

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/2014/P	Richard Tomlinson	09/08/2020 15:18:42	OBJ	<p>2020/2014/P: Registered 9 July 2020:</p> <p>The development at 77 Lawn Road (now complete) departed from the approved application (2016/1737/P) both above ground and below ground.</p> <p>The applicants previously attempted to sort out these inconsistencies in their application 2018/4221/P. That application was refused earlier this year. In broad terms:</p> <ul style="list-style-type: none"> Camden did not object to the above ground departures from 2016/1737/P Camden did object to the below ground departures from 2016/1737/P, specifically because the changes to the basement were accompanied by a prediction of Burland Scale 2 damage to the adjoining house at 76 Lawn Road. A "Warning of enforcement action to be taken" was made by Camden on 1 April 2020. <p>Camden knew since July 2018 that a Burland scale 2 basement was under construction and did nothing to stop it despite repeated alerts by neighbours.</p> <p>Notes in the application form for 2020/2014/P show that Camden Planning has encouraged the applicants to submit this application "focusing on the above ground changes".</p> <p>Burland scale 1 maximum damage is a central plank of Camden's March 2018 revised Basement Guidance: "Policy A5 on basements states that applicants must therefore demonstrate in the Basement Impact Assessment that the basement scheme has a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight'."</p> <p>Why is Camden encouraging the applicants only to submit an application covering the above ground works when it should be focusing on what to do about the below ground departures from 2016/1737/P and the fact that a basement has been built, without planning permission, and with a predicted Burland scale 2 damage to the adjoining property?</p> <p>This is particularly relevant to Lawn Road where permission has already been granted for a basement at 75 Lawn Road and an application is being reviewed for a basement at 76 Lawn Road.</p> <p>There should be no precedent set for a developer to secure planning permission for a Burland scale 1 basement but then to build a different Burland scale 2 basement without consequences, including when Camden considers other planning applications for the same development. Camden's Basement Guidance needs to be seen to have teeth and be consistently enforced.</p> <p>I object to permission being granted for the above ground (completed) works at No.77 without the below ground enforcement issues first being resolved regarding Burland scale 2 damage.</p>

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2020/2014/P	Beth Noakes	08/08/2020 10:14:39	OBJ	<p>I am writing to object to this application.</p> <p>The applicant is seeking to obtain approval to above ground works that were part of a development carried out in breach of London Borough of Camden's policies that are in place to protect adjoining properties from structural damage due to basement excavations. LBC's basement guidance is that damage must not exceed Burland Scale 1. The works to create the basement at 77 Lawn Road have been completed despite predicted damage of Burland scale 2 and there is damage to 76 Lawn Road.</p> <p>The application 2016/1737/P, registered 14 April 2016, for a basement (with predicted Burland scale 1 damage) and above ground development was approved in June 2017. The subsequent applications/variations refer to departures from this approved application in what was actually built, both below and above ground. 2018/2555/P, registered 19 June 2018, contained changes to the proposed basement and a report predicting Burland Scale 2 damage to the adjoining property at 76 Lawn Road. Objections were made at the time and again in July 2018 but LBC allowed the works to continue.</p> <p>2018/4221/P: registered 24 October 2018 resubmitted the proposed variations to above ground and to the basement and again referred to damage at Burland Scale 2. By the time the Basement Impact Assessment was finally public the following year the works were essentially completed. On 1 April 2020 Camden Planning finally refused permission for this application due to the risk of unacceptable harm to 76 Lawn Road and issued a "Warning of enforcement action to be taken". The full reason for refusal was: "The applicant has failed to demonstrate that the proposed development, namely the alterations to the basement, would not cause unacceptable harm to neighbouring properties, contrary to the requirements of Policy A5 (n) of the Camden Local Plan 2017."</p> <p>The present application 2020/2014/P: registered 9 July 2020 seems to be seeking to regularize the position by consenting to the above ground works to 77 Lawn Road but it does not address the issue of the basement that everyone knows does not comply with Camden's policy of requiring Burland Scale 1, not Scale 2. It cannot be acceptable that when a policy has been broken in this way it is possible for Camden to grant a retrospective consent that appears to regularise it and ignores the issues arising from the refusal of Application 2018/4221/P and the threatened enforcement action.</p>

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2020/2014/P	Ellen Solomon	09/08/2020 15:29:42	OBJ	<p>Objection to 2020/2014/P: 77 Lawn Road</p> <p>I am writing as the former owner of 76 Lawn Road, where I lived during the development works at 77 Lawn Road. I sold the house earlier this year.</p> <p>This objection needs to be understood in the context of the history of the development at this site and specifically the construction of a basement for which the predicted damage to my house (76 Lawn Road) was Burland scale 2. Camden Planning failed to address this issue efficiently when it was repeatedly brought to its attention.</p> <p>A summary of the sequence of events is as follows:</p> <ol style="list-style-type: none"> 2016/1737/P: registered 14 April 2016. This application for a basement and above ground development was approved June 2017. The subsequent applications/variations refer to departures from this approved application in what was actually built, both below and above ground. 2018/2555/P: Registered 19 June 2018. This variation covered above and below ground changes to the approved application. Regarding the altered basement plans, Sections 4.2 and 5 of the Ground Movement report stated that the long-term end of construction predicted damage to the neighbouring property to the north, 76 Lawn Road, was Burland Scale 2. <p>Neighbours immediately alerted Camden to this issue but the basement works were allowed to continue despite this breaching Camden's basement guidance that damage must not exceed Burland Scale 1.</p> <p>The application was withdrawn by the applicants.</p> <ol style="list-style-type: none"> Later in July 2018: Comments to the Camden Council Enforcement team Comments were submitted by neighbours to Camden Council's Enforcement team pointing out that nothing was being done about works progressing on a basement for which the predicted damage had become Burland Scale 2. <p>Works were allowed to continue.</p> <ol style="list-style-type: none"> 2018/4221/P: registered 24 October 2018 This application submitted above and below ground changes, again including variations to the basement. Camden was again alerted by me about the Burland scale 2 issue. Objections were also submitted about the above ground changes. <p>Eventually in September 2019, a BIA was produced that again confirmed predicted damage of Burland Scale 2 for 76 Lawn Road.</p> <p>Of course by this time the whole construction process had essentially been completed.</p>

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				<p>On 1 April 2020 Camden Planning finally refused permission for this application due to unacceptable harm to a neighbouring property (No.76) and a "Warning of enforcement action to be taken". The full reason for refusal was: "The applicant has failed to demonstrate that the proposed development, namely the alterations to the basement, would not cause unacceptable harm to neighbouring properties, contrary to the requirements of Policy A5 (n) of the Camden Local Plan 2017."</p> <p>5. 2020/2014/P: Registered 9 July 2020 This application reveals that the applicants sought Pre-application advice from Camden Planning. The application says: "Design kindly reviewed by original officer to ensure compliance with policy prior submission of the original variation condition. "Officer kindly requested the condition to be resubmitted after refusal of the previous submission, focusing on the above ground changes."</p> <p>I object to Camden Planning's failure, over almost the whole of the construction period and now in its pre-application advice, to address the issue of a Burland Scale 2 basement being built.</p> <p>Rather than encouraging the applicants to regularize the above ground completed works, Camden Planning should be focusing on what to do about a basement that was built that does not have planning permission.</p> <p>I also object to Camden Planning regularizing a situation where developers knowingly depart from approved planning designs and then seek post-completion planning approval. This makes it impossible for neighbours to know what is really happening and could encourage developers to 'game' the planning system.</p>
