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Attn.: Ms. Rachel English
Senior Planning Officer
Camden Council
Rachel.English@camden.gov.uk

RE: Planning Application 2019/5835/P, 4b Hampstead Hill Gardens.

Dear Ms. English:

I am writing to you – once again -- in my capacity as Chair of the Hampstead Hill Gardens Residents' Association, and on behalf of the Committee of the Residents' Association, in order to state our opposition to the proposed plans to radically redevelop 4b Hampstead Hill Gardens (2019/5835/P).

The decision of the RA Committee was taken unanimously and reflects our view -- and the professional advice we have received -- that the proposed development contravenes a number of critical Camden Council planning policies, the NPPF, the London Plan, the Hampstead Neighbourhood Plan and the Hampstead Conservation Area Statement.

While we recognise and appreciate that the applicant has made several minor modifications to its third iteration of this application, the applicant has frustratingly failed to reflect the very specific concerns raised by local residents repeatedly and consistently regarding the damage this proposed development would do to local residents, their properties and to the Hampstead Conservation Area.

I attach my first and second objection letters to this plan by reference as the majority of the substantive concerns raised by this application – and the risks to local residents – have not been addressed by the applicant in this third iteration of their application.

In addition to our prior objections, I would highlight the following specific reasons why the Council Planning Department should once and for all refuse this application:

The applicant's BIA was fundamentally flawed because the borehole samples were not valid:

The applicant continues to seek planning permission for a large basement but has failed to conduct a proper BIA. We argue that the data in the BIA is inherently suspect given the flaws in the borehole sampling that was used as the data source. We ask once again that the Council insist on current borehole samples at the site being taken over a seasonally adjusted period of time and that new updated BIA analysis be done on the basis of those samples prior to determination.

This would be an incredibly dangerous basement build given the state of the attached home at 4a – in particular its shallow foundations -- and the Council has a Duty of Care to 4a HHG to ensure that

the BIA is fully compliant with best practice. However, the BIA submitted in this application was based on borehole samples from the site taken at a single point in time over 5 and a half years ago as part of a subsidence insurance claim by the applicant. The site has a history of clay related subsidence with insurance claims for subsidence damage having been filed in 2005 and then again in 2015. This subsidence damage history alone should give the Council great concern regarding the proposed addition of a basement at this site.

It is clear from the applicant's submission that the borehole samples were not conducted for the purposes of a BIA. They were described only as being "up to 3m" but that leaves tremendous scope for interpretation and in any event given the sensitivity of the build site to subsidence and ground heave and the very obvious risk to neighbouring properties the borehole samples should have been taken and analysed in 2019 by a qualified engineer.

It is also critical to appreciate that the depth of the proposed basement exceeds the depth of the applicant's borehole survey which raises very obvious doubts about the quality and even relevance of the data in the BIA. The applicant's own submission cites as a proxy the borehole samples taken up the road at 1 Hampstead Hill Gardens which were done by a qualified engineer expressly for the purpose of a basement build: Those borehole samples were sunk to 10m bgl, with a groundwater monitoring well installed at 5m bgl.

The borehole samples at 1 HHG found groundwater at approximately 2m bgl which confirms the risk that the applicant's own arboricultural specialists highlighted: "Site investigations and soil test results confirmed a plastic clay subsoil of medium to high volume change potential (NHBC Classification) susceptible to undergoing volumetric change in relation to changes in soil moisture." The report then describes the suction values as "very severe desiccation" in BH1 and "severe desiccation" in BH2.

Given the history of subsidence at the site and the removal of two trees subject to TPO's in 2015, the ground clay formation would have required time to dry and settle. Borehole samples taken in 2015 would in no way reflect the ground conditions at the site following removal of the trees and the settling of the ground over a period of more than 5 years.

In addition, the borehole samples should have been taken to a lower depth – at least up to 10m bgl – and over an extended time period to establish the extent of seasonal ground movement and water flow. The Hampstead Neighbourhood Forum policy on BIA boreholes requires seasonal testing given the impact of weather and time on ground formations: This was not done by the applicant and most certainly should be required prior to any decision on the application.

The water issues have not been addressed: Hampstead Hill Gardens has flood risk and the site is close to a flood area. Furthermore, the home at 4a HHG is subject to surface water flooding, particularly after the applicant removed a mature tree, and 4b is downhill from 4a. Proper bore hole testing will provide inputs to model water movements on the slope and assess the water damming issue.

Again, given the high sensitivity of the proposed build site and the very real risk to neighbours and their properties, we would respectfully suggest that the Council would be well within its remit to require best practice for this BIA rather than what would appear to be either a disingenuous attempt to mislead the Planning Department based on outdated, limited and incomplete ground soil data or an attempt to cut corners and minimise on costs on a build that represents a potentially material threat, in particular to the home at 4a HHG.

Given this background, in addition to requiring the applicant to conduct current, appropriate borehole samples and update their BIA analysis, we would respectfully ask that the Council require the applicant to remodel and update the engineering report as part of the pre-determination documentation and that all issues be resolved prior to decision. This documentation should also include a report identifying where the damage is anticipated to take place which is omitted from the current BIA. It would be deeply unfair to push these issues to a party wall agreement given the circumstances and entirely sensible for the Planning Department to set these requirements as part of the determination process.

The addition of any third story should be rejected outright:

The addition of a third story would violate a number of planning policies and conventions; it would detract from the amenity of the road and neighbouring properties; and it would have a material adverse effect on the streetscape, in particular on the roofline of 4a, the dominant property. These and other objections have been made consistently and repeatedly throughout this process.

While the applicant has made minor adjustments to the size and shape of the third story, nevertheless virtually every issue which has been raised by local residents as part of this consultation has been ignored.

The application is clear that the addition of the third story makes the roof non compliant from a BRE perspective. The additional height of the building would darken neighbouring gardens, in particular at 4 and 2 HHG, and would substantially overshadow the private garden at 4a HHG.

The third story is jarring and creates an inconsistent roofline with 4a, the dominant property and the one to which reference should be made. The applicant disingenuously argues that the roofline of 6 HHG should be the comparator: However, 4a is actually attached and is an integral part of the building while 6 HHG is 5 or more metres distant. The applicant provides examples of “modern” architecture being built in Conservation Areas but it is critical to appreciate that in each of the examples given: a) the rooflines were in each case kept consistent with the neighbouring properties; and, b) none of the examples sits nested in the middle of a group of Grade II listed buildings.

The applicant has not provided any comparable precedents in Camden or elsewhere for allowing this type of exceptional build. It is incongruous at best but most certainly jarring and inconsistent with the aesthetic of its neighbours. There are no other such examples on Hampstead Hill Gardens or neighbouring roads and allowing this type of transgression would set a very poor precedent for Camden Planning.

Given the failings of this planning application and the strength of opposition of the local community, we would respectfully request that this application in its current form be rejected outright. I would also like the opportunity if possible to speak to the Planning Committee as the Chair of the relevant Residents’ Association and as a near neighbour directly impacted by this proposal.

Kind regards.

Todd J. Berman, Chair, The Hampstead Hill Gardens Residents’ Association.