

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/5037/L	David Auger	10/01/2021 15:53:29	OBJ	Objection to Planning Application 2020/5037/L and 2020/5040/P

The Objector lives at 52A Mornington Terrace, London NW1 7RT, 4 doors down from the Address where changes are proposed 48 Mornington Terrace, NW1 7RT. The objectors property is part of the same grade 2 listed terrace and occupies the ground and lower ground floors. It is noted the application from residential to office use concerns the lower ground floor.

This house is a residential unit, in a residential area. The use of the lower ground floor of this house as a self-contained office employing a number of people, is not appropriate as it will have a negative effect on the residential nature of the area and the changes to the building have a detrimental impact on the vicinity and enjoyment of the conservation area. This will have a negative impact on the neighbouring properties including the objectors. The coherent nature of the terrace will be reduced which includes the objector's property.

The Objector notes that these are retrospective applications. The Owners and their agents of 48 Mornington Terrace have a history of retrospective planning applications for changes that are not appropriate. The Objector is left wondering if he sought permission for similar changes to his property would that be acceptable, he accepts rightly not, however, for a proper planning regime to operate, permission must be sought BEFORE changes are made otherwise there is no incentive to properly follow the process.

The Objector notes a number of changes to the exterior of the front and rear of the property. He notes that the front in particular is out of keeping with other parts of the terrace. Further he wonders if he applied to make similar changes to front and / or rear whether this would gain permission. The suggestion that the rear is not visible and of a wide variety (or "eclectic") of arrangements is disputed. Over the years the Objector has visited a number of properties on the terrace and the majority are the same with the main building built circa 1845 and then what looks like later additions covering only the ground and lower ground floor, often down 2 steps from the main building, and not the full width of the main building. Please note this objection is not concerned with the physical changes made at 48 Mornington Terrace, as these are not visible to the Objector, however he supports other objectors comments. However the exterior and the listed elements thereof and the change of use are objected to as these both impact the objector and the setting for his home.

The Objector notes that the Application includes details that the lower ground floor has been used as an Architect's office since 2014. As an Architect, the owner would be aware of the planning and listed building requirements, and the delayed / retrospective applications can only be necessary or designed to get around the planning regime. The Application notes a number of employees has used the offices, but it is unclear from the Application, as to when the Applicant was working from home as appears the case in 2014 from a room in a house that many people may do and as a proper office.

A review of the employees of Undercover Architects Ltd located at 48 Mornington Terrace on linkedIn suggests none of the current employees were employed prior to 2018 and indeed some much recently. It therefore appears that the suggestion that the office with employees has been operating for a number of years is unclear based on the evidence available. The Applicant should provide details including payroll records and employment contracts of his employees which would include the dates of their employment and their normal employment location to demonstrate his assertions. His insurance documentation and tax returns as well as his rates and council tax would also be expected to provide information as to how the lower ground floor has actually been used. As a neighbour, the objector has not seen any activity that would suggest the lower ground floor was being used as a busy office, indeed the variety of people coming and going to 48 Mornington

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Terrace would suggest the property has been available to let on a short term basis however this is only an observation.

The documentation with the application notes the history of applications. Included is Application 2014/7412 relating to the Garden Room. This application included a report by ECE Planning on behalf of the Applicant dated November 2014 noting (objectors bold and underline).

"The existing property at 48 Mornington Terrace, in the curtilage of which this application seeks the erection of a garden room, forms part of the Grade II Listed terrace on Mornington Terrace. The property currently forms a single dwelling house that benefits from residential accommodation at lower ground floor, upper ground floor, first and second floor, as well as accommodation within the mansard roof (third floor). In addition to the residential accommodation provided internally, the existing property also benefits from private amenity space to the rear."

This is inconsistent with statements made in the Application.

The Application notes that the main residence 48 Mornington Terrace, being the Ground Floor and above has been sold to "a business partner". However, it is proposed that the communication and stairs between the ground and lower ground floors are maintained. This appears unusual if this was an arms length transaction, and if not then the relationship should be made clear to ensure clarity exists around what is proposed and to ensure that the apparent separation is not just for appearances sake. J L Holdings LLP described as the new owner appears to be a newly formed Limited Liability Partnership with 2 active persons with significant control being Jeffery Ubben and Laura Ubben, both USA nationals and resident in the USA. Their correspondence address is listed as 48 Mornington Terrace, however if 48 Mornington Terrace is being used as a residential home which is its designated use then by whom, and what are relationships involved. Is J L Holdings LLP just some type of financing vehicle and actually beneficial ownership has not changed ? To understand this is essential to gain clarity on the proposals being put forward and the somewhat unusual circumstances together with the history of retrospective applications and changing circumstances to suit new applications.
