

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

My Objection to planning application HGY/2023/1199.

Our report is dated 18th of July 2023
Also incorporating various responses and comment on reports in
connection with this planning application and reference to
previous applications HGY/2015/1638

Re Planning Application HGY/2023/1199
At
Applicants Property: 31a Riverside Road London N15
Dated 2nd May 2023.

Our property: 31 Riverside Road London N15

Our response to the various reports
& Desk top study

jdw architects Ltd Design - Access & Planning Statement

**“Basement Impact
Assessment”**

and the

“Basement Construction Method Statement”
Plan & Underpinning schedule

That was compiled by AMMRO Consulting Ltd

**Some points from the Appeal Decision with additional
changes to fit the new proposal.**

jdw architects Ltd Design - Access & Planning Statement

1. The background to the jdW Design architects Ltd Statement. Headed, Design Access & Planning Statement dated January 2021 has now been resubmitted again with this application. It was previously submitted with the previous application HGY/2019/0489 that was withdrawn by the council as outlined below. **See exhibit No. 16.**
2. This report that has been copied by the JDW was originated by Allan Planning Ltd. It is headed '**Appellant Statement**' it was prepared in respect for the Appeal against the refusal of Planning Permission HGY/2019/0880 (and by the appeal APP/45420/W/20/3255539) by Haringey Council in respect of a proposal for the erection of an end of terrace house (previously approved HGY/2015/1638 with the addition of a new basement level at: 31a Riverside Road, London N15LPA Ref: HGY/2019/0880 July 2020.
3. This new amended planning application HGY/2023/1199 is made by Mr N Gluck to The LondonBorough of Haringey, **for the change of use of a home office to a 2nd bedroom and for excavation of a basement** to an end of terrace property. This application follows an earlier application that were refused on appeal. This application attempts to make the amendments necessary to overcome the objections raised in the earlier scheme.
 - a. How by removing the walls of the basement internal space?
 - b. We know that the applicant claims that there a 3 living rooms in this application.
 - c. As there is only 1 on the ground floor, we must conclude that the other 2 proposed rooms must be in the basement area!
 - d. If paragraph c. above were not the case, why would the basement require a large Bath and wc room (in a new location possible for an on-suite bathroom). It's obvious that the intention is to use the basement for living habitable space.

As it has been attempted to demonstrate from the MACH report the amount of so-called natural light that will be achieved for the proposed '**open plan basement**'.

4. We have outlined and demonstrated in this document hereunder the facts as to why the planning applications failed and must continue to fail. Neither does this application make the amendments necessary to overcome the objections raised in any of the earlier basement scheme's. the 1st floor office is now the second bedroom measuring 12m2 (+) enabling the proposal to house 4 or 5 people. As will be explained in detail hereunder and in our 2nd letter of objection (dated the 14th of July 2023) outlining various size and space discrepancy.



5. In the next section we will only concentrate on the relevant sections that we feel that it warrant's mentioning with reference to **The National Planning Policy** and relevant sections from the policies of the emerging **London Plan** adopted by the local authority.
6. The following are the chapters and paragraphs either quoted by the DAP Statement or missing information that may have had a negative impact on the statement made on behalf of the applicant. We have added comments, highlighted, bolded or

underlined or changed the colour of some of the text to emphasize some points that have been omitted that may or will have a negative impact on this application.

1. **Introduction** the paragraph number's refer to the NEPF document.
The following paragraphs and sub paragraphs relate to the Rev Feb 2019.

1. The National Planning Policy Framework sets out the Government's planning policies for England NPPF REV Feb – 2019 and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

2. **Achieving sustainable development**

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. **Not overcrowding in a tight and cramped space for the proposed occupiers.**
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. It now appears that the applicant **is not using solar energy** as it is reported in the latest plan and application. Chopping and changing facts constantly this would make the 'Energy Statement' **paragraph Be 4** incorrect!

- 9. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 12).

The presumption in favour of sustainable development

- 10. **Plans and decisions** should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change.
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
- c) Jdw architect completely miss out the above section and proceeds to the next section **DECISION-TAKING...they use the term ...which for decision taking it means: only!** With paragraph (a and b) omitted, this would throw a different meaning to this section.
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

68. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a. identify, through the development plan and brownfield registers (it has been suggested by jdwr architects, thereafter AMMRO and in previous reports that this site is a brownfield site, it is NOT. As outlined in **paragraph 'c' below in bold**), land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved; the basement takes up approximately 68% of the footprint of the site and the balance is the front and back garden.

- b. use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward; **however, in this case the site is clearly too small for the proposal.**
- c. support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and...**how is this site classed as a windfall site it has been a one-bedroom flat since the late 1970s, recently it was converted in to 3 self-contained studio flats with a GIA of 28m2 total internal living space. Now the new scheme is proposing to turn the site in to an ugly, out of character with the immediate surroundings, over barring, bulky and claustrophobic building that is clearly unsustainable.**
- d. work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes. **This paragraph may imply and or it may be construed that there is some sort of sub-division going on with this site 31a Riverside Road, there is NOT. 31 and 31a Riverside Road are owned by 2 separate title-deeds and 2 separate owners. 1 being myself 31 and the other Mr N Gluck 31a. we acknowledge that it noted at the LPA that this is so See exhibit No. 21, 28 Paragraph 3.2.**

70. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Like overcrowding and very little amenity space for the proposed residence 4 or 5 people.

11. Making effective use of land

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in away that makes as much use as possible of previously-developed or 'brownfield' land.

This land is not a 'brownfield' site period.

12. Achieving well-designed places

124. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make a development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities **and other interests** throughout the process. We note that this application has no designated workspace (home office), as the 2nd bedroom formerly the home office. We can only conclude as the Bath and wc are in the basement the space will be used including a home office, as it was in previous applications.

127. Planning policies and decisions should ensure that developments:

- f) **create places that are safe**, inclusive and accessible and which **promote health and well-being**, (this proposal especially for the proposed basement is so overwhelming and may have adverse affect on the health and wellbeing and future users) with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. The basement proposal has the hallmarks of a separate self-contained flat for future users.
131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. **Here they clearly DON'T.**
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POLICY DM7:

DEVELOPMENT ON INFILL, BACKLAND AND GARDEN LAND SITES

- B Development proposals for infill, back land and garden land should meet the requirements of Policies DM1 and DM2 and must:
- a Retain and provide adequate amenity space for existing and new occupants; (there is very little amenity space with this proposal, **see exhibit No. 1 and 2** and the plans supplied with this planning application. After the soft space proposed at the foot of the garden for the planter area is removed over our land and others right of way and their land. By also removing the void lightwell for the proposed basement into its correct position on 31a's land, and the bike store. This leaves practically no garden space as required by the planning policy. Considering that soft garden space is vital for drainage for this proposal.

2.47 NPPF paragraph 53 provides that local authorities may set policies to resist inappropriate development of residential gardens where they would cause harm to the local area. London Plan Policy 3.5 also supports a presumption against development on back gardens or other private residential gardens where this can be locally justified. The Urban Characterisation Study (2015) identifies various urban typologies where the built form relies on more or less regular street forms, building facades, and garden areas where developments on back gardens are likely to have a negative impact on the character of the area and the integrity of the street scene. Back gardens are also an important ecological resource and play a significant role in drainage and flood mitigation. The Council therefore considers back garden development to be inappropriate and at odds with the spatial strategy of the Borough – to focus development in growth areas well served by transport and local amenities. The exception is where sites can be assembled to bring forward comprehensive development that, in accordance with Policy DM1, can be designed to provide an appropriate layout consistent with the surrounding character and amenity.

- a. The application claims the rear garden to be 27m² where after the bike store etc there will approximately 15m² or less?
- b. And a see-through brick walls at the street seen, making the garden amenity space an invasive environment.

POLICY DM16:

- C Where existing garden land is available the Council will seek to optimise the total amount of private amenity space and access to this space for residents.

POLICY DM18:

And, where the proposed basement extends beneath the garden area:

- f **Will not cause loss, damage or long-term threat to trees of townscape or amenity value;** the light wells take up more amenity space as outlined above.

- g **Maintains adequate soil depth satisfactory for preservation of landscaping consistent with neighbouring properties.** How is this to be achieved if half the declared garden is now a concrete slab that is the roof of the extended proposed basement approximate GIA 51m2, the foundations will also encroach on the soil as it must be replaced by concrete.

And also, during the construction phase:

- h **Will not cause harm to pedestrian, cycle, vehicular and road safety, adversely affect bus or other transport operations, significantly increase traffic congestion, nor place unreasonable inconvenience on the day-to-day life of those living, working or visiting nearby; and**
- i **Will minimise construction impacts such as noise, vibration and dust for the duration of the works.** This site is extremely restricted!
- i. The site is at the corner of a junction of 2 roads on a busy narrow Crescent Street.
 - ii. With very little access due to its position.
 - iii. It will impact the road users and pedestrians.

- B Proposals for basements **must not include habitable rooms** or **other sensitive uses in areas prone to flooding where there is no reasonable means of escape.** *In the basement a Bath and wc room and a large open plan area is proposed. However, the MACH Groupe statement report, clearly indicated that the basement will contain habitable rooms and it is outline therein to that effect.*

- a. The proposed route for the means of escape is quite bizarre, through LDK area.
- b. It passes by the front door and proceeds down the hallway and goes through the LDK are and then through the rear patio doors into the rear garden and out the side entrance on to Lockmead Road.
- c. This route would indicate that the way in to the 2-bedroom house will be accessed through the side entrance of the back garden.
- d. And the access for the basement will be through the front door on riverside road as a separate flat?

- e. As this property has 2 entrances from 2 separate roads.

The basement in previous applications had various plans and proposals, there is nothing stopping this now proposed open plan basement form being utilised for the following and there is no way of policing this in the future.

What is a utility room used for?

A utility room is an area within the home created for the primary purpose of **housing larger household appliances and performing day-to-day tasks** such as secondary storage space for a kitchen, and

A utility room is generally the area where laundry is done and is **the descendant of the scullery**. A utility room is more commonly used in British English.

What should be in a utility room?

Typically, a utility room will include a washing machine, tumble dryer, large sink, dishwashers, storage or household crockery, and even a Passover kitchen a place to store clothes dryers, the ironing board and iron, plus extra storage for any other useful wanted household items, and even additional larder space.

Utility rooms are often compact so working out the right layout is important. However, in this proposed application it is extremely spacious, it could easily be converted and used, as a kitchen dining room seeing that the ground floor layout is meniscal for the same purpose.

Why does everyone want a utility room?

Utility rooms are places to put anything that you either don't want or can't fit into your kitchen. They're secondary spaces that **are all about being useful – hence utility** – **and to make your kitchen function better**.

Do I really need a utility room?

The main reason why most people want a utility room is to store away all the big bulky appliances that take up space in your home. ... If you don't have

a separate dining room then a big kitchen will give you space to have a dining area and for many people this far outweighs the need to have a utility room. This is what the other 2 proposed living rooms could be used for, as this application is none specific for the utilisation of the basement. The proposal just interested in proving that the 51m2 has enough natural light, from the front and back l/wells, to which is doesn't.

C **In determining applications for light wells**, the Council will consider whether:

- a The architectural character of the building is protected.
- b The character and appearance of the surrounding area is harmed; and
- c The development results **in the loss of more than 50% of the front garden or amenity area.** **We believe it is more than the 50%!**

3.46 The introduction of light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed, they need to be located and sensitively designed to avoid light pollution to neighbours and harm to the existing character and appearance of the building, streetscape, and gardens in the vicinity.

POLICY DM34:

5.13 **Cumulative loss of front garden space can result in increased flood risk caused by surface water run - off because of the greater expanse of impermeable surfaces.** The loss of vegetation can also contribute to increased air pollution in urban areas. The loss of front gardens can also impact the character and appearance of neighbourhood resulting in harm to established streetscapes and the uniform appearances of groups of houses. **Where the Council can manage the loss of gardens, not including development, which is permitted, it will seek the retention of 50% of the garden as soft landscaping** and any hardstanding should be constructed from a permeable material.

- a. The allotted space on the drawing that depicts scrubs in on a private

right of way land not part of the owners land.

- b. The proposal demands a bike store on the garden area where the supposed scrubs are to be located.
- c. The light well takes up more area that could be used for shrubs.
- d. The extended proposed basement is a concrete slab that is paved with a patio, and the excavation is approximately 3.2m deep to accommodate the proposal.

In the previous approved application HGY/2015/1638 drawing jw696 – 100 rev D, the recommendations for the wheelie bins are as outlined below to be stored in the **front garden** as well as the proposed bin storage housing, **raised planter**, **void lightwell** and **designated bin area**.

1 x 140L wheelie bin for refuse

1 x 140L wheelie bin for a cycling

1 x 25L food waste kitchen caddy

1 x 25L food waste exterior box. See exhibit's No. 18 & 19.

We note that in the proposed plan jw696 – 112 rev H December 2020, in the proposed ground floor plan 1:100 there is a planter, and 2 bins present. However, the bins are as outlined above, there are no dimensions for the planter and I/we'll they will overshadow and block the proposed light entering the basement through the lightwell to the front of the proposed basement area. From the drawing these items take up majority of the front garden, where there is barely any access to the entrance of the house for the occupants. It is equally not clear that if the proposed 140L bins and the food box would actually fit in the area aforementioned above. **See exhibit No. 6.**

In addition to add to further local flooding in 2021

McCloy consulting M01600-15_DG01 | January 2022. Section 19 Flood Investigation Report South Tottenham, London Borough of Haringey



Figure 5-7 Flooding in Elm Park Avenue (L) and Lemsford Close, South Tottenham, 25th July 2021

On the 25th of July 2021

Emergency calls were made to LFB from 16:20pm citing flooding at properties in Wellington Avenue and Clifton Gardens (both intersected by Elm Park Avenue). The photographs shown in Figure 5-7 show flooding of footways and carriageways at the junction of Clifton Gardens and Elm Park Avenue,

During a site walkover visit on 28th October 2021, users of Markfield Recreation Ground described flooding of the carriageways at Lemsford Close and Grovelands Road.

River gauge data⁸ indicates that flows in the River Lee at Lea Bridge rose on 25th July to 6.094mASD by 17:45PM, having ranged from 5.800mASD to 5.820mASD over the preceding two weeks.

[We quote - 5.3.5 Potential Flood Mechanisms](#)

The rise in water levels in the River Lee would have increased surcharging of the sewer and culvert network; this in combination with the intensity of the rainfall meant that it accumulated on the surface, flooding the carriageway. In Elm Park Avenue and the neighbouring streets, the photographs and DWMP outputs strongly suggest that the primary cause of the flooding was the limited receiving capacity of the sewers. The intensity of the rainfall meant that surface water was unable to enter the sewer network fast enough and accumulated in the

topographical low sections of Elm Park Avenue, Clifton Gardens, Grovelands Road and Lemsford Close.

Other contributing factors to the extent (depth and magnitude) of flooding include:

Blocked gullies Haringey Council raised an order for gullies to be cleared on Broad Lane and Markfield Road.

Any blockages would have reduced the capacity for surface water to enter reach the public sewer.

Our additional responses.

- i. It is clear that flooding has occurred within a few streets from the application site.
- ii. The main sewers are crossing the application site close to the proposed foundations or even directly above them.
- iii. There is little to no garden space left that could accommodate ground surface water.
- iv. There are 2 l/wells catchment areas for rainwater, they will need to be connected to the sewers, this is a further potential risk for flooding the basement.

BASEMENT: Ammro basement impact assessment

1. The background to the **Ammro basement impact assessment** is based on the **ABMBIENTA flood assessment report dated 21st June 2019 final v1.0 Resubmitted**, we referred to this report previous application **as an armchair report**, it should be considered likewise as will be explained hereunder. This report has been responded to previously and the same version of the ABMBIENTA has been now resubmitted. **Referenced on the planning portal, their Ref: 1520044**

Re: paragraph 5.16 of ABMBIENTA flood assessment report final v1.0 Reference: 4675

2. **We Quote** – *“As per the requirements of Haringey, a Basement Impact Assessment (BIA) has been produced by Ammro Consulting (Ref 18.0282). It is understood that Haringey Council have asked that this be updated. **The client has advised that Ammro Consulting are updating the BIA.**”* Despite these facts the document has been resubmitted **HGY/2023/1199** in its original form and has NOT been updated for this new application.

3. **Our Response** - The same Basement Impact Assessment (BIA) was submitted with application HGY/2019/0880 Ref 18.0282 the same version of the BIA and plan outlining the underpinning schedule and the method statement for the works were previously submitted and had not been updated for the application HGY/2021/0489 that was withdrawn by the Planning department, and again in the last application HGY/2021/1470, and now it is resubmitted in this application HGY/2023/1199 as per the requirements of Haringey Council, and the stated advice outlined in the paragraph by the applicant to Ammro, in reference to the underpinning. This will be outlined in greater detail, as to why this method is unacceptable. This has been also outlined independently (however not as detailed) and rejected in previous applications by the Planning Department and thereafter on appeal in 2020 and in 2022.

1.1 proposed development

4. **We Quote** – *“It is proposed to demolish an existing garage and construct a new dwelling with a basement all adjoining the existing property. Underpinning of the existing property will be required to create a residential space”.* **See exhibit No. 26. Paragraph 7 that has been left unspecified!**
5. **Our Response** - The existing solid 9” single brick-built property on number 31a Riverside Road is not a garage it is a single-story building that has now been converted into 3 self-contained studio flats. It has been declared by the owner / his agent, that the gross internal existing floor space is 28m². **See exhibit No. 3. Front street scene & historic side elevation.** It is out of proportion and in the wrong position (in plan jw696 – 110 rev -) and can easily be verified that the position of the flank wall of the existing 28m² historic single-story structure and the gate to Lockmead Road (gate of the joint right of way)



historic side elevation 1:100



Figure 1.1: Site Plan of the Proposed Site

The 1.1 plan

- Note the position of the end of the existing rear flank wall of the 28m², 3 studios in a single (in the historic side elevation 1:100 plan) story building, which is referred to as a Garage.
- Note that the slopped rear extension roof of No. 31, and the flank wall of the studio flats, the flank wall is drawn as being approximately centre of the slopped roof. **(This roof/wall is another inconsistency, Fact)**
- When in fact the flank wall of the single storey flats is more in line with the end of the illustrated gate and then the gate will infact take up space in the fence. **(The gate is in the wrong position Fact)** Note there is a gate for the right of way in the (historic side elevation 1:100) but in the plan Figure 1.1: site plan there is no right of way as the red boundary demarcation is alongside the gable end wall of 20 Lockmead Road. **(31a has no access or right of way to this back path, Fact)**



- Note the position of existing roof lines, boiler house and boundary fence. **(in Dwg jw696 -112 Ver H it is not outlined like the above)**
- Note the Japanese Knot weed overgrowth neglect pushing down fence.
- Note the correct Existing roof line positions not as shown in drawing jw696 – 110 of the historic side elevation 1:100. Also note the inspection chamber sewers run towards Lockmead Rd through No. 31a's garden.

1.2 Scope and Purpose of Work The applicant asserts that this application is a resubmission of the last failed application, then all the details applicable to it (HGY/2021/1470) are still RELEVANT AND APPLICABLE and are of concern in this application (HGY/2023/1199)

6. **We Quote** – *The work carried out compromises a Basement Impact Assessment which is in accordance with procedures specified in the London Borough of Haringey Local Plan Policy SP11, DM18.*

7. **We Quote** – *The aim of the work is to assess if the proposed deepening of the existing basement (there isn't an existing basement all previous application have failed, and this application is no different and must also fail, as it is a repetition of the previous application, however in this application omitting plan jw696 - 111) will have a detrimental impact on the surroundings with respect to groundwater and land stability to assess whether the development will affect the stability of neighbouring properties, local and regional hydrogeology and whether any identified impacts can be appropriately mitigated by the design of the development.*

8. **Our Response** – **it is now apparently clear that this desk top report is nothing but a superficial report with little factual knowledge of the property site. There is no existing basement on either side of the boundary walls between numbers 31a & 31 Riverside Rd. therefore deepening an existing basement is misleading and untrue. The applicant asserts that this application is a resubmission of the last failed application, then all the details applicable to it (HGY/2021/1470) are still RELEVANT AND APPLICABLE and are of concern in this application (HGY/2023/1199)**

9. It is also apparent from this report that there has not been a professional soil analyses (like bore holes and core sampling going down to a depth of at least 3.5 meters) report produced on this property. From our evidence that has previously been submitted to Council by us it was clear that the subsoil is in fact to some depth a **blackish peaty soil** and **not London clay as outlined by Ammro**, and what about the existing surrounding houses that **are built on shallow foundations**. Number 31

as is clear is an END STOP Property, this type of property tends to bare more stress on an end stop then say a mid-terrace that is sandwiched between other buildings.

10. The ground floors of 31 are concrete slabs direct on the subsoil, (made up ground), our concern is below the subfloors that due to proposed excavation of new foundations the existing soil below the existing concrete slab of 31. Causing movement and slipping or even subsidence of the ground below the floors due to proposed excavation works. To a depth of at least 3.2 meters deep. It may have a detrimental effect on our property.

1.4 Limitations

11. **We Quote** – *“The conclusions and recommendations made in this report are limited to those that can be made on the basis of the research carried out. The results of the research should be viewed in the context of the work that has been carried out **and no liability can be accepted for matters outside the stated scope of the research.** Any comments made on the basis of information obtained from third parties are given in good faith on the assumption that the information is accurate. **No independent validation of third-party information has been made by ACL.**”*
12. **Our Response** – We have outlined just some of the information contained herein that is incorrect and it also appears that “**the writer accepts no liability outside the stated scope of research**”, there are facts that are blatantly incorrect?
13. The proposal for the basement impact assessment fails miserably to ascertain and demonstrate as outlined herein as to the proposed excavation and implementation and management program of the underpinning. **That it will ensure the structural stability and integrity of the surrounding buildings of the neighbouring amenity space (our property No.31), the public footpath, and the immediate surrounding roads to the detriment of the neighbouring property, and God forbid the loss of limb or life.** This paragraph is also relevant to section below headed as **Response to Basement construction Method statement.**

3.0 GROUND CONDITIONS

3.1 Soil Conditions

Para 1

We Quote – *“The Geological Survey map of the area (below) indicates that the site bedrock geology description is London Clay Formation - Clay, Silt and Sand. Sedimentary Bedrock formed **approximately 48 to 56 million years ago** in the Palaeogene Period. Our*

Response – *this is a load of nonsense and as the owner and developer is supposed to be a strictly orthodox Jew to have this in his report is reprehensible, we are in the year of 5783 since creation. Local environment previously dominated by deep seas.”*

Para 2

We Quote – *“The London Clay mainly comprises bioturbated or poorly laminated, blue-grey or grey-brown, slightly calcareous, silty to very silty clay, clayey silt and sometimes silt, with some layers of sandy clay. It commonly contains thin courses of carbonate concretions (‘cement stone nodules’) and disseminated pyrite. It also includes a few thin beds of shells and fine sand partings or pockets of sand, which commonly increase towards the base and towards the top of the formation. At the base, and at some other levels, thin beds of black rounded flint gravel occurs in places. Glauconite is present in some of the sands and in some clay beds, and white mica occurs at some levels.”*

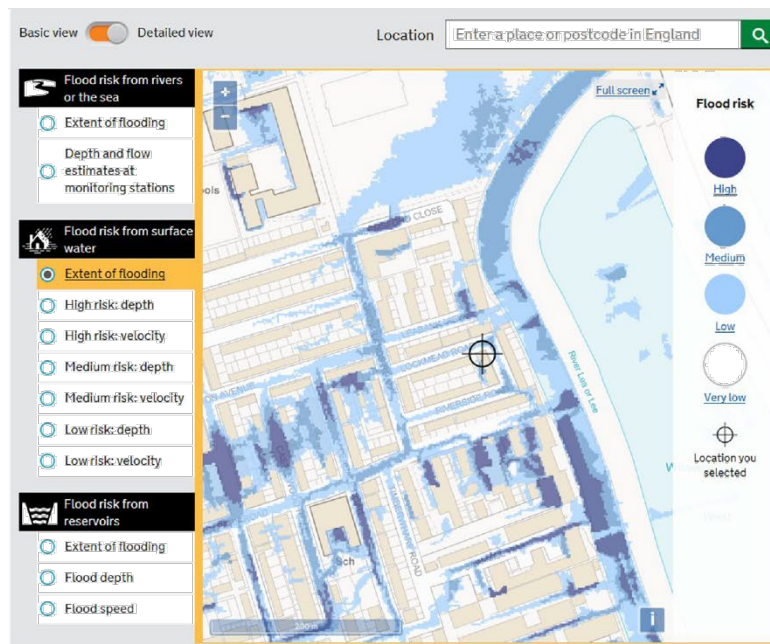
Para 3 **We Quote** – *“A trial hole will be excavated on site adjacent to the existing property to establish the depth of the existing foundations.”* **Our Response** –

- a) Why were trial hole and soil sample tests not carried out before the supposed revised report? Because we must assume that a party wall agreement has not been drawn up between any of the concerned parties, for deep soil analysis tests. No such works can be carried out within 4m of any neighbouring property without such an agreement in place.
- b) The existing foundation of what property? The existing building has shallow foundations.

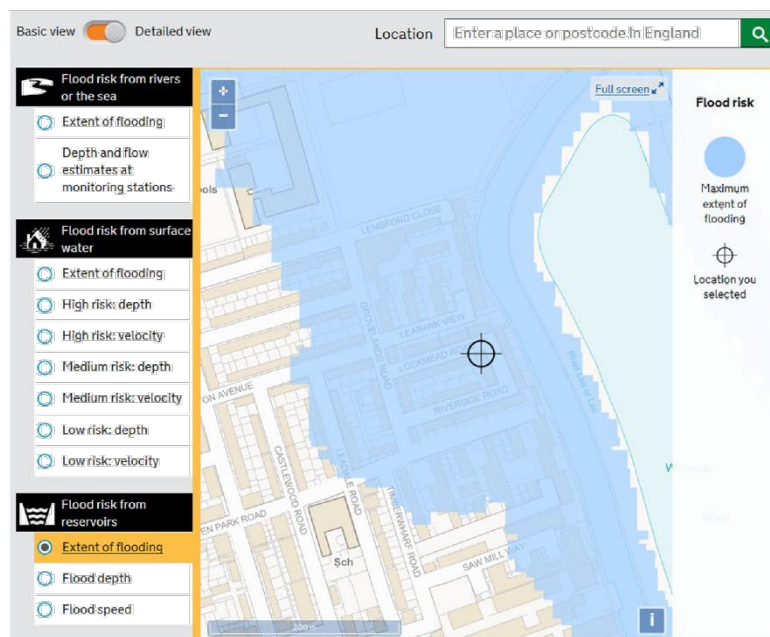
c) We have established that there is no existing basement.

d) The existing property must be referring to the 'single storey garage', or the report meant to say 3 illegal studio flats within a GIA of 28m²!

We Quote – The site is not in an area at risk of flooding from surface water although Lockmead Road and Riverside Road have some Low-risk points.



Flooding from Surface Water



The site is in an area at risk of flooding from reservoir.

14. **We Quote** – “*Flooding from Reservoirs*”. **Our Response** – With reference to the Environment Agency (EA) Flood Map for Planning, the proposed development is located within Flood Zone 1. However, the site is located within the EA modelled maximum flood extent following reservoir failure and therefore requires an FRA under the NPPF. Furthermore, the Haringey Strategic **Flood Risk Assessment (SFRA, 2013)** states that:
15. “*Basement development within the RIM [Reservoir Inundation Model] outline should include an assessment of a breach in the reservoir that could affect the proposed development within their FRA. On the basis of the results from the FRA, consideration should be given to the flood risk from reservoir breach and the appropriate response (i.e., **emergency plan or flood resistant design**).*” **See paragraph ‘B’ highlight yellow on page 11 above**
16. The EA Risk of Flooding from Reservoirs mapping indicates that following a breach of the nearby reservoirs, the site could experience depths of between 0.3m and 2m, and greater than 2m in places. These depths are based on ground levels and as a result, depths could be greater in the proposed basement.
17. The Haringey SFRA does however state the following about basements in areas of mapped flood risk: the proposed l/wells increase the potential of flooding the basement due to the depth of the necessary potential drains.
18. From first-hand knowledge of our managing agent that Themes water sewage pumping truck has been to their sewer routing station (**that is directly opposite this site the sewage pump is opposite our Garage which is also located there**) when the pumps have failed (and blocked drains in the neighbourhood) a number of times at night in the past 10 years (since 2010) they cut the (our) FB1 lock that was secured to the gates despite them having the key the last time they cut the lug so we couldn’t fit a new lock back I am not sure why they don’t record these incidents? It could be that they would have to sort out the repair to our gate and the replacement of our lock.

19. It has been suggested in one of the reports that the site is currently **a brownfield site, we respond it is not.** It was farmland and agriculture land prior to the establishment of the houses that are now in this area.

Observation and nearest location of localised water

The property is located at the corner of Riverside Road and Lockmead Road, Adjacent to the Warwick Reservoir West and the River Lee a tributary of the river Themes

4.1.1 Subterranean (groundwater) Screening Assessment

1b. **Question** - Will the proposed basement extend beneath the water table? The reports **response** is **unknown** ... **Our Response** – **most likely** foundations for rear or side extension and underpinning due to subsidence are known to divert and change the pressure of their natural artesian water table and the flow thereof in the surrounding areas as so often it does, this is well documented.

4.1.2 Stability Screening Assessment

Question 7 - Is there any history of seasonal shrink/swell subsidence in the local area and/or such effects at the site. The reports **response** is **no** ... **Our Response** – however there are houses on Riverside Road that I have had personal involvement with that have suffered from subsidence.

Question 9 - Is the site in an area of previously worked land The reports **response** is **no** ... **Our Response** - This Land was previously farmland, and it is made up land Riverside and Lockmead Road were built by my surveyors' family after the war in the 1940s.

From this desktop report it appears that the writer has neither investigated the properly nor visited the site and claims no real responsibility for the content of the report, as it is self-evident as in sections as outlined herein that further investigation needs to be carried out.

20. How can an application for a basement be applied for and a report be submitted when previous outlined instructions, guidelines and recommendations from the council and the Planning Inspectorate have been made and have been

continuously ignored? This process is an absolute abuse of the Planning Act, by knowingly and deliberately causing harm to others mentally and financially, and misrepresenting the facts as outlined herein, prosecution in this matter by the London Brought of Haringey is warranted and they should immediately withdraw this application and should not entertain any future applications in this vein.

21. In this proposal the appeal decision guidelines are being skirted around and issues and guidance are being embellished upon. As outlined in **paragraph 'A & B' highlight yellow on page 11 above** and thereafter. **The utility area can easily be transformed into a kitchen dining living room space** as the proposed space for this use on the ground floor is rather narrow, cramped and on the small side.

4.1.3 Surface Flow and Flooding Screening Assessment

Question 3 - Will the proposed basement development result in a change in the proportion of hard surfaced or paved areas? The reports **response** is **no** ... **Our Response – The lightwells and the trespass of the neighbouring land at the rear of our land (31 Riverside Road) that has been well documented in the past (see our attached accurate plan DWG – No sk01 Dated 13 July 2021 [See exhibits, No's 1 and 2, this PDF is at A3 1:100 ordinance survey with grid lines. All measurements are taken from the boundaries that were present since we purchased the property, in 1980.] that proves the trespass of the project of 31a on our land, and neighbouring land and right of ways that are clearly not the sole property of the applicant, in particular at the rear of his garden as demonstrated in the plan. Will** drastically impairs the plot of land that houses an existing single story 3 self-contained studio flats that was a single dwelling flat and in the 70s/80s a **GARAGE**. The proposed project has a rear extension and a paved area that drastically reduces the garden area, and now an additional proposed lightwell that will take up more garden surface area, at the rear partly in our property **and now with clear proof of the loss of the bike storage area as the is on our land our property (position where the 2 bikes are in the Plan).** It is also evident that the scheme leaves no access to the proposed window that is in the alcove where the bike wheels were placed, with the wooden fence in place at this time, from the boundary to the edge of the proposed extension there is barley 150mm gap all this is indicated on the drawing See exhibit No. 1. The proposed basement foundation,

boundary brick wall, right of way, our garden and boiler house and supporting wall that the boiler that is housed against (31a Existing wall all outlined in green) that is all indicated on that boundary with number 31, will further have an impact with the natural run off surface water. The proposal drastically increases the potential problem of surface flow and flooding and the runoff of water.

Question 4 - Will the proposed basement development result in changes to the profile of the inflows (instantaneous and long term) of surface water being received by adjacent properties or downstream watercourses? **The reports response is no ... Our Response** – it may have as there has not been a proper investigation carried out and is undetermined.

Our Response – It is well documented and researched that the rear foundations' extensions have been attributed to water causes diversions due to changes to the depths of foundations and the obstructions of the natural flow of underground water. Causing untold structural damage years after the completion of the works. In the case in question extraction of subsoil, which is all unknown as it is evident from this report as no ground soil analysis has taken place. The report also admits that they have no knowledge of existing foundations, the report is making assumptions and then coming to concrete conclusions. **So, one cannot categorically say “NO”** that a basement will not have an adverse effect of change of course of surface water or underground water either without carrying out foundation, ground and soil analysis reports first.

Question 5 - Will the proposed basement result in changes to the quantity of surface water being received by adjacent properties or downstream watercourses?

Our Response – **Ditto**, the same response as to answer given to question 4.

6.0 BASEMENT IMPACT ASSESSMENT BY AMMRO

*“The screening identified a number of potential impacts. **The desk study and ground investigation information** has been used below to review the potential impacts, to assess the likelihood of them occurring and the scope for reasonable engineering mitigation.”*

Response to Basement construction Method statement.

Considering what has previously been outlined above.

1. The sequence of the implantation of the proposed underpinning of the foundations are on drawing DWG No 1 Rev A Scale 1:100 dated June 2020. In reference to project No. 18.0282. **See exhibit No. 11.**
2. From the front to the back of numbers 31 & 31a along the boundaries. the plans indicate a schedule and sequence of pins with reference to specific numbers, these numbers are intended to be dug in an alternat sequence allowing the correct drying and ensuring the stability and integrity of the surrounding structure. **See below for further outline.**
3. Starting from pins numbers 5, 3, & 1 they are drawn over the desk in the study that is illustrated in the proposed architectural basement section plan **DWG. No jw696 112 rev H, (and the Ammro proposed basement construction detail. Explaining our opinion to the elevation and sections of the drawing)** . The following paragraphs in this section follow in the same drawing.
4. The pins that then follow are number part of 4 & 2 pin 4 takes up most of the wash hand basin and pin 2 takes up of more of the toilet space leaving the toilet way smaller than the proposed drawings. In the new scheme toilet is relocated to the rear of the open plan basement marked bath and wc. The basement space is proposed to be open plan.
 - a. Why the need for the Bath and wc room in the basement?
 - b. Where are the 2 more living rooms , the application for records 3 living rooms! There is only one on the ground floor FDK.

- c. The other 2 living rooms must be intended for the basement at a later date!
5. The pins that then follow are number part of 5, 3, & 1 they appear to take up part of some fitted shelves or bookcase.
 6. As the width of the pins have not been specified either in the proposed Basement Construction Method statement nor on the submitted drawings.
 7. There are no details supplied on the drawings or specifications for the proposed basement waterproofing, vapour barriers, tanking or cold bridging thermal insulation etc. The only waterproofing product that has been specified by the Engineer is Visqueen DPM (Damp Proof membrane) he says **where applicable. Visqueen DPM** is not recommended by the company nor is it applicable for use in the proposed basement setting as specified.
 8. An excavated depth for the proposed basement has not been specified.
 - a) nor for the foundation depth, at least 3.2 meters deep.
 - b) The pins appear on the section drawing to be 400mm wide (although no sizes are given for this we deduced from the 250mm offset that it must be 400mm thick) and the lower pins has a 400mm extension for keying with the floor slab.
 - c) nor for the basement concrete slab thickness, from the section drawing it appears the same thickness as the pin?
 - d) how the floor is made up above the slab, what is the thickness of that to the finished screed,
 - e) nor the height of the internal finished basement floor to underside of finished basement ceiling. One must conclude that the excavation depth from the existing street level must be at least 3.2m deep.
 - f) The overall depth from the internal finished ceiling to the top of the finished ground floor at the rear garden level with the finished proposed patio that goes out to the street. **All this will determine the depth and width of the proposed**

lightwells and how much actual surface garden area will be deemed necessary to comply for the natural light needed for the basement, as their dimensions have also been omitted from the drawings. This will also have an impact of garden and patio area that remains (as the patio is now on top of the concrete basement ceiling slab, a non-permeable solid surface), plus a designated bike park for 2 bikes as per the ROC 7 agreement, extraordinarily little.

g) Since the foundations for the basemen constitute specific detailed specifications all the information outlined herein have been omitted from the plans and / or reports.

DWG See exhibit No. 10.

1. This drawing reflects stage 3, 4, and 5 of the underpinning sequence.
 - a. Stage 3 shows the excavation of the upper pin and formation of the top foundation. It is specified to be dry packed 75mm this must presumably include any voids at the rear of the excavation that may have accrued with the newly formed foundation.
 - b. Then the lower pin is then excavated and cast presumable in the same manner as described above.
 - c. How will voids from the upper pins be addressed after the excavation of the lower pins?
 - d. What happens if there is further land slip from behind the upper cast and dry packed foundation?
 - d. How will this void be filled and compacted when there is no access to remedy the void behind the upper pin appropriately after the lower pin is cast, this is common in such type of soft ground.
 - e. We also must bear in mind that the owner of number 31a must ensure that there is no form of trespass into the property of number 31 due to casting wider then designed pins. That means straight plumb pins due to land slip.

- f. It is worthy to note that all the ground floors of number 31 are cast concrete and built directly above the finished compact ground and has been like that since the house / houses of the road were built.
- g. The architectural plans from jdw architects jw696 – 112 -rev H, indicates that number 31 end stop wall and number 31a new proposed wall are butted up against each other. That means in essence there are 2 walls not as indicated on the underpinning section drawing No 18.0282 Dwg No.1. One joining party wall, In this drawing (18.0282 Dwg No.1) the wall is illustrated as being 1 single joining wall (not as specified by jdw), with no significant dimensions given whatsoever.
- h. There are infact 2 walls butted up to each other proposed in the application plan!
- i. So which drawing is correct and how wide is each pin.

DWG 3 See exhibit No. 1.

- j. It has not been specified what the width of the pins are to be cast at as there are two party wall (in the jw696 – 112 -rev H drawing) that being established on the jdw architects' drawings one wall for 31 and separate wall for the proposed structure of 31a?
- k. The jdw architect drawings that have been used for the purpose of the underpinning and retaining wall between the garden and basement of 31 & 31a and for this planning application and previous ones. They do not reflect the correct position of the rear wall and the position of the boundary of the kitchen wall of number 31 (**this can be seen in the photographs of the existing 28m2 building. The proposed plan jw696 – 110 rev- depicts the existing building line way back from its factual position corresponding to the rear existing building lines of 31 & 31a. relevant to the actual distance that 31a is set back from 31 boiler house is positioned**) and possibly of number 31a and beyond. This continues as outlining by the correct positing of the **red boundary line** of the garden perimeter fence towards the proposed lightwell of number 31a for the proposed retaining wall for number 31's basement, and the proposed support for the garden wall / fence, as indicated and outlined on the inaccurate **EXISTING** drawings (**we vehemently oppose this proposal and**

application outright). Nor does the floor layout of number 31a represent the EXISTING building period. Nor does the envelope and the boundaries as illustrated in the drawing attached to this objection drawing number **jw696 – 112 h Dec 20, 1:100**. Please note that the submitted drawing are inaccurate and have been so since inception. See the new outline of the ground floor plan 1:100 for better understanding what has transpired in numerous planning applications in the past by using similar plans to misrepresent the facts of the same elongated and crunched envelope. This has also been transferred to the ground floor marked existing plan that is infact NOT as the existing, as the building in the plan has never been built as the planning permission lapsed in 2018. Infact it is currently arranged as a single storey, 3 self-contained studio flats total internal area 28m² outlined with **green walls**. The new overlayed Drawing **DWG – No sk01 Dated 13 July 2021** this is the drawing reference for the correct boundary position between numbers 31 & 31a Riverside Rd London N15. Note the position of the proposed bikes storage area is mainly located in number 31's property in the location of their boiler housing and on their land and it is most definitely without doubt. Part of the void for the proposed basement light well is infact partly on our land / property, and most defiantly is not as proposed on the boundary in number 31a neighbouring property and land this again is clear and without doubt.

- I. The issue of boundaries and trespassing of number 31's land has been well documented in the past.

DWG 4 See exhibit No. 12.

- m. The protruding demarcation points that appear on this drawing do not represent the location of our house (the drawings are inaccurate as clearly stated on the drawing not to be scaled). We have penned in the location that demarks the end wall of our /kitchen/boiler house locations between the boundary of 31 and 31a, and the front and rear boundaries of both properties. **See our new accurate existing ground floor detailed drawing DWG – No sk01 Dated 13 July 2021 overlayed over the proposed inaccurate ground floor plan of jdw architects drawing jw696 – 112 h Dec 20, 1:100. This overlay shows wall in green are the existing ground floor building with a gross internal floor space 28m².**

Some points from the Appeal Decision with additional changes to fit the new proposal.

1. Turning first to the matter of the basement, the plans show the spaces to be used for the study and utility areas, what is stopping the occupiers using it as a playroom/kitchen or even converting that space into a living space bedroom or self-contained flat. How can this be enforced? A single one-bedroom flat was converted in to 3 self-contained studio flats by the owner of the property, **what would stop the owner doing the above, and how can it be enforced?** The former (study) would be to the front. It would have one window in the corner of the room, this would not be any different than the previous scheme, served by a light well at street level. Due to the lack of real information and dimension as to the of depths and angles of actual light, space of the planter, and place for the 2 bins as required due to inaccurate plans and positions thereof. The latter (utility) would extend to the rear of the dwelling (as indicated on the drawing) again what is stopping anyone converting this space into a playroom, dining room, kitchen dinner, TV lounge, as originally intended **what would stop the owner doing the above, and how can it be enforced?** This area is served by a narrow sky light that is partially located on number 31's land (**See exhibit No. 1.**).
2. The MACH Groupe report mentions a bedroom in the basement withing their light survey. A bedroom in the basement is prohibited in the planning guidelines in Haringey.
3. The rear light well will also lose light from the approximate 1.8m – 2m boundary fence / wall between number 31 and 31a Riverside Rd. It would be the larger of the two rooms and appears that it would not have much ventilation nor sufficient angle of light, despite **the new proposal of the 1.8 hit and miss brick wall**. What guarantee in there that the proposed wall will not be covered up with some sort of screen for privacy, this will have an impact on the natural light that is already not available in the basement. The wall is not a solution the proposal is just not feasible the site is just too small to entertain such a project.
4. The street level lightwell that would serve the Study, the dustbins and size and the hight of the perimeter wall, hight of the planter, the width and depth of the lightwell.

The railings that surround the lightwell to the front, are all side of the void as well as the perimeter wall of the front garden, in the rear garden the railings are on 3 sides and a fence or a wall on one side adjacent to number 31 this causes shadowing. Making the basement reliant only on unnatural source of light, like electricity makes this proposal a poor choice for what is required as quality space, as the quality as natural light into the room is minuscule. **See exhibit No. 6.**

5. However, it would be located to one corner of the small room the rest of the narrow space would rely mostly on artificial light, with truly little light at the rear of the utility area. The outlook from the window would also be unacceptably poor, looking as it would be a high wall in proximity. The situation in the utility room would be significantly worse. It would have a window with a higher wall all around and with no proper view.
6. It would also rely mainly on artificial light for its use. This would perhaps be acceptable if the room were purely used for storage but as a playroom, and potentially a different habitable space, it would likely be well used given the limited provision of social space elsewhere in what is a constrained dwelling.
7. In the case of the excavation works for the basement, the Council have concerns (as outlined above) that they have the potential to compromise the structural stability of adjacent buildings. Unchecked and without the correct methods followed I would be inclined to agree. **We have also clearly demonstrated so has the Council that this is of serious concern and reservations and find this entire proposal unacceptable.**
8. Whilst I understand the Council's stance on these matters, it equally seems clear to me that conditions could be used to ensure adequate drainage is put in place such as, for example, a revised surface for the rear garden space and some soft landscaping at the front. There is no place for much if any soft area to the front of the property and from the new proposal the rear of the property it is mostly paved. **Ignore the strip of garden that is plotted of land that is not in the ownership of number 31a Riverside Road, in fact this proposal has only a paved area with a void surrounded by railings approximately 1m high and no place for 2 bikes as it is on neighbouring property. See exhibit No. 1.**

9. On its own merits, it would be small and limited only paved sitting out area with a void that will also require railings (front & rear), but the dwelling is equally modest. It does not meet the minimum expected size for private gardens set out by the development plan for this size of new development (**again no square meter measurement is supplied for the front and rear gardens**).
10. This scheme provides an unacceptably poor standard of living conditions for future occupiers. **Amongst other things, these policies set out that new developments should be of a high-quality design that provides a high standard of amenity. They also seek to ensure that people feel comfortable with their surroundings and development does not cause unacceptable harm to the amenity of surrounding land, buildings and neighbouring uses.**
11. For reasons that are outline herein and set out above, **the appeal failed in the November 2020 a dismissal decision was made, a scheme to provide acceptable living conditions for future occupiers was not achievable.** This would result in conflict with the adopted development plan. It is for these reasons that the appeal was dismissed in 2020. And in the planning application 2021 and again on appeal in Sep 2022 it failed to get approved.
12. This application (HGY/2023/1199) is a repeat and resubmission of the both previous failed applications, IT MUST BE THROWN OUT and section 70 of the planning act implemented and enforced by the LPA of Haringey. There has been so many applications one after the next that failed regarding the basement.
13. The public sewer crossing the site of the development in the same place where the proposed rear wall is supposed to be erected. See email from Zanelli Marco, Thames Water, dated 5th June 2015, note the second Paragraph **See exhibit No. 24, “There are public sewers crossing or close to your development. In order to protect the public sewers and to ensure the Thames Water can gain access to those sewers for future repair...”**. A double story extension with the public sewer pipe buried inside a foundation, a structural concrete retaining wall for a proposed basement with a double storey house above. This sewer pipe is feeding several houses including number 31a which is an existing single storey

building. What would happen when it all goes wrong?!

14. Would it be farfetched to assume at this point that further down the line suddenly there will discovery what we all know already about the position of the sewer? There will be yet another application for rerouting the main drains and sewers?

We, also understand that this may be a civil matter, we also understand that if knowingly false information has been lodged it is a criminal offence.

1. See the following pages annexures with information explaining measurements and exact locations of boundaries boiler house and wall front to back of number 31a and the stated measurements of number 31a Riverside Road.
2. **Plan – jw696-112 – basement proposals with ref's HGY/2015/1638. See exhibit No. 6.** Outlines the boundary demarcation lines in our property and not in the correct place on the true boundary locations as outlined herein. The block plan 1:500 boundary lines are not correct as outlined herein. The proposed basement, ground floor and first floor boundary lines are all incorrect and have been drawn on our property since inception, possibly deliberately. See the boundary line on the attached drawing overlayed **DWG – No sk01 Dated 13 July 2021** outlining the correct position of the undisputed boundary line and reference to the title deed plans. (The correct boundary location plan supplied by our surveyor is already on your website please refer to it) we reattach to the chain of emails.
3. **Plan – from John Stebbing 112 – proposed drawing dated 2008.** The boundary demarcation lines are clear between number 31 & 31a, and the boiler housing of number 31 is clearly outlined and included however not accurate, this is in line with the attached land registry plans as outlined herein. **See exhibit No. 9.**
4. The submitted application and scheme that (we are objecting to) has been applied for is on land belong to different owners (at the boiler end it is approximately 1 meter in my land), the owner of the land at 31a riverside road in his proposal has encroached on our land in his proposal as outlined herein. Again, the drawings submitted do not show the basement boundary wall in the property of number 31a

either. Therefor it is clear that all the drawings that have been submitting in all previous applications since 2015 including this application **HGY/2021/0489** have been misleading and inaccurate and are clearly not able to be built as per the outlined planning permission.

5. We rely on our attached title plan deed proving our ownership to part of the land that has been applied for and our argument herein alone regarding this matter, and not any dispute that we have with owner of 31a. We request the planning committee deny this application on the basis that the part of the application is on my land, and we disagree to the use of our land being used in this proposal outright. **See exhibits No's. 29 &30.**
6. It is clear that part of the proposed bike area and the proposed plan showing the boundary wall for the proposed basement are incorrect, as the proposed retaining walls have been drawn in my property. and most definitely not the property or ownership of number 31a as per the plans, application and schemes proposal.

Conclusion

7. 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 implement by Council as outlined below.
8. 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.

9. 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.
10. 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)