

## **OBJECTIONS – FROM 15 UPPER PARK ROAD MANAGEMENT COMPANY LTD**

### **FLATS A, B, C, D – LEASEHOLDERS AND JOINT FREEHOLDERS**

#### **Practical Development Issues**

Prior permission to carry out the proposed development is required from the other leaseholders (four Freeholders) and has neither been sought, nor will any such permissions be forthcoming.

There is no permitted access to the Applicant within the property to allow for the destruction of the original, intact Victorian staircase, or for the construction of the proposed modern one.

Chartered surveyor advice is 'it would be virtually impossible to create a staircase access from the main stairway of the building...it is almost inconceivable that the planning authority would permit the creation of a separate unit of accommodation above Flat 4' [second level].

The Residential Property Tribunal in 2008 proceedings stated that '*any change in the staircase, so as to extend it to the roof space would require the consent of both the lessee of the second floor flat and the landlord*'. The Tribunal also noted '*difficulties because the water tank is situated in the roof space*'. There are both communal water tanks and pipes in the vicinity of the proposed new staircase and rooflight. The Tribunal concluded '*The current position is therefore in our judgment that there is no immediate prospect of converting the roof space into a dwelling*'.

No permission has been given in respect of these works which form an intrinsic part of the proposed development but which are considered to compromise the architectural integrity of the intact Victorian staircase and interior.

It is considered that the width and steepness of the proposed new staircase would be inadequate to permit the safe evacuation of any occupier of the proposed flat in the case of fire or illness and would not comply with current Building and Fire Safety Regulations.

Raising the main roof by 200mm is unacceptable. The impact of these works would be likely to compromise the stability of the house, where there is already local subsidence and cracking in the walls.

#### **Specific Planning objections**

It is unacceptable for the main roof to be higher than that of its neighbour (no.17), and the surrounding houses. The proposed roof dormers are incongruous in both their large scale and design and are incompatible with the existing windows of the property.

The proposed raised rooflight in the side slope of the roof to accommodate the stair to the top floor creates an unacceptable projection above the existing roof line. The adverse visual impact of this would easily be seen from both the street and other adjacent properties. Where other loft extensions have occurred within the vicinity (eg. no.17 and no.13) these are achieved from within the existing premises on the second floor and are not the creation of separate dwellings.

### **Comments on submitted documents**

#### **DESIGN AND ACCESS STATEMENT, NO.2, DESIGN**

##### **1<sup>st</sup> paragraph**

The proposal to form a self-contained studio flat in the roof, of which 35m<sup>2</sup> (of the 45m<sup>2</sup>) has a ceiling height of no more than 1.5m, does not appear to conform to building regulations for loft conversions which require a minimum ceiling height of 2.2m (7.2ft) to comply with health and safety standards. As a result the proposed studio flat will appear cramped and will not provide the level of accommodation fit for a unit for habitation.

##### **2<sup>nd</sup> paragraph**

It is considered that the proposed installation of a new dormer window in the rear slope of the roof, with balcony facing the garden, significantly affects the privacy of the owner of the garden flat and garden. Present day sensibilities and expectations of privacy have arguably changed since dormers/balconies in other properties were installed. Furthermore, a balcony in the roof affects the privacy and peaceful enjoyment of the flat below on the 2<sup>nd</sup> floor.

##### **3<sup>rd</sup> paragraph**

The description of the proposed new staircase does not address the need for a fully protected, fire retardant, escape route from the new top storey to the main staircase.

The proposed new dormer/glazed rooflight in the side slope of the roof is significantly larger and taller than the three additional rooflights proposed on top of the roof (see Proposed Plans, Roof Plan, drawing UPR/15/02). Furthermore, insufficient information is provided as to what the suggested "purpose made 'conservation style' rooflight" would look like.

The proposed raised rooflight in the side slope of the roof to accommodate the stair to the top floor has an unacceptable projection of 70cm above the existing roof line. The visual impact is unacceptable and easily seen from the street and other properties, particularly at night or in the winter when the glazed sides are lit. See Proposed front and rear elevations, drawing UPR/15/05. Such an addition undermines a building of significance and the character of the area.

## Comments on APPLICATION FORM

'Further Information about the Proposed Development', 'Details of the Building' – The applicant has stated the proposal does not include an increase in height to the existing building. However, they propose to raise the roof by 200mm, thereby raising the height of the building.

## Development Dates

The applicant states the building works are expected to commence 2024-01, and to be complete 2024-04. These dates are completely arbitrary as the applicant has no permission from the Freeholders to carry out the proposed work (and shall not be given permission), and three residents live inside the property and need safe daily access to their homes.

## Existing Use

The applicant describes 'the site' as currently vacant, but this is only partly true. The application for planning permission refers not only to the roof space, but also to the original Victorian interior of the building where the applicant wishes to take out a staircase, replace it with a modern one and breach the ceiling above the communal stairs. Safe access to this interior is needed by the residents 24/7, and this 'site' is far from vacant.

## Certificate of Ownership – Certificate B

The applicant states they have given the requisite notice to all persons with a freehold or leasehold interest in the building. These owners are redacted in the application but we, the four leaseholders/freeholders of 15 Upper Park Road, NW3 2UN, confirm we received an email from the applicant on 9 March 2023, informing us they had made 'a Planning Application to Camden Council to convert the roof space into a studio flat'.

However, we understand the application made in March was subsequently declared invalid and was withdrawn (Application Number 2023/1026/INVALID).

No notification of the submission of a new application (the current one) has been made such that this application is invalid and incapable of lawful determination by the Council.

## EXISTING PLANS

### Existing roof space and structure – drawing UPR/15/01

The words 'water tanks' are placed alongside the party wall (with no.17 Upper Park Road). The communal cold water storage tanks and pipes are, in fact, situated over the communal staircase where the applicant proposes to breach the ceiling for the new staircase. No permission has been sought or given for the removal of the water

storage tanks, nor for the inclusion of two new tanks as proposed on drawing UPR/15/02 – Proposed Plans.

Any relocation of the tanks (if permission was to be given) would require the construction of a new load-bearing floor structure within the roof space (given the existing ceiling joists would not be of sufficient strength). No such works are indicated in the submitted proposal

#### IMPACT OF PROPOSAL ON FLAT 4, LEVEL 2

The proposed development would have a major impact on flat 4 in terms of loss of peaceful enjoyment of their home, loss of privacy, security, and loss of amenity. There would be significant noise disturbance from above in terms of footfall, washing machine, spin dryer, macerator(?), particularly as the proposed kitchen is situated above the main bedroom of flat 4.