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**David Dawkins,
Flat 1,
50 Coolhurst Road,
Crouch End,
London N8 8EU**

(Freehold owner of Flat 1 and a landlord of 50 Coolhurst Road.

**My objection to the erection of external balustrade around existing rear raised platform –
(Retrospective) – HGY/2023/0489**

Introduction to my objection

In response to the retrospective planning application, I aim to explain there is no reasonable grounds for this going ahead in any form as laid out in Aitchison Raffety/Flat 3's submission.

For anyone reading this objection for the first time, this planning request is retrospective because the previous balcony was built without planning permission and Haringey Council Planning department asked for flat 3 to remove the current balustrade. Reasons were not given, but I would assume the extreme overlooking issue was one of the main reasons.

In the 21 years I have lived at Flat 1, Flat 3 has never obtained approval for a balcony via Haringey Planning Department, The Landlord of 50 Coolhurst Road has never given approval for a balcony and there are no rights afforded within Flat 3's lease for a balcony.

In my response I aim to -

- Explain that emails within the document of my approval are presented out of context, and I approved on an urgent basis to support a very ill person in Flat 3
- Explain that there is no "at site" precedent as in actual previous historical use of current place the balcony is located (overlooking) before balustrade was erected.
- The planning submission has zero precedence as per any relevant nearby developments.
- Cover off Safety concerns, point 7.5, from Flat 3 that can be covered by a Juliette balcony, as per all other local developments like this.
- That the safety concerns for me from a completely overlooking balcony have been completely ignored.
- That Flat 3's balcony completely overlooks flat 2's garden and other local gardens, yet they have never got approval from those parties at any point for this balustrade.
- That an approval of this submission would give permission for follow up balconies and give them the right to 100% overlook all local gardens from above. Even though all residents in the UK are granted reasonable privacy rights and especially so within a conservation area.

Context

Flat 3 is trying to somehow say I am 100% behind this balustrade being built. This has never been the case.

You will notice the period of emails in flat 3's submission was over a very short period and that was because of an urgency situation relating to Julia's mum, who was extremely ill. Beyond these email conversations, we talked on the phone and my only concern at that time, as the emails show, was the immediate safety of Julia's mum.

I understood the situation Julia and her mum were going through, as my father had passed away in a care home 6 months earlier. My father suffered with Hydrocephalus and needed a carer next to him every minute of every day because my father didn't understand danger and would walk and constantly fall and get injured without 100% observation. I worried that Julia's mum, while extremely ill, could make a bad decision while ill and then fall off the open balcony, a very dangerous situation for a very ill person.

So, on that basis, an immediate response to Julia's mum's predicament was key – I gave a go ahead as any reasonable person and neighbour would do so. I did not discuss precedent, rights, approvals, or my ultimate go ahead or right to fair privacy, how could you, Julia was worried about her mum's very poor health and the situation at the time of the temporary balcony was extremely urgent.

I also received an email – appendix (1) which quotes “the balcony will not be used much more than it is” – which was not at all. No pictures to show in 18 years proves it was not used to ever sit on and overlook, point 7.5 confirms it was too dangerous to sit on and overlook and I never saw anyone sit or stand or overlook me up until the balustrade was built. Now it can be used a lot and I can be permanently overlooked, and the owner of flat 3 can not control this overlooking, as the flat and balcony is permanently rented out to multiple tenants.

It has not been mentioned that recently I have protested the balustrade being there and Haringey Planning department upheld my initial objection. These are beyond conversations with flat 3 asking for the balustrade to be removed.

Historical precedence specific to current site for a raised platform location

- Flat 3 has never asked for or received planning permission for a balcony from Haringey Council at any point during the 21 years I have lived at the property.
- Flat 3 never submitted any planning request to the previous landlord, Freehold Managers Ltd, even though it is required as per their lease. I am confident Freehold Managers Ltd will confirm they have never ever approved a balcony or believed a balcony was ever in place. So, they never received approval to have a balcony, or were allowed to use it as such. Slipping out some plants or an empty chair, which I could not see from below, does not constitute a balcony. The current Landlord, 50 Coolhurst Road Freehold Ltd has also not approved any balcony.
- Is this submission seriously attesting to the fact that Julia allowed her elderly mum, or her mum chose to stand anywhere near the end of the dangerous raised platform and use it significantly and overlook my garden in the 18 years of supposed use,

point 7.5 in this submission attests to the fact it was too dangerous to go near to the end of the balcony, hence no history of overlooking until balustrade was built – again, Flat 1 and I believe flat 2 have never had any issues of overlooking because it could never actually be used as a balcony that way. Overlooking became an issue when the balcony was added.

- Previous emails and point 7.5 in the submission state there are safety issues and that is why a balustrade is required. In the previous configuration that was in use for 18 years there were large danger issues if in use, with that being the case then surely it was an illegal structure, it was a danger, and an illegal structure was never a legal balcony.
- Aitchison Raffety's submission point 4.1 alludes to the balcony being authorised via a 1988 development. It certainly is not shown in Flat 3's lease which has been updated since then. How could it ever be approved and authorised with the extreme overlooking issues. I don't believe it could ever have got past Haringey's planning department. This 4.1 point raised by flat 3 is of no significance.
- You will see in the submission that during the 18 years Julia has owned the flat, there are no pictures of anyone using the platform. Only plant's shown and an empty chair. Pushing these out onto a raised platform and taking a picture of a raised platform that has not received Landlord or Haringey Council planning permission does not constitute an approved balcony or historical precedence for one. Let's be clear here, I for sure, and I believe the owners of flat 2, could never view these inanimate objects from below and as such they never were considered a nuisance or hindrance to any privacy. I never ever saw anyone sit or stand on the raised platform and overlook my garden in the 21 years I have lived at 50 Coolhurst Road, until the balustrade arrived.
- The raised platform of flat 3 is shown in pictures in the submission, so is the raised platform of flat 4. The pictures regarding flat 4, to the right of flat 3, shows the intended and historical use of flat 3 and 4 's raised platforms.
- I am sure Flat 2, when they respond to this retrospective planning submission will attest to the fact there was no historical use of the platform by anyone sitting or standing and overlooking our gardens, until the balustrade was erected. The overlooking issue is now an issue and people can go to the edge of the platform because they are protected by the balustrade and can now 100% overlook the 2 gardens below.

Precedence for a balcony in nearby developments

Aitchison Raffety have cited 3 examples as nearby precedent for a balcony being built at 50 Coolhurst Road. They are 12, 20 and 60 Coolhurst Road. I have viewed the proposals via Haringey Council's planning portal and google earth. The precedents cited here from flat 3/Aitchison Raffety are not like for like and are way short of reasoned substantiation. 2 of

the balconies, as referenced, have not been built, and may never be. In all 3 cases, buildings sit in between the proposed 1st floor balconies and the gardens below, offering reasonable privacy. How can they compare that to this proposal where the current illegal balcony in flat 3 directly overlooks 100 % of the garden of both flat 1 and 2 below. already flat 2 is subjected to partial down looking from 48 Coolhurst Road's balcony to the right.

If flat 4 is subsequently allowed planning permission, and they have already discussed having a balcony, there are then 2 balconies, in each case overlooking 100% of the garden of flat 1 below. In the case of flat 2 there would be 100% of overlooking of flat 2 garden below from flat 3 and 4 above + partial viewing from the stepped back balcony of 48 Coolhurst Road. It will be one of the most overlooked flats in London, even though residing within a conservation area.

Safety argument

I of course advocate keeping the various tenants that Julia will rent to, safe. I of course approve the building of a Juliette balcony, as is the precedent and is usual for local balconies in similar circumstances to flat 3. Safety of course should not be compromised, but not at the complete lack of respect of privacy and the complete down looking of other gardens below.

Also, what about my safety from objects being dropped from a balcony at flat 3 that is cited immediately above where I sit on my patio. Flat 3's intention, I am sure, is to permanently rent out the property to various tenants, as is the case now. The current owner of flat 3 permanently lives in another house in North London. In all other balconies I have viewed, there is some building between the garden and balcony and that building in between offers safety from objects being accidentally dropped from above.

Overlooking

Aitchison Raffety's proposal has not changed the issue of overlooking since the previous rejection at all, not even 1%. I am sure overlooking was a strong consideration in Haringey Planning Department previously asking for the illegal balustrade to be removed.

Two people currently are tenants at Flat 3 and can use the balcony and do sometimes for long periods at time. These individuals I agree are doing no wrong from their perspective, they were not made aware that the balcony had no planning permission when the property was rented out to them. They can now though directly overlook me in any part of my garden wherever I sit, my privacy is majorly compromised and will continue to do so as different tenants reside in Flat 3.

I include the email in appendix (1) dated 4/10/2021 which illustrates that the balcony was hardly ever used and point 7.5 in submission confirms the point that you couldn't directly overlook my garden, because it was too dangerous to do so. The email also illustrates that the use for 1 elderly person that never used the raised platform at flat 3, to now and the

future, where the tenants of flat 3 use the balcony often, has had a big detrimental effect on overlooking and privacy.

There are also raised considerations from extra sound issues from potentially 2 platforms being used constantly so near to my garden.

As you are undoubtedly aware, the Tate Modern balcony and the overlooking from that balcony into peoples' windows, has been turned down by the supreme court of the UK. Although, this is different, ie a garden and down-looking into gardens being the issue, the law I believe falls on the side of a reasonable right to privacy.

The Haringey Council planning department also advocates on the back page of their letter of March 23, that privacy of neighbours is a consideration.

In Conclusion

The retrospective planning proposal has done nothing to subsequently change already horrific overlooking issues, not 1mm in improvement from the previous objection from Haringey Planning Department.

The examples I have laid out in refuting any historical precedent from a previous raised platform I believe are strong.

The examples of nearby precedent for building balconies are not like for like and do not withstand any reasonable argument regarding precedent.

On safety, I respect the safety requirement and I would of course support a Juliette balcony being built. Also, surely, I am also due consideration to my safety below the balcony.

In my humble opinion, an approval of this proposal, as advocated by Flat 3's retrospective planning proposal, gives 100% loss of my garden privacy and to all future ground floor flat owners residing in our conservation area. I do not believe that is or would be Haringey Council's intention.

In this response I have no wish to disrespect any party involved. I please hope that my directness, which I hope is seen as desire for clarity, is not seen as rudeness.

I look forward to the response.

David Dawkins

Appendix – (1)

From: Julia Gnezdilova [REDACTED]
Sent: Monday, October 4, 2021 1:43:04 PM
To: Dave Dawkins [REDACTED]
Subject: Re: Railings

Many thanks Dave. I am pretty sure that the balcony will not be used much more than it currently is, it is just a safety feature. But of course you are welcome to use an awning if you wish. I hope we will not cause you any trouble.

Julia

On 4 Oct 2021, at 11:00, Dave Dawkins [REDACTED] wrote:
