

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2015/3690/P	Gustav Botkai	14 Buckingham Mansions 353 West End Lane London NW6 1LR	02/08/2015 16:57:46	COMMNT	<p>Dear Sirs</p> <p>My name is Gustav Botkai. I own the 2nd floor flat at 300 West End Lane jointly with my son, Robert. I own a share of the freehold of the building. I am also neighbour as I live at 353 West End Lane.</p> <p>Ben and Tamar purchased the garden flat in 2013. They have spoken to me in the past about extending the property but this was only in the context of extending the ground floor into the garden. I was told it was a small extension. At no time have they ever discussed with me a proposal to extend into the basement.</p> <p>I do not recall receiving a formal notice about this application. I only became aware of the extent of their proposal when I was called by Urmesh Patel, another of the leaseholders on 18 July.</p> <p>I object to this application on the following grounds:</p> <ol style="list-style-type: none"> 1. The applicants do not own the basement into which they wish to extend. As a joint freeholder I will not be agreeing to extend their lease to include the basement. 2. I feel I have been badly misled by the applicants as to the extent of their proposal. 3. I have no confidence that the structural integrity of the building will be upheld should these works take place. The impact on me and my tenants would be huge. How can I let the flat while a basement is being excavated and underpinning works undertaken? What guarantee would I have that the building would be structurally sound following completion of the works? 4. The extent of the plans is disproportionate representing a doubling in size of the garden flat. This will be at the risk of the other leaseholders and the freeholder. 5. I wish to stress that the applicants are proposing to dig and underpin directly underneath my flat and actually within my freehold interest. I find it incredible that they would even contemplate such works. 6. The impact of the works carries the risk that my property is both unsaleable and incapable of being charged. <p>I am sorry that I have been compelled to write this objection. I can see now that the applicants bought the garden flat with the intention of extending into the basement. They concealed these plans from me and only now have I become aware of what they wish to do. I am sorry that they were not more open in their communications with me as I would have made it clear from the outset that I would not and could not agree to a basement extension under my property. This would have saved them a great deal of money.</p> <p>Yours faithfully</p>

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Gustav Botkai

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2015/3690/P	Robert Botkai	66 Pattison Road NW2 2HJ NW2 2HJ NW2 2HJ	01/08/2015 14:15:32	INT	<p>Dear Sirs.</p> <p>I am the joint leaseholder of the 2nd floor flat 300 West End Lane.</p> <p>My father, Gustav Botkai is also joint leaseholder of the 2nd floor flat.</p> <p>The freehold is owned by the leaseholders by way of the 300 West End Lane Management Company Ltd.</p> <p>The applicants propose to extend the ground floor garden flat into the basement of the property. This means that they plan to extend into the basement under our leasehold flat.</p> <p>We wish to object to this application in the strongest possible terms.</p> <ol style="list-style-type: none"> 1. The application is invalid in law. The applicant has failed to serve notice on me as leaseholder and on 300 West End Lane Management Co Ltd as freeholder. The requirement to notify landowners is mandatory under the Town and Country Planning Act and, with respect, the Council has no discretion to validate the application. Should any consent be granted notwithstanding this very blatant breach, any grant of planning would leave the Council open to a judicial review challenge. <p>The application should be rejected on this basis alone.</p> <ol style="list-style-type: none"> 2. The applicants do not own the basement area that they propose to extend into. Their leasehold interest NGL,539308 includes a very small part of the basement. Their proposal is to extend the basement underneath the entire property and part of the garden. They do not have the legal right to do so. 3. Even if the applicants were to own the basement area then they would need to seek Landlord's consent to any structural alterations. They have not even consulted the Landlord. 4. Even if they did own the land and secured Landlord consent then a Party Wall Award would be required. No party wall notices have been served, 5. The planning statement submitted by Salisbury Jones is confused. It states that the existing flat measures 104 metre sq and at para 1.2.2 that the proposal will add 135 sq m. Yet at para 5.6 it states that the proposal will add 90 sq m. This is a huge discrepancy and gives no confidence that the applicants and their advisors can be trusted to undertake this work. Whichever figure is correct, the proposal is hugely disproportionate doubling or more than doubling the size of the ground floor flat. 5. The applicant has failed to demonstrate that the construction impact including noise vibration and dust would be kept to an acceptable level during any works. The applicants' total failure to consult with

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us does not inspire any level of confidence on our part that they would show any consideration to those living in the house or neighbouring properties.

6. No part of the application satisfies us that the basement can be constructed while safeguarding the structural stability of the building and the neighbouring buildings. If this application is validated (we refer to our comments above) then the Council must insist on an independent report. It may be worth noting that the applicants probably do not have any legal rights to carry out intrusive surveys on the land as they have no legal interest and have not sought permission from the Landlord to do so.

7. The glazing would be a visually obtrusive feature that would interfere with the character and appearance of the property and fails to respect the conservation area.

8. The development would have a detrimental effect on the conservation area and cause considerable harm.

The Planning Authority must take into account the amenity interest of those who live adjacent to the site. We would submit that this must apply to an even greater degree to those who live immediately above the site. It is obvious that the amenity of those living above the proposed basement will be seriously impacted both during and after any works.

In summary this application is defective and the Council has no discretion to validate it. Even if it were to proceed it is clearly misconceived. The applicants should have consulted with those who own the freehold and those with leasehold interests in the building as well as owners of neighbouring properties. They have failed to do so.

I have now made it clear to the applicants that I will not, under any circumstances, agree to an extension being built under my property. The underpinning works would have great implications for the stability and hence the value of the property. I have invited the applicants to withdraw their application and save themselves further wasted costs but they have declined to do so.

Please note that I will wish to address the Committee at any hearing and reserve the right to appoint a professional person to represent me.

Please note that the address given in the boxes below is my home address and I ask that my name and address be redacted from any public documents.

Yours faithfully

Robert Botkai

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2015/3690/P	Marina Heritier	First floor flat 298 West End Lane	06/08/2015 21:41:19	OBJ	Dear Sir/Madam, We are the landlords of the neighbouring property and are extremely concerned about the proposed works. Excavating a large basement under one half of a semi-detached house, which is also built a slopy terrain, will cause substantial problems with the stability of the building and result in subsidence and rapid structural deterioration. The plan fails to provide specialist reports reassuring us on the structural stability of the proposal on the building. The initial pre-application advise has already stated the works could cause significant harm to the garden and it would be necessary to consider the impact on the neighbouring trees and planting.
