

Dear Camden Planning,

We are writing in response to the consultation regarding [Application 2012/5825/P](#). The consultation has been initiated to review additional material that has been submitted by the developers of 8 Pilgrim's Lane to support their proposal for a substantial basement project.

We initially reviewed the application, some 500 pages of it, in December 2012 and raised our objections at that time. Our objections were supported by substantial analysis from relevant professionals in the fields of structural engineering and hydrogeological analysis. We also included historical data to support the evidence of naturally occurring underground water streams in the vicinity of the site.

The evidence presented by myself and others resulted in an assessment by Card Geotechnics Limited ("CGL") that Camden commissioned. Their report pointed out substantial shortcomings in the material presented by the developer.

The response of the developer has been to submit additional material since the initial consultation period. This includes over 100 pages of material – 53 pages of PLAXIS data, 25 pages of an Oasys report from RKS Consultants, a scribbled hand-drawn note, a new arboricultural report and an architectural drawing of foundations which are proposed to be provided to support #10 Pilgrim's lane.

We are surprised that, in light of the lack of real information content and coherent analysis of the objections raised by ourselves and CGL, Camden has requested a consultation. As noted by ourselves and our consultants, the material submitted fails to address the concerns of your own consultants (CGL) and raises additional concerns. I formally request an explanation as to why you have chosen to launch this consultation at this time.

Once again we have employed consultants to assess the overall application and the newly submitted material. We forward their reports (which you may already have received under separate cover) herewith. Our conclusion and that of the consultants is that none of the material submitted addresses many of their, our and, indeed, your concerns.

We restate our objections to the development below. We are disappointed that the applicant has not addressed the very clear refusal grounds given by Camden when this application was previously submitted (application 2011/0526/P). We once again request you to review the large number of deficiencies identified by our experts and your own experts (CGL).

Finally, we recommend you to reject this application and put guidelines in place to ensure that such applications are properly vetted before being submitted.

Please keep us informed of the status of this application.

Best regards

Tim & Cindy Owens

- **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**

Initial Applications objections not met

This is the second consultation for 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 three trees, including 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 and is counter to Camden's Policies (DP19).

The overall impact of the size of the development on the patio and garden of the host building is substantially unchanged from the previous application. The fact that these are merely "cosmetic" changes to the plan originally refused has been acknowledged by your planning officer. We therefore contend that this application is, as previously concluded, 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 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 taken during a "very dry period".

The recommendations from Camden's "Guidance for subterranean development"^[1] do not appear to have been followed - 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.

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. This latter point is stressed by CGL who in addition to other shortcomings point out that the "foundation depth is...not known...and...further investigation is recommended".

Dr Michael de Freitas DIC. PhD. Cgeol., in his initial report on this matter, concluded: "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". His subsequent report reiterates his concerns and concludes that the "recently submitted data adds nothing towards completing the very basic requirements set by Camden before Planning Permission for such work is given". We concur with his findings and 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. Indeed, your own consultants (CGL) conclude they are "not confident in the building damage assessment subsequently undertaken".

Michael Eldred MSc CEng FStructE MICE originally commented on the structural impact of the original application. His report identified 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.

His review of the additional material concludes that it does not address the concerns raised by your own consultants (CGL) or heed the "stated requirements of Planning Policy DP27".

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. The swept analysis fails to take account of the width of roads on the approach to the site.

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.

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. This is an unacceptable loss of privacy and amenity and is contrary to CPG6; the "good practice" guidelines on overlooking of paragraph 7.4 in CPG6 have not been met.

Change of Character: Loss of Historic Features

Many elements of the proposed design fail to preserve the quality and character of the building. The audit of buildings in the *Conservation Area Statement for Hampstead*^[2] recognises the property at 8 Pilgrim's lane as a building which is "considered to make a positive contribution to the Conservation Area". In this respect the proposed development at 8 Pilgrim's Lane does not abide by the guidelines set out by Camden for Conservation Areas, viz. to ensure development "*preserves or enhances their special character or appearance*".

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 including the removal of several original features and the reduction of garden space.

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 latest documents submitted envisage the lowering of the level of the garden and the removal of three trees (including one subject to a TPO as noted above). These trees contribute to the character of the conservation area.

Deficiencies in Planning, Design and Access Statement

The submission documents are riddled with inaccuracies. These have been noted in our previous submission. None of these have been addressed by the additional material submitted.

^[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.