

architecture : planning

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**RESPONSE TO COUNCIL STATEMENT OF CASE  
APPEAL REFERENCE: APP/X5210/W/24/3355163**

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Boydell Court, St John's Wood Park, London, NW8 6NH

The appellant would like to make the following points with regards to the council's Statement of Case:

- Paragraph 3.1 should have referred to the London Borough of Camden as opposed to the London Borough of Camden. This was a typo.
- The case officer references the established building line in St John's Wood Park noting that the proposal would not include a green buffer. The appellant would like to make two points on this matter. Firstly, Boydell Court currently sits further forward of the established front building line so the proposal would not result in additional harm. There is a clear disruption to the front building line on both sides of the street and the proposal would not exacerbate this arrangement.



Secondly, many of the dwellings on St John's Wood Park do not include a green buffer at all. This establishes that there is not a clearly defined front building line and a verdant buffer is not a necessity on this road.

A W	Atrium, The Stables Market, Chalk Farm Road, NW1 8AH <a href="http://www.upp-planning.co.uk">www.upp-planning.co.uk</a>	@ P	<a href="mailto:info@upp-planning.co.uk">info@upp-planning.co.uk</a> 0208 202 9996
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- The appellant does not refute the fact that the two storey dwelling will be more prominent when viewed from the street scene than the approved workshop. However, they respectfully disagree that it will result in the harm stated by the LPA and consider this is a matter of perspective. It is inevitable, as seen from the images shown in the LPA's statement of case, that it would be viewed against the main building at Boydell Court and it is for the Inspector to take a view as to whether or not this is disruptive. Visible does not necessarily equal harmful.
- The appellant refutes the argument that the scale is harmful and considers it a matter of perspective.
- Given that there are a number of two storey dwellings, single storey garages and 10 storey flatted development it is not considered that the creation of a two storey dwelling in its proposed setting would cause disruption to the established building line.
- The appellant respectfully disagrees with the assertion that the design of the proposal is of poor quality and awaits the Inspector's assessment on this matter. The LPA accepted the same design for a single storey building and it is now being replicated at a two-storey level.
- Given the plethora of residential development on site and especially surrounding the location of the appeal proposal, it is the appellant's view that residential development is more appropriate than a workshop in this location.
- The appellant considers that the LPA's concerns relating to enclosure and overbearing are experienced internally from the neighbouring flats as opposed to external impacts. Therefore, the impact from these adjoining windows are crucial to ascertain whether or not a proposal will result in a sense of enclosure or have an overbearing impact on neighbouring properties.
- The LPA has made an assumption on the appellant's statement of case regarding outlook from the lower windows without clear details of the internal floor to ceiling

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height/section drawings. It is therefore requested that the no weight is given to the arguments put forward in paragraph 2.12 of the council's statement of case.

- The LPA fails to recognise the separation distances between the existing block and the proposal which ensures that the kitchen windows would not be blocked.
- If the LPA is concerned about the blank façade being located within 2.5m of the kitchen windows, a condition could be added to include details of green walls on the flank façade to improve outlook which would add visual interest.
- The appellant welcomes the fact that the LPA considers the submitted daylight/sunlight report addresses the light related issues.
- It is noted from the submitted drawings that the changes required to make the floor to ceiling heights acceptable are minimal and there is no reason why this could not be conditioned. Had updated drawings been submitted as part of the appeal there is a risk that they would not have been accepted.
- The appellant refutes the assertions about outlook and awaits the Inspector's formal assessment on this matter.
- It is welcomed that the LPA now views the amount of light entering the dwelling is acceptable.
- It is not unusual for details of the subdivision of amenity space to be provided as part of the discharge of conditions.
- The appellant has shown the use of the windows (in Appendix 3) demonstrating that the rooms are largely non-habitable (bathrooms) and would not be impacted by the amenity space.
- The S106 Agreement has been signed and sealed by the council on 08 January 2025. A copy was shared with the Inspector. It is therefore submitted that reasons 5, 6 and 7 relating to this appeal have been addressed in full.
- With regards to the suggested conditions, the appellant assumes condition 3 should use the word alterations and not as stated in the condition.
- It is noted that the LPA has requested a condition for a revised air quality report to be submitted in the event the appeal is allowed. The appellant questions why this could not have been proposed in the first instance to negate this reason for refusal.
- The appellant agrees with the conditions and considers them relevant and reasonable.

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