

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2017/0660/L	Jason & Annabel Bartfeld	3 The Old Court House NW3 7ER	23/08/2017 14:14:39	OBJLETTE R	Application number 2017/0660/L and 2016/6566/P – FORMAL OBJECTION  The Old Court House, North End Way, London NW3 7ES (“the Property”) Proposal: Joint application for removal of an existing brick wall

We are dismayed to see yet another cynical planning application lodged for the land to the rear of our home, this time to remove the rear wall separating the ancient Old Court House estate from the land to the rear of Jack Straw’s Castle. 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. The current application is unnecessary, mischievous and factually misleading and is in reality no more than yet another attempted precursor by Albany Homes to inappropriate development of the land to the rear of our home.

We note in particular that the application:

1. FALSELY asserts that the site is currently. This is empty garden land separated by an ancient brick wall from any residential property owned by the Applicant and is part of the 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.
2. FAILS to address the loss of amenity, security implications, historical status of the wall and the estate that it bounds and the fundamental basis of the original planning consent for the two adjoining historical sites.
3. DISINGENUOUSLY fails to reflect the fact that the wall separates garden garden land that was hived off (without planning consent) when the Old Court House was re-developed by the Applicant.
4. FLIES IN THE FACE of the assurances given to the Committee as part of application number 2016/5015/P in June 2006 (re erecting a shed on the land for the ‘storage of tools’) that no further development of the land was to be undertaken or applied for.

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.

**Application No:**    **Consultees Name:**    **Consultees Addr:**    **Received:**    **Comment:**    **Response:**

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.

Last year, Albany homes erected a wooden structure on the land to the rear of our property. 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. Permission was ultimately granted for a smaller shed, on the basis that it was to be used for the "storage of tools". It has not been so used, lending weight to our belief that this is merely a stalking horse for an application to develop the land.

In particular:

1. 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.

2. 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

**Application No:**    **Consultees Name:**    **Consultees Addr:**    **Received:**    **Comment:**    **Response:**

possible explanation, use nor need for the removal of the wall. The proposed demolition 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.

3. The suggestion that this demolition would be used for the benefit of the neighbouring mews house at Jack Straw's Castle is deliberately misleading and absurd. 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 to have the wall removed. 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.

4. The application is submitted on the basis that the proposed demolition 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 benefit would accrue to the tenants of that property from the proposal. There is, in any event, a substantial gate (see application 2008/0723/P) which provides more than sufficient access. It is of note that the submitted plans fail to show this gate, that cannot be accidental and must, therefore, constitute an attempt to mislead the Committee.

5. The removal of the wall would have very significant security consequences for the Old Court House. The existing wall provides a second physical barrier between the Old Court House estate and the publically accessible car park area (separated by a wooden fence at the other side of the Jack Straw's Castle land). It is of note that there have been numerous serious criminal incidents in that car park over the past years.

6. The removal of the wall would amount to a desecration of an ancient estate and would have a very significant detrimental effect of the value of our home.

7. The Application falsely asserts that the site is not used. 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 addresses neither the formalities of nor the additional requirements imposed by the site's location within the curtilage of a listed building.

9. The proposed demolition 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.

**Application No:**    **Consultees Name:**    **Consultees Addr:**    **Received:**    **Comment:**    **Response:**

10. 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. The plans further fail to show the ditch that runs along the border.

11. The consent sought is no more than a cynical device by a property developer to circumvent the policy and original decisions 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 your 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.

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)

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