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Ms Jaspreet Chana  
London Borough of Camden  
Planning Department  
5 Pancras Square  
London  
N1C 4AG

26th April 2019

Dear Ms Chana,

**Re: 75 Lawn Road, London NW3 : Planning Application 2018/2136/P**

It has been some time since we were last in correspondence about this application. Since then we have been attempting to understand and address the concerns of the council and resolve the present impasse. In doing so we have reviewed the information offered by No. 76 Lawn Road, and taken expert advice from a broad range of consultants, including; party wall surveyors, structural engineers, geotechnical engineers, planning consultants, and property and planning lawyers. We have also reached out to the owner of No. 76 and offered our assistance to her. With input from the team, Nash Baker Architects have produced this letter that sets out the complexities of the application, and seeks to obtain the council's advice and guidance to unlock the current deadlock.

Most recently our engineers (eHRW) have been consulting with Campbell Reith on possible solutions to address the damage at 76 Lawn Road caused by subsidence. It has now reached the point where Campbell Reith have suggested we would all benefit from your input as any solution will require your approval and a careful worded condition.

**Background**

My apologies in advance if this covers old ground, but we felt that given the length of time that has passed since this application was submitted, we all could benefit from a recap.

75 Lawn Road is unmodernised and in need of substantial works, as a result, it has lain empty for almost two years now. On 8<sup>th</sup> May 2018 Nash Baker Architects submitted Application 2018/2136/P, for the:

*'Formation of new basement level with front and rear lightwells, single storey rear infill extension, part single, part two storey side extension, front, side and rear dormer windows, front and rear landscaping, alterations to driveway and associated works'*

The Basement Impact Assessment (BIA) was registered by Campbell Reith on 18<sup>th</sup> July 2018. Campbell Reith subsequently issued their initial BIA audit on 24<sup>th</sup> August.

On 29<sup>th</sup> August 2018, we understand the owner of No. 76 Lawn Road contacted you with concerns about cracks that had appeared at her property which she felt could be related to basement excavation at 77 Lawn Road. As such, she had concerns that a basement at No. 75 could further compromise the structure of her home. I understand that, on 5<sup>th</sup> September 2018, you brought this to Campbell Reith's attention, and asked for them to take these neighbourly concerns into consideration before re-issuing their BIA audit. In turn, Campbell Reith advised they would consider this when completing the next phase of their audit and noted a copy of Ms Solomon's *'report / assessment would be useful in due course'*.

Following receipt of Campbell Reith's initial Audit, Nash Baker Architects, acting in their capacity as the client's agent, supplied you and Campbell Reith with an amended BIA and supporting documents on the 9<sup>th</sup> October 2018. On 23<sup>rd</sup> October 2018, you emailed Nash Baker Architects stating, *"This application will be recommended for approval as it overcomes the reasons for refusal of the original application, but it will be subject to Campbell Reith's audit report which we will receive some time in November"*

After requests for an update, Graham Kite from Campbell Reith responded to Nash Baker Architects on the 8<sup>th</sup> November stating, *"we have not yet received the party wall surveyors' reports. We have however received some monitoring data and a report commissioned by 77 Lawn Road. I am unsure at this stage what I can pass directly to you, as the data has been passed to us by a 3<sup>rd</sup> Party in regards to a separate application to yours - I will make sure LBC (Jaspreet CC'd) also have copies of the same reports so that they can decide what can / can't be given to you at this stage."*

On the 28<sup>th</sup> January 2019, 16 weeks after Nash Baker Architects submitted the revised BIA, Campbell Reith provided their second BIA audit. The following day, your colleague Neil McDonald advised us that Camden had given the owner of No.76 until the end of the week (1<sup>st</sup> February) to share their party wall report with Nash Baker Architects so that it can be taken into consideration. If it was not forthcoming then the application would be determined on the publicly available information, and therefore presumably approved.

On 5<sup>th</sup> February, some 4 days after the deadline, you provided Nash Baker Architects with a 'Report on the Cracking and Movement of the Structure' which had been prepared on behalf of no 76, and advised Nash Baker Architects that *"The original BIA that was provided with the application made an assessment of the new basement assuming that No.76 is in good structural condition, which is not the case. Therefore, the BIA needs to be revised taking into account of the structural survey provided and propose appropriate mitigation as required to ensure stability and no further damage to No.76. Regardless of how the damage to No.76 has been caused, any further movements to No.76 may result in disproportionate damage therefore the engineers at No. 75 must make a structural assessment and suitable construction methodology in their revised BIA."*

On 7<sup>th</sup> February 2019 eHRW e-mailed Campbell Reith for clarification and advice on how to proceed considering the new information:

*'Graham*

*I called your office but understand it is easier to contact you by email. We have now received a report on the cracking at No 76 Lawn Road. We have updated our BIA in line with your comments in your email of 28th January. Our soils consultants are querying what account they should be making of the poor condition of No 76. Their comments are as follows:-*

*As well as revising the pile depths in line with Campbell Reith's requirements we have had to assume that for purposes of this assessment that the existing buildings surrounding the site are already structurally competent. We are unsure how you predict damage on an already damaged building using CIRIA C760 and would require much more guidance from Campbell Reith if they want us to do this.*

*This amendment will keep the level damage into Category 1 (very slight) so acceptable for the council.*

*However, the Alan Baxter reports shows No. 76 actually has much higher level of damage than Cat 1 already so unsure how our assessment can even relate or be applied to this already damaged building? Any trigger levels would fail the council's guidelines immediately before a spade is in the ground!*

*Would it be possible to discuss this with you before we reissue our revised BIA. Note that as above it assumes an undamaged building.*

*Regards*

*Brett (engineersHRW)"*

To which the response the same day was:

*"Hi Brett*

*As discussed, knowing that the neighbour is already structurally damaged, we would not be able to accept a GMA on the basis that it assumes no structural damage to neighbours. However, as you have stated that works would be programmed to be concurrent / post repairs and underpinning to the neighbouring building, if you make this clear in your GMA / BIA / outline construction programme then we can judge the assessments on their merits. I assume you will re-issue these documents to reflect the intended programme.*

*Regards*

*Graham Kite"*

Campbell Reith believed, not unreasonably, that No. 76 would be undertaking repairs to address the damage to their property. They therefore suggested that the works to both properties be

programmed to occur concurrently. Such work would typically involve underpinning of the property and repairs to visible cracks and would normally be covered by the property owner's building insurance.

We understand that the owner at no. 76 is unwilling, and/or unable, to undertake the necessary remedial works to their property to address the damage; the causes of which firmly lay outside of no.75 Lawn Road's boundary and our client's control.

#### The Matter

The crux of this issue hinges on Camden Planning Guidance, 'Basement and Lightwells' (CPG4), paragraphs 3.25 and 3.26 (extract below) which acknowledges that '*excavation always move to some extent no matter how they are supported*' but requires that the applicant's engineers demonstrate how the proposed excavation will not cause damage to neighbouring properties greater than 'slight' or 'Category 1' as defined by CIRIA C580.

- 3.25 The engineering interpretation will require calculations of predicted ground movements and structural impact to be provided. Examples of these calculations are given in appendix D of the Camden Geological, Hydrogeological and Hydrological Study. The sides of excavation always move to some extent no matter how they are supported. The movement will typically be both horizontal and vertical and will be influenced by the engineering properties of the ground, groundwater level and flow, the efficiency of the various support system employed during the underpinning and the efficiency or stiffness of any support frames used.
- WATER INGRESS**  
Change to water flows and levels both above and below ground.
- 3.26 If the identified consequences are not acceptable, mitigation should be incorporated into the proposed scheme and the new net consequences determined. For example, where there is predicted structural damage to neighbouring property, or where water ingress to neighbouring gardens or properties is predicted to be damaging to residential amenity. Any proposed mitigation measures should be described in the BIA report with details of how they reduce and/or alter the impact of the proposed basement on the surrounding environment. Mitigation measures which may be included in basement development proposals include (but are not limited to):
- Controlled or adequate drainage;
  - High permeability corridors;
  - Underpinning of neighbouring structures; and
  - Setting the basement in from property boundaries.

If the risk is greater than 'slight', mitigation measures should be described in the BIA report. The guidance suggests mitigation measures may include (but are not limited to):

- *Controlled or adequate drainage;*
- *High permeability corridors;*
- *Underpinning of neighbouring structures; and*

- *Setting the basement in from property boundaries.*

The situation, as confirmed by the 76's own engineers, is that their property has been damaged by ground related movement, probably subsidence caused by dry summers, the presence of a shrinkable clay subsoil, and mature trees growing close to the property. The engineer's report on no. 76 indicates there is an external crack adjacent to the front door of no. 76, which has the potential to be 'slightly' affected by the proposed works, which is preventing us from being able to offer a fully compliant BIA.

It should be noted that 75 Lawn Road has also suffered from subsidence over the last 12 months, which has been attributed to moisture changes in the underlying soils. I enclose eHRW's recent Structural Survey for your information which documents the damage and provides an assessment on the possible causes and structural solutions.

Camden's guidance would seem to suggest that the applicants might consider underpinning the neighbouring structure, however this would seem to put an unreasonable financial burden on the applicants and would also be impossible to undertake without the neighbouring owner's consent.

On 19<sup>th</sup> February the applicants contacted the owner of 76 Lawn Road with an offer to carry out repairs to the superstructure of their house in the vicinity of the works at 75, including offering to meet the reasonable fees of any initial independent advice she wished to obtain in connection with these discussions. I have attached a copy of this letter for your information and ask you to note that at the time of writing, this generous offer has not been accepted. This offer remains open to 76.

Due to the recent subsidence, remedial works to both properties are essential, however if the owner of 76 decides not to carry these out, then this should not prevent the owners of 75 from acting unilaterally. The repairs to 75 would include underpinning of the property (including the party wall between 75 and 76) and repairing wall cracks with helical stainless-steel reinforcing bars. The underpinning of the party and other walls could form part of the works to build a basement, but they can also be undertaken independently in accordance with the rights conferred by the Party Wall etc. Act 1996, without the need for Planning Permission. We have no authority under The Party Wall Act to underpin 76's property.

#### **Proposed Mitigation Measures**

On the 26<sup>th</sup> April 2019, eHRW and Campbell Reith agreed in principle to the following mitigation measures which could be incorporated as an addendum to the BIA and would be undertaken prior to all other basement works:

- 1) Underpinning of the party wall between 75 and 76 Lawn Road;
- 2) Repair of cracks identified in walls of 76 at risk in the original BIA.

The underpinning of the party wall can be carried out under the party wall act process, however the repairs to No 76 will require agreement with the owner which has not yet been achieved.

We would therefore like to suggest that it be a condition of any approval that the underpinning of the party wall is completed prior to any further excavation associated with the basement works. Additionally, it could also be conditioned that the applicant continue to offer to repair any cracks identified in walls of 76 that are at risk from the proposed works at their own cost, and should this offer be accepted these works should be completed prior to any further excavation associated with the basement works.

We appreciate that this is probably a unique situation, and was not envisaged by your policy makers or the planning inspectorate, so I hope you'll agree that this offers a sensible resolution of this application.

Please do not hesitate to contact me if you have any questions regarding this application, or would like to arrange a meeting to discuss the proposed solution with us and our engineers. Otherwise we look forward to hearing from you soon.

Yours sincerely



**Simon Baker**

For and on Behalf of Nash Baker Ltd

Cc: Neil McDonald, Team Manager (South), The London Borough of Camden  
Cc: Faye Wright, Forward Planning and Development  
Cc: Brett Scott, engineersHRW  
Cc: Andrew Schofield, FRICS  
Cc: Andrew Smith, Child & Child

Enclosed:

- Structural Condition Report of no. 75
- Letter to 76 Lawn Road