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architecture
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2007 / 0825 / PR1

Development Control Team
Camden Town Hall
Argyle Street
Entrance Euston Road
London WC1H 8ND

Att. Bethany Arbery

28 February 2007

Dear Miss Arbery,

Re: 2007/0825/P - 42 Netherhall Gardens, NW3.

Further to our conversation last week with regards to the boundary line and position of the proposed new basement we are enclosing herewith the revised drawings, as per enclosed issue sheet, incorporating the following criteria:

The basement construction has not moved closer to No.44. When the original Planning Application was submitted, we assumed that the existing boundary walls and rear garage were constructed wholly on the land of No.42 N.G and therefore the boundary line was shown as the outer face of the basement construction. As there is no clear evidence to determine the exact boundary position in relation to the boundary walls and fences, the Party Wall surveyors proceeded on the basis that the walls are party, i.e. shared structures, with the boundary running through the centre of the wall. Therefore the position of the boundary line has been altered on the drawings to show this.

We also enclose a letter from our client's party wall surveyor addressed to Mrs Jakleine Basrawy, the owner of No. 44 N.G where he gives her a detail explanation of all the boundary and party wall issues.

I hope that the above information is satisfactory.

Yours sincerely,

Jack Schneider
Schneider Designers



Date: 16 March 2007

Ref: 06011A/RB 03

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17 Oakleigh Avenue, Edgware,
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Ruth Jakleine Basrawy
44 Netherhall Gardens
London
NW3 5RG

2007 / 08 25 / PR1

Dear Mrs Basrawy

**RE: PROPOSED WORKS TO 42 NETHERHALL GARDENS, LONDON NW3
PARTY WALL ETC. ACT, 1996**

Further to our conversation earlier today I thought it would be helpful to write to you and confirm what we discussed.

You have now seen the revised architectural drawings which show the additional works for which your neighbour has made a further Planning Application to Camden Council. I have also sent to you by post a copy of the old basement plan together with the newly revised plan so you can see the principal difference between the two schemes.

The principal differences are as follows:

1. The basement is to be extended beneath the remainder of the footprint of the house, away from the boundary with No.44.
2. The basement is to be extended to the rear, along the boundary with No. 44 and up to the rear boundary of your garden.
3. The basement has been extended by a small amount to the front of the property along the boundary with 44 (where the laundry is located).

I can confirm that the basement construction has not moved closer to your building. When the original Planning Application was submitted, the architect had assumed that the existing boundary walls and rear garage were constructed wholly on the land of No.42 and therefore the boundary line was shown as the outer face of the basement construction. As there is no clear evidence to determine the exact boundary position in relation to the boundary walls and fences, Mr Behan and I have proceeded on the basis that the walls are party, i.e. shared structures, with the boundary running through the centre of the wall. Therefore the position of the boundary line has been altered on the drawings to show this.

As explained to you, the Party Wall etc. Act, 1996 provides your neighbour with the right to raise the existing party walls and in this case also extend the walls downwards to facilitate the basement construction. Actually here the walls will be demolished and rebuilt in the same location, and again the Act provides the facility for the building owner to do this. However the use of reinforced concrete as the foundation beneath the wall (termed "special foundations") requires your express written consent.

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Terry Northwood B.Sc. (Hons) FRICS

The reasoning for this is that the presence of reinforced concrete can affect/ increase the cost of development on your side of the boundary although Section 11(10) of the act allows for you to be reimbursed at a later date if this proves to be the case. I would suggest you discuss this matter further with Mr Behan if you are still unsure about the consequences of providing such consent.

I understand that you are nervous about any damage being caused to your property during the works and the process that we are undertaking now is to ensure that any concerns are dealt with before construction starts. You should therefore take some comfort in the fact that there are two party wall surveyors and two engineers involved, and we will not sign an Award authorising the works until there is an agreement on the design and method of construction. I would therefore ask that you confirm whether consent will be provided on the basis that the engineers reach agreement. I must say at this time that if you are not willing to provide such consent that you should confirm this at the earliest possible time as it will affect the design of the basement which will require a significant amount of redesign of the proposals. It is also a waste of time and money for Elliot Wood to be considering the current design if this can not be put into practice due to your consent being withheld after the engineers have reached agreement.

I hope that your planned meeting with Mr & Mrs Katz produces an understanding so that a good neighbourly relationship can be forged for the long term benefit of all concerned.

Regards,

Yours sincerely,

Mark Collings BSc (Hons)

c.c. Mark Behan – Delva Patman Associates
Mr & Mrs A. Katz