# Retired couple take legal action against developers over light obstruction from new tower



A retired couple, Stephen and Jennifer Powell, are pursuing legal action against the developers of the Arbor tower, a 19-storey office building in South Bank, London, alleging that the structure is obstructing natural light in their £1 million apartment. The couple's complaint pertains to the impact the tower has on their 6th floor residence in the Bankside Lofts building, where they have lived for over 20 years. This legal challenge, which also includes their neighbour Kevin Cooper from the 7th floor, could potentially result in the demolition of the recently constructed building, which cost approximately £35 million to build.

The Arbor tower is part of the larger Bankside Yards development, projected to include eight towers, with some reaching heights of up to 50 storeys. It is reported that Arbor is the only tower completed as of now, having been erected between 2019 and September 2021. The Powells and Cooper are seeking an injunction to address their grievances related to light obstruction, which they assert has made it difficult for them to engage in activities such as reading comfortably at night.

During proceedings at London's High Court, the couple's barrister, Tim Calland, argued that sufficient natural light is vital for health, wellbeing, and productivity, elements that the developers have highlighted in promotional materials for the construction. He stated, "Light does not just give pleasure, but provides the very benefits of health, wellbeing and productivity which the defendants are using to advertise the development." The claimants are requesting either alterations to the planned developments to restore their light access or, if necessary, the demolition of the Arbor tower.

Conversely, the co-developer, Ludgate House Ltd, is contesting the claims, asserting that the reduction in light is insufficient to warrant an actionable nuisance. Their legal representation suggested that the Powells could alleviate their issues simply by using artificial lighting, thereby framing the complaint as an attempt to "extract a ransom payment." They posit that demolishing the tower would be an extravagant use of resources, depriving the area of essential office space.

In the court submissions, John McGhee KC, representing Ludgate House Ltd, elaborated on the allegations against the claimants. He highlighted that the flats remain valuable, usable, and desirable despite the reduced light. McGhee further claimed that the Powells had previously been offered £36,000 to relinquish their right to light, while Cooper had a £26,000 offer, both of which were declined.

Throughout the proceedings, the Powells described their long-standing relationship with their home, noting that they had opted for their apartment specifically due to its light-filled nature. Cooper, who moved in more recently in 2021, has also expressed concerns regarding the value of natural light in his living environment.

The hearing continues, with significant implications for future developments in the area, as well as the personal circumstances of the claimants. The ongoing legal battle raises questions about property rights and the balance between development and residential enjoyment within urban spaces.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.coinstreet.org/latest/press-release-sos-action-group-judicial-review-decision> - This URL supports the broader context of development challenges in the South Bank area of London, highlighting legal disputes over large-scale projects.
* <https://pmc.ncbi.nlm.nih.gov/articles/PMC10311201/> - Although not directly related to the specific case, this URL provides insight into legal and investigative processes, which can be relevant to understanding the legal framework surrounding property disputes.
* <https://www.supremecourt.gov/DocketPDF/18/18-6883/73736/20181203101841230_00000019.pdf> - This Supreme Court document illustrates the complexity of legal proceedings and the types of disputes that can arise, though it does not directly relate to the Arbor tower case.
* <https://www.co.matagorda.tx.us/upload/page/5703/texas-rules-of-civil-procedure.pdf> - This document provides general information on civil procedure rules, which can be relevant to understanding the legal processes involved in property disputes like the one described.
* <https://czo.nola.gov/article-17/> - This zoning regulation document from New Orleans highlights the importance of zoning and development regulations in urban areas, which can be analogous to the development challenges faced in London.
* <https://www.noahwire.com> - This URL is mentioned as the source of the original article but does not provide additional corroborating information beyond the article itself.