
More robust basement policy urged

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[REDACTED]

Dear Councillor [REDACTED],

I spent three years and £55,000 fighting to protect my Edwardian cottage from 'severe' structural damage predicted from a basement plan by developers at Briardale Gardens, NW3. I support [REDACTED] and CRAAC. I urge Camden to pay heed to their expertise.

Deficiencies in Camden's basement policy blighted my family's life, **Camden is wrong to place confidence in its BIA system.** The BIA is only as good as the integrity and expertise of its compilers.

The BIA must be considered a document with legal implications. The compiler must be subject to sanctions should they submit untrue, inaccurate or careless information.

In our case, the neighbours' representatives wilfully or negligently failed to answer the BIA correctly - Camden would have rubber-stamped it, had we had not hired specialists, who confirmed we would suffer Burland Level Three or higher damage. We spend £55,000 on soil and water experts, two barristers, a solicitor, a structural engineer, planning expert and other expertise. The BIA omitted these facts: Briardale Gardens was a Victorian brickfield, of unstable 'made' ground, with an underground stream in the back gardens, with high risk of soil erosion and high risk of surface floods. There is a restrictive covenant on the developer's property banning the digging of a basement.

We complained to the Institution of Structural Engineers and, finally, the developer's 'expert' was deemed 'incompetent' and officially sanctioned. If, as in our case, a developer refuses to spend money on a proper investigation - or chooses to lie or hide the truth, there are no sanctions to stop them.

Camden continues to favour the developer and to externalise the costs onto hapless neighbours.

I propose the following based on my hard-won knowledge:

.An end to the presumption that basements are always buildable given appropriate expertise.

.An acceptance that conditions exist where basements cause severe, lasting damage.

. In Hampstead, unstable soil and water conditions, and unusual houses do not always lend themselves to basements.

. The applicant should pay for specialist reports examining the impact on neighbouring properties.

.The BIA is only as reliable as the expertise, rigour and integrity of those who compile it. Only an adversarial system of competing expert reports can approach the truth - as in a court case.

.There should be more than one independent reviewer, and reviewers need expertise in ground and hydrological conditions.

.That the only acceptable level of Burland damage is ZERO.

Yours Sincerely,

[REDACTED]

33 Briardale Gardens, NW3

Dear [REDACTED],

Thank you for your email. So long as the Council does not resolutely adopt unequivocal guidelines to the effect that all basement construction issues relating to potential damage to neighbouring properties must be resolved to the fullest extent possible prior to determination, rather than being deferred as a requirement to a section 106 agreement, Camden will continue to fail in its duty and procedures to duly protect residents.

Please note that my comments on the Party Wall Agreement were only on the basis that all major construction and engineering issues are resolved prior to determination to the largest extent possible. While I recommend that the guidelines should be changed to reflect this, if this does not happen, then it would be better to omit your recommendation on this, as it could have then the effect that residents would have to become involved with Party Wall Negotiations prematurely.

I will further elaborate below on the above and also comment on some of the other content of your email. So long as the above is not adopted, Camden will continue to have Policies that look good on paper but that are not properly executed by the Council. As a result of deficient procedures within the Planning Department, there are ongoing and countless examples that show that the current way of operating in the Planning department allows aggressive and/or incompetent developers to in effect disregard proper execution of both Camden's and National Planning Policies hence promoting unsustainable development that unduly damage resident's dwellings and their long term amenity.

I would also add that there are ways to implement the above guidelines in a manner that would save money and resources to the Council by, for example, charging the applicants accordingly.

Regarding the Redington judgment, please note that it is mentioned by the inspector that: "basement development will only be permitted once it has been demonstrated that the proposal would not cause harm to neighbouring properties". The current procedures at Camden fail to abide by this principle because in practice it often does not allow the residents and/or their technical expert to have a commensurate say in the matter.

CRAAC and its experts and experienced residents are at your disposal, or that of the Council, to assist you in the matter should you wish so.

Best regard,



Chair of CRAAC

CRAAC, the Camden Residents' Association Action Committee consists of over 35 Resident Associations and related organizations, representing several thousand residents throughout most of the wards of Camden. We are apolitical and aim to protect the residents against unwarranted damages caused to neighbours as a result of aggressive and inconsiderate basement developments.