

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2015/6993/P	Dr Michelle Kohn	2 The Old Court House North End Way London NW3 7ER	06/03/2016 19:08:58	OBJLETTE R	<p>I am writing separately to my husband and our neighbours to object to this proposal, but in a different vein, as along with our solicitors, Brecher, I believe they have covered all the salient planning issues and examples of Albany Homes disregarding previous planning conditions. I am hopeful that the legal and personal arguments now being presented by us all, will spur you in to action on this occasion.</p> <p>One of the main reasons we bought our property was for the peaceful, woodland outlook it enjoys, and for a private garden that is not over-looked. This all provides a tranquil and special environment in the bustle of London. As you are aware, the rear area of the garden, within The Old Court House retaining wall, was usurped when we came to exchange on the property. Up until that point, we had all understood that the planning conditions for the development of our houses would stand, with this plot being designated as 'Communal' for us to maintain and use, along with our neighbors on either side.</p> <p>Therefore, whilst I am confident that the arguments around our listed status, the detriment to the surroundings and the heritage of the site, are enough for you to see reason for refusing this application, my concern is more around quiet enjoyment of our property and how the granting of permission to build anything on this piece of land, and indeed opening its use to the tenants of Jack Straw's Castle, would only lead to more noise and nuisance, to a change in outlook and to a substantial compromise of our privacy. All in all, this would considerably affect our quality of life and the enjoyment of our home.</p> <p>Equally, the precedent of allowing building on a piece of Open Metropolitan Land might one day encourage the developer to attempt to build something more substantial.</p> <p>We would therefore greatly appreciate your swift action now, to please draw the line and refuse this application.</p> <p>Yours sincerely, Dr Michelle Kohn FRCP 2, The Old Court House NW3 7R</p>

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2015/6993/P	Jason Bartfeld QC	3 The Old Court House NW3 7ER	05/03/2016 10:05:30	OBJLETTE R	We have had sight of the objection lodged by Breachers LLP on behalf of the Old Court House (London) Management Company Limited. We echo and endorse the contents of that letter of objection and ask that this letter be read in conjunction with it.

History and intended use of the rear of the Old Court House estate

When the Old Court House was developed from its previous incarnation as a single property with a single ancient estate, Albany Homes hived off a portion of that ancient estate to the rear and annexed it (in terms of ownership) to Jack Straw's Castle.

This appears to be contrary to the Planning Consent then granted, in which the area to the rear appears as common land retained within the Old Court House Estate (as would be only sensible, proper and within the Council's planning guidelines as well as those pertaining more generally to Listed Buildings and their ancient estates). Whilst Albany retained ownership of the land, it is our contention that it can only (in keeping with the consent granted) lawfully be used for the benefit of the Old Court House and not for any adjoining property (or for development). That was the clear and unequivocal basis upon which consent for the Old Court House development was given to Albany Homes (Barry Angel).

The applicant, Albany Homes (Barry Angel), has consistently failed to comply with the terms of the approved planting schedule, landscaping scheme and layout comprised in the variation application 2006/1617/P, which required the communal area to be landscaped for the enjoyment of the owners of numbers 1, 2 and 3 The Old Court House.

Subsequently the Applicant inserted a gate into the ancient wall that divided the Old Court House estate from the garden of the mews house at number 8 Jack Straw's Castle without planning permission or listed buildings consent. These were granted retrospectively (2008/0723/P). On the basis of assurances given by the Applicant to our neighbour at House 1 Old Court House (that the sole purpose of the gate was to provide access so that the upkeep of the land at the rear of our garden could (finally) be undertaken on a regular basis) we did not object. In retrospect we were foolish to rely on any assurances by the Applicant, whose word on this and other issues surrounding our property has consistently proven worthless.

Very recently, Albany homes erected a significant wooden structure (for all purposes identical to that proposed in this application) in the annexed area to the rear. They had no Planning Consent to do so (and this is in the estate of a Listed Building). They had (as is the case again here) conducted no pre-application consultation. They were rightly ordered to remove the structure. I note, however, that if they had thought that an application for such a structure was sustainable then Albany would have that stage made a retrospective application. They did not.

Specific Objections:

1. The site address is given in the application as Jack Straw's Castle. This is wholly and deliberately misleading. The proposed site is within the curtilage of the Old Court House estate. The

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mis-description of the site is not accidental. It is an attempt to distract the Committee from the letter and purpose of the permission granted to the Applicant when he re-developed the Old Court House.

2. This application is in direct contradiction to the existing consent, which was granted on the basis of a similar structure in the same position (but apparently smaller) being removed. It would be perverse for consent to be given in such a situation.

3. This application is in direct contradiction to the existing consent, which required the communal area to be landscaped for the enjoyment of the owners of numbers 1, 2 and 3 The Old Court House.

4. This is no more than a contrived device as a preliminary stage to an attempt to develop the retained land, which Albany has previously undertaken not to do. There is no other possible explanation, use nor need for this structure. The proposed structure serves no purpose, save as a pre-cursor to a more extensive (and wholly inappropriate) application to develop this (or neighbouring) land for residential use. Any attempt at development on that piece of land would be wholly inappropriate.

5. The application is submitted on the basis that the proposed structure is for the benefit of the mews house at 8 Jack Straw's Castle. However, there is a deep recess and retaining wall between that property and the proposed structure, such that no realistic or practical use could be made by the tenants of that property of the proposed structure for storage. Further, if the tenants of that property wished to have a shed, it would be sensible and practical for it to be situated in the garden to the rear of their property. The reality, when one looks at the actual layout, is that the claimed use for the benefit of 8 Jack Straw's Castle is a sham and designed to mask the true intentions of the Applicant.

6. The above assertion is conclusively demonstrated when one considers the route of access proposed in the application, through the fence to the very rear of the old Court House Estate that leads directly onto Hampstead Heath. There is no access via this route to 8 Jack Straw's Castle, save for going all the way (approximately 500m) round to the front of the building and through the front door of the property (which would be absurd).

7. The Application falsely asserts that the site is not vacant. This is a gross misrepresentation. The site is in the open and empty garden of the Old Court House that is wholly separate (by way of an ancient dividing wall between the two estates) from Jack Straw's Castle.

8. The Application Type is for a 'Residential Extension'. This building can in no way be habitable.

9. The Application addresses neither the formalities of nor the additional requirements imposed by the site's location within the curtilage of a listed building.

10. The proposed structure would be an eyesore. Notwithstanding that the submitted drawings are very poor, omit one elevation and do not illustrate the entrance to the building, it is clear both that it is not in keeping with the spirit or intent of the history of planning consent for this site and that it is not in

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					<p>keeping with the ancient Old Court House Estate. The visible wall directly facing our properties will be the highest and most unsightly one.</p> <p>11. The plans provided are grossly misleading in terms of the assessment of visual impact. They purport to show two wide span (3-4m) trees to the centre of the parcel of land. No such trees exist.</p> <p>12. The consent sought is no more than a cynical device by a property developer to circumvent the policy and early decision of the planning authority. Such similar devices, aimed at permitting development on small patches of garden / open or common land, historically have been unfailingly and properly rejected by the Council as contrary to policy.</p> <p>We note you Policy DP25 'Conserving Camden's Heritage' of the Camden Development Policies 2010-2025 where it states:</p> <p>"Conservation Areas - In order to maintain the character of Camden's conservation areas, the Council will:</p> <p>a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;</p> <p>b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;</p> <p>There is absolutely nothing in this application that either preserves or enhances the character and appearance of the area. In fact the converse is true.</p> <p>We object in the strongest terms to this misguided and cynical application and ask that you reject it in strong and unequivocal terms.</p>

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2015/6993/P	Michael da Costa	2 The Old Court House North End Way London NW3 7ER	06/03/2016 19:13:10	OBJLETTE R	<p>I am the owner and occupier of 2, The Old Court House, North End Way, a Grade II listed property situated in the Hampstead Heath Conservation Area. My rear garden directly adjoins the proposed Development, which is within The Old Court House Estate and which the above application refers to. I understand that you have received an objection with legal opinion from Brecher & Co Solicitors (a copy of which I also include), whom I and my neighbours have jointly instructed to advise on our rights in this matter, and if necessary to represent us in any hearing or action. I also gather that Wesley Fongenie, from their office has spoken to you about this matter in more detail and expressed our deep concerns.</p> <p>I am now writing to object to the above planning application in the strongest possible terms, citing more personal reasons, such as the peaceful use and occupancy of our property, as envisaged when we first purchased it from Albany Homes and Barry Angel, with their assurances that such a development would never be considered.</p> <p>We are equally incredulous that having been instructed to remove a similar, if not the same, large, unsightly shed from this exact same spot only last year, they are attempting to again! Their assurances are misleading when you consider what they intend to reconstruct, as shown in the picture enclosed also.</p> <p>This time, and even more worryingly for us, they are applying on behalf of their tenant at House 8, Jack Straw's Castle, so in effect intending to combine this part of an historic estate with an adjoining, but unrelated listed building. We know for a fact from comments made that this is the first step of a grander plan to create a precedent in order to replace, what is in effect a temporary structure in the form of a shed, with a more substantial dwelling in time.</p> <p>I understand, in a loose moment, Mr. Angel expressed his intention to demolish the ancient wall between The Old Court House and Jack Straw's Castle, almost certainly without permission, which owing to its age and beauty would be sacrilegious. He should be warned by your office that this would be illegal with associated consequences.</p> <p>This application begs the question, 'why they need to put up such a sizeable outbuilding?' One could only presume for gardening equipment, but surely a suitable size alternative could neatly fit within the long, deep garden of house No 8 itself?..... We know the answer, which is why we have no intention of sitting idly by whilst Mr. Angel once again flouts Camden's planning regulations, which Brecher have laid out very clearly for us.</p> <p>Not only does The Old Court House lie within the Hampstead Heath Conservation Area and is designated as Metropolitan Open Land, but is regarded as a historical landmark, alongside Jack Straw's Castle and The Spaniard's Inn, for this reason the integrity of each property needs to be maintained, especially in relationship to the unique woodlands that surround them. So there are surely sufficient reasons on heritage grounds alone for the Council to refuse this application?</p> <p>When considering whether to grant planning permission for a development, which affects a listed building or its setting, the Local Planning Authority is required to have special regard to the preserving or enhancing the setting of the listed building. The proposed development completely blights the setting of the listed building due to its size, height and scale. Additionally, the plans provided do not show accurately that it is almost impossible to open a door on the only open side, owing to the narrowness of the adjacent pathway. One must then question what this building is intended to be used for? Hardly a simple garden shed for a few useful tools for maintaining the open space!</p>

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The area in which the proposed development is situated is within the Curtilage of our listed building and as can be seen from the enclosed photograph, when a similar 'Shed' was erected without permission only last year, the sense of space enjoyed by us and the adjacent properties was materially and detrimentally compromised. Only after complaints by us to some sympathetic Camden Councilors, did your colleagues rightly instruct this to be deconstructed and removed, the latter yet to happen, so I can see no logical reason at all why you might consider going back on this decision by approving the application currently before you?

As you probably gathered from Brecher's recounting the history of this rear piece of land, since we purchased our houses in December 2006, it has been contentious with Barry Angel, the developer, and his company, Albany properties disregarding the initial planning consent conditions, which was accompanied by a Landscape Statement that contained an indicative planting schedule and confirmed that the application site was to be retained as communal open space. This states clearly that "the landscape proposals will provide for a comfortable transition from private to communal open space and will respect the existing historical importance and character of the site".

This never happened, and if you have visited the site, you will see an area of unkept grass and foliage, which is a breeding ground for Water Rats from Whitestone Pond. Indeed we retain Rentokil to lay poison to rid the area of some sizeable rodents, but again owing to the introduction of an illegal fence they can only cover to the perimeter of our land, allowing free roaming for these animals to breed and live in seclusion! We can provide documentary reports to corroborate this fact.

All along impressive and detailed planting plans have been submitted, the current being no exception, which I also enclose..... Sadly Albany never install these 'indicative' schemes, just leaving long grass and wild scrubland till we threaten to call in your Council and then a gardener comes with a Flymo and crudely cuts the grass!

To repeat the correspondence at the time of the original planning application, quoted in Brecher's statement:

"The current proposals are the result of negotiations with the applicants to provide a satisfactory layout and planting of the surrounding gardens which is appropriate to the setting of the listed building and the relationship to the site to Hampstead Heath. The principle concern was the division of the lawn area closest to the rear of the house into three separate compartments. Earlier proposals failed to maintain the integrity of this space and its role in proving the setting of the building. It is considered that the current proposals provide a satisfactory means of maintaining the integrity of the space and its relation to the building. The detailed planting design is also considered to be satisfactory in terms of its relation to the building and its relationship to the Heath by providing a defined and appropriate degree of structure within the gardens and additional screening to views from the Heath. The planting is also considered to be a reasonable proportion of planting which will enhance the biodiversity of the site..."

The applicant is clearly in breach of the planning condition relating to the implementation of the approved landscape scheme, as well as for dividing off this piece of land, and the Council should take

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					<p data-bbox="1099 132 2063 188">enforcement action to remedy these breaches, which with the assistance of our lawyers we now have every intention of pursuing.</p> <p data-bbox="1099 228 2085 379">There is no possible explanation, use or need for the proposed structure and since the applicant has a track record of carrying out developments without planning permission, flouting the conditions of previous consents and circumventing planning policy evidenced by the garden gate, which he installed without planning permission in early 2008 for which he then applied for retrospective permission, even though we collectively objected to it!</p> <p data-bbox="1099 419 2085 569">In the circumstances, it is our view that the application should be refused on so many levels and with the assistance of Brecher & Co we intend to take all action necessary to ensure that no building on this land or demolition of the Ancient wall dividing our properties will ever take place. We look to Camden Council Planning Authority to uphold what has previously been acknowledged of considerable importance to the integrity of this space and the heritage of this corner of Hampstead.</p>
