

your ref: 2016/5190/P  
email: [REDACTED]  
date: 7 November 2016

Laura Hazelton  
Planning Solutions Team  
London Borough of Camden 2nd Floor  
5 Pancras Square c/o Town Hall  
Judd Street  
London WC1H 9JE.

Dear Laura,

**PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN**  
**FORMAL PLANNING OBJECTION TO PLANNING APPLICATION REF. 2016/5190/P**

I am a resident of 109 Charing Cross Road which is situated opposite the application site. I wish to submit a formal objection to the planning application validated on 19 October 2016 which seeks permission for the following development:

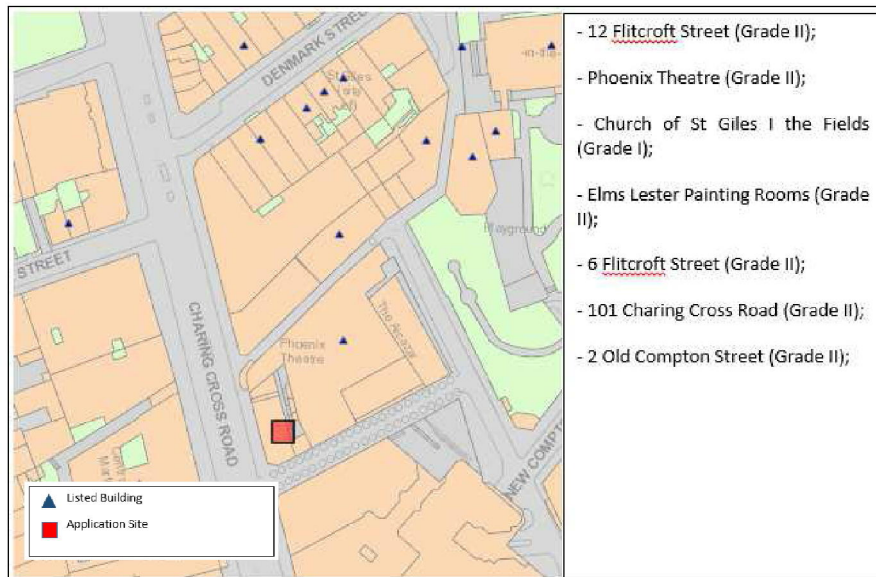
**“Erection of 2 storey roof extension to provide 2 x 2 bedroom flats at Phoenix House  
104-110 Charing Cross Road, London, WC2H 0JN.”**

I am objecting to this application on the grounds that it is not in line with planning policy as set out in the adopted development plan. I therefore object to the application for the reasons summarised below:

- Impact on heritage and conservation; and
- Daylight/Sunlight Impacts.

a) **Impact on heritage and conservation**

The application site is situated in the Denmark Street Conservation Area and in close proximity to several listed buildings, these are identified on Historic England’s listed building map re-provided below:



Of particular significant is the Grade II Listed Phoenix Theatre which abuts the application site to the north.

The building was first listed in 1973 and the listing makes specific reference to exterior facades to Charing Cross Road and Phoenix Street as follows:

**“Theatre. 1929-30. By Sir Giles Gilbert Scott, Cecil Masey & Bertie Crewe. For Sydney Bernstein. Interior by Theodore Komisarjevsky. Stucco with brick and stone. EXTERIOR: facades to Charing Cross Road and Phoenix Street. Charing Cross Road facade on a curved corner with Corinthian columns from 1st to 2nd floors, curved entablature, attic storey with 7 deeply recessed rectangular lights and enriched architraves, those at right and left projecting. Cornice and pantiled roof. Ground floor has 2 pairs of enriched 2-leaf doors, each with 14 bevelled lights.”**

In addition to the above the Denmark Street Conservation Area Appraisal (2010) makes particular reference to the theatre stating:

**“The northern side of the street is dominated by the Phoenix Theatre and Cinema. The Theatre was built in 1929/30 designed by Sir Giles Gilbert Scott, Cecil Masey and Bertie Crewe. The street allows a pleasant vista westwards across the Borough boundary to the sculptured stone entrance of Central St Martins College of Art & Design, which is within the City of Westminster. Modern flat developments provide a neutral backdrop within the streetscene”**

Core Strategy policy CS14 (Promoting high quality places and conserving our heritage) seeks to ensure that Camden’s places and buildings are attractive, safe and easy to use by (amongst other things):

- Requiring development of the highest standard of design that respects local context and character; and
- 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.

Development Policy DP 25 – (Conserving Camden's heritage) sits alongside policy CS14 providing detailed guidance relative to the preservation of heritage assets. With regard to listed buildings, the policy states that in order to preserve or enhance the borough's listed buildings, the Council will not permit development that it considers would cause harm to the setting of a listed building.

Additionally it references Conservation Areas, and seeks to maintain their character by (amongst other criteria):

- Taking account of Conservation Area Statements, appraisals and management plans when assessing applications within conservation areas; and
- Only permitting development within Conservation Areas that preserves and enhances the character and appearance of the area.

The existing submission does not comply with many of the criteria as set out above. This is particularly relevant in the context of the abutting Phoenix Theatre and is compounded by the fact that no real heritage assessment (Heritage Statement and Verified Views) of the proposal has been included with the submission.

The relevant policy is referenced within the associated Planning Statement, and the proposed development is stated to:

**“Preserve and enhance the setting of the Denmark Street Conservation Area and adjacent Grade II Listed Phoenix Theatre”**

and

**“Make a positive contribution to the Conservation Area and the wider area.”**

However there is no assessment to support this and I would argue that this proposal is in direct conflict with policies CS14 and DP25 of the Development Plan.

Phoenix House already sits approximately one storey above the listed Phoenix Theatre building which is a comfortable relationship when the buildings are read together, however any increased height at Phoenix House could be considerably overbearing in dominating the theatre and have a significant negative impact on its setting. This is made particularly evident when viewed in the context of the west elevation/street elevation submission drawing (P – 0008).

In addition to the above, Camden's Local Area Requirements for planning applications states a Heritage Statement is required for applications for works affecting the setting of a listed building or a Conservation Area. It's evident that this application does affect the setting of a listed building and therefore the application should not have been validated.

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, Planning Authorities must 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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

In a recent Court of Appeal decision - *Barnwell vs East Northamptonshire DC* 2014(2) it was made clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

The applicant has made no real attempt to address the statutory duty imposed by Section 66 (1) of the 1990 Act.

Additionally in relation to development within Conservation Area Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF seeks positive improvement in Conservation Areas. Most explicitly paragraphs 126 and 131 require that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". Paragraph 9 says that pursuing "sustainable development involves seeking positive improvements in the quality of the...historic environment..." The design policies further reinforce the objective of enhancement of an area's character and local distinctiveness, concluding that

**Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area... (Paragraph 64).**

Compliance with both the statutory consideration and the NPPF policies therefore requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of a conservation area which this submission in my view does not achieve.

In the context of the National Planning Policy Framework (Section 12) the application is required to include information relative to:

- The significance of the heritage asset affected, including any contribution made by their setting;
- The principles of and justification for the proposed works; and the impact of the proposal on the significance of a heritage asset, does it cause substantial harm or total loss of significance.

The information should explain:

- The sources considered;
- The expertise consulted; and

- The steps that have been taken to avoid or minimise any adverse impacts on the significance of the asset.

This omission is perhaps unsurprising, given the proposals could not be defended under such an exercise.

**b) Daylight/Sunlight**

Camden Development Policy DP26, (Managing the impact of development on occupiers and neighbours) seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The policy references factors the council will consider and of particular relevance in this instance is sunlight and daylight.

Camden's validation checklist states:

**If your proposals have the potential to negatively impact on the existing levels of daylight/sunlight of other land uses near the application site then you will need to submit a daylight and sunlight report.**

The submitted planning statement suggests:

**The extensions to the existing building are at roof level, do not abut any other structures to the north, east, west or south and include a substantial amount of glazing. As such, there will not be a detrimental impact on residential amenity, particularly in terms of daylight, sunlight and the outlook of neighbouring properties.**

However, no evidence has been submitted by the applicant in the form of a daylight and sunlight assessment to evidence that there will be no impact on adjacent properties. Simply stating that there will not be a detrimental impact does not evidence this point sufficiently.

**c) Access**

The submitted Design and Access Statement states the existing stair and lift core will be upgraded to achieve modern standards and extended up to a new 6<sup>th</sup> floor level, however no further detail is provided on this. I would suggest that if the applicant is relying on this as a benefit of the proposal that the application ought to include evidence of Disability Discrimination Act (DDA) compliance.

**d) Conclusion**

Given the failure to address relevant development plan policy, at both national and local level and the significant heritage impact on both the Denmark Street Conservation Area and Grade II listed Phoenix Theatre building, I firmly believe the planning application should be refused.

I trust that these representations will be fully taken into account during the Council's consideration of the application and please do not hesitate to contact me should you wish to discuss further.

Yours sincerely  
Leandro Veltri