

**Sally and Martin Hay**

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5th May 2017

Dear Ms Smith

Re Planning Applications: 2017/1845 and 1853/P

We write further to your visit on 21<sup>st</sup> April and the letter to you from the Highgate Society dated 24<sup>th</sup> April a copy of which you kindly supplied to our architects. We have had no contact with The Highgate Society about the planning applications although we are both members of the society. We were very surprised by the tone of the letter and its open accusations that we were cynically attempting to subvert the planning process by manipulation and deceit. We hope it goes without saying that our intention has been and remains to engage openly and in good faith with the proper process. We will deal with the issue of the defamatory nature of the remarks made through other channels.

We fully accept that the two applications need to be looked at together. You will note that each application refers to the other and mentions the desirability of viewing each in the context of the other. In these circumstances the suggestion that by making two applications we were somehow engaging in a 'shrewd' attempt to pull the wool over anyone's eyes is as inaccurate as it is offensive. We are, of course, perfectly happy to pay the appropriate CIL liability in full. The reason for there being two applications lies in the planning history.

It is quite true that we have made and had granted similar planning applications in the past and not been able to progress the works. Due to family and health circumstances we have been deterred from undertaking the works hitherto but are now confident that we will be able to progress the project efficiently and with the minimum of disruption to our neighbours as can be achieved.

Naturally prior to issuing our planning applications we supplied copies of the detailed plans prepared by our architects to all of the residents of Fitzroy Close as well as to several present and former members of the committee of the FPRA. Had the Highgate Society wished to see a copy of the detailed plans we should have been delighted to supply with one and will still do so if they ask for the same. We discussed the potential overlooking issue over coffee with Ms Clack at Number 3 in a

friendly neighbourly way. We did not supply 10 Fitzroy Park with the plans as we did not regard them as directly affected but the planning process is an open one and signage has been visible both before and since your visit inviting comment from those affected. If the householders at 10 Fitzroy Park would like copies of the detailed drawings we will, of course, be happy to supply them.

Referring now to the material considerations referred to in the letter from The Highgate Society:

1845

1. The context of the applications are as you saw it on your visit and as it can be seen on the Land Registry documents. Should any representative of The Highgate Society wish to make a site visit we remain happy to facilitate the same.
2. Houses 5 and 3 Fitzroy Close are not exactly in line with each other. 5 is considerably further back (North) from the close. From the easterly facing lounge window at 3 we were able to look out together and observe that there would be no significant overlooking. The distance from the developments at 10 Fitzroy Park is considerable and they are not at the same height as the proposed roof terraces but rather at the level of the current first floor. The overlooking issue in relation to that property will remain unaltered from the present arrangement.
3. The distance referred to above will reduce if not completely eradicate the overbearing issue. It is also of note that the tennis court considerably overbears the gardens at 3 and 4 Fitzroy Close and the specified invisible fencing has not been installed and indeed the current fencing looms over our garden on the western side. The views from the usable parts of the proposed roof terraces will predominantly be over the Heath.
4. The current applications do not increase the footprint of the house. There are no roof tops over which the windows could overlook.
5. The comments under this heading are subjective. We believe that the design we have chosen from a well-respected and highly experience architectural firm is attractive and appropriate. When the designs for 1 Fitzroy Close with its slate tile cladding was proposed or the design for 2 Fitzroy Close with its vast glass light well was proposed there may have been those who found the concepts 'strange and awkward looking'. Those houses now make their own statements in their environment. Given the diversity of styles among the 5 houses in the Close and the difference between the newer houses in the Close and the older ones along Fitzroy Park it is utterly synthetic to refer to a 'character' of the area. One of the charms of the area is its stylistic diversity. Frankly the comment that 'it's only saving grace is the number of trees which hide it from view' is as insulting to us as it is to our architects. No trees will be damaged by the pool enclosure, the pool exists and will not undergo any work which will damage tree roots.
6. Again, this is subjective comment and irrelevant in the context.
7. There are no new sky lights.
8. The front door is to be recessed thus there will be no need for any sort of canopy. Rain will run down the walls as rain tends to run down walls.

9. The provision for a lift is made in light of the mobility difficulties experience by one of the householders. It is not a 'box ticking exercise' but a very sad necessity. Consideration of ramp issues for the future is ongoing, we will, of course contact you with any concrete proposals in that regard.

1853

1. We do not understand this point, there is no listed building on the site. One of the garden walls is listed and will not be affected by any of the proposed works. Any condition relating to light spillage will be carefully observed.
2. This week a structural engineer visited the site and is submitting his advice shortly upon the issue of material and roof cleaning options. It would not be our intention to install a roof that would look shabby on the pool house. There is no intention to increase the height of the perimeter walls. There is not on this point or any other any intention to deceive the planners or anyone else. The suggestion is inaccurate and defamatory.
3. The application speaks for itself, as such, it is hard to see how it could be reasonably be described as a 'gross exaggeration'.
4. The neighbours have been consulted. There is to be no extra wall higher than the existing wall or otherwise.
5. The changing room and WC are not being built against the boundary wall. A lightweight construction is being used which will not require the digging of foundations that would affect tree roots. Some years ago 10 Fitzroy Park applied to have the ancient poplars felled which we vigorously opposed. We will be happy to cooperate with any arboricultural survey that is deemed appropriate.
6. The designs deal with the house and pool and, read together as they specifically enjoin their readers to do, constitute a comprehensive scheme. Remarks upon their elegance are matters of opinion.

We have been members of the Highgate Society since we came to live in this house some 12 years ago. Our contact details are therefore well known to the Highgate Society, at no time have we been contacted by them on this or any other issue. Fitzroy Close is, as you know, a gated cul de sac and, as such visitors have to ring to gain access. There is no passing traffic, no one sees the house unless they specifically attend the property. The opportunity for members of the Highgate Society to do so remains open.

A number of the objections raised by The Highgate Society would not appear to be planning issues and others are incorrectly stated. We have referred this correspondence to a Planning Consultant who will be responding on our behalf in due course.

Thank you for your help in considering this matter and in supplying us with the letter whose contents this response attempts to address. We look forward to hearing from you when a decision has been reached, in the meantime if you wish to make any further enquiries of us we remain at your disposal.

Yours Sincerely

Martin and Sally Hay

Cc: The Highgate Society  
Building Designs  
Toynbee Associates