

Application No:	Consultees Name:	Received:	Comment:	Response:
2019/5372/P	Claire Newbrook	24/12/2019 11:17:09	OBJ	<p>OBJECTIONS MADE ON BEHALF OF HARVARD COURT LIMITED [23 December 2019]</p> <p>I am writing, as their Managing Agent (Faraday Property Management), on the instructions of the Board of Harvard Court Limited (HCL), the freeholder of the garage area adjacent to the proposed development behind 268 West End Lane, to object to this proposed development. HCL had not been consulted prior to this application, for example as regards the potential structural effect on HCL's garages and tarmac access adjacent to this site. Neither has HCL been shown confirmation of the legal ownership of the land concerned. HCL is now seeking legal advice as to the Company's position.</p> <p>Proposal:</p> <p>The area is occupied by the remains of now disused early 20th-century coal bunkers beyond an alleyway to the rear of a number of properties facing West End Lane. These bunkers have been allowed to decay over many years, their roofs being covered by soil. In 2015 an unofficial attempt at demolition by the site owners took place, unknown to HCL, but this ceased following strong protests by HCL who, when they became aware of the work, were concerned about the effect on their garages and tarmac and also the safety of the demolition operation itself.</p> <p>As HCL understands it, the current proposals include demolition of the coal store dividing walls and also demolition of the existing section of earth retaining wall located between the rear of the plot and Harvard Court. The earth retaining wall will then be rebuilt to a height just below the level of the Harvard Court garage roofs in order to facilitate construction of the proposed mono pitched roof.</p> <p>Ownership/legal authority to proceed:</p> <p>The proposal is to construct a single storey office / studio unit which will have a mono pitched roof. The design has been based on the assumption that the section of earth retaining wall located between the rear of the plot [NGL22870] and Harvard Court is owned by 268 West End Lane, that it is not owned by Harvard Court Limited and that it is not a Party Wall. The owners of 268 West End Lane will therefore have either to prove that they are the sole owners of the earth retaining wall or issue Harvard Court Limited with a Party Wall Notice (neither of which actions has been done).</p> <p>The exact position of the boundary between Harvard Court and 268 West End Lane will need to be established in order to ensure that the proposed development does not encroach upon land owned by Harvard Court Limited.</p> <p>A schedule of condition of the Harvard Court garages, hardstanding areas and underground surface water drainage will need to be compiled prior to work starting on site. Any damage caused as a result of the work will then need to be made good at the expense of the owners of 268 West End Lane. If it is confirmed that the earth retaining wall is a Party Wall then the schedule of condition will form part of the party wall agreement.</p> <p>Existing and proposed drawings showing the proposed mono pitched roof from the Harvard Court side have not been provided. HCL is concerned that if, as suggested, the line of the wall is raised to just below the roof height across the entire boundary it will constitute both an eyesore and a hazard. It might also be difficult to maintain in good condition.</p> <p>Design and construction:</p> <p>The information that has been submitted to Camden Council has been produced by an Architect. There is no specification and there are no drawings that have been produced by a Qualified Structural Engineer in relation</p>

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to removal of the coal store dividing walls and demolition and re-construction of the earth retaining wall. Temporary support will need to be installed during demolition and reconstruction of the wall and this will also need to be designed by a Structural Engineer. This is essential as the earth retaining wall supports the ground on which the Harvard Court garages are constructed.

Work has already commenced to the area with a roof being installed. Some brickwork immediately beside the boundary fence has been removed. In addition, there are concerns that the coal store internal dividing walls (buttresses) have been removed, as well as the reinforced concrete roof. However, the buttresses act as a support to the retaining wall of Harvard Court and these should not be removed without professional approval. If these have been altered then the stability of the retaining wall, which supports Harvard Court Limited land, is under threat of collapsing. No Structural Engineers report has been submitted regarding this.

The earth retaining wall to the south of Harvard Court garages 12 and 13 is leaning and so this will need to be taken into consideration as part of the Structural Engineers' design to ensure that the proposed work does not compromise the leaning wall further.

Japanese knotweed:

Japanese knot weed has been found in this area of land and following an eradication programme it is still being monitored by Environet Ltd. The knotweed had spread to Harvard Court land and also to land belonging to the adjacent Cumberland Mansions Limited where it was treated with the permission of the freeholders concerned. The owners of the land behind 268 West End Lane, Amish and Alpesh Patel, took responsibility for the eradication, but there is no mention of this in the proposals, particularly as they relate to an Environet guarantee to treat any recurrence of the knotweed. A report by HCL's Surveyor, AKS Ward dated 22nd June 2015, ref L151462, carried out as part of an earlier survey of the knotweed problem, states that the Japanese Knotweed is compromising the structural integrity of the masonry and reinforced concrete structures (coalbunkers of 264-278 West End Lane) as well as causing structural damage to the garages of Harvard Court Limited. As this report was carried out in 2015 and treatment of the Japanese Knotweed has been undertaken a further inspection and assessment should be undertaken to assess if this has had any effect on our clients land.

Garages:

Although HCL holds the freehold of the adjacent land, garages 11 and 12 immediately above the site are let on long leases to individuals who have some interest in this development and who presumably have not yet been informed of its implications.
