From: [redacted]
Sent: 03 February 2021 20:21
To: TeamE3
Subject: Planning Inspectorate Reference: APP/N5090/C/20/3261094

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I write in response to the letter I have received regarding the upcoming appeal for 36 Sunningfields Road, London, NW4 4RL. Thank you for the opportunity to make a representation.

Firstly, I would note that it is obviously difficult for me to fully comment on the proposal as I am not in sight of any floor plans. However, I would comment that even without seeing any floor plans, it is easy to establish that the property is overdeveloped. Our house is of a similar size (having a ground floor rear extension and loft conversion) and there is no way that you could fit 5 units in and still meet the desired floor space standards as per the London Plan or Barnet's Sustainable Design and Construction SPD. In addition to the floor space standards, I do not see how any unit solely in the roof can meet the minimum ceiling standards of 2.5m for 75% of the respective property. I do not see how our loft, which will be of a similar size, would be able to accommodate a self-contained unit and meet these standards.

I do not believe that the units should be allowed under Ground (a) or (d) of the appeal as the noise and disturbance that is generated from these units is unacceptable. The comings and goings, together with the constant noise that is generated from the units is not what I feel is appropriate. We continually endure loud music being played at all hours of the night. We can constantly hear movement and activity on all levels. Considerable amounts of people come and go. The music is played on all levels and there is often no escape from the noise coming through. This would not occur if this were, as it is supposed to be, a single family dwelling house. The music that comes from the loft is intense. This is next to our bedroom and an area that we consider not to have to endure music blasting through the walls at all hours of the night.

The intensity of the comings and goings is heightened by the fact that the drive is rented out under "Just Park" so in addition to the occupiers of the units coming and going there are additional comings and goings. This also means that the parking space is not available for the occupiers which again would not meet the requirement of Barnet. This is a busy street, with the school opposite and the nursery just further down next to the GP surgery. We do not feel that as a result of this development we should face further parking stress on the road.

The applicants can not claim that the units have been there for ten years. When we moved into our house, in 2013, number 36 was constructing their building works, which they appear to have gained under permitted development rules, thus proving it to be a single family dwelling house at that time. Thus, if any of the units were in use prior to 2013, then surely the extension and loft conversion would thus not be lawful and a new enforcement case investigated? As you will note from the planning history, a prior notification application was refused in July 2013 and thus again proving that the property was still as a single family dwelling house at this time.

In terms of claiming 4 years for the flats, they may able to prove that the units have been in existence for 4 years by means of tenancy agreements etc, however the 4 years should start from the original enforcement notice, which I believe was served in 2014. This would mean that the use would have to have occurred since 2010 and this can simply not be the case as they applied for permitted development to extend, based on it being a single family dwelling house, in 2012 and 2013 as noted above.

To allow an unlawful development in the middle of the house simply because the units above and below are claimed to be acceptable is surely not the way the planning system operates? The physical internal changes to the property, we believe, all occurred at the same time, and thus therefore seems

an unlawful way to circumvent the planning system. Surely this would show that the flat units were built based on having HMO on the 1st floor, which implies that if the HMO is unlawful, then the flats would be deemed to be unlawful.

In terms of the appeal under Ground (f), in order to ensure that the property reverts back to a single family dwelling house, we believe this ground to be necessary.

Dr S. Conway

38 Sunningfields Road, London NW4 4RL