

From: Ahmed Talhaoui
Sent: 15 January 2023 10:46
To: Planning Planning
Subject: Re: Application 2022/0138/P (Kings Court, 523 Finchley Road, NW3 7BP) Urgent Review Request

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FAO: Nathaniel Young and Daniel Pope

**Re: Application 2022/0138/P (Kings Court, 523 Finchley Road, NW3 7BP)
Urgent Review Request**

I strongly object to the approval
of Application Reference No. 2022/0138/P.

Total Lack of Consultation

Elmdon Real Estate LLP (“Elmdon”) has not communicated at all with existing flat owners regarding this application. Therefore the lawful consultation process with those most impacted by the proposed addition has simply not taken place.

Construction Period Impact upon Resident Health, Safety, Security, and Quiet Enjoyment of their Flats

It has come to my attention that Elmdon has sold the roof space to Mr. Simon Chang on the back of the Council's Approval, who intends to start construction imminently, causing associated dirt, dust, noise and general disruption to all those living at the property. This could affect the general health of the residents with a major addition to the building being constructed whilst they are living there, in addition to impinging upon the rights of residents to the quiet enjoyment of their units, as stipulated in our lease. I am also very concerned about the safety and security of the building and its residents during such construction period. There was theft from communal areas some time ago. During a period of ongoing construction with contractors coming and going constantly the opportunities for thieves to enter the building will be multiplied many times over.

Construction Period Impact upon Rental Values for Tenanted Flats

In addition to breaching flat owner rights to the quiet enjoyment of our properties, the cost of the construction to myself and each of the owners could easily run into the tens of thousands over the construction period, depending on the duration of same, should tenants vacate.

Structural and Foundation Damage

I am concerned about structural and foundation damage to my property, as I am unaware of any structural surveys being conducted previously prior to the granting of this planning permission. Please note that there are cracks in some of the apartments in the block. Should this construction go ahead, who is responsible for possible damage to our properties?

We have not been informed of any plan of works or construction and the adverse effect it might have on residents at this property, including obstruction to common areas, scaffolding / hoarding, and other issues that would affect day to day living for residents in the apartment block. There is no Party Wall Agreement in place for the most affected.

Communal Facilities and Two Tier Block Management System

As existing owners we pay for the upkeep of all communal services and facilities, which the developer intends to use for his construction - how will this work fairly? We have just completed internal decorations at great cost, only for it to be destroyed by construction traffic. There has been absolutely no consultation or advice regarding this matter and ensuring existing leaseholders/flat owners are protected from a transfer of cost from the new freehold owners' construction plans, which benefits only that party.

Meanwhile the communal facilities are tailored to the existing number of flats and are already at capacity (e.g. the refuse and recycling storage at the front exterior of the building) and therefore cannot accommodate the new addition.

Long-Term Destruction of Value For Existing Flat Owners Due to Addition

Having reviewed the pertinent application and decision documents it is clear that the proposed addition is not in keeping with the current exterior of the building. The block was only built in 2010 and its height is generally in keeping with the surrounding structures. Having been constructed so recently and indeed with pitched/triangular pointed windows for the top floor it was clearly not contemplated that the building should have an additional floor added above.

I have grave concerns that the mismatched addition will impair the aesthetic of the building and therefore suppress the long-term value of the existing units.

I also empathise with the top floor owners who paid a premium for this privilege only to lose it upon resale.

Overall, considering the likely significant personal and financial impacts upon existing owners' property values and rental yields during both the construction period and long-term, and the safety, security and health concerns associated with needless construction atop an existing residential building which was built for purpose just over 10 years ago, and finally in light of the total lack of consultation of the building's flat owners/residents, I strongly object to Application Reference No. 2022/0138/P.

The Council has singlehandedly enabled a bad actor to totally avoid any kind of consultation with those most affected by its plans, and it has profited from the application you have approved to the tune of £130,000 at auction and will now walk away with no responsibility. Meanwhile we flat owners have been impaired and are experiencing undue stress and anxiety over this poorly judged decision and therefore request an urgent review.

Your earliest response would be most appreciated.

With kind regards,

Ahmed Talhaoui