

JOHN HARTMAN MARSTELLER
65 Cadogan Square, London SW1X 0DY

35

7 January 2000

PLANNING AND CONSERVATION
The Royal Borough of Kensington & Chelsea
The Town Hall
Horton Street
London W8 7NX

BY REGISTERED MAIL

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	AD	ACK	
14 . 11 JAN 2000									
APPEALS	IO	REC	ARB	ENV PLN	CON DES	FEES			

Att M J French, Executive Director

re 65 Cadogan Square, Flat 4 / Planning Information Office
Ref # DPS/DCSE/LB/99/02584/SG

Gentlemen and Ladies:

We have received the Proposed Development Notice for Internal Alterations to Flat 4. As the occupier of Flat 3 – which is positioned directly below Flat 4 – I am quite concerned as to the details of the proposed internal changes. For this reason I examined the plan and brief written description held as the Chelsea Old Town Hall, Kings Road SW3, which I was assured by the staff was the complete material available for public review. Might I add that I myself am an architect, although do not practice in the UK.

1 Removal of Walls between existing Lounge, Kitchen & Small Passage

What measures are to be taken to supplement the overall building structure as a result of the removal of these walls and to support the flooring of Flat 5, which is positioned directly above Flat 4? Presumably a steel beam is to be inserted to take the load of the removed walls.

- I am concerned about the potential collapse of the Flat 5 flooring and its possible affect on our flat (Flat 3).
- I am even more concerned about the potential damage to our Flat 3 ceiling when these walls are removed and the considerable work to install the steel beam.
- How does the architect propose to insert the steel beam – and where? Through the ceiling of Flat 4 or through the floor of Flat 5 – or both? One longitudinal wall and one shorter transverse wall are proposed to be removed. Where will be steel beam be anchored? Presumably into the structural party walls of 63/65 and 65/67, as the new proposed wall between the Lounge and new Kitchen [item 2 below] is noted as only 'stud & plasterboard' construction.
- The responsibility for Flat 3 ceiling repair must be formally acknowledged by the Flat 4 owners should cracks appear and sagging occur. either immediately or over a period of several years.

JOHN HARTMAN MARSTELLER

65 Cadogan Square, London SW1X 0DY

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36

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Att M J French, Executive Director

re 65 Cadogan Square, Flat 4 / Planning Information Office

page 2

Ref # DPS/DCSE/LB/99/02584/SG

2 Re-positioning of existing Wall between Lounge and new Kitchen

This structural change troubles me even more than the walls in [1] above as this wall would be a structural wall, as it is in our Flat 3.

At present the existing wall which separates the Flat 4 Lounge from its present Dining Room (in the planning change to be the new Kitchen) is directly above our wall in Flat 3 which separates our Lounge from our Kitchen. Our wall, therefore, supports both the present wall in Flat 4 and an identically placed wall in Flat 5 above.

The planning application seeks permission to remove a structural wall and replace it with a stud & plasterboard wall – and to re-positioned it by approximately 1500mm, enlarging the Flat 4 Lounge, but thus placing the re-positioned wall above our Kitchen – unsupported!

- How is the newly positioned wall to be supported? Presumably a steel beam is to be inserted into the floor (of Flat 4) / ceiling (of Flat 3) space to support not only the new wall and the floor beams which presently are tied into our existing wall but also the weight of the new kitchen equipment.
- Furthermore, a second steel beam would have to be inserted into the ceiling (of Flat 4) / floor (of Flat 5) to support the existing wall between the Flat 5 Lounge and Kitchen.
- How does the architect propose to bring these ± 7 meter steel beams into Flat 4 and secure them into the structure party walls of 63/65 and 65/67? Further, how does he propose to insert the steel beam? Through the floor of Flat 4 or through our ceiling of Flat 3 – or both?
- What compensation are we given by the leaseholders of Flat 4? Presumably this extensive work will make both our Lounge and Kitchen un-usable and un-livable. Are we re-housed for the duration of the construction period?

JOHN HARTMAN MARSTELLER

65 Cadogan Square, London SW1X 0DY

7 January 2000

37

PLANNING AND CONSERVATION

The Royal Borough of Kensington & Chelsea

Att M J French, Executive Director

re 65 Cadogan Square, Flat 4 / Planning Information Office

Ref # DPS/DCSE/LB/99/02584/SG

page 3

3 Plumbing

Presumably there is no hot or cold water piping within the new Kitchen space (as it presently is a Dining Room), nor is there sewage connection.

- How does the architect plan to provide these services? Will the piping run outside the building on the light-well wall? Or, will this piping be fished through the existent walls, floors and ceilings?
- Does the architect propose to join the new piping into the existing system and thereby potentially over-tax the capacity of the old piping. Will the system tolerate new and additional pressure?
- 65 Cadogan Square was built in the 1870's and converted into its present flat subdivision in 1967/1970 (items 4 & 5 of Planning Records Extract). The water, sewage and heating piping, therefore, is 30 year old and the basic structure 130. There have already been several sudden ruptures in piping, most memorably in late summer of 1992 when the hot water pipe ruptured in a corner pipe chase in our kitchen, releasing an abundance of hot water to all below.
- How does the architect propose to avoid such future problems?

4 Hardwood Flooring

Newly installed hardwood flooring has been proposed for the Lounge and Hall ("New Hardwood (Oak) floor on timber battens with soundproofing").

- Exposed wood flooring is specifically forbidden in our Flat 3 leasehold ("At all times during the term hereby granted to keep the floors of the flat close carpeted over rubber or other suitable underlay except the floors of the bathroom kitchen and water closet which shall be suitably covered."—Paragraph 2.13). We would presume that all leasehold agreements within 65 Cadogan Square are identical on this point.
- Although the architect notes that "soundproofing" would be used, we question its effectiveness. The present floor boards are quite uneven and there is considerable sound transfer through the open flooring system, even with the present wall-to-wall carpeting. Heavy walking on exposed hardwood will likely be intolerable in the future.

JOHN HARTMAN MARSTELLER

65 Cadogan Square, London SW1X 0DY

7 January 2000

PLANNING AND CONSERVATION
The Royal Borough of Kensington & Chelsea

Att M J French, Executive Director

re 65 Cadogan Square, Flat 4 / Planning Information Office
Ref # DPS/DCSE/LB/99/02584/SG

page 4

38

5 Insurance

A last question. Although it would seem from the above that I am opposed to the proposed re-building and re-furbishing work for Flat 4, I am not. I only am expressing the normal concerns of an adjacent Leaseholder. My question to the Planning Office concerns responsibility should problems occur.

- Are Leaseholders who wish to make changes, such as those outlined in the Application, obliged to carry special insurance to compensate fellow leaseholders and/or the superior leaseholder should damage occur to their leasehold areas or the building in general?
- Inevitably cracks and ceiling problems will occur. Inevitably a great deal of dust and century-old black dust will come down from the ceiling and out from cracks in walls, staining our walls and carpets. How is the clean-up in near-by flats and public areas of the building to be financed? By compulsory insurance carried by the Flat 4 Leaseholder?

6 Further Developments

As the party directly under this proposed renovation, it is essential that I be kept abreast of developments, especially structural matters. I need to receive and analyze detailed plans and calculations of the structure and thereby assure myself of the best building standards.

I would appreciate receiving written assurances from your office or the appropriate department of local government.

Sincerely,

John Marsteller

cc M R Etminan (Cavendish Offices & House Investment Ltd)
N A Dutton (The Cadogan Estate)
Mrs Benedix (Flat 4)
A Cohen, CBE (Flat 5)

Armande Cohen CBE

Flat 5
65 Cadogan Square
London SW1X 0DY
tel no: 0271 235 4017

January 10 ~~2000~~

Mr MJ French FRICS TP MRTPI Cert TS
Excutive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

39
12/1

Ref. DPS/DCSE/KB/02584/SG

Dear Mr French

I wish to refer to your letter dated December 23 1999 relevant to the proposed structural alterations foreseen to Flat 4, 65 Cadogan Square London SW1X 0DY.

Since flat 4 is sandwiched between flat 3 and my own being Flat 5 I am in complete agreement with the submission of the letter sent to you by the leaseholder of Flat 3 MrJohn Marsteller.

I am not against the owner of Flat 4 wishing to make alterations to his flat but I must place on record my misgivings of the important structural transformations which are being considered and could cause serious damage to both flats 3 and 5 and possibly to the stability of the building.

I therefore trust that due attention will be taken of Mr Marsteller's letter and the additional comments outlined above.

I would greatly welcome your comments on the proposed changes to flat 4 and the potential consequential damage thereby caused to flats 3 and 5.

Thanking you for your kind consideration

Yours sincerely


(Miss) Armande Cohen CBE

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EX DIR	HDC	N	C	SW	E	ENF	AO ACK
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K D SPARROW & PARTNERS

Consulting Engineers

Principal: Eur Ing. K D Sparrow BSc.(Hons) Phd.C Eng. M.I.C.E

32 Worple Road Mews
London SW19 4DJ

Tel 0208 288 1146
Fax 0208 288 1147
Email kdsparrow@ic24.net.

Stephen Jarvis Architect
32 Worple Road Mews
London SW19 4DJ.

19 April 2000

40

Dear Sir,

Re: Flat 4 65 Cadogan Square London SW1.

We have received your letter dated the 17th of April last and have noted the contents.

In view of the presence of the existing 12 inch by 6 inch RSJ spanning from party wall to party wall on every floor we would revise our previous opinion concerning the structural layout. It is now our opinion that it is most likely that the whole of the front area of the flat from the stairwell forward was probably open plan when No. 65 Cadogan Square was a single family residence.

We have seen several flats with this area open plan and this confirms our opinion in this case.

Should you require any further information please contact the undersigned on 0181 288 1146.

Yours sincerely,



Eur Ing K D Sparrow BSc(Hons),PhD.,C.Eng.,MICE.

Armande Cohen CBE

Flat 5
65 Cadogan Square
London SW1X 0DY
tel no: 020 7235 4017

July 28 2000

Mr MJ French
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Ref DPS/DCSE/LB/99/02584/SG

Dear Mr French

I wish to acknowledge your letter dated
July 21 2000 relevant to the proposed
development at Flat 4, 65 Cadogan Square.

Since I understand that you will
shortly be reviewing this request I
trust that due account will be taken
of my letter dated January 10 2000
and the correspondence you have
received from Mr John Marsteller of
Flat 3.

Thanking you for your kind attention

Yours sincerely


Armande Cohen CBE

(41) (29)

RECEIVED BY PLANNING SERVICES							
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Handwritten notes and scribbles at the bottom left of the page.

File 99/2584

42

JOHN HARTMAN MARSTELLER
65 Cadogan Square, London SW1X 0DY

4 August 2000

10.08.00
obj

PLANNING AND CONSERVATION
The Royal Borough of Kensington & Chelsea
The Town Hall
Horton Street
London W8 7NX

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	ASK		
10 AUG 2000									
REC'D	IO	REC	ARB	FWD PLN	CON DES	FEES			

Att S Gentry

re 65 Cadogan Square, Flat 4 / Planning Information Office
Ref # DPS/DCSE/LB/99/02584/SG

(I already
have
reported the
FAX to City)

Gentlemen and Ladies:

Having received an amended Proposed Development Notice for Internal Alternations to Flat 4 from Mr M J French (dated 21 July/received 25 July), I must repeat the majority of objections which I raised in my earlier letter of 7 January 2000 on the same subject.

As I was out of London, my housekeeper FAX'ed me the Notice, which I then discussed by telephone with Ms Gentry – who subsequently kindly FAX'ed me the development documents and plans – so that I could respond knowledgeably.

1 Removal of Walls between existing Lounge, Kitchen & Small Passage

I do not object to the removal of these walls, provided a Party Wall Surveyor is appointed (see also paragraph ' 5 ' below) and structural considerations are handled by a registered Structural Engineer (see also paragraph ' 6 ' below), in cooperation with the Royal Borough engineering office and the Cadogan Estate.

2 Re-positioning of existing Wall between Lounge and new Kitchen

I continue to object to the removal of a masonry structural wall and its replacement by a 'light' wall between the new Kitchen and newly enlarged Lounge.

To remove a structural wall to enlarge a room by only approximately 4 feet seems to me to be unwarranted.

This wall not only supports that portion of the building above, but also clearly provides important cross-bracing to our 125 year old building. Although not a practicing architect in England, my architectural training and years of experience in building and development lead me to strongly question the structural advisability of removing this wall – not to discuss the potential damage to our flat, as well as the noise and dirt which will inconvenience all fellow leaseholders (see also paragraph ' 7 ' below).

JOHN HARTMAN MARSTELLER

65 Cadogan Square, London SW1X 0DY

4 August 2000

43

PLANNING AND CONSERVATION
The Royal Borough of Kensington & Chelsea

Att S Gentry

re 65 Cadogan Square, Flat 4 / Planning Information Office
Ref # DPS/DCSE/LB/99/02584/SG

page 2

3 Plumbing

Even if the structural wall is not removed, a new Kitchen is to be built directly above that of flat 3. Although I do not object to the construction of this Kitchen, I do question how the Architect intends to supply hot and cold water, plus sewerage to an area which presently has no services of this type.

I am highly concerned by the potential over-taxing of the existent piping, some of which might be original (ie, 1870's), the majority of which date from \pm 1957/8 when the building was converted into its present sub-divisions. (We already had a serious hot water rupture in 1992 – in my kitchen!) Party Wall Surveyor needed!

4 Hardwood Flooring

I understand that this item has been deleted upon the objection by The Cadogan Estate. The use of exposed hardwood floors is clearly against the Terms of the Leasehold (¶ 2.13)

5 Party Wall Surveyor

I understand that it is my right to request the appointment of a Party Wall Surveyor to attend to possible damage to my flat, but whose service fee charges are the responsibility of the Developer (ie, Leaseholder of flat 4). I further understand that the choice of this individual is to be by the 'Adjoining Owners' [ie, Mrs Cohen (flat 5) and myself (flat 3)] or with their specific approval. I am especially concerned as most of my ceilings have just been re-painted, but several rooms fully re-decorated.

By copy of this letter, I formally request the appointment of such a Party Wall Surveyor, under the Terms of the Building Regulations of 1991, and request both Mrs Benedix and her Architect, Mr Stephen Jarvis, to submit the Surveyor's name for my approval.

6 Structural Engineer Drawings

I would request copies of the structural engineering drawings which must be prepared for the 4th floor re-building, as I will need to review them with my own structural consultant. I am especially concerned about the support of the 'light' kitchen wall.

JOHN HARTMAN MARSTELLER

65 Cadogan Square, London SW1X 0DY

4 August 2000

44

PLANNING AND CONSERVATION
The Royal Borough of Kensington & Chelsea

Att S Gentry

re 65 Cadogan Square, Flat 4 / Planning Information Office
Ref # DPS/DCSE/LB/99/02584/SG

page 3

7 Damage to Common Parts & inconvenience to fellow Leaseholders

I am aware of the fact that these issues do not concern Planning & Conservation. However, they are of great concern to the fellow Leaseholders. I therefore wish to point out that a separate letter is being addressed to the Mrs Benedix and her Architect, Mr Jarvis, as well as The Cadogan Estate and the Superior Leaseholder.

This pending re-building of flat 4 is especially damaging to me. We had intended to rent out the flat for a term of six months. This work, with its noise and dirt, will make such rental impossible.

8 Further Developments

Thank you for keeping me abreast of developments, now and in the future.

Sincerely,

John Marsteller

John Marsteller

cc by fax and mail as noted

S Gentry	(Planning & Conservation)	(44.20/7361-3463)
M R Etminan	(Cavendish Offices & House Investment)	(44.20/7584-0883)
N A Dutton	(The Cadogan Estate)	
Mrs Benedix	(Flat 4)	
A Cohen, CBE	(Flat 5)	
S Jarvis	(Architect to Benedix)	(44.20/8287-5101)

JOHN HARTMAN MARSTELLER

7 rue Muzy, 1207 Geneva, Switzerland

4 August 2000

45

Dr M R Etminan
CAVENDISH OFFICES & HOUSES INVESTMENT LTD
32 Pont Street
London SW1X 0AD

re 65 Cadogan Square, Flat 4 / Planning Approval - re-building & re-furbishing

Dear Dr Etminan:

Again we have to point out the problems surrounding the potential re-building work of Flat 4. My enclosed letter to Planning and Conservation is self-evident.

As stated in my previous letters, 25 November and 8 January, I well understand the desire of Mrs Benedix and her son to modernize their leasehold flat. I am only concerned by this work in relation to the ceilings and walls of our flat (Flat 3), plus its ramifications to the building structure and its other leaseholders.

Several issues must be dealt with through you, as Superior Leaseholder, and The Cadogan Estate, as Property Owner, since they are not within the jurisdiction of Planning and Conservation.

1 Appointment of Party Wall Surveyor

This point is discussed in todays letter to Planning and Conversation. We insist on the appointment of a Party Wall Surveyor, under the Terms of the Building Regulations of 1991.

Mr Stephen Jarvis, the Benedix architect, or his replacement (should he not be used beyond the present phase), must organize the hiring of this party. However, this Surveyor is to be an independent party, chosen or approved by the 'Adjoining Owners' (ie, Mrs Cohen and myself).

2 Internal damage to Flat 3

The Party Wall Surveyor must be responsible for minimizing the dust and dirt coming from the walls and ceiling into Flat 3 during construction and see to the progressive clean-up during construction. After completion of construction, this same party must see to repair of cracks and damage, as well as re-painting the affected ceilings and other parts.

JOHN HARTMAN MARSTELLER

7 rue Muzy, 1207 Geneva, Switzerland

4 August 2000

page 2

46

Dr M R Etminan
CAVENDISH OFFICES & HOUSES INVESTMENT LTD

re 65 Cadogan Square, Flat 4 / Planning Approval - re-building & re-furbishing

3 Damage to common parts

Mrs Benedix and her son must accept the liability for damage to the Stairway, Lift and Entrance Hall. I am especially concerned for the carpet, which has been in place only about 5 years. For proper protection, the carpet should be totally removed during construction and reinstalled upon completion

4 Deposit

As I mentioned in our 8 January letter, a deposit is often made by the leaseholder who is initiating re-building work and held by the superior leaseholder until the project is complete. This sum, usually around £ 10,000, is held until all interested parties – the several fellow leaseholders and the superior leaseholder - are satisfied with whatever repairs have been required to their flats and/or the common parts. This would be a desirable policy to follow.

Sincerely,

John Marsteller

John Marsteller

cc by fax and mail as noted

M R Etminan	(44.20/7584-0883)
S Gentry/Planning & Conservation	(44.20/7361-3463)
N A Dutton/Cadogan Estate	
H Benedix and T Ettehadien (flat 4)	
S Jarvis	(44.20/8287-5101)
A Cohen (flat 5)	
M Portman (flat 6)	