

Our ref: HC6844A

Camden Council
5 Pancras Square
London
N1C 4AG

27th May 2022

Dear Sirs,

Nos. 10-11 and 53-54 Doughty Street, London, WC1N 2LS

I am writing on behalf of Doughty Street Chambers in relation to an application for Planning Permission and Listed Building Consent for the installation of photovoltaic (solar) panels at Nos. 10-11 and 53-54 Doughty Street, London, WC1N 2LS.

Following submission of the application on 21st January 2022 two objections (dated 8th April 2022 and 27th April) were received from the CAAC (Bloomsbury Conservation Areas Advisory Committee), our responses to which are provided below.

CAAC Objection 1 (8th April 2022)

The CAAC has objected to the proposals on the following grounds:

"The visibility of PV panels will impact negatively on neighbouring historic buildings, and the heritage setting would be harmed irredeemably, should acceptance of PV panels on historic roofs become the norm.

We therefore object to the applications.

The only compromise could be a reduction in number of panels and to ensure that they are placed in the valley of the M-roof, where none will be visible."

It should first be noted that the statement by CAAC that '*the heritage setting would be harmed irredeemably*' demonstrates a fundamental misunderstanding of the proper approach to the assessment of impacts on heritage assets. This infects the entire analysis of this issue. Impacts on the setting are only relevant in so far as they affect the significance of the heritage assets and the ability to appreciate it.

Historic England's guidance document, GPA3, is clear in that we must be considering harm to significance, not harm to setting. Paragraph 9 of this document notes:

"Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance."

The NPPG goes further and notes:

"A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it."

As outlined in our original letter (dated 10th January 2022) the photovoltaic panels are proposed in locations where they will not be readily visible from adjacent public spaces, and the visual studies conducted (which were submitted as part of the application) were undertaken to ensure that the positioning of the panels would not alter the appreciable character and appearance of the buildings themselves, or that of the Conservation Area more broadly.

The panels have therefore been specifically placed out of general view. At Nos. 10-11 the panels have been proposed on the secondary rear elevations in order to avoid visibility from the street, and at Nos. 53 – 54 the panels will be concealed by the parapet. The number of panels has been maximised to ensure that the optimal output is achieved, and reversibility has also been considered to ensure that all fixing types can be removed or upgraded at a later date, with little to no physical intrusion and no consequential impact on the historic fabric of the buildings. Any theoretical visibility of the panels would be restricted to views from the secondary floors of nearby properties, but would not fall within any designed views, and where glimpses of the panels are possible this would not affect the architectural or historic interest of the assets.

Having considered the potential impact of the proposals, it is evident that while the rooftops of the buildings do form *one aspect* of their architectural interest, and therefore contribute to the significance of the buildings as designated heritage assets overall, the installation of the panels will not alter the way these assets can be and are currently appreciated and viewed, and because of the considered installation methods, will not pose any undue impact to their historic fabric. No harm has been identified to the significance of these listed buildings.

Given their considered placement, the panels will not be readily visible from within the broader Conservation Area, and are not considered to pose any harm to its character and appearance, or to its significance. Similarly, the potential (theoretical) visibility of the panels from the upper floors of nearby listed buildings (if possible) is not considered to pose a change within their settings which could consequentially harm their significance – which is not in itself derived from such views, but principally from their architectural and historic interest, which will remain unaffected.

CAAC Objection 2 (27th April 2022)

The second objection by the CAAC relate to concerns regarding Local Policy (although incorrect references to specific paragraphs appear to be cited), rather than outlining any supposed impact the proposals may have:

"The Council needs to very carefully consider what is being done here before pressing ahead any further, this is a significant break from the Council's approach to PV panels and this conservation area's policy on solar panels which it has successfully held for over fifty years.

It was only 2 months ago that we agreed with a planning officer that a mews house on Doughty Mews should not receive permission for PV panels on its rear elevation due to visibility and impact upon the setting of the listed buildings on Doughty Street (2021/3454/P). Now we are hearing that, without any change in adopted policy, those listed buildings themselves will receive permission for a very large array of solar panels which are clearly visible from those buildings and the surrounding listed buildings and indeed upon their own rear elevations. This is a clearly a completely inconsistent approach and I don't really understand how the Council's policy can change so suddenly without any change to the development plan in that time.

I also don't understand how in a planning system where significance is considered to derive from the values that people assign to heritage assets that PV panels aren't considered to cause a very great amount of harm along the same lines as PVC windows and pebble-dashed facades. These are things which are widely considered to significantly harm the appearance of any townscape, never mind a listed building.

There are so many alternatives available for renewable energy generation on sensitive sites, including the use of solar tiles which would have a far less detrimental impact upon the significance of the CA and listed building - or just paying for an energy provider which uses sustainable energy sources.

I also know for a fact that the outcome of this application will immediately set a precedent in this and the wider area because I am working on a project across the road where our eventual planning application will be based upon the outcome of this application.

Please do go back to the Local Plan and Bloomsbury CA Management Strategy (particularly 5.38 and 5.39) before deciding to go ahead with this and we will have to insist on a referral to MBP not least because we will need to see what justification there is for this new approach. But if this is approved I am failing to see, beyond the prohibition on pebble-dashing and PVC (and even those are occasionally approved now) how the Council is maintaining its plan-led approach to the conservation of the historic environment."

The response above provides no sound reasoning for the objection to the proposals, and instead suggests that "*significance is considered to derive from the values that people assign to heritage assets*" rather than the four main constituents defined in the National Planning Policy Framework (NPPF): architectural interest, historical interest, archaeological interest and artistic interest, which are referred to within a Heritage Impact Assessment

compliant with NPPF paragraph 194. It follows that there remains a failure in this second objection to also correctly assess the contribution made by setting to the significance of a heritage asset.

The CAAC further suggest that solar panels would automatically have the same effect (and level of assumed harm to listed buildings) as '*PVC windows and pebble-dashed facades*', indicating a lack of understanding of the necessity for Heritage Impact Assessments to fully understand the significance of a listed building prior to assessing the impact of proposals.

The references made to paragraphs within the Local Plan and the Bloomsbury Conservation Area Management Strategy appear to be erroneous, however it is presumed that they would refer to paragraph 5.4 (*Alterations to Existing Buildings*) within the Conservation Area Management Strategy (which notes '*Addition of prominent roof level plant/ fire escapes that detract from both the building and character and appearance of the area*' as a current detractor within the area) and 7.62 in the Local Plan (which refers to *Sustainability measures in listed buildings*).

If this is the case, it is evident in relation to the Conservation Area Management Strategy that the proposed solar panels would be far from prominent, and that they have been positioned in the proposals in order to ensure minimal visible change, and therefore they will not compound an existing 'detractor' within the Bloomsbury CA - which the management strategy seeks to avoid. With regard to 7.62 in the Local Plan, the proposals will fulfil the aim of this policy by improving the energy efficiency of listed buildings while avoiding harm to their significance as designated heritage assets.

As previously concluded, the addition of green energy sources should be especially welcome alongside visual evidence of them being incorporated sensitively into listed buildings, ensuring the buildings future sustainability and contributing to the environmental aims of the borough.

Kind regards,

A handwritten signature in black ink, appearing to read 'Paula Jones', with a stylized flourish at the end.

Dr Paula Jones
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