

75/76 Eton Hall
Eton College Road
London
NW3 2DH

Development Management Team
Town Hall extension
Argyle Street
London WC1H 8ND

14 February 2014

Dear Sirs,

Re: Planning Reference 2014/0386/P

Proposal: Installation of pipes and flues on all external elevations of Eton Rise, Eton Hall and Eton Place

I have some very serious concerns about the proposals submitted and object to the application. My objection is centred on four main areas of concern:

1. Health risks associated with such a number of flues placed at close proximity to windows across concave façade of these buildings
2. Aesthetic impact of the pipework, the flues and the resulting plumes of steam on the building and the effect that it will have on our enjoyment of our property and its future sales value as well as the look of the local area
3. Lack of proper investigation and analysis as to whether this is truly "the most satisfactory solution" and "best available balance between providing essential building services at a reasonable cost and maintaining the visual and environmental quality of the location" as put forward by the applicants
4. Inaccuracies in the statements and plans submitted as part of the application – further supporting the lack of proper investigation and planning that has gone into these proposals

1. **Health risks associated with such a number of flues placed at close proximity to windows across concave facade of these buildings**

Of principal concern are the proximity of the flues from the flats below to our windows and the cumulative effect of such a large number of flues discharging off the concave facade of the building. I feel that this could give rise to significant health risks.

Our flat faces the front of the building where according to the plans 37 flues will be discharging. Not only are we at risk from the toxic fumes of our direct neighbours being blown into our windows, but we will also have the risk that depending on the direction of the wind the shape of the building could act as a trap meaning the discharge from a much large number of flues is pushed back into our and our neighbours flats.

Only recently the landlord's managing agent posted notices requesting that people do not smoke in front of the buildings as cigarette smoke was being blown into people's flats causing health risks.

Surely the discharge of 37 flues will be far greater than the impact of one cigarette.

My focus here is on the front of the building because this is where my flat faces, however the same issues and concern would apply equally to flats on any other elevation.

Maintenance of the flues is also of concern. The landlord is placing responsibility for the installation with the lessees. I assume therefore that they are relying on individual flat owners to maintain them too. And if so what are the practicalities of maintaining flues on the higher floors of the building. Will there be further health risks involved for the neighbouring flats if flues are not maintained properly? Who will be legally responsible in such a situation?

2. Aesthetic impact of the pipework, the flues and the resulting plumes of steam on the building and the effect that will have on our enjoyment of our property and its future sales value as well as the look of the local area

In paragraph 10 of the proposal the applicants refer to 22 risers required on each building. This is not correct as a minimum of 22 pairs of risers (that is 44 risers in total) are set out in the drawings presented.

Based on the drawings presented with this application, in the case of Eton Hall the number of gas risers currently in place is 17. Hence the proposals require 27 additional risers to be erected on the building of which the 22 relating to the cold water will be double the size (100mm) of the gas risers.

Meaning that for the front elevation of Eton Hall (Elevations A,B,C in the plans) which faces the conservation area and which is the view from our windows, 14 risers and 37 flues will be on the front of the building and three flues will be constructed on roof level above the mansard.

I do not believe that this can be described as "minimal effect on the character and appearance of the buildings and on the surrounding area" as the application states in paragraph 28.

The additional piping and the smoke of the discharge from 37 flues will disfigure the view of the buildings. I am also concerned that smell from the fumes (discharged a very short distance below our windows) will impact our ability to open our windows.

I would also point out that the plans submitted for Eton Hall, do not give the full picture of what the plans will look like as they a) do not show the existing TV cabling b) or existing waste pipes. Hence the facades will look more cluttered than shown in the drawings if the proposals are realised.

I note on the planning website that the application has been classified as "residential minor alternations" and from looking around the neighbourhood it appears that notification has been restricted to small signs on the lampposts directly in front of the buildings such that someone walking on the pavement on the other side of the road would not notice. It seems to me that the changes are more than minor and that the residents of the buildings facing the blocks (e.g. on Eton Villas, Eton College Road and Provost Road) would be surprised by the impact on their views that these proposed plans would have.

3. Lack of proper investigation and as to whether this is truly "the most satisfactory solution" and "best available balance between providing essential building services at a reasonable cost and maintaining the visual and environmental quality of the location" as put forward by the applicants

The applicant's submission represents that "the application proposal represents the most satisfactory solution and one that is supported by the overwhelming majority of leaseholds" (paragraph 27).

I have serious concerns about both elements of this statement.

I would challenge that any in-depth investigation or analysis has been carried out to establish whether this is the most satisfactory solution.

Only two options were presented (with limited scope) and other suggestions put forward from leases were dismissed without serious consideration. In addition, and despite requests, there has never been a cost benefit analysis of the options carried out to establish what the true costs of replacing and running each of these two (or any other possible systems) would be.

I do not feel that an effort has been made establish the true cause of these piping issues. From the limited information made available as part of the Leasehold Value Tribunal ("LVT") process, it would appear that a significant number of incidents relate to the piping encased in the floor and relating to the heated towel rails. Surely a possible solution would look at sealing off that part of the system and requiring lessees to have electric towel rails. The appropriateness of the solution depends on the problem that needs to be solved.

The points being raised here along with some additional suggestions on how the potential heating problem could be solved were presented and discussed at the LVT in 2009/2010. It appears that in the interim no effort has been made to address them or explore the feasibility or costing of other proposals – in particular the solution presented at the LVT which was implemented in the two blocks in Hove (Wick Hall and Furze Croft) that were built by the same developers and architects as the Etons and share very similar design. In these buildings the communal system has been retained and new pipework rerouted up through the flats, using internal cupboards and in some places some minimal boxing in – an option not considered at all in this application. Instead, the submission refers us back to a report from 2009 and does not demonstrate any evidence that further investigation of possible solutions has been carried out.

To support their case the applicants rely on a statement by Mr Southam, a surveyor who is presented here as an independent expert, and a report from CD Associates on the scope of works. I have not been able to verify the credentials for CD Associates however Mr Daly who has represented the company at the LVT identified himself as an electrical engineer. It does not therefore appear that a qualified pipework or heating expert has been involved in the preparation of these plans.

Mr Southam's report

The planning statement refers to an independent statement by Mr Southam and in fact attaches his full report. It goes on to rely on this report to support the view that the proposed plan "is the most appropriate for the buildings in terms of technical considerations, costs of installation and visual appearance" (paragraph 14 of the planning statement).

It must be pointed out that Mr Southam's suitability as an independent expert on this matter was challenged by the LVT panel. Paragraph 18 of the LVT's decision states: "We then heard from Mr Roger Southam. It is to be noted that although he presented himself as an independent expert his report contained none of the usual wording associated with such an appointment."

Turning to the report itself, you will note that on the second part of this report Mr Southam sets out the four areas forming the remit of his work:

- a. Whether the pipework needs replacing

Although Mr Southam mentions participating in a sight visit he does not mention any evidence from this visit to substantiate his view. He states that "from my reviews I have no hesitation in saying the pipework needs changing". These reviews are of documents provided to him by various sources, as identified in his report. His report simply references information from these documents and does not mention any evidence that he has obtained first hand. We therefore question how he can be relied on to have come up with an independent conclusion in this matter.

b. Whether the two proposed replacement options are in fact the only feasible ones

Mr Southam's comment is that "the two proposals for either replacing the central system or changing to individual systems would appear at present to be the only options available". Not a particularly definitive view. There is no evidence in the report that Mr Southam has considered any other options or even variations on the options that were provided to him by Mr Daly of CD associates, the landlord's advisor. He makes brief mention of a proposal that "has been put forward for lining the existing pipe work" (in fact a suggestion made by us) but states rather indefinitely that "it does not appear to be approved by Thames Water" and "would be almost impossible to get sign off..." – suggesting that he hasn't seriously explored this as an option. So again there is no evidence in the report that he has fully investigated the feasibility of either the two proposals put forward by the landlord or any others that as an expert you might expect him to be aware of.

c. An up-to-date cost estimate of the proposed systems

Mr Southam states "I cannot give an accurate estimate of the costs because the circumstances are such that a thorough investigation would be needed way in excess of the time charge estimate I gave for this work" and in fact does not give an estimate at all. So clearly he did not undertake any investigation of costs himself or see evidence that an appropriate investigation had been done by others.

d. Planning permission issues with Camden council

Here Mr Southam stated, incorrectly we are now told, that "the building is in a conservation area". His view was that external pipework should be kept to a minimum, but did not give any considerations to the flues – which in my opinion are the major issue. It should also be noted that his report was prepared in 2009 when the plans presented now are from 2013.

In summary, of the four areas he himself has set out in the remit of his review one, by his own admission, does not get answered at all and the remaining three are not fully investigated.

I am therefore surprised how he can conclude his report by making the statement, which the applicants have quoted in paragraph 14 of the Proposal and used as a basis to support this application that "I am firmly of the opinion the building is in urgent need of having the heating problems addressed. The pipework is old, corroded and in need of replacement. It would be best for value of flats, aesthetics and long term benefit of the lease owners having control of their own heating to have individual heating systems installed." From reading this report I see no evidence on how he reached these conclusions and with such certainty.

It is therefore apparent that his report a) does not meet the requirements of a true independent report, b) was of a very limited remit and did not take the initiative to properly identify or investigate any alternative solutions c) did not rely on any new investigation or evidence but simply re-iterated views provided by others d) is clearly out of date for these planning purposes as produced in 2009, while the plans put before you are dated 2013.

The LVT's view

The LVT stressed that their decision to conditionally agree the lease variations for an individual heating system "does not mean that these works will necessarily take place. We are not making findings as to the merits of the proposed works, nor the reasonableness of the works, nor the estimated costs." (Paragraph 50).

The LVT also stated that "the applicants have still got to go through the possible trials and tribulations of potential planning/building regulation requirements and the provisions of Section 20 of the Landlord & Tenant Act 1985, where detailed costings will need to be obtained. We were somewhat concerned that the costings put forward by Mr Daly were something of a guesstimate. It seems to us that it is by no means certain even if all reasonable endeavours are used by the Applicants that when

full investigations have been undertaken and all planning matters had been considered, that this scheme is going to proceed.” (Paragraph 50)

I would also challenge the view that an overwhelming majority of leaseholders support this proposal.

It is clear that lessees voted in favour of an individual heating system however at the time there was no information provided on the aesthetic impact of the required piping and the need for “swan-neck” flues. There were no drawings or information on the nature of the design required for the individual system nor was there an explanation that planning permission would be required. All that was presented was a “scary” mock-up of what a replacement central system might look like (photo on page 3 on the planning statement) which Mr Daly of CD Associates admitted, when challenged at the LVT, was misleading as the pipes shown were too thick. Also and as already stated, there was no true costing analysis provided.

A vote in favour of an individual system in 2009 can therefore not be taken to equate to support of the current planning proposal.

4. Inaccuracies in the statements and plans submitted as part of the application – further supporting the lack of proper investigation and planning that has gone into these proposals

The following inaccuracies and inconsistencies have been identified in the submissions. All of which further substantiate the case that the plans being put forward have not received the appropriate level of investigation and diligence:

- Paragraph 5 of the proposal states that “the existing boilers and other plant are reaching the end of their design life” when a new communal boiler was installed in Eton Hall in September 2013 (and I believe in the other blocks at the same time).
- In paragraph 10 of the proposal they refer to 22 risers required on each building when a minimum of 22 pairs of risers are set out in the drawings presented - that is 44 risers in total
- Paragraph 11 c of the proposal suggests that central flues have been investigated. This is not information shared with the lessees or the LVT previously and a cynic might suggest that it is a late addition just to bolster the applicant’s claims that they have considered alternatives when in fact other more realistic alternatives have not been investigated.
- Paragraph 12 suggests that headroom is low in the existing corridors within the buildings. Headroom in the corridors is in excess of 2.5 meters – a height I am sure that you will agree is not low.
- In paragraph 13 when referring to consideration of renewal of the communal system the proposal states that “the overall costs have been estimated at substantially more than the costs of the application proposal”. As already stated no proper substantiated costing has ever been provided for either of the proposals. It is something that I have been requesting for approximately 10 years and would be most grateful to have sight of this information if it has now been prepared. The LVT having also requested costing information from the applicants stated in its decision that “We are somewhat concerned that the costings put forward by Mr Daly were something of a guesstimate.”
- The scope of works document stated that there are “some 20 gas risers on the external facades of the buildings”. Based on the drawings presented with this application, in the case of Eton Hall the number of gas risers currently in place is 17.
- The scope of works document also states that “there is no control of the heating within individual flats, the only heating control being at the central plant”. This is not correct. We have pointed out to the landlord many times this is a facility that we have had in our flat (where we can control the heat of individual radiators and even turn them off entirely if we

wish) since we bought it in 1998. Solving this problem does not require major external pipework.

The formal pre-application advice provided by Camden planning officers (reference 2014/4747/PRE, 16 August 2013) stated that "whilst it is considered that these works would clutter the facades of the buildings, if these are essential works that can only be located externally, then the proposal is likely to be viewed favourably".

As set out in the reasoning above, the applicants submission does not meet the threshold set by Camden planning in this advice as it does not demonstrate either that these works are essential or that there is no alternative to their being located externally.

Yours faithfully

K. Zographos

LVT decision can be accessed at:

<http://www.residential-property-judiciary.gov.uk/Files/2011/January/00005FN9.pdf>