

The Planning Inspectorate  
3/10 Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**SUBMITTED BY PLANNING PORTAL**

Date 26 August 2015  
Our ref 0621/AG-J  
Your ref

Dear Sir | Madam

**18 Grove Terrace, London, NW5 1PH**

Please find attached an appeal against the refusal of Listed Building Consent issued by the London Borough of Camden Council on the 5 June 2015. The proposed development comprises the 'Excavation of single storey basement level rear extension, sunken rear courtyard, and associated internal and external alterations'. The Council's Case Reference is 2015/1695/L. A planning application for the same development was also refused on the same date under reference 2015/1217/P and this is subject to a separate appeal.

The application was refused under officer delegation for the following reason:

Reason(s) for Refusal

- 1 The proposed alterations, by reason of the excessive depth, overall footprint, scale and design of the single storey basement level rear extension and sunken courtyard, use of double glazing, division of internal spaces and inadequate details submitted regarding the internal repairs, would cause a material level of harm to the special architectural and historic significance of the grade II\* listed building. Thus, it would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

No officer delegated report has been issued by the Council to expand on their reason for refusal and therefore the Appellant has responded in this statement only to the reason contained in the decision notice.

The Appellant reserves the right to provide further comments in the event that the Council provides any further information to substantiate their decision.

## **APPLICATION CONTENT**

The listed building application comprised the following documents and drawings:

Drawing Nos: (1049) 01-01 Issue A; 01-02 Issue A; 01-03 Issue A; 01-04 Issue A; 02-01 Issue 3; 02-02 Issue 2; 02-03 Issue 2; 02-04 Issue 2; 02-05 Issue 2; 02-06 Issue 2; 07-01 Issue 2; 08-02 Issue A; 08-03 Issue A; 08-04 Issue A; 08-05 Issue A, Scale 1:1250 (Ordnance Survey), Planning Statement dated November 2014, Construction Method Statement dated October 2014, Heritage Statement dated February 2015, Design and Access Statement dated February 2015, Basement Impact Assessment and Site Investigation Report (ref: J11987) dated 28/10/2014, Site Investigation Report (ref: J11987) dated 28/11/2014 and Landscaping.

## **APPEAL CONTENT**

The appeal comprises the application documents and drawings as listed above together with the following documents:

- 1) This letter which includes the Appellants Appeal Statement
- 2) Listed Building Application form
- 3) Decision notice 2015/1695/L dated the 5 June 2015
- 4) Listed Building Consent 2015/2192/L for 18 Grove Terrace
- 5) Appeal Decision APP/X5210/E/08/2078808
- 6) Perspective images of proposal granted on appeal for 19 Grove Terrace
- 7) Proposed plans of proposal granted on appeal at 19 Grove Terrace.

## **GROUND OFS OF APPEAL – MATTERS AT ISSUE**

From a review of the decision notice there appears to be two issues of concern to the Council. These are:

1. Material harm to the special architectural and historic significance of the Grade II\* listed building arising from excessive depth, overall footprint, scale and design of the single storey basement level rear extension, use of double glazing, division of internal spaces and inadequate details of internal repairs.
2. Conflict with Camden Core Strategy Policy CS14 and Camden Development Policies DP24 and DP25.

## **COMMON GROUND**

From a review of the decision notice it is clear that the following matters are common ground and therefore not at issue:

- 1) The proposed development does not conflict with the provisions of the London Plan 2015. The London Plan is part of the development plan. The reasons for refusal do not cite any conflict with London Plan policies, including those that concern the protection of heritage assets.
- 2) The proposed development does not conflict with the provisions of the National Planning Policy Framework (the 'Framework'). The Council has not highlighted any conflict with the Framework in their decision notice.
- 3) Internal alterations including a new bathroom at second floor have been deemed to be acceptable to the Council as LBC 2015/2192/L confirms.

- 4) A new lower ground floor extension at the rear and internal alterations have been granted LBC on appeal at 19 Grove Terrace and this is also a GII\* listed building and forms part of the same group of buildings that are listed.

## **GROUND OFS OF APPEAL**

Dealing with the 2 issues identified above, the Appellants grounds of appeal are:

### **1. Material harm to the special architectural and historic significance of the Grade II\* listed building.**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 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.

The National Planning Policy Framework (the 'Framework') sets out the policy framework for assessing the impact on the significance of heritage assets of which listed buildings form part. The Framework advises:

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Significance is defined in the Framework as follows:

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The Framework further advises that:

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In summary, the requirements of planning policy, guidance and law are that development proposals affecting a listed building should be assessed having 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 that applications should be supported by an assessment of the proposal to determine the impact on the significance of the heritage asset.

In terms of the assessment required by the Framework the guidance is clear:

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

The listed building application was accompanied by a heritage statement. This is attached in support of the appeal but confirms that the relevant historic environment record has been consulted together with other sources to clarify the significance of the heritage asset. The heritage assessment together with the Design and Access Statement is also explicit in describing the schedule of internal and external alterations ensuring that the Council did have the requisite details of what was proposed – despite their claim to the contrary. The listing description is as follows:

CAMDEN

TQ2886SW GROVE TERRACE  
798-1/20/714 Nos.6-27 (Consecutive)  
10/06/54 and attached railings and  
lamp-holders

GV II\*

Terrace of 22 houses. Nos 6-14, c1793 built by R Cook; Nos 14-17, c1793; Nos 18-27, c1780 built by J Cheeke. Yellow stock and brown brick. Nos 19-22, rusticated stucco ground floors. Most with slate mansard roofs and dormers. 3 storeys and attics, No.14, 3 storeys. 2 windows each except Nos 14, 21 & 22, 3 windows; Nos 27, 4 windows. Most with wooden doorcases carrying simplified entablatures with Doric columns, panelled reveals, some with open pediments and arched fanlights. Most have radial fanlights and panelled doors. No.15, plain doorway with gauged brick head; No.21 entrance in side portico. Gauged brick flat arches to recessed sashes (mostly), 1st floors with cast-iron balconies except Nos 9-11 & 13. No.21 has cast-iron verandah to 1st floor with tented hood; Nos 22 & 24, blind boxes to 1st floor. Parapets with brick bands below (No.14, no bands). Nos 6-13, original lead rainwater heads. INTERIORS: not inspected but noted to be original and good, especially Nos 14 and 27. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas; Nos 7-9, 11, 13 & 27 with overthrow lamp-holders. (Survey of London: Vol. XIX, Old St Pancras and Kentish Town, St Pancras II: London: -1938: 36, 63-69).

The significance of the appeal property is therefore as one in a row of 22 terraced houses built towards the end of the 18<sup>th</sup> Century. The Inspector in accepting the proposals for a rear extension at No 19 Grove Terrace (which forms part of the same group listing) concluded that:

6. The listing description concentrates on the front of the terrace and no mention is made of the rear gardens. The terrace is described in detail in the Dartmouth Park Conservation Area statement but mention of the rear is limited to the sheds and buildings at the end of some of the gardens. Nevertheless, Planning Policy Guidance Note 15, Planning and the Historic Environment (PPG15) advises that *'setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function'*. The terrace and its gardens are all of a piece and the layout has changed little, if at all, since the houses were built. The proposed conservatory would extend 6.6m into a garden that is 38m long. It would be hidden from views at ground level by the garden walls on either side and would not undermine the sense of space created by the rear gardens. As a consequence, I do not consider that it would have a detrimental impact on the setting of the terrace or the Conservation Area.

Since No 18 and 19 are neighbouring properties with rear gardens of equal length (see extract from site location plan below) then it is inconceivable that the same conclusion should not be drawn in respect of this appeal proposal.



Whilst in their defence the Council may claim that the appeal decision dates from December 2008 and the policy context has changed with the adoption of the Core Strategy in 2010 and the publication of the Framework in 2012, the requisite legal test has not. In addition there has been no fundamental shift in the national or local policy requirements for assessing proposals that may impact a listed building.

In summary the proposed rear extension will not materially harm or negatively impact the significance of the grade II\* listed building and it is inconceivable that it could, given the precedent established at the neighbouring property, No 19. The features of special architectural or historic interest which the building possesses have been identified and assessed. No harm will be caused to these features and the statutory and nationally heritage tests are therefore clearly met and complied with.

## 2. Conflict with Camden Core Strategy Policy CS14 and Camden Development Policies DP24 and DP25.

The Council claim that the proposal conflicts with Core Strategy Policy CS14 which states:

CS14 - Promoting high quality places and conserving our heritage

The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) requiring development of the highest standard of design that respects local context and character;
- b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;

- c) promoting high quality landscaping and works to streets and public spaces;
- d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;
- e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.

Unfortunately the Council has failed to articulate which aspects of CS14 are contravened. Logic would suggest however that it can only be in respect of b) and the requirement to preserve or enhance heritage assets. Our assessment under issue 1 clearly demonstrates that the appeal proposal will not affect or negatively impact the significance of the heritage asset and therefore, for this reason it is argued that this policy is not contravened.

The Council claim conflict with Development Management Policies DP24 and DP25. These policies state:

#### Policy DP24 - Securing high quality design

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed;
- c) the quality of materials to be used;
- d) the provision of visually interesting frontages at street level;
- e) the appropriate location for building services equipment;
- f) existing natural features, such as topography and trees;
- g) the provision of appropriate hard and soft landscaping including boundary treatments;
- h) the provision of appropriate amenity space; and
- i) accessibility.

#### Policy 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
- 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.

##### Listed buildings

To preserve or enhance the borough's listed buildings, the Council will:

- e) prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;
- f) only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and
- g) not permit development that it considers would cause harm to the setting of a listed building.

#### Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.

#### Other heritage assets

The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.

Again the Council has not identified which aspects of these policies they consider are contravened and the lack of any delegated report does not help and indeed does disadvantage the Appellant in preparing their grounds of appeal. It is appropriate therefore that the Appellant's position is reserved pending any further clarification that the Council are able to provide to justify their reasons for refusal.

However, on the basis of the two development management policies that the Council base their LBC refusal on it is considered that Policy DP24 is not relevant to a listed building application and only the 'listed building' section of DP25 has any relevance. Sub-sections e) and f) of the policy are not relevant and therefore all that remains is whether the proposed development will cause harm to the setting of the listed building. The assessment undertaken in Issue 1 confirms that it does not and this is a view supported by the Inspector who determined the appeal in respect of the neighbouring property, No 19 Grove Terrace which forms part of the same row of terraced properties which together comprise the group listing.

A detailed assessment of the policies relied on by the Council confirms that there is no conflict with their provisions and that the Council's reliance on them is misguided and unsubstantiated. Accordingly it is respectfully requested that this appeal should succeed.

I trust that this appeal can proceed through validation and registration. If any additional clarification or information is required please contact me.

Yours faithfully



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