

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/0397/P	Stuart R Fletcher	3 Crabtree Whitfield Street London W1T 2AT	25/05/2016 14:13:12	OBJ	<p>Attention Samir Benmbarek</p> <p>Dear Samir,</p> <p>Planning Application for 38 Windmill St. 2016/0397/P</p> <p>I write to object to the Planning Application for 38 Windmill St.</p> <p>I am the owner/occupier of 3 Crabtree Place, Whitfield Street, London W1T 2AT and am in receipt of your planning application consultation letter dated 9 May, 2016.</p> <p>Although the application is for an amendment, I am within my rights to comment on the entire development as (a) the developer has sought a material revision to the original application and (b) I was not in occupation at the time of the original planning application and (c) the developer has failed to comply with some of the conditions of the 2011 permission and building work has ceased for at least the past 12 months.</p> <p>My objections relate to both applications referred above.</p> <p>The development of this site in the manner being undertaken causes significant concern regarding amenity and privacy for properties in Crabtree Place. In the central part of the development, which is the main area of concern, the rear (west) extension comes to within 5m of the principal walls of adjacent properties (numbers 5,6,7 in particular) in Crabtree Place . Windows on the first and second floors are of a size and height which means bedrooms of the neighbouring Crabtree properties are directly overlooked. In addition, once occupied, there will be substantial risk of noise pollution. The developer has failed to comply with the mitigation measures set as conditions of planning, namely:</p> <ol style="list-style-type: none"> 1. The 1.8m obscure screen on the first floor terrace has not been installed. Although it may help with privacy, the erection of such a screen will cause occupants of Crabtree properties to look straight at a solid barrier, thereby reducing space and amenity value even more. 2. The second floor windows have not been obscure glazed and are all opening units. The planning conditions required that these were acid etched on their lower portion and fixed shut to 1.8m internal height. <p>I believe that while some rear extension would be acceptable and could have improved the aesthetics of the building, it should not have been permitted to come so close to our property in the centre section. Your best practice guidance states there should be 18m between the closest points of two principal walls, it also recognises bedrooms to be amongst the most sensitive rooms when determining impact on privacy.</p> <p>For the same reasons of amenity and privacy, I believe the window positioning needs to be changed especially on the second floor level in order that these are not directly in line with those of the Crabtree Place properties. Privacy protection measures should be defined for the third floor windows and set as a planning condition. Use of the terrace area should be prohibited unless it is more than, say 15m, of the</p>

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Crabtree properties. The current first floor terrace is, in my view, unfit for use due to the proximity to principal walls of Crabtree properties.

The form of development at the rear southern end is more acceptable. Greater space has been left and the development is stepped back at higher levels reducing the feeling of encroachment.

As the development in its current form contravenes your planning guidance to protect amenity and privacy and the developer shows complete disregard to planning conditions, I believe the planners should require the rear extension to be reduced in depth to leave distance more akin to 18m between properties. Suitable mitigation conditions could then be redefined, as necessary, to protect privacy for all residents.

Whilst the direct consequence to my property at 3 Crabtree Place is more limited I am objecting in strong and detailed terms with regard to the existing development (which, to repeat, contravenes the original planning permission requirements) and the new planning permission. I do so because the loss of amenity is, in my view, an issue for the whole of the Crabtree Place development and also out of a material, and I think substantiated, concern about precedence which may then more directly impact my property and further the whole of Crabtree Place.

I hope that you will now make timely and substantive interventions in relation to this development in its current non-compliant with planning permission state and proposed future form so as to protect the interests and needs of all.

Yours sincerely,

Stuart R. Fletcher

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2016/0397/P	Richard Sykes & Tina Trickett	6 Crabtree Place Whitfield Street London W1T 2 AT	25/05/2016 08:11:39	OBJLETTE R	Development Management Camden Town Hall Judd Street LONDON WC1H 9JE 24 May 2016 For the attention of: Samir Benmbarek

Dear Samir

RE: Planning Application 2016/0397/P - objection

We provide comments below as part of the statutory consultation for the above planning application for development located at 38 Windmill Street (referred hereafter as the "subject property"). We are the owners/occupiers of 6 Crabtree Place which is immediately behind the subject property.

We recognise that the current proposal is a revision to the 2010 application which was granted subject to conditions (5 May 2011). However our property was under construction at that time and therefore we could not comment at the time of the 2010 application. Now that a material revision to the planning permission has been sought, we are within our rights as consultees to challenge the entire development.

We object to proposed development, in the form it has taken, applied for under 2016/0397/P and the one on which it fundamentally depends 2010/5167/P. We have set out the basis for our objection below.

In summary:

Firstly, the principal wall of the rear extension, permitted in 2010 which is integral to the 2016 planning application, comes within 5m of the principal wall of our property. Your own planning guidance is for 18m between buildings. The development is considered to be inappropriate in such a confined space and presents material encroachment on our privacy and reduces amenity value through loss of light, visual intrusion and noise pollution. The objection of "over development which would be detrimental to the amenity of adjoining occupiers" was made by the Charlotte Street Community Association in 2010 to the two- bedroom development proposal.

Secondly, the developer has failed to comply with the planning conditions which were imposed on their 2010 application to protect our interests in particular privacy. Although we believe that some of these measures are inadequate due to the close proximity and direct view into our bedrooms, it is pertinent to the new proposal that the developer has proceeded in breach of the conditions.

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Thirdly, a strong factor supporting the 2011 Planning Decision was noted in the Planning Officer's report (undated): "although it only provides one size of unit, it does provide housing identified as very high priority" under DP5. The same basis cannot be applied to an entire 3 bedroom development which will cause loss of high priority units. It is interesting that a revised application for such a change has been submitted within 5 years. It raises the distinct possibility that a more politically acceptable proposal was made to secure permission for change of use.

In our view, it is unsuitable that such a large rear extension to the subject property was ever permitted. Conversion to modernised commercial space would have retained the historic tradition of the building, improved the external appearance and not led to the intrusion into the light, space and general amenity standard of neighbouring property. Alternatively, conversion to residential use could have been achieved within the original external walls or with more limited western extension (as can be seen at the southern end of the development).

These points are explained further and supported with more detail below.

Detailed comments:

(1) Loss of privacy and amenity resulting from material deviation from Camden's planning guidance

We believe that the scale of the western (rear) extension should not have been permitted. A smaller rear extension could have been viable and would have served to improve the aesthetics of the building. As a result of the extension now made, the principal windows between the subject property and ours, which include our bedroom windows, are only 5m apart. This is less than one third of Camden's good practice distance of 18m. Although mitigation conditions were imposed in the planning decision in 2011 (see below) there is nothing that will avoid our loss of amenity over such a limited horizontal and vertical distance. We believe the only options are to:

- Reduce the depth of the rear extension to achieve greater distance (using 18m as a firm reference point) between the proposed property and rear of Crabtree Place.
- Prevent use of the existing first floor terrace except for emergency use.
- Alter window positions where they align to ours to avoid direct view.
- Require acid etching in all rear windows if they continue to overlook our property.

The erection of a 1.8m screen on the first floor terrace was set as a condition in 2011. Although well intentioned, it will, in itself, cause further loss of amenity as it will form a solid barrier 5m from our bedroom windows. A screen will not be effective in addressing noise pollution resulting from use of the terrace.

(2) Failure to comply with existing planning conditions intended to protect our loss of privacy and

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amenity

The planning conditions set in May 2011 on the 2010 proposal sought to mitigate the impact of loss of privacy and amenity suffered by our property. However these have not been met by the developer, most notably:

At the first floor level an obscure glass screen should have been erected behind the wooden railings to a height of 1.8m (Ref 6.25 of the Planning Officers Report). This has not yet been done.

The windows at second floor level had to be obscure glazed on their lower portion (Ref 6.26 of the Planning Officers Report). However Condition 5 of the Planning Decision is more onerous stating that second floor windows "shall be obscure glazed and fixed shut to an internal height of 1.8m prior to the first occupation of Flat 4. The windows shall be permanently retained and maintained as such thereafter.". The second floor windows are all normal glazing and are opening units. (Flat 4 occupied the length of the extension at the rear second floor level in the 2010 proposal.)

The failure to meet these conditions provides strong and absolute basis for objection as the developer is in direct contravention of legal requirements and shows complete disrespect for neighbours. In addition the situation also demands proper and immediate enforcement by the Planning Authority as the current building is not in compliance and existing approved development should not continue without full rectification.

(3) Contravention of Camden Planning policy - loss of high priority need housing

We recognise that national planning law and policy favours conversion of commercial to residential use, assuming the residential units comprise 2 bedroom accommodation (attention to this policy position is included in the Planning Officer's Report for the 2010 proposal). This is a commendable principle to aid use of existing built space but demands careful application as loss of commercial space can erode the sustainability of an area/community. However, in our opinion, this developer is working in contravention of the basic fundamentals and spirit of planning law to over-develop this site. This opinion is supported by the consistent way the developer has approached this project since 2010:

Planning permission for 6 units of two bedroom accommodation was granted in May 2011, this happened just ahead of our development being marketed. The developer would have known that risk of neighbour objection to their proposals would be significant once any part of Crabtree Place was sold.

Despite planning permission being granted and good market conditions prevailing, no development work started until 2014 - right on the 3 year deadline set through planning. Had the application been made closer to start of works, there would be undoubted neighbour objection as there is now.

Construction work in 2014 was intense, however there has been no visible work undertaken in the last 12 months. Internal walls and floors are missing, windows have been left open. Stopping of works and keeping a property vacant is usually an expensive and undesirable position for any building project, let

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					<p>alone a housing development project in central London.</p> <p>In light of the amendment planning application now seen, we believe there is compelling evidence that the developer always intended to try to achieve a three bedroom development. They have worked in a deliberate and manipulative way to try and secure this goal through a series of contrived steps. The key step was securing change of use permission with a politically appealing proposal in 2010; they have done the minimum work to keep the permission valid before revising their proposal.</p> <p>We would be pleased to discuss any of these matters with and invite you to come to our property to observe the situation. We will write a separate letter to lodge our complaint regarding non- compliance with the planning conditions on the existing development.</p> <p>Yours sincerely</p> <p>Richard Sykes and Tina Trickett</p>
2016/0397/P	Lloyd and Caroline whiteley	7 crabtree place Whitfield st London W1t 2 at	26/05/2016 18:04:29	OBJ	<p>Desopite this application being an amendment we are entitled to comment as we were not in residence when the original application was submitted, they are material revisions and there is non compliance with the conditions of the original application. We object to the change of use on the grounds that there is a privacy issue as the windows look directly into the first and second floor bedrooms in our house. I am concerned that the original permission has not been followed as I had understood that the windows were not supposed to align with those of the bedrooms at the back of crabtree place and was supposed to have opaque glass and be non opening. In addition I had understood that the screen on the balcony was to be opaque to provide privacy. In accordance with your best practice guidelines, there should be 18m between the closest points of the two principal walls. I don't believe this to be the case. The construction of what is there already needs to be checked to ensure it is in line with your guidelines and the permission given. Some rear extension is reasonable but it has been permitted to come very close to our property. Residential use of the current construction would seriously impact our privacy in our bedrooms and in particular the terrace is unfit for use as it is so close to our property. We believe the whole project should be reviewed in accordance with your distance guidelines and in the interests of reasonable privacy.</p>
2016/0397/P	Lloyd and Caroline whiteley	7 crabtree place Whitfield st London W1t 2 at	26/05/2016 18:04:19	OBJ	

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2016/0397/P	John Westwell	Flat 2b 41-42 Windmill Street London W1T 2JZ	30/05/2016 19:55:44	OBJEMPER	<p>I oppose the application because:</p> <ul style="list-style-type: none"> a) it will change the historic mixed-usage nature of this street; b) it will increase the expensive "yuppification" of the street and the area, and c) there is no evidence that any affordable housing will be created from this proposal. <p>These will be luxury flats for rent or sale to rich people who will at best only be part-time residents of the area.</p> <p>I note that the work already completed to the rear of the building at No 38 Windmill Street to create these new flats has left residents of the flats next door at 41-42 Windmill Street with a loss of the natural light they had enjoyed for the previous for the previous 32 years.</p> <p>In the course of the building works and extension to the rear of No 38 the fire escape for 41-42 Windmill Street has been removed and not replaced.</p>

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2016/0397/P	J D Fitz	J D Fitz 4 Crabtree Place Whitfield Street London W1T 2AT	27/05/2016 15:09:11	OBJLETTE R	<p>We write to object to the Planning Application for 38 Windmill St.</p> <p>Context:</p> <p>Our company, Crabtree Freehold Limited, is the holder of the freehold pertaining to 7 – 15 Whitfield Street, London W1T 2AT (the “Freehold”). The Freehold includes the freehold of the addresses 1 – 10 Crabtree Place, London W1T 2AT.</p> <p>The Applicant’s property abuts the Freehold and directly overlooks a number of homes in Crabtree Place.</p> <p>Comments on the Application:</p> <p>Although the application is for an amendment, we are within our rights to comment on the entire development as (a) the developer has sought a material revision to the original application and (b) we were not in occupation at the time of the original planning application and (c) the developer has failed to comply with some of the conditions of the 2011 permission and building work has stopped since at least 12 months ago. Our objections relate to both applications referred above.</p> <p>The development of this site in the manner being undertaken causes significant loss of amenity and privacy for our properties. In the central part of the development, which is the main area of concern, the rear (west) extension comes to within 5m of our principal walls. Windows on the first and second floors of the Applicant’s development are of a size and height which means our residents’ bedrooms are directly overlooked.</p> <p>Once occupied, there will be substantial risk of noise pollution.</p> <p>Applicant’s Disregard of existing Planning Permissions:</p> <p>The Council will note that the Applicant has failed to comply with the mitigation measures set as conditions of planning, namely:</p> <ol style="list-style-type: none"> 1. The Applicant has not installed the stipulated 1.8m obscure screen on the first floor terrace. Although it may help with privacy, the erection of the screen will cause our affected residents to look straight at a solid barrier, thereby reducing space and amenity value even more. 2. The Applicant has not installed the required second floor windows. To be precise, those windows are not obscure glazed and are all opening units. The planning conditions required that these be acid etched on their lower portion and fixed shut to 1.8m internal height. <p>We believe that while some rear extension would be acceptable and could have improved the aesthetics of the building, the Applicant should not have been permitted to come so close to our property in the centre section. Your best practice guidance states there should be 18m between the closest points of two principal walls. Your guidance also recognises bedrooms to be amongst the most sensitive rooms</p>

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when determining impact on privacy.

For the same reasons of amenity and privacy, we believe the window positioning at Applicant's development needs to be changed especially on the second floor level in order that these are not directly in line with our residents' own. We also invite the Council to stipulate privacy protection measures for the third floor windows and set as a planning condition. Use of the terrace area should be prohibited unless it is more than, say 15m, of our property. The current first floor terrace is, in our view, unfit for use due to the proximity to our principal wall.

The form of development at the rear southern end is more acceptable. Greater space has been left and the development is stepped back at higher levels reducing the feeling of encroachment.

As the development in its current form contravenes your planning guidance to protect amenity and privacy and the developer shows complete disregard to planning conditions, we believe the planners should require the rear extension to be reduced in depth to leave distance more akin to 18m between properties. Suitable mitigation conditions could then be redefined, as necessary, to protect privacy for all residents.

We hope that you will now make a full and proper intervention in relation to this development to protect the interests and needs of all.

Yours sincerely

J D Fitz, Director

Cc: Richard Sykes and Andrew Woods
