

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0452/P	Stephen Rankin	30/05/2024 16:42:29	INT	<p>1. The planning application: creation of a basement swimming pool and garden extension Planning application 2024/0452/P concerns proposals for the creation of a basement swimming pool at No. 28 Parliament Hill below the current level of the lower ground floor; and an extension of the lower ground floor into the rear garden. Estimates indicate that excavations for the 36 x 10-foot swimming pool will require the removal to skips of approximately 1400 cubic feet of clay soil weighing 76 metric tonnes.</p> <p>2. Camden Local Plan: avoiding harm to neighbouring properties While the lower ground floor is at garden level at the rear of No. 28, the excavation and creation of a 39.6 cubic-metre space below the ground floor level brings the project into the scope of Policy A5 of the Camden Local Plan. Policy A5 Basements states clearly that “The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties.”</p> <p>3. Defining an “acceptable” level of damage: the Burland Scale Policy A5 provides an operational definition of what constitutes an “acceptable” level of damage to neighbouring properties that would not cause “harm.” The Council requires the planning application to be accompanied by a Basement Impact Assessment (BIA) that demonstrates that the risk of damage to a neighbouring property falls within Category 1 (very slight) on the civil engineering Burland Scale. For internal walls and ceilings, Category 1 classification limits damage to “Fine cracks that can be easily treated during normal decoration.” For damage to external walls, Category 1 allows for isolated visible fractures in the brickwork. For both internal and external walls, Category 1 classification requires cracks to be less than one millimetre in width.</p> <p>4. Assessing the impact on neighbouring properties: 30 Parliament Hill, Hampstead NW3 No. 30 Parliament Hill is the semi-detached twin of No. 28. The two properties were identical in construction when they were built in the 1880s and share a common party wall. Evidently No. 30 is the closest neighbour of No. 28 and must be included in the Building Impact Assessment. The building at No. 30 is currently divided into four leasehold flats whose owners hold equal shares of the freehold.</p> <p>5. Building Impact Assessment: Green Structural Engineering Ltd (November 2023) The BIA report was prepared by structural engineer Ana Shundovska on behalf of Green Structural Engineering (GSE). It is self-evident that predicting damage to No. 30 from the planned excavation and construction work at No. 28 requires an appraisal of the stability of the property at No. 30. The Executive Summary of the BIA report states that this work has been completed: “A site visit has been carried out to inspect the existing property [No. 28] and those in the vicinity which will be affected by the proposed works and this has enabled an appraisal of the existing properties for any signs of historic or ongoing movement to be made.” The Directors of 30 Parliament Hill Management Company Ltd. have no knowledge whatever of a site visit to No. 30 that could have enabled an appraisal of historic or ongoing movement in the property. Without such an appraisal, it is not possible to reach any valid conclusions about the impact of the proposed works on No. 30. But the report does come close to acknowledging that there is a real risk of structural damage to No. 30 when they refer to the problem of maintaining lateral support during the excavation as a “major challenge and risk to the adjoining properties.” Evidently this acknowledgement of risk is completely at variance with the conclusion of the BIA that the proposed project “can be undertaken without harm to the property or adjacent buildings.”</p>

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#### 6. Geotechnical Ground Investigation: AVZGeoEng Ltd. (November 2023)

The geotechnical ground investigation report was written by Silvanka Kadieva-Zarkovska, Senior Technical Engineer at AVZGeoEng Ltd (AVZ). The AVZ report is pessimistic as regards the possibilities of avoiding harm to neighbouring structures. The report refers to "likely damage to adjacent properties" and acknowledges that a "rigorous assessment of the potential damage" is not possible in the absence of detailed knowledge of the stability of adjacent structures. While recommending that "the proposed construction should aim to limit damage to all buildings to a maximum of Category 1," the report confirms the possibility of much more serious damage when it urges the activation of contingency measures "if movements of adjacent structures exceed predefined trigger levels." The report also speaks of "the risk of ground loss/ground collapse beneath the neighbouring footings."

As regards the assessment of the total impact of the project, the AVG report notes that total movement generated by the works includes "long term swelling/settlement that will continue for a number of years." Indeed, the report goes on to say that only "about 50% of the movements are likely to occur immediately as functional loads are applied, leaving the remaining 50% to occur as long-term heave/settlement."

#### 7. Conclusions

The GSE and AVZ reports considered above are unlikely to provide much comfort to the leasehold owners of the four flats at No 30 Parliament Hill. The conclusion of the GSE Building Impact Assessment that the proposed project will not harm neighbouring properties is totally undermined by the lack of evidence as to whether any site visit to No. 30 took place; and serious doubts as to whether GSE staff have had access to knowledge of recent and historic land movements that have affected the structure and fabric of No. 30.

The AVZ report is perhaps more honest in admitting the likelihood of damage to neighbouring properties, uncertainty as to the extent of the damage and the probability of continuing movements over a period of years.

In summary, it is very difficult for leaseholders at No. 30 to accept that this planning application demonstrates "that the proposal would not cause harm to neighbouring properties" as required by the Council's A5 policy for the approval of basement developments.

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