

# Rebuttal Statement

**17 York Way**

**PINS ref. APP/X5210/W/24/3352626**

**November 2024**

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# 1. Introduction

- 1.1. This Rebuttal Statement is prepared by Centro Planning Consultancy on behalf of the Appellant, Mendoza Limited, in response to the Statement of Case ('SoC') prepared by the London Borough of Camden in its role as Local Planning Authority (LPA) for the appeal site.
- 1.2. This Statement is respectfully submitted to be accepted at the Inspector's discretion in accordance with the Procedural Guide for Planning Appeals (England) (September 2024), which states, "*If either the appellant or the LPA wish to comment on any representations made at the 5-week stage, they must send their comments to us within 7 weeks of the start date. These comments should be concise and should not introduce new material or technical evidence*" (Paragraph 9.5.7.1).
- 1.3. Some of the arguments in the LPA's SoC are already countered by evidence the Appellant's SoC. In accordance with the Procedural Guide and for the avoidance of repetition, this Rebuttal Statement does not aim to repeat evidence that formed part of the Appellant's SoC.
- 1.4. This Statement is structured to be in the same order as the LPA's Statement of Case for ease of cross-referencing.

## **General Observations**

- 1.5. Please note that the description of development in the LPA's SoC is now superseded by the revised, accurate description as-agreed in the Statement of Common Ground.

## 2. Responses to LPA's Position

### LPA Para. 1.2

*"It is a typical Victorian pub although it appears that during the 1920s it was updated in the Style Moderne fashion, streamlined with render and channelled spandrels inserted between windows to give a horizontal emphasis."*

- 2.1. The Appellant does not grant the premise that the alterations took place in the 1920s, as set out in the Heritage and Townscape Visual Assessment (p.12, **Appeal Document B.46**). This is important to note because the design of the alterations are not original to the period of those works.

### LPA Para. 1.4

*"Camden Square Conservation Area Appraisal states that gaps between buildings represent an important established feature of relief in an otherwise densely developed environment, where the buildings are generally arranged in terraces 3 storeys in height."*

- 2.2. This is misleading. The gaps are described in the CAAMS as being significant due to the glimpses of the gardens to the rear of homes (pp.19-20). This is clearly with regard to the master-planned area. In any case, the appeal site has no garden or any ground floor building gaps.

### LPA Para. 2.4

*"Three letters of objection were received from local residents. The Camden Square Conservation Area Advisory Committee have stated that they objected to the proposal in a letter dated 16th November 2023."*

- 2.3. This is misleading. Two letters of support were also received during the determination period, as evidenced by the documents submitted to the Inspectorate by the LPA with its Appeal Form.
- 2.4. The Appellant did not have access to the comments submitted by the Camden Square Conservation Area Advisory Committee ('CSAAC') prior to lodging this appeal. In brief summary, the Appellant would note the following:
- Proposed sections are provided in part 6.06 of the DAS. These, along with the Daylight Sunlight Report by CPMC (July 2023), confirm the following: floor to ceiling heights are appropriate and there is no risk of loss of privacy/overlooking;
  - CSAAC supports the proposed infilling;
  - CSAAC finds that the three upper stories of the main building keep a certain hierarchy and relate reasonably well to neighbouring buildings;

- CSAAC finds that the choice and colour of materials generally supports historical precedent and that the use of a dark brown colour for the window surrounds and glazing bars is positive and more historically accurate;
- CSAAC finds the internal layouts are well thought and compliant with guidance; and
- A study of corner pubs of this period is provided in section 5.06 of the DAS (**Appeal Document B.05**).

#### **LPA Para. 2.5**

*“The appeal was lodged on 03/10/2024 against the refusal of the application.”*

- 2.5. This is not accurate. The appeal was lodged on 25/09/2024. See **Appendix 1**.

#### **LPA Para. 3.2**

*“Formal pre-application advice was duly issued on 13/13/2022 under ref 2022/3290/PRE and 17/05/2023 under ref 2023/0829/PRE...”*

- 2.6. This is not accurate. The first pre-application advice (ref. 2022/3290/PRE) was issued on 15/12/2022 and the second pre-application advice (ref. 2023/0829/PRE) was issued on 30/05/2023 (**Appendix 2**).

#### **LPA Para. 5.7**

*“The application site is a typical, traditional three-storey corner pub of the 19th century. It has a pub façade at ground level, with a taller storey above, originally a function suite taking the form of a piano nobile. The top floor is a subordinate, accommodation level.”*

- 2.7. The proposed first floor would remain most prominent of the upper floors, with the greatest window heights, and the top floor would continue to be subordinate (see p. 35 in the DAS, **Appeal Document B.05**).

#### **LPA Para. 5.7 (continued)**

In paragraph 5.7 of the SoC the LPA writes, *“It is likely that the pub stands on the site of an original pair of terraced houses and either originally retained a back yard, which was later infilled, or had a single-storey structure built contemporaneously.”*

- 2.8. All available records of the site’s configuration would run counter to the LPA’s position. Please see the Heritage and Townscape Visual Assessment (pp.12-15, **Appeal Document B.46**).

#### **LPA Para. 5.8**

*“the full-height infilling of the area to the pub’s rear would obscure the pattern of development and create a monolithic wrap-around corner block that is nothing like what exists. Finally, the roof extension would be an unsympathetic, insubordinate and traditional form.”*

- 2.9. It is inaccurate to describe the proposal as “*monolithic*”. The existing gap is only ca. 3.7m wide. The proposed façade on Agar Grove would be articulated by the pilaster. See proposed elevation drawing no. 116\_PL1\_GE\_02 Rev C (**Appeal Document B.27**).
- 2.10. It is misleading to describe the roof extension as “*unsympathetic, insubordinate and [non-]traditional*”. The roof extension is sympathetic because it matches the historically accurate style of architecture for this site. It is subordinate by way of it being set back from the façade. See: roof plan (drawing no. 116\_PL1\_GA\_05 Rev B, **Appeal Document B.42**) and AVRs on p. 44, 50, 59, 67, and 75 of the DAS (**Appeal Document B.05**).

**LPA Para. 5.9**

*“Paragraph 3.4 disputes the foundation of the methodology of the conservation area statement, which states that every building within it is considered a positive contributor unless stated to be otherwise. This document is an adopted one and the methodology is not unusual. The Camden Square Conservation Area differs from many others in that it contains only four listed buildings... It is not large, which means that it is not difficult to assess the entire of it and conclude that, of the few buildings that are not terraced houses, very few are negative or neutral. This has allowed these neutral or negative buildings to be listed and the statement to be made that what remains is positive. The alternative would be a list that included every building in every street, other than the few dozen neutral and negative contributors. It is not therefore true to say that this approach does not lead to proper consideration or assessment.”*

- 2.11. This is misleading. The clear purpose of Map 3, which is part of the CAAMS, is to identify positive, neutral, and negative contributors. In line with its purpose, the map identifies the vast majority of the buildings as positive, neutral, or negative.

**LPA Para. 5.10**

*“... the map as a whole cannot be relied upon for identification purposes here, since many buildings are left white, suggesting that they are considered to be neither positive, neutral or negative – which is clearly not possible. The map also indicates that all the houses on York Way north of the pub are not positive contributors, when they clearly are of equal quality to the houses elsewhere in the conservation area.”*

- 2.12. This is not accurate. It is certainly possible for a building not to be identified in a conservation area audit as being a positive, neutral, or negative contributor.

**LPA Para. 5.11**

*“The appellant notes that the pub is not described in detail in the statement. Yet the other two pubs, The Murray Arms and the Lord Stanley are only glancingly mentioned, one of them because it has been harmfully altered. It must be presumed that when the statement was written, it was assumed that the words “All properties are considered to make a positive contribution to the character and appearance of*

the Conservation Area unless listed as neutral or negative” *were clear enough for a building-by-building breakdown not to be required.*”

- 2.13. This is misleading. To confirm, the CAAMS does not ascribe any historic significance to features of the existing building specifically.
- 2.14. The CAAMS does do a building-by-building breakdown. The Lord Stanley is identified explicitly as a positive contributor on Map 3 and the Murray Arms is explicitly identified as a negative contributor on Map 3. The absence of any findings of significance for the appeal site is material.

**LPA para. 5.11 (continued)**

*“Section 8 of the conservation area statement notes that “the approaches to Camden Square, Agar Grove and York Way need enhancement and redesign”. At 3.10, the appellant takes this to refer to his site, rather than the other more obvious streetscape elements it might refer to.”*

- 2.15. The designations on Map 3 suggest that York Way itself, independent of the buildings, is not the element of this zone that are in need of improvement. Only two of the buildings in the CA fronting onto York Way are identified in any category, and both of them are identified as neutral contributors.
- 2.16. Further, the CAAMS says that area needs “*redesign*” not reinstatement or restoration. The proposed scheme would align with this objective.

**LPA Para. 5.12**

*“At 3.15, the appellant quotes the NPPF and notes that “not all elements of a conservation area will necessarily contribute to its significance”. This is accepted, and it is for precisely this reason that neutral and negative contributors have been identified. The application site is considered to be a positive contributor and therefore to contribute to the significance of the CA.”*

- 2.17. This is misleading. NPPF para. 213 would be relevant for sites not identified as positive, negative, or neutral, as well as for sites for which no historic significance is defined.

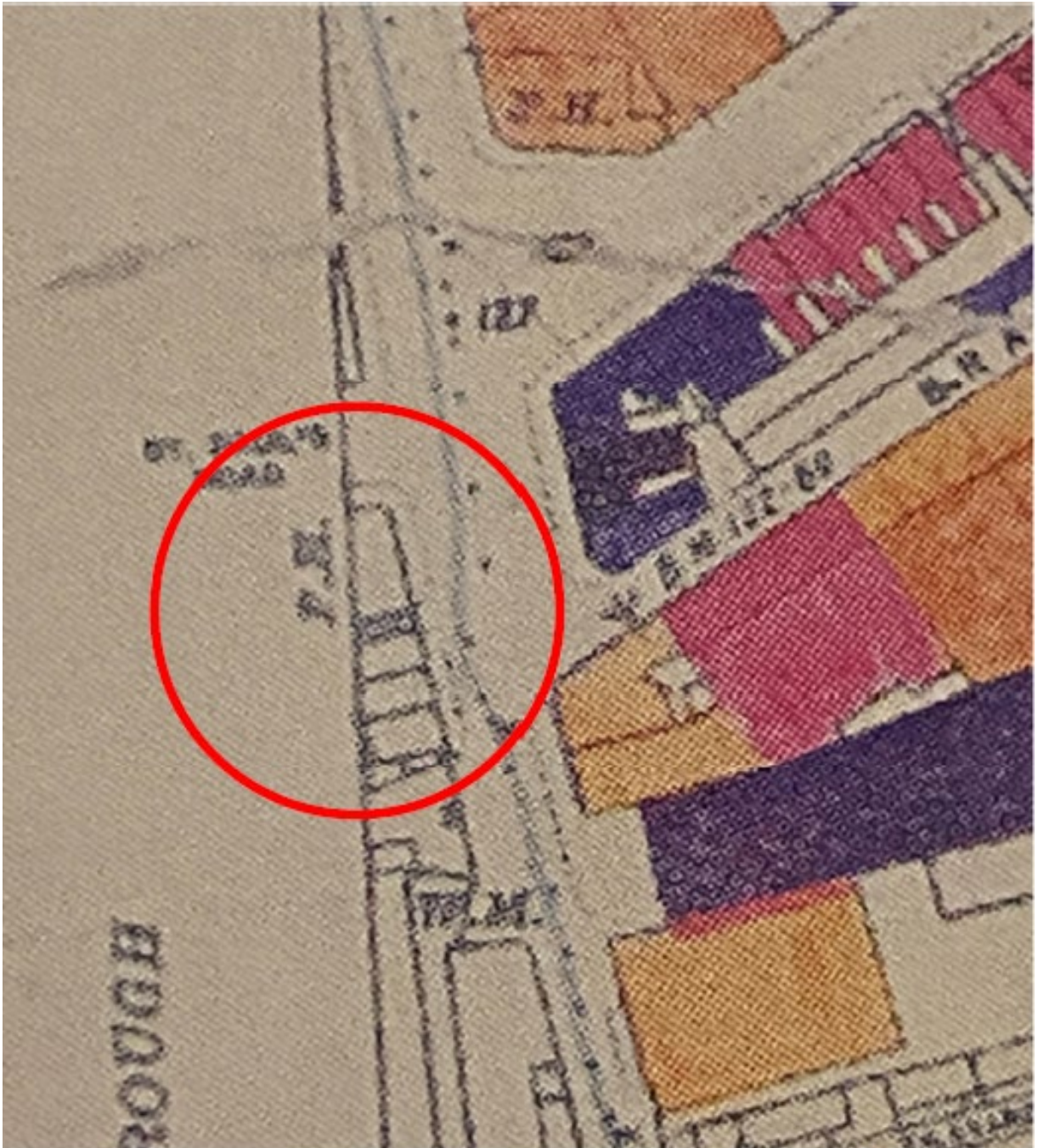
**LPA Para. 5.12 (continued)**

*“The fact is that the pub has come to us in the form that it has, and the fact remains that its windows have the proportions they do because of the number and scale of the storeys within. Adding an additional storey within will require an additional row of windows to be added, destroying the historic form and legibility of the building, and so harming the conservation area.”*

- 2.18. This is not correct. The purpose of a conservation area designation is not to preserve all physical attributes of each building from the time of the designation. The purpose is to preserve or enhance the character and appearance of the area with regard to identified features of historic significance.



On page 13 of the SoC the LPA includes the following image:



2.19. The Map presented in the LPA's SoC is incomplete. The map<sup>1</sup> below, indicates at least half of the appeal site was damaged during the War. It must be noted that this evidence also contradicts the LPA's 'rear garden' argument.

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<sup>1</sup> <https://www.londonpicturearchive.org.uk/view-item?i=343492&WINID=1732559411696>



**LPA Para. 5.13**

*“The appellant justifies the changes by saying that the frontage appears tired. Yet the NPPF states that “where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”...*

- 2.20. This site is not a heritage asset; it is situated in a conservation area, which is a heritage asset. The two should not be conflated.
- 2.21. It is misleading to suggest that the Appellant is arguing that the tiredness of the frontage is a product of neglect.

**LPA Para. 5.13 (continued)**

*“The applicant argues that a negligible amount of weight has been placed on the site’s social contribution to the CA, as a pub, which they consider to be its principal contribution to the conservation area, rather than its built form. However, since it is assumed that the site will remain a pub, with or without the extra two storeys, it is not obvious how this conclusion is reached.”*

- 2.22. The existing site falls under public house use at the basement and ground floors (sui generis), and the proposed scheme would retain this use. Therefore, negligible weight should be afforded to the proposal.

**LPA Para. 5.14**

*“From 3.29, the appellant provides a series of calculations aimed at proving that replacing two rows of historically proportioned windows with three rows of entirely differently proportioned windows will result in “proportions that closely reflect the existing proportions”. This is disputed. The new building will bear very little resemblance to that in existence, having neo-Italianate elevations of completely different composition and being much more bulky thanks to the side extension.”*

- 2.23. This is misleading. The quote is from para. 3.36 of the Appellant’s SoC, which addresses the existing proportions of neighbouring buildings in this zone of the conservation area. The illustrations provided in the DAS and the Appellant’s SoC demonstrate that the proposed proportions would follow the same window proportionality as the buildings on Agar Grove and would align more closely with the window proportions on York Way compared to the existing arrangement.

#### **LPA Para. 5.15**

*“From 3.38, the appellant discusses the roof extension. It has always been the council’s position that, while a traditionally designed and modestly scaled mansard roof extension might be appropriate, what is proposed is inappropriately designed, having a plan form that does not fit the building, is too tall, being as tall as the lower storeys instead of a subordinate attic form, and wrongly detailed, having a substantial upstand above the dormers, which makes the overall form even taller. It sits on the roof as a block, rather than rising from behind the parapet, as would be traditional.”*

- 2.24. This is misleading. The proposed top storey does rise from behind the parapet.
- 2.25. The AVR on page 50 of the DAS (**Appeal Document B.05**) illustrates how the roof would rise from the existing elevation, and would not be situated on the proposed infill. The upper most part of the roof extension is only ca. 1.45m taller than the slopped mansard roof, which the Appellant would not consider a substantial upstand.

#### **LPA Para. 5.16**

*“The historic proportions of the fenestration, which clearly survive, will be lost, while an overscaled and inappropriately designed roof extension will be planted on the top.”*

- 2.26. The proposed first floor would remain most prominent of the upper floors, with the greatest window heights (see p.35 in the DAS, **Appeal Document B.05**).

#### **LPA Para. 5.17**

- 2.27. *“When streets were laid out and plots sold to speculative developers, the impetus was to maximise frontages on the more valuable streets, with garden elevations relegated to secondary frontages. Here, we can see that a decision was taken for frontages were maximised on York Way. Given post-war development in the immediate area, this arrangement is somewhat masked, but it is backed up by the building opposite, 244 York Way, whose junction with Brandon Road also shows this relationship. The*

*relationship is confirmed at the next junction in the conservation area, with Maiden Lane. Number 17 has a rear extension instead of a garden, but this nonetheless retains the general arrangement. The council's assumption is therefore not based on incorrect assumptions but on the ability to decode how streets were laid out, which is only possible because garden gaps remain on lesser streets... The appellant claims that the gap is not part of a formal composition. This is true...*

*"Apart from the above-mentioned junction with Maiden Lane, in York Way, this is partly true, but it is not obvious how this helps his case. Destroying one of the last vestiges of the historic pattern of development on York Way is not desirable. Moving west along Agar Grove, Agar Grove becomes the primary street, with garden elevations on the streets leading off it. At 3.63, the appellant states that, by filling in this gap, it would be continuing, rather than masking, the pattern of development. For the reasons given, this is untrue."*

- 2.28. This is misleading. There is a leap here that a certain 'reading' of a historic development narrative should therefore be protected by the 1990 Act. Even if the available evidence supported the LPA's narrative rather than refuted it, the existing arrangement is reflected in the proposed design, as the façade is punctuated at this point.

**LPA Para. 5.17 (continued)**

*"The appellant accuses the council, at 3.67, of selectively reading the conservation area appraisal, arguing that concern about the loss of gaps only applies to semi-detached and detached houses. To demonstrate this, the appellant conflates two separate sentences. Yet, the statement "gaps between buildings represent an important feature of relief in an otherwise densely developed environment, where the buildings are generally arranged in terraces 3 storeys in height" is capable of being true independently of the following, separate statement, that "the Council will resist development in gaps where they are formed between semi-detached and detached properties, etc". This is a fallacious argument and it absolutely does not follow that only the infill of gaps between semi-detached houses, etc, is harmful."*

- 2.29. A screenshot of quote from the CAAMS which the LPA is referring to is below:



## 7.4 New Development

There is scope for new buildings in the area; particularly the remaining gap sites in the mews and the areas identified for new development in section 5 above.

- **Development in Gap Sites and Rear Gardens**

Gaps between buildings represent an important established feature of relief in an otherwise densely developed environment, where the buildings are generally arranged in terraces 3 storeys in height. The Council will resist development in gaps where they are formed;

- between semi-detached and detached properties,
- back garden development, where it can be seen from the public realm, will be resisted, in order to preserve green gaps within streetscapes and views along rear vistas.

- 2.30. It is clear that these two sentences relate to each other. It is false and unreasonable to suggest that interpreting text in its context is "*fallacious*".

### **LPA Para. 5.21**

*"Policy CC1 of the Camden Local Plan states that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The Council will promote zero carbon development and require all development to reduce carbon dioxide by following the steps in the energy hierarchy. In addition, point E of the policy requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. Point F expects all developments to optimise resource efficiency. Supporting text para 8.17 states that all proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use in comparison with the existing building."*

- 2.31. The Energy and Sustainability Statement (J.S Lewis, July 2023) follows the energy hierarchy (**Appeal Document B.43**).
- 2.32. The LPA refers to Part F of Policy CC1 in paragraph 5.21. The LPA's position that the proposal would not accord with Part F was not stated in the Delegated Report or the Decision Notice. Thus, it would be considered a new reason for refusal.
- 2.33. In this case, optimisation must certainly be understood in the context of the NPPF's support for brownfield land redevelopment. It is also understood in the context of the fact that the LPA clearly views this matter to be appropriate to address post-decision in its own s.106 pro-forma. The Appellant's position is unchanged that the proposal would accord with Part F.

#### **LPA Para. 5.24**

*“A condition and feasibility study is required to understand the reuse potential of the existing building.”*

- 2.34. It is not true that a *“condition and feasibility study is required to understand the reuse potential of the existing building.”* Policy CC1 Part E instead states the LPA will *“require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building”* (emphasis added).
- 2.35. Once again, for the sake of clarity, the Appellant asserts the proposal does not constitute substantial demolition. Paragraph 8.8 of the Local Plan states, *“All developments involving five or more dwellings and/or more than 500 sqm of (gross internal) any floorspace will be required to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction.”* This has been completed (**Appeal Document B.43**). Requiring a condition and feasibility study, as the LPA claimed in its Statement of Case, is distinctly different than an energy statement.

#### **LPA Para. 5.25**

*“The CPG supports the policy objective of CC1... Retaining existing materials reduces the requirement for virgin materials and therefore reduces embodied carbon impacts and minimises demolition waste. This principle is also supported in the NPPF in para 157...”*

- 2.36. The *“conversion of existing buildings”* is one example of development that the para. 157 of the NPPF supports. The policy also supports the use of *“renewable and low carbon energy”* and *“reductions in greenhouse gas emissions”*, which the proposal would deliver.

#### **LPA Para. 5.26**

*“The requirement to justify the substantial demolition of a building is supported by recent appeal decisions at 71 Avenue Road (ref. APP/X5210/W/24/3346714 dated 23/10/2024) and 9D The Grove (ref. APP/X5210/W/24/3337445 dated 2/10/2024)... Both appeals were dismissed on the grounds that the substantial demolition of the properties in question had not been justified as options for retaining and improving the existing building had not been fully explored.”*

- 2.37. Both of these appeals are completely different and incomparable to what this scheme proposes. In each case, the dismissed appeal proposed the *full* demolition of one existing *single-family* home to allow for the construction of one *single-family* home. The Appellant would be in agreement with the LPA that the two appeals did constitute substantial demolition by way of them proposing *full* demolition.
- 2.38. Further, each of the appeal decisions relate to proposals to provide zero net new homes. Notwithstanding the fact that the appeal before the Inspector does not involve substantial demolition, it

would be incorrect to assert that the demolition has not been justified. The Appellant set out the justification in a clear summary by email to the case officer on 8<sup>th</sup> February 2024 (**Appendix 3**).

#### **LPA Para. 5.29**

*“These appeal decisions clearly support the objectives of policy CC1 and the requirement that substantial demolition must be justified by fully exploring options to retain and improve the existing building based the condition of the building. These options have to be ruled out before the Council can accept any substantial demolition on any scheme.”*

- 2.39. Once again, the Appellant asserts that the scheme does not constitute substantial demolition. Indeed, it has been agreed in the Statement of Common Ground that the development would only involve “*partial demolition*”, not substantial.
- 2.40. In other documents, the LPA acknowledges it has underdelivered housing over the previous years and recognises the “*cumulative impact of historic and environmental development considerations in Camden has an impact not only on the total number of development sites likely to come forward but also on options for their potential redevelopment. The Council knows that sites in the borough need to work harder in terms of delivering more...*” (emphasis added; London Borough of Camden Housing Delivery Test - Action Plan (August 2022), p.10, **Appendix 4**).
- 2.41. In other documents, the LPA admits “... *the vast majority of new development takes place on brownfield sites that are already in some form of use. Developing a brownfield site generally means that the initial site preparation stage of a development will take longer as existing uses may need to be moved to an alternative site/or a different part of the site to enable preparation works including partial/full demolition of buildings to take place*” (emphasis added; London Borough of Camden Housing Delivery Test - Action Plan (August 2022), p.21, **Appendix 5**).
- 2.42. This proposal stands as an example of achieving optimum use of a site with regard to housing delivery whilst enhancing the character and appearance of the conservation area in which it sits.

#### **LPA Para. 5.31**

*“The mere provision of self-contained housing alone does not by default trump all other planning considerations such as design, heritage and sustainability and the development plan must be taken as a whole.*

*“Moreover, para 157 of the NPPF states that the planning system should shape places in ways that contribute to radical reductions in greenhouse gas emissions. Policy G1... acknowledges these other planning considerations to allow for a balance to be had. In addition, no other options that would retain more fabric and also provide self-contained housing have been explored. As such, the Council cannot accept based on the information provided that a scheme that involves less demolition and meets housing policy could not be undertaken on this site.”*

- 2.43. This is a misrepresentation of the Appellant's position. To confirm, the Appellant's position is that the proposal would accord with the development plan in relation to design, heritage, sustainability, and land use.
- 2.44. Delivery of homes does not automatically 'trump' any other consideration. The point here is one of planning weight. The LPA seems to downplay the significant positive weight afforded to the delivery of new homes, especially on brownfield land. Further, the LPA has not considered the tilted balance, which is instructive with regard to the weight that is to be afforded to housing delivery in a presumption authority.

**LPA Para. 5.33**

*"In paras 4.25 and 4.26 the appellant states that the LPA only considers point E of policy CC1 to be relevant and it doesn't take issue with the other subparagraphs of the policy. This is incorrect, and at no point has the LPA stated that the other subparagraphs are not relevant. Indeed, the reason for refusal refers just to Policy CC1 and does not specify a subparagraph. Subparagraph A is clearly relevant as it 'promote[s] zero carbon development'. This subparagraph is inherently linked to subparagraph E as demolition directly impacts on carbon emissions as retained buildings will generally have lower embodied carbon when compared to a demolished and rebuilt building"*

- 2.45. This is misleading. The Appellant does not assert that only Part E is relevant to the proposal. Instead, the Appellant is making the point that only part E is invoked in this reason for refusal, and Part E is therefore the only one that should be relevant to explore further as a matter not agreed (noting, of course, that the Inspector may wish to test other parts of the policy at the hearing, as well).

**LPA Para. 5.35**

*"In para 4.17 onwards, the appellant refers to case law, in particular the Shimizu vs Westminster case. This case was in relation to a listed building and discusses whether the works were considered alteration or demolition of a listed building. The appellant references the Court's statement that 'unless the works which are to be carried out to the listed building as a whole are so substantial as to amount to a clearing of the whole site for redevelopment' they would not be considered demolition. The case law however does not completely define demolition as being the complete tearing down of a building, and indeed, states that façade retention would go beyond alterations to a building and would constitute demolition. 'I should like to make it clear that I do not see the word 'demolition' as applying only where the proposal is that every single part of the listed building should be pulled down. It is now commonplace, especially in towns and cities, where the exterior of a building contributes to the architectural or historic interest of a group of buildings such as buildings in a terrace, for the façade to be left standing while clearing the remainder of the site for redevelopment'... 'that was indeed what was done in this case'... 'it went far beyond what could reasonably be described as alteration'. This case law therefore supports the idea that façade retention amounts to demolition."*



2.46. This is completely misleading. It is common ground that the proposal would involve a degree of demolition. The Appellant's position has never indicated otherwise, and it is of no benefit to the LPA's position to draw attention to this. The matter at hand is not whether the proposal involves either alterations or demolition. The relevant matter is whether the proposal involves either partial demolition or 'substantial demolition'. On the relevant matter, the case law is pertinent.

# Appendices

Appendix 1 – Appeal lodge date

Appendix 2 – Pre-Application advice dates

Appendix 3 – Demolition Justification

Appendix 4 – London Borough of Camden Housing Delivery Test - Action Plan (August 2022), p.10

Appendix 5 – London Borough of Camden Housing Delivery Test - Action Plan (August 2022), p.21

# Appendix 1 – Appeal lodge date

**From:** [Aaron Zimmerman](#)  
**To:** [Edward Hodgson](#)  
**Cc:** [Shoshannah Stone](#)  
**Subject:** RE: 17 York Way 2023/3891/P  
**Date:** 25 September 2024 23:40:51  
**Attachments:** [image008.png](#)  
[image009.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)

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Hi Ed,

I'm writing to let you know that we have lodged an appeal against Camden's decision on this application. We're seeking a hearing format, and regrettably our client felt it necessary to seek costs.

Please find the appeal document record, including our Statement of Case and draft Statement of Common Ground, here: [☐\\_04 - Appeal](#).

If OneDrive links don't work for you, let me know.

We'd like to get discussions on the Statement of Common Ground started sooner than later. Please let me know your availability for a 30 minute catch up next week to chart a course forward.

The submission is still processing on PINS's system, so we expect to receive the appeal form and reference number soon. We'll send a copy when it arrives.

Kind regards,  
Aaron

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**CENTRO**

Centro Planning Consultancy is a trading division of LDR Planning Ltd (Reg No. 11819020)

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**From:** Edward Hodgson <Edward.Hodgson@camden.gov.uk>  
**Sent:** 21 June 2024 16:48  
**To:** Aaron Zimmerman <aaron@centroplan.co.uk>; Shoshannah Stone <shosh@centroplan.co.uk>  
**Subject:** RE: 17 York Way 2023/3891/P

Hi Aaron,

Given the differences that we have on a number of matters and the pressure we find ourselves under to decide applications, we have now determined the application. Please see attached the final decision notice and officer delegated report, which are also on the

# Appendix 2 – Pre-Application advice dates

## Aaron Zimmerman

---

**From:** Enya Fogarty <Enya.Fogarty@camden.gov.uk>  
**Sent:** 15 December 2022 13:11  
**To:** Aaron Zimmerman  
**Subject:** 2022/3290/PRE- Pre app response  
**Attachments:** Pre app response- 19 York Way final.pdf

**Importance:** High

Hi Aaron,

Hope you are well. Apologies for the delay please find attached the pre application response.

Kind Regards,

Enya Fogarty  
Planning Officer  
Supporting Communities  
London Borough of Camden

Telephone: 020 7974 8964  
Web: [camden.gov.uk](https://www.camden.gov.uk)

5 Pancras Square  
London N1C 4AG



This Disability History Month we're working with our Camden Disability Network to celebrate the achievements and aspirations of our disabled staff and residents. We're committed to ensuring that everyone can be their best self at work.

 Camden Disability Network

 **Join our Black History Season celebrations – an exciting programme of events from October to December.**

Discover more at [lovecamden.org/blackhistoryseason](https://lovecamden.org/blackhistoryseason) 

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## Aaron Zimmerman

---

**From:** Jennifer Walsh <Jennifer.Walsh@Camden.gov.uk>  
**Sent:** 31 May 2023 17:23  
**To:** Aaron Zimmerman  
**Cc:** Enya Fogarty  
**Subject:** 2023/0829/PRE (17 York Way)  
**Attachments:** Pre app response-17 York Way.pdf

Dear Aaron,

Enya is currently out of the office, but has asked me to send over the pre application response for 17 York Way.

I trust this information is of assistance.

Regards  
Jennifer

Jennifer Walsh  
Deputy Team Leader  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden

Telephone: 02079743500  
Web: [camden.gov.uk](https://www.camden.gov.uk)

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# Appendix 3 – Demolition Justification



## Aaron Zimmerman

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**From:** Aaron Zimmerman  
**Sent:** 08 February 2024 15:57  
**To:** Enya Fogarty  
**Cc:** Shoshannah Stone  
**Subject:** FW: 17 York Way (2023/3891/P)

Hi Enya,

Hope all's well. As you know, we have been in touch with Cllr Beales about this application in his capacity as a ward councillor and as the Cabinet Member for New Homes, Jobs and Community Investment.

He's suggested that I share with you our most recent email to him, which is in the thread below. Once you have had time to consider this additional information, it may be good to catch up on all planning matters in the round. Would you be available for a call early next week?

Kind regards,  
Aaron

Aaron Zimmerman, MA, MSc, MRTPI  
Director  
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Mob: 0746 066 2781  
Tel: 0203 302 1855  
[aaron@centroplan.co.uk](mailto:aaron@centroplan.co.uk)  
[www.centroplan.co.uk](http://www.centroplan.co.uk)

# CENTRO

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**From:** Danny Beales (Councillor) <Danny.Beales@camden.gov.uk>  
**Sent:** Thursday, February 8, 2024 3:41 PM  
**To:** Aaron Zimmerman <aaron@centroplan.co.uk>  
**Subject:** RE: 17 York Way (2023/3891/P)

Thanks Aaron, I think it makes sense for you to provide this material and discuss your desk top review and operational plans for the pub with the planning team and see if progress can be made on these points.

I'm happy to be looped in if there are still outstanding matters following that.

Best wishes

Danny

**Cllr Danny Beales**  
**Cabinet Member for New Homes, Jobs and Community Investment**  
**Labour Councillor for Camden Square ward**

London Borough of Camden  
Town Hall, Judd Street, WC1H 9JE  
e: [danny.beales@camden.gov.uk](mailto:danny.beales@camden.gov.uk)  
t: 07467338858  
tw: @dannybeales

**From:** Aaron Zimmerman <[aaron@centroplan.co.uk](mailto:aaron@centroplan.co.uk)>  
**Sent:** Friday, February 2, 2024 4:26 PM  
**To:** Danny Beales (Councillor) <[Danny.Beales@camden.gov.uk](mailto:Danny.Beales@camden.gov.uk)>  
**Subject:** RE: 17 York Way (2023/3891/P)

**[EXTERNAL EMAIL]** Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Hi Danny,

Thank you very much for your time on this! We did receive the pre-application advice you attached, and we directly addressed the points it raises in the application materials. I have summarised our position on each of the three issues that I understand officers highlighted to you, below.

If it would be helpful, could we arrange an informal meeting/phone call to discuss please?

1. [We need to be satisfied that the loss of the ancillary function as rooms and the new residential use do not compromise the continued operation of a pub on the ground floor;](#)

I was clear with the development team from Centro's instruction in June 2022 that we would need to follow the guidance in the Pub CPG in its entirety, and I am pleased we have done so.

The team has retained the kitchen function, demonstrated that the pub is not a community asset or an asset of any specific demographic group, provided robust evidence of successfully operating pubs of similar sizes across Zone 2, carried out community consultation with overall positive feedback, and demonstrated the way that the pub and ancillary accommodation function relatively separately (you may have noticed the existing informal partition built between the two inside the pub), et al.

The principle of residential use above a pub is fully assessed in the planning statement. The proposed measures cover all the bases.

We also carried out a local area pub audit for robustness despite this not being sought by guidance because the pub is being retained.

We haven't yet received any feedback from officers on this issue following submission of the application. Of course, we welcome an opportunity to discuss any questions related to the evidence we submitted relative to development plan policies and the guidance set out in the CPG.

2. [The extent of demolition – inserting an additional floor results in pretty much façade retention which amounts to the substantial demolition of the building. This needs to be justified circular economy terms and also design / Conservation Area terms;](#)

#### *Principle of Demolition*

The severe need for new homes and the duty to optimise every site's capacity for new homes carry far more weight in the planning balance than any minor negative weight of partial demolition related to Policy CC1. Any minor negative weight of partial demolition is justified on this basis.

#### *Circular Economy*

The development plan does not require a circular economy statement at application stage for 'minor' development.

At the same time, I do recognise that this is an important issue related to climate change, and Camden encourages circular economy principles to be considered for developments in its Energy CPG (chapter 9).

If agreeable, I would be happy to advise the applicant to consider a condition which appropriately secures the application of circular economy principles.

#### *Design and Heritage*

Policy D2(f) would resist (not prohibit) demolition in principle only in cases where a building in a CA is *identified* as a positive contributor. The extent to which the existing building is *identified* as a positive contributor is covered below.

3. With the latter in mind, the building is defined as one that makes a positive contribution to the CA. Its substantial demolition, remodelling and extension would likely cause harm to the Conservation Area.

This is a tricky issue because of how the conservation area appraisal (CAA) is written, but I hope the summary below can get officers and our team on the same page.

The CAA identifies positive, negative, and neutral contributors to the CA on a map. It also provides an assessment of the features of heritage value in the CA. The assessment accords with the identified 'positive' designations on the map.

The site is not identified on this map or identified as a positive contributor in the CAA. Please see attached. The site is to the bottom right within the purple boundary line.

However, officers are keen to place meaningful weight on a sentence in the CAA which states, "*All properties are considered to make a positive contribution to the character and appearance of the Conservation Area unless listed as neutral or negative*" (para. 5.9). This 'catch-all' position is not supported by any evidence or analysis in the CAA.

The catch-all statement in the CAA is at odds with another section of the CAA, which correctly states, "*The approaches to Camden Square, Agar Grove and York Way need enhancement and redesign*". This is as specific as the CAA gets in relation to this application.

Please also note on the attached map that nearly every building in the CA is expressly identified as being positive, neutral, or negative. The only area of the CA that bucks this trend is along York Way. The unidentified buildings along York way cannot all be treated as positive contributors while "*The approaches to Camden Square, Agar Grove and York Way need enhancement and redesign*" at the same time.

We cannot find justification for the weight attributed by officers to the catch-all statement. In short, the catch-all invites the scenario we face now, where it could be given any amount of weight without evidence despite an application providing a robust, evidence-driven assessment for a specific site. I do not think that the CAA intends this, and I do not think that the site is 'identified' as a positive contributor for the purpose of Policy D2(f).

I understand the catch-all statement could be seen as a 'fail safe' in the document for officers who may encounter particularly unthoughtful applications to alter valuable buildings in the CA. This is not the case here. For this application, the existing site is unsympathetic and suffers a mid-late 20<sup>th</sup> Century faux deco façade. By contrast, the proposal would accord appropriately with the character and appearance for which the CA is designated, resulting in an enhancement of the CA.

Kind regards,  
Aaron

Aaron Zimmerman, MA, MSc, MRTPI  
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**From:** Danny Beales (Councillor) <[Danny.Beales@camden.gov.uk](mailto:Danny.Beales@camden.gov.uk)>  
**Sent:** Tuesday, January 30, 2024 11:03 PM

To: Aaron Zimmerman <[aaron@centroplan.co.uk](mailto:aaron@centroplan.co.uk)>

Subject: FW: 17 York Way (2023/3891/P)

Dear Aaron,

I've had an opportunity now to discuss the application with officers.

I understand that you have been sent the attached pre app response already which explores a number of issues.

The officers outline that design and conservation is an area of concern, but overall there a number of issues to weigh and balance including:

1. We need to be satisfied that the loss of the ancillary function as rooms and the new residential use do not compromise the continued operation of a pub on the ground floor;
2. The extent of demolition – inserting an additional floor results in pretty much façade retention which amounts to the substantial demolition of the building. This needs to be justified circular economy terms and also design / Conservation Area terms;
3. With the latter in mind, the building is defined as one that makes a positive contribution to the CA. Its substantial demolition, remodelling and extension would likely cause harm to the Conservation Area.

It would seem that addressing other areas of concern, and specifically the viability of the pub and the need to demolish over alternative delivery options will be important in satisfying them that the harm identified is justified through the broader public benefits.

Best wishes,

Danny

**Cllr Danny Beales**  
**Cabinet Member for New Homes, Jobs and Community Investment**  
**Labour Councillor for Camden Square ward**

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# Appendix 4 – London Borough of Camden Housing Delivery Test - Action Plan (August 2022), p.10

**Camden has a rich architectural heritage, almost 50% of the land area falls within a conservation area, recognising their architectural or historic interest and their character and appearance. In addition to the large number of heritage assets there are over 280 designated public and private spaces. These spaces are critical to sustainability and wellbeing providing places to relax, socialise, enjoy sport and take part in physical exercise.**

**CONSERVATION AREAS & ARTICLE 4 DIRECTIONS HERITAGE AND CONSERVATION NEIGHBOURHOOD PLANS**

You can check if your property is listed or in a conservation area on the Council website here or type in Conservation Areas in the search bar on the website.

**CONSERVATION AREAS**

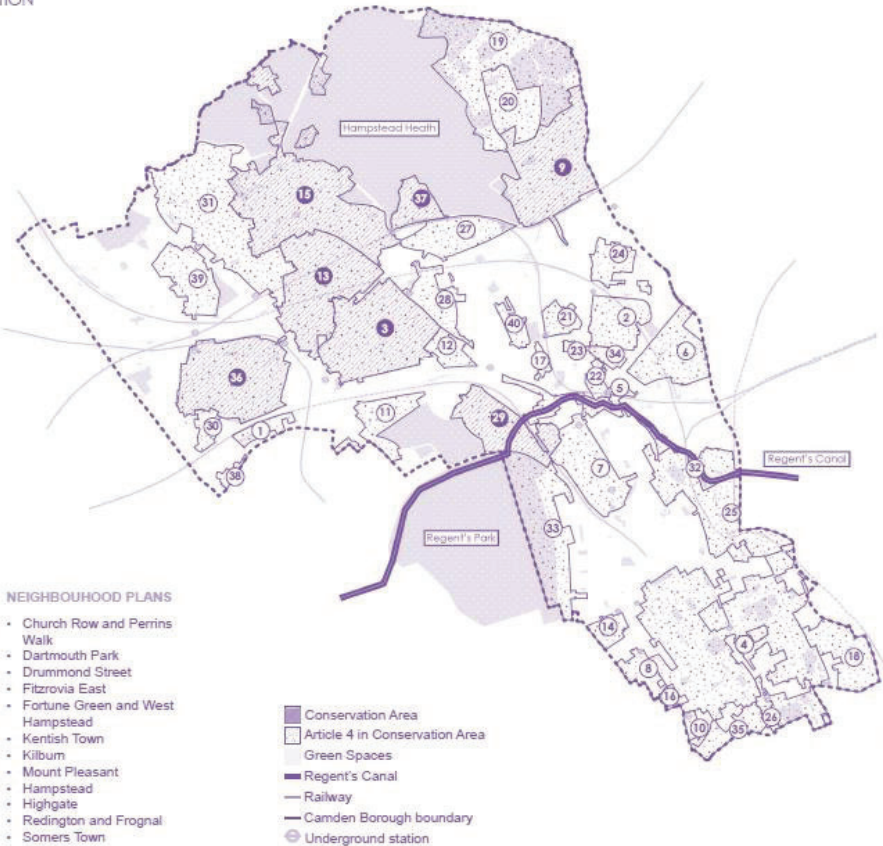
- Conservation Area
- Conservation Area with Article 4

1. Alexandra Road Estate
2. Bertholmew Estate
3. Besize
4. Bloomsbury
5. Camden Broadway
6. Camden Square
7. Camden Town
8. Charlotte Street
9. Dartmouth Park
10. Denmark Street
11. Elsworthy
12. Eton
13. Fitzjohns/Netherhall
14. Fitzroy Square
15. Hampstead
16. Hanway Street
17. Harmond Street
18. Hatton Garden
19. Highgate
20. Holly Lodge Estate
21. Inkerman
22. Jeffreys Street
23. Kelly Street
24. Kentish Town
25. Kings Cross/ St. Pancras
26. Kingsway
27. Mansfield
28. Parkhill and Upper Park
29. Primrose Hill
30. Priory Road
31. Redington/Froggnal
32. Regent's Canal
33. Regent's Park
34. Rochester

35. Seven Dials Estate
36. South Hampstead (formerly Swiss Cottage)
37. South Hill Park Estate
38. St. John's Wood
39. West End Green
40. West Kentish Town

**Article 4**

- 9. Only for no. 33 York Rise
- 13. Only for the Cottage no. 37.
- 37. Only for nos. 32-86 (even) and 72-90 (even) South Hill Park
- 87 Fitzjohns Avenue



Camden also has large areas of Metropolitan Open Land (MOL) which is important to the whole of London, as well as the Borough, and provides attractive, visual breaks to the built-up area, keeping land permanently open. This designation is broadly equivalent to the Green Belt.

**The cumulative impact of historic and environmental development considerations in Camden has an impact not only on the total number of development sites likely to come forward but also on options for their potential redevelopment. The Council knows that sites in the borough need to work harder in terms of delivering more but this needs to be balanced against safeguarding the amenity of residents; the environment; heritage and other characteristics that make a place special.**

# Appendix 5 London Borough of Camden Housing Delivery Test - Action Plan (August 2022), p.21



# Potential delivery issues

Camden is a relatively built up borough in the inner London area and there are almost no greenfield site opportunities – other than some small scale infill sites on existing estates, which means that the vast majority of new development takes place on brownfield sites that are already in some form of use. Developing a brownfield site generally means that the initial site preparation stage of a development will take longer as existing uses may need to be moved to an alternative site/or a different part of the site to enable preparation works including partial/full demolition of buildings to take place.



There are also issues where larger development sites are in multiple ownerships or there are small pieces of land blocking a larger development proposal from coming forward.

## Case Study

King's Cross is one of the largest and most exciting redevelopments in London. The 67-acre site has a rich history and a unique setting. What was an underused industrial wasteland is being transformed into a new part of the city with homes, shops, offices, galleries, bars, restaurants, schools, and even a university.

To date 1532 units have been either been completed or meaningfully commenced and there are still several development parcels to come forward with a reserved matters planning application.





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