

Complaint form

When you have filled in this form, print it and send it to the Local Government Ombudsman for your area (addresses are at the end of the document).

Please delete or cross through options as appropriate

1 Mr/**Ms**/Mrs/Miss/ or Other: *(please insert)*

First name: **Noëlle**

Surname: **Rawé**

2 Your address: **3 Jefferson House, 11 Basil Street, London**

Postcode: **SW3 1AX**

e-mail address: (Home) [X] (work) [X]

3 **Daytime** phone number:

Evening phone number:

4 Name of council your complaint is against: **Kensington & Chelsea**

5 What do you think the council did wrong or did not do?

Granted a planning application that is in breach of our lease

The planning application is number PP/01/02523

It is for the **“erection of a new residential penthouse apartment at main roof level”** (see attached)

It was received by the Kensington & Chelsea planning applications department on 13 November 2001

The department approved it in Jan/Feb 2002

6 How have you been affected by the council's actions and what injustice have you suffered?

We have received **a letter** from the managing agents (Martin Russell Jones) informing us that a **refurbishment of £ 1 million + VAT + fees** was required for our block. (see attached)

As you can see from their letter, they state that this amount could be significantly more. Hence, we could be looking to a total cost in excess of £1.5 million. (This spend is 10 times that of previous refurbishments)

Myself and other residents are absolutely convinced that a large part of this money will be spent on building an extra floor for a penthouse flat – for which, of course, we should not be liable for

I was right! See '[Major works](#)'

Our belief is backed-up by irrefutable evidence, in particular by the following:

1. The schedule of works states: *“Defect - Asphalt roof coverings in very poor condition with severe rippling, blistering and splitting occurring” “Remedy: Remove asphalt and replace with all flashings including renewal of decking beneath if necessary and provision of insulation board”* (see attached)

As you can see in the attached, there are numerous other references to works being required to the roof

2. What is the point of doing extensive works to the roof given that it is going to be demolished in order to build the penthouse flat?! (which, yes, will span the whole area of the roof!)

The planning application states *“Roof: Sarnafil single roofing membrane (dark grey)”* (see planning application)

7 What do you think the council should do to put things right?

Contact the headlessor/their architect:

- (1) quote the DTLR legislation, namely, from ‘Planning permission – Page 46, July 1995’:
 Covenants-158- *“The title document or lease of a property may include specific obligations or restrictions... A leaseholder could ultimately lose the property if he/she breaks an important covenant and a freeholder could be taken to court.”*
- (2) State that the **addition of the extra floor** to build a penthouse flat **will bring the building to a height of 75 feet**. **As it is stated in the lease that the building cannot exceed a height of 65 feet**, building the extra floor would amount to a breach of the lease – thereby making Covenant 158 above applicable
- (3) Inform them that the planning department is going to take action by reporting this to(?) (relevant department/authority)

8 On what date did you first find out about the matter you are complaining about?:

February 2002

9 **Have you complained to the council?** **Yes**/No

If so: (a) what is the name and job title (if known) of the person you complained to?:

(b) on what date did you complain?:

(c) was your complaint in writing? Yes/No

(d) have you received a written reply? Yes/No

(If the answer to (d) is 'yes', please enclose a copy of the reply with this form.)

I do not know the name of the people I spoke to. I went to the planning applications **department** at the Kensington and Chelsea town hall on 13 May. I asked them (a woman) to confirm the height of the building with the addition of the extra floor. She retrieved the planning application and all the plans from a file and **told me that it would bring the building to a height of 75 feet.**

I had brought with me a copy of the Land Registry documents for all 35 flats in our building. I took 3 or 4 at random out of the pack, as well as the one for the freeholder, and for the headlessor. **I showed the woman and one of her male colleagues the statement in each of the document that stresses that the height of the building cannot exceed 65 feet** Their **reply** was: **"Not our problem. Get a lawyer!"**

I then **showed them the extract from the DTLR legislation – 11.08.60.00 Planning permission, page 46, July 1995 which contains covenant 158 (as attached). "Well that may be, but it's not our problem. Get a lawyer!"** (They really could not care less)

10 Have you complained in writing to a councillor? Yes/**No**

But I have formally complained about this to [my local MP, Michael Portillo](#). I have asked him to get the planning application department to reverse their decision. His answer was **"Sorry I can't help you. Get a lawyer"**

[The following is just to highlight the plight that we face, as I do not think it is within your sphere of activities/scope of your department to deal with:

"Get a lawyer" is the favourite answer of all the government departments I contact in relation to the nightmare I am going through with the managing agents and headlessor in my block of flats. These include:

the Tenancy Relations Officer at the Kensington and Chelsea Town Hall who just does not know whether he can force the headlessor to give us the name of the directors and secretary for our headlease

The Leasehold Advisory Services who is incapable of advising the Tenancy Relations Officer on how he should proceed to ensure we get this information

The Rent Assessment Committee at the Leasehold Valuation Tribunal who is incapable of giving us the definition of a 'qualifying' tenant so that we can set-up a recognised Residents

Association which appears to be the only way for us to get rid of the highly negligent, unscrupulous and incompetent managing agents, Martin Russell Jones. (As individuals believed to be connected with the headlease own several flats in the block – and we do not officially know the name of the directors – you could argue that, at this point in time this information is of no use to us)

Wherever I turn there is NOTHING, no help, constant pushback. And then we have government departments such as the Kensington and Chelsea planning applications department who, with a simple ‘yes’ further add to our nightmare. (Do planning applications departments get brown envelopes from lawyers for generating work for them? I really wonder)]

If so: (a) what is the name of the councillor you wrote to?:

(b) on what date did you write?:

Only answer question 11 if your complaint is more than 12 months old.

- 11** If it is more than 12 months since you first knew of the matter you are complaining about, why didn't you complain to us sooner?
- 12** If there is anything which makes it difficult for you to use our service, for example, if English is not your first language or you have a disability, please use the space below to tell us how we might help you.

*If you have any documents to support your complaint, for example, letters from the council, **please send these to the Ombudsman with this form.** Please tick the circle if you would like them returned to you.*

To be signed by the person making the complaint

Your signature:

Date:

Please send this complaint form to the Local Government Ombudsman for the area where you live. The addresses are below the Equal Opportunities monitoring form which follows.

Monitoring our equal opportunities

We want to find out if we are giving as good a service as we can to all complainants. To help us do this, please fill in this form and send it to us. If more than one of you has made the complaint, it would be helpful if only one of you fills in this form. **This information will not be sent to the council and will not affect the way in which your complaint is handled.**

NOTE: Ethnic groups are not about nationality, place of birth or citizenship. They are about colour and cultural background.

Please tick the circles as appropriate (or delete other options)

1 Ethnic Group:

White

British
Irish
Any other white background

Black and Black British

Caribbean
African
Any other Black background

Mixed

White and Black Caribbean
White and Black African
White and Asian
Any other mixed race

Chinese

Chinese

Other Ethnic Group

Any other group

Asian and Asian British

Indian
Pakistani
Bangladeshi
Any other Asian background

2 Sex: **Male** **Female**

3 Age: under 16 16-19 20-24 25-59 60-64 65 & above

4 Do you have a disability? **Yes** **No**

What is the nature of your disability?

Difficulty getting around Hearing difficulty Difficulty seeing
Learning difficulty Mental health problems Other

5 How did you find out about the Local Government Ombudsman service?

Newspaper Radio TV
Councillor or council Solicitor Friend or relative
Citizen's Advice Bureau Law centre Other advice service
Government department Library Internet website
Phone book or Thomson's directory MP
Other (Which? Consumer Association)

When you have filled in this form, please send it direct to the Local Government Ombudsman with your complaint form. The addresses are as follows:

- **London boroughs north of the river Thames (including Richmond but not including Harrow, Essex, Kent, Surrey, Suffolk, East and West Sussex)**

Tony Redmond

Local Government Ombudsman
21 Queen Anne's Gate
London SW1H 9BU
Phone: 020 7915 3210
Fax: 020 7233 0396

- **The West Midlands (except Coventry City), Shropshire, Staffordshire, Cheshire, Derbyshire, Nottinghamshire, Lincolnshire and the north of England (except the Cities of York and Lancaster)**

Patricia Thomas

Local Government Ombudsman
Beverley House
17 Shipton Road
York YO30 5FZ
Phone: 01904 663200
Fax: 01904 663269

- **London boroughs south of the river Thames (except Richmond and Harrow); the Cities of York, Lancaster and Coventry; and the rest of England not included in the areas of Mr Redmond and Mrs Thomas**

Jerry White

Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB
Phone: 024 7669 5999
Fax: 024 7669 5902