

[REDACTED]

From: Ali B [REDACTED]
Sent: 19 October 2017 16:23
To: Enirayetan, Oluwaseyi
Cc: 'Elliott Unsdorfer - Parkgate Aspen'
Subject: The Clocktower (2017/3835/P)

Categories: Yellow Category

Dear Ms Enirayetan

Thank-you for making a site visit to The Clocktower last Monday to inspect the proposed location of the Nationwide Building Society's air conditioning units in relation to their planning application (2017/3835/P).

Speaking on behalf of all 9 leaseholders in my capacity as Director of the Hampstead Clocktower RTM Ltd, I have outlined our concerns below:

We Were Not Informed

Given that the proposed location of the air conditioning units exclusively affects the nine residential occupants of the building we were surprised that we were not informed of this planning application in writing, either to the individual leaseholders, the managing agents (Parkgate Aspen - who are the managing agents of the building for both the residential and commercial areas) or even the Freeholder who should have then subsequently informed the leaseholders.

Plans Were Not Online

We were first made aware of the application on 11th October when I saw a note attached to the lamp post in the street concerning the replacement of 6 air conditioning units. The note stated that comments on this application must be received by 22nd September which meant we had been denied the opportunity to formally object. On seeing the note on the lamp post I immediately looked online and realised that there was also an application for both internal and external works to the building which had already been approved. The plans for the air conditioning units were not available so I telephoned Camden Planning and spoke to one of your colleagues who informed me there must have been a glitch in the system and that they were now online.

Noise Assessment Document Was Incorrect

Once I was able to view the plans I was concerned that, according to the noise assessment document contained in the planning application, the location of the proposed air conditioning units was shown incorrectly. The measurement position was also some distance away from the proposed location and failed to acknowledge that there were 9 flats located much closer, from where no measurements had been taken. The application incorrectly stated that the measurement was taken from the nearest noise sensitive window. Under 'Noise Mitigation' the document also recommended relocation of the units.

Works Have Already Commenced Without Permission

Given that planning permission is yet to be granted for this application, I was extremely concerned to see that work had already commenced to install new air conditioning units. I informed the contractors on Saturday 14th October and again on Monday 16th October, when I was also able to speak to the foremen and informed him that work should stop as planning permission has not been granted.

Right Of Light

The new units are much larger than the old ones and one of them, which is approximately four feet high, is positioned so close to the front door of one of the apartments that despite being extremely unsightly it will also block daylight from entering which is of great concern.

Noise

The area is quite enclosed as the elevation on all sides of this space is approximately three stories high which considerably amplifies the noise of the air conditioning units. The old air conditioning units were both unsightly and noisy and as many of the bedroom windows of the residential apartments face into this area it has been an issue for many of the residents.

Health & Safety

We are unsure of the effects on the health of the residents and how appropriate it is to have 6 large air conditioning units situated so close to the doors and windows of the nine residential apartments.

Common Parts

Given that the building is situated on a busy junction, we don't feel that it is fair to have the entire residential courtyard occupied by the air conditioning units, denying us the option of using this as a shared communal space for which it was originally designated.

Unightly

Following years of neglect to the building, the previous landlord was removed when we enacted our Right To Manage. We subsequently successfully took him to a leaseholders valuation tribunal where we were awarded a substantial sum. The old air conditioning units were installed during his tenure and their location was never in the interests of the residents of the building. This happened before many of the current leaseholders owned their apartments and so we have limited knowledge as to whether the correct procedures were originally followed. Since we took over the right to manage we have embarked on a program to improve the building for the benefit of the residents. The location of the air conditioning units have always remained a barrier for us to fully improve the communal parts of the building as they are both unsightly and due to their dominating position, impossible to keep clean and presentable. Their presence is more akin to an industrial factory than a residential block in the heart of Hampstead.

As I am out of the country until 27th October, I have cc'd Elliot Unsdorfer of Parkgate Aspen, who is the building manger for both the residential and commercial areas of the building. You mentioned that you would recommend a site visit from the environmental officer at Camden Council to inspect the proposed location. If so, in my absence, Elliot will be able to facilitate this.

Please let me know, given the points above, whether you feel that the correct procedure has been followed for this planning application?

It doesn't seem right that the works have already been undertaken to install the new air conditioning units without planning permission. Please let me know your thoughts on this?

We want to be good neighbours and are happy to work with Nationwide Building Society on a better solution for the location of these air conditioning units.

Please let me know If you require any more information or clarification on any of the points above?

Look forward to hearing from you

all the best

Alistair Bennett

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