

LB Tower Hamlets  
Anchorage House, 2 Clove Crescent,  
East India Dock, London, E14 2BG

25<sup>th</sup> June 2012

Dear Mr Murrell,

**Re: Application No. PA/11/02495**

**4 Wilkes Street, London, E1 6QF**

**Erection of roof extension to provide office space including the creation of a roof terrace together with timber screening to the perimeter of the roof terrace.**

We, the residents of 15, 17, 19, 23 and 25 Fournier Street, 6 Wilkes Street and 2 Princelett Street, wish to maintain our **OBJECTION** to the above mentioned proposal.

We were delighted with the decision of planning committee on 10<sup>th</sup> May to not accept the officer's recommendation of approval of this application, and were pleased that the members of the Planning Committee have acknowledged in reaching this decision, the detrimental impact that this proposal, most specifically the roof terrace, would have on our residential amenity.

We were however concerned that the report prepared for the Planning Committee on 6<sup>th</sup> June (subsequently withdrawn from that agenda) did not address our primary concern about the proposed roof terrace, which is noise and disturbance, as well as the potential for other environmental nuisances such as smoke, and food smells.

For this reason, we are writing once more to restate our objectionsto the application and to ask that our views are included and taken account of within the officer's report being prepared for planning committee on 10<sup>th</sup> July.

#### **Our Concerns**

- The size of the roof terrace proposed (approximately 40 sqm) would allow significant numbers of people to congregate on it (we have estimated it could comfortably accommodate in excess of 60 people).
- Provision of external space is not essential for an office use (indeed it is relatively unusual).
- Use of the terrace in conjunction with the office use is likely to result in its use for corporate entertaining and hospitality, and other social events.
- Other external space already exists at this property at a lower level which could be used by future occupants.
- It is not accepted as likely that the building will be let on a floor by floor basis, reducing the numbers with access to the terrace, indeed the supporting information submitted with the application and the marketing details for the property state it will be let to a single user.
- The area proposed as roof terrace has not previously been used as external amenity space (lawfully or otherwise) by occupiers of this building.

- Noise generated from this type of activity and the numbers of people would seriously compromise the residential amenity of the surrounding dwellings.
- The impact of this noise is particularly severe given the dense urban environment of Spitalfields
- There is potential for other environmental nuisances to impact on residential amenity such as cigarette smoke, smoke and fumes from barbeques, and food smells.
- The impact of the proposal is not mitigated by the proposed timber screen. Whilst this might prevent overlooking, it does nothing to reduce the impact of noise and disturbance and other environmental nuisances. The proposed timber screen will also impact on the outlook from some of the neighbouring dwellings, and appears incongruous in the setting of the surrounding listed buildings.
- The proposed hours of use condition for the use of the terrace is not sufficient to protect resident's amenity, and we have concerns about how rigorously this could be enforced.
- We have legitimate concerns about what plans the applicant has for the future use of the building. It has been marketed as "Restaurant & Bar with rooftop terrace" (photo attached), whilst we acknowledge that this use would require further planning consent, such a use would have a devastating impact on our residential amenity and we consider permitting a roof terrace now would set a dangerous precedent for the future.

### **Potential to Amend the Proposal**

Following the Planning Committee members' decision not to accept the officer's recommendation of approval at committee on 10<sup>th</sup> May the applicant has had the opportunity to amend the application to address their concerns. They have chosen not to do so. Instead additional information was submitted by the applicant "to provide further information on the points raised by members". There is no analysis of this additional information given by the officer in their report prepared for the 6<sup>th</sup> June committee, it is simply appended to the officer's report.

The additional information submitted by the applicant does not address **at all** any of our concerns set out above, which we believe committee members share.

To address our concerns and those of the committee, the applicant could amend the application to remove the proposed roof terrace and the timber screen. This amendment would still allow the applicant the benefit of the office extension at roof level, but would eliminate the concerns that nearby residents have about the impact on their amenity due to noise and disturbance and loss of outlook. We are extremely disappointed that this straightforward amendment has not been made in order to address residents and members concerns.

### **Reasons for Refusal**

We are concerned that the report prepared for planning committee on 6<sup>th</sup> June which provided 2 reasons for refusal set out at paragraphs 3.4 and 3.5 of the report did not specifically refer to the impact of noise and disturbance on our amenity as a reason to refuse, as this is one of our primary concerns.

Also concerning is the comment in the report at paragraph 5.2 that “officers consider that it is likely to be difficult to substantiate the proposed reasons for refusal and provide evidence to support these reasons”. We do not agree with this statement. We believe however that the reason for this statement’s inclusion in the report is that the proposed reasons do not specifically include the impact of noise on residential amenity, which we consider is strongly justified as a reason for rejecting the proposal.

We would like therefore to propose the following additional reasons for refusal, for members to consider at committee on 10<sup>th</sup> July:

1. The proposal by virtue of the elevated position and size of the roof terrace would result in an unacceptable impact on the residential amenity of surrounding residents, due to the noise and disturbance, and the potential for smoke and odours, which would arise from its use in conjunction with the office use of the building. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.
2. The timber screen to the roof terrace, proposed to mitigate the otherwise unacceptable impacts of overlooking and loss of privacy to surrounding residential dwellings, itself results in a loss of outlook and has an adverse impact on the visual amenity currently enjoyed by those dwellings. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

We would also ask that officers and members reconsider the impact of the proposed timber screen (which is essentially akin to placing a suburban garden fence at roof level), on the character and appearance of the conservation area and the setting of the surrounding listed buildings.

## **Conclusion**

We would ask that officers take account of our legitimate concerns as set out above, and reflect our views in the report being prepared for committee on 10<sup>th</sup> July.

We urge members to decide to refuse the application at that committee for the justifiable reasons of the impact of noise and disturbance from use of the roof terrace in conjunction with the office use, and the impact of the timber screen, which has been proposed only to seek to mitigate other unacceptable impacts of this development.

Yours sincerely

David Gadd & Frank Pickard  
23 Fournier Street

Tracey Emin  
19 Fournier Street

David and Carolyn Fuest  
25 Fournier Street

Jeanette Winterson  
15 Fournier Street

Fiona MallinBofferding  
6 Wilkes Street

Claire Veillard  
2 Princelett Street

Paul Shearer and Vicky Licorish  
17 Fournier Street



Advertising board displayed recently on application site referred to above.