

**Proof of Evidence of Neil
Westwick**

BA (Hons) DipTP MRTPI

73-75 Avenue Road

On behalf of: Queens Grove Residents

Camden Council Application No. ES/I&M/ED/1/22/S247

23 October 2024



12411/04/NW/JMa
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1.0 **Qualifications and Experience**

1.1 I am Neil Westwick of Lichfields, a consultancy specialising in town planning.

1.2 I am a graduate of Newcastle University holding a BA (Hons) Degree in Town and Country Planning. I also hold a Diploma in Town Planning from Newcastle University. I am a member of the Royal Town Planning Institute.

1.3 I joined Lichfields in 2006, initially working in the London office before relocating back to my native North East in 2011. In 2019, I became a Senior Director of Lichfields and currently lead a team of consultants within the Newcastle office.

1.4 During my time at Lichfields, I have been involved in a wide range of schemes which have involved the preparation, submission and negotiation of planning applications, often including Environmental Statements, and various planning and Development Plan Inquiries. Throughout, my workload has involved strategic and complex planning proposals comprising a range of land uses including housing, leisure and commercial development.

1.5 I am very familiar with the planning situation throughout the Camden Area (and beyond) and have acted as planning advisor to some of the residents in Queens Grove for a number of years.

2.0 **Introduction and Scope of Evidence**

2.1 I am appointed to appear at the Public Local Inquiry to be held into the proposal to make an Order under Section 247 of the Town and Country Planning Act to authorise the stopping up of part of the footway at the side of 73-75 Avenue Road, London, NW8 in the London Borough of Camden in order to enable development to be carried as permitted by the London Borough of Camden on 3 March 2021 under reference 2020/3796/P.

2.2 I appear on behalf of the following residents of Queens Grove [“the residents”]:

- Stuart Levy, 45 Queens Grove

- Sir Stuart Lipton, 40 Queens Grove

- Irene Hatter, 38 Queens Grove

- Nick Ritblat, 37 Queens Grove

2.3 All of these residents live within close proximity of the application site and object in the strongest possible terms to the stopping up application.

2.4 My evidence deals with 2 key matters:

- 1 The fact that the application to stop up is being made retrospectively; and

- 2 Procedural concerns about the application upon which the stopping up application is based which cast doubt upon its necessity.

2.5 I address these in turn in sections 4 and 5 of my evidence. First however, I provide a brief review of the planning history of the site to set the context to the current stopping up application.

3.0 **Planning History**

3.1 To inform my understanding of the background to this stopping up inquiry I have undertaken a review of the planning history of 73-75 Avenue Road, London NW8 6JD. This can be found at Appendix One of my evidence and considers the following applications:

- 2011/2388/P, which related to the erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building);
- 2019/1366/P, which varied the permission granted under 2011/2388/P and involved significant changes to the detailed design of the proposed dwelling;
- 2019/4001/T which granted consent for works to 6 protected trees on the Queens Grove boundary of 73-75 Avenue Road; and
- 2020/3796/P which related to the 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 substation to rear garden and bin store to front garden (both adjoining Queen's Grove).

4.0 **Retrospective Stopping Up**

4.1 The stopping up being considered at this inquiry is required in relation to application 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 substation to rear garden and bin store to front garden (both adjoining Queen's Grove)”.

4.2 This application was approved, subject to a S106 Agreement on 3rd March 2021.

4.3 The Council proposes to make a stopping up order pursuant to Section 247 of the Town and Country Planning Act 1990 ('the Act') on the basis that it is satisfied that this is necessary to enable the consented development to be carried out, in particular:

“to allow the boundary wall adjacent to Queen's Grove to be moved 0.5m further into the existing footway to safeguard the existing mature trees (and their roots) which are subject to a Tree Preservation Order (“TPO”).”

4.4 Since the site was obscured by a large hoarding it was not possible for residents to ascertain exactly when the rebuilding of the boundary wall commenced. Google Earth imagery shows that in February 2022 part of the hoarding had been removed and a section of the new wall containing the substation louvres was clearly visible. By November 2022 all the hoarding had been removed and the new brick wall appeared to have been completed with exception of one small section which appeared to be filled with a temporary panel, painted to resemble brickwork.

4.5 Further clarity on this matter is provided in the Statement of Case on behalf of Wei Lyn Loh which states at paragraph 2.9 that:

“Works above ground to construct the replacement wall on Queen’s Grove commenced in February 2022.”

4.6 The Statement of Case goes on to note at paragraphs 2.9 and 2.10, that from February 2022 until August 2022 a section of the proposed wall, approximately 3m wide, was deliberately left incomplete. In August 2022 a ‘temporary hoarding’ was erected which filled in the 3m wide gap in the wall. This hoarding, which was given a painted brick effect finish to help it blend with the surrounding brickwork, has remained in situ since August 2022.

4.7 I have reviewed the details of *Ashby v Secretary of State for the Environment* [1980] 1WLR 673 contained within Core Document D23 of the Evidence Bundle of Wei Lyn Loh. I note that this is considered by Mishon de Reya to be the leading authority concerning the inability to use s247 to retrospectively stop up a highway. In this case it was held that if a development has been completed then a stopping up order cannot be made retrospectively. This is acknowledged at paragraph 3.1.2 of the Statement of Case on behalf of Wei Lyn Loh and I agree with its conclusion.

4.8 The *Ashby* case also considered the question of whether a stopping up order could be confirmed where development had already commenced if the decision making body is satisfied that it is necessary to enable completion of the development to be carried out in accordance with the planning permission. In this regard the relevant test was explained by Stephenson L.J. as whether there was still a more than *“by no means minimal part of the permitted development to be carried out”*.

4.9 In this case the permitted development is the replacement of **all boundary walls** including side boundaries with 77 Avenue Road and 38 Queen's Grove and erection of generator and substation to rear garden and bin store. There is no disagreement that the generator, substation and bin store have been totally completed. The total length of the boundary walls to be replaced is circa 192 metres. Of this only 3 metres (1.5%) remains unfinished. This means that 98.5% of the permitted boundary wall is already complete. In my view this 1.5% section cannot be considered as a *“by no means minimal part of the permitted development to be carried out”*.

4.10 Based on the above, it is my opinion that the construction of the new wall has already been 'substantially completed'. The small section of missing brickwork is in my view de minimis when viewed in the context of the wider development which has been undertaken.

4.11 Further relevant guidance on this matter is provided in the Rights of Way Circular 1/09, which remains extant. Paragraph 7.21 notes:

“Where the development, in so far as it affects a right of way, is completed before the necessary order to divert or extinguish the right of way has been made or confirmed, the powers under sections 257 and 259 of the 1990 Act to make and confirm orders that are no longer available since the development, which the order is intended to enable, has already been carried out. If such a development has already been completed there is no basis for an order to be made. It is, of course, open to the local authority to consider what action, if any, it might take to secure the diversion or extinguishment of the right of way by the exercise of such other powers as may be available. In this respect development should be regarded as completed if the work remaining to be carried out is minimal.”

4.12 In my view this is clear and supports my belief that the fact that work on this site has been substantially completed means that the current stopping up application should fail.

4.13 Similar advice is clearly set out in the Planning Inspectorate Rights of Way Advice Note 9: General guidance on public rights of way matters (Updated 29 July 2022). Paragraph 4.1.7 notes:

“The power contained in section 257 is only available if the development, insofar as it affects the path or way, is not yet substantially completed (see Ashby and Dalby v Secretary of State for the Environment [1980] 1 WLR 673 and Hall v Secretary of State for the Environment [1998] JPL 1055). If the development has been substantially completed another type of order would have to be made (e.g. under sections 116, 118 or 119 of the HA 1980).”

4.14 Finally, my conclusion on this matter is reinforced by the fact that since August 2022 the full extent of the 57 metres by 0.5 metres of highway which is the subject of the s247 application has been blocked off and unavailable for public access. It has indeed already been fully ‘stopped up’ in a physical if not legal sense. Consequently, it is my view that not only has the opportunity to secure the stopping up by means of section 247 been lost but the owners, in wilfully obstructing the highway in carrying out the development in advance of obtaining a stopping up order, have committed a criminal offence under section 137 of the Highways Act 1980.

5.0 **Procedural concerns about the determination of application 2020/3796/P**

5.1 As part of my review of the planning history of the application site, I identified a number of procedural concerns relating to the submission of application 2020/3796/P for the 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 substation to rear garden and bin store to front garden (both adjoining Queen's Grove).

5.2 My concerns relate primarily to actions undertaken by the applicant however I am also concerned that these matters were not highlighted and addressed by the Local Planning Authority. I consider that these issues cast doubt upon the necessity of the current stopping up application and the applicant's contention that the overall public interest clearly supports confirmation of the stopping up order.

Choice of Application Form

5.3 The Local Planning Authority website requests that planning applications are submitted via the National Planning Portal as it no longer accepts paper planning application. The Planning Portal website provides advice to applicants on choosing the correct type of application form. In the case of application 2020/3796/P the agent for the application chose to use the Householder Planning Application Form, a copy of which is provided at Appendix 2.

5.4 The Householder planning application is intended to provide a simplified process for proposals to alter or enlarge a single house, including works within the boundary/garden. It cannot be used for applications affecting flats, more

than one house or changes of use. For these an application for Full Planning Permission request is required.

5.5 As I have explained earlier in my evidence, Application 2020/3796/P includes a 0.5m wide strip of highway land along the Queens Grove frontage. This land is not within the ownership of the applicant and does not form part of its existing residential curtilage, albeit the application seeks to incorporate it into an extended residential curtilage. Consequently, the use of the householder application was unlawful, misleading to local residents, and the application should not have been validated.

Description of Proposed Works

5.6 In response to question 4 on the application form the applicant provided the following description of development:

“Erection of new boundary walls; erection within the garden curtilage a brick housing for generator sub-station and a brick bin store.”

5.7 This description, subsequently modified by the Local Planning Authority, was deliberately misleading.

5.8 The fact that approval was being sought for the change of use of highway land to residential curtilage was not referenced in either the applicant’s original description or the Local Planning Authority’s updated description.

5.9 The applicant’s description also describes the brick housing for the sub-station and bin store as lying within the garden curtilage when they were to be sited partly on highway land. This is important as the justification given by the applicant for the Stopping Up application is to provide more separation between the wall and the protected trees. No mention is made of the stopped up area being used to accommodate the sub-station, generator and bin store.

Pedestrian and Vehicle Access, Roads and Rights of Way

5.10 Question 7 on the householder application form asks:

“Do the proposals require any diversions, extinguishment and/or creation of public rights of way?”

5.11 The applicant’s agent answered “no” to this question yet it is clear from the Planning Statement that they were fully aware that the implementation of the development would require the extinguishment of 57 metres of the public footpath along Queens Avenue. This again appears to be an attempt to mislead residents and consultees.

5.12 Rights of Way Circular 1/09 is clear at paragraph 7.2 that:

“The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.”

5.13 I would suggest, therefore, that the grant of planning permission ref: 2020/3796/P was legally defective as the Council failed to take account of the fact that the development would obstruct a public right of way which is a material consideration.

Ownership Certificate

5.14 Certificate A was signed by the applicant’s agent certifying that on the day 21 days before the date of the application nobody except the applicant was the owner of any part of the land or building to which the application relates. This was evidently untrue as the application includes part of the Queens Avenue footpath which is not in the ownership of the applicant.

5.15 In the event that an application site includes land in the control of a third party it is necessary for formal notice was served upon that party, which in this case would be Camden Council as the highway authority. No such notice was served.

5.16 Section 65 (6) of the Town and Country Planning Act 1990 is clear that if any person—

“(a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.”

5.17 Had the residents been aware of this at the time then it would have been sufficient for the lawfulness of the consent to be challenged through the judicial review process.

Associated Section 106 Agreement

5.18 As I have outlined above, the application for the replacement wall was granted subject to a s106 agreement. Section 4 of the agreement sets out the obligations of the owner, including the following:

4.1.3 Not to implement or to allow implementation of the Development until such time as the Stopping Order has been made.

4.1.7 Not to restrict or allow the restriction of public access to the Stopping Up Area unless and until the Stopping Up Order has been made and in the event of non-compliance with this sub-clause the Owner shall forthwith take any steps required by the Council to remedy such non-compliance.

5.19 It is clear to me that the owner is in breach of both the above requirements and this is not disputed by the Council, although at paragraph 6.8 of its Statement of Case it notes that it is not considered expedient to enforce against the breach at this time.

Other Public Interest Matters

5.20 A consistent message throughout the stopping up process has been the need to safeguard six mature TPO trees.

5.21 The plan at Appendix 3 was provided by Rav Curry, Planning Assistant at London Borough of Camden on 11th October 2024. Dated July 2019, it shows the TPO area along the side of 73 – 75 Avenue Road fronting Queen’s Grove and the TPOs in this strip cover all the trees from T14 to T25 inclusive.

5.22 In August 2019 an application Ref 2019/4001/T was submitted for consent to undertake works to 6 protected trees on the Queens Grove boundary of 73-75 Avenue Road. The application related to the following:

“1 X Red Horse Chestnut (T18) – Fell to ground level

1 x Red Horse Chestnut (T19) – Fell to ground level

1 x Lime (T20) – Reduce to previous points

3 x Chestnuts (T21, 22 & 23) – Crown reduce by up to 1 m”

5.23 Consent was granted for these works on 2nd October 2019, subject to three conditions. Condition one noted that the decision was valid for 2 years from

the date of the decision or until the work is completed, whichever is the sooner. Condition two required the work to be carried out in accordance with the relevant recommendations of British Standard 3998:2010 (recommendation for tree work). Condition 3 related to the requirement for replacement planting and stated:

“Between November 2020 and March 2021, replacement tree planting shall be carried out in accordance with details of replanting detailed in the report by del Buono Gazerwitz entitled "Avenue Road - Replacement of T18 and T19" dated 2nd October 2019, notwithstanding the position of the replacement trees, unless otherwise agreed with the council in writing. The trees shall be planted and maintained in accordance with the standards set out BS:8545:2014”

5.24 The del Buono Gazerwitz report specified the planting of two *Aesculus indica* (Indian Horse Chestnut) of 16-18cm girth. The intention was that since the TPO was on the land, then the two trees planted to replace the felled trees would take on the TPO status of the trees they replaced (T18 and T19). There was a clear opportunity however to site the replacement trees further back into the site and away from the line of the Queen’s Grove wall.

5.25 I do not know whether the replanting required by condition 3 has taken place as the site is obscured by the boundary wall. However, it is interesting to compare the Council’s TPO plan (Appendix 3) with the tree survey schedule dated 30th July 2019 (contained at Appendix 4) submitted with application 2019/4001/T as there are some significant discrepancies.

5.26 The 2019/4001/T consent permitted a crown reduction of up to 1 metre for three Chestnuts, described in the application as T21, T22 and T23. Yet it is clear from the tree survey schedule that T23 was not a Chestnut tree but a Magolia which had already been removed at the time of the application. The

Council therefore approved works to a tree which did not exist. I would suggest that this non-existent tree is one of the 6 which the Council is now using to justify the current stopping up application.

5.27 Based on the tree survey schedule it is clear that following the lawful felling of the two Red Chestnuts (T18 and T19) there were only two trees remaining which were particularly close to the existing Queens Avenue boundary wall: T20 a Common Lime; and T21 a Red Chestnut. Since these two trees were located within 5 metres of one another I would suggest that some localised re-alignment of the wall in that part of the site would have been more than sufficient to provide further separation between the trees and the new wall, assuming such separation was necessary (which I am not qualified to comment upon).

5.28 I would however note that the original planning permission for the redevelopment of this site (2011/2388/P) made provision for a replacement wall along the line of the original. The Barrell Tree Consultancy Arboricultural Impact Assessment provided with that application acknowledged that T21 had a significant lean over the road but proposed the use of ground protection measures and special precautions for the recondition/rebuild of the boundary wall and installation of new gates. No information has been provided to demonstrate that this approach would no longer remain feasible.

5.29 My conclusion on this issue is that the stopping up application was erroneously justified by the Council on the basis that it was necessary to safeguard 6 protected trees yet it is clear to me that adequate protection could have been ensured by a more modest stopping up in the vicinity of the trees T20 and T21. Instead, I would suggest that the main factor which influenced the position of the realigned wall was a desire to take additional land to accommodate the substation, generator and bin store, enabling these

structures to be moved further from the dwelling. In that respect, this was not a decision which was taken in the public interest.

5.30 Based on the approved plans, approximately 7.75 square metres of floorspace (contained within the new bin store, substation and generator housing) has been constructed on highway land. According to Office for National Statistics (ONS) analysis of 2016 property prices, values in Camden are £12,671 per square metre. This equates to circa £98,200.25 upload in the applicant's property value as a result of the Stopping Up. Again, I do not consider this to be in the public interest.

5.31 The final point I would make is that the draft Stopping Up Order contains a typo in Schedule One: Areas of highway to be Stopped Up. This explains that the part of the highway which they are seeking to be stopped up is at the side of 57 Avenue Road and not 75 Avenue Road. It is therefore factually defective on its face as well as legally defective on its merits.

6.0 Conclusion

6.1 The Council proposes to make a stopping up order pursuant to Section 247 of the Town and Country Planning Act 1990 on the basis that it is satisfied that this is necessary to enable the consented development at Avenue Road to be carried out.

6.2 The consented development is the replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove and erection of generator and substation to rear garden and bin store. The generator, substation and bin store have been totally completed. The total length of the boundary walls to be replaced is circa 192 metres. Of this only 3 metres (1.5%) remains unfinished. This means that 98.5% of the permitted boundary wall is already complete. In my view this 1.5% section cannot be considered as a *“by no means minimal part of the permitted development to be carried out”*. On this basis it is my opinion that the replacement wall has already been ‘substantially completed’. The small section of missing brickwork is in my view de minimis when viewed in the context of the wider development which has been undertaken.

6.3 Since August 2022 the full extent of the 57 metres by 0.5 metres of highway which is the subject of the s247 application has been blocked off and unavailable for public access. It has already been fully ‘stopped up’ in a physical if not legal sense. Consequently, it is my view that the opportunity to secure the legal stopping up retrospectively by means of section 247 has been lost.

6.4 My evidence has also demonstrated that the stopping up application was erroneously justified on the basis that it was necessary to safeguard six protected trees. I have shown that there are only two trees which were sufficiently close to the original wall to justify some form of intervention to

protect them. It is my opinion that adequate protection could have been ensured by a more modest stopping up in the vicinity of just two trees. In that respect, I do not consider that the decision to realign the wall along the full length of this frontage was a decision which was taken in the public interest.

6.5 For the above reasons I do not consider that the case in favour of allowing the stopping up order has been proved and would ask the Inspector to conclude that the application should be refused.

Appendix One to Proof of Neil Westwick

Our ref DEPARTMENTAL/NW/JMa

Date 24 October 2024

Subject 73-75 Avenue Road Planning History Note

1.0 Introduction

1.1 To inform my understanding of the background to this stopping up inquiry I have undertaken a review of the planning history of 73-75 Avenue Road, London NW8 6JD. There have been numerous planning permissions sought on the application site, however there are a number which were not implemented and subsequently lapsed. I have not considered these further although for information, these include:

- 2015/1928/P - Demolition of existing building and pool house to provide two new detached single-family dwelling houses with 2x basement storeys, formation of new access and hard and soft landscaping. - Granted subject to S106 on 2nd November 2016.
- 2016/1808/P - Demolition of existing building and pool house to provide two new detached single-family dwelling houses with subterranean basement storeys, formation of new access and hard and soft landscaping (Class use C3) - Granted subject to S106 Agreement on 16th May 2017.

2.0 Application 2011/2388/P

2.1 The first planning permission relevant to this inquiry is Ref. 2011/2388/P, which was approved subject to a S106 Agreement on the 28th March 2012 and related to:

'Erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)'.

2.2 It was a requirement of the permission (condition 2) that development commence before the expiry of three years from the date of the permission (i.e. 28th March 2015).

2.3 The permission contained 15 conditions, 4 of which were pre-commencement conditions. The pre-commencement conditions were as follows:

- Condition 5 - Suitably Qualified Chartered Engineer (Discharged 28.01.2015 – Ref. 2014/7234/P)
- Condition 7 – Details of Hard and Soft Landscaping (Discharged 24.02.2015 – Ref. 2014/7475/P)
- Condition 10 – Sustainable Urban Drainage System (Discharged 28.01.2015 – Ref. 2014/7234/P)
- Condition 14 – Tree Protection Measures (Discharged 25.02.2015 - Ref. 2014/7839/P)

2.4 The above conditions were all discharged prior to the expiry of the planning permission. A condition tracker for 2011/2388/P is included in Appendix 1.

3.0 Application 2019/1366/P

3.1 In 2019, there was then a subsequent application (Ref 2019/1366/P) to vary the permission granted under Ref. 2011/2388/P. This related to:

'Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 (for erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)), namely changes to detailed design and materials on all elevations including stone balustrade at roof level, stone finish to central bay and replacement of sash window with garage door (all to front elevation) including relocation of car lift; replacement of 2 storey bay on Queen's Grove elevation with single storey structure with terrace above; alterations to footprint and location of basement including additional lightwell and relocation of garden lightwell; replacement of orangery with contemporary pavilion with flat roof; new French doors to side elevation (north elevation); and erection of pergola in rear garden.'

3.2 Application Ref 2019/1366/P was approved subject to a S106 Agreement on 6th April 2020. The decision varied the 4 pre-commencement conditions identified at paragraph 3.4 above (Conditions 5, 7, 10 and 14), requiring the development to be in accordance with the approved details used to discharge the respective conditions, unless otherwise approved by the LPA.

3.3 It is notable that the informative section of decision notice Ref. 2019/1366/P. advised that the LPA were satisfied that:

"Construction works are underway to implement planning ref: 2011/2388/P".

3.4 The accompanying Planning Statement prepared by TJR Planning states at paragraph 1.4 that:

"All four conditions requiring details to be submitted and approved by the LPA prior to commencement of the development were discharged by the Council in 2014 and 2015. The relevant Obligations under the terms of the S106 Agreement were also discharged by the LPA at that time and the planning permission was thus lawfully implemented in March 2015. The dwelling house that stood on this site has been demolished and construction works are underway."

3.5 Google Earth Pro aerial imagery identifies that the demolition of the existing dwellinghouse occurred at some point between May 2018 and June 2019. Based on this imagery, as of March 2018 there was no evidence that any work had started but by October 2018 a section

of site hoarding was in place along Avenue Road, a site cabin was visible in the garden and some scaffolding was visible on the original house although the property itself still appeared intact. The full site hoarding around the site was erected sometime between October 2018 and April 2019. It is therefore not clear to me what information was submitted to the Local Planning Authority to satisfy them of the qualifying works (i.e. those representing a material start on site) undertaken prior to 28 March 2015 under Section 56 of the Town and Country Planning Act 1990 to secure its extant consent.

3.6 There have been numerous applications submitted following the approval of the 2019 application to discharge some of the remaining conditions:

- 2020/1865/P - Details of windows, doors, railings and balustrade and samples required by condition 4 of planning permission 2019/1366/P dated 06/04/2020 (for Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 for erection of a single-family dwelling house, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)) – Approved – 19.06.2020
- 2021/1876/P - Details of hard and soft landscaping required by condition 7 of planning permission 2019/1366/P dated 06/04/2020 (for Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 for erection of a single-family dwelling house, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)) – Approved – 24.08.2021
- 2022/2520/P - Discharge of Conditions 6 (cycle storage) and 9 (green roof) pursuant to planning permission 2019/1366/P dated 06/04/2020 (for: Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 for erection of a single family dwelling house, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building), namely changes to detailed design and materials on all elevations, relocation of car lift,

amendments to basement and associated lightwells and replacement of orangery with pavilion (summary) – Approved – 09.12.2022

- 2022/3709/P - Discharge of Conditions 12 & 13 (car lift noise assessment) pursuant to planning permission 2019/1366/P dated 6/4/20 (for: Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 for erection of a single family dwelling house, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building), namely changes to detailed design and materials on all elevations. Relocation of car lift, replacement 2 storey bay on Queen's Grove elevation with single storey structure with terrace above, alterations to footprint and location of basement including additional lightwell and relocation of garden lightwell; replacement of orangery with contemporary pavilion with flat roof; new French doors to side (north elevation) and erection of pergola in rear garden) – Approved – 03.03.2023 2.9

3.7 The conditions tracker contained at Appendix 2 confirm that all the necessary conditions appear to have been discharged accordingly. There remain, however various conditions requiring specific works to be complete prior to occupation, including:

- Condition 3 – Lifetime Homes Features and Facilities
- Condition 8 – Hard and Soft Landscaping Works
- Condition 11 – Parapet Walls
- Condition 15 – Measures in the Code for Sustainable Home Pre-assessment Report

3.8 Based on Google Earth imagery it appears that the above ground external structure of the new dwelling was constructed between April 2019 and November 2020.

4.0 Application 2019/4001/T

4.1 In August 2019 an application Ref 2019/4001/T was submitted for consent to undertake works to 6 protected trees on the Queens Grove boundary of 73-75 Avenue Road. The application related to the following:

*“1 X Red Horse Chestnut (T18) – Fell to ground level
1 x Red Horse Chestnut (T19) – Fell to ground level
1 x Lime (T20) – Reduce to previous points
3 x Chestnuts (T21, 22 & 23) – Crown reduce by up to 1 m”*

4.2 Consent was granted for these works on 2nd October 2019, subject to three conditions. Condition one noted that the decision was valid for 2 years from the date of the decision or until the work is completed, which ever is the sooner. Condition two required the work to be carried out in accordance with the relevant recommendations of British Standard 3998:2010 (recommendation for tree work). Condition 3 related to the requirement for replacement planting and stated:

“Between November 2020 and March 2021, replacement tree planting shall be carried out in accordance with details of replanting detailed in the report by del Buono Gazerwitz entitled "Avenue Road - Replacement of T18 and T19" dated 2nd October 2019, notwithstanding the position of the replacement trees, unless otherwise agreed with the council in writing. The trees shall be planted and maintained in accordance with the standards set out BS:8545:2014”

4.3 The del Buono Gazerwitz report specified the planting of two *Aesculus indica* (Indian Horse Chestnut) of 16-18cm girth. I do not know whether the replanting required by condition 3 has taken place as the site is obscured by the boundary wall.

5.0 Application 2020/3796/P

5.1 In 2020 application Ref. 2020/3796/P was submitted 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 substation to rear garden and bin store to front garden (both adjoining Queen's Grove)”.

- 5.2 This application was approved, subject to a S106 Agreement on 3rd March 2021.
- 5.3 There were no pre-commencement conditions for application Ref. 2020/3796/P. Details of all the conditions attached to this consent are listed at Appendix 3.
- 5.4 Since the site was obscured by a large hoarding it is not possible to ascertain when the rebuilding of the boundary wall commenced. Google Earth imagery shows that in February 2022 part of the hoarding had been removed and a section of the new wall containing the substation louvres was clearly visible. By November 2022 all the hoarding had been removed and the new brick wall appeared to have been completed with exception of one small section which appeared to be filled with a temporary panel, painted to resemble brickwork.
- 5.5 The stopping up being considered at this inquiry is required in order to enable the development consented by application 2020/3796/P to proceed.

Appendix One

Application 2011/2388/P Determination Date - 28.03.2012

Expiry Date - 28.03.2015

Condition	Condition Wording	Discharged / Comments
1 - Approved Plans	The development hereby permitted shall be carried out in accordance with the following approved plans: AQG-001P4; AQG-003P5; AQG-080P4; AQG-090P4; AQG-100P5; AQG-110P4; AQG-120P4; AQG-200P4; AQG-201P4; AQG-300P4; AQG-301P4; AQG-302P4; AQG-303P4; AQG-306P5; AQG-AD3 P3; AQG5- AD5 P4; AQG-AD1P2; and AQG-AD2P2.	No action needed, unless development deviates from approved plans
2 - Time Limit	The development hereby permitted must be begun not later than the end of three years from the date of this permission.	See paragraph 3.5 of Planning History Note
3 - Lifetime homes features and facilities	The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to first occupation of the new residential unit and shall be permanently maintained and retained thereafter.	Triggered prior to occupation
4 - Materials	Detailed drawings, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun: a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1. b) Typical details of new railings, gates and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing. c) Samples and manufacturer's details of new facing materials including brickwork (colour, texture, face-bond and pointing), windows and door frames, glazing, balconies, balustrades, roof tiles, and stone. A sample panel of all facing materials should be erected on-site and retained until the works have been completed. The relevant part of the works shall then be carried in accordance with the approved details.	Dealt with via S.73 (2019/1366/P), DISCON Ref. 2020/1865/P
5 - Suitably Qualified Chartered Engineer	The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works	Yes - Ref. 2014/7234/P
6 - Cycle Storage	Details of the proposed cycle storage area for 5 cycles shall be submitted to and approved in writing by the Council prior to commencement on the relevant part of the development. The approved facility shall thereafter be provided in its entirety prior to first occupation of any of the new unit, and thereafter permanently maintained and retained	Dealt with via S.73 (2019/1366/P), DISCON Ref. 2022/2520/P
7 - Details of Hard and Soft Landscaping	No development shall take place until full details of hard and soft landscaping (including driveways and hardstandings), timber pavilion and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.	Yes - Ref. 2014/7475/P
8 - Hard and Soft Landscaping Works	All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.	Triggered upon completion of development
9 - Green Roof and Green Wall	Prior to commencement on the relevant part of the development full details of the green roof and green wall including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance	Dealt with via S.73 (2019/1366/P), DISCON Ref. 2022/2520/P
10 - SUDS	Prior to commencement of the development, details of a sustainable urban drainage system and an investigation to demonstrate whether a perimeter drainage system (or other suitable measure) is necessary to ensure any existing sub-surface water flow regimes are not interrupted, together with details of such systems or measures, shall be submitted to and approved in writing by the local planning authority and such systems shall be implemented as part of the development and thereafter retained and maintained.	Yes - Ref. 2014/7234/P
11 - Parapet Walls	The 0.45m high parapet walls around the basement lightwells as shown on the drawings hereby approved shall be erected prior to occupation of the development and shall be retained maintained in perpetuity.	Triggered prior to occupation
12 - Car Lift	Prior to commencement on the relevant part of the development full details of the car lift (including relevant acoustic information) to demonstrate compliance with condition 13 shall be submitted to and approved in writing by the local planning authority. The car lift shall be installed and maintained in accordance with any such approved details.	Dealt with via S.73 (2019/1366/P), DISCON Ref. 2022/3709/P

13 - Noise Levels	Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).	Informative
14 - Tree Protection Measures	Prior to commencement of development, evidence in the form of a report and photographs demonstrating that tree protection measures have been implemented in accordance with the Arboricultural Method Statement hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be retained in accordance with the details approved until such time as the works have been completed in their entirety.	Yes - Ref. 2014/7839/P
15 - Measures in the Code for Sustainable Homes Pre-Assessment Report	Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Code for Sustainable Homes Pre-Assessment Report by Hoare Lea dated 14/04/11 and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.	Triggered prior to occupation

Appendix Two

Application 2019/1366/P

Determination Date - 06.04.2020

Condition	Condition Wording	Discharged
1 - Replacement Condition - Approved Plans	The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed: dBG 396/19 rev A; A0-010 P2; A1-020 P2; A2-110 P3; A2-120 P3; A2-130 P3; A2-140 P3; A2-150 P3; A2-160 P3; A3-100 P2; A3-110 P2; A3-120 P2; A3-120 P2; A3-200 P2; A4-100 P3; A4-200 P2; A5-100 P2; A4-300 P1 Supporting documents: Planning Statement prepared by TJR Planning dated March 2019; Appearance & Materiality Statement prepared by Studio Indigo dated March 2019; Basement Impact Assessment prepared by Price Myers; Subterranean Construction Methodology prepared by Knight Build dated 11th December 2018; CONSTRUCTION / CONTRACT PROGRAMME dated 22/01/2019; 1942 P251 C4; 1942 DR100 C5; Flood Risk Assessment prepared by Price Myers dated September 2011; Desk Study and Ground Investigation Report prepared by GEA dated December 2010	n/a
2 - Time Limit	The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2011/2388/P dated 28/03/2012.	n/a
3 - Lifetime homes features and facilities	The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to first occupation of the new residential unit and shall be permanently maintained and retained thereafter	Triggered prior to occupation
4 - Materials	Detailed drawings, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun: a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1. b) Typical details of new railings, gates and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing. c) Samples and manufacturer's details of new facing materials including brickwork (colour, texture, face-bond and pointing), windows and door frames, glazing, balconies, balustrades, roof tiles, and stone. A sample panel of all facing materials should be erected on-site and retained until the works have been completed. The relevant part of the works shall then be carried in accordance with the approved details.	Yes - Ref. 2020/1865/P
5 - Suitably Qualified Chartered Engineer	A suitably qualified chartered engineer as approved 28/01/2015 under ref 2014/7234/P with membership of the appropriate professional body shall inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Any subsequent change or reappointment to the chartered engineer approved on 29/10/2014 under ref 2014/6027/P shall be confirmed forthwith for the duration of the construction works.	Dealt with original application, DISCON Ref. 2014/7234/P
6 - Cycle Storage	Details of the proposed cycle storage area for 5 cycles shall be submitted to and approved in writing by the Council prior to commencement on the relevant part of the development. The approved facility shall thereafter be provided in its entirety prior to first occupation of any of the new unit, and thereafter permanently maintained and retained thereafter.	Yes - Ref. 2022/2520/P
7 - Details of Hard and Soft Landscaping	The hard and soft landscaping shall be carried out in full accordance with the details approved in connection with 2014/7475/P dated 24/02/2015 or any subsequent submission of details of hard and soft landscaping (including driveways and hardstandings), timber pavilion and means of enclosure of all un-built, open areas approved in writing by the local planning authority before the relevant part of the development commences. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.]	Yes - Ref. 2021/1876/P
8 - Hard and Soft Landscaping Works	All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.	Triggered upon completion of development

<p>9 - Green Roof and Gren Wall</p>	<p>Prior to commencement on the relevant part of the development full details of the green roof and green wall including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance</p>	<p>Yes - Ref. 2022/2520/P</p>
<p>10 - SUDS</p>	<p>The sustainable drainage system, which ensures any existing sub-surface water flow regimes are not interrupted, shall be implemented in accordance with the details approved under 2014/7234/P dated 28/01/2015 and shall thereafter be retained and maintained in accordance with the approved details.</p>	<p>Informative</p>
<p>11 - Parapet Walls</p>	<p>Notwithstanding the approved drawings, a 0.45m high parapet wall around the basement lightwells shall be erected prior to occupation of the development and shall be retained in perpetuity.</p>	<p>Triggered prior to occupation</p>
<p>12 - Car Lift</p>	<p>Prior to commencement on the relevant part of the development full details of the car lift (including relevant acoustic information) to demonstrate compliance with condition 13 shall be submitted to and approved in writing by the local planning authority. The car lift shall be installed and maintained in accordance with any such approved details.</p>	<p>Yes - Ref. 2022/3709/P</p>
<p>13 - Noise levels</p>	<p>Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 15dB(A) below the LA90, expressed in dB(A)</p>	<p>Yes - Ref. 2022/3709/P</p>
<p>14 - Tree Protection Measures</p>	<p>Tree protection measures shall be implemented in accordance with the Arboricultural Method Statement approved in connection with 2011/2388/P dated 28/03/2012 and as evidenced under 2014/7839/P on 25/02/2015. The tree protection measures shall be retained in accordance with the details approved until such time as the works have been completed in their entirety.</p>	<p>Infomative</p>
<p>15 - Measures in the Code for Sustainable Homes Pre-Assessment Report</p>	<p>Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Code for Sustainable Homes Pre-Assessment Report by Hoare Lea dated 14/04/11 and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.</p>	<p>Triggered prior to occupation</p>

Appendix Three

Application 2020/3796/P Determination Date - 03.03.2021

Expiry Date - 02.03.2024

Condition	Condition Wording	Discharged
1 - Time Limit	The development hereby permitted must be begun not later than the end of three years from the date of this permission.	
2 - Materials	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.	Informative
3 - Approved Plans	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	Informative
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.	Informative - triggers prior to use
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.	Informative
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.	Informative
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.	Informative
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.	Informative, prior to commencement of works

Email: planning@camden.gov.uk
Phone: 020 7974 4444
Fax: 020 7974 1680

Development Management
Camden Town Hall Extension
Argyle Street
London WC1H 8EQ

Householder Application for Planning Permission for works or extension to a dwelling. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	<input type="text"/>
Suffix	<input type="text"/>
Property name	<input type="text" value="73-75"/>
Address line 1	<input type="text" value="Avenue Road"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="London"/>
Postcode	<input type="text" value="NW8 6JD"/>

Description of site location must be completed if postcode is not known:

Easting (x)	<input type="text" value="526882"/>
Northing (y)	<input type="text" value="183887"/>

Description

2. Applicant Details

Title	<input type="text"/>
First name	<input type="text"/>
Surname	<input type="text" value="Deroda Investments Ltd"/>
Company name	<input type="text"/>
Address line 1	<input type="text" value="73-75 , Avenue Road"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="London"/>
Country	<input type="text"/>

2. Applicant Details

Postcode

Are you an agent acting on behalf of the applicant? Yes No

Primary number

Secondary number

Fax number

Email address

3. Agent Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

Country

Postcode

Primary number

Secondary number

Fax number

Email

4. Description of Proposed Works

Please describe the proposed works:

Has the work already been started without consent? Yes No

5. Materials

Does the proposed development require any materials to be used externally? Yes No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material):

Walls	
Description of existing materials and finishes (optional):	
Description of proposed materials and finishes:	Red handmade bricks

5. Materials

Boundary treatments (e.g. fences, walls)

Description of existing materials and finishes (optional):

Brick

Description of proposed materials and finishes:

Red handmade bricks and Portland stone

Are you supplying additional information on submitted plans, drawings or a design and access statement?

Yes No

If Yes, please state references for the plans, drawings and/or design and access statement

Refer to architects drawings and Design Statement

6. Trees and Hedges

Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?

Yes No

If Yes, please mark their position on a scaled plan and state the reference number of any plans or drawings:

Refer to drawings

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

Yes No

7. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

Yes No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

Yes No

If Yes to any questions, please show details on your plans or drawings and state their reference numbers:

Refer to drawings

8. Parking

Will the proposed works affect existing car parking arrangements?

Yes No

9. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

10. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

Mr.

First name

10. Pre-application Advice

Surname

Reference

Date (Must be pre-application submission)

31/03/2020

Details of the pre-application advice received

With specific regard to moving the wall facing Queen's Grove. Advice was that Consultees would include the Council's Structures Manager.

11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

12. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. ** 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role

- The applicant
 The agent

Title

Ms

First name

Tracey

Surname

Rust

Declaration date
(DD/MM/YYYY)

20/08/2020

Declaration made

13. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

20/08/2020

Site: 73-75 Avenue Rd

Date: 7th August 2018 amended 30/07/19

Appendix B

BS5837:2012 Tree Survey Schedule

Arbortrack Systems Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt1/73-75avenuerd/AIA



Tree No.	English Name	Height	Crown Spread	Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
1	Laburnum	8	2/2/1.5/2.5	2	120	1.4	Young	Normal	Good	C	2	20+	Good scope for new boundary treatment on western flank replacing trees 1-5 if necessary.
2	Birch, Silver					0.0							Stump 43cm diameter: flush to ground level
3	Hawthorn, Common	6.5	1.25	2	210	2.5	Semi-mature	Poor	Fair	U		<10	Dying back (uniform)
4	Pittosporum	5	1.5	1.5	135	1.6	Semi-mature	Normal	Good	C	2	20+	Garden ornamental
5	Pittosporum	7	2	1.5	262	3.1	Early Mature	Normal	Good	C	2	20+	Garden ornamental Partially under crown if copper beech in adjoining garden
6	Pittosporum					0.0							Stump 12cm diameter: flush to ground level
7	Beech, Copper	22	8777	3	800 #	9.6	Mature	Normal	Good	A	2	>40	Offsite in adjoining garden Bifurcation @ 5m

Site: 73-75 Avenue Rd

Date: 7th August 2018 amended 30/07/19

Appendix B

BS5837:2012 Tree Survey Schedule

Arbortrack Systems Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt1/73-75avenuerd/AIA



Tree No.	English Name	Height	Crown Spread	Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
8	Plane, London	26	8/12/8/8	2	1230	14.8	Mature	Normal	Fair	C	2	10+	Large cavity @ base Pollard (Old) Massaria check advised; callused entry wounds @ 8/9m; upgrade to B category subject to Flinv
G9	Lime, Common	15	3	3	400	4.8	Early Mature	Normal	Good	C	2	20+	Suckering from base & topped Screens property to S Height varies between 13m & 15m; SD of 1=400, 2=370, 3=340, 4=420, 5=410, 6=380 & 7=480
10	Yew, Common	7	3.5/1.5/1.5/1.5	0	185	2.2	Semi-mature	Normal	Good	C	2	>40	4 small trees; C is most prominent; SD of a=110 & 110, b=110+90+60+90+50, c=90+50+90+50 & d=120 +100
11	Oak, English	25	5898	4	810	9.7	Mature	Normal	Good	B	2	>40	Entry wounds on trunk Asymmetry (major) Decay pocket @ 3.5m; bifurcation @ 2.3m
12	Maple, Norway	14	3322	2	300	3.6	Early Mature	Normal	Good	C	2	20+	Bifurcation @ 2m Suppressed by neighbours
13	Beech, Common	19	2	2	350	4.2	Early Mature	Normal	Fair	C	2	20+	Poor form Suppressed by neighbours Bifurcation @ 2.3m; poor form with drawn habit
14	Chestnut, Horse	18	9793	5	860	10.3	Mature	Normal	Good	B	2	20+	Bifurcation @ 1.75m Leaf/shoot disorders Powdery mildew; small leaf size; damage to near boundary wall

Site: 73-75 Avenue Rd

Date: 7th August 2018 amended 30/07/19

Appendix B

BS5837:2012 Tree Survey Schedule

Arbortrack Systems Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt1/73-75avenuerd/AIA



Tree No.	English Name	Height	Crown Spread	Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
15	Pear	8	2532	1.5	300	3.6	Early Mature	Normal	Fair	C	2	10+	Heavily suppressed by tree 14
16	Yew, Common	5.5	3424	0	150	1.8	Young	Normal	Good	C	2	>40	
17	Elder	5.5	2332	1.5	213	2.6	Mature	Normal	Good	C	2	10+	
18	Chestnut, Red	14	4574	2	760	9.1	Mature	Normal	Fair	C	2	10+	Bifurcation between 2-3m Leaf/shoot disorders & canker Heavily reduced; powdery mildew; deadwood in upper crown & extensive canker; end weighted to SE over road; borderline U category
19	Chestnut, Red	14	3.5/3/6/4	2	620	7.4	Mature	Normal	Fair	U		<10	Canker Heavily reduced Minor deadwood; extensive decay @ trunk base: ganoderma; dead/dying as of recent survey
20	Lime, Common	22	5.5/7/7/75	2.5	750 #	9.0	Mature	Normal	Fair	B	2	20+	Trunk grown onto/around wall Reduced to 14m in past Asymmetric trunk: not possible to measure SD accurately; trunk is pushing wall out
21	Chestnut, Red	13	5365	2	550	6.6	Mature	Normal	Fair	B	2	20+	Crown over road Marginal B/C category Close to wall: could be damaging it already

Site: 73-75 Avenue Rd

Date: 7th August 2018 amended 30/07/19

Appendix B

BS5837:2012 Tree Survey Schedule

Arbortrack Systems Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt1/73-75avenuerd/AIA



Tree No.	English Name	Height	Crown Spread	Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
22	Chestnut, Red	16	4.3/5/5/5	2	410	4.9	Early Mature	Normal	Good	B	2	20+	Minor fluxing on trunk Pruning wounds @ 2m & 2.5m
23	Magnolia (M. X soulangiana)	4.5	1.5/1.5/2/2.5	2	70	0.8	Young	Normal	Good	C	2	20+	Garden ornamental Removed
24	Chestnut, Horse	18	6575	2	630	7.6	Mature	Normal	Good	B	2	20+	Cable braced:branches over rd Topped Mid crown PBC symptoms; included bark unions
25	Chestnut, Red					0.0							2.5m stump SD = 62cm
26	Plane, London	24	8877	9	1270	15.2	Mature	Normal	Good	A	2	>40	Pollard (Old) 28 on scan On frontage of neighbouring property
27	Plane, London	24	14/12/8/8	5	1116	13.4	Mature	Normal	Good	A	2	>40	Pollard (Old) 29 on scan Street tree; Massaria stub to SSW @ 9m
28	Plane, London	20	10/9/9/6	5	890	10.7	Mature	Normal	Good	B	2	>40	Pollard (Old) 30 on scan Street tree