

**Appeal in respect of proposals for
Bangor Wharf, Georgiana Street, London
NW1 0QS**

Statement of Kevin Murphy B.Arch MUBC RIBA IHBC

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Consultancy for the
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1 Introduction

Background and qualifications

- 1.1 I am Kevin Murphy B.Arch MUBC RIBA IHBC. I hold an honours degree in architecture, I am a registered architect, and I am a member of the Royal Institute of British Architects. I also have a Masters in Urban and Building Conservation, and I am a full member of the Institute of Historic Building Conservation.
- 1.2 I am a consultant providing advice and guidance on all aspects of the historic built environment. I have undertaken this work since June 2005. Prior to this I was the head of the Historic Buildings Unit at John McAslan and Partners, architects, for a period of approximately eight months.
- 1.3 Between 1999 and November 2004, I was an Inspector of Historic Buildings in the London Region of English Heritage dealing with a range of projects involving listed buildings and conservation areas in London. Prior to this, I was a conservation officer with the London Borough of Southwark, and I led the Conservation & Design Team at the London Borough of Hackney.
- 1.4 As an architect, I worked in London, Dublin, Paris and Glasgow, on a broad range of projects in a variety of contexts. This range includes office and other commercial buildings, residential development, transportation, healthcare and pharmaceutical buildings, and on the conservation and reuse of older buildings. I have considerable experience of architectural and urban design in various environments.

My appointment, and experience relevant to the appeal

- 1.5 I was appointed by the appellant in respect of this matter in late 2015. I provided advice regarding the design of the appeal scheme and prepared a Heritage and Townscape

Appraisal [D5] that accompanied the refused application for planning permission¹.

1.6 I have carefully assessed the appeal scheme and the Council's reasons for refusal. I have personally prepared this report in support of the appeal.

1.7 The evidence which I have prepared and provide for this appeal in this report is my professional opinion and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.

The appeal

1.8 The refused application (ref: 2016/1117/P) sought planning permission for development at Bangor Wharf as follows:

Demolition of all buildings on-site and new buildings of 1-6 storeys in height to include 46 residential (C3) units (18 x 1 bed, 19 x 2 bed and 9 x 3 bed) of which 30 would be market units and 16 affordable, new office (B1a) floorspace (604sqm) and associated works to highways and landscaping."

1.9 The application was refused on 17 June 2016 [B1].

The organisation of my report

1.10 The Heritage and Townscape Appraisal that I prepared in support of the refused applications provided a description of the heritage and townscape significance of the Bangor Wharf site and its context, analysed the refused scheme in heritage and townscape terms, and showed how the scheme complies with policy and guidance.

1.11 I therefore do not intend to repeat that work here. Instead, my statement will analyse the Council's reasoning behind the refusal of planning permission.

¹ Bangor Wharf Georgiana Street, London NW1 0QS: Heritage and townscape appraisal, KMHeritage, February 2016

Section 4 provides a summary and conclusion to my report.

Core documents

- 1.12 References in square brackets (e.g. [A1]) are to Core Documents, unless a document is specifically referred to as such. Please refer to the Core Document Index.

2 The reasons for refusal

2.1 In refusing the planning application ref 2016/1117/P, the Council provided eighteen reasons for refusal. In my statement I will address the sixth and seventh reasons for refusal, set out as follows in the Decision Notice issued by the Council on 17 June 2016 [B1]:

6. The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the streetscene, canalside setting and the character and appearance of the wider area while failing to either preserve or enhance the character and appearance of the Regent's Canal Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving 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.

7. The proposed development, by reason of its design, layout and addition of gates, which fail to maximise the active frontage to Georgiana Street, would be detrimental to the streetscene and the character and appearance of the Regent's Canal Conservation Area, and would fail to increase perceptions of safety and reduce the opportunities for crime, CS14 (Promoting high quality places and conserving heritage) and CS17 (Making Camden a safer place) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies.

3 Analysis of the Council's position

- 3.1 The Council's reasoning in refusing the planning application is contained in the officers' delegated report [B2] and in the Council's Rule 6 Statement of Case (Core Document I). I shall examine each in turn.

The Council's delegated report

- 3.2 The Council's delegated report [B2] says at Paragraphs 6.7 and 6.8 that:

6.7 The proposed buildings would be materially greater in height, scale and massing than those within its immediate and surrounding context. Development of this level would only be suitable subject to an exemplary design using careful consideration of the characteristics of the site, features of local distinctiveness and the wider context in order to achieve high quality development which integrates into its surroundings, in accordance with policies DP24 and DP25. The proposal is not considered to achieve sufficiently high quality design which mitigates the impact of the additional height and massing, which is otherwise considered to be excessive in relation to the surrounding context. Therefore, the proposal would be contrary to policies CS14, DP24 and DP25 by causing significant harm to the character and appearance of the neighbouring buildings, local area, Regent's Canal Conservation Area, the canalside setting and the streetscene.

6.8 The affordable housing block (Block A) fronting Georgiana Street is considered to have the appearance of excessive massing with a poor relationship in terms of an increased scale with relation to the neighbouring building at no. 54. Opportunities to break down the massing of this block by creating recesses, voids, breaks in the parapet line and so forth have not been taken.

Height, scale and massing

- 3.3 The Council implies that ‘greater...height, scale and massing’ (Paragraph 6.7 of the delegated report) is implicitly harmful. This fails to acknowledge the reality of the urban scene, and particularly that of former industrial areas. Differences in scale between adjacent sites and phases of urban development are a normal and familiar aspect of urban morphology, and are, indeed, what frequently provide our towns and cities with interest and variety.
- 3.4 The appeal scheme site is located at a key crossing of the Regent’s Canal, on a route leading north from the environs of St Pancras and the borders of Camden Town towards Holloway. It is one of but four canal crossings between York Way at King’s Cross and Camden Road. It is therefore a location in urban terms where a greater scale of development is entirely appropriate – to the extent that it will be visible in longer views, its helps to signal a key point on an important route connecting different parts of London.
- 3.5 As I point out at Paragraph 4.9 of KMHeritage’s Heritage and Townscape Appraisal [D5] that accompanied the refused application, ‘The height of the proposals will permit the development to play a role in urban way-finding and place-making, but is not excessive - the scale of Block B is commensurate with the new development along St Pancras’ Way to the southeast, albeit on slightly higher ground.
- 3.6 In any event, I consider that the Council misrepresents the appeal scheme as significantly exceeding the scale of the surrounding urban context. It ignores the damaged quality of the end of Georgiana Street nearest the canal and the presence of development of significance scale along the southern side of the Regent’s Canal – much of it of recent date. The appeal scheme site is of a low built density that is untypical in the area. The incongruous two-storey depot site on the opposite side of Georgiana Street,

is – in any redevelopment of that site – likely to be redeveloped at a greater scale. In addition, No. 54 Georgiana Street is an isolated, poor quality building of two tall storeys with a projecting ground floor shop frontage. It is anomalous in architectural and urban terms and should not have been used by the Council as a basis for assessing the scale of the proposed redevelopment of Bangor Wharf. A more relevant basis for assessing a change of scale would be 118 Royal College Street which, (though 120-136 & 140 -142 Royal College Street are locally listed), like the rest of the terrace on Royal College Street is not in the conservation area. The southern and rear parts of 118 Royal College Street are bland and modern in appearance. In my view, 118 Royal College Street is separated from the appeal scheme by a distance sufficient to provide ample room for the scale of the appeal scheme to step up from Royal College Street.

- 3.7 Elsewhere, and as I explain in detail in the Heritage and Townscape Appraisal [D5] (at Section 4), I consider that the height, scale and massing of the appeal scheme is appropriate. A greater scale towards the canal bridge and along the canal itself is wholly appropriate for the reasons given in the Appraisal and here.
- 3.8 Finally, two things can be said regarding the Council's comment at Paragraph 6.8 of the delegated report that 'Opportunities to break down the massing of this block by creating recesses, voids, breaks in the parapet line and so forth have not been taken'. Firstly, the Council make this statement as though 'recesses, voids, breaks in the parapet line and so forth' represented the only correct or acceptable architectural response to the site. Secondly, the statement fails to acknowledge the evident articulation of mass and elevations within the appeal scheme.
- 3.9 There are many instances where *not* 'creating recesses, voids, breaks in the parapet line and so forth' is the appropriate and correct approach to the design of new buildings. Examples of this quality in older and newer

buildings exist in the immediate vicinity of the site. The terrace forming the eastern side of Royal College Street north of Georgiana Street (including the locally listed buildings) have a consistent and continuous parapet line over a distance of nearly 80 metres. The same is true of 163A-185 Royal College Street (including the Grade II listed buildings at 165-181 Royal College Street) on the western side of Royal College Street. I note that on this western side of Royal College Street, both the Prince Albert pub (at the junction with Georgiana Street) and the recent development at the opposite end of the terrace (where Royal College Street meets a canal bridge) are taller than the intervening buildings. On both sides of Royal College Street, the terraced houses have a uniform architectural treatment with only a modest degree of modelling and articulation, as befits a calm, ordered and legible urban realm. In terms of more recent development, many of the canalside developments between St Pancras Way and the Regent's Canal have a consistent parapet line and are relatively restrained in terms of 'recesses and voids'.

- 3.10 However, it is very obviously the case, as the appeal scheme drawings (Core Document F) and Design & Access Statement [D4] show, that the appeal scheme design has taken 'opportunities to break down the massing of' Block A. The length of the Georgiana Street elevation [F12] is broken down into slightly recessed bays above ground floor with deeply recessed bays at ground level; two bays, including the bay above the entrance, consist of recessed balconies; the building is angled as it approaches the canal; and there is a set-back fifth floor. In my view the appeal scheme design creates a good balance between a simple and legible massing and breaking that massing down in a controlled and visually satisfying way. This helps ensure that, though the scale of the development increases towards the canal, the architectural expression of the appeal scheme remains suitably subservient to the more ornate architectural

expression of the Constitution pub, which terminates the view and thus continues to draw the eye.

- 3.11 The scheme design along the canal edge is more modelled, with balconies, angles, set-backs and an angled roof profile, and a stepped layout with an open space between the two blocks.

Architectural quality

- 3.12 The Council is imprecise in its use of the term ‘exemplary design’ (Paragraph 6.7 of the delegated report [B2]) and ‘high quality’ (Paragraphs 6.3, 6.7, 6.9 and 21.1 of the delegated report [B2]) and was, throughout the pre-application period, singularly vague in its explanation of what ‘careful consideration of the characteristics of the site, features of local distinctiveness and the wider context’ means in terms of its implications for new development at the appeal scheme site. The term ‘exemplary’ does not feature at all in the former Core Strategy, in any of the Camden Development Policies that were valid at the time that the appeal scheme was refused planning permission, or in the Camden Local Plan adopted in June 2017 [G3]. The delegated report [B2] is no clearer in explaining why the Council believes that the appeal scheme is not one that ‘integrates into its surroundings’; Paragraph 6.11 of the delegated report [B2] is made of very general statements that do not isolate any specific shortcoming of the appeal scheme.
- 3.13 Both KMHeritage and the architects for the appeal scheme undertook detailed analysis of the heritage and townscape character the site and its surroundings, and this work is reflected in the Design & Access Statement [D4] and the Heritage and Townscape Appraisal [D5]. This included an analysis of the local context of the site and an understanding of the character and appearance of the conservation area. It also included an appreciation of the industrial history of the area. As an expert in heritage and townscape matters I consider that the assessment of significance of the site and its surroundings contained in

the Design & Access Statement [D4] was rigorous and thorough, and represented an accurate and reliable basis for the design of the appeal scheme. I also consider that the architects' analysis of local heritage and townscape significance is evident in the design of the appeal scheme.

- 3.14 As I make clear in the Heritage and Townscape Appraisal [D5] (at Section 4), the appeal scheme represents an approach to the redevelopment of the site that is confidently contemporary, and where reference to context and the past is indirect and allusive rather than literal. It therefore avoids the kind of clichéd approach that attempts to 'reinterpret' historical building style and appearance, and which results in poor pastiche design and a half-hearted nod to the past. I believe that the appeal scheme will succeed in creating a genuine and authentic piece of new townscape that is both sensitive to its context and of its time.
- 3.15 The appeal scheme does indeed comprise of 'simple geometric forms and brick detailing' (Paragraph 6.11 of the delegated report [B2]). I disagree that the appeal scheme has 'a lack of articulation, depth and relief to the brick detailing and other features within the elevations to provide visual interest, definition and legibility to the architecture of the buildings' (first bullet point at Paragraph 6.11) – it is evident from the appeal scheme submission that the appeal scheme possesses these characteristics and, in any event, such matters are entirely within the ability of the Council to control by condition. The Council acknowledges this by including proposed Condition 3 at Appendix 1 of its Statement of Case [I1].
- 3.16 Equally, statements such as 'the buildings fail to respond convincingly to the distinctive characteristics of local canalside industrial heritage' and 'the inconsistent use of materials undermines clarity of architectural expression' (second and third bullet points under Paragraph 6.11) are simply subjective, imprecise and of very little use as expert judgements warranting refusal of a scheme which, in my opinion, has an architectural expression entirely suited to

its varied context. The statement that ‘the 5th floor would be incongruous and visually prominent in long views due to its design and architectural treatment’ (final bullet point under Paragraph 6.11) is not borne out by the visualisations contained in the Design & Access Statement [D4]; again, the Council uses an imprecise and subjective term to criticise the scheme without offering any more precise, technical reasoning.

The Council’s Rule 6 Statement of Case

- 3.17 The Council’s Rule 6 Statement of Case (Core Document I) offers little more than the delegated report in explaining the Council’s reasoning behind its sixth reason for refusal. Paragraphs 6.37 to 6.42 essentially repeat what is said in the delegated report.
- 3.18 I note that, though ‘harm’ is mentioned in both the delegated report and the Statement of Case (though not in the sixth reason for refusal), the level of harm to heritage assets is not explicitly assessed in the delegated report and it is not identified by the Council as being either ‘substantial’ or ‘less than substantial’ – the term ‘significant harm’, which does not feature in the National Planning Policy Framework, is used, without explanation, at Paragraph 6.7 of the delegated report. It is not clear whether ‘significant harm’ means ‘substantial’ or ‘less than substantial harm’. The difference is of considerable importance. My opinion, as set out in detail in the Heritage and Townscape Appraisal, is that neither level of harm is caused, and the appeal scheme both preserves and enhances the character and appearance of the Regent’s Canal Conservation Area by virtue of the positive effect that the development will have on that character and appearance.
- 3.19 The Council would therefore appear to have not properly carried out the appropriate tests before arriving at the conclusion that the appeal scheme would ‘fail to either preserve or enhance the character and appearance of the Regent’s Canal Conservation Area’. The Council may have

considered the appeal scheme before refusing it, but it does not given precise or reliable reasons as to why the appeal scheme fails the tests at S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 Summary and conclusion

- 4.1 I was appointed by the appellant in respect of this matter in late 2015. I provided advice regarding the design of the appeal scheme and prepared a Heritage and Townscape Appraisal [D5] that accompanied the refused application for planning permission.
- 4.2 In my opinion, the appeal scheme is a well-designed architectural response to the site and the client brief, has clearly been informed by a thorough understanding of local heritage and townscape significance and character. I believe that the appeal scheme will enhance views in the area, the setting of locally listed buildings in the vicinity and the character and appearance of the Regent's Canal Conservation Area.
- 4.3 In this statement I analyse the Council's reasoning behind the refusal of planning permission. I point out that both KMHeritage and the architects for the appeal scheme undertook detailed analysis of the heritage and townscape character of the site and its surroundings. I disagree with the Council's contention that the appeal scheme does not respond properly to its context. I disagree with the Council's implication that an increase in scale on the site brought about by the appeal scheme is inherently harmful. I point out that the nature and location of the appeal scheme site permits a greater scale and that the appeal scheme proposes a scale similar to new development nearby. I also take issue with the Council's contention that 'Opportunities to break down the massing of this block by creating recesses, voids, breaks in the parapet line and so forth have not been taken' in the appeal scheme.
- 4.4 Finally, I point out that the Council would appear to have not properly carried out the appropriate tests before arriving at the conclusion that the appeal scheme would 'fail to either preserve or enhance the character and appearance of the Regent's Canal Conservation Area'. The

level of harm to heritage assets is not explicitly assessed in the delegated report [B2] and it is not identified by the Council as being either 'substantial' or 'less than substantial'.

4.5 I respectfully ask that the appeal be allowed.

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