

Application No: 2019/6139/P
Consultees Name: [REDACTED]
Received: 23/02/2020 14:21:10
Comment: OBJ

Printed on: 25/02/2020 09:10:04

Response:

Dear Emily,

Re planning application 2019/6139/P

Thank you for notifying us about the planning application submitted by Landon Kulick of flat A at 44 Ferncroft Avenue. I am writing to file a formal objection to this application.

My relation to the application is as follows: I am a leaseholder of Ferncroft, which is immediately above the planned construction, and where I live with my family. I am also a Director and a shareholder of the Ferncroft Avenue Ltd, which owns the Freehold of the property.

Firstly, I would like to say that we were not consulted at all as leaseholders of flat E, which is immediately above and so the most in danger from the proposed works. The freehold company was also not approached for consent.

In the following I outline the reasons for my objections:

1) The risk to the remaining flats in the building.

Mr Kulick plans involve the basement excavation and a removal of almost an entire one external structural wall of the house (the one facing the garden). He proposes to remove this wall entirely at the ground floor level and along half of the house at the 1st floor level. Our flat is just above this wall on the 2nd floor of the house. This means he proposes to remove one of the buildings structural walls all the way up to the floor of our flat.

We would like to point out that this is our family home where we live together with our three young children (8 years, 5 years and 6-month-old). The potential implication of removing structural walls and excavating soil can range from the full collapse of the house (it is an over 100 years old house with a history of recurrent subsidence, one which was very recently in 2018 investigated by our house insurance) to in the best-case scenario extensive cracking in our flat. While from the legal point of view we will be protected by the party wall, this will be practically of little help when something happens and builders will need to enter and work inside our flat to fix damages with our children living there at the same time.

It is unacceptable from the health and safety point of view for three small children to live on a construction site with structural walls being removed right below the floors of our living room, kitchen, bathroom and the main bedroom - both for their physical as well as their mental health of living under danger of a house collapse.

Finally, this house has very poor air and sound insulation between flats. We have an extensive track record of complains between various tenants regarding noise propagation between 2nd and 1st and 1st and ground floor levels coming from people simply walking, as well as smells from different flats travelling up the house via various voids.

Given the above, the noise level from removing structural walls will be unbearable and above any health standards. Dust will inevitably penetrate to our flat via the same routes as the smells do. The way this house is built it makes it unsuitable for any people living on site during such a massive construction where one external structural wall of the house is removed and basement is excavated.

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2) Chimney

As can be seen on the drawings one of the historic chimneys set at the back wall of the house currently goes along the whole house starting from the ground floor. With the extension and the removal of the structural wall the chimney will terminate at our flat level i.e. will have to be removed at the ground and 1st floor levels. Our existing chimney in the proposed scheme would fall in the middle of the master bedroom and it is removed in the proposed drawings.

3) Keeping with historical appearance of the building

Looking at the existing and proposed north elevation (the rear elevation) Mr Kulick proposes to remove the original historic windows at the 1st floor level and replace them with much larger modern windows in completely different style than the rest of the house. It should be noted that currently the sash windows at the back of the house at the 1st floor level are all nicely aligned with the windows at the 2nd floor level. In the proposal, these historic windows are replaced with modern windows, not matching in style the other windows and are not being aligned with them neither in position nor in their size and character. The new windows are much larger, modern, not aligned with the rest and in my opinion affect the style of this historic building.

The same problem with style applies to the extension. The existing extension is much smaller and with its pitched roof matches in style the main roof of the house. The flat roofs, which are being proposed, do not much at all the style of the building.

4) Affect on flat E (changes in views, noise from the new terrace, security, access for windows cleaning)

Mr Kulick proposes to build a back extension across two floors i.e. up to the floor of our flat. At the moment, our flat enjoys pleasant views of the garden at 44 Ferncroft as well as neighbouring gardens. If Mr Kulick construction does go ahead in the proposed form the views from our living room and the main bedroom will be highly affected. The view of green spaces will be obscured by the view of the roof of his top extension (from our living room) and the view of side wall and the roof (from our main bedroom).

Further, Mr Kulick plans to build a terrace at the 1st floor level. This will result in an increased noise in our flat. At the moment, we are two floors above Mr Kulick's garden and so the noise is substantially damped. The terrace will be just below our level and we expect the level of noise to be more substantial.

Building this step-like extension will also compromise the security of our flat. Currently it is virtually impossible to access our flat via windows. With this extension, there will be a very easy path to climb first the terrace, then the roof of the extension, and have a direct access to our window.

The extension will also make cleaning of our windows impossible. It is currently not possible to clean our sash windows from inside the flat as they do not open sufficiently. They have been cleaned by pole system by a cleaner standing in the garden. The erection of the extensions at the ground and the 1st floor level will block access for the poles to our windows.

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All the above elements will affect the enjoyment of our flat and its price.

4) Legal matters

Mr Kulick does not own the lease for the air-space at the 1st floor level to which he proposes to extend flat C (he only owns the airspace at the ground floor level where he proposes to extend flat A).

Mr has not approached the current freeholder () for agreement.
