

[REDACTED]

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**From:** Whittingham, Gideon  
**Sent:** 23 February 2015 13:53  
**To:** Planning  
**Subject:** FW: 2014/5285/P - 39 Rosslyn Hill - obj  
**Attachments:** Planning app 2014-5285-P comments 29th Sept 2014.pdf; App 2014-5285-P dwg section AA.JPG

Gideon Whittingham  
Senior Planning Officer (East Area Team)

Telephone: [REDACTED]

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**From:** Martin McNair [mailto:[REDACTED]]  
**Sent:** 05 January 2015 12:43  
**To:** Whittingham, Gideon  
**Cc:** Stark, Stephen (Councillor); [REDACTED]  
**Subject:** RE: 2014/5285/P - 39 Rosslyn Hill

Dear Gideon,

Thank you for your update of this application's progress.

At the suggestion of Councillor Stephen Stark (copied here), I'm getting back to you to set out our comments on the revised submissions by the agent. For your reference, I'm attaching a pdf file of our earlier comments filed during the consultation phase last September.

In the amended BIA we note that an investigation into the subsoil and hydrogeology of the immediate area has now been conducted and the findings included. The structural engineering report also gives further consideration to the need to support the land during and following construction, but falls short of addressing the serious concerns about ground stability for the neighbouring properties.

We summarise our continuing concerns as follows:

1. Section 5 of the revised BIA contains a suggested methods statement. Firstly, there might be typos or omissions in section 5.4 as there are references to 5.4.7 through 5.4.10 which we cannot find. Can we ask the agent for a corrected version, please?
2. The methods statement refers to the amended drawings by the structural engineers, Conisbee - BIA appendix B. They show temporary wall supports, notably between the rear of the new subterranean rooms and our property at 10d Eldon Grove. However these (hand drawn) additions are just sketches showing little or no engineering basis nor supporting calculations.
3. More critically, the methods statement does not take account of the true slope of the land and the actual height differential relative to our property. I attach a drawing 'section AA' which illustrates this. Although our measurements are not the result of a digital survey, we believe them to be conservative estimates. This would place the base of the foundation excavations some 7.5m below the ground level of 10d Eldon Grove and just 4 to 5m distant from our boundary wall, as per the drawing. We are very concerned that, as part of the independent assessment (mentioned in your email), the structural consequences of this aspect should be given full consideration, particularly as to how such a steep slope would be properly secured.

4. There has been no mention of the new development (granted planning application 2013/1613/P) at 30A Thurlow Road, the neighbouring property to the north west of the applicant. This is also a substantial basement development of similar scale and in close proximity to the garden of 39 Rosslyn Hill. We were invited to meet the applicant and architect for 39 Rosslyn Hill last year around August and raised this point. We believe it would have considerable impact on ground stability and drainage and we trust the independent review will include consideration of this development
5. We are particularly anxious that the mature trees at the end of the applicant's garden are not threatened by the development. The arboricultural report submitted in September addresses this and proposes root protection zones. The dashed grey vertical line on the attached drawing (Section AA) shows the extent of the protection zone, as we understand it. It shows that part of the excavation will compromise the area recommended for protection. We have considerable concern that any additional retaining wall, such as king post or sheet piling or other reinforcement will be even more intrusive and threaten the trees. As presented, the revised drawings are insufficiently detailed and make this difficult to assess.
6. Although it may not be a specific matter for the planning approval process, we hope the applicant and agent will be made aware of the need for party wall agreements with the neighbouring property owners. In our case, it will be needed (contrary to the comment in 2.5 of the BIA) as a 45 degree line taken from the base of the proposed foundation excavations - and certainly any reinforcing wall - will intersect the foundations and boundary walls to the rear of 10d Eldon Grove.

This application must satisfy all parties that the measures to assure stability of the ground both during and after construction have been fully considered. In our view, the original submission and these amendments still don't achieve that.

We would of course be happy to discuss this with you or any of the Planning team. We would also be pleased to meet at our property if that would be helpful.

Kind regards,

Martin

Martin McNair  
[REDACTED]

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**From:** Whittingham, Gideon [mailto:[REDACTED]]  
**Sent:** 09 December 2014 18:46  
**Subject:** 2014/5285/P - 39 Rosslyn Hill

Dear Sir/Madam,

Please note this is a polite update of the application's progress.

The application remains under consideration, but further details have been submitted in respect of the basement element (available on the Council's Website), namely:

- A new BIA and associated appendices
- Revised proposed drawings

The newly submitted details relating to the basement will be independently assessed in due course and the outcome will be made available, again on the Council's Website.

Please feel free to pass this email on to those relevant.

Regards

Gideon Whittingham BA. B.Sc. Dip TP  
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## **Camden Planning Application 2014/5285/P**

29<sup>th</sup> Sept 2014

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 150m<sup>2</sup> out of a garden area of approximately 260m<sup>2</sup>, 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 Rosslyn 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 BS5837:2012) 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 Rosslyn Hill. The building would cover over 70m<sup>2</sup> and the terrace area over 60m<sup>2</sup>. 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 Rosslyn 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 Rosslyn 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 Rosslyn Hill) struck water at around 4m depth. It is also known that river tributaries flow through the soil strata in this area.

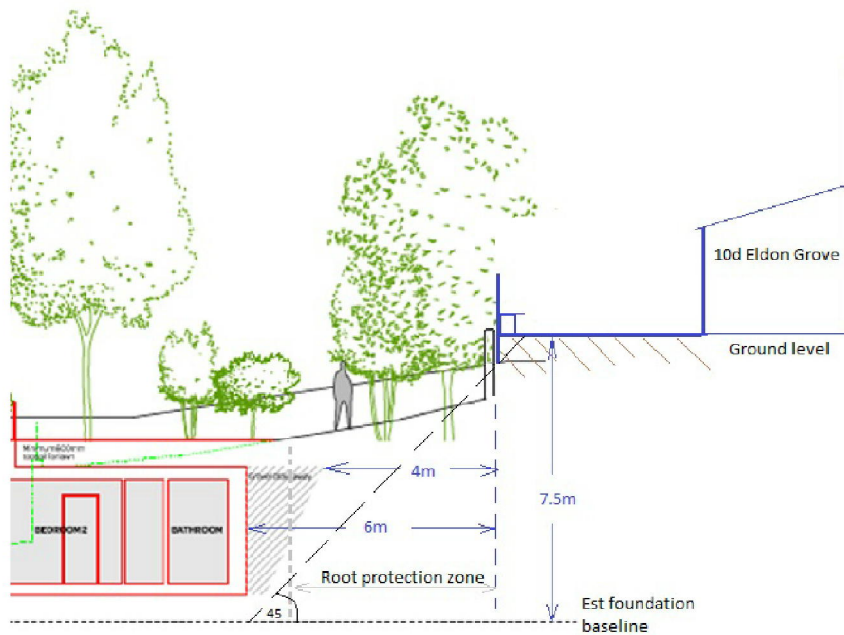
- d. 3.3.5 Presence of London Clay at the site. This has not been assessed. The report appends test pit reports from other locations, Downshire Hill and Gayton Road which are over 18 and 14 years old respectively.
- e. 3.3.6 Work within tree protection areas. A review of the proposed ground floor plans 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 Rossllyn 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 Rossllyn 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.



Jan 2015

**General notes:**  
 1. Do not scale drawings, dimensions govern.  
 2. All dimensions are in meters unless noted otherwise.  
 3. All dimensions shall be based on site level unless otherwise indicated.  
 4. Squaresfeet Architects shall be notified in writing of any discrepancies.

**Party Wall Act 1996:**  
 Note: The proposed programme shall include the inclusion of Squaresfeet Architects (the Client) into the party wall agreement prior to commencement of the programme as detailed in the drawing to ensure whether the work is within the scope of the Act, adjacent and adjoining owners to be served in statutory notice.

**CDM Regulations 2007:**  
 These drawings have been produced for the purpose of design for the purpose of building regulations only. If the project progresses to construction, the client and contractor must ensure that they comply with the relevant regulations. The client and contractor must ensure that they comply with the relevant regulations. The client and contractor must ensure that they comply with the relevant regulations.

**KEY**

	existing
	new
	demolish

**PLANNING**

0 2000 4000mm

Revision

1	August 2014	Revised

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Drawing title: **PROPOSED SECTION AA**