

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Claim No: AC-2024-LON-001793



B E T W E E N:

AC-2024-LON-001793

THE KING (on the application of GLYNIS JOSEPH)

Claimant

and

LONDON BOROUGH OF CAMDEN

Defendant

and

PATRICIA LENNOX BOYD

Interested Party

CONSENT ORDER

Whereas, the Defendant granted planning permission reference 2024/0382/P for development at 50C Red Lion Street London WC1R 4PF (“**the Decision**”) on 18 April 2024; and

Whereas, the Claimant has made this judicial review claim challenging the lawfulness of the Decision; and

UPON the parties agreeing an order in the following terms:

IT IS ORDERED BY CONSENT THAT

1. Permission in relation to **AC-2024-LON-001793** is granted.
2. The Decision is quashed.
3. The claim is allowed for the reasons set out in the attached schedule.
4. The Defendant do pay the Claimant’s reasonable costs of bringing the claim subject to detailed assessment if not agreed.

SCHEDULE OF REASONS

Pursuant to CPR PD54A, paragraph 16

Background

1. On 18 April 2024, the Defendant granted planning permission reference 2024/0382/P at 50C Red Lion Street London WC1R 4PF for development comprising:

“New window and door fenestration arrangement at ground floor front elevation; installation of new double glazed timber framed windows and doors throughout; replacement rooflights throughout; removal of existing fire escape stair; infilling of first floor external door; small extension at rear roof level to create flat roof with new rooflights.”

2. On 29 May 2024, the Claimant served a judicial review claim on the Defendant challenging the Decision on three grounds as particularised in the Claimant’s Statement of Facts and Grounds.
3. On 19 June 2024, the Defendant wrote to the Claimant’s solicitors indicating that it would be prepared to consent to the quashing of the grant of planning permission on the basis that there was a material error of fact in the officer’s report on which the Decision was based (the Claimant’s Ground 2).

The Defendant’s position

4. The Defendant accepts that there was a material error of fact in the officer’s report, namely the incorrect statement at paragraph 4.3 that *“the submitted documents indicate that the height of the roof extension will not extend beyond the existing ridge line”*. On further detailed consideration, it appears that the plans submitted with the application do show a slight increase in the height of the proposed roof by comparison to the existing. The

Defendant does not consider the increase in height would result in any adverse impact on amenity of neighbouring properties, but recognises that this was not explicitly considered in the officer's report. It is willing to consent to judgment on that basis.

5. The Defendant does not accept that the Decision should be quashed on the other two grounds of challenge, which the Defendant maintains are unarguable and without merit.

The Claimant's position

6. The Claimant maintains that the Decision was unlawful for all of the reasons which were identified in her Statement of Facts and Grounds, namely that:

- (a) Ground 1: the Defendant's conclusions as to the scheme's construction impacts were irrational.
- (b) Ground 2: the Defendant's conclusions in relation to the permanent effects of the scheme were based on an error of fact, unsupported by evidence, and/or amounted to a breach of its *Tameside* duty; and
- (c) Ground 3: the Defendant breached its public sector equality duty under s. 149 of the Equality Act 2010.

2. With respect to Ground 2 (which forms the basis on which the Defendant has agreed to consent to judgment), the Claimant does not accept that the plans show only a "*slight increase*" in the height of the proposed roof. Nor does she accept that the increase in height would not result in any adverse impact on the amenity of neighbouring properties.
3. However, the Claimant is prepared to consent to judgment on the limited basis set out by the Defendant, whilst reserving her position that the Decision was unlawful on all of the grounds that were set out in her Statement of Facts and Grounds.

For and on behalf of the Claimant

Signed: *Harriet Child*

Date: 06 August 2024

For and on behalf of the Defendant

Signed: ... *Louise McLaughlan*

Date:05 August 2024.....

For and on behalf of the Interested Party

Signed: ... *Just War*

Date: ...06 August 2024.....

Approved by Recorder Karen Ridge
2nd September 2024

BY THE COURT