

15 May 2023

Concerned Leaseholders
The Winchester Apartments
206 Archway Road
Flats (multiple)
London, N6 5BA

RE: HGY:2023/0448

Dear Planning Service,

RE: Case reference HGY/2023/0448

We are writing in reference to the above-mentioned planning application. We kindly note that the condenser units serving split-system Heating/Cooling Heat-Pumps for Public House internal space and Cellar Cooling Heat-Pumps for internal beer cellar were installed by the applicant on or around October 2022 without any express permission being sought from the council, despite the fact the applicant is a professional publican/landlord with several London based pubs and therefore should have reasonably been aware that prior permission would be necessary. We would also kindly note that a leaseholder of The Winchester complained to the Haringey planning service who kindly assigned Senior Planning Enforcement Officer Antony Fenner to investigate our concerns. His conclusion (kindly refer to attached correspondence in Exhibit A) was that the installation of the condenser and other units was a breach of planning control and so will need removing. On or around 27/02/23 Mr. Fenner was about to serve an enforcement notice to the applicant requiring their removal (after the applicant completely ignored all prior correspondence from Mr. Fenner on the matter) but Mr. Fenner refrained from doing so when this new planning application was lodged. Mr. Fenner wanted to hold the enforcement notice pending the outcome of this planning application. It should be noted and considered that these units were installed rogue without the applicant seeking any planning permission despite reasonable experience that it was required and had a leaseholder not filed a complaint that led to an imminent enforcement notice for their removal, it seems the applicant would not have taken any action whatsoever, demonstrating a complete disregard for the council and its planning restrictions and processes.

One objection to the current application is that it makes direct references to the previously approved application (HGY/2017/1395) whilst not considering the significant differences between the applications. The previously approved application was for a kitchen exhaust and one condenser (see attached Exhibit B) versus the current application for six condensers, located much closer to residential windows (see attached Exhibit C). There was a plant noise assessment completed at the time, which the new planning application refers to in terms of maximum noise level, but the applications are completely different. The noise assessment was completed on the basis of Exhibit B with a condenser located 4m from the lower-level window and 10 meters from the 3rd floor window. The current application contemplates six condensers installed just ~1.25m from the lower-level window (refer to Exhibit C). Given the significant increase in the size and number of condensers installed, and the closer proximity of them to the residential windows, we don't see how the previous noise assessment which the applicant is relying on is at all relevant. The design statement refers to the above-mentioned noise assessment but there is nothing within the new application confirming that the applicant considered the significant differences between the two applications, which include a sixfold increase in the number of condensers and a significant increase in their proximity to residential windows.

The application states that "The condenser mountings are all acoustic, non-vibration mounts and the operation of the units timed to avoid running during the night (12 midnight to 6am.)". Leaseholders have video evidence of the condensers operating during the hours of 12 midnight and 6am, and therefore challenge this claim. We kindly

invite the council to attend and validate this claim, as you will surely find that it is false. We would expect that making false claims in a planning application calls in to question the integrity of the applicant and the overall application itself.

Furthermore, the assessment of the first application prescribed some mitigation actions in relation to the exhaust ductwork whereas the new application does not clarify if any mitigation action is required because of the close proximity of the condensers to the residential windows.

The attachment of six condenser units to the rear structural wall (see Exhibit B) has also resulted in heat transfer through the external wall into Flat 3 of the residential units. This has resulted in increased temperatures and increase electricity bills to mitigate the impact of the heat transferring from the condensers into the residential flat. This heat transfer from the condensers should be mitigated and we would expect to see plans from the applicant on how to mitigate this heat transfer prior to any planning application being approved.

Finally, the proposed boxing in structure (see Exhibit D) appears to create a large box around the units that interferes with the residential parking space, the lease for which says it is designated for two vehicles. With the current location of the six condensers and the proposed boxing in, it would appear to render the parking space unusable for a second vehicle, infringing upon the rights of the leaseholder of said residential parking space.

The applicant should consider the significant difference between the previous and current applications and consider relocating the condensers to reduce noise impact on the residential windows, heat impact on Flat 3 and negative impact on the residential parking space. These very relevant points seem completely ignored in the current application and we implore the council to impress these relevant points onto the applicant, requesting further clarification, mitigation and plans to ensure the application does not negatively impact the residential leaseholders.

We would kindly ask for you to consider our objections to this application and seek further clarification and assurances from the applicant.

Best regards,

Leaseholders of The Winchester

Flat 1, Edward J Czechowski & Courtney L. Caddick

Flat 3, Richard J Scavetta & Janice Scavetta

Flat 4, Alessandro Napoli & Helen Napoli

Flat 5, Alexandra Druzhinin & Valentina Druzhinia

Flat 6, John Lloyd & Sarah Carroll

Flat 7, Michael Palfreyman

Flat 8, Aaron Pope & Isabel Ereira

Flat 10, Richard Ward & Caroline Creese