

# Representations

**Planning Application Ref: 2017/55233/P**

## **40a Parkhill Road**

Camden, London, NW3 2YP

On behalf of No. 40 Parkhill Road, London, NW3 2YP

24/05/18

Job Ref: 3162

## **Table of Contents**

### Executive Summary

- 1.0 Introduction
- 2.0 Impact on Heritage Assets
- 3.0 Extent of Proposed Basement
- 4.0 Impact on Neighbouring Properties
- 5.0 Harm to Amenity
- 6.0 Summary and Conclusions

## Executive Summary

- These representations have been prepared on behalf of the owners of the adjoining residential property at No. 40 Parkhill Road, London, NW3 2YP.
- A review of the application material confirms the design of the proposals represent an unsympathetic approach to neighbouring amenities, which is a consequence of the substantial basement accommodation (and the associated demolition works) proposed by the scheme.
- The proposals fail to address a number planning issues and are directly in conflict with Camden's recently adopted Development Plan policies, as follows:-
  - The development would fail to preserve or enhance the character and appearance of the Parkhill and Upper Park Conservation Area.
  - The development, by reason of the excessive depth and scale of the basement extension, would not accord with the objectives and guidance set by Camden's Development Plan Policy.
  - The applicant has failed to demonstrate that the development would maintain the structural stability of the host building, and also that of other sensitive heritage buildings that are directly adjacent.
  - The development would cause significant harm to the amenity of the area, and would give rise to a host of unacceptable construction impacts.
- The attached statement sets out specific policy objections to the proposal and suggested reasons for refusal.
- For all of the above reasons, our clients strongly object to this planning application and request that the proposals are refused.

## **1.0 Introduction**

- 1.1 We act on behalf of the owners of the adjoining residential property at No. 40 Parkhill Road, London, NW3 2YP, and have been instructed to submit representations in respect of the above planning application, currently pending consideration by the Council.
- 1.2 We wish to object to the application, on the basis that the proposals do not satisfactorily accord with the relevant Development Plan policies or National Planning Guidance, and will have an unacceptable impact upon neighbouring properties.
- 1.3 A summary of our representations is provided below.

## **2.0 Impact on Heritage Assets**

- 2.1 The subject properties occupy a prominent position within the Conservation Area, with No. 40 identified as being a positive contributor.
- 2.2 There is a statutory duty to preserve or enhance the character and appearance of such areas, with further guidance at criterion (e) of Policy A5 noting the importance of assessing any potential harm from basement development on the significance of heritage assets.
- 2.3 Part of the application proposals involve the creation of a new larger lightwell to the front of the dwelling which incorporates a grilled cover, and large skylight to its linking section.
- 2.4 The proposed arrangement is not reflective of the prevailing character within the area, and not typical for the original coach house building type. This in turn raises concern regarding potential harm to the relationship between the building and the wider streetscape.
- 2.5 Furthermore, the inclusion of rooflights designed within the landscaping of the front garden, and again within the shared walkway, could cause additional harm to the setting.

- 2.6 We would like to draw particular reference to the guidance contained at paragraph 134 of the NPPF, which provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed use.
- 2.7 There are no public benefits flowing from this development, and no justification for the harm to the heritage assets. The proposal is therefore contrary to the development plan and national policy.

### **3.0 Extent of Proposed Basement**

- 3.1 Upon review of the application documentation, we consider that the extent of the proposed basement is contrary to Camden's recently adopted policy guidance.
- 3.2 The Council is acutely aware of the considerable and well-placed concerns regarding the impact of basement development within the Borough, as these considerations formed a key topic in the preparation of the Local Plan.
- 3.3 We note the significant volume of representations received in respect of basement development during the consultation stages on the Plan, from a large number of community groups, organisations, individuals, residents, and local Councillors, wanting to see a stricter control over such development including limits on depth and extent.
- 3.4 As a result the Council reviewed its policy on basement development and set out a new approach within Local Plan Policy A5 (Basements), which sets a number of strict criteria which must be adhered to in order to ensure that adjoining neighbouring properties and buildings are protected from unacceptable impacts. In particular, Policy A5 provides that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to the host building and property.

- 3.5 It is clear from the scheme drawings that the proposed basement footprint is significantly larger than the existing ground floor plan, and in no way therefore can the proposals be considered to be subordinate to the host dwelling.
- 3.6 Amongst a range of considerations, Policy A5 specifically notes at criterion (k) that basement development should '*not extend into or underneath the garden further than 50% of the depth of the garden*'.
- 3.7 It is evident from the application plans that the depth of the basement projection into the front garden space is approximately 6 metres from the line of the front façade, which therefore extends significantly beyond the 50% requirement set by Policy A5.
- 3.8 This contravention is illustrated in the following annotated images.

Image 1 - Extent of Proposed Basement into Front Garden

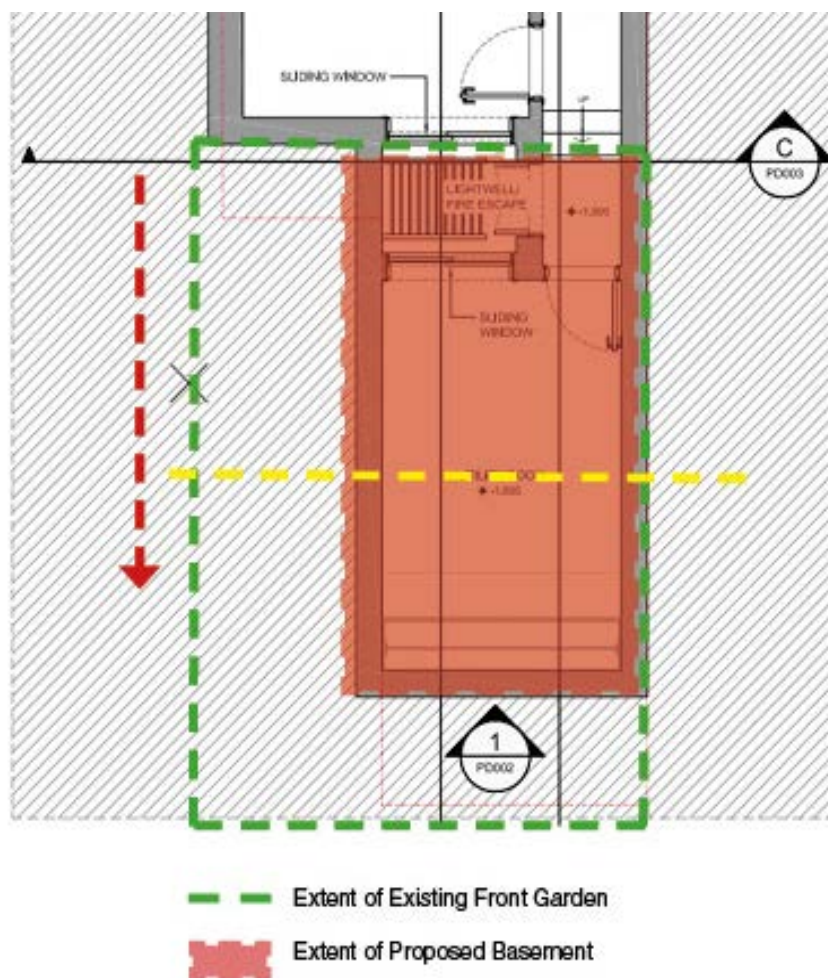
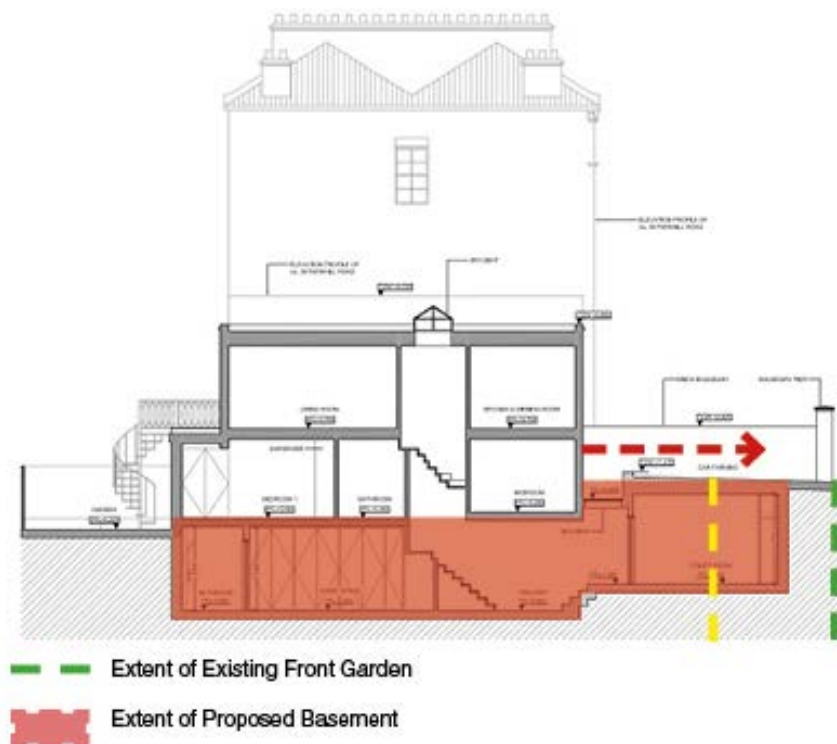


Image 2 - Extent of Proposed Basement into Front Garden



#### 4.0 Impact on Neighbouring Properties

- 4.1 Policy A5 makes it clear under criterion (a) that in determining proposals for basement development, the Council will only permit proposals where there would be no impact upon neighbouring properties.
- 4.2 It is imperative that the Council is satisfied that effective measures will be taken during demolition and construction works to ensure that damage is not caused to adjoining buildings.
- 4.3 The guidance at Paragraph 2.58 of CPG 4 notes that *‘poor demolition and construction methods can put its neighbours at risk and so can have considerable effects on the character and appearance of heritage buildings and conservation*

areas'. This is particularly relevant in respect of our client's property which is defined within the Council's Management Plan for the Parkhill and Upper Park Conservation Area as being a 'building which makes a positive contribution'.

- 4.4 Based on the information contained within the supporting documentation, it is not possible to make a comprehensive and critical assessment at this stage about whether the proposed excavation can be undertaken without posing an unacceptable risk to the structure and fabric of the historic buildings or the stability of surrounding properties.
- 4.5 The Basement Impact Assessment (BIA), and associated Ground Movement Analysis, do not provide sufficient detail on the proposed construction methods and related implications for the proposed development, nor do they detail proposed methods of ensuring the safety and stability of neighbouring properties throughout the construction phase.
- 4.6 Given the heightened sensitivity of the building and the significance of the building work that has been proposed, we would urge the Council to seek further more comprehensive information in respect of the method statements and construction plans, to enable our client to critically review the material, and we trust that the Council is to take its own expert engineering advice during the processing of the application.
- 4.7 We request that the Council's expert engineering advice is made available to our clients so as to allow them to take independent advice if necessary.
- 4.8 Without definitive safeguards that our Client's property will not incur harm from the proposed basement excavation, this planning application should be refused. Furthermore, given the heritage importance, it is imperative that this information is considered now and at this stage prior to any decision being taken by the Council.

## **5.0 Harm to Amenity**



- 5.1 The subject properties occupy a prominent position within the Conservation Area, with No. 40 identified as being a positive contributor.
- 5.2 Our clients have significant concerns regarding the impact that the proposed development would have upon their amenity, together with that of other nearby properties within Parkhill Road.
- 5.3 The sub-text to Policy A5 (6.125) provides that the demolition and construction phases of a development can have an impact on amenity and this is a particular issue for basements.
- 5.4 It must be stressed to the Council, that the existing properties at Nos. 40 and 40a Parkhill Road have shared access rights to parts of the application site.
- 5.5 In particular, you should note that our client has a legal right of way through the sunken walkway stretching the rear portion of the application boundary, and also so over the front garden forecourt directly to the front of the application site. This right enures in perpetuity and would need to be maintained during the course of construction.
- 5.6 The sunken shared walkway area provides our client direct access to their rear garden, storage areas, and utility meters, whilst the front forecourt area enables direct access to off-street parking.
- 5.7 This current arrangement leads to significant and obvious concerns with regard to future access and disruption during comprehensive construction works associated the proposed basement construction.
- 5.8 Amongst other items, the walkway enables regular maintenance equipment and landscaping material to be brought to the back garden without going up the stairs and through the main dwellinghouse.

- 5.9 Furthermore, given the spatial constraints at the site frontage, it is considered that any future site hoarding would prevent vehicular access given the close proximity of the existing brick piers.
- 5.10 Any restriction to these areas would therefore cause significant harm to the ability of our client's family to enjoy and make the full use of their property.
- 5.11 Notwithstanding the above concerns, we note that the Council's guidance states that they will seek to minimise the disruption caused by basement development and may require Construction Management Plans to be submitted with applications.
- 5.12 A Construction Management Plan (CMP) has not been submitted in support of the current application, and therefore there is insufficient detail to enable the proper and full assessment of the proposals.
- 5.13 We consider that it is absolutely fundamental to obtain such information for review at application stage given the complexity of the site, the intimate relationship between the two properties, and the sensitivity which should be afforded to their protection.
- 5.14 Given this relationship, and as noted in the previous section it is imperative to understand the severity of the impact from the proposed construction works.
- 5.15 In particular, our clients need to be able to assess the anticipated predictions for noise and vibration levels throughout the proposed works, and these technical elements warrant detailed consideration prior to any determination.
- 5.16 The resultant construction traffic impact and routing also needs to be carefully considered and risk assessed, taking into account the need to avoid conflict with the current street network and local trip generators. Consideration of the loading arrangements is also required given the amount of material that would be associated with a development of this nature and size.

## **6.0 Summary and Conclusions**

- 6.1 Our review of the application material suggests that the design of the proposals represent an unsympathetic approach to neighbouring amenities, which is a consequence of the substantial basement accommodation (and the associated demolition works) proposed by the scheme.
- 6.2 In summary, the application proposals raise a number planning issues that conflict with Camden's Development Plan, as follows:-
- The development, by reason of the excessive depth, and scale of the basement extension, would not accord with the objectives set by Local Plan Policy A5 (Basements).
  - The applicant has failed to demonstrate that the development would maintain the structural stability of the host building and adjacent buildings, contrary to the guidance contained within CPG 4, and Local Plan Policy A5 (Basements).
  - The development, would be detrimental to the amenities of the area generally, contrary to the guidance contained within CPG 4, and Local Plan Policy A5 (Basements).
  - The development, by reason of its excessive depth, footprint, scale and impact, would neither preserve nor enhance the character and appearance of the Parkhill and Upper Road Conservation Area. Thus, it would be contrary to Local Plan Policy, and the requirements of the NPPF.
  - The development, would be detrimental to the amenities of the area generally, contrary to the guidance contained within CPG 4, and Local Plan Policy A5 (Basements).
- 6.3 For all of these reasons, we contend that the proposals fail to pass the Section 38 test of the Act and as such the Council are respectfully requested to refuse to grant planning permission accordingly.

- 6.4 We would be happy to discuss any of these matters with the Council as the application is progressed, and request that Officers arrange to visit our client's property.
- 6.5 We look forward to your formal acknowledgement of these representations and request that the Council contact us before any formal decision is taken on the application.