

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
COSTS REBUTTAL ON BEHALF OF THE LONDON BOROUGH OF CAMDEN



Appeal by: Citadel Investments
Appeal Site: 1 - 8 Harmood Grove, London NW1 8DH
PINS Ref: APP/X5210/W/16/3152834
LPA Ref: 2016/1328/P
Contact: Jagdish Akhaja 020 7974 4899 Jagdish.akhaja@camden.gov.uk
Date: 12/08/2016

Eva Sherman
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Ms Sherman

PINs costs awards Guidance

Proposal summary: Installation of additional fence above existing fence and gates (part retention).

- 1.0 This statement is in response to the appellants' application for award of costs against the Local Planning Authority.
- 2.0 The Appellant considers that the Local Planning Authority has mishandled the planning application which is the subject of this appeal in respect of the substantive matters arising from the merits of the appeal.
- 3.0 The Appellant considers that the Local Planning Authority has prevented the development which should have been permitted.
- 4.0 In particular the Appellant considers that:
 - 4.1 LPA failed provide constructive feedback and concerning issues, and how development can be rectified. Therefore the Council failed to work in a positive and proactive way in determining planning application.
 - 4.2 The case officer effectively arrived at his decision without visiting the site and therefore has not properly assessed the effect of the proposal on the wider street scene.

4.3 The applicant was advised by the Case Officer that the application was going to be refused and the applicant could appeal the decision, no reason for refusal was given and he failed to advise what would be acceptable.

4.4 The Case Officer refused to come to any compromise but instead encouraged the applicant to appeal the decision, even before a formal decision had been made, show that the LBC exhibited unreasonable behaviours which resulted in the applicant's wasted expense, by having to appeal the decisions. The need to appeal could have been eliminated if the Case Officer has engaged in proactive and negotiations with the applicant during the determination period.

4.5 LPA actions have resulted in the appellant incurring additional expense by having to instruct an agent to produce comprehensive appeal application. Not only this, but reason for the proposal was for increased security following a number of break-ins. The time it will take to appeal the decision will delay the appellant from installing adequate security measures at their property

Council's Response

5.0 The Appellant is seeking a full award of costs. However the Council does not consider that the Appellant has any grounds what so ever for making such a costs application for the reasons set out below.

6.0 The Appellant argues that the Council's failed work proactively, to give constructive feedback and to provide reasons for refusal of the planning application. This is incorrect. Camden Council worked as closely as possible with the applicant; the application was thoroughly assessed on the basis of the plans and evidence submitted and the applicant was advised to amend the height of the fence, by redesign fence or the dwarf wall. It is reconfirmed that the site visit took place on 03/05/2016 and the application was determined on 15/06/2016. It was not necessary to meet the appellant at the site, as the circumstances are obvious from the street. The details of the fence were discussed with the appellant frequently by phone and email both before and after the site visit.

7.0 The planning officers express views and possibilities of acceptable proposed development by assessing plans and allow the applicant to revised the drawings if they wish. For example: the applicant had submitted simultaneous advertisement application ref; 2016/1299/A on 08/03/2016 for the same site, it was unacceptable according to Camden guidelines but revised drawings were encouraged and submitted in the last moments on 12th July before the Camden refused the advertisement consent. The same proactive approach was applied to the planning

application, but the applicant decided to challenge the decision rather than amend the application.

8.0 The case officer after an initial desk top assessment advised that the fence was unlikely to be acceptable. The case officer was available at all times to discuss the development with the applicant and they were fully aware of this. Indeed the case officer spoke to the agent on numerous occasions both by telephone and few correspondences via email throughout the application process prior to the decision; the last email to applicant was on 3rd June 2016. In fact the applicant had been given the team manager contact and the applicant also had spoken Camden Planning team manager.

9.0 The Camden Council had given enough time if the applicant wished to amend the proposed development; the height is a key element for the refusal which the applicant was not willing to compromise. There are further explanation pertaining to refusal within the officer report and LPA appeal statement. The application was discussed with Conservation Officer, team manager and was raised at the regular team case conferences for further views. This demonstrates that then LPA has given considerable thought before making final decision which the applicant was aware about. The applicant was unhappy about the refusal. As per normal practice, the case officer explained the appeal process and provided necessary guidance. The case officer had not encouraged the appeal as is claimed by the appellants.

10.0 Prior to 8 week determination deadline of 06/05/2016, the message was clear to the applicant that the application would be refused: the appellants does not acknowledge this in their letter.

11.0 As mentioned above, the Council has behaved entirely reasonably.

- The planning application (ref: 2016/1328/P) was received on 09/03/2016, after an initial desk top assessment of the plans, the Case Officer had expressed preliminary concerns, that development was unacceptable. The applicant was updated over the phone.
- The site visit was undertaken on 03/05/2016, and subsequently views of the case officer were consolidated. The applicant was updated; the height was key concern in principles.
- A discussion took place about revision between the Council and applicant, Such as; the Council has suggested removing dwarf wall and redesigning the fence, and enough time was given to consider and revise other options to increase the security.
- The application was refused on 15/06/2016.

12.0 In regards to security point, the applicant failed to consider and assess an alternative measures to increase the security as set out in the council's appeal statement

Refusal reasons

13.0 The reason for refusal is clearly set out in the Decision Noticed dated 15/06/2016. The reason for refusal is considered to be clear and is amplified within the officer's delegated report and appeal statement. The proposed development, by reason of its height, bulk and detailed design would be detrimental to the character and appearance of the host building and adjacent Harmood Street Conservation Area. The proposal is therefore contrary to CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) and 25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

Conclusion

14.0 The Council has behaved entirely reasonably in exercising its judgement in assessing the application and refusing planning permission. There was exemplary internal consultation about the scheme and all the planners concurred with the case officer's views .The appellant was given ample opportunity to revise the application, as set out above. The council has not caused unnecessary expense for the appellant in addressing the reason for refusal. It sought to assist the appellant in revising the application, to meet the council's concerns. It liaised with the Metropolitan police regarding alternative security measures.

15.0 Consequently, it is submitted that no unreasonable behaviour has been demonstrated and the Inspector is respectfully requested to refuse the application for costs.

Yours Sincerely,

Jagdish Akhaja

Planning Technician

Regeneration and Planning

Supporting Communities

020 7974 4899