

Mr Rob Tulloch  
Planning and Build Environment  
Camden Council

24/03/2016

Dear Mr. Tulloch,

Town and Country Planning Act 1990  
Site at 13 Kemplay Road, London.  
Application ref: 2015/4373/P.

I have been appointed by residents on Kemplay Road to review the amended drawings.

### Impact on the character of terrace and the conservation area.

I have compared and contrasted the drawings that were originally submitted with the application last year with the amendments that were submitted to the council on 11/03/2016.

As far as I can see there is very little difference. I can see that the front off street parking space has been removed, presumably to keep highways happy. However, this has given the applicant an opportunity to increase the size of the ground floor side bunker/addition.

Given the limited changes, I consider that all of the comments in my previous objection letter are still relevant.

In addition to my previous comments the Council needs to take into account recent case law, particularly the Barnwell Manor (2014) EWCA Civ 137 case. This upheld the statutory duty for decision makers to give special weight to the impact of development on Heritage Assets.

Closer to home there is the more recent example of Obar Camden Limited v The London Borough of Camden [2015] EWHC 2475.

In this case the judgement quashed the Council's decision to grant planning permission because the council had failed to have regard to s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which required 'special regard' to be given to the desirability of preserving a listed building or its setting. The judgement was also critical of officer's because they had failed to give due regard to the requirements of Section 12 of the NPPF.

I note that while the applicant has submitted new drawings, the submission is still reliant on the original heritage statement.

My previous objection was critical of this statement, because it failed to take into account the impact of the proposed development on the setting of Rosslyn Hill Chapel (listed description in box overleaf), particularly as the proposed development appears to being erected in what

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perhaps was once the original grounds of the chapel. It would also restrict one of the few remaining street views of the chapel.

TQ2685NE ROSSLYN HILL 798-1/27/1399 (North East side) 14/05/74 Rosslyn Hill Unitarian Chapel

GV II

Unitarian chapel. 1862 by John Johnson; 1885, north aisle, chancel and committee room added by Thomas Worthington, a Manchester Unitarian. Kentish ragstone rubble with Portland stone dressings. Slated pitched roof with fleche. Gothic style. Wide aisled nave of 7 bays with sanctuary. INTERIOR: with vaulted timber roof and gallery at west end. 2 plaster relief panels in chancel attributed to John Flaxman. Good range of C19 stained glass, in geometrical tracery, by Morris and Co to cartoons by Burne Jones, Henry Holiday, Clayton & Bell, Wilson & Hammond, Lavers & Westlake and Mayer & Co of Munich. Good range of memorials including a memorial to the artist Helen Allingham.

The applicant's submission is also contrary to the following paragraphs of the NPPF.

**Para 128 of the NPPF** states that when 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. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**Para 133 of The NPPF** states that in circumstances where a development proposal will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrate that this harm is necessary to achieve substantial public benefits.

Even if the Council considers the proposals would create less than substantial harm, **Paragraph 134 of the NPPF** still requires the council to consider the public benefits of a proposal.

The seriousness of this issue should not be taken lightly. The council has a statutory duty to determine whether a proposed development would preserve and enhance the setting and character of a Heritage Asset.

I am perplexed as to why this application is still being determined by the council. In my opinion the application should have been refused when the statutory 8-week determination period expired over 6 months ago.

I am even more perplexed as to why the Council has invited the applicant to submit revisions for essentially the same property, but with a larger ground floor footprint.

The bottom line is if you are contemplating a positive recommendation then please think again because in my opinion this should be a straight forward delegated refusal.

At the very least the submission needs to be accompanied by a robust heritage statement so the impact of the proposed development on the setting of a listed building can be properly understood.

Yours sincerely,

Andrew Hollins  
Consultant Chartered Planner  
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