

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/4871/L	Teddy Bourne & Marcy Leavitt Bourne	06/12/2024 08:58:19	OBJ	<p>As owners of adjoining property affected by the proposed development, we strongly object to these applications.</p> <p>In doing so, we agree with the very full and closely reasoned objections lodged by Mr Weathered on behalf of the owners of 50 Downshire Hill, particularly in relation to: conflict with planning policies, failure to preserve or enhance the conservation area, harm to the nearby heritage asset, overdevelopment, loss of residential amenity, light pollution, and otherwise as set out in Mr Weathered's submissions.</p> <p>For the sake of brevity, we will not repeat those points here.</p> <p>We wish to add the following points:</p> <ol style="list-style-type: none"> 1. Our property looks down on the proposed building and will be directly affected by the resulting light pollution, which will also adversely affect wildlife. 2. The new windows at the higher level will lead to overlooking and loss of privacy for our flat and the other flats on the western end of Hampstead Hill Mansions. 3. The increased bulk of the new building will adversely affect the appearance of the conservation area and the curtilage of the listed Police station buildings, as seen from our property and other properties which have sight of the application site. 4. It is not correct that an increase in the size of the proposed annex building by adding a second storey is justified in order to meet housing need. The applicant has given assurances - which will be subject to a planning condition - under which the annex cannot be occupied as a separate household from the Stables building. Therefore the increased size of the annex proposed under the current application will not increase the number of available dwellings in the area. <p>We therefore strongly call upon the Council to reject these applications.</p> <p>Although this is not a planning matter, as the applicant has chosen to refer to the covenant contained in a 1927 conveyance, we wish to draw the Council's attention to the fact that what the applicant says about the effects of that covenant is entirely mistaken. There are several legal reasons why the covenant does not preclude residents of Hampstead Hill Mansions from objecting to the proposal. These include:</p> <ol style="list-style-type: none"> (i) the covenant is not a covenant "not to object". It is a positive covenant to permit building, and positive covenants cannot legally bind anyone other than the person who originally gave the covenant. (ii) in any case the covenant only purports to bind the owner of the garden land, whereas we are objecting as occupiers of a flat in the adjoining HHM building. (iii) the covenant only refers to complaints about restriction of the access of light and air, and we are not objecting on any such ground. <p>And there are other more technical legal reasons as well why the covenant does not prevent us from</p>

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objecting.

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