

Dear Adam,

We have now seen the draft decision put on your website on 1 April 2021, recommending that the application is granted subject to conditions, of which the 4th reads as follows:

“4. The new door hereby approved shall be used for access for maintenance purposes only and the flat roof at the rear of the site shall not be used as a balcony, terrace or for any other ancillary residential purposes.”

We do not understand the reasons underpinning this draft recommendation:

- Firstly, as is clear from the objections and the photos attached to the application, the Applicant already accesses the flat roof in question for unauthorised residential purposes, through the window;
- Secondly, as is also clear, the applicant has no other reason to access the flat roof other than for continued unauthorised residential purposes;
- Thirdly, the Applicant has no maintenance to carry out on the roof; the only maintenance to be undertaken relates to the plant equipment which the Applicant is unauthorised to touch; that equipment belongs to the freeholder and has been maintained by the freeholder without the requested door since 2002;
- Fourthly, the Applicant has not notified, requested or been given permission by the freeholder to access the roof for maintenance or for any other purpose;
- Finally, it is absolutely clear, that the only incentive the Applicant has for this application, is to make it easier for it to continue its unauthorised access to the roof for unauthorised residential purposes.

The Council should ask itself why would the Applicant pay for such works if the purpose is only to carry out maintenance by third parties.

Given that the only person who is allowed to carry out maintenance on the rear flat roof has objected to this application, the Council should reject it outright.

It is utterly unclear to us, on what basis the Council proposes to grant permission to allow – and make easier – for a leaseholder to continue its unauthorised access to a flat roof which it already accesses and uses for unauthorised residential purposes. This is particularly astonishing, where the pictures attached are evidence that the roof is currently used for unauthorised residential purposes, and where the Applicant has no reason to access the roof other than for residential purposes. The Applicant has absolutely no maintenance to carry out on the rear flat roof. The Council giving the Applicant a permission to replace the window with a door to the roof, serves only one purpose, i.e. making it easier for the Applicant to continue its unauthorised use of the roof.

We are flabbergasted how the Council could grant permission to the Applicant given that (i) it is already accessing the roof for an unauthorised residential purpose; (ii) the Applicant has no purpose/reason/motivation/incentive to replace the window with a door other than to continue its current unauthorised access and use; (iii) no such door is required for maintenance purposes, maintenance has been carried out since 2002, without the requested door; (iv) in any event, access for maintenance purposes is not the Applicant's concern – the plant equipment does not belong to the Applicant and it is not its responsibility to maintain; (v) the only person who could have asked permission to access for maintenance purposes, is the freeholder. However, the freeholder was not aware of this application and once it was notified of it by the other residents of Belsize Mews, objected to it.

To summarise:

- (1) The Applicant has no reason to access the roof other than for unauthorised residential purposes;**
- (2) The Applicant has no maintenance to carry out on the roof, and the freeholder has carried out maintenance on the roof without the requested door for almost 2 decades, and has objected to this application;**
- (3) The Applicant is using maintenance as a way to get planning permission which would make it easier for it to continue to use the roof for unauthorised residential purposes;**
- (4) The Council should ask itself why would the Applicant pay for such works if the purpose is only to carry out maintenance by third parties;**
- (5) Given that the only person who is allowed to maintain has objected to this application, the Council should reject it outright.**

If permission is granted, the Council will have to enforce the conditions. How is the Council going to monitor and enforce the conditions, when the Applicant is already using the roof for unauthorised residential purposes and the Council appears to be doing nothing about it?

Could you please upload this email on your website and let us know how else we can engage to ensure our, and all other, objections are fully considered by the Council, so that this application does not go forward.

Thank you.

Kind regards,
Maya Barr and Adam Tedder