

Application No:	Consultees Name:	Received:	Comment:	Response:
2025/0171/L	Ransford Stewart	14/02/2025 10:11:02	OBJ	<p>With reference to the current Listed Building Consent application for the “rendering of listed boundary wall between 3 and 5 Pilgrim’s Lane (retrospective)”, Stewart Management & Planning Solutions have been appointed by the owners of 3 Pilgrim’s Lane and 40b Rossllyn Hill, Mr Ethan Sassower and Mrs Tracy Sassower, to register objections on their behalf. Our clients are concerned that these works were carried out on their property by the applicant without their knowledge or consent and have a clearly adverse impact on their properties which comprise Grade II* Listed Building heritage assets. The application must therefore be refused pursuant to Paragraph 215 of the National Planning Policy Framework (NPPF). We consider that their concerns are well founded and supported by the Local Plan Policy D2 and paragraph 3.36 of the Camden Planning Guidance (CPG) Design.</p>

Background

Our clients became aware of the works early in November 2024 whilst they were being carried out and made representations to the applicant. They subsequently set out their concerns in detail to the applicants’ agents in an exchange of emails on 6th – 14th November 2024. Whilst these concerns were largely concerned with Party Wall matters, they also raised concerns regarding implications of the works on their properties, Grade II* Listed Buildings, and the wider Conservation Area. At the same time, they raised these latter issues with the Council which led to a site inspection from the Council’s enforcement team on 23rd November 2024. Following the site inspection, our clients were advised that there had been a breach of listed building controls and that the applicants would be asked to remedy the situation.

The works

The application describes the works as application of rendering to the boundary wall between 3 and 5 Pilgrim’s Lane. However, paragraph 5.1 of the applicant’s heritage and planning statement more properly describes the works as “...render (to) the side of the Listed Wall belonging to no. 3 Pilgrims Lane that faces no. 5 Pilgrims Lane.” The before and after photographs following that paragraph show the application of render to a substantial portion of the flank elevation of our clients’ property at ground and first floor level as well as the separating garden boundary wall forming part of the curtilage of 3 Pilgrim Lane; they fail to show the application of rendering to the flank elevation of 40 Rossllyn Hill, specifically its single storey rear extension. As previously stated, none of this work was carried out with our client’s knowledge or permission.

Regarding the render applied, we are advised that this comprises a layer of sand and cement applied to existing surfaces with Sika breathable waterproofing followed by a few layers of conservation area lime-wash render. This significant intervention was deemed necessary by the condition of the existing brick work. Whilst before and after photographs have been supplied, none of these indicate any significant damage or degradation of the existing brickwork or pointing. Indeed, the contemporaneous and matching brickwork elsewhere in the flank elevation of our client’s property and on the other elevations is in generally good condition and would tend to contradict the applicant’s claims.

Notwithstanding the above, we would submit that the works carried out are entirely inappropriate and cause harm to the Listed Buildings by introducing alien features and materials to cover large areas of brickwork that contribute significantly to the character and appearance of the buildings. The listing describes the buildings as being in the Edwardian Baroque style and references the red brick with stone dressings and quoin features of the building which are key signifiers of that style. Whilst we recognise that some listed buildings can suffer damage to fabric arising from their age, method and materials of construction, paragraph 11 of Historic England’s Advice Note 2, Making Changes to Heritage Assets states:

Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and

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reduces waste.

It is significant that the applicants have patently ignored this advice and adopted an approach totally at odds with accepted good practice, and common sense, when dealing with heritage assets.

The application

We note that a retrospective Listed Building Consent application was made on 16th January 2025. The application contains a brief heritage and planning statement. Mindful of the advice contained in Paragraph 207 of the NPPF on the preparation of these statements, we note that the statement gives little consideration to the impact of the works on the significance of heritage assets, our client's property and the Conservation Area. Similarly, no explanation of why the works were considered desirable or necessary, as required by Paragraph 3.29 of the Camden Planning Guidance (CPG) Design. Moreover, there is no acknowledgement of the harm caused to the heritage asset, which is the starting point for determining whether listed building consent should be granted or not.

As noted previously, the proposals involve the use of alien materials and features that are totally at odds with the characteristic materials and techniques used in the construction of the fine Edwardian Baroque building that is no 3 Pilgrims Lane. Whilst recognising that these are generally applied to a secondary frontage of the building, they are readily visible in conjunction with original fabric from a number of vantage points' contrary to the applicant's claims. The result is visually and historically inappropriate, jarring and harmful to the character, appearance and integrity of the original building. As little detail has been provided on the materials and method of application there is a concern that the original fabric of the building may have also been harmed. Recognising that substantial harm is a very high bar, we would assess the overall harm to heritage assets arising from these proposals to be less than substantial, but at the upper end due to the potential permanent damage to original fabric. Paragraph 3.36 of the Camden Planning Guidance (CPG) Design states:

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

The applicants' statement identifies no public benefits arising from the works. Moreover, having examined the details of the proposals in relation to the site and its current and historical context, we have been unable to identify any public benefits sufficient to outweigh the harms arising from these proposals. Therefore, in all the circumstances, we would submit that Listed Building Consent should be refused.

Conclusion

The works to which this application relates has a significantly adverse effect on the character and appearance of our client's properties which comprise a Grade II* Listed Building and were carried out by the applicant without my client's knowledge or consent. The works have been carried out in a manner that pays scant regard to accepted good practice, and Historic England advice, for dealing with heritage assets. Consequently, harm has been caused to heritage assets that we would assess to be less than substantial, but which nonetheless must be justified by clear evidence of public benefits that would outweigh that harm. No public benefits are claimed by the applicants, and we have been unable to identify any such benefits ourselves. Paragraph 215 of the NPPF and 3.36 of the Camden Planning Guidance (CPG) Design are clear in saying that development should not be permitted in these circumstances unless "the public benefits of the proposal convincingly outweigh that harm." We therefore submit that Listed Building Consent must be refused as the

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works are contrary to Paragraph 215 of the National Planning Policy Framework (NPPF), paragraph 11 of Historic England's Advice Note 2, Making Changes to Heritage Assets, Camden Local Plan Policy D2 and paragraph 3.36 of the Camden Planning Guidance (CPG) Design.
