

| Application No: | Consultees Name: | Consultees Addr: | Received: | Comment: | Response: |
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| 2016/0589/P | Melina Josserand | 309 West End Lane Flat C London NW6 1RD NW6 1DE | 04/03/2016 11:01:00 | OBJ | <p>As owner of the top floor flat (Flat C) in 309 West End Lane we strongly object:</p> <p>Description of affected property: Flat C owns 2 large skylights (90cm by 90cm for one, 90 x 50cm for the other). One of the skylight is atop an internal double-height light-well that would be rendered to single height by the proposed development. The skylights have been there since construction of the flat in 1972. The 2 skylights are the sole light source for an area over 10% of the flat.</p> <p>-ENCROACHMENT, lack of ownership of adjoining land and Development contrary to a private covenant: The proposed development is using some of Flat C's property! As proposed it builds inside Flat C and lowers the double height ceiling and skylight to single height. Flat C has not sold the property rights that would allow such a development. As a result, large chunks of ceiling and skylights of Flat C would need to be ripped out to construct the proposed flat.</p> <p>-LOSS OF PRIVATE ACCESS: One of the skylights provides Flat C with private access to the roof.</p> <p>-DAMAGE TO FLAT C, development is contrary to a private covenant: Flat C's water tank currently sits in the loft which would be removed and needing re-installation of water facilities at great cost under the proposed application. In addition Flat C would have to move its tenants out, and be in breach of its tenancy agreement. Flat C would have to rewire electricity in over 10% of its surface.</p> <p>-100% Loss of acquired RIGHT TO LIGHT: The skylight windows are the sole light source for an area of over 10% of the surface of the flat. The surface area lit is large enough (2 meters by 5 meters at its widest, and at its longest runs over 90% of the flat's length). It is used as a computerized office, a dressing room, play area for the children and landing together. Construction of the proposed application would remove 100% of this light and block the windows entirely. This will significantly affect the use of the flat and requires inserting new electricity wiring and features to increase light at significant cost. It also was a material consideration when we purchased the flat that we have this source of natural light.</p> <p>-BUILDING REGULATIONS AND STANDARDS compliance: Access to Flat C would be necessary to build to building regulations standards and Flat C will not give access.</p> <p>- NOISE INCREASED BY 100% from a new flat (instead of silent roof): We have no details of construction standards for insulation of noise from installing a flat above Flat C, which now enjoys no noise nuisance whatsoever from the roof. This is creating an unreasonable ratio of increased noise/negative impact to Flat C (from zero). Planning application includes no details on the inclusion of appropriate attenuation measures.</p> <p>-DIFFERENCE WITH SIMILAR APPLICATIONS: We are aware similar applications were granted in the area. The difference with other similar projects is that the top floor flat was either owned by the developer or had given agreement to construction/bought the adequate property rights. We have not sold such property rights and are opposed to construction.</p> |

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| | | | | | <p>-RIGHT TO SHELTER: Development contrary to a private covenant: Flat C has a right to peaceful enjoyment and shelter from a roof. The proposed development would require removal of the roof and key insulation for an unknown number of months making the flat inhabitable.</p> <p>-The proposed development is contrary to Policy DP26 (Managing the impact of development on occupiers and neighbours). The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. This development would clearly cause major destruction of skylights, double height ceiling, associated ceilings as well as the roof itself protecting the top floor.</p> <p>-Loss of light from the external lightwell (different from the internal lightwell above). Flat C has 2 rooms with windows on an external lightwell (2 bedrooms). A third glass cube window in the kitchen has enjoyed the light of the lightwell also. Both since construction in 1972.</p> <p>-A single storey roof extension would have an unacceptable impact on our flat in terms of loss of light contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.</p> <p>- Proposed development contrary to the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Physical destruction of the roof over the ceiling, as well as an inhabitable flat during construction that could last any number of months would destroy property and peaceful enjoyment.</p> |

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| 2016/0589/P | Melina Josserand | 309 West End Lane Flat C NW6 1RD | 04/03/2016 11:14:09 | OBJNOT | <p>We are re-filing our comment with the correction on "right to light" to "loss of light" so that both are considered.</p> <p>As owner of the top floor flat (Flat C) in 309 West End Lane we strongly object: Description of affected property: Flat C owns 2 large skylights (90cm by 90cm for one, 90 x 50cm for the other). One of the skylight is atop an internal double-height light-well that would be rendered to single height by the proposed development. The skylights have been there since construction of the flat in 1972. The 2 skylights are the sole light source for an area over 10% of the flat.</p> <p>-ENCROACHMENT, lack of ownership of adjoining land and Development contrary to a private covenant: The proposed development is using some of Flat C's property! As proposed it builds inside Flat C and lowers the double height ceiling and skylight to single height. Flat C has not sold the property rights that would allow such a development. As a result, large chunks of ceiling and skylights of Flat C would need to be ripped out to construct the proposed flat.</p> <p>-LOSS OF PRIVATE ACCESS: One of the skylights provides Flat C with private access to the roof.</p> <p>-DAMAGE TO FLAT C, development is contrary to a private covenant: Flat C's water tank currently sits in the loft which would be removed and needing re-installation of water facilities at great cost under the proposed application. In addition Flat C would have to move its tenants out, and be in breach of its tenancy agreement. Flat C would have to rewire electricity in over 10% of its surface.</p> <p>-100% LOSS OF LIGHT: The skylight windows are the sole light source for an area of over 10% of the surface of the flat. The surface area lit is large enough (2 meters by 5 meters at its widest, and at its longest runs over 90% of the flat's length). It is used as a computerized office, a dressing room, play area for the children and landing together. Construction of the proposed application would remove 100% of this light and block the windows entirely. This will significantly affect the use of the flat and requires inserting new electricity wiring and features to increase light at significant cost. It also was a material consideration when we purchased the flat that we have this source of natural light.</p> <p>-BUILDING REGULATIONS AND STANDARDS compliance: Access to Flat C would be necessary to build to building regulations standards and Flat C will not give access.</p> <p>- NOISE INCREASED BY 100% from a new flat (instead of silent roof): We have no details of construction standards for insulation of noise from installing a flat above Flat C, which now enjoys no noise nuisance whatsoever from the roof. This is creating an unreasonable ratio of increased noise/negative impact to Flat C (from zero). Planning application includes no details on the inclusion of appropriate attenuation measures.</p> <p>-DIFFERENCE WITH SIMILAR APPLICATIONS: We are aware similar applications were granted in the area. The difference with other similar projects is that the top floor flat was either owned by the developer or had given agreement to construction/bought the adequate property rights. We have not sold such property rights and are opposed to construction.</p> <p>-RIGHT TO SHELTER: Development contrary to a private covenant: Flat C has a right to peaceful enjoyment and shelter from a roof. The proposed development would require removal of the roof and key insulation for an unknown number of months making the flat inhabitable.</p> <p>-The proposed development is contrary to Policy DP26 (Managing the impact of development on occupiers and neighbours). The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. This development</p> |

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