

**Date:** Wednesday 22nd June 2016  
**PINS Refs:** APP/X5210/X/16/3148353  
**Our Ref:** 2015/5288/P  
**Contact:** Gary Bakall  
**Direct Line:** 020 7974 5618  
**Email:** [gary.bakall@camden.gov.uk](mailto:gary.bakall@camden.gov.uk)

Craig Maxwell  
Room 3/23  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Dear Mr Maxwell

**Appeal by Mr & Mrs Galway-Cooper**  
**Site address: 15 Gayton Crescent, LONDON, NW3 1TT**

**Appeal against the refusal of a service of a Certificate of lawfulness (existing) for;**  
**'Construction of a three storey rear extension (south-eastern corner of building)'.**

I refer to Mr Trehearne's letter dated 20<sup>th</sup> June.

I would like to reiterate that the Council contends that the above appeal should not be heard by the Planning Inspectorate as there is a current enforcement notice in effect for this development, the matter is due for trial in August and that the appellants have not produced a shred of evidence that was not readily available to them before the previous public inquiry into this matter.

The Council does not accept that the S.E. corner extension is permitted development under the 1995 or 2008 GPDO.

The appellants chose not to challenge the evidence of David Stone or Frances Swain at the public inquiry.

There is clear photographic evidence from Dr. Swain that demolition of the existing rear extensions did not happen prior to 30<sup>th</sup> September 2008. Please see copy of Dr. Swains proof of evidence attached.

The appellants still have not produced any evidence as to when the rear extensions were substantially completed and have not provided any first hand testimony about what was actually happening at their property during the time frame in question. When first questioned about this matter the appellants stated that the new extension was substantially completed prior to 30<sup>th</sup> September 2008, this is clearly not the case. Please see attached response to a Planning Contravention Notice.

The basis for the appellant's new appeal appears to be the assumption that as long as some demolition was started prior to 30<sup>th</sup> September 2008 this keeps the 1995 GPDO provisions alive. This is not the case, firstly the true test is whether the new extension was substantially

complete on this date, they have no evidence that any demolition had taken place before September 30<sup>th</sup> 2008, demolition is not a material operation in this case, the development built is materially different to the certificate of lawfulness they submitted on 30<sup>th</sup> September 2008 and the s.e. corner is part of a larger extension that is clearly not p.d under both provisions of the G.P.D.O. The Inspector did not come to the conclusion that the S.E. corner was a separate development because the matter was not raised by the appellants at the inquiry.

The letter referred to by the appellants is not addressed Dr. Swain, only mentions demolition in passing, does not specify what demolition or where it is. The appellants knew of this letter long before the inquiry and could have used it had they wished.

Building control documents were available to the appellants prior to the inquiry; in fact the document in question is in the appellant's name. The building regulations application was made on 30<sup>th</sup> September 2008 for 'rear extension' but states stripping out commenced on 15<sup>th</sup> September 2008. Commencement of works was not reported to the Council and the application was put 'In Abeyance' on 12/10/2008 after a Building Control tried to visit the site twice but found no one on site on both occasions. This building control evidence formed part of my proof to the inquiry and was not challenged or examined by the appellants.

The appellants did not contend that the S.E. corner, or any part of the rear extension was permitted development during the public inquiry and it was assumed by the Inspector that the appellants accepted the rear extension was not permitted development in fact or law as they now state. No evidence has been produced as to when demolition actually took place and certainly no evidence as to when the structures were substantially completed. The inspector's decision into this matter is clear and unequivocal; the S.E. corner extension should be demolished.

It seems clear to this officer that the appellants have deliberately attempted to make this appeal, without fresh evidence and at the last moment, so that it coincides with the criminal trial to assist them in getting the case adjourned if they need to.

Regulation 19 of the T&CP (Enforcement) Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002 only allows new evidence or new matters of fact to be taken in consideration after an Inquiry has closed. In this case no new evidence has been produced and the appellants seem to be relying on the Inspector's decision to allow the retention of part of the rear extension as a new matter of fact to reopen the same inquiry, this is clearly not what Regulation 19 was meant for.

Yours sincerely

**Gary Bakall**

Principal Planning Enforcement Officer  
Culture and Environment Directorate