

The Appellant's Final Comments

154 Royal College Street, NW1 0TA

Planning Inspectorate Ref: APP/X5210/W/24/3353374

Local Planning Authority Ref: 2024/1541/P

There are the Appellant's short comments to the LPA's Statement.

Comments

Loss of Retail - Reason 1

1. In the section 'Relevant Planning History', the Appellant refers to a number of planning permissions in respect of No's.152, 154, 156 & 158-164 where the LPA concluded that given the context of the street, the loss of retail is justified. The LPA provides no answer to this. Notwithstanding the above, the LPA criticism of the letter from Longhill Properties Ltd is simply un-sustained.
2. Furthermore, the LPA fails to recognise that the basement is in lawful residential use. This is confirmed by LPA Ref:2018/0674/P. The remaining retail area is no more than 18sqm and is awkwardly shaped.

Front Lightwell - Reason 2

3. In the section 'Relevant Planning History', the Appellant refers to a number of planning permissions in respect on the terrace where the LPA concluded that given the context of the street, the lightwell and railing is acceptable. Indeed, the properties of nearly the entire terrace have such railings. Again, the LPA provides no answer to this.

BIA - Reason 3

4. Firstly, the LPA fail to refer to the revised BIA which has long been provided to the LPA. All matters have been addressed. Secondly, as set out in the Appellant's cost application Addendum, it is clear that the LPA require disproportionate and unreasonable details to be provided. As demonstrated by the Excavation Plan (included with the cost application), the excavation proposed is very minimal. Thirdly, the BIA was drafted by persons which have the necessary qualifications for the development proposed.

Car Free - Reason 4

5. The LPA states that a s.106 agreement has been circled. The Appellant is not aware of such a circulation. The Appellant will indeed engage with the LPA once it has the agreement.
6. However, and in any event, the Appellant considers that given the existing lawful basement flat (which is not restricted to be car free), the proposal will only enlarge the existing flat. In the circumstances, the Appellant suggests that it would be unreasonable to restrict its use to be car free. The LPA simply had no regard to the existing lawful flat. Indeed, the LPA have now granted permission for the extension of the upper flat by way of a mansard roof and no car free restriction was imposed. See below.

Conditions

7. Condition 3 should suffice to address the ground floor extension. It is therefore, not necessary to refer to the ground floor elevation in Condition 4.
8. Given the submitted BIA, Condition 5 is not necessary.
9. Given the size of the proposal, Condition 6 appears unreasonable.
10. Given that the proposal is not for the creation of a flat but rather the extension of an existing flat, it is questionable if the proposed Condition 7 complies with the relevant tests for the imposition of conditions.

Other material Consideration

11. On 4 December 2024, under planning Ref: 2024/4370/P, planning permission was granted for Erection of a mansard roof extension (front and rear) to enlarge existing residential unit. The bundle is attached. This means that this element is not approved and needs not be considered within the appeal process.

Third Party Representations

12. Two third party representations were received. One relates to a different site, and the other refers to a non-material matter.

Conclusion

13. Having regard to the Appellant's case and the matters above, the Inspector is respectfully asked to allow the appeal, and to grant the Appellant a full cost award.