

9 April 2021

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Kristina Smith  
Planning (Development Management)  
Camden Council

*Sent via Planning Portal*

Dear Kristina,

**Re: South Hampstead Synagogue  
Planning Application for Awning at Second Floor Level and Revised Parapet**

South Hampstead Synagogue is applying for planning permission for erection of a permanent retractable awning at second floor terrace level at the recently completed synagogue. The application also seeks retrospectively approve the as-built terrace enclosing wall which has been brick and metal screen/coping rather than a previously-specified glazed screen due to safety concerns.

The description of development is therefore:

*Erection of retractable awning and associated fixing structures to second floor terrace area and retention of brick and metal boundary wall and coping to terrace.*

The application is accompanied by a Design Statement incorporating proposed drawings by Allies and Morrison (dated February 2021) which illustrates the proposed awning and approved planning drawing 882 07 526 NE Section which relates to the retention of the existing enclosing wall and coping.

The application follows a pre-application meeting with officers and follow-up advice in late 2020.

**Background**

The Synagogue was opened in April 2019 following a lengthy planning process which included establishing a Community Working Group (CWG) and a detailed Events Management Plan (EMP). The EMP along with planning conditions controls the manner in which the building is used for certain events.

Relatively soon after opening, in early 2020, the global Covid-19 pandemic took hold affecting every community in the country, including affecting the way communities meet to worship.

The pandemic has been challenging for all; it has required the Synagogue to change significantly the way in which it operates over the last year in order to conform to all the various UK Government restrictions and guidelines for the safe use of places of worship. The Synagogue has been open from 5<sup>th</sup> July to 5<sup>th</sup> November and from 4<sup>th</sup> to 20<sup>th</sup> December 2020; it re-opened in February 2021 for services including two short services on Shabbat mornings and



Festivals with a restriction on the number of attendees who are required to pre-book.

This has been particularly challenging for older members of the synagogue, for whom the synagogue is very often the focal point of their social lives as well as their place for worship, but who are most at-risk from the pandemic and for whom the need to social-distance is most acute.

Therefore all necessary measures and controls for a Covid-secure environment are in place including social distancing. The Synagogue has limited the numbers of attendees in the various individual areas of the building – 70 attendees in both the main shul and the shul hall; 45 attendees on the second floor where the opening of the folding doors onto the terrace provides excellent natural ventilation for attendees and is therefore a popular location.

Temporary gazebos have been installed on the terrace to keep out the weather but these are not entirely effective and unsatisfactory when it rains, making the terrace unusable. This means on wet days the synagogue cannot offer safe prayer spaces for all. It is for these reasons that the synagogue now seeks permission for a permanent but retractable awning on the second floor terrace. It will enable the synagogue to offer safe year-round access to prayer for the most at-risk members of its community.

The awning to the terrace would also enable some other limited activities to take place on the terrace, such as the South Hampstead Friendship Club for our older members. They used to meet weekly for lectures, bridge afternoons and social activities inside the building. They now wish to use the terrace as the rooms previously used have no natural ventilation. The awning may enable other uses of the terrace within the controls of planning conditions and the EMP.

It is critical to South Hampstead Synagogue that the application for the awning is considered quickly given the need to procure and install it by the autumn, when it will be needed most.

#### Proposed Development

The siting and design of the proposed awning is illustrated in the accompanying document from Allies and Morrison and we do not rehearse all the details here, save to note that the awning would be located and designed such that it would be invisible from all but a very limited few private vantage points.

Its use would be controlled by the same controls (i.e. planning conditions and EMP) that currently govern the use of the building and terrace in terms of hours of use and acoustic impacts. You will be aware that the synagogue is concurrently seeking to amend the hours for use of the terrace under the EMP (currently limited to no later than 7pm on any day or before 11am on Sunday).

We appreciate that the awning and the proposed change to hours of the use of the terrace are inter-related; they are however separate. The awning will be necessary to support on-going use of the terrace referred to above during the existing hours of use agreed in the EMP.

### Legislative and Policy Context

Every level of planning policy operating in Camden including its Local Plan and the London Plan and the National Planning Policy Framework supports community facilities and their ability to operate in a way that meets the needs of communities. The relevant policies all acknowledge the importance of community facilities and places of worship in ensuring the health of those communities and the mental health of individuals within them. It is therefore clear that the proposals to enhance and adapt the community facility at South Hampstead Synagogue is in accordance with the planning policy framework as a matter of principle and should be looked upon favourably and the presumption in favour of sustainable development applied to it.

At a national level the Government has been very swift in changing the legislative framework to enable communities and businesses to adapt to the pandemic. Last year The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 radically altered the former Use Classes Order and new and wide-ranging rights for development were introduced via The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020. Among the new Permitted Development Rights, for example, were rights to install tables and chairs to support restaurant businesses to enable their safe outdoor use.

Whilst these instruments have not directly made it permitted development to install the awning sought by South Hampstead Synagogue, Planning Inspectors (e.g. refs: APP/M5450/W/20/3249877, APP/M1595/W/20/3249241, APP/H5960/W/20/3250527) have variously applied significant weight to the intentions of Government policy that are taken to underpin the new Permitted Development Rights and Use Classes Order (even if implicit, rather than explicit in the NPPF or PPG). It is therefore imperative that Camden applies the same principle of flexibility when considering the proposed awning application.

We recognise that the proposed development has the potential to impact the appearance of the building (Local Plan Policy D1) and the conservation area (Policy D2), but as demonstrated by the accompanying document from Allies and Morrison the proposed awning would integrate very successfully to the design of the synagogue and cause no impact to the conservation area. Any potential noise impacts (Policy A4) would be minimal and in any event controlled by planning conditions and the EMP for the wider synagogue.

### Engagement with the CWG

SHS has been grateful for the CWG's forbearance generally during the pandemic.

A virtual SHS-CWG meeting was held on 30 March and is aware of the proposed awning. This was the first meeting since September 2019; the meeting scheduled for 19 March 2020 was postponed and SHS has tried to re-schedule a meeting since October 2020 but recognises that neighbours have had other priorities during the pandemic.

In the circumstances the CWG agreed that there is no objection to the continued hours of use of the terrace for religious services where the opening of the folding doors onto the terrace provides excellent natural ventilation for attendees (as well as other activities in accordance with the EMP). SHS appreciates the CWG continued forbearance on this issue.

SHS is committed to on-going engagement with the CWG.

Enforcement complaint

As set out above this application seeks to retrospectively approve the arrangement of the terrace enclosure, which does not comply with the design approved per condition 15 of planning permission 2017/0478/P.

Condition 15 of the planning permission requires that:

*The glazed screen of the external amenity area at third floor level shall be obscure glazed to a height of 1.8m, in accordance with drawing 882\_07\_526\_NE\_Section and shall be permanently retained.*

*Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.*

A few notes on this condition; firstly the condition incorrectly refers to the “amenity area at third floor level”. There is no such amenity area. The approved drawing ref 882\_07\_526\_NE\_Section (submitted for information alongside this application) clearly indicates the relevant amenity area and screen as relating to the second floor terrace which is subject of the main awning application.

Secondly, as indicated by the accompanying document from Allies and Morrison, the glazed screen subject of the condition serves no purpose in preventing overlooking. Accordingly SHS decided to omit the obscured glass screen and replace with a brick and metal screen/coping. This was also informed by safety concerns; the glazed screen would have introduced a climbing hazard.

In any event the existing enclosure and coping provides better protection from any overlooking of neighbouring properties than would the glazed screen. We therefore seek that the existing enclosure is approved permission retrospectively.

Given the urgency of the awning we would appreciate this application being approved without delay.

Please contact the undersigned if you have any questions about this application.

Yours sincerely,

**Grant Leggett**  
Director, Head of Boyer London

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