

Date: **21/12/2022**  
Your ref: **APP/X5210/W/22/3304919**  
Our ref: 2022/0491/P  
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Dear Roxanne Gold,

**Appeal by Mrs Alix Knapman.**  
**Site: 335-337 Gray's Inn Road, London, WC1X 8PX**

**Appeal against non-determination of planning application for:**

**Proposal:** Proposed installation of ATM through the far-left glazed window as a through glass installation.

## **1.0 Summary**

### **Site and designations**

- 1.1 The application site is a four storey mid-terraced period property which contains self-contained flats (Class C3) on the upper floors and retail (Class E) on the ground floor.
- 1.2 The building is not statutorily listed but is located within the Kings Cross St Pancras Conservation to which it makes a positive contribution. To the rear of the site is a terrace of Grade II listed buildings, and a Grade II listed building is located directly to the north, no. 378-380 Gray's Inn Road.
- 1.3 The appeal is against non-determination. However, the Council's recommendation would have been to refuse planning permission. The Council's case is set out in detail in the attached Officer's Delegated Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector

could also take into account the following information and comments before deciding the appeal.

## **2.0 Status of Policies and Guidance**

*2.1 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:*

*D1 – Design  
D2 – Heritage  
D3 - Shopfronts  
C5 – Safety and Security*

2.2 The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the appeal was submitted.

## **3. Comments on grounds of appeal**

3.1 The appellant's statement is set out in one main point, and these are addressed below:

1. The appellant states that no queries or issues have been raised by the appointed planning officer and a decision was not made within a reasonable time frame.

Response to point 1: Following planning officer consultation with the Metropolitan Police's Designing Out Crime Officer, an objection was received, and concerns were raised over the safety and security of the persons using the proposed ATM. The applicant was informed of the objection and asked how they would like to proceed with the application. No response was ever received and consequently the application surpassed the eight-week statutory time frame. The point that 'no queries or issues have been raised' is evidently untrue. The Council's approach is to work with applicants to reach a satisfactory outcome and not to determine applications without giving applicants the opportunity to respond to issues in line with the NPPF.

## **4. Conclusion**

4.1 It is acknowledged that a determination was not made within the statutory time frame, however, the Council has sought to work with the applicant to address the issues with the application, but no response was ever received. Notwithstanding, the proposal as it stands is unacceptable on the grounds of design and public safety.

## **5. Suggested conditions should the appeal be allowed.**

5.1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, EN signage, EN03 012022P, EN03 012022E, Design and Access Statement

Reason: For the avoidance of doubt and in the interest of proper planning.

If any further clarification of the appeal submissions is required please do not hesitate to contact Edward Hodgson on the above direct dial number or email address.

Yours sincerely

Edward Hodgson  
Planning Officer