

Dear Sirs

Planning application consultation  
Appln reference 2013/5234/P  
Person dealing :Eimear Heavey

I refer to the above application for a basement conversion *and* separate erection of a maisonette to a property at 44 Ferncroft Avenue by the owner of the ground floor flat A, Mr Kulick.

My husband Stephen and I wish to object to Mr Kulick's planning application to extend his basement and to construct a separate maisonette for the reasons summarised below and which largely echo those which we raised on May 20<sup>th</sup> in response to Mr Kulick's earlier application. We own the house immediately next to 44 which lies less than 12 feet from the site of the proposed works. A wooden fence runs along the boundary to the property. The concerns are expressed in greater detail below.

It is not immediately clear to us what all the differences are between this and the earlier application.

We note that the Impact Assessment and Conisbee report are dated from earlier in the year and therefore have not been amended to address our concerns about water run-off from the tree which was removed from 44's garden after the initial planning application was submitted.

Having considered the impact assessment survey evidence and analysed the Council Guidance on basements and lightwells CPG4 and the Camden Development Policy 27 my husband and I maintain our query as to whether the survey put forward in support of this application adequately addresses the impact of the proposed works on our property which has a basement level to it. Indeed we note incidentally at page 9 of Conisbee's basement impact report at paragraph 3.3.13 that it states that '*there is no indication that a full storey height basement exists in either neighbour*'. Mr Kulick visited our property before the original planning application was lodged in and visited our basement. Conisbee have not asked to inspect below ground in our house. We do not know if there is a technical meaning for 'full storey height' basement or cellar but ours is a basement or cellar which is one floor below the ground. We use it for storage, not for living quarters.

We have had to address the issue of flood potential during periods of heavy rainfall and are conscious of how effective measures must be to prevent water penetration through openings at basement level. We have a door leading to a 'well' area and an outside cellar and are rigorous to ensure that the drain in the

well area is kept clear of obstacles. It takes only a few leaves to block the drain which can cause internal flooding when the water level rises above the lip of the door. In bouts of heavy rain this can occur in minutes as the well is an enclosed area and the water level rises quickly.

Mr Kulick's contractors removed a large tree from the boundary with our rear garden on we believe, Friday 19 April 2013. We have been informed by the council that permission to remove a Cyprus tree was given in 2011 reference number 2011/1868. We assume this was the tree in question. It was pruned only a few months ago, possibly last summer, and we were surprised that it was being removed in its entirety at this point in time so long after permission to remove it had been granted. We note that the timing of the removal meant that it took place after documents had been submitted for the planning application which included the basement impact report in support of the planning application.

The relevance of the tree is that it's removal post dated the basement impact survey. I noticed following tree work a few years ago in a garden in Redington Road which runs at the rear of our garden that surface water run off following heavy rainfall seems to be greater than it was previously. No consideration has been given in the report to the effect of the removal of the tree in 44A on water flow and we consider that this aspect should be monitored over a period of several months ie during different seasons. This has not been done as the survey was conducted *prior* to the tree being removed. Since we now know that permission was granted to remove the tree in 2011 it begs the question whether the tree works should either have been carried out earlier so that the report could comment upon them or the report delayed to allow it to consider the matter.

The biodiversity of the area may have been affected by the removal of the tree. The encroachment upon the front and rear gardens of the enlarged footprint of the development with light wells will further impact on the garden area and the general appearance of the property.

We note that the tree immediately outside 44A in the street has already been tested for decay and we are concerned that the works could affect the roots.

We have only once visited the inside of 44A – we believe this was on Sunday April 14th. We went down into the existing basement area and the smell of damp was palpable suggesting an existing problem with water ingress/penetration which you do not have in our basement. We question whether the construction would act as a dam diverting subterranean and ground water towards us.

The report does not advise that the proposed works will *not* cause damage to our property. If my understanding of the council approach is correct a suitable report needs to make this positive assertion. This consideration does not appear to have been addressed in any sufficient detail. My layman's understanding is that the council requires the applicant to consider the scheme's impact on local drainage and flooding and on the structural stability of neighbouring properties through it's affect on groundwater conditions and ground moves. To the extent

that this aspect has not been adequately addressed the report would be inadequate and flawed.

It is proposed as part of the scheme that light wells be constructed. The council document notes that the sides of an excavation always move no matter how supported they may be. Accordingly, if the term excavation applies to light wells as well as any excavation to extend the basement area a lateral movement of land near our boundary can be expected. The effect of such movement on our property has not been explored.

The installation of light wells and windows at basement level will be unsightly and affect the overall vista of the property which at present is in harmony with the opposite building. Moreover the addition of railings to prevent anyone falling down into the well area would be ugly and affect adversely the character of the building including the garden. I note that Mr Kulik proposes to overcome the unsightly appearance of railings at the front by planting hedges around them which would I would imagine obliterate light entering the property at basement level and leave the rooms rather gloomy.

In addition the presence of light wells could be a hazard to children unless they are secured properly to deter and prevent access. It may be considered relevant that we are in close proximity to St Margaret's Day School for girls which caters for girls aged 4-16. There is easy access to the garden area from the street and a child could easily enter the garden. The road is also within walking distance of Hampstead and is a family area. There is constant foot traffic of children to and from the village at school times.

We consider that the project overall would lead to an over development of the site which has already been converted from a large home into flats. We assume that the garage extension was permitted as an extension to 44A not as a springboard for further development to create two separate dwelling units. This is not just an application to extend one property but effectively to create a second separate one too.

We would argue that different considerations should also come into play when the council is considering a development of a single occupancy property and one which is multi occupancy. 44 is a house already converted into flats. 44A has the use of the ground floor plus garden and storage area in the basement. It is an overdevelopment of the site to allow the proposed project to proceed given the impact on the other tenants in the property irrespective of the effect on the immediate neighbours. To this extent the reference to planning applications having been granted in the area to other properties is not comparing like with like where applications were granted to single dwellings rather than to properties converted into flats.

With best wishes

Yours sincerely

**Mrs P Isaacs**

Re: Planning Application 2013/5234/P

FAO Eimear Heavey

I am writing in response to the above planning application.

Proposal Description:

The side extension was never a separate residential unit as stated, before it was incorporated into flat A it was a garage and what is described as the access door to that separate residence was, in fact, the door to a storage cupboard. The neighbouring building to which the side extension is attached has a matching parapet wall with a flat roof behind so the addition of a pitched roof will be entirely mismatched as well as cutting through the line of the window in the upstairs communal stairway. The existing front elevation matches the original garage that stood on the site, and the neighbouring structure, so to suggest that the proposed changes, that include a bridge to the front door are in keeping with the original structure is misleading!

The proposal says excavation of the "existing basement" but the application seeks extension of the existing basement, which is currently only under 50% of the footprint of the house, this application seeks to increase it by more than 100% all though stating of that fact is carefully avoided in the application.

Section 16: Trees and Hedges

The application states that there are no trees or hedges on land adjacent to the proposed development site, this is simply not true, there are several large mature trees on land adjacent to the proposed site and excavations of the size proposed will surely mean damage to some of their root structures.

In the design and access statement the existing basement area is not specified, only the proposed basement footprint, therefore masking the actual proposed increase in floor space, this statement rather disingenuously seems to suggest that the overall footprint is actually decreasing in some instances and actually only increasing overall by 1 sq metre. As stated previously, it is my understanding that the basement will increase by more than 100% if the excavation under the side extension is taken into account.

In relation to other examples of light wells cited as being common in the local vernacular, many of them are:

- A. Substantially smaller
- B. Screened from the road
- C. Only recently constructed or still under construction so cannot be said to be established in the local vernacular
- D. They are either in single occupancy houses or were constructed when the properties concerned were vacant.

Structural Report:

Section 1.2

The current owners of the ground floor flat DO NOT own the freehold to the building, they own a share of the freehold and not even a majority share.

Section 3.1

" without allowing significant settlements or subsidence....."

This would seem to suggest that some settlement or subsidence is expected which will mean damage to the properties on the upper floors which have already experienced cracking as a result of movement in the property, a situation unlikely to be improved by excavations of the size proposed.

Once again, drawings supplied with the application do not have measurements making it

difficult to assess the proposals accurately.

There does not appear to be any estimate for the duration of the proposed works in the documentation which would give the other residents an idea of how long they might be expected to endure major structural engineering to their homes.

The proposed demolition and extension of the rear bay is directly outside our bedroom window, so an idea of its dimensions would be helpful in assessing its impact.

In conclusion, we are objecting to this application on a number of grounds.

1. The very real risk of damage to our properties from movement as a result of the substantial excavations underneath and to the front and rear of the building.

2. A proposal of this scale is entirely inappropriate for a multi occupancy property where the impact on other residents will be substantial and will directly negatively impact the quality of life of the other families in the property for an unspecified period of time, likely to be anywhere from one to two years, with all the attendant noise and dirt that this development will inevitably generate.

3. Two of the other flats are rental properties and this project would render them virtually unrentable for anywhere up to two years resulting in a direct financial loss to the other freeholders.

4. The other Freeholders dispute that the owners of FlatA actually own the freehold to the unexcavated land beneath the property as we are unaware of any agreement granting demise of that to the lease of FlatA. Mr Kulick has had his lease altered to include the subsoil beneath his flat but we are not happy with the circumstances of this alteration and our position is that it requires legal evaluation.