

LONDON BOROUGH OF CAMDEN	WARDS: All Wards
REPORT TITLE: Enforcement, Trees and Appeal Performance Update	
REPORT OF: Director of Economy, Regeneration and Investment	
FOR SUBMISSION TO: Planning Committee	DATE 22nd July 2025
<p>SUMMARY OF REPORT</p> <p>This report provides an update on performance of the planning enforcement team with an overall review of 2024/25 and Q1 of 202/26. The report outlines the number and type of reported breaches of planning control. The report includes further details on the CMP enforcement work, an update on a number of specific projects such as work being done to tackle Short Term Lets and some examples of recent enforcement cases.</p> <p>The report outlines the number of tree notifications made and Tree Preservation Orders served.</p> <p>The report includes an analysis and overview of all appeal decisions during Q3 and Q4 of 2024/25 and Q1 of 2025/26. Significant appeal decisions are highlighted and cost decisions updated. It also highlights forthcoming hearings.</p> <p>Local Government Act 1972 – Access to Information No documents that require listing were used in the preparation of this report.</p> <p>Contact Officer: Elizabeth Beaumont Appeals and Enforcement Team Manager Development Management 5 Pancras Square London N1C 4AG Tel: 020 7974 2075 E-mail: elizabeth.beaumont@camden.gov.uk</p>	
<p>RECOMMENDATION: The Planning Committee is asked to note the report.</p>	

Signed:



Director of Economy, Regeneration and Investment
Date: 11 July 2025

1 Enforcement

1.1 The following section of the report provides an update on planning enforcement performance during 2024/25 and Q1 of 2025/26.

2 Reports of suspected planning breaches received

2.1 Overall, the Enforcement Team received 939 new reports of suspected planning control breaches in 2024/25, which is a decrease from the 1,098 in 2022/23 and 1,031 in 2023/24. The average number of reports per quarter was 274.5 in 2022/23 decreasing to 257.75 in 2023/24 and 237.75 in 2024/25. In Q1 of 2025/26, the team received 264 reports of breaches of planning control, which does not indicate a further decrease is expected. This will be reviewed as we move into Q2.

2.2 Most reported breaches of planning control relate to works to residential properties. This is followed by changes of use to short term lets and then advertisements.

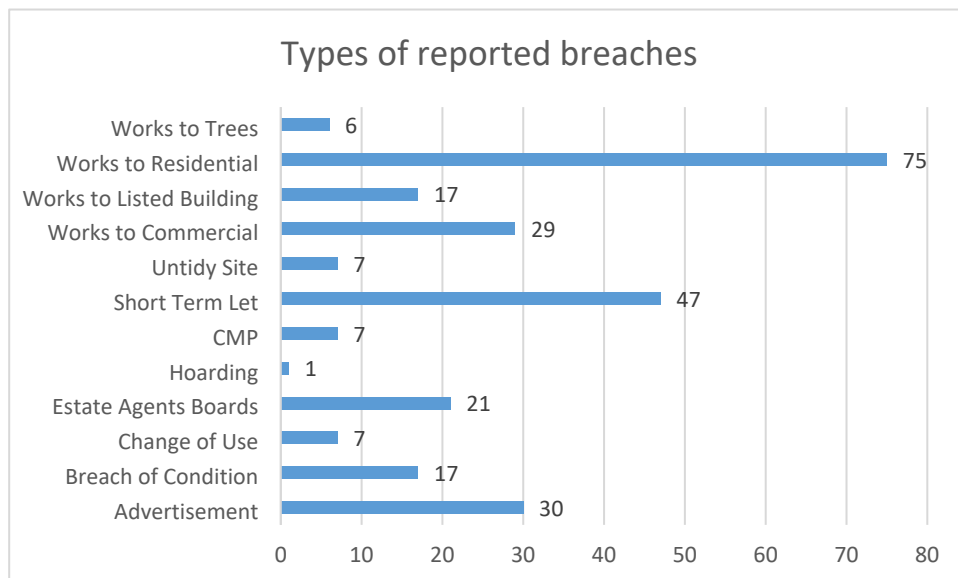


Figure 1- Type of breaches reported

3 How breaches are resolved

3.1 The team closed 1030 cases in 2024/25 of which 45% were within 16 weeks from the start of the investigation. This is a decrease from the 1246 cases closed in 2023/24, however only 40% at that time were within 16 weeks from the start of the investigation. However, as only 939 new cases were received, this resulted in a reduction in the backlog of cases.

3.2 In Q1, the team successfully closed 310 cases, with 42% of these resolved within 16 weeks. This performance surpasses the average quarterly figure of 257.5 cases for 2024/25 and is only slightly below the 2023/24 average of 311.5 cases.

3.3 The most effective way to resolve breaches is through informal enforcement action, where enforcement officers secure the resolution of a breach as a precursor to formal action. This avoids the substantial delays and associated costs of enforcement appeals, which currently take around a year, if not longer, to be determined by the Planning Inspectorate. In 2024/25, 31% of all cases were resolved from informal enforcement action, and in Q1 of 2025/26, this figure rose to 36%. This is a key indicator of the enforcement team’s success.

Closure type	2024/25	%	Quarter average	Q1 2024_25	%
Informal enforcement action	318	31	79.5	112	36%
Immune from Enforcement Action	55	5	13.75	9	3%
No Breach Found	235	23	58.75	72	23%
Not Expedient	97	9	24.25	25	8%
Notice Complied With	26	3	6.5	14	4%
Notice Quashed on Appeal	1	0	0.25	0	0%
Notice Withdrawn	1	0	0.25	0	0%
Other Reason	47	5	11.75	16	5%
Passed to Other Department	15	1	3.75	1	0%
Permitted Development	42	4	10.5	7	2%
Planning Consent Granted	114	11	28.5	33	11%
Withdrawn Duplicate Complaint	79	8	19.75	21	7%
Total	1030			314	

Figure 2- Case closed reason 2024/25

3.4 In 2024/25, officers resolved breaches by securing retrospective consent for 114 reported breaches of planning control, up from 94 in 2023/24. In Q1 of 2025/26, the team secured 22 retrospective applications. This not only generates income but also ensures the necessary controls through planning conditions and Section 106 Legal Agreements.

3.5 In 2021/22, 23 enforcement notices served in response to unauthorised development were complied with. This number increased to 40 in 2022/23. Following a project involving compliance checks of historical formal cases, 327 notices were complied with in 2023/24. In 2024/25, 26 notices were complied with and in the first quarter of 2025/26, 16 notices were complied with.

4 Formal action

4.1 Where there is significant harm and efforts to resolve the breach have not been successful, formal enforcement action will be taken.

4.2 In 2024/25, the enforcement team served a record 133 enforcement notices. In Q1 of 202/26, 20 notices have already been served.

Table 1 - Enforcement notices served

	2021/22	2022/23	2023/24	2024/25	Q1 2025/26
Breach of conditions notice		27	4	10	1
Enforcement Notice	28	42	63	46	5
Listed Building Enforcement Notice	1		2	16	1
Planning Contravention Notice	66	21	50	57	13
Enforcement Warning Notice	N/A	N/A	0	3	0
Temporary Stop Notice	1	0	0	1	0
Section 215 Notice	0	1	0	0	0
Grand Total	96	91	119	133	20

- 4.3 In 2023/24, 21 enforcement notices were appealed, of the 12 which have been determined, 10 were dismissed with notices being upheld (83%) and 2 were allowed. Of the remaining appeals, 3 have been withdrawn and we are awaiting decisions on the other 5.
- 4.4 In 2024/25, 30 enforcement notices were appealed, of the 16 appeals which have been determined, 15 were dismissed with the enforcement notice being upheld (94%) and only 1 appeal was allowed. Of the remainder 3 have been withdrawn and we are awaiting decisions on the others.
- 4.5 The high success rate supports the Council's assessments and approach to taking formal action.

Prosecutions

- 5.1 If formal notices fail to resolve the breach of planning control or for certain works such as works to listed buildings, unauthorised advertisements, works to protected trees and demolition in a conservation area, prosecution procedures are initiated. This serves to motivate compliance and penalise non-compliance.
- 5.2 In July 2024 a business was convicted of an offence for the display of an unauthorised advert and fined £1500, with a £600 surcharge along with full costs awarded to the Council at £3681.76.
- 5.3 In October 2024, the joint owners of a Camden property were found guilty of building a large extension at Heysham Lane, on protected local green space, without planning permission, and failing to comply with an enforcement notice. The matter has now been committed to Wood Green Crown Court for sentencing and to consider confiscation proceedings under the Proceeds of Crime Act 2002 (POCA).
- 5.4 In May 2025, the owner of a property in Frognaal pleaded guilty to unauthorised works to a listed building. Sentencing will take place in September 2025.

Enforcement Newsletter

- 6.1 In April 2025 the Enforcement Team launched its first quarterly e-newsletter (see appendix 1). This provides an opportunity to showcase the action taken by the team. The second edition will be released in July.

Phone Kiosks

- 6.2 The planning enforcement team continues to build on the success of the Tottenham Court Road Kiosk action, where 19 phone kiosks in a poor condition were removed. The team secured the removal of 7 kiosks in Kilburn and a further kiosk in Holborn. In June 2025 the Government released guidance on how to tackle “Box Blight” setting out the approach that was first established in Camden to secure removal of kiosks.
- 6.3 In 2024/25 and Q1 there have been 16 applications for new “hubs” with digital screens and 10 for telephone “call boxes” with digital screens. All of which were refused for a number of reasons including causing harmful visual clutter, harm to the public realm due to unnecessary street clutter, opportunities for crime, visual amenity and public safety and the lack of a management plan.
- 6.4 In 2024/25 there were 16 appeals relating to phone kiosks with digital advertisement structures seeking to add visual clutter to the highstreets of Camden. Of these, 13 appeals were dismissed (81%). This success rate supports the Council’s approach to these structures in our public realm.

7 Short term lets

- 7.1 The planning enforcement team continues to seek to tackle the rise of short term let accommodation resulting in the loss of permanent homes. In London it is permitted to rent an entire property for up to 90 nights a year as short term lets. The teams’ findings are that the majority of short-term lets are operated as a full-time business with residents renting their own property whilst away on holiday as the exception.
- 7.2 In Camden, we estimate there are at least 6000 entire properties being used for short-term letting. The previous administration released a ministerial statement setting out the proposals to automatically designate existing short term lets into a new use class. The Council set out in two letters that this would have a devastating impact on Camden, equating to a loss equivalent to the amount of housing Camden is expected to deliver in the next 6 years and a financial loss through Council Tax income of £9,235,020 a year.
- 7.3 The Government are yet to confirm their proposals, but it is likely that a Short Term Let register will be introduced.
- 7.4 In the interim, the enforcement team continues to take action against the loss of residential properties for short term let use. In 2024/25, the team served notices against 47 short term properties. The team dealt with two public inquiries into

short term let use at Belsize Road and Eversholt Street, both of which were upheld.

7.5 In Q1, 2025/26, the team served 17 planning contravention notices and 6 enforcement notices on short term let properties. There will be a further piece of work during the summer months.

8 Construction Management Plans (CMPs)

8.1 Camden’s approach to CMP enforcement includes a proactive element and a reactive element. The CMP Planning Site Inspector (PSI) undertakes inspections of CMP sites to ensure compliance. The CMP Enforcement Officer deals with any resultant non-compliant sites and complaints about CMP sites from local residents, Councillors or businesses. The CMP Enforcement officer takes action to secure compliance, is a direct contact for local residents and will often attend Construction Working Groups. Both these officers form part of the Council wide Construction Management Forum, which includes officers from highways, parking, air quality, environmental health and planning obligations.

8.2 The CMP PSI undertakes a program of proactive site inspections specifically to assess development sites against their approved CMPs. There is a set program for the type and number of visits, this includes several categories of visits, which are as follows.

- CMP Planned Inspections – full site inspection to assess compliance against the CMP.
- Unplanned/Compliance inspections – these are usually unannounced and are undertaken at regular intervals following a full site inspection. The purpose of these inspections is to ensure that developments sites are maintaining compliance for the duration of works.
- Routine Inspections – unplanned site visit to investigate the status of works/actions from inspections or a specific condition of the CMP.
- Reactive Inspections – a site inspection in response to a request to visit a development site. This could be to assess a potential breach or complaint received. These can be planned or unannounced.
- Confirmation of Works Complete - The purpose of these visits is to confirm that works are complete and that no further inspections are required.

8.3 A site would normally have one planned inspection followed by unplanned inspections every 5 months and supported by routine visits. A site could have more than one planned inspection if the works are split into two phases with different contractors. If a site fails to make a planned inspection, an earlier unplanned inspection with additional routine visits is scheduled.

	2022	2023	2024	2025 to date
Confirmation of Works Complete	0	37	22	22

Planned Inspection	57	25	19	14
Reactive Site Inspection	9	11	5	4
Routine Site Visit	58	77	75	50
Unplanned/Compliance Inspection	59	89	47	25
Grand Total	196	239	168	115

Table 2 - type of CMP inspections

- 4.6 The table above shows the number and types of visits made in calendar years. So far in 2025, there was a total of 14 Planned CMP Inspections undertaken, of which 2 development sites were assessed as non-compliant. Both sites were able to secure full compliance within 7 days of the inspection.
- 4.7 There was a total of 25 Unplanned/Compliance inspections undertaken, of which three sites were non-compliant. These sites were given 7 days to address the Actions and all sites achieved compliance within the timescale.
- 4.8 Since the introduction of the CMP site inspections, the number of sites found to be uncompliant is decreasing each year, 11 in 2022, 7 in 2023 and 5 sites in 2024. We consider this demonstrates the success of the proactive compliance checks, ensuring sites know that thorough inspections do take place and compliance is monitored.
- 4.9 The team also deals with reported breaches of a CMP. Enforcement cases are opened, and investigations are undertaken when any breach is reported or following a failed site inspection. In 2023/24, and 2024/25, 35 enforcement investigations were opened each year in relation to CMP sites. In Q1 of 2025/26, 7 enforcement investigations have been opened. The CMP seeks to minimise disruption where possible. However, there will always be disturbance from development sites. The general types of complaints received include vehicle routes not in accordance with the CMP, the levels of noise or dust from sites, vehicles waiting outside the site and operating outside of permitted hours.
- 4.10 Where a breach has taken place a review of the event is undertaken, to understand how best to tackle the problem, depending on whether it is a one-off event, repeated breach or a more serious offence. The team keep evidence of all reported breaches and actual breaches. Enforcement is secured through the threat of injunctive action to close the site and a review of drawing down from the CMP bond.

7. Enforcement in Action

- 7.1 The following section provides examples of recent enforcement action undertaken by the team.
- 7.1 **Squire's Mount** – The original slates of a Grade II listed building were removed, and unsympathetic Spanish Slates were installed without consent. Following informal action, appropriate Penryn Heather Blue Welsh Slates were reinstated.

Before:



After:



- 7.2 **Gower Street** – Air conditioning units were installed in ground floor windows of a Grade I listed building. Following informal action, the units were removed.

Before:



After:



- 7.3 **Belsize Park Gardens** – The original stone paviors were removed and swapped for bricks, a new gate and railings were installed without planning permission.

Before:



After:

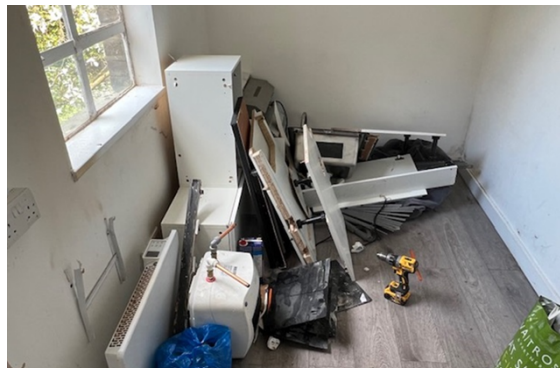


- 7.4 **Loveridge Rd** – a storage room was converted into a substandard flat. The team worked closely with colleagues in the Environmental Health Team. An enforcement notice was served to cease the use and this has now been complied with.

Before:



After:



7.5 **Caversham Road (Kentish Town South)** - A storage site (building materials) was used as a car park without permission. A retrospective application was refused, and an enforcement notice was served requiring the use to stop. The planning appeal was dismissed, and the enforcement appeal was withdrawn. As a result of the action taken the use has now stopped.

7.6 **Royal College Street (St Pancras and Somers Town)** - Commercial buildings were unlawfully being used for 15 dark kitchens, these are commercial cooking facilities used exclusively for preparing food for delivery. A large flue was also installed without permission. This use was deemed unacceptable due to the high number of deliveries and collections (averaging over 500 movements per day at full occupation, plus 55 deliveries per week), which negatively impacted highway and pedestrian safety. Additionally, noise nuisance from motor vehicles and the flue affected the amenity of surrounding residents. The owners appealed against both the planning refusal and the enforcement notice, which were dealt with via a hearing. The Planning Inspectorate dismissed the appeals, agreeing with the Council's concerns regarding highway and traffic safety and noise nuisance. The owners were given 12 months to comply with the enforcement notice. A site visit confirmed that the use had ceased, and the unauthorised flue had been removed.

Before:



After:



Before:



After:



8. Trees

8.1 Anyone seeking to cut down, top, lop or uproot trees subject to a Tree Preservation Order (TPO) must first apply to the local planning authority for

consent unless the works are exempt. Trees in a conservation area that are greater than 7.5cm in diameter at 1.5m above the base of the trunk are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies.

8.2 For Section 211 notifications, the Council can only object to the proposed works, if the tree is considered to be suitable for a Tree Preservation Order (TPO). The current Government guidelines establish that the principal consideration of whether a tree is suitable for a TPO is the degree to which the tree is visible from a public place such as a road or footpath, or accessible by the public. The other factors the Council must consider are:

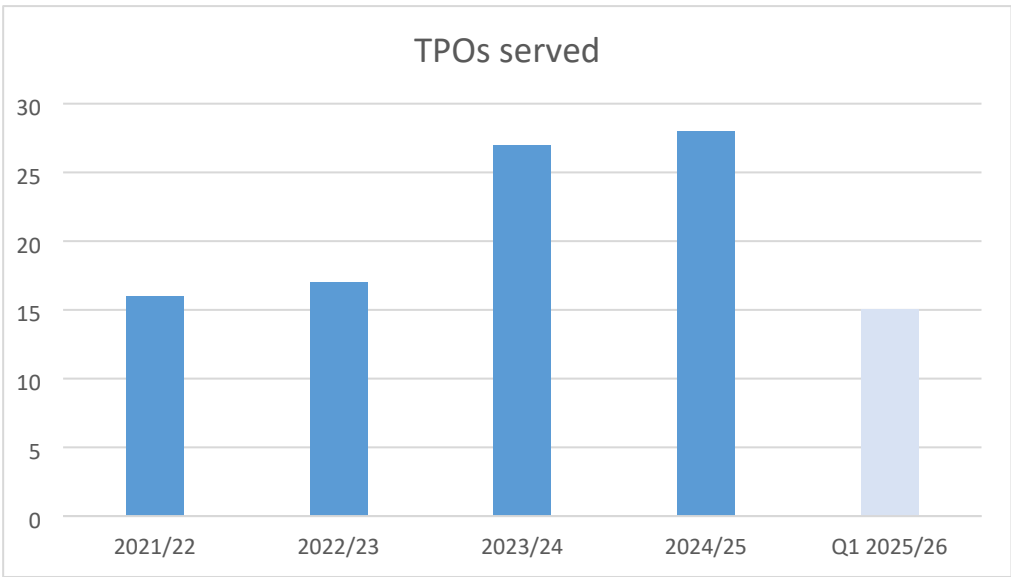
- size and form of the tree;
- future potential for the tree;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

8.3 It is only if a tree meets the above criteria can other factors such as importance to nature conservation or response to climate change be taken into account. These factors alone would not warrant making an Order.

	2021/2 2	2022/2 3	2023/2 4	2024/2 5	Q1 20 25/ 26
Application for Works to Tree(s) covered by a TPO	219	271	243	257	75
Notification for Emergency Works to Protected Tree(s) under TPO	11	17	14	14	4
Notification of Intended Works to Tree(s) in a Conservation Area – Section 211s	923	1035	1010	1118	230
Notification to Carry Out Emergency Works to Protected Tree(s)	56	68	50	78	26
High Hedge Mediation	0	0	1	0	0
Total	1297	1391	1318	1467	335

8.4 In 2024/25, there was an increase in the number of applications submitted seeking work to trees covered by TPOs, emergency works and notifications for intended works to trees in a conservation area. Overall, this resulted in the highest number of notifications dealt with by the team since at least 2021.

- 8.5 There were 257 applications made for works to trees covered by a TPO. This comprised 140 applications to reduce trees. Only 33 included proposals to fell tree(s). In 8 cases there was insufficient justification to fell the tree and applications were refused. In 25 cases, sufficient justification was provided, such as poor structural or physiological condition, proven property damage where on the balance of probability the tree(s) are contributing to the damage, unsustainable location in terms of future damage to the built environment and the removal of the tree was granted. In these cases, a condition is attached to the consent to require a replacement tree.
- 8.6 There were 1,118 Section 211 notifications submitted in 2024/25, of these 625 comprised proposals to reduce trees and 345 included proposals to fell trees. Upon being advised that the Council would object, 14 applications were withdrawn. There were 16 Section 211 notifications, where the trees involved were considered suitable for a TPO. There were 307 notifications where the trees did not meet the criteria for a TPO, and the Council could not object to their removal.
- 8.7 In Q1 2025/26, of the 230 Section 211 notifications submitted 134 included proposals to reduce trees and 76 proposals to fell trees. Of those determined, there were 4 notifications which included trees which met the criteria to be issued with an TPOs. There were 44 where the trees did not meet the criteria and it was not expedient for the Council to object.
- 8.8 The team have served increasingly more TPOs each year. There are approx. 3600 existing TPOs in the borough, these can include a number of trees per TPO and is not indicative of the number of trees that are protected. For example, for a TPO covering the Kings Cross development includes 117 trees. In 2021/22, 16 TPOs were issued, 17 in 2022/23, increasing to 27 in 2023/24. In 2024/25, the team served a further 28 new TPOs being issued. So far in 2025/26 (Q1), the team have served 15 new TPOs.



- 8.9 A TPO was served on Magnolia tree at Fawley Road, following a Section 211 notification. The tree is of a large size, in good condition and highly visible within the conservation area (bottom left).



- 8.10 A TPO was served on an Atlas cedar tree in College Crescent following a Section 211 notification seeking its removal (top right).

- 8.11 A TPO was served on a cherry tree at College Crescent following a Section 211 notification seeking to fell (bottom left).



- 8.12 A TPO was served on a purple plum in Menelik Road following a request from a local resident. The tree is not located in a Conservation Area, so previously permission would not have been required for its removal (top right).

- 8.13 In Languard Gardens two pine trees were protected with a TPO. Two of the four pines were already subject to a TPO.



TPO project work

- 8.14 The team have commenced the project to upgrade our TPO records to ensure they are up to date. This involves data work and on-site inspections. As part of the work, additional TPOs are likely to be served. The team are working through wards and will provide a more detailed update at the next meeting.

9 Appeals

- 9.1 This section provides an analysis of appeals received and determined during Q3 and Q4 of 2024/25, and Q1 of 2025/26. It examines the Council's performance in terms of overall appeal decisions and the types of appeal procedures used. Additionally, it highlights selected appeal decisions and upcoming appeals.

- 9.2 In 2022/23, the Council received 106 appeals against planning decisions and enforcement notices. This number increased to 108 in 2023/24 and further to 155 in 2024/25. In 2024/25, this comprised:

- 113 written representations (exchange of written statements)
- 1 High Hedge appeal
- 17 Householder appeals
- 16 Hearings
- 2 Public Inquiries
- 1 Tree fast track

- 9.3 In Q1 of 2025/26, 31 appeals against planning applications and enforcement notices were submitted, comprising 1 commercial advert appeal, 4 householder appeals and 3 informal hearings.

- 9.4 In 2022/23, 70% of the appeals against the Council's decision to either refuse permission or issue enforcement notices were dismissed. This success rate improved to 78% in 2023/24 and further to 79% in 2024/25. For comparison, the average dismissal rate for appeals across England for the year ending 31st March 2024 was 71% and 68% so far in 2025. Camden's performance is exceeding the national average.

- 9.5 A full list of the appeal decisions in 2024/25 and Q1 of 2025/26 can be found in appendix 1.
- 9.6 The following appeal events took place since the last report to committee:
- 9.7 **254-256 Belsize Road and 258 Belsize Road** - A Public Inquiry opened on the 26th of November 2024 following an enforcement notice alleging a material change of use of the Property from 2 x office blocks to serviced apartments for short term lets (Sui Generis).
- 9.8 The appellants argued that the use of the properties as serviced apartments for short-term lets falls within Use Class C3 (dwellinghouses). We argued that the use is a sui generis use, distinct from Use Class C3. The appellants claimed the enforcement notice was invalid as it divided some apartments and communal areas. We requested a correction to include the entirety of both buildings.
- 9.9 The Inspector found that the use of the properties as serviced apartments for short-term lets is materially different from Use Class C3. The overall character of the use is sui generis, with features such as hotel-style key cards, concierge services, and a lack of personal possessions indicating a use more akin to a hotel. The Inspector found that the notice was not invalid despite dividing some apartments and communal areas.
- 9.10 The appeal was dismissed, and the enforcement notice was upheld with a correction and a variation. A judicial review has been received, and this matter is going to court on the 31st of July.
- 9.11 **Amusement Arcade and Premises at Basement and Ground Floor, 1 to 3 Euston Road** – A one day hearing took place on 18th March following the Council’s decision to refuse a certificate to extend the operational hours. The appellant sought the use of the ground and basement floors as an adult gaming centre (AGC) without complying with condition number 2 previously imposed on planning permission PS9704859, which restricted operating hours to between 8am and midnight. The premises could already operate from 8am to 2am, seven days a week. The Inspector considered that the proposal to extend operating hours to 24 hours a day would not significantly increase the risk to vulnerable residents, as the premises are already accessible for eighteen hours daily. The Inspector gave weight to the fact that the premises operated under a licence that includes measures to protect vulnerable persons from exploitation by gambling. The Inspector noted that the area around the premises experiences significant levels of crime and anti-social behaviour. The Inspector gave weight to the security measures, including CCTV, personal safety alarms, and additional lighting implemented by the appellant. The Inspector considered that the extended hours would increase footfall, natural surveillance, and lighting, potentially reducing crime opportunities. They concluded there was no compelling evidence that the extended hours would exacerbate existing crime issues.
- 9.12 **Adelaide Road (Primrose Hill)** – A one day hearing took place on 17th December following the serving of 11 listed building enforcement notices on flats

within a Grade II listed residential block. The Council received complaints about the replacement of windows, and it was found that several flats had replaced their original Crittall windows with UPVC ones, which are considered harmful to the historic interest of the listed building.

9.13 Due to the substantial number of properties involved, the Council is taking action against one block at a time. Initially, 11 notices were served, of which two were withdrawn. The remaining nine notices were appealed and dealt with via a hearing. The Planning Inspectorate dismissed the appeals, agreeing with the Council's conclusion that a planning breach had occurred and that the UPVC windows had harmed the special architectural or historic interest of Regency Lodge. Consequently, the notices were upheld. A judicial review was submitted by the appellant, and we are currently awaiting the outcome.

9.14 **17 York Way** - The Council refused planning permission for the renovation of the existing public house (sui generis) at ground floor and basement level and redevelopment above to provide seven



new homes in four storeys of flatted accommodation (Class C3). Permission was refused due to the harm to the character and appearance of the Camden Square Conservation Area (CA). The existing building was found to make a neutral contribution to

the CA. The proposal involved substantial demolition, conflicting with Policy CC1 of the Camden Local Plan 2017, which requires minimising climate change impacts. The Inspector found that the appellant's assessment lacked detail on the potential for retaining and improving the existing building. The appellant failed to demonstrate that substantial demolition was justified. The proposal would result in less than substantial harm and the public benefits, including housing provision and economic growth, were not sufficient to outweigh the harm to the CA.

9.15 The following are a selection of appeal decisions:

9.16 **14 Greenaway Gardens** – This appeal related to 4 appeals against the Council's decision refusal to grant certificates of lawful use or development for the construction of outbuildings under permitted development rights. This included, appeal a pool hall, gymnasium, games hall and gallery and pool filtration and irrigation stores. All appeals were dismissed. There were two issues, whether the proposed outbuildings could be constructed given a landscaping condition of the parent permission had not been complied with and whether the outbuildings were incidental to the enjoyment of the dwelling house. The Inspector concluded that

the proposed outbuildings were reliant on the completion of the landscaping works. Since the landscaping was not completed at the time of the application, the outbuildings could not be considered permitted development. The Inspector concluded that the outbuildings must be reasonably required for purposes incidental to the enjoyment of the dwellinghouse. For the pool hall, the inclusion of a treatment room was not considered necessary, and the space was deemed larger than required. The gymnasium was considered incidental and reasonably required. The space proposed for the games hall and gallery was larger than necessary, and the art studio was seen as a personal whim rather than a necessity. The pool filtration and irrigation store was not incidental as there was no pool at the time of the application. The irrigation store was considered incidental. The Council's refusal to grant the LDCs was well-founded, and the appeals were dismissed.

9.17 **65-69 Holmes Road** – Planning permission was refused for the erection of a roof extension to facilitate the creation of 11 student accommodation rooms. The appeal was dismissed. The Inspector considered that the proposed roof extension would not be out of character with the surrounding area and would preserve the setting and significance of the nearby Inkerman Conservation Area. The Inspector did agree that the development would adversely impact the living conditions of some occupants of 55-57 Holmes Road. It would create an overbearing impact and an increased sense of enclosure resulting in a loss of outlook and unacceptable visual impact. The proposal would provide additional student accommodation, contributing to the established need in London. However, the harm to the living conditions of some occupants of 55-57 Holmes Road was deemed unacceptable and not outweighed by the benefits. The appeal was dismissed.

9.18 **Flat A, 17 Nassington Road** – this appeal following an enforcement notice following the installation of razor wire on the flat roof of the single-storey rear extension without planning permission. The owner had installed the razor wire to prevent the upstairs flat from using the flat roof of the ground floor as a terrace. The notice required the removal of the razor wire within one month. The Planning Inspectorate dismissed the appeal and upheld the Enforcement Notice. The Inspector agreed the razor wire constitutes development, was harmful to the character and appearance of the building and the South Hill Park Conservation Area. The inspector agreed the harm is not outweighed by any public benefits.

9.19 **Flat B, 17 Nassington Road** – An enforcement notice was served against the owner of the first floor flat following the installation of a uPVC door at the rear elevation, 1st floor level, without planning permission. The notice sought to either remove the door reinstating the previous situation or to comply with the scheme approved at Planning Committee (2024/0039/P). The appeal was partially allowed in that the requirement to replace the uPVC door with a timber sash window was deemed excessive since the previous window was also uPVC. The notice was varied to remove the word "timber" from the requirement, allowing for a uPVC sash window instead. The compliance period was extended from three to four months due to the presence of the razor wire installed by the owner of the ground floor (see above) made immediate compliance difficult and dangerous. The enforcement notice was upheld but varied. varied to:

9.20 The following are examples of appeals which were allowed by the Planning Inspectorate.

9.21 **139-147 Camden Road** – An appeal against the refusal of planning permission for the erection of a 3-storey residential building comprising 5 flats, with ground floor bin and bicycle stores and frontage paving and planting was allowed. The Inspector noted that the building would have a contemporary appearance. The Inspector considered that the reduction in height from the previous proposal makes the building more architecturally composed and balanced. They considered the building would not be unduly dominant and would integrate well within the street scene. The Inspector concluded there would be no harm to the setting of the nearby Camden Square Conservation Area and Canteloves Gardens. The mix of units was considered acceptable given the constraints of the site and the need to maximize housing supply.



9.22 **26 Medburn Street** – An appeal against the refusal of planning permission and listed building consent for the erection of a single storey infill rear extension, replacement of existing rooflight and external alterations to existing rear extension was allowed. The listed building forms part of a row of 4 terraced houses with significant architectural detailing. The rear elevations have been altered, eroding the original form and layout. The Inspector considered that the proposed extension was modest in scale and would not dominate the existing dwelling. The inspector considered that the proposal would have little discernible effect on public views from Penryn Street or private views from the communal garden area. The Inspector considered that the proposed development preserves the special interest and significance of the listed building and the character and appearance of the Kings Cross Conservation Area.

9.23 Cost applications

9.24 In Q3 and Q4 of 2024/25 the following cost award applications were dismissed by the Planning Inspectorate. Cost applications can only be awarded where there is evidence of unnecessary or wasted expense.

- **20 Busby Place** – The Inspector found that the Council acted reasonably in their analysis of the development plan policy for low-cost and affordable housing. The Council's refusal to review the applicant's legal agreement was justified as it was not available at the decision time, and the applicant did not agree to pay legal fees. No unreasonable behaviour by the Council was identified, leading to the dismissal of the cost award application.
- **17 York Way** - The Inspector found the Council's refusal to consider further viability evidence was seen as abrupt but not unreasonable, given other

unresolved issues. The main unresolved issues included design/heritage and climate change mitigation. The applicant did not show intent to amend the scheme to address these concerns. However, a number of issues were resolved before the hearing, indicating constructive engagement. The Council's judgment on heritage and design matters was deemed reasonable, even though the Inspector disagreed with some aspects. The Council's decision to refuse planning permission did not delay or prevent a case that should have been permitted. Therefore, no unreasonable behaviour leading to unnecessary or wasted expense was found, and the application for costs was refused.

- **38-40 Windmill Street** - The cost awards related to 5 appeals made by the appellant seeking to gain consent for a structure on a high-level roof terrace in various forms. They were dismissed for the following reasons:
 - Appeals A and B: The Inspector found Council's refusal to grant a Certificate of Lawful Use or Development within the prescribed time was deemed unreasonable due to an administrative fee dispute. However, as permission would have been refused regardless the appeals were necessary, and no wasted expense was incurred.
 - Appeal C: The Council issued a decision, and their refusal was found to be well-founded. Therefore, the Council's actions were not unreasonable, and no wasted expense was incurred.
 - Appeals D and E: The Council substantiated its reasons for refusal, and the refusals were found to be well-founded. The applicant's argument that the Council did not consider Counsel's opinion was not sufficient to demonstrate unreasonable behaviour.
 - The Inspector considered that the applicant's multiple similar applications and appeals did not demonstrate that the Council's behaviour resulted in unnecessary or wasted expense. The Council's concerns about the applicant's lack of engagement with pre-application services were noted, but the Inspector chose not to initiate an award of costs.
 - The Inspector found no evidence of unreasonable behaviour by the Council that resulted in unnecessary or wasted expense for the applicant, leading to the dismissal of all cost applications.

- **254-256 Belsize Road** - The Inspector found the Council's approach to short-term letting was not unreasonable. The Inspector found that the use of the properties as serviced apartments for short-term lets was materially different from use as Class C3 dwellinghouses. The Inspector noted there was an earlier investigation in 2019 which was brief and focused on whether the 90-day limit for short-term letting had been exceeded. The 2023 investigation was more comprehensive and considered all units within the buildings. The Inspector considered it was reasonable for the Council to conduct a more thorough investigation. The enforcement notice was not found to be invalid, even though it divided some apartments. In conclusion, the Inspector found no evidence of unreasonable behaviour by the Council that resulted in unnecessary or wasted expense for the applicant, leading to the dismissal of both cost applications.

9.25 **Costs awarded to the Council:** The Council was awarded partial costs following unreasonable behaviour by the appellant for an appeal at **267 Eversholt Street**. The appellant's late withdrawal of the Lawful Development Certificate appeals on the day before the Inquiry and certain grounds in the enforcement notice appeal was deemed unreasonable, resulting in awards of costs to the Council.

9.26 There were two cases where a costs award was partially upheld against the Council:

- 9D The Grove - A partial award of costs was made against the Council following delays in the Council providing comments on the appellant's submission in relation to basement issues. A reason for refusal was included in error and later withdrawn. This was deemed unreasonable and resulted in unnecessary expense for the applicant
- 154 Royal College Street – A partial award of cost was made against one reason for refusal, the Inspector considered the Council did not adequately consider the planning history of the property, particularly the certificate of lawful use confirming the basement's use as a studio flat. This oversight led to the incorrect assumption that a new residential unit was being created, which required a legal agreement for car-free housing. This required the applicant to address the issue during the appeal process, leading to unnecessary and wasted expense.

9.27 **Upcoming events** – A hearing is due to open on the 2nd September for the refusal of householder planning application and listed building consent application (2024/3349/P and 2024/3387/L) on 14/01/2025 for 'Various alterations to dwelling house and mews including replacement of the rear, closet wing extension, rebuilding of mews roof, internal refurbishment consisting of demolition and reposition of some partition walls and other associated works' at 8 Gloucester Gate.

10 **Legal comments of the Borough Solicitor**

10.1 The Borough Solicitor has been consulted and has no legal comments.

11 **Finance comments of the Executive Director Corporate Services**

11.1 Finance has been consulted and have made no comments.

12 **Environmental Implications**

12.1 There are no environmental implications arising from this report.

13 **Appendices**

Appendix 1 – Appeal Decisions

REPORT ENDS