

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/5105/P	Jason & Annabel Bartfeld	3 The Old Court House North End Way	06/10/2016 08:34:11	OBJLETTE R	Kate Phillips Regeneration and Planning Development Management London Borough of Camden Town Hall Judd Street London WC1H 8ND

Dear Ms Phillips,

Application number 2016/5015/P – FORMAL OBJECTION

We are dismayed to see a sequential planning application lodged for the land to the rear of our home. As you will no doubt be familiar, it is a tactic regularly deployed by developers to lodge sequential and ever more elaborate applications in the hope that the local residents will not notice and fail to object. Each of the points that we raised in June in relation to the previous application (copied below) remain valid, and we repeat them in relation to the current unnecessary, mischievous and factually misleading application that Albany Homes now make.

We note in particular that the application FALSELY asserts that:

1. The site is not currently vacant. This is empty garden land separated by an ancient brick wall from any residential property owned by the Applicant.
2. That the site is currently C3 Residential. It is not. It is garden land that was hived off (without planning consent) when the Old Court House was re-developed by the Applicant.

We very much hope that this, and all future attempts to expand on the current planning are refused. Further, we hope and expect that the Committee will, if they feel constrained to entertain this application, limit the terms of any planning strictly to the stated use, i.e. “the storage of gardening tools”.

Jason & Annabel Bartfeld

22nd June 2016

Dear Ms Phillips
The Old Court House, North End Way, London NW3 7ES (“the Property”)
Proposal: Erection of single storey timber outbuilding (“the Development”) -2015/6993/P

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We have had sight of the objection lodged by Breachers LLP on behalf of the Old Court House (London) Management Company Limited and that of Michael Da Costa. 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.

We now have had sight of the revised application. Whilst the structure proposed is smaller, the revised application addresses none of the issues and specific objections raised.

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In particular:

1. The site address is given in the application is now listed as Old Court House, although the Jack Straw's Castle postcode is still used. This is wholly and deliberately misleading. The proposed site is within the curtilage of the Old Court House estate. The 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. There is no reason to reverse this, and to do so would be perverse.
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 suggestion that this structure would be used for the benefit of the neighbouring mews house at Jack Straw's Castle is deliberately misleading and absurd. The structure proposed is far larger than would be required to store a lawnmower and gardening tools commensurate with the size of the mews house garden. In the 9 years that we have lived in our home, we have never observed any significant gardening by the occupiers of that property. The tenants of that property, with whom we have a good relationship, have never approached us and suggested that they need such storage space. There are existing structures within the mews house garden (plastic and not overly attractive) already in place and eminently suitable for storing tools. 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 (on the part of the owner rather than the occupier of the mews house) and designed to mask the true intentions of the Applicant.
6. 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.
7. The above assertion is conclusively demonstrated when one considers the route of access proposed

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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).

8. 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.

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

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

11. 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 keeping with the ancient Old Court House Estate. The visible wall directly facing our properties will be the highest and most unsightly one.

12. 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.

13. 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 unflinching and properly rejected by the Council as contrary to policy.

We note you Policy DP25 'Conserving Camden's Heritage of the Camden Development Policies 2010-2025 where it states:

"Conservation Areas - In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
 - b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;
- 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.

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We object in the strongest terms to this misguided and cynical application and ask that you reject it in strong and unequivocal terms.

Jason Bartfeld QC (House 3, Old Court House)

Annabel Bartfeld (House 3, Old Court House)
