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Erection of lean-to conservatory extension to enclose part of existing side/rear roof terrace at 2nd floor level, including relocation of external door opening to access the remaining part of the terrace.

2nd Floor Flat, 29 Buckland Crescent, London, NW3 5DJ

Application for costs

On behalf of Mr R White

Prepared by Galina Fomina BA MSc MRTPI

AUGUST 2022

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## 01 Introduction

- 1.1. Norton Taylor Nunn Ltd has been retained to provide Town Planning advice in relation to an appeal to the Secretary of State against the refusal of planning permission for the erection of a lean-to conservatory to enclose a part of the existing side roof terrace on the second floor by Camden Council (the Council).
- 1.2. The Council has not exercised a site visit to assess the proposal and the surrounding built environment. The Council asserted that the proposed development would harm the amenity of the occupier/s of the top-floor property at no. 27 Buckland Crescent. The window that was alleged to be impacted has been bricked up for years. The Council's unreasonable behaviour led our client to unnecessary expenses, including the costs of the appeal.
- 1.3. The Council registered the appealed application as 21/07058/FUL and validated it from the 12<sup>th</sup> of November 2021. It was refused by Decision Notice issued on the 8th February 2022, in which the Chief Planning Officer cited two reasons for refusal.

## 02 Planning application 2021/4667/P

- 2.1. The present application is prepared to raise a substantive award against the Buckinghamshire Council. Here below there are reasons relevant to this case extracted from paragraph 048 reference ID: 16-048-20140306 of the National Planning Practice Guidance:
- a. Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
  - b. Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
- 2.2. The planning application was applied to the Camden Council seeking permission for the erection of a lean-to conservatory to enclose a part of the existing side roof terrace on the second floor with the additional associated works.
- 2.3. Unfortunately, there was no site visit taking place during this application's determination. The case officer did not fully assess the proposal, the site and its surroundings. In particular, the fact that the window of the top-floor property at no. 27 Buckland Crescent that is facing the existing roof terrace has been bricked up for years. Therefore, this window has not been used, and there is no possible impact of the proposed development on the occupier/s of this property.
- 2.4. The decision notice issued on the 8th of February 2022 stated two reasons for the application's refusal. For the second reason, the Council stated that the proposed development *"by virtue of its design, scale, location and materials, particularly when illuminated by internal lights after dark, would result in harm to neighbour amenity in respect **of outlook and light pollution to the occupiers of the residential unit at the upper floor of the adjacent property at no. 27 Buckland Crescent**".*
- 2.5. Unfortunately, the Council failed to assess the site and its surroundings and, therefore, issued the decision based on incorrect assumptions.
- 2.6. We are of the view that the Council acted unreasonably by refusing the application with no complete consideration of the amended proposal scheme.
- 2.7. The Council's unreasonable behaviour resulted in the applicant incurring the following unnecessary or wasted expenses:
- a. Costs and expenses of planning consultants in undertaking the appeal

2.8. Therefore, the present statement is prepared for an application for a full award of costs caused by the unreasonable behaviour of the Camden Council during the determination of planning application 2021/4667/P.