

9 Hampstead Hill Gardens London NW3 2PH

Ms Rachel English
Senior Planner
Camden
2 October 2020

Dear Rachel,

2019/5835/P

Introduction

While it is reassuring that the wall with 6 will need to be reconsidered this seems only because the existing proposal would otherwise result in unlawful trespass. However, more damage was always likely to the conjoined house number 4a. and nothing has altered here.

Need for structural engineering assessment and steps taken by 4a

As a developer myself I am aware that basements are sometimes complex engineering proposals requiring structural engineering input at the proposal stage. A semi-detached plot where the proposed basement involves the demolition of one entire conjoined dwelling; the digging out of a basement and the thinning out of a party wall which will then be exposed to its full height and left unsupported or supported in various different ways during construction; and then the pinning of foundations to the neighbouring property is complex.

You may not be entirely aware that Mrs. Williams' geological consultant Dr. Phil Smith pointed this out to her which is why she also appointed an experienced structural engineer Mr Brunswick. He is seasoned in basement matters and is also aware of the shortcomings of Party wall agreements. For officers to reach a decision on this matter you too would need a similarly experienced structural engineer's critique. The use of CR by Camden is to make your BIA assessment more "relevant, efficient and effective" and it is stated that this process should be kept under review. The CR work is not effective.

Shortcomings of leaving this to the party wall agreement

The harm is so substantial and likely here that it is inappropriate to leave this until after determination. The neighbours here comprise a seasoned property man with ambitious plans next door to a retired individual. The neighbours harmed did not initiate this. Once planning is approved the Party Wall process will be fraught but the harmed party cannot stop the work being undertaken and with the quality of methodology to date there is high likelihood of severe cracking which will be above the agreed Burland scale. However, the damage will have been done and the harmed party will be rushing about trying to minimise the extent of it. It should never have occurred and there will be no recourse to Camden planners in challenging their mistake in giving approval.

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Specific reference in HNP to adequately qualified assessors

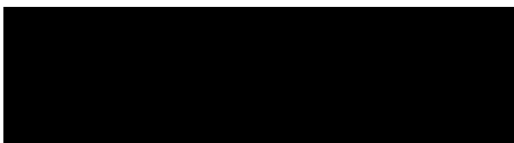
The Hampstead Neighbourhood Plan sets out in its main aims 1.3 that neighbours should be protected from harm. It repeats the concerns raised above but 5.11 is worthy of note as it requires Camden to involve professionals who have experience in basement construction. CRs auditor graduated from Newcastle University in 2017 with a Masters in Geotechnical engineering and joined CRH in Sep 2017 as a graduate engineer. The professionals whose sole concern is to protect 4a and who have raised the issues that should be covered off before determination are both highly experienced and qualified in basement construction and the issues involved. Indeed Dr. Smith was recommended to Mrs. Williams by the committee member of the HNF responsible for basement policy.

Conclusion

It is my informed judgement that under the circumstances it would be procedurally improper for the Council to rely on CR's recommendation. In my view therefore the CR audit has not discharged Camden from its obligation to prevent harm to neighbouring properties (A5a Camden Plan 2017), harm from vibration (London emerging plan 2019 3.10.5) and various references in the Hampstead Neighbourhood Plan in particular BA1 5.10. To get this right prior to determination is just and lawful.

All the above said, I note and support your email of 28th July stating you would be recommending refusal in any event. It is important to clear this matter up though as we all realize as the applicant may return with another iteration which if he does hopefully can be assessed with a less harmful basement plan.

Yours sincerely,

A solid black rectangular box used to redact the signature of Alex Shinder.

Alex Shinder