

| Application No: | Consultees Name: | Received:           | Comment: | Response:  |
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| 2023/0637/P     | Peter Fudakowski | 19/05/2023 13:45:27 | COMMNT   | <p>In response to the objections of Jon Daqi Cai at No2 Colville Place, I have set out the facts which can be easily verified:</p> <ol style="list-style-type: none"><li>1. The extension does not encroach on the property of No.2 Colville Place. The eastern elevation of our extension is built upon a long-time existing brick wall attached to the party wall with No2. It is not built over the midline of our party wall and the architectural drawings prove this to be the case..</li><li>2. It is true that most of the houses on Colville Place have rear extensions with skylights. This feature takes advantage of any available incidental light entering an area restricted by the greater height of the houses surrounding us on all sides. The rear extensions on Colville Place can thus be described as light wells. The tallest extensions are all on the north side and belong to houses on Goodge Street. These extensions are at the same height as (or higher than) our extension. The highest building on the east side is on Whitfield Street and it blocks all direct sunlight which might otherwise illuminate the rear extensions of houses on Colville Place (and Goodge Street houses). The same is true on the western side where the afternoon (direct) sunlight only appears briefly in the height of summer. It is therefore incorrect to claim that our extension is the tallest on the north side. It is also incorrect to claim that our extension substantially blocks the natural light coming into the rear of No.2 Colville Place", since the 980mm uplift of our wall bordering No.2 is made of translucent glass blocks.</li><li>3. Since little incidental light comes in to our extension from either the east or west sides (as opposed to from directly above), we would not object to the properties at No2. or No.4 (or other Colville Place properties) increasing the height of their existing extensions to the same height as all the other properties which surround us.</li></ol> |

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| 2023/0637/P     | DEREK<br>HOLWILL | 19/05/2023 12:02:40 | OBJ      | <p>I am the owner of No 4 Colville Place. Oddly, I have received no written notice of this retrospective application and I have been alerted to this application by the owners of No 2 Colville Place. I was, however, aware of the construction as it was happening. (Although I was not given advance warning or asked for my agreement, the contractor involved initially installed elements which overhung the dividing line between our properties and even made alterations to the lead flashings on my property.) I was told by my neighbours at the time (and I accepted) that the work did not require planning permission. In these circumstances, I trust that the fact that the construction went ahead and is now presented as a "fait accompli" does not affect the question of whether permission should now be granted, retrospectively.</p> <p>I object to the retrospective application for this extension.</p> <p>First, the extension is designed so as to direct any rainwater which lands on the side of No 3's extension on to my property, No 4. As can be seen from the lodged drawings, diagonal sheeting has been installed at the foot of the west side of the extension on top of the party wall. This extends right up to the midpoint of the party wall between No 3 and No 4. This sheeting is designed to ensure that any rainwater landing on this part of No 3 is sent onto my property. Rainwater is first of all directed against the side of the (low) wall at the side of my property, where it will "puddle", significantly increasing the risk of penetrating damp.</p> <p>I can see nothing on the plans which have been lodged which shows that attempts have been made to ensure that rainwater accumulating in this area will then drain away; but the only place it could ever drain would be on to my property.</p> <p>I have a gutter immediately outside my kitchen window, and I am hopeful that water from No 3 generally ends up in this. But the fact is that the extension has been designed so as to use No 4's gutters/drains to accommodate rainwater landing on No 3's property.</p> <p>This gives rise to significant problems. Access to that gutter outside my kitchen window is very tricky ( I would welcome an inspection if that would assist!). Keeping that gutter clear of debris is difficult at the best of times (the properties opposite – with addresses in Goodge St – have flat roofs at the rear and rubbish from these accumulates in my gutter, especially when building works are being carried out – as they are at present). With the additional water which No 3's extension directs on to my property, the risk that a blocked drain will cause flood damage to my kitchen is significantly increased. The need for me to monitor and clear this gutter on a regular basis is accordingly significantly increased as a result of No 3's design.</p> <p>It surely cannot be right for No 3 to have planning permission for an extension which simply directs rainwater onto an adjoining property and appears to make no proper provision for drainage.</p> <p>NB There is a small/shallow gutter installed around the roof of the new extension. Whether this guttering is adequate to cope with significant rainfall I rather do not know but I cannot see from the lodged plans how water from these gutters is drained. If a drain has been installed somewhere to empty these gutters, there is still nothing that I can see from the lodged plans that shows that consideration has been given to ensuring appropriate falls in these gutters to cause rainwater to drain rather than simply accumulate / overflow onto adjoining properties.</p> <p>Second, the extension significantly restricts any future alterations which I (or the future owners of No 4) may wish to make at the rear of the property.</p> <p>It does so physically - because, as a matter of practicality, the existence of an extension of this height built up to and on the party wall makes any future works extremely difficult. In fact, I believe it will be obvious from any inspection of the work that has been done that it would have been impossible for No 3 to complete the building this extension without the contractor coming on to my property. Any attempt now by the owners of No</p> |

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4 (or No 2) to construct a similar height structure would face enormous practical difficulties. The extension will also potentially restrict future work at No 4 (and No 2) from a legal perspective. If retrospective permission is given the owners of No 3, whoever they then be, will be in a position to rely upon the existence of No 3's extension and the light coming through the glass used on the side walls to object to similar height structures on adjoining properties (because such structures would impact on the light and enjoyment of the extension room). The current owners of No 3 have offered to sign a contract (which they want me to draft) agreeing not to make any objections to future applications on these grounds. Any such agreement would be enforceable only as between me and those current owners - it would be legally irrelevant as between future owners of Nos 2, 3 and 4. In short, if this extension stays, No 3 has unilaterally put itself in a position where it is probably practically be impossible for No 2 or No 4 to construct a similar height structure at the rear of their respective properties. No 3 would have achieved that by simply ignoring the need for securing planning permission prior to carrying out the works. That seems grossly unfair.

Third, the existence of this extension inevitably limits the amount of light reaching this area at the back of my house. The extension also overlooks the area at the rear of my property. That area in my house has, at present, three ordinary velux windows in a slate roof. I obviously do not want any windows, even with the type of semi-opaque ("translucent") glass which is presently installed in this extension, in a place which allows the occupants of No 3 to look directly down into that area at the rear of my house.

I have considered whether there might be some ways in which these objections could be accommodated without requiring complete removal of the extension. The drainage issue could probably be addressed if the applicants can put forward proposals for the installation of proper drainage (i.e. drainage which does not simply direct rainwater onto my property). But I cannot see that the issues of inhibiting future works by No 2 and No 4; of limiting the amount of light reaching my property ; and of overlooking the rear of my property have any straightforward solution. The issue of overlooking my property could be addressed by requiring the side walls to be, and to remain, of brick construction (or some other solid material), but that would obviously exacerbate the problem that the extension limits the amount of light reaching my property.

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