

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/0695/P	Louise Asquith	14/04/2021 15:51:07	OBJ	<p>Dear Sir/ madam</p> <p>Re new/retrospective planning permission sought for ventilation x 3 at 3 BPG</p> <p>Firstly, I'm not quite clear why something that has had an enforcement notice and warning letters issued can then be submitted for planning permission?</p> <p>With regard to Item B on the proposed elevation drawing referred to as 'Ventilation Pipe':</p> <p>I take issue with this as being incorrect and misleading information. The ventilation pipe referred to as Item B is in fact a high powered, large industrial kitchen extractor that has been located directly opposite the windows to my flat at 5b BPG. There is less than 2m distance between the offending Item B and my property. The images provided in the D&amp;A statement fail to show the close proximity. The D&amp;A statement states 'they were positioned on the side wall to reflect the walls existing condition as a service wall with many pipes' I also take issue with this, the basement level flat at 3 BPG is one demise of 167 sq m covering the entire basement level. The wall is not a dedicated 'service wall' it is a wall that features bedroom and kitchen windows used for ventilation to various flats. The basement level at my property 5 BPG is divided into 2 flats 5a and 5b with windows located all along this side wall.</p> <p>I contacted Camden on the 4/4/2019 ref 201445077 when construction works were being carried out at 3BPG. I was concerned about what I believed was a breach of planning. Items B, C and D were not shown on any of the original drawings submitted in Nov 2017. Consequently no comments were made at the time the original plans were submitted.</p> <p>I was informed by Rav Curry that an enforcement investigation notice was opened under the reference EN19/0313 on the 8th April 2019. The last email regarding this was from Jennifer Watson on the 9/7/2019. Having heard nothing more I contacted Jennifer Watson on 22/2/20 reiterating my concerns. To date I have had no response. Neither has there been any communication from Camden notifying me of the submission of new/retrospective plans? Fortunately the application was seen by a neighbour who flagged them up, otherwise I would have missed the opportunity to make comment.</p> <p>My reasons for Objection to Item B</p> <ol style="list-style-type: none"> <li>Item B is not a ventilation pipe as stated, it is a high powered, large industrial kitchen extractor. It pumps out cooking fumes from the kitchen at 3 BPG which is located at the other side of the house. I question why Item B is located so far away from the kitchen area? The extractor is both powerful and noisy. It is used regularly on a daily basis at all hours of day and night. It is therefore misleading for the architect to refer to Item B as a 'Ventilation Pipe'. It may draw clean air back in to ventilate a space but it does pump out cooking fumes and associated smells that pollute the air.</li> <li>The location of Item B is directly opposite the windows to my flat. Consequently when in use, and that is often, the cooking fumes from Item B are blasted into my flat through windows, trickle vents and air bricks. Being a small flat 72sqm compared to 167sqm at 3 BPG the fumes permeate into my entire flat so all my rooms are affected. The smell and noise emitted from this extractor pipe has meant that I can't open my windows as and when I want. Even when the windows are closed the fumes still permeate through requisite</li> </ol>

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trickle vents and air bricks driven by this powerful extractor pipe.

3. In 2017 I received a letter from Ben Handley of 3 BPG to say they were applying for planning. There was a side note to say 'We will move the kitchen to the other side of the flat, and the extractor fan outlet will be pointed to our garden. We hope this is going to reduce the nuisance caused by our cooking smells.' This side note refers to the previous history of cooking smells being blown directly into my flat from their extractor, it became a nuisance because the extractor was used so regularly. The original extractor outlet was a small, regular domestic vent, which is still visible on their side wall and is discreetly hidden behind a drainpipe. However, this did not happen and it was replaced by a large and unsightly, powerful industrial extractor and positioned directly opposite the windows to my flat without planning permission.

4. Camdens planning guidelines refer to ventilation and extraction and specify 'you will need to apply for full planning permission to install, alter or replace equipment.' Surely, any professional architect should have known this at the time of submitting the original plans 2017/6116/P. The D&A statement refers to them as being 'essential ventilation terminals' If they were essential they should have been shown on the original plans.

5. Camden Local Plan policies D1, A1 and D4 - Installation of plant, flues, ventilation, extraction. The plan refers to extraction and stipulates that all equipment should be shown on plans, elevations and sections. The original plans of 2017 did not show this. It also stipulates 'Show the location of neighbouring windows on drawings' again the original plans did not show this and more importantly nor do the new retrospective plans. A professional architect should have known this and acted accordingly. It seems they chose to ignore this guidance irrespective of the proximity of my windows and the adverse effect these extracted fumes and extractor noise would have.

6. Belsize Conservation references Ventilation Ducts/air handling equipment BE42. It states that they will require planning permission and that the council will be concerned about the siting, and the proximity of residential accommodation. Yet again this seems to have been ignored.

7. What the architect refers to as 'minor variations to the design' in the D&A statement have in fact had a major and detrimental effect on how I am able to live and use my property. There are only 4 windows and a set of french doors within my flat, 3 of these windows are effected by Item B. There was also a breach of 'statutory duty' by the architect failing to serve a Party Wall Notice to my property at 5b BPG. My property was in the closest proximity to the construction works but no Party Wall Notice was served. All the side windows to my property were damaged with dirt and debris but no clean up works took place after construction was completed.

8. I have also researched the Belsize area and to the best of my knowledge there are no other extractor pipes like Item B on any residential buildings, presumably this is because they are not allowed.

9. As a consequence of the implementation and siting of Item B the peace and enjoyment of my flat has been affected adversely. Item B is in use daily, at numerous times, throughout the day and night. When in use my entire flat smells of highly fried food, garlic, fish etc. As do the external walkways and even in my garden. Belsize Park is a Conservation Area which is one reason why I chose to live here surely it can't be acceptable to pump out these putrid smells and pollute the surrounding air space and more so force them into my

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airspace.

As it seemed no progress was being made and communication from Camden came to a standstill I made attempts to contact Ben Handley of 3 BPG myself. There has been a barage of emails and letters between us regarding Item B, it has been unpleasant and upsetting. He has brandished me a liar more than once saying 'that the enforcement is a fabrication of my vivid imagination and other fabrications'. I also visited Ben Handley at 3 BPG on a number of occasions when Item B was in use to try and make him aware of the problems Item B was creating. One time he raised his hand to me and on another slammed the door in my face. In February 2020 he sent a letter saying, amongst other things that 'if you continue to harass us, we will be taking legal advice as to how to prevent this behaviour'. I was not harassing him I was telling him quite simply that his cooking smells and fumes are being blown into my flat by Item B and polluting my internal and external air space and that he did not have planning permission for Item B. In my opinion Ben Handley is a very arrogant, stubborn man who all along believes he is totally in the right, that there are no offensive fumes polluting the air and that I have no claim. He is adamant he has all the relevant permissions, the retrospective planning application obviously proves not, and he has made it quite clear to me and my neighbours at 5a that he will do nothing to rectify the issue. He may well have strong opinions of myself but I have only acted in a manner that befits him and I will fight for what I understand are the legal written rules of Camden Planning.

Please Note: I have a record of all his and my emails and letters should they be required for reference.

I have felt desperately defeated by 2 years of ongoing unpleasantness, and totally let down by the system. I have lived happily at my address for approx 30 years, my living has now been spoiled by the implementation of Item B. I am sure no one would want to have an extractor pipe located in front of their windows and suffer the detrimental effects from it and would object to any proposal of this kind. I should be able to open my windows for ventilation as and when I want and not be dictated by when Item B the extractor pipe is in use.

In my opinion Items B,C and D should have been disclosed on the plans submitted in 2017. The D&A statement says 'minor variations to the design were carried out during the construction period and initially thought to be non material to planning'. Yet further on in the statement they are referred to as 'essential terminals'. This is a poor excuse from a professional architect, these ventilation pipes/grilles never existed on the original plans so how can they be classed as a 'minor variation'. And to say 'thought to be non material to planning' A local architect based in NW3 should be well aware of Camdens Planning Guidelines and Local Plans. In my opinion the omission of these items was a deliberate act of deception.

To this end I object to Item B and would ask for it to be removed. I would also request that because Item B does not have planning permission that the owners of Item B should be prevented from using it. I am sure there are alternative methods of kitchen extraction and 3 BPG should look to ways of extraction that do not adversely affect their neighbours.

Aside from the issues of Item B the renovation of this property has also meant I have lost privacy to my rooms. The change of windows from traditional sash to plain glass allows both my bedroom and bathroom to be clearly visible from a newly formed room in their build. I also believe that the rear extension exceeds the permitted development height of 3m granted in Feb 2018. They have also raised the height of the side walkway and clad in a timber broad walk style. Again not shown on the submitted plans and not I imagine in keeping with Belsize Conservation guidelines?

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I trust I will now be kept informed and updated on all further developments of this case.

Please note: I have copies of all emails and letters referred to and images of Item B. These can be provided if required.

Yours Sincerely

Louise Asquith  
Garden Flat, 5b Beisize Park Gardens, NW3 4LB

