

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/4699/P	Ben Metcalfe	52A Sarre Road London NW2 3SL	21/09/2016 22:16:31	COMMNT	I have read Emmanuel's response to my objections. I do not understand the relevance of a lot of what he mentions: Ellie's occupation and place of work, Kate is expecting in March; we have moved to Canterbury (we have not); our flat is empty (it is fully furnished); Emmanuel would love to have a house with a garden etc. More importantly, the response contains a number of statements that are not true, as indicated below. It also wrongly suggests that the objections made arise from the fact that 52A Sarre Road is on the market and are motivated by concerns about the valuation of the property. This is not the case. Rather, the reasons for the objections are the ones set out previously, and available for all to read. I fully appreciate the stresses and difficulties associated with finding in London an affordable family home with enough space and how this has given rise to the suggested conversion. However, the fact remains the proposal is not suitable given the nature of the property.

Statements that are not true:

1. Since "2 months ago when they moved out. We haven't really had any news until this response... Unfortunately, despite our efforts to talk about the conversion, they have not been open to a discussion / exchange of ideas to reach a good solution for all". Since July 2015 I had repeatedly asked Emmanuel what they had in mind for their conversion, but Emmanuel would always tell me that he did not know and that it was all down to his builder and Camden. After receiving the Party-Wall Notice of 25/07/2016 I told Emmanuel that I was very surprised that they were proposing a roof terrace since they had never mentioned it. He said that his builder advised him to ask for everything on the grounds that Camden would want to say no to something. I asked him what a hip-gable-rear-dormer loft conversion was and he said he didn't know and, once again, that it was all between his builder and Camden. Within a few days, Ellie and myself had found out what all this meant and we immediately sent Emmanuel and Kate a lengthy and polite email (31/7/16) detailing our concerns and objections. Emmanuel responded with a brusque email (1/8/16) dismissing our concerns and claiming that our objections would cost him a £1000. We were worried by this and sent Emmanuel and Kate an email (2/8/16) assuring them of our good will and cooperation and trying again to get them to take on board our concerns. Our parts of this email correspondence appears below (we have not included that from Emmanuel for data protection reasons, but assume he can provide it if necessary). A couple of evenings later I spoke with them face to face. It was a friendly and polite conversation in which I again raised my and Ellie's concerns, but in which they said that while they understood our concerns they had, nevertheless, to look to their own interests. Kate said that they would carry out whatever work they got planning permission for, including the terrace, regardless of our concerns and objections. Emmanuel reiterated his claim that we would only cost them more money by objecting but that we could not stand in their way. Two emails from us (as well as two face to face conversations that I had with them) make clear that far from them not hearing from us and us not being open to discussion the opposite is true: we tried very hard, before and after moving out, to discuss their plans with them and resolve any issues.

2. "... whilst a roof terrace may have been a dream (and who can blame anyone for that), I think we can be very sympathetic to Ben and Ellie's objections and prior to this, having spoken with you (Patrick Marfleet), removed this without so much as the slightest objection."
- Emmanuel and Kate had been aware of our objection to the terrace since the end of July and had made

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
					it clear they were not going to pay any mind to it. Emmanuel only retracted the terrace application after Mr Marileet told him (or his agent) at the beginning of September that it was unacceptable (before I had even made my objection to Camden). So, far from being "very sympathetic to Ben and Ellie's objections" and retracting the terrace application "without so much as the slightest objection" (on their part) the opposite is true: what happened is that Emmanuel and Kate ignored our objection and only withdrew the terrace application when Camden told them they would have to. 3. "Also, Ben and Ellie mentioned the deed of variations regarding the loft. This was done through the purchase of the freehold (which they benefited from as the freehold now belongs to the 2 flats) and they didn't have to pay for it. They asked too to increase the service charge for our flat (and reduce the one for their flat) for us to be able to use the loft which we agreed to. It now seems surprising that they object to the house being used 'differently' than it was in previous decades, despite previously encouraging this for a financial gain (or a financial gain to indeed pass on to new buyers)." We never at any time asked for any adjustment to the service charge for either flat or even raised it with Emmanuel or Kate. Emmanuel informed us that he had instructed his solicitor (who handled the acquisition of the freehold) to make this alteration on the grounds that it would be "fair" to do so. He was right that it would be more 'fair' since our flat, as long as we had owned it, had paid a slightly higher service charge than 52b did. But he is not telling the truth when he says we asked for it or that we 'encouraged it' or sought or even expected "financial gain" form it. We did not even wish to acquire the freehold since the leases on the flats were for a period of 999 years and we saw no problem with that and did not want to go through the distracting process of acquiring the freehold. We only agreed to it because Emmanuel was so unhappy with the leasehold arrangement and we wanted to be cooperative towards our new neighbours. The whole process has been a complete pain in the neck for me, and taken up a huge amount of my time over the past year. I know these matters of the service charge and freehold have no direct bearing on the planning application, but I have no choice but to respond to Emmanuel's use of them to suggest that Ellie and I are trying to make financial gain out of any of this, and much of what he says is not true. Indeed, there is an unpleasant series of accusations and insinuations that run throughout Emmanuel's response suggesting that Ellie and I are making our objections according to financial self-interest. If financial self-interest were our concern then we would not make any objections, we would simply get on with selling our flat and let whoever lives there after us deal with the consequences of Kate and Emmanuel's development project. These remarks of Emmanuel's are personal, insulting and unnecessary and have no place in a planning process. Another thread that runs through Emmanuel's response is the constant suggestion that our objections are not valid since our flat is presently on the market. Firstly, we continue to use it and stay in it and it is by no means certain that we will sell it. We have no buyer and it is quite possible that if things remain slow we will take it off the market and allow a friend or family member to live there. But all this is by the by. What matters is that we own the flat and as long as we do we are going to stand by what we consider to be the best interests of the property and the building as a whole. It is not only about who lives there at present, it is also about who will live in these properties for generations into the future. Furthermore, people's plans change. We may not sell. Emmanuel and Kate may sell or rent out there

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
					flat. In the past year Emmanuel has certainly mentioned that he and Kate would like to start a family, but he also said that in the event of Brexit they might have to go and work abroad, and also that they may go and live in France and rent their flat out (this last possibility he raised when he requested that we agree to change a clause in the lease that prohibited subletting, we agreed reluctantly, again to be cooperative, as we did when he asked us to remove another clause requiring consent from the owner of one flat before the owner of the other could carry out any structural alterations to their property). Finally, our garden is distanced from the 3 storey residences that Emmanuel mentions by two wide pavements and a road – hardly the wide open, up close view that the residents of 52b will have of the garden from the proposed floor-to-ceiling glass fronted dormer proposed in the plans. Contrary to what Emmanuel claims the proposed dormer will look directly down onto our extension / conservatory. When the kitchen and living room are moved upstairs that will leave five rooms (plus bathroom) on the first floor. Emmanuel and Kate may not choose to use them as bedrooms, but future owners, including landlords / buy to lets, may. 52b was not given planning permission for two small dormers in 2006; that application was refused and followed by an application for one small dormer which was approved. What is now proposed for 52b (even without the roof terrace) is way beyond what has previously been approved for the property. Whatever decision is reached on this application we will continue to be cooperative and will do whatever is required of us to facilitate the works when they start. Ben Metcalfe

Application No: 2016/4699/P
Consultees Name: Ben Metcalfe
Consultees Addr: 52A Sarr Road
London
NW2 3SL
Received: 22/09/2016 07:03:59
Comment: COMMENT
Response: Further to my last comments here are the emails mentioned in that comment.

Appendix: Correspondence regarding proposed conversion
ben metcalfe

Reply

Tue 02/08/2016 17:20

To:

Immanuel Brandani/

Dear Emmanuel and Kate

Please accept our apologies for the delay getting back to you. We've had quite a lot on here, but mainly we wanted to make sure that in writing in again, we do a far better job of explaining what we have on our minds.

We are really very sorry indeed if you feel surprised or disappointed by what we asked about/ suggested in previous the email to you. We're also truly sorry if you have both taken anything we have said as indicating an absence of trust. This is not the case at all; we have no doubt in regards to your wish to improve your property or be good neighbours to us (or anyone else who might live in 52A), and had no intention of hurting your feelings. So, in trying again to raise some issues with you, we hope you will accept that the reasons for us asking for clarification, and expressing concerns about aspects of what is being suggested, is not in any way reflective of any negativity whatsoever towards you as people (you are lovely) or neighbours (extremely co-operative). So, here goes.....

Firstly, we do understand that obtaining agreement about the Party Wall in line with the Party Wall Act is really a formality, and just the first step of the process. We have no wish to delay this unnecessarily. We have done everything possible to co-operate with everything you have wanted to do so far (deed of variation, taking over the freehold, changing clauses in the lease) and have gone out of our way to be helpful in relation to your plans. We will certainly carry on in exactly this same way. We have no objection at all in principle to there being a loft conversion, and would certainly not seek to do anything that makes this first part of the process any more expensive or difficult than it need be. In this regard, our point about appointing a surveyor was most not to indicate that we want or plan to enter into a dispute with you. This is the last thing we want. Rather, it is because, as we understand it, this would just be the usual thing to do; it would be usual for ALL parties concerned (so that would be you, us and Robin and Sammy) to have a surveyor, who is independent of the builder, carry out an inspection as part of the process. If this is not your understanding, of course we should discuss this.

Secondly, we also understand that the document you have passed to us is a copy of basically standard wording provided by the Government to make Party Wall agreements as simple and non-conflictual as possible. We have no objection to it in general terms. We also understand that at this point you will not have detailed plans regarding the specifics of the conversion, and that you will go on to develop these

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
					in order to make a planning application. However, we do have worries about the short description of the intended conversion that is in the document. Our difficulty is in signing a document that would then, presumably, be taken to mean we are in agreement about the proposal. It is this part of the document we are concerned about. At this point, then, we are asking that you take on board our questions and concerns regarding the effects of what you are suggesting for the property. Our request is that you listen to our concerns and try and see how things seem from our point of view. Overall, the context for us raising these points is quite some level of surprise at what is specified as 'the proposed works' in the party wall document. We had not expected at all, for one moment, that this would be the proposal (rather, we had envisaged a more usual sort of conversion, simply turning the loft space into an additional room / living space). There has been no discussion with you hitherto about a roof terrace and the scope of the conversion. Please accept that there is nothing at all in the way of a personal slight in what we are concerned about, but please understand that, just as is the case for you, there really is a great deal at stake for us here, and we need to be sure that what is to happen is for the best. 1. The hip-gable rear dormer loft conversion. On the basis of what we know of this sort of conversion, it will completely alter the appearance of the entire building. If you walk down Gondar Gardens, where you can see many of the loft conversions on the rear of Sarre Road houses, you will see that no matter how well done some of them are, they always look like add-ons and do not preserve the attractive appearance of the original houses. By contrast, the conversion that has been done next door (Robin and Sammy's) not only expands the loft space very considerably, but also preserves the attractive appearance of a sloped roof. We think it is reasonable to raise this with you, as the final appearance of the property is clearly of concern to us. 2. The idea of a roof terrace. It had not crossed our minds for one moment that a suggested conversion would include a proposal for this, as it had never been mooted, and we are genuinely concerned that this would change the balance of the property from how it is currently configured. Indeed, a once shared back garden was purchased some years ago for 52A only, and the properties have subsequently been accepted to be a downstairs 'garden flat' and an upstairs flat. As you note it is true that it is possible to see into the back garden from upstairs windows. It is also true that were one to decide to, one could look at the upstairs windows from downstairs! (you cannot, however, see into any upstairs room from downstairs). However, a roof terrace is very different to any of this: it is not in line with the current design of the property or it's intended use. Our point, which we very much hope you will consider, is that there is surely a big difference between a window that overlooks a garden, where you can happen to glance outside from it, and a roof terrace designed with the intention presumably of sitting outside for stretches of time. The issue of privacy this raises has nothing to do with how considerate or neighbourly anyone is. It is simply the case that there is a considerable difference between having a back garden that is used without having other people sitting out above you, and having a back garden where there is a terrace above you with people using that at the same time. Essentially this change makes the back space into a shared outside space, which is clearly different to what is presently the case, regardless of how well neighbours relate to each other.

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
					It is possible it may turn out to be the case that we have a different opinion to you as to the impact of what you suggest for the property. We hope, however, that you can see there is nothing unreasonable about wanting to raise these matters with you and discuss them, and it is our sincere wish to come to a happy agreement. The advice from the Government in regard to Party Wall agreements is that there is as much of a detailed discussion as possible between all parties prior to the agreement about the intended changes. We think this is good advice! Ben will be back at the flat on Thursday night and would be very happy to discuss all of this with you both in person. All very best wishes, Ben and Ellie From: Emmanuel Brandariz Sent: 01 August 2016 08:04 To: ben metcalfe Subject: Re: Loft Conversion ben metcalfe Reply Sun 31/07/2016 17:28 To: Emmanuel Brandariz (brandariz.emmanuel@googlemail.com) Hi Emmanuel and Kate, Hope all is good with you. We are settling in well at our new place. Ellie and I have discussed the Party Structure Notice and are both agreed that a roof terrace would substantially alter the character of the property and raise the issue of privacy regarding our conservatory and garden. I also checked out what a hip-gable rear dormer loft conversion looks like. As you will have found out yourself, this is a very substantial form of loft conversion that involves adding a large box like construction to the back of the roof. A popular choice that maximises space but is also quite ugly / lumpy looking ! I urge you again to consider something along the lines of Robin and Sammy's conversion next door.

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
					I appreciate that while you are having the loft converted you want to maximise the improvement to, and value of, your property, but even with a more restrained conversion you would still substantially add to your living space and hugely increase the value of your property. As you explained it to me, the Party Structure Notice is just an agreement between us, for you to have a loft conversion, with the specifics to be confirmed through the council's planning permission process. We, however, would need far more detail before we could give the ok for work to go ahead by signing and returning the Party Structure Notice. The approximate start date for the work is very useful, but we also need to know for sure what the finished conversion will consist of, and a rough idea of how long the work might take and what inconvenience it will involve (eg., how much scaffolding, and how long will it be up). We need to be able to give this information to any prospective buyer of our flat, and their solicitor. I know that this information requires input from builders and approval from the council, but I hope you can understand our position in requiring more concrete details than we have at the moment. Also, I had a brief e-mail from Robin Minto asking if I had discussed with you an "agreed surveyor" (he suggested Watkinson and Cosgrave). Is an "agreed surveyor" an independent surveyor who can assess the works and report back to us all ? If so, we shall need to organise this. Lastly, from what you have told me the builders have had a lot of influence in saying what kind of conversion you should propose. I know they are experienced in this, but they also have an obvious financial interest in expanding the project, and no interest or awareness of your neighbours concerns. Therefore, I am sceptical about their advising you to ask for the maximum from the council in the way of planning permission on the grounds that the council may give less than they are asked for. I'm sorry if some of this sounds negative, but I really think it needs your consideration. Anyway, let me know what you think. I will probably be at the flat on Thursday evening and during the day on Friday, so if it would be helpful we could have a chat then. Best, Ben