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**Subject:** Urgent basement consultation evidence  
**Date:** 6 January 2017 at 10:23:57 GMT  
**To:** [BasementsPlanningReview@communities.gsi.gov.uk](mailto:BasementsPlanningReview@communities.gsi.gov.uk)

Dear Planning Policy officials,

My apologies for this late submission!!

My excuse is that I have been actively fighting a renewed basement application that was lodged just before Christmas, so I missed your deadline.

I am an ordinary member of the public, a home owner of an Edwardian cottage in Hampstead, who has spent three years and £55,000 fighting to protect my home from severe structural damage predicted by the basement which the owners next door have been determined to dig at Briardale Gardens, NW3.

I have been at the sharp end of the deficiencies in Camden's basement policy. Camden is wrong to place confidence in its BIA system. The BIA is only as good as the integrity, honesty, expertise and effort of those who compile it. And if the intent of those compiling the BIA is to hide or ignore serious issues, these go undetected unless challenged by the determined effort of neighbours, it at great financial and emotional cost to themselves. Thanks to my vigilance and determination to fight, our neighbour's engineer has been officially reprimanded by his professional organisation, and deemed to have been incompetent. Nonetheless, the neighbours have officially stated their determination to dig a basement whether or not they get permission, so my battle continues. This is on a street formerly a Victorian brickfield, of unstable 'made' ground, with an underground stream in the back gardens and high risk of soil erosion. There is no space to employ mitigating measures in the tight space in a retrofit basement in these terraced cottages, our experts say.

I strongly believe that a true picture of the ground conditions, structural soundness of the proposal, etc, can only emerge if there is an adversarial system of expert reports - that is, expert reports should be compiled on behalf of the applicant and also commissioned by the neighbours immediately affected, **with the cost of all the reports met by the applicant.**

Why on earth should these costs be met by innocent neighbours who are merely trying to protect their property from subsidence and structural damage? Camden has favoured the developer, and its draft policy continues to favour the developer. Why is Camden concerned to save money for developers, in choosing an independent reviewer largely on the basis of cheapness? Excellence should be the main criterion, and the the security of property should be Camden's chief concern. For too long the true costs of basement digging have been suffered and borne by the community and neighbours, with developers making the profits.

I want to propose the following based on my own ongoing experience.

- .An end to the presumption that basements are always buildable given the appropriate expertise.
- .An acceptance that conditions exist where basements cause severe and lasting damage.
- .That the soil and water conditions and unusual, rare houses do not lend themselves to basements.( For instance: one house in Pilgrims Lane, Hampstead, rests on a single pillar - its owner is fighting a basement threat from next door which could cause his house to collapse).
- .The applicant needs to prove that the basement will NOT cause this damage.
- .The only way to get an accurate understanding of the conditions is for the applicant to pay for their BIA and ALSO to pay for the neighbours' expenses incurred in specialist reports examining the impact on neighbouring properties.
- .An acceptance that the BIA is only as reliable as the expertise, rigour and integrity of those who compile it, and it is only by an adversarial system of competing BIAs and expert reports that one will approach the truth - as in a court case.

- .That there should be more than one independent reviewer, and that the reviewers have expertise in ground and hydrological conditions.
- .Cheapness NOT be the determining factor in choosing the independent reviewer. EXCELLENCE should be the determining factor. It is ridiculous that Camden should be primarily concerned, as it currently is, in getting best value for money for the developer in its current choice of independent reviewer. The BIA is only as good as the independent scrutiny of it, and that excellence should be paramount, as the independent reviewer is acting as judge and Camden is placing its full confidence in the reviewer's verdict.
- **.That the BIA must be considered a document with legal implications and those who submit them must treat their signature with the seriousness of an oath, and be subject to sanctions should they submit untrue or knowingly inaccurate or careless information.**

**In our case, the neighbours' representatives wilfully or negligently failed to answer the BIA questions correctly - but this would have been rubber-stamped if I had not hired my own specialists. In the the end, the neighbours' 'expert' was deemed 'incompetent' and officially sanctioned by his professional body. Currently, if neighbours can't be bothered to spend the money on proper investigation, or choose to lie or hide the truth, there are no sanctions to stop them.**

- .That the three-week consultation period be abandoned for a longer time frame.
- .That Camden acknowledge that its overwhelmingly pro-development position is driven financial reasons: fear of losing appeals and the inducement of cash paid by developers to Camden in exchange for permission.
- .That Camden recognise that developers have been making big profits off the back of residents who suffer from serial developments bringing noise, disruption, construction traffic and lasting structural damage to their homes. The true cost of basement development is being born by innocent neighbours. Developers, private or corporate must be required to shoulder their full responsibility for the true costs, by funding comprehensive specialist reports, by committing to putting full sums to cover damage in an escrow accounts, by committing to a considered CMP.
- .That the only acceptable level of Burland damage is ZERO.
- .It is outrageous that Camden claims that anything less than Burland level two is 'acceptable damage'. No level of damage should be acceptable to innocent neighbours, and the applicant must be required to prove that no damage will result to neighbours.

And there is our experience at Briardale Gardens, NW3 7PN, in a nutshell.

Camden informed us of the basement application by second class mail which took eight days to arrive, therefore we had just 13 days to respond to a highly complex situation.

The applicants' first BIA denied the existence of: serious subsidence to an adjacent home, an important underground water course running through the applicant's back garden, landslip from the applicant's garden into next door's garden, Environment Agency assessment of high risk of surface flooding at Briardale Gardens, high slope instability, unstable land due to Briardale Gardens being built over an old brick works, damage to trees in Conservation area.

We, the next-door neighbours have had to pay for more than £55,000 for expert reports which proved each of these factors. Without our determination and heavy expenditure, the BIA would have passed scrutiny unremarked and the development allowed. HOWEVER, due to our protest, and rallying about 30 neighbours and conservation societies in protest to date, the BIA went to an independent reviewer, Chelmer, which found that the 'expert' who compiled the report was professionally incompetent. We have complained to his professional body.

A second BIA was produced. This too, fell well short of the truth, and we had to commission specialist hydrological and ground engineer reports and a tree report to review the second BIA. Our reports were

researched by three of the country's top professionals in their fields, all of whom have considerable experience of basements in Hampstead. They found that subterranean water flow could be ten times what the applicants' BIA believed, that the basement design as submitted was 'unbuildable', that damage to our homes adjacent would be 'severe' Burland level three and above and continue for years, that since our homes were built on the site of an old brick works with unstable ground, it was impossible to predict the full damage, that mitigating techniques to minimise the damage were impossible to employ in the conditions existing at Briardale. We fear a repetition of the nightmare suffered those homeowners in Finchley whose collapsed house featured in the Evening Standard.

Despite this clear message of the folly of the basement proposal 2014/3668/P, we at Briardale Gardens live in fear that Camden will still approve a basement at [31 Briardale Gardens](#) using ineffective section 106 provisions as a salve to its conscience (when this is an agreement between developers and the council - the neighbours have no control over its implementation or lack of implementation) , and throwing us to to the mercy of inadequate party wall provisions.

Thank you for hearing me out.

Yours Sincerely,

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