



The Commission for Local Administration in England

11 July 2002

Ms N Rawe

- Discussed under Planning applications # 3
- See my 27.07.02 reply

Tony Redmond
Local Government Ombudsman
Peter MacMahon
Deputy Ombudsman

Our Ref: 02/A/04753/JMK/SMM

If telephoning contact: Mrs Sue McKenzie on 0207 915 3218.
email address: a4@lgo.org.uk

Dear Ms Rawe

Complaint against the Royal Borough of Kensington and Chelsea

Further to Ms Campo's letter of 2 July, Mr Redmond has asked me to examine your complaint and to write to you.

The Ombudsman's task is to investigate complaints of injustice caused by maladministration. You complain of the Council's decision to grant planning permission for a penthouse flat at your block of flats, but have not said anything in criticism of that decision apart from pointing to what you regard as a height restriction in the terms of your lease.

= The 'could not give a damn attitude'

Unfortunately, this does not appear to be a material planning consideration that the Council has to take account of. The terms of your lease and the breach of any covenants within that document are essentially a private matter between you and the freeholder or head lessee: they are not matters for the Council to consider or to deal with. If you believe that constructing the penthouse will breach the terms of your lease, then that is a matter ultimately for the courts and not for the Council or indeed for the Ombudsman.

= A typical reply: do it yourself! And we hope you won't have the money to challenge our sacrosanct landlords

Obviously, the projected costs of the building works to keep the block in good repair are daunting, but you do have some protection under the terms of the Landlord and Tenant

Looking at my very extensive experience with Her Majestys courts: kangaroo courts - it is glaringly obvious that the only thing I would have achieved is waste more of my time and money

/...

Act and in particular recourse to the Leasehold Valuation Tribunal if you consider any of the resulting service charges to be unreasonable.

So, I am sorry to tell you that I cannot see any administrative fault by the Council and there will be no investigation of your complaint.

The Local Government Act 1974 requires that the Council be told of this decision and a copy of this letter will now be sent to the Chief Executive.

Yours sincerely



Jack McKenna
Investigator

If you want any papers you sent returned to you please let me know within the next three months.

Ha!Ha!Ha!
See the
summaries of
my experience
with this corrupt
tribunal