

Ref: 132.1MAR

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2nd August, 2016

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Dear Sir or Madam,

45 Maresfield Gardens

LPA Enforcement Reference EN15/0735 (LB Camden)

LPA Planning Reference 2016/2827/P

Planning Appeal Reference APP/X5210/W/16/3155248)

Enforcement Notice Appeal Reference APP/X5210/C/16/3154765

1 Linked appeals

We request that the above planning and enforcement appeals are linked and await further guidance from PINS.

2 History

The proposals have been the subject to a series of planning applications, enforcement notices and an appeal.

The first planning application (LPA Ref. 2015/1609/P).

A retrospective application for the installation of the boundary treatment and means of access was refused in September 2015. Supporting materials are attached at appendices 11, 12 and 13.

The first enforcement notice (LPA Ref. EN15/0735).

An Enforcement Notice was served in July 2015, prior to determination of the first application.

The first enforcement notice appeal (PINS Ref. APP/X5210/C/15/ 3133473).

The Notice was appealed on grounds a), e) and f). The appellant's documents are attached at appendices 4-8.

The appeals was allowed and the Notice quashed on ground e) on the basis that the Notice had not been properly served. Grounds a) and f) were not considered by the Inspector.



Doyle Design LLP

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The appeal decision is attached at appendix 3.

Second planning application (LPA ref. 2016/2827/P).

A revised application was submitted in May 2016 and refused in July 2016.

The officer's delegated report and decision notice are attached at appendices 1 and 3. The reasons for refusal are listed again at appendix 15.

Second planning application appeal (PINS ref. APP/X5210/W/16/3155248).

The refusal of the second planning application is the subject of this linked appeal.

Second enforcement notice (LPA Ref EN15/0735).

A revised enforcement notice was served in June 2016. The reason for the notice are summarised in the appendix 16.

Second enforcement notice appeal (PINS Ref. APP/X5210/C/16/3154765)

The second enforcement notice is the subject of this linked appeal.

3 Appeal statement

To be forwarded under separate cover, but awaiting PINS guidance on linked appeals.

4 Facts to support that planning permission should be granted for what is alleged in the notice (Appeal form section A)

Evidence has been submitted indicating that the effect upon highway safety by virtue of inadequate sightlines for vehicles leaving the site is less than the LPA claim, particularly given the relatively few times a car will enter or leave the right hand bay. Further evidence will be submitted.

The LPA has approved a series of similar access arrangements in the immediate area. These are detailed in supporting evidence submitted with the planning application, to be supplemented in the appeal statement.

The LPA refers to parking and access policies. These contain no specific guideline or prohibition to support their objection. Instead, policy and guidance advocates a balanced approach, taking account of the context, and based on principles, not fixed rules. The LPA did not apply these guidelines in a balanced way and did not take proper account of the particular context.

Reinstatement of the former layout represents a diminution in environmental quality. It will be harmful to the character and appearance of the conservation area and to the host building, which is listed as contributing to the character of the conservation area. This will be contrary to Cores Strategy Policy CS 14 (Promoting high quality places and conserving our heritage).

The on-street resident parking bay will be shortened by approximately 3m. This will not result in any significant loss of on-street parking provision. Further evidence will be submitted.

It is possible to adjust the position and alignment of the vehicle crossover and the position of the on-street residents parking bay to better accommodate the existing access arrangement and gates. This should be considered a less excessive measure that addresses many of the LPA's stated concerns. The LPA is also the Highway Authority, so that control is separately available for them to permit this. An undertaking will be offered to meet the potential costs. An undertaking will be offered to limit the owner or occupant of Flat 1 to a single on-street parking permit (up to two are currently permitted). These measures could and should have been sought in determining the current, undetermined planning application.

The former layout represents a worsening of the position compared with the appeal scheme in terms of parking provision, frequency of use, amenity, safety, and the effect upon character and appearance of the conservation area. The effect of the removal would be disproportionately harmful. The effect of this diminution is a material consideration in this appeal.

5 Facts to support that the steps required to comply with the requirements of the notice are excessive, and less steps would overcome the objections (Appeal form section F).

The notice requires complete removal of the gates and gate piers and restoration of the former layout. This is excessive.

It is possible to remove part of the scheme in order to address the LPA's concerns without complete demolition and removal. Further details will be submitted with the appeal statement

The former layout represents a worsening of position compared with the appeal scheme in terms of parking provision, frequency of use, amenity, safety, and the effect upon character and appearance of the conservation area. The effect of the removal would be disproportionately harmful and the scope of the Notice is therefore excessive.

It possible to adjust the position and alignment of the vehicle crossover and the position of the on-street residents parking bay to better accommodate the existing access arrangement and gates. This should be considered a less excessive measure that addresses many of the LPA's stated concerns. The LPA is also the Highway Authority, so that control is separately available for them to permit this.

An undertaking will be offered to meet the potential costs of adjusting the crossover and on-street bay. An undertaking will be offered to limit the owner or occupant of Flat 1 to a single on street parking permit (up to two are currently permitted). These measures could and should have been sought in determining the current undetermined planning application.

6 Fee for the deemed planning application

A planning application fee has been paid.

The fee required by the enforcement notice has not ben paid. A fee was paid in relation to the first enforcement notice appeal, but the appeal was not determined on these grounds because of errors by the LPA in serving notices. We therefore claim that the fee should be waived and await the LPA's response.

7 Appendices

Please find attached appeal appendices numbered 1-17.

Yours sincerely,



Michael Doyle
Partner