

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2014/6234/P	Paul Christensen	Flat 1 40 Ainger Road NW33AT	21/11/2014 16:42:02	COMMNT	<p>Emily &amp; Paul Christensen Flat 1 40 Ainger Road London NW33AT</p> <p>November 21, 2014</p> <p>Camden Development Management</p> <p>For the attention of Emily Marriott-Brittan, Planning Officer</p> <p>Planning Application - 2014/6234/P - Proposed erection of rear conservatory to first floor flat by Ms Shirley-Anne Field</p> <p>We wish to make you aware of a number of strong objections that we have in relation to the proposed development referenced above. We have examined the plans, taken advice and we know the site well. We are the owner / occupiers of Flat 1, immediately below the proposed development, which would have a serious impact on our standard of living.</p> <p>Our specific and significant concerns relate to both material planning grounds (overlooking and loss of privacy, overshadowing, visual impact, effect on the character of a neighbourhood) and process (we have legal title to the area of the proposed development, the drawings are considerably incorrect, and not having been given notification by the Council).</p> <p>Material Planning Grounds</p> <p>(1) Loss of privacy and overlooking: The proposal raises considerable issues of overlooking and the blocking of light, in relation to our kitchen, our dining room and our garden which would all be severely overlooked from the new development, resulting in a serious invasion of our privacy. We believe that the proposed development is a direct contravention of both the Local Plan and the Human Rights Act, which afford a right to adequate privacy and quiet enjoyment of house and garden amenities.</p> <p>(2) Overshadowing / loss of light: The proposed development is higher than our flat, and directly above it, which would mean very direct overshadowing.</p> <p>(3) Visual impact: The proposed development would be seen from all the properties facing onto the rear garden areas as well as the street from Oppidans Road. Given its height and prominence, it will be unmissable, and it is not in keeping with the local character.</p> <p>(4) Structural soundness: The development is proposed to be built directly on our ceiling, which is a non-load bearing structure, and thus the work is simply not structurally feasible without significant modifications to our own property, which we are not prepared to make.</p>

Application No:    Consultees Name:    Consultees Addr:    Received:

Comment:    Response:

Process Grounds

(5) Encroachment: The area over which the development is proposed is part of our title deeds, and entirely outside the site boundary of Flat 2. Section 205(1)(ix) of the Law of Property Act 1925 defines land as including: 'land of any tenure,... buildings or parts of buildings and other corporeal hereditaments; also ... incorporeal hereditaments and an easement right privilege or benefit in over or derived from land'. We have a legal right to enough airspace over our property to reasonably enjoy the land below it. Flat 2 has no right to build on this space.

(6) Drawings are considerably incorrect. The drawings submitted as part of the application do not reflect the existing structure, and so do not give a basis for planning issues to be appropriately assessed. Errors include that the rear elevation does not show our existing conservatory dining room on the raised ground floor of our flat (see planning consent 2013/4441/P) and Section A-A does not reflect that the rooflight is in fact significantly raised, and so can be seen into more easily. The reality is that the issues of overlooking and loss of privacy will be significantly worse than is represented on the drawings.

(7) No notification: We did not receive notification of the planning application by the Council, as is required. We were fortunate to find it through a proactive search on the Camden website.

In conclusion we would also like to request that, should the application be approved, the Council consider using its powers to enforce controlled hours of operation, preclude access through our flat or garden, and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and contained, with no road frontage, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours. We would be grateful if the Council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand.

Yours faithfully,

Emily & Paul Christense

---