



Dear M Tulloch,

DETAILED COMMENTS ON APPLICATION NUMBER: 2012/5825/P part 1

I enclose herewith our detailed comments split into three parts as your system rejected our earlier version as too large.

Please do not hesitate to contact us for any clarification you might need of our objections. You can reach us by e-mail at 

Best regards,

Oliver R Froment and Amber Barnfather
10 Pilgrim's Lane
London NW3 1SL

**DETAILED REPORT OF OBJECTIONS TO PLANNING APPLICATION
2012/5825/P**

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DETAILED REPORT OF OBJECTIONS TO PLANNING APPLICATION 2012/5825/P

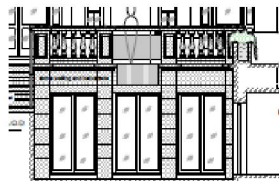
Planning, Design and Access Statement

Detailed designs that were ground for the refusal of the previous application are still in place. The applicant has failed to change them.

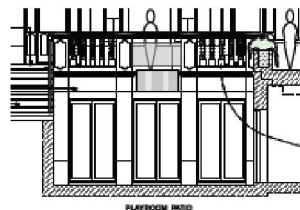
The details of the footprint and cross section and the shape of the play room access at garden level are totally identical to the previous application.

The modern double doors of the playroom patio door are exactly the same as in the previous application and the style and proportion of their frame is not in keeping in style with the existing doors and windows, a reason for objection in the previous Delegated report.

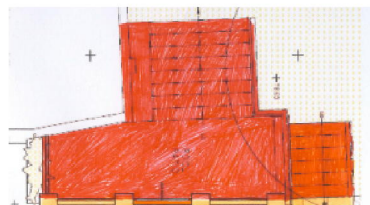
Application February 2011 in comparison to November 2012 (similar size and aspect if not larger in some areas)



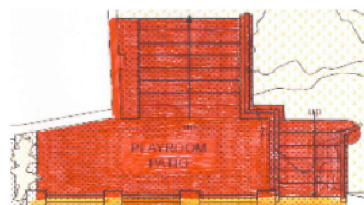
Patio Doors February 2011 application



Patio Doors November 2012 application



Plans February 2011



Plans November 2012

Encroachment into garden shown in shaded areas

Furthermore, we notice that there are new additional changes proposed, on top of the previous detailed design application (2011/0526/P) that was already a ground for refusal in the previous application (reason 2 – Camden letter of 1st April 2011):

The relocation of the bracket lamp in front of the terrace at the rear of the house would add to the light pollution already presented by the skylight, since this will be directly visible from all the windows of our south facing I am opposed to this added nuisance.

The light well will be clearly visible from the living room and the main bed room of 10 Pilgrim's Lane, as shown in picture, contrary to what is written in paragraph 8.14. This invalidates conclusion 16.5.



View from 10 Pilgrim's Lane

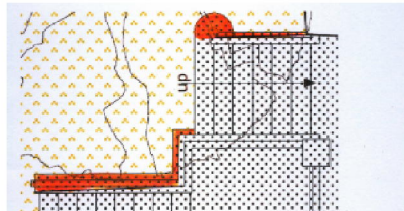
Some windows above ground level are reduced or closed. For example, the window at the ground level of the terrace is narrower than in the previous application. This would not be in keeping with the width of the other windows and would break patterns.

. The proposed play room patio and associated steps that both extend significantly into the garden, and also the proposed building of a hard structure beneath the current terrace currently resting on

the ground, proves that the proposed scheme does not “meet the highest standards of sustainable design and construction” as stated in Policy 5.1, chapter 5 of the London Plan. This also contravenes Camden Planning Guidance DP 27.9. This was also ground for rejection in the previous application: “In relation to the design of the basement, it is also considered that the scheme does not seek to implement any permeable surfaces or SUDS into the scheme. The water efficient methods expected will help reduce the overall amount of waste water entering the combined storm water and sewer system. This can be reduced through the use of SUDS including pervious paving yet no such details have been provided in support of this application”.

This is all the more striking since the BIA has recognized that “there is a risk that ground water.... could cause local flooding”. It also falls foul of DP 24 (securing high quality design – the provision of appropriate hard and soft landscaping) which is referred to in point 8.3 of the report.

. The applicant proposes to extend the volume and aspect of the rear façade with a protruding bay structure on the north side of the rear terrace (ref Brod Wight – proposed ground & upper ground floors). I am opposed to this as it would create further bulkiness in the appearance of the building and I directly overlook this from my patio.

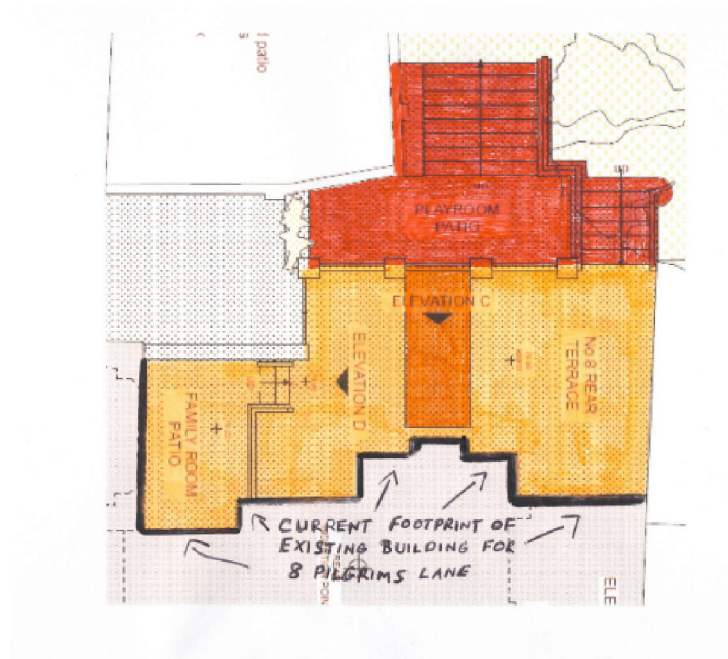


Increase in volume of rear terrace

. This project clearly falls foul of Policy 14.1. (Meet the highest standards of sustainable design and construction) The Basement Impact Assessment shows that there is a risk of flooding and despite this, the applicant proposes to increase the impervious surface. This invalidates point 16.2 of the conclusion.

This report is erroneous:

. Point 10.2 (“the proposed basement will not extend beyond the foot print of the house”) of the report is blatantly false. The proposed basement extension will extend substantially beyond the footprint of the existing house on several counts such as:



Basement extension beyond existing footprint (all coloured areas)

.For one, the applicant introduces a separate elevation 4.1 m from the foot print of the house complete with playroom patio and two steps.

.Second, the basement extends 4.1 metres from the foot print of the house with a proposed playroom under the terrace.2b

. I am at a loss to see how such features as a diminished garden, additional sky light, addition of separate elevation 4.1 meter from the original building line complete with three modern double doors and new large steps and patio at the garden floor levels and additional outdoor car park can preserve and enhance the character and appearance of the Conservation Area as maintained in paragraph 9.14. This invalidates point 16.3 of the conclusion.

The outside appearance of the rear building at garden level is very substantially the same as the previous application. This is one of the four reasons why the application was previously declined.

- The report is inaccurate:

. 5.9 states that "the basement extension previously ...projected further into the rear of the garden "whereas if one compares the current proposed ground structure at garden level (reference: proposed site plan Nov 6 2012) with the previous proposed ground structure in the garden (reference – proposed ground floor plan – February 16 2011 2aof our analysis) one notices that the two application are identical on this point. Actually, the new one is even wider for the large steps and the footprint of the small stair case is longer on one side that previously and the playroom patio is deeper by at least 15 cm compared to the previous application. See our highlighted drawing 2 d

water levels in areas where it is more likely to be present over a period of time is therefore necessary.” Dr. Michael de Freitas, our geologist expert observes, on page 3 of his report, that “the occasional measurement of water level, as has happened with this application, is not sufficient to describe how this ground works in hydrological sense; further, the period over which observations of water level were made coincides with a particularly dry period in British hydrology. Given that and the fact the only day on which detailed measurements were made (5th March 2012) was a day without rain in Hampstead, it is evident that the factual basis for designing ground water management measures for the site is not adequate”. This lack of proper procedures discredits any further reliable and comprehensive analysis and conclusion. It should be ground for rejection.

The BIA’s analysis relies in a substantial way on the Listers Geotechnical Consultants. This report states on page 5 that: “it should be noted that variations which affect these conclusions, may occur between and beyond the test locations. Also water levels may vary with time”. It is almost a certainty that the water levels observed are unusually low due to the fact that to the BIA’s own admission “the data correspond to a very dry period and that groundwater levels might be expected to rise in wetter period”. This by itself discredits the reliability of the whole analysis conducted by the Geotechnical consultant.

We have clear evidence that the above is no trivial matter as Michael Eldreds, our structural engineer shows in paragraphs 50 and 51, pages 14 and 15 of his report. There was, last year, a case in Hampstead whereby groundwater levels in boreholes were monitored through 2011, a year of low rain fall that prompted national concern about potentially impending hydrological drought, and the engineers and other consultants for the BIA considered the risk of ground water problems occurring insignificant. Planning permission was granted and the damage to adjoining structures were greater than expected by the developer and reached 3 on the Burland scale, which is a level considered unacceptable according to CPG 4.

The BIA also discounts evidence of a tributary of the Fleet on the 1920’s Geological Map. However numerous other documents (including the 1879, 1862 and the 1807 maps of the locality) provide evidence of nearby streams, pond and pumps.(annex 1a)

2- Counter analysis by our geological expert

We have hired Dr. Michael de Freitas (CGeol, Phd, Dic Reader Emeritus in Engineering Geology, Dept Civil & Environmental Engineering Imperial College, London) who is an authority on Geological matters and very experienced with the Hampstead subterranean conditions, as our geological consultant. His report shows there are numerous technical deficiencies in the BIA. Here are some of his findings:

- The effects of ground water and ground movement have been considered separately whereas they should have been considered simultaneously.
- “The strength and stiffness of the ground have not been assessed”.
- “The hydraulic gradient is closer to 1 in 11 rather than 1 in 20 mentioned in the Arup report. In other words, the gradient is almost double that which has been assumed. This will have gone into the groundwater model and generated a lower flow than the data warrants.”
- The drainage could also generate chemical problems in terms of water quality.
- “the only day on which detailed measurements were made was a day without rain”
- “Most of the samples tested had moisture contents around 30% and if these were to change,...their strength and stiffness would change also” This may not be true under different weather conditions and that may render the proposal unachievable
- “Arup state that little is known about the basements under No 10 and 6”
- No vertical cross section of the geology of the site has been provided.
- No suite of parametric tests.
- Questionable strata assumptions.

- No demonstration of what the change of speed of water flow generated by the proposed permeable blanket beneath the property may trigger; "it generates its own physical problems and may just replace one problem with another. Once in place it cannot be altered so its functionality has to be resolved."
- "Not much in the way of groundwater level monitoring has been made to describe the natural circumstances of the site."
- No explanation provided on how the considerable scatter of values justifies the idealisation the analyses have used.
- "Arup make the point that flow also have to have a vertical component to get under the basement and so a value for vertical conductivity is required". No evidence on how this was derived is presented.
- "A considerable amount of test data exists for this site and almost none of it appears to have been used" ...this may "lead to an unachievable design, which in this case would be ground movements greater than predicted."
- Considerable inconsistency in the value of strain stiffness.
- Test data should be collected" when rain follows a period of dryness."
- "modelling of ground water fails to include the basement in no 6"
- Ample evidence show that the ground is not simple as the report wrongly assumes.

Please refer to his report for further analysis.

3 - Counter analysis by our expert structural engineer

Michael Eldreds reminds us that DP 27 – a, requires the developers to demonstrate by methodologies appropriate to the site that their schemes maintain the structural stability of the building and neighbouring properties before any planning consent can be entertained. The applicant has failed to do so.

Michael clearly points out that the blue print for implementation cannot be left as a Party Wall act matter as the act attempts to resolve disputes. The act imposes no limit on the degree of damage that may be considered applicable. Furthermore, party wall surveyors have no authority to enforce compliance with planning decisions or conditions. It is therefore essential that the applicant demonstrate precisely that the structural stability of the neighbouring properties be maintained at the time of application and as prescribed in DP 27 a. The duty of Camden is to insure these informations are in place at the time of the application in order to avoid a trial and error approach execution.

The BIA unusually "does not deal with the risk of damage to the neighbouring property and is effectively confined to parts b and c of DP 27". This is left to other parties and precludes Arup from considering all aspects of DP 27. Michael points out that no evidence is given that the project will be carried out according to good standard, several parties have been involved in presenting the elements of the BIA but in a "misdirected and uncoordinated to the extent of missing the point in DP 27". It is a case of pass the parcel.

The Lister reports "ignores the possibility of limiting movement".

Regarding the RKD report, which is one of the input elements necessary for the BIA, and which should be of a certain standard our consultant writes: "where is the evidence that the project at 8 Pilgrim's Lane will be of that standard? It is not in the application".

Regarding the construction management plan, Michael comments that "there is not one word about how the construction that is to be monitored will be managed into adequate existence in the first place or how follow on management of the consequences of monitoring data will be achieved".

Our structural engineer highlights that no information is given for:

.the presence of any existing nearby subterranean development.

.method and sequence of supporting the sides of the excavation and basement walls temporarily, during construction. resistance of the temporary supports to movement.

He highlights, in paragraph 68, some serious other inconsistencies: the RKD report on the proposed footing would not be compatible with the architect's basement arrangements.

In paragraph 66 of his report, he brings to our attentions that the FREW models uses conditions on the ground conditions that "bear no relation to those" at Pilgrim's Lane!

He disputes many points in the BIA; e.g. ground movement, movement of the building, sensitivity to movements and conditions of the buildings, method and sequence of construction, site management...

He expresses about concerns, paragraph 56, page 15 of his report, on the sewage exposure to damages.

One of his conclusions, on page 22 – remark 92 is that the application "fails utterly to demonstrate how it is proposed to construct the basement in such a way as to protect neighbouring property". This is full contravention of DP 27.

Please refer to his report for further analysis.

4- Boreholes improperly laid

In the previous application, I requested that further boreholes be implemented in the room closest to Pilgrim's Lane and adjacent to 6 Pilgrim's Lane, as this an area where flooding had occurred before. This has not been performed and furthermore as mentioned in paragraph, 6.2.4, page 21 of the BIA "although three monitoring points are available, they are unfortunately aligned, making determination of the direction of groundwater flow difficult".

5-Omission of relevant information

The BIA report admits that no specific drainage details have been reviewed for this locality (page 6). Given the flood risk that this project presents this is a shortcoming that could have adverse consequence for the neighbourhood. Furthermore, it is written in paragraph 3.2.1 of the BIA that the "consideration of a SUDS will be considered as part of the application, separate to the BIA." I cannot see this anywhere in the application. This is also highlighted in point 11 of the summary report of our structural engineer. This contravenes DP 27 b and c and was also mentioned in the objection of the delegated report for the previous application.

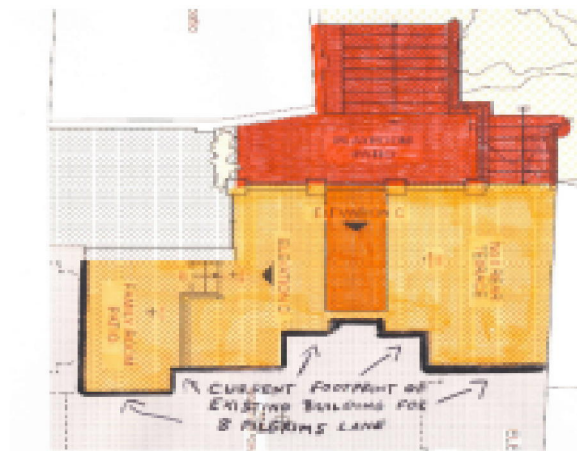
6- Inappropriate increase of impervious surface

It is clearly admitted in the report that "there is a risk that groundwater in the underlying strata could either flood or pond against the basement and cause flooding" although it is stated that "the (proposed) under drain system appears to be an effective solution". This reinforces the case against increasing the surface area that is currently porous and to replace it with an impervious one. The current rear terrace consists of permeable paving laid on soil. The application provides for this to be replaced with an impervious surface since it would stand on a concrete structure with a playroom underneath. This contravenes Camden Planning Guidance (CPG) such as DP 27.9 which calls for "a minimum of 0.5 metres of soil to be provided above the basement development where this extends beyond the footprint of the building, to enable garden planting" and DP 22.17. Furthermore, given the flood risk, we should preclude an increase in the proportion of hard surfaced/paved area as proposed by the applicant. In the screening process conducted in the BIA (table 3.1.1), the change in the surface of hard surfaced/paved area is underestimated as it only seems to refer to the roof and external area encroaching on the garden and does not appear to have incorporated the change to hard surface underneath the terrace.

7- Inaccuracies

It is not factual to say in paragraph 8.1 of the conclusion that: "the proposed basement construction... will not result in any extension to the area of impermeable ground". We have clearly shown in the preceding paragraph 6 of our analysis that the opposite is true and on several counts. Please also refer to photo 2. It is even noted page 11, table 3.1.1 - no 3, of the same that it will!

It is also inaccurate to write in paragraph 8.1: "the proposed basement construction lies mostly within the existing building". In reality the proposed basement lies substantially outside the existing building footprint.



It is also inaccurate to state in paragraph 2.1 of the introduction that no 10 is supported by three concrete columns adjacent to the eastern wall of no 8. There are only 2 such columns. Furthermore, neither I nor our structural engineer knows what the composition of the 2 columns is, as it may just as well be made of bricks or other components.

8- Uncertainties

Please note that even though the analysis is based on flawed and best case scenario, i.e.: too short a time series and underground testing conducted during a very dry period, as well the existence of lots of unverified assumptions, there is still, nevertheless, a lot of uncertainty in the predictability of the incomplete BIA analysis, since, as mentioned in paragraph 7.4.2, "the calculation of prop force delivered to the basement slab will need to be revisited during detailed design to confirm that the assumptions made are still valid with respect to the proposed design as a whole". It has also "been assumed in this assessment and slope stability analyses that appropriate measures will be put in place to limit horizontal displacements of retaining structures in the temporary and permanent cases." One also notices that the wording adapted by the author leaves one in doubt as to the certainty that the proposed method will definitely work; as for example the conclusion in paragraph 7.2.3. says: "the drain system appears to be an effective solution".

This, cumulated with all the numerous and serious shortcomings that I have highlighted in the above paragraphs as well as in the expert analysis of Michael H de Freitas, is especially of concern considering the vulnerable, challenging and precarious flying freehold structure on which my living room rests. (photo below). The margin of error inherent in this assessment is not proper and given

the unusual, complex and sensitive structure of my house absolutely no margin of error should be tolerated.



Flying Freehold of 10 Pilgrims Lane

9- No consultation

Article 2.17 of CPG on basement and light wells regarding stage 2– Scoping states that “during the scoping stage we will encourage you to enter pre-consultation and/or set up a working group with local residents and amenity groups who may be impacted by a proposed basement in order to fully understand and address the concerns of local residents” .

No such attempts have been suggested or organized by the applicant. Actually, during the borehole testing period that took place in February- March of this year, the column that supports my living room was damaged and despite my complaints, no remedial work has been carried out to date.

Please also note that in the past, several neighbours attempted to make contact with the applicant in order to enter a dialogue, and we were categorically turned down.

10- Flooding

As mentioned in my comments for the previous application, I now reiterate here that both 10 and 8 Pilgrim's Lane have experienced flooding during the last 10 years: inside the basement at 8 Pilgrim's Lane and throughout the garden area of both 8 and 10 Pilgrim's Lane. We have several witnesses to this. During days of heavy rain, Pilgrim's Lane experiences flooding at street level in front of 10 Pilgrim's Lane as our house is located at the bottom of two convergent slopes and the street drainage cannot cope with the influx of incoming rain Furthermore Kemplay road which is a long downward sloping street (photo 5) runs into Pilgrim's 25 yard away from our house. This is consistent with the remark in paragraph 2.14 of our geologist's report that “it is a common experience in Hampstead for complaints of flooding in periods of rainfall”.



Ref Photo 5



Ref 5

Our structural engineer also points out that the “the proposed wall at the lower end could possibly cause water to collect and flood the boiler room. The flood risk should be evaluated”. This is necessary in order to comply with DP 27 b and c.

There are countless examples of basement flooding incident in the area: in pretty much every street from Kemplay road, Pilgrim's Lane to Downshire Hill all the way to South end road (picture Vicky)

Some of the comments from neighbours in the area support this. It is also worth noting that there is a well under our House.

Our street is located in past flood area according to the figure 1.1 shown on page 3 of the report published by Camden on 12/2011 "preliminary flood risk assessment for London Borough of Camden" please click on the link below:

<http://cdn.environment-agency.gov.uk/flho1211bvli-e-e.pdf>

Additional car parking space

A second car parking space for 8 Pilgrim's Lane would be damaging to the environment, a nuisance for the neighbourhood and in breach of DP18 and DP19.

It would create noise and pollution inside our property. The bedroom of our 8-year-old daughter is a mere 3 metres away from the intended car parking space. This would be deeply disturbing for our children and detrimental to their health since the exhaust fumes would very easily penetrate their rooms. The cars will also circulate at any time of the day and the night under our living room.

The proposed creation of additional car parking contravenes DP18 and Core Strategy policy CS11. DP18.1 states that *'limiting the supply of car parking is a key factor for addressing congestion in the borough and encouraging people to use more sustainable ways to travel. It seeks to minimize the level of car parking provision of car parking provision in new developments'. 'The council will expect development to be car free in... areas within Controlled Parking Zones that are easily accessible by public transport.'*

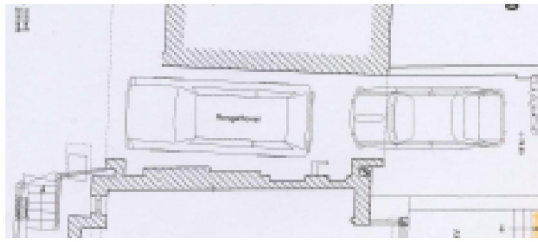
The proposed increased supply of offsite car parking would also contravene DP19 (managing the impact of parking).

DP19 h and i states that *'the Council will require off-street parking to: preserve a building's setting and the character of the surrounding area' and to 'preserve any means of enclosure, trees or other features of a forecourt or garden that make a significant contribution to the visual appearance of the area'.*

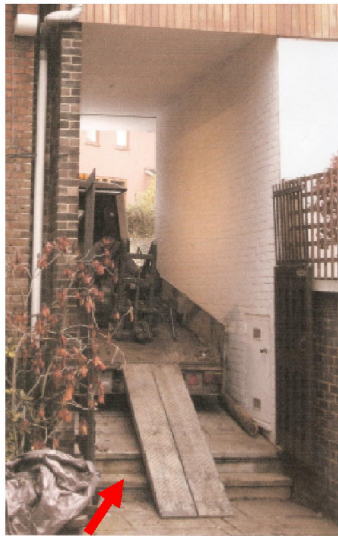
DP 19.9 states that *'Development of off-street parking will be resisted where it would cause unacceptable parking pressure, particularly in identified areas of parking stress. Off-street parking may also be resisted to protect the environment, highway safety and pedestrian movement'.*

We notice that in the proposed ground floor plan, a car would be constantly in front of the property and every time we would open our entrance door we would be facing it within 2 metres and we do not want this. Furthermore, it would create a negative aspect on our property and that of the neighbours.

Furthermore the narrow driveway is not conducive to the traffic of cars and especially of large cars as the applicant intend to do as shown in drawing 6 below . Proof is that the new owner has already damaged the column located in the driveway that supports my living room. The statement in the Delegated Report related to the previous application is not factual: the parking space proposed in the patio would not formalize the existing situation; the existing staircase below the timber gate in the driveway proves that the space located further south was not designed and used for parking up until now. One can also see these stairs in photograph 6, page 4, of the BIA.



Ref: 6 previous car port drawing



Ref 7 - existing stair case hindering direct access to patio where 2nd car parking space is proposed.

- The proposed creation of additional car parking contravened DP 18 and Core Strategy policy CS11. DP 18.1 states that "limiting the supply of car parking is a key factor for addressing congestion in the borough and encouraging people to use more sustainable ways to travel. It seeks to minimize the level of car parking provision".
- The proposed increased supply of car parking will also contravene DP19 (managing the impact of parking).
- DP19 h and i states that "the Council will require off-street parking to: reserve a building's setting and the character of the surrounding area" and to "preserve any means of enclosure, trees or other features of a forecourt or garden that make a significant contribution to the visual appearance of the area".
- DP 19.9 states that "Development of off-street parking will be resisted where it would cause unacceptable parking pressure, particularly in identified areas of parking street. Off-street parking may also be resisted to protect the environment, highway safety and pedestrian movement".

Please note that we have already suffered a huge loss of amenities as, until 2010, we have seen the garden area in front of our window substantially reduced and where there was a lawn at what used to belong to 8 Pilgrim's Lane until 2010 an after sale transaction executed by the inheritor of 8 Pilgrim's in 2010. The new owner at 3 Downshire Hill has built a parking space for his car which we are now constantly facing. We never received any planning application from Camden at the time.