

**Dike, Darlene**

---

**From:** Heather, Christopher  
**Sent:** 30 September 2013 09:19  
**To:** Planning  
**Subject:** FW: 51/3 Fairfax Road - illegal restaurant use  
**Follow Up Flag:** Follow up  
**Flag Status:** Orange

Hi,

Could this please be acknowledged under 2013/3896/P, but no need to send an acknowledgement as he has objected before.

Christopher Heather  
 Senior Planning Officer

Telephone: 020 7974 1344

---

**From:** stephen garford [REDACTED]  
**Sent:** 28 September 2013 18:11  
**To:** Heather, Christopher  
**Cc:** berry ingrid  
**Subject:** 51/3 Fairfax Road - Illegal restaurant use

I have seen a copy of your email of 27 September to Mrs Bethell. Surely it is not the responsibility of CBC to *find reasons* why a (fresh) application should be *permitted*, when it has already *refused* substantially the same thing, twice, and an Inspector has done the same thing (not forgetting that the comparable takeaway unit proposed at no. 47 equally refused on similar amenity grounds). I had always understood that it was up to the applicant to demonstrate how his use could function so as not to infringe planning policies (in this case particularly those relating to disturbance of incumbent neighbours).

We know perfectly well, from over 18 months' experience, that this particular applicant may have a meek and humble manner, but he has deepest contempt for regulatory activity which he finds inconvenient – first in that the bar on the ground floor of no. 51 is nothing remotely like a takeaway sandwich bar within Class A.1, and second that there are many examples of his selling alcohol not accompanied by any meaningful food, in breach of the liquor licence. (When asked about this at the public meeting on 25 September the owner said things indicating that he held a restaurant licence, not a full pub-type one, was insistent that he was scrupulous about serving at least “a piece of bread” to drinkers: at the meeting there happened to be a man who is on a Westminster licensing panel covering Covent Garden where stretching the boundaries of restaurant licences is a very common activity, and the confirmed that the point had been litigated successfully by WCC.) Camden is as ineffectual at “enforcement” of licensing as it is of breaches of planning control, clearly.

The new planning consultant involved is clearly very charming and persuasive, as is common with the species, but that is no reason to treat this applicant in a particularly favourable way by ignoring CBC's democratic role, which is to establish a balance of amenity and convenience between neighbours in conflict. Your long third sentence rather made my jaw drop, if you wrote what you intended to convey. Surely it is obvious to a blind man that effects on *immediate* neighbours of antisocial activities affect only them (and there are quite a lot of us), and that noise generated at a particular point dissipates over the cube of the distance, and becomes simple low background noise for more distant residents.

It may have got lost in the fog of war, but the premises were operated as a showroom/shop, consistently with most of the rest of the parade, since the 1960s. There simply is insufficient evening

trade to justify any of them staying open beyond 7 pm maximum, when ambient noise drops away very significantly. This applicant chose (i) to remove his furniture business to Willesden, where occupation costs are cheaper, (ii) to find an alternative use—he had no prior working experience of operating a restaurant - and (iii) to assume that he would get planning permission, and so speculatively to spend what must have been a very large sum on fitting it out, and then (iv) when refused, to carry on operating it in breach of planning control.

You say that Camden “pushed for a 2100h closing time”. It is perfectly obvious that this type of neighbourhood restaurant in an area without much lunch trade, serving expensive but bog-standard Italian fare, could not possibly operate successfully with that closing time. We neighbours at the time imagined that planning officers had been nobbled by the applicant, with a much lower probability that the proposal was down to naivete but, in the light of all subsequent events, perhaps not. From many comments made at the meeting on Wednesday, it is perfectly obvious that the applicant knows this extremely well, and has no intention (perhaps beyond a token initial period) of complying with a condition to that effect.

It was me who suggested a s. 146 agreement, and Members clearly decided that this was the only effectual way of ensuring that the applicant did not just ignore the condition, or promptly make a s. 73 application to relax it. It was highly disappointing that the committee decision about this was bungled, in that CBC did not follow the usual practice of imposing a time limit for delivery of the relevant deed, which then opened the door to the appeal on grounds of non-determination. From what you say, and the complete lack of ineffectual enforcement, we appear to be trudging down the similar limp-wristed route of letting the applicant win by default (albeit rather slowly).

At Wednesday's meeting, the planning consultant put considerable effort into whining about the “unfairness” of the restaurants in the southern part of Fairfax Road not being similarly restricted, because those granting planning permission simply had a different approach in those days. That was then and this is now, and planning authorities throughout the land are aware of the disruptive effects of unsuitably-located catering establishments, in a world where the amount of cooking at home has so strikingly diminished, and that arrival by car in much more congested streets is very common (i.e., more, and larger, vehicles will cheerfully park in our little mews - where most residents themselves own cars - and are shameless even about blocking garages). The presumption of these people was startlingly demonstrated at the meeting, when one of the supporters knew very well about Mrs Bethell's unfortunate son, and arrogantly suggested that “perhaps the Bethells should move house”. As regards the aircon, please keep very much in mind that there is a very narrow noise canyon directly at the back of no. 51/3 which serves to amplify the effect of late-hours operation. The premises are large, and all but airtight, so running aircon is a significant consideration for comfort for a large part of the year. The former daytime use in association with the furniture showroom was tolerable, as it did not disturb sleep, but the greater power required for a busy restaurant, and the evening use make the noise very much more noticeable. The continued existence of the current illegal one very convincingly demonstrated, if more demonstration were necessary, how contemptuously the applicant does not regard the general law as applying to him.

Regards, Stephen Garford. 26 Fairfax Place

Ms Tania Skelli-Yaoz  
Regeneration and Planning Development Management  
London Borough of Camden  
Town Hall, Judd Street  
London WC1H 8ND

Dr Francesco Cara



Ref: PLANNING APPLICATION CONSULTATION  
Application: 2013/5398/P

29 September 2013

Dear Mrs Skelli-Yaoz,

I am writing to you to comment against application 2013/5398/P. My comments refer to the guidelines set by the Fitzjohns/Netherhall Conservation Area Statement to preserve and enhance the area.

I am a resident of 23 Daleham Gardens where the proposed "erection of single storey rear extension" is being planned.

23 Daleham Gardens is a period detached house that has already been developed on the southern and northern sides, with a conservatory and a coach house respectively. These developments have significantly reduced the gaps between number 23 and the neighbouring houses that are essential to giving rhythm to the road (see p. 14 of the Conservation area statement, Fitzjohns/Netherhall, Camden).

With the proposed rear extension, the balance and integrity of Daleham Gardens western backland is now at stake. Today, the backland is nearly perfectly aligned, creating a unique harmony between the built and the gardens. There are exceptions, as pointed out in the planning application: the coachhouse at number 23 and the rear extension at number 27. Contrary to these extensions, however, the proposed plan is:

1. significantly larger in size, approx. 7.5m x 3.30m vs 4.2 x 3.5m and 9.5m x 1m respectively
2. a single storey protrusion from the rest of the house, rather than an extension of the whole of the house rear, as it is the case in the other extensions

I fear that granting permission for this additional rear extension will set a precedent and open the way to systematic, heterogeneous backland developments, one of the issues highlighted by the streetscape audit (see p. 36 of the Conservation area statement, Fitzjohns/Netherhall, Camden).

Your sincerely,

Francesco Cara