

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

**PLANNING  
APPEAL  
STATEMENT  
OF CASE**

APPEAL SITE

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1A Camden High  
Street

**APPELLANT**  
The

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Hope  
Lease Ltd

**SUBJECT OF  
APPEAL**

1. **APP/X5210/W/23/3328414**. Appeal against refusal of planning application on 25/04/2023 (Camden ref: 2022/1123/P) for:

Installation of a generator terminal and louvres on the southeast elevation and external lighting and security cameras on the front and side elevations. The works have been undertaken.

**Other relevant/concurrent appeals**

- 2 **APP/X5210/Y/23/3328413**. (Camden ref: 2022/1862/L).

This appeal was submitted after the deadline and was turned away by PINs. It was an appeal against the refusal of listed building consent on 25/04/2023 linked to the subject appeal above. In addition, this application also included 8 advertisements. NB : the decision was split and allowed consent for 4 advertisements whist

refusing consent for the other 4 advertisements and the generator terminal, louvres, lighting and security cameras.

- 3 **APP/X5210/F/3328412.** This concurrent appeal is against a listed building enforcement notice for internal works plus the generator terminal and louvres and lighting and security camera as cited above.

It is understood that PINs will link appeals 1 and 3 following submission of both statements.

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**This statement is to be read in conjunction with the Delegated Report and the Council's statement regarding the concurrent appeal regarding the listed building enforcement notice: APP/X5210/F/3328412.**

## **1.0 SITE AND SURROUNDINGS**

- 1.1 The application site is 1A Camden High Street, now known as Koko but formerly the Camden Palace Theatre, is a grade II listed building within the Camden Town conservation area built in 1900-1901 by WGR Sprague. The principal façade is symmetrical in a Baroque pastiche style. The building is set over four floors with a large copper dome at roof level. The interior is symmetrically planned with an elaborate foyer with pilasters and moulded ceilings.

### **Listing Description**

- 1.2 The Historic England listing states that 'Theatre, now a night-club. 1900-1. By WGR Sprague. Some late C20 alterations. Decoration by Waring & Gillow. Stucco front (ground floor painted) and 1 bay of return; red brick return. Symmetrical facade in Baroque pastiche style.

EXTERIOR: 4 main storeys. 5 bays. Single storey entrance foyer with pilasters supporting entablature and blocking course. Round-arched openings (outer bays blocked) with pilasters supporting architraved heads with keystones. Part-glazed double doors. Centre bays of upper floors with tetrastyle in antis Ionic screen rising through 2nd and 3rd floors to support entablature with paired ogee pediments and

parapet. Behind this, a large copper dome. Flanking bays pilastered with bowed angles. 1st floor round-arched windows, 2nd square-headed, 3rd keyed oculi; this treatment repeated on 1st return bay. Ground floor return with 2 doorways having Ionic pilasters supporting entablatures with pediments; panelled double wooden doors.

INTERIOR: symmetrically planned with elaborate foyer behind main entrance with Ionic pilasters and moulded ceilings. Overmantel with bronze bas relief plaque of Ellen Terry. Cantilevered dress circle and balcony, now without seats and with steps to ground floor. Lightly modelled plaster work by Waring & Gillow in a mixture of baroque and rococo ornament. Marble proscenium arch surmounted by segmental pediment with recumbent figures and, within the tympanum, a mask surrounded by rays. 4 bays on either side of proscenium with marble Corinthian columns. Within 3 of the bays, 6 boxes in 2 tiers, the upper boxes with canopies; lower boxes supported by columns carried on caryatids. Balcony fronts with rococo motifs. Ceiling supported on brackets within the cove above entablature and with a large oval centrepiece having a shallow dome. HISTORICAL NOTE: formally opened by the actress Ellen Terry in December 1900 as the Royal Camden Theatre to show a wide range of productions from Shakespeare to pantomime and opera to musical comedy. Later used as a cinema and a BBC recording studio.

## **Refusals of permissions and Enforcement Notice**

This appeal regards refusal of planning permission on 25/4/23 for installation of a generator terminal and louvres, external lighting and security cameras on the front and side elevations. It is understood that the appeal will be linked to the concurrent listed building enforcement notice appeal following submissions of both statements. The enforcement appeal statement cross refers to this statement regarding the site description, planning history, policy framework and the merits of the proposal.

## **2.0 APPEAL PROPOSAL**

- 2.1** This statement addresses appeals against the refusal of application for planning permission on 25<sup>th</sup> April 2023.

- 2.2 A listed building application was also submitted for the works. In addition, it proposed 8 advertisements too. This decision was split, allowing consent for 4 of the advertisements, and refusing consent for the other elements. This is amplified further below.
- 2.3 The applications for planning permission (ref:2022/1123/P) and linked listed building consent (ref: 2022/1862/L) were received by the Council on 18/03/2022 and were registered on 18/03/2022.
- 2.4 A site notice was displayed in the surrounding area from 04.05.22 allowing comments for a 24-day period to 28.05.22, and a press notice was advertised on 05.05.22, allowing comments until 29.05.22.
- 2.5 The Camden Town Advisory Committee responded with an objection. The objection is summarised in the consultation section of the officer delegated report (attached in Appendix 1). A copy of all representations received during the course of the application was sent to the Planning Inspectorate with the Questionnaire.
- 2.6 The application was reported for a decision under officers' delegated powers. A copy of the officer's delegated report is attached as **Appendix 1**. Copies of the decision notices are attached as **Appendix 2**.
- 2.7 Two appeals were lodged on 24.08.23 against the refusal of both applications.
- 2.8 The listed building appeal was turned away by PINs as being out of time.

### **Planning refusal**

- 2.9 The reasons for refusal on the decision notice for the planning application are as follows:
1. The louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered to be incongruous features that harm the character and appearance of the host listed building and the

conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2. The CCTV camera located on the Crowndale Road elevation, by reason of its size, scale and location, is considered to be an inappropriate and visually intrusive element that harms the character and appearance of the host listed building, streetscene and conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

**Listed building consent: part approved and part refused.**

**2.10** This was a split decision. Listed building consent was granted for 4 advertisements. However listed building consent was refused as follows:

1. The proposed louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered to be incongruous features that cause harm to the special interest of the grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The CCTV camera located on the Crowndale Road elevation, by reason of its size, scale and location, is considered to be an inappropriate and visually intrusive element that harms the special interest of the grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The internal alterations associated with the proposed external lighting are considered to be incongruous interventions that result in the loss of historic fabric and harm the special interest of the Grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
4. The proposed signs 1, 4,5 and 6A by reason of their number, location and materials, are considered to result in excessive visual clutter and be harmful to the special interest of the Grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1** The history of planning and listed building consent applications is summarised in the 'Relevant history' section of the officer delegated report. In addition, the following appeal decision was subsequently received regarding advertisement consent.
- 3.2** On 20<sup>th</sup> October 2023, an appeal was allowed (ref 3324417) against refusal of advertisement consent dated 25<sup>th</sup> April 2023 (ref 2022/1124/A). The council had issued a split decision on the application for 8 advertisements to be located on Camden High Street and Crowdale Road. Consent was refused for 4 of the adverts. The reason for refusal was the impact on the grade II listed building and the Camden Town CA. The Inspector described the CA as an active commercial and retail area, busy with pedestrians and road users and with a mix of architectural styles. KOKO provided a focal point at the junction. The Inspector found: Advert 1, a high level advert in front of windows with a trough light to be acceptable on the basis that you could still see the shape and style of the windows. Adverts 4 and 5 were at street level and were to advertise events which the Inspector considered was in-keeping with the historical and current use. Advert 5 comprised digital posters which had a moving display, the Inspector accepted this but only subject to conditions to limit the speed at which the display could change, to address public safety concerns. Displays on the side facing Crowdale Road took the form of posters with LED strip lights, again the Inspector felt that they were in keeping with the historical and current use.

### **4.0 PLANNING POLICY FRAMEWORK**

#### **4.1 National Policy Documents**

The National Planning Policy Framework (NPPF), which was first published in 2012, was updated in July 2018, in February 2021 and September 2023. The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Chapters 1, 2, 4, 12 and 16 are most relevant to the determination of this appeal.

#### **4.2 Regional Policy Documents**

The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London. The current London Plan was adopted in March 2021. Chapters 3 (Design) and 7 (Heritage and Culture) of the London Plan 2021 are most applicable to the determination of this appeal.

#### **4.3 Local Policy Documents**

The Camden Local Plan was adopted on 3<sup>rd</sup> July 2017. The Camden Local Plan sets out the Council's planning policies and replaces the previous Core Strategy and Development Policies planning documents adopted in 2010.

#### **4.4 The following policies in the Local Plan are most relevant to the determination of the appeal:**

A1 Managing the impact of development  
D1 Design  
D2 Heritage

The London Plan was adopted in March 2021. Chapters 3 (Design) and 7 (Heritage and Culture) of the London Plan 2021 are most applicable to the determination of this appeal.

#### **4.5 Supplementary Guidance**

Camden Planning Guidance (CPG) provides advice and information on how the Council will apply its planning policies. The Council has recently updated a number of CPGs in January 2021. The following CPG documents are relevant to this case-

CPG Amenity (2021)

CPG Design (2021)

#### **4.6 Camden Town Area Appraisal and Management Plan 2007**

This Camden Town Conservation Area Plan was adopted in 2007. The statement defines and analyses what makes the conservation area 'special' and provides important information about the types of alterations and development that are likely to be acceptable or unacceptable in the conservation area. This document is used in the assessment of planning applications for proposed developments in the area. In particular, the site is described on page 12.

## **5.0 SUBMISSIONS**

- 5.1** This section amplifies the council's reasons for refusing planning and listed building consent and comments on the appellants' Statement of Case. The council's case is also amplified in the council's submission regarding the concurrent enforcement notice appeal **(APP/X5210/F/3328412)**. This addresses grounds (e) (g), (h), (i) and (j).

### **The Council's refusal**

- 5.2** The background to the proposals and the issues for consideration are comprehensively discussed in the Assessment section of the officer's report, attached in Appendix 1. The reasons for refusal are discussed in detail within section 3 of the officer report and is reiterated below.

### **Policy context**

- 5.3** The policy context for this scheme is set out in D1 and D2 of the Camden Local Plan, as well as CPG Design and the Camden Town Conservation Area Statement. This context is summarised in section 3 of the officer report attached.
- 5.4** Local Plan Policies D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.
- 5.5** Policy D2 of the Camden Local Plan states that the Council will resist proposals for a change of use or alterations and extension to a listed building where this would cause harm to the special architectural and historic interest of the building.

### **Merits of the proposal**

- 5.6** The external alterations involve the installation of a generator terminal and louvres on the south-eastern elevation, external lighting and signage on the front and side elevation.
- 5.7** The generator terminal would be located on a prominent



and significant elevation and would be highly visible. The generator would appear as an incongruous addition to this listed building. The punctuation of and insertion of louvres in a principal and highly visible elevation is harmful to the special interest of the building. Furthermore, it alters the composition and rhythm of the fenestration and elevation as a whole by introducing an alien element on a highly visible elevation harming the special interest of the building.

- 5.8** It is preferred that the existing lighting and fixing should have been repaired and this option should have been taken into consideration. The external lighting and fixing subject to this appeal were erected without planning and listed building consent and no details have been given on the proposed fixings, which may have damaging implications for the historic structure.
- 5.9** The proposed CCTV cameras on the Crowndale Elevation is considered unacceptable, this is a principal elevation and adding security cameras would interrupt the facade, adding to unnecessary clutter.
- 5.10** The alterations would harm the fabric, appearance and setting of the host listed building and the character and appearance of the conservation area and thus would not comply with policies D1 and D2 of the Camden Local Plan.
- 5.11** With regards to planning balance, the Council view is that the overall harm of all the alterations in this case is 'less than substantial'. The proposal does not meet the public benefit test. A proposal which would cause harm should only be permitted where public benefits outweigh the heritage interest. There are no public benefits to outweigh the harm in this instance. Therefore, the proposal has not met the requirements the NPPF.

### **Comments on appellant's Statement of Case, 2023**

- 5.12** The appellant has provided a statement. Each point is summarised below and commented on beneath

#### **Generator terminal**

- 5.13** At paras 6.1.6- 6.1.10 the appellant states that the generator terminal is a fundamental component of the building to ensure the sites continued operation. The siting of the generator terminal would, therefore, have

significantly less impact on the fabric and appearance of the Grade II listed building given the existing operational infrastructure in this area of the building. The generator terminal is small in scale and discrete in its setting as well as being painted the same colour to match the elevation fronting Crowndale Road.

The Council disagrees with the appellant and doesn't understand how the 'operational infrastructure' in this area of the building would result in the generator terminal being acceptable on design grounds as it would cause harm to the listed building. As outlined in the delegated report under section 2, the generator is located on such a prominent location and is an incongruous addition to the listed building and would cause unacceptable harm to the listed building.

### **Louvres**

- 5.14** In paras 6.1.11-6.1.22 the appellant states the proposed location of the louvres is the most sympathetic and least intrusive option. The proposed louvres would match the existing colours of the window frames at the second-floor level, they would also be set back from the original frames. The appellant further states an addendum was provided during the determination period setting out why the two alternative options were not viable.
- 5.15** The council's primary concern is with the heritage impact. Additionally, the council believe relocating the louvres in a more sensitive location, would not impact the viability of the building. During the determination period the council requested that the applicants demonstrate and explore less intrusive more sensitive locations. The proposed puncture and intersection of the louvres is harmful to the special interest of the building. The removal of fabric and the alteration to the rhythm of the elevation, harms the fabric and the intended architecture. As stated in the delegated report despite the submitted information, it is not clear that all possible methods of ventilating for the plant room have been explored. For example, no evidence has been provided to demonstrate if the plant room could have been moved to a different part of the building and ventilated through a less sensitive part of the building.
- 5.16** It is appreciated that the appellant provided an alternative method of ventilating the internal plant, however the alternative was less than ideal as it would have resulted in roof top plant and intrusion into internal parts of the

building. The Council's primary concern is that whilst not on the principal elevation, the louvres are located on a part of the building that has a high status, identifiable by the rendered walls and embellished and decorative windows. It is also located on a highly visible part of the building, being visible from the crossroads and views from Mornington Crescent tube station. This side elevation is likely to be the first view of the building that visitors will see when leaving public transport, and therefore is an important elevation of high significance. The fenestration on this elevation has a clearly defined rhythm and form, creating a punctuation/hole and infilling it with louvres next to these windows compromises this rhythm and undermines the structure and formality of this elevation, and is therefore considered to be harmful to the special architectural interest of this grade II listed building.

### **CCTV**

- 5.17** In para 6.1.23-6.1.35 the appellant discusses the installation of CCTV and states the proposed CCTV would have minimal impact on the architecture and clutter of the Crowndale Road elevation. Additionally, the appellant outlines that the principle of the CCTV should be taken into consideration.
- 5.18** From examining the planning history for the site, the existing security cameras did not receive listed building consent. As stated, the council consider that the principle of security cameras is acceptable but the proposed location is unacceptable as it interrupts the architecture and detailing of the façade and adding to unnecessary clutter to the building and the surrounding conservation area.
- 5.19** A request was made to have an holistic approach to the elevation and to remove existing cameras if they were no longer required. However, information on the existing cameras was never submitted, and it appeared that all existing cameras were to remain with additional cameras installed. It was not made clear at application stage why there was a need for additional cameras. The Council considers the principle of security cameras acceptable, however, the proposed location on the Crowndale Road elevation is considered unacceptable as it interrupts the architecture and detailing of the façade and adds to unnecessary clutter to the building.

## **Lighting**

- 5.20** The appellant states in paragraph 6.1.50 in terms of the proposed lighting, that the officer's assessment is ambiguous as the officer doesn't explicitly refer to the fixings, but the internal alterations associated with the external lighting. According to the appellant any impact is limited on the listed building and conservation area. The appellant outlines the importance of lighting as a feature to market the venue.

The council considers the internal alterations would include the fixings, as stated in the report, the existing fixings were not reused and repaired. Additionally, as the lighting including the fixings, were installed without consent, no details were provided ensuring no damage was caused to the historic structure. In the absence of not being able to assess this element prior to the unauthorised installation, cannot verify that damage was not caused to the historic fabric of the building.

As outlined in the report, the council consider the principle of lighting at the application site acceptable but the submitted details are not.

## **Advertisements**

- 5.21** Paras 6.1.44-6.1.48 refers to the 8 advertisements and consent was refused for 4 of these. On 20<sup>th</sup> October 2023, an appeal was allowed (ref 3324417) against refusal of advertisement consent dated 25<sup>th</sup> April 2023 (ref 2022/1124/A). The adverts however are not part of the refusal of planning permission or the enforcement notice.

## **6.0 CONCLUSION**

- 6.1** The Council has set out above the reasons why planning permission should not be granted and why the proposal would cause harm to the special interest of the grade II listed building and the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 6.2** The Inspector is therefore respectfully requested to dismiss the appeals against the refusal of planning and listed building applications.
- 6.3** Without prejudicing the outcome of the appeal, should

