

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2014/7082/P	Wesley Skow	8 Fitzroy Square London W1T 5HN	25/12/2014 23:11:07	OBJNOT	Dear Camden Planning,

I am a resident of 8 Fitzroy Square and am a member of the Fitzroy Square Frontagers and Garden Committee. I am writing in my personal capacity to object to this application on three grounds:

First, the description of the proposed work identified in the application is incorrect, and is misleading and confusing. The works proposed by the Frontagers and Garden Committee include not only a proposed new gate but also construction of certain structures and landscape alterations in the garden. These works are not described in the on-line application and include the following: alteration of the brick sculpture plinth, construction new brick stairs, alteration of the electrical services panel in the existing sculpture plinth, construction of a new brick and gravel path, construction of a new retaining wall and level landing area at the proposed new gate location, and modification of the existing stone plinth under the existing iron railings.

The filed application includes only a reference to the proposed gate.

I would ask that the applicant formally amend the application and submit details regarding the full scope of the proposals.

Second, the application is incomplete because the applicant has failed to provide either a design and access statement or a heritage statement - both of which are necessary to evaluate the appropriateness of the proposals and the potential impacts of the proposals on the Fitzroy Square Conservation Area, the Garden railings and the Garden landscape (both of which Camden has identified in the Fitzroy Square Conservation Area Appraisal as positive contributors to the conservation area, and the setting relative to the adjacent Grade I and Grade II\* listed buildings that front Fitzroy Square.

Camden's DP25 states as follows:

DP25 – Conserving Camden’s heritage

#### CONSERVATION AREAS

In order to maintain the character of Camden’s conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;
- c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;
- d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and

**Application No:**    **Consultees Name:**    **Consultees Addr:**    **Received:**

**Comment:**    **Response:**

e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

The filed application contains no meaningful information that would allow Camden or interested stakeholders to evaluate the proposals and, in particular, the impact of the proposals on the conservation area and the gardens and the nearby listed buildings. Accordingly, it is not possible to conclude that the proposals will either preserve or enhance the conservation area. Please note that the landscape in the gardens and the railing around the garden are identified in the Conservation Area Appraisal as a positive contributor to the conservation area. Similarly, it is not possible to determine that the proposals will have a less than significant impact on the setting of the adjacent and nearby listed buildings.

I would suggest that the applicant should prepare a design and access statement to describe the proposals in detail and explain the impacts on the gardens and railings, and provide justifications for the proposals. I would also suggest that the applicant should prepare a heritage statement to provide a description and relevant background information regarding the gardens and the railings, and the listed buildings that surround the square. Fitzroy Square Gardens is the centerpiece of the Fitzroy Square Conservation Area, and alterations to the railings and the gardens require careful scrutiny.

Relevant Planning (Listed Building and Conservations Areas) Act 1990 sections include:

Section 66 (1) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

and

Section 72(1) states: "with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area".

Without a detailed description of the proposals, the context of the proposals (i.e., a heritage statement), and justifications for the proposals (i.e., a design and access statement), it is impossible to evaluate the potential impacts on the conservation area, the gardens and railings and the nearby listed buildings. The applicant is essentially asking Camden and other interested stakeholders to conduct the necessary balancing tests regarding impacts to heritage resources without providing the necessary background information.

Third, I would submit that on the information available that the proposals will neither preserve nor enhance the conservation area, or the heritage assets (railings, garden landscape and adjacent and nearby listed buildings). Indeed, the proposals will have a negative impact on both the garden railings and the garden landscape both of which are heritage assets identified by Camden in the Fitzroy Square

**Application No:**    **Consultees Name:**    **Consultees Addr:**    **Received:**

**Comment:**    **Response:**

Conservation Area Appraisal as positive contributors to the conservations area. The proposals will also have negative impacts on the setting of the nearby listed buildings. The views of the listed buildings across Fitzroy Square Gardens, and the view of the listed buildings from the Gardens will both be degraded by these proposals. The applicant has provided no justification for the proposals or the negative impacts of the proposals.

In East Northamptonshire DC & Others v SSCLG & Barnwell Manor [2013] EWHC 473 (Admin) the Court of Appeal recently held that "in order to give effect to the statutory duty under section 66(1) [of the Planning Act 1990], a decision-maker should accord considerable importance and weight to the "desirability of preserving . . . the setting" of listed buildings when weighing this factor in the balance with other "material considerations" which have not ben given this special statutory status. Thus, where the section 66(1) duty is in plan, it is necessary to qualify Lord Hoffmann"s statement in Tesco stores v Secretary of State for the Environment & Ors [1995] 1 WLR 759, at 780F-H, that the weight to be given to a material consideration was a question of planning judgment for the planning authority."

Given the complete absence of information regarding the proposals, the impact of the proposal on the conservation area, the gardens and railings and the listed buildings, there is no supporting justification to support the proposals, and they must be refused.

Thank you for your consideration.

Yours sincerely,

J. Wesley Skow

---