

James Argles

From: Planning Support
Subject: FW: Application Ref: HGY/2022/2719
Attachments: title_plan_AGL435888_GOV.UK.pdf

Sent: 31 October 2022 11:56

Subject: Application Ref: HGY/2022/2719

Site address – said to be 2 Woodside Avenue London N6 4SS

Comments by – Nicholas and Susan Fisher
Submission - OBJECTION

Comments: We are the Owners of 9 Lanchester Road, London N6 4SU. Our property is directly opposite the proposed development.

We have seen and expressly support the comments made by Valerie Wuttke of 2 Lanchester Road and KN and SK James of 11 Lanchester Road. We also rely as they do on the Planning Inspectorate Appeal Decisions APP/M5450/X/17/3167883 (Porlock Avenue, Harrow) and APP/Y5420X/19/3226166 (Whittington Road, Haringey) dismissing LDC appeals. We note also the objection of Naomi Inwald at 7 Lanchester Road. Thus, all neighbours adjacent to this proposed development object to it.

The Department will be aware of the previous applications to build a single storey house with a basement in 2018 (HGY/2018/1235) and again in 2020 amended to include “associated parking and boundary treatment” (HGY/2020/0673). Both were refused by the Council and, in relation to the latter, by the Planning Inspectorate on appeal. Whilst of course each application must be viewed on its merits, we do ask the Department to exercise considerable caution as to the intention of this application and to ensure that the strict requirements of Class E as a permitted development under the GPDO are complied with – and, our specific concern, that they will continue to be complied with. In this regard, we make two initial points, touched on by other objectors:

The land the subject of this application is separately registered with HM Land Registry under Title Number AGL435888. Please see **attached**. This land has no frontage on Woodside Avenue, it abuts Lanchester Road alone. It has thus been misdescribed in the Application. The main thrust of the supporting letter of the planning consultants Christopher Wickham Associates is that the use of the proposed development (the “Outbuilding”) will be ancillary to use and enjoyment of what they identify as the “Dwellinghouse”. This is of course essential to the success of their client’s application and, save as to the subjective use of the word “Outbuilding” mirrors the words of Class E a) of the GPDO. Yet, whilst their client Ms Sonia Farhadi may offer a number of undertakings as to this ancillary use, the “Dwellinghouse” is encompassed in a separate parcel of land, correctly identified as 2 Woodside Avenue under Title No MX386347. Proprietorship in this parcel, which includes the “Dwellinghouse”, is identified presently as resting with Ms Sonia Farhadi and Mr Mojtaba Rezvani-Kashani. It may be that in their capacity as the registered owners of the 2 Woodside Avenue “Dwellinghouse” the proposed undertaking as to the ancillary nature of the “Outbuilding” will be complied with, but it is not at all clear as to how that undertaking may be effective if there are separate sales of these parcels of land. Indeed, as they already have separate titles we contend this cannot be a valid LDC application at all.

Further, we note that this application is made solely by Ms Sonia Farhadi. Yet the proprietorship register indicates her to be either a tenant in common, or joint tenant with Mr Mojtaba Rezvani-Kashani in respect of both parcels of land. We submit that this application is thus technically defective in any event as it is not on behalf of all the proprietors.

If despite our primary objections the Department decides that this is prima facie a permitted development, then we say as follows as to the proposed development itself: it is substantial and would make a very comfortable dwelling for someone not housed in the "Dwellinghouse". We adopt the comments of the other neighbours about the proposed two toilets and as to the large size not only of the intended gym, but the "changing room". As to the "office" we are unaware of what activity is intended there as constituting an office function, nor how many people it might accommodate and who may or may not be part of the applicant's family. One desk and one chair as per the plan is illustrative only and is not to scale. The allocated space on the plan refers to 10 m², which is commodious and the adjoining hallway is another 8 m². A hallway for an outbuilding is a strange refinement and the space it utilises is also significant. We do not consider an office is incidental to the enjoyment of a "Dwellinghouse". It is a separate and unrelated activity. The onus of proof is on the applicant to show that the various proposed uses are genuinely and reasonably required and incidental to the "Dwellinghouse" to be within Class E permitted development. We submit that the Department has insufficient information before it to determine this and that the "Outbuilding" itself is simply too large.

We note that it is said the Outbuilding will be used to house two motor vehicles. These will be accommodated in tandem rather than in parallel. The "Dwellinghouse" has a carriage drive that extends for the entire length of its Woodside Avenue frontage. The Application notes this is sufficient for 3 cars. That is comfortably achieved in the space already available there. It is difficult to appreciate why a family would need still more car parking facilities and whether, in fact, the garage space now planned in the outbuilding will actually be utilised for motor vehicles. In the event that it is, we are unclear as to why the dropped kerb on Lanchester Road needs to be relocated since, as indicated above, the vehicles will not be parked abreast but will access and exit the garage singly. The existing kerb will be entirely adequate for that purpose.

Please refuse this LDC Application.