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Objection to planning application no. 2019/3948/P

Dear Laura.

I have now had a chance to go review the **Camden Planning Guidance, BASEMENTS (January 2021)** and the **Hampstead Neighbourhood Plan (2018-2033)(pages 37 -46, pertaining to basements)** documents.

The comments in this objection letter intend only to serve to supplement (and in some instances support) my objections laid out in my previous objection letter of 20th January, 2021. This current letter, and my letter of 20th January should be taken into consideration as a whole, and in conjunction with the Eldreds Geotechnics report, dated 14th October, 2019.

Based on the contents of the two documents mentioned at the start of this letter, I cannot see how Camden Council can possibly grant planning permission for this basement development.

I start with the **Hampstead Neighbourhood Plan (HNP) (2018-2033)(pages 37 -46, pertaining to basements)**, which specifically relates to the area of the proposed development:

- para 5.2: states that the evidence gathered by the HNP justifies the concerns outlined within this document.
- para 5.3: confirms that Hampstead has a unique set of conditions that mean basement construction can inflict structural damage / trigger risks on susceptible neighbouring properties.
- para 5.4: states in no uncertain terms the dangers of basements on specifically Hampstead hill, with reference to it receiving the greatest rainfall in the London area.
- para 5.5: states the instability of the strata the basement is proposed to be built into.
- para 5.6: points out the landslide potential of the *risk of unexpected and serious damage... to the neighbouring properties...* from cutting into the hillside in the specific area, especially in the vicinity of potential streams, which historically exist under the properties of nos 47C and 47B. No surveys

have been made to identify whether these still exist, and if they do whether they are seasonal (eg a winterbourne).

- para 5.7: mentions the dangers of shallow foundations as *one of the riskiest situations in which to construct a basement*. Given that nos 47C (my property) and 47D (ie the proposed development address) were built as a pair, they probably share the same foundations. Whether this is the case, and how deep these foundations are, was not established in the BIA report. **For this reason, planning permission should be denied.**
- para 5.8: no consideration has been given to the contents of this para.
- para 5.9: explicitly states: *Creating extra footage through basement development does not support the Plan's Policy HC 1 of maintaining a reasonable balance of both large and small dwelling units*. The proposed development goes against policy; it will result in the creation a much larger house with an equally inflated value, resulting in the loss of a property of relatively modest (for the area) proportions.
- para 5.10: states that in Policy BA1 (2) that all basement development must aim for no higher than Burland Scale 1 and that *construction will not be allowed to proceed where there is evidence that damage to neighbouring properties would exceed Burland Scale 1*. I have provided evidence (in the Eldred Geotechnics report) that the damage to my property (no 47C) will be potential in excess of Burland Scale 2. **On this basis alone, planning permission should be denied.** Furthermore, the properties of 47B, 49 and the driveway of 47 were omitted from the BIA as falling out of the zone of influence. Para 5.12(c) clearly states that the zone of influence is defined as *a distance of twice the depth of the basement from the point of excavation*. Given that the depth of the basement (according to the BIA report) walls would be 5m, then 47B, no 49 and the driveway of 47 all explicitly fall within the zone of influence (ie 10m). It follows that the owners of these properties have not been taken into consideration as to the potential damage to their properties; they should have been included in the BIA. The owners have therefore been denied the opportunity to protect their properties. Had the BIA made it clear that their properties fell within the zone of influence, I know for a fact that they too would have employed geotech reports for independent assessment. **For this reason (ie failure to include these properties in the report as relevant for consideration), planning permission should be denied.**
- para 5.12(c). As per para 5.10 above.
- para 5.12(d). Explicitly states that geology, topography and groundwater levels should *include details of the structure and foundations of the existing building and neighbouring properties*. The BIA did not include measurements of the foundation depths of no 47C (which shares a party wall with the proposed development) or of the foundations of no 49, 47B or the driveway of no 47, all of which I reiterate fall within the zone of influence (see para 5.10 above). **For this reason, planning permission should be denied.**
- para 5.13(3). *Applicants must demonstrate that they are using the best available piling method to minimise damage to neighbouring property*. The BIA has not demonstrated this.

- para 5.14. Crucially, *a particular construction methodology will need to be applied that there is no damage to... neighbouring properties or the environment. To gain planning permission, developers need to demonstrate with appropriate evidence that the proposal would comply with Policy A5 of the Local Plan.* The initial BIA report stated damage of Burland Scale 1 to no 47C. The Eldreds Geotechnical report estimated potential damage of Burland Scale 2 or higher. **For this reason, planning permission should be denied.**
- para 5.16. *The applicants are encouraged to submit a consultation statement providing evidence of consultation with neighbours prior to the application.* The applicants submitted the planning application without any attempt to contact me (the owner of the adjoining cottage, no 47C). The only contact I have had with them was when I contacted their architect (after the application was submitted) and requested an on site meeting. At that meeting it was clear that the applicants had no concern for my reservations. Furthermore, crucially and as aforementioned, the owners of nos 47B, 49 and the driveway of 47 have not been consulted, despite their properties clearly falling within the zone of influence of the proposed development.
- para 5.19. Very little has been said with regards to pollution, noise and danger. Speaking to the other neighbours that have objected, they, like me, are concerned about this aspect of the development.
- para 5.20 (Policy BA3(10)). The BIA omitted to mention the fact that there is a disabled bay directly in front of the proposed development. Without the removal of this bay (which should not be a consideration) the development will be considerably hampered.
- Para 5.21. Given the complexity of the proposed basement (adjoins no 47C, ground water issues, disables bay outside, in zone of influence of other neighbouring properties, sited above an aquifer and an underground rail line etc) it is my view that the information that was provided in the BIA is insufficient to warrant the granting of planning permission. **For this reason, planning permission should be denied.**

Moving on to the document that is **Camden Planning Guidance, BASEMENTS, January 2021**, my comments are as follows:

- Para 1.8. My property, 47C Netherhall Gardens, *is* on sloping land, *is* partially subterranean, and the ground floor to the rear of the property *has* (previous to my purchase of the property in 1994) been excavated to allow access to the rear of the property. It must therefore be considered a basement under Policy A5 of the Local Plan. It follows that the proposed basement development of no 47D, and its accompanying BIA, has not taken into account that my adjoining property has a basement. **On this basis planning permission should be refused.**
- Para 1.17 (Key messages). The basement development *will* cause harm to neighbouring properties (specifically no 47C, but also with potential damage to other neighbouring properties undisclosed as falling within the zone of influence), water conditions in the area, the character and amenity in the

area and the heritage significance of the property (it was built as part of a pair from coach houses). Critically, as pointed out in my letter of objection dated 20th January 2021, the basement development *will* exceed 50% of the garden of the property, increasing it by 62%, and extend under the garden by 72% (not the 62% reported in the BIA). **On the basis that this contravenes Camden Policy A5, planning permission should be refused.**

- Para 1.18. States that nearby trees should not be harmed. In my letter of objection, dated 20th January 2021, I pointed out that the development would come within 2.4m (not the 6m as stated in the BIA) of the trunks of the lime trees (which provide amenity value to the area) and therefore is likely to damage or kill them. Alternatively, their presence may effect the structural integrity of the basement. **On this basis planning permission should be refused.**
- Para 1.19 (Fig 1). Planning Application Submission states that light wells and soil depth should show dimensions. No specific measurements were given in the BIA report drawings, especially of the dimensions of the proposed light well adjacent to the development, as illustrated in drawing A/02/101/B of the BIA. **On this basis planning permission should be refused.**
- Para 2.4 (Table 1). Policy A5 states that *a basement development that does not extend beyond the footprint of the original building... is often the most appropriate way to extend a building below ground*. The proposed basement has clearly been designed without consideration of this. Furthermore, as I pointed out in my objection letter, dated 20th January 2021, that rather than the 1.5x the footprint of the house, the proposed basement actually represents an increase of 62% of the footprint of the house. This contradicts Policy A5. This is based on the fact that the measurements of current house were overestimated in the BIA report. **On this basis planning permission should be refused.**
- Para 2.4 (page 11)(Table 1/h). States that *sufficient margins should be left between the site boundaries and any basement construction to sustain growth of vegetation and trees*. In fact, the light well proposed in drawing A/02/101/B of the BIA clearly indicates that the proposed light well adjacent to the development will replace a current bed of mature shrubs (currently extending into the driveway of no 47) measuring 1.2m x 6.5m: a total loss of 7.8m of soil cover. I picture showing this flowerbed was included with my objection letter dated 20th January, 2021. **On this basis planning permission should be refused.**
- Para 2.6. States that *Where a basement extension under part of the front garden is considered acceptable, the inclusion of skylights designed within the landscaping of a garden will not usually be acceptable, as illumination and light spill...* The proposed development includes such a skylight in the front garden. **On this basis planning permission should be refused.** Furthermore, with the refusal of this skylight, the basement will be very dark.
- Para 2.8. The new light well proposed to the side of the development does not *respect the original design and proportions of the building, including its architectural period and style*. Furthermore, and as per para 2.4 above, the light well will not *minimise the loss of garden space*, but remove this entire

bedding area, thereby *maximising* the loss of this specific space. **On the basis of these points, planning permission should be refused.**

- Para 2.11. There are no light wells in any of the nearby buildings at all. Therefore, as opposed to the light wells proposed in this development *reinforcing the prevailing character of the neighbourhood*, they would have the opposite effect. **On this basis planning permission should be refused.**
- Paras 2.13 / 2.15. Light wells in this neighbourhood are absolutely not *part of the established street character*. **On this basis planning permission should be refused.**
- Para 2.17. The proposed development has a light well to the side of the property (replacing a current bed of shrubs) that is not *set away from the boundary to... neighbouring property*, but actually borders it (the driveway of no 47). (As far as I am aware, the freeholders of this property believe that it actually encroaches into the freehold of their driveway by a few inches, which I believe they intend to contest). **On this basis planning permission should be refused.**
- Para 2.23. The proposed development is in a conservation area.
- Para 3.1. Contradictory to Policy A5, the proposed basement *would be built underneath excessive proportions of the gardens of properties*, ie its own garden, by 72% (not the 62% claimed in the BIA, as pointed out in my objection letter dated 20th January, 2021).
- Para 3.2. The proposed development appears not allow for *1 metre of soil... above basement development that extends beyond footprint of the building*, especially given the sloping nature of the site (see drawing A/02/103B of BIA). The BIA also states that no extra drainage solutions are deemed necessary.
- Para 4.26. It would have seemed prudent that the developers had submitted to the Council detailed retaining wall designs, as these would have indicated the integrity of the engineering aspect of the project. Descriptions of retaining walls have, at best, been vague. Given that one of these retaining walls would be built beneath the shared party wall with no 47C, **planning permission should be refused.**
- Para 4.28. The proposed development has not considered the possible necessity of the underpinning of neighbouring properties (ie no 47c, and the other neighbouring properties erroneously deemed to be out of the zone of influence) or considered setting the basement in from property boundaries (particularly no 47c, which it shares a party wall with). Furthermore, the BIA states that no extra drainage solutions are deemed necessary for the development. For a development of this magnitude and complexity, it would seem prudent to give additional drainage solutions greater consideration.
- Para 4.32. *The Council considers that neighbouring residential properties are particularly sensitive to damage, where minor internal damage to a person's home can incur cost and considerable inconvenience to repair and redecorate.* The Eldred GeoTech report predicts potential damage in *excess of 2* on the Burland scale. **On this basis, planning permission should be refused.**
- Para 4.34. *BIAs must identify neighbouring basement and make the assessment considering all nearby basements.* As aforementioned, in

reference to para 1.8, My property, 47C Netherhall Gardens, *is* on sloping land, and the ground floor to the rear of the property *has* (previous to me purchasing the property in 1994) been excavated to allow access to the rear of the property. It must therefore be considered a basement under Policy A5 of the Local Plan. It follows that the proposed basement development of no 47D, and its accompanying BIA, has not taken into account that my adjoining property has a basement, and the potential interplay between the basement of the proposed development, the basement at the rear of no 47, and the basement development of no 49 uphill. The effects of these interplays on several aspects of the project and its effect on the environment / water conditions etc have not been addressed in the BIA, which is a serious oversight. **On this basis planning permission should be refused.**

- Para 4.47. *The Council will expect all basement development applications to provide evidence that the structural stability of adjoining or neighbourhood buildings is not put at risk.* The BIA has totally failed to address this requirement, insofar as it A) has erroneously excluded the properties of no 47B, no 49 (a four story block of flats) and the driveway of no 47 as being within the zone of influence, which - given the depth of the basement and proximity of these properties - they clearly are, and B) it has underplayed the potential effect of the project on the damage of no 47c (the BIA estimates it at Burland Scale 1, whereas the Eldreds GeoTech Report estimates the damage as Burland 2, with the potential for an even greater damage on the Burland Scale. **On this basis, planning permission should be refused.**
- Para 4.50. *Hampstead Town... at a higher risk of surface water floods...* This has been underplayed in the BIA.
- Para 4.54. The BIA states that no additional drainage would be required for the development. The loss of the planted border (to the proposed light well at the side of the development) from the driveway that belongs to no 47 Netherhall Gardens clearly means that surface/ground water that would have otherwise been absorbed by this area will be sent downhill into the public sewer. In times of heavy, Netherhall Gardens already sometimes resembles a river.
- Para 5.1. As well as the effects of demolition, construction, noise, vibration, dust etc. on the neighbours and their properties, the effects of the predicted heave / settlement process could go on for a number of years, especially on no 47C, which is unacceptable. **On this basis planning permission should be refused.**
- Para 5.4. The applicants have not only failed to engage with me, as owner of no 47C, but have failed to engage with any of the blocks of flats that make up nos 47 & 49, the house that is 47B or the freeholders of the driveway of no 47. Furthermore, the BIA claims that the latter three properties are outside the zone of influence, which they are clearly not.

I have found Camden very responsive to my concerns regarding the proposed development, the latter having always granted my request to allow me further submissions in response to the on going planning progress of the application.

However, this scheme should now be rejected on the basis of the points highlighted in bold above and the contents of my letter date 20th January 2021, as well as the on going objections by other neighbours and the initial objections / submissions on (Camden's website) to the initial planning application back in 2019. The development is out of keeping and scale of other developments in the Conservation Area in which it's sited. It relies on a flawed / insubstantial BIA report, and counters many of Camden's own conditions for allowing basements as set out in Policy A5, Camden Planning Guidance 2021 (on Basements) and Hampstead Neighbourhood Plan (2018-2033) for the granting of basement developments. To grant permission would set a dangerous precedence in what is a quiet, underdeveloped and leafy, hillside-sited neighbourhood.

I would also like to bring to attention that at least one of the neighbour's initial and extensive objections during the initial consultation period that they submitted (within the time limits) was not uploaded onto the Camden website for public reference. This is another reason as to why the development should be rejected.

Even if Camden dispute the fact that some of the individual reasons that I have suggested for denying planning permission for this development are valid, cumulatively the reasons that I (and other objecting neighbours) have submitted provide overwhelming evidence that in this instance, planning permission should be denied, outright.

Yours sincerely,

Rohan Heath