

Our Ref: PT/MOO007/0002
Your Ref: 2016/1093/P

Planning Department
London Borough of Camden
5 Pancras Road
London
N1C 4AG

For the attention of: Kate Phillips

1 August 2016

Dear Sirs

Objection to redevelopment of 20-21 King's Mews – LBC Ref 2016/1093/P

We act for David Moore, the owner of 55 Gray's Inn Road. Our client's property immediately abuts the application site.

Our client has objected to the redevelopment in a letter dated 13 April 2016. The proposals will significantly impact the amenity of his property. The applicant has never made any efforts to discuss the design of the scheme with our client despite 55 being the immediate neighbour. This is disappointing as our client does not object to the principle of development, rather the overdevelopment of the site and lack of consideration of important issues.

Curtilage Listed Wall

55 Gray's Inn Road is a listed building. Under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 a listed building is defined as including "*any object within the curtilage of the building which, although no fixed to the building, forms part of the land and has done so since before 1st July 1948*".

The curtilage of 55 Gray's Inn Road includes the rear yard and the wall that divides 55 Gray's Inn Road and 20-21 King's Mews. 55 was built in the early 18th Century and was listed in 1991. The dividing wall is thought to be there before 1 July 1948 (see page 22 of the applicant's heritage statement) and the proposals include the reduction of its height and an extension and alteration for the basement. It is not known if 20 Kings Mews was at one point the mews building for 55 and no consideration has been given to this in the heritage statements. Of note, around the time of listing (1991) there was an application to redevelop both 55 and 20-21 together and they may have been in the same ownership at that time (see LBC reference: 9100368).

Boundary walls can be an object within the curtilage of the building and it appears that the dividing wall has been intimately associated with 55 for many years prior to 1948 and the wall forms part and parcel of 55. Therefore, the wall should be treated as being part of the listing of 55 unless it can be shown otherwise. This means that listed building consent may be required to be obtained before any works are carried out. It is also a material consideration in the planning application that to date has not been addressed in the application documents.

We urge that the Council to take a cautious approach considering that any works to listed building without consent is a criminal offence and the Council should not be granting consent to demolish and alter the wall if there is a risk that it will be later determined to be listed and

the Council had knowledge of those concerns prior to determination. This matter should be addressed prior to determining the application.

Ownership of the Wall

We wrote to the applicant on 23 June 2016. Part of the reason for writing was to seek clarification as to who owns the dividing wall since the title documents do not resolve this issue with any accuracy. This has not been resolved. There is an obvious consequence. If the dividing wall or part of it is owned by our client, the applicant is not permitted to make any alterations without our client's permission. Our client does not consent to any works and therefore there is significant doubt that part of the proposals can be delivered.

A further consequence is that the planning application will have included our client's property but a procedural error will have occurred since the correct notices will not have been served. Under section 327A of the Town and Country Planning Act 1990 a Council must not entertain an application if it fails to comply with a requirement as to the form or manner of the application. This includes notices and the Council should not entertain the application until this is resolved.

55 Gray's Inn Road

55 is a Grade II listed building of national importance and special interest. Under paragraph 128 of the NPPF, a Council should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The applicant submitted a heritage statement in February 2016 with the application. An amended heritage statement dated June 2016 was uploaded onto the Council's website on 8 July 2016. A letter from the applicant's representative dated 19 July 2016 refers to a heritage statement being submitted with that covering letter. It is not known if this is the same document as that dated June 2016. Our client's letter of objection made clear that the original heritage statement had failed to even recognise that 55 was listed, let alone assess its significance. The updated heritage statement repeats this error despite our client's representations. Without an assessment by a person of necessary expertise, the Council will be unable identify and assess the particular significance of 55 and take into account when considering the impact of the proposal on 55. At present, it is difficult to see how the local authority will be able to evidence that it has had special regard to the desirability of preserving 55 or its setting. Unless this is undertaken, any decision will be flawed and will be at significant risk of being quashed (see *Obar Camden Limited v London Borough of Camden [2015]*).

Action

We respectfully request that the consideration of the application is postponed until the above issues are resolved. Should any information be provided by the applicant, we request the opportunity to make representations prior to the report to committee being drafted.

Yours faithfully



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