

Planning Application - 2019/2895/P

Objection from Dr Agnes Kory (PhD), [REDACTED]

I wish to object to this application for roof extension over the front blocks of Frogna Estate on the following grounds:

1. Loss of light
2. Overlooking/loss of privacy
3. Parking
4. Traffic
5. Noise
6. Restriction for use (that is discrimination against disabled users and other groups of people)
7. Impact of the construction work rendering existing homes uninhabitable
8. Guidelines on affordable homes not implemented
9. Health and Safety (as well as life) endangered

1. Loss of light

Brooks Development Practice Ltd's submission is not tackling all issues which cause loss of light. Interestingly, BDP suggests that there could be many other options for consideration:

This report is not to be used to determine any right to light for existing building windows. This report has been carried out using guidelines set out in *BR 209* and cannot be used to replace or satisfy the legal requirements surrounding the right to light. The assessment of loss of light in rights to light cases is carried out in a different way to the methods used in *BR 209* and this report.

It should not be assumed that if the guidelines in *BR 209* are satisfied within this report that a proposed development will not infringe rights to light. If there is a concern over right to light then an appropriately qualified person should be employed to investigate.

The light to my back bedrooms, kitchen and bathroom has already been restricted by additional floors to the back blocks built since 2014. With the structure of the proposed new fourth floor above the front blocks, light will be further restricted to my main bedroom, kitchen and bathroom.

a) Light to my main bedroom will be restricted, because of the new floor added to Warwick House:

The '4th floor roof extension to Warwick House will sit within the footprint of the existing building, extended full width across the block'.

Currently my view from my main bedroom to the right is the TV antenna on the roof of Warwick House and the sky; the sun is also visible in the mornings, with sunshine entering my room. With the proposed extension on Warwick House, my view from my main bedroom to the right will be the new wall, with the sun no longer visible and with sunshine no longer entering my main bedroom.

b) Light to my bathroom and kitchen will be restricted, because of the new terrace built above them:

Currently the sun shines directly to my bathroom and kitchen (although less than before 2014, that is before the extension to the back block was built). However, the sunshine has only limited access to my kitchen as I was forced to block most of my kitchen window: see paragraph 2 below. With the proposed new terrace (fire escape) above my kitchen and bathroom, sunlight will be blocked altogether from both of these rooms.

I cannot provide drawings to prove my assertions. But I invite Camden officials to inspect my flat in order to see the seriousness of loss of light to my main bedroom, kitchen and bathroom.

2. Overlooking/loss of privacy (resulting in loss of light)

From my front block flat I am able to see into apartments in the back block. Therefore I checked visibility from the back block into my front block flat: it showed overlooking into my flat. To minimise the impact, I glued paper onto most of my kitchen window leaving only the top part of my window to provide light for my kitchen. However, with the now proposed new terrace over my kitchen (and bathroom), **lights will no longer reach my kitchen** (and bathroom).

I cannot provide drawings to prove my assertions. But I invite Camden officials to inspect my flat in order to see the seriousness of loss of light to my main bedroom, kitchen and bathroom.

3. Parking

The application is contradictory. On one hand it says that 'The proposed development has been designed to be car-free' but it also acknowledges that there is already a car park:

The existing site has a private 'pay and display' parking area in the courtyard available to the residents at 1-4 Midland court, 1-12 Froggnal court and Warwick House, with an additional disabled parking area.

In fact, the private parking area is, in theory, for all Froggnal Estate residents, not only for the front blocks as specified by the applicant above. Providing spaces for 16 bicycles, as the application suggests, will not oblige anybody to use bicycles. The car park is already a bone of content for existing residents in the 54 flats of Froggnal Estate. Adding a further 16 flats to the mix (8 new flats in the back blocks, not yet fully completed for use, and eight proposed new flats in the front blocks) will have 70 flats competing for the space which until now served, unsatisfactorily, 54 flats. The use of bicycles (instead of cars) would be welcome but they could not deliver furniture, pianos, cookers etc. to the 16 new flats. The potential increase of downloading (even if not necessarily of long term parking) is significant.

The application suggests that

Bin storage is proposed at lower ground level by the south entrance.

This suggestion is unclear as currently the disabled parking area is located at lower ground level by the south entrance.

Bottom line: it is unrealistic to accept that possible car usage by sixteen new flats can be accommodated in the car park built for fifty-four flats and that bin storage, so far serving fifty-four flats, can be further extended (in the space built for fifty-four flats) to serve seventy flats.

4. Traffic (within Froggnal Estate)

The 54 flats in Froggnal Estate cause considerable traffic (whether by foot or by car) in the car park and elsewhere. Most flats are multi-let, with several people residing in each. Multiple residents in 16 additional flats (8 in the back blocks still to be completed for usage and 8 in the front blocks) will substantially increase the traffic in our car park, in our staircases and in our fire escapes. Residents in the new flats will not only use the new staircases and new fire escapes: they could gain access to them only through our existing staircases and fire escapes on the lower floors. Our existing staircases and fire escapes were built to provide use for 54 flats, not for 70 flats. The proposed extra load is unwelcome as it may prove to be dangerous.

5. Noise

Certain amount of noise is inevitable in blocks of flats, even with mature, considerate residents. The more residents there are, the more noise is created. Increasing the number of flats by about 30% (two flats added to each block of six flats, with three flats added to one of the blocks) will increase inevitable noise by at about 30%. Furthermore, the proposed flats are likely to be restricted to young people, who are able to negotiate four stairs without a lift.

The new flats, therefore, are unlikely to be occupied by families with children, by older people and so on: inevitably, the new flats will be susceptible to noisy parties.

6. Restriction for use (that is discrimination against disabled users and other groups of people)

The proposed new fourth floor flats (without access to a lift) would be inaccessible to anybody who cannot climb four floors of stairs, who cannot carry shopping to the fourth floor, who has young children, and so on. The proposed new fourth floor flats (without elevators) would cause problems for ambulances and possibly for other emergencies.

In essence: in the absence of lifts, the proposed roof extension to fourth floor flats would restrict the types of resident who could live in the proposed new dwellings, and would *de facto* constitute a form of discrimination against the elderly, the infirm, and families who need to use prams.

7. Impact of the construction work rendering existing homes uninhabitable

The application avoids showing the impact of the construction work. They say that

The document provides an overview of the proposed construction methodology and overview of the measures which will be put in place to minimise any impacts on neighbouring residents during construction.

However, the application does not admit that the proposed extension of existing internal staircases is one meter (or less) from eight current top floor flats. They state only that

These [the new extensions] will be accessed via the stair core of the existing building.

They avoid mentioning that the current eight top floor flats will, in practice, become building sites. **They do not specify how exactly the internal staircases will go upwards, going through the current roof, without hugely impacting the eight current top floor flats.** They do not explain how access will be maintained to those current top floor flats which do not have any other means of access (like backdoors with keyholes and keys) to their flats. For instance, on advise of police crime prevention officers, I do NOT have backdoor access: **how will I access/exit to and from my top floor home while the roof and walls on the current top floor, within about a meter from my flat, are demolished?**

The application states that

All existing plant will be relocated onto the new flat roof, accessed from pull down ladders at 1-12 Frogna Court and Midland Court...

All existing plant and services will be extended and relocated to the new flat roof as required.

New man safe systems will be installed to provide safe access for servicing.

Presumably they mean water tanks, chimneys (and TV antennas). Some flats gain their water from the main, fewer flats gain their water from the water tank. **I get my water from the water tank: will I be left without water (for hours/days/weeks) while the developers move the water tank to the new roof?**

The roof extension to the back blocks (by the current applicant!!) caused significant damages to flats in the back blocks. Five years on, the development has not yet been completed.

It is more than likely that the proposed roof extension to the front blocks will take years of inconvenience, excessive dirt and significant damages to our existing staircases and walls.

8. Guidelines on affordable homes not implemented

The application states that

For the purposes of this application, a total of 16% affordable housing should be delivered, equivalent to 1.2 units. The applicant proposes to provide this on-site as part of the proposed development. Given the guideline split set out within Policy H4 (Part A), the unit is proposed to be as an affordable-rented level.

This statement is wishful thinking at its best or, otherwise, a disingenuous promise. The developer (that is the applicant) will sell the proposed new flats for the highest prices he can

get and the flats will be let, by then possibly but not necessarily out of the hands of the developer / applicant (who owns some flats in the Estate), most probably at the highest market rate. At any event, what does affordable mean? Affordable for whom? For what specific rental charge? On what guarantee? Under whose supervision? It is unlikely (and it is not even promised) that the proposed new flats will include social housing within the development. It is disingenuous to indicate 'affordable-rented level'.

9. Health and Safety (as well as life) endangered

a) The proposal compromises the structural safety of the building

Our blocks are built over a train tunnel. Every time a train passes through the tunnel, our block shakes. It certainly shakes considerably in my flat on the third floor. The building stands directly above the mouths of two railway tunnels dating from the 19th century, which at this point are very shallow and immediately below ground level. The lines in these tunnels are very intensively used. They take all Thameslink trains and East Midlands trains, as well as heavy goods trains.

The existing building stands on shallow foundations that pass directly over the tunnels.

Currently, each train passing through the tunnels induces vibration in these foundations.

This vibration is transmitted to the building above, in a pattern that magnifies them through the fabric and is particularly noticeable at the top floor, where I live.

Over many decades it is likely that this vibration has compromised the long-term stability of the building. The application proposes to add one more floor: an additional and very significant structural load that will bear on the existing foundations.

This matter may not be a planning issue but it may be the difference between life and death.

b) Although most flats in our block(s) are let to healthy young people, there are also a number of longstanding elderly owner-occupiers (with various disabilities) living here. The proposed extensive building works will make life for these people (several of whom live on the current top floors in the front blocks) unbearable, possibly leading to tragic outcomes.

This matter may not be a planning issue but it may be the difference between life and death.

According to my best knowledge, Policy A1 of a relevant Camden Council document advises that

the Council will protect the quality of life of occupiers and neighbours by only granting permission that does not cause harm to amenity – including visual privacy and overlooking, outlook, sunlight and daylight, noise and vibration levels and dust (during construction, for example).

Conclusion

I submit that Application 2019/2895/P should be REFUSED.

Dr Agnes Kory (PhD, musicology)

