

Objection to Listed Building Application 2021/4634/L in relation to 51A Mornington Terrace London NW1 7RT ("51A")

The Objector lives at 52A Mornington Terrace, London NW1 7RT ("52A").

This objection has been submitted on 24th October 2021 electronically both via the Camden Planning Website and via email to planning@camden.gov.uk. Readers attention is drawn to the document submitted via email as this includes formatting not possible on the website.

Please also see comments in relation to the main application 2021/1693/P attached in email version.

The proposal includes rearrangements within the existing external extension. The objector is concerned at the lack of specification of proposed ventilation and waste arrangements that may include holes through the wall between 51A and 52A overlooking the objectors lower patio opposite his back door.

He objects to any proposals necessitating or proposing the piercing of this wall to make way for waste or ventilation, and the placing of pipes against that wall which would be inside the boundary of his property, possibly impede the use of the access to the garden as well as detracting from the views from his property.

Since the current plans are insufficiently specific the development is objected to.

He also objects to any work that could damage the existing building. He wishes to particularly draw attention to what happened when what the applicants describe as a similar project at 50A resulted in the entire extension having to be rebuilt due to damage to the foundations during the project and this should be avoided.

He is also concerned that at 48 Mornington Terrace permission was obtained for one development but something quite different was constructed with a long running dispute regarding retrospective permission for the changes. The Objector therefore requests that conditions be attached to any permission that ensure what is actually built follows the permission, rather than applicants developers "running the risk" of retroactive amendments. An applicant committed to honouring the terms of the application should not have any issue with such conditions.

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The Application notes the following:

*"The application seeks consent for alterations to a dwelling at **51a Mornington Terrace, NW1 7RT**, a Class C3 residential use within a shared freehold property, with a proposed single storey rear extension over the footprint of an existing light well to the Lower Ground Floor; together with associated improvement / refurbishment of a Bathroom & Kitchen with new fittings and sanitary provisions."*

The proposals amount to an extension of the lower ground floor and the planning rules relating to basement developments should apply. The Camden website online planning portal includes in the constraints page Article 4 Direction Basement Development (effective from 1 June 2017). The proposals should be considered within the context of the basement rules as

1. The overall ground level at the front and rear of the property is at similar level to the property "ground floor" which forms the upper level of the dwelling 51A despite the presence of access at front and rear at lower ground level, both access points are down steps from the surrounding ground level.
2. The development will involve some excavation both in removing the current concrete slab to replace it with a new slab as indicated in the annotated drawing and excavation for a new flight of steps and adjacent sloping. [see comments below on comparison to what the applicants describe as the similar development at 50A Mornington Terrace].
3. The proposed development involves a current external manhole cover with access to the common sewer running along the back of Mornington Terrace becoming internal and sealed. The excavation of the existing slab, and then laying of the new slab will be very close and potentially impact the sewer.
4. The increase of concrete from the development will increase the level of rain water run off. It is unclear how this additional volume of water will be removed, with loss of possible soak-aways in the current patio arrangement. Recent years has seen increasing heavy rain in short periods resulting in localised flooding as drains are overwhelmed. If this was to happen after the development there is an increased risk that waste water will back up the drain and escape through the manhole at 52A Mornington Terrace, flooding the basement.
5. The proposals should not impact neighbouring properties and if the current owner of 52A or any subsequent owners wished to undertake a similar development then nothing should prevent this from the proposed development at 51A. The current proposals are unclear on any ventilation of the proposed kitchen and bathroom, together with how waste will be treated, however anything that was through the flank (party) wall between 51 and 52 Mornington Terrace would unreasonably impact 52A.

Consequently the proposals are objected to as insufficient documentation has been provided, particularly a Basement Impact Assessment should be completed and subsequently audited as well as a Construction Management Plan completed. All proposals and documentation should comply with the Camden Planning Guidance for Basements dated January 2021.

The application notes:

"The proposed extension is confined within the existing well between the lower ground floor of the historic rear wing extension of a bathroom area and a substantial two storey party wall of a recent extension to the adjoining dwelling at nr.50a that was granted LB Camden full planning permission under application 2015/1507/P. Two 'before and after' images below illustrate the side infill lower ground floor extension that has been achieved to the neighbouring property, and the proposals for nr.51a should be a complimentary development within a similar context and garden setting as shown in rear elevation drawing 08-293_12A."

This development at 50A was prior to the introduction of Camden's Planning Direction on basements and indeed the Direction addresses some of the problems that arose. It should be noted that the Applicants only purchased 51A Mornington Terrace in 2020 and the new neighbours at 50A also during 2020. Neither were present during the development works during 2015 to 50A Mornington Terrace being used as a comparison by the applicants. This comparison downplaying the impacts is unrealistic. The Objector has owned 52A Mornington Terrace since 1998 and has been his only property. The works were incredibly disturbing to neighbours.

1. The level of excavation was such that a mechanical conveyor system was constructed to assist with waste removal into a skip located in the front garden.
2. The vibration, despite being next door but one to 52A, still caused the house to shake and items on shelves to rattle.
3. The investigative work around the proposed development resulted in problems with foundation to the rear extension resulting in it needing to be substantially rebuilt. The fact that it has been rebuilt is noted by the Applicants for the proposed development at 51A. It should be noted that the rebuilding of the extension by the previous owners of 50A was never intended and never included in the original application.
4. The complexity of the project was underestimated at 50A resulting in construction being extended. There were numerous instances of the contractors working outside the allowed hours including Saturday afternoons, Sundays and indeed bank holidays including Good Friday. The owners who had moved out and were impossible to contact directly and did not return phone calls etc. The level of disturbance was very significant.

The Applicants have been premature in their application and no Construction Management Plan has been included. The Applicants have not contacted their neighbour, the objector, to discuss their proposals and hence the objection is appropriate in the absence of sufficient information to consider their proposals. It should be noted the Applicants have failed to follow the guidance included in the Camden Planning Guidance: Basements that notes the Preliminary Stage includes BIA and various audits as well as consulting neighbours before the Planning Application is made.

It should be noted this is not the first time that there has been a lack of regard for the neighbours and indeed a lack of respect for the necessary rules and processes. In December 2020 shortly after purchasing the property 51A, the Applicants undertook damp proofing works employing a specialist.

Despite the proposed work falling within the scope of the Party Wall legislation, no approach was made. It was not until the contractors were on site that the objector raised concerns given having failed to receive a notice. At that point the proposed works were allegedly changed but no details were provided and it appears that drilling into walls within 3m of the party walls still occurred even if a tanking system was adopted on the main wall between the properties. Given the level of damage that was caused when the Objectors own property received a similar treatment carried out by the freeholder of 52 Mornington Terrace, the London Borough of Camden, it is suspected that a Party Wall notice should have been served and a Party Wall Agreement. It should be noted that the Objector notified Camden Leaseholder Services. The surveyor who subsequently attended on behalf of Camden, as freeholder, noted the possible damage and the potential lack of listed building consent. A copy of his report has been provided to Camden.

It is noted that Party Wall Matters are beyond the scope of the Planning process however in the anticipation that the Applicants will continue to pursue their desires to undertake the development it is requested that certain conditions be included in any planning permission that may be granted. The application notes:

"The brief is straightforward. No significant alterations are proposed to the existing listed property. The infill rear extension will have minimum disturbance on its surrounding built fabric; with the proposed floor at the existing lower ground floor level there is no excavation to change levels or effect perimeter foundations."

This is inconsistent with new extended sloping retaining wall or the annotated drawing which notes "new concrete ground slab" which will necessitate digging up old slab, with potential impact on drainage and adjacent foundations to extensions as described above. The experience described for 50A described above is repeated given the extension to 50A had to be demolished and rebuilt given the loss in structural stability caused by the works undertaken.

The application notes:

"The proposals make no changes to the relationship of nr.51 and the street; and the rear extension at its lower ground floor level has no impact on adjoining neighbours at nr.50 or nr.52; other than what may be more welcomed improvements to general landscape of the back gardens. boundary and repairs / making good of the timber board fence. There is no impact whatsoever on the more distant properties in Albert Street to the east that share a back boundary."

The Objector is concerned that this statement is misleading. While in itself the garden room will not impact the Objector at 52A Mornington Terrace, its construction undoubtedly will, as set out above. Potentially some of the other changes proposed will also impact 52A and it appears some of these changes are possibly in consequence to the loss of the external wall with the lower patio area.

It should be noted that labels on the plans include statements:

"foundations unknown"

The age of the buildings and experience after 20 years of ownership indicates that any foundations are often limited. It is understood that some of the issues at 50A related to instability being caused during the works that resulted in the extension that needed to be rebuilt.

*"UNUSUAL WALL THICKNESS; PURPOSE UNKNOWN; WALLS BEYOND BATHRM. LININGS
CONJECTURAL PENDING OPENING UP ON SITE"*

This is in relation to the extension wall between 51A and 52A. Should this wall need to be rebuilt it will require the use of some of the Objectors lower patio and necessitate removal of at least some if not all of the steps that provides access for the objector to his rear garden.

"Check existing SP and connect showerwaste in bulhead [sic]"

It should be noted this is directly adjacent to the adjoining wall with the rear bedroom at 52A currently used by the Objectors 13 year old daughter. It should be noted that a pipe is located adjacent to the wall however it appears to provide ventilation to the sewer and drainage. It is located inside the boundary of 52A and no easement rights are known to exist that would allow any access over the objectors patio to provide access for connection of services. Further any such connection would require access for any maintenance which would cause inconvenience to the occupants of 52A as well as being unsightly being directly opposite the back door.

For the record and avoidance of doubt there is a kitchen waste pipe already present from the current kitchen of 51A to the pipe located on 52A however this appears to have been put in place without permission. This is not shown in the plans provided by the applicant. It should be noted that the London Borough of Camden appears to have purchased 52 Mornington Terrace in around 1976, the Council certainly undertook the conversion to 3 flats in 1976. The Tenant who lived there from 1976 purchased a leasehold under Right to Buy in 1991 which passed to the Objector in 1998. It would be expected that any easements or rights in relation to 51 would have been documented in the leases that was granted including any relating to the garden which is part of the lease for 52A. Further, any easement granted after the creation of the leasehold would require both leaseholder and freeholder consent.

From the plans it is apparent that a **new kitchen layout** is proposed at the ground floor level in the extension with both cooker and sink against the adjoining wall with 52A. The proposals for waste pipes and possible ventilation are not specified and unclear. **Any ventilation holes or holes for waste pipes or new arrangements that pierce that adjoining wall with 52A are opposed and objected to.**

Such arrangements would result in a number of impacts on 52A Mornington Terrace.

1. The presence of services would subsequently require access for maintenance something that would require access to the objectors property.
2. Any ventilation from the kitchen would result in emitted gases being into 52A with associated smells etc.
3. Any mechanical ventilation may result in increased noise in the lower patio which would undoubtedly cause a disturbance.
4. The location of the steps up to the garden in 52A means that any user of the steps being very close to any vent or the waste pipe possibly obstructing the steps.
5. Any damage to the wall and subsequent repair would result in a reduced landscape.

From the plans it is apparent that a **new bathroom layout** is proposed at the lower ground floor level in the extension with both WC and sink moved to be against the adjoining wall with 52A and away from the wall that is currently external that would become an internal wall with the proposed garden room. Further it is proposed to convert a storage cupboard to what appears to be a shower. The proposals for waste pipes and possible ventilation are not specified and unclear. It should be

noted that with the proposed garden room the new bathroom will have no external wall directly through which ventilation can be arranged except into 52A. **Any ventilation holes or holes for waste pipes or new arrangements that pierce that adjoining wall with 52A are opposed and objected to.**

Such arrangements would result in a number of impacts on 52A Mornington Terrace.

1. The presence of services would subsequently require access for maintenance something that would require access to the objectors property.
2. Any ventilation from the bathroom would result in emitted warm damp air being emitted into 52A directly at a level which would impact anyone using the lower patio or stairs to the garden in 52A.
3. Any mechanical ventilation may result in increased noise in the lower patio which would undoubtedly cause a disturbance.
4. The location of the steps up to the garden in 52A means that any user of the steps being very close to any vent or the waste pipe possibly partially obstructing the steps.
5. Any damage to the wall and subsequent repair would result in a reduced landscape.

Recognising the applicants' wish to develop this space forming the proposed "garden room" and if permission were granted as such developments may be considered allowable by the Planning Authority then the presence of waste or ventilation pipes on 52A's side of the wall could impact the ability of any owner of 52A, current or subsequent" to undertake a development incorporating the space on the lower ground floor in a similar manner which is unreasonable.

No development by one neighbour should impact the site such that another neighbour could not undertake a similar development or negatively impact their property. It is requested that IF any permission is granted that a condition be attached that waste and / or ventilation arrangements cannot be through the wall between the Applicants' property 51A and the Objector's property 52A at any level. It should be noted the Applicant describes the equivalent wall between 51A and 50A as a party wall and that this wall appears unencumbered.

The Application notes that the current external manhole outside the lower ground back door of 51A is replaced by a sealed manhole. It is unclear exactly what the access arrangements would be with the sealed manhole. It is requested that any development includes **a condition that access to the public drains/sewer that runs along the back of the terrace should be maintained so as to ensure that access is not limited to a reduced number of properties should problems with the drains develop.**

Conclusion

The application is objected to as it is premature and incomplete. Any subsequent application should include the Basement Impact Assessment and Construction Management Plan. These should address the issues raised concerning the drains and sewers especially as well as how damage to the existing structure will be avoided especially anything as significant as happened with the similar 50A development. It is requested that the Application be rejected, and then resubmitted to give the Objector the ability to consider the plans proposed with the necessary level of detail and the ability to object further if appropriate.

Further any application should specify all arrangements for waste and ventilation in the existing extension where changes are proposed to the kitchen and bathroom/shower room. Any proposal where the wall between 51A and 52A is used to provide either ventilation or waste services is

objected to. It is requested that IF any permission is granted that a condition be attached that waste and / or ventilation arrangements cannot be through the wall between the Applicants' property 51A and the Objector's property 52A at any level.

Requests during construction to be included in any consideration of this or further application in relation to this proposed development and the Construction Management Plan.

1) Contact details of the owners be provided to neighbours for whenever contractors on site in case issues.

2) That permission is dependent on appropriate other permissions and agreements be put in place prior to commencement of works including Party Wall notices to all neighbours describing the proposed works in detail whether the applicants believe they are impacted or not, and then the appropriately qualified surveyors can resolve matters. The notice should include specifics of any works within 3m of the main building as well as the wall that forms the boundary at the rear of the property between 51A and 52A, which will include works to the proposed shower room, new bathroom and Kitchen. [see comments on waste pipes and ventilation].

3) That working hours be restricted as follows:

- No work on Saturdays of any kind, to avoid any disturbance relating to what constitutes noisy works or when work is expected to stop.
- Noisy Work on Mondays to Thursdays to cease at 5pm rather than 6pm. The rear rooms at 52A Mornington Terrace are used by the Objector's 13 year old daughter who needs to be able to do her homework and have sufficient time to do so as well as dinner etc before bedtime. It is recognised that homework on Friday can be done over the weekend and hence no early finish is proposed on Fridays.
- That set up time of an hour before and after core hours be reduced to 15 minutes to avoid disturbances.
- Contractors / Workmen to respect neighbours and not congregate outside the property talking loudly or shouting into mobile phones particularly outside core hours.

4) That all deliveries take place within core hours only and items are not stored / left on the pavement causing an obstruction. Any damaged paving slabs to be replaced at the Applicants expense following problems with damaged paving during the development at 50A.

5) That barriers are in place to stop the spreading of dust. The applicants recently replaced the stone slabs in their front garden. Dust from the stone cutting covered some of the plants and bins at 52A during the work as well as meaning that windows in 52A had to be kept closed.