

10d Eldon Grove
Hampstead
London
NW3 5PT
UK

1st Oct 2014

Mr Gideon Whittingham
Planning Officer
Camden Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 8ND

Dear Mr Whittingham,

Planning Application Ref 2014/5285/P

39 Rosslyn Hill, London, NW3 5UJ

Please find enclosed our comments regarding the above application. This is a hard copy of the comments submitted to you via email.

Yours Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Martin McNair and Lynn Wickins

A black rectangular redaction box covering contact information, likely a phone number or email address.

Comments Form

Name..... Martin McNair and Lynn Wickins

Address..... 10d Eldon Grove, London NW3 5PT

Email address..... (See email correspondence with Planning Officer)

Telephone number.....

Planning application number..... 2014/5285/P

Planning application address..... 39 Rossllyn Hill, Hampstead, London NW3 5UJ

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments

Please See Attached

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10/10/14

Please continue on extra sheets if you wish

We are the owners of 10d Eldon Grove, the immediate neighbour adjoining the end of the garden of the applicant, 39 Rossllyn Hill.

We strongly object to this planning application for the reasons set out below. We also provide detailed comments on some aspects of the application reports.

We have had the opportunity to present our concerns to the applicant and architect both in writing and during a meeting at both theirs and our property.

1. This development is essentially an extension of the ground floor flat into and under a substantial part of the garden of number 39 Rossllyn Hill. We believe this is an inappropriate development of a flat and use of garden area. The extension and patio as proposed will together occupy around 150m² out of a garden area of approximately 260m², significantly over 50% of the total area. This is not in-keeping with houses in the area. There are no other neighbouring properties along Rossllyn Hill with such extensions or basements of this character extending into the garden area.
2. The applicant has not long completed a previous ground floor extension and garden excavation – the subject of application 2011/5684/P. We had the opportunity to see the site with the applicant and architect at their invitation, and the previous excavations and works carried out in the garden area (with very high retaining walls on all three sides) are already showing signs of movement, surface cracking, and high levels of water flow washing away soil from the boundaries and exposing electrical wiring.
3. Planning consent has been granted for the immediate neighbouring property at 30a Thurlow road to rebuild the house with a considerable basement development. (Application 2013/1613/P). No documented consideration has been given to the impact of those neighbouring works to the ground stability, excavations or structural works required for the planning application for 39 Rossllyn Hill.
4. We believe this new proposed development at 39 Rossllyn Hill will seriously impact the structural integrity and hydrogeology of the ground affecting the stability of ours and our neighbours' properties. The planning application says this has all been taken into consideration but we cannot find evidence of these site surveys in the reports.
 - a. The building work will involve the removal of well over 500 tonnes of soil. During our meeting with the applicant it became clear that this (even approximate) calculation had not been done nor had been considered.
 - b. The architect and the consultants involved with the structural report do not appear to have fully considered the location and profile of the neighbouring properties. They were unaware that the base of the new foundations, according to the proposed drawings, would lie some 8 metres below the ground floor level of 10d Eldon Grove. The base of the excavation will sit as little as 4 metres from the boundary. The required excavation will result in an average effective slope in the ground of over 60% at the rear of the garden running to the boundary. This seems to be excessive. The proposal does not show adequate measures as to how the stability of this area of ground would be assured during and after construction. Adequate measures, if properly implemented, could extend well beyond the limits of the development as currently drawn and be very intrusive on the neighbouring property boundaries.

- c. The drawings do not provide adequate detail of the foundations or the measures to ensure stability of the sloping land. However, a simple view of the cross section drawings shows that a 45 degree line taken from the base of the proposed foundations will intersect the foundations of parts of the property at 10d Eldon Grove.
- d. The terrace of three houses at 10b, 10c and 10d Eldon Grove share a common foundation platform. Accordingly, this development could threaten the stability all three properties.
- e. No detailed ground surveys (geological and hydrogeological) of the actual site have been conducted. The structural report refers to bore holes and test pits, however these were investigations carried out in different areas of Hampstead over 14 years ago. More recent bore hole surveys in Eldon Grove revealed water strike as high as 4m below ground level.
- f. The proposed development will impose a large impermeable barrier across the full width of the garden of 10D Eldon Grove and potentially create a dam, the effects of which do not appear to have been properly considered. The section drawings show an area beyond the end wall of the proposed structure which is to be filled with gravel in an attempt to assist drainage. However, the lateral load-bearing properties of such a gravel drainage channel will be far less than that of the existing ground. No compensating measures to support or reinforce the sloping ground leading to the area of established trees at the end of the garden and boundary wall have been proposed.
- g. A Construction Management Plan (as per DP 26.10) has not been provided.
- h. In summary, the necessary measures to maintain stability and drainage have apparently not been fully considered, and even if properly implemented, would extend well beyond the boundaries of the proposed building. The application therefore does not appear to comply with Camden DP 27 that requires developers to demonstrate by methodologies appropriate to the site that schemes:
 - i. maintain the structural stability of the building and neighbouring properties;
 - ii. avoid adversely affecting drainage and run-off or causing other damage to the water environment; and
 - iii. avoid cumulative impacts upon structural stability or the water environment in the local area.

The application also does not appear to comply with Camden DP 27.3 for larger schemes, where a basement development extends beyond the footprint of the original building or is deeper than one full storey below ground level (approximately 3 metres in depth) where "the Council will require evidence, including geotechnical, structural engineering and hydrological investigations and modelling, from applicants to ensure that basement developments do not harm the built and natural environment or local amenity".

- 5. Taken together with the approved development at 30a Thurlow Road (Application 2013/1613/P), the impact of the threats described above could be compounded and even more serious.
- 6. There are established trees at the foot of the garden of 39 Rossllyn Hill which should be protected during the proposed works. They provide important screening and visual privacy (as per Camden DP 26.3) in

this high density urban environment. An Arboricultural method statement has been prepared (Skerratt 10/8/14). The final footprint of the proposed basement will intrude into the root protection areas (as defined in BSS837:2012) of these trees based on the arboricultural report. According to the drawings, the excavation and drainage measures (particularly the gravel drainage channel) do make considerable inroads into the root protection areas and are likely to significantly compromise the health and longevity of the trees. This is another shortcoming of the application and, from our meeting with the applicant and architect, an issue that had not been appreciated nor taken into account.

7. The application therefore does not appear to comply with Camden DP 27.10 that states "consideration should also be given to the existence of trees on or adjacent to the site, including street trees, and the root protection zones needed by these trees"
8. We have the following comments on the Design and Access Statement
 - a. The aerial photograph on the first page is out of date and does not show the existing extension, and excavations previously carried out to create the patio.
 - b. 1.2 Planning Policy - LDF DP24. This refers to the requirement to respect existing building proportions. The existing property is a ground floor flat. This proposal is to build subterranean (linked) living quarters some 14 metres from the footprint of 39 Rossllyn Hill. The building would cover over 70m² and the terrace area over 60m². We believe this development would not be in-keeping with this requirement.
 - c. 1.2 Planning Policy - CPG4 – impact on Garden. When complete, the extension and terrace would have considerable impact on the garden, consuming over 50% of the existing garden area.
 - d. 1.2 Planning Policy – Impact on trees. The drainage measures (and required further ground reinforcement) will not comply with the recommended root protection areas and so threaten the important trees.
 - e. No Method Statements on ground investigations, excavations, or construction works has been submitted.
9. We have the following comments on the Basement Impact Assessment, which appears to be incomplete with insufficient site specific supporting information.
 - a. 2.4 Site Information – the report comments that a basement development was granted at 27 Rossllyn Hill and suggests a precedent. It should be noted that this basement lies within the footprint of the existing house and does not extend into the garden area. This development at 39 Rossllyn Hill will extend considerably into the garden area.
 - b. 2.5 Neighbouring properties – contrary to the suggestions in the report, a 45 degree line from the estimated base of the foundations will intersect certain foundations at 10d Eldon Grove and probably at 30 Thurlow Road. In producing their report, the surveyors and structural engineers did not visit the neighbouring properties in order to take proper account of the actual building levels, profile and position of critical structures.
 - c. 3.2.1 Proximity of water table. Bore holes or hydrological surveys have not been carried out in the immediate area. Test bores done recently in Eldon Grove (located close to the road and at an estimated 3m above the ground level of the top of the garden at 39 Rossllyn Hill) struck water at around 4m depth. It is also known that river tributaries flow through the soil strata in this area.

- d. 3.3.5 Presence of London Clay at the site. This has not been assessed. The report appends test pit reports from other locations, Downshire Hill and Gayton Road which are over 18 and 14 years old respectively.
- e. 3.3.6 Work within tree protection areas. A review of the proposed ground floor plans and arboricultural protection method statement show clearly that the drainage measures would significantly encroach into the recommended Construction Exclusion Zones and the root protection areas of the existing trees in the garden.
- f. 3.3.13 Differential depth of foundations relative to neighbouring properties. For the important reasons set out above, contrary to the statements in the report, there will be a considerable difference in foundation depths to neighbouring properties, in the order of 8 metres.
- g. 4.0 Structure. The report proposes ground reinforcement and retaining walls to the adjacent properties at 37 and 41 Rosslyn Hill respectively. However, similar measures may well be required for the properties at 30 Thurlow road and 10d Eldon Grove but are absent from the report.
- h. 5.1.4 Scoping – sloped ground. As referred to above, the report underestimates the threat of severe slopes on adjacent properties (other than 37 Rosslyn Hill). It also proposes that slope stability will, at least in part, be reliant on the root structure of the surrounding trees which themselves could be endangered by the development.
10. Party Wall Agreement: We put the parties concerned on notice that we would, if required, make full use of the Party Wall etc. Act 1996 to ensure the protection of our property which will apply as this application proposes to:

"...excavate, or excavate for and construct foundations for a new building or structure, within 6 metres of any part of a neighbouring owner's building or structure, where any part of that work will meet a line drawn downwards at 45° in the direction of the excavation from the bottom of the neighbour's foundations....you must inform the Adjoining Owner or owners by serving a notice".

And as our Adjoining Owners' rights are described within the Act. They include the right to:

- appoint a surveyor to resolve any dispute (*at the Building Owner's expense*);
- require reasonably necessary measures to be taken to protect their property from foreseeable damage and for their security;
- not to be caused any unnecessary inconvenience;
- be compensated for any loss or damage caused by relevant works;
- ask for security for expenses before you start work under the Act so as to guard against the risk of being left in difficulties if you stop work at an inconvenient stage.