

[REDACTED]

From: Litherland, Jenna
Sent: 30 January 2014 17:44
To: Planning
Subject: FW: Comments on application 2013/8002/P - logged on m3 10/2/14 pt
Attachments: RH_DH_Objection_22Jan.docx; annotated_image.jpg; Video_of_gatherings.wmv

Categories: Orange Category

Jenna Litherland
Senior Planning Officer - West Team

Telephone: 020 7974 3070

From: Dawn Hayes [REDACTED]
Sent: 24 January 2014 12:54
To: Litherland, Jenna; rosie.hayes@theirm.org
Subject: Fwd: Comments on application 2013/8002/P

Hi Jenna

Just to add that the video volum is significantly lower when transfered onto email. Please let us know if you want to see the original which gives a clearer sound of the noise transmitted upwards from the staircase.

regards

Dawn Hayes

From: Rosie Hayes [REDACTED]
Sent: 24 January 2014 12:26
To: Litherland, Jenna
Cc: Hayes (nee Aldred), Dawn
Subject: FW: Comments on application 2013/8002/P
Importance: High

Jenna,

Please confirm you received this email.

Thanks

Rosie

From: Rosie Hayes
Sent: 22 January 2014 12:17
To: [REDACTED]
Cc: 'Hayes (nee Aldred), Dawn'
Subject: Comments on application 2013/8002/P
Importance: High

Dear Jenna

I attach our latest objection to application 2013/8002/P along with an annotated photograph of the proposed building and a short video of smokers on Rebecca Hossack's existing fire escape. Please confirm receipt of these.

Neither Dawn or myself feel we received a proper response to the email we sent to you dated 9th January. We have very serious concerns that this case is not being handled in an independent and unbiased manner.

We therefore request that Rebecca Hossack's latest application is reviewed by Camden's Planning Committee who refused the previous application for residential property. We are aware that the Council does not support absent landlords leasing council property and renting the property to private tenants causing problems for their leaseholders and tenants. We would like the opportunity to investigate when permission was given to Ms.Hossack to change the use of the building from an Art gallery to a residential and public function venue (outlined in our earlier objections).

If these requests are not honoured, we can see no other option for our views to be fairly heard other than submitting a formal complaint to Mike Cooke, Camden's Chief Executive, expressing our dismay at the way this case has been and continues to be handled by Camden's planning department causing us enormous amounts of stress, anxiety and legal costs.

I look forward to your swift response.

Rosie Hayes

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Objections to the latest application for planning permission to erect a building on the roof of 2A Conway Street

1. We are Dawn Hayes and Rosie Hayes, joint owners of 2D Conway Street which is adjacent to Rebecca Hossack's art gallery at 2A Conway Street. We are writing to submit our objections to Ms Hossack's latest planning application: 2013/8002/P.
2. Before we address our objection to the application, we would like it to be recorded on file that we have not had a proper response to our concerns or to the questions we raised in our email to the Council dated 9 January 2014.
3. We have not been told whether the planning department has received the recommendations from the Planning Inspector relating to Ms Hossack's appeal APP/X5210/A/13/2206683. It is essential that we are informed of the outcome of the appeal and provided with a full account of the reasons given by the inspector for allowing or rejecting Ms Hossack's appeal. Without such relevant information we are placed in a highly disadvantaged position when opposing Ms Hossack's latest planning application.
4. We requested in our email that consideration of Ms Hossack's latest application be postponed by the planning department until after the inspector's decision has been received. We strongly disagree with Jenna's assessment that the current application is significantly different from the previous application. We strongly disagree with Jenna's view that the latest application does not warrant being suspended until the recommendations are received from the planning inspector. The loss of amenity to our property which relates to both planning applications still applies. The latest proposal still invades our privacy, causes noise pollution, causes smoke pollution, creates anti-social hours of business, causes loss of natural light to our property and gives rise to several other negative outcomes, as will be described below.
5. These and other points were made by Camden Council when refusing planning permission and disagreeing with Ms Hossack's grounds for appeal. Her latest application continues to go against Camden's housing policy. This policy promotes the guiding principle that its tenants and leaseholders are entitled to the quiet enjoyment of their homes without undue disruption. We are therefore formally requesting that the planning department postpones any consideration of Ms Hossack's most recent application for planning permission until after the current appeal is decided by the inspector and we have been notified of the reasons given by him / her.

Objection to Ms Hossack's latest application to build on the extended roof area

6. Our reasons for objecting to this latest application are the same as those we have submitted in a more detailed form in relation to earlier applications. These draw attention to the adverse effect that building on the roof will have on our use and

enjoyment of our small flat. This situation has not changed, as is illustrated by the **attached annotated picture of the proposed building**.

7. The latest description of the impact the proposed building will have on our adjoining property was submitted by the professionals who have prepared a report. It is full of complacent assertions that we will not be adversely affected. The report relies on rhetoric and pseudo science. It ignores the fact that it is undoubtedly the case that if planning permission were to be granted for Ms Hossack's proposal this would mean that Camden Council's policy that the Council 'will protect the quality of life of neighbours by only granting permission for development that does not cause harm to amenity' would not have been followed.

8. There is nothing in her latest application that overcomes the sound policy reasons given by the Planning Committee for refusing to grant planning permission for Ms Hossack's earlier application, that is now being appealed. The new application, if granted, would have an adverse impact on all of the following highlighted factors that currently contribute to the pleasure of living in our flat:

(i) We currently enjoy privacy. It is now proposed that people will be permitted to gather outside on the roof at the same level as our bedroom and terrace and that our only way of securing **privacy** will be to have evergreen trees, hedges and shrubs planted directly and closely in front of our only window to our bedroom and opposite our small roof terrace. These high plants which we do not want as they will be very close and claustrophobic will completely block the **light** into our bedroom. The same plants will also cast a **shadow** over our terrace considerably diminishing its amenity value and depriving us of both direct **sunlight** and uninterrupted **daylight**.

(ii) We currently enjoy being able to look up at the **sky** from our bedroom window. This **view** will be completely **overshadowed** and **blocked** by the proximity of the building and the high screen created by the trees, shrubs and hedges. As a result, we will no longer be able to enjoy the **outlook** from our terrace.

(iii) Ms Hossack frequently uses her roof terrace for **social gatherings**. Please see the attached video showing an example of people gathering on the existing fire escape of Rebecca Hossack Gallery. Please note people are smoking, and speaking at a high volume. **This video was taken on a phone through our closed bedroom window**.

There have been complaints from neighbours about the **disturbance** caused by these gatherings. Such gatherings fall outside the scope of the permission that was given for the change of use of her premises from business use to use as an art gallery. No permission was given for public function use. The latest proposal means that these **noisy gatherings** will become even more intrusive and give rise to **intolerable levels of noise** disturbing our quiet enjoyment of our flat.

(iv) People who attend these social gatherings often drink and smoke. For this behaviour to be allowed to take place close to our bedroom window appears to breach all laws designed to protect people from unwelcome **smoke** entering their

homes. **Smoke pollution** is highly objectionable to non-smokers. Nonetheless this latest proposal would undoubtedly lead to people **smoking and drinking** on the adjoining area of roof terrace and this would certainly drift onto our terrace and through the bedroom window. We would have to tolerate the behaviour of people who have spent the evening talking loudly, sometimes **shouting** or playing **loud music** and otherwise acting in unpleasant ways thereby causing a **disturbance** because they are **drunk**.

(v) The proposed building has skylights on the roof that slope down and face our own bedroom window. Lights will shine through these skylights and will beam into our bedroom window preventing us from sleeping. Other outside lights are likely to cause the same unwelcome **light pollution** into our property.

(vi) One or even two of these highlighted outcomes should planning permission be granted might properly be accepted as part of the give and take of balancing the applicant's wish to extend the use and extent of her property against the objector's wish to maintain all the present enjoyable amenities attached to her existing residential property. But if Camden were to reach the decision to grant the latest application by Ms Hossack this would undermine and destroy the existing amenity benefits associated with living at 2D Conway Street in their entirety. It would therefore not be a fair and balanced outcome.

9. We live on the top floor of 2D Conway Street. It is a property that contains flats on each floor and is occupied by pleasant and responsible people whose behaviour is under control and who do not cause difficulties. We could never have anticipated that living opposite the top floor of a flat-roofed building labelled as an art gallery would turn out, in practice, to be a property which is often used as a noisy social venue. We could not have anticipated the constant pressure on Camden Council from Ms Hossack to extend the building upwards and to make repeated self-serving planning applications that, if granted, would cause irretrievable damage to the amenity not only of our home, but also to the amenity of the homes in neighbouring properties.

10. An indication of the ruthlessly selfish and uncompromising approach adopted by Ms Hossack when she hears that neighbouring residential property owners object to her proposed developments is illustrated by the following assertion that she includes in her latest application for planning permission. She writes: 'The BRE guidelines recognise that buildings located close to the site boundary, as is the case here, may be considered as bad" neighbours, taking more than their fair share of light. This is particularly so in situations where existing buildings have yet to meet their fullest potential by matching the height and proportions of existing surrounding buildings. **Accordingly, a greater reduction in daylight or sunlight may be unavoidable and so the local authority may wish to apply different target values.'**

11. Ms Hossack clearly recognises that the proposed building will reduce the access to daylight and sunlight that we presently receive through our bedroom window and on our roof terrace. However, instead of acknowledging the damage to our well-

being that will be caused by the loss of these two basic needs both of which have a profound influence on the quality of life, she asserts that the reduction of these invaluable amenities, daylight and sunlight, 'may be unavoidable'. She dismisses the impact that the loss of daylight and sunlight will have on our property. Indeed she goes so far as to suggest that Camden might therefore choose different target values (clearly meaning much lower amounts) to assess the amount of daylight and sunlight we ought to receive.

Earlier applications for planning permission made by Ms Hossack

12. This is the third time in the last two years that Ms Hossack has applied for planning permission to erect a large building on top of the present flat roof of 2A Conway Street. We sent detailed written responses to Camden Council objecting to both earlier applications. Ms Hossack later withdrew her first application. Planning permission for her second application was refused by Camden Planning Committee. Ms Hossack appealed and the appeal was sent to an inspector (APP/X5210/A/13/2206683).

13. In her written appeal Ms Hossack claimed that 'The proposal itself was considered to compliment the hostbuilding and would preserve and enhance the character and appearance of the conservation area.' She further stated 'The addition of a studio flat was also considered acceptable'. We strongly question the authenticity of these two self-serving statements. No such expressions of opinion appear in Camden's written decision. On the contrary, the application for planning permission was turned down by the Planning Committee without reservation and the Planning Department sent a powerfully worded letter to the inspector opposing the appeal and giving forceful reasons why the proposed building would have a destructive impact on the amenity of adjoining properties.

Ms Hossack's latest application for planning permission should be rejected or at least postponed

14. We have looked into whether there is a limit to the number of fresh planning applications that can be made when, essentially, each application amounts to the same proposal. We have noted that section 43 of the Planning and Compulsory Purchase Act 2004 allows Camden Council to refuse, or postpone, dealing with Ms Hossack's latest application. This is the position because she has already made two earlier similar applications and her third application, in the form of an appeal hearing, has yet to be decided and could be refused. Since then she has made another application and been given permission to extend her roof area, her purpose being to apply again to build on that area.

15. The lack of equality between applicants for and objectors to planning permission appears to have influenced the thinking behind the drafting of the provisions in section 43. These provisions recognize that it cannot be right that an applicant can rely on wearing down any opposition to a planning application by repeatedly putting in further applications. Such a one-sided approach means that the applicant is likely

eventually to get her way regardless of how seriously the grant of permission affects the amenity of adjoining property owners.

16. When responding to Ms Hossack's first planning application to build on the roof we employed a landscape architect to advise us. We took further professional advice when objecting to her second application. But, unlike Ms Hossack, we do not have the time or the means to keep obtaining professional advice. We fear that Ms Hossack will eventually get her way simply because she has the financial means to employ professionals to make her case and the determination to keep putting in fresh applications.

17. In our case, it would be wrong if Ms Hossack should succeed solely because we cannot afford to pay for further help to resist her latest application. It means that we will be unduly anxious about going away from our property to have a holiday, or for some other reason. Any objection to a planning application must be submitted within 21 days and she may choose to time her application for when we are not at home.

18. We therefore formally request that Camden Council either refuses Ms Hossack's latest application to build on her roof or, at the least, postpones giving consideration to her latest proposal for the next two years.

The handling of Ms Hossack's several planning applications requires careful investigation

19. We suggest that the Planning Committee should be fully informed about whether and when permission was given to Ms.Hossack to change the use of the building from an Art gallery to a residential and public function venue. Since her first successful planning application in June 2006 to change the use of the ground floor of 2A Conway Street from Office Use (class B1) to Retail Use (Class A1) the nature of the use of 2A Conway Street has altered. It is frequently used by Ms Hossack as a Drinking Establishment (Class A4) and for Assembly and Leisure (Class D2), despite there being no planning permission for these two uses. There have been complaints of noise arising from the week night events at the gallery and on one recent occasion this led to Camden housing mobile patrol being contacted in the early hours of the morning by people unable to sleep because of the noise from a very loud sound system.

20. We also suggest that the Planning Committee looks into how Ms Hossack's earlier applications for planning permission to build on her roof were handled. In her more recent applications she always makes the point: 'The proposal itself was considered to complement the host building and would preserve and enhance the character and appearance of the conservation area. The addition of a studio flat was also considered acceptable'. Did someone in the Planning Department express such an opinion to Ms Hossack? If so, how can he or she approach Ms Hossack's latest application with an independent mind? Is bias affecting how this issue is being managed?

21. Jenna's reply to our email sent on January 9 has made us particularly anxious about how Ms Hossack's latest application will be handled by Camden planning department. On January 17th. Jenna replied: 'I discussed this with my manager yesterday. The scheme is substantially different from that currently at appeal. Therefore, I don't agree that it is necessary to withhold a decision until the appeal is determined. This application can be assessed separately on its own merits.'

22. We need to be sure that any individual planner considering our objection approaches what is a very serious planning matter affecting our future enjoyment of our home in an independent and unbiased manner. However, Jenna has already made up her mind that a decision on the latest application can be made before we learn of the outcome of the appeal to the inspector. We strongly disagree that this is a proper approach.

23. This means that we can see no other option for our views to be fairly heard other than by submitting a complaint to Mike Cooke, Camden's Chief Executive, expressing our dismay at the way this case has been and continues to be handled causing us enormous amounts of stress, anxiety and legal and professional costs.

Rosie Hayes
Dawn Hayes

