

Dear Rob,

I am the owner of 4 Pilgrim's Lane NW3 1SL and am writing to object to application 2012/5825/P relating to 8 Pilgrim's Lane. As an overall observation, I do not see how the new application has addressed the reasons for rejection of the previous application.

My concerns in particular relate to the safety and health of my young family. A traffic assessment was conducted, apparently during the summer holidays, which does not in my view accurately reflect the actual likely impact. With two young children, I do not feel sufficient plans have been made to ensure the entirety of the street from our house through to Rosslyn Hill is safe for children to walk, without risk of large vehicles passing close to the pavements with high frequency.

I am also concerned about readings of soil contamination which pose a health risk to young children as particulates circulate in the air surrounding my house due to trucks passing by carrying the excavated earth.

I have also noted that during times of heavy rainfall, water is collecting in the corner of the road, just to the left of the frontage of 8 Pilgrim's Lane, when viewed from the other side of the street. The studies conducted by Arup do not appear to have been stress-tested to reflect the dry conditions to which they calibrated their model nor do they take account of the impact of existing underground structures in neighbouring properties. Arup's studies into ground water were acknowledged to have been conducted during a "very dry period" and failed to observe groundwater conditions over the length of time required by Camden's guidelines.

A key element of the previous rejection remains unaddressed in that the overall impact of the size of the development on the patio and garden of the host building is unchanged from the previous application.

The potential impact on the stability of my property is also a source of major concern. Analysis provided by the developer suggests damage will be "slight"; however this is based on numerous unverified assumptions about neighbouring structures and leaves significant open ended risks depending on the quality of work executed by whichever contractor is appointed.

Finally, I think it is of significant importance to note the conflict of interest facing Arup, who are potentially

exploiting their professional influence over Camden (having been employed by Camden to develop a framework to support the Camden Planning Guidance for Basements and Lightwells). It sets a worrying precedent for any professional services firm appointed by Camden who may subsequently be in a powerful position to assert to potential clients that they know best how to navigate the resulting regulations.

Best regards,  
Graham Mannion

17 Rudall Crescent  
London NW3 1RR

28th November 2012

For the attention of Rob Tulloch  
Planning Dept.  
London Borough of Camden  
Town Hall Argyle Street  
London WC1H 8NJ

Dear Mr Tulloch

**Planning Application 2012/5825/P – 8 Pilgrim's Lane NW3**

We write to object to the above planning application – the 4th attempt by this developer to ruin this property and damage the amenities of neighbours in Pilgrim's Lane and behind in Downshire Hill.

Along with many others we are seriously concerned about the proliferation of basement applications in this area which is notorious for the instability of its soils and for the problems caused by the many underground streams in the vicinity.

We object to this development on the following grounds:

1. Groundwater Problems: The Arup 'investigations' on which this application heavily depends appear to have been undertaken in an incomplete fashion and during a period of extremely dry weather. Even so it is clear that there are serious problems with groundwater in this property (and neighbouring houses). At one time there was a canal in this area which has now – presumably – been diverted underground. We cannot see how the engineering challenges indicated in the technical reports can be satisfactorily managed so as to avoid serious problems with flooding in this house and with a knock-on impact on its neighbours. The Arup study makes little or no attempt to assess the impact of the major excavations on neighbouring houses.
2. Depth of excavation. Given the admitted problems with groundwater the proposal to mitigate this by even deeper excavations that would normally be regarded as standard constitutes a dangerous level of over development on this very built up site in the heart of the Conservation Area.
3. The proposed development – as with previous applications – would involve the loss of garden space and the removal of one tree with serious risk to another which has a TPO. The proposal to further reduce the garden area by

the addition of another car park is also damaging to the neighbourhood and is contrary to Camden's Planning guidance.

4. Major disruption – Pilgrim's Lane is a very narrow thoroughfare which already carries a good deal of local traffic. We regard the undoubted damage both to the area's amenities and traffic flow both from this enormous project, including the need for the removal of a staggering quantity of earth etc is unacceptable. The amount of building works and materials which would be required for such a huge construction, including the extra efforts in an attempt to shore up the foundations is totally unacceptable.
5. Conservation of the existing house. We regard the design assessment submitted with this proposals to be extremely partisan – not surprising since it was commissioned by the developer's agents – and we simply do not agree that the house is of poor quality and its features are therefore not worth preserving.

We urge you to reject this proposal

Yours sincerely

David & Jenny Stevens

CC Janine Griffiths, Pilgrims to Willoughby RA  
Councillors Knight, Chung and Marcus.

Application No:  
2012/5825/P

Site Address:  
8 Pilgrims Lane  
London  
NW3 1SL

Case Officer:  
Rob Tulloch

Consultees Name:  
Mr Edward & Mari  
Holden

Consultees Address:  
2B Pilgrim's  
Lane  
London

Received:  
10/12/2012 23:05:22

Printed on: 12/12/2012 09:05:07

Response:  
2B Pilgrim's Lane  
London NW3 1SL

Comment:  
COMMENT

10 December 2012

NW3 1SL

Dear Planning Committee

We are writing to you in regard to application 2012/5825/P. We are the owners of 2B Pilgrim's Lane, a property situated four doors to the west of the proposed development at 8 Pilgrim's Lane.

We believe the deep excavation and disruption of subterranean water courses associated with construction of the deeper basement poses a risk for our property. The rear of our property does not reach below ground level, but the front of our property does (since Pilgrim's Lane is several feet higher than the area to our rear). Our lower room in the front is insulated, but the proposed excavation (to a depth 4x our own) and the deep new foundations which 8 Pilgrim's Lane proposes will inevitably force natural water courses in our direction, increase pressure on our insulation and increase the risk of flooding.

We also wish to underscore the disruption this project will cause the neighborhood. We had to

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Case Officer:

Consultees Name:

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Received:

Printed on: 12/12/2012 09:05:07

Response:

Comment:

live adjacent to a work site for 9 months in 2010. Noise, dust, vibration, obstruction, intrusion, traffic congestion and loss of neighboring amenity was our daily experience during that period. Based on our experience, we are particularly concerned that the builders will work on the property at unsociable hours (e.g., as late as 7:30 on a weekday evening or as early as 7:45 on a weekend morning). We have a further concern that the builders will block Pilgrim's Lane (a narrow one-way street) during deliveries and removals -- which typically leads to honking of horns by frustrated motorists and further disturbance of what is otherwise a tranquil neighborhood.

For the foregoing reasons, we request that you reject the application

Kind regards,

Ted & Mari Holden

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Dear Camden Planning,

We are writing to object to the [Application 2012/5825/P](#) that has been submitted by the developers of 8 Pilgrim's Lane for a substantial basement project . We have reviewed the application, some 500 pages of it. On account of the complexity of the application we have also had to seek the input from appropriately qualified professionals to comment on the structural and geological aspects of the application. We will forward their final reports under a separate cover. We urge you to review the details of these reports.

We object to the development on a number of grounds, summarised below. We are disappointed that the applicant has not addressed the very clear refusal grounds given by Camden when this application was previously submitted. We also note the large number of errors, unknowns and deficiencies identified by our experts. We urge you to reject this application and put guidelines in place to ensure that such applications are properly vetted before being submitted.

Best regards

Tim & Cindy Owens  
6 Pilgrims' Lane  
London NW3 1SL

- Initial Applications objections not met
- Impact on Amenity and Aspect of Host building
- Large amounts of groundwater
- Impact of Groundwater on neighbouring properties
- Impact on Surface Water flow
- Impact of excavation on neighbouring properties
- Disruption of construction
- Breach of Natural Justice
- Loss of Light & Privacy – DP26.3
- Change of Character: Loss of Historic Features
- Change of Character: Garden Area and Trees
- Deficiencies in Planning, Design and Access Statement
- Historic Evidence of Ponds and streams in the area

12/12/2012

### Initial Applications objections not met

This is the third application for this same property. The most recent application was rejected on four grounds (Application 2011/0526/P Refusal).

- 1) **Adverse effects on stability of site and adjacent properties and drainage**
- 2) **The size of development would have an adverse effect on the quality of the host building**
- 3&4) **Impact of construction on highway and traffic, the resultant disruption and danger to pedestrians.**

As outlined below we feel this new application does not address these points.

### Impact on Amenity and Aspect of Host building

The development will result in a loss of garden space, removal of one tree and severely risk the loss of a mature tree (that is currently subject to a tree preservation order). The creation of an additional car parking space (where one previously did not exist) will further reduce garden amenity, is counter to Camden's Policies and is a safety concern.

The overall impact of the size of the development on the patio and garden of the host building is unchanged from the previous application. As already noted, these oversized external extensions and design additions were one of the main reasons Camden refused the previous application. We therefore contend that this application is contrary to CS14 (Promoting high quality places and conserving our heritage) of the Camden's LDF Core Strategy and policies DP25 and DP27 of the LDF Development Policies.

### Large amounts of groundwater

The investigation carried out by the developer has identified groundwater at a level of 1.15 m below ground level. This is consistent with anecdotal and historic evidence of springs and ponds in the area (see additional document detailing historic evidence of water). Moreover, the readings are acknowledged by the developer's consultants (Arup) to have been taken during a "very dry period".

The recommendations from Camden's "Guidance for subterranean development"<sup>[1]</sup> do not appear to have been followed. In particular the boreholes are not in a triangular pattern as required in 7.2.2 of this guidance; the monitoring regime in 7.2.3 has not been followed; cumulative effects of neighbouring structures are not taken account of as detailed in 3.3.4; the use of historical sources as recommended the subterranean groundwater flow screening flowchart in Appendix E are ignored (see below for more details on historical evidence of water).

### Impact of Groundwater on neighbouring properties

A study by Arup has indicated potential unacceptable groundwater flooding and impact on neighbouring properties. They have proposed to mitigate this by installing an additional under-drainage system thus increasing the scale of the excavation. This model (based on numerous assumptions) has not been stress-tested (to reflect the dry conditions to which they have calibrated their model) nor does it take account of the impact of existing underground structures in neighbouring properties.

We have commissioned a report by Dr Michael de Freitas DIC. PhD. Cgeol. to review the groundwater implications of the application. As part of his review he has reviewed the Basement Impact Assessment, the Ground Investigation Report, the supplementary Ground Investigation and the Ground Movement Assessment report. Dr de Freitas' report points out numerous errors, unknowns and deficiencies in this application and concludes: "There are a number of important aspects of this proposal that need to be resolved before planning permission can be given in the confidence that what is proposed can be achieved without causing damage to neighbouring properties". We therefore contend that the criteria set out in DP 27.3 have not been met.



### **Impact on Surface Water flow**

The creation of a large impervious structure under the current basement and excavation of the garden to a depth of over 1.90 m to create a patio will impact the flow of surface water and increase the potential for flooding and inundation. Rainwater tends to gather in the bend of the road directly in front of the house. The impact of the proposed changes could exacerbate these flows. No details on SUDS have been provided as expected under DP 27.8.

In DP 27.9 the "most appropriate" type of basement development is defined as one which "does not extend beyond the footprint of the original building and is no deeper than one full storey below ground level". The proposed depth of the new basement is clearly in excess of this guidance. The extension under the terrace takes this development outside of the footprint of the building. The same paragraph requires that in such cases it is "expected that a minimum of 0.5 metres of soil be provided above the basement development". This does not appear to be considered in this development.

### **Impact of excavation on neighbouring properties**

The depth of the excavation (at least 4.9m below existing levels and outside the footprint of the original building) constitutes an overdevelopment of this build up area of Hampstead and, together with the groundwater, poses a risk to the stability of neighbouring properties. Analysis provided by the developer that purports damage will be "slight". This is based on numerous and unverified assumptions about neighbouring structures and assumes the contractors executing the work do not cut any corners.

We have commissioned a report by Michael Eldred MSc CEng FStructE MICE to assess the structural impact of this proposed application. His report also identifies a number of discrepancies between the reports submitted and highlights a number of areas where the compliance requirements of DP 27 have not been met or where the information provided is disputed.

### **Disruption of construction**

The construction will result in substantial disruption to all the residents of Pilgrim's Lane and neighbouring streets over the estimated 57 week duration of the project. The roadway will be narrowed for the duration of the works - no detail of the impact on pedestrians has been provided.

Conservative estimates suggest the excavation will generate the equivalent of 100 skip-loads of earth, over 40 lorry loads of deliveries will be required and a continuous flow of cement lorries will be necessary to allow for the basement slabs to be poured. Moreover, worrying levels of soil contamination have been identified which will expose residents and workers to health risks during the construction.

The swept analysis fails to take account of the width of roads on the approach to the site. Refuse trucks serving the area (substantially the same width as the mobile cranes and grab lorries that will be used during this proposed development) choose to reverse down Pilgrim's lane presumably to avoid the congestion at the far end of Pilgrim's lane where the road is very narrow.

### **Breach of Natural Justice**

Ove Arup and Partners ("Arup") have been appointed by the developer to assess the impact of the development and prepare the required Basement Impact Assessment ("BIA"). Arup were also employed by Camden to develop a framework to support the Camden Planning Guidance for Basements and Lightwells.

To grant planning permission in this case would breach the rules of Natural Justice because it would be granted in circumstances in which the application relies on a report from Arup. In these circumstances, the

granting of permission would give rise to the appearance of bias by Camden. In particular where the applicant relies upon a BIA report commissioned by the same engineers (Arup) retained by Camden to offer impartial advice about whether schemes for basement development have met the criteria presented by the BIA.

### Loss of Light & Privacy – DP26.3

The proposed extension of the loft space will, as noted above, result in the infill of an existing window. Moreover, the proximity of this extension to our property will result in the overshadowing of the attic room of our property and the loss of light. The addition of three roof-lights on the western roof will result in loss of privacy as they directly overlook the attic room of our property and garden.

We invite you to visit our property yourself to assess this fairly yourself.

### Change of Character: Loss of Historic Features

Many elements of the proposed design fail to preserve the quality and character of the building. Although it is not currently listed, Councillor Linda Chung has made steps to establish a listing for this property.

The audit of buildings in the *Conservation Area Statement for Hampstead*<sup>[2]</sup> recognises the property at 8 Pilgrim's lane as a building which is "considered to make a positive contribution to the Conservation Area". It is singled out in the statement as "an interesting Arts and Crafts influenced house. It has a gable with decorative brickwork and distinct chimneys. On the ground floor front elevation there is the unusual feature of a ships figurehead."

The same conservation statement makes clear the duties and power of the council: "The Council will seek to ensure that development in conservation areas *preserves or enhances their special character or appearance*, and is of high quality in terms of design, materials and execution. Applicants will be expected to provide sufficient information about the proposed development and its immediate setting to enable the Council to assess the potential effect of the proposal on the character or appearance of the conservation area."

In this respect the proposed development at 8 Pilgrim's Lane does not abide by the guidelines set out in this same statement.

In the guidelines section, in paragraph H2, the statement declares that "Extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting."

The nature of the proposed basement work at 8 Pilgrim's lane will involve considerable harm to the character of the building. The construction of the basement introduces the following elements to the property: new French windows; a new patio area which extends into the garden area and a substantial glass roof light. These are very substantial changes to the character of the building. These changes are further emphasised by the lowering of the level of the garden by over 1.5m and the addition of three patio doors to allow for garden access to the new basement area.

In paragraph H11 of the Conservation Area Statement for Hampstead it is noted that "the Rear gardens and backlands contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife. Development within gardens is likely to be unacceptable."

The development proposed at 8 Pilgrim's lane involves reduction of the garden space thru the construction of a patio area in front of the pool and the removal of substantial amounts of soil from below the terrace area. This is in addition to the loss of space resulting from the sale of a strip of the garden to the then owner of 3 Downshire Hill in June of 2009. This property (3 Downshire Hill) has also recently been extended resulting in a loss of green space.

In paragraph H17 is noted that "In all cases, existing/original architectural features and detailing characteristic of the Conservation Area should be retained and kept in good repair, and *only be replaced when there is no alternative*".

The plans for 8 Pilgrim's Lane call for substantial remodelling of the exterior of the building that is at odds with this guidance: The plans submitted with the application indicate that a period doorway (illustrated on elevation C) will be removed and replaced by a window. The replacement of the authentic porch to the rear of the building with a bulkier family room patio doorway is shown on elevation D. The proposed extension of loft space will not only change the roofline, but will also result in the removal of an existing sash window (as shown in elevation D). The addition of three new roof-lights on the western section and the proposed new baluster and steps on the terrace are also not in keeping with the celebrated "Arts and Crafts" style of the rest of the building.

In paragraph H31 the impact of roof extensions on the Conservation Area is discussed. It notes that "Roof extensions are unlikely to be acceptable where:

- The property forms part of a group or terrace which remains largely, but not necessarily completely, unimpaired...
- the building is higher than many of its surrounding neighbours."

The proposed roof extension, in addition to removing an existing window and adding three new roof-lights will alter the line of the terrace as seen from properties on the opposite side of the street. Moreover, it will increase the height of the roof area at that point; this building is already taller than most of the neighbouring properties.

We contend that the proposed development is contrary to Camden's Conservation Area statement.

#### **Change of Character: Garden Area and Trees**

Section H45 of the Conservation Statement notes that "All trees which contribute to the character or appearance of the Conservation Area should be retained and protected". Harm to the amenity of neighbours and loss of trees is also covered under DP27.

The development envisages the lowering of the level of the garden by over 1.5m and the removal of two trees (one cherry trees and a plum tree). These trees contribute to the character of the conservation area. The lowering of the garden will also undoubtedly affect the trees in the adjoining property.

The tree report submitted with the plan outlines methods considered to preserve a Japanese cherry tree that is located on the site. This tree is regarded as an amenity by many individuals and is subject to a tree preservation order.

The tree report purports that a mere 6% of the root protection area (RPA) of this tree will be affected by this development. This figure is clearly wrong as a glance at the accompanying diagrams will show. **Moreover the figure computed by the same surveyor based on the previous (substantially unchanged plans) was 25%.**

The same report cites without reference a report from Morton Arboretum suggesting that mature trees could survive a 30% loss of their root system. This is deliberately misleading. The RPA is not the same as the root system. A loss of 25% of the RPA is substantially more than 25% of the root system. Moreover when the RPA is centred on the tree trunk the extent of the disturbance of to the RPA is clearly more than the 25% estimated.

The guidance from the same institution is very clear on their website <sup>[3]</sup> :

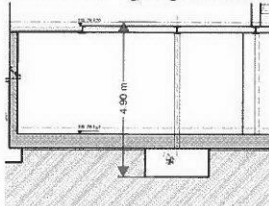
*The protected root zone should include one foot of radius for each inch of trunk diameter. This circle of protection need not be exactly equal around the tree, but it should be positioned so that no disturbance will occur closer to the tree than one-half the radius of the circle. Individual zones*

should be joined into a larger "conservation area" wherever possible

This would equate to an RPA with radius 3.72m with no disturbance closer than 1.86m to the tree. The proposed development does not meet these guidelines – it is proposed that the steps and patio area from the basement be sited less than 1m from the foot of the tree.

The flaws and inconsistencies identified in this report give rise to real concerns about the impact of the development on this well-loved tree. We urge a more thorough review of the information submitted with this application.

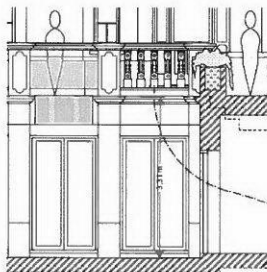
#### Deficiencies in Planning, Design and Access Statement



This document is riddled with inaccuracies too numerous to mention. A selection of these includes:

**5.9:** The basement is not substantially reduced. The additional drainage element and overall depth of the excavation are in fact almost as deep as the previous proposal (4.9m vs. 5.0m).

**12.6** incorrectly cites this depth as 3.3m – see adjacent diagram below for the correct depth.



**8.15** Purports that the roof extension will not be visible – this is patently wrong.

**10.2** Asserts that the basement will not extend beyond the footprint of the house – this is incorrect.


**14.4** Appears to only take account of the new basement and not the excavation of the existing space.

**16.4** suggests that the development is reduced in scale – the rear elevation (see snapshot below) clearly shows the depth remains practically unchanged as does the proposed garden plan.

#### Historic Evidence of Ponds and streams in the area

See separate document.

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Tim Owens | 6 Pilgrim's Lane, London NW3 1SL | 

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[1] London Borough of Camden: Camden geological hydrogeological and hydrological study – Guidance for subterranean development – Issue 01, November 2010.

[2] Conservation Area Statement: Hampstead – October 2002.

[3] <http://www.mortonarb.org/component/content/article/95-tree-and-plant-care/706-preventing-construction-damage-to-trees.htm>



#### Historical evidence of water near the site of 8 Pilgrim's Lane

- 1802 map show tributary running from area of Kemplay road down to bottom of Pond Street
- 1879 maps show pumps around Unitarian Chapel including one on the current site of 11 Pilgrim's lane.
- 1862 map and others shows large ponds on the site of Carlisle House (bounded between the current Kemplay/Wiloughby/Denning/Pilgrim's Land)
- Water wells in Sidney Cottage, Cossey Cottage (currently #7 and #9 Pilgrim's Lane) are recorded as recently as in the book "Hampstead – Light and Shade"
- The existence of a pond "Red Lion Pond" at the corner of Downshire Hill and Rosslyn Hill is recorded in "Records of the Manors, Parish and Borough of Hampstead"
- Drinking fountains were located on Rosslyn Hill and water wells at the Brewery

#### 1807 – British Library – detail from OSD 152 (Hampstead)

<http://www.bl.uk/onlinegallery/onlineex/ordsurvdraw/d/U02usdU00000020u001040d1.html>





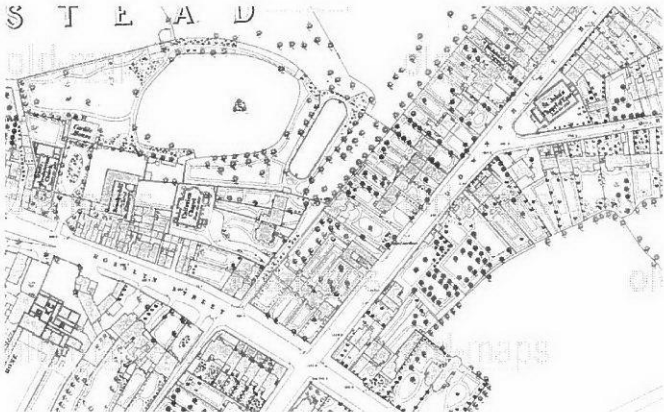
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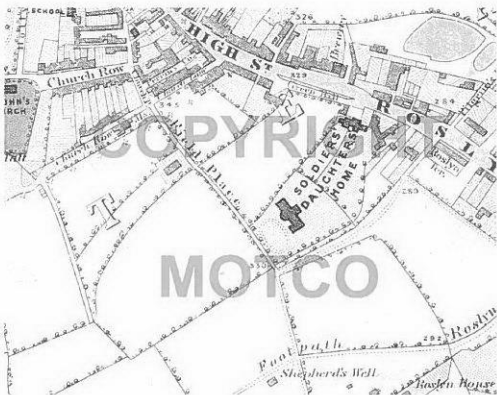


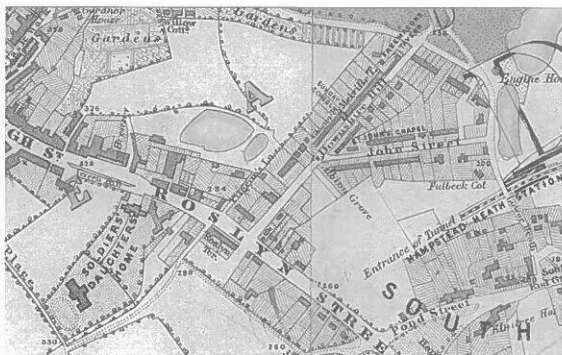
1871 - old-maps.co.uk

S T E A D



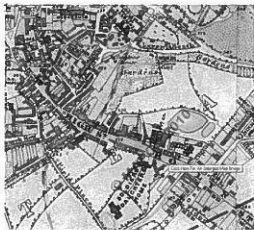
1862 - motco.com





**Stanford 1864**

<http://london1864.com/stanford08.htm>





Dear Camden Planning,

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Best regards

Tim & Cindy Owens  
6 Pilgrims' Lane  
London NW3 1SL

- **Initial Applications objections not met**
- **Impact on Amenity and Aspect of Host building**
- **Large amounts of groundwater**
- **Impact of Groundwater on neighbouring properties**
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- **Impact of excavation on neighbouring properties**
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**Initial Applications objections not met**

This is the third application for this same property. The most recent application was rejected on four grounds ([Application 2011/0526/P Refusal](#)).

- 1) **Adverse effects on stability of site and adjacent properties and drainage**
  - 2) **The size of development would have an adverse effect on the quality of the host building**
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As outlined below we feel this new application does not address these points.

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The overall impact of the size of the development on the patio and garden of the host building is unchanged from the previous application. As already noted, these oversized external extensions and design additions were one of the main reasons Camden refused the previous application. We therefore contend that this application is contrary to CS14 (Promoting high quality places and conserving our heritage) of the Camden's LDF Core Strategy and policies DP25 and DP27 of the LDF Development Policies.

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### **Impact of Groundwater on neighbouring properties**

A study by Arup has indicated potential unacceptable groundwater flooding and impact on neighbouring properties. They have proposed to mitigate this by installing an additional under-drainage system thus increasing the scale of the excavation. This model (based on numerous assumptions) has not been stress-tested (to reflect the dry conditions to which they have calibrated their model) nor does it take account of the impact of existing underground structures in neighbouring properties.

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<sup>1</sup> London Borough of Camden: Camden geological hydrogeological and hydrological study – Guidance for subterranean development – Issue 01, November 2010.

#### **Impact on Surface Water flow**

The creation of a large impervious structure under the current basement and excavation of the garden to a depth of over 1.90 m to create a patio will impact the flow of surface water and increase the potential for flooding and inundation. Rainwater tends to gather in the bend of the road directly in front of the house. The impact of the proposed changes could exacerbate these flows. No details on SUDS have been provided as expected under DP 27.8.

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The depth of the excavation (at least 4.9m below existing levels and outside the footprint of the original building) constitutes an overdevelopment of this build up area of Hampstead and, together with the groundwater, poses a risk to the stability of neighbouring properties. Analysis provided by the developer that purports damage will be "slight". This is based on numerous and unverified assumptions about neighbouring structures and assumes the contractors executing the work do not cut any corners.

We have commissioned a report by Michael Eldred MSc CEng FStructE MICE to assess the structural impact of this proposed application. His report also identifies a number of discrepancies between the reports submitted and highlights a number of areas where the compliance requirements of DP 27 have not been met or where the information provided is disputed.

#### **Disruption of construction**

The construction will result in substantial disruption to all the residents of Pilgrim's Lane and neighbouring streets over the estimated 57 week duration of the project. The roadway will be narrowed for the duration of the works - no detail of the impact on pedestrians has been provided.

Conservative estimates suggest the excavation will generate the equivalent of 100 skip-loads of earth, over 40 lorry loads of deliveries will be required and a continuous flow of cement lorries will be necessary to allow for the basement slabs to be poured. Moreover, worrying levels of soil contamination have been identified which will expose residents and workers to health risks during the construction.

The swept analysis fails to take account of the width of roads on the approach to the site. Refuse trucks serving the area (substantially the same width as the mobile cranes and grab lorries that will be used during this proposed development) choose to reverse down Pilgrim's lane presumably to avoid the congestion at the far end of Pilgrim's lane where the road is very narrow.

### **Breach of Natural Justice**

Ove Arup and Partners ("Arup") have been appointed by the developer to assess the impact of the development and prepare the required Basement Impact Assessment ("BIA"). Arup were also employed by Camden to develop a framework to support the Camden Planning Guidance for Basements and Lightwells.

To grant planning permission in this case would breach the rules of Natural Justice because it would be granted in circumstances in which the application relies on a report from Arup. In these circumstances, the granting of permission would give rise to the appearance of bias by Camden. In particular where the applicant relies upon a BIA report commissioned by the same engineers (Arup) retained by Camden to offer impartial advice about whether schemes for basement development have met the criteria presented by the BIA.

### **Loss of Light & Privacy – DP26.3**

The proposed extension of the loft space will, as noted above, result in the infill of an existing window. Moreover, the proximity of this extension to our property will result in the overshadowing of the attic room of our property and the loss of light. The addition of three roof-lights on the western roof will result in loss of privacy as they directly overlook the attic room of our property and garden.

We invite you to visit our property yourself to assess this fairly yourself.

### **Change of Character: Loss of Historic Features**

Many elements of the proposed design fail to preserve the quality and character of the building. Although it is not currently listed, Councillor Linda Chung has made steps to establish a listing for this property.

The audit of buildings in the *Conservation Area Statement for Hampstead*<sup>2</sup> recognises the property at 8 Pilgrim's lane as a building which is "considered to make a positive contribution to the Conservation Area". It is singled out in the statement as "an interesting Arts and Crafts influenced house. It has a gable with decorative brickwork and distinct chimneys. On the ground floor front elevation there is the unusual feature of a ships figurehead."

The same conservation statement makes clear the duties and power of the council: "The Council will seek to ensure that development in conservation areas *preserves or enhances their special character or appearance*, and is of high quality in terms of design, materials and execution. Applicants will be expected to provide sufficient information about the proposed development and its immediate setting to enable the Council to assess the potential effect of the proposal on the character or appearance of the conservation area."

In this respect the proposed development at 8 Pilgrim's Lane does not abide by the guidelines set out in this same statement.

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<sup>2</sup> Conservation Area Statement: Hampstead – October 2002.



In the guidelines section, in paragraph H2, the statement declares that "Extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting."

The nature of the proposed basement work at 8 Pilgrim's lane will involve considerable harm to the character of the building. The construction of the basement introduces the following elements to the property: new French windows; a new patio area which extends into the garden area and a substantial glass roof light. These are very substantial changes to the character of the building. These changes are further emphasised by the lowering of the level of the garden by over 1.5m and the addition of three patio doors to allow for garden access to the new basement area.

In paragraph H11 of the Conservation Area Statement for Hampstead it is noted that "the Rear gardens and backlands contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife. Development within gardens is likely to be unacceptable."

The development proposed at 8 Pilgrim's lane involves reduction of the garden space thru the construction of a patio area in front of the pool and the removal of substantial amounts of soil from below the terrace area. This is in addition to the loss of space resulting from the sale of a strip of the garden to the then owner of 3 Downshire Hill in June of 2009. This property (3 Downshire Hill) has also recently been extended resulting in a loss of green space.

In paragraph H17 is noted that "In all cases, existing/original architectural features and detailing characteristic of the Conservation Area should be retained and kept in good repair, and *only be replaced when there is no alternative*".

The plans for 8 Pilgrim's Lane call for substantial remodelling of the exterior of the building that is at odds with this guidance: The plans submitted with the application indicate that a period doorway (illustrated on elevation C) will be removed and replaced by a window. The replacement of the authentic porch to the rear of the building with a bulkier family room patio doorway is shown on elevation D. The proposed extension of loft space will not only change the roofline, but will also result in the removal of an existing sash window (as shown in elevation D). The addition of three new roof-lights on the western section and the proposed new baluster and steps on the terrace are also not in keeping with the celebrated "Arts and Crafts" style of the rest of the building.

In paragraph H31 the impact of roof extensions on the Conservation Area is discussed. It notes that "Roof extensions are unlikely to be acceptable where:

- The property forms part of a group or terrace which remains largely, but not necessarily completely, unimpaired...
- the building is higher than many of its surrounding neighbours."

The proposed roof extension, in addition to removing an existing window and adding three new roof-lights will alter the line of the terrace as seen from properties on the opposite side of the street. Moreover, it will increase the height of the roof area at that point; this building is already taller than most of the neighbouring properties.

We contend that the proposed development is contrary to Camden's Conservation Area statement.

#### **Change of Character: Garden Area and Trees**

Section H45 of the Conservation Statement notes that "All trees which contribute to the character or appearance of the Conservation Area should be retained and protected". Harm to the amenity of neighbours and loss of trees is also covered under DP27.

The development envisages the lowering of the level of the garden by over 1.5m and the removal of two trees (one cherry tree and a plum tree). These trees contribute to the character of the conservation area. The lowering of the garden will also undoubtedly affect the trees in the adjoining property.

The tree report submitted with the plan outlines methods considered to preserve a Japanese cherry tree that is located on the site. This tree is regarded as an amenity by many individuals and is subject to a tree preservation order.

The tree report purports that a mere 6% of the root protection area (RPA) of this tree will be affected by this development. This figure is clearly wrong as a glance at the accompanying diagrams will show. **Moreover the figure computed by the same surveyor based on the previous (substantially unchanged plans) was 25%.**

The same report cites without reference a report from Morton Arboretum suggesting that mature trees could survive a 30% loss of their root system. This is deliberately misleading. The RPA is not the same as the root system. A loss of 25% of the RPA is substantially more than 25% of the root system. Moreover when the RPA is centred on the tree trunk the extent of the disturbance of to the RPA is clearly more than the 25% estimated.

The guidance from the same institution is very clear on their website<sup>3</sup>:

*The protected root zone should include one foot of radius for each inch of trunk diameter. This circle of protection need not be exactly equal around the tree, but it should be positioned so that no disturbance will occur closer to the tree than one-half the radius of the circle. Individual zones should be joined into a larger "conservation area" wherever possible*

This would equate to an RPA with radius 3.72m with no disturbance closer than 1.86m to the tree. The proposed development does not meet these guidelines – it is proposed that the steps and patio area from the basement be sited less than 1m from the foot of the tree.

The flaws and inconsistencies identified in this report give rise to real concerns about the impact of the development on this well-loved tree. We urge a more thorough review of the information submitted with this application.

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<sup>3</sup> <http://www.mortonarb.org/component/content/article/95-tree-and-plant-care/706-preventing-construction-damage-to-trees.html>

### Deficiencies in Planning, Design and Access Statement

This document is riddled with inaccuracies too numerous to mention. A selection of these includes:

5.9: The basement is not substantially reduced. The additional drainage element and overall depth of the excavation are in fact almost as deep as the previous proposal (4.9m vs. 5.0m).

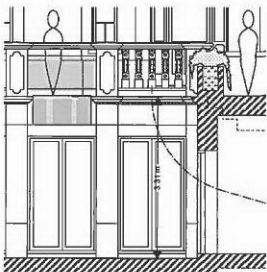
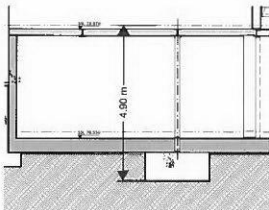
12.6 incorrectly cites this depth as 3.3m – see adjacent diagram below for the correct depth.

8.15 Purports that the roof extension will not be visible – this is patently wrong.

10.2 Asserts that the basement will not extend beyond the footprint of the house – this is incorrect.

14.4 Appears to only take account of the new basement and not the excavation of the existing space.

16.4 suggests that the development is reduced in scale – the rear elevation (see snapshot below) clearly shows the depth remains practically unchanged as does the proposed garden plan.



PLAYROOM PATIO

### Historic Evidence of Ponds and streams in the area

See separate document.



Dear Mr Tulloch,

I am very concerned to learn about the application for planning permission by the developers of 8 Pilgrim's Lane for a substantial basement project. This seems to have been a long running saga with two previous applications by the same developers relating to the same property having been rejected in the past.

We object to the application and would urge Camden to reject it outright. There has to be a point at which an automatic rejection occurs where the present application is substantially the same as previous applications, as is the case here.

We hope that you simply reject the current application outright.

We would urge the following grounds of objection on you:

Initial Applications objections not met

The last application was rejected on four grounds (Application 2011/0526/P Refusal).

- 1) Adverse effects on stability of site and adjacent properties and drainage
- 2) The size of development would have an adverse effect on the quality of the host building
- 3&4) Impact of construction on highway and resultant disruption and danger to pedestrians.

The new application does not address the above points.

Impact on Amenity and Aspect of Host building

The development will result in a loss of garden space, removal of one tree and severely risk the loss of a mature tree (that is currently subject to a tree preservation order).

Once the tree is damaged or removed, damages are an inadequate compensation to the loss of this amenity by the community.

The creation of an additional car parking space will further reduce garden amenity, is counter to Camden's Policies and is a safety concern.

The overall impact of the size of the development on the patio and garden of the host building is unchanged from the previous application. As already noted, these oversized external extensions and design additions were one of the main reasons Camden refused the previous application.

#### Large amounts of groundwater

The investigation carried out by the developer has identified groundwater at a level of 1.15 m below ground level. This is consistent with anecdotal and historic evidence of springs and ponds in the area. Moreover, the readings are acknowledged by the developer's consultants (Arup) to have been a "very dry period". They have also failed to observe groundwater conditions over the length of time required by Camden's guidelines.

#### Impact of Groundwater on neighbouring properties

A study by Arup has indicated potential unacceptable groundwater flooding and impact on neighbouring properties. They have proposed to mitigate this by installing an additional under-drainage system thus increasing the scale of the excavation. This model (based on numerous assumptions) has not been stress-tested (to reflect the dry conditions to which they have calibrated their model) nor does it take account of the impact of existing underground structures in neighbouring properties.

#### Impact on Surface Water flow

The creation of a large impervious structure under the current basement and excavation of the garden to a depth of over 1.90 m to create a patio will impact the flow of surface water and increase the potential for flooding and inundation.

#### Impact of excavation on neighbouring properties

The depth of the excavation (at least 4.9m below existing levels and outside the footprint of the original building) constitutes an overdevelopment of this built up area of Hampstead and, together with the groundwater, poses a risk to the stability of neighbouring properties. Analysis provided by the developer purports damage will be "slight"; this is based on numerous and unverified assumptions about neighbouring structures and assumes the contractors executing the work do not cut any corners.

#### Disruption of construction

The construction will result in substantial disruption to all the residents of Pilgrim's Lane and neighbouring streets over the estimated 57 week duration of the project. The roadway will be narrowed for the duration of the works - no detail of the impact on pedestrians has been provided.

Conservative estimates suggest the excavation will generate the equivalent of 100 skip-loads of earth, over 40 lorry loads of deliveries will be required and a continuous flow of cement lorries will be necessary to allow for the basement slabs to be poured. Moreover, worrying levels of soil contamination have been identified which will expose residents and workers to health risks during the construction.

We look forward to hearing that this application has been rejected by Camden.

Best Regards,

Jessica

14 Redington Road  
London NW3 7RG

