

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/0034/P	Brenda Gardner	07/03/2022 17:26:20	OBJNOT	<p>Please note I have sent these objections below to the case office Adam Greenhalgh by email on Feb. 28th. But I would like to add another point which has recently come to my attention: Point 6. A FIRE RISK It has been pointed out to me that the fire hoses and the source for the water would not be able to reach the top two floors of this structure. This is a real and dangerous liability.</p>

As the owner occupier of 5 Castle Road NW1 8PR, I would like to strongly object to the plans submitted for the above application on the following basis:

1. The Right to Light. This is a law from 1832 which gives long standing property owners adequate and unobstructed daylight through their buildings' windows. The most recent interpretation of this from the Law Commission states: A "right to light" is an easement that gives a landowner the right to receive light through defined apertures in buildings on his or her land. The owner of land that is burdened by the right cannot substantially interfere with it – for example by erecting a building in a way that blocks the light – without the consent of the benefiting owner.

Photo A shows my kitchen windows which were probably put in when this property was built in the fifties or sixties. I purchased this property in 1989 and thus am a long-standing property owner. My light on this and on my upstairs windows, erected in 1991 will both have their windows blocked (see Photo B -my property is the first by the alleyway with the terrace - look for the grey car on Castle Road) by this building. Also, I have an office on the ground floor with glass bricks to allow some light into the premises, this will be blocked. Please note the proposal also blocks the windows and the light of No 3 and Flats 1-8 which are part of 147 Kentish Town Road also in Photo A.

The sunlight and daylight report with the application does not take this into proper consideration.

2. No visuals of the fourth wall - the application is incomplete as it does not show what the applicant plans to do with the fourth wall which is the wall that would be blocking the light for my building and for No 3 Castle Road, plus further properties on Castle Road that can be seen from Photo B and B1. I understand from the drawings that the back of 141-145 has proposals for opaque glass on the proposed windows. What is planned for the fourth wall should be evident in the visuals.

3. Distance separating my property from the proposal – The distance between the proposed wall and my wall is approximately 1 metre. It is also 1 metre from No3 and the buildings flats at 147 Kentish Town Road. This is ridiculously close. The law states the distance should be: 2.8 In the case of small detached, semi-detached and end-of-terrace dwellings. I am a semi detached property. (see Photo B1)

4. There is no access for heavy vehicles from either the Kentish Town entrance or the Castle Road entrance, and there are no plans for a site office. The only way the applicant can get access is through Castle Place which would mean demolishing a brick wall, and driving past Castle Place residences 1-4 plus getting access to the private road through the estate. Not only that, but there are two important much needed street lamps in the alleyway which would have to be demolished.

5. The structure itself is far too high and bulky – This towers over my total of 3 floors with terrace, and is higher than the 4 floors of No 3. It will also block out the light for the 8 houses on Castle Place and their gardens.

What is particularly frustrating about this application is that the applicant purchased the property knowing all the difficulties it possessed and the applications that had gone before (2017 being the last one), and probably at a reduced purchase price, and has the belief that somehow a bulky light blocking building can be erected for

his/her gain. Why can't the developer think outside the box and build a light filled workshop or design studio of

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one storey. They would still get a very good return on their purchase price.
