

Mr R Hersey



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Your reference
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 APP/5008/C/76/5146
 Date

- 3 MAR 78

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 SECTION 88
 LAND AT 11 AGAMEMNON ROAD LONDON NW6
 APPEAL BY MESSRS LANGHAM PROPERTY CO LTD

1. I am directed by the Secretary of State for the Environment to refer to the report of the Inspector, Mr P Drake-Wilkes OBE, FRICS, MBIM, who held a local inquiry into your client's appeal against an enforcement notice served by the Camden London Borough Council, relating to the carrying out of building operations namely the conversion of the land into 3-self contained flats and the erection of a 2-storey maisonette against the rear wall.
2. The appeals against the enforcement notice were on the grounds set out in section 88(1)(a), (b), and (f) of the Town and Country Planning Act 1971, but at the inquiry ground 88(1)(b) was withdrawn.
3. A copy of the Inspector's report of the inquiry is annexed to this letter. His conclusions are set out in paragraphs 45 to 51 and his recommendation at paragraph 52 of the report. The report has been considered.

SUMMARY OF THE DECISION

4. The formal decision is set out in paragraph 7 below. The appeal succeeds on planning merits, the notice is being quashed and planning permission is being granted for the retention of the existing development.

REASONS FOR THE DECISION

5. On the planning merits of the appeal the Inspector came to the following conclusions:

"I am of the opinion that while the present development infringes the local planning authority's density standards, which are reasonable and should be supported, the increase in the density of persons to the acre and in the plot ratio is not sufficiently large to warrant the re-conversion of the appeal property on those grounds alone.

The major objection to the development is undoubtedly the increase in the size of the rear extension which has resulted in the erection of a new self-contained housing unit on an exceptionally small site. It was primarily for that reason that the application submitted on 3 July 1972 was rightly refused.

*MAISONETTE TO REAR UNKNOWN AS
 N1 ULYSSES ROAD PER G.L.C.
 S.R.N. 20.9.76.*

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As to the new elevations to the original house and to the maisonette, the planning authority have no objection to these which, while differing from the style of the late Victorian terrace villas of adjacent properties, are not visually unattractive.

In all the circumstances, therefore, and in view of the fact that an extremely expensive re-conversion will not reduce the number of housing units but only their composition and the extreme difficulty that will be experienced in housing the existing tenants for some 6 months while such work is undertaken, I consider that the existing development should be permitted to remain.

In arriving at that conclusion I take into account that a large amount of public money has already been spent on the property and I accept the evidence given on behalf of the appellant company that they were innocent of any attempt to breach planning control but were themselves the victims of a gross misrepresentation made by the vendors of the appeal property. While, in retrospect, it would have been advisable in the interests of all concerned for the appellants to have checked that the plan, purporting to be the one approved with the planning consent of 13 February 1973, was in fact the correct one, the possibility of it referring to an entirely different application was not one that would readily come to mind. - The appellant company were not therefore, in my opinion, unduly negligent in the matter."

The Inspector recommended that the enforcement notice should be quashed and that planning permission should be granted for the existing development in accordance with the plan (Plan B) submitted with the planning application of 3 July 1972.

6. These conclusions and recommendations are accepted and for the reasons given by the Inspector the appeal on ground (a) succeeds and planning permission is being granted accordingly. In these circumstances the appeal on ground (f) no longer falls to be considered.

FORMAL DECISION

7. For the reasons given above, the Secretary of State hereby directs that the enforcement notice be quashed, and he grants planning permission for the retention of the development enforced against as shown in the plan (Plan B) submitted with the planning application of 3 July 1972.

RIGHT OF APPEAL AGAINST DECISION

8. This letter is issued as the Secretary of State's determination of the appeal. Leaflet C, enclosed for those concerned, sets out the right of appeal to the High Court against the decision and the arrangements for the inspection of the documents appended to the Inspector's report.

9. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

J C LIPPARD
Authorised by the Secretary of State
to sign in that behalf