

<b>Application No:</b>	<b>Consultees Name:</b>	<b>Received:</b>	<b>Comment:</b>	<b>Response:</b>
2024/4654/P	Ben MacGregor	22/12/2024 17:05:11	COMMNT	Dear Sir,

I am writing in relation to the alterations to Rear Addition terrace of Flat 2), 22 Lupton Street London NW5 2HT.

I am one of the two owners of Flat 1 (the other being my wife) and would like to object to permission being granted.

There is a significant privacy issue for us (as well as our the next door neighbours and the surrounding flats). The Flat 2 residents use the terrace both in the day and often at night where they have substantial numbers of friends over utilising the terrace for socialising etc. Whilst up there they have full view directly into our garden and into our back office, essentially leaving us with no privacy when we are trying to use either. Given the height of the construct this will no doubt also provide them views directly into no 20 and other properties over the back of the garden.

Falling objects are now a concern. These have included kitchen waste, old flower pots, condoms, lanterns and beer cans/bottles. These are either left on the edge above our property, or from parties, have fallen onto our roof and into the garden inc. smashed glass which is a danger to our daughter.

No planning permission was originally asked for, so to approve this now will legitimise an unlawful structure. During their construction of the terrace we also removed our ceiling and discovered the joists below the terrace were fully rotted away. If we had not removed our ceiling there is a good chance that the structure would have come through our roof during construction which betrays a lack of appreciation for neighbours. Seeking planning permission in the first place would presumably have picked this safety issue up.

I'm not sure whether they did or did not, but I'm assuming there has been no permission from the Freeholder for the super structure.

Encroachment over our property. The planting structure juts 5 or more inches over our roofing and rises maybe 3-4 feet above the walling. At no point were we asked for permission and my presumption is that this encroachment is not allowed.

We have legitimate structural concerns as to a) whether this permanent structure can now be supported moving forward, and b) whether this will also impinge on the shared wall with no 20 which is already showing signs of stress.

Intrusion both visually and with noise disturbance is another issue that you will presumably be discussing.

Finally, although these won't be issues for this planning committee to consider, substantial leaks began to appear in Flat 1 living room and second bedroom underneath and precisely along the party wall line, essentially below the potting structure and where the drainage comes through from the Flat 2 terrace onto Flat 1 rear roof. There is significant moulding in Flat 2 second bedroom which continually smells. Both myself, and my daughter, have contracted respiratory problems over the past 6 months which may, or may not, be connected. This is a major concern.

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The potting structure is built directly on the party wall (right above the leak) and Flat 2 maintained they had it properly waterproofed but when asked to evidence this they say it's 'irrelevant' and have refused to provide any.

Ultimately this flat bedroom roof was neither designed nor intended to be used as a terrace and on that basis we feel permission should be rejected.

I am happy to provide further details on request or during a conversation. In terms of items dropped or the encroachment we can provide photos on request.

Kind Regards,  
Ben MacGregor

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2024/4654/P	Ian	22/12/2024 18:34:07	OBJ	<p>I am writing to formally object to the planning application for alterations to the rear addition terrace of Flat 2 at 22 Lupton Street, NW5 2HT.</p> <p>As the owner of the adjoining property, I have significant concerns about the impact of this proposal on my privacy, safety, and property.</p> <p>I understand that the structure in question has already been built, and this application appears to be seeking retrospective permission for its use as a roof terrace and for the construction. I strongly object to the current use of this flat roof as a terrace, as it was not designed or intended for recreational use. Additionally, I object to the existing structure, which has been constructed without proper approval, and the proposed plans to either formalize its use or construct further modifications. The current structure and its usage already have significant impacts on my privacy, safety, and property, as outlined below.</p> <ol style="list-style-type: none"> <li>Lack of Original Planning Permission and Construction for use as a Roof Terrace</li> </ol> <p>I believe that the original flat roof on this building did not have planning permission for use as a roof terrace. Nor do I believe was the original construction sufficient for use as a roof terrace. Furthermore, to my knowledge, no planning permission was ever granted for its recreational use – and so it was not originally designed or approved as a terrace. Allowing alterations to formalize or enhance its use as a terrace and this proposed structure (though I note that it is already built) would legitimize an unapproved utilisation and structure:</p> <ul style="list-style-type: none"> <li>Unlawful Use: Without evidence of prior planning approval, the proposed modifications should not be considered.</li> <li>Precedent for Unapproved Structures: Approving this application risks encouraging similar developments that bypass proper planning processes.</li> </ul> <ol style="list-style-type: none"> <li>Privacy Concerns</li> </ol> <p>The area in question is not a terrace but a flat roof that was never intended for recreational use even though they use it for such a purpose. Either way - the proposed alterations will increase its usability and result in significant privacy intrusions:</p> <ul style="list-style-type: none"> <li>Direct Overlooking of My Property: The flat roof is immediately adjacent to my garden and home. The alterations will allow users to look directly into my garden, significantly diminishing my privacy.</li> <li>Intrusion into Indoor Spaces: My property has a window and a glass roof that face the flat roof / roof terrace. The proposed changes will allow terrace users to see directly into my living spaces, including private rooms. This is an unacceptable invasion of my privacy within my own home.</li> <li>Increased Usage: The proposed modifications, including planters and a privacy screen, will encourage prolonged use of the flat roof as a terrace, amplifying noise and activity levels. This will make my home and outdoor spaces less private and enjoyable.</li> <li>The area should not be treated as a terrace or recreational space, as this was not its intended use when the property was originally developed.</li> </ul> <ol style="list-style-type: none"> <li>Safety and Maintenance Issues</li> </ol> <p>The shared boundary between the flat roof and my property has already caused issues:</p> <ul style="list-style-type: none"> <li>Falling Objects: Items have fallen from the flat roof onto my flat roof in the past, posing a hazard to my property and anyone using the space. I have collected drink cans, bottles and other rubbish previously from my flat roof which can only have been from users of the existing roof terrace. Increased use and additional structures will likely exacerbate this problem.</li> <li>Disposal of goods onto my terrace: I have previously witnessed workers on the roof terrace disposing of materials and waste water onto my terrace.</li> </ul>

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- Structural Concerns: There have been signs of damage caused by this flat roof, as evidenced by issues affecting the flat below. Additional weight and modifications to the flat roof could worsen this damage and create further structural risks.
- Poor construction of the current deck / terrace: Due to the construction of the existing terrace / deck, proper approaches and materials have not been used to ensure no damage to the fabric of the building. On the adjoining wall, I have a series of plasterboards covering the wall, and while I am unable to see any obvious damage at this stage, I hypothesize—based on the damage to the flat below—that there is significant potential for damage to be done to my flat.

#### 4. Impact on Surrounding Properties

The proposed changes will negatively affect neighbouring properties:

- Visual Intrusion: The alterations, including the privacy screen and planters, will create a visually obtrusive structure that is out of character with the surrounding area.
- Noise and Disturbance: Increased use of the flat roof as a terrace will result in higher noise levels and greater disturbance for adjoining properties.
- Precedence: Approval of this application would set a concerning precedent for the area, encouraging other property owners to construct or repurpose flat roofs into terraces without proper planning consent. This would significantly increase the likelihood of further privacy invasions for neighbouring properties, as more elevated outdoor spaces would directly overlook private gardens, homes, and living spaces. The lack of planning oversight in such cases would erode the careful balance between development and resident privacy, leading to long-term adverse impacts on the character and liveability of the neighbourhood.

In light of the significant privacy, safety, and structural concerns outlined above and the danger of setting a precedent, I respectfully urge the planning authority to reject this application. The flat roof was not designed or intended for use as a terrace, and the proposed alterations will have a detrimental impact on my property and quality of life of those in the property.

I am happy to provide further photographs and evidence upon request.