Development Management
Camden Town Hall
Judd Street
London WC1H 9JE

By email: planning@camden.gov.uk

29 May 2019

Dear Sir,

**29 Belsize Lane, NW3 5AS – application for planning permission – initial representations and objections**

We are (and have been since 2011) the leaseholders of 14 Belsize Mews, NW3 5AT, the property on the second floor of 29 Belsize Lane. The roof of our flat is the roof subject to this application.

On 21 May 2019, we received a letter from Savills, with a notice under Article 13 Town and Country Planning (Development Management Procedure) (England) Order 2015, that an application for Planning Permission has been submitted to The London Borough of Camden for the following development: “Extension at roof level to form self-contained 2 bedroom flat within Class C3”.

The letter is not dated and includes no further details. The only attachment is a one-page form naming Mr W Ricker as the applicant and stating that representations about this application should be to the Council within 21 days of the notice, dated 20 May 2019. There are no additional details of the proposed development.

I called the Council on 22 May 2019 and was told it had no record of the application. I called again on 24 and 28 May 2019 and was told it was at a pre-registration pre-approval stage, and that we should swiftly make our initial representations against the application. No information was available on the Council’s website.

We object to this application for the reasons below. We will submit further objections once more details become available.

Before setting out the reasons for our objections, we would like to draw the Council’s attention to process irregularities, which in our view in themselves justify rejection of this application. The Annex to this letter includes additional background, which we believe is important for the Council to be aware of in considering the integrity of this application.

**Process irregularities**

In our view, the following process irregularities in themselves justify rejection of the application:

* Mr Ricker is named as the applicant. However, we do not understand in what capacity he is making this application. Mr Ricker is not the freeholder of the property. The freeholder of 29 Belsize Lane and the landlord under our Lease is Euston Holdings Limited, a company incorporated in Bahamas (“the Freeholder”).
* The only description of the proposed development made available to us was “Single story extension at roof level to form self-contained 2 bedroom flat within Use Class C3.” The notice did not include any other details, and no details were available via Camden Council.

**Reasons for our objections to this application**

Irrespective of the procedural irregularities, this application should be rejected for the following key reasons and in light of the other issues mentioned in the Annex to this letter:

***Noise and disturbance***

* We have been the leaseholders of the flat on the second floor of 29 Belsize Lane, directly below the roof concerned by this application, since June 2011. We have a 9-year old daughter. The noise and disturbance resulting from the new extension, would violate our right to quiet enjoyment of our property and have a significant negative impact on our family life.
* The key feature of the property, without which we would not have purchased the leasehold, is being a top floor flat. My husband, Adam Tedder, who is a musician, would not have agreed to us purchasing this flat if it were not on the top floor. Indeed, we had specifically instructed the estate agents searching for us, that we would only view a top floor flat, and had previously owned/rented three top floor flats, in which we lived together and as a family.
* Having a dwelling literally above our heads would inevitably create noise and disturbance. We would be significantly negatively impacted by noise resulting from even normal daily activities, including: walking across the flat, shutting doors, listening to TV/music, talking loudly, washing machine/dishwasher, etc. As a 2-bedroom flat, it would likely attract younger tenants, more likely to create noise/disturbance. Such noise/disturbance will be significantly exacerbated, in the likely event that the development also includes a roof terrace.
* The noise resulting from the new extension on the roof directly above our flat, would further exacerbate the noise we already suffer regularly, generated by the intoxicated customers in “Retsina” (the restaurant across the road) which keeps us and our daughter awake night after night.
* This application should be considered in light of the pending licence applications from the commercial leaseholder of the ground floor and basement of the same building (29 Belsize Lane), and the commercial leaseholder of the adjacent building (31 Belsize Lane), for late selling of alcoholic drinks and playing of recorded music. Both commercial units were previously occupied by Mr Ricker’s restaurant, “XO”. Together, these applications, if granted, would make our family life in the flat unbearable.

***Loss of light and privacy***

There are two skylights in the property, one directly outside the front door of our flat, the other inside our flat. The extension on the roof will inevitably result in loss of light and privacy.

***Effect on conservation area***

* Belsize Lane in Belsize Village is within the conservation area of Belsize. It has consistency in scale and materials, and similarities in style, which gives the area a very distinct and consistent character.
* The Freeholder’s disregard to the conservation area is clear from its past behaviour, having neglected to take any building works until forced to do so by the court in 2014/15 (see Annex). More recently, by its failed attempt to license a Co-op store in the commercial unit, which was withdrawn following unprecedented objections from Belsize Village’s residents.
* We were not provided with any details of the proposed development, and therefore reserve our comments on the design, size and height of the extension.

***The impact of the extension***

Even if we were inclined to sell our flat (which we are not, as this is our home and as our daughter attends the local school), this application would immediately make any potential sale of our property economically unviable, as the prospect of imminent building works and an upstairs dwelling, would result in a considerable loss of property value.

***Other***

* Considering it took a Court Order for the Freeholder to undertake building works in 2014/15 (see Annex), we have no reason to believe it will do anything outside its own limited financial interests. Based on our experience, we have good reasons to believe the Freeholder would not take any steps to address issues resulting from this application, including, for example, protecting our right to quiet enjoyment of the property; restriction of, and compensation for, disruption during the construction works; and/or repairing any damages caused by the construction works or the new extension, or maintaining 29 Belsize Lane going forward.
* In our 8 years as leaseholders of the flat directly below the roof subject to this application, the Freeholder has not been complying with its obligations under the Lease. This application would most likely result in further non-compliance.
* This application, if granted, would allow Mr Ricker to extend onto the roof above the two flats, as a potential business opportunity, at a significant (emotional, physical and financial) cost to us. If any permission to extend onto the roof is granted in the future, it should be granted to the leaseholder of the flat directly below the roof, which would be the logical development of the building.

In summary, we object to this application, which if granted, would make our life in the flat significantly worse, emotionally, physically and financially. Our previous experience with the Freeholder has had a significant impact on the family’s mental health and well-being (see Annex). This application, if granted, would put further pressure on our family. Even receiving this letter has reawakened that stress.

We will provide more detailed comments once more details of the proposed development become available.

We thank you for your time and consideration and will be happy to discuss with you any of the above. We should be grateful if you could please advise us on timing and next steps.

Maya Barr and Adam Tedder
Mobile: 07714 830 692 (Maya) 07939 285 795 (Adam)

**ANNEX

Relevant background to this application**

* We have been the leaseholders of the flat on the second floor of 29 Belsize Lane, directly below the roof concerned by this application, since June 2011.[[1]](#footnote-1) We have a 9-year old daughter. There is another flat on the first floor of the building, also let on a long lease to a family with two younger girls (in reception and year 2); and a commercial unit on the basement and ground floor (unoccupied at present).
* Belsize Lane Limited, the registered leaseholder of the basement and ground floor of 29 Belsize Lane, is under liquidation.[[2]](#footnote-2) Mr Ricker, was a director of Belsize Lane Limited and Ricker Restaurants (Holdings) Limited was its sole shareholder. These premises were occupied by Mr Ricker’s restaurant “XO” until it closed in 2017. It is our understanding that Belsize Lane Limited was connected to the Freeholder.
* The Freeholder is effectively an absent freeholder. It has no interest in maintaining the building. There is no working fire and smoke alarm system in the building. We are unaware whether the building is insured at an appropriate level, if at all.
* The last time we had any contact with the Freeholder, was in early 2015, in relation to building works on 29 Belsize Lane, it was undertaking under a Court Order. Despite the contractual obligation on the Freeholder to carry out those works, and the severely dilapidated and extremely poor state of decorative repair of the building, we had to fight the Freeholder relentlessly in court during the first 3.5 years of our Lease, until it finally undertook the building works under a Court Order at the end of 2014/early 2015.
* Mr Ricker himself caused the delay in building works in September 2012, by seeking to put forward an alternative tender after a contractor had been identified, triggering the restart of the Section 20 process. This further delay resulted in emergency works in October 2012, to remove loose render with a cherry picker, after large pieces of masonry had fallen onto the street.
* The cover of the building roof had degraded to such a degree that water leaked extensively through the roof in several places into our flat. Pending those works we lived in a severely dampened and dilapidated property, causing our daughter illness, and continuous emotional and financial strain to our family (having to bear the legal cost), followed by a period of intensive works.
1. It is a long Lease for 125 years from 3 September 2002. In September 2006, the Freeholder purchased the freehold reversion to the Lease. In June 2011, we purchased the unexpired term of the Lease. [↑](#footnote-ref-1)
2. According to Companies House, commencement of winding up: 18 October 2017; due to be dissolved: 2 July 2019. [↑](#footnote-ref-2)