

Gentet, Matthias

From: English, Rachel
Sent: 02 December 2015 10:41
To: Planning
Subject: FW: Application 2015/4053/P 8 Pilgrim's Lane NW31SL

Please log

Rachel English
Senior Planning Officer

Telephone: 020 7974 1343

We want to hear your views on the changes we are proposing to how we consult on planning applications. To find out more and have your say visit www.camden.gov.uk/sci. Consultation closes on the 20 January 2016.

From: [REDACTED] [mailto:[REDACTED]]
Sent: 02 December 2015 10:36

Subject: Application 2015/4053/P 8 Pilgrim's Lane NW31SL

[Application 2015/4053/P 8 Pilgrim's Lane NW31SL](#)

Dear Ms Beaumont,

Thank you for your email of 1st December.

It raises a number of comments some of which I will outline hereunder.

The opinion of Giles Atkinson dated 2nd October 2015, enclosed in your email, clearly shows that the matter is not as straight forward as your email seems to imply. By stating for example that "it may be that the Council should seek detailed information in each case about the nature of the work involved in the basement construction and the profession and qualifications of the person within whose oversight it falls" it points to the fact that basements can in a number of circumstances be excluded from permitted development due the nature of the work and/or the profession and qualifications of the person within oversight it falls.

Your comment "that basement excavations are a very complex matter" over simplifies the matter. Some basements are more straight forward construction project than others and/or are not especially complex either.

The case of 8 Pilgrim's Lane is at the other end of the spectrum due to the combination of a number of factors (e.g. columns supporting a flying freehold, soil conditions, surface water risk, sloping terrains,..) Pilgrim's Lane is clearly a special case. As you state each case must considered in its own merit.

Your statement that "the fact that basement excavation cannot be excluded from permitted developments rights" oversimplifies the matter.

In reality some basements can be excluded from permitted developments rights whilst some may not.

Clearly 8 Pilgrim's Lane falls in the former category.

On a separate issue, the fact that the legal opinions obtained for 24 Quadrant Grove and for 31 Briardale Gardens were commissioned by objectors does not imply that the opinions are necessarily biased in favour of the objectors. If this were the case there would be little benefit in ever obtaining a legal opinion. One might equally argue that exactly the same argument applies to the opinion obtained by the Council from Mr. Atkinson and presumably from the earlier unreleased opinion from Mr. Mark Beard from the same chambers in support of the Council's previous stance on PD rights in relation to basements.

Whatever the arguments put forward by the Planning Inspectorate on 20 Mackeson Road and on 45 Redington Road they do not constitute High Court decisions, furthermore the Inspectorate has arrived at contrary decisions in a number of other cases - for example at Wildwood Lodge NW3 7HH. The only relevant High decision that I am aware of concerns Wycombe District Council v Secretary of State for the Environment and Trevor (1995) JPL 223 and this decision supports the argument that the engineering operations in building a new basement do not benefit from PD rights..

Please ensure that the Councillors and the Camden staff that will review the application for permitted development at 8 Pilgrim's Lane, reference 2015/4053/p is made fully aware of this email.

I reserve all my legal rights.

Regards

Oliver R Froment,