

33 Arlington Road
Eastbourne
BN21 1DL

(as from: 59 Gloucester Avenue
London
NW1 7BA)

2 September 2017

Dear Mr Diver

REF: 31 St Mark's Crescent, NW1 - Revised BIA Notification (2017/1534/P)

Thank you for your email highlighting further documents and for seeking our further views.

Please note that I am responding on behalf of my mother, Mrs Dinah Hutchinson, who has owned 59 Gloucester Avenue for forty years and still lives there with her grandson and a carer. I am a Deputy, appointed by the Court of Protection, and have the right to make decisions on her behalf.

We object strongly to the proposed sub-basement at 31 St Marks Crescent. Our three main reasons for this are:

1. Our own property will be greatly affected and has not been given sufficient consideration in the documentation provided.
2. My mother is registered disabled. The lengthy and noisy work would affect her mental and physical health. We object to any intrusions on our garden, we object to our tree being destroyed and forbid any use of our mooring space for any barge.
3. The proximity of the Regent's Canal to the proposed sub-basement has not been considered sufficiently. This could cause subsidence of the neighbouring properties including ours. Their lengthy documents include glib assumptions about the stability of the area.

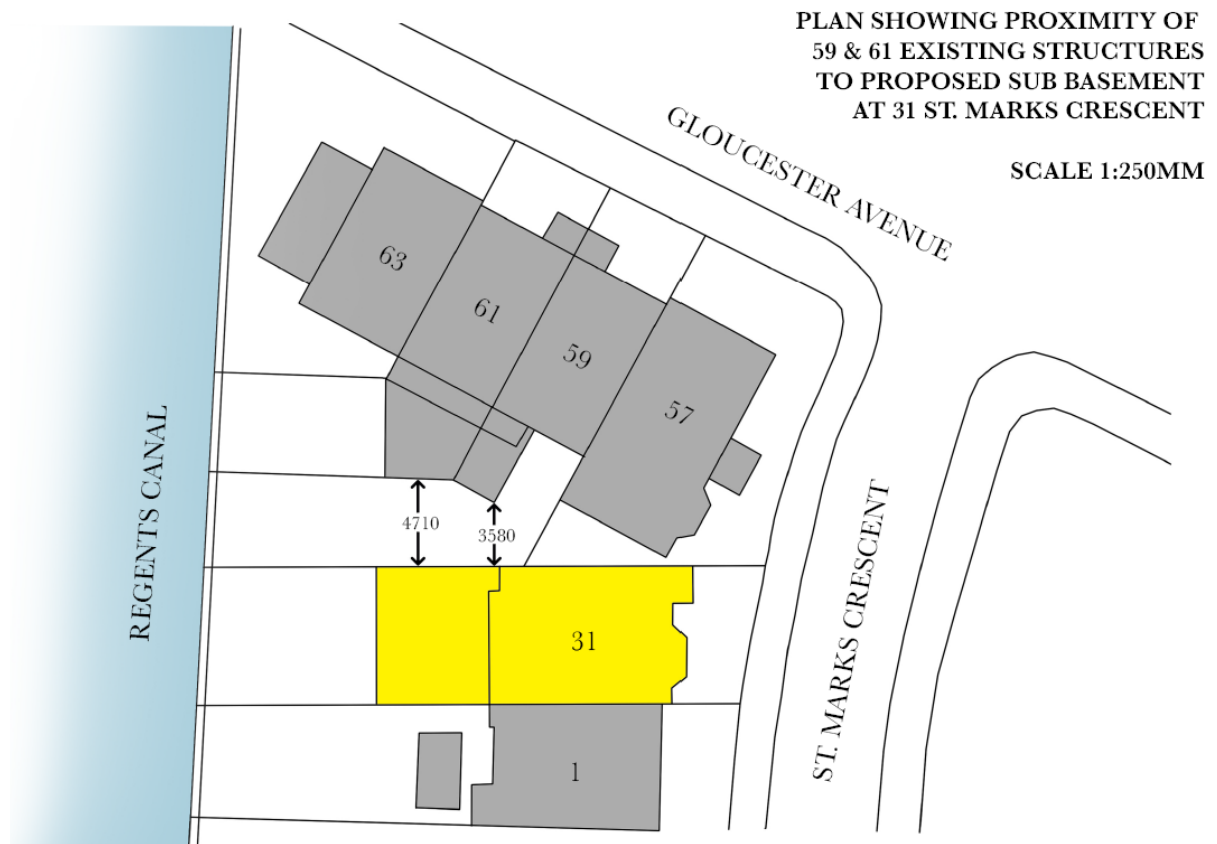
We include further detail below.

59 Gloucester Avenue owns more than half the length of the northern boundary with 31 St Marks Crescent. This does not even get a mention in their professional assessments. The boundary is mentioned as if it is all 57's property. As the proposed extension/excavation would extend 6m into their garden beyond the existing house this is even more critical to 59.

Our rear extension at 59 is only 3.5m from the proposed 4m deep excavation. On Chelmer's fig 16 they have omitted to show our extension as a solid (grey) structure. It has been present for over 50 years.

My mother is aged 82 and has a number of medical conditions which make travelling difficult. She is registered as disabled. She has problems with her eyesight and is irritated by noise and building work. She spends a lot of time in her home. Being in her garden is one of her favourite activities. We oppose any disruption of her calm environment. We object to the impact of noise from plant equipment. This would have implications for my mother's mental and physical health. We oppose any building work that would encroach into our garden for any time. In particular, we object to

excavation work up to and beyond the party wall. I note that at other sites, a temporary fence is sometimes erected so that excavations can occur; we object to this.



Above: Measurements of the site, showing the proximity of 59 Gloucester Avenue to 31 St Mark's Crescent. Distance 3500mm between 59 Gloucester Avenue and 31 St Mark's Crescent.

Below: From the planning application documents Chelmer Basement Impact Assessment, page 28.



Figure 16. Approximate widths and distances of adjacent structures (Not to Scale)

We note the intention to remove the spoil by barge. This would be even more disturbing for us at 59. We own the jetty space at the end of our garden. We refuse to allow a barge to park across our garden.

The Regent's Canal is 6 metres from this development, at the end of 31's garden. I note the documents include an assertion that the wall to the canal is watertight. This cannot be so when a huge tree was removed within the last 10 years, with roots running through the wall. At 59, a new wall had to be constructed 30cm further into the canal because the original canal wall had been so badly destroyed by the tree roots.

On Chelmer's Basement Impact Assessment:

4.3.1 page 17: states: *"The only surface water feature recorded near the site is Regents Canal, which is detailed in the Camden GHHS (Arup, 2010) as being lined with puddle clay of a low permeability to prevent flow between the canal and surrounding ground. A brick wall that forms the rear boundary between the canal and the site provides a further barrier."* This cannot be watertight. See notes about previous tree above.

Page 46, they assert: *"Only the Regent's Canal is within 100 m of the site and this is anticipated to be lined sufficiently to form a barrier between the site and canal and therefore they will have no impact upon each other"* There is no evidence to support this assertion.

Page 46, they state: *"The site neighbours the Regent's Canal at the end of the rear garden, which has a drop of approximately 1 m to water level and then unknown drop to the canal bed. The retaining wall along the canal is anticipated to provide suitable protection against slope instability."* They are wrong here – the canal wall at the end of our garden at 59 was re-built, further into the canal as the original wall had been subject to tree damage and there is a gap. It would not suffice as a retaining wall with the extent of excavation and vibration planned.

Section 6, page 27. This details the “worst case scenario” for the neighbours at 57, but does not mention my mother’s property at 59 which has a long boundary and an extension within 3.5metres of the proposed basement.

Figure 16, page 28: this is drawn not to scale. It fails to show the brick extension to my mother’s house that has been present over 50 years, with glass doors, and is within 3.5 metres of the proposed basement.

Page 29: They state that we will be affected, by stating: *“Some ground movement is inevitable when basements are constructed. Ground movements associated with the construction of retaining walls in clay soils have been shown to extend to a distance up to 4 times the depth of the excavation”*. We are horrified by the impact of this on my mother’s home.

Regarding the other document: Basement Impact Assessment – Summary and design and construction proposals by Croft Structural Engineers.

Page 9: Our property is not mentioned, despite sharing over half the northern boundary.

Page 11: They do state the fact that we will sustain damage. *“However, Croft’s experience advises that there is a risk of movement to the neighbouring property.”*

Page 8: They repeat the assertion that: *“As explained in the BIA by Chelmer, the basement structure is not likely to have an impact on the canal and vice-versa.”* This is not the case. They have not followed up on the specialised subject of excavation within 6 metres of the Regent’s Canal.

Page 10: This mentions the tree in our garden, suggesting it needs to be assessed. They quote out of date guidance. We object to damage to our tree. We would object to our tree being removed. They state: *“In the garden of the neighbouring property, No 59 Gloucester Avenue, there is a tree close to the boundary of the proposed basement. This has a similar height and is on a slightly higher level of ground. The garden wall closest to this drops to a lower level to form the side boundary of the existing patio at the rear. The base of this wall is therefore significantly lower than the ground surrounding the tree. This would form a permanent obstruction to any root spread. Any tree roots are therefore likely to be migrating away from this wall and further into the garden of the neighbouring property. Consequently, the basement wall that would be constructed below the existing garden wall is unlikely to have a significant impact on the roots. However, as a precaution, the contractor should follow guidance from BS 5837: 2005 Trees in relation to construction.”*

I note that BS 5837: 2005 standards have been superseded by BS 5837:2012 ‘Trees in relation to design, demolition and construction’. The newer British Standard suggests a tree survey at the design stage, details the difficulties with preserving roots due to a close excavation and notes that if unsafe, the tree would be removed.

Page 11. They state in mitigation for neighbouring damage: *“Investigate the ground this has now been done.”* This is despite failing to follow up on the proximity of the canal to the proposed basement.

As Appendix F, they include email correspondence from the Canal and River Trust, dated 28.2.17. This includes a requirement for a Canal and River Trust engineer to attend. There is no evidence that this has occurred. The Canal and River Trust also confirm our fear that this intended development of a sub-basement is far too close to the Regent’s canal: It states: *“We consider these works may have an impact and we have attached a summary of the application process together with the necessary*

application forms. We would advise you to read the whole of Part 1 and the relevant sections of Part 2."

Since none of the extensive documents provided by the requesting team to the Planning department have commented on these, I have included some relevant sections below:

FROM: Canal and River Trust <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>

Part 1: Page 12: Stability of Structures

Many existing structures were built before slope stability, foundation design etc were understood. Materials and methods now taken for granted were not available. Compaction of embankment fill was not possible. It was not practice to prepare engineering drawings until the 1820's. Calculations were not undertaken until later in the 19th Century.

Old structures often have factors of safety close to unity. Factors of safety for embankments and cuttings reduce with time. Old structures are therefore particularly vulnerable to nearby works. Ill-considered excavations at the toe of an embankment, for instance, can have disastrous consequences.

No discernible vibration will be acceptable to Trust property unless the level of vibration has been prescribed in advance by the Works Engineer. Vibration is a particularly significant issue close to embankments of a granular composition. All work near old structures must be carried out with great care and forethought. It is the Third Party's responsibility to demonstrate that there will be no detrimental impact on existing structures"

Part 2: Section 8.3

Extreme caution needs to be taken when removing structures located below canal water level (e.g. cellars, basements), as they may also be retaining ground water, which is associated with the Canal adjacent, furthermore you might need to instigate temporary works to ensure the waterway structure remains in place throughout your works.

Section 9.4 Right of Support

The Trust enjoys a right of support under Common Law. It is important that support is not removed by excavation, dewatering undermining etc. In areas of mining subsidence canals can be of great depth due to bank raising - 10m is not unknown. Factors of safety are often not great and ill-considered actions can be disastrous.

A less obvious consequence of excavating near to canals is that of increasing hydraulic gradients. Not all canals are lined. Seepage rates are increased. Permanent leakage or piping failure can result.

I would be happy to have my comments shared. I have not enlisted any professional help in our objection, to save the costs to my mother's finances. Please let me know whether I should do so. We object in the strongest terms to the proposed sub-basement at 31 St Mark's Crescent.

Yours sincerely

Scarlett McNally

Mrs Scarlett McNally, as Court of Protection Deputy on behalf of Mrs Dinah Hutchinson, freehold owner of 59 Gloucester Avenue, neighbour of the proposed development.