Application 2015/4157/P

Attention: Rachel English, Thursday August 8th 2015

Senior Planning Officer

Camden

UPDATED VERSION

Dear Rachel,

Following my e-mail of 30th July and our subsequent telephone conversation on that day, I wish to bring the following to your attention.

First you mentioned during our conversation that this application is on hold until the ruling by the Inspectorate on Permitted Development (“PD”) re; Quadrant Grove has been decided.

As mentioned during our telephone conversation of last week, irrespective of the Inspectorate ruling on Permitted Development, this application should not in any circumstances fall under PD for a number of reasons some of which I will outline below.

1. Engineering operation

This is clearly an engineering operation as was clearly evidenced by the BIA and the copious amount of technical correspondence on the previous application that is in many ways similar to this application. The crowded location, the delicate topography of the soil and the location next to the convergence of downward sloping makes a basement in such circumstances a challenging engineering proposition in the best of circumstances. These challenging conditions are accentuated by the presence of a flying freehold at the end of a row of terraced houses on one side (6,4,2 Pilgrim’s Lane) and especially the presence of an unusual flying freehold structure at 10 Pilgrim’s Lane which squarely rests on two pillars located at 6 Pilgrim’s Lane.

The July’s edition of CPG4 is unequivocal on the subject by stating in paragraph 1.8 that PD will be removed for “engineering operations”. For this reason alone the application under DP should be dismissed. The applicant should instead file a full-fledged Planning application including a BIA and a detailed construction Plan, construction management and traffic management plan.

1. DP 27

The previous application was heavily criticised during the DCC of April 2012 and was overwhelmingly rejected at the time. The breaches of DP 27 and DP 23 were one the key reasons why the previous applications was rejected. The technical difficulties and challenge remain essentially the same: the application proposes to excavate along one or two of the critically sensitive columns that fully support 10 Pilgrim’s Lane and again the applicant does not explain how the scheme would not compromise the stability and afflict significant damages to the neighbouring property or provide appropriate load baring and stress calculations on how the excavations around the two columns will not compromise the stability of 10 Pilgrim’s Lane.

Furthermore the applicant this time around in his graph dated July 2015 produced by Brod Wight only shows that excavation will take place along the Southern column that supports 10 Pilgrim’s Lane. Clearly a significant excavation throughout the cross section of the property and at the limit of the footprint of a property will create ground movement to the surrounding properties. Our expert consultant, Michael de Freitas, Chartered Geologist and professor emeritus at Imperial College London- Geology- CGOL, is clearly of the opinion that a significant excavation such as this one will create ground movement that will negatively impact the surrounding properties. The applicant does not even show how deep it will be but clearly in view of the sloping terrain it will be deeper than the excavation proposed around the Northern Column. Considering as well the critically nature of the Southern column, this clearly demonstrates that DP 27 is highly likely to be fully breached and this is cause for very serious concern. The applicant also does not show either how long the excavation will be along the drive ways.

Furthermore what is truly alarming is that the applicant, despite our consultants and our continued effort to point to the real danger of severe damage, has, in my clear view, consistently, during the course of the last 5 years, failed to tackle the issue of proper support of the column(s) supporting the flying freehold. It is clear, in my opinion, that the applicant grossly and blatantly continues to understate the obvious dangers that any of these schemes, including the current one, will expose the neighbouring properties to.

1. DP 23

Water was found in the previous application close to the surface and at close proximity to the current proposed excavations. This is despite the water measurements in the boreholes being conducted in dry weather conditions.

Previously in the larger basement scheme a large underground drainage had been proposed in attempt, albeit unsatisfactory, to divert the rain water.

The current scheme albeit smaller will undoubtedly cause underground water to be diverted around the proposed basements and be directed to the neighbouring properties and especially in time of heavy rains but no water scheme is even suggested.

Furthermore in the previous scheme several SUDS were proposed. No such proposal is proposed either here, hence further raising cause for pronounced concern.

DP 23 will also therefore be in all likelihood breached.

1. Extension beyond the footprint of the house

The applicant writes that the “new basement to the rear of the property entirely within the footprint of the existing house”. We do not think that this is going to be the case.

Looking at the section C-C provided by the applicant we notice that it is still dated October 2011. In other word the proposed scheme appears to be in many ways a repeat of the previous and rejected application. The section C-C shows that the basement will be lowered at the kitchen level along the car port and therefore along the Northern Column supporting 10 Pilgrim’s Lane.

It is impossible to excavate along the column supporting the flying freehold and not expect very severe damage unless you somehow and at the very least excavate all around the column. This is in order to fully support the column and create an all around concrete base or similar engineering and precise mechanism in order to create a deep and large concrete support and base that would be significantly lower, wider and stronger than the current base. Furthermore and for sound engineering purposes, one will need to box the base of the column(s) with a concrete or brick construction in order to fence off possible water run off during the construction phase. The applicant fails to show any information, plan or section on these critical points.

As a direct consequence of the above you will in effect create a basement with an excavation and a base that will extend beyond the existing footprint of the house since you will need to also excavate within the carport area in order to somehow attempt to properly secure the column.

The proposed excavation would extend beyond the footprint of the house as the new walls extending South of the car port shows (reference Brod Wight July 2015).

So this application is therefore infringing on the definition of PD as the excavation and the necessary basement construction will extend beyond the footprint of the existing house.

1. Other reasons for rejection of this application under PD: overdevelopment and extensions outside the foot print of the house.
2. A large patio concrete patio is proposed outside the footprint of the house and into the garden. There is already a very large outside patio located along the Southern boundaries of the properties. There is clearly no planning justification to further extend this into the garden. The garden has already suffered cumulated net loss of garden space during the course of the last 7 years. Furthermore one of the reasons for rejection at the DCC of April 2015 was for the overlarge development aspect of the proposed scheme. This goes totally against this grain.
3. My property will be overlooked by the new proposed patio and the outlook of the property from my property will be compromised
4. The proposal also include roof veluxes outside the foot print and the side of the house
5. Absence of Traffic Management and construction management plan

Pilgrim’s Lane is at this location a narrow one way street. The significant scope of this application will generate traffic and safety problems unless proper traffic management and construction management plan can demonstrate prior determination that the scheme will not unduly impact the neighbouring community. No information has been provided either on this matter. This was already a deficiency in the previous application and was the fourth reason for refusal (reference Decision for refusal 8th April 2014). The present scheme would therefore continue to breach CS5, 11 and DP 21 and 26.

In general the collection of the 3 separate application lodged in July 2015 by the applicant is essentially the same as the one that was overwhelmingly the same as the one that was rejected except for the absence this time around of a basement under the patio.

Last but not least all these matters that were refused during the DCC of April 2014 are the subject of an appeal that is due to take place around Q4 of this year. The whole matter should be put on hold and debated in front of the Inspector.

It would be highly inconsistent for the Council not to refuse this application under PD in view of the history of this case.

In any instances the PD should be refused for many of the above reasons each one of which is reason on its own to dismiss this application under its current format.

Thank you for your attention.

Regards,

Oliver Froment and family

10 Pilgrim’s Lane

London NW3 1SL