

Dear Tania Skelli Yaoz

Planning Reference 2013/8158/P: 27/29 Whitfield St W1

You may recall I submitted observations on the first application objecting to the proposed extension and elevational treatment; part of the reason was because I consider it will do considerable harm to the setting of the adjacent listed building (1 Colville Place - a building that I assisted getting listed Grade 2) and will visually damage the conservation area, especially the view of the whole of Colville Place with its uniform height up to and including the corner of Whitfield St (number 27/29 Whitfield Street).

Thank you for informing me that revised drawings have been submitted; however clearly whomever checked these drawings and hence validated them, did not do a professional job, as the floor to ceiling heights are wrong, the parapet heights are incorrect, the overall height of the proposed building is at variance with all other measurements included on previously submitted drawings and yet somehow the applicant claims the building is the same height. The erroneous drawings show the neighbouring roof terrace level of No 1 Colville Place half way up the doors serving the terrace, and the parapet wall heights between the two properties remain incorrect by at least 80 cm (just under three feet).

Can you please assure me that you will be requiring the applicant to resubmit accurate drawings and once you have these you will inform me so that I can make comments. To do so without proper drawings would be like entering a hall of mirrors as there is no agreed base line as to what is accurate and what is at issue.

To consider the application without accurate drawings would be clearly represent maladministration as how would anyone be able to ascertain what actually might be agreed to or not agreed to.

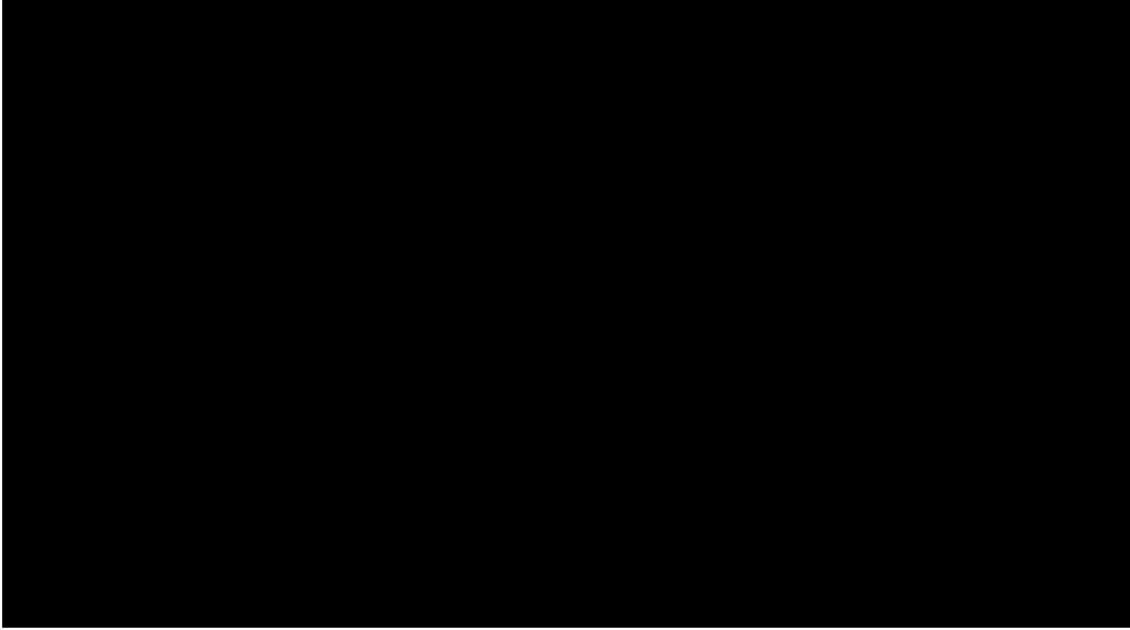
May I suggest that once you get revised drawings that you personally check them; considering they were submitted as a consequence of comments concerning the inaccuracy of the previously submitted drawings, it must be very frustrating and wasteful in time and energy for you as it certainly is for those who have bothered to make comments, to realise that the applicant continues to submit misinformation. Maybe that is because if accurate drawings were submitted the inappropriateness of the bulky extension and consequential damage to neighbours amenity would be even more evident.

I look forward to hearing from you.

Jim Monahan

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Dear Elizabeth Beaumont

Further to our phone conversation (22/12/14). On reflection and re reading the relevant correspondence, I would prefer the matter to be dealt with by your team as a formal complaint.

1 As part of the planning application for development at the above an acoustic report prepared by Clarke Saunders Associates was submitted. This purported to show that the proposed air conditioning plant would meet the Council's noise reduction standards.

2 The location of the proposed air conditioning plant is immediately adjacent to my house at 1 Colville Place with the bedroom window very close. In view of this configuration and concerns about possible noise nuisance, I commissioned Bickerdike Allen partners (BA) to carry out a noise survey, carry out noise calculations and in the light of those, review Clarke Saunders noise report. Their detailed findings and methodology are set out in their report of 28/03/14

3 The BA noise assessment report was sent to the case officer on 03/04/14 with the request that it be passed to Environmental Health (EH) and I asked to receive a copy of their response. Despite further reminders, 06/10/14, 12/10/14, and 15/12/14 no response has been received. In the course of a telephone conversation (17/12/14) I was told by the case officer that she had received no response from EH specific to the BA report

4 The penultimate paragraph of the BA report details the very serious extent to which the proposed installation fails to meet the Council's noise reduction standard (together with suggestions to mitigate the problem). It is EH's statutory duty to ensure that these identified shortcomings are addressed by the applicant and a fully compliant scheme submitted. In the alternative, if EH do not accept BA's findings, it is incumbent on them to give reasons so that I can put those to BA for the Council. In any event any queries could be discussed with BA direct.

To simply ignore the findings of BA's report as EH appear to have done would constitute serious maladministration as would the determination of the application until a fully compliant scheme is submitted. To seek to resolve the matter by means of a planning condition would be totally unprofessional in circumstances such as the present case where it is known that the proposed installation does not meet the Council's noise reduction standards and would cause serious noise nuisance

I would be grateful to receive your assurance that this application will not be determined until this matter is resolved.

Yours

Max Neufeld

Tania Skelli-Yaoz
Planning Services
LB Camden, London
WC1 H 8ND

Marc Dorfman



09-01-15

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Re: 27/29 Whitfield Street London W1 Ref: 2013/8158/P

Further Comments and Objections

Dear Ms Skelli-Yaoz,

Further to my previous comments and objections on 11/11/14 (Appendix 1 attached), please accept this additional comment and objection.

I understand that you may be considering over coming some of the objections to the impact on the setting and amenity of the next door Listed Building, (some set out in Appendix 1 to this letter), by allowing a terrace above 1 Colville Place at the application site, but preventing its actual use in order to prevent material harm to acceptable levels of privacy and amenity at the Listed Building – and in particular the terrace of 1 Colville Place. I would object to such a proposal for the following reasons:

- a) This would in my opinion be the worst type of contrived design solution. The point of having a terrace is so that occupants can have access to private amenity space. To have it but not be allowed to use it would be poor and fake design. It would indicate that the LPA and the applicant were only interested in development maximisation rather than “optimisation” as demanded by both the London Plan and the Camden LDF.
- b) Secondly it would be an unacceptable use of a planning condition, which as you know must meet the following tests:
 - i) necessary – TEST: would the permission be refused if condition not imposed
 - ii) relevant to planning and to the development proposed to be permitted – TEST: deals with planning matters and not matters under other legislation
 - iii) enforceable and precise – TEST: the LPA should be able to easily monitor and detect whether the applicant is complying
 - iv) practical, reasonable and fair – TEST: not unduly restrictive..and should not nullify the benefit of the permission

I contend that a condition preventing the use of approved private amenity space does not meet TESTs iii) and iv).

This further supports the need to refuse planning permission for the proposal at 27/29 Whitfield Street W1.

Yours faithfully

Marc Dorfman

APPENDIX 1.

Tania Skelli-Yaoz

Marc Dorfman

Planning Services

LB Camden, London

WC1 H 8ND

11-11-14

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Re: 27/29 Whitfield Street London W1 Ref: 2013/8158/P

Comments and Objections

Dear Ms Skelli-Yaoz,

I am a practising town planner. I regularly visit Fitzrovia and I have worked in that area in the past. Over the past 20 years I have been the Chief Planner at the London Boroughs of Ealing, Redbridge and most recently Haringey.

Please confirm that you are in receipt of these comments and objections and that they will be taken into account when considering the above planning application in its latest form.

Objections

1. DESIGN: The height, bulk and massing of the proposed basement, ground, 1st-3rd floors and Louver Roof extension severely compromises the architectural value of the Grade 2 Listed

Building at 1 Colville Place and the architectural and urban design context and merits of the Conservation area - particularly as the scheme relates to the corner of Colville Place and Whitfield Street and views both north and south along Whitfield Street.

2. AMENITY: The position and depth of the proposed roof terrace and the proposed height of the 2nd/3rd floors unacceptably reduce normal amenity and privacy of the external space terrace at 1 Colville Place. The last drawings that I saw the proposed scheme projects forward of the terrace at 1 Colville and overlooking would result both from terrace of the 2nd floor and the 3rd floor roof.

Justification

3. The existing building at 27/29 Whitfield ensures that the corner between Colville Place and Whitfield Street is properly "held and turned". This is done by the building's height and its render banding. This banding provides an unusual but appropriate structure for the building and breaches the difference in window opening positions of Colville and Whitfield. The proposed scheme fails to respect this important corner which needs to balance the largely homogenous Colville Place and the more eclectic, ad hoc and modern – and higher Whitfield Street. The proposed bulk and massing to Whitfield is too heavy at the 3rd floor to respect the "turning into Colville Place". It should be considerably reduced and pushed back from Colville Place or removed altogether. This will allow the strength of the corner to be maintained. Covering or obscuring the poor rear of 19 Goodge Street is no reason to fail to enhance or protect the qualities of the Conservation Area at the corner of Colville and Whitfield.
4. The clear architectural and urban design priority is Colville Place, (even without 1 Colville being Listed). Even more distant views along Whitfield Street both north and south show the basement, ground and 2 floors above, of the existing building at 27/29 Whitfield, working well for Colville and also for the generally higher Whitfield street. The strength and importance of this corner is a key element in the Conservation Area. The views along Whitfield appropriately drop down from 19 Goodge Street looking south and climb up looking north. This street rhythm adds to the character of the Conservation Area supported by the excellent pavement open space to the south of the corner whose trees provide seasonal street variety throughout the year. The proposal spoils this rhythm and makes the corner abrupt and over dominant. Being able to see sky through the trees and then at the corner with Colville is a delight.
5. The carefully designed "solid to void" ratio of the "younger" 1 Colville Place - and the placing of the window openings and horizontal decoration - relate well to the rest of the terrace. A new scheme at 27/29 Whitfield offers a real opportunity to continue this architectural relationship and produce an excellent example of architectural progression. Instead the proposal refuses to consider this and simply opens up and lengthens its existing Colville windows. No attempt is made at using inexpensive design techniques to answer the call of a new/refurbished building that sits well in this complex Conservation Area. The proposal fails

to protect or enhance the relationship to the Listed building or the good urban design characteristics of this part of the Conservation Area.

6. There is not much to say about the proposed “louver roof extension” – it is lucky it can hardly be seen from the street as it has no merit and no architectural purpose. The applicant should be guided to find a way the extra space it craves can be put to a good design use – or it should be dispensed with. In the past it was always the tradition of Camden Planning to mould good design from applicants proposals – particularly in important conservation areas.
7. In the last drawings I have seen the poor relationship of the position and height of the proposed terraces at second and third floors also causes an unacceptable loss of amenity to 1 Colville Place given that a precedent has clearly been set that no overlooking takes place on Colville Place. 1 Colville Place would expect only something similar to what exists to its west.

Yours faithfully

Marc Dorfman



