

## PLANNING COMMITTEE MEETING THURSDAY, 14 SEPTEMBER 2017

To: Cheryl Hardman, Committee Services E-Mail: [planningcommittee@camden.gov.uk](mailto:planningcommittee@camden.gov.uk)

### Agenda Item 7 Application 2016/5923/P: Mansard roof extensions Frognal Estate NW3

I am Dr Michael Anson the longleasehold owner and resident for thirty years of flat 36, Frognal Court, NW3 5HG which is situated in the rear block (Block A 30 – 45 Frognal Court) which will be directly adversely affected particularly in terms of light, air and access. Currently there is a similar development taking place over my roof – under planning approval 2016/1709.

There seem to be some important relevant facts which have not been brought to the Committee's attention.

The High Court (Chancery Division) see *Long Acre Securites Ltd v Karet* ([2004] EWHC 442 (Ch), [2005] Ch. 61) has determined that The whole of Frognal Estate NW3 (consisting of Flats 1 – 12 Frognal Court NW3 5HL; Flats 14 – 29 & 30 – 45 Frognal Court NW3 5HG; 1 – 6 Warwick House NW3 5HN, 1 – 4 Midland Court NW3 5HP together with shops 1 – 16 Frognal Parade NW3 5HH) is a **single building**.

As 8 flats are currently being constructed - see 2016/1709 over 14 – 29 (Block B) and 30 – 45 (Block A) Frognal Court - this application would bring the total new build to 16 flats at the single entity Frognal Estate and so trigger the necessity to provide social housing.

There are **two** separate mainline railway tunnels running close to the surface and emerging on the surface on the west side of the Finchley Road: the Belsize Tunnel (Midland Mainline to St Pancras ) running under Midland Court and the Belsize New Tunnel (Thameslink Mainline to St Pancras) which runs under 1 – 12 Frognal Court. Network Rail, the Freeholder of the Frognal Estate, should be consulted and grant their approval before any permissions to build are granted.

The postcode(s) quoted in the Application and Officers' report, is wrong: they should be as stated in paragraph 3 above.

Some more minor errors are: the main entrance to Warwick House with an internal staircase is situated on the Finchley Road as are all the entrances to front block flats. The rear metal staircases to all flats are for emergency use only and are not intended for routine access to the existing flats.

Frognal Court and Midland Court blocks were constructed between 1934 and 1936 although Warwick House was constructed a decade or so earlier, the Frognal Estate does not date from the 19<sup>th</sup> century as stated in the Officer's report.

The Car Park/ courtyard between the blocks of flats is for the parking of Residents' and their Visitors' cars and for the storage of dustbins only as stated in the Deed of Variation to the Head Lease issued by British Rail in 1972 and upheld in the County Court Judgment of 2007.

Currently the Frognal Estate is managed under a Management Order dated March 2016, granted by the First Tier Property Tribunal under the Landlord and Tenant Act 1987. The Tribunal Appointed Manager is Mr Martin Kingsley (Martin Kingsley, K&M First/Property The Studio, 63 Darlands Drive, Barnet Herts EN5 2DE, Office: 020 8440 1034)  
[www.kmpropertygroup.co.uk](http://www.kmpropertygroup.co.uk); E-mail: [martin@groupkm.co.uk](mailto:martin@groupkm.co.uk)

I understand that Mr Kingsley was not informed directly of this Application. However, he must be consulted on all the Development plans, construction management proposals and health and

safety provisions etc for minimizing disruption to, disturbance and safety of existing residents. This is clearly not the case for the existing developments over Blocks A and B, where residents, their safety and quality of life are totally disregarded by the Construction company.

So called Landlords such as RFYC Ltd, F and M Investment Holdings (Virgin Islands), Ralph Kline Ltd and Mr Norman Freed are no longer responsible for management, licensing and operations at Froggnal Estate being superseded by the Management Order.

I object to this development proposal strongly as my rights to peaceful enjoyment of my property, use of the Car Park and general amenities such as walkways, communal areas etc, will be steam-rolled over as is happening under the present Development. I will also be overlooked and my views over West London destroyed, unlike my present position and outlook living in a third floor flat.

I urge the Committee to instruct the Officers to take note of the errors detailed here and update their records accordingly and recommend the Committee to reject this development proposal.

Dr Michael Anson

September 12<sup>th</sup> 2017

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