

Application No:	Consultees Name:	Received:	Comment:	Response:
2023-0160/P	Natasha Hills	31/03/2023 23:32:30	OBJ	<p>We have lived in St Marks Crescent for 20 years. We wish to object to this planning application. We have read objections made by other people who live in this street and we support those objections, in particular those made by Patrick and Raynes Minns and Michael Birnbaum KC and Aimee Birnbaum.</p> <p>Given that Patrick Minns is an architect, we find his observations particularly pertinent and frankly very concerning indeed.</p> <p>The houses in this street require significant care and attention to keep them in good working order. Over the years we have experienced issues with water escape and the underpinning services are old and require careful handling. Disruption and damage to houses resulting from building works in nearby houses is highly likely in this street given the age of the buildings and nature of the foundations. This is readily demonstrated by the state of the road which is not able to cope with heavy vehicles passing (even briefly) without some level of collapse.</p> <p>The houses in this street are a good size and sub-basement extensions are not necessary or reasonable. Camden's policy is clear that building works will not be cleared if they cause risk of harm to nearby buildings and Camden will ensure that this will not happen. This application (if implemented) carries real risk of causing damage to a number of properties.</p> <p>We understand this would be in the name of 'additional storage'. We are interested to know on what basis storage could justify causing damage to neighbouring properties – particularly when the property has ample space for storage for the size of home. If the occupants wish to have a larger property, they can easily achieve that in another location. We find the plans ill-defined (as to size, purpose and justification).</p> <p>The extension at the rear of the house is very much not in keeping with other extensions nor the character of the houses in the street. It certainly does not conform to the requirements of the conservation approach in the street that has been adhered to to date and which should be adhered to going forward to avoid changing the character and view (from the canal towpath) for the worse.</p> <p>31 March 2023 Guy and Natasha Hills [REDACTED]</p>

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2023/0160/P	Patrick Mims	30/03/2023 18:05:47	OBJ	<p>From Patrick and Raynes Minns.</p> <p>We write to object to planning application 2023/0160/P - alterations to 10 St Marks Crescent. We have lived in St Marks Crescent for about 28 years.</p> <p>Firstly we would like to endorse the well-reasoned objections set out by all the other neighbours and the particularly the detailed submission by Michael Birnbaum KC.</p> <p>As a retired architect, over the years I worked on many domestic and school buildings in Camden - several with basement extensions and a few with water table problems - see comments below.</p> <p>A Here are a few general points.</p> <p>1 It is regrettable that there are no dimensions on any of the drawings and the snake like linear scale on them is impossible to use on a computer screen.</p> <p>2 The lettering on the drawings is frequently illegible on screen, so the detailed notes cannot be understood.</p> <p>3 The adjoining owners will doubtless engage Party Wall Surveyors to look after their interests and, should the basement cellar go ahead, given the technicalities of the proposed works, these PW Surveyors might, themselves, need to engage specialists to check the detailed assertions and observations in the reports attached to the application, before, during and after the works are undertaken.</p> <p>4 A Traffic Management proposal has been submitted. It indicates that delivery vans are to be directed down Princess Rd. However, the northern end of that road is subject to closure for parts of the mornings and afternoons when the school is in operation. . . . Also, the plan showing an HGV parking space outside No. 10, which seems to protrude nearly to the centre of the road to avoid the pavement being destroyed by HGVs parking on it. This HGV zone would make the Crescent totally un-useable. If the road is to be available for public cars to pass, the parking spaces outside nos. 20 to 26 would have to be suspended. In addition, the cars legitimately parked on both sides at the northern end of the road are often very close to each other. Many HGVs get stuck there and some even have to reverse all the way back to Regents Park Rd. Most of us have lost several wing mirrors from our cars over the years. It is not satisfactory to simply say that there will be wardens controlling, and possibly closing the road to public traffic during the deliveries. Camden required the owners of no 31 to remove/receive all heavy items and waste via the canal which they did successfully.</p> <p>5 The Thames Water main under the Crescent is very fragile. It fractures easily with heavy vehicles pounding over it. Indeed it is already pooling with clay-coloured puddles in the tire ruts - even in dry weather.</p> <p>6 If the plans are revised, the neighbours would like to be notified before approval.</p> <p>Some other points:</p> <p>B The sub-basement Cellar.</p> <p>1 This is the cause of most concern and anxiety. It doesn't even have room for stairs or an access ladder down to it via the proposed trap door in the floor of the renewed Utility Room.</p> <p>2 It seems to be shown stretching all the way across and undermining part of both boundary walls up to the actual boundary line. It is hard to see how this substantial dig, with subsequent underpinning and construction can be carried out, without having to entirely demolish the present Utility Room, half of the boundary walls and magnificent old York stone pathway leading to the front door and the side path. But this is not shown on the Lower Ground or Ground Floor Demolition plans although it is indicated on the Demolition Elevation X1 drawing, where the existing boundary walls seem to be shown left intact.</p> <p>3 I'm not sure how the sewer connection will run to the road. Presumably, like others in the street, it is currently just below the surface of the lightwell/utility room floor or side access path. I could not read the sewer depths on the Thames Water plan. Lets hope this has been addressed.</p> <p>C The front façade.</p> <p>1 The front facades of both the nos. 9 and 10 pair of houses already show signs of movement with cracks in</p>

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the stucco above and below the windows. This may be expected in houses built on London clay but it does indicate that they are already susceptible to movement. There are Movement Monitoring Points indicated on both the main front elevations of nos. 9 and 11 but I note there are none on either of the front elevations of the side additions. It is not unusual for side (and rear) extensions to move independently of the main body of a house.

E Ground water / Water Table issues.

1 The basement floor of our house is more or less level with the surface of the canal water. Whilst it is almost impossible for the level of the canal to flood the houses in our street because Camden Lock gates would act as overflow weirs, water does leak or leach out from the 180 year old clay lined sides of the canal. Our basement walls have required damp proofing twice – the second time under the guarantee. In other words the fact is that the soil under these houses is damp, whatever the results from the bore hole observations may show after a dry spell.

2 We recently dug some trial holes to inspect the foundations, in the Undercroft of St Marks Church - about 250m from Nos. 9, 10 & 11, to a depth of about 3m below ambient ground level i.e. roughly the same level as the roof of the proposed sub-basement. After each of the various torrential downpours over the last two summers, water appeared in these trial holes. The bottom corner of Primrose Hill has always had problems of flooded, muddy ground.

3 The movement of groundwater is notoriously difficult to predict but it is always nearby! It is not impossible for the construction of the proposed solid concrete cube at sub-basement level to channel any ground water to either side of it, towards or below nos. 9 and 11.

4 Apparently the boat-like sub-basement concrete cube will be designed to resist (floatation) as any upward movement could affect neighbouring houses. However, a famous new building in Regents Park, owned by a greatly respected Institution that commissioned a very experienced architect, had a large concrete box (actually a Lecture Hall) totally sunk into the ground so as not to intrude on the surrounding Grade 1 Nash terraces. The ground water started to cause the whole concrete structure to float upwards and it now has to have pumps permanently extracting the water to keep it stable. No tests predicted unresolved groundwater problems.

F The proposed work at the back of the house.

1 The external stairs down to the garden are to be demolished. I have not been in the back garden and I don't know how these stairs have been constructed. I can see the Party Fence Wall between Nos. 9 and 10 is surprisingly tall where it meets the two houses (a sight screen device for privacy on the original small balconies?). Is it possible that the stairs are giving the wall some support and protecting its probably rather rudimentary foundations? Perhaps this should be investigated?

G The new lower ground floor extension.

1 As there are no dimensions on the drawings I assume the new back extension is exactly the same size as the one that is being demolished/alterd. Perhaps I missed this in the Design and Access Statement.

2 The dwellings in St Marks Crescent were built in several paired groups of houses by different developers – unique along the canal in London. Despite their differing sizes and layouts, they are all elegantly detailed and well maintained – a pleasure to see both from the street and the towpath. This should be respected when alterations are undertaken (as has been done at no.31 in my view). The proposed replacement garden room extension has a heavy, aggressive and grim bunker look. It does not fit with the lightness and elegance of the rest of no. 10 or any of the other houses in its group..... Lighten up!

PSM 29.03.2023 RevA

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2023/0160/P	John Beard	30/03/2023 15:50:22	OBJ	<p>Objection to the Planning Proposals for 10 St Markis Crescent 2023/0160/P</p> <p>Although our property is not close enough to sustain any structural damage from this proposal I fully support the objections of those whose houses are at risk.</p> <p>What is clear, and has been proved by recent long term developments, is that major building works in the narrow St Markis Crescent cause far greater problems than they do elsewhere in Primrose Hill. Any kind of heavy truck in the crescent is a problem both for blocking the street and for damage caused to the parked cars. To make matters worse most satellite navigation systems unnecessarily direct through traffic down the crescent. Deliveries and collections there should only be by small truck or van. Brutal builders skip truck manoeuvring cannot be done without causing problems.</p> <p>In this location it may seem that removal of excavated soil is better moved by canal barge, but having experienced more than a year of this with the recent 2 year development at 31 it is equally unacceptable. It only removes the problem from the street to the canal at the rear of the house. To excavate a front basement and remove the soil from the back means having a mechanical conveyor belt running through the house and down the garden to the canal. This means a noisy petrol engine continuously chugging most of every working day for months on end. It is disturbing for many neighbouring houses, and probably the school directly across the canal, especially in the summer months when many people want to be outside. The large barges and tugs manoeuvring also caused damage to our moored boat.</p> <p>It may sound environmentally friendly but the canal route is an extremely inefficient and expensive way of removing soil waste. I believe it was taken by barge down the canal to a facility in West London where it was removed, probably by more mechanical machinery, loaded on to trucks, only then to begin its road journey to a dumping ground. Hardly an acceptable practice in these days of limiting fuel use and wasting energy.</p> <p>We have no objection to these fine houses being sympathetically modernised in the conservation area. To preserve and restore their best external architectural features but making their interiors practical modern homes for the long term future must be the best way forward. Coal cellars that have been redundant for 50 years do need to be repurposed now that available urban space has become so valuable. The major problem, particularly in this narrow crescent in the Primrose Hill conservation area, is how acceptable building work can be achieved without serious long term disturbance for the residents and the roads. With these tall houses, even the vertically extended scaffolding with temporary roof above 31 cut out sunlight to our rear terrace for a whole summer.</p> <p>The majority of houses on the canal side of St. Markis Crescent now have modern glazed rear extensions of the lower ground floor, so there can be no objection to that in principle, only in size and detail. The sides of these extensions are usually painted render or brick, like the structure of all the houses. The lead cladding proposed for No 10 does seem to be an unnecessary deviation from the norm but adds nothing. If restrained modernisation is usually approved for the backs of these houses, and there is no question that it has expanded the quality of living space in the homes, then similar improvements should be debated and accepted for the fronts, but are not yet apparent.</p> <p>Reading all the other local objections, clearly the over long experience of the only approved basement excavation in St Markis Crescent, at 31, was too painful for everybody in the street and that scale of</p>

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				development should never be allowed again. John and Jackie Beard [REDACTED]
2023-0160/P	Diana Milner	31/03/2023 17:06:36	OBJ	<p>I would like to object to this application as I find it barbaric what people are doing to the houses in London in general and Primrose Hill in particular: if the house is not big enough for their purposes why do they not buy a bigger house?!</p> <p>Building works of the caliber proposed in this application are nothing sort of barbaric:</p> <ul style="list-style-type: none">- they destroy the tenure of the house and of the street by 'forcing' a structure into a place that was not designed with anything of the sort in mind.- because of the nature of the works in this application and of the location (right by the canal) it seems to me very likely that structural problems will arise in the future affecting not just this house in particular, but also neighboring properties.- it is selfish and uncivil to make all the neighbors endure over a year of building work with all the noise, dirt, and general disruption that they entail. THIS IS A QUIET NEIGHBORHOOD! <p>Let us put a stop to these disrespectful, barbaric applications PLEASE.</p>

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2023/0160/P	Ms Penfold	30/03/2023 21:22:06	OBJ	<p>I am writing in objection to the proposed application for a sub-basement and additional development at No 10 St Marks Crescent.</p> <p>I am a near neighbour living a few doors away in St Marks Crescent. I am part of a community of local residents and neighbours. We are lucky enough to live in an area of outstanding beauty and heritage. It is a conservation area for good reason. These are old houses with all the character one would expect, and protecting this is the primary purpose of a conservation area and this should be upheld by the local planning committee.</p> <p>There has already been one significant contravention of the conservation rules, allowing the overdevelopment of No 31 St Marks Crescent which has fundamentally changed the exterior rear elevation. This appears to be a failure by the council to regulate and apply planning rules in an appropriate way.</p> <p>The proposed plans for No 10 are not in sufficient enough detail for existing residents of the crescent to fully understand the impact. This proposal appears to show overdevelopment. The reasons cited in the accompanying documents don't add up and have inconsistencies within the narrative. The lightwell alone introduces a significant change to the integrity of the architectural aspects of the crescent that are meant to be preserved. The rear extension development doesn't appear to be in keeping with the rest of the crescent. The drawings and plans appear to be highly professional, yet they seem to have a number of inconsistencies and the proposal does not give any true indication of the end result. How is this sufficient?</p> <p>How will materials enter and leave the site? This is a narrow single lane road with a one way section at the Gloucester Avenue end. What are the details for minimising disruption?</p> <p>What assurances will we have of restrictions to noisy works and weekend works? It cannot be acceptable to the planning regulators to allow disruption over a 12 month period and likely longer, to so many other residents? The development at no 31 ran for something like 2 years.</p> <p>What is the justification for this development? These are not small houses? How many people are living in this house that so much more room is needed?</p> <p>On the submission a number of comparisons are cited: No 12 front glazing - but this was never given planning permission, the council are aware of this, the existing owners were able to obtain permission to replace what was already there. It is the only example of this, and is without permission. No 26 - single story rear extension is not relevant as it is on the opposite side of the street and not on view. No 31 is a contravention of the principles of the conservation area, it has fundamentally changed the exterior rear elevation.</p> <p>Just because there have been planning mistakes made in the past, does not mean that the council shouldn't look to improve on a process. I don't see how these examples stand up.</p> <p>In the accompanying documents, I was alarmed to read that the engineers report states 'slight structural damage' to adjoining properties. How can this be acceptable? How is the extent of the damage being assessed? What compensation would be in place to rectify any damage? What insurances are in place? This</p>

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seems to be a casual attitude to damaging other people's homes. If there is any risk whatsoever to neighbouring properties or other properties in the street and the council pass this planning permission then we must look to seek compensation from both the contractor and the council, given that permission was granted with their full knowledge that properties might incur damage.

It seems to me that the overdevelopment and the resulting disruption, noise, pollution and risk of damage to neighbouring properties and impact on the environment, grossly outweighs any possible benefit.

If the council, as a professional regulating body, continues to allow the piece by piece overdevelopment of this crescent, then in time there will be almost nothing left to preserve and you will not have upheld the conservation rules.

The definition of a Conservation Area is: 'an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.'

And yet there seems to be a willingness to chip away at that definition until we find we have changed the way this small but rightfully well preserved crescent looks. Why?

Trees preservation order:

4.0 Design Strategy & Preservation of 10 St Markis Crescent

In this section we clearly see an image of the back of the house with a mature birch tree (as well as the iconic weeping willows that line the canal).

However:

5.0 Relevant Local Development - in this section we only see the weeping willow, the birch has been removed to allow for the extension but also a further paved area. Is the intention to remove another mature tree?

There are several trees with preservation orders on them in this crescent.

This whole area of Camden has recently lost a huge number of trees to HS2. A mature tree has a far greater ecological benefit than replacing it with an alternative could possibly have. The loss of habitat, shelter and food sources for our local wildlife is significant, as well as altering the green credentials of the crescent gardens.

We have resident woodpeckers, song birds and most importantly bats visiting at dusk.

The Introduction:

"The proposal put forward looks to sympathetically improve the rear extension by increasing the living space, bringing both materials and style to be more in keeping with the period of the house, to add a cellar below the existing lower ground floor for additional storage, and the addition of skylights to make the attic more usable to create more space on other floors to better accommodate children and elderly relatives".

This application may offer an upgrade to the materials for the rear extension but to argue they are more in keeping is problematic. It also confusingly suggests use of the attic but this is not represented on the plans? What is the justification for this development? These are not small houses? How many people are living in the house that so much more room is needed? If 'elderly relatives' are to be accommodated, surely it is not ideal to be climbing 4 or more flights of stairs? And I assume they will not be housed in the cellar!

The idea that this is a development to provide a family home accommodating children and elderly relatives doesn't seem to stack up. The plans appear to indicate less bedrooms rather than more. The 2nd floor being

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turned into a master bedroom and a dressing room, therefore presumably losing a bedroom? The 1st floor retains two bedrooms and the ground and basement are living spaces. So how is it part of the proposal that the elderly relatives are accommodated? Are they really going into the cellar? Seems a bit harsh! Or perhaps there are plans to develop the attic as the skylights suggest? In which case this is not on the plans. Whatever the case, the reasons given for the development dont appear to match the plans. Why is this? More detail is needed.

The application states:
"In summary, the proposal aims to improve the quality of the amenity of the property whilst not having an adverse impact on the surrounding context or neighbouring houses".

There seems to me to be a great number of ways one can improve the 'amenity' of the property that would not require a sub-basement and risk to neighbouring properties and resulting negative impact on a great number of residents and the area under protection. How can this be proportional and justifiable?

The application states:
"The proposal looks to sit harmoniously within its context choosing materials that are in keeping with the existing fabric of the host building".

The whole plan, particularly the metal clad rear extension is hard to argue as 'harmonious within its context'. Harmonious for whom?

The application states:
"Furthermore, the proposed development does not aim to significantly alter parts of the building which face onto the street having no changes made to the front elevation and therefore it is considered that there will be no harm to the significance of the Conservation Area".

A more significant change to the front elevation would simply not be entertained so an argument could be made that the plan aims to change the front of the property as much as possible using a precedent that is without planning permission.

The application states:
"This report has outlined how the proposal has been designed to adhere to the size, scale, materiality, context and history of the site. The drawings, diagrams and photos in this report clearly demonstrate that the proposals seek to respectfully restore and maintain the property so that it can be enjoyed by a modern family for many years to come".

There is no argument for restoration here.

The application states:
"In conclusion, this assessment confirms that the development proposal accords with the provisions of the Development Plan and as a consequence a presumption in favour of a grant of planning permission".

This assessment doesn't confirm anything, it is simply a bid to get the permission through. How and by whom is this confirmed? The interested party?

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The whole premise for this application is one of needing more space to accommodate a family yet the plans submitted are entirely contrary to this.

I'm sure those responsible for granting planning permission in this area are fully up to speed with the conservation rules, and are not going to be disarmed by the disingenuous over-stating of the importance of conservation areas in London. An attempt to frame conservation as a primary concern, when it appears simply to be a device for greenwashing this application.

We have been residents of this street for over 20 years. In that time, with a growing family we have sought planning permission to do alterations to our home, as have many other residents. Apart from the example mentioned above, we have all respected the rules. The desirability of this area is in large part due to the strict upholding of these rules. It should be considered a privilege and a responsibility to preserve a harmonious environment and community, and not to try and do everything possible to chip away at the principles of conservation or planning.

- *Potential damage to neighbouring properties clearly stated in the report
 - *Unnecessary over development in a conservation area
 - *Unacceptable alterations within a conservation area
 - *Noise and disruption to other residents
 - *The apparent felling of a mature tree
 - *A planning application that doesn't ring true.
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2023-0160/P	Michael Birnbaum KC and Aimee Birnbaum	30/03/2023 23:19:35	INT	<p>Re: Planning Application for 10, St Marks Crescent NW1 7TS.</p> <p>Objections: Michael Birnbaum KC and Aimee Birnbaum</p> <ol style="list-style-type: none">1. We have lived at [REDACTED] St. Mark Crescent for over 30 years. We support the objections made by others to the style and proposed appearance of the rear extension. The notion that its metallic and brutalist style would be in keeping with the overall appearance of the houses as seen from the canal is simply ludicrous.2. Like every other resident who has objected we are very concerned about the proposed construction of a substantial sub - basement cellar intended for what the Design and Access Statement describes in the Introduction as 'additional storage'. We object to this sub - basement on seven grounds (each elaborated further below).<ol style="list-style-type: none">A. The House already has a basement (misdescribed by the Applicant as a 'lower ground floor'). Camden's own policies prohibit a basement of more than one storey or a basement below an existing basement (Local Plan Policy A5 (f) and (g)). So, the application must fail on this ground alone.B. The plans for the new basement do not comply with the requirements of Camden Planning Guidance (CPG) 'Basements' and therefore also do not comply with Policy A5 (h), (k) and (l).C. There is insufficient detail of the purpose and even the size of the sub - basement.D. Careful study of the Basement Impact Assessment Report (BIA) reveals<ol style="list-style-type: none">i. A very limited investigation of the risk to nearby properties and infrastructureii. A very troubling inconsistency in the assessment of that risk, which in one document is described as 'negligible / very slight' and in another as 'unlikely'.E. The potential for damage to the houses in and the fabric of the Crescent is incalculable. If this application is granted it will undoubtedly be used by other Applicants as a precedent for basement development applications. There is no way of knowing how many might be granted or what the cumulative risk may be.F. The risk to adjoining properties and to the fabric of the Crescent, together with the noise and inconvenience to users of the Crescent, while basement excavation and construction are in progress is wholly disproportionate to the small benefit the Applicant can gain from the new sub-basement.G. The comparisons the Application makes with recent development at number 31 and at our own house are misconceived.H. The Application has not considered all 'nearby basements' as required by Camden's own policy. <p>Camden's Policy on basements</p> <ol style="list-style-type: none">3. It is very clear that Camden is determined to protect neighbouring properties and infrastructure. There are

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two relevant documents: The Camden Local Plan and the 2021 guide 'Basements'. Their general thrust is the same, but the latter document is more detailed and includes diagrams of permissible basement development.

4. The Local Plan at para. 6.109 defines a basement as 'a floor of a building which is partly or entirely below ground level'.

5. Policy A5 (p214) states that 'Camden will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to (inter alia) neighbouring properties, the character and amenity of the area and the architectural character of the building (at letters a, c and d).

6. It continues that basement development should not comprise more than one storey and should not be built under an existing basement. It should not exceed 50% of each garden within the property and should not extend into or underneath the garden further than 50% of the depth of the garden (at letters f, g, h and k).

7. In 'Basements' Camden again defines a basement as 'a floor of a building which is partly or entirely below ground level'(see para. 1.5).

8. In Camden Policy A5 the 'Key Messages' at p7 begin 'Basement development must not cause harm to ...neighbouring properties....'.

9. The first bullet point of para. 1.18 states that basement schemes 'must take place in a way that ensures that they do not harm neighbouring properties including not placing occupiers at risk or have any significant effects on the stability or bearing capacity of adjacent land generally'. Then: -

¶ The third bullet point of para. 1.18 requires that such schemes should 'avoid cumulative impacts on the structural stability in the local area'.

¶ Para. 4.1 deals with 'Assessing the impact of basement development'. It states that the Council will only permit basements and other underground development 'where the Applicant can demonstrate that it will not cause harm to the built and natural environment and local amenity.'

¶ Para. 4.32 states that the Camden 'will ensure that harm is not caused to neighbouring properties by basement development' and that 'The Council considers neighbouring residential properties are particularly sensitive to damage, where relatively minor internal damage to a person's home can incur cost and considerable inconvenience to repair and redecorate.'

¶ Para. 4.33 says in terms that applicant must demonstrate that the risk of casing damage to neighbouring properties is no worse than 'very slight'.

¶ Para. 4.34 recognises that the cumulative effect of the incremental development of basements in close proximity, particularly when these are large, can potentially create a significant impact. Assessments must consider 'all nearby basements.'

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10. So, applicants for basement development are effectively required to prove a negative - that their scheme will not cause more than minimal harm to (inter alia) neighbouring properties. The design must comply with one of the permissible layouts. An Applicant must justify any conflict with policy by demonstrating public benefit or other material considerations. Moreover, the Council must consider cumulative impact on local structural stability.

Objection A. The House already has a basement

11. The so called existing 'lower ground floor' is wholly below ground level; Proposed Section Y2 shows this clearly; i.e. The entire 'lower ground floor' level is below the level of the street. Hence it is a basement as defined by Camden. It is impossible to get round this by using the estate agents euphemism 'lower ground floor' or by building a second basement in front of the existing one.

12. What is proposed is a stepped basement on two storeys. This, if permitted, would drive a coach and horses though Camden's policy A5 (f) and (g) because the resulting basement would comprise of more than one storey; and would be built under an existing basement.

13. CPG 'Basements' provides guidance on the interpretation and application of Policy A5 including interpreting A5 (f) and (g). It requires at Table 1:
'A basement development that does not extend beyond the footprint of the original building and is no deeper than one full storey below ground level is often the most appropriate way to extend a building below ground.'
The proposed basement does not comply with this guidance; it extends beyond the footprint of the house and is deeper than full storey below ground level.

Objection B. Non-compliance with Camden's Policy requirements

14. Policy A5 (h) requires that basements not exceed 50% of each garden within the property. A5 (k) requires that basements not extend into or underneath the garden further than 50% of the depth of the garden (and is not specific about which garden is referred to here). A5 (l) requires that basements be set back from neighbouring property boundaries where it extends beyond the footprint of the host building.

15. CPG 'Basements' again provides guidance on the interpretation and application of these Policy items including providing typical diagrams at Table 1. Those diagrams apply well to the proposed development which is a typical semi-detached house (c.f. a comprehensively planned development or a more unique or bespoke property to which the Guidance might be applied more flexibly).

16. Table 1 (at p12) makes clear that in assessing criterion (h) of A5 that 'This criterion applies to the front garden, the rear garden and gardens to the side of the property individually, rather than calculated as an aggregated garden area for the whole property'. The proposed basement (including its retaining structures) would occupy 100% of the front garden and thus conflicts with A5 (f).

17. We say that for this purpose the 'garden' of a house is the area that could be cultivated beyond the borders of the house itself. So, the paved forecourt of no. 10 is a 'garden' even if not used as such. If this is not so, then some one who has a house with front and back gardens wholly planted could double the size of their permitted basement development simply by paving over the whole lot.

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18. In fact, the front of no 10 has a flower bed just next to the pavement wall. It is about 10 x .7 m. Below it are two curved vaults. In each there is bed with a single bush. There are two large potted plants by the basement wall.

19. The Policy includes diagrams of permitted layouts complying with the 50% rule. We say that the Applicant cannot comply with any of them because he wants to use the whole area in front of house as a basement. It is for him to demonstrate that he can.

20. All diagrams include a set back from the boundaries of adjacent properties required to enable planting in the margin between property boundaries. Where (as proposed in this case) a basement extends right to the edges of each adjacent property there can never be any planting on that boundary.

21. The Applicant does not try to justify or suggest any off-setting public benefits for these multiple breaches of policy. So, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

Objection C. Lack of detail

22. This voluminous Application is curiously coy about specifying the purpose of the sub - basement. It is as described as being for 'storage). What is to be stored or in what quantity is not mentioned. Is it clothes / furniture / tools / pet food? Might it perhaps be a large quantity of wine?

23. No attempt is made to explain why a sub-basement is required rather than (for example) a series of cupboards and shelves at higher levels . It is not even clear how large the sub-basement would be, although the plans suggest that it would occupy virtually the entire length and width of the light well. If the sub - basement is to be 2.5 metres high its total capacity might be around 70 cubic metres.

Objection D (i). A very limited investigation.

24. We note that full tests to assess risk to other properties and infrastructure were not done. As the Executive Summary of the Ground Movement Assessment Report (GMAR) states at para. 1.1 the client did not require them to carry out.

'A desktop study, a site walkover, screening / scoping assessments of the potential impact on groundwater or surface water or land stability due to the proposed basement and a site investigation have been excluded from our scope of works in accordance with our clients requirements.'

25. It is clear that the author of this report has not even visited the site. The list of 'data sources' does not include a site visit (see 1.3) and the analysis seems to have been done using computer software of report data.

26. Yet Camden's own Planning Guidance at para. 4.17 specifies that a site investigation should include 'desk study, including site walkover, field investigation, including intrusive investigation'.

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27. Again the 'Ground Movement Assessment Report' at para. 1.4 sets out 'significant assumptions'. These include a warning that 'the reliability of information supplied by others cannot be guaranteed to be accurate or complete. Performance of this GMA is intended to reduce but not eliminate uncertainty of the ground conditions associated with the subject site'. So, the accuracy of the data is not guaranteed.

Objection D (ii). A very troubling inconsistency

28. The authors of the Basement Impact Assessment Report seem oblivious of their inconsistent statements about risk of damage to other properties.

29. At 1.0 (in the Executive Summary) they state that the new basement would be 'unlikely' to result in any specific issues relating to land or slope instability and that adverse impact to the structural stability of neighbouring structures or infrastructure is 'unlikely'.

30. But at 4.5.3 they claim that a 'detailed Ground Movement Assessment' has shown that the proposals 'will have negligible - very slight impact on the adjacent properties.' The risk is therefore within Camden's accepted limits for basement works (see BIA 4.5.3).

31. A risk which is 'unlikely' must be much greater than one which is merely 'negligible'. If the risk is more than negligible, the Application for the sub-basement must be rejected.

Objection E. The potential damage to the houses in and the infrastructure of the Crescent is incalculable.

32. Again, this is surely obvious. Because Camden is obliged to consider 'cumulative' damage it cannot ignore the possibility that in the near future others will seek to follow the precedent set by a grant of this application.

33. As a leading textbook on 'Planning Law' by Ashley Bowes states at p254

'The courts have accepted the principle that although land may be suitable for the development proposed, the local planning authority may refuse permission for that development, if to grant it would be likely to lead to a proliferation of applications for similar development, which the authority would then find it difficult to refuse.'

Objection F. A disproportionate risk.

34. The houses in the Crescent are on four stories and are substantial. There is huge potential for storage in many places. For example, the roof space of each house is very large. It is very simple to make large shelves just below the level of the roof. Again, there is an almost infinite variety of shelving and storage systems available nowadays which could be utilised in many parts of the house.

35. The benefit the Applicant might gain from a large and expensive sub-basement is far outweighed by the combination of

- the risk of damage to nearby properties

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x the noise and obstruction likely when the works are in progress

y the damage that will be done to the road surface by the heavy plant that will be necessary.

36. As the Court of Appeal stated in 2004, referring to the Human Rights Act

'The question whether the permission has an excessive or disproportionate effect on the interests of affected persons' is a question which has routinely been posed by decision makers both before and after the enactment of the 1998 Act.....it is important to emphasise that the striking a fair balance lies at the heart of proportionality'

Objection G. Misconceived comparisons.

37. The DAS states at p11 'No 31 was previously granted permission to construct a basement'. This is true. But the DAS ignores the vital fact that the Basement permitted was to the rear of the premises and not under the area in front of the house.

38. The DAS relies at p9 on the fact that our house, number 12 was allowed to construct 'glazing to the front lightwell'. This is true but we were given permission for that glazing only because similar glazing had been allowed many years ago.

39. Our application was no 2017/4428/P. We have gone back to the planning officers decision (copy available on request). The decision noted that permission for a glazed roof over the light-well creating a conservatory extension had been granted on 12/09/1990.

40. At para. 3.13 it continued.

'The Primrose Hill CAS states within PH39; Infill or extension of basement lightwells will not normally be acceptable. These works are often unduly prominent, detract from the original design of the building, the established character of the street or involve the loss of significant garden space or historic fabric. It is considered that such lightwell has been covered historically with existing glazing. It is considered that such proposal would be replacing a cover of the lightwell and would not be considered to be infilled.'

41. The situation at no 9 is plainly completely different since there has never been any covering over the lightwell at that address.

Objection H. The Application has not considered all 'nearby basements'.

42. Why has the Application not made any assessment of risk to numbers 12 and 8? They are 'nearby'. Indeed 12 is physically connected to 11, where the risk has been assessed, albeit inconsistently and inadequately.

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				<p>In conclusion</p> <p>43. The proposed sub-basement conflicts with adopted Local Plan Policy A5 and CPG "Basements". There would be no public benefits arising from the proposed development to outweigh those conflicts with Camden Policy and no other material considerations to indicate a decision should be made that conflicts with the Plan. Therefore, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.</p> <p>44. Many of the objectors have been residents of the Crescent for decades. We are all privileged to live in houses built in the mid-19th century. Whilst most houses in the Crescent have been significantly renovated, the state and strength of their foundations will vary greatly from one to another. We all have good reason to fear the setting of a precedent for creating substantial basements beyond the boundary of any house and near to the road.</p> <p>45. Camden should therefore scrutinise this application with great care, all the more so because of the obvious errors and deficiencies in the documentation submitted to support it.</p>
2023/0160/P	Mr and Mrs Howard	28/03/2023 13:07:08	COMMENT	<p>We would like to comment/object on the above planning application.</p> <p>As St Mark's Crescent is in a conservation area it seems totally inappropriate to excavate this property to the degree on the application. It will undoubtedly cause a great deal of chaos and disturbance for all residents. The road is extremely narrow. Our cars are constantly being scratched and scraped by normal sized delivery vehicles.... large loaded delivery/collection vehicles will be a worry.</p>
2023/0160/P	John Beard	30/03/2023 13:08:10	OBJ	/Users/johnbeard/Desktop/Plnng Obj to 10 St Mks Cres 30.3.23.pdf