

Claire Vicary
The Planning Inspectorate
3D Temple Quay House
2 The Square
Bristol BS1 6PN

26 August 2023

Dear Claire Vicary,

Town and Country Planning Act 1990

Appeal by Xuelin Bates

Site Address: 21 Mornington Crescent London. NW1 7RG

Your reference: APP/X5210/W/23/3316431

Thank you for your letter of 17 August 2023 enclosing the response to our appeal from Camden Council (LPA) dated 10 August 2023 and prepared by Enya Fogarty.

We were invited to submit comments on the LPA response (10/08/23) with the advice that any comments at this stage should be restricted 'solely to the representation enclosed' — our comments are therefore as follows:

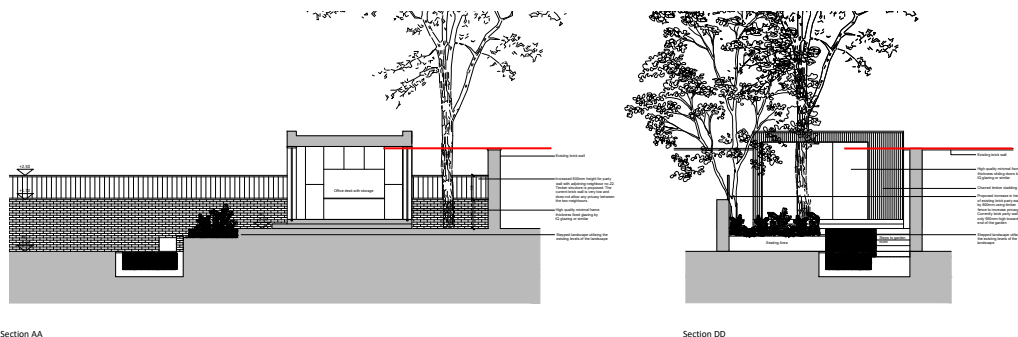
On page 3/Point 1: The LPA state that the appellant claimed the '*planning application was submitted on 7th January 2022*'. This is incorrect. In our Appeal Statement dated 6 February 2023 (page 2 point (a)) we state that the application was submitted on 16 November 2021 but it was not validated by the LPA until 7th January 2022. This was the basis of the claim that the planning decision had taken almost a year being 16 November 2021 to 25 October 2022.

On page 4/Point 1: The LPA state that the '*appellant did not wish to make further revisions to the scheme, so the proposal was considered unacceptable and refused*'. This we believe could be misleading to The Planning Inspectorate as the basis of our case is that on 6 July 2022 Enya Fogerty requested that *the outbuilding was not used for sleeping accommodation*, this was immediately agreed to by our agent. On 18th July 2022 (10:34AM) Enya Fogerty then wrote again to our agent and said that '*in order to be approved the following amendments must be made: Please lower the outbuilding by 0.5m so it doesn't appear over the boundary wall; add a green roof to the outbuilding to enhance the existing and future biodiversity*' our agent responded positively on 19th July stating that we agreed to these conditions. The reasonable conclusion from this wording was that as such the proposal would be approved. On 11 October 2022 when we received a further email from Enya Fogerty that the LPA required us to reduce the footprint of the outbuilding by 50% otherwise it would be refused. This was the point we objected to as we reasonably believed that as a result of our positive revisions to the scheme the proposal was acceptable. Had the request been to reduce by 15-20% then we would have accepted but 50% is excessive.

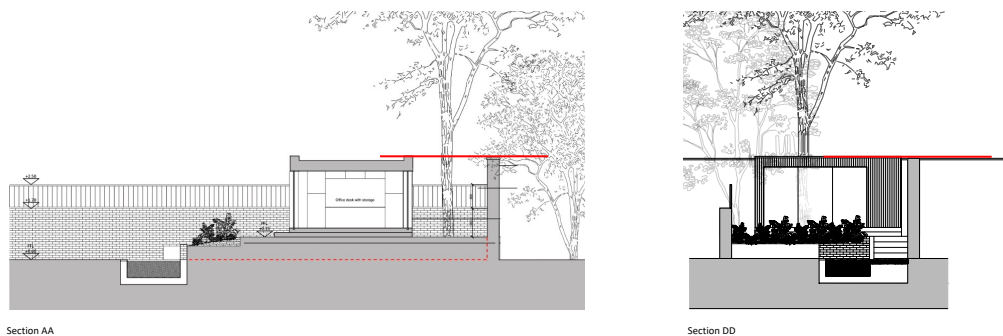
On page 4/Point 2: The letter from the LPA '*In this case the Conservation area advisory committee objected to the proposal. After this the appellant was informed further revisions would be needed, the appellant disagreed, the appellant disagreed and the application was refused.*' This is potentially

misleading to the The Planning Inspectorate. The response of the Conservation area advisory committee was received by the LPA on 7th February 2022. It was the understanding of the appellant that the revisions requested on 6th and 18th July 2022 were in response to the Conservation area advisory committee and these were agreed to. There is no public record of further representation being received by the LPA after 7th February 2022. It is misleading to suggest that the dramatic change in position between 18th July 2022 and 11th October 2022 was due to change to responses of the Conservation area advisory committee which had been received on 7th February 2022 and were incorporated into the revisions requested on 18th July 2022 and agreed to by the appellant on 19th July 2022. Moreover, the LPA stated on 29th March 2022 that the proposal complied with Policy D1 and D2.

One page 4/Point 3: The LPA claim that the outbuilding is '*excessively large for a domestic setting*' this is not the case and other similar sized outbuilding have been submitted by my agent and approved recently at 26 Belsize Grove, London NW3 4TR, Planning Application No: 2023/1109/P. This outbuilding was in a Grade II listed property garden—outbuilding size 22.5 square metres. The proposed outbuilding for 21 Mornington Crescent measures 19 square metres. The LPA goes on to state '*that the area of the garden is slightly higher than the main garden which results in the mass and height structure having increased prominence, emphasising the volume.*' The slightly higher garden was a temporary solution following the renovation of the property in 2021 we agreed that we would return the garden to its original level—0.5m lower than at present. This was what the LPA asked us to do on 18th July 2022 and we agreed to it immediately. This could not be the basis for an appeal letter to yourselves dated 10 August 2023 when the revision was raised and accepted by the LPA and the appellant on 18th and 19th July 2022.



Original proposed side and front elevation as indicated by LPA.

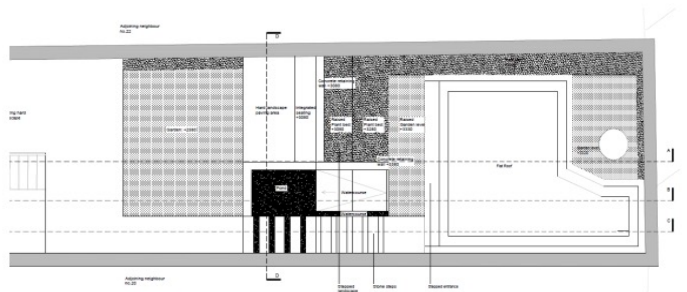


Amended side and front elevation on 18th July 2022 as requested by LPA

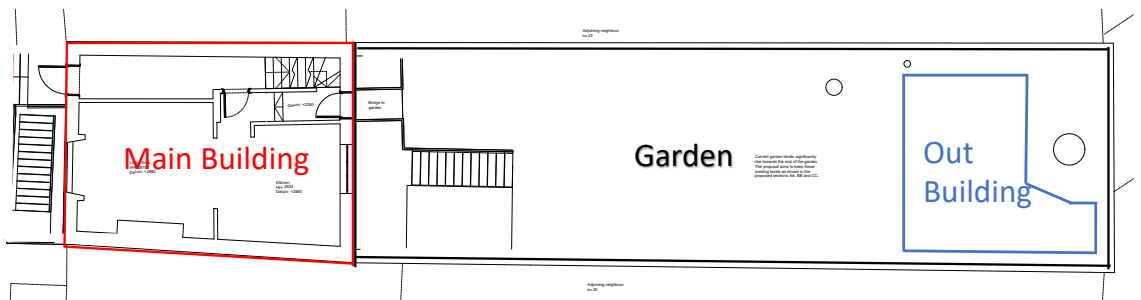
On page 4: Point 4: The LPA states in their response that '*the council did not refuse permission on the grounds that light pollution would harm neighbouring amenities*'. This is not fully the case. There were two objections received to consultation from Simon Leper (a neighbour to the rear of the property in Clarkson Row and the Conservation area advisory committee on the 30th January 2022

and 7th February 2022 respectively. Both respondents raised the issue of 'light pollution' and as a result revisions were made to the design reducing the number of window to the rear of the outbuilding and including blackout blinds on all remaining windows.

On page 4: Point 5: The LPA states that '*The council asserts that the outbuilding would be an overly dominant and visually overwhelming development.*' First, this raises the question as to why they did not ask us to reduce the size of the outbuilding when they indicated they would be content to approve the proposal providing the height was lowered by 0.5m and a green roof added—both of which revisions we agreed to. Secondly, whilst the outbuilding is just under 50% of the footprint of the existing building, but it is in a large garden measuring just under 130 square metres and the proposed footprint accounts for 14.6% of the garden. The garden of course is not listed. Moreover the garden is secluded with large trees and not visible from the public highway, so how could it be '*and overly dominant visually overwhelming development?*'



LPA site plan misleading on their statement page 5/Point 5 drawing.



Site plan to show proportion for the main building, garden and outbuilding.

On page 5/Point 6: See responses above to points 3 and 5.

On pages 5 and 6: We accept without reservation all the *Proposed Conditions* proposed by the LPA.

I trust you will find these additional responses helpful in your consideration of our appeal.

Yours sincerely,

Handwritten signature of Xuelin Bates in blue ink.

Xuelin Bates
Managing Director
Mornington Property Investment Limited