

architecture : planning

Uppp

STATEMENT OF CASE

Boydell Court, St Johns Wood Park, London, NW8 6HY

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1. Introduction

- 1.1 UPP Architects + Town Planners have been instructed by the appellant, Mr Sony Douer, to conduct a planning appeal in response to the London Borough of Camden's decision to refuse planning permission to application 2023/3169/P under delegated powers. The appeal application proposes the erection of a new 2 storey dwelling house and associated works in the north east corner of Boydell Court Estate. This appeal statement should be read alongside the submitted forms, additional reports and plans.
- 1.2 This statement will set out the policy compliance of the proposed development having regard to the National Planning Policy Framework, the London Plan 2021 and the relevant Development Plan Policies.
- 1.3 The primary objectives of this appeal statement are to demonstrate that:
- The proposed development by reason of the siting and height of the building and the design, would not result in an incongruous form of development. It would make the best use of the land and optimise the capacity of the site, it would also not appear out of context when compared to surrounding properties and would not cause harm to the character and appearance of the streetscene.
 - The proposed development, by reason of the siting and height of the building, would not result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D and would not create an increased sense of enclosure or be overbearing. Furthermore, it will demonstrate that the proposal will not result in an unacceptable reduction in daylight.
 - The proposed development provides an Air Quality Assessment which demonstrates that future occupants would not be exposed to unacceptable levels of air pollution and the site is suitable for residential development.
 - A legal agreement has been provided to secure an affordable housing contribution and the proposal would therefore maximise the supply of affordable housing to meet the needs of households unable to access market housing.
 - A legal agreement has been provided to secure the development as car-free thereby demonstrating that the proposal will not contribute to parking stress, congestion in the surrounding area, environmental impacts and would promote more sustainable and efficient forms of transport and active lifestyles.
 - A legal agreement has been provided securing a Construction Management Plan, construction impact bond and an implementation and monitoring fee thereby

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demonstrating that the proposal is unlikely to give rise to conflicts with other road users and would not be detrimental to the amenities of the area.

- The proposal endorses Central Government Guidance contained within the National Planning Policy Framework (NPPF) together with the relevant policies contained in the London Plan (2021) and the Camden Local Plan (2017) where non-compliance is being alleged.

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2. Site and Area Analysis

- 2.1 The appeal site relates to a development complex comprising flatted developments, houses and offices located at the junction of St John's Wood Park, Adelaide Road and Finchley Road. The main vehicular access is from St John's Wood Park and the site is a gated development.
- 2.2 The buildings on the site comprise a variety of building heights and styles. The main flatted developments are 12 storeys in height, having benefitted from rooftop extensions over recent years. Meanwhile, the townhouses and mixed-use commercial/residential buildings are three storeys in height whilst a number of single storey garages are located on the periphery. Although the building heights vary, the external materials are consistent (yellow multi stock brick) which adds uniformity to the appearance of the buildings. The buildings are located around a central courtyard area containing a mix of hard and soft landscaping.
- 2.3 The area relevant to the application site forms part of 'Block D' and is located on a soft landscaped area on the eastern part of the site, at the junction of St John's Wood Park and Adelaide Road. The area in question is partially obscured from the public realm by hedging as well as a three-storey underground tower which provides ventilation for the London Underground.
- 2.4 The immediate area is predominantly residential in character and the surrounding roads are characterised by a mix of high density flatted developments and single family dwelling houses/flat conversions. Swiss Cottage Library and the Leisure Centre are located to the north-east of the site.
- 2.5 The site is not located within a conservation area and is outside of the Green Belt and any Area of Outstanding Natural Beauty (AONB). There are a number of trees on site which are protected by TPO status. The site itself is not listed, and the site is not located within the setting of any listed building. The site is located within Flood Zone 1 which has a low probability of flooding.
- 2.6 The planning history of the site is excerpted below.

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2023/3169/P	Boydell Court St John's Wood Park London NW8 6NH	Erection of a new 2 storey dwelling house and associated works in the southeast corner of Boydell Court Estate	FINAL DECISION	15-02-2024	Refused
2022/4056/P	Boydell Court St John's Wood Park London NW8 6NH	Erection of a new workshop/office building in northeast corner of Boydell Court estate	FINAL DECISION	04-11-2022	Granted
2019/6076/P	Boydell Court St John's Wood Park London NW8 6NJ	Variation of condition 2 (approved drawings) of planning permission reference 2016/1436/P dated 26/11/2019 for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'; namely, to relocate 1 pole, ref no. 5B (St John's Wood Park).	FINAL DECISION	16-12-2019	Granted
2019/0735/P	29 Boydell Court St John's Wood Park London NW8 6NL	Details of cycle storage required by condition 5 of planning permission 2014/7168/P dated 16/02/2015 for 'Conversion of ground floor residential laundry & storage space to provide a 1-bed self contained flat, including enlargement of windows and replacement of double doors with glazed doors. (Block 2)'. Details of cycle storage area as required by condition 4 of planning permission 2017/0068/P dated 11/07/2017 for extension of ground floor management workshop/office space (Class B1a) and erection of first floor extension above to create 1 x 3 bed residential flat (Class C3).	FINAL DECISION	25-02-2019	Granted
2017/4701/P	Boydell Court St John's Wood Park London NW8 6NJ	Extension of an existing roof top conservatory to an existing residential top floor flat (Class C3).	FINAL DECISION	22-01-2018	Granted
2017/2195/P	1011 Boydell Court St John's Wood Park London NW8 6NH	Erection of replacement boundary wall and erection of new railings, and relocation of access gates.	FINAL DECISION	17-05-2017	Granted
2017/1620/P	Land at Boydell Court St John's Wood Park London NW8 6NJ	Extension of the management workshop/office space (Class B1a) at the ground floor and erection of a first floor extension above it to create an independent 1 x 3 bedroom residential flat (Class C3).	FINAL DECISION	24-04-2017	Granted
2017/0068/P	Management/Workshop Estate Office Boydell Court St John's Wood Park London NW8 6NJ	Extension of the management workshop/office space (Class B1a) at the ground floor and erection of a first floor extension above it to create an independent 1 x 3 bedroom residential flat (Class C3).	FINAL DECISION	26-01-2017	Granted Subject to a Section 106 Legal Agreement
2016/3954/P	Management/Workshop Estate Office Boydell Court St John's Wood Park London NW8 6NJ	Erection of a first floor extension above the management office to create an independent 1 x 2 bedroom dwelling.	WITHDRAWN	04-08-2016	Withdrawn Decision
2016/1294/P	1005 Boydell Court St John's Wood Park London NW8 6NH	Erection of extension to glazed staircase enclosure at roof level in connection with Flat 1005.	FINAL DECISION	14-04-2016	Granted
2016/0417/P	Estate Managers Office/workshop Boydell Court Adjacent Block A St John's Wood Park London NW8 6NJ	Erection of a side extension to the estate management workshop/office.	FINAL DECISION	16-02-2016	Granted
2016/0414/P	Block D, Ground floor Tank and storage room Boydell Court St John's Wood Park London NW8 6NJ	Convert the disused tank/storage room to a studio flat & associated external changes.	FINAL DECISION	16-02-2016	Granted Subject to a Section 106 Legal Agreement
2014/7168/P	Boydell Court St. Johns Wood Park London NW8 6NJ	Conversion of ground floor residential laundry & storage space to provide a 1-bed self contained flat, including enlargement of windows and replacement of double doors with glazed doors. (Block 2)	FINAL DECISION	26-11-2014	Granted Subject to a Section 106 Legal Agreement
2014/4907/P	1A Court Close Boydell Court St John's Wood Park London NW8 6NN	Details of condition 4 (facing brick), 5 (cycle storage) and 7 (hard & soft landscaping) of planning permission 2013/8146/P dated 01/07/2014 (for construction of a new 3 storey, 3 bedroom house).	FINAL DECISION	19-08-2014	Granted
2014/3802/P	Apartment 1106 Boydell Court St. Johns Wood Park London NW8 6NH	Erection of extension to roof top conservatory.	FINAL DECISION	15-07-2014	Granted
2013/8175/P	1 Court Close Boydell Court St. Johns Wood Park London NW8 6NN	Erection of single storey rear extension and associated alterations to railings.	FINAL DECISION	03-01-2014	Granted
2013/1572/P	1012 Boydell court St John's Wood Park London NW8 6NJ	Extension to existing rooftop addition of penthouse (Class C3)	FINAL DECISION	24-04-2013	Granted
2011/6257/P	1104 Boydell Court St John's Wood Park London NW8 6NH	Extension to an existing rooftop conservatory to a residential flat (Class C3).	FINAL DECISION	20-12-2011	Granted

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2011/2057/P	Boydell Court St John's Wood Park London NW8 6NJ	Erection of a workshop/office between the bicycle store and the garden of No. 4 Court Close to existing estate (Class C3).	FINAL DECISION	17-05- 2011	Granted
2011/1560/P	Boydell Court St John's Wood Park London NW8 6NJ	Installation of new windows at 3rd-8th floor levels to elevation facing towards St John's Wood Park.	FINAL DECISION	08-04- 2011	Granted
2011/1558/P	1102 Boydell Court St John's Wood Park London NW8 6NH	The erection of a single storey roof extension to the existing penthouse flat (Class C3).	FINAL DECISION	08-04- 2011	Granted
2010/6752/P	1101 Boydell Court St John's Wood Park London NW8 6NJ	Enlargement of existing conservatory at 12th floor level to rooftop apartment (Class C3).	FINAL DECISION	05-01- 2011	Granted
2010/6014/P	3 Court Close Boydell Court St John's Wood Park London NW8 6NJ	Erection of a single storey rear extension and conservatory to dwelling house (Class C3).	FINAL DECISION	09-11- 2010	Granted
2009/2455/P	Flat 77 Boydell Court St John's Wood Park Road London NW8 6NG	Infilling of existing balcony with white UPVC double glazed window screen and replacement of existing timber frame windows with UPVC frames to existing 7th floor residential flat (Class C3)	FINAL DECISION	12-10- 2009	Granted
2008/3469/P	1012 Boydell Court St John's Wood Park London NW8 6NH	Enlargement of existing glazed staircase enclosure at roof level in connection with Flat 1012.	FINAL DECISION	04-12- 2008	Granted
2008/4751/P	Flat 71, Boydell Court St Johns Wood Park LONDON NW8 6NG	Infilling of existing recessed east facing balcony with UPVC windows to fifth floor flat to create additional living space (Class C3).	FINAL DECISION	27-10- 2008	Granted

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2007/3204/A	Boydell Court St John's Wood Park London NW8 6NJ	Continued display of externally illuminated advertisement on hoarding (measuring 12m long by 2.2m high) located 2.3m above ground level behind the existing hedge on the Finchley Road frontage to advertise the sale of penthouse flats for a period of six months.	APPEAL DECIDED	14-08-2007	Refused and Warning of Prosecution Action to be Taken
2007/1777/P	2 Court Close Boydell Court St John's Wood Park London NW8 6NJ	Erection of single-storey rear extension (following demolition of existing conservatory) and installation of two air-conditioning units on its roof	FINAL DECISION	06-06-2007	Granted
2006/5183/P	Boydell Court St John's Wood Park London NW8 6NJ	Provision of new security gates at entrance and exit and of new railings above existing dwarf boundary wall, all on St. John's Wood Park boundary.	FINAL DECISION	03-04-2007	Granted
2005/3550/P	Boydell Court St Johns Wood Park London NW8 6NJ	The conversion of an existing ground floor residential storage area to a three-bed self contained flat, including the insertion of new windows and french doors in the existing elevations.	FINAL DECISION	20-09-2005	Granted
2005/2080/P	Block B Boydell Court London NW8 6NG	Change of balustrade design to roof terraces on Block B from horizontal railings to glass panels, as an amendment to planning permission dated 15.4.02, ref PEX0100583, for roof top structures and terraces.	FINAL DECISION	17-06-2005	Granted
2004/4730/P	Flat 80 Boydell Court St Johns Wood Park London NW8 6NG	Retention of altered balcony window opening to flat 80 on 8th floor south elevation.	FINAL DECISION	09-11-2004	Granted
2004/1728/P	Flat 30 Block A, Boydell Court London NW8 6NL	Replacement of window on ground floor with new casement door	FINAL DECISION	13-07-2004	Granted
PWX0302063	BLOCK B, BOYDELL COURT ST JOHN'S WOOD PARK LONDON NW8 6NN	Erection of two ground floor entrance lobbies at front and rear of two blocks facing St Johns Wood Park (to match those on Block A), as shown on drawing numbers; 833/A1/1010A; 1000B; 1120B; 1510; and location plan.	FINAL DECISION	31-01-2003	Grant Full Planning Permission (conds)
PWX0202416	FLAT 30, BOYDELL COURT ST. JOHNS WOOD PARK LONDON NW8 6NJ	Erection of a single storey rear extension facing Finchley Road. As shown on Existing flat 30 layout plan, Estate location plan; 864/A1/110A, 111	APPEAL DECIDED	05-06-2002	Refuse Planning Permission
PEX0100691	BLOCK A BOYDELL COURT, ST JOHNS WOOD PARK LONDON NW8	Erection of a single storey extension at ground floor level to flat 30. As shown on drawing nos. 864/A1/100A, 685/1000A, 1017C, 1018C.	FINAL DECISION	01-11-2001	Refuse Planning Permission

Planning history for the appeal site with the appeal application edged in red

- 2.7 The appeal site is located in an area with excellent accessibility terms of access to public transport with a PTAL rating of 6a. There are 10no. different bus routes within 300m of the site providing access across north and west London. Swiss Cottage Underground Station is approximately 200m away from the application site and provides connections to north and central London via the Jubilee line.

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3. Background to the Appeal

- 3.1 The appeal application was registered by the London Borough of Barnet on 15 February 2024. It should be noted that the original application was submitted via the planning portal on 21 September 2022 and took over 18 months to validate. The appeal application proposed “Erection of a new 2 storey dwelling house and associated works in the northeast corner of Boydell Court Estate.”
- 3.2 The appeal application was refused under delegated powers on 15 July 2024. A copy of the officer’s delegated report is attached at Appendix 1.
- 3.3 The application was refused for the following seven reasons:
1. **The proposed development, by reason of the siting and height of the building, and poor-quality design, would result in an incongruous form development, which would fail to make the best use of land and optimise the capacity of the site, and would appear out of context when compared to surrounding properties, causing harm to the character and appearance of the street scene, contrary to Policy D3 of the London Plan 2021 and Policy D1 of the Camden Local Plan 2017.**
 2. **The proposed development, by reason of the siting and height of the building, would result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D by way of creating an increased sense of enclosure and overbearing, and a reduction daylight, contrary to Policy A1 of the of the Camden Local Plan 2017.**
 3. **The proposed development would provide unacceptable and substandard living accommodation by way of failure to provide sufficient floor to ceiling height, the poor outlook and light, and the absence of a private external amenity space, contrary to Policy D6 of the London Plan 2021 and Policy H6 and D1 of the Camden Local Plan 2017.**
 4. **The proposed development, in the absence of an Air Quality Assessment, has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and subsequently that the site is suitable for residential use, contrary to Policy C1 and CC4 of the Camden Local Plan 2017.**

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5. **In the absence of a legal agreement securing an affordable housing contribution, the development would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing, contrary to Policy H4 of the Camden Local Plan 2017.**

6. **In the absence of a legal agreement securing the development as car-free, the development would contribute to parking stress, congestion in the surrounding area, environmental impacts, and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to Policies C1, CC4, T1, T2, and DM1 of the Camden Local Plan 2017.**

7. **In the absence of a legal agreement securing a Construction Management Plan, construction impact bond and an implementation and monitoring fee, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1, A1, A4, CC4, T3, T4, and DM1 of the London Borough of Camden Local Plan 2017.**

3.4 This statement will challenge the Council's decision to refuse the application, by refuting the reason for refusal to demonstrate that the proposal complies with planning policy. The appeal application was refused on three reasons addressed below:

- **Whether or not the proposed development by reason of the siting and height of the building and the poor-quality design would result in an incongruous form of development which would fail to make the best use of land and optimise the capacity of the site. If the proposal would appear out of context when compared to the surrounding properties and if it would cause harm to the character and appearance of the streetscene;**
- **Whether or not the proposed development, by reason of the siting and height of the building would result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D, if they would create an increased sense of enclosure and whether or not they would be overbearing and result in a reduction in daylight;**
- **Whether or not the proposed development would provide unacceptable and substandard living accommodation and if it fails to provide sufficient floor to ceiling height, poor outlook and light and a lack of external amenity space;**

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- **Whether or not sufficient information has been submitted in respect of the Air Quality Assessment and if it has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and therefore if the site is suitable for residential use;**
- **Whether or not there has been an absence of a legal agreement to secure an affordable housing contribution and if the development would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing;**
- **Whether or not there has been an absence of a legal agreement to secure the development as car-free and if the proposal contribute to parking stress, congestion in the surrounding area, environmental impacts and if it would fail to promote more sustainable and efficient forms of transport and active lifestyles;**
- **Whether or not there has been an absence of a legal agreement to secure a Construction Management Plan, construction impact bond and an implementation and monitoring fee and if would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally;**
- **Other material considerations.**

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4. Planning Policy Context

Central Government Guidance

The National Planning Policy Framework (NPPF)

- 4.1 The NPPF was not specifically referred to in the reasons for refusal. However, the following sections are considered relevant.
- 4.2 There are three aspects which comprise sustainable development; these are the economic role, the social role and the environmental role. In terms of the economic aspect land has to be made available where there is a demand to support growth. The environmental role involves the protection of the natural, built and historic environment. And the social role is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations;
- 4.3 Applications should be considered in the context of the presumption in favour of sustainable development. Local authorities should deliver a wide choice of high-quality homes. The mix of housing should take account of future demographic and market trends, differing needs and local differences. It is inevitable that for compliance with the NPPF and in the spirit of progress higher densities are often required, especially where sites fall within sustainable and urban locations.

Regional Planning Policy

London Plan (2021)

- 4.4 The Council's reasons for refusal refers to policies D3 and D6.
- 4.5 Policy D3 relates to 'Optimising site capacity through the design-led approach.' This policy ensures that developments make the best use of the land through a design-led approach.
- "B) Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities.*

In terms of form and layout proposals should,

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1) *enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions*¹⁰ *achieve indoor and outdoor environments that are comfortable and inviting for people to use.”*

With regards to quality and character proposals must,

“11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well

13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy”

- 4.6 Policy D6 discusses Housing Quality and Standards. Part D of this policy states that *“The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”* Additionally Part F bullet point 8 of this policy notes that *“The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.”*

Local Planning Policy

Camden Local Plan 2017

- 4.7 The Council’s reasons for refusal refers to policies H4, C1, A1, A4, D1, CC4, T1, T2, T3, T4 and DM1 of the Camden Adopted Local Plan (2017).
- 4.8 Policy H4 is called ‘Maximising the supply of affordable housing.’ The policy states as follows:

“We will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.”

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- 4.9 Policy C1 is entitled 'Health and wellbeing.' Part a of the policy states that the council will require:

“development to positively contribute to creating high quality, active, safe and accessible places.”

- 4.10 Policy A1 is entitled 'Managing the impact of development'. The policy seeks to **“protect the quality of life of occupiers and neighbours.”** Part a of the policies states that:

“We will seek to ensure that the amenity of communities, occupiers and neighbours is protected.”

- 4.11 Policy A4 is referred to within the council's reason for refusal and relates to 'Noise and Vibration.' The policy under part 'b' states that they will not grant planning permission for **“development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.”**

- 4.12 Policy D1 deals with 'Design' and there is an expectation that developments should be of a high quality. More specifically, they are expected to respect local character and integrate well with the surrounding locality.

- 4.13 Policy CC4 discusses 'Air Quality' noting that **“Air Quality Assessments (AQAs) are required where development is likely to expose residents to high levels of air pollution.”**

- 4.14 Policy T1 relates to 'Prioritising walking, cycling and public transport' noting that, **“The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.”**

- 4.15 Policy T2 discusses 'Parking and Car-free development' ensuring that all new developments are car-free and preventing new occupants from being eligible for on-street parking permits.

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- 4.16 Policy T3 considers 'Transport Infrastructure.' Part b of this policy seeks to **“protect existing and proposed transport infrastructure, particularly routes and facilities for walking, cycling and public transport, from removal or severance.”**
- 4.17 Policy T4 is called 'Sustainable movement of goods and materials.' This policy requires the council to **“promote the sustainable movement of goods and materials and seek to minimise the movement of goods and materials by road.”**
- 4.18 Policy DM1 is entitled 'Delivery and monitoring.' Part 'd' of this policy notes planning contributions will be employed as require to:
- “i. support sustainable development;**
 - ii. secure the infrastructure, facilities and services to meet the needs generated by development;**
 - iii. mitigate the impact of development.”**

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5. Grounds for Appeal

5.1 Having regard to the policy referred to in Chapter 4 and the key issues as set out under Chapter 3 of this statement, the following points are discussed below:

- Whether or not the proposed development by reason of the siting and height of the building and the poor-quality design would result in an incongruous form of development which would fail to make the best use of land and optimise the capacity of the site. If the proposal would appear out of context when compared to the surrounding properties and if it would cause harm to the character and appearance of the streetscene;
- Whether or not the proposed development, by reason of the siting and height of the building would result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D, if they would create an increased sense of enclosure and whether or not they would be overbearing and result in a reduction in daylight;
- Whether or not the proposed development would provide unacceptable and substandard living accommodation and if it fails to provide sufficient floor to ceiling height, poor outlook and light and a lack of external amenity space;
- Whether or not sufficient information has been submitted in respect of the Air Quality Assessment and if it has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and therefore if the site is suitable for residential use;
- Whether or not there has been an absence of a legal agreement to secure an affordable housing contribution and if the development would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing;
- Whether or not there has been an absence of a legal agreement to secure the development as car-free and if the proposal contribute to parking stress, congestion in the surrounding area, environmental impacts and if it would fail to promote more sustainable and efficient forms of transport and active lifestyles;

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- Whether or not there has been an absence of a legal agreement to secure a Construction Management Plan, construction impact bond and an implementation and monitoring fee and if would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally;
- Other material considerations.

Whether or not the proposed development by reason of the siting and height of the building and the poor-quality design would result in an incongruous form of development which would fail to make the best use of land and optimise the capacity of the site. If the proposal would appear out of context when compared to the surrounding properties and if it would cause harm to the character and appearance of the streetscene

5.2 The Local Planning Authority assert in their first reason for refusal that the proposed development by reason of the siting and height of the building as well as the poor-quality design, would result in an incongruous form of development which would fail to make the best use of land and optimise the capacity of the site. They also assert that the proposal would appear out of context when compared to the surrounding properties and will cause harm to the character and appearance of the streetscene. The appellant will refute these assertions in their arguments set out below.

5.3 The appeal site forms part of a larger development known as Boydell Court which includes 11 storey flatted developments, terraced single family dwelling houses as well as limited commercial floorspace. As evidenced from the extensive planning history and the extent of development around the site, it is clear that there has been incremental development over the years which have contributed positively to local housing stock. Image 1 below shows that there are not clearly defined building lines within the development and units have been added and enhanced in different ways over the years. It is important to establish this background to understand the context of the site and why the appeal proposal would not automatically appear out of character.

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Image 1: Aerial Photo of the Site taken from Google Maps

- 5.4 It is also worth noting the most recent planning history for this site. Planning permission was granted in 2022 (application reference 2022/4056/P) for the erection of a new workshop/office building in the northeast corner of Boydell Court estate. Full particulars of this approval are attached in Appendix 2. This consent is located on the exact same location as the proposed new dwelling and whilst it is appreciated that the new proposal is for a two storey dwelling as opposed to a single storey unit, it does establish the principle of development, namely the erection of a building in the exact same location, including its relationship to the adjacent flatted development as well as its proximity to the street scene and is therefore a material consideration in this planning appeal. The approved site plan is highlighted in image 2 below and is considered to demonstrate that the exact same footprint as already been accepted. As such, the appellant strongly refutes the argument that owing to the siting of the building it would form an incongruous development.

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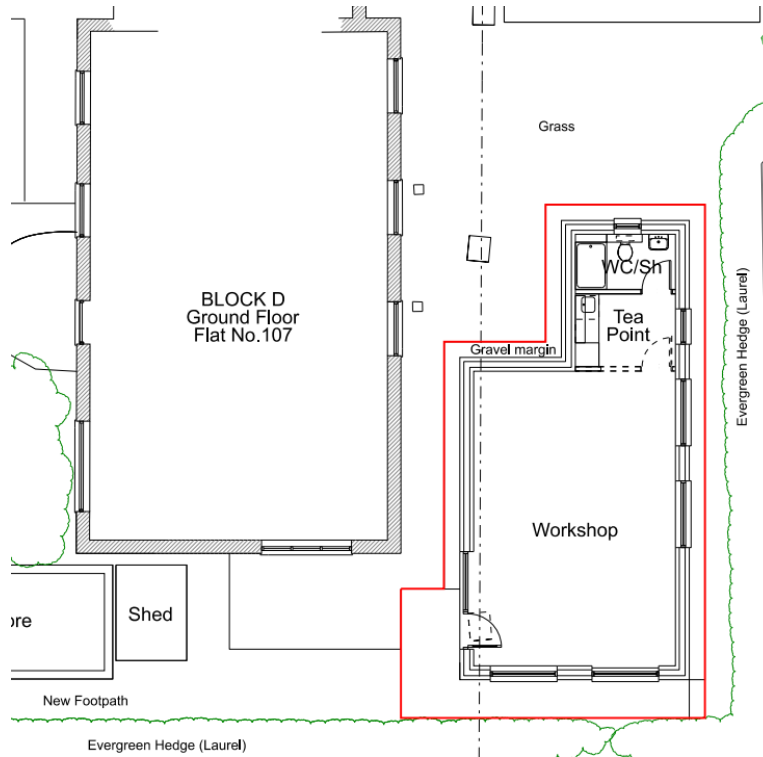


Image 2: Approved Site Plan

- 5.5 Turning to the matter of height, and as also referenced in reason for refusal 2 below, the proposed dwelling is only two storeys in height (or approximately 2.5 metres taller than the approved building). It will be seen against the backdrop of a large 9-11 storey flatted development and will appear much more modest in size. The building will be partially screened by existing hedging and will be subordinate to the larger building, complementing rather than competing with it.
- 5.6 Looking at the context of Boydell Court itself, it is evident that a variety of building heights from single storey to 11 storeys form its character, including other examples of two storey buildings immediately adjacent to the larger flatted developments. As such, a two storey building in this location would not appear out of character or contrast with the prevailing character of the area or wider locality. It is also noteworthy that it would only be visible from the northern and eastern elevations as will otherwise be flanked by Block D, thereby minimising its visibility and is questionable, in view of the above, if it would cause harm to the character and appearance of the street scene.
- 5.7 Turning to the detailed design, it is considered that the proposal would be described as uncomplicated, noting that it is seeking to blend it with its environs rather than create a bold

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architectural statement. There are times when a more prominent design would be considered appropriate but this is not such a context. The proposal has been designed as a microcosm of the larger building (Block D) taking reference from the matching brick structures with the stonework distinguishing between the ground and first floor levels on a similar vein to the main flatted developments. Furthermore, the window patterns and formation have taken reference from the window patterns on the main block including the single pane and three pane design formations to ensure that they reflect the style of the surrounding properties. It is considered that a more modern development or an alternative design which conflicts with the existing style and design of development would appear as a more incongruous feature than the appeal proposal for this reason.

- 5.8 Additionally, the appellant rejects the LPA's assertions that the proposal fails to achieve a high standard of design as it reflects a more commercial or light industrial building rather than the intended residential use. The proposal with the brick-built structure and large windows maximises light into and outlook from the property. As mentioned above, it has been designed as a smaller version of the flatted development and reads as a residential as opposed to commercial property. Recessed brick panels also help to add visual interest, especially on the east elevation, thereby enhancing its character.
- 5.9 Lastly, the LPA asserts that the proposal would fail to make the best use of the land and optimise the capacity of this site. Again, the appellant rejects this assertion. The principle of a building has already been established in this location and given that the LPA have consented to built form in this exact setting, it makes it ideal for a new residential dwelling. The London Plan actively encourages denser developments in areas of higher PTALs and given that the site has a PTAL of 6a it should be considering site maximisation.
- 5.10 It is also not considered that there is anywhere more appropriate within the site for a new two-storey dwelling without causing additional harm to either existing tenants within Boydell Court or the immediate neighbouring properties as the only other potential location would be immediately on the site boundaries which could be viewed as unduly prominent. It is considered that the benefit of this site is that it is well screened by Block D and the existing hedging affording a degree of privacy not experienced elsewhere within the site but is also situated in a manner that would not impede neighbouring residents on Adelaide Road or St John's Wood Park. For the reasons outlined above, it is considered that the appeal proposal does make the best use of the land and optimise the capacity for this site.

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- 5.11 In view of the above, it is considered that the first reason for refusal has been addressed in full, namely that the proposed development by reason of the siting and height of the building and its design would not result in an incongruous form of development and would make the best use of land and optimise the capacity of the site. It has been demonstrated that the proposal would not appear out of context when compared to the surrounding properties and if it would also not cause harm to the character and appearance of the streetscene. It is respectfully requested that the Inspector allows the appeal for this reason.

Whether or not the proposed development, by reason of the siting and height of the building would result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D, if they would create an increased sense of enclosure and whether or not they would be overbearing and result in a reduction in daylight

- 5.12 The second reason for refusal relates to the fact that the proposed development by reason of its siting and height would result in unacceptable harm to the neighbouring amenity of the adjacent ground and first floor flats in Block D, creating an increased sense of enclosure and would be overbearing, resulting in a reduction in daylight. The appellant strongly refutes these assertions for the reasons set out below.
- 5.13 The proposed dwelling has been sensitively sited to minimise the potential impact on the surrounding residential properties. For that reason, the building has been located as close to the front of Block D as possible, whilst respecting established front building lines. The benefit of its siting is that Block D benefits from a large expanse of blank façade to the front, ensuring that the dwelling will not interrupt views. There are only two windows on the flank façade which could be impacted by the proposal. It is noted from internal floor plans of the site (see Appendix 3) and the image shown below that the most impacted windows serve a kitchen and bathroom and those windows will not be fully obscured by the proposal. Furthermore, given the height differences between the existing building and proposed dwelling, namely that the new dwelling will be lower than the midpoint of the adjoining residential windows thereby ensuring that views will be maintained over the height of the proposed dwelling and the occupants of the first floor units will not feel an increased sense of enclosure as a result of the proposal.

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Boydell Court
St.Johns Wood Park, NW8



Approx. Gross Floor Area = 97 sq.meters • 1044 sq.feet

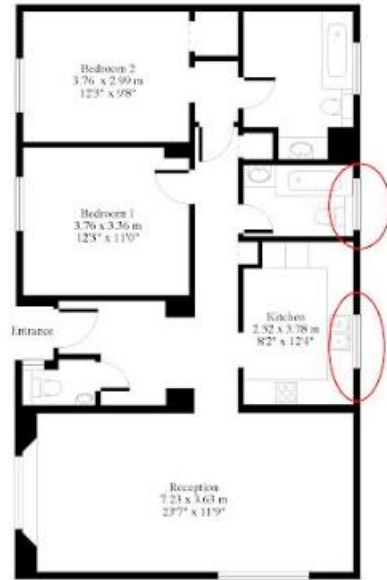


Image 3: Unit Layout

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Image 4: Image showing the height to the midpoint of the adjoining window

- 5.14 Although there will be views of the proposal from the ground floor plan, it does not automatically mean that the proposal will result in harm. The dwelling will be set in from the nearest neighbouring windows to maximise distances between the properties and ensure that outlook is maintained. Additionally, the rear building line aligns with approximately 1/3 of the bathroom window ensuring that that the proposal would not appear overbearing or result in an increased sense of enclosure when viewed from this window. It is also noted that the 'service' windows are located on the internal elevation facing the appeal scheme serving solely the kitchen and bathrooms whilst the main reception and bedrooms are oriented towards the front and opposite side of the building. Given the size of the kitchens impacted, (approximately 9.5sqm) they are unlikely to be eat-in kitchens and more likely to be used for the food preparation. As such, the main living room will more likely to be used for the consumption of food. Given the limited time likely to be spent in the kitchen as a result of its

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size, it is not anticipated that the proposed development, given its siting and height would be overbearing or result in an increased sense of enclosure when viewed from the neighbouring windows.

- 5.15 Additionally, a daylight/sunlight assessment has been prepared as part of the appeal. The full report is attached as Appendix 4. The submitted report, which was prepared as part of the appeal, assesses the Vertical Sky Component (VSC) and No Sky Line (NSL) as part of its consideration for daylight. The daylight/sunlight report tested all non-habitable rooms which face onto the appeal site and evidenced with the exception of window 4 they all pass the VSC test. The NSL test was then applied to this window to ascertain if it would pass BRE standards. The results confirm that the proposal would comply with BRE guidance and therefore the proposal would not result in harm.
- 5.16 Turning the annual sunlight hours and winter sunlight hours the report confirms that all units meet the BRE guidance thereby demonstrating that the proposal will not have a harmful impact in terms of daylight or sunlight.
- 5.17 It has been demonstrated that the siting and height of the building would not result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D and furthermore they would not create an increased sense of enclosure. It has also been demonstrated through supporting evidence that the proposal would not be overbearing or result in a reduction in daylight. It is therefore respectfully requested that the Inspector allows the appeal for this reason.

Whether or not the proposed development would provide unacceptable and substandard living accommodation and if it fails to provide sufficient floor to ceiling height, poor outlook and light and a lack of external amenity space

- 5.18 The third reason for relates to the LPA's assertion that the proposed development would provide unacceptable and substandard living accommodation for future occupiers as it fails to provide sufficient floor to ceiling height, has poor outlook and light and a lack of external amenity space for future occupiers. The appellant strongly refutes these assertions for the following reasons.
- 5.19 The proposed development is seeking to create a 3 bedroom development across two floors providing a total GIA of 105sqm which was agreed is in accordance with both London Plan and DCLG minimum standards. However, the LPA has raised concern with the proposal on

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the basis that the internal floor to ceiling height is less than 2.5 metres and therefore results in substandard accommodation for future occupiers. The cross-section drawings showing the floor to ceiling height as 2.45 metres, namely 5cm short on each floor but also shows a ramp measuring 17cm in height from the outside of the property in order to provide a level entrance. It is considered that the 17cm ramp exceeds the minimum requirement could in fact be reduced to 7cm meaning that an extra 10cm will be regained internally. This would resolve the floor to ceiling height issue as it would automatically create 2.5 metres internal head height at ground and first floor levels without impacting the appearance of the proposal. It is also considered, if the Inspector is minded to allow the appeal, that this could be agreed as part of a discharge of conditions for the levels of the building.

- 5.20 Turning to the outlook, the appellant respectfully disagrees with the LPA's assertions that the proposal would result in poor outlook for future occupiers. It is claimed that owing to the proximity of the laurel hedge to the appeal proposal, it compromises the quality of outlook for the future occupiers. It is worth noting that their concerns only relate to the ground floor level as the first floor would be located above the height of the hedging.
- 5.21 Nevertheless, the LPA has failed to acknowledge the fact that there are windows on three elevations of the dwelling and there is at least a 1 metre gap on all sides which will allow for some outlook and there is a similar level of outlook from the existing ground floor residential units in Boydell Court. Furthermore, the most prominent elevation (which will gain the maximum light) is the southern elevation which will have the largest and uninterrupted views. It is also considered that the view of dense foliage will be more pleasant than the harsh urban environment in the immediate surrounds.
- 5.22 With regards to light, the appellant has commissioned a daylight/sunlight report as part of their appeal to demonstrate that the amount of light reaching the property is sufficient to comply with BRE standards. A full copy of the report is attached in Appendix 4. The survey used the Target Daylight Factor methodology which is an approved calculation in accordance with BRE and BS EN17037 guidance to assess if adequate daylight is being provided to the new dwelling. As stated in the accompanying daylight/sunlight assessment, it is deemed by the guidance that if the minimum DF criteria are met, future occupiers of the residential unit will have sufficient daylight.
- 5.23 The results of the survey concluded that all rooms in the residential unit will receive sufficient daylight in accordance with the daylight factor assessment. It is therefore evidenced that the proposal will provide sufficient light to future occupiers.

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- 5.24 Lastly, with regards to private amenity space, the LPA assert that the proposal is substandard due to the fact that it lacks private external amenity space and, if it was implemented, would impact the outlook of the ground floor units.
- 5.25 The proposed plans do allow for the provision of private external amenity space, although the formal subdivision of the land has not been shown on the plans. It is likely that this will be through hedging/natural screening to ensure it does not appear out of character. It is anticipated that these details would be conditioned if the Inspector is minded to approve the proposal.
- 5.26 In accordance with London Plan standards, there is an expectation that the external amenity space is a minimum of 5sqm for 1-2 occupants and an additional sqm for every further occupant. The proposal would provide accommodation for 5no. people which means that a total of 8sqm external amenity space is required. Taking into account the area allocated, it is expected that the private amenity space would exceed this requirement and would therefore provide sufficient space for future occupiers.
- 5.27 The LPA raises further concern that the quality of external amenity space would be poor and overlooked by virtue of the neighbouring windows. It is important to note at ground floor level that the only windows at this level with a view onto the amenity space serve kitchens and bathrooms. These are largely non-habitable rooms and the pattern is repeated on the upper floors. It is unlikely that residents of these units would be spending the majority of their time overlooking the amenity space from these non-habitable rooms when their primary living space is located on the opposite side of the flat.
- 5.28 It is appreciated that there may be a small degree of overlooking from the eastern elevation of the building. However, there is a practical acknowledgement within the wider complex of the development that has buildings up to 11 storeys in height throughout the site, it is impossible to afford completely private amenity space to any single unit. Therefore, in this dense urban environment, a degree of practicality has to be applied.
- 5.29 In view of the above, it has been demonstrated that the proposed development would provide acceptable living accommodation, sufficient floor to ceiling height could be accommodated and the outlook, light and external amenity space would be sufficient for future occupiers. It is respectfully requested that the Inspector allows this appeal for this reason.

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Whether or not sufficient information has been submitted in respect of the Air Quality Assessment and if it has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and therefore if the site is suitable for residential use

- 5.30 The LPA assert in their fourth reason for refusal that insufficient information has been submitted in respect of the Air Quality Assessment which fails to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and therefore question whether or not the site is suitable for residential use. Notwithstanding the fact that the LPA never requested this assessment during the course of the planning application, the appellant refutes this assertion for the reasons outlined below.
- 5.31 The appellant has commissioned an Air Quality Assessment which has been prepared as part of this appeal submission. Full particulars are attached as Appendix 5. The air quality assessment evidences the fact that the property has been assessed as 'Air Quality Neutral' and there is no need for further on-site mitigation or offsetting. Additionally, it has been identified that there is a 'low risk' of dust soiling during all phases and human health effects during trackout and 'negligible risk' of human health impacts from the earthworks and construction of the proposed development.
- 5.32 Given the findings of the Air Quality Assessment it is considered that the appellant has demonstrated that future occupants would not be exposed to unacceptable levels of air pollution and the site is suitable for residential use. It is therefore respectfully requested that the Inspector allows the appeal for this reason.

Whether or not there has been an absence of a legal agreement to secure an affordable housing contribution and if the development would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing

- 5.33 The LPA's fifth reason for refusal is based on the fact that there is no legal agreement in place to secure an affordable housing contribution and therefore the proposal would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing. The appellant disagrees with this assertion for the reasons set out below.
- 5.34 Policy H4 of the adopted Local Plan requires all new developments with an increase in residential units that results in 100sqm+ of residential floorspace to provide a contribution

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towards affordable housing. For minor developments of less than 10 units it may be possible to provide a commuted sum. This is formally agreed through a S106 agreement.

- 5.35 The proposal seeks to provide 105sqm of residential floorspace which means that an affordable housing contribution is required on an equivalent 5sqm area. As stated in the officer's delegated report, a rate of £5,000 per sqm GIA is applied. Therefore, the affordable housing contribution is £10,500.
- 5.36 The appellant has provided a signed legal agreement with this appeal which demonstrates their commitment to paying the £10,500 affordable housing contribution. This is detailed within the agreement. In view of the above and on the basis of the submitted and signed S106 agreement, it is considered that the appellant has addressed this reason for refusal in full. It is therefore respectfully requested that the Inspector allows the appeal for this reason.

Whether or not there has been an absence of a legal agreement to secure the development as car-free and if the proposal contributes to parking stress, congestion in the surrounding area, environmental impacts and if it would fail to promote more sustainable and efficient forms of transport and active lifestyles

- 5.37 The sixth reason for refusal relates to the fact that there is an absence of legal agreement to secure the development as car-free and ensure that the proposal does not contribute to parking stress, congestion in the surrounding area, environmental impacts as well as failing to promote more sustainable and efficient forms of transport and active lifestyles.
- 5.38 The appellant is committed to a car-free development in this location, especially given that the site has a PTAL of 6a and is therefore highly accessible. As the appeal proposal was refused under delegated powers, the appellant was not afforded the opportunity to commit to a legal agreement to demonstrate their willingness to secure a car-free development. Nevertheless, the appellant has now had an opportunity to prepare a legal agreement which includes a commitment to car-free development. This is submitted as part of the appeal.
- 5.39 In summary, it has been demonstrated that through the completion of the S106 Agreement the appellant is committed to a car-free development which will also ensure that the proposal does not contribute towards parking stress, congestion in the surrounding area, environmental impacts and would promote sustainable and efficient forms of transport as well as an active lifestyle. For the reasons given above, it is respectfully requested that the Inspector allows the appeal for this reason.

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Whether or not there has been an absence of a legal agreement to secure a Construction Management Plan, construction impact bond and an implementation and monitoring fee and if would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally

- 5.40 The final reason for refusal related to the fact that there was an absence of a legal agreement to secure a Construction Management Plan, construction impact bond and an implementation and monitoring fee which was asserted would given rise to conflicts with other road users and be detrimental to the amenities of the area generally. The appellant disputes this reason for refusal as set out below.
- 5.41 It was identified in the officer's delegated report that had the proposal otherwise been considered acceptable, a construction management plan and associated implementation support contribution of £4,194 and Impact Bond of £8,000 would have been secured via a S106 Agreement. The reason given for this contribution is to help ensure that the proposed development is implemented without impacting neighbouring amenity or the safe and efficient operation of the local highway network.
- 5.42 The appellant is strongly committed to ensuring that their proposal will not have an impact on surrounding residents or motorists. They have demonstrated their commitment through a signed formal S106 Agreement which has been submitted with this appeal. This demonstrates their full willingness to pay the implementation support contribution and impact bond in full.
- 5.43 In view of the above, it is asserted that the appellant has demonstrated their commitment to address this reason for refusal in full through the signed legal agreement. It is respectfully requested that the Inspector therefore allows the appeal for this reason.

Other material considerations

- 5.44 The appellant reserves the right to comment further should any other matters, other than those that arise from the Council's reason for refusal, be considered relevant.

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6. Conclusion

- 6.1 This appeal statement sets out the planning reasons why the erection of a new 2 storey dwelling house and associated works in the north east corner of Boydell Court Estate at Boydell Court, St Johns Wood Park, London, NW8 6HY should be allowed.
- 6.2 It has been demonstrated that the proposed development by reason of the siting and height of the building and its design would not result in an incongruous form of development and would make the best use of land and optimise the capacity of the site. It has been demonstrated that the proposal would not appear out of context when compared to the surrounding properties and if it would also not cause harm to the character and appearance of the streetscene and the proposal would not have a negative or detrimental impact on the surrounding locality.
- 6.3 In terms of the second reason for refusal, the appellant has shown that the siting and height of the building would not result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D and furthermore they would not create an increased sense of enclosure. It has also been demonstrated through supporting evidence that the proposal would not be overbearing or result in a reduction in daylight.
- 6.4 Turning to the third reason for refusal, it has been demonstrated that the proposed development would provide acceptable living accommodation, sufficient floor to ceiling height could be accommodated and the outlook, light and external amenity space would be sufficient for future occupiers.
- 6.5 The appellant has also provided an Air Quality Assessment to evidence the fact that future occupants would not be exposed to unacceptable levels of air pollution and therefore the site is suitable for residential use.
- 6.6 Lastly, the appellant has completed a S106 Agreement which includes a commitment towards affordable housing contributions, securing a car-fee development as well as a Construction Management Plan, construction impact bond and an implementation and monitoring fee.
- 6.7 The development is fully compliant with National Planning Policy Framework (NPPF), the relevant policies contained within the London Plan 2021 and the Camden Local Plan (2017)

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6.8 For the reasons noted in this statement it is requested that the Inspector allow this appeal.

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