

**PROPOSED STOPPING UP
of
HIGHWAY AT QUEENS GROVE, NW8 6JD
SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**STATEMENT OF CASE
ON BEHALF OF WEI-LYN LOH (INTERESTED PARTY/PROMOTER)**

**IN RESPECT OF A LOCAL INQUIRY TO BE HELD ON 19 NOVEMBER 2024 AT
SWISS COTTAGE, CENTRAL LIBRARY, 88 AVENUE ROAD, LONDON NW3 3HA**

REFERENCE: ES/I&M/ED/1/22/S247

I INTRODUCTION

- 1.1 This Statement of Case is prepared on behalf of Wei-Lyn Loh, the Owner of 73-75 Avenue Road (the "**Property**"), and ultimately the applicant for the proposed stopping up order (the "**Applicant**").
- 1.2 This Statement of Case is submitted in advance of a local inquiry to be held on 19 November in respect of the proposed stopping up of a section of the highway at Queens Grove, NW8 6JD. The Property abuts the highway which is subject to the stopping up application.
- 1.3 This statement summarises the case which will be presented on behalf of the Applicant at the Inquiry, as follows:
 - 1.3.1 planning permission was granted in respect of development works at the Property (the "**Development**");
 - 1.3.2 the proposed closure of a section of the highway is necessary for the Development to be carried out;
 - 1.3.3 the powers to make the order under section 247 of the Town and Country Planning Act 1990 (the "**Act**") are available to the decision-maker, as there is a "*by no means minimal part*" of the Development which remains to be carried out; and
 - 1.3.4 the public interest in the making of the stopping up order outweighs any interference with the right of way (and - although the Applicant does not consider there is any such harm - any other harm which might be caused) such that the order should be made.

2 BACKGROUND

- 2.1 On 28 March 2012, planning permission (reference 2011/2388/P) was granted for demolition of the then existing building at the Property, and erection of a single-family dwellinghouse.
- 2.2 In June 2018, works under the above consent were restarted including demolition of the existing house and construction of the replacement dwellinghouse.
- 2.3 Between February and April 2019, the original boundary wall fronting Queens Grove was demolished.
- 2.4 In June 2019, an application was submitted to vary the above permission (reference 2019/1366/P) for changes to the detailed design of components of the proposed new dwellinghouse. Planning permission was subsequently granted on 6 April 2020.
- 2.5 On 3 March 2021, planning permission was granted (LPA ref. 2020/3796/P) for *replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove)* (the "**Planning Permission**"). A copy of the Planning Permission is included at **Appendix A**.

- 2.6 As the plans approved under the Planning Permission show, the boundary wall for which permission was granted was located within the public highway (pavement), 0.5m beyond the original boundary wall. The area of the highway that would be lost is illustrated on the drawing accompanying the stopping up application (**Appendix B**).
- 2.7 The Applicant will demonstrate (inter alia by reference to the Officer's Report) that this relocation of the boundary wall onto the public highway was expressly consented through the planning process in order to safeguard six existing mature trees (which are subject to statutory protection through a tree preservation order) within the Property boundary, and that when assessing the application for the Planning Permission, the London Borough of Camden (the "**Council**") expressly addressed concerns about the impact of the loss of public highway in the overall planning balance, and concluded that they were outweighed by the benefits of the development.
- 2.8 On 17 November 2021, a stopping up application was submitted to the Council seeking the exercise of their powers under s247 of the Act further to the Planning Permission.
- 2.9 Works above ground to construct the replacement wall on Queen's Grove commenced in February 2022. Throughout the period of construction of the wall (and ever since) a section of the proposed wall, approximately 3m wide, was deliberately left incomplete, for two reasons:
- 2.9.1 at the time that construction of the wall commenced, construction works for the new house were still ongoing (works on the house itself did not reach practical completion until around August 2022). The incomplete section of the wall was used as an access point into the Property for construction vehicles; and
- 2.9.2 to ensure that it remained possible for the Council to exercise its powers under s247 of the Act. In this regard, the extent of the unfinished works were specifically meant to satisfy the requirement for the works not to have been completed.
- 2.10 For security purposes, between August to November 2022 a temporary hoarding was erected which filled in the 3m wide gap in the wall. A dibond brick effect finish was applied so to blend in with the surrounding brickwork (see **Appendix C**).
- 2.11 Following approval for the application to proceed to formal consultation in July 2022, the Council issued a consultation pack which included, among other documents, a notice dated 25 July 2022 which confirms that the proposed area to be stopped up is "an area of 0.5 metres by 57 metres on the footway" on Queen's Grove.
- 2.12 Objections were received during the statutory consultation period. Those objections which are still sustained by remaining objectors are addressed in greater detail in section 4 of this Statement of Case, but the general themes of objection can be summarised as:
- 2.12.1 the works "*have been carried out and completed*" and therefore powers under s247 of the Act were not available to the Council; and
- 2.12.2 objection to the narrowing of the footway.
- 2.13 The Council also received correspondence from Thames Water on 29 July 2022, requesting the Council's confirmation that their apparatus would not be affected by the proposed works. As a result of the correspondence, the Council produced an amended draft stopping up order, shown at **Appendix D**.

- 2.14 The Council submitted a report to the GLA addressing the objections on 13 March 2023.
- 2.15 On 9 May 2023, a letter sent by the GLA to the Council confirmed that no inquiry was required, as the GLA were satisfied that the powers under s247 of the Act remained available to the Council, and that the stopping up order was necessary in order to enable development to be carried out in accordance with the Planning Permission.
- 2.16 On 17 May 2023, the Council wrote to the GLA to note that it had inadvertently failed to disclose an additional objection letter from Town Legal LLP dated 24 August 2022 (on behalf of a local resident), the Council's subsequent response dated 4 October 2022 and Town Legal LLP's email response dated 10 October 2022.
- 2.17 In August 2023, the GLA emailed the Council a revised report dated 3 August 2023 to confirm that its previous decision of 9 May 2023 was overturned in light of the new objections which had been disclosed, such that a local inquiry would need to be held.

3 ANALYSIS

Legal Framework and Relevant Guidance

- 3.1 Case-law and the legislation established following key points in relation to the proposed stopping up order:
- 3.1.1 S247 of the Act permits the making of an order for stopping up of a highway necessary to enable development to be carried out in accordance with valid planning permission; and
- 3.1.2 If the development has been completed, the stopping up order cannot be made retrospectively. The leading authority on this is the decision of the Court of Appeal in *Ashby v Secretary of State for the Environment* [1980] 1 WLR 673, where Stephenson LJ indicated that the relevant test was whether there was still a more than "by no means minimal part of the permitted development to be carried out".
- 3.2 The Government has issued guidance on the use of s.247 in "Rights of Way Advice Note 9: General Guidance on Public Rights of Way Matters" (the "**Guidance**").
- 3.3 Para 4.1.2 of the Guidance states that:
- "Before an order can be confirmed, or indeed made, it must be apparent that there is a conflict between the development and the right of way, such as an obstruction. An outline permission might not give the degree of certainty necessary to evaluate the impact that the development will have upon the way. However, the development does not need to be in the form of a physical interference such as a building on the right of way. For example, a change of use may be sufficient."*
- 3.4 Paras 4.1.4 and 4.1.5 of the Guidance state that:
- "4.1.4 When Inspectors consider an order made under [section 247] they should be mindful that the planning merits of the development itself are not at issue in the RoW case and Inspectors should not allow that matter to be re-opened. The weighing up of the planning merits and demerits will have been determined in favour of the development (where planning permission has already been granted), see *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77*

4.1.5. *However, the Inspector does have latitude to consider wider issues. He should consider the overall public interest in diverting or stopping up a right of way and how it will affect those concerned. Considerations could include, for example, matters such as how the confirmation of the order would result in the loss of passing trade (which might be particularly relevant in view of the fact that there is no provision for compensation in relation to this type of order). Such issues may not be a material consideration at the planning stage. Furthermore, there are bound to be some matters which are overlapping – i.e. relevant to both the planning merits and the merit of whether or not an order should be confirmed.”*

The proposed stopping up order is necessary to enable the approved development to be completed.

3.5 Before an order can be confirmed, it must be apparent that there is a conflict between the development and the right of way.

3.6 In the present case, the boundary wall for which permission was given is located within the public highway, and would render a 57m long, 0.5m wide length of the highway inaccessible to the public. The part of the boundary wall which remain to be constructed on Queen's Grove would obstruct the adopted highway and it is therefore self-evident that it is necessary for the stopping up order to be made so as to enable the remaining parts of the Development to be completed.

The power to stop up the highway under S247 of the Act remains available to the decision maker as there remains a more than *de minimis* amount of work to be carried out.

3.7 As noted above, the power to stop up the highway under S247 of the Act cannot be applied in cases where there is no development remaining to be carried out. In the present case, although part of the wall has been constructed, the Applicant will produce evidence to demonstrate that it has not been completed. In particular, the Applicant will demonstrate that, during construction works at the Property and ever since, a 3m section of the proposed wall has remained unfinished in order to enable vehicular access to the Property during construction and to preserve the ability to obtain a stopping up order under S247 of the Act. This section has never been completed and is still to be constructed. The Applicant will produce evidence to explain that, pending determination of the stopping up application, a temporary hoarding was erected for reasons of security and finished with a dibond design which (from the street) mirrors the brickwork of the constructed wall but that this was and is a temporary measure which will be taken down and replaced with proper brickwork once the stopping up order is confirmed. This temporary hoarding has remained in place to date and its existence (which is noted in two objections submitted in September 2024 ahead of the inquiry (see Section 4 below)) can be confirmed by the Inspector on site.

3.8 The Applicant will submit that, irrespective of whether the matter is addressed on the basis that the work which remains to be completed must be “more than minimal”, or on the basis of whether the wall is “substantially complete”, the power to stop up the highway under s.247 remains. In particular, the Applicant will:

- 3.8.1 Refer to the decision in *Fidler v. Secretary of State for Communities and Local Government* [2010] EWHC 143, where the High Court upheld the decision of a planning inspector that a dwelling constructed behind a row of straw bales was not “substantially complete” until the straw bales had been removed, even though no further works were required to the dwelling itself. The Applicant will submit that similar reasoning is applicable in the present case, since (a) it has always been the intention that the hoarding will be removed and (b) (unlike to the situation in *Fidler*) further work is still required to complete the wall itself.
- 3.8.2 Contend that, in considering whether a “by no means minimal part of the development” remains to be completed, it is important to consider the purpose which the boundary wall serves, i.e. to act as a security barrier to potential trespassers. In this context, a 3m gap which is not only wide enough to allow pedestrians to pass through but also construction traffic (and was used for this purpose), cannot sensibly be seen as a *de minimis* or insubstantial element of the development which remains to be completed.
- 3.9 The Applicant will demonstrate that this conclusion was shared by the Council which (as set out in their initial response letter dated 17 August 2022 to the original objection letter lodged by Town Legal LLP dated 8 August) observed that, although *“the building of the new wall is partially complete... the Council is satisfied that the Development has not as yet completed and the stopping up order is necessary to enable the development to be completed in accordance with planning permission”*.
- 3.10 The Council's conclusion on the status of the works was based upon (among other things) site visits carried out by the Council's Senior Engineer in August 2022 and November 2022. Due to a 3m long section in the boundary wall remaining incomplete, being infilled with temporary hoarding to mirror the wall's brickwork, it was the Council's view that the works were incomplete.
- 3.11 The Council unequivocally restated its view that the powers under s247 of the Act remained available in correspondence with the GLA dated 13 June 2023: *“I confirm that the Council is satisfied that the works to the boundary wall have not yet been completed, and the S247 procedure has therefore been employed adequately... we checked on site today, and there remains a 3 metre gap in the boundary wall which has temporary hoarding, the same as shown in the photos attached at Appendix 6 of our letter of 13 March)”*.
- 3.12 It is also of note that the GLA itself took the same view in its initial decision dated 9 May 2023 that the works had not been completed based on the information submitted by the Council at the time. The precise photographs submitted by the Council which led to the GLA's initial conclusion are appended at **Appendix E**.
- 3.13 The GLA's reversal of its own decision was based on the Council's failure to provide the full suite of objections and, in the GLA's view, the issues raised by those objections meant that there were no special circumstances to dispense of the need for an inquiry to be held. The Applicant's response to these objections is provided at section 4 of this statement of case.
- 3.14 To conclude, there remains a 3m gap in the relevant section of the boundary wall on Queen's Grove. This has been infilled with temporary hoarding pending the outcome of the stopping up application which is now proceeding to inquiry. As a result, the works that are required to finish the wall are more than *de minimis*, and the wall is not yet substantially complete. The Applicant's position that the power under s247 of the Act is available is supported by the Council.

The public interest in the making of the stopping up order outweighs the public interest in retaining the relevant part of Queen's Grove

3.15 Having regard to the Guidance, the Applicant will contend that all of the material objections which have been made to the Order were addressed by the Council when deciding whether to grant permission, and should not now be reopened. However, if and to the extent that there are any "wider issues" which the Inspector has latitude to consider, the Applicant will contend that the overall public interest clearly supports confirmation of the stopping up order. In particular:

3.15.1 As noted in the planning officer's report, the extension of the boundary wall by half a metre onto the public highway would safeguard existing mature TPO trees and their roots. The mature trees make a positive contribution to the street scene and evidence will demonstrate that the moving of the boundary wall 500mm further onto Queen's Grove has likely improved growing conditions for these trees.

3.15.2 The Applicant will demonstrate that any harm to the public interest as a result of making the stopping up order is minimal. The Council's view is summarised in the officer report: *"the Council's transport team, highway engineering and the Council's Structures Manager have reviewed the proposal. The existing footway is quite wide (approximately 3.6 meters). Even with the loss of 0.5m this will still leave the footway at a comfortable width for the number of pedestrians who use this footway"* (emphasis added).

3.15.3 The Council's assessment is further substantiated by established guidelines:

(a) Paragraph 9.10 of the Council's Transport CPG states that, in respect of footways or footpaths, reference must be made to TfL's Pedestrian Comfort Level Guidance which sets out minimum widths based on footways in different environments and pedestrian flows.

(b) Appendix B of TfL's Pedestrian CLG (*Recommended Widths*) recommends a minimum footway width of 2.9 m for a site with a low pedestrian flow (Appendix B). Where there is no street furniture other than street lights, the minimum can be 2m.

Measured against both of those standards, the proposed narrowing of the footpath would still comfortably exceed TfL's minimum recommended widths.

3.15.4 If and so far as any other harms are alleged or raised by objectors, the Applicant will respond to those once details are known.

3.16 To conclude, the overall public interest is in favour of the making of the stopping up order. The proposed making of the stopping up order would leave a comfortable width (as substantiated when measured against guidelines) of pavement for pedestrians so as to minimise any detriment. Further, making of the stopping up order is necessary to authorise the remaining work to be carried out and the wall's position 0.5 metres further onto the pavement so as to safeguard six mature TPO trees.

4 RESPONSE TO OBJECTIONS

- 4.1 Objections were received during the statutory consultation period for the stopping up order in 2022, and more recently following the Council's circulation of the inquiry notice to known parties. These are addressed below.

Objections lodged by Town Legal LLP on behalf of a local resident, through letters dated 8, 16 and 24 August 2022, and email dated 10 October 2022

- 4.1.1 The key theme of the objections lodged by Town Legal LLP is that the powers under s247 of the Act are not available because "*the works have been carried out and completed*" (letter dated 8 August 2022).
- 4.1.2 The letter dated 24 August 2022 states: "*it would appear that the unfinished element of the wall can be considered to be de minimis or token only*", and that on the basis that "*development is not still being carried out*" the facts of the Ashby case are different.
- 4.1.3 The objection letter itself confirms that the wall is "*unfinished*". The Applicant also notes that the objection letter speculates that "*the size of the gap suggests that it is intended for pedestrian access only and may simply be awaiting the installation of joinery*", and that it is perhaps on this basis that the objector has concluded that only a token element of the works remain to be carried out.
- 4.1.4 In response, the Applicant notes that the size of the gap is 3m wide and approximately 3m high, and that the gap was left (in addition to ensuring that the works would not be completed) for construction traffic into the garden, not just pedestrian access.
- 4.1.5 The development which remains to be carried out includes, in addition to removal of the temporary hoarding, infilling of the brickwork panel (3m wide and approximately 3m high) and the introduction of stone coping.
- 4.1.6 In light of the above, the Applicant wholly rejects the assertion that the powers under s247 of the Act are not available to the decision maker; indeed, a "by no means minimal" part of the development remains to be carried out.
- 4.2 Town Legal LLP's objections were endorsed by two other neighbours in emails dated 17, 24, and 25 August 2022.
- 4.3 Further objections have been received in advance of the inquiry from:
- 4.3.1 Lady Irene Hatter dated 26 September 2024;
- 4.3.2 Nick Ritblat dated 30 September 2024; and
- 4.3.3 Stuart Levy dated 11 October 2024
- 4.4 The Inspector will note that the vast majority of the objections relate to planning merits (for example, see the objection dated 26 September 2024 which refers to *the general effect on the amenity and look and feel of the Conservation area*) which should not be reconsidered (as the planning balance has already been determined in favour of the development). However, as outlined above, in so far as it is necessary to carry out any kind of balancing exercise, the Applicant will contend that the balance is firmly in favour of confirmation of the order.

5 CONCLUSION

- 5.1 The making up of the stopping up order is necessary in order for the Development to proceed
- 5.2 There remains a more than *de minimis* amount of work which remains to be carried out, such that the power to make the order remains available to the decision maker.
- 5.3 The public interest weighs in favour of the making of the stopping up order. The positioning of the wall (if completed) on the footway safeguards six mature TPO trees. As the resulting footway would remain at 3.1m in width should the development be completed, there is also no significant disadvantage or loss flowing from the making of the order.
- 5.4 The Inspector is therefore invited to confirm the order.

21 October 2024

APPENDICES

Appendix A: the Planning Permission

Application ref: 2020/3796/P
Contact: David Peres Da Costa
Tel: 020 7974 5262
Email: David.PeresDaCosta@camden.gov.uk
Date: 3 March 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

TJR Planning
Suite 3 The Mansion
Wall Hall Drive
Aldenham
WD25 8BZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:
73-75 Avenue Road
London
NW8 6JD

Proposal:

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).
Drawing Nos: A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and

Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

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

A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

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

- 4 Noise mitigation

Before the first operation of the generator hereby approved, the generator shall be provided with sound attenuation measures in accordance with the recommendations set out in the Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020 hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Noise from emergency generators

Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Emergency generator operation

The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

7 Emergency generator testing

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

8 Tree protection / supervision and monitoring

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural impact assessment by ArborTrack Systems Ltd entitled "Method statement for the avoidance of physical damage to roots during boundary wall demolition & construction at 73-75 Avenue Road London NW8 6JD" dated 14th July 2020. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision and monitoring of the retained project arboriculturalist and with ongoing consultation with the Council's Tree and Landscape Officer.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the Camden Local Plan.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106

agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

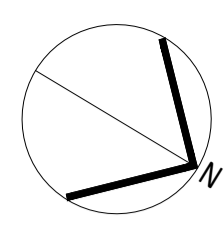
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Appendix B: Proposed Stopping up Area

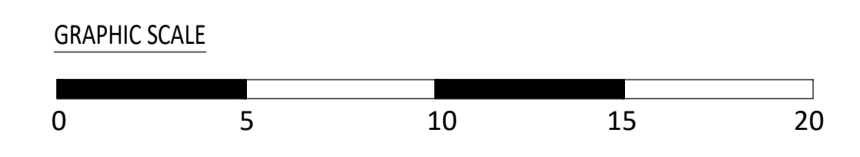


This is A Cad Drawing
 UNDER NO CIRCUMSTANCES SHALL MANUAL ALTERATIONS BE MADE. ANY DISCREPANCY FOUND BETWEEN THIS DRAWING AND ANY OTHER DOCUMENT SHOULD BE REFERRED IMMEDIATELY TO THE ARCHITECT. NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING

Copyright is Reserved
 COPYING OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF STUDIO INDIGO IS NOT PERMITTED

Disclaimer
 THE HARD COPY ACCOMPANYING THE ELECTRONIC DATA IS LEGAL TRANSMISSION OF INFORMATION THE ELECTRONIC ARE ISSUED ONLY FOR CONVENIENCE OF USE. NO RESPONSIBILITY FOR THE ACCURACY OR FOR ANY CONSEQUENCE RESULTING FROM THE USE OR ALTERATION OF INFORMATION IS ACCEPTED.

Notes



Client
 PRIVATE CLIENT
Address
 73 - 75 AVENUE ROAD, NW8 6JD

Drawing Title
 PROPOSED SITE PLAN

Date
 NOVEMBER 2020

Dwg By
 AN

Scale
 1:200 @ A1 & 1:400 @ A3

Studio Indigo Ltd
 ARCHITECTS & INTERIOR DESIGNERS

Unit 37 Chelsea Wharf | 15 Lots Road | London | SW10 0QU
 T 020 7349 1290 | F 020 7349 1291 | www.studioindigo.co.uk
 Registered Office | 37 Warren Street | London | W1T 6AD
 Registered in England and Wales | Ltd no: 06005991

PLANNING ISSUE

P1 18.11.2020 AN ISSUED TO PLANNING CONSULTANT

Rev	Date	Issuer	Notes

Project Number	Drawing Number	Revision
3680	A1-021	P1

Appendix C: Photo demonstrating the dibond finish applied to temporary hoarding



Appendix D: Draft Stopping up Order

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT
**LONDON BOROUGH OF CAMDEN
TOWN AND COUNTRY PLANNING ACT 1990
SECTION 247
GREATER LONDON AUTHORITY ACT 1999**

**THE STOPPING UP OF HIGHWAYS
(LONDON BOROUGH OF CAMDEN) (NUMBER 1) ORDER 2022
MADE:**

QUEEN’S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD

The London Borough of Camden makes this order in the exercise of its powers under Section 247 of the Town and Country Planning Act 1990 as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other enabling powers: -

The London Borough of Camden authorises the stopping up of the areas of highway described in the First Schedule to this Order and shown on the attached drawing solely in order to enable the development described in the Second Schedule to this Order, to be carried out in accordance with the planning permission, granted under Part III of the Town & Country Planning Act 1990, by the London Borough of Camden on the 3rd March 2021 under reference 2020/3796/P, for the works described in the Second Schedule to this Order.

1. This Order shall come into force on _____ and may be cited as the Stopping Up of Highways (London Borough of Camden) (Number 1) Order 2022.
2. This order will not change the rights of any statutory utilities to access and maintain their plant.

**THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN was hereunto)
Affixed by Order:-)**

.....
Authorised Signatory

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT
THE FIRST SCHEDULE

Areas of highway to be Stopped Up

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

THE SECOND SCHEDULE

The Location

73-75 Avenue Road NW8 6JD.

The Development

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

Appendix E: Photos submitted by the Council to the GLA in report pack dated 13 March 2023

Copy of photos of the wall/ site of the stopping up order

Photo 1

Photo 1: Showing the temporary hording next to the constructed brick wall



Photo 2

Photo 2: Showing the wall where the hording and the wall meet



Photo 3: Showing the wooden frame of the hording from the top and the incomplete top of the brick wall.

Photo 3

Photo 4: showing the wooden frame of the hording from the top

Photo 4

Photo 5: Showing the hording, the wall and one of the trees mentioned in the Planning Officers report



Photo 6: Showing the “brick” pattern covering for the hording.

Photo 7: Showing the 3metre hording / gap in the wall measured using a wheel.

Photo 6

Photo 5



Photo 7

