

Application 2015/4157/P

Attention: Rachel English,

Friday August 8th 2015

Senior Planning Officer

Camden

UPDATED VERSION

Dear Rachel,

Following my e-mail of 30th July and our subsequent telephone conversations on that day and today, 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.

2- Extension beyond the footprint of the house

A-

The applicant writes that the “new basement to the rear of the property (is) entirely within the footprint of the existing house”. This is not the case.

The proposed excavation would extend beyond the footprint of the house as the new basement walls, extending south of the car port, shows (reference: plan 999-AP4-03, proposed basement, Brod Wight July 2015).

The same plan, reference: “999-AP4-03 CL Brod Wight proposed basement plan & garden flat- July 2015”, submitted with this application is also very misleading to the point of being inaccurate. The applicant clearly shows a new corner wall extending at basement level along and beyond the existing wall in the southern part of the car port and also at a right angle along the patio and on the side of the new bay window. One will also notice in the plan, new proposed stairs leading down to the basement at a location where there was no such stairs before. This clearly means that the new area in the south corner will have to be dug out. Hence it is misleading to write in bracket “Existing Floor Level” since the ground would have to be excavated not only where the new stairs are proposed but also on both side of the new proposed stair case below all the way to the right and left corner of the southern walls, **below** the existing ground level and outside the existing footprint of the house. This is not shown in the plan.

B -

We also notice on the same plan another and separate second set of 2 steps in front of the new bay window and leading into the outside patio. This would therefore also further indicate that the applicant is proposing another additional basement structure into the outside patio area hence even further proving that a substantial part of this application has to do with a basement extending beyond the footprint of the house and hence further evidencing that we are not dealing at all with a PD.

There also appears to be another set of inconsistencies and errors in this drawing:

-the new outside lower patio is shown at a depth of 79.22 yet the stairs starting at the new bay window are shown going down to a level of 79.92. Some of those figures therefore appear wrong and inconsistent.

-furthermore the new wall extending south east of the new bay window is more than 70 cm deep (difference between the 79.93 minus 79.22 and the thickness of the slab and the foundation). Therefore this should be also shown as a new basement wall rather than an existing wall.

C-

It is impossible to excavate along or at proximity to 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 with a precisely timed and demonstrated engineering process requiring very high precision and details. 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.

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

As a further direct consequence of the above you will also in effect create a basement with an excavation and a base that will also extend beyond the existing footprint of the house in the car port area since you will need to also excavate within the carport area in order to somehow attempt to properly secure the column. As the 5 years of history of this case has shown, the applicant has constantly and clearly failed to prove and by a very long margin, that his schemes would be up to this daunting challenge. This time around the applicant does not even address the issue in any shape and form!

The above is significant on two respects: this further proves that we are not dealing with a case of PD in any circumstances whatsoever and second it does not even attempt to demonstrate at all how the proposed excavation along and at close proximity to the ever so sensitive Southern column, on which the flying freehold of 10 Pilgrim's lane rests, would take place without breaching DP 27.

3- DP 27

The previous application was heavily criticised during the DCC of April 2014 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 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 let alone provide appropriate load bearing and stress calculations on how the excavations around and/or at close proximity to the column will not compromise the stability of 10 Pilgrim's Lane.

The applicant does not even show how deep it will be but clearly in view of the sloping terrain it will be deep. Considering as well the critically nature of the Southern column, this clearly demonstrates that DP 27 will be fully breached in all likelihood and this is cause for very serious concern.

Furthermore what is truly alarming is that the applicant, despite our consultants and our continued efforts to point to the real danger of severe damages in proposing to have a basement at close proximity to the columns supporting the flying freehold of 10 Pilgrim's Lane and the numerous rejections by the Planning department of Camden to that effect,

has, in my clear view, consistently, during the course of the last 5 years, clearly failed to adequately tackle the issue of proper support of the column(s). It is clear, in my opinion, that the applicant grossly and blatantly continues to understate the obvious dangers that any of these schemes and even more so the current one, will expose the neighbouring properties to. Our expert consultant, Mr Michael De Freitas has all along insisted that due to the complexity of the terrain and the extreme sensitivity of the flying freehold, there is a requirement here to have no margin for error. It is deplorable that the applicant makes this time around **no attempt whatsoever** to address, let alone taking into account, the sensitivity of the southern column that supports the flying freehold of 10 Pilgrim's Lane. The applicant still proposes to excavate next to or at close proximity to the column(s) and this despite the numerous and repeated times that the matter was pointed to them as of utmost concern in terms of stability and damages to the neighbouring structure.

4- 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.

5- Other reasons for rejection of this application under PD: overdevelopment and extensions outside the foot print of the house.

a- 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.

b- My property will be overlooked by the new proposed patio and the outlook of the property from my property will be compromised

- c- The proposal also include roof veluxes outside the foot print and the side of the house
- d- There are a number of outside features that the Council has objected as part of the appeal.

6- 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.

Conclusion:

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

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