

**Gentet, Matthias**

---

**From:** Craig, Tessa  
**Sent:** 31 October 2016 08:34  
**To:** Planning  
**Subject:** FW: 10 clorane gardens

Please upload

Tessa Craig  
Planning Officer

Telephone: 020 7974 6750



---

You can [sign up](#) to our new and improved planning e-alerts to let you know about new planning applications, decisions and appeals.

---

**From:** Kitty Marsh [mailto:████████████████████]  
**Sent:** 28 October 2016 23:55  
**To:** Craig, Tessa; ████████████████████  
**Subject:** 10 clorane gardens

Dear Tessa  
Please find our submission on 2015/6734/P below  
Regards  
Nicholas field and kitty marsh

We object to the current terms of the planning application to excavate a basement under no 10 Clorane Gardens. We are the home owners of no 12 Clorane Gardens. We do not in principle object to a basement being built next door but we do object to it being built in a manner which may adversely affect our house and those of our neighbours. The present application is unacceptable in terms of the risks it presents to our property and in the manner in which the applicant's advisors propose to deal with such risks. The applicants are endeavouring to extend the basement *sideways*. They also conclude that the risk of damage to our property is low on the basis of calculations that our advisors suggest are flawed. In addition they appear to be attempting to lay the blame for any damage their construction causes to our property on us. This is not a tenable argument.

Since the original consultation period, plans have been resubmitted. Since we submitted our original comments in February a new set of plans have been submitted and some other documentation. It is that upon which we are commenting in this submission. Subjects to the comments below the objections in our original submission stand.

Please see the recent comments from Michael H de Freitas CGeol, PhD, DIC, Reader Emeritus in Engineering Geology, Dept. Civil & Environmental Engineering, Imperial College London, UK Registered Ground Engineering Adviser. He raises important issues relating to his original report on whether the application satisfies the requirements of DP27. The concerns raised in his original report have still not been addressed, and he advises that the requirements of DP27 have still not been fulfilled.

Also please see recent comments from Michael Eldred (MSc CEng FStructE MICE of Eldred Geotechnics Ltd), following up from his comments on the original application, many of which have also not been addressed. He advises that the requirements of DP27 have still not been met.

In addition to these documents we have the following comments.

**Letter of 14 July 2016 from Keith Gabriel of Gabriel Geo Consultants to Tessa Craig at Camden Council.**

1. This letter comments on the foundations to our house and on the lack of transition underpins. It also states "this lack of stepping up does not comply with normal good building practice". This is not the business of GGC. Our own basement was built by the previous owners in 2006. Planning permission was sought and obtained from Camden and the works complied with all pertinent building regulations. Furthermore we had a full survey done on the house before we bought it in 2014 and no issues came up. There has been no movement in the house since we have occupied it. The suggestion from the GGC letter is that if our house suffers damage as a result of work at no. 10 then this is our fault. Our house is currently in good order and any damage would result from the works at no 10, not from any of our actions, so this suggestion is absurd. This is a prime example of the applicant's advisors attempting to "pass the buck" rather than take full responsibility for the consequences of their building plans. Their plans need to be focused on how our building is actually constructed and not on how the applicant's advisors wish it were constructed.
2. The letter refers constantly to "provided best practice methods of construction are used" as a mitigating factor in any possible damage to our house. There is no indication elsewhere in the planning process of how these "best practices" will be established, monitored and redressed to avoid damage and in the event of failure. We face possible damage to our house if such methods of construction are not followed, without any ability to ensure the application of such methods. This is entirely illogical and one sided in favour of the applicant.

**BIA Audit Report from Campbell Reith**

3. Throughout the audit report assumptions are made that there will be no problems if the work is all done excellently, or words to that effect. But there are no suggestions of how this will be achieved. Assuming that there will be no problems and then basing your report on that assumption is a simple tautology that naturally results in a rosy conclusion. It is however, meaningless and offers no protection whatsoever.
4. There is no conclusion in the sense of points of action. Rather the conclusion is just a statement of what has, or has not been established. As such the audit report does not seem to us to offer any basis to reject or accept the application.
5. **Clauses 2.7 and 2.8:** these clauses refer to documents/supplementary information which have appear to have been taken into account in the audit report but not disclosed in Appendix 3 or on the Camden website, despite potentially being pertinent to this matter. These include emails from Camden to Campbell Reith dated 9 May and 6 June 2016 and other unspecified documents. Why have all these documents not, as a matter of good practice, been disclosed as part of the audit trail given they are mentioned in the audit? In addition, one of our technical advisors received from Camden on 26 October 2016 (attached to a forwarded email from Gabriel Consulting dated 14 July 2016) an email exchange between Campbell Reith/Kyson dated between 5 and 8 July 2016. These emails contained highly pertinent information which again had not been disclosed.
6. **4.9.** There is a factual error here. Contrary to what is stated (and referred to again in the checklist at clause 3) no 14 Clorane Gardens does have a basement. That could easily have been established by looking at estate agent particulars since the house was up for sale earlier this year. Such information is readily available in the public domain (a simple Google search reveals it). The existence of a basement in no 14 may materially affect the flow of water through the area and needs to be taken into consideration.
7. **4.14** refers to "the works are also to be regularly inspected by a competent person as discussed above". Who is this person? Who appoints them and what powers will they have to halt construction or force abandonment or plan revision if necessary?
8. **4.15 to 4.17** suggest that damage to our property should be slight (we would prefer "will be none") as long as the workmanship is well controlled. Who will guarantee that? Again (see clause 2 above), this appears heavily weighted in favour of the applicant without those most affected having any control over the situation.
9. **4.20:** the report notes that the amount of non-permeable surfacing is increasing substantially and this will increase the amount of run-off. It states that a new calculation of run-off is required and that a method needs to be proposed to deal with the run-off. Has this been done? There is no evidence it has. The report also notes that the path running between the proposed extension and our garden could be a mitigating factor if made of permeable materials. In the amended drawings posted to the Camden website on 9<sup>th</sup> May, however, this path appears to have removed to make way for a larger kitchen, making the need for details on how to deal with run-off that much more important. Surely this last minute change in plan needs to be followed through inter alia by a concomitant amendment to the SuDs calculations rather than its impact being ignored?

10. **5.6.** "Further investigations need to be undertaken" before works commence. Who will undertake these, who will monitor them and what bearing will the results have on the planning process?
11. **5.7** the work to determine whether there are adequate flow paths for water may not be adequate given the belief that no 14 did not have a basement, when it does. Campbell Reith themselves raise concerns about the adequacy of the information provided.
12. **5.9** as per point 9 above. Damage "may be limited", "assuming good workmanship", leaves an unacceptable amount to go wrong, as above.

**Other Points**

13. Point 5 made in our objection of 17 February 2016 was about the lack of a detailed CMP. That is still the case. Given the pivotal nature of "good workmanship", this becomes even more important. We will not repeat the text of the original point here, but it remains valid in its entirety.
14. Point 3 in our objection of 17 February questioned why the eucalyptus tree needs to be removed. Further, it also sought clarity (due to some confusing notation on the original plans) over which trees the applicant actually plans to remove. Neither point has been addressed.

**Conclusion**

The new plans address some of our original concerns – the raised skylight and the overlooking balcony, as well as not encroaching on the shared right of way. But they do not address the wider concerns of the adequacy of the assessment process for the effect of the proposal on water flow and flooding risk, on potential damage to our property, on the lack of checks in place to prevent such damage. Our advisors have provided clear advice that the current plans do not meet the requirements of DP27 and we would therefore strongly urge that the plans as they presently stand be rejected until all necessary and appropriate details have been duly considered and adequate solutions provided by the applicant.