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166 Regents Park Rd – Planning appeal statement of case

Dear Sir or Madam,

I write on behalf of our client to appeal the planning procedure deployed with regards to application PP-05130542, a small rear extension to a property at 166 Regents Park Road.

Whilst we have every belief that the planning team are working in good faith, we feel in this instance the process has been overbearing in its requirements, demanding excessive amounts of information leading to unnecessary expense and delay.

Our proposal sought to infill a small rear yard with a two-storey extension, green roof and terrace; creating additional office space and enhancing a currently underused space with a design the planners agree is appropriate and suggest they are minded to approve. Part of the works would involve excavating less than 1 meter of existing spoil to level the yard with the existing lower ground floor.

The council are therefore treating the proposal as a basement and have requested a basement impact assessment, which we have provided. However, the council are refusing to progress the application without further studies which given the limited extent of the works, we believe to be unwarranted. The points below constitute our grounds for appeal:

1 - The proposal is not a basement

Whilst the proposal involves some excavation, the proposed works are an extension of the existing site condition rather than a completely new configuration. The extension would dovetail with the existing lower ground floor, with the excavations in the yard dropping the level by less than 1 meter to match the existing. As can be seen on the drawings, part of the yard is already at this level. Aside from conventional foundations, no structure is being proposed at subterranean level.

We appreciate that Camden treat excavation works near foundations as basement works and to this end have supplied a basement impact assessment (BIA) carried out by Packman Lucas – an experienced and well respected firm of structural engineers. The BIA provides relevant geological and hydrological data in addition to an outline structural scheme and calculations. Given the limited depth of the excavations and very small scope of the scheme,

we believe the comprehensive information provided in the BIA is more than sufficient to understand the impact of these minor earthworks.

2 - The Additional requirements are excessive

On December 22nd 2016 the council sent out an additional list of requirements entitled '12466-06 Appendix 2' for submission prior to a decision being made. However, we contend these are excessive: the BIA already provides information about the groundwater conditions, hydrological data and the flooding risk, demonstrating these are negligible. The BIA also demonstrates through calculations a viable structural scheme and foundation design, supported by data from trial pits and borehole window sampling.

The appendix calls for a specialist to prepare a separate flood risk assessment, but we feel this focus on flooding is misplaced. The area proposed for excavation is made ground with waterproof membranes preventing the absorption of surface water, which instead runs off to gullies joining the main drainage. Therefore, the proposed works amount to no material change to the surface water conditions. Crucially, this requirement ignores the fact that the lower ground floor - which the extension is to match – already occupies the majority of the site at the proposed level of the excavations and has never been subjected to flooding.

The appendix also calls for development of the structural scheme into a full construction package. This obligates our client to expend significant resources on detailed design for a scheme prior to any guarantee it will receive planning permission. Were the scheme proposing a larger basement with a significant subterranean footprint, we would not be adverse to this requirement – indeed we have worked with Camden's basement planning procedures before with no issues. However, we believe applying this requirement to these relatively minor excavations is in this instance onerous and unwarranted.

Additionally, this requirement ignores the reality of the construction process. This has been particularly highlighted by the council's use of external checking engineers. Whilst we agree checking engineers are a worthwhile venture, the manner of their deployment leaves no room for flexibility between auditing larger basement works and smaller excavation such as ours. It is also difficult for checking engineers to take a non-subjective standpoint owing to legal liability. For example, insisting on detailed temporary works and propping design at planning stage is unnecessary but ensures the engineers have shown due diligence. Perhaps this is best expressed by the planners recommending for approval without this information, a decision delayed at the last moment by the engineers demanding completion of detailed design.

Whilst we of course support the council's efforts to protect adjacent structures, party wall awards will be required which by their nature protect adjoining owners from damage through verifying the structural designs. As chartered built-environment professionals, neither ourselves or the engineers will permit work to be undertaken on site without comprehensive architectural and engineering designs. We therefore feel the scope of work

required by the appendix is significantly out of proportion to the scope of the works, which are neither extraordinary or complex.

3 - The planning process has been Kafkaesque

Whilst we respect the intricacies the planners face in balancing the interests of various stakeholders against planning policy frameworks, in this instance we feel the uncritical deference to policy is unnecessarily confusing a fairly straight forward process. We have previously requested the council move requirements such as a full engineering scheme from pre-planning to post-planning conditions. This simple move would give our client confidence to commission the works in the knowledge they will not transpire to be a folly. However, the council have refused this, insisting that the full basement application process must be followed. We cannot comprehend why this is so when all parties agree that the limited excavations do not constitute a basement. Additionally, despite submitting the application on August 6th 2016, we have not received a decision or any serious attempts at resolution from the planners, not only significantly delaying the works but also leading to financial loss to our client.

In conclusion, we attest that the requirements for these minor works now far exceed the scope of the scheme and have become divorced from the reality of the site condition, despite the extensive agreement amongst all parties of the facts of the case. We thus hope the inspector will offer some clarity in expediting this situation and look forward to hearing their views.

Yours Sincerely,

Brian O'Reilly Architects