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**From:** [REDACTED]  
**Sent:** 15 August 2015 11:56  
**To:** English, Rachel  
**Cc:** Beaumont, Elizabeth; Planning  
**Subject:** UPDATED COMMENTS 15th August 2015 : Applications 2015/4053P and 2015/4157/P and follow up on telephone conversation  
**Attachments:** 2015-4035-P Saturday 14th August 2015.docx; 2015-4157-P Saturday 14th 08 15 (4).docx; Westminster Council.docx

**Subject:** Applications 2015/4053P and 2015/4157/P

Attention:  
Rachel English,  
Senior Planning Officer  
Camden

Saturday 15th August 2015

Dear Rachel,

Applications 2015/4053P and 2015/4157/P

Thank you for last week's telephone conversation. Due to the lack of notice by Camden on the above planning applications under Permitted Development by the applicant, we were compelled to react very quickly to notify your services of our very strong opposition. We now have had time to further study the matter and would like therefore to amend all our previous comments as follows. This email therefore supersedes replaces all our previous dispatch on the matter.

During our previous conversations, you mentioned that the application is on hold until the Inspectorate has ruled on the Quadrant Grove case on Permitted Development ("PD") regarding basements, but I commented that this application should not in any circumstances fall under PD for a number of reasons some of which are outlined below.

1- Engineering operation

As previously evidenced in the application 2012/5825/P, refused in April 2014, due to the complexity of the terrain where water has been found close to the surface next to the proposed new applications, and due to the unusual sensitivity of the nearby house, and especially with the presence of a flying freehold at 10 Pilgrim's Lane, this would clearly be an extremely complex engineering operation.

**CPG4, paragraph 1.8, removes PD rights for engineering operations.**

2- These applications are substantially the same as the previous application 2012/5825/P that was refused in April 2014. **Under The Town and Country Planning Act of 1990, a local planning**

**Authority has the right to decline an application if the condition is that a similar application is the subject of an appeal under section 78 and the Secretary of State has not issued his decision.**

3- **Both DP 27** (e.g. maintaining the structural stability of the neighbouring properties) **and DP 23** (risk of flooding) **would be breached.**

4- Other matters: e.g. overdevelopment, no traffic management plan, other previous objections by the Council... (Please see enclosure)

I enclose herewith more detailed explanations of the above four points.

Please note that in general, this collection of the 3 separate applications lodged this July 2015 by the applicant is essentially the same as the one that was overwhelmingly rejected by the Council on April 2014, save for the absence this time around of an extended basement throughout the outside patio.

Last but not least, all of these matters - which were refused during the DCC of April 2014 - are the subject of an appeal that is due to take place around Q4 of this year.

Taking all the above into consideration, the whole matter should be put on hold and debated in front of the Inspector.

I also enclose an article published two weeks ago in the Evening Standard which reports that some Councils are taking positive steps to systematically refuse basement applications under PD and instead request a full-fledged planning application.

In any instances, the PD should be refused for many of the above reasons, each one of which is a reason for refusal in its own right.

I look forward to your early reply and comments on the above.

Many thanks,

Best Regards

Oliver

Oliver R Froment and family  
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