

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/5666/P	Dr Roger Hayward	12/01/2025 16:33:50	COMMNT	Objection to Application 2024/5666P submitted on 23 12 2024

Introduction

I am Dr Roger Hayward, an OAP and retired medical practitioner.

Together with my 17-year-old son, I live at 43 Flask Walk NW3, a terraced house constructed some 150 years ago as a pair with 45 Flask Walk, from which we are separated only by a thin party wall with rudimentary sound, fumes and draft-insulating properties.

For the last 10 years 45 Flask Walk has been empty and a building site.

An attractive flowering tree has been eliminated, the entire rear elevation has been demolished and rebuilt, and a massive basement has been excavated.

It has also been an unremitting source of extreme noise and vibration, of major damage to our home and of massive stress to my son and myself.

Present Application

Regarding construction of a new rear extension at 45 FW, planning consent 2016/3900/P included demolition of the old rear extension and construction of a new extension featuring a flat roof fitted with a skylight. Drawings attached to the consent show it to be overlooked by a window featuring a fixed lower section above which are two opening sections with a central closure line.

But in contravention of planning consent, in the spring of 2023 workers at 45 fitted a totally different structure into the supposed window opening onto the flat roof. They fitted a full-length door (Image attached). The door was hinged down one side only and had no fixed section. They also omitted to fit a skylight into the flat roof.

Consequently there is now a large area of flat roof with a surrounding wall accessed via a full-length door.

The developers have provided no explanation for these unauthorised changes.

According to Mr Bakall of Camden Council, who may have held private discussions with the developers, the alterations were necessitated by problems with the wall in which the door has been mounted.

This explanation lacks any credibility, not least because the wall was constructed by the developers themselves.

In the absence of any coherent reasonable explanation, we believe the unauthorised alterations have been constructed to enable the flat roof to be used as a roof terrace, possibly now, possibly at some future date.

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Objections

In response to the developers' belated attempt to obtain retrospective permission for the two alterations they have made, we object as strongly as possible on the following 5 compelling grounds:

Objection 1

Probable Use as Roof Terrace

As indicated above, if allowed to remain, the full-length door will indefinitely provide unimpeded access for people, furniture, barbecues etc onto the adjacent roof, making it easy to use as a roof terrace. The risk of this outcome is further enhanced by the omission of a skylight.

The presence of only a small surrounding wall will not act as any realistic deterrent.

The same is true of a small internal step up to the door.

Any limiter/restrictor fitted to the door could be removed with minimal difficulty.

Any future occupants of 45 FW, particularly young people, would inevitably use it as a terrace.

They would then be able to enjoy close and unimpeded views by night and by day directly into our main bedroom and the double bed therein, to play music, make noise etc as well as to look directly down into our small garden and conservatory, neighbouring properties etc.

No present or future occupant of our home could conceivably accept this situation.

Objection 2

Unacceptable Precedent

Though several home-owners in our row of houses possess sections of flat roof at first floor level at the rear of their properties, in no instance is access to the flat roof provided by anything other than a window. These windows offer only limited and partially obstructed access.

The single full-length door that has been constructed at 45 represents a major departure, is both unwanted and unwarranted and should not be permitted.

The precedent set by such a step could be disastrous and would almost certainly do serious harm to neighbourly relations and quality of life.

Objection 3

Permanent Source of Conflict

It seems clear that were the unauthorised changes made by the 45 FW developers to be allowed to remain, sooner or later the flat roof would come to be used as a terrace.

Our principal bedroom and one of its two sash windows are within a couple of metres of the flat roof at 45 and nearly level with it.

Therefore, in direct contravention of Camden policies CS5 and DP26, those standing on the flat roof by day or

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night would have a clear view into our main bedroom.
 Their conversation, music etc would be easily audible there.
 There can be little if any doubt that long-term inter-neighbour conflict would almost certainly arise.

Objection 4

Source of Complaints to Camden

Not only would the situation created by these alterations be socially undesirable and divisive, but in view of the Local Government regulations cited above, Camden Council could easily be dragged into resulting disputes on a long-term basis.

Clearly all necessary steps should be taken at this stage to avoid such an outcome.

Objection 5

Incorrect Categorisation

In the developers' retrospective application for permission for the above unauthorised changes, they are described as a "Non-Material Amendment".

Possibly designed to trivialise our valid concerns, this description is both inaccurate and misleading.

Guidance on alterations which cannot be claimed to be "non-material" state:

In the absence of any definition of a non-material change, the following examples are intended to give guidance about changes unlikely to be accepted as 'non-material'. It is not comprehensive and each non-material amendment request must be considered on its merits having regard to all relevant circumstances:

- New or enlarged windows / openings / balconies resulting in loss of privacy or amenity to neighbours.

Plainly the present application fits neatly into this category, so should be rejected.

Conclusions

While we are less concerned about the absence of a skylight, we respectfully request that the developers be instructed to remove the unauthorised full-length door opening onto the flat roof.

We request that they be required to replace it with a correctly constructed window featuring a central closure line with two opening panes and a smaller non-opening section below as shown in planning consent 2016/3900/P as soon as possible.

With many thanks and regards

Roger Hayward MD FRCP

43 Flask Walk NW3 1HH

Image 1

Full-length Door opening onto Flat Roof / Roof Terrace at 45 FW