

ANTHONY H. KAY LLB.  
SOLICITOR  
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BY POST & EMAIL

14th February 2019

Obote Hope Esq.  
Planning Officer  
Planning Solutions Team  
London Borough of Camden  
5 Pancras Square  
London N1C 4AG

Dear Sir,

**52 Eton Avenue NW3 3HN  
Application No.2019/0532/P**

I am writing on behalf of myself and my wife, Rita Kay, to object to the above application principally with regard to the basement. The application has been made on behalf of Mr. and Mrs. Tepkoylu, who have been described as having acquired the property; although the exact status of their interest is a bit unclear, as the existing registered proprietor, Mr. Habermann, remains in occupation. Details on the various grounds of objection are set out in this letter, and also summarised at the end.

**A. Preliminary**

My wife and I live at [REDACTED] being one of the terrace of nine houses, [REDACTED] Crossfield Road and 50 & 52 Eton Avenue. We have owned the house since 2002; and before that lived in a flat on Eton Avenue, in my case since 1974. Before going into the details of the application, I think it would be helpful to give some background information on the terrace of houses, the shared communal drains and the layout of the houses.

**1. L shaped Terrace at corner Eton Avenue & Crossfield Road**

This is a terrace of three storied town houses constructed with integral garages, as was common in the 1960s; being fairly exceptional for the area, which otherwise consists of flats. They were constructed by Eton College, who owned most of the freeholds in the whole area, in order to let them. The common façade of the houses is of basic 1960s style, unlike the period facades of the majority of neighbouring properties. It may well be that at that time Eton College, who no doubt would still be owning the freeholds until forced by leasehold enfranchisement laws to sell them, did not think it worthwhile to spend any money on a period façade, unlike a lot of similar type of town houses built at the same time, which are graced with a Georgian facade. The facades by and large are still of uniform appearance, especially the frontages to Crossfield Road; the main change in a lot of cases being the replacement of the garage doors by a window.

While some people like 1960s style architecture, the majority of those buying homes in the area prefer a more traditional period appearance, especially at the more prestigious luxury end of the market. So up to now these houses have been broadly priced the same as flats of equivalent size, without any premium to reflect their being individual houses rather than flats and freehold rather than leasehold.

## 2. Common Drainage

All the nine houses are served by a couple of communal drainage systems, the close relationship being reflective of the original common ownership by Eton College. The first system runs along the front of all the Crossfield Road houses before ending at the main interceptor in the front garden of 52 Eton Avenue; and the second at the back of all the Crossfield Road houses then going under 50 Eton Avenue before joining the main drain from 52 Eton Avenue at an interceptor by the front door of 52 and again connecting with the main interceptor at 52 Eton Avenue; before connecting with the main sewer in Eton Avenue. In order to accommodate the whole run the drop in level between each house, and the whole system, is very shallow. To compensate for this the drainage pipes are all of a small bore. The downside of this is that quite frequently over the years pipes have become silted up and individual interceptors throughout the system, including the main interceptor in the front garden of 52 Eton Avenue, have become clogged up. Since I have been living here I have frequently become involved with the clearance of the interceptors and high pressure jetting through of the system. This has included the main interceptor. For appearance sake the current owner, Mr.Habermann, has preferred to keep the manhole cover hidden from view from his lounge, so it is covered by a thin layer of earth, which has had to be removed each time.

## 3. Original Internal Design of All Houses

The design of each house provided for on the ground floor an integral garage, kitchen, cloakroom and small reception room/dining room; on the middle floor, the main reception room, bedroom and bathroom; and on the upper floor three bedrooms and a bathroom. Since then various changes have been made individually to the various house, principally on the ground floor, where in most cases the garage has been replaced by a room, sometimes used as a guest bedroom. While the number and type of rooms on the upper floors of the two house fronting Eton Avenue should have been the same, the exact configuration may have been different.

## 4. Specific Internal Changes to 52 Eton Avenue

Like many of the houses the integral garage has been replaced by a room. Advantage has been taken of the large front garden, to construct an extension, which has resulted in a much larger ground floor reception room. So what in the other houses has been the main reception room on the first floor no longer has that status, and could if wished be used for other purposes such as a bedroom. To summarise the house comprises in addition to the usual facilities, a large ground floor reception room and six other rooms.

## **B.The application**

In addition to the large new basement, the application is for the removal of the existing ground floor extension and replacement by a new one, and various other external changes. These latter are in the main protected from public view by the exiting boundary wall, so in this section I am going to limit my objections and comments to the proposal for the basement, its effect on the communal drainage with the other 8 connected houses, and construction and traffic issues for the neighbourhood.

### 1. Basement

To put it at its simplest, the application broadly has two elements firstly a basement under the footprint of the house, and secondly further basement works (mainly comprising a basement patio and sunken garden) filling in the space between the house and Crossfield Road. So this "western element" is bordered to the east by the house, on the west by Crossfield Road and to the north by 30 Eton Avenue. So this may well not be in compliance with Camden's policy that it "be set back from neighbouring property boundaries where it extends beyond the footprint of the host building". Apart from that as discussed in more detail in section B2 below on the Diversion of the Communal Drainage this western element greatly adds to all the potential problems there.

In formulating my objections and comments I shall now be going through and highlighting various submissions on behalf of the applicant contained in the Design & Access Statements in documents

2a to 2g.

The applicants are described as having two children, and so are typically the same type of family that have often occupied houses in this terrace. While none of these houses has a basement, in D&A part 2 page 18 the applicants try to give the impression that basements are usual in the area by stating that "many private houses include basement floors below ground level" including a plan marking many houses as having a full height basement below ground. The statement and plan I believe to be both incorrect and completely misleading; and the same incorrect plan and statements appear again in the Planning Statement (document 3) on page 7. Apart from the modern building constructed in the late 1990s, 54 Eton Avenue, on the opposite corner of Eton Avenue and Crossfield Road, which is a mixed use building consisting of some flats and an assembly hall and some classrooms for the Hall School, and has a single storey underground carpark; none of the other properties in the vicinity along either Eton Avenue or Strathray Gardens has a full height basement. At most they could be described as having a half basement. The block of flats, Eton Court adjoining 50 Eton Avenue, the houses opposite in Eton Avenue and Strathray Gardens are of similar construction to cater for the slope in the ground and drop in level from the street. So there are steps up to what is called the ground floor, with a lower ground floor below that but which still has windows in the rooms to the front. The rooms to the rear are not built into the ground at all, and have direct access without steps to their gardens in the case of the houses and yard in the case of the Eton Court flats. While typing this letter I am also looking out of a rear upstairs window at the rear of Eton Court and the rear gardens on the western side of Strathray Gardens, so can specifically confirm this.

Only very limited fairly nebulous information is given regarding the applicants need for this large basement development. The best source of any details seem to be contained in D&A part 4 page 37 where there are plans of the proposed internal layout of the new basement and all three upper floors. This indicates that the large new space in the basement is a family and games room with the western element being a sunken garden and basement garden. The ground floor is changed a bit but ends up with the same type of rooms as before namely a kitchen, reception type room called a garden room and study. The existing layout of both the upper floors is to be retained with a reception room and study on the middle floor and three bedrooms on the top floor. So in addition to the bedrooms, before any basement development there will be two reception rooms and two studies, which for a married couple with two children can hardly be described as being cramped, and has been quite sufficient for similar sized families in the other 8 houses.

To summarise I think it would be a retrograde step for approval to be given for the proposed basement, which would set an unfortunate precedent both in respect of the adjoining houses but also in the immediate area as none of the other purely residential accommodation have full height basements. In section A1 I have commented that the nine houses as they are at present provide a valuable additional type of accommodation in the area as a family house at the same price as an equivalent sized family flat. The construction and addition of the basement will change the character of that house which will then fall within the upper luxury prestige category of accommodation, thus reducing the available types of housing in the area and adversely affecting the diversity and community cohesion of the area.

## 2. Diversion of Communal Drainage

In the first paragraph of section B1 above I have mentioned that the removal of the western elements of the basement proposals, it seems primarily consisting of a basement patio and sunken garden, might very much simplify and minimise the problems which will occur through having to divert the communal drains. So these comments may only apply in full in the event of the applicants not being prepared to modify their proposals. The following observations are being made following my perusal of both the Outline SUDS Strategy (document 9) and the Basement Impact Assessment (document 4).

On page 9 of the SUDS report it is acknowledged that the drainage is shared by all the other houses in the terrace, and there is a diagram showing the existing system. From my own knowledge of the



system as set out in A2 above I do not think it is completely accurate; but it is probably not too important to dwell on that but rather turn to pages 16 & 17 giving details of the proposed diverted drainage system. On page 16 it states that "It is apparent that the existing shared drainage will require diversion around the proposed basement areas" and continues in the last line to state "It is envisaged that the basement level water will be collected in a sump and pumped up to the diverted drainage system. From here it is envisaged that the system will drain by gravity to the sewer." This raises a number of issues and questions. It is not clear if the basement level water needing to be collected and pumped up refers only to that from the new basement itself. If it also covers all the drainage from the rest of the houses that is clearly unsatisfactory and unacceptable, and this needs to be urgently clarified.

Turning to the diagram of the diverted system on page 17, it is probably best to first deal with the eastern run of the two communal systems which apart from 52 Eton Avenue itself also caters fully for 52 Eton Avenue and the rear drainages from the seven Crossfield Road houses. From the diagram at first sight it seems that it should not be too complicated to divert the system here. If there are any problems there would seem to be the possibility of a new route under the drive of 52 Eton Avenue.

By contrast the position with the western run serving the front of the seven Crossfield Road houses, which encompasses all their toilets and bathrooms, is much more complex. Leaving aside the problem mentioned before on pumping up, the diagram indicates that to get around the new basement will require three turns, two of which are at right angles, so three new interceptors at each turn. In A2 above I have mentioned the small bore delicate nature of the system, and the tendency to clog up and require high pressure jetting. Interceptors with pipes coming in and going out at right angles, would seem to be especially prone to become clogged up. Thus if problems should occur, to cover the owners of 52 Eton Avenue being unavailable, all the inhabitants of the seven Crossfield Road houses will need to be able to gain access immediately if required to these interceptors. There are other possibilities of running a new drain under Crossfield Road or its pavement, but this is something probably better not to explore at this stage; and would require consultation with the water authority, Thames Water, although that maybe advisable anyway.

In the BIA page 10 para 2.3 it states that "A foul drain shared with the neighbouring No.50 Eton Avenue, is present beneath the timber extension to the front of the property". From my comments in this section and in A2, the fact that all the drainage from the rear of the 7 Crossfield Road houses also passes through this drain has been ignored. On page 16 para 4.1.2 it is stated that "The existing drainage arrangement will be maintained" ignoring the applicants' own SUDS report that the communal drainage will have to be diverted. On page 21 para 6.5 is set out a Construction Sequence with well down the list at no.6 to "Instal below-slab drainage for foul and ground water, sumps and pumps." Unless the applicants' basement proposals are amended so that it is no longer necessary to divert the communal drainage, then it would seem that installation of the diverted system is a priority, which needs to be completed prior to any other basement works being commenced. There will be a number of conditions to be considered in this respect, and to avoid duplication these are discussed later in Section D on Possible Conditions.

To summarise the technical reports so far submitted are inadequate with regard to the communal drainage system, and for this reason alone the present application should not be approved.

### 3. Traffic and Construction Issues

While it is understood that disruption and disturbance to neighbouring houses from construction traffic may not be a planning consideration, here I wish to mention the cumulative effects with other on going major developments, which I believe need to be taken into account when considering this application and the provisions of a Construction Management Plan. The first major development is that at 100 Avenue Road where a substantial number of HGVs are likely over the next four years to be using Winchester Road and the top western end of Eton Avenue and the open space by the theatre to gain access to the site, in effect making it difficult to get in or out of the area that way. The second major development is that of the Hall School in Crossfield Road scheduled to last two years where it

is envisaged that the fleet of lorries will access the site in Crossfield Road from the north through Lancaster Grove, go down Crossfield Road and then leave going east along Eton Avenue.. Having construction works taking place at the same time at 52 Eton Avenue, at the corner of Eton Avenue and Crossfield Road seems very likely to add to the likelihood of total gridlock in the area. This is before mentioning the on going development at the old fire station in Eton Avenue at the other eastern end of Eton Avenue, let alone the major blockages in Adelaide Road for HS2 and on Finchley Road for CS11 if those schemes get the go ahead.

### **C. Summary of Objections**

In this letter I have concentrated on the matters especially applicable to my wife and myself living a few doors away from the application site. Accordingly I will only be dealing with those in this and the next section, and have not dealt with the other items which one would expect to be of great concern and be raised by the owners of the two immediately adjoining houses.

As already set out in this letter , apart from the reasons given by the applicants being fairly nebulous and debateable, the terrace of nine houses as at present constituted are a valuable additional resource adding to the different types of housing available in the area, which would be much lessened by approving the basement part of this application thus clearly putting that house firmly in the luxury prestige end of the market; and so adversely affect the diversity and communal cohesion of the area. Giving approval would set an unfortunate precedent both with regard to the remaining houses in the terrace , but also in the immediate area where the period properties also do not have full height basements, the lower ground floors being at the most half-basements.

Camden's policy on basement applications states that the applicants must inter alia demonstrate that the proposals for a basement "avoid adversely affecting drainage and run-off or causing other damage to the water environment" and "do not harm the amenity of neighbours". The documents so far submitted for the applicants go nowhere meeting these requirements so far as the risk to the communal drainage systems are concerned; and for this reason alone the application should be refused.

### **D. Possible Conditions**

While I believe this application should be refused, it may be considered that some of the objections mentioned in this letter could be dealt with by possible planning conditions. So to avoid duplication I will consider together both the items and reports which I think should be obtained and dealt prior to planning permission being granted and also those to which a planning permission could be subject either as a planning condition and/or in a s.106 agreement.

1. The SUDS report at page 16 has mentioned the imposition of a Grampian style condition that "No development shall commence until a drainage strategy etc.... has been submitted to and approved by the local authority in consultation with the sewerage undertaker." Consideration should be given to extending this clause so that it also clearly covers any diversion of the communal drainage systems.
2. It seems appropriate to insist on a technical report from a specialist drainage engineer, preferably prior to planning permission being granted, but if not at least as a planning condition, confirming that the new system will fully accommodate drainage from all the other 8 houses without the necessity of anything needing to be collected in a sump and pumped up.
3. Generally with basement applications there is usually a case for commencement of any works being conditional on approval of the Basement Construction Plan. In the present case that plan should clearly lay out the procedure and timing of the diversion of the communal drainage systems.
4. In addition to the above, the communal drainage system needs to be in place before any other works are commenced with the construction of the basement.
5. Camden has a guideline that "Given the complex nature of basement development, Camden

encourages developers to offer security for expenses for basement development to adjoining neighbours". If this matter proceeds there will have to be Party Walls Awards with the two immediately adjoining houses, 50 Eton Avenue and 30 Crossfield Road, which typically include bonding requirements. Any such arrangements should be extended to cover the other seven houses, 24 to 29 Crossfield Road. So the necessary conditions need to be made that the appropriate bonds are in place to guarantee the installation and completion of the diverted communal drainage system.

In view of the contents of this letter particularly with regard to construction matters in respect of the basement, especially in respect of the communal drainage, I trust you will be forwarding this letter on to Camden's appointed basement assessors, who I believe are still Campbell Reith.

Finally please would you keep me informed of any developments with this application, amendments etc. and let me know the dates of any committee meetings, and let me have copies of any reports and decisions etc.

Yours faithfully,

A.H.Kay

ANTHONY H. KAY LLB.  
SOLICITOR  
Non-practicing



10 June 2019

Development Planning Dept.  
Thames Water  
Maple Lodge STW  
Denham Way  
Rickmansworth WD3 9SQ

Your DTS ref. 100535

Dear Sir,

**52 Eton Avenue NW3 3HN  
Planning Application No.2019/0532/P**

I am writing in respect of the comments in your letter dated 4th June to Camden Planning Dept. with regard to 52 Eton Avenue's basement application. That property is the corner house of an L shaped terrace of nine houses, 24 to 30 Crossfield Road and 50 & 52 Eton Avenue; and serves as the junction of a couple of communal drainage systems serving all nine houses. Unfortunately no mention was made in your letter of the communal drainage systems, so consequently any problems which are quite likely to arise in connection with the basement construction proposals do not seem to have been specifically addressed.

More details on this have been given in my response to Camden Planning Dept. of 14th February (recorded on Camden's website on 20th February). In section A 2 on page 2 of that letter I have given fuller details of the two communal drainage systems and in section B 2 on pages 3 & 4 I have set out my concerns on the adverse consequences arising out of the basement construction proposals. For ease of reference a copy of my letter of 14th February is attached, and I have highlighted the two sections on pages 2, 3 & 4 to which I have referred.

My neighbours at nos. 27, 28, 29 & 30 have also sent in responses registering their concerns. In view of the specialist technical details contained in the response of Mr. Bidgood of 28 Crossfield Road dated 17th February (recorded on website 20th February); a copy of his letter has also been attached, again for ease of reference

In view of the contents of this letter and the two attachments, I trust that you will be taking a further look at this application. If you think it would be helpful to inspect the routes of the two communal drainage systems (that serving the rear of the Crossfield Road houses being only accessible through one of the houses) please let me know either by email, or perhaps more conveniently by phone.

Yours faithfully,

A.H.Kay

COPY Obote Hope, Planning Officer, LB of Camden

Mr Obote Hope  
Planning Officer  
Planning Solutions Team  
London Borough of Camden  
5 Pancras Square  
London N1C 4AG

17 February 2019

Dear Mr Hope

**Planning Application 2019/0532/P  
52 Eton Avenue NW3 3HN**

I write to register my objection to this full application to construct a basement beneath 52 Eton Avenue, Swiss Cottage.

I co-own and live at 28 Crossfield Road, part of a mid-60s terrace of townhouses of which 52 Eton Avenue is also part. I have owned the house and have lived here for 15 years.

I know that several neighbours have also lodged objections. I am aware of their content and endorse them. Other than adding my own voice I will not rehearse them here. My emphasis will be on one point viz. drainage.

24 to 30 Crossfield Road, and 50 and 52 Eton Avenue form a conjoined terrace of townhouses built by Eton College in about 1964, as infill development on a plot of land they then owned.

All of the storm and foul water from the 7 houses, 24 to 30, discharges to a large combined sewer in Eton Ave. It does not discharge to any sewer in Crossfield Road, as would be conventional. There are two long collector pipes running through all of our gardens, one along the Crossfield Road frontage and the other behind our houses. Each house has connections into these two collector pipes. Both pipes then pass through the 52 Eton Ave plot to reach the public sewer.

It is a gravity system but, presumably constrained by the flat topography, the long collector pipes are laid to a very flat fall (shallow gradient) causing flow velocity to be low. Consequently the self-cleaning action is weak and they block easily. Their functionality is marginal now and always has been. I am very concerned that the proposals for 52 will seriously exacerbate this problem.

Whilst both front and back collector pipes will be affected it is the front one, along the Crossfield Road side, which most concerns me.

1. It is the major one of the two. It carries all of the roof stormwater plus all of the foul effluent from the 7 houses, 24 (upstream) to 30 Crossfield Road (downstream.)

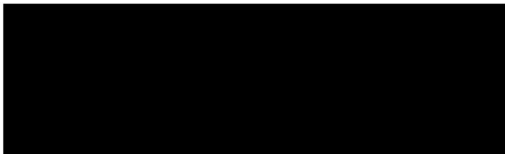


2. It currently runs in a straight line from 24, through all of the gardens including that of 52 Eton Ave, to the public sewer. A straight line is good functionally as it minimises impediments to flow. This is important when the fall is so flat.
3. The 52 proposals will sever this direct route. In the Outline SUDS Strategy supporting document there is mention of diverting the pipe to run just inside the plot boundary, skirting the permanent excavations. The document acknowledges the existence of the shared drainage system but gives no detail of what is proposed. Functionality is not addressed. It should be addressed, as I believe it is problematic based on my experience of how marginal the current configuration is.
4. The outline proposals would significantly lengthen the drainage run and would introduce 3 changes of direction, 2 of which are 90 degree turns. A new manhole would be needed at each direction change, making a total of 4 new manholes. Increased length of run and sharp direction changes all slow the flow and would have cumulative adverse impacts on the hydraulic performance, already marginal now, possibly to the extent of rendering the drainage of 7 houses effectively non-functional.
5. The system must continue to work by gravity. For 7 households to have to rely on a privately-run pumped solution in the permanent condition would not be acceptable. While there is no mention of this as an option in the application I feel I should put down a marker for the future.

I ask you to require the applicants to develop their drainage design and demonstrate that it would be functional. If that is normally a matter for Building Control post-determination it would then be too late to discover that it doesn't work, and that there is no Plan B.

Thank you for your attention.

Yours sincerely



Mark Bidgood  
MA CEng MICE

