

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>09/09/2011</b>
		N/A		<b>Consultation Expiry Date:</b>	01/09/2011
<b>Officer</b>			<b>Application Number</b>		
Jennifer Walsh			2011/3601/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
10D Eldon Grove London NW3 5PT			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Excavation of basement extension including lightwells to the front and rear and lowering of rear extension roof of existing dwelling house (Class C3).					
<b>Recommendation:</b>		Grant Planning Permission			
<b>Application Type:</b>		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	11	No. of responses	09	No. of objections	09
			No. Electronic	07		
Summary of consultation responses:	Flat 1, 29 Thurlow Road objects to the proposals on the following grounds:					
	1.The 'digging out' of a new basement;					
	2.The proposed works could CAUSE or INCREASE subsidence problems.					
	3. The structural information submitted is wholly insufficient to make a valid decision regarding impact on surrounding properties.					
	4. Significant Increased risk of flooding to our property					
	5. The proposals represent an over development of the site and are disproportionate.					
	6. Conservation area principles are being eroded by over-development					
	(Officers response: Please refer to section 3.0)					
	Flat 3, 29 Thurlow Road objects to the proposal on the following grounds:					
	-An underground tributary of the River Fleet runs underneath and bisects Eldon Grove - the 'digging out', of a basement that was never there in the first place has the potential to seriously alter the water table;					
	-There have been incidents of FLOODING to the lower-ground floors of houses that have been built in the area since before the last century during storms in any case;					
	-The Silverlink runs through a tunnel that goes underneath and bisects Eldon Grove;					
	- Digging into the area near this tunnel in Eldon Grove could cause strain in the ground surrounding the tunnel, and cause the type of issues they had in Hampstead Hill Gardens and South End Road, happening in Eldon Grove in the future;					
	-The 'digging out' a new basement under a house so close to another, as 10d is to 10a, b and c Eldon Grove and 29 - 30 Thurlow Road, could affect the foundations already laid for those properties and cause subsidence problems;					
	- Thurlow Road and Eldon Grove are in a conservation area. The ongoing disruption regarding plant, machinery, noise, traffic and parking will have a severe impact on the local residents, for an unreasonably extended period of time for the extensive works involved in the 'digging out' of a new basement, that is not strictly necessary but purely being undertaken for cosmetic and financial gain purposes.					
	(Officers response: Please refer to section 2.0 and 3.0)					
	Flat 4, 29 Thurlow Road objects to the proposed works					
	Flat 5, 30 Thurlow Road, objects to the proposal on the following grounds:					
	1.The 'digging out' of a new basement has significant structural implications for surrounding buildings. It could affect the foundations already laid for those properties and cause subsidence problems & structural instability, notwithstanding the disruption and misery due to the nuisance of noise & vibrations of any works.					
	2. The proposed works could CAUSE or INCREASE subsidence problems. No. 30 Thurlow Road already has cracking and settling issues which are being monitored. Any 'digging out' a new basement could affect this, leading yet again to considerable disruption and insurance problems for adjacent properties.					
	3. The structural information submitted is wholly insufficient to make a valid decision regarding impact on surrounding properties.					
	4. Significant Increased risk of flooding to our property: An underground tributary of the River Fleet runs underneath and bisects Eldon Grove – the 'digging out', of a basement that was never there in the first place has the potential to seriously alter the water table. There have been incidents of FLOODING to the lower-ground floors of houses. This could considerably increase the strain on the existing water table and exacerbate the risk of FLOODING to their flat and other nearby properties.					
	5. The proposals represent an over development of the site and are disproportionate.					
	6. Conservation area principles are being eroded by over development.					
	7. There may be trespass onto our land by the excavation works in addition to a significant invasion of their privacy, as they are just over the garden wall.					
	• (Officers response: Please refer to section 3.0. Any damage between the two properties in relation to the Party Wall regarding damage or moisture is subject to control under the Party Wall Act 1996 and as such is not a material consideration					

**to the planning application)**

**Flat 6, 30 Thurlow Road, objects to the proposal on the following grounds:**

- The London Clay soil in Hampstead is particularly vulnerable to problems caused by building works, particularly basement excavations. There is not only an underground river running directly underneath Eldon Grove, but also an underground train tunnel. Any digging of a basement is likely to cause a great deal of problems as it is will take place perilously close to both of these.
- It is also likely to cause subsidence problems due to the close proximity of many old 19th century houses such as ours, which have already suffered from flooding and cracking problems in recent years.
- A false and incorrect answer has been provided by the applicant, who has answered 'No' to the question: 'Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?' Even the submitted survey states that: 'Numerous trees and shrubs stood in the adjoining properties along the northern boundary of the site. A number of tall (12 – 15m high) unidentified trees stood on the pavement adjacent to the western boundary of the site with Eldon Grove.'
- The structural information provided does not include enough information to determine the impact this excavation would have on surrounding properties;
- The single and minor redeeming aspect being offered by this proposal is the slight reduction to the existing rear elevation of the conservatory. However, looking at the original application for this conservatory on the Council's website, in 2005, that what exists now is far more intrusive to their property in height than what the Council actually approved. In other words, this should not have been built in this way in the first place, and as such they have no reason to believe that anything approved now will not be equally as intrusive.
- The reason given for the building of this proposed basement is to respond 'to the families need for more space for their expanding family'. They are not sure how the resulting 'gym/pilates room', 'pilates/treatment area' and 'wine display' area is likely to achieve this, but what they do know is that it is another unnecessary basement application in Hampstead, and would amount to serious over-development of a conservation area.

**(Officers response: Please refer to section 3.0 and 2.0)**

**30 Thurlow Road objects to the proposal on the following grounds:**

- The 'digging out' of a new basement has significant structural implications for surrounding buildings;
- The structural information submitted is wholly insufficient to make a valid decision regarding impact on surrounding properties;
- Significant Increased risk of flooding;
- The proposals represent an over development of the site and are disproportionate. Conservation area principles are being eroded by over development.

**(Officers response: Please refer to section 3.0)**

**39B Rosslyn Hill objects to the proposal on the following grounds:**

- It seems to me that there is an unacceptably high risk that excavation of the ground at this address will cause problems of subsidence and flooding in the nearby properties;
- Major work of this kind is also bound to cause serious disruption and inconvenience for a considerable length of time;
- There has already been considerable damage caused in other parts of Hampstead by digging out new basements, without regard by those who undertake this work for the effect that this may have on adjoining or nearby properties and on those who live in them. It is time to put a stop to this practice before any further damage, disruption and inconvenience is caused to others living in the neighbourhood.

**(Officers response: Please refer to section 3.0 and 2.0 Any damage between the two properties in relation to the Party Wall regarding damage or moisture is subject to control under the Party Wall Act 1996 and as such is not a material consideration to the planning application)**

**10b Eldon Grove objects to the proposal on the following grounds:**

- To dig down to the depth that is planned will affect the water table and alter the structural integrity of the 3 house structure;
- There is a river running adjacent to the properties and they have had previous experience of tremendous disruption and flooding both within the site of works at the time of the work being done together with a change in the way the river moves beneath the ground after works are completed that caused damp at best and flooding at worst to adjacent properties;
- There is a basement level flat not 10 feet away from these works which must be considered a flood risk.
- From an environmental point of view the noise and disruption to the immediate Conservation area would be considerable whilst the lengthy works are going on;

	<ul style="list-style-type: none"> <li>- The change to the rear to the house and the basement could have a detrimental impact to the rear garden walls that connect to 10c in terms of movement;</li> <li>- The waste pipes to all three properties are inter-linked and are maintained by all 3 houses 10b -10c-10d and the main sewer supply to the three houses goes across the driveways;</li> <li>- The reason for the works is to improve the facilities for family use however an additional room could be created by using the garage as living space;</li> <li>- The other tests similar to the application on Downshire Hill have not been submitted;</li> </ul> <p><b>(Officers response: Please refer to section 3.0)</b></p> <p><b>10c Eldon Grove objects to the proposal on the following grounds:</b></p> <ul style="list-style-type: none"> <li>- The foundations of the three houses will have been constructed off one perimeter strip foundation which the proposed basement development at 10d Eldon Grove risks serious unbalancing.</li> <li>- The construction will need to install the appropriate underpinning during the construction and that the new foundations which will be necessary to support 10D as well as the shared 9 inch party wall between the two properties. The risks may be acceptable for the applicant who is not yet in residence, they do not believe that the potential disruption for the adjoining owners is unacceptable.</li> <li>- The insurance for one where there is a high incidence of subsidence is very high and they have had to pay a higher premium over the years. They should not have to pay such costs to accommodate the plans of a third party.</li> <li>- No effort has been made with the neighbours in relation to point 2.4 of the design and access statement.</li> <li>- The proposals are for areas designated as two large rooms for Pilates space and a gym. The family do not require such room to 'improve the quality of life in the dwelling'.</li> <li>- The river fleet runs very close to this area.</li> <li>- The North London main line runs directly under their property. The proposed development will have the capacity to cause unforeseen problems.</li> <li>- The proposal will result in a great deal of disruption both in terms of noise and mess which will endure for neighbours over an extended period.</li> <li>- In the unsatisfactory event of the application being approved they would wish that they have clear working hours for the contractors. This means no working before 08.30 or after 17.00m and on weekdays only with no activity on public holidays or at weekends.</li> </ul> <p><b>(Officers response: Please refer to section 3.0; Any damage between the two properties in relation to the Party Wall regarding damage or moisture is subject to control under the Party Wall Act 1996 and as such is not relevant to the determination of this planning application and noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. Noise nuisance from building works are therefore covered under separate legislation and are thus not relevant to the determination of this planning application. An informative would be added to any decision notice regarding the permitted hours for construction.)</b></p>
<p><b>CAAC/Local groups comments:</b></p>	<p><b>The Heath and Hampstead Society object to the proposal on the following grounds:</b></p> <ul style="list-style-type: none"> <li>- The general layout and extent of this basement extension complies with the provisions of policies DP23 and 27, but no Basement Risk Assessment is provided.</li> <li>- The area is known for its subsoil instability; it lies halfway up Hampstead hill; it also forms a structural pair with the adjoining semi-detached house. The stability of the party wall is hardly mentioned.</li> </ul> <p><b>Fitzjohns and Netherhall CAAC comment on the application as follows:</b></p> <ul style="list-style-type: none"> <li>- A condition is suggested to be attached to the proposal for the maximum retention of planting in the rear garden and installation of permeable paving to the front hardstanding.</li> <li>- The Heath and Hampstead comments should be taken into account.</li> </ul>

## Site Description

The application site is a three storey end of terraced property located on the northern side of Eldon Grove. The property is not a listed building yet it is located within the Fitzjohns and Netherhall Conservation Area, it is not noted as making a positive contribution to the Conservation Area.

## Relevant History

**2005/3203/P:** The demolition of the existing rear conservatory and erection of a new single-storey rear extension for the single-family dwelling house. **GRANTED 15/09/2005**

## Relevant policies

### LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)  
CS13 (Tackling climate change through promoting higher environmental standards)  
CS14 (Promoting high quality places and conserving our heritage)  
CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)  
DP20 (Movement of goods and materials)  
DP22 (Promoting sustainable design and construction)  
DP23 (Water)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP27 (Basements and Lightwells)  
DP32 (Air quality and Camdens clear zone)

### Camden Planning Guidance 2011 (Phase 1) and 2006

### Fitzjohns and Netherhall Conservation Area Statement

## Assessment

### 1.0 Proposal

- 1.1 The application seeks planning permission for a basement excavation underneath the existing footprint of the building as well as the existing extension. Two lightwells are also proposed to be included within the scheme, one to the front of the property and one to the rear of the property, beyond the existing extension. To the front of the property, the lightwell is to project 900mm from the front elevation and is to be covered by a grille to retain the access to the existing garage at ground floor level. To the rear of the property, it is proposed to excavate a lightwell which extends 1m from the rear elevation of the building line. Opaque structural glazing and an openable grille is proposed to provide access out into the existing rear garden.
- 1.2 Also included within the application is the proposal to lower the glazed roof through replacing the roof to the existing extension with three panels which are to slope downwards, thereby removing the existing projecting element.

### 2.0 Design

- 2.1 To the rear of the property there is an existing single storey glazed extension which was granted permission in 2005. However, after being on site and looking at the approved drawings and what has been built, it would seem that the raised element (which projects slightly higher than the other roof elements to the north elevation) was not approved within the original permission. As the proposal seeks to lower the height of the roof, so it is read as one continuous height, it is not considered that the proposal would harm the existing building, nor the wider conservation area.
- 2.2 In relation to the proposed basement, two lightwells are included within the application. One is proposed to be located at the front of the house, and one to the rear of the house. To the front of the dwelling house, there is an existing area of hard standing which is used as car parking in association to the existing garage. Whilst it is appreciated that the proposed lightwell would be visible from the public realm, it is not considered that it would be read as a dominant addition to the existing building. The proposal is to have the lightwell covered with a grill and to be flush with the ground level so to retain the access to the existing garage. Due to the lightwell proposed to project 900mm from the existing front elevation, and as it is to be flush with the ground level, it is not considered that this element of the proposal would have a detrimental impact on the host property nor the wider conservation area and is therefore considered acceptable in design terms. To the rear of the property another lightwell is also proposed. Due to the rear of the site being enclosed through a large amount of foliage such an element is not considered to be widely visible from private vantage points. The proposed lightwell is considered to respect the character and proportions of the host building in terms of its material, proportions and position.

### 3.0 Basement Proposal

- 3.1 A basement excavation is also included within this application. The basement is proposed to accommodate a gym/Pilates room to the rear, a utility and storage room and a treatment/Pilates room with a bathroom being

located towards the front of the property. The property is located within a Hydrological constraints area for Claygate Beds and Bagshot Beds. Throughout the process of the application a full Basement Impact Assessment has been submitted in support of the application further to the comments made and the case officers request. The external manifestations of the basement are in the form of the two lightwells to the rear of the property which are deemed acceptable in design terms (see section 2.2 above). The proposal extends beyond the original dwelling footprint as it is to be constructed underneath the rear element of the existing building and the existing extension. The proposal includes a basement to the depth of 3.4m below external ground floor level. Therefore the proposals are inline with the minimum depth of a basement which is recommended within the basement guidance (to a depth of 4 metres). The proposed development will not involve any re-profiling of the site and its immediate environs. It is understood that no trees will be removed to facilitate the construction of the basement.

- 3.2 Examination of the Environment Agency records showed that the site is not situated within a floodplain or flood warning area. In accordance with the Arup Camden Geological, Hydro geological and Hydrological Study, ref. 213923, dated November 2010, the site has not been subject to historic street flooding (1975 or 2002) and is not in an area at risk from surface water flooding. In June 2011 one Terrier Windowless Sampler borehole was carried out towards the front of the house within the existing hard standing as well as three hand dug trial pits. Within Borehole BH1, the soils of the Claygate Member of the London Clay Formation were encountered at 0.65m bgl and comprised orange brown, mid brown and light grey mottled silty sandy clay. At a depth of 1.5m bgl purple brown and dark orange brown mottled silty sandy clay was encountered for the remaining depth of the borehole, a depth of 5.0m bgl. Rare, fine, sub-angular to sub-rounded cemented claystone/siltstone fragments were noted from 2.5m bgl. The orange brown mottling became rare from 4.5m bgl and very light grey mottling was noted at 5.0m bgl.
- 3.3 During the investigation a water strike was observed within BH1 at 4.30m bgl. The water strike was described as a "witness of water" within the soil investigation report. A standing water level of 3.65m bgl was recorded on the 14th July 2011 in the standpipe installed within Borehole BH1. It is considered most likely that the water strikes observed relate to perched water which may be running through the sand horizons within the Claygate Member of the London Clay Formation and does not represent actual groundwater. As such dewatering from sumps introduced into the floor of the excavation is likely to be required. Therefore the basement design must allow for variations in ground water. The Structural Report discusses such design within the Basement impact assessment under section Stage 4 Impact Assessment: Subterranean Flow, in line with the ARUPs report 2011. The report state that "the retaining walls must be designed to provide lateral resistance to water up to 1m from the top of the wall. To allow for through flow of ground water... a 150mm compacted Type (i\_under) the central slab should be used. This will help through flow of any ground water that may build up around the edge of the building". The site is situated on a slope (less than 7°) and it will be important to prevent the build up of perched water up anticipated groundwater gradient of the site. In relation to the basement, once constructed, drainage should be installed into the proposed design to prevent perched water accumulating in and around the basement.
- 3.4 Concern has been raised that the proposal is very close to the Silverlink Tunnel which runs underneath Eldon Grove. The tunnel is identified within the Basement Impact Assessment. It is stated within the report that the 'OSMaps indicate that the site is 37m, away from the tunnel. The report states that the applicant will investigate whether TFL have any special requirements, which will need to be applied through the design process.
- 3.5 The applicants have not provided any information in relation to SUDS or drainage details. As the proposal does not dramatically increase the amount of built form on the site, it is not considered to unreasonably impact on the drainage of the surrounding area as the landscaping is to remain to the rear garden. It is noted that the basement and the proposed details have been appropriately designed to retain the landscaping which will assist in mitigating water runoff. However, as there is a large amount of existing hardstanding the principles of SUDS should be applied to reduce the risk of flooding from surface water in association to the construction of the basement. Therefore, it is recommended that a condition should be added to any permission to request further details of a semi permeable ground level.
- 3.6 In relation to the structural stability of the neighbouring properties, the applicants have addressed Stage 4 within the Basement Impact Assessment (as outlined in CPG 4). It states that the party wall is to be underpinned. Underpinning the party wall is stated within the report to 'remove the risk of the movement to the adjacent property'. Drawings have been attached to the Structural Report to show the reinforcement and construction required to maintain sustainability of the property, the neighbouring buildings, the neighbouring garden wall and the road. Therefore in line with element a) of DP27. The area of hard standing remains unchanged. However although a condition would be attached to the permission to request details of SUDS, the proposal is considered to meet the requirements of policy DP27 b). In relation to element c) of DP27, the soil investigation report recommends that an additional drainage layer under the building is incorporated into the design. A compacted granular layer is to be placed under the building as shown in the Basement Impact Assessment. The basement would have a limited area of lightwells in relation to the front and rear of the site and their presence would have no direct impact on the amenity of neighbours in terms of overlooking, outlook or privacy, thus meeting DP27 (d).

3.7 In relation to DP27 (e), concern from the neighbouring properties has been raised in relation to the loss of open space and trees. As stated in the Basement Impact Assessment, it is considered that trees are to be unaffected. It goes on to state that 'the current roots will be above the existing foundations and therefore the new foundations will not be cut through significant roots.' The trees at the neighbouring property are on a higher ground floor level approximately 0.2m higher than the application site and there root ball is adjacent to a retaining wall as existing. Therefore it is not considered that the basement would have any detrimental impacts upon neighbouring trees. In any case a condition will be attached to any permission granted requiring details if the building foundations and service trenches in so far as these may affect trees on the adjoining site. These details shall be submitted prior to any works commencing on site.

#### **4.0 Amenity**

- 4.1 The proposed alterations to the existing rear extension would see the existing height of the roof dropped slightly. As this element does not abut the neighbouring garden wall, due to the side access which the property benefits from, it is not considered that the removal of the existing glass box would have any impact on the neighbouring building in terms of loss of daylight or sunlight.
- 4.2 In relation to the proposed lightwells, such elements are to be flush with the existing ground level and therefore and it is not considered that the proposals would have an impact on the neighbouring properties in terms of neighbour amenity.

#### **5.0 Transport**

- 5.1 In terms of the impact of the proposed works on the highway, the scheme would involve relatively small scale demolition and construction to the property. As the site benefits from a front and rear garden, as well as being located close to the junction of Thurlow Road, it is considered that these works can be sufficiently controlled using normal Highways Licences for occupation of the highway. As such, there will not be a significant impact on the local transport network and consequently a construction management plan is not considered to be necessary in this instance.

**Recommendation: Grant Planning Permission**