

**Ms. L. Eliahoo
31 Riverside Rd,
London, N15 6DA**

Ms S Madondo
Planning services
6th Floor, River Park House
225 High Road, Wood Green,
London, N22 8HQ

12th of July 2023

My Interim Objection letter to planning application HGY/2023/1199

With reference to the Cover Note of p+da that was submitted with the new planning application HGY/2023/1199.

RE: 31A Riverside Road, London, N15 6DA

- a. The reference made to the sewers.
 - b. The issues made about daylight/sunlight and outlook in the basement" [paragraph 8].
Instrumental in the Inspector's
1. The Cover Note is provided in support of a planning application for the 'Demolition of existing single storey dwelling and construction of two storey plus basement to an end of terrace property' at 31A Riverside Road, London, N15 6DA.
 2. We are advised by p+da that it is a re-submission application following a dismissed appeal APP/Y5420/W/22/3293573 dated the 14 September 2022. Referring to planning Application HGY/2021/1470 dated 19 April 2021. HGY/2021/1470 and making comparisons to the latest application (HGY/2023/1199) which we believe should not be entertained by the Planning Department as the application are similar and repetitive in design. As per section 70A of the Town and Country Planning Act 1990 delegated powers.
 3. We must point out that the writer Mr Gunne-Jones in his cover note dated 02 May 2023 is now attempting to compare a previous layout of the basement that was refused by your department and again on appeal numerous times.

5.0 ASSESSMENT RESULTS

MACH has assessed the daylight levels for the proposed development's basement, based on the provided floor plans. Through an iterative process, MACH have established the maximum room depths that allow for an Average Daylight Factor (ADF) of more than 1%, so to be suitable for a bedroom or study.

Figure 5.1 shows an initial model of the basement which does not contain any partitions to assess whether the space requires separating into different rooms to achieve targeted daylight levels. The table below shows the predicted ADF.

Floor	Room	Target ADF (%)	Predicted ADF Results (%)
Basement	N/A 1	1.0%	0.64

Table 5.1: Basement Floor ADF - No Room Separation

As the whole floor's ADF is lower than the targeted value, MACH has investigated different room sizes around the two sources of natural light.

To determine the maximum depth for each room to obtain an ADF of 1%, different geometries were modelled and assessed iteratively. The final geometry simulation results are shown in Table 5.2. The associated daylight factor plots have also been included to the right.

Floor	Room	Target ADF (%)	Predicted ADF Results (%)
Basement	Space 1	1.0%	1.4
Basement	Space 2	1.0%	1.0

Table 5.2: Basement Room ADF

The investigation has yielded two room depths for the assessed spaces, as indicated on Figure 5.2 and Figure 5.3. The depth for space 1 can be increased further to achieve an ADF closer to 1%, however, this would result in a larger room with worse lighting distribution with some areas seeming dark without the use of additional lighting. Therefore, the space has been limited to a wall at the bottom of the basement stairs found on a previous issue of the floor plans.

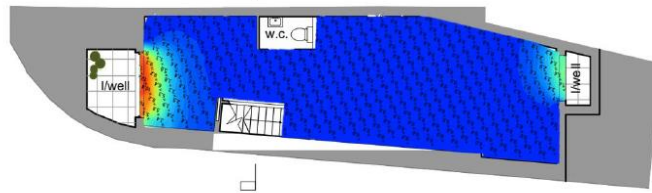


Figure 5.1: Basement Floor Daylight Factor Plot

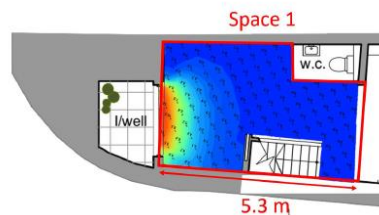


Figure 5.2: Space 1 Daylight Factor Plot

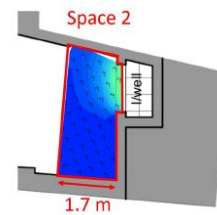


Figure 5.3: Space 2 Daylight Factor Plot

- This is the latest comparison of Light and Layout from the New application above (HGY/2023/1199) and below we are outlining and comparing the layout with the old layout of the previous application (HGY/2021/1470) that was refused by your department and again on appeal numerous times.

Below is from previous application HGY/2021/1470

5.0 ASSESSMENT RESULTS

It is important to note that there are no specific requirements in the BRE regarding study rooms in residential developments. However, for the assessment, the following ADF targets were applied:

- 2.0% for the Study, this is using the higher target typically used for kitchens and living rooms, opposed to 1.0% for bedrooms.

A summary of the daylight results for the assessed study room on the basement floor is tabulated below, while the figures to the opposite show the predicted Average Daylight Factors across the assessed space.

It is seen that the assessed study comfortably achieves the required levels of average daylight factor. The lightwell provides ample daylight into the room, and the areas such as bathrooms and store cupboards have been well placed in the internal spaces of the room's floorplan.

Floor	Room Type	BRE Guidance (Target ADF)	Predicted ADF Results (%)
Basement	Study	2.0%	2.9

Table 5.1: Daylight Results in the Assessed Study Room on the Basement Floor Level

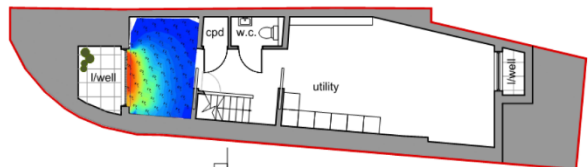
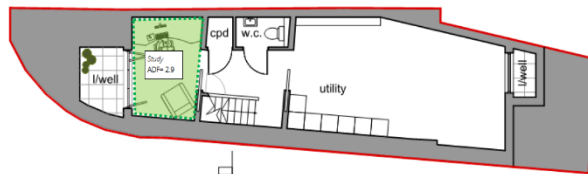


Figure 5.1: Daylight Results in the Assessed Study on the Basement Floor Level

- Note the Light and Layout information from the HGY/2021/1470. The utilisation of the internal space is being used for living purposes not like the new layout in paragraph 3 above.

Thus, there is naturally a lack of light as the previous space is subdivided by walls and doors, cupboard and w.c. compartments and the utility area at the rear. The applicant is now attempting to compare the new scheme as outline in the plan in paragraph 3 above, (HGY/2023/1199) where the basement space is a large open space and is void of compartment space but now includes a single room indicated as "BATH and W.C" area.

Paragraph 6 is a direct quote from paragraph 4, of Mr Gunne-Jones in his cover note dated 02 May 2023.

6. *"In dismissing the appeal, the Inspector was concerned that "...the living conditions of the future occupiers of the proposed development would be unacceptable, with regard to daylight/sunlight and outlook in the basement" [paragraph 8]. Instrumental in the Inspector's conclusion was that:*
 - a. *"The internal daylight assessment provided by the appellant relates only to the study and uses recognised BRE guidelines. [paragraph 4]2*
 - b. *Even if the basement floor plan has been designed to use the spaces with limited daylight levels as a bathroom and utility room, and there would be adequate habitable rooms with sufficient daylight, sunlight and outlook across the other two floors, no control mechanism is before me to prevent future occupiers using the large utility room as a potentially habitable space. [paragraph 5]*
 - c. *While the lightwell serving the utility room would offer some natural light there is little clear evidence before me which demonstrate that adequate levels of daylight/sunlight in this room could be achieved. Given the length of the room and the limited size of the lightwell, it seems to me that users of the room would be likely to rely mostly on artificial light. [paragraph 6]"*
7. Our response - It is noted that the latest submitted plan jw696 -112 rev H has the same number as the previously submitted plan with the same name however the basement floor plan layout has been amended for this application (make the comparison as outlined above) has a bath and wc in a new designated position towards the rear of the proposed basement area. The rest of the space is showing a vast open space without specifying the internal use of the space. This attempt of changing the narrative is unacceptable and the application should be declined, as will be explained in the conclusion.

Paragraph 8 is a direct quote from paragraph 6, of Mr Gunne-Jones in his cover note dated 02 May 2023.

8. *In paragraph 12 the Inspector concluded that “While the Construction Management Plan relates to the previously permitted scheme at the site which did not include a basement, it is reasonable to assume that the methods included within it would be at least broadly applicable to the appeal proposal. In any event, a construction management plan could be secured through condition”; **and also in paragraph 12 “...I am satisfied that Thames Water Sewers appear to have no objection with regard to a basement development in this location, moreover it is confirmed there are no known sewers crossing the site”.** Our response - This is fully outlined and explained below with proof that the observation and statement of fact is completely incorrect.*

Paragraph 9, 10 & 11 is a direct quote from paragraph 8, 9 & 10 of Mr Gunne-Jones in his cover note dated 02 May 2023.

9. *The appeal was dismissed therefore on a single issue, namely that the living conditions of future occupiers of the proposed development would be unacceptable with regard to daylight/sunlight and outlook in the basement. Our response - it is clear to us that there is more than a single issue that is addressed withing this interim objection letter.*
10. *This re-submission has therefore re-assessed the ability of the proposed basement to secure adequate daylight and sunlight on the basis that in all other respects the proposed development is acceptable and policy compliant. Our response – is outlined herein and hereunder and in our conclusion, that the re-submission has failed to compare the previous failed applications with the **so-called re-submission**. It has changed from a liveable space to a large open space. Used for what? It is obvious that the space will be used as previously outlined and intended, the difference is that the applicant has numerous choices to do whatever they want even to make the space a separate flat at a later stage.*
11. *The proposed floor plan for the basement has been re-designed and has been assessed in an up-to-date internal daylight assessment prepared by the Mach Group. The assessment dated the 14/02/2023 and annotated as Rev. 1 is attached in support of this planning application. Our response – the proposed floor plan is not a living space so what is its*

purpose? If it is used for living as outlined above then it won't pass the fire regulation as outlined in the London Plan Policy 12A 'Fire Safety Statement' dated April 2023.

Paragraph 12 is a direct quote from paragraph 11, of Mr Gunne-Jones in his cover note dated 02 May 2023.

12. Table 5.2: Basement Room ADF included in the assessment at page 7 confirms that two areas within the proposed basement achieve a ADF of 1% or above. The layout of the basement has therefore been adjusted accordingly providing for clear access to daylight and sunlight throughout the basement floor plan **with the exception of a bath/WC in the area where the ADL falls below the 1% threshold**. The Daylight Assessment confirms on page 1 that: Our response – “**with the exception of a bath/WC in the area where the ADL falls below the 1% threshold**. This prove then the space if compartmentalised at a later date in the future it may be used and most probably be used for will be used as a kitchen and dining room, living space, study or even bedroom. And the local authority has no control over this as this has been outline previously.

“Overall, it is considered that the proposed development's basement will be able to include two separate spaces that both achieve the targeted daylight levels. These rooms can be used as studies or bedrooms based on BRE guidance targets, and the rest of the floor can be used for non-daylight critical spaces such as a storage area, TV room, gym, bathroom, utility, etc.” Our response – what will stop the owners in the future using the space (as per their previous application floor plans, the applicant is attempting to circumvent the long term intended use, as they have applied for in the past in similar schemes, that all failed, due to the lack of light) as outlined by us in the previous paragraph and in our previous objection reports that were submitted in the last few.

Paragraph 13 is a direct quote from paragraph 12, of Mr Gunne-Jones in his cover note dated 02 May 2023.

13. The BRE document states that the daylight criteria **should only apply to living and occupied areas within the development, which includes kitchens, living rooms and bedrooms**. A bathroom/WC is not therefore subject to a requirement to achieve daylight levels established in the BRE Guidance and ventilation can be achieved by mechanical means. Our response – an answer to skirt previous applications and ignore the above bold and underlined could be uses (the true intention for the space as has been refused on all

applications in the past) by arguing about a basement proposed only to have an enclosure the bathroom that can be mechanically ventilated.

Paragraph 14, 15 & 16 is a direct quote from paragraph 13, 14 & 15 of Mr Gunne-Jones in his cover note dated 02 May 2023.

14. The only matter that was required to be addressed to overcome the Appeal Inspector's concerns was to demonstrate that the proposed basement could achieve satisfactory daylight levels for living and occupied areas. The Applicant has commissioned a daylight assessment, and this demonstrates categorically that average daylight levels are achieved for the habitable areas and the proposed internal layout has been amended accordingly.
Our response – The attempt to get light in the **proposed basement could achieve satisfactory daylight levels for living and occupied areas**. The bottom line is the future use of the space not the proposed use. **We all know what the future use of the space may be! As previously proposed all previous applications.**
15. These changes are all that is required since in all other respects the Inspector in determining the appeal in September 2022 concluded acceptable that it was acceptable.
Our response – are the same as outlined herein above from paragraph 10 inclusive of this.
16. The proposals are therefore re-presented with a legitimate and reasonable expectation that they should benefit from a grant of planning permission. **Our response – is the applicant and his agents serious about this final assumption? If yes, the documents in the list below that accompany this application show images of the original basement layouts the documents have not been updated nor has the information therein.**

I may be construed that they will be covered by this application in any future dispute with the Neighbour at number 31. We note the documents with the discrepancies showing functional living space layouts below.

- a. 18-0282 01A Engineer Method Statement.pdf. The basement construction method statement depicts another layout of the internal use space.
- b. Ambiantal Environmental Assessment report on page 29 with the previous application depicting the study, kitchen dining room layout. It could be construed that all the previous layouts can be used.

- c. 1285110 Flood Risk Assessment.pdf on page11 (is pg. 14 of the pdf) and on pg. 29 of the pdf this layout version is describing the basement with a full light well patio? the document here is depicting the full kitchen dinner enclosed basement.

17. Mach Group is the only document that has been updated to suite the new application of version and Rev H.

Regarding the Appeal Decision dated 21 June 2023 Ref: APP/Y5420/W/22/3300942 The Inspector appointed by the Secretary of State, Mr P Storey BA (Hons) DipTP MRTPI

The application Ref HGY/2021/3137, dated 30 September 2021, was refused by notice dated 22 December 2021.

From information that we hold on to record we have noticed a number of error and inconsistencies that have been submitted in the Appel Decision **dated 21 June 2023** that must be addressed and clarified and the true facts rectified. How will this be achieved?

Mr P Storey recorded the following.

We quote the relevant points that would impact the new Application for planning permission HGY/2023/1199

The permission was granted subject to the following conditions:

A three-year time span from the date of this decision.

2) The development is permitted shall be carried out in accordance with the following approved plans: ***“Proposed Plans and Elevations – jw696-100 Rev D”***.

That the proposed development shall ***“not be occupied until space has been laid out within the site in accordance with drawing no. jw696-100 Rev D for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.”***

- a. See attachments drawing jw696-680 as per planning application HGY/2015/3371. This application was approved pursuant to condition 3 for a **“cycle parking facilities”** this was for 4 bikes. Please advise how and when did this become cancelled as now in this appeal it only stipulates 2 bikes as outlined above.
- b. The reason was for the second bedroom that is 12m2 and not as indicated on the drawing 9m2 this is why condition 3, for a **“cycle parking facilities”** specified the 4 bikes not 2.

That the proposed development shall not be occupied until space has been laid out within the site in accordance with drawing no. jw696-100 Rev D ***for storage of bins and that space shall thereafter be kept available for this purpose.***

- a. How is this going to work in accordance with the application and stipulation for bins for the 4 + occupants in the 2-bedroom house?

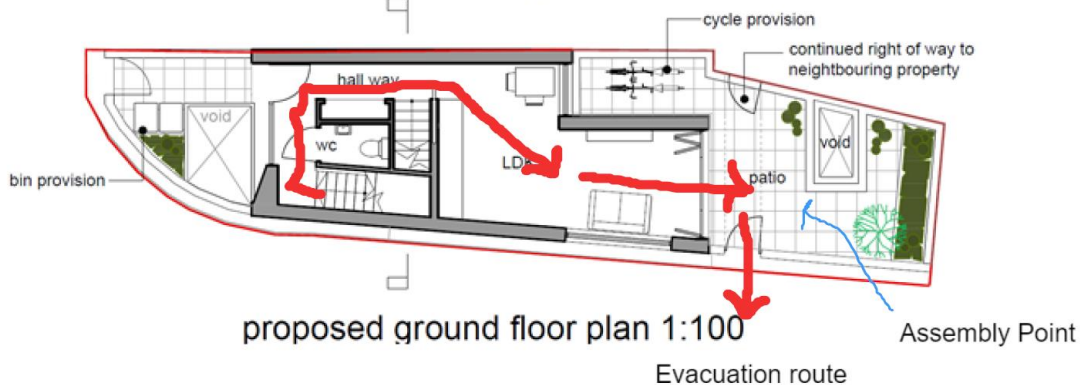
- b. And now there is another application for an empty warehouse looking basement, with lightwells (front one takes up the bin area) but this time the bathroom space and location has changed and now stipulates a BATH and WC, with nothing else there. Who is going to believe this nonsense when it is clear that the space has to be used for living accommodation as per all the other previous failed basement applications?
- c. It is clear and now established that, ***“an approved planning permission would only be lawful if constructed in full accordance with the approved plans, and this would not grant any rights to access or build on third party land”***.
- d. Further clarity has been established regarding (alleging) ***inaccurate plans*** that, ***“Any development constructed under an approved planning permission would only be lawful if constructed in full accordance with the approved plans, and this would not grant any rights to access or build on third party land”***.
- e. This paragraph needs to be stipulated and we require further clarity prior to being able to fully respond with a full objection. ***“Because details of refuse, recycling and cycle parking facilities are shown on the approved plans, it is not necessary to require the submission of further details.***

Our Note - we require clarity and further details, and this must be clearly defined now prior to the 19th Of July 2023 (the deadline) especially for this application or subsequent decision. Due to the facts laid out herein and in other previous objection reports there are concerns that the locations and positioning of the bikes and bins that are designated on the now approved plan ***jw696-100 Rev D compared to the new application*** that shows the bikes on our land and now has 2 proposed light wells and is supposed to have a purpose build 4 bike store. Please respond regarding conditions and guidelines and garnish us with this information for us to be able to adequately present our full objection (see below why we believe this new application should be cancel by you) *for these matters. **Conditions can be imposed requiring their implementation prior to occupation*** Our Note - we don't agree with this as it appears from this response that the doors are now open to do whatever the applicant need as to not follow the approved plan *of the development and their retention thereafter, in the interests of protecting the character and appearance of the area and promoting sustainable transport”*.

The latest relevant appeal decision at the site was issued on 14 September 2022 Appeal Decision - APP/Y5420/W/22/3293573, for a 2-storey dwelling with a basement, which was dismissed.

- a. The main reason was for ***the living conditions of future occupiers*** of the proposed development. It appears that the new application is attempting to bypass this issue and claim that the space is now one large open space.

- b. The applicant has also supplied a drawing as part of the London Plan Policy 12A “**Fire Safety Statement**” document depicting a plan in RED arrow the means of escape through the house to the back garden and not through the front door. Which would be the closest and fastest means of escape from the stairwell. Surely this does not meet the highest standards of fire safety.



- c. Regarding ***the effects on structural stability relating to the basement***. This will be covered in relevant Object report that will be amended and resubmitted.

Re the Thames water issue. Also see the attachments to this email

- d. However, in paragraph 12 of the dismissed appeal (APP/Y5420/W/22/3293573) the inspector Mr Harrison notes and ascertains this is contrary to the facts that, “*Lastly, I am satisfied that Thames Water Sewers appear to have no objection with regard to a basement development in this location, **moreover it is confirmed there are no known sewers crossing the site***”. Please see attached email received the 7th of April 2020 from Sarah Madondo outlining the route of the sewers going directly over and close to the proposed development.
- e. It is also outlined and explained clearly in another email from your department **see attached emailed letter dated the 5th of June 2015** it clearly outlining the public sewer. We quote,

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, **approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.**

Thames Water will usually refuse such approval in respect of the **construction of new buildings**, but approval may be granted in some cases for extensions to existing buildings.

- f. It is also outlined and explained clearly in another letter about the planning application **HGY/2018/3597** to your department **see attached emailed letter dated the 4th of January 2019** it clearly outlines that **“there are public sewers crossing or close to your development”**. Please see attached the email and we quote sections of the letter,

Argles James

From: Planning Support
Subject: FW: Informative Only Planning Application - HGY/2018/3597

Haringey Council
Level 6 River Park House
225 High Road
London
N22 8HQ

Our DTS Ref: 99882
Your Ref: HGY/2018/3597

4 January 2019

Dear Sir/Madam

Re: 31A, RIVERSIDE ROAD, LONDON, GREATER LONDON AUTHORITY, N15 6DA

Waste comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Yours faithfully
Development Planning Department

Development Planning,
Thames Water,
Maple Lodge STW,
Denham Way,
Rickmansworth,
WD3 9SQ

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- g. The above drainage location plan was located in the objection report dated 16th of September 2022- **APP/Y420/W/22/3300942** on page 49 and submitted pursuant to a refusal of planning permission by the London Borough of Haringey (the 'Council') on the 22nd of December 2021 in reference to application **HGY/2021/3137**.
- h. With reference to the Cover Note of p+da that was submitted with the new planning application HGY/2023/1199. We bring your attention to paragraph 6 Alan Gunne- Joans writes, and we quote,

"In paragraph 12 the Inspector concluded that "While the Construction Management Plan relates to the previously permitted scheme at the site which did not include a basement, it is reasonable to assume that the methods included within it would be at least broadly applicable to the appeal proposal. In any event, a construction management plan could be secured through condition"; and also in paragraph 12 "....I am satisfied that Thames Water Sewers appear to have no objection with regard to a basement development in this location, moreover it is confirmed there are no known sewers crossing the site"."

- i. The applicant here is attempting to use a mistake by the inspector, as now a matter of fact. As outlined above and now try to make this information true and factual. For the record this is another attempt of deceitful misinformation, when the applicant knows where the pipe and sewer run that passes through their development property. Just as a reminder it is where the attempt was made by the applicant to install a foundation above the very sewer pipes, this has been extensively covered within our previous reports.

Conclusion

It is clearly apparent that the applicant is repeating the same application that has been previously refused. Due to the nature of this application, it can't be constructed we are concerned that the applicant will sell the project on to a third party who will not be able to build as outlined in the paragraph below. As the applicant knows that the development can't be carried out as per the condition laid out in the appeal decision. Considering this we believe that Section 70A can be implemented by Council as outlined below.

1. By section 70A of the Town and Country Planning Act 1990, you the Local Authority has the power to refuse to determine an application if there have been repeated applications in respect of the same site. The power is exercisable if within the last two years, either the Secretary of State has refused a similar application, or the authority has refused "more than one" applications without either of them being appealed and the local planning authority thinks that there has been no change in the relevant material considerations since then. The Local Authority does not have to exercise this power, but it may do so if it considers that repeated applications are being made oppressively or to exert pressure on neighbouring landowners.
2. Section 70A gives powers to the local authority, not the secretary of state. As we are dealing with a similar subsequent application that Mr Gluck is resubmitting in spite of

the fact that it was last refused in the planning stage as well as the Appeal. Mr Gluck application is the same or is similar to this scheme of other applications he has made. Mr Gluck new application HGY/2023/1199 falls within the two-year period of previous applications and refusals.

3. We require more time than stipulated in your letter, being the 19th of July 2023. We only receive the notice letter on Friday the 7th of July 2023. Monday the 10th of July 2023 was the first opportunity to look at the implication of this resubmission application and scope of work required to fully respond.
4. As we now strongly believe that section 70A of the Town and Country Planning Act 1990, must be implemented.

Please respond as soon as possible as to the Section 70A request and to all our other points and questions. As we believe a full response is necessary for re-submission of accurate objection documents.

Yours sincerely

Liora Eliahoo

(As attorney for my mother, Mrs Violet Eliahoo, the owner of 31 Riverside Road, London, N15 6D)