

Attention:

Elaine Quigley, Senior Planning Officer, Camden Council

**CONSTRUCTION OF ADDITIONAL FLOORS ON BENJAMIN HOUSE AND SEARLE HOUSE  
PLANNING APPLICATION 2022/5392/P**

As joint owners of Flat 10, Benjamin House, we would like to raise the following objections to the proposed construction of additional floors on Benjamin House and Searle House. We would be most grateful for Camden Council to take account of these substantive objections:

- **Historical Objections:**

- In 2009/2010, successful action was taken to reduce the proposed number of flats from 73 to 64 from residents of neighbouring buildings. This action was based on valid concerns about overdevelopment, high density, traffic congestion, inadequate public transport, limited parking, loss of daylight, noise, and strain on local services. These concerns are still relevant today and are arguably more significant now. The new planning application makes no reference to how these earlier and valid concerns recognised by the authorities have been addressed or mitigated. On this basis, the new planning application must be rejected.

- **External Appearance and Context:**

- The existing buildings, Searle House and Benjamin House, are already taller than most surrounding residences. Searle House is currently a 6-storey block, with a setback glazed 6th storey, while Benjamin House is a 4-storey block with a glazed 4-storey and a 2-storey element to the north. The proposed addition would make them stand at 7 and 5 storeys respectively and directly affect the access to light/air/views on the existing buildings and neighbouring properties.

- The initial permission was granted for the current height based on the contextual setting of the site, which was predominantly surrounded by 3 to 4 storey buildings. However, the proposed increase would make them significantly taller compared to the surrounding residences, which are mainly 3 to 4 storeys in height. This deviation from the established context would have a visual impact on the area.
- The predominant building material in the immediate vicinity is brick. The proposed increase in lightweight glazed elements on each building would alter the visual character of the structures, departing from the predominant architectural style in the area. It would diminish the overall aesthetic of the two structures consequently affecting the look and feel of the entire development.
- **Load and Foundation Concerns:**
  - A. This objection raises concerns about the additional stress on the structure due to the proposed development. The objection points out that the Searle House and Benjamin House buildings already have existing issues with leaking and inadequate maintenance. We are not convinced that the safety of the building from the construction is adequately addressed by the structural engineer's report. In particular, the report said that in the event of collapse of the additional floors, it would not impact the older /rest of the buildings. With all due respect, this conclusion is entirely without credible basis and wholly self-serving as the collapse of the top floor will inevitably result in structural examination, testing, repair, rebuild and disruption to the occupiers of the affected buildings.
  - B. For the report to make such assumptions with no assurance that there is a possibility of collapse is an astounding disregard for the safety and well being of existing tenants and occupiers of both Searle House and Benjamin House. In addition, who will be liable for loss of lives and damages to property should this eventuality occur?
  - C. What sort of indemnities, guarantees and assurances will be given by the developers to back up this representation? The developer has not provided any details or legal assurances to existing leaseholders who are landlords and have

concurrent liabilities to tenants nor has it addressed the rights of leaseholders for quiet enjoyment and safety of their tenants.

D. Will Camden Council be jointly liable for such losses by granting such permission together with the developer? What assurances are given to the current owners and residents of these buildings particularly if there is a collapse or defect to the new structure or if the developer is unable to complete the build adequately or goes into insolvency?

- **Existing Occupier Concerns:**

- We have concerns about the impact on the environment, noise, access for visitors, privacy, and safety issues associated with scaffolding and building works. Additionally, the lack of ventilation, dust, noise and use of heavy construction equipment due to the construction may lead to health issues for the residents and tenants. Concerns are raised about the safety and security of the flats if scaffolding were to be erected for an extended period with constructing workers and other third parties having access on site.
- The objection also raises the issue of increased traffic and potential disturbance from construction activities, including early morning deliveries leading to both Buildings and surrounding neighbourhood
- Our current tenants express concerns about the impact of scaffolding during construction, which would block parking spots and the small playground on the premises. This would also lead to a lack of natural light reaching their flat.
- The objection emphasises the noise pollution that will affect those working from home or seeking a quiet environment. It also highlights existing issues with rat infestation and that the construction would exacerbate this problem.
- We also object given the various existing issues within the buildings which have been highlighted to the management and developer. These include ongoing plumbing problems, leaks during heavy rain, cracks in the building, and a prevalent rat infestation. These issues have persisted despite efforts

by pest control operatives. Until these are completely addressed, we believe the proposed works will only aggravate the current problems and worsen the conditions on-site to the detriment of current residents.

- The objection also notes that flats facing Broxwood Way are already dealing with excessive noise from ongoing building activities, and the additional construction noise, dust and use of heavy equipment from the proposed development would be unbearable.
- **Health and Safety Risks:**
  - This objection focuses on the potential health and safety risks posed by the construction, especially to young children playing in the communal garden and to residents of nearby St Christina's primary school. Concerns include noise, dust, and traffic hazards associated with large vehicles and machinery.
- **Accessibility and Open Space:**
  - The objection emphasises how the development would impact the needs of disabled individuals, older residents, and families with young children who rely on lift access and level entry to their homes, including our current tenant who has a young family with 2 toddlers. It also notes that the proposed construction would reduce open space and greenery available for recreation and relaxation which would again adversely and unfairly affect the rights of enjoyment and use of the property by the occupiers and tenants.
- **Air Quality and Noise Pollution:**
  - This objection highlights the potential for the construction and operation of the development to generate dust, emissions, and noise, which could degrade air quality and create disturbance for surrounding properties. The objection notes that this could particularly affect people with respiratory conditions or those who work from home. It would have more significant impact on the elderly and young children who spend a disproportionate amount of time in the buildings and common spaces. This needs to be taken into account when assessing the planning application.

- **Daylight and Sunlight:**

- The objection notes that the proposed development will block or reduce the amount of daylight and sunlight that reaches properties and outdoor spaces, particularly in winter. This could impact comfort, health, mood, and the well-being of residents, plants and animals.

- **Landscape and Greenery:**

- The objection highlights that the development would result in the removal of mature trees and greenery, which currently provide shade, beauty, and habitat for wildlife.

- **Refuse/Recycling & Other Facilities:**

- The objection states that the existing waste bins/storage are already at full capacity, and there is no additional capacity available for accommodating greater number of site occupants arising for the floor additions. This would negatively affect hygiene, health and safety standards for current residents and tenants.
- There is in addition the impact to parking, use of lifts and common areas by the increased numbers of occupants (if approval is granted) and the sharing of facilities on site. No mention regarding the share of maintenance, utilities, insurance and costs have been provided by the developer at this time.

- **Resident's Objection to Lack of Notification:**

- This objection highlights a lack of communication and notification regarding the proposed works to us as owners and to other residents. We note that the residents were surprised at only discovering the plans through small notices posted locally, indicating a potential lack of transparency or communication from the developer.

- **Legal and Ownership Concerns:**

- A. As overseas owners, we are struck by the complete disregard by the developers of our interest. When we acquired the property in 2015, a range of representations and warranties on this development were communicated to attract foreign investment including notification, quiet and peaceful enjoyment and a contractual

commitment to maintain the property in good state of repair and order. We are frankly disappointed at state of the site maintenance having noted our tenant's concerns and those of other occupiers and the developer's actions to proceed with this submission without due notification to current owners, residents and overseas owners. The developers have simply proceeded based on their own self interest without consideration of their obligations and the rights of owners of the individual apartments including those of us residing overseas.

- B. Further, we have reviewed our sale and purchase agreements signed with the developer of our apartment in Benjamin House. There is no reservation of rights by the developer in Benjamin House in the sale and purchase documents. We have acquired a 999 year lease and together with other owners of Benjamin House, are the co-owners of the Building, including shares in the common areas, when they sold the units to us as private owners.
- C. We have not noted anything in the Planning Application to suggest that the applicant has the legal right or legitimate standing to develop these additional floors. If approved, the ensuing disruption and increased occupancy will adversely affect the investment value and exclusivity of the property we purchased in 2015 for which we reserve all our legal rights and remedies against the Freeholder and developer. The developer has not written nor notified us owners of this Planning Application and we only found out through our tenants.
- D. If this Planning Application is approved, we will be seeking legal action, whether through individual or class actions, including but not limited to an injunction to block the construction of the additional floors in order to protect our legal rights as owners of our respective apartments. If Camden Council does not clarify the legal rights of the developer, freeholder and leasehold interest and proceeds to approve such application, we may have no alternative but to consider using all available legal measures to assert that the Freeholder/Developer is in breach of the terms of our sale and purchase agreements, and that the Council is complicit in enabling planning approval, for the construction of additional floors to the Buildings against the safety and well being of the occupiers and tenants, the adverse impact on leaseholders' rights to quiet and peaceful enjoyment covered in the sale and purchase covenants and the legitimate interest of other stakeholders, and

consequently be held liable for the the legal implications that flow from such actions. Having said that, we sincerely hope that we do not have to resort to legal actions to obstruct the building of these additional floors given there are more than sufficient reasons in our view to reject the Planning Application.

In summary, when reviewing this Planning Application, we respectfully urge the Camden Council to take into account the above objections as well as the many other objections raised by our neighbours in the 2 buildings concerned, their safety, welfare and rights, as well as those of our neighbouring buildings, which we wholeheartedly agree and support. Even though we are overseas owners, we are equally interested in the enjoyment, environment and welfare of our community in the Camden Council.

Given the importance of this issue, we will make ourselves available on reasonable notice to address any questions or clarifications required by Camden Council. We wish to be included in and privy to any discussions, consultations or communications going forward and hope we can engage constructively with you to ensure this.

Yours faithfully

Winston Khoo/ Madeleine Lam CH