

[REDACTED]

From: David Pinnegar [REDACTED]
Sent: 09 February 2021 02:18
To: Planning; Ryan, Angela; Pindoria, Naran; Building.Control; enforcement@camden.gov.uk
Cc: Peter Tasker; Wilmann, Philip; Bakall, Gary; Howard, Gabi; Pineda, Judith; Bourke, Anthony; Antony Karageorghis; Costas Christou
Subject: Application 2020/5572/P planning and building control : RE: 292-294 Kilburn High Road NW6 2DB
Attachments: Complaint to Planning Enforcement Camden 292-294 Kilburn High Road 21627950.pdf

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HAMMERWOOD PARK, EAST GRINSTEAD, SUSSEX, RH19 3QE. tel 01342 850594

9th February 2021

Camden Planning and Enforcement Departments and Building Control
By email.

Dear Sirs

Application 2020/5572/P 292-294 Kilburn High Road NW6 2DB

I write as the owner of the adjoining property, 296 Kilburn High Road. The building has been in my family's management going back four generations since the 1930s. It was built as a parade of shops known as Brondesbury Parade in around 1882.

Whilst notifying the Local Authority Planning Department with objection on 12th October 2020 I was not notified of this application as an interested party and only became aware of it last weekend, the local planning notices relating to the development not being obviously visible. In my view this failure of communication is a maladministration.

UNSUITABILITY OF THE BUILDINGS AND INFRASTRUCTURE

All of the buildings in the Brondesbury Parade are out of level and subsidence has occurred visibly at the party walls. The quality of construction, particularly foundations, is atrocious.

For this reason I object most strongly to increase of loading of the buildings by reason of extensions upwards or outwards on upper floors, putting load on party walls and multiplying causes of cracks in neighbouring buildings. The original buildings are of poor construction only just capable of supporting themselves and not sufficient to allow additional extension structures.

Friends currently occupying an upper floor of 296 inform me that there is concern over the adequacy of electricity and water infrastructure to cope with existing requirements of existing properties as currently occupied. Intensifying development of this group of buildings beyond their intended purposes will put strain on existing old and outdated infrastructure struggling at current loads.

DISHONESTY OF THE APPLICATION

The development has been dishonest. Works went on during the Spring and Summer Covid lockdown and holiday last year taking advantage of everyone away, businesses closed and domestic occupiers out of town at the time so that neighbours weren't to know what was going on.

I support objections inter alia by Kate Shaughnessy, Pauline Atlas and the West Hampstead Gardens and Residents' Association relating to the applicants' flaunting of purposeful provisions of planning law. The applicants having had no regard for planning law, not just on one but many counts, if not stopped will continue to push beyond any boundaries of law democratically enacted by Parliament for public good and ordered governance.

The dishonesties of the application would appear to go to

1. executing works under subterfuge of Covid and holiday absence of neighbours
2. deliberate and blatant ignoring of the Party Wall Act, failing to notify neighbours and allow surveyors' access to plans and monitoring of any cracks in the building
3. the sequestration of public land to the rear of the building as if of their own and no doubt after achieving, exclusive use for themselves to which they would achieve legal title in due course after 12 years
4. the presentation that their suburbanisation of the land is for the environmental good: wildlife thrives best in natural havens of natural habitat
5. the true purpose of the applicants' apparent kindness in maintaining the land being for use by large numbers of people overflowing from the interior space indicated by the full length folding screen style window-doors
6. presenting the development as being of amenity to the wider community whereas in reality benefitting a small and exclusive group of society
7. presenting the established use of the building as D1 School and Community centre use.

ILLEGAL USE: FAILURE TO MEET CRITERIA FOR LAWFULNESS OF USE

The property was purchased by the current freeholders in 2010 and at the time I was negotiating leases of my property in 2011 had the appearance of a shop of the nature of the former Jobcentre, application CTP/H3/3/B/18552.

There was no use as a school or community centre apparent in 2012 when I was visiting my property adjacent frequently. The applicants have failed to demonstrate that the ten full years use criteria for Lawful Development have been met.

Use by the Qalam After School Club at the property was registered
<https://reports.ofsted.gov.uk/provider/16/EY463291> on 15th May 2013.

The Qalam After School Club was registered by the Khalil Education Trust Ltd incorporated on 22 May 2012 <https://find-and-update.company-information.service.gov.uk/company/08079420>

The Qalam Education Resource Centre was incorporated also on 22 May 2012
<https://www.companydatashop.com/company/report/08078275>

APPLICATION MATERIALLY DEFECTIVE NEGLECTING CHANGE OF USE

In any event, the scale of D1 use to be physically but not lawfully permitted by the new development is capable of being very extensive, amounting to capacity for 700 persons and an order of magnitude greater than that ever capable of being conceived before. The capacity for noise and disturbance is significant. Even were D1 use to have been established, which it has not, the proposal permitted by this application represents a Change Of Use, for which permission has not been sought and therefore this application is materially defective.

(Legality aside, the materials of the construction are a fire risk and it would be irresponsible for permission to be granted consenting to the retaining of the existing illegally built structure with the capacity of putting so many people at risk.)

The planning use of the upper floors is residential, application CTP/H3/3/B/16761, and I object in the strongest terms to a change of use to allow the capacity of large gatherings adjacent the party wall to make noise capable of disturbing the upper floor residents of my property.

As a matter of principal, Planning Consent should not be granted for the physical alterations for a use which has not been given lawfulness as a Lawful Use. Granting of permission for this development would be Ultra Vires.

Yours faithfully,

David Pinnegar, BSc, ARCS

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David Pinnegar, B.Sc., A.R.C.S.

