

Claudine de Montulé
1 The Avenue
N10 2QE

Haringey Planning
Nathan Keyte

Ref HGY/2024/0195

March 20th, 2024

Dear Nathan,

As requested here are further observations on planning application HGY/2024/0195 in a format you can upload onto the planning portal.

I appreciate, that in order for Haringey Planning to conduct an independent and objective planning process, it is vital that any planning applications received by the council are accurate, as any discrepancies may influence decisions unfairly. This is to ensure that all potential negative consequences of a substantial build can be assessed, prevented and regulated with due diligence.

It is a serious matter and therefore enshrined in the 1990 Town and Country Planning Act which states that it is an enforceable offense to provide wrong information on a planning application knowingly or recklessly.

<https://questions-statements.parliament.uk/written-questions/detail/2018-06-21/156410>

‘A person who makes a false or misleading statement in connection with a planning application, knowing that it was or might be untrue or misleading, with the intent to make a gain for himself may be prosecuted under the Fraud Act 2006.’

To grant a retrospective planning application is an opportunity to ensure a project is legalised, regulated and safe after unregulated building works have already been executed without consultation and proper checks. It is therefore especially important, that such applications are factual. This avoids potential legal issues or other negative consequences further down the line. The structure of this building must be considered, above all. This is in everyone's interest, including the applicant, it is not a game.

On further inspection of application HGY/2024/0195, it appears as though the plans submitted to the council, on order to demonstrate what the garden looked like before these building works were executed in June 2023, are incorrect, however. They do not bear any resemblance to the actual garden prior to this unregulated paving in June 2023. This is of concern, especially as these plans present a different status of existing drainage and water access to the soil in this garden, which has altered significantly since.

This retrospective planning application was granted in good faith by the council on the provisions laid out in the planning statement and plans submitted by the applicant. They suggest that the refurbishment does not increase the non-permeable surfaces of the garden and that the new pergola will replace an existing one of the same size, albeit in metal.

In order to obtain an independent and factual understanding of what the garden looked like before the build in June 2023, I would like to draw your attention to a previous planning application from the applicant HGY/2022/0987. This is on public record.

The architect who submitted plans to Haringey Planning at the time drew up a neat and precise drawing of the garden 1A The Avenue, as it was then. I can confirm that these drawings are correct and correspond with photographic evidence attached (see document HGY/2022/0987 **1A The Avenue_PLANNING DAS Design and Access pdf, page 7 ‘4. The Proposal’.**) Aside from one rectangular flower bed, which was later filled in with gravel, the green areas are soft landscaping, trees, lawn and flowerbeds. I have coloured these in for ease of use to the best of my knowledge and they are recognisable in the photograph submitted. The pond is marked in blue. **These are the applicant’s own plans of her garden in 2022 drawn up by her own architect at the time.**

None of these features are visible on the plans submitted for HGY/2024/0195, however, and appear to have been replaced here with paving. This is a significant discrepancy and incorrect. Plans submitted in HGY/2024/0195 also show an existing pergola. A historic, traditional wooden pergola with an open roof was only half the size of this drawing in width and length. It ended a metre before the boundary wall in line with the the pitched roof and did NOT extend to the area of the roof terrace. **That pergola was removed several years ago. It did not exist prior to this build in June 2023.**

A document submitted with this current application includes a photograph taken by the applicant on her own phone in her garden dated July 24th 2020 (**page 12 Garden and Pergola over time application HGY/2024/0195**), the pergola is not visible at that time, it would have been in that exact location. This suggests it was removed by then. To include it in the plans submitted to you in HGY/2024/0195 appears to be misleading. In addition, document ‘ Pergola Visuals’ shows a new, planned pergola mocked up against a contemporary house, not this Edwardian house.

It would be good to see an actual and accurate mock-up of the planned pergola in this setting to show how extremely visible and oppressive it would be against our white walls from the approach on Dukes Avenue towards Alexandra Park.

This would also indicate how this new pergola would impact my property as one could climb onto it and access my roof terrace and other windows at a height of 250 cm. This poses a serious security issue.

It is evident that neither the engineer from Gamut Building Solutions, who drew up these plans and planning statement, nor Humphrey's Solicitors in Bristol, who drafted the Final Planning statement, had access to the actual garden design plans or visuals of 1 A The Avenue, as submitted in 2022 in HGY/2022/0987, before the unregulated build in June 2023 took place, as both claim the previous garden was very similar and already paved over.

This planning application statement and accompanying plans were drafted only after the drastic refurbishment of the garden and only once an Enforcement Officer had already investigated the site. It is safe to assume both companies received instructions from the applicant, and that this application was submitted in this format to prevent an enforcement order, which would clearly benefit the applicant and be of substantial gain. This further undermines faith in this unregulated build and the validity of this project.

These incorrect plans and this false planning statement are misleading, whether knowingly or recklessly matters little, they are incorrect. As such they are not legal or fit for public consultation. This application can only be considered fairly and legally with accurate plans and planning statements or not at all.

Regards,

Claudine de Montulé

c.c. James Naylor
Naylor Solicitors LLP



Garden Room

1a The Avenue, Muswell Hill
London N10 2QE

DESIGN AND ACCESS STATEMENT_REV_01
March 2022



4. The Proposal

4.1 Proposed Use

The proposed development seeks to replace the garage at the back of the garden with a new sustainable garden room / studio

4.2 The Garden Room

The Garden room is to house a space where one can work peacefully at home

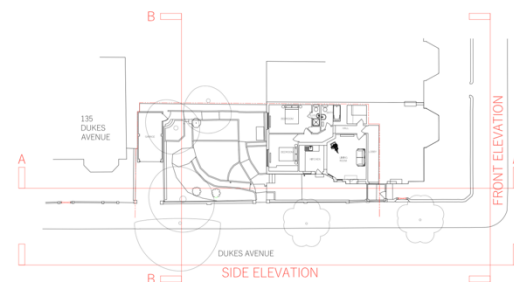
We plan to build the Garden Room carefully and sensitively around the existing retained trees. We propose to minimise impact on the nearby trees so that where we do dig near a the root protection areas we take proper care and attention so as not to damage any trees.

For further information on the trees found on site and our approach to them please refer to the Tree Surveyors Report prepared by Tracy Clarke Tree Consultancy which is enclosed as part of this submission.

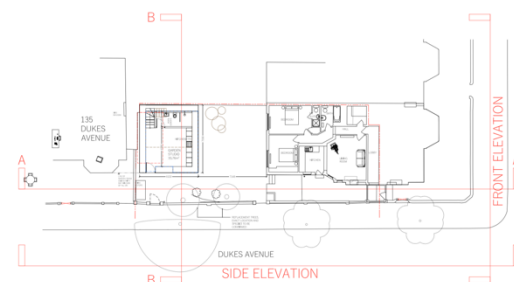
4.3 Garden Room Design

The proposed design aims to retain the existing building frontage line found along Dukes Avenue and will not protrude further than the existing Bay Window of No. 135 Dukes Avenue which is an established building line.

We propose to clad the building in timber to give a shed/garage like appearance that is in-keeping in many back gardens in the area.



Existing Ground Floor Plan

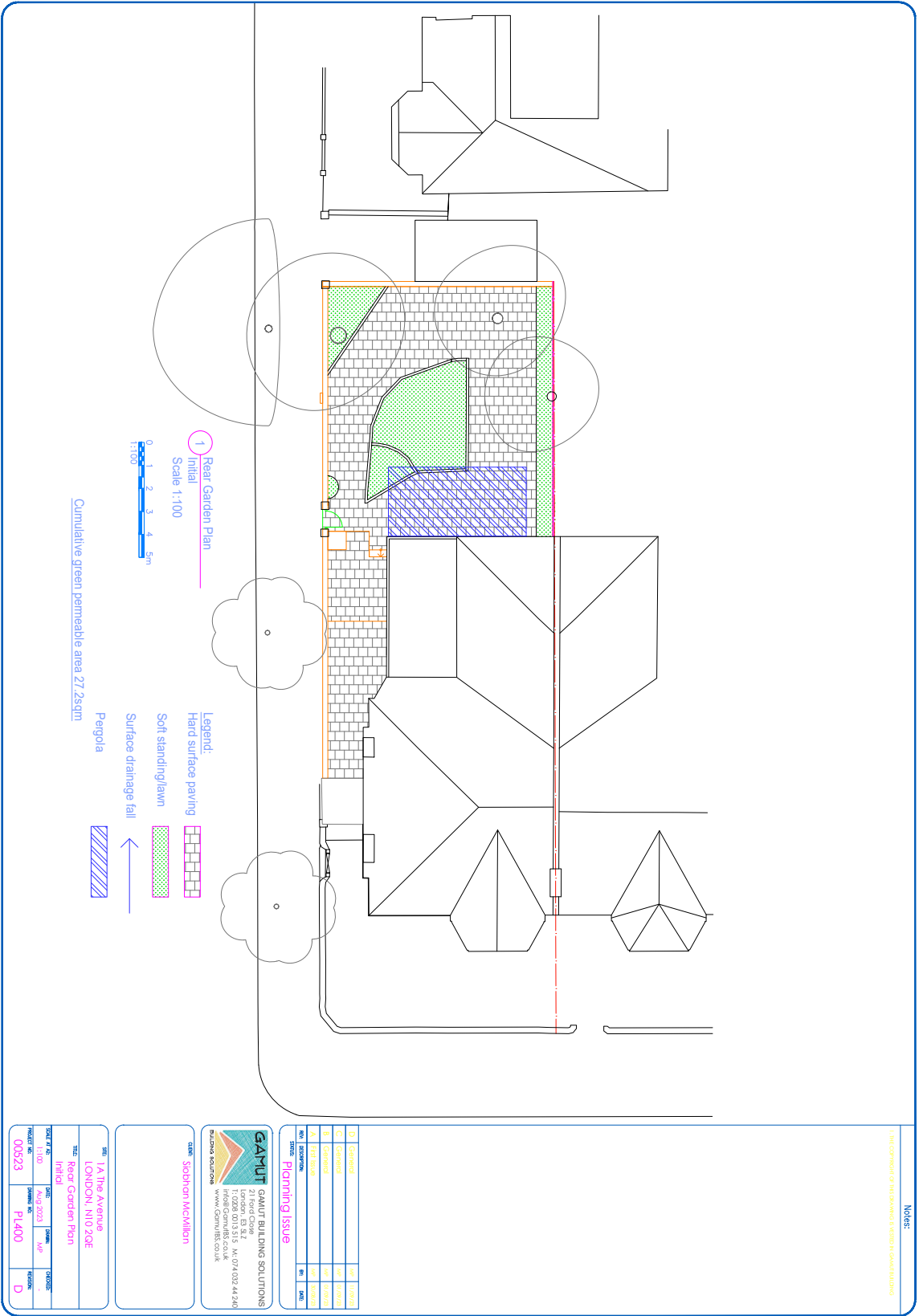


Proposed Ground Floor Plan

Detail- plans submitted by the applicant for planning application HGY/2022/0987



Plans drawn up by Gamut Building Solutions as part of submission, historic pergola half that size in length and width, paving did not exist prior July 2023



Photograph from Spring 2022 supports architect drawing in HGY/2022/0987
No pergola, only limited, red brick paths, soft landscaping, pond

