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Neighbours' Comments on Heritage Appraisal for No. 29 Great James Street - Planning Application No: 2021/5551/P

Date: 8th February 2022

Erection of two storey rear addition to No. 29 Great James Street to accommodate a roof terrace, glass extension (the "Glass Extension") and access stairs

Introduction

The owners of No. 29 Great James Street (the "**Application Site**") have submitted a planning application (Application No. 2021/5551/P) (the "**Planning Application**") to Camden Council to carry out extensive refurbishment and alteration to the Application Site.

We are the owners of neighbouring and adjacent properties most affected by this Planning Application.

We submitted our principal objections to the Planning Application to Camden Council on 8th February 2022 (the "**Neighbours' Objections**").

The purpose of this document is to set out our additional comments on the Heritage Appraisal prepared by The Heritage Practice and dated October 2021 submitted in connection with the Planning Application (the "**Heritage Appraisal**").

1. Heritage Appraisal is inconsistent, argumentative and misleading

In our view the Heritage Appraisal is an inconsistent, argumentative and misleading document. We have not attempted to set out in full all of the statements in the Heritage Appraisal that we take issue with, but set out below are the most egregious examples of factual misstatements, inconsistencies and special pleading that lead us to the conclusion that the Heritage Appraisal is seriously defective and that, accordingly, the reliance the Council can place on it to inform their decision on the Planning Application is limited.

In summary:

- a. The Heritage Appraisal is replete with incorrect and misleading statements. In some places, it is internally inconsistent. For example, it makes a number of highly subjective assertions about the heritage status and "value" of the Application Site that are not supported by factual evidence or reasoned argument elsewhere in the document. We have commented on one example of this in paragraph 9 below.

In other places, the conclusions in the Heritage Appraisal contradict previous conclusions made in previous heritage appraisals written by the same authors and submitted in connection with previous planning applications in respect of similar buildings in Great James Street.

For example, we note that the Heritage Practice in its heritage appraisal for No. 34 Great James Street dated June 2019 states that there are “*significant heritage benefits*” in removing the rear infill ground floor extension to that property, yet, in the Heritage Appraisal for the Application Site the authors effectively approve the construction of a rear ground floor and first floor infill extension which will fill the entire courtyard at the Application Site. We find this divergence of approach troubling and we think it casts doubt on the objectivity of the Heritage Appraisal for the Application Site and therefore the ability of the Council to rely on its conclusions. Please see paragraph 3 below for our further consideration of this and Appendix 1 setting out relevant extracts from the Heritage Appraisal for No. 34.

- b. There are many other examples of inconsistent arguments in the Heritage Appraisal based on incorrect factual statements or on no evidence at all.
- c. The Heritage Appraisal misrepresents the proposals in the Planning Application in a number of respects. We have commented on the most egregious of these in paragraphs 2, 4, 5, 6, 7, 8 and 10 below.
- d. The Heritage Appraisal contains a number of statements regarding other buildings in Great James Street and previous local planning applications that are incorrect and that give a misleading impression. We have commented on these statements in paragraph 3 below.

Our overall conclusion is that the Heritage Appraisal is seriously defective and that, accordingly, the reliance the Council can place on it to inform their decision on the Planning Application is limited.

2. Extension sits comfortably within its context:

Paragraph 6.8 of the Heritage Appraisal states that “*The proposals are considered acceptable in terms of siting, bulk and massing. The extension will be situated at low level in relation to the overall height and scale of the listed building and will be fully subordinate. The extension will replace the existing structures which currently fill the rear courtyard at ground floor level, whilst the proposed element at 1st floor level is modestly scaled and situated well away from the main rear façade and closet wing of the listed building*”. “*This will ensure that the extension sits comfortably within its context and responds positively to the surrounding built environment.*”

These statements are manifestly incorrect and misleading.

The floor area of the rear extension is approximately one-half of the floor area of the main house. It is a bulky, huge construction.

The Glass Extension will protrude significantly above the current garden wall lines, unlike any other current construction to the rear of the west side of Great James Street. It cannot be said to be subordinate to the existing garden wall structures.

We note that in paragraphs 5.12, 5.13, 5.26, 6.6 and 6.8 the Heritage Appraisal refers to the modern structures at ground floor level in the courtyard. These structures are temporary wooden garden sheds which were constructed in the last 10 years by the previous occupiers for document storage. We understand that no planning permission was sought from Camden Council for their construction. One of these has recently been removed by the current owner of the Application Site.

Accordingly, these structures should be ignored for the purposes of the Planning Application and the courtyard space should be seen as empty of buildings. It follows that the Planning Application should properly be seen as an application for the construction of a new rear infill addition with a roof terrace and Glass Extension above (not a replacement of existing structures) which will occupy nearly all of the garden space behind the Application Site where no rear garden infill currently exists.

If the infill addition is constructed as currently proposed, the rear courtyard at the Application Site would virtually disappear under new construction. There is no suggestion in the Planning Application that a “garden” of any kind is proposed to be built as part of the new construction, either on the roof of the extension, which is designated as a “terrace” or anywhere else.

This is contrary to CPG Home Improvements 2021 at page 40 which states that *“There are certain considerations that should be taken into account when designing a rear extension to ensure it is sensitively and appropriately designed for its context. Rear extensions should: Allow for the retention of a reasonably sized garden”*. The proposed rear infill addition fills in almost all of the rear courtyard and therefore appears to be in breach of this Planning Guideline.

The Glass Extension in particular will have a severely disproportionate and detrimental aesthetic effect on the rear outlook from, and cause harm to the setting of, all of the adjoining and adjacent properties to the Application Site (which are all in a homogenous architectural style).

Please see Appendix E attached hereto which is a bird’s eye view of the rear of the west side of Great James Street taken from Google Earth. We have imposed on to this photograph the position of the proposed Glass Extension and drawn sight lines from adjoining properties. As can be clearly seen, the proposed Glass Extension will be visible from, and irreversibly damage the sight lines, of almost every property to the rear of the west side of Great James Street.

As such, it is clear that, taken together, the rear infill addition and the Glass Extension do not fit at all comfortably within the context of this setting of exclusively early 18th and 19th century buildings. They are completely out of context. They *“cannot respond positively to the surrounding built environment”* as the Heritage Appraisal suggests.

We would note that the Heritage Practice in its heritage appraisal for No. 34 stated that the removal of the ground floor rear extension resulted in *“significant heritage benefits”* to the property and also that *“The removal of the rear extension would effectively reinstate the historic courtyard and dramatically improve the setting and appreciation of the original terrace house from the rear (including from the rear rooms and neighbouring buildings.)”*

We comment on this further in paragraph 3 below.

We would refer you to paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of the Neighbours’ Objections for our views as to how the construction of the Glass Extension will be in breach of current Camden Planning Guidelines.

3. Approvals for similar development:

The Heritage Appraisal contains a number of misleading references to other applications in Great James Street for similar developments.

We would remind the Council of its guideline as regards the development of Listed Buildings in paragraph 3.40 of its Camden Planning Guidance - Design of January 2021 which states *“Development permitted in a particular location or in close proximity to a proposed application site will not be considered to form a precedent for similar development elsewhere or in a similar location. Each heritage asset has its own special significance and therefore each application or assessment of a proposal will be based on its own merit.”*

Accordingly, the examples cited by the Heritage Appraisal as approving rear infill additions to other listed buildings in the street, should not be regarded as precedents for this case.

In any event, for the reasons set out below, we disagree that the examples of rear infill additions cited by the Heritage Appraisal have any evidential or persuasive value in connection with this Application.

The planning approvals cited in the Heritage Appraisal for other properties in Great James Street were all given prior to the publication of the guidelines in the CPG Home Improvements 2021 and are inconsistent with them.

For example: (1) extensions are now permitted only if they allow for the retention of a reasonably sized garden (see page 40) and (2) *“Rear extensions should – Respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space”* (see page 41).

No. 30 Great James Street

The rear addition infill at No. 30 Great James Street did not enable overlook of any bathroom window in adjoining properties because the rear closet wing of No. 30 is a stand-alone structure and is not paired with the closet wing of another house in the street as is the case with the closet wings of Nos. 29 and 28 which are adjoining.

Please see Appendix E attached hereto which is a bird's eye view of the rear of the west side of Great James Street taken from Google Earth. We have marked on this photograph the position of Nos. 27 to 31 Great James Street. As can be clearly seen, the closet wing of No. 30 is a stand-alone structure, whereas those of the Application Site and No. 28 are adjoining.

No. 34 Great James Street

At paragraph 6.10 the Heritage Appraisal references an approval at No. 34 Great James Street for a proposed garden room above the existing ground floor rear addition infill.

The most recent planning application in relation to No. 34 Great James Street (Application No. 2019/3493/P) proposed the complete demolition of all the rear courtyard infill. This has now been done and the courtyard returned to its appropriate early 18th - century form.

The proposed garden room above the existing ground floor rear addition infill at No. 34 Great James Street was never built and the courtyard space has now been entirely cleared of construction.

The Heritage Practice also prepared the heritage appraisal for No. 34 in connection with the 2019 Planning Application. We set out some extracts from that appraisal in Appendix 1. The Heritage Practice were very firmly of the opinion that the removal of the ground floor rear extension resulted in *"significant heritage benefits"* to the property. This benefit to the property is mentioned no less than six times in that appraisal.

The appraisal for No. 34 also stated that:

"The removal of the rear extension would effectively reinstate the historic courtyard and dramatically improve the setting and appreciation of the original terrace house from the rear (including from the rear rooms and neighbouring buildings.)"

We find it extraordinary that the Heritage Practice in the heritage appraisal for No. 34 can say that *"significant heritage benefits"* arise from the removal of a later ground floor extension and that the setting of the house would be *"dramatically improved"* yet in the Heritage Appraisal for the Application Site can also make the statements in Paragraph 6.8 (set out in paragraph 2 of this document above) which approve the construction of a modern infill rear addition to the whole of the courtyard space of the Application Site. As stated in paragraph 1 above, this divergence of approach is troubling, and casts into doubt any objectivity of the Heritage Appraisal for the Application Site and therefore the ability of the Council to rely on its conclusions.

No. 14 Great James Street

At paragraph 6.11, the Heritage Appraisal references an approval at No. 14 Great James Street for a proposed garden room above the existing ground floor rear addition infill.

The ground floor infill and first floor pavilion built at No. 14 Great James Street was built in place of an existing extension and it is in a setting at the rear of the east side of Great James Street which is entirely different from the west side.

The Heritage Appraisal at page 18 sets out a diagram in the lower right-hand corner of the proposed construction at No. 14. This is the plan titled "Section BB" submitted with the Planning Application No 2015/3185/P for No. 14 Great James Street and dated 22.05.2015.

There are significant differences between that application and the Planning Application for the Application Site as follows:

- a. the construction of the ground floor rear addition infill and the garden room above were on the site of an existing extension which was demolished and not on a vacant courtyard as is the case with the planning application for the Application Site;
- b. the garden room at No. 14 has walls on each side preventing overlook to adjacent properties; and
- c. as can be clearly seen from Appendix F, which is a bird's eye view of the rear of the east side of Great James Street taken from Google Earth, the southern side of the garden room abuts part of the Cockpit Yard council recycling centre and therefore does not impose any new restriction on rights of light or view from other buildings in the street.

4. Insertion of new windows in flank of closet wing:

The Heritage Appraisal at paragraph 6.18 refers to the Planning Application proposal that four new windows be inserted in the flank wall of the closet wing where none existed before. This seems to be a highly questionable alteration to the Application Site which the Council should not permit. It is stated in paragraph 6.19 that *"The new openings in the side of the closet wing will be created in an elevation which has already been highly patched and rebuilt. Nonetheless, they will be appropriately detailed and scaled, with a sense of diminishing fenestration, thus responding positively to the original character of the listed building."*

It is impossible to see how the new openings will *"respond positively to the original character of the listed building"* when, historically, no such windows would have existed so as to retain the privacy of occupants using the facilities in the closet wing and to ensure that occupants of adjacent properties could not look into the closet wing.

Please see paragraph 12 of the Neighbours' Objections as to why the insertion of these windows will breach Camden Planning Guidelines.

5. Replacement of existing window in rear of first floor closet wing with door to roof terrace:

The Heritage Appraisal at paragraph 6.32 refers to the Planning Application proposal that the existing window to the rear of the closet wing on the first floor be replaced with a door, thus enabling easy access from the proposed bar in the closet wing to the roof terrace. This

seems to be a highly questionable alteration to the original historical structure of the Application Site which the Council should not permit.

The Heritage Appraisal states in paragraph 6.32 that *“This is a 19th century window which does not complement the original character of the listed building.”* This is a misleading statement because it is highly likely that in an early 18th – century building the windows would have at some time been replaced due to wear and tear. Virtually none of the windows in the houses in Great James Street date from the 18th – century. That does not mean that windows replaced because they have worn out in the 19th or 20th – century are not part of the listed heritage of the building and can now be ignored for listed planning purposes and replaced by doors.

The Council will recall its refusal to allow an existing widow to be removed and a door to be inserted in the same position in No. 30 Great James Street. All that was permitted was a “walk under window”. Please see the diagram at Appendix D as part of Planning Application No. 2014/1571/P.

Please see paragraph 13 of the Neighbours’ Objections as to why the removal of this window and replacement with a door will breach Camden planning guidelines.

6. Preservation of character and appearance of Bloomsbury Conservation Area:

The Heritage Appraisal at paragraph 6.56 states that: *“The external works are generally modest in their scale and impact and in many cases will enhance the listed building, most notably with regard to the reinstatement of appropriate fenestration throughout. Where the works are more extensive, they are situated to the rear of the property, of which there are no public realm views, and where the rear courtyard is well screened due to the densely packed urban environment. Nonetheless, the proposed extension is a high quality and well designed addition to the listed building and will replace the current low grade, modern infill structures. Consequently, the character and appearance of the Bloomsbury Conservation Area will be preserved in line with the s.72 statutory duty.”*

We disagree strongly with this statement for the following reasons:

- a. the rear infill addition is not modest in scale, please see paragraph 3 above for our views on this;
- b. the Glass Extension will not enhance the listed building, please see paragraph 3 of the Neighbours’ Objections for our views on this;
- c. although the rear infill addition and the Glass Extension are at the rear of the building, we have expressed our views in paragraph 5 of the Neighbours’ Objections that the rear setting of these houses should be as much protected as the front streetscape;
- d. whilst there are no “public realm views” of the rear of the building, the Glass Extension will be visible from almost every property on the west side of Great

James Street as is clearly indicated in our sightline impact diagram attached as Appendix B;

- e. we disagree that the Glass Extension is a high quality and well-designed addition to the listing building. As to which please see paragraph 4 of our Neighbours' Objections; and
- f. whilst the extension will replace the current buildings, these are temporary constructions built without planning permission, so the construction of the rear infill addition should properly be seen as building on a vacant courtyard and, as it is over almost most of the courtyard space, will be in breach of 2021 Camden planning guidelines as referred to in paragraph 1 above.

7. Policy compliance:

The Heritage Appraisal at paragraph 6.60 states that *"To the rear the proposed infill extension is of an appropriate scale and massing, reflecting recent permissions to neighbouring properties along Great James Street. It's simple, contemporary design will provide a subtle juxtaposition with the 18th century character of the house and enhance its setting to the rear through the replacement of the existing unattractive and incongruous modern infill structures"*.

We would disagree with this statement for the reasons set out in detail in paragraph 5 above.

8. The London Plan 2021:

The Heritage Appraisal at paragraph 6.64 states that *"The remodelling of areas to the rear which are of no architectural or historic interest will be achieved through the insertion of a high quality, contemporary infill structure which will provide attractive and flexible accommodation without harm to the listed building or the wider terrace and townscape."*

We disagree with this statement for the reasons set out below:

- a. the rear infill addition and Glass Extension are on a massive scale in comparison with the current footprint of the Application Site and not at all of an appropriate scale and massing;
- b. see paragraph 3 above as to why we do not think that the granting of other planning permissions for rear infill constructions in Great James Street are applicable to this application;
- c. the rear of the buildings in Great James Street are just as much a part of the historic listed heritage as the front streetscape, and it is simply not true that they have *"no architectural or historic Interest"*. The Heritage Appraisal itself contradicts this statement in Section 5. The architectural and historic interest of the rear of these buildings is in their unusual unity and harmoniousness (as the Heritage Appraisal itself states in Section 5) and the protection of the rear of these buildings cannot just

be ignored in a planning application of this type. Please see further paragraph 5 of our Neighbours' Objections on this; and

- d. please see paragraph 3 of our Neighbours' Objections as to why we are of the view that the construction of the rear infill addition and the Glass Extension will cause harm to the rear setting of these houses and the wider terrace.

9. Communal Value:

Paragraph 5.27 of the Heritage Appraisal states that *"there is little to distinguish this building from other buildings of the same age and character and it is its contribution to group value that is most important"*.

The above statement and the one at paragraph 5.28 of the Heritage Appraisal on "communal value" are incoherent and we do not think the Council should rely on them.

The descriptive statements in the second paragraph of 5.27 are inconsistent with the statements on historical value in paragraph 5.25 and aesthetic value in paragraph 5.26. On the question of what is "valuable" communally, or should be valuable, The Heritage Practice (the author of the Heritage Appraisal) appears merely to be making highly subjective assertions that are unsupported by any factual evidence or reasoned argument and passing them off as "expert" opinions. Accordingly, we consider that the conclusions in paragraph 5.28 on communal value do not have any worth.

10. Conclusion:

The Heritage Appraisal at paragraph 7.2 states that *"The provision of a modest amount of additional space within the rear courtyard allows for a degree of open plan, modern living space whilst preserving the intimate, domestic character and spatial quality of the main envelope of the listed building."*

We disagree with this statement because the rear infill addition and Glass Extension is not a *"modest amount of additional space"*. It is on a massive scale in comparison with the current footprint of the Application Site.

If the owners of the Application Site want modern open plan living, we suggest that they should go and live in a modern open plan house, not an historic listed building.

APPENDIX 1

Extracts from heritage appraisal by The Heritage Practice of June 2019 in relation to No. 34 Great James Street in connection with Planning Application No. 2019/3493/P

(our underlining for emphasis)

Paragraph 1.2

The building has recently been bought by a new owner who intends to live in the property. Alterations to the 2013 consents are now proposed and this Heritage Appraisal has been prepared in support of the related applications for planning permission and listed building consent. The proposals involve comparatively minor alterations to the principal listed building. An improvement on the previous permission is the removal of the 1960s ground floor rear extension which currently covers the whole of the rear courtyard. This would result in significant heritage benefits to the grade II* Georgian townhouse

Paragraphs 4.7 and 4.8

In regard to no. 34, and taking into account the proposals as a whole, it is considered that the proposed scheme would not cause harm to the special interest of the listed building and would bring about genuine enhancements to no. 34. This would be brought about by bringing a Building At Risk into active use through an appropriate programme of restoration and reinstatement of lost features.

In addition to this, the original ground floor footprint of the house would be reinstated and so to would the relationship between the original building and its courtyard – the existing infill at ground floor would be removed and the extensions that formed part of the 2013 scheme at ground no longer form part of the proposals.

Paragraph 4.11

The proposals insofar as they relate to the main house are focused mostly on sympathetic repair and refurbishment and the reinstatement of an authentic early 18th plan form, features and traditional materials and finishes. Minor works to the ground floor are also proposed to improve upon the function of the space including introducing a kitchen at this level. This improves the legibility of the building overall and when seen in the context of removing the large rear extension, the proposals as they relate to principal building are appropriate, sympathetic and acceptable.

Paragraph 4.15

The removal of the rear extension would effectively reinstate the historic courtyard and dramatically improve the setting and appreciation of the original terrace house from the rear (including from the rear rooms and neighbouring buildings). The new courtyard garden would be appropriately landscaped. The effects of removing the extension would result in a significant enhancement to the special interest of the listed building as well as an enhancement to the wider character and appearance of the terrace and conservation area as a whole.

Paragraph 5.2

The rear façade also suffers from lack of maintenance and the 1960s rear infill extension detracts from the original overall form and composition of the former townhouse.

Paragraph 5.5

A new owner has recently bought the building and intends to complete its renovation for his own home. The proposed works seeks to make changes to the 2013 permission. The proposed changes significantly enhance the special interest of the listed building by reinstating the property to a scholarly early Georgian dwelling-house. The work involves the complete removal of the ground floor rear extension and the reinstatement of the original courtyard.

Paragraph 5.9

National policy (set out at appendix A) seek to enhance the significance of listed buildings and to protect them from unjustifiable harm, in common with local historic environment policy. The proposals would not harm the significance and special interest of the listed building and would significantly enhance its special character largely through restoring the building back to its original layout, character and appearance. It is therefore considered that the proposed alterations would importantly improve its current poor state of repair and slow decay. The proposals are therefore considered to be acceptable in terms of historic environment statutory and policy provision.