



1 Example Street London SW1A 1AA

APPEAL STATEMENT

On behalf of Example Developments Ltd

Wren

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Introduction

1.1 The appeal

- 1.1.1 This Appeal Statement has been prepared by Wren on behalf of Example Developments Ltd ("the Appellant") in respect of an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission by Example Borough Council ("the Council") at 1 Example Street, London SW1A 1AA. The appeal is made by the written representations procedure, which the Appellant considers to be the appropriate procedure given the nature and scale of the proposals and the issues in dispute.

1.2 Scope of this Statement

- 1.2.1 This Statement identifies the main issues arising from the Council's reasons for refusal and sets out the Appellant's full case in response. It should be read alongside the application documents that were before the Council, including the Planning Statement, the Design and Access Statement and the Heritage Statement, together with the Council's decision notice and officer's report, which are before the Inspector. Where this Statement refers to the development plan, national policy or the evidence base, it does so on the same basis as the application documents.
- 1.2.2 This is a specimen document; all names, figures, references and details are illustrative and do not relate to any real appeal, site or decision.

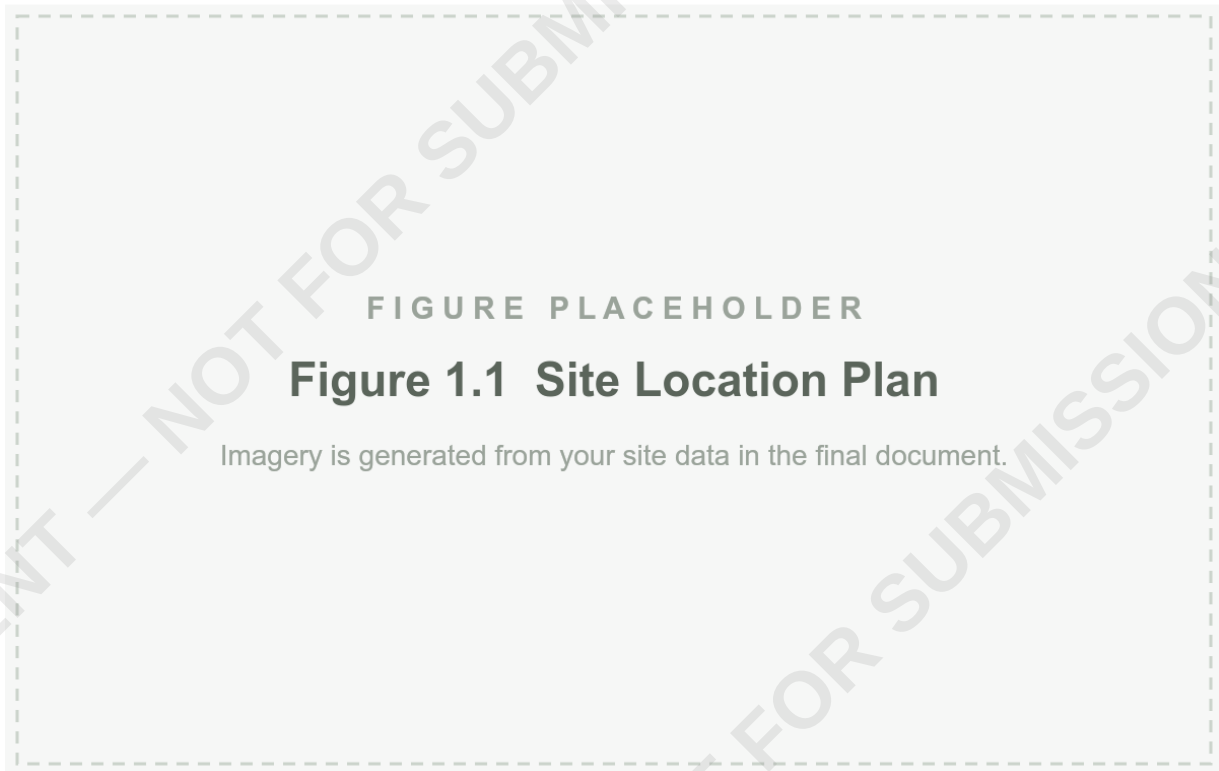


Figure 1.1 Site Location Plan

Source: Contains OS data © Crown copyright and database rights 2026

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The Site and Surroundings

2.1 The Site

- 2.1.1 The Site comprises a mid-terrace, three-storey property within an established nineteenth-century mixed-use street, with an active commercial ground floor and vacant upper floors. The building is of yellow stock brick with a slate roof and makes a positive contribution to the character and appearance of the conservation area within which it lies. The Site is highly accessible by public transport and is not at risk of flooding. It and its surroundings are described in full in the application documents, which are before the Inspector.

2.2 The proposal

- 2.2.1 The proposal that was refused is for the change of use of the first and second floors from ancillary storage to residential use to provide four self-contained units, together with a single-storey rear extension and associated internal and external alterations including the repair and reinstatement of the front elevation. The commercial ground floor is retained. The scheme was designed to respond to the reasons for an earlier refusal at the Site in 2020, in particular by omitting the rear dormers previously found to be harmful and by providing a full heritage assessment.

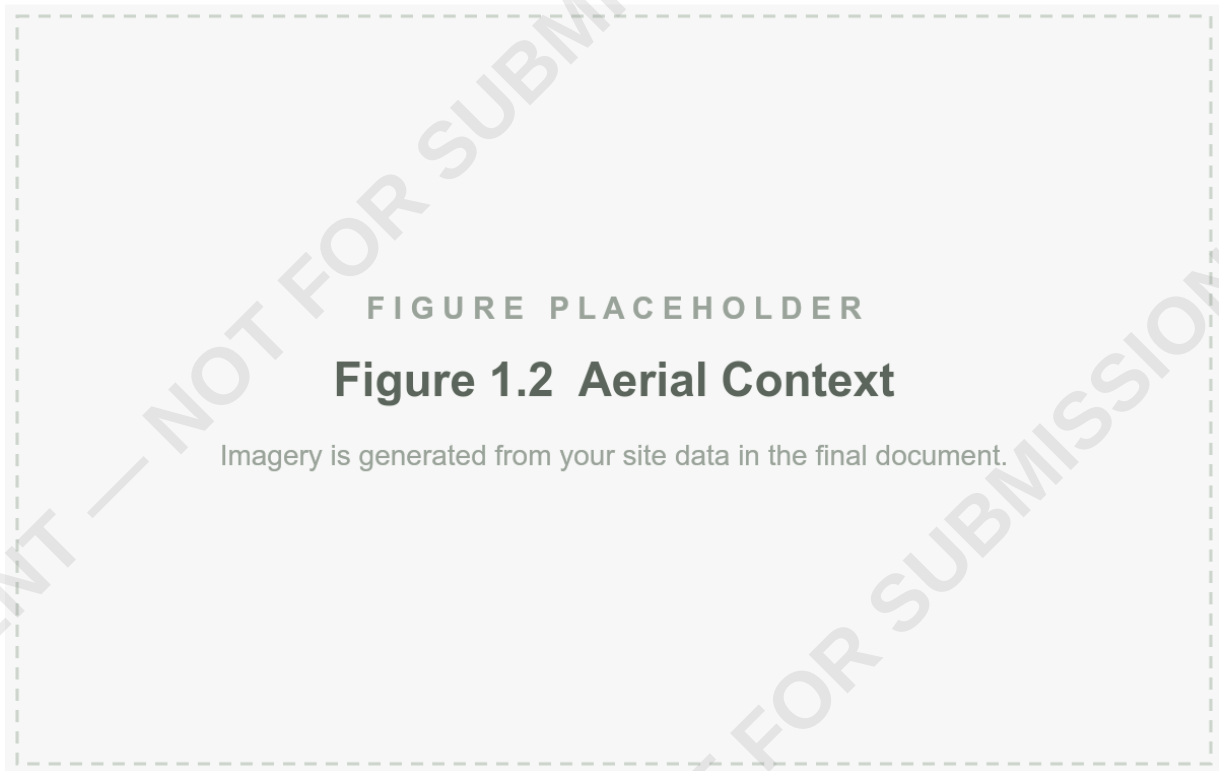


Figure 1.2 Aerial Context
Source: Mapbox / Maxar

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Planning History

3.1 The 2020 refusal and the present scheme

- 3.1.1 The Site has a planning history that bears directly on the issues in this appeal. In 2020 the Council refused an earlier scheme for the residential conversion of the upper floors, on grounds relating to the design and scale of proposed rear dormers and to the absence of a heritage assessment against which the impact on the conservation area could be judged. The scheme now before the Inspector was designed expressly to overcome those objections: the dormers were omitted, the additional accommodation was taken within the existing roof volume and a subordinate single-storey rear extension, and a full Heritage Statement was provided with the application.

3.2 Relevance to this appeal

- 3.2.1 The history is therefore not a matter that counts against the Appellant but evidence that the issues had been narrowed and addressed before the present application was determined. The principle of residential use of the upper floors was not in dispute at the 2020 refusal and is not a reason for refusal now. The two reasons the Council has given, addressed under the grounds of appeal below, are the only matters that stand between the proposals and the grant of permission.

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Policy and Statutory Framework

4.1 The statutory framework

- 4.1.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise, and the development plan is to be read as a whole. Because the Site lies within a conservation area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing its character or appearance. It is well established that this is not a duty to be weighed in the ordinary way: considerable importance and weight must be given to the desirability of preserving or enhancing the conservation area, and to any harm to it, and less than substantial harm is not to be treated as a less than substantial objection to the grant of permission.

4.2 The development plan and national policy

- 4.2.1 The development plan policies principally engaged are, for the purposes of this specimen, Policy HC1 (heritage and conservation areas), Policy D1 (design and local character), Policy H4 (residential standards) and Policy DH2 (amenity and daylight/-sunlight). The National Planning Policy Framework is a material consideration: it attaches great weight to the conservation of designated heritage assets and, where a proposal would cause less than substantial harm, requires that harm to be weighed against the public benefits of the proposal under paragraph 215; it also attaches significant weight to the effective use of previously developed land and to the delivery of housing. The Appellant's case, developed under the grounds below, is that the proposals accord with these policies read together and with the development plan as a whole.

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The Council's Decision

5.1 Reasons for refusal

- 5.1.1 The Council refused the application for the reasons summarised in the table below. Each reason is addressed in turn in the following section of this Statement. The Appellant respectfully submits that neither reason is made out and that, on a proper application of the development plan and the National Planning Policy Framework, the appeal should be allowed.

Table 5.1: Reasons for refusal

No.	Summary of the Council's reason for refusal
1	The design, scale and form of the single-storey rear extension would fail to preserve the character and appearance of the conservation area, contrary to Policies D1 and HC1 and the Framework.
2	The proposals would fail to provide a satisfactory standard of amenity for future occupiers by reason of the size and daylight of the proposed units, contrary to Policies H4 and DH2.

5.2 Approach to this Statement

- 5.2.1 The Appellant considers that the main issues arising from the reasons for refusal are, first, the effect of the proposals on the character and appearance of the conservation area and, second, the standard of amenity that would be afforded to future occupiers. This Statement addresses each of those main issues in turn, drawing on the evidence that was before the Council, and then draws the overall planning balance. It is submitted that the proposals accord with the development plan read as a whole and that the appeal should be allowed.

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Grounds of Appeal

6.1 Ground 1: the effect on the character and appearance of the conservation area

6.1.1 The first reason for refusal cannot be sustained, and it is necessary to begin with where the significance of the conservation area lies. As the accompanying Heritage Statement establishes, that significance is carried by the planned nineteenth-century terraces and the coherent townscape they create — the continuous building line, the uniform roofscape and the regular rhythm of frontages experienced in the public realm of the streets. The Site contributes to that significance through its frontage and roofline, which the proposals retain and repair without alteration.

6.1.2 The single-storey rear extension, which is the sole source of the alleged harm, is modest and subordinate in scale to the host building. It sits below the level of the neighbouring boundary walls and is confined to the enclosed rear of the plot — a part of the Site that makes little or no contribution to the significance of the conservation area and forms no part of any public or designed view. It is not appreciable from Example Street or from any of the sequential views in which the character and appearance of the area is experienced, and the elements that give the street its character are wholly unaffected.

6.1.3 The officer's report did not materially dispute the significance assessment, nor the conclusion reached in the Heritage Statement that any harm arising from the extension would be less than substantial and at the lower end of that spectrum. The reason for refusal does not engage with that assessment, and it does not grapple with the heritage benefits of the scheme: the repair and reinstatement of a front elevation that presently detracts from the conservation area through disrepair, and the securing of an optimum viable use for long-vacant floorspace. Giving the low level of less than substantial harm the considerable importance and weight the statute requires, and weighing it under paragraph 215 of the Framework against those heritage benefits and the wider public benefits, the balance falls clearly in favour of the proposals. The section 72(1) duty is thereby discharged: the proposals preserve, and in respect of the front elevation enhance, the character and appearance of the conservation area. Ground 1 is made out and the first reason for refusal cannot stand.

6.2 Ground 2: the standard of amenity for future occupiers

- 6.2.1 The second reason for refusal is equally unfounded. Each of the four proposed units meets or exceeds the nationally described space standard, as demonstrated by the schedule of accommodation that was before the Council. Each unit benefits from adequate daylight, outlook and ventilation, with the principal habitable rooms placed to the front and rear elevations, and each has access to private or shared amenity space in accordance with the Council's standards.
- 6.2.2 The daylight and sunlight assessment submitted with the application, prepared in accordance with the Building Research Establishment guidelines, demonstrated that the proposed units would enjoy a good standard of internal daylight. The officer's report identified no specific unit or room that failed to meet any applicable standard; the reason for refusal is expressed in general terms and is unsupported by the evidence that was before the Council. A reason for refusal in that form cannot discharge the burden of showing that the scheme is unacceptable, and it is not made out. The proposals accord with Policies H4 and DH2, and Ground 2 fails.

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The Planning Balance

7.1 Accordance with the development plan

- 7.1.1 Section 38(6) requires the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise, and the plan is to be read as a whole. For the reasons given under Grounds 1 and 2, the proposals accord with the heritage, design and amenity policies the Council relies upon; there is no policy of the plan with which they conflict such that they would be contrary to the development plan taken as a whole. The starting point under section 38(6) therefore favours the grant of permission.

7.2 The heritage balance and other material considerations

- 7.2.1 Even taking the Council's case at its highest, the heritage objection resolves to a low level of less than substantial harm, which paragraph 215 of the Framework requires to be weighed against the public benefits of the proposal. Those benefits are substantial: the delivery of four homes on previously developed land in a highly accessible and sustainable location; the return of long-vacant floorspace to productive use and the support this gives to the vitality of the parade; the repair of a front elevation that presently detracts from the conservation area; and the securing of an optimum viable use for the building. Giving the identified harm the considerable importance and weight the statute demands, those benefits clearly outweigh it. The other material considerations — in particular the Framework's support for housing delivery and the effective use of previously developed land — reinforce rather than displace the development-plan position. The balance falls decisively in favour of allowing the appeal.

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Conditions

8.1 The Appellant's position on conditions

- 8.1.1 Should the Inspector be minded to allow the appeal, the Appellant would not object to the conditions discussed with the Council during the application. These would appropriately include a construction management plan to protect the amenity of neighbours during the works; a car-free condition preventing future occupiers from obtaining on-street parking permits, consistent with the Site's accessibility and the controlled parking regime on Example Street; and a condition securing the materials and the method of repair and reinstatement of the front elevation, which secures the heritage benefit relied upon above. A suggested schedule of conditions can be provided at the Inspector's request. That each of these matters can be controlled by condition is itself a reason why the refusal of permission was neither necessary nor justified.

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Conclusion

- 9.1 For the reasons set out in this Statement, neither of the Council's reasons for refusal is made out. The single-storey rear extension would preserve the character and appearance of the conservation area, delivering heritage benefits that clearly outweigh the low level of less than substantial harm identified, and the proposed units would provide a good standard of amenity for future occupiers in accordance with the adopted standards.
- 9.2 The proposals accord with the development plan read as a whole and with the National Planning Policy Framework, and there are no material considerations that indicate that permission should be withheld. It is respectfully requested that the appeal be allowed and that planning permission be granted, subject to such conditions as the Inspector considers necessary and reasonable. The Appellant would be content for the Inspector to impose the conditions discussed with the Council during the application, including a Construction Management Plan and a car-free condition.

Prepared by

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Chartered Town Planner, for and on behalf of Wren

Signed

Date



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This Appeal Statement has been prepared by Shonaika Finance Ltd for the use of Example Developments Ltd in connection with the applications described at Section 1. It may not be relied upon by any other party or used for any other purpose without the prior written agreement of Shonaika Finance Ltd. The opinions expressed are given in good faith on the basis of the information available at the date of preparation.

APPENDIX 1

Index of Appended Documents

The documents listed below are appended to this Statement and are relied upon in support of the appeal.

Table A1.1: Index of appended documents

Tab	Document
A	Decision notice (illustrative ref 24/00020/FULL)
B	Application drawings as refused
C	Officer's report and decision
D	Heritage Statement (as submitted with the application)
E	Daylight and sunlight assessment (as submitted)