

JPPC ref: MC/7773

Dot Kujawa
The Planning Inspectorate

By electronic means

19th November 2021

Dear Ms Kujawa,

APP/X5210/Y/21/3275798
8 Park Village West, London, NW1 4AE

Further to receipt of your letter dated 8th November 2021 in relation to the above, please would you make the Inspector aware of the following comments regarding the Council's Statement of Case dated 21st October 2021.

Comments on Council's Statement of Case

For ease of reference, the following comments will be cross referenced to paragraph numbers within the statement.

Paragraph 3.1 – The grounds of appeal are clearly set out within Section 6 of the appellant's statement of case. The grounds of appeal are that it is not clear within the decision notice or the delegated report as to precisely what harm to the building's internal or external character the Council alleges has taken place as a result of the unauthorised works.

Paragraphs 3.1.1 - 3.3 – The Council's delegated report was uploaded to their website on 27th September, over 3 months after the date that the decision was issued. It is recognised in the submission that the works were unauthorised and applied for retrospectively and this is not in question. The Council's reason for refusal was unsubstantiated and had no justification until the delegated report was uploaded, which was following the submission of this appeal.

27/09/2021
14:06

Park Village refusal report

Figure 1 - Screenshot of the Council's website showing when the report was uploaded

The John Phillips Planning Consultancy

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Paragraph 3.5 – the Heritage Report prepared by Worledge Associates clearly sets out the history of the property and how the interior of the building has been significantly altered over the last 70 years. Paragraph 195 of the NPPF states that ‘local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’. The Council have failed to make clear how the insertion of downlights within a modern ceiling would cause harm to the significance of the listed building.

Paragraph 3.6 – the chimney breasts are in situ and their historic function can still be clearly read. Similar to the above, the Council has failed to make clear in any of their submitted documents as to what harm is caused to the significance of the listed building from the electrical spurs being in this position.

Paragraph 3.7 – the appellant is fully aware of the protection of the interior of listed buildings, however it remains to be a fact that Casina Lodge is included in a group listing for the whole of Park Village West, with the listing description only referring to the exterior of the dwelling. Neither the report or the reason for refusal makes clear reference as to what the special architectural and historic interest of the property is, which makes the Council’s case difficult to comprehend.

Paragraph 3.8 – as set out earlier in this statement, the Council’s delegated report was not uploaded until three months after the decision notice was received. The Council’s reason for refusal was unsubstantiated and had no justification until the delegated report was uploaded, which was following the submission of this appeal.

Paragraph 3.9 – the Council state that the works cause harm to the exterior of the listed building. The works are entirely located within the listed building and as the appellant’s statement of case sets out, the works would be largely imperceptible from the exterior of the building. The Council’s statement of case sets out that the harm would be clear from anyone viewing the building from the exterior, however given that the downlights are inserted into a modern ceiling, it is not clear why this would be harmful.

Paragraph 3.10 and 3.11 – the appellant recognises that the building is listed and that works require listed building consent. The works have followed best practice guidance and are discreet and have avoided damage to historic fabric.

Paragraph 3.12 – the appellant agrees that proactivity is a two-way street. However, the Council failed to communicate with the appellant during the course of the application and did not provide the delegated report when requested for over three months.

The appellant has demonstrated that there are no adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme. The Inspector is therefore respectfully requested to allow the appeal.

Yours sincerely



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