house, extend it slightly and divide it into a small number of flats, would be a better idea, provided it still lay in beautiful, gracious grounds as was the original plan for houses in the Hampstead area.

Please therefore, note that we object strongly to the proposed development and are of the opinion that accordingly, this planning application should be refused.

Yours sincerely

**Arlene & Roger Seaton**

12 West Heath Close, London NW3 7NJ



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9<sup>th</sup> February 2021

Planning & Building Control  
London Borough of Barnet  
2 Bristol Avenue  
Colindale  
London  
NW9 4EW

To Whom It May Concern

**Re: 84 West Heath Road London NW3 7UJ (Ref: 20/4748/FUL)**

**Application for full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground.**

I undertook a detailed assessment of the above planning application with respect to arboricultural matters in November 2020 on behalf of Mr & Mrs Katz and Mr & Mrs Sarbuland, who live within Eden Close directly adjacent to the application site. This has been submitted to the London Borough of Barnet and a copy of this Arboricultural Assessment Note is enclosed with this letter for ease of reference. I concluded that there are numerous significant trees at the application site, that are shown as retained, that will be detrimentally impacted upon by the proposed development.

I note that on 18<sup>th</sup> November 2020 the Arboricultural Consultant and/or Tree Officer appointed by the London Borough of Barnet to assess the above planning application made the following comments to the Planning Case Officer:

- *'The (existing) building is surrounded by generous lawns and then mature trees on the boundary which makes the site secluded and sylvan in character. The pre-application comments sort to ensure this character was retained.'*
- *'The proposed scheme has not taken the pre-application comments into account, the design fills the site leaving a small margin of trees around the edge. The basement footprint impacts on trees.'*
- *'The proposed building footprint will impinge of the RPA (root protection areas) of trees and the upper crowns are located between 1m and 3m from the (proposed) building. There are significant livability concerns here due to shading, resulting in a loss of tree amenity and sylvan nature of the site. The building must be pulled back from these trees by at least 3m to 4m to provide space around the building and more meaningful amenity space.'*
- *'Northern boundary Eden Close; establishing trees removed (T43 & T44), due to basement up to the boundary. This prevents new mitigation planting due to lack of space.'*
- *'T40, T41, T42 & G46 located in the north east corner of the site is impacted by basement and upper floors. There are significant livability concerns here due to shading, resulting in a loss of tree amenity and sylvan nature of the site. The building must be pulled back from these trees by at least 5m to provide space around the building and more meaningful amenity space.'*

London Borough of Barnet Tree Officer Comments Continued:

- *'Existing buildings are already present within the RPA of the trees close to the basement access. Trees T34, G35, T36 & T37 are most impacted. The impact assessment states that the existing building has constrained root growth. No evidence has been provided to support this. The existing levels and buildings here mean that the assessment of the impact is complex. There is concern that post development pressure for pruning of these trees, meaning the building is too close, T37 is the closest.'* N.B. T37 is a Veteran Oak tree which is subject to special protection under National Planning Policy.
- *'Detailed landscape plans have been provided. These provide for a very ornamental landscape scheme around the proposed building contrary to the recommendations within the ecology report. Surrounding the scheme are large wooded areas, the proposal have not taken these trees into account. The (proposed) species will not provide any meaningful eco-services such as nectar for pollinating insects.'*
- *'There is no evidence of bio-diversity net gain and the proposal will have an unacceptable impact on existing trees.'*
- *'The access and infrastructure occupy the southern aspects of the site removing the only possible location for full sun amenity space. Other aspects will be shaded by the proposed building or retained trees leaving no meaningful space for doorstep play and recreation.'*
- *'Preliminary bat roost survey has been undertaken and recommended further surveys which must be carried out prior to any approval.'*
- *'The development must demonstrate net improvements to biodiversity. Ecologist (applicants) must review the submitted information.'*

The Arboricultural Consultant and/or Tree Officer appointed by the London Borough of Barnet went on to recommend that the planning application should be refused due to:

- *'Objection; Arboricultural, reason, insufficient information to evaluate the impact on protected and veteran trees. Building within RPAs of tree and too close to tree canopy, fails to meet livability as set out with the BS5837.'*
- *'Objection; Landscape, inappropriate design of the sylvan character of the area. The proposal dominates the site and there is insufficient amenity space around the building which is out of character with the local area.'*
- *'Objection; ecology bat roost potential noted by the ecologist no emergence surveys provided. Scheme does not demonstrate net biodiversity gain. Ecologist to confirm.'*
- *Contrary to local planning policies DM01 & DM16*

Following these comments, the applicant submitted the following revised documents and plans in January 2021:

- Revised Arboricultural Report
- Revised Design & Access Statement
- Revised Plans For Elevations & Sections
- Revised Proposed Plans (NIA)
- Revised Statement of Community Involvement

I have reviewed the amended proposals and Arboricultural Report (dated 23<sup>rd</sup> December 2020) and can advise as follows:

- The proposed building, basement and other structures are still situated within the required Root Protection Areas for a number of significant trees at the site. The applicants Arborist notes *'it has not proved possible at the design stage to avoid such encroachment altogether, and in that regard, the project arboriculturalist has determined that the retained trees can remain viable in the scheme before planning.'* Both the London Borough of Barnet Tree Officer and I disagree with this assessment.
- The applicant's Arborist goes on to attempt to justify damage and/or severance of tree roots by quoting *'published references'* and noting that *'up to 50% of the roots can sometimes be removed with little problem provided there are vigorous roots elsewhere. Inevitably, this degree of root loss will temporarily slow canopy growth and even lead to some dieback'*. The published guidance that is used nationally by both Local Planning Authorities and the Planning Inspectorate to assess applications for development in relation to trees is the British Standard publication BS 5837:2012 - Trees in relation to design, demolition and construction – Recommendations. BS 5837:2012 does not allow for offsetting incursions into the root protection areas and/or the removal of parts of the root systems of trees, particularly mature and/or veteran trees. It is not appropriate to quote and/or try to apply isolated examples and data from specific research projects, that were undertaken under a specific set of conditions, which may not be applicable to the trees and/or ground conditions at this site. It is very unlikely that scientific experiments carried out under the necessary control conditions would any in any way be comparable to this development site in an urban area.
- The proposed amended building, and some habitable room windows, are still within very close proximity (i.e., 0.5m to 3m away) from the existing canopies of the significant trees which are to be retained. Shading from the retained trees will therefore still restrict daylight and sunlight to the habitable room windows within the proposed development and/or cause a nuisance for occupiers. This will be likely to bring about pressure from occupants in the future for significant tree works and/or the removal of trees. Given the close proximity of the proposed (amended) building, insufficient space has been allowed for the long-term physical retention and/or future growth of the trees at the site. Given the above factors it is therefore likely that the retention of the significant trees at this site will not be sustained in the future.
- The Root Protection Area (RPA) for the Veteran Oak tree T37 is still shown within the revised Landmark Trees report as being some 399.7m<sup>2</sup> (or if expressed as a simple circle, a circle with a radius of 11.3m). This is not in accordance with good practice and/or the standing advice from the Forestry Commission and Natural England, who recommend increasing the size of the RPA for veteran trees. When the Standing Advice for veteran trees is applied the RPA for T37 is some 624.5m<sup>2</sup> (or if expressed as a simple circle, a circle with a radius of 14.1m). Therefore, the incursion into the RPA by the proposed development remains considerable and has the potential to cause significant harm to T37. Other factors such as shading to habitable room windows also remain a concern. The landscape proposals also still show a small private garden area which will be dominated by T37, which will potentially be a nuisance for future occupiers and lead to pressure for tree works. And hard surfaces are still shown within the RPA for T37. Section 7.4 of BS 5837:2012 recommends that no construction, including the installation of new hard surfacing (permeable or otherwise), occurs within the RPA of veteran trees.

DPA Comments Continued:

- The majority of the communal and private garden spaces at the site are still situated directly under the canopies of the established trees that are to be retained at the site. As previously noted, a detailed study in accordance with the relevant Building Research Establishment (BRE) criteria has not been undertaken by the applicant to assess the potential obstruction of light that will be caused by trees to habitable room windows and/or the proposed private and communal amenity spaces shown within the proposed development. The combination of shading and/or lack of daylight and sunlight within the communal and private garden areas at this site caused by existing trees, combined with seasonal factors such as falling seeds, leaves and other natural debris will cause a nuisance for future occupiers. These factors will still be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of established trees at the site.
- The matter raised by the London Borough of Barnet Tree Officer of the proposed basement (and associated lower ground floor amenity space) being too close to the site boundary within Eden Close, and this preventing any new and/or mitigation tree planting due to lack of space, has not been addressed within the amended proposals.
- Various other matters, including the car parking arrangements adjacent Holly T23, the proposed Bin Store, the proposed hard and soft landscaping, biodiversity net gain and ecological concerns remain the same within the amended proposals as within the previous proposals. Therefore, my previous comments (and concerns) detailed within the enclosed Arboricultural Assessment Note are still pertinent and remain the same.

**I must therefore respectfully submit that the amended proposals for development remain not in accordance with local and national planning policy, published guidance or accepted best practice. And that the Local Planning Authority should therefore not grant planning permission for the proposed development in its current form.**

Yours faithfully



David Partridge  
**Principal Arboricultural Consultant**

Enc. DPA-9099-AAN-84 West Heath Road London NW3 7UJ



## ARBORICULTURAL ASSESSMENT NOTE

Project No: DPA-9099

Project Name: Land At 84 West Heath Road, London NW3 7UJ

Date: 17<sup>th</sup> November 2020



---

### 1.0 INTRODUCTION

- 1.1 I have been appointed by Mr & Mrs Katz and Mrs & Mrs Sarbuland to undertake a detailed review of the recently submitted planning application Ref: 20/4748/FUL for the development of land at 84 West Heath Road, London ('the site'). Mr & Mrs Katz and Mrs & Mrs Sarbuland live within Eden Close, a road with 8 residential dwellings that are situated directly to the north and north-east of the application site.
- 1.2 I have been asked to identify the arboricultural issues of the planning application, to carry out a technical investigation, including desktop study and to express my independent opinion with respect to matters within my expert field that materially influence this application. I have been supplied with the relevant documents that pertain to the planning application including the application and supporting documents.
- 1.3 I am the Director of DPA Arboricultural Consultants. I have over 30 years' experience in both the private and public sectors of the arboricultural industry. I have been the Tree & Landscape Manager for three Local Authorities (Richmond, Kingston & Haringey Councils), been appointed the Vice Chairman of the London Tree Officers Association and been a Technical & Regional Director for one of the largest Tree, Landscape and Ecology Consultancy Practices in Europe (Landscape Planning Limited).
- 1.4 During this time, I have managed entire Council tree populations with principal responsibility for Highways, Parks, Housing & Education trees, and all tree-related planning matters, including Tree Preservation Orders and trees on development sites. I have written planning policy, strategy and guidance documents both for individual Councils and all 33 London Boroughs. I have assisted with the development of specific methodologies and systems for Tree Preservation Order Reviews, including Tree Preservation Order file audits, method statements, survey techniques and tree landscape value & amenity assessments that are utilised by a number of Local Planning Authorities.
- 1.5 I am an Arboricultural Consultant specialising in tree failure, hazard evaluation, risk assessment related to trees and buildings, planning and development where trees are involved, protection of trees on or close to construction sites, personal accidents involving trees, insurance claims where tree failure is involved and/or building damage occurs, Tree Preservation Orders and other Statutory Designations.
- 1.6 I operate across the UK, and overseas, providing services to private and public sector clients principally, but not solely, within the construction and property industries on projects ranging from single dwellings through to major developments of thousands of units. Our clients include national and local developers and builders, architects, planning consultants, UK airports, local planning authorities, housing associations, schools, religious organisations and various corporate and private landowners.
- 1.7 My assessment has been undertaken with reference to the relevant local and national planning policies, Standing Advice, British Standard (BS 5837:2012 – Trees in relation to design, demolition and construction - Recommendations) and accepted best practice.
- 1.8 **I have concluded that there are numerous significant trees at the application site, that are shown as retained, that will be detrimentally impacted upon by the proposed development. The proposed development is therefore not in accordance with local and national planning policy, published guidance and accepted best practice and should not be granted planning permission in its current form.**

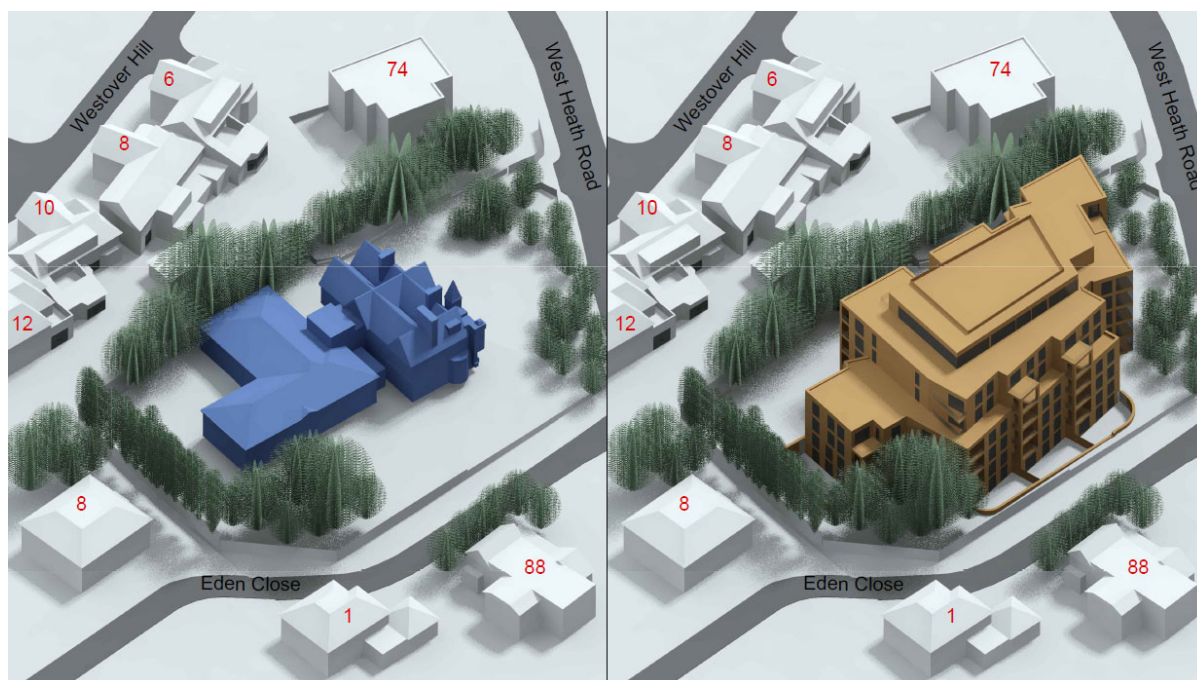
## 2.0 THE SITE AND STATUTORY CONTROLS – DESCRIPTION

- 2.1 The site is comprised of an existing detached school building with associated extensions, hard surfaces, and surrounding grounds. Numerous trees are currently situated both at and adjacent to the application site. The trees are of varying species, size, age, condition and visual significance.
- 2.2 The trees at this site contribute to boundary screening for several neighbouring properties and are making an important contribution to the general character and appearance of the local area.
- 2.3 A total of 39 individual trees, 7 groups of trees comprised of some 29 trees and 2 hedges comprised of some 19+ trees were surveyed by Landmark Trees in September 2020. A copy of the Landmark Trees Arboricultural Impact Assessment Report dated October 2020 and associated drawings has been submitted to accompany the planning application. All tree numbers noted within this statement are as detailed within the Landmark Trees report.
- 2.4 A copy of the Landmark Trees Tree Constraints Plan and Arboricultural Impacts Assessment drawings are enclosed at Appendix A for ease of reference.
- 2.5 I understand the line of Lime trees situated along the south-eastern boundary of the application site, which are detailed as T32, G35 & T36 within the Landmark Trees report, are subject to a Tree Preservation Order. I understand the application site is not situated within a Conservation Area.
- 2.6 A single Oak tree (T37) at the application site has been classified by Landmark Trees as a ‘Veteran’ tree with a safe life expectancy of more than 20 years. It states within the relevant British Standard (BS 5837:2012) that veteran trees are especially valuable and that veteran trees should therefore almost always be classified as A3 Category (i.e. Trees of high quality with significant conservation, historical, commemorative or other value) and given special consideration within any proposed development.
- 2.7 The 3 trees detailed as Oak T45, Oak T47 and Oak T48 were judged within the Landmark Trees report to be Category A (BS 5837:2012 – Table 1) and/or to be standout high quality specimens.
- 2.8 A further 14 trees (T2, T6, T7, T10, T11, T13, T22, T27, T28, T32, T34, T40, T41 & T42) were judged to be to be Category B (BS 5837:2012 – Table 1) and/or of moderate quality and landscape importance.
- 2.9 Some 18 individual trees, 7 groups of trees and 2 hedges were judged to be to be Category C (BS 5837:2012 – Table 1) and/or of low quality and landscape importance. However, the collective amenity value of many of the trees judged to be Category C within the Landmark Trees report should be taken into consideration. The collective value of many of these trees far exceeds their value as individual trees. Therefore, many of the trees at this site judged to be Category C should be considered to be Category B (BS 5837:2012 – Table 1) and/or trees of moderate quality and landscape importance. This opinion was also expressed by the London Borough of Barnet (Tree Officer) within a recent application (Ref: TPM/0624/19) at the site where the Tree Officer stated (in connection with Lime trees that are shown as being Category C or low landscape value within this application): *The trees are visible as part of a group from Westover Hill above and between the houses and can also be seen from Eden Close and partially seen from West Heath Road. They are also visible from surrounding properties. The line of TPO Lime trees has a collective amenity value that exceeds the value of the individual specimens and contributes to boundary screening as well as helping to soften the built form of the adjacent buildings and making a contribution to the general character and appearance of the area.*
- 2.10 There are numerous trees at the site that were not included within the Landmark Trees survey. The collective amenity value of these trees, which include specimens directly adjacent and/or prominent within West Heath Road, makes them a significant feature within the local landscape. It is unclear within the documents submitted to accompany the planning application whether these trees are to be retained and/or afforded the required protection in accordance with BS 5837:2012 or if they are to be removed as part of the proposals.

## Land At 84 West Heath Road, London NW3 7UJ

### 3.0 THE PROPOSALS

- 3.1 The proposed development of the site is described by the applicant as; *Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground.*
- 3.2 An extract from the Sunlight & Daylight Report dated October 2020 prepared by BVP and submitted to accompany the planning application is shown below and shows the extent of the existing building(s) at the site and the proposed development:



### 4.0 IMPACT ON TREES

#### Forward

- 4.1 The following detailed assessment of the arboricultural issues of the planning application are based upon a desktop study of the documents submitted to support the planning application.
- 4.2 Within a short distance of the stem, the roots of trees are highly branched, so as to form a network of small-diameter woody roots, which can extend radially for a distance much greater than the height of the tree, except where impeded by unfavourable conditions. All parts of the root system bear a mass of fine, non-woody absorptive roots, typically concentrated within the uppermost 600mm of the soil. The root system tends to develop sufficient volume and area to provide physical stability. The uptake of water and mineral nutrients by the root system takes place via the fine non-woody roots and associated beneficial fungi. Their survival and functioning, which are essential for the health of the tree as a whole, depend on the maintenance of favourable soil conditions. All parts of the root system, but especially the fine roots, are vulnerable to damage. Trees growing on a site before development takes place can, if adversely affected, be in decline over a period of several years before they die.
- 4.3 BS 5837:2012 provides information on determining a root protection area ('RPA') for a tree. This RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure must be treated as a priority.

- 4.4 Where tree retention (and tree planting) is proposed in connection with proposed developments the objective of the proposals should be to achieve a harmonious relationship between trees and structures, that can be sustained in the long term. This good practice is at the heart of the recommendations made the British Standard BS 5837:2012 and the other relevant published guidance.
- 4.5 Poorly and/or inconsiderately designed development can lead to: buildings having to be situated within root protection areas which can cause harm to root systems and result in the early decline of previously healthy trees, trees being so close to buildings that they need to be pruned to 'fit the building in', the shading or blocking of sunlight and daylight to habitable rooms and amenity spaces by trees and other perceived and actual nuisances which can all lead to pressure from occupiers for the removal of trees in the future.
- 4.6 It should be noted that comments made within this statement with respect to the potential conflicts between the proposed development and trees due to shading, daylight and sunlight matters have been made from my experience both in private practice working with Chartered Building Surveyors making these assessments and as a Local Planning Authority Tree Officer liaising with the general public living in close proximity to trees retained on development sites.
- 4.7 Please note the BVP Daylight and Sunlight Report dated October 2020 submitted to accompany the planning application does not consider daylight and sunlight matters within the application site (i.e. it only considers the impact of the proposed building on neighbouring properties). A detailed study in accordance with the relevant Building Research Establishment (BRE) criteria has not been undertaken by the applicant to assess the potential obstruction of light that will be caused by trees to habitable room windows and/or the private and communal amenity spaces shown within the proposed development.

#### Oak T37 (Veteran Tree)

- 4.8 As previously noted, Oak T37 has been judged by the applicant's Arboricultural Consultant to be a high quality or a Category A tree (BS 5837:2012 – Table 1) and to be a veteran tree. I concur with this assessment and classification of Oak T37.
- 4.9 I however do not concur that the construction of a 7 storey block of apartments and associated infrastructure within only some 4 to 5m of the main stem of a large veteran tree like Oak T37 is acceptable. **This is not in accordance with Section 5.2.4 of BS 5837:2012** which states '*Particular care is needed regarding the retention of large, mature, over-mature or veteran trees*' and '*Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance.*'. Furthermore BS 5837:2012 recommends that no construction works should occur within the root protection area ('RPA') of veteran trees.
- 4.10 Whilst there is an existing building within close proximity to Oak T37 the use of this building is entirely different being a Class C2 (i.e. a school building). The change in use to Class C3 or a residential building means that habitable rooms are now proposed adjacent T37, the closest window of which will be only some 4.6m away from the existing canopy of T37. Additionally, the proposals show a new private garden space for one of the proposed apartments is to be created, with T37 situated within it. The majority of the proposed private garden space will be under the canopy of this large veteran Oak tree and therefore shading and seasonal factors such as falling acorns, leaves and other natural debris will be likely to cause a nuisance for the occupiers. These factors will be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of T37. **This is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012, the published Standing Advice and accepted best practice for the retention of veteran trees adjacent a proposed development.**
- 4.11 Paragraph 175 of the National Planning Policy Framework (2019) states: '*When determining planning applications, local planning authorities should apply the following principles: **development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.***'.



- 4.12 The RPA (Section 4.6 BS 5837:2012) for Oak T37 is shown within the Landmark Trees report submitted to accompany the planning application as being some 399.7m<sup>2</sup> (or if expressed as a simple circle, a circle with a radius of 11.3m). **This is not in accordance with good practice and/or the standing advice from the Forestry Commission and Natural England**, who recommend increasing the size of the RPA for veteran trees.
- 4.13 When the Standing Advice for veteran trees is applied the RPA for T37 is some 624.5m<sup>2</sup> (or if expressed as a simple circle, a circle with a radius of 14.1m). Therefore, the total incursion into the RPA for T37 (assuming the construction of the basement and other retaining walls will not require any excavation beyond the footprints shown) is some 152.5m<sup>2</sup>. The incursion into the RPA by the proposed development is considerable and has the potential to cause significant harm to T37.
- 4.14 The landscape proposals include some 67.7m<sup>2</sup> of hard surface (or patio and/or terrace area) within the RPA for T37. Section 7.4 of BS 5837:2012 recommends that no construction, including the installation of new hard surfacing (permeable or otherwise), occurs within the RPA of veteran trees.
- 4.15 **The proposed development is therefore not in accordance with Sections 5.2, 5.3 & 7.4 of BS 5837:2012, the published Standing Advice and accepted best practice for the retention of veteran trees adjacent a proposed development.**
- 4.16 Within the Landmark Trees report submitted to accompany the planning application some 23.9m<sup>2</sup> of land is shown to be reclaimed (or made open ground) from under the existing building to compliment (or add to) the open ground within the RPA for Oak T37. This represents an area of just 3.8% of the overall RPA for T37. This relatively small improvement is outweighed by the extent of the incursion elsewhere within the RPA and/or the potential for the proposed development to cause harm to the root system of this veteran Oak tree.

#### Limes T34 & G35 (Trees Subject to Tree Preservation Order)

- 4.17 The proposed access ramp that descends into the basement car parking area and the associated retaining wall structure are situated within the RPAs of the above trees. Within the Landmark Trees report submitted to accompany the planning application the RPAs for T34 & G35 have been offset into neighbouring properties and/or significantly reduced within the application site.
- 4.18 Whilst there are existing changes in site levels, retaining walls and hard surfaces within the site that are likely to have restricted root growth, it is anticipated that some root growth from T34 and G35 (and T36) will be present underneath these existing site features. For example, the spot level shown on the applicant's topographical site survey within the raised ground adjacent Lime T34 is 19.021 and the spot level for the adjacent lower ground is 18.988. This change in levels is only some 330mm and therefore the small retaining wall adjacent these trees will not have completely prohibited root growth within this area of the site (depending on a number of factors roots can extend to 2m or more below ground level). Therefore, the RPAs for T34 & G35 should not be significantly offset and/or ignored within this area of the site.
- 4.19 The total RPA for Lime T34 is 221.6m<sup>2</sup> and the incursion by the access ramp into the RPA for Lime T34 is some 36.5m<sup>2</sup>. This is a significant incursion and therefore the proposed development has the potential to cause harm to Lime T34.
- 4.20 The average stem diameter at 1.5m of the 3 Lime trees within G35 is some 600mm, which equates to an RPA for each of the trees within G35 of 162.8m<sup>2</sup>. The average incursion into the RPA for the trees within G35 is some 32.6m<sup>2</sup>. This is a significant incursion and therefore the proposed development has the potential to cause harm to the Lime trees within G35.
- 4.21 As no finished levels for the proposed hard surfaces or access ramp and no engineers and/or construction drawings showing the actual construction details for the proposed retaining walls have been provided within the documents submitted with the planning application, a proper assessment of the potential impact on the root systems of the retained trees by the proposals cannot be undertaken. In the absence of this information I must conclude that **the proposed development has the potential to cause harm to the trees which are to be retained at and adjacent to the application site, some of which are subject to a Tree Preservation Order.**

Sycamore T42 (& Sycamore T40, Oak T41 & Oak T45)

- 4.22 Sycamore T42 has been judged by the applicant's Arboricultural Consultant to be a moderate quality or a Category B tree (BS 5837:2012 – Table 1). I concur with this assessment and classification of Sycamore T42.
- 4.23 The total RPA for Sycamore T42 is some 122.3m<sup>2</sup> and the incursion (assuming the construction of the basement and building walls will not require any excavation beyond the building footprint shown) into the RPA for T42 is some 12.9m<sup>2</sup>. This is a moderate incursion, and therefore proposed development has the potential to cause harm to Sycamore T42.
- 4.24 Within the Landmark Trees report submitted to accompany the planning application some 12.2m<sup>2</sup> of land is shown to be offset to the north of the RPA for T42, to compensate elsewhere on the site for the incursion into the RPA by the proposed building. However, this area of the site is under the main stems, canopies and within the root systems of other trees which are to be retained at the site. Therefore, the offset area shown will be very unlikely to either have existing roots from T42 within it at present and/or will not be able to provide an alternative rooting area to compensate for the proposed incursion in the future.
- 4.25 The pruning of Sycamore T42 back from the proposed building to provide 2m clearance has been specified within the application. There are a number of habitable room windows on the flank wall of the proposed building facing and/or directly adjacent T42, which is a large or 20m high tree. The canopy of T42 will be only 2m away from some occupiers' windows. Therefore, shading from T42 (and Sycamore T40, Oak T41 & Oak T45) will restrict daylight and sunlight to the habitable room windows within the proposed development and/or cause a nuisance for occupiers. This will be likely to bring about pressure from occupants in the future for significant tree works and/or the removal of T42 (and potentially T40, T41 & T45 for the same reasons).
- 4.26 Given the very close proximity of the proposed building, insufficient space has been allowed for the long-term physical retention and/or future growth of Sycamore T42. Given all of the above factors it is therefore likely that the retention of T42 will not be sustained in the future.
- 4.27 **For the reasons given above the proposed development is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

T1, T2, T4, T5, T6, T7, T9, T10, T11, T13, G14, T15, T18, G16, T19, T22 & T25

- 4.28 These trees are all situated adjacent the west site boundary and directly adjacent West Heath Road. Whilst some of these trees are individually of low quality or amenity value their collective amenity value is high and they make a significant contribution to the character of both the local and wider landscape.
- 4.29 The proposed apartment block, and associated habitable room windows and balconies, are so close to the canopies of some of these large mature trees that some will need to be pruned back from the proposed building to allow access during construction. The average clearance between the habitable room windows within the proposed block of apartments and the existing tree canopies is only some 3.4m. It is therefore likely that these retained trees will cause significant shading and/or obstruct daylight and sunlight to habitable room windows (and the proposed amenity spaces). These factors allied with both the actual and perceived nuisances of having large mature trees so close to residential apartments will be likely to bring about pressure from occupants in the future for significant tree works and/or the removal of trees adjacent this site boundary.
- 4.30 It should be noted that whilst False acacia T10 is shown as a Category U tree (i.e. trees in such a condition that they can only be expected to be retained for 10 years or less) on the drawings that accompany the planning application, T10 is described as a BS 5837:2012 Category B tree with 20+ years life expectancy within the Tree Data Tables of the Landmark Trees report submitted to accompany the planning application.



- 4.31 The total RPA for False acacia T10 is some 416.9m<sup>2</sup> and due to the adjacent public highway being likely to have restricted root growth, the RPA for T10 has been shown as increased and/or offset within the site (in accordance with Section 4.6.3 of BS 5837:2012) on the drawings submitted to accompany the planning application. Assuming the construction of the basement and building walls will not require any excavation beyond the building footprint shown, the incursion into the RPA for T10 is some 24m<sup>2</sup>. This is a significant incursion, and therefore proposed development has the potential to cause harm to False acacia T10. Within the Landmark Trees report submitted to accompany the planning application some 24.1m<sup>2</sup> of land is shown to be offset to the south of the RPA for T10, to compensate elsewhere on the site for the incursion into the RPA by the proposed building. However, this area of the site is some 15m distant from T10 and under the main stems, canopies and within the root systems of other trees which are to be retained at the site. Therefore, the offset area shown will be very unlikely to have existing roots from T10 within it at present and/or will not be able to provide an alternative rooting area to compensate for the proposed incursion in the future.
- 4.32 Trees T1, T2, T4, T5, T6, T7, T9, T10, T11, T13, G14, T15, T18, G16, T19, T22 & T25 are collectively prominent within the local landscape and are clearly visible from within the public realm. The proposed building is within very close proximity to these trees and insufficient space has been allowed to alleviate perceived and actual nuisance for future occupiers and/or allow the long-term physical retention and future growth of these trees.
- 4.33 Given all of the above factors it is therefore likely that the retention of some of the trees adjacent the West Heath Road will not be sustained in the future and tree removals and/or significant tree works will erode and/or eventually result in the loss of this important local landscape feature.
- 4.34 **For the reasons given above the proposed development is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

#### Holly T23

- 4.35 Holly 23 is shown to be retained and protected, both during and post development of the site, within the documents submitted with the planning application. Holly T23 is situated within very close proximity to the proposed building and the canopy of this tree will need to be pruned back to provide adequate space for scaffolding and/or access during construction.
- 4.36 The canopy of Holly T23 overhangs the majority of one of the proposed car parking spaces. Whilst there is some 3m clearance from ground level to the first branches within this tree, that will allow most vehicles to physically fit under the canopy of this tree (e.g. most luxury 4x4s are some 2m high), it is likely that this juxtaposition will cause a nuisance for future occupiers and/or their visitors. This in turn will be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of T23. Trees are naturally growing and shedding organisms and it is considered good practice to consider this with the design phase of the proposed development. Given the above factors it is likely that the retention of T23 will not be sustained in the future.
- 4.37 **For the reasons given above the proposed development is not in accordance with Section 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

#### Yew T27 & Horse Chestnut T28

- 4.38 Yew T27 and Horse Chestnut T28 have been judged by the applicants Arboricultural Consultant to be of moderate quality or a Category B tree (BS 5837:2012 – Table 1). I concur with this assessment and classification of these trees. It should be noted that there are numerous other small trees within this raised area of the site that are not included within the Landmark Trees report and/or drawings submitted to accompany the planning application. These ‘un-surveyed’ trees are collectively prominent within the local landscape and are clearly visible from within the public realm.

- 4.39 It is proposed to construct a refuse collection point and/or bin storage area that is some 15.04m<sup>2</sup> in size under the canopies and within the RPAs of Yew T27 and Horse Chestnut T28, adjacent to the site entrance. The existing site (and soil levels) within this area of the site and the RPAs of T27 & T28 are significantly raised and/or higher the adjacent existing driveway and footpaths. There is also an existing retaining wall to the edge of the existing driveway that is some 450-500mm high.
- 4.40 Within the London Borough of Barnet guidance document Information for developers and architects – Provision of Household Recycling and Waste Service dated April 2019 it states: *'Bin storage areas should be designed so bins can be easily accessible **without any steps or steep inclines**, with doors wide enough to enable bins to be manoeuvred through easily'* and *'All bin sheds must have adequate storage capacity and space for manoeuvrability, **with access point and floor level at the same height as entrance footway**.'* From my experience waste management services will not support proposals for development and/or grant consent for new bin collection points and/or bin storage areas for blocks of apartments that require bins to be manoeuvred up or down even small slopes or gradients or up and down over kerb edges etc.
- 4.41 BS 5837:2012 clearly recommends that no excavation and/or lowering of existing soil levels should occur within RPAs, to prevent damage to tree roots. In order for the proposed refuse collection point and/or bin storage area to comply with the Council's requirements significant excavation works and/or lowering of existing soil levels will be required within the RPAs of both Yew T27 and Horse Chestnut T28. This will result in the loss or damage of roots and cause significant harm to these trees. In addition, several other trees that are not detailed within the Landmark Trees report and/or drawings submitted to accompany the planning application, but are clearly visible from within West Heath Road, will need to be removed to facilitate these proposals.
- 4.42 Within the London Borough of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance dated October 2016 it states: *'Try not to disturb the ground near a tree or large shrub. If intending to undertake excavation or building works, always contact the council's Tree and Landscaping section (within the Planning Department) to see if your proposal affects any tree (or its roots) and if any trees are protected by a Tree Preservation Order or by virtue of being locally listed within a conservation area. During building operations the council will expect that adequate precautions are taken to ensure that existing trees and their root systems and other landscape features are protected.'*
- 4.43 **For the reasons given above the proposed development is not in accordance with Sections 5.2 & 5.3 of BS 5837:2012 and accepted best practice for the retention of trees adjacent a proposed development.**

#### Tree Works Recommended Irrespective of Proposals For Development

- 4.44 Tree works (not required to facilitate of the development) have been recommended within the Landmark Trees report submitted to accompany the planning application. These works include the removal of trees False acacia T12 & T18 and Holly T26. The removal of these trees is acceptable and/or required given their poor condition. Various other tree works and further inspections have been recommended to some 7 individual trees (T8, T10, T11, T22, T34, T41 & T45) and these proposed works are also all considered to be acceptable and/or required given the condition of some of the trees at the application site.

#### Tree Works Recommended To Facilitate The Proposals For Development

- 4.45 The removal of some 6 trees, Cherry T20, Pear T43, Hornbeam T44 & Yew G21 (x3 trees) are required to facilitate the proposals for development. The removal and replacement of these trees is considered to be acceptable as none of these trees are individually or collectively significant within the local or wider landscape. However, the replacement of Pear T43 and Hornbeam T44 will be difficult and/or not possible to achieve in similar locations and/or adjacent the site boundary with Eden Close for the reasons set out below at paragraph 5.9, within our assessment of the landscape proposals

## 5.0 LANDSCAPE & BIODIVERSITY

- 5.1 A Landscape Masterplan for the site, prepared by Cool Gardens Landscape Associates dated October 2020, which includes a number of concept drawings and planting plans, has been submitted to accompany the planning application.
- 5.2 BS 5837:2012 recommends that proposals for soft and hard landscaping should aim to protect existing trees and integrate them into new layouts. Within the London Borough of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance document dated October 2016 it states landscape proposals: *'should aim to protect existing trees and integrate them into new layouts'*.
- 5.3 The landscape drawings show both communal and private garden spaces at the site, the majority of which (at ground level) are to be situated directly under the canopies of established trees that are to be retained at the site. The extract below from the Cool Gardens Landscape Associates Drawing Number 795-005 dated October 2020 entitled Concept Plan with Trees, shows the extent to which the canopies of the existing trees overhang the proposed private and communal garden spaces:



- 5.4 Whilst there is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment, the recommendations within the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (which was developed in conjunction with daylight and sunlight recommendations in BS 8206: Part 2: 'Lighting for Buildings - Code of Practice for Daylighting') are seen as the benchmark and/or standing advice with respect to such matters. The BRE guidance states that for a private garden or communal amenity space to appear adequately lit throughout the year, at least half of the area should receive at least 2 hours of sunlight on March 21<sup>st</sup> (or the Spring equinox).



- 5.5 As previously noted a detailed study in accordance with the relevant Building Research Establishment (BRE) criteria has not been undertaken by the applicant to assess the potential obstruction of light that will be caused by trees to habitable room windows and/or the private and communal amenity spaces shown within the proposed development.
- 5.6 The combination of shading and/or lack of daylight and sunlight within the communal and private garden areas at this site caused by existing trees, combined with seasonal factors such as falling seeds, leaves and other natural debris will cause a nuisance for future occupiers. These factors will be likely to bring about pressure from occupiers in the future for significant tree works and/or the removal of established trees at the site.
- 5.7 The landscape proposals include numerous 'Sculptural Benches' which are shown within very close proximity and/or over the top of the main stems of the retained trees at the site. This shows a lack of consideration with regard to the existing constraints and/or trees at the site. If these works were to proceed as shown on the drawings submitted to accompany the planning application some trees would need to be removed to facilitate the landscape proposals.
- 5.8 Substantial new sculptural and ornamental planting is shown to be planted directly under the canopies and within the shade of the existing trees at the site. This again shows a lack of consideration with regard to the existing constraints and trees at the site. A combination of the roots of existing mature trees competing for water and nutrients within these areas and shading will make it difficult or some cases not feasible to establish the proposed planting.
- 5.9 Adjacent the site boundary with Eden Close there is some 2.3m between the substantial retaining wall structure for the basement apartment gardens and the existing site boundary. This leaves very little space (or insufficient soil volume) for replacement or new planting and means that larger tree species would be difficult to establish within this area of the site. The 8 trees shown to be planted within this area of the site on the Landscape Masterplan are *Amelanchier lamarckii* (Snowy Mespilus). This species is described by the Royal Horticultural Society as 'a large erect deciduous shrub or small tree' with an ultimate mature height of 8-12m after 10-20 years of growth. Given the mass and scale of the proposed block of apartments and the impact this will have on adjacent resident's amenity I consider both the area of land provided for landscape planting and the proposed landscape planting to be inadequate and contrary to the requirements of both local and national planning policy.
- 5.10 Within the London Borough of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance dated October 2016 it states that applicants should ensure new development '*is not detrimental to the biodiversity of an area and amenity spaces of existing and future occupants*'.
- 5.11 The National Planning Policy Framework 2018 states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity*'.
- 5.12 It is therefore important to establish the ecological baseline of a site in order to understand the impacts of the development proposals, including the loss of any trees, other vegetation and any habitats, to ensure the proposals make the required provisions for biodiversity net gains. Further clarification is therefore required as to the extent of habitat removal at this site and what provisions have been made with regard to biodiversity before the planning permission is granted. The Standing Advice from DEFRA recommends that the applicant should use an appropriate metric such as the DEFRA Biodiversity Metric 2.0 to demonstrate how the site will provide biodiversity net gain in order to comply with the National Planning Policy Framework 2018.

## 6.0 PLANNING POLICY

6.1 Within the Landmark Trees report submitted to accompany the planning application it states that the proposals will not have a significant impact on either the retained trees or wider landscape and therefore comply with the requirements of Policy 7.21 of the London Plan, Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS5 and CS7 of the of the London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012).

6.2 Within Chapter 7 of the London Plan, Policy 7.21 Trees and Woodlands, states: *'Existing trees of value should be retained'* and *'Boroughs should follow the advice of paragraph 118 of the NPPF to protect 'veteran' trees and ancient woodland where these are not already part of a protected site.'* Within this assessment I have shown that the proposed development is not in accordance with the recommendations made within the relevant published British Standard BS 5837:2012 and the Standing Advice from the Forestry Commission and Natural England and will therefore have a detrimental impact on the veteran Oak tree detailed as T37, as well as trees subject to a Tree Preservation Order and other trees of value. The proposed development is therefore not in accordance with London Plan Policy 7.21 or Paragraph 118 of the National Planning Policy Framework (2018).

6.3 Within the Development Management Policies DPD (adopted September 2012) Policy DM01: Protecting Barnet's character and amenity states:

- *All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.*
- *Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.*
- *Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*
- *Development proposals will be required to include hard and soft landscaping that:*
  - i. Is well laid out in terms of access, car parking and landscaping*
  - ii. Considers the impact of hardstandings on character*
  - iii. Achieve a suitable visual setting for the building*
  - iv. Provide an appropriate level of new habitat including tree and shrub planting*
  - v. Make a positive contribution to the surrounding area*
  - vi. Contributes to biodiversity including the retention of existing wildlife habitat and trees*
  - vii. Adequately protects existing trees and their root systems*
- *Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.*

6.4 Within this assessment I have demonstrated why the proposed development and landscape proposals represent poor quality design that does not carefully consider or respect the trees and their root systems or make adequate provision for their protection. The proposed development also does not allow for adequate daylight and sunlight for potential occupiers, either within their own apartments or within the proposed private and communal amenity spaces. The proposed development is therefore not in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

6.5 Within the London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012) Policy CS5: Protecting and enhancing Barnet's character to create high quality place, sets out how the Council will ensure that development helps to protect and enhance Barnet's heritage and character, and states developments should:

- address the principles, aims and objectives set out in the following national design guidance: By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life
- be safe, attractive and fully accessible
- provide vibrant, attractive and accessible public spaces
- respect and enhance the distinctive natural landscapes of Barnet
- protect and enhance the gardens of residential properties
- protect important local views from places within Barnet (as set out in Map 8)
- enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.

- 6.6 By Design, Secure by Design, Safer Places (and the updated new planning practice guidance), Inclusive Design and Lifetime Homes do not contain any recommendations with regard to arboricultural matters. The national design guidance Building for Life (2015) recommends that: *'any existing trees need to be carefully designed into the development.'*
- 6.7 My assessment has ascertained that due to the close proximity of the proposed block of apartments to trees on the site that there is likely to be damage to the root systems of trees during construction works and unreasonable pressure in the future from occupiers to either significantly reduce the height of trees or seek their complete removal leading to the premature loss of an important landscape feature. This is contrary to London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012) Policy CS5
- 6.8 Policy CS7 of the of the London Borough of Barnet Local Plan Core Strategy DPD (adopted September 2012) focuses on enhancing and protecting open spaces, Green Belt and Metropolitan Open Land and is not pertinent to the retention and safeguarding of trees on this site. Policy CS7 does however note that development should protect existing site ecology and that development should make the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements.
- 7.0 SUMMARY
- 7.1 It has been demonstrated within this assessment that:
- the proposed development will result in harm to and/or loss of trees that are significant within the context of the local and wider landscape.
  - the trees shown to be retained within the proposed development, including a veteran tree, trees that are subject to the Tree Preservation Order and other trees of value, will not be suitably protected either during or post development of the site in accordance with the requirements of the relevant British Standard (BS 5837:2012), Standing Advice or the Barnet Supplementary Planning Guidance documents.
  - the proposals for development do not comply with the recommendations made within BS 5837: 2012 (Section 5.3 – Proximity of structures to trees) and the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.
  - the proposals for development do not comply with both local and national planning policy.
- 7.2 **I must therefore respectfully submit that, given that the proposed development is not in accordance with local and national planning policy, published guidance or accepted best practice, the Local Planning Authority should not grant planning permission for the proposed development in its current form.**



## APPENDIX A

Landmark Trees Tree Constraints Plan and Arboricultural Impacts Assessment Drawings





**NOTE:**  
This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.  
Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.  
Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).

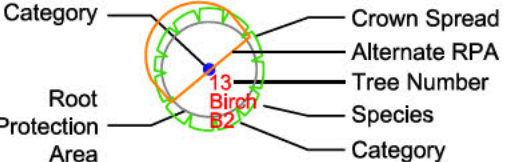


**Landmark Trees**  
Holden House, 4th Floor, 57 Rathbone Place, London W1T 4JU  
Tel: 0207 851 4544 Mobile: 07812 989828  
e-mail: [info@landmarktrees.co.uk](mailto:info@landmarktrees.co.uk) Web: [www.landmarktrees.co.uk](http://www.landmarktrees.co.uk)

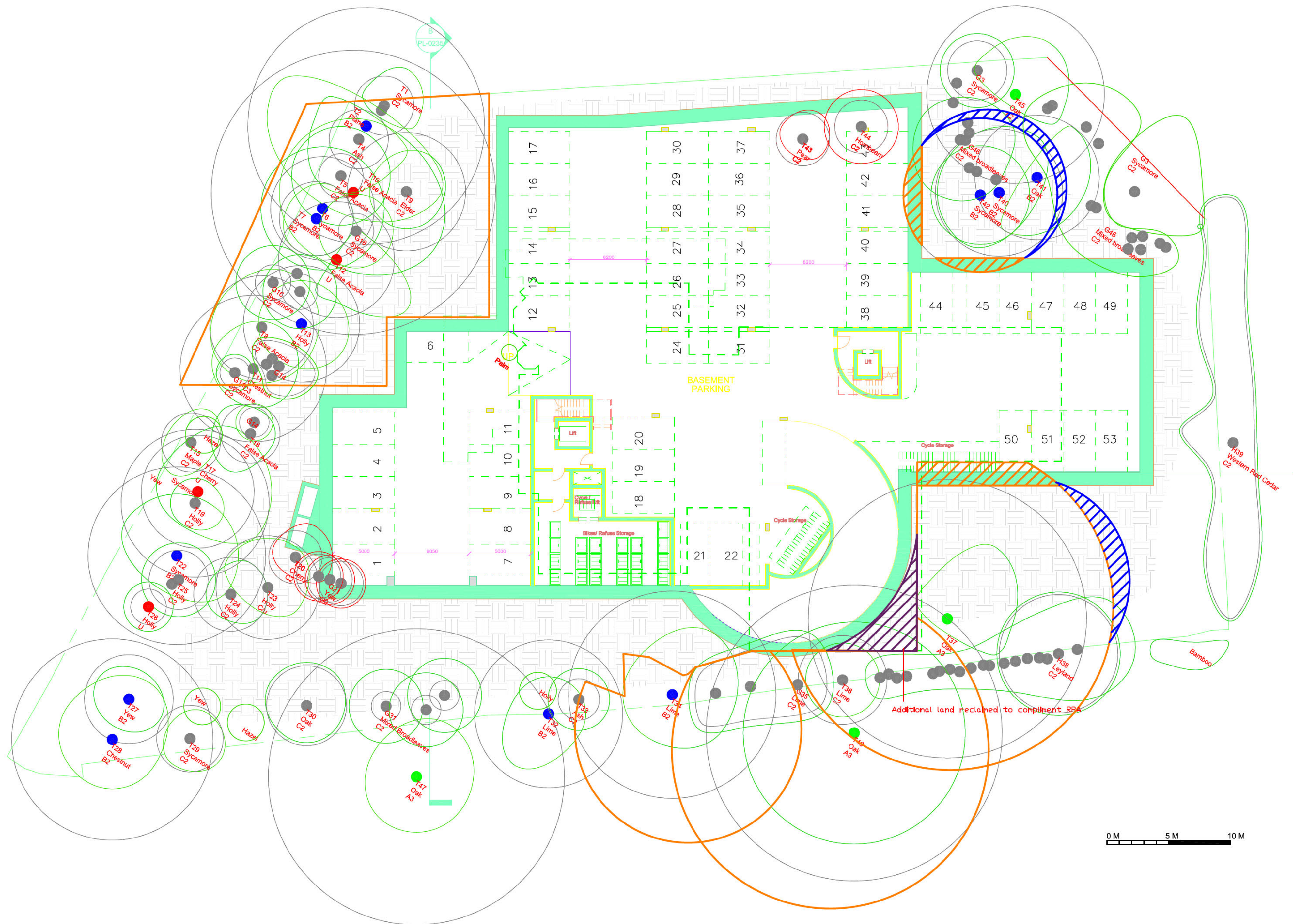
Site: 84 West Heath Road	1:200@ A1
Drawing Title: Tree Constraints Plan	September 2020

**Key:**

- Category A High Quality
- Category B Moderate Quality
- Category C Low Quality
- Category U Trees Unsuitable for Retention








Proposed Basement Plan

Area displaced from RPA  
Area from RPA redistributed

**NOTE:**  
This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.  
Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.  
Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).



**Landmark Trees**  
Holden House, 4th Floor, 57 Rathbone Place, London W1T 4JU  
Tel: 0207 851 4544 Mobile: 07812 989928  
e-mail: info@landmarktrees.co.uk Web: www.landmarktrees.co.uk

Site: 84 West Heath Road	1:200@ A1
Drawing Title: Arboricultural Impacts Assessment	October 2020

**Key:**

Category A  
High Quality

Category B  
Moderate Quality

Category C  
Low Quality

Category U  
Trees Unsuitable for Retention

Alternate RPA

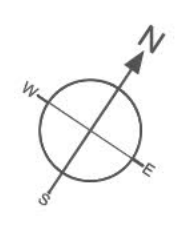
Tree Number

Species

Category

Tree Felled To Facilitate Development

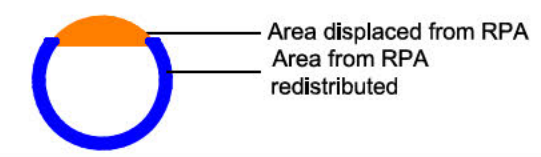
Note: Minor discrepancies between bases in existing and proposed plans may cause some approximation in tree locations








Proposed Lower Ground Floor Plan



**NOTE:**  
This survey is of a preliminary nature. The trees were inspected from the ground only on the basis of the Visual Tree Assessment method. No samples were taken for analysis. No decay detection equipment was employed. The survey does not cover the arrangements that may be required in connection with the laying or removal of underground services.  
Branch spread in metres is taken at the four cardinal points to derive an accurate representation of the crown.  
Root Protection Areas (RPA) are derived from stem diameter measured at 1.5 m above adjacent ground level (taken on sloping ground on the upslope side of the tree base).



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Tel: 0207 851 4544 Mobile: 07812 989928  
e-mail: info@landmarktrees.co.uk Web: www.landmarktrees.co.uk

Site: 84 West Heath Road	1:200@ A1
Drawing Title: Arboricultural Impacts Assessment	October 2020

**Key:**

Category A  
High Quality

Category B  
Moderate Quality

Category C  
Low Quality

Category U  
Trees Unsuitable for Retention

Alternate RPA

Tree Number

Species

Category

Tree Felled To Facilitate Development

Note: Minor discrepancies between bases in existing and proposed plans may cause some approximation in tree locations







**Carter, Richard**

---

**From:** Planning Consultation  
**Sent:** 10 February 2021 11:43  
**To:** Mclean, Josh  
**Subject:** FW: Planning Application 20/4748/FUL (84 WEST HEATH ROAD)

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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**From** [REDACTED]  
**Sent:** 08 February 2021 11:32  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>; [REDACTED]; Zinkin, Peter  
[REDACTED] Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Clarke, Cllr Anne  
<Cllr.A.Clarke@Barnet.gov.uk>; mike.freer.mp@parliament.uk  
**Subject:** Planning Application 20/4748/FUL (84 WEST HEATH ROAD)

Good Morning

I would like to place on record that I strongly object to the proposed building at 84 West Heath Road, NW3. I am the resident and owner of 48 West Heath Road, London, NW3 7UR

Regards  
Simone Krok



**From:**Alan Jacobs

**Sent:**Thu, 11 Feb 2021 11:38:51 +0000

**To:**Planning Consultation

**Cc:**[REDACTED];Zinkin, Cllr Peter;Ryde, Cllr Shimon;Clarke, Cllr Anne;mike.freer.mp@parliament.uk

**Subject:**Re Application No. 20/4748/FUL 84 West Heath Road

Dear Sirs

I note that the developer behind the above scheme has resubmitted a planning application to Barnet Council which is broadly similar to the scheme previously rejected overwhelmingly by residents.

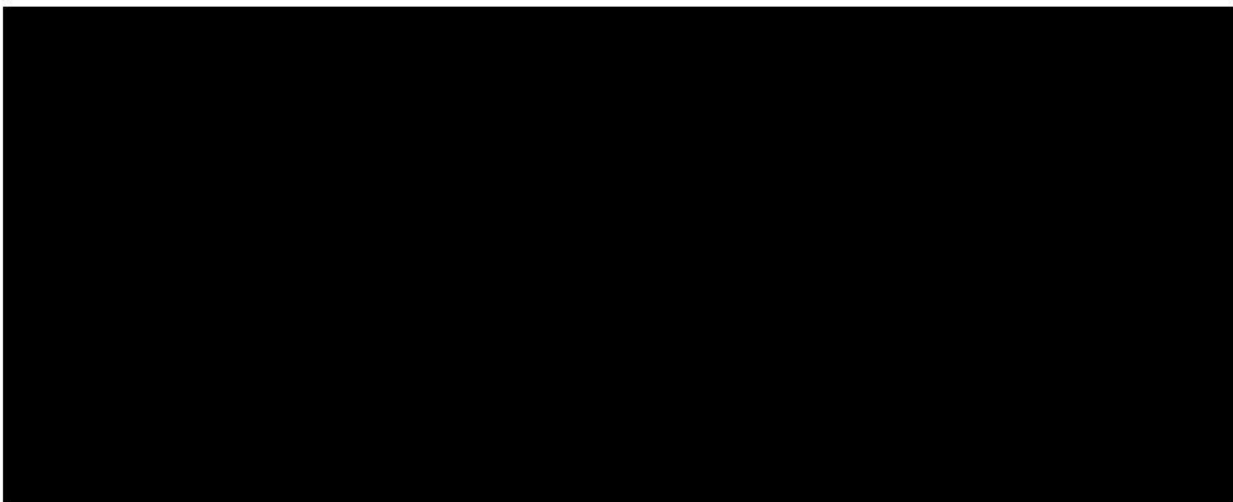
I continue to be of the view that this proposal constitutes a gross overdevelopment of the site, is inconsistent with existing Class 2 use and is completely out of character with the local context..

Accordingly, I would urge Counsellors to refuse planning permission.

Regards

Alan Jacobs

10 West Heath Avenue, London NW11 7QL



**From:** [REDACTED]  
**Sent:** Mon, 8 Feb 2021 21:07:17 +0000  
**To:** Planning Consultation  
**Subject:** Fwd: 84 West Heath Road

Hello,

We are writing to you and joining our neighbours in stopping the demolition of the last Victorian residence in this area. Our objections stand with the revised application. They are planning on destroying this property and building 45 new flats. We have young children and live in the area. We are constantly walking and cycling around there and the thought of having yet another project like this is frustrating. They plan on increasing the square footage by 350%. The area will be heavily congested, noisy and dusty and our quiet enjoyment will be gone.

We moved to Hampstead 5 years ago with our young family in the hopes of living next to the Heath and being closer to the green fresh environment but all these new developments are ruining everything.

We would be grateful if you would reconsider this proposal.

Kind regards,

Sanam Oveyssi and Dr Ali Ghaffarpour (two separate objections)

[17 West Heath Gardens NW3 7TR](#)

**From:** [REDACTED]m  
**Sent:** Thu, 18 Feb 2021 15:14:20 -0000  
**To:** Planning Consultation  
**Cc:** [REDACTED]; Clarke, Cllr Anne; Ryde, Cllr Shimon; Zinkin, Cllr Peter  
**Subject:** Application 20/4748/FUL

Dear Sirs,

I am most concerned that the development suggested for this site is totally inappropriate.

Living exactly opposite No.84 and over-looking the building from all the front windows of our property, the thought of a seven storey building is horrendous. The building would tower above most of the site's trees, would look and would be a gross over-development of the space. The applicant has clearly neither given consideration to the general effect on the road's aesthetics, nor to the most deleterious consequence of so many extra vehicles on the traffic. West Heath Road has become a very busy road. There is little parking space and to cross the road can at times be a dangerous venture. Adding another large number of cars entering and exiting the site on a difficult bend, would considerably increase that danger.

I do hope that careful thought will result in a complete rejection of this ill-considered application.

Regards,

Vivienne Flower.

Flat 4,

75 West Heath Road,

NW3 7TH



## Carter, Richard

---

**From:** Planning Consultation  
**Sent:** 18 February 2021 16:33  
**To:** Mclean, Josh  
**Subject:** FW: 84 West Heath Road. Application 20/4748/FUL

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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---

**From:** [REDACTED]  
**Sent:** 18 February 2021 13:07  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** [REDACTED]; mike.freer.mp@parliament.uk; Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Zinkin, Cllr Peter <Cllr.P.Zinkin@Barnet.gov.uk>  
**Subject:** 84 West Heath Road. Application 20/4748/FUL

Dear Sirs,

Having given a great deal of thought to the above application, to which I originally objected because I felt that the building should be maintained and used as a Nurses Home, I am even more concerned that the development suggested for this site is totally inappropriate.

Living exactly opposite No.84 and over-looking the building from all the front windows of our property, the thought of a seven storey building is horrendous. The building would tower above most of the site's trees, would look and would be a gross over-development of the space. The applicant has clearly neither given consideration to the general effect on the road's aesthetics, nor to the most deleterious consequence of so many extra vehicles on the traffic. West Heath Road has become a very busy road. There is little parking space and to cross the road can at times be a dangerous venture. Adding another, say, fifty plus cars entering and exiting the site on a difficult bend, would considerably increase that danger.



In this area are several underground streams which tend to alter course over time. I doubt that any recent topographical surveys have taken place relating to this site and thus the effect of such a scheme on neighbouring properties has not even been considered.

I do hope that careful thought will result in a complete rejection of this ill-considered application.

Regards,

*Martyn Woolf*

75 West Heath Road,  
NW3 7TH



**Carter, Richard**

---

**From:** Planning Consultation  
**Sent:** 22 February 2021 15:26  
**To:** Mclean, Josh  
**Subject:** FW: 84 West Heath Road. Application 20/4748/F'

**Planning Technician**  
**Planning and Building Control**  
London Borough of Barnet  
2 Bristol Avenue, Colindale, London, NW9 4EW  
Tel: [REDACTED]  
**Barnet Online:** [www.barnet.gov.uk](http://www.barnet.gov.uk)



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---

**From:** [REDACTED]  
**Sent:** 20 February 2021 10:57  
**To:** Planning Consultation <Planning.Consultation@Barnet.gov.uk>  
**Cc:** Clarke, Cllr Anne <Cllr.A.Clarke@Barnet.gov.uk>; Ryde, Cllr Shimon <Cllr.S.Ryde@Barnet.gov.uk>; Zinkin, Cllr Peter <Cllr.P.Zinkin@Barnet.gov.uk>  
**Subject:** FW: 84 West Heath Road. Application 20/4748/F'

Dear Sirs,

Further to my message of 18 February, I have just re-read the submission from Kanda which refers several times to the site as a school. It existed as a school on that site for almost four years, totally without permission. It had no legal backing for its claim that as the building had been a care home for many years, a school needed no permission from Barnet to operate.

Let it be quite clear, the building had been used for many years as a Care Home. It was not a school and only existed on site for 4 years because of lack of pressure from Barnet's officials, to remove itself. The site was never suitable for a school nor is it suitable for the vast development proposed.

Regards

*Martyn Woolf*

---

**From:** [REDACTED]  
**Sent:** 18 February 2021 13:07  
**To:** 'planning.consultation@barnet.gov.uk' <[planning.consultation@barnet.gov.uk](mailto:planning.consultation@barnet.gov.uk)>  
**Cc: Subject:** 84 West Heath Road. Application 20/4748/FUL

Dear Sirs,

Having given a great deal of thought to the above application, to which I originally objected because I felt that the building should be maintained and used as a Nurses Home, I am even more concerned that the development suggested for this site is totally inappropriate.

Living exactly opposite No.84 and over-looking the building from all the front windows of our property, the thought of a seven storey building is horrendous. The building would tower above most of the site's trees, would look and would be a gross over-development of the space. The applicant has clearly neither given consideration to the general effect on the road's aesthetics, nor to the most deleterious consequence of so many extra vehicles on the traffic. West Heath Road has become a very busy road. There is little parking space and to cross the road can at times be a dangerous venture. Adding another, say, fifty plus cars entering and exiting the site on a difficult bend, would considerably increase that danger.

In this area are several underground streams which tend to alter course over time. I doubt that any recent topographical surveys have taken place relating to this site and thus the effect of such a scheme on neighbouring properties has not even been considered.

I do hope that careful thought will result in a complete rejection of this ill-considered application.

Regards,

*Martyn Woolf*

75 West Heath Road,  
NW3 7TH

[REDACTED]