

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/0372/P	Chris McWatters	135 Torriano Avenue London NW5 2RX	28/06/2016 18:51:57	OBJ	Submissions by Chris McWatters Joint owner of 135 Torriano Avenue NW5 2RX

#### Introduction

The application is opposed on the grounds that it would be unlawful to do so, in light of the appeal decision of 25th November 2015 and Court of Appeal case law referred to below in respect of privacy. It is also opposed on grounds of overcrowding, parking, the likelihood that the building will not comply with the design as per the application as a terraced house, as well as concerns of possible damage inflicted to 135 Torriano Avenue. All these grounds are developed below.

#### Privacy

1. The London Borough of Camden (LBC) will be aware of the decision of Christa Masters, of 25th November 2015, dismissing the appeal of the current applicant in respect 101 Brecknock Road (now re named as 137 Torriano Avenue)

The appeal highlighted 4 issues -

Firstly, the effect of the proposal on the living conditions of:

? (a) the existing and future occupiers of 135 Torriano Avenue with reference to overlooking and loss of privacy ;? (b) other residents in terms of noise and disturbance associated with the loss of the beer garden and the effect on on street activity; ?

Secondly, the effect of the proposal on the long term retention of the public house, recognised by development plan policies as a community facility. Finally, the effect of the proposal on the character and appearance of the area.

The Inspector concluded:

16. I therefore conclude the proposal would have an unacceptable impact on the existing and future occupiers of No 135 in terms of overlooking and loss of privacy. Such is the degree of harm in relation to this matter, I am dismissing the appeal on this issue alone. Accordingly, the proposal would fail to accord with policy CS5 of the Core Strategy (CS) 2010 and in particular part (d) which seeks to, amongst other things, protect the amenity and quality of life of local communities. ?

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2016/0372/P	Chris McWatters	135 Torriano Avenue London NW5 2RX	28/06/2016 18:51:41	OBJ	Submissions by Chris McWatters Joint owner of 135 Torriano Avenue NW5 2RX

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Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/0372/P	Vanora Bennett	135 Torriano Avenue London NW5 2RX	28/06/2016 18:32:32	OBJ	Re: Camden Planning application 2016/0372/P

I wish to register several objections to the latest application for planning permission to construct two new houses at the address now provisionally called 137 Torriano Avenue, the site that has been known and used as a garden for The Leighton Arms pub for well over a century. An earlier application, filed under the different address of 101 Brecknock Road, was rejected early last year and at appeal later last year.

Firstly I believe the proposed development will threaten the privacy of our property by overlooking our garden and house, just as the previous rejected development by a different name did. The design has been changed this time round by the developer, to make the windows partly frosted, but these windows can easily be changed by whoever would buy the house, so do not solve the problem of privacy and overlooking – it is also easy to see this would create a future of difficult neighbourly relations. Even if the windows are not changed, the fact that they can open means it hardly matters what kind of glass there is in them. The overlooking/privacy issue is still there.

Secondly, I am horrified to read that Thames Water has done an investigation and concluded (in a letter of 8 June on your website) that the sewage arrangements currently in place are not adequate to accommodate this application. They say the development as it stands could lead to sewage flooding. To stop this happening they recommend planning permission is not granted unless a “Grampian Style” condition is imposed – “development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.” I am not aware of any such permission being sought or granted. Is this plan/permission pending? Is the proper work being done? I would very much like assurance that the council will not grant permission to soak my house and garden in next door’s sewage unless this is very carefully seen to.

Thirdly, there are issues of trust.

The fact that the developer has quietly gone and got a different address for this second application, granted him through a series of slips and errors made by various people who it appears have subsequently left different offices in Camden, allowing him to make a second application using a different address from before, means that some of the unresolved issues from last time round have not been addressed this time either. It is therefore hard for neighbours who feel deceived to trust that the earlier round of promises will be honoured. In the last application, for instance, (twin applications, firstly to build an extra floor on top of the pub building, secondly to build two four-storey houses in the pub garden) the developer promised that the pub would be preserved and the large tree in the backyard too. That was last year. This year, with another address and another application, we see that the pub has been shut down and the tree has been cut down, without any warning to neighbours, and the roots pulled out although this is likely to prompt subsidence and cracking in the neighbouring houses and can only be called an unfriendly act. Should we therefore trust that the promise that Camden recommended

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					<p>he make last time, not to seek parking permits for the two extra houses he wants to build, will be honoured this time round? That doesn't seem to be in this application at all, yet there is still no room on the street for two more houses's worth of parking spaces, which the pub never had.</p> <p>Another issue of trust arises from the way we found out about this application: by the developer sending in a bulldozer to dig the footprint of two houses in the former pub garden a month or two ago. His team cracked the front of our house. We had no idea why he was digging since we were not aware of any new application under the address we were expecting and there was definitely no party wall agreement since we were unaware of any attempt to seek new permission. It then emerged that a planning process under a new address (which had never existed) had happened but all the letters to the Torriano Avenue neighbours, who had protested last time, had gone missing and not reached us, and the public notices about the planning process posted round the corner and unnoticed by all the neighbours too; the council then asked the developer to stop what he called "exploratory work" and seek a party wall agreement. Fortunately after we all found out and complained the council planning department also extended the consultation period to this week so we could belatedly participate.</p> <p>But our attempts through surveyors to get a party wall agreement with the developer – something we would very much want if the application were to be successful, as protection, as we are quite scared of the roller-coaster way this story has developed so far – have been met with letters from the developer's surveyor saying that there is no need for a party wall agreement and offering us £5000 to agree to do without one. The developer has told other neighbours that he can construct the houses without a party wall agreement by leaving a small gap between houses. This will mean that the two proposed houses will have to be even smaller and more cramped than was originally envisaged, and seems to me to mean that they will need to be redesigned.</p> <p>Last year there was a long-standing disagreement over the developer's insistence that the pub garden was suddenly a "brownfield site", even though it had been a pub garden for half a century and he hadn't applied for a change of use so he could then apply for permission to build. Has he now obtained that change of use as a basis for applying for planning permission to build on the land? I see no evidence of it. If so, I believe he needs to apply for change of use before he can apply to build on it.</p>
2016/0372/P	Sara Jolly	126A Torriano Avenue NW5 2RY NW5 2RY NW5 2RY	28/06/2016 09:30:14	COMMNT	Thames Water considers that extra houses will cause sewage and water run off problems. Building of 2 houses plus 6 flats over pub is over-development. I object to the loss of a small open space in a densely built up area. I note that a sycamore tree which was included in plans has already been cut down. Proposed houses shoehorned into that space will be out of character with rest of street and cause lack of light and lack of privacy to near or opposite houses. The area is already subject to subsidence and further intensive building is unwise.

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2016/0372/P	Tim McIntyre	103 B Brecknock Road London N7 0DA	28/06/2016 17:36:32	OBJ	<p>I would like to register my objection to this application as I believe the construction of these houses will impact on the amount of daylight my property receives. I do not believe this has been properly assessed in the daylight analysis.</p> <p>I also believe the windows at the rear of the properties will overlook onto my balcony and garden affecting my privacy.</p> <p>I am also concerned about the possible effect of subsidence on my property as a result of the sycamore tree having been removed.</p>

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2016/0372/P	Chris McWatters	135 Torriano Avenue London NW5 2RX	28/06/2016 19:07:00	OBJ	Submissions by Chris McWatters Joint owner of 135 Torriano Avenue NW5 2RX

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2016/0372/P	chris mcwatters	135 Torriano Avenue London NW5 2RX	28/06/2016 19:10:27	OBJ
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2016/0372/P	Chris McWatters	135 Torriano Avenue London NW5 2RX	28/06/2016 18:52:15	OBJ	Submissions by Chris McWatters Joint owner of 135 Torriano Avenue NW5 2RX

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