

**From:** Zar, Nusrat [REDACTED]  
**Sent:** 24 November 2015 17:11  
**To:** Beaumont, Elizabeth  
**Cc:** Cooke, Mike; Wheat, Frances; Watson, Ed (C&E directorate); English, Rachel; Beales, Danny (Councillor); Rea, Flick (Councillor); Currie, Tom (Councillor); Vincent, Sue (Councillor); richard@rdhomes.co.uk; Leyland, Claire-Louise (Councillor); Headlam-Wells, Jenny (Councillor); Olad, Awale (Councillor); Johnson, Heather (Councillor); Freeman, Roger (Councillor); Kelly, Alison (Councillor); Siddiq, Tulip; Harrison, Adam (Councillor); Stark, Stephen (Councillor); Quadir, Abdul (Councillor); parrym@me.com; Shah, Nadia (Councillor); Jones, Phil (Councillor); Apak, Meric (Councillor)  
**Subject:** 8 Pilgrim's Lane - 2015/4053/P

Dear Ms Beaumont,

I am writing in my capacity as the joint owner of 4 Pilgrim's Lane.

I am of the firm view that application 2015/4053/P for permitted development "pd" of a large scale basement lodged by the absentee owner of [8 Pilgrim's Lane NW3 1SL in July 2015](#) is unlawful and should be rejected by the Council.

This is because basements are not, as a class, permitted development or exempt, as a class, from the requirement to seek planning permission.

I understand that the determination under pd of a Certificate of Lawfulness of Proposed Use of Development "CLOPUD" is a matter of law, governed by the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Excavating a basement falls within the definition of development set out in section 55 TCPA 1990: "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land..."

I note the case of Wycombe District Council v Secretary of State of the Environment (1995) where the Court ruled that although excavation works were necessary to create a hardstanding, they comprised a separate activity and therefore required planning permission to be lawful. I understand that the Wycombe case has been followed by Planning Inspectors in a number of cases on appeal. The GPDO itself distinguishes between a specific activity that is permitted under the GPDO and the excavation or engineering works required to effect it.

I also note the planning decision regarding Wildwood Lodge dated 16 March 2015, where the Planning Inspector held that basement excavation works constitute an engineering operation that falls within the definition of 'development' and that there is nothing in the GPDO to indicate that such engineering can constitute permitted development.

The proposed development at 8 Pilgrim's Lane would clearly entail major works. For example the proposed sections A-A and C-C show the construction of a cinema more than 3 metres deep under a new basement room dug underground into a new structure, new underground wc, boiler room and significant deepening of floors in several other rooms. There is also significant deepening of a basement in a kitchen next to two very sensitive columns on which the flying freehold of 10 Pilgrim's Lane solely rests.

In addition the ground is comprised of delicate claygate strata, next to the convergence of slopes. It has been independently verified that my house (two doors away from no 8) is located next to an area at high risk of flooding.

I am therefore of the view that any decision by the Council to authorise application 2015/4053/P for permitted development would be unlawful. The application should therefore be refused.

Yours sincerely

Miss Nusrat Zar

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