

Five Objections to Camden Planning Application 2024/4314/P

Installation of a basement swimming pool at 28 Parliament Hill, London NW3 2TN.

Objection 1: The project poses a significant risk to neighbouring properties.

The Camden Local Plan (2017) states 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. (See Policy A5 Basements, p. 214a).

The report by consultants AVZ GeoEng Ltd appears as a Basement Impact Assessment in the online list of documents for application **2024/4314/P** viewable on the Camden planning website. The report is pessimistic as regards the possibilities of the proposed project avoiding harm to neighbouring buildings. 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. The report confirms the risk of 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” during excavation and “long term swelling/settlement that will continue for a number of years.” In view of this expert assessment, it is difficult to accept that the planning application demonstrates that the proposal would not cause harm to neighbouring properties.

As the semi-detached twin joined to No. 28 by a party wall, No. 30 is in a particularly vulnerable situation. While the owner of No. 28 can claim that their building is well protected by the underpinning of the entire house to a depth of six metres that was carried out in 1997. Unfortunately, No. 30 did not participate in these underpinning works and has a history of subsidence that dates from the mid-1980s and more recently from 2012 to 2018. Partial underpinning and reconstruction work was carried out during 2017-18 at a cost to the insurers of £133,000. In April 2024, an insurance broker acting on behalf of 30 Parliament Hill Management Company Ltd reported that eight major insurers had refused to quote for building insurance on grounds of subsidence risk.

Objection 2: Planning application 2024/4314/P for a Section 73 variation of conditions cannot be used to alter the formal description of the granted project 2023/0396/P.

The formal description of the approved project **2023/0396/P** contained in Camden’s Letter of Decision of 30 August 2023 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.)

The developer proposes to alter the last sentence of the description by adding the words *“and the formation of a swimming pool on the lower ground floor.”* Although Section 73 allows for the variations of conditions imposed on **2023/0396/P**, it prohibits changes in the description of the project. The TCPA is clear on this point: “Section 73 cannot be used to change the description of the development.” (See Paragraph: 014 Reference ID: 17a-014-20140306.)

Objection 3: In its application for planning permission, the developers provide an incorrect description of the approved project 2023/0396/P.

The declaration on the final page of application **2024/4314/P** requires the developer to attest that they have provided a true and accurate statement of relevant facts. The central part of the application form requires the developer to enter the text of the description of project **2023/0396/P** as it appears in the Camden’s decision letter of 30 August 2023. But instead of copying the original description verbatim into the application, the

developer adds a completely new phrase: “... namely to allow the formation of a swimming pool on the lower ground floor.” This can only be a deliberate misrepresentation. The description of the project that appears in application **2023/0396/P** makes no reference whatever either to a swimming pool or to the lower ground floor.

We can only speculate as to the motivation for providing a false description of project **2023/0396/P**. But it is evident that if the amendment passes unnoticed, the change in wording requested by the developers in the application **2024/4314/P** will appear to be a simple tidying up operation to improve the grammar of their new additional phrase rather than a radical proposal for a new development.

Objection 4: The developers aim to use Section 73 to obtain planning permission for a major new project that is not part of the granted planning application 2023/0396/P.

The TCPA states that Section 73 is to be used for “minor material amendments” in the conditions imposed on the project by the local authority. (See Paragraph: 013 Reference ID: 17a-013-20140306). The TCPA goes on to say that while “There is no statutory definition of a ‘minor material amendment,’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.” (See Paragraph: 017 Reference ID: 17a-017-20140306). The excavation and creation of a basement to house an 11 x 3 x 1.2 metre swimming pool cannot by any stretch of the imagination be classified as a “minor material amendment.” Both the scale and nature of the works required to install a basement swimming pool are fundamentally different from the works required to amalgamate two flats and carry out renovations as described in the granted project **2023/0396/P**.

Objection 5: The developers misrepresent the swimming pool project by presenting it as a variation in the use of the lower ground floor rather than a basement development.

Perhaps to circumvent the Council’s requirement that a basement development project must not cause harm to neighbouring properties, the developers go to bizarre lengths to avoid any suggestion that they are proposing a basement development. The project description proposed by the developers states that the proposed swimming pool will be built “**on the lower ground floor.**” Evidently, this is not the case, as the project as described by the AVG Basement Impact Assessment proposes a largescale excavation that will go two metres below the level of the existing lower ground floor.

An insight into the developer’s dubious strategy is given by the Executive Summary of the *Basement Impact Assessment* published by Green Structural Engineers in November 2023. It states that “The proposed lower ground floor work at 28 Parliament Hill involve(s) the lowering (of) part of the existing ground floor to accommodate the installation of a pool...” This is patent nonsense designed to mislead the public. An excavation that goes below lower ground floor level cannot be described as a development that occurs “**on the lower ground floor.**”

In contrast, Camden’s *Planning Guidance for Basements* refers to the creation of a space below lower ground floor level as a basement development. In its instructions to Campbell Reith Consulting Engineers, the Council describes the swimming project proposed by planning application **2024/4314/P** as an “excavation and formation of a basement incorporating a swimming pool.” (See Campbell Reith’s *Basement Impact Assessment Audit for the London Borough of Camden*, Paragraph 2.5). The absurdity of the developer’s contention that the project does not involve the creation of a basement below the existing level of the lower ground floor is underlined by the text of the Campbell Reith audit where the word “basement” occurs no fewer than 63 times.

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