

Letter of Objection to the development at Former Tower
Car Sales, Tower Close, East Grinstead, West Sussex
(now known as Whittaker House, 1 Leppard Walk) and
retrospective application DM/26/1449

Flat 9



01/07/2020

Dear Planning,

I wish to object to the development at the above address; I am a resident of the above address, and believe the developer has significantly and deliberately breached his original planning permission to the detriment of the buyers, the neighbours, and the surrounding area.

This application is ostensibly the same as the original application DM/26/0432; due to this I have included my original complaint letter from that application as Appendix A to this letter – I would like my original letter of complaint for DM/20/0432 to be considered in its entirety regarding this application.

There have been a few cosmetic changes to the original plan, which I would strongly object to:

- The latest submitted plans still do not show the 9th car parking space that the developer has already sold to a current resident; given the number of times plans have been submitted, I can only conclude this is a deliberate attempt to mislead planning as to the current state of the development. I note the developer has not applied for retrospective planning permission for this on any of the applications to

date, despite having sold it last year. The developers attempts to sell a 10th flat have all to date included a 10th car parking space, and any planning permission application must consider this untenable.

- The plans add an extra gate to the access at the back and reduce freeholders access to 'emergency access only'. The issues regarding fire safety and access still remain, and it removes any direct external access Flat 1 has to their garden.
- The proposed bike storage is obviously ridiculous, involving access via an unlit car park via a road lacking a continuous path. It would be unsafe for children and female residents, forcing them to navigate pathless roads and an unlit car park. The land proposed for the bike store currently has a ticket machine on it, and even if a bike store was placed, it would be inaccessible due to the ticket machine



- The bin store remains directly under a residents flat, at the front of the development, significantly affecting the appearance of the local area and continues to be a fire risk to residents above

These proposed changes are of poor quality, unsuitable for residents, and much like the previous application, are another attempt to circumvent the original planning permission to the detriment of residents, neighbours and the local area.

I implore Planning to not only refuse this, but to strongly consider enforcement action to return the development to the original plans.

Kind regards

Appendix A – original letter of objection for **DM/26/0432**

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Dear Planning,

I wish to object to the development at the above address; I am a resident of the above address, and believe the developer has significantly and deliberately breached his original planning permission to the detriment of the buyers, the neighbours, and the surrounding area.

The above site was subject to numerous applications, all turned down for a variety of reasons, including developmental overreach, 2 separate dwellings on the ground floor, entry through an undercroft, encroachment onto existing pavements, and many other factors. Planning permission was granted as the developer promised to address these factors, not limited to:

- A reduction in property numbers to 9 apartments, with 8 dedicated parking spaces
- A dedicated entrance not through the undercroft

- The addition of solar panels
- Dedicated bicycle storage for 10 bikes and dedicated refuse areas
- No significant intrusion into the highway

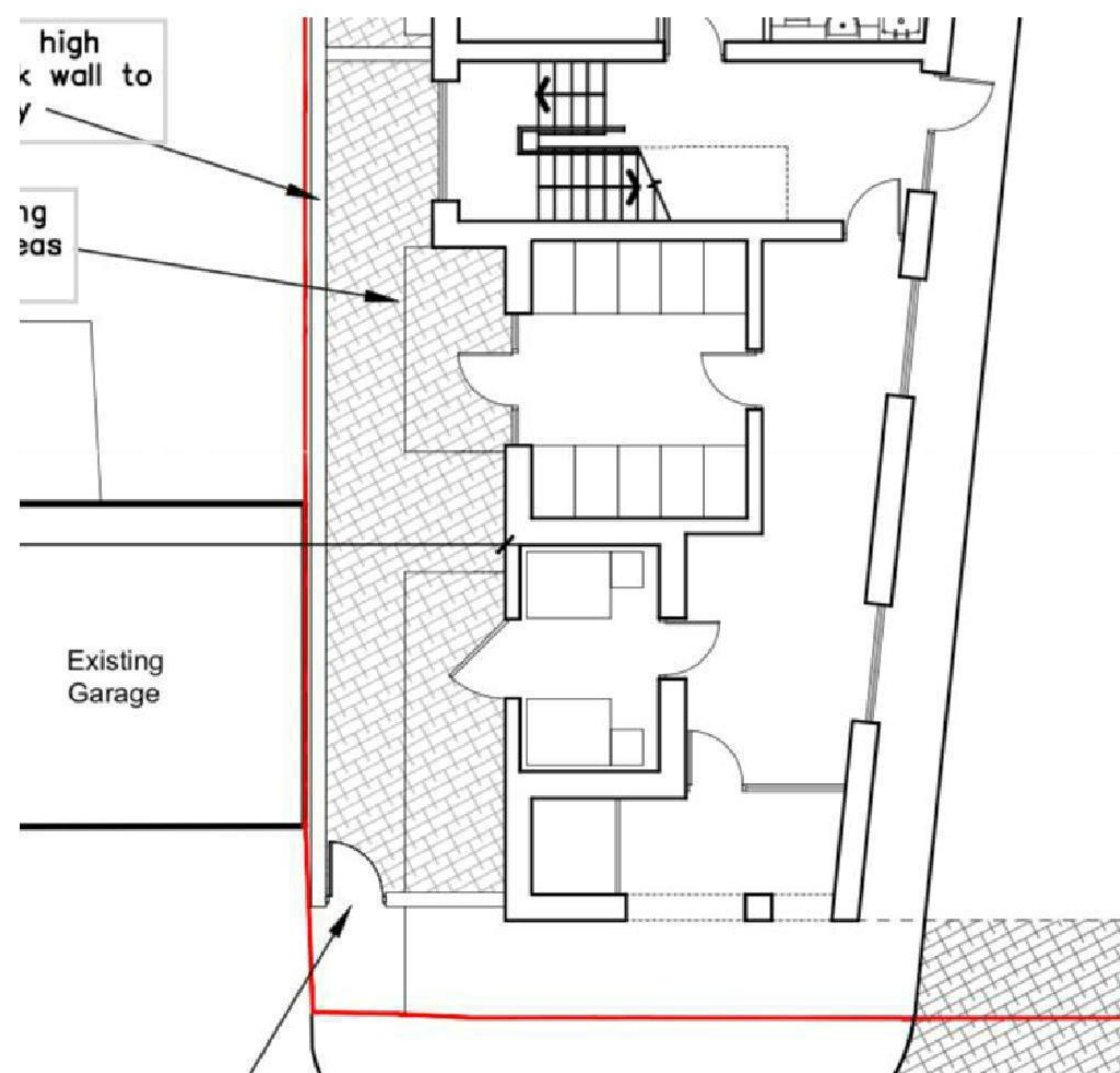
The development, as it currently stands, is in contravention of all the above, and the developer is now attempting to deviate even further with retrospective planning permission for a 10th flat, with an allocated parking space and allocated gated entry (DM/26/0432). This would bring the total number of allocated parking spaces to 10 (the development already has an unauthorised 9th space), remove any access Whittaker House has from the bin store and bike storage to the public highway, and permanently destroy vital parts of the building already planned for (and sold to myself and the other owners). In addition, it would completely cut off any exit from the rear of Whittaker House in the event of a fire in the undercroft/the front of the building.

To be clear, I believe this retrospective application was the developers plan all along – the plans submitted to the Planning Office were a fiction, and what has ensued has been a deliberate attempt to force 10 flats/2 ground floor flats into Whittaker House from the very beginning of the development; there was never any intention to have a dedicated bin store, dedicated bike store, or solar panels. There was never any intention of a separate entrance. The plan was always to encroach on the public pavement/right of way. Both the Planning Office, and the buyers, have been subject to misrepresentation on, quite frankly, a massive scale.

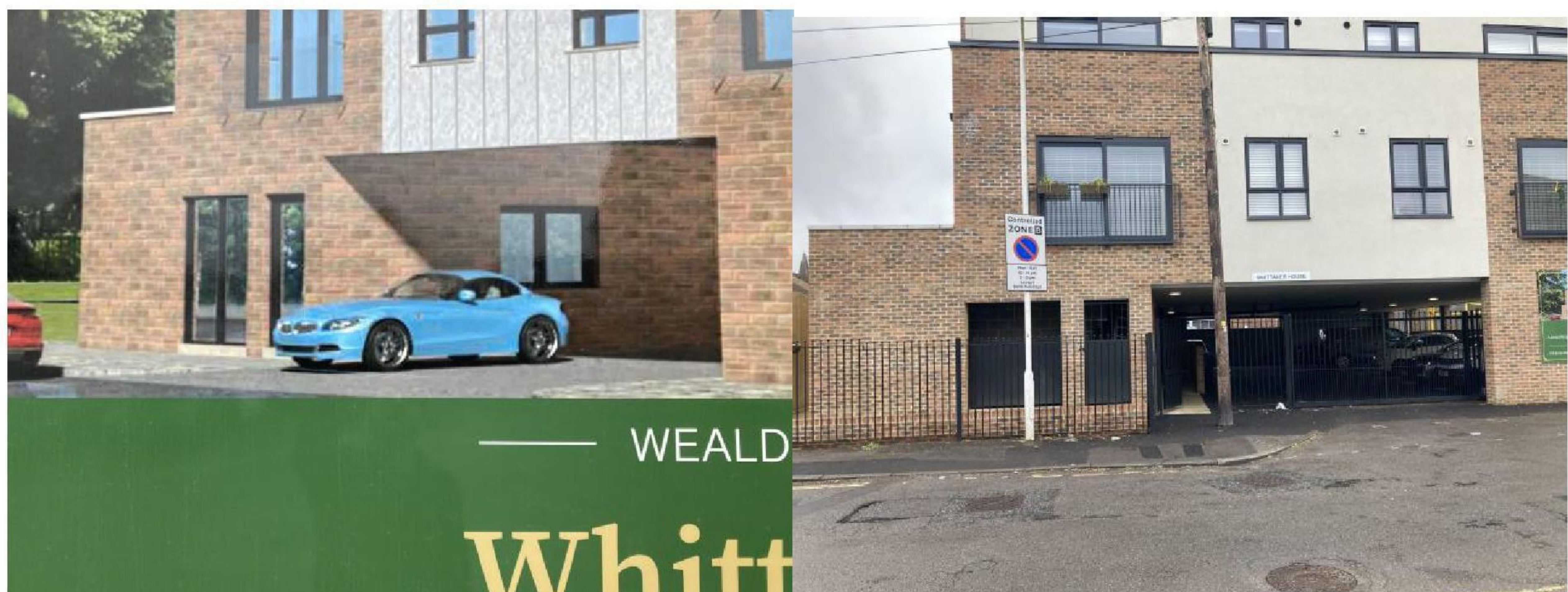
Breaches

The exterior/bin and bike stores

Starting with the outside of the property, Whittaker House was supposed to have a separate entrance, with a wide gated walkway to the right leading to a dedicated bike storage for 10 bikes, and 2 large refuse bins (sufficient bin storage for 8 properties). Both of these areas would lead into the entrance hallway, with the stairwell benefitting from opaque glass and entry into the undercroft.

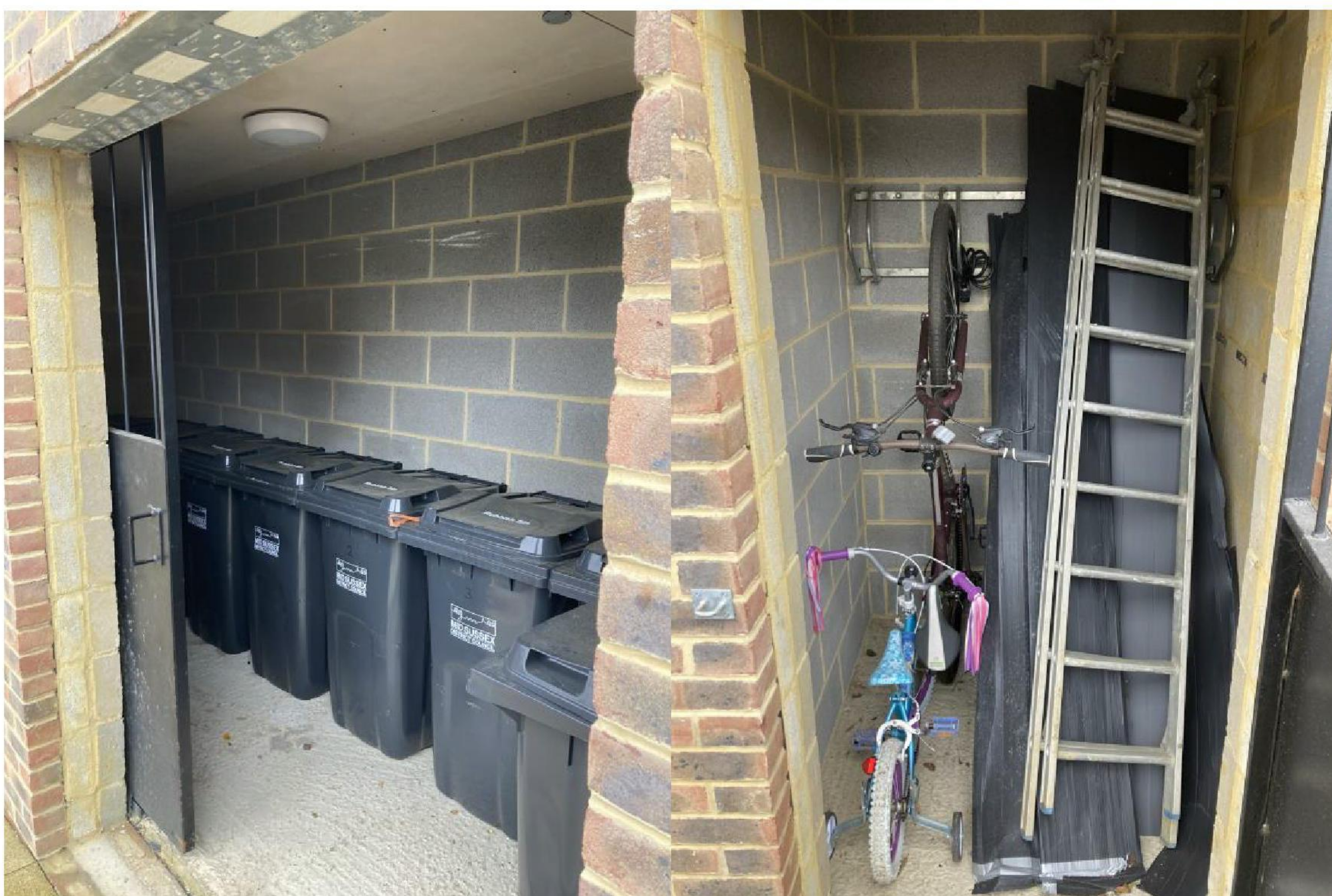


Planning permission was granted with acknowledgement of this, and noting that resident would not have to enter through the undercroft:



The promotional material (same images as submitted plans); the current front of the building;

The entrance is now our 'dedicated bin and bike storage'. These are so unsuitable for the purpose as to be functionally useless. They remain unfinished, with unfinished brickwork (and bin storage) now forming part of the view for our neighbours. The bin storage area holds 8 bins, with the 9th squeezed in. Our recycling bins now live in the undercroft, as there is no 'dedicated bin storage'. The 'dedicated bike storage for 10 bikes' is honestly my favourite part of the development:



Dedicated bin storage; Dedicated secure storage for 10 bikes

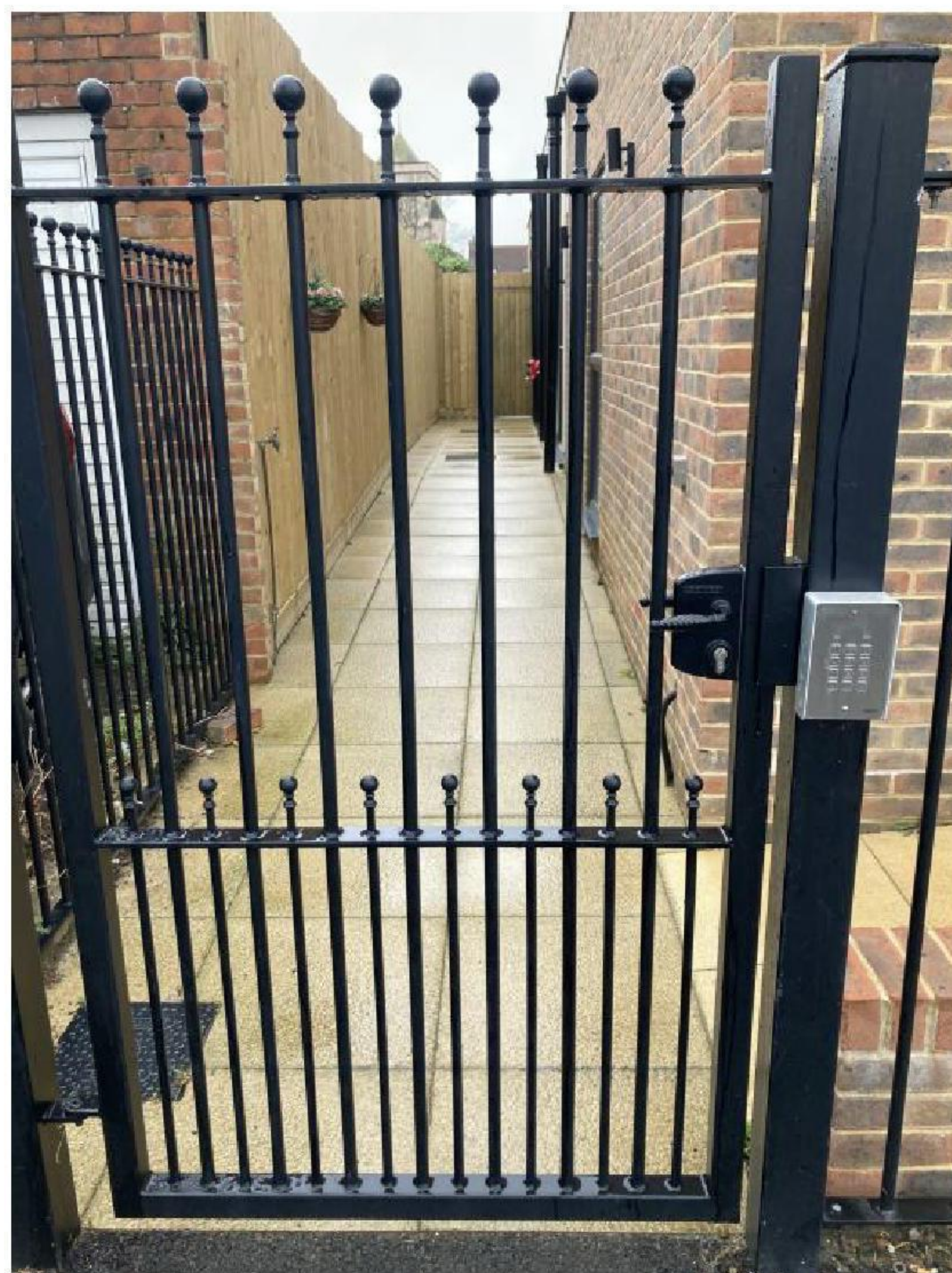
It would be funny if the property hadn't been marketed and sold as having dedicated secure bike storage, if said storage wasn't also mentioned when granting planning permission, and if several of the current freeholders hadn't purchased their property with this specific feature in mind.

Because of the change in purpose of this entrance from main entrance to bin and bike storage, the developer encroached onto the pavement and installed a walkway, and a gate with a numeric key lock. This key lock is currently disabled, and this is the access point we use now to bring our bins to the kerb for roadside collection. The original plans had a refuse area big enough for 2 large bins, which could be accessed by the refuse collectors. Due to the developer not providing this, the development was without refuse collection for a period of nearly 5 months, as the original bins could not be sited. Following a site visit we were given 18 bins (2 per household). Half of these now live in the undercroft, representing a potential fire hazard, as there is nowhere else for them to go. We currently await the delivery of 9 exterior foot waste caddies, which will likely also end up in the undercroft:



Nine Recycling bins kept within the undercroft

The back gate we now use is also the one the developer is attempting to sell as the 'allocated gated access' to the 10th flat. If this is granted, we would have no back exit from Whittaker House, and no way of bringing our bins out. The numeric keylock on this door has been disabled, but no code has been shared with the current residents and owners. Should this be enabled, this would cut off our only access from our back door, bin store and 'bike store' to the public highway:



Current back gate; keypad not currently in use

I must also reiterate the massive fire safety issue of removing the back access of Whittaker House from the public highway, and my deep concern that the developer has chosen to keep this as a possibility.

Due to the developers changes in bin storage, this area of pavement (of which 50% was taken without planning permission earlier in the build) now has to hold 18 bins when the recycling and general waste coincide, making it impassable:



18 bins at a time are brought out here due to deviations from approved planning; bin day (not all 18 bins)

The developer had no intention of honouring the original plans or planning permission – looking at the original footprint of the outside walkway, you can see the developer planned to minimise this from the foundations. There was a deliberate attempt to maximise this space for a 10th flat from the very beginning.



The walkway has been cut back to maximise the floor space for a potential 10th flat

In short, we have bins surrounding the current front door, which is itself already in contravention of planning, and the developer is actively trying to sell our back door.

The Current Entrance and Entry System

Planning permission for Whittaker House was granted on the expectation that residents would not need to enter through the undercroft, and they would have a dedicated entrance. This has also been sacrificed to make room for a potential 10th flat, with the entrance now located within the undercroft. None of the entry systems, neither internal nor external, have ever worked. The developer has been reached out to numerous times to correct this, but as of writing, no one in Whittaker House is able to receive guests, or secure deliveries, without either getting telephoned first or waiting outside the property. This is yet again more proof of the developers lack of character, and the disparity between what both we and the Planning Office were sold versus what was delivered.

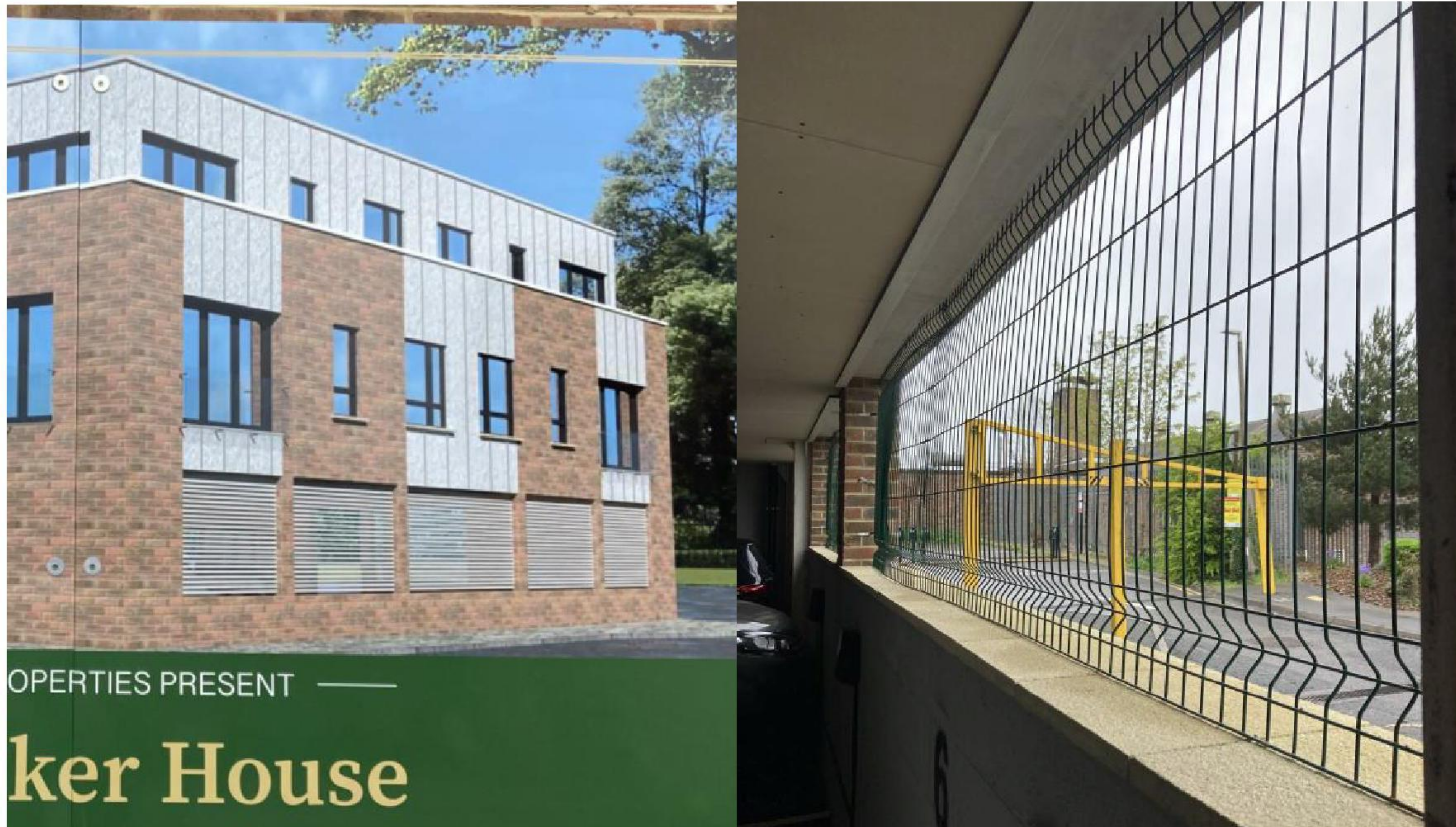
The opaque glass has now been replaced with a back door, which accesses the bin and bike storage and takes us past Flat 1A's front door. The area under the stairs, which was supposed to be our hallway through to a front door, is now the cupboard where all our meters are stored. Further proof that the developer had no intention of building to plan, permission, or sales materials:



The opaque glass is now our back door and access to the bin and bike stores, with the electrical cupboard in place of the hallway to a dedicated entrance

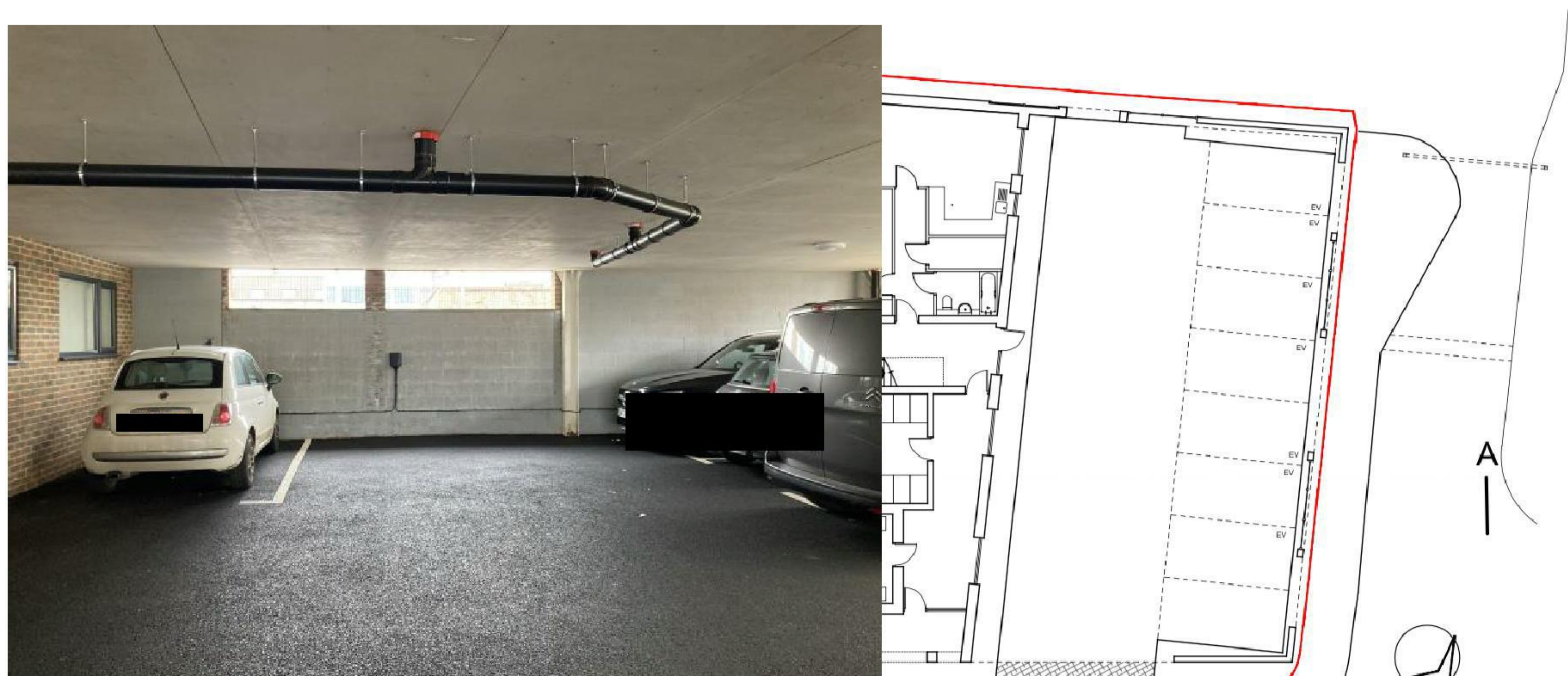
The Undercroft/Car Park

This was originally designated for 8 parking spaces, with tasteful exterior slats (or filigreed metal screens, depending on the submitted pictures). What we have been given more closely represents a snipers nest in Fallujah. This has a considerable effect on the exterior appearance of the building, and combined with the new front facing refuse area, significantly lowers the appearance of the neighbourhood:



The sales poster for Whittaker House (also submitted in plans); The current car park grills

The developer has already placed an unauthorised 9th space, and you can clearly see he has installed EV charging points for 10. It seems obvious that a 10th space will completely block the space for flats 2, 3, and 4, but as with all these issues, we can see the developer always had plans to fit 10 cars in this car park, and had no intention of building to plan:



Unauthorised 9th space; EV point for potential 10th space; original approved plan

The development has also always had a low brick wall cutting off the walkway seen in the approved plan, I suspect to keep as much width for the unauthorised extra spaces as possible. This has not appeared on any of the plans that the developer has submitted

regarding this extra parking space he seeks for the 10th flat, and combined with the bins, takes up a large area of the undercroft (9 food waste caddies awaited):



Low wall and bins

The Pavement

As well as encroaching on the pavement directly in front of the property, the permitted design had pavement stretched round the corner of Whittaker House. What we have been left with is a blind corner, with cars entering the Aldi car park and pedestrians suffering near daily misses of each other:



The current corner, with no walkway; the approved plans

I am uncertain whether this is due to the increased footprint of Whittaker House, but the resulting corner is incredibly unsafe and will be the site of accidents if left as it currently stands.

The Unauthorised Flat (Flat 1A)

The erasure of the entrance, walkthrough, bin store and bike store, as well as the enlarged footprint taking the walkway, were all undertaken to cannibalise already planned (and sold) aspects of Whittaker House for a prospective 10th flat. This has led to fairly large issues with waste storage and collection, and continues to do so. It has also led to obliteration of anything resembling secure bike storage ('for 10 bikes'), considerably encroached on the pavement, and forced our front entrance into the undercroft. If this wasn't enough of a breach of planning permission, and misrepresentation to buyers, the developer now seeks to retrospectively approve this 10th flat, as well as giving them 'allocated gated access' (our back gate) and a 10th 'allocated parking space'.

I question the developers right to market assets, such as the gate and the parking space, as 'allocated' when they are not his to sell. The undercroft and the gate belong to me, and to the other freeholders of Whittaker House. No permission has been given, no sale agreed, and nor will it be. I must insist these assets and access points are not considered as part of any planning permission, and ownership will be legally contested if necessary.

The proposed development is of extremely poor quality. Despite stealing all the common space on the ground floor from the current freeholders, the developer has still managed to build something that does not meet the requirements for minimum dwelling space. The proposed dwelling has no external windows, and the main living space has windows that

look into the undercroft/car park. One bedroom has a window that looks out on to the walkway, but as the developer has shrunk the walkway, it only receives indirect light.

The 'allocated parking space', quite apart from legal issues, is not physically possible unless the developer has discovered a way to shrink cars (instead of living spaces). A 10th space is not feasible even if the undercroft wasn't filled with recycling bins, and the developer hadn't built a brick walkway that to this day hasn't appeared on any plans he has submitted to the Planning Office. I suspect leaving it off makes the proposed extra car parking spaces look less physically impossible.

There simply isn't room for a tenth car; there isn't really room for nine (as the developer has already gifted us with one unauthorised space, in direct contravention of planning).

The developers relationship to submitted plans is best described as 'creative'; during the buying process for Whittaker House, plans changed several times, and the last iteration very clearly had the 9th unauthorised parking space on them. Yet this appears to have completely fallen off the in the plans accompanying the retrospective application, which is most odd.

Fourthly, the 'allocated gate entry' that is being advertised, again aside from legal issues of ownership, would result in no access from our back door to the public highway; no access from our bins to the kerbside without taking them back up the walkway, through the stairwell, and out of the undercroft. This is obviously insane, and a huge fire safety risk.

I would also note that allowing this 10th flat to be retrospectively approved cements the bike and bin storage as the front facing aspect of this development, significantly lowering the appearance of the area. Combined with the developers top notch finish for the undercroft windows, the end effect is nasty, ugly and cheap.

By manipulating floor plans for individual flats and minimising bedroom numbers when applying for planning, the developer deliberately misrepresented the potential impact to neighbours in terms of noise, disturbance, and impact on the public highway of 8 (but he meant 9) cars. He now wishes to compound this with another car, another dwelling, and another family. The impact on the local area has already been excessive, and far more than was originally expected based on the developers own figures.

Previous developments on this site were all turned down for precisely this reason; there is no good way to fit two dwellings on the ground floor. The developer knew this, and yet has decided that forgiveness is easier to get from the Planning Office than permission. Permitting this retrospective planning permission sets a grim precedent, and is an

incredibly blatant attempt to circumvent well established objections to precisely this layout.

Solar Panels

Of course, the solar panels mentioned in the application and subsequent planning permission have not been installed; there are no solar panels on the property.

Other Misrepresentation During Planning and Sales

The report granting the developer planning permission makes note of expected occupancy based on bedroom numbers, and charges the developer accordingly for infrastructure; even here, the developer has deliberately misrepresented this development. The approved plans had an upstairs layout of 4 one bedroom flats; these are now all 2 bed flats, and I would argue from the floor plan that this was the developers intent all along. False figures seem to have been provided to minimise the fees the developer would have to pay to the community.

All the features of this development that were used to get planning permission approved were all features that were used during the sales and marketing of these properties, as can be plainly seen in the sales literature. Their removal represents a significant cost to those of us who bought these flats, and a significant negative impact on our quality of life. This was pre-planned, this was deliberate, and it is fraudulent.

I would also note that the developer has sold the entirety of the freehold of Whittaker House, and has no legal basis to claim a 10th flat in this property at this point in time. As with much of this development, his overreach looks very legally dubious.

I am imploring the Planning Office to look at this development in more detail, and consider enforcement and legal action against a developer who has misrepresented and missold this development to everyone involved. I would ask that removal of the unauthorised flat and full restoration of the original floorplan be strongly considered, alongside restoration of the facilities promised to the residents and Planning Office, including bin storage, bike storage, a dedicated entrance, solar panels, and slatting for the car park.

Yours faithfully,

