

**Appeals in respect of proposals for  
70 Oakley Square, London NW1 1NJ**

**Statement of Kevin Murphy B.Arch MUBC RIBA IHBC**

Local planning authority references:  
2017/2190/P and 2017/2846/L

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Consultancy for the  
Historic Built Environment

**KMH**Heritage

## Contents

<b>1</b>	<b>Introduction .....</b>	<b>2</b>
	Background and qualifications.....	2
	My appointment, and experience relevant to the appeal .....	2
	The appeal.....	3
	The organisation of my report .....	3
<b>2</b>	<b>The reasons for refusal .....</b>	<b>4</b>
<b>3</b>	<b>Analysis of the Council’s position .....</b>	<b>6</b>
<b>4</b>	<b>Summary and conclusion .....</b>	<b>9</b>

# 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 2016. I provided advice regarding the design of the appeal scheme and prepared a Heritage Appraisal that

accompanied the refused applications for planning permission and listed building consent<sup>1</sup>.

- 1.6 I have carefully assessed the appeal scheme and the Council's reason 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 applications (refs: 2017/2190/P and 2017/2846/L) sought planning permission and listed building consent for development at 70 Oakley Square as follows:
- Erection of 1st floor side and rear extension to create solarium, ground floor rear extension and re-opening windows on 2nd and 3rd floors of the side elevation*

- 1.9 Both applications were refused on 29 June 2017.

#### **The organisation of my report**

- 1.10 The Heritage Appraisal that I prepared in support of the refused applications provided a description of the heritage significance of 70 Oakley Square and its context, analysed the refused scheme in heritage terms, and showed how the scheme complies with policy and guidance. 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 and listed building consent. Section 4 provides a conclusion to my report.

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<sup>1</sup> 70 Oakley Square, London NW1 1NJ: Heritage Appraisal, KMHeritage, April 2017

## 2 The reasons for refusal

- 2.1 Application refs. 2017/2190/P and 2017/2846/L were refused on 29 June 2017.
- 2.2 In refusing the planning application ref 2017/2190/P, the Council provided one reason for refusal, as follows:
- 1. The proposed solarium extension, by reason of its detailed design, materials, scale and siting would be harmful to the special historic and architectural interest of the listed building, its relationship to the historic townscape and the character and appearance of the conservation area. The development is therefore contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan Submission Draft 2016.*
- 2.3 In refusing the listed building consent application ref 2017/2846/L, the Council provided two reasons for refusal, as follows:
- 1. The proposed solarium extension, by reason of its detailed design, materials, scale and siting would be detrimental to the special architectural and historic interest of the listed building, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies, and Policy D2 (Heritage) of the Camden Local Plan Submission Draft 2016.*
  - 2 The proposed development, by virtue of the loss of historic fabric through the creation of new openings within the existing side elevation, would harm the historic*

*composition of this elevation and therefore result in harm to the special architectural and historic interest of the listed building contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies, and Policy D2 (Heritage) of the Camden Local Plan Submission Draft 2016.*

- 2.4 The officers' delegated report is undated. It deals with both refused applications.

### 3 Analysis of the Council's position

3.1 The Council's delegated report says at Paragraph 4.5 that:

*It is considered that the proposals would wholly alter the character and composition of the end elevation of the listed terrace, destroying the original counterpoint between the animation and decoration of the front elevation and this sober and solid flank wall, which is so important for the building's historic interest as a piece of intact early-Victorian town planning. The proposed development would also harm its architectural interest as a classical composition of the period*

3.2 The Council presumes that altering the 'character and composition of the end elevation of the listed terrace' is implicitly harmful. This is, of course, not the case. Nothing in legislation, policy and guidance suggests this and that this is the first step in the Council's analysis of the appeal scheme suggests that the analysis is based on flawed reasoning.

3.3 The Council's delegated report says at Paragraph 4.5 that:

*The proposed conservatory itself is anachronistic in design and situation and would not preserve the architectural interest of this flank elevation (and to some degree the rear). Much of the host building's elegant detailing and proportions would be obscured by the extension's bulk and size in public views from the Square and Eversholt Street. The proposals also require the loss of a significant quantity of original masonry. The proposed additions to the existing ground floor portico would conceal its original design and in their alteration to its size, would imbalance the whole composition of the house, as well as creating large, dark, covered areas which would reduce the sense of space and openness which gives a grandeur to the end of the terrace.*

3.4 The Oxford English Dictionary defines 'anachronistic' as 'of the nature of, or involving, anachronism', which, in turn, is defined as 'anything done or existing out of date;

hence, anything which was proper to a former age, but is, or, if it existed, would be, out of harmony with the present'. The design of the appeal scheme is drawn from the language of 19<sup>th</sup> century classicism, the period and style of 70 Oakley Square, and the description of it as 'anachronistic' is thus inappropriate.

- 3.5 I disagree with the assessment (at Paragraph 2.1 of the delegated report) that 'the flank of No. 70 [is] unusually decorative...'. The side wall of 70 Oakley Square merely replicates, in blank openings (except for one first floor window), the fenestration of the front elevation. The single storey structure is hardly a 'portico', and is asymmetrical and awkwardly proportioned; it does not possess such significance by itself that no alteration to it can be contemplated.
- 3.6 The Council is incorrect to state that 'much of the host building's elegant detailing and proportions would be obscured by the extension's bulk and size', given that the appeal scheme simply adds a single storey and largely glazed conservatory to the single storey structure. The conversion of the blank windows to actual windows, retaining their architraves, does not 'require the loss of a significant quantity of original masonry' and, in any event, the masonry within the blank openings cannot be said to have anything other than moderate heritage significance in itself. Given the asymmetry of the single storey entrance structure, the appeal scheme can hardly be said to 'imbalances [*sic*] the whole composition of the house'; it is also debatable to whether there is any sense of 'space and openness' or 'grandeur' in the side elevation of 70 Oakley Square.
- 3.7 I believe, therefore, that the Council's conclusion (at Paragraph 6.1 of the delegated report) is unreasonable. It is incorrect to say that 'the proposed additions would harm the historic interest of the listed building by destroying its intact relationship to the historic townscape context' and that they would 'detract significantly', and to suggest that 'No. 70's contribution to the Camden Town



Conservation Area would be severely compromised' is a clear exaggeration.

- 3.8 I note that, though 'harm' is mentioned in both the delegated report and the reasons for refusal, the level of harm to heritage assets is not assessed in the delegated report and it is not identified by the Council as being either 'substantial' or 'less than substantial'.

## 4 Summary and conclusion

- 4.1 The purpose of the appeal scheme is to enhance the residential accommodation offered by the property.
- 4.2 My assessment of 70 Oakley Square, contained in the Heritage Appraisal prepared to support the refused applications, is that it remains a very handsome listed building and retains a considerable degree of heritage significance despite various alterations. The underlying typological character of the building survives beneath the changes that have occurred, and internally the plan layout and decorative detail of quality survives.
- 4.3 I have considered the appeal scheme. In my view, the appeal scheme represents an interesting and creative way of adding accommodation to 70 Oakley Square in a manner that is consistent its architectural style and appearance. It makes use of an area of the building which has already been altered at ground floor and – other than altering this area – requires only minimal intervention in the main western elevation of the listed building, involving the opening of the blank windows. The appearance of the conservatory, in design, materials and detail, will be historically authentic. Though not particularly common, this type of extension is found occasionally on end-of-terrace flank walls
- 4.4 The appeal scheme would have a modest but positive effect on the special architectural or historic interest of 70 Oakley Square as a listed building. The building's appearance will be altered, but in a manner consistent with that special interest. The character and appearance of the Camden Town Conservation Area and the setting of adjacent listed buildings will only be affected to a minimal degree, and also in a positive manner.
- 4.5 I therefore believe that the appeal scheme will, on balance, preserve and enhance the Grade II listed building at 70 Oakley Square, the Camden Town Conservation

Area, the setting of other listed buildings and the setting of the locally listed gardens of Oakley Square.

- 4.6 In my judgement, the appeal scheme does not cause 'harm', as defined in the National Planning Policy Framework, that is either substantial or less than substantial, to any heritage asset, but rather affects 70 Oakley Square and other heritage assets in a manner consistent with their special architectural or historic interest or heritage significance.
- 4.7 I therefore conclude that the proposed alterations at 70 Oakley Square comply with S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal scheme also complies with the NPPF and Haringey's local policies
- 4.8 I respectfully ask that the appeal be allowed.

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