

4th January 2023

Your Ref: APP/X5210/C/22/3308835

Our Ref: DHA/22/12

The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Maxwell

Town and Country Planning Act 1990
Appeal by Trumros Limited
Site Address: 282 Finchley Road, London, NW3 7AD

Further to your letter dated 20th December 2022, below I comment on the third-party correspondence received by the Inspectorate in response to the Appeal.

Letter of objection from The Heath & Hampstead Society dated 19th December 2022

For the record, as stated in Paragraph 10.0.2 of our Statement, I am advised commencement of the building took place in November 2021.

In relation to the issue of trees, an Arboriculture Impact Assessment was carried out by Trevor Heaps BSc, MICFor, RC. Arbor. A, on 1st November 2022. A copy thereof is included in Appendix 10 of our Statement. The Inspector will see that Mr Heaps, who is a qualified Arboriculturist, confirms, contrary to the claims of the Society, that no trees of any significance have been felled. In addition, whilst there have been some incursions of root protection areas, those incursions are considered by Mr Heaps to be minor and, by virtue of the use of non-invasive foundations, root disruption has been minimised, with room for future root growth.

In his report, Mr Heaps further confirms that there have been no changes of level within the root protection area and that there is room for root growth in the future. Mr Heaps also confirms that nearby trees are healthy and that they would be tolerant of these minor works around them.

In relation to the possibility of impacted soil, Mr Heaps advises that any such concern could be addressed by a condition requiring the soil to be decompacted, if the Inspector considers this to be necessary.

Any branches of existing trees that have been removed are considered by Mr Heaps to be “very minor” that will not affect their health or appearance in the long term.

In relation to underground services associated with the outbuilding, Mr Heaps is of the opinion that these will have had a negligible effect on the retained trees.

The outlook into the rear gardens of 282 and 284 Finchley Road in respect of the existing trees may have been enjoyed by neighbouring residents, however, since these properties are not within a Conservation Area, nor protected by a Tree Preservation Order, their retention cannot be safeguarded. This could only be achieved if action to protect these trees was taken by the Council – it was not. As stated earlier, I am advised no trees have been removed in any event.

The provision of additional trees can only be achieved if the Inspector includes a Planning Condition in granting planning permission for the retention of the outbuilding to require additional tree planting.

Email of objection from Javid Jahanshahi dated 6th December 2022

Mr Jahanshahi considers the outbuilding the subject of this Appeal to be unsightly and inappropriate. In response, I would invite the Inspector to agree that as an outbuilding, it is well designed and constructed using good quality materials, unlike most outbuildings which generally do not even require planning permission.

Email of objection from Ian Henry dated 6th December 2022

Mr Henry considers that the building is too close to neighbouring properties and could easily become an illegal dwelling and that it has destroyed an established garden.

In response, it should be pointed out that outbuildings of similar size are commonplace within rear gardens and had it not been for the fact that it was within the curtilage of a building occupied as flats, it would have been permitted development under the General Permitted Development Order.

The appellant wishes me to point out that the location of the outbuilding was specifically chosen under the canopy of the existing trees so as to retain the openness of the remaining garden area.

The outbuilding is not a health hazard as is claimed and has not resulted in the destruction of an established garden, which, even with the outbuildings retained, it is far larger than the rear gardens of surrounding properties.

Concerns that the outbuilding could be occupied as a dwelling are misguided. It is too small to be occupied as a self-contained building. If reassurance on that point is required, the Inspector is invited to include a condition precluding the outbuilding from being occupied as an independent self-contained dwelling.

Yours sincerely



DEREK HORNE