To the planning committee

07 April 2019

We kindly ask this statement of **new information** be read out on behalf of the Barrie House Residents Group. This replaces the previous letter sent 31 March 2019.

**1. Size and outlook of the existing windows that the Freeholder/ Developer proposes to block out.**

In the last meeting the issue raised by Residents of the window to be blocked out was discussed.

One of the Councillors asked the size of the window and nobody knew the exact answer. The estimated width given at the meeting was smaller than actual size; the height was unknown.

The actual size is as follows:

Height- 42 inches or 107 cm

Width - 23.6 inches or 60 cm

Outlook. The outlook was discussed but the fact this window gives the **only view of Primrose Hill** from these flats has been omitted. This is a most pleasing of views; one of the key reasons many chose the flat and it has been omitted in the process. The flats are triple aspect for a reason – as the window in question provides an important outlook to an important view, and that view is in integral part of the interior layout of our homes. Blocking this window is not blocking a minor, insignificant window (as the applicant suggests). It is blocking a very important part of our living space. It will harm our amenities as we will look at a wall.

The window was not quite the size stated and it was not noted in the meeting that it was such a key outlook and placement to one of London’s most iconic landmarks.

**2. Reassurance that Outlook is a reason in law that the Councillors can reject the application.**

In the meeting one of the Councillors asked if they were ***“to hypothetically turn it***

***(The application) down for the reason of outlook on this window are you saying that that would be considered by the planning inspector to be reasonable grounds”.***

The response given by Camden noted they were entitled to reach their own conclusion and then the P/O added that the flats still enjoyed an outlook from other windows. As already said, there would be an appreciable harm to outlook and hence amenity. The simple answer to the Councillor’s question is that the application can be refused on grounds of outlook. It is a matter of Councillors’ judgement. A Planning Inspector can agree with that judgement

**3. Disabilities/ Vulnerabilities**

We note the disabilities include prominent mental and physical conditions. The mental conditions in particular would be impacted with processing, sensitivity and change.

It is not just limited to disability that **any person** at home in the daytime could not sustain living, or the worry of living, in the most effected flats **during and after** the build completion. This includes those who are very young, retired and those with disabilities and vulnerabilities.

For example, there is a newly noted case of one of the owners having a young adult son with autism. Other lessors/ opposes also have this condition in their families. This young adult has now not visited the Flat for sometime due to anxiety. If the development proceeds he may not visit the estate for a considerable time. This would have a detrimental impact on his father and son.

All would suffer greatly if this application was approved during and after it was built.

For example, there is one person on leave who intends to return to their home in Barrie House; they are now deeply concerned for the future. All are considering the long- term impact during and after the build completion because the impact is so adverse.

This application has been a cause of great stress for many months to all those families who opposed; and also to those who feared the ramifications of objecting.

**4. Letter from Developer to Lessees Post Committee meeting**

The lessors received a letter dated 04 March 2019 (incorrectly dated) from the Freeholders/Developer commenting on the Committee meeting 11 March.

We enclose with this letter.

It is important to comment on this letter to the Committee as it reinforces the entrenchment of the Developers views and lack of good faith if this were granted.

a) The Freeholder stated Page 2 bullet point 12 re the new build

***“I am keen to respond to some of the comments raised.***

*”****We do not believe that the works, carried out, within the restrictions give rise to any disturbance any greater than the effect of refurbishment works to a neighbouring Flat in the block.”***

To state that a refurbishment of an existing Flat equates to the same disruption as a major new build of 9 apartments with a basement excavation (within 3 metres of some Flats) shows a complete lack of realisation and understanding of the short and long term impact of this build on the Residents/ Owners.

b) The fact that the Developer/Freeholder is of the opinion that:

***“The planning committee was advised on the 14th March that there is no facility within a planning permission to require residents to be re housed”***

To the Group it implies there is an entrenched view of the Freeholder/Developer to only make small and insufficient compromise; if indeed any. As he considers impact to be akin to a Flat refurbishment instead of a major development any compromise will be inconsequential because the Developer fails to understand the impact.

c) The Freeholder/Developer opinion regarding Flats 4,7 and 10 that will have windows blocked out***.***

***“Impact on reduced light to living room 4, 7 and 10***

***I am confident that these 3 living rooms will remain magnificent rooms”***

All three lessors have strongly stated this is not the case and the loss of amenity is too extreme to their homes. The opinion of the people that have lived in the Flats for years; and will be impacted by their view onto Primrose Hill being blocked with a wall. Yet again their opinion is belittled and ignored by the Developer. This is despite the Developer now having site of the objections and being at the Committee meeting.

If the Freeholder/Developer wished to address this Groups concern he would resubmit an application that did not block out the windows of Flat 4,7 and 10 or destroy their privacy /outlook.

**d) Failure to Consult information given in poor faith**

In the Freeholder/Developers letter it is stated

*“****I confirm that I did consult residents prior to the submission on the 07 December 2017… Notice was sent informing them and stating that the agenda included my intention to discuss this forthcoming planning application”.***

This is not correct. It is also in poor faith to state this.

Council have been supplied with an email) that shows the agenda was primarily to discuss “**The hot water and heating**”

The purpose arranged for 6th December was to discuss serious problems  
relating to plumbing, faulty water supplies and plans for heating in the   
individual apartments in the near

At no point prior to the meeting was a Formal Agenda sent out of a new 5 storey development and basement excavation plan.

This evidences the lack of good faith from the Freeholder/ Developer.

If this application is granted and the process left to a Construction Management Group process (which is the only option if this is granted) then a degree of compromise is required. It is clear that even when attempting to appear “conciliatory” to aid the application approval process; there is in reality no forthcoming good faith and an entrenchment of view that will leave those most vulnerable at risk.

We suggest this application be rejected and the Freeholder reverts to the original planning permission for a single 3-storey dwelling where the Porters Lodge stands.

**Barrie House Residents Group**