

Laura Dorbeck

From: Susanne Lawrence [REDACTED]
Sent: 08 July 2021 20:20
To: Laura Hazelton
Cc: Andrew Parkinson; Netherhall Sheila 63; Vicki Harding; Linda Williams; Stephen Williams; Gunter Straub; Sarah Robins; Henry Newman; Gio Spinella; Daphne; John and Gilda Riccio; John Malet-Bates; ANNABEL BACAL; [REDACTED] Daniel Pope; Danny Beales; gillian brown; Bethany Cullen; Elizabeth Beaumont; Rohan Heath [REDACTED]
Subject: Re: 47D Netherhall Gardens NW3 basement planning application 2019/3948/P
Follow Up Flag: Follow up
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[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Dear Laura

Further to Rohan Heath's latest submission (7.7.21), I wonder if you are aware that the basement flat at no 47 (Flat 9), on the opposite side of the forecourt under which the owners of 47d wish to build, has been experiencing serious water and consequent damp problems for a long time now and the managing agents have now sent in specialists to try to deal with these.

I understand from these professionals that the water is also affecting Flat 1, the maisonette to which my house (47b) is attached, and may be affecting my house too. The proposed basement at 47d, with all the issues concerning water levels and potential flooding previously highlighted by other professionals as well as neighbours, is even closer to my house than Flat 9. And yet neither the applicants nor their agents have paid any regard whatever to the potential damage to my house. Campbell Reith have brushed it away as if irrelevant even though they have never once been here (or contacted me) to examine the situation. I can have no faith whatever in their conclusions when they have not once mentioned, let alone taken account of, the basement on the other side of the forecourt which has for so long experienced damp problems from the water levels here. Also of course their dismissive attitude (and indeed negligence since they have never even been here to examine the potential impact) towards the risks to my house (how can it not be within the zone of influence?) and the adjoining flats is extremely concerning.

I would also like to echo the point Rohan made in his latest submission about 'Drainage'. The drain immediately outside the side entrance/kitchen door of 47d, ie on the shared forecourt, has been blocked and overflowing for some time now. The fact that the new owners have done nothing about this despite it having been pointed out to them does not bode well, and of course the existence of this overflowing drain underlines the point about water levels making this an unsuitable site for a basement.

Anyway, I simply do not see how the wishes of the freeholder of the forecourt, who also objects to the building of a basement underneath it, can be ignored.

As Rohan has said, we are all dismayed that Camden has permitted this faulty and irresponsible planning application to run on for so long when the whole neighbourhood, its representative organisations (notably the Heath & Hampstead Society and the Netherhall Neighbourhood Association) and professional advisers Eldred Geotechnics have consistently objected to it on the basis of such a vast range of valid factors. Quite apart from crucial issues like flooding and cracking in adjacent buildings, considerations raised have

included loss of a notable visual amenity, loss of trees, effect on the conservation area and the whole design and appearance of the revamped house and the inappropriate materials to be used. The proposed development would both ruin a beautiful building that is an asset to Hampstead and cause serious damage to many neighbouring properties, none of which have had their foundation depths checked and nearly all of which have been ignored altogether in the BIA.

It's not even as if the building of this basement will house more people - it's an ugly, disruptive pointless vanity project that should now be dismissed as both dangerous and inappropriate for the site.

Finally, I trust that you will upload this submission on the Camden portal for me and that it and all my previous submissions and those of the many other objectors will also be seen by Bethany Cullen and Elizabeth Beaumont and taken into account in their entirety and that planning permission for this proposal will be refused once and for all. Thank you.

Susanne Lawrence
47b Netherhall Gardens
NW3 5RJ

On Wed, 7 Jul 2021, 12:47 Rohan Heath, [REDACTED] wrote:

Rohan Heath
29 Downshire Hill
London
NW3 1NT

7th July, 2021.

Notice of proposal of Legal Action against Camden Council / Assessment of revised BIA report on proposed basement development (planning application: 2019/3948/P) of 47D Netherhall Gardens NW3.

Dear Laura,

Thank you for your latest email, informing me that Campbell Reith (CR) considers that the BIA now meets the requirement of the CPG Basements.

As I am sure you are now aware, I am the owner of 47C Netherhall Gardens, NW3 1NT, which adjoins the development site, 47D Netherhall Gardens.

It is clear that Camden have encouraged the developers in every possible way over a period of 18 months to revise their BIA / Planning Application in order that planning permission will be granted on this basement development.

As you are aware there are now approximately twenty objectors to this development. I have now taken legal advice from a specialist planning solicitor at Keystone Law of 48 Chancery Lane, London WC2A 1JF, who has advised me that – should planning permission be granted, and in light of aspects of what they consider to be the flawed Campbell Reith Audit – I will have a case against Camden Council for negligent handling of this case and improper procedure. I therefore urge you to consider the contents of this letter, along with the letters I submitted you, (dated 10th May 2021 / 3rd March 2021 / 21st January 2021 / 16th October 2019), exhaustively and carefully as their contents address several of the issues upon which legal argument will potentially be based. It has also been brought to my attention that several of the other objectors with whom I am in contact have met to discuss a plan to launch a class action against Camden, again for negligence, should planning permission be granted. I insist that you refer this email up to Bethany Cullen at Camden Development, and also – taking into account the overwhelming opposition to this development - that the final planning decision be decided by the Planning Committee and not be approved under officers' delegated powers. It also seems appropriate that we, the objectors, be allowed to attend the meeting at which this planning

application is determined, and that at that meeting we should individually be given the opportunity to voice our opinions to the committee.

OVER-DEVELOPMENT.

Campbell Reith (CR) have clearly failed in their duty to properly review the contents of the planning application and the revised BIA accurately, as is evidenced by the fact that they have failed to report to Camden that the true dimensions of the existing building are not as stated in the application. Camden must now go back and check these measurements. The Depth of the existing building (ie from front wall to back wall) is not 8.5m, as reported in the planning application, but 7.784m. It has been over reported, probably in order to maximise the size of the basement development. Its true width is 10.24m. These measurements were taken this morning, in the presence of Susanne Lawrence of 47B and Gunter Straub of 49 Netherhall Gardens, using a digital measuring device. I invite you / CR to meet me on site and to take the measurements together, **before determination**. The current footprint of the property is therefore 79.71sq.m (i.e. 8.5m x 7.784m). Camden explicitly limit basement developments to have a maximum footprint of 150% of original property's footprint. At 125sq.m, this development exceeds the 150% by 7%. Therefore the basement does *not* comply with Camden's policy of basement developments. To do so, it would have to decrease its dimensions from front to back by nearly one metre. Given that CR have not bothered to check / verify this measurement, but just to accept it as given, undermines the integrity of the entire contents of the CR report; if they have not spotted this simplest of errors, what else have they missed in all the other detailed and technical information provided in the revised BIA and original planning application? If Camden choose to ignore the above fact on overdevelopment, and choose not to take me up on my offer to take the measurements together, on site, then they are being wilfully negligent, and must be held accountable.

BURLAND SCALE CONCLUSIONS.

That latest CR report states that they are satisfied that the extent of damage to my property (the adjoining 47C Netherhall Gardens) will be limited to category 1 on the Burland Scale. Camden are aware that my own engineer, Eldred's Geotechnical Ltd (EGL), predicts the potential damage to be at least category 2 and more likely in excess thereof, i.e. category 3, on the Burland Scale. Camden therefore have 2 conflicting predictions, and must therefore deem the matter to be unresolved. To do otherwise would be clearly negligent by Camden, for which, once again, they should be held accountable. Following the latest revision of the BIA, surely the right thing to do now is to grant me the time, **before determination**, to have the revised BIA and CR Audit Reports assessed by my own engineer, and submitted to Camden for review. After all, the developer has been granted 18 months and several revisions to convince Camden of the merit of his case. If following such assessment my engineers agree with the CR Audit, that damage will be limited to potential category 1 on the Burland Scale, then I will happily concede this point.

To put it simply: Camden have been notified by a fully qualified engineer that damage will be at least category 2 (and probably greater) on the Burland scale, and – against their own planning policies – have chosen to ignore that.

BOREHOLE MEASUREMENTS.

Note the following reference to the HNF (Haringey Council) policy BIA: "The boreholes measurements may need to be conducted in periods of contrasting rainfall and over a period of several months covering wet and dry seasons". Given the hydrological concerns (potential of underground stream, underlying aquifer, flooding at 47C and 49, other groundwater concerns etc) by Eldreds Geotechnical and several of the objectors to this scheme, Camden/CR should surely in this case adopt the same policy as Haringey, and insist, **before determination**, that an automatic log water measuring system be left in activated boreholes over a sustained period of contrasting rain cycles to demonstrate local groundwater and water table levels and the local extent of groundwater surges during and immediately following storms. I think it reasonable to now insist – if Camden are minded to grant planning permission - that such monitoring be carried out, **before determination**. If Camden do not arrange for this to be done, then, once again, they are demonstrating negligence, for which they must be held accountable.

DRAINAGE.

I note that the BIA has specified that there will be additional drainage installed for the development, and that CR have accepted this. Currently the drains on the border of our properties, but inside their boundary of 47D Netherhall Gardens are blocked and unmaintained. That such a large basement development is deemed not to need extra drainage, and that no detailed drainage plans have been submitted, or requested by Camden / CR, **before determination**, is negligent.

UNDECLARED BASEMENTS IN NEIGHBOURING PROPERTIES

I have repeatedly informed Camden that the extension at rear of my property is partially subterranean. Both Camden and CR have refused to acknowledge this at any point. I have now been informed that no Flat 9, 47 Netherhall Gardens also has a fully subterranean basement. How can CR have failed to report this to Camden? The fact that it remains unreported undermines the integrity of the entire CR Audit, which cannot be relied upon. Crucially, if Camden, now with this knowledge, grant planning permission without a full assessment of the effects of the proposed basement on these two already existing and neighbouring subterranean developments, and vice versa, then they must be held accountable for their actions. Such assessment should be done **before determination**.

LIGHT ISSUES

Nowhere in the revised BIA are there any calculations as to how it has been determined that enough light will be getting into the proposed basement. Nor have CR provided any such calculations. If CR / Camden have concluded that the available light in the proposed basement is satisfactory, then this conclusion should be supported by the calculations on which it was based. These should be available for consultation. I would be grateful if Camden could point me in the direction of such a report, so that I can have it professionally reviewed.

RESIDENTS' CONSULTATION COMMENTS (extracted from CR Audit Appendices)

It is glaringly obvious from this part of the document that CR have only queried a fraction of the issues raised by me and the other concerned objectors to the basement, whilst ignoring most of the other objectors concerns altogether. One must simply compare the Residents Consultation Comments in the CR Audit Appendices with the full list of queries / objections submitted by me and other objectors to Camden's Planning Portal. I have raised dozens of individual concerns, each of which queries a particular aspect of concern of the development in detail. Each and every one of these queries requires separate and exhaustive consideration to assess its merit; the CR audit assessed just three of these queries, ignoring the rest. Once again, Camden must be held accountable for this oversight.

In summary, the CR audit report should not be relied upon as it has failed to sufficiently address many of the concerns raised by the objectors to this planning application, while ignoring others altogether. For some reason, Camden are happy to turn a blind eye to this. The CR audit report has also failed to methodically and exhaustively examine the contents of the revised BIA report, and failed to flag up glaring omissions from that report, for example the existence of other neighbouring basements that haven't been taken into consideration, the fact that all neighbouring properties' depths of foundations and boundaries have only been assumed rather than determined, that the trees in the front garden have been misidentified as London planes etc. For those queries it has addressed and passed judgement on, CR have provided no evidence upon which they have arrived at their conclusions. Basically, CR have y rubber stamped large sections of the revised BIA, and Camden have accepted that.

It is interesting to note the disclaimer at the start of the CET Revised BIA report, that "CET Infrastructure accepts no responsibility whatsoever to third parties to whom this document, or any part thereof, is made known. Any such party relies upon the document at their own risk." CR have indeed relied on much of this document without exhaustively checking its' contents exhaustively. They therefore must take responsibility for its contents, and Camden – having commissioned CR - in turn must take responsibility for CR's insufficient Audit Report.

Finally. This basement proposal is a recipe for disaster on multiple levels. This has been pointed out in a groundswell of opposition from numerous neighbours, the Netherhall Neighbours Association, The Hampstead Heath Society, The Belsize Society etc. And yet CR and Camden seem unable to have the foresight to see this. It is *my* property, 47C Netherhall Gardens, which stands to be damaged the most by this development, and as such it is I have the most to lose. I will not accept Camden's

common stance that a Party Wall Agreement will ensure protection of its' residents, thereby washing their hands of their responsibility on this matter. Although I have no desire whatsoever to enter a legal dispute with Camden Council, if this development is given the green light, the unfortunately I will be left with no option but to do precisely that. I have been warned of Camden's history of apathy and lack of resolve to protect residents when it comes to granting planning. As well as employing legal counsel, I have been advised to employ a media company to make sure that this case gets as much exposure in the press as possible. Without meaning to sound brutal, Camden has a deeply entrenched management that has been in place for over 10 years that are very skilled in paying lip service to residents before then going on to grant planning permission. I believe that should planning permission be granted on this application, then this case will act as a timely precedent to Camden's residents as to their rights with regards to protecting their properties and the local environment when faced with future basement planning applications.

In the meantime, it remains my sincere hope that planning permission is refused on what is clearly a misguided overdevelopment, and that we can all move on with our lives.

I would be grateful if you would acknowledge receipt of this letter and confirm that it will be uploaded onto the Camden planning portal.

Yours sincerely

Rohan Heath

Cc