

**From:** A. Khadivi <[REDACTED]>  
**To:** Monire Khadivi <[REDACTED]>  
**Sent:** Sunday, 24 December 2017, 10:35  
**Subject:** RE: PLANNING APPLICATION NO. 2017/6069/P - 10A OAKHILL AVENUE NW3 7RE

Dear Ms Hazelton,

I understand that the above application ref: 2017/6069/P is a new application for the same development - with the following application ref numbers shown below.

Therefore after Christmas holidays please kindly log my strong objection to the application that was made in 2014, given below. I also copy an email dated 19 August 2014 that should be included in my objection.

Thank you in advance and please confirm the receipt of this email.

Application Ref: 2014/1037/P  
Associated Ref: 2013/3477/P  
Associated Ref: 2013/6777/PRE

For the attention of Ms Seonaid Carr,

In reply to your letter dated 19 February 2014, I would like to object strongly the above planning application because of the following reasons:

1. The site stands on the Claygate Member – Clay, Slit and Sand. It is highly shrinkable type of clay hence it is subject to potential subsidence and movements. The proposed basement deep excavation with its generated earth movements and vibrations will no doubt affect the present harmonious earth balance of the territory. This change will affect on the foundation of our building located so close to the proposed project risking a substantial subsidence of our building (No 10).
2. The proposed basement deep excavation with its concrete building spread in the proposed layout of the new building (from boundary to boundary – which itself is wrong and has to be stopped - unlike ground floor layout which is 1 metre from boundaries on both sides) is a serious obstruction for the underground water levels or rivers directing the current towards adjacent buildings. Unfortunately our building No 10, is located in the lower position (street's general gradient) hence all obstructed current with its increased level will be forced towards No. 10. Again unfortunately my property is located in the lower part of the No. 10 building (Lower Ground); therefore our property and garden flooding will be inevitable.
3. Loss of sunlight and natural light due to the effects which will be created by the intense overlooking of No. 10 habitable rooms, considering the expansions of the

existing layout in all directions. This would specially affect badly our kitchen and lounge natural light through the existing windows.

4. Breaching of privacy by proposed terraces and balconies and introducing of new noises caused by use of motor room, water tanks and swimming pools machinery and plant to our building and garden (No 10).

5. Taking a big portion of the back garden for the proposed extension (some 10 metres) hence eroding the green area and its conservation which is clearly in contradiction with the Camden Biodiversity and Green Policies.

6. Different architectural character of the proposed building compared with other buildings located in Oakhill Avenue in general, and with 2 neighbouring buildings (No 8 & No 10) in particular.

7. Destroying the valuable irreplaceable existing trees that must be uprooted for the proposed project and those located downstream of the natural underwater current that will be disrupted by the excavations. This will be in contradiction with the Camden Biodiversity and Green Policies.

8. The choice of building materials proposed for the windows, garage door, canopy and other specified small areas in contradiction with the traditional conservation area character associated to brick and timber windows materials.

9. The proposed 5 flats will add to the local traffic problems that in Hampstead Area have been always a subject for critics. Also it will add to the existing local schooling problems accordingly.

Considering the above points, please refuse.

Also, I wish to be notified of the committee date and the decision that is finally made for this application.

Thank you for your attention.

Yours faithfully

Monire Abootorabi Khadivi  
Flat 1  
Autumn Rise, 10 Oakhill Avenue  
London NW3 7RE

**From:** Monire Khadivi [REDACTED]  
**Date:** 19 August 2014 21:00:36 BST

To [REDACTED]  
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**Subject: Fwd: PLANNING APPLICATION - NOTIFICATION OF COMMITTEE DATE**

Dear Miss Hanna Hutter,

I refer to your phone conversation today with my husband, Abbas Khadivi, regarding the above subject. It was discussed that I can send 2 pages of Michael de Freitas Lecture to the Highgate Society Report as my objection to the proposed planning applications. Please kindly circulate the attached signed letter (2 pages) to all members of the Committee in the supplementary agenda which will be published and distributed tomorrow.

Thank you so much in advance.

Kind regards

Monire Abootorabi Khadivi (Mrs)

F. A. O. Committee Clerk/Seonaid Carr  
RSC Development Control, Planning Application Committee Services,

19 August 2014

**RE: APPLICATION REF: 2014/1037/P, 2013/3477/P & 2013/6777/PRE – 10A Oakhill Ave, NW3 7RE  
Committee Meeting on 21 August 2014, 07:00pm**

Please kindly circulate this written submission for the above meeting (2 pages letter as required by your instruction). This is Michael de Freitas lecture to the Highgate Society regarding Basement Excavations/Developments in Hampstead and Highgate Area.

Based on this report, I strongly object with the above proposed applications that include deep excavations for the new basement.

I am living at 1 Autumn Rise, 10 Oakhill Avenue, London NW3 7RE – Next door neighbour to the above proposed development.

Mrs Monire Abootorabi Khadivi

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Michael de Freitas, Basement Developments, United Reform Church, Pond Square, 3.3.14

Basement developments can be okay if very good engineers are appointed, but this is very rare in practice and neighbours can be left with considerable problems, which may take ten years to appear.

Relatively little is known about the effects on neighbouring properties because affected neighbours do not like to disclose the problems in order not to deter prospective buyers.

The ability of water to move through claygate member beds and London clay is much more difficult (than through Bagshot sands).

Excavation of the earth creates stresses in the ground: vertical, horizontal and water stress. Prior to excavation all these stresses are perfectly balanced. Digging will cause the sides of the trench to cave in and the base to rise and the water to drain out of the soil. A tell-tale sign of problems is the draining of water containing particles of soil. The excavation for a basement cause irreversible change to the water pressures in the ground.

Groundwater flow become diverted beneath neighbouring properties. Water drainage measures therefore need to be incorporated. If granular drainage measure do not work, it is possible to create a large sump. The problem is that the drainage will be inaccessible and it will not be possible to check if it is working once the basement has been constructed.

#### Damage to Neighbouring Properties

It is essential that affected neighbours insist on seeing detailed calculations of design and not merely the preliminary design calculations. These should include contours of predicted vertical settlement and the impact on neighbours.

When the water pressure in the soil decreases, this causes the soil to consolidate. This can lead to brick failure and plastic failure if the water pressure in the soil is affected.

If drainage is introduced, the water pressure decreases and soil particles move, creating soil consolidation, which is irreversible.

#### Case Histories

Very little evidence exists because home owners do not wish to affect the saleability of their properties. But some examples do exist, eg a Camden-owned property on Finchley Road. This demonstrated that soil consolidation takes 10 years and that this is the time lag between construction and cracks and distortions beginning to appear. Next door's development is therefore turned into cash at the neighbour's expense.

The BRE classified damage into 5 categories:

1. Negligible: hairline cracks from shrinkage and thermal movement
2. Very slight: cracks of up to 5 mm in external brick work and finishes of internal walls. Doors and windows may stick. But effects can last 10 years

3. Moderate: several cracks up to 3 mm and 5-12 mm. Doors and windows stick, service pipes may fracture.
4. Severe: extensive damage. Party Wall Act does not afford any protection.

Need to obtain from HHS the report, "A Review of Structural Damage in Three Residential Properties Adjacent to New Basements in the London Borough of Camden" by Michael Eldred

#### Basement Impact Assessment

Camden has developed a basement impact assessment in three stages:

1. Screening: look at maps, photos and flood vulnerability
2. Scoping: how can the problems be solved?
3. Site investigation
4. Impact assessment. This is a prediction of the short and long-term impact and is based on judgment.
5. Decision made on the basis that the work proceeds according to plan. But, it may not go according to plan!

One bore hole is not sufficient. It will be necessary to dig holes in the soil and inspect the soil below ground and identify the different soil layers. The excavation of a basement will create an apron aquifer. The holes need to be dug and the soil inspected and the sides of the holes checked for signs of caving in during different weather conditions. Water levels and pressures must be measured over time.

Samples must be decent and not merely corkscrew samples. Drillings must be carried out over a period of time and in differing weather. This should form part of the Factual Report.

But reports are more likely to be Interpretative Reports in order to meet local authority deadlines. The local authority is unlikely to know if the investigations which have been carried out are adequate.

A state of the art report on Integrating Geotechnical Risk Management in Project Risk Management (SSMGE) TCS304 2013.

See also the Arup report on BIAs.

#### What can go wrong and steps to take

Most claims are due to poor work at the preliminary design and project management stage. Damage which happens at the demolition stage is not covered by the Party Wall Act.

Need to obtain technical advice and get together with neighbours. Record all contact with the local authority, contact HHS and be sure to object. Local authorities are predisposed to grant planning consent.

Has the ground been investigated?  
 Have water levels been measured over time?  
 How does the ground / holes respond to rain  
 Check the qualifications of the person writing the BIA  
 Have the conclusions been justified?

Beware of dissembling by all parties, eg poor hydrology reports, lying surveyors and slippery architects.

First of all: look at geological data  
 Augur holes and bore holes are useless. Examine the facts.  
 Look at your buildings insurance policy. Insurers must be informed if a planning application for a basement is submitted and this can apply for a basement which is dug 3-4 properties away.

Obtain written assurances from Camden and the architect.  
 Insist on lateral drainage and digging by hand.  
 Ensure that a wall is constructed before the hole is excavated.

Local authorities do not owe a duty of care! (case law)

Ensure that information is placed in the public domain for future reference.

All reports are aimed at justifying development and are not independent.