

## Comment on Camden Planning Application 2024/4314/P

28 Parliament Hill, Hampstead, London NW3 2TN

The multiple planning applications submitted to Camden Council by the owners of No 28 Parliament Hill over the last 19 months provide the basis for a case study on how planning procedures can be abused to mislead the public and to force through risky and unpopular projects. Of the four applications that have been submitted, one was granted, two were withdrawn and the fourth (registered on 14 October 2024) is pending.

The successful application **2023/0396/P** granted by the Council on 30 August 2023 includes detailed plans for an extensive renovation of those parts of No 28 that are above the rear garden ground level. The description of the approved project reads as follows:

*Amalgamation of two flats into one single family dwelling. Mansard roof extension with dormer windows, new part two storey rear extension and ground floor roof terrace with rear spiral stair. Alterations to rear elevation windows. New entrance steps to the front of property, a new side access gate and new side access steps.* (Italics mine).

This description fails to mention a major redevelopment that the application proposes for the lower ground floor. In its Letter of Decision, the Council imposes a condition on the developers to implement the approved plan as proposed in Diagram D11A. This condition commits No 28 to the construction of a Games and Exercise Area occupying roughly half of the area of the lower ground floor. (See Figure 2 of Annex A).

It is now clear from documentation on Camden's planning website that application **2023/0396/P** (registered 2nd March 2023) is based on some very questionable ethics. It appears that the owners of No 28 have never had an intention to install a Games and Exercise Area on the lower ground floor. Quite the reverse, the Design and Access statement dated December 2022 includes a drawing for the installation of an indoor basement swimming pool (See Figure 1, Annex A). The same document also contains a description of the proposal for the lower ground floor: "At lower ground level a 3M long extension is proposed to house an exercise area *and an indoor swimming pool*.... The proposed layout would be for the Lower ground floor to be for functional use *with the pool*, an exercise area, shower and changing room, lift and plant room." (Italics mine.)

Unlike a previous withdrawn planning application, the current pending application **2024/4314/P** does not use Camden's normal Application for Planning Permission form. Instead, it aims to ride piggyback on the dubious **2023/0396/P** using the form for Variation or Removal of Conditions as allowed by Section 73 the Town and Country Planning Act (1990). In this case, the planning application proposes two variations. Firstly, it requests the replacement of the Games and Exercise Area by an indoor basement swimming pool. (See Annex A, figures 1 and 3). Secondly, the application proposes a change in the description of **2024/4314/P** to read as follows:

*Amalgamation of two flats into one single family dwelling. Mansard roof extension with dormer windows, new part two storey rear extension and ground floor roof terrace with rear spiral stair. Alterations to rear elevation windows. New entrance steps to the front of property, a new side access gate and new side access steps and the formation of a swimming pool on the lower ground floor.* (Underlining mine).

Planning case law is very clear on the point that Section 73 cannot be used to introduce a completely new project. Planning application **2023/0396/P** proposes the redevelopment of floors at or above the level of the existing lower ground floor. Development below ground level does not feature in the approved project. The two new proposals for creating a basement below ground level and for constructing a swimming pool in the basement space are completely new projects that are not mentioned anywhere in application **2023/0396/P**. The attempt by developers to obtain planning permission for the construction of a basement swimming pool by seeking a Variation of Conditions constitutes a gross abuse of Section 73 that should never receive approval.

Stephen Rankin

# ANNEX A

Figure 1: Lower Ground Floor Plan, Design and Access Statement by Nick Norden, December 2022

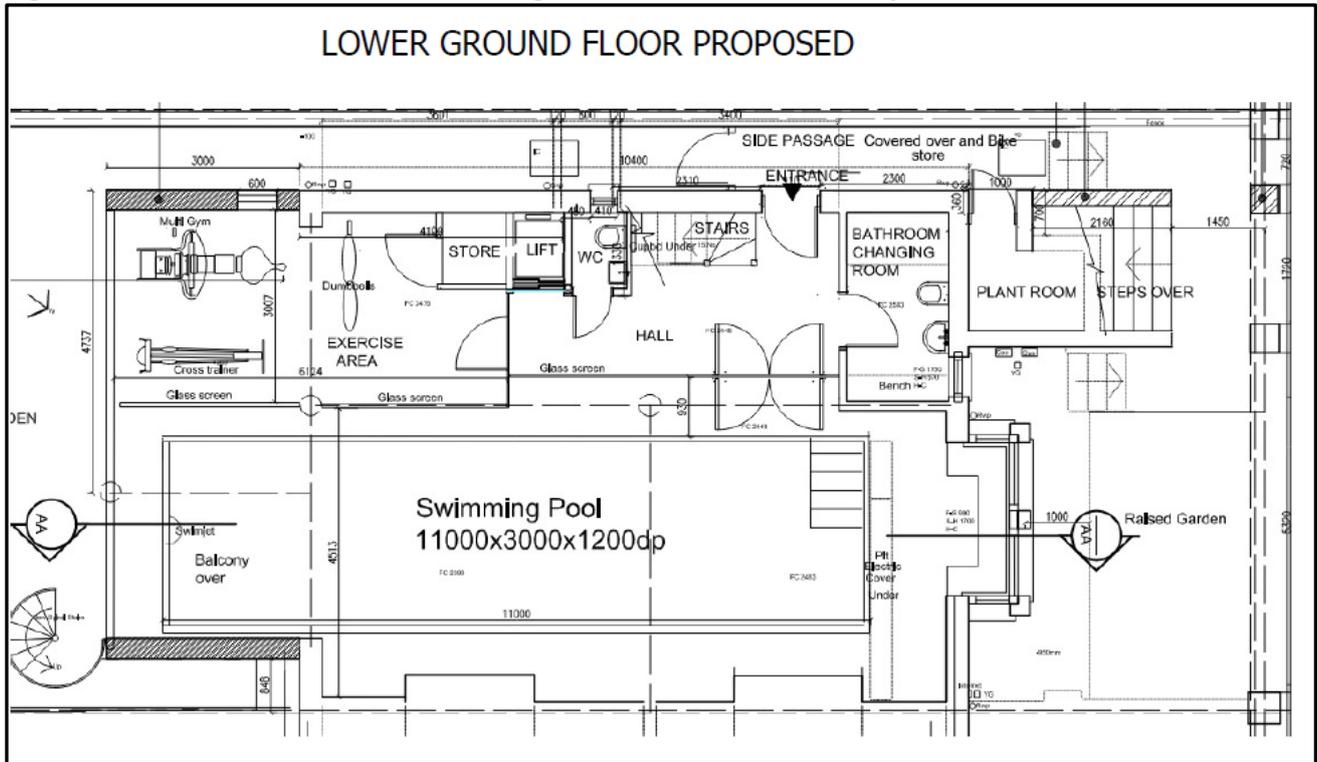
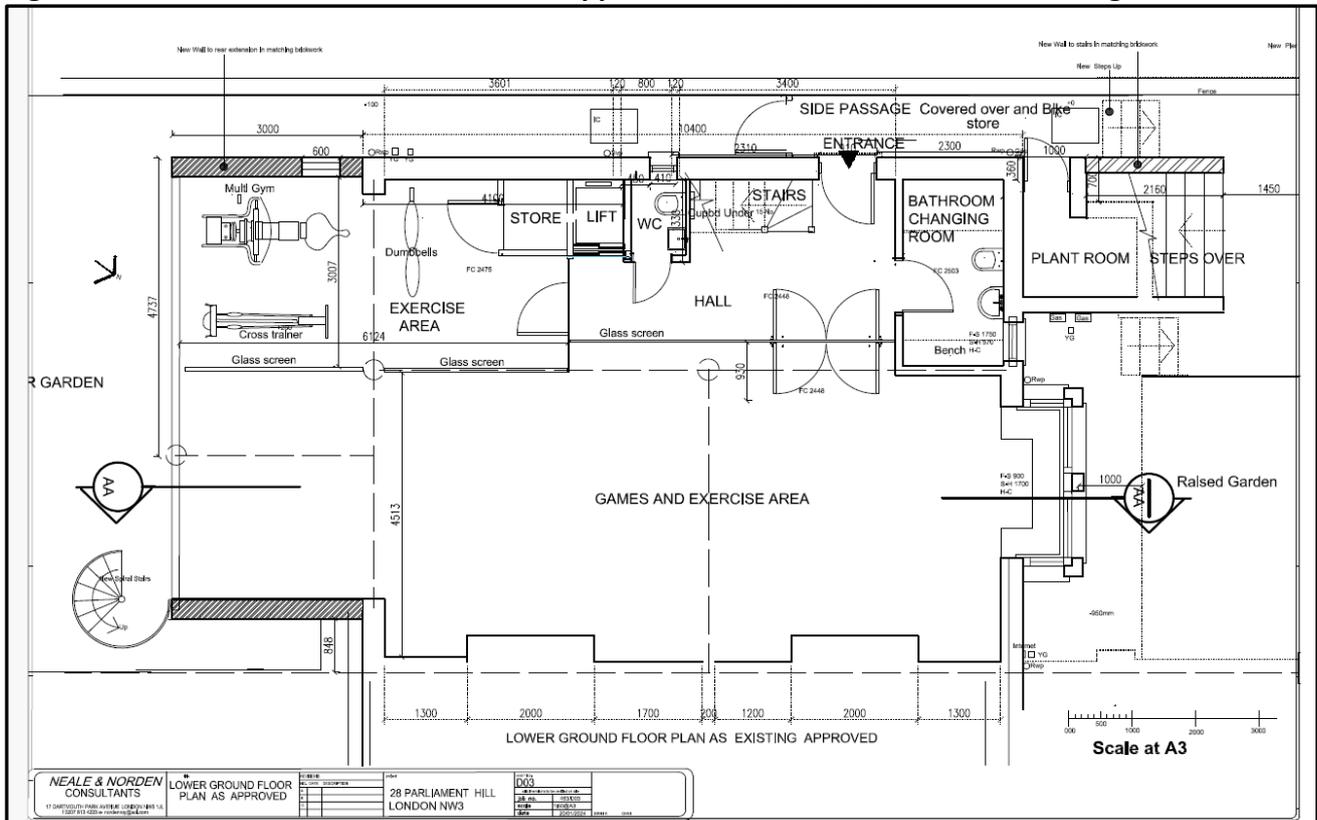
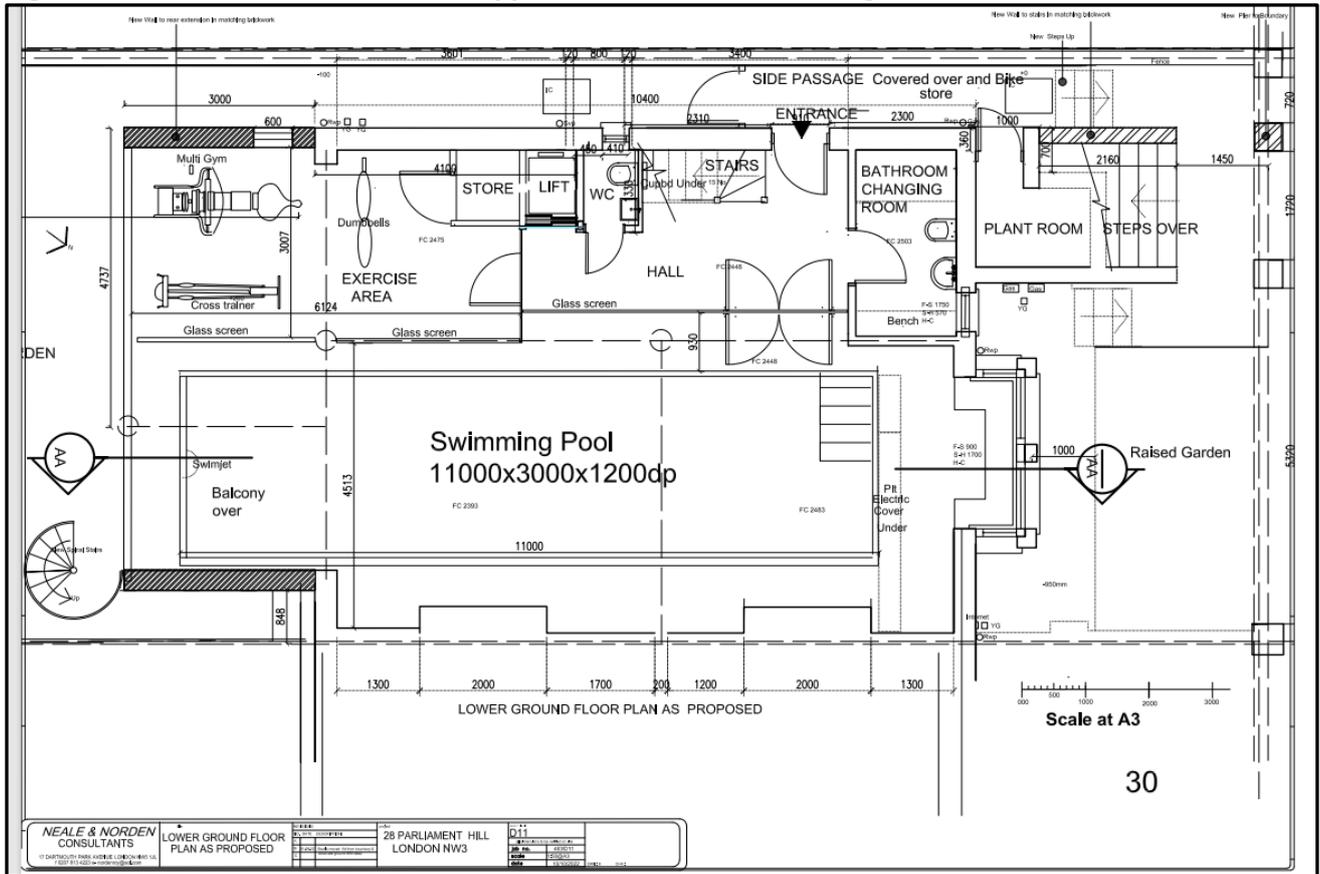


Figure 2: Lower Ground Floor Plan D11A. Application 2023/0396/P. Granted 30 August 2023.



# ANNEX A (continued)

Figure 3: Lower Ground Floor Plan. Application 2024/4314/P. Registered 14 October 2024.



## ANNEX B

### Comments on Planning Application 2024/2811/P (withdrawn 3 September 2024)

Re: 28 Parliament Hill, London NW3 2TN

#### **A revised Building Impact Assessment (BIA-2)**

In June 2024 Campbell Reith Consulting Engineers published an audit report revealing serious deficiencies in the Building Impact Assessment (BIA-1) carried out by Green Structural Engineers (GSE) in September 2023. As a result, Ms Fabiana Fideli (the owner of No 28) decided to withdraw her original planning application 2024/0452/P proposing the creation of an 11 x 4-metre indoor swimming pool below lower ground floor level. In August 2024, GSE published a revised Building Impact Assessment (BIA-2) as part of a new planning application to remedy the deficiencies noted by the Campbell Reith audit. The most glaring deficiency noted by Campbell Reith is the absence in BIA-1 of any justification for its principal conclusion that the project “can be undertaken without harm to the property or adjacent buildings.” This conclusion is self-evidently contradicted by the disturbing warning that “maintaining lateral support during the excavations in near proximity to the existing underpins and construction stage, is a major challenge and risk to adjoining properties.” (See BAI-1, p. 13).

#### **A fantasy site visit by Green Structural Engineers?**

As the semi-detached twin of No 28, No 30 Parliament Hill is directly exposed to potential structural damage from the proposed excavation of at least 66 cubic meters of clay soil weighing approximately 115 metric tonnes. Regrettably, BIA-2 follows BIA-1 in aiming to minimise the threat of damages to No 30 by stating as facts matters that are patently untrue. The Executive Summary of BIA-2 states that “A site visit has been carried out to inspect the existing property 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.” As with BIA-1, leasehold Directors of No 30 confirm that no such inspection visit by GSE consultants has occurred.

#### **No evidence of subsidence in the local area?**

A further example of whitewashing is to be found in GSE’s answer to Question 7 of the Screening Assessment on page 12 of BIA-2. The question posed is as follows: “Is there is a history of seasonal shrink swell subsidence in the local area and/or evidence of such effects at the site? GSE’s extraordinary reply is that “There are no known relevant historical data or any indication of shrink swell subsidence effects in the local area.” (See p. 12 of BIA-2). This reply will astonish owners of properties with long histories of subsidence in the Parliament Hill area. The Campbell Reith audit refers authoritatively to the “high volume change potential” of soils in the local area as the causal factor of “shrink swell subsidence effects.”

#### **No evidence of subsidence at No 30 Parliament Hill?**

Visual and archival evidence shows that No 30 suffered serious subsidence in the mid-1980s. Some partial underpinning was carried out, but No 30 did not participate in the deep underpinning operation that GSE claims was undertaken by No 28 in 1997. An insurance claim for subsidence at the front elevation of No 30 was submitted in 2012 and finally resolved in 2018 by further partial underpinning and reconstruction at a cost to insurers of £133,000. If GSE is ignorant of “shrink swell subsidence effects in the local area,” the same cannot be said of the UK insurance industry. In April 2024, an insurance broker acting on behalf of leasehold 30 Parliament Hill, London NW3 2TN owners at No 30 reported that no fewer than eight major insurers have refused to provide a quote for building insurance on grounds of subsidence risk.

#### **Whatever happened to the Ground Movement Assessment report?**

The original planning application 2024/0452/P for No 28 incorporated a 59-page Ground Movement Assessment report carried out in November 2023 by London consultants AVZ GeoEng Ltd. Remarkably, BIA-2 devotes only two sentences to the AVZ report despite its considerable relevance to the new planning application. The near-suppression of the AVZ report is perhaps explained by pessimism of the authors as to the

possibility of avoiding harm to neighbouring properties. The AVZ report refers to “likely damage to adjacent properties” and points out 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.” Alarmingly, the AVZ report speaks of “the risk of ground loss/ground collapse beneath the neighbouring footings.”

In addition, to highlight the likelihood of short-term damage, the AVG report notes that ground movement generated by the works will involve “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.”

### **Conclusion**

A key message of the document “Camden Planning Guidance: Basements” (2021) is that “Basement developments must not cause harm to neighbouring properties.” In view of extent and complications of the proposed works at No 28, the pessimistic views of the Ground Movement Assessment report and the inherent fragility of houses constructed 140 years ago on unstable “high-volume change potential soils,” leasehold owners have determined that the risk of damage to their properties is unacceptably high and exceeds the Category 1 threshold. On these grounds, the Directors of 30 Parliament Hill Management Company Ltd urge Camden’s Planning Committee to reject Planning Application 2024/2811/P.

Stephen Rankin