

**39 Meadowbank**

**London NW3 3AY**

The London Borough of Camden  
Planning Department 2<sup>nd</sup> Floor 5PS  
Town Hall  
Judd Street  
London WC1H 9JE

14<sup>th</sup> February 2020

Recorded Delivery

Dear Sir

**Re Planning Application No 2019/6344/P by 38 Meadowbank London NW3 3AY**

I have the following comments and objections in relation to the above planning application ("Application").

1. Introduction

- 1.1 I am including this introduction because the configuration of the various properties is unusual and difficult to appreciate from the plans.
- 1.2 I live at 39 Meadowbank ("My Home") which is the end of a terrace of properties comprising numbers 33-39 inclusive. The owner of No 38 Meadowbank ("#38") is the Applicant for planning permission and #38 adjoins My Home. My Home is built over 5 garages, 4 of which are let on long leases to the owners of #38 and Nos 35-37. The fifth garage is part of My Home. I own the freehold of My Home which includes the land on which the garages are built and I am the Landlord under the leases of the garages including #38's garage.
- 1.3 My Home and #38 are on the Meadowbank Estate and there are communal estate roads and walkways including a passage at the rear of My Home and #38 providing pedestrian access out of the cul de sac ("Cul de Sac") referred to below.
- 1.4 The entrance to My Home is about 12 feet below the entrance to #38 and there are communal steps leading up to the walkway outside #38 and other properties. Therefore there is a substantial drop between My Home and #38. The house at #38 has no direct access to any road. The Application does not make clear this substantial difference in height between My Home and #38, nor the unusual nature of the construction of My Home as referred to above. I would suggest that this is not a usual basement application.
- 1.5 The 4 garages open directly onto the Estate road. This part of the Estate is a Cul de Sac and the Applicant's garage is at the end of the Cul de Sac. Opposite the 4 garages are houses Nos 42-40. The Estate Road is narrow in the Cul de Sac and is flanked by residents' cars on both sides.

---

## 2. Notification of the Application

- 2.1 No notice of the Application was sent to me even though My Home abuts #38 and shares a party wall. The deadline for comments is stated to be 21st February on a notice attached outside #38. The documents accompanying the Application are extensive running to about 450 pages and in many cases difficult to understand if you are a "layman", particularly all the plans. I am therefore requesting that the time for making comments is extended to allow me to take expert advice.
- 2.2 So far as I am aware no notice has been given to No 37. The property is let but when I spoke to the tenants they were unaware of the application
- 2.3 The Managing Agents, Esskay Management Services, who manage the common parts of the Estate and matters such as interference with parking, skips etc, also confirmed to me that they had received no notice and were unaware of the Application.
- 2.4 The position of the notice of the Application outside the steps leading up to #38 is inappropriate and inadequate. Meadowbank is a cul-de-sac and many residents who will be adversely affected by this application have no reason to venture further down the cul-de-sac to where the Notice has been placed. For example, the residents of No. 37 do not have a car and would have no reason to go down the steps where the sign is placed. Notices should have been placed in the Cul de Sac as well, and at the top end of the estate road. Furthermore, a disabled person may be unable to use the steps and would not see the notice.
- 2.5 The properties in the Cul de Sac will be severely affected during the construction particularly Nos 40-42 as the Application proposes that all the construction works materials and soil will have to go along this very small and narrow private road which is flanked by parked cars.
- 2.6 Please also see paragraphs 5 and 6 of this letter

## 3. Planning Policies

- 3.1 The addition of a basement will be a gross overdevelopment of the site of #38 which already has a large extension on top of the original building.
- 3.2 The documents refer to 4 planning applications for rear lightwells and one application for a basement, which have been made on the Estate. I know that there is a basement at No 43 but I do not know if the other applications were implemented. Two principal differences between these other applications and the Application is that the 4 other properties are on relatively level ground and have direct access to the Estate roads or a public road.

## 4. Design and Access Statement (the D&A)

- 4.1 The D&A refers in several places to #38 as "end of terrace". This is simply not true and is grossly misleading as #38 is flanked by My Home on one side and No. 37 on the other

---

## 6 Access for construction work

- 6.1 Despite the extensive paperwork I could not find much detail about the proposed access arrangements for carrying out this major development. Presumably a very large amount of soil will have to be removed and construction equipment etc delivered.
- 6.2 The traffic management plan seems to indicate that all the access will be through the Applicant's garage and then under My Home. This seems to mean that a hole in the structural wall at the rear of the garage must be made. This cannot be acceptable and seems to ignore the legal restrictions which prohibit this. It is also difficult to imagine the extent of the noise, vibration dust and disturbance which will be caused by this proposal. If planning is granted, then I am requesting that there are conditions restricting the size of the hole, prohibiting trucks or mechanical equipment being placed or driven under My Home, strict obligations requiring monitoring of these works and their complete reinstatement so that there is no possibility of permanent access through the garage under My Home. I anticipate that the noise, vibration and disturbance which may be caused to My Home will be much greater than for the other 4 basement/lightwells on the Estate. I believe that these properties fronted onto a road so it was not necessary to go under adjoining properties.
- 6.3 In practice, it is very likely that the Applicant will not use his garage for all deliveries of materials and access to the works. The pedestrian right of way at the rear of My Home, #38 and other properties, is likely to be obstructed and any deliveries to the front of #38 may also affect the rights of the occupiers of the houses 37—33. Of course My Home will also suffer in these respects particularly as any delivery truck will inevitably park in front of the garage of My Home preventing any vehicular access or egress. Indeed this is precisely what happened when the Applicant built the extension above #38. If planning is granted please can you ensure that conditions are included strictly restricting all deliveries and removals of soil and materials relating to the works, to being delivered or collected to the front of the Applicant's garage and prohibiting any such deliveries or collections in front of My Home.

## 7 Basement Impact Assessment (BIA)

- 7.1 This is quite a technical document and I have not had an opportunity to take any expert advice in the time available.
- 7.2 As a layman it does seem to me that there is quite a slope down between #38 and My Home and that since My Home is at the bottom, there is a risk of water flooding down below My Home during the works.
- 7.3 Section 1.1.10 and Section 8 of the BIA confirm that the ground impact assessment shows that the works *will* cause damage to My Home. The report is based on various assumptions but clearly this must be a risk area even though the documents seem to imply it is within some standard limit.



---

4.2 The plan in Section 1 of the D&A is misleading. It appears to show that #38 and its garage are "connected". This is factually incorrect as would be immediately apparent from a site visit. #38's garage and #38's property itself are non-contiguous and on different levels with separate external access, independently of each other, from the common estate roads. (See also Paragraphs 1 and 5 of this letter)

5 Construction Management Plan (CMP)

5.1 Paragraph 14 of the CMP states "*Prior to submission of the planning application consultations will be taken with neighbouring properties likely to be affected and with the Meadowbank Management. The applicant will advise his immediate neighbours in person and the wider neighbourhood via email of the potential development and will discuss the potential construction time and process with them in order to ensure minimal disruption occurs...*"

5.2 I can confirm that I never received any prior notification of the Application from either the Applicant or the Council and no effort has been made to either notify me or consult with me. The Applicant has never spoken to me about the Application.

5.3 None of the residents in the immediate area of #38, to whom I have spoken, have received any email from the Applicant nor any prior notice of the Application.

5.4 The Managing Agents had also received no notification and of course had not seen the Notice as set out in paragraph 2.

5.5 The properties whose parking may be interrupted (Nos 40 to 42 and probably Nos 35-37) are equally unlikely to be aware of the Application but I have only confirmed as such with No 40.

5.6 The Section on site traffic has not been discussed with anyone. It will mean a huge disruption to all the properties and garages which are in the Cul de Sac area including My Home. Paragraph 22 also refers to the location of a skip outside the Applicant's garage. So far as I am aware the Applicant has no legal right to obstruct or temporarily suspend access to residents' garages and parking, nor to park a skip. These proposals cannot be delivered without the consent of various owners and of course the Management Company none of whom seem to be aware of the proposals.

5.7 Item 11 refers to hours of working. If the Application is approved it is requested that in view of the very narrow and restricted access to the site and quiet nature of the cul-de-sac there should be strict limitations on weekday working hours and no hours of working on Saturday.

5.8 Paragraph 14 also refers to various documentation being submitted to adjoining owners in advance of any works for comment and feedback. If planning permission is granted then please can this obligation and others be included as specific conditions and with a reasonable time limit for me to take expert advice, say 4 weeks. In addition I cannot read the small print online on the plans so I would expect to receive hard copies of these.

5.9 The complete failure to conform to the proposals set out in Paragraph 14 as mentioned above, raises major concerns as to whether the same approach will be taken in respect of other statements of intent in the documentation and indeed to obligations which may be contained in any planning permission granted.

---

I find it strange that this is considered acceptable. I would expect this risk to be both short and long term as the soil is removed and then partially replaced (at the back of the basement area which is limited to half the garden.) I am very concerned about any risk that will cause significant damage to My Home and request that if you grant permission you impose strict conditions regarding the monitoring of the works. All damage caused must be reinstated at the cost of the Applicant.

7.4 I could not find any direct reference to the requirement for the Applicant to enter into a Party Wall Award with me and for all costs and fees relating to the Party Wall Award and works under its terms, will be borne by the Applicant. Please can you include a condition to this effect.

## 8 Downpipe Relocation

8.1 Proposed Section CC Plan refers to the rerouting of a drainpipe. This is an essential drainpipe which provides the only drainage from the roof at the back of My Home and the top terrace of My Home. If planning is granted then I would request that you include a condition requiring the Applicant to provide me with full details of the proposed rerouting well in advance of implementation of the planning permission in order to allow sufficient time for consultation and agreement between the parties' surveyors on the route. All costs including professional fees to be borne by the Applicant.

## 9 New Window

9.1 One of the proposed new windows shown on Proposed Plan Section CC is very close to the bedroom and upper terrace of My Home. The original design of the properties on the Estate ensured that no windows were placed so close in order to prevent overlooking and reduce noise transfer. I am concerned that the proposed position for the Applicant's new window will be at odds with the original design of the Estate and this may allow overlooking of my terrace and cause unacceptable noise and nuisance and interfere with sleep. The patio door to my bedroom is the only source of ventilation and is, therefore, often open overnight.

## 10 Summary

10.1 This is an application for a basement by #38 a terraced property (with an extension above) which has no vehicular access and is on a slope. It is on a compact quiet residential estate.

10.2 The Estate roads are narrow particularly in the Cul de Sac where the main construction deliveries and activities will take place. The estate road is flanked by residential houses and parking.

10.3 All deliveries of materials and collection of soil debris etc have to be made through a narrow garage entrance under My Home and then through a major structural wall.

10.4 I consider that this particular property is not suitable for a basement extension particularly because of the lack of vehicle access and the impact

---

on so many of the surrounding properties. I consider that whilst a basement under the garden of #38 might have been acceptable if built at the outset, the building of it now will cause unacceptable disturbance and risk of damage to neighbouring properties and therefore planning permission should be refused. Planning Conditions are inadequate to deal with all these issues.

10.5 If planning consent is granted then I have requested that specific conditions should be imposed including:

- Hours of working – paragraph 5.7
- Submission of documents for approval – paragraph 5.9
- Restrictions on the use of the access under My Home and its reinstatement – paragraph 6.2
- Restrictions on deliveries and collections – paragraph 6.3
- Restrictions on the time and frequency of all deliveries and collections to minimise obstruction of the Estate road and (if agreed) the obstruction of residents' parking rights
- Prior to commencement of any works, completion of legal agreements with all owners and the Management Company whose legal rights of access, parking etc are proposed to be suspended or obstructed – paragraph 5.6
- Prior to commencement of any works, completion of a legal agreement with me (as Landlord) relating to the proposed access for the construction works – paragraph 6.2
- Conditions relating to monitoring of the works to minimise any damage to My Home and conditions dealing with reinstatement of any such damage and payment of all costs – paragraph 7.3
- Condition requiring the Applicant to enter into a Party Wall Award with me prior to commencement of any works – paragraph 7.4
- Condition requiring the Applicant to agree with me proposals relating to the rerouting of a downpipe – paragraph 8.1

Notifications.

Please can you ensure that I receive written notice of the dates and matters to be discussed at the various proposed council meetings, and an opportunity to attend any meetings open to the public.

Yours faithfully

