[redacted]
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80-83 Long Lane
London
EC1A 9ET

26th July 2023

Via email only

Dear Matthew,

Re: 2023/0692/P - 13 BELSIZE CRESCENT, LONDON, NW3 5QU

Further to the submission of the above planning application, and following your consultation exercise, we wish to address the community's concerns to ensure our submission allows for a thorough and proper assessment of the proposed development to be made. Therefore, to avoid any confusion and offer clarity on our submission, please find the following response to public representation which we hope is of assistance in your continued consideration of the application.

Many of the representations originate from a single letter and the matters raised are therefore repeated several times. Instead of addressing each representation individually, we have commented below on the fundamental matters raised through the consultation.

Design, Visual and Heritage Impact

– Platform lift –

The objections allege that the proposed platform lift would have a harmful impact upon visual amenity and the character and appearance of the conservation area.

Policy C6 of Camden's Local Plan (2017) promotes fair access for all and confirms that the council expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so that they can be used safely, easily and with dignity by all. The proposed development would improve the accessibility of the dwelling and provides a more inclusive design, as supported by Policy C6. The post-text confirms that the council will balance the requirement to provide access with the interests of conservation and preservation and seek sensitive design solutions to achieve access for all, to and within listed buildings.

Whilst the application property is not a listed building, it is considered that a platform lift is a sensitive design solution that is sympathetic to character and appearance of the conservation area. The platform lift would be situated behind the front boundary wall and landscaping, thus would not be

readily visible within the conservation area. Indeed, each of the existing front yard areas of properties on Belsize Crescent are screened by the same means. Alternatives for making the property accessible, such as a stair lift on the front steps, would be cheaper to implement but would be more visually prominent. Therefore, it is contended that the proposal appropriately balances accessibility and conservation.

It is also of significance to note that that there is an individual within the applicant's immediate family with an ambulatory disability. While personal circumstances are not usually material considerations, the well-established case of *Westminster City Council v Great Portland Estates plc: HL 3 Oct 1984* confirms that there are exceptions to this. In his judgement, Lord Scarman confirmed that personal circumstances are themselves capable of being a material consideration and that the personal circumstances of an occupier and personal hardship are not to be ignored in the administration of planning control. Hence, Lord Scarman concludes that *"the human factor . . . can . . . and sometimes should, be given direct effect as an exceptional special circumstance".* Section 149 of the Equality Act 2010 sets out the public authorities' duties in relation to advancing the equality of opportunities between persons who share a relevant protected characteristic (such as a disability) and persons who do not share it, which includes taking steps to meet the needs of the persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

Given the above, while it is considered that this element of the proposal accords with development plan by promoting accessibility through a sensitive design in the interest of conservation and preservation, the personal circumstances of the applicant's immediate family is a material consideration which should be afforded significant weight. If required, relevant documentation can be provided on request.

Should the council consider it necessary, a suitably worded condition can be imposed requiring the submission of the product specification for the lift, details of boundary treatments and landscaping, for the LPA's approval prior to installation.

– Utility room –

There seems to be some confusion within certain objections which allege that the proposal includes a utility room in the space that is currently the front garden. However, as indicated on the proposed plans and within the submitted Design and Access Statement, the proposed lower ground floor utility room and WC would be situated under the front garden. Therefore, this would have no visual impact on the street scene. Also, for the avoidance of doubt, there would be no increase in hardstanding to the front, contrary to claims within some of the objections, as the front garden is currently concreted over.

– Basement –

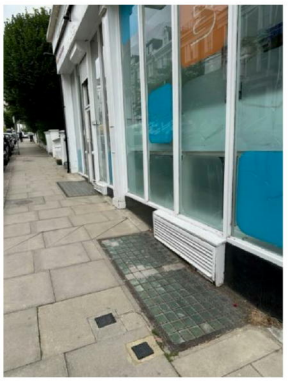
Some objections consider that the construction of a basement to the dwelling, in a conservation area, is unacceptable given that this was not planned or envisaged by the designer of the original building and is out of character with the existing dwellings along Belsize Crescent. The application building is not statutorily or locally listed. While the visual consistency of the building frontages along Belsize

Crescent is a positive contribution to the conservation area, the basement would be located underground and makes use of an existing light well to the front, proposing only to add a modest walk on roof light to the bottom of it, close to the principal elevation of the main house, thus not readily visible from public vantage points. Therefore, the proposal would preserve the character and amenity of the area and would not cause harm to the architectural character of the building or significance of the conservation area in line with local plan policies A5 (basements), D1 (design) and D2 (heritage).

Guideline BE2 of the Belsize Conservation Area Statement (2003) states that the council will normally only permit front basement development if the building will be restored by the action to its original condition, or if it will contribute to the established character of the street scene. Note that this guidance refers specifically to front basements, and that the word "front" was omitted when the guidance was quoted in several objections. While this guidance is slightly more limiting than the relevant local plan policies, the policies carry greater weight, as policy rather than guidance and given their more recent adoption. Notwithstanding this, for the reasons discussed above, the proposal would preserve the established character of the area and significance of the conservation area, which is clearly in line with the aims and objectives of Guideline BE2, as the only external modification to the front of the host building as a result of the basement addition would be glazing to the bottom of the existing front lightwell, which would not be readily visible from the street. Furthermore, the proposal compares favourably with other basements that have been approved in the conservation area, which were deemed acceptable despite greater visual impacts. For example, approval ref: 2017/7050/P whereby a front basement was approved in Belsize Conservation Area that required an entirely new lightwell clearly visible from the street.

It is noteworthy that a number of other buildings along Belsize Crescent and in the wider conservation area have basements, including, but not limited to No.'s 1, 2, 3, and 4 Belsize Crescent, as can be seen from visual inspection and relevant planning documentation. The shops and restaurants at the end of Belsize Crescent also tend to have basements, including No.'s 64, 66, and 68 Belsize Lane. Basement development does not depart from the existing context or character.

The below photo shows existing walk on glazing in the pavement outside numbers 2 and 4 Belsize Crescent which allows light into and out of the basements beneath. The proposed walk on light at 13 Belsize Crescent would be significantly less prominent.



The conservation area guidance also raises concerns about traffic. Notwithstanding this, Camden's Local Plan confirms that traffic impacts resulting from basement development in residential areas can be minimised and managed through a Construction Management Plan (para's 6.125 and 6.126). A draft construction management plan has been submitted with the application which sets out broad measures that are envisaged to be implemented to minimise adverse construction related impacts. A detailed construction management plan can be secured by legal agreement, in line with normal practice for developments of this nature and scale, as has been the case elsewhere in the Belsize conservation area.

For the avoidance of doubt, there have been numerous basement developments in the Belsize Conversation Area since the 2003 Conservation Area Statement, which assimilate well with the character of the area and have been constructed without unsurmountable management issues.

– Architectural detailing and materials –

It is noted that several of the objections recognise that the proposal reinstates original architectural details/materials which have been lost through historic developments. As such, the objectors support the reinstatement of these features to match the original but raise concern that the materials and design will not be exacting. The products and materials can be controlled by the imposition of a suitably worded planning condition requiring the submission of a product specification and materials schedule prior to the commencement of the development.

The objections consider that references to 'to match neighbours' on the proposed plans is too vague. Indeed, the proposed plan drawings indicate that stone balustrading will match neighbours - all of the surrounding stone bottled balustrading along Belsize Crescent seems to be consistent, including the neighbours immediately adjacent to application site. Therefore, this annotation is not considered vague and a design to match the neighbours can be controlled by the imposition of a suitably worded planning condition. Notwithstanding this, should the LPA require further clarification, detailed drawings of the stone balustrade design, to confirm spacing, can be provided.

In response to neighbour suggestions and for the avoidance of doubt, the application cannot be used to secure the reinstatement of the original barrel dormer – while the concerns around the unsympathetic design precedents in the conservation area are appreciated, the box dormer is an existing lawful development (approval ref: G7/8/33/33075(R1)) and does not form part of the application.

Given the above points, it is argued that the proposal will restore many of the original architectural features which have been lost through historical developments undertaken. These original features have been retained on most surrounding properties. Thus, the proposal contributes positively to the established character of the street scene and will enhance the character and appearance of the conservation area.

Structural Implications and Flood Risk relating to the Proposed Basement

The objections raise concern around the structural integrity of the building and whether it can withstand the basement excavation works or if it would result in soil expansion and shrinkage. In this connection, the application is supported by a Geotechnical and Geo-environmental Ground Investigation Report produced by engineering geologists and a Basement Impact Assessment (BIA) by a Structural Engineer.

The BIA confirms that the excavation will be retained by reinforced concrete underpins with concrete bailey rails, cast in a sequence of bays. It confirms that the bulk excavation works, and construction of permanent works elements will take place following the installation of these systems and that that the superstructure above the basement will be maintained, taking into consideration the geology at the site location. It sets out the mitigation measures to reduce ground movements and damage and confirms that the impacts of the proposed development on neighbouring structures would be limited to Cat 1 (Very Slight) in accordance with the Burland Scale. The appropriate calculations and assessments have been made by a suitably qualified and experienced consultant to ensure the proposed basement excavation and construction works can be carried out without unacceptable structural implications to the application building and neighbouring properties.

Some objectors question whether the proposed basement would increase flood risk. The submitted BIA concludes that there is no risk of ground water flooding, very low risk of surface water flooding and that there would be no impacts to the wider hydrogeological environment. The Flood Engineer's response to these allegations is attached to Appendix A of this letter.

In addition, an objector has submitted photographs appearing to show moisture in boundary brickwork. Such rising damp is most likely attributed to capillary action of the bricks and lack of a damp proof course, causing water to be drawn up into the wall from the saturated London Clay. London Clay is a saturated material and will remain so regardless of any surface water drainage. Rising damp is not an indicator or surface water flooding and is due to the existing hydrogeological conditions at the site. The soils underlying the site are practically impermeable and the proposed basement will not alter the risk of surface water flooding which is assessed by the Strategic Flood Risk Assessment as very low.

For the avoidance of doubt, many objections state that the depth of the proposed pool is not confirmed within the submission. However, the BIA confirms the casement will be constructed approx. 7m below the existing ground floor level and the depth of the pool is demonstrated on the proposed section drawing (section A). In this regard attention is drawn to paragraph 6.131 of Camden's Local Plan which states…*where appropriate we will allow a proportion of the basement to be deeper to allow development of swimming pools*. Appropriateness is further defined in the CPG, with reference to topics already covered in the BIA, (structural impacts, ground, and water conditions and so on).

Perceived Inaccuracies in the BIA

-Site topography and stability-

The reported slope gradient in the BIA is approximate and based on EA LiDAR data for the area surrounding the site. The 4°/5° slope gradients reported by the objector are well below the screening criteria and the proposed basement does not pose a credible risk to slope stability.

-Trees and stability-

A small insubstantial group of young decorative tree/shrub species are proposed for removal. These are not considered to have any significant effect on the stability of the site or surrounding area. See arboricultural report already submitted for further details.

-Highway proximity-

Provision has been made within the plans for temporary excavations in close proximity to the public highway to be approved in the appropriate fashion by the Local Authority. The contractor will submit an Approval in Principle (AiP) prior to undertaking the works. Permanent works will be supported by concrete underpins installed in a hit and miss sequence to minimise the potential effect of the works on the adjacent highway.

-Hard surfacing-

The proposed plans do not show an increase in hardstanding as a result of the basement development. Section A-A on drawing J225-BC-SK-3200 shows that the part of the basement extends beyond the edge of the existing building will be overlain by 1000mm of granular fill. This will be maintained at detailed design.

-Removal of internal walls and stability-

The building forms part of a row of interconnected terraces capable of sharing lateral loads across the terrace. The removal of lightweight partitioning will not affect the global stability of the terrace structure. Any lost local stability of the walls will be reinstated by the steel columns abutting the party walls which will prevent buckling.

Improved lateral ties are proposed between the party wall and new floor by installing restraint straps across to the full perimeter walls. Our new floor will also provide stiffer diaphragm action than the existing to allow the effective spread of lateral loads to the main stability walls to the perimeter.

The recesses are to be formed within party wall that are at least 330mm thick (brick and a half) ensuring that there is sufficient masonry left beyond to not affect the stability of the wall.

The introduction of new columns supporting the internal beams unloads the party wall at these locations and prevent a build up of local stresses around the proposed recesses. Furthermore, the

recesses are to be packed tight with grout and tied across with resin fixed plates to ensure the lateral stability of the wall is not impacted.

Methods statements can be secured by planning condition/ legal agreement if deemed necessary.

-Concrete casting near party wall-

Walk over surveys confirm that the wall on 13 Belsize Crescent steps 50mm in at 3rd floor, and the parapet above is 215mm wide. Thus, it can be reasonably assumed that the wall below 3rd floor remains 330mm thick, as no further steps are recorded. In spite of this, the structural design specifies the minimum reinforced concrete retaining wall required below the party walls. Thus should the wall be found to be wider, then the structural wall will widen with it, which will only work to stiffen and strengthen the wall. If in the unlikely instance it is thinner than the 330mm, then the retaining wall will project internally to achieve the minimum required thickness.

Methods statements can be secured by planning condition/ legal agreement if deemed necessary.

-Brick strength in party wall-

Brick strengths have been conservatively assumed to be weak stock bricks in non-hydraulic lime mortar, to give an allowable compressive stress of 0.42N/mm2 in line with historical code CP111. This is an industry recognised figure for working with old masonry structures and accounts for the friable and varied nature of this brickwork and mortar.

Furthermore, we have encountered no visible damage or cracking to the brickwork that would suggest the brickwork is insufficient in strength for its purpose. Should any brickwork be damaged as a result of the proposed works, or loose brickwork encountered during strip, then these will be replaced.

It is envisaged that Party Wall agreements will be entered into to guard against damage to neighbouring buildings.

Neighbouring Amenity

In terms of impact upon neighbouring amenity, concern has been raised with respect to noise, disturbance, pollution to neighbours during the basement excavation, including from vibration, and dust. The excavation and construction works are short-term and would not result in excessive noise, disturbance, or pollution over and above general levels produced by similar developments which are common, particularly in London Boroughs. The submitted Construction Method Statement (CMS) details the measures that would be adopted to ensure that these impacts are kept to a minimum during the exaction/construction works, to protect the amenities of the occupiers and neighbours.

One objection also raises concern with light pollution from the skylight in the roof of the basement in the front lightwell and to the rear which the objector considers will create vertical light pollution. The front lightwell is located at lower ground floor level and is not therefore visible form the street. At the rear, natural light will arrive in the basement via light tubes, designed to minimise light pollution from

the basement to the outside. Therefore, the proposed sky lights would not result in unacceptable light pollution to the detriment of neighbour amenity and visual amenity of the conservation area.

Objections suggested that a Skylight at the front is contrary to section 2.6 of the Camden Planning Guidance on basements. However, section 2.6 of the CPG on basements states that *"Where a basement extension under part of the front or rear garden is considered acceptable, the inclusion of skylights designed within the landscaping of a garden will not usually be acceptable, as illumination and light spill from a skylight can harm the appearance of a garden setting."* The proposed skylight does not fall within the landscaping of the garden, but merely replaces existing hardscaping, at the bottom of an existing light well, and hence there is no damage to any garden setting.

One objection refers to the proposed vents within the landscaping which are presumed to be from the swimming pool plant and raises concern that this will produce warm air with chemical odour to the detriment of neighbour amenity. Should the LPA require further plant details and an odour assessment to be conducted, this can be requested and supplied during the application stage, in line with the positive and proactive approach to development proposals as required by the NPPF.

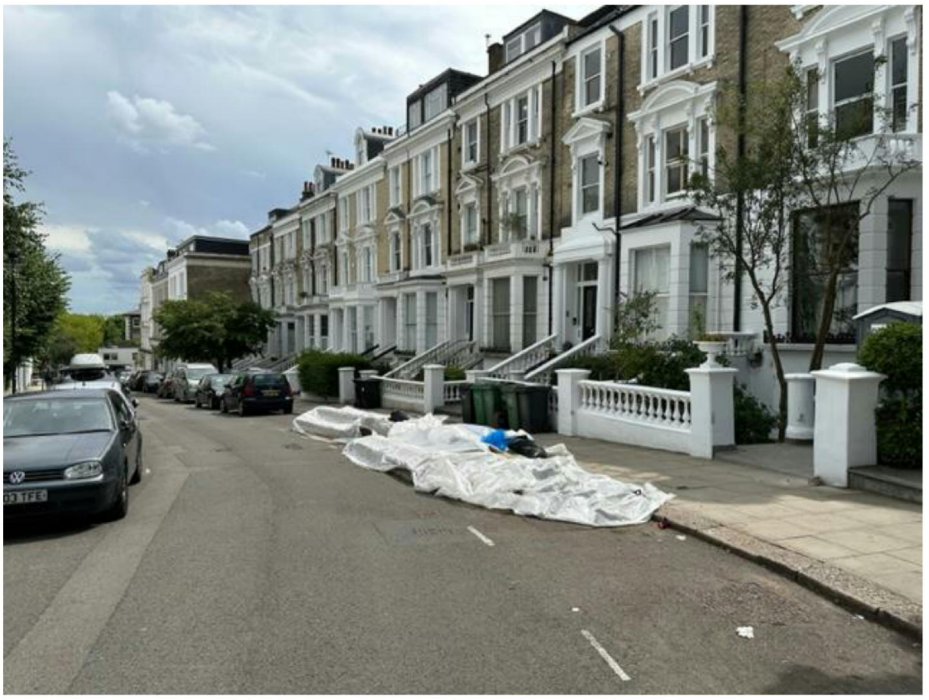
Highway Safety

There is concern around traffic management for the proposed development given that Belsize Crescent is subject to car parking that reduces its width to that of a single car which can make deliveries problematic and disruptive. In this connection, the objector considers that the site is not located in a suitable location of the suspension of parking bays, which the submitted CMP confirms would be requested where necessary depending on the particular stage of construction works. The objector also dismisses this concern as one to be managed through a Construction Transport Management Plan (CTMP), given the view that any casual inspection of the road indicates that there is a significant risk that no acceptable CTMP could be found.

In response and as previously indicated, many similar developments have taken place in the borough and wider region and indeed, many of London's streets are subject of the same highway width and parking constraints as Belsize Crescent. This has not been an overriding issue that prevents this type of development coming forward. The suspension of parking bays would only occur at necessary stages of the construction process and for the shortest timescales possible. Furthermore, in the context of the provision of on-street parking across the length of the street, the parking bay suspensions would have a very limited impact upon parking constraints in this area. Additionally, when suspensions to parking bays are requested, this would be limited to daytime working hours, when demand for parking is at its lowest. Observations from site visits and Google Street view history between 2008 and 2022 demonstrates that a reasonable number of parking spaces remain available throughout the day. The applicants and occupants of neighbouring properties are returning residents who are currently eligible and will continue to be eligible for parking permits.

Moreover, clearly, the council consider Belsize Crescent suitable for well-managed parking bay suspensions given that these have been imposed on the street before (image below taken outside of No.9 Belsize Crescent).

The applicant notes that by contrast, there are numerous examples of building work which has taken up parking spaces and required access to the street without the proper controls. See photo below for an example of builder's materials left outside no.18 Belsize Crescent over a weekend, taking up several spaces, apparently without a permit. This demonstrates that building material can be brought in and removed from the street, and a traffic management plan would avoid such ad hoc arrangements in the case of this development.



The above points are material considerations which indicate that the proposed traffic management solution is acceptable. Should the LPA consider it necessary to impose a condition requiring the submission of a CTMP, it is considered clear that such condition would have a realistic prospect of being satisfied given the points discussed above.

Trees, Biodiversity and Geodiversity

One objector considers that a swimming pool is disproportionate to the other amenities of the building including the landscaped garden. While this is not specifically a planning consideration, this objector alleges that the proposal does not include sufficient landscaping to improve biodiversity and geodiversity to mitigate this impact.

Notwithstanding the above, as set out within the submitted DAS, central to the proposal is a *"bring the outside in"* philosophy. The proposal includes a winter garden, additional landscaping, green walls at lower ground floor level and would result in a net gain in bio and geo diversity at the site.

Some neighbours have objected to increased hardstanding. However, there is existing hardstanding extending approximately 1m from the back of the house, so any increase would be marginal. Permeable hardstanding can also be employed, which can be suitably controlled by condition.

Another objector rejects the classification of the trees within the garden as Category C. However, the submitted Tree Survey was produced by a suitably qualified and experienced arboricultural consultant and there is no reason to dispute the findings.

We trust that the above addresses the concerns raised by the public representations. However, should you wish to discuss the above further then please do not hesitate to contact me.

Yours faithfully

Stuart Minty
Director
SM Planning

Appendix 1: Flood Risk Consultant Letter

Studio AF Engineering

Flat 3 Digbyland Studios
67-69 Digby Road
E9 6HX
[redacted]

13 Belsize Crescent, NW3 5QY
2023/0692/P

For whom this may concern,

This letter has been written on behalf of Edmund Lehmann, in response to recent comments and objections in relation to the planning application 2023/0692/P, at 13 Belsize Crescent, London, NW3 5QY.

A Flood Risk Assessment was submitted in accordance with LB Camden's (LBC's) most recent planning policy, including LBC's Strategic Flood Risk Assessment (2014) and LBC's Planning Guidance Basements (2021).

This letter provides a response specifically in relation to the comments and concerns noted relating to drainage and flood risk. Reviewing the comments and objections, the concerns are centred around two main themes: surface water flood risk, and basement flood risk.

Surface Water Flood Risk

The Flood Risk Assessment submitted in support of the application demonstrates the development plot is outside of surface water flood risk, as indicated on both Environment Agency and LBC flood maps.

An increase in hardstanding area can increase the volume of surface water discharge from a development. Where there is an increase in hardstanding area our client will consider accommodating permeable paving SuDS to attenuate and slow the flow of surface water flood discharge from the development for those areas where any hardstanding areas may be increased and accommodating for climate change.

In accordance with LBC's Planning Guidance for Basements, a minimum of 1 metre of soil is provided above basement development that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity.

The proposed development is in accordance with local planning documents the proposed development poses no increased risk of surface water flooding to itself or adjacent properties.

Groundwater Flood Risk

The Flood Risk Assessment submitted in support of the application demonstrates the development plot is outside of areas of groundwater flood risk, as indicated on LBC flood maps.

Moreover, site investigations undertake on the site in Autumn 2022, all window sample boreholes were recorded as dry. This is set out in detail in the Basement Impact Assessment undertaken by the Geotechnical Engineer.

Flooding of the Basement and Requirement for Pumped Drainage

The development proposes non-habitable rooms within the basement in accordance with LBC's basement policy.

In accordance with Building Regulations Part H, and LBC's Basement Guidance, basement developments which are at risk of flooding due to sewer surcharge should provide a positive pumped device.

It is proposed to install a packaged drainage pump which will discharge foul water from the basement appliances and also protect the basement against flooding from sewer water in events of high flow within the Thames Water Sewer. Should sewer water back up into the property vis the properties drainage, the pump will turn on and pump water out without flooding the property. This is considered the highest form of sewer surcharge protection.

The pumps are not actively constantly but only when required to drain the basement appliances or protect the property from sewer flooding.

The pumps are connected to a building management system and alert when requiring maintenance or have a fault. Moreover, the pump system is formed of two separate pumps, one providing back-up supply should one fail, in addition to accommodating a back-up power supply should the main power fail. Furthermore, the pump is sized to accommodate up to 24hrs of emergency water storage in the event of pump failure.

Conclusion

Our clients' proposals do not increase flood risk to its own property or neighbouring properties in accordance with national, regional, and local planning policy.

All the necessary requirements are being undertaken to protect its building and neighbouring properties in relation to flood risk in accordance with British Standards and Building Regulations for construction.

Alex O'Hare
MEng (Hons) Civil Engineering 2013, University of Newcastle
PGDIP Urban Design 2017, University of Westminster

Studio AF Engineering

Alex has a decade of engineering experience, providing civil engineering advice from pre-planning stages through to construction in relation to a range of developments across London and the South West, including residential, commercial, and mixed-use developments.