



# STATEMENT of CASE

**76 Neal Street**  
**Covent garden - London WC2H 9PA**

**Local Authority**  
**CAMDEN COUNCIL**

**“PLANNING INSPECTORATE”**

Project Code: ASP-2023104\_76 NS  
 Project Title: Statement of Case – Appeal Ful Planning Application  
 Client: Mr. Morad Arefin – Dow Properties Ltd, 195 Hale Lane,  
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 Architectural Consultant: ASP Architects London Ltd, Architect Sami Almaqableh

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**EXISTING FRONT VIEW**

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Existing Rear-Side View

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**SITE LOCATION**

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## 1.0 INTRODUCTION

This supporting Statement Report has been prepared to support the appeal at the refusal notice decision-Planning Permission for the address 76 Neal Street, Covent Garden, London WC2h 9PA7PP. Decision of refusal by the planning department of Camden Council with Case Officer Matthew Dempsey and Mr. Neil McDonald (Planning Application Team Manager). Planning Application Reference Number:2023/3319/P and planning Portal Ref.: PP-12371092

The current site situation is a vacant (basement and Ground Floor Level) and our application only for a small portion in the basement to change the activity and creating a portion at rear basement for primary cooking activity. (Kitchen Area). In the past the place was used as a shop activity, which will remain the same except that new portion that we submitted a request for planning permission application.

It is essential in this case to highlight the behaviour of the planning department of Camden Council, which not respecting rules, policies and planning permission procedures. Therefore, we have submitted our application through planning portal on date 11.08.2023 and the council received the documents in the same date. Unfortunately, we had to make a complain to the council because we haven't received any response or communication. Nevertheless, after our official complain to the council, we received only by email (11.09.2023) from the assigned planning officer, without any acknowledgment letter attachment. (please refer to the attached communication as evidence "Complain-1).

In addition, the lack of communication and ignoring our emails and complains through the process was frustrating and always faced by the department with less commitment or taking in consideration our incitement to reply at our communication.

Furthermore, the time to release a decision letter after our submittal is completely out of policy and procedures, we would like to put your attention on our submittal and receipt of responses as the followings:

1. Submittal of the application on date **11.08.2023**, through Planning Portal
2. Validating email and assignment of Planning Officer on date **11.09.2023** (without official acknowledgment letter)
3. Decision letter of the application on date **23.04.2024**

As above noted it is taken more than 7 (Seven Months) to reach a decision, which is long time for a small development.

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## 2.0 DESCRIPTION OF THE SITE & THE EXISTING BUILDING:

The current Building is located at 76 Neal Street, Covent Garden London WC2H 9PA, in a Terrace typology in block of building with Five storey + Basement;

1. Basement one storey – Use as Commercial Unit (Class Order E)
2. Ground Floor – Use as Commercial Unit (Class Order E)
3. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Storey – use as Residential Unit. (Class Order C3)

The historical use of the Ground Floor and Basement always with use as a shop new Class order E, and the precedent Class Order was A1.

The Access at Ground Floor and Basement with independent Main entrance from Neal Street, and the Basement level relates to the Ground Floor through an internal Stair and rear metal stairs used as a fire escape stair.

The access at upper residential floors through an independent main entrance from Neal Street Basement and Ground Floor levels are currently vacant more than one year, and the upper levels are currently occupied as Residential Flats. The building located in a Conservation Area.

The whole Two Sides buildings of Neal Street are with mixed use; Commercial Use (Ground Floor & Basement) and Residential Use on Upper Floors.

We had a photographic report that certify the location of the building, External and Internal Views, Please refer to the drawings P150 & P151.

## 3.0 PLANNING PERMISSION APPLICATION:

Our Planning Permission Application submitted on date 11.08.2023 for converting a small area in the basement and creating an area for primary cooking (kitchen and bakery use), with installation of ventilation system and extract flue duct exposed on stairs roof.

The Planner Officer after a couple of months suggested to deal directly with the complain of some neighbouring because he is not going to proceed and approved if there is no written approval from the neighbouring agent.

Nevertheless, we contacted the neighbouring agents and dealt with all their requirements, i.e.:

we agreed to do the followings:

1. Revising the route of the external flue duct
2. Revising the Noise Impact report to be adequate on extract flue duct position
3. Find out a solution to reduce the environmental impact at rear of the external stainless Stails and make less obstacle of the view from the tenants terrace.



Our revision and intervention to satisfy the neighbouring requirements consist in the followings:

1. Revision the design of the external flue duct route, we hide the duct in the stair space without any external exposition or view disturbance.
2. We revised the Noise Impact report which certify an evident improvement in terms of noise
3. We suggested to clad the external part of the duct with bricks (Chimney view instead of stainless steel) using the same material of the building and surrounding area.

However, We communicated the result of our consultations with the neighbouring agents, showing the whole required changes and agreement to the planner Officer, including their official written by email with acceptance and approval of our revisions.

After that step, we had a lot of difficulties to communicate with the planner officer and the manager team, and we presented claims to the council, asking to provide information and reasons of this refusal to communicate with us. (Please refer to the attached communication with claims and consequences of reply.

#### 4.0 REFUSAL OF PLANNING APPLICATION:

We received the decision letter only on date 23/04/2024 with REFUSAL response.

However, after 7 months of waiting and struggling to fix and satisfy all requirements of neighbouring, planner officer and environmental department.

Honestly Speaking we were so surprised and shocked, in particular, reading the reasons of refusal.

Reasons of refusal:

1. The proposed installation of an extract flue duct to the rear by reasons of the design, materials, location, size, and release point, would constitute an incongruous addition harming the character and appearance host property, rear courtyards and the wider Seven Dials Conservation Area. The proposal would therefore be contrary to polices D1 and D2 of the Camden Local Plan 2017.
2. The proposed installation of ventilation required to remove odour emissions would be installed with the release point below the roof line. The applicant has also failed to demonstrate by way of a suitably comprehensive odour control assessment that the ventilation system and extract flue would comply with the council's standards on odour control and it is therefore likely that the installation would cause harm to







**local residential amenity, contrary to policy A1 (Managing the impact of development) and D1 (Design) of the London Borough of Camden Local Plan 2017.**

As mentioned, our thoughts in this circumstance was really a complete frustration, because our commitment and forces to satisfy all requirements and getting acceptance and approval from the involved stakeholders was unaccounted and all wasting of time was improper.

The second reason, we asked and confirmed our acceptance of the condition to submit an odour report.

## 5.0 CONCLUSION & CONSIDERATION:

The Full Planning Permission application should be granted, because our development proposal is legitimate by the followings evidence:

- 1- Notwithstanding our Collaboration and satisfying all neighbouring requirements.
- 2- Satisfying all Planning and Environmental departments requirements.
- 3- Compliance with all regulations and policies
- 4- Unprofessional behaviour and unwillingness by planner officer and team manager
- 5- The unnecessary time which is more that 7 months for a small development that not requiring all this time and commitments.

*ASP Architects London Ltd*

*Architect Sami Almagableh*

*London; April 2024*

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