

APPEAL BY MS PHILIPPA HUCKLE

23 DARTMOUTH PARK HILL, LONDON W5

PROPOSED DEMOLITION OF EXISTING REAR ADDITION
AND CONSTRUCTION IN ITS PLACE
OF NEW SINGLE-STOREY REAR AND SIDE INFILL EXTENSION
TOGETHER WITH CONSTRUCTION OF NEW BASEMENT

LONDON BOROUGH OF CAMDEN
PLANNING APPLICATION REFERENCE 2020/0785/P

GROUND'S OF APPEAL

- 1 This is an appeal against the Council's failure to determine a planning application within the statutory eight-week period. The application was received by the Council on 17 February 2020; the eight-week period expired on 13 April 2020 (see item 21 at paragraph 3 below).
- 2 The application documents are as follows.
 - . Planning application form dated 17 February 2020.
 - . Design and Access Statement dated 14 February 2020.
 - . Joint Planning Statement and Heritage Statement dated February 2020.
 - . Basement Impact Assessment dated January 2020.
 - . Tree Survey dated 5 March 2020.
 - . Drawings:

EX001	Existing ground-floor and basement plans;
EX003	Existing roof plans;
EX010	Existing front elevation;
EX011	Existing rear elevation;
EX012	Existing side elevation;
EX020	Existing section A;
EX021	Existing section B;
GA001/C	Proposed ground-floor plan;
GA002/B	Proposed basement plan;
GA003/A	Proposed roof plan;
GA010/C	Proposed front elevation;
GA011/A	Proposed rear elevation;

GA012/A	Proposed side elevation;
GA020/C	Proposed section A;
GA021/A	Proposed section B;
GA022/A	Proposed section C; and
GA023/A	Proposed section D.

3 The following is a summary of the significant correspondence between the applicant's representatives and the Council from the submission of the application in February 2020 to the present. In this summary, 'the agent' refers to the applicant's architects, Architecture for London, and the 'planning consultant' refers to me, the applicant's adviser on planning matters. The correspondence listed, which comprises both emails and letters, is attached as an appendix to these grounds, with each email/letter given a number (in red) that corresponds to the numbering below.

1. On 17 February 2020, the Council acknowledged, by email, the receipt of the application (but see items 17 to 21 below).
2. On 16 April 2020, the Council sent an email to the agent stating that the application was the subject of consultation.
3. On 29 May 2020, the agent asked the Council whether there was any further progress with the application.
4. On 18 June 2020, the Council wrote to the agent indicating concerns regarding the size and scale of the proposed extensions.
5. On 24 June 2020, the agent asked the Council to clarify its objections by reference to the relevant planning policy criteria.
6. On 24 June 2020, the Council responded, referring to certain criteria in policy A5 of the Camden Local Plan.
7. On 1 July 2020, the planning consultant sent a letter to the agent countering the objections raised by the Council, which was forwarded to the Council on the same day.
8. On 4 July 2020, the Council wrote to the agent indicating that the footprint of the extensions were acceptable but that alterations were needed to the rear staircase and light wells and to the design of the elevation of the side extension.
9. On 7 July 2020, the agent wrote to the Council enclosing amended drawings.
10. On 17 July 2020, the Council wrote to the agent stating that the Basement Impact Assessment would be audited by independent consulting engineers and that a fee for this was payable by the applicant.

11. On 23 July 2020, the Council wrote to the agent stating that the audit fee would be £3,045 plus VAT.
12. On 24 July 2020, the agent wrote to the Council requesting the legal and policy justification for the audit fee.
13. On 29 July 2020, the Council responded.
14. On 30 July 2020, the agent again asked the Council for the legal and policy justification for the audit fee.
15. On 30 July 2020, the Council responded, but failed to provide any legal justification for the audit fee.
16. On 4 August 2020, the agent wrote to the Council repeating concerns about the audit fee and seeking to resolve all non-basement issues before a decision was made by the applicant on whether to pay the audit fee.
17. On 5 August 2020, the agent wrote to the Council requesting a formal acknowledgement of the application.
18. On 5 August 2020, the Council responded that it was not aware that an acknowledgement letter was legally required.
19. On 7 August 2020, the planning consultant sent a letter to the agent explaining the legal requirements as to acknowledging a planning application.
20. On 7 August 2020, the agent wrote to the Council attaching a copy of the planning consultant's letter.
21. On 7 August 2020, the Council sent a formal acknowledgement letter to the agent indicating that the eight-week determination period expired on 13 April 2020.
22. On 7 August 2020, the Council wrote to the agent requesting some minor changes to the front elevation of the side extension.
23. On 13 August 2020, the agent sent amended drawings to the Council and asked the Council to confirm that the proposal was acceptable, subject to the Basement Impact Assessment audit.
24. On 13 August 2020, the Council wrote to the agent confirming that the proposal was "acceptable in general terms of design, amenities and heritage, subject to the outcome of the BIA audit" but that it was still waiting to hear from internal consultees regarding trees and transport.
25. On 3 September 2020, the Council wrote to the agent giving the view of the consultees on trees (no objection) and transport (acceptable but would require

a financial contribution of £3,136 in respect of a Construction Management Plan, and a construction impact bond of £7,500).

26. On 4 September 2020, the agent wrote to the Council stating that the fees required (over £14,000 in total) were unreasonable and requesting that the application be determined.
 27. On 29 September 2020, the agent wrote to the Council asking when the decision would be made.
 28. On 2 October 2020, the agent sent a further reminder to the Council.
 29. On 2 October 2020, the Council wrote to the agent saying that "I will try my best to issue the decision by 13.10.20".
-
- 4 At the time of lodging this appeal (7 October 2020), the Council had yet to issue a decision on the application, over 33 weeks after it was submitted. The Council has given the applicant no adequate explanation for the delay. The Government's 'planning guarantee' (see paragraph 002 of Planning Practice Guidance: Determining a Planning Application) states that no application should take longer than 26 weeks to be determined by the local planning authority.
 - 5 The appellant considers that the Council's failure to determine the application within the statutory period, without proper or satisfactory explanation for the delay, amounts to unreasonable behaviour and that an award of costs against the Council should be made (see paragraph 048 of Planning Practice Guidance: Appeals).
 - 6 It is not known whether, if the Council had reached a decision, the application would have been approved and, if so, with what conditions, or if the application would have been refused and, if so, for what reasons. In its appeal statement, the Council will be required to indicate to the Inspector the decision that would have been made by the Council.
 - 7 The appellant will be making a claim for costs against the Council on the grounds of unreasonable delay (see paragraphs 4 and 5 above) and possibly on other grounds, to be assessed on receipt of the Council's response to this appeal.
 - 8 Further representations will be made on receipt of the Council's statement.

ANTHONY R J KEEN
BA MSc DipTP DipPhil MRICS MRTPI

October 2020