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Regeneration and Planning
Development Management
London Borough of Council
Town Hall
Judd Street
London
WC1H 8ND

Ben Cobb and Anna-Marie Scott
Raised Ground Floor Flat
22 Greville Road
London
NW6 5JA

December 2nd 2014

Application Ref: 2014/6296/P

Proposed Work: Creation of basement level under ground floor flat and garden with a mirror lightwell

Dear Mr Nelson,

We have received notice of application for planning permission for a subterranean extension below and to the rear of our building across communally shared and owned land at 22 Greville Road NW6 5JA. There are four residential flats within this building and we own and live in the raised ground floor flat, directly above Ms Davidoff's basement/garden flat.

We wish to make you aware of a number of strong objections that we have with regard to the proposed development within the shared gardens and side return of 22 Greville Road, application number referenced above. As an immediate neighbour to the site of the proposed development, we are of the view that the proposal will have a serious detrimental impact on our standard of living and is a breach of several Camden Development Policies. Furthermore we would suggest that the Council has been given false information and misled by the Design and Access Statement.

Our specific objections are below:

1.) The proposed development, its works, design and boundary proposal to extend onto property outside of Ms Davidoff's demise

The development is proposed to extend outside of Ms Davidoff's demised land and proposes to include excavation, disruption and building across land that does not belong solely to Ms Davidoff but is the rightful property of all owners at 22 Greville Road. The plans include development under and along the buildings communal side return for the use of all occupiers of the building – this substantial and lengthy area to the side and rear of the building and running the entire length of the garden does not fall within Ms Davidoff's demised property. The building's residents (including Ms Davidoff) are currently in discussions about building communal bicycle storage in this communal area, an area previously used by all residents to house the building's bins (before Ms Davidoff purchased the ground floor flat). The extent of the "demise" is set out on the plan annexed to the Garden Flat lease (a copy is attached); it includes the garden area directly behind the building but not the substantial side return running the full length of property and garden.

2.) Improper and incorrect claims within Design and Access Statement

The application on behalf of Ms Davidoff by Mark Jordan makes the statement that the rear garden is private and for sole use. This statement is categorically not correct. The statement reads "the fact that the garden is secluded and private rather than shared is relevant to this application since its effect on the conservation is much reduced".

Paragraph 6 of Fourth Schedule to Ms Davidoff's Garden Flat Lease (find attached) clearly states "The right for the Lessor and Lessees or occupiers of the other flats in the Building to use the garden area included within this demise". Furthermore the leases of the Freeholders within the building further confirm our rights granting use of "the communal gardens at the rear of the building". The occupants of the building at 22 Greville Road have the rights to enjoy the gardens to the rear of the property. Ms Davidoff is aware of this right and has conceded this right openly – having installed her own alarm system to the communal property gate she has provided residents with keys for use of the shared gardens to the rear of the building where works have now been proposed with the suggestion that they are not shared.

We understand that the Council is only able to consider planning related matters and not enter into neighbour disputes but we regrettably feel this instance – in the light of untrue claims already made within the design and access statement to yourselves – we should present some background on the shared gardens to rear of the building. The gardens to the rear of the building at 22 Greville Road were until very recently completely open as with all communal gardens on the similar parade of houses on Greville Road, we purchased our property with communal garden access as well as clear imagery of open shared gardens, a lease confirming this and in the

belief we would have access to this open communal space to integrate with the local community and neighbours within the immediate building and around. Ms Davidoff was aware of the terms of her lease when she purchased the property, however, over the last two years she had denied all residents rightful access through the communal gate (which does not form part of her demise) on the communal side return and to the rear garden we have rightful use off. Ms Davidoff has over this time erected fences (which she may do) and built a patio and shed across the communal side return that runs alongside the rear garden and is not within her demise, an area where resident's bins historically were kept prior to Ms Davidoff's occupation. Throughout this time Ms Davidoff conceded our rights of use by offering us money to purchase our access rights to the garden, we declined and our rightful access was still denied. Having met with Ms Davidoff to amicably discuss the use the shared gardens access was still denied –thus following Ms Davidoff's persistent refusal the owners of the flats at 22 Greville Road (who all purchased their property's with the understanding they have access to shared gardens) regrettably had no other choice but to appoint a Barrister earlier this year, with the view of swiftly settling this clear matter in court. On receiving our notice of intention and Ms Davidoff being under no illusion of our intention to commence proceedings, she swiftly conceded and agreed that our access to freely use the garden is an absolute right and cannot be restricted, that the garden to the rear is in fact demised for communal use and furthermore she has furnished us with keys for the communal gate that she had previously prevented our access through. This is clearly contrary to the statement made by her designer on her behalf that the garden is "not shared".

3.) Detrimental to Community Facilities - reducing and restricting an open space used by residents in the community to meet, relax enjoy and share interests

- DP26 Managing the impact of development on occupiers and neighbours
- Camden's Development Policy Point 15.9, Protecting leisure uses. The Council is opposed to any reduction in the provision of leisure facilities because of their contribution to our quality of life
- Camden's Development Policy 24.4 The Council is committed to design excellence and a key strategic objective of the borough is to promote high quality sustainable design. *This is not just about aesthetic appearance of the environment, but also about enabling an improved quality of life, equality of opportunity*
- Camden's Development Policy, Point 15 -Community and leisure uses 15.6 Protecting community uses. Community facilities provide opportunities for residents to meet, share their interests
- Policy DP27 Basements and Lightwells – lead to the loss of open space or trees of townscape or amenity value
- Policy 27.2 It is important that it does not cause harm to the amenity of neighbours.

The proposal poses a threat to the amenity of the neighbours and building's community. It is an infringement on the rights of the neighbours and their free right to enjoy without disruption the gardens in their existing entirety and natural state to the rear of our building. All of the existing garden at the rear of our building should remain available for residents and occupiers to use. This area to the rear of our building cannot be disturbed, disrupted or any part of it reduced, therefore this development cannot be undertaken without having a detrimental impact on neighbours residential facilities, enjoyment and the community's quality of life.

4.) Restricting amenity space

- Camdens Development Policy 24.23; Private outdoor amenity space can add significantly to residents quality of life... gardens... are greatly valued... the Council will require that the residential amenity of neighbours be preserved, in accordance of policy DP26 – Managing the impact of development on occupiers and neighbours and Cosre Strategy Policy CS5 – Managing the impact of growth and development.

The proposed development does not preserve the entire existing gardens for neighbours use – to the contrary, it reduces and changes the area and in its lengthy development will completely remove the amenity from residents use for an unreasonable length of time.

5.) Disruption, noise nuisance

- Camden's Development Policy point 3. Protecting Camden's environment and quality of life. Improving and protecting our environment and quality of life
- DP28 Noise and vibration, Managing the impact of development and noise and vibration
- DP26: Managing the impact of development on occupants and neighbours
- Camden's Development Policy 24.4 The Council is committed to design excellence and a key strategic objective of the borough is to promote high quality sustainable design. *This is not just about aesthetic appearance of the environment, but also about enabling an improved quality of life, equality of opportunity*
- Camden Policy 27.4 Many potential impacts to the amenity of adjoining neighbors are limited by underground development...The Council seek to minimize the disruption caused by basement developments.

As owner residents directly above Ms Davidoff's garden floor property we have very serious concerns about noise, dust and unacceptable disruption this proposed subterranean development across the entire communal green area to the rear of our building would bring. This is a peaceful neighbourhood. The owner of the garden flat, Ms Davidoff, has advised that these works would be lengthy, disruptive and very noisy and she herself would be renting a separate property to live in for the long duration of works as it will be impossible to live through the prolonged disruption. We live on the raised ground floor of this same building, directly above the proposed works. We have a right to live in our home without disruption and enjoy the peaceful environment. We purchased this property in this green and peaceful residential setting with this specifically in mind.

6.) Human Rights

The proposed development poses a direct threat to our rights under the Human Rights Act, in particular protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all of their possessions, which includes the home and the other land. Additionally, Article 8 of the Human Rights act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOs* the court reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but the surroundings.

7). Protection of valuable open space and respecting local character

- Objectives of Camden's Core Strategy Policy, specifically CS15 and CS16 to improve and protect Camden's open spaces and to promote and enhance the diversity of plant and animal species within the borough.
- Policy DP24
- *f) existing natural features such as topography and trees*
- *g) the provision of appropriate hard and soft landscaping including boundary treatments*
- *h) the provision of appropriate amenity space; and*
- *i) accessibility*
- Camden's Development Policy point 24 Securing high quality Design, Core Strategy Policy CS15 Promoting high quality places and preserving our heritage sets out the council's overall strategy... design that reflects local context and character... natural environment including open spaces and gardens and mix of uses. We have a duty to respect these areas when constructing buildings and alterations and extensions.
- Seeking to ensure that Camden's places and buildings are attractive, safe, healthy and easy to use and requiring development... that respects local contexts and character.
- Policy DP24 point a) character, setting, context and form and scale of neighboring.
- Policy DP27 Basements and lightwells
- e.) lead to the loss of open space or tress of townscape or amenity value
- g.) harm the appearance or setting or established character of the surrounding area
- Policy 27.2 It is important that it does not cause harm to the amenity of neighbours, affect the stability of buildings... or damage the character of areas or the natural environment
- Policy 27.10 Consideration should be given to the existence of trees on or adjacent to the site.
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The communal garden to the rear of 22 Greville Road historically has always been open to our neighbouring communal gardens on the parade of similar properties on Greville Road. Until 18 months ago the gardens have been shared openly as a local community. The area to the rear of the building is verdant, green and established. (see picture attached). The proposed development will dramatically change the character and use of the space. Furthermore we consider the proposed development to be a true threat to the cherished local environment, its established wildlife, habitats, trees, shrubs and gardens. Within the proposed development site we enjoy several unusual established trees and shrubs with a substantial number of birds nesting and numerous other wildlife habituating. Disruption of this natural green space would certainly threaten the survival of all habitats and character of the local space. *The proposed development would not result in a benefit of the environmental and landscape terms, to the contrary it would lead to a loss of valuable natural green space and a serious threat to the existing natural trees and wildlife in habitat.*

8.) Detrimental to property views

The lengthy works along with the finalised proposal of mirror lightwells, glass and hard coverings will seriously affect our existing outlook and view of open natural green space to the rear of our building.

- Camden's Development Policy 24.7 The Development should consider the impact of existing rhythms, symmetries and uniformities in the townscape.

This development proposes to alter the natural uniformity and local symmetry of the existing natural green space. The entire area to the rear of the building and surrounding gardens are much cherished natural green spaces with established trees shrubs and authentic greenery. No other subterranean developments with lightwells exist within the local vicinity of natural green spaces.

9.) Ground stability

- Camdens Development Policy DP27 Basements and Lightwells
- a.) maintain the structural stability of the building and neighboring properties
- Policy 27.2 It is important that it does not cause harm to the amenity of neighbours, affect the stability of buildings... or damage the character of areas or the natural environment
- Policy 27.8 Some parts of Camden contain unusual and unstable subsoils.

As owner residents within the building we have very serious concerns about the grounds stability of our building should such works be undertaken. Subsidence and unstable soil is already a very serious issue with a very similar property only a few doors along at 14 Greville Road and recent intensive attempts have been made to strengthen its structure and have failed. We have serious concerns this proposed excavation work may have a serious adverse impact on the stability of existing structures as we are only a few doors along in an identical building that share the same rear space.

10.) Non compliance of terms of lease

The proposal is a breach of clause 6a of Ms Davidoff's garden flat lease which prohibits development without the lessors consent. Additionally, this garden to the rear of the building is for the rightful free use of fellow freeholders, restricting this in any capacity is a breach of the lease and our rights.

We are very concerned regarding all above points and the infringements this proposal threatens to our rights and free enjoyment of our environment and building. We would be grateful if the Council would take all of our points into consideration when deciding this application. We are available and at your disposal should you wish to discuss our objections in person. Our email contact is [REDACTED] and [REDACTED]

[REDACTED] Should you wish to contact us by telephone we are available on [REDACTED]

Please very kindly confirm that this proposal will be denied approval.

Yours sincerely,

[REDACTED]

Ben Cobb and Anna-Marie Scott

Garden Flat Lease - Plan

Communal
amenity side
return along
entire rear
garden outside
of boundary

shared
garden



GREVILLE ROAD

SCALE 1:200

Raised Grand Floor lease Plan

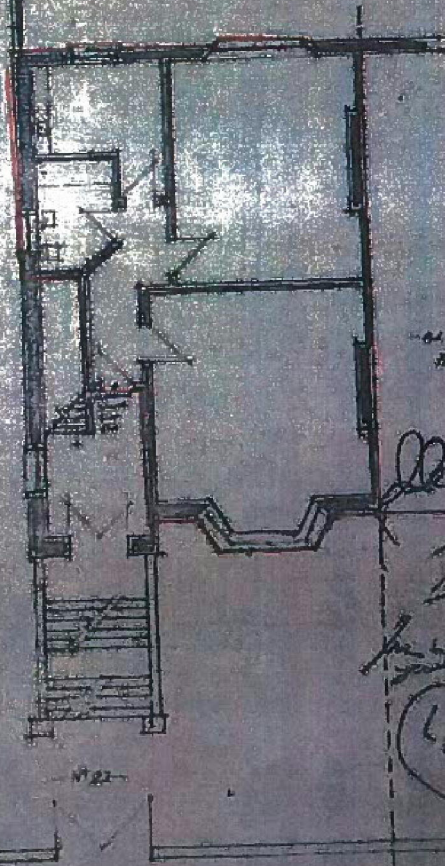
COPY
HM LAND REGISTRY

Shared
Garden

NOTE:- This Deed/Plan was of
poor quality prior to imaging.

HM LAND REGISTRY
Title No. NGL 287917
COPY (liable to distortion in scale)
of plan to lease
dated 22.10.1975

Common area/side return



200
feet
15

Scale 1/1000
Date Aug 1975
Lease Plan 22 Grenville Rd. 158 Ground Floor Flat.

Garden Plot Lease, 22 Greenville Road

(5) Full right and liberty from time to time to deal in such manner as the Lessor thinks fit with all other parts of the Building and any other land and buildings of the Lessor notwithstanding that the access of light and air to the demised premises may be thereby affected

* (6) The right for the Lessor and the lessees or occupiers of the other flats in the Building to use the garden area included in this demise *

THE FIFTH SCHEDULE above referred to

Aggregate of the sums actually expended or liabilities incurred by the Lessor or reserves built up in respect of the Building including in particular but without limiting the generality of the

