



Appeal Decisions

Site visit made on 1 May 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal A - Ref: APP/X5210/Y/19/3222128

36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Vulcan Properties Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/4910/L, dated 6 September 2018, was refused by notice dated 26 November 2018.
 - The works proposed are external and internal alterations associated with conversion of former fire station tower to residential unit including removal of chimneys, infill of central void and replacement of staircase.
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Appeal B - Ref: APP/X5210/W/19/3222123

36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vulcan Properties Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/4394/P, dated 6 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is conversion of former fire station tower (Sui Generis) to 1-bed residential unit (C3) including installation of balustrade at roof level and removal of chimneys.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building and is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within section 16 of the National Planning Policy Framework (the Framework).¹
4. The Council did not include, in its reasons for refusal relating to the planning application, a consideration of the effect on the Grade II* listed appeal

¹ February 2019

building. However, the statutory duty under s66(1) of the Act, states that: *'In considering whether to grant planning permission for a development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the listed building or its setting or any features of special or historic interest which it possesses'*. Accordingly, it is appropriate and necessary for me to consider that aspect in relation to both appeals.

Main Issues

5. Therefore, the main issues in these appeals are as follows:

- Appeal A & B: whether the proposal would preserve a Grade II* listed building, Belsize Fire Station, and any of the features of special architectural or historic interest that it possesses.
- Appeal B: whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal living space, access to light and outlook.

Reasons

Listed building

6. The appeal relates to a former fire station tower, which forms part of Belsize Fire Station. The site is located on the corner of Lancaster Grove and Eton Avenue and lies within the Belsize Conservation Area (BCA).
7. The building is no longer in use as a fire station. The appellant has secured planning and listed building consents to convert the rest of the building to residential use,² with the provision of 18 self-contained flats. That work was already well under way at the time of my site visit. The proposal is to convert the fire station tower to a 1 bedroom residential flat.
8. Belsize Fire Station is a Grade II* listed building, built under the direction of Charles Canning Winmill of the Fire Brigade Branch of the London County Council Architects Department, between 1912 and 1915. It was first listed in 1974 and has an L-shaped plan with an accommodation range orientated towards Eton Avenue and an appliance room facing Lancaster Grove, with a large red-brick tower at the hinge. The tower was used for the training of firemen within its intentionally confined spaces and for the drying of fire hoses.
9. According to its list description the building is a clever interpretation of an Arts and Crafts-style house, adapted to meet the needs of the fire brigade. It is described as one of the most distinctive and original of a remarkable series of fire stations built by London County Council between 1896 and 1914, each executed to a bespoke design. Belsize Fire Station is one of a number in which the architecture, design and attention to detail display particular sensitivity to their settings, here on the apex of two roads lined with many high-quality Edwardian houses, several of which are also listed buildings. In the 'reasons for designation' section of the list description, the fire station is described as being one of the most intact with its plan form and numerous other features retained.

² 2016/0745/P, 2016/1128/L, 2016/5813/P and 2016/6119/L

10. The tower is an impressive structure in views from the surrounding roads, although its brick detailing and recessed panels soften its bulk. Whilst centrally positioned and striking, the tower does not ultimately disrupt the essentially domestic character and proportions of the rest of the building, set within the context of its steeply pitched, hipped roofs and tall red-brick chimneys. The tower contains a central stair linking the ground, first and second floor levels of the building, with an iron spiral staircase providing access to the floors above. There is also a central aperture, bounded by railings, at each level from the ground floor upwards for the drying of fire hoses, which were dangled through it.
11. Given the above, a key part of the significance of the fire station tower rests on its impressive external appearance, at the centre of this Arts and Crafts-style Grade II* listed building. Internally, whilst generally more functional in character, its narrow iron spiral stair and hose-drying chamber, both referred to in the list description, along with internal partitions and chimney breasts are significant original features specific to its former use. They contribute to its special plan form and are intrinsically linked to its historic purpose and interest, as part of a vital facility intended to safeguard the local populace in the event of fire.
12. Alterations to the exterior of the tower would be relatively minimal, with the removal of some short chimney stacks on the roof and the installation of a balustrade, rising only 8cm above the existing parapet height. An access hatch in the roof would also be replaced by a slightly larger hatch in a new position and a skylight installed to provide additional light to the fifth-floor bedroom. The current rudimentary ladder from the fifth floor to the roof would be substituted for a discreetly situated compact staircase. Notwithstanding the loss of some external fabric to facilitate the use of the roof as a terrace, there would be limited visibility of those changes from street level or from surrounding houses. Those minor alterations would not materially compromise the external appearance or character of the tower, which contributes to the special interest of the listed building and provides a landmark within the BCA.
13. Internally however, more extensive changes are proposed to convert the tower to a flat, with living accommodation over floors 3-5. As the tower was, in part, designed to train firemen to work in confined spaces, the iron spiral staircase is deliberately narrow. It would be replaced by a wider metal spiral staircase to provide easier access throughout the tower. The appellant submits that the replacement would respect the spiral form of the original, would be located in the same corner of the tower and that the proposed crittall-glazed enclosure would echo the existing nibs. However, the original spiral staircase, with its decorative rope-twist newel posts and perforated stair treads, a notable element of the tower, would be entirely lost.
14. The original extent of the hose drop would be visually indicated by a backlit acrylic panel on the second-floor ceiling and inset metal trims on the floors above. Nevertheless, the central void would be infilled, albeit with a reversible construction, and its metal railing surrounds removed, which would diminish the legibility of the plan form and historic interest of the tower. Moreover, whilst the infill may be theoretically reversible, it is difficult to envisage circumstances in which it would be likely to be reversed, once the tower had been converted to a residential flat.

15. Chimney breasts and various internal dividing walls would also be removed to open out the proposed living space. The design of the interior partition walls, including low openings to other small rooms, create the confined spaces with difficult restricted accesses that were integral to the training of firemen in the tower. Therefore, that intentional layout, pertinent to the original function and history of the tower, would also be lost to the detriment of the special interest of the listed building.
16. The internal brick walls are functional in appearance, illustrating the more utilitarian aesthetic of the building's interior. Whilst it is proposed to dryline one of the main walls, in connection with the provision of services, the other three would remain as exposed red-brick. Concrete floor finishes on the second, fourth and fifth floor levels would be retained, and white painted concrete soffits maintained on all levels, sympathetic to the functional design of the tower. Although those mitigating aspects are noted, they do not sufficiently compensate for the extent and effects of the proposed changes and loss of internal fabric.
17. I also appreciate that some original fabric would be lost in relation to the approved wider conversion of the listed building, but that does not necessarily legitimise the extensive internal changes and loss of historic fabric and features within the tower. Whilst the hose drop and other features may no longer be functionally necessary, as the tower is not used for its original purpose, that is not determinative and does not mean that they do not have a heritage value. Indeed, buildings are often listed to try to ensure that original historic features are protected.
18. The appellant refers to a Council Officer's Report and related allowed appeal decision concerning Rose Cottage³, a Grade II listed building where works included alterations to an existing chimney breast at ground and first floor level. In that case, the Inspector considered that the plan form of the building involved a clear separation of the 'polite' and more utilitarian elements, but that the retention of 'nibs' containing the structural steelwork '*would still allow the pre-existing plan form to be read.*'
19. Furthermore, the appellant in that case was pursuing other works to the property, for which planning permission and listed building consent had been granted. The Inspector considered that the proposed works would be part of this overall programme and help to facilitate the more viable use of the property and its ongoing conservation, which was given considerable weight in the overall balance.
20. The Council considers that there is '*no comparison*' between that case and this appeal, submitting that the Rose Cottage appeal '*entailed a far less harmful intervention in a less interesting and important building, reflected by it being listed at a lower grade.*' It is relevant that Belsize Fire Station is one of a relatively low percentage of Grade II* listed buildings across the country which, along with having great rarity value, signifies its particular heritage importance.
21. However, there do appear to be some broad parallels between the Rose Cottage appeal and the appeal before me, in relation to the consideration of effects on plan form, loss of internal fabric, extant consents for other works on the building and issues about viable use and long-term conservation.

³ APP/X5210/Y/18/3201140

Nonetheless, such issues are not uncommon in listed building cases and it is a truism that all proposals must be judged on their individual merits, which is the approach I have taken in this appeal.

22. Moreover, aside from the Grade II* listed status, the cumulative effects of the loss of original features and historic fabric, the extent of the internal changes and the particular historic use of the tower, differentiate this proposal from the Rose Cottage appeal.
23. Indeed, Historic England (HE) has expressed serious concerns about the appeal proposal. It submits that the works would cause '*a high degree of harm to the significance of the listed building*' by reason of the loss of significant historic fabric which includes the circular staircase, chimney breasts and the loss of the plan form of the building, including the vertical hose shaft. HE and the Council also emphasise the importance of those elements in serving to tell the story of the former uses of the tower, with the narrow staircase and partitions creating confined spaces for firemen to train within.
24. I appreciate that some of the changes, such as the subdivision of the second-floor landing with a new glazed partition, would be partly for fire safety reasons. I also understand that the extant consents/permissions approve a cylindrical glass lift in the lower part of the tower/stair core to provide access to flats on the converted upper floors. The appellant's Heritage Assessment⁴ also suggests that the changes would only be evident to those gaining access to the tower and that the history of its use could be made available in other forms.
25. However, whilst I have considered those points, the protection of listed buildings is not dependent on the extent of public access to them and, currently, the nature of the use of the tower and its history is physically evident in its design and existing features. The proposed changes would result in the significant loss and alteration of much of that internal fabric and the plan form of the tower.
26. Therefore, the above factors lead me to conclude that the proposal would harm the special architectural and historic interest of the listed building. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore, Framework paragraph 194 advises that any harm to or loss of the significance of a designated heritage asset from its alteration or destruction should require clear and convincing justification.
27. In assessing the degree of harm caused, I have taken into account that the tower forms one constituent part of the listed building, albeit a central and important one, and that its external appearance, a principal contributor to its significance in the public realm, would be relatively unaffected. Internally, there are attempts in the design to mitigate harm, such as the position of the new spiral staircase and the demarcation of the hose drop infill. Therefore, whilst there would be a significant loss of historic internal fabric and original plan form within the tower, I consider that the overall level of harm to the significance of the listed building would, in the terms of the Framework and in

⁴ Prepared by DLG Architects LLP (August 2018)

this particular instance, be 'less than substantial' harm. However, I am mindful that 'less than substantial harm' still attracts great weight.⁵

28. In such circumstances, paragraph 196 of the Framework says that the 'less than substantial' harm should be weighed against the public benefits of the proposal, which can include the securing of the optimum viable use of listed buildings. I will consider that aspect further within my conclusion below.

Living conditions of future occupiers

29. The London Plan (2016) incorporated the Government's 'Technical housing standards – nationally described space standard' (the space standard).⁶ That sets out, amongst other things, minimum gross internal floor areas (GIA) for various types of dwellings. For a 1 bed 1 person flat the GIA should be 39m². For a 1 bed 2 person flat the GIA should be 50m² or 58m², if the unit is 2 storeys. However, the space standard does not appear to provide a GIA for a 1-bedroom unit over 3 storeys. The proposed one bedroom flat would, according to the Council, provide 54.6m² of living accommodation spread over three floors (excluding the second-floor entrance lobby leading directly onto the staircase). The Council considers that, given the heritage constraints which would be likely to prevent extensions, the proposed floorspace would be acceptable and I see no reason to take a different view.
30. Nevertheless, the Council is concerned that the proposal would not comply with the space standard requirement for a minimum floor-to-ceiling height of 2.3m for at least 75% of the GIA. It is agreed that the floor-to-ceiling height would be 2.53m at third floor level, 2.22m at fourth floor level and 2.19m at fifth floor level. It is relevant that the supporting text to policy H6 of the Camden Local Plan 2017 (CLP) indicates that: *'Where dwellings will be created from conversions or changes of use, the Council will apply the nationally described space standard flexibly taking into account the constraints arising from conversion of existing buildings, particularly listed buildings and other heritage assets.'*
31. The third floor, which would comprise the dining and kitchen area would be in excess of the minimum, whilst the fourth and fifth floors would fall 8cm and 11cm, respectively, below. The appellant says that whilst under other circumstances, the floor slabs could have been adjusted, that approach was not proposed in recognition of the Grade II* listed status of the building. Therefore, given the relatively minimal extent of the shortfalls and the heritage constraints, acknowledged as relevant factors within the supporting text of CLP policy H6, I am satisfied that no material harm would result to living conditions.
32. There are existing south-west facing windows, about 1.2m² in size, on each of the three floors which would serve the kitchen/dining room, lounge and bedroom, respectively. The fourth floor also benefits from an additional smaller window on the north-east elevation, which would serve a bath or shower room. At the time that the planning application was determined, no daylight or sunlight assessment had been provided. However, the appellant has submitted a 'Daylight and Sunlight Report' (DSR) with the appeal.⁷

⁵ Paragraph 193 of the Framework

⁶ March 2015

⁷ Prepared by Brooke Vincent + Partners (BVP), dated: 11 January 2019

33. The DSR refers to the Building Research Establishment (BRE) publication, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). Whilst I understand that document is due to be updated, as it is based on British Standard BS 8206-2:2008 which has recently be superseded by BS EN 17037:2018, it provides advice rather than mandatory requirements and indicates that *'numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design'*.
34. Average Daylight Factor (ADF) is the relevant numerical BRE guideline referred to by the parties. The DSR finds that the ADF would be 1.28% for the dining room/kitchen (third floor) and 1.45% for the living room/lounge (fourth floor), against a recommended level value of 1.5% ADF. The bedroom on the fifth floor would have an ADF of 4.2% against a recommended level of 1%, as it would also benefit from a skylight to the roof terrace. Therefore, two of the rooms would be below the recommended levels with another well above.
35. The Council suggests that the relevant recommended level for the kitchen is 2% rather than 1.5%. However, it is germane in my view that the room would also form a dining room, with the kitchen to the rear served by task lighting. In any case, it is accepted that two of the rooms are below the minimum guideline ADFs. However, the DSR says that the effect is of minor adverse significance and that annual and winter sunlight availability would be above the recommended values. Overall, taking into account the constraints on change in a Grade II* listed building, and from what I saw on my site visit, I consider that the natural light levels would be acceptable.
36. With regard to outlook, there is debate between the parties as to whether the dwelling would be single or dual aspect. Given that there is one south-west facing window on each floor, supplemented by one smaller window on the fourth floor serving a shower room, I agree with the Council that the flat would be essentially single-aspect. Policy D1 of the CLP indicates, in its supporting text, that the Council will seek to ensure that residential development, both for new buildings and changes of use, is dual aspect except in exceptional circumstances. The Mayor of London's Housing Supplementary Planning Guidance (SPG) also seeks to minimise the number of single aspect dwellings. However, the SPG does acknowledge that good single aspect one and two bedroom homes are possible were limited numbers of rooms are required, the frontage is generous, the plan is shallow and the orientation and or outlook is favourable.
37. In this case, the significance of the external appearance of the tower within the Grade II* listed building, would be very likely to preclude additional windows. It seems to me, as alluded to by the Council, that would form an 'exceptional circumstance', as referred to in the supporting text of CLP policy D1. The south-west facing window on each floor provides increasingly good views across the rooftops of other parts of the listed building and beyond, as one ascends the tower. Moreover, the proposed roof terrace would provide 20m² of outdoor living space and spectacular 360-degree views across London. In any case, in planning terms, poor 'outlook' is more usually understood to relate to the proximity of large or dominant structures that would have an overbearing effect, which is not the case here. In the round, I consider the outlook to be acceptable.

38. Overall therefore, I disagree with the Council that the opened out living space would be awkward or claustrophobic. Consequently, I conclude that the proposed flat would provide acceptable living conditions for future occupiers, with particular regard to internal living space, access to light and outlook. Indeed, it would provide a unique and novel living space within a remarkable building. It follows that there would not be significant conflict with policies H6 and A1 of the CLP, which, amongst other things, seek to ensure that housing is well-designed and provides a good quality of life for future occupiers, taking account of factors such as living space, sunlight and daylight. The proposal would also comply with similar policies within the Framework, in that respect.

Other Matters

39. With regard to Appeal B, the Council's additional reasons for refusal related to the absence of a legal agreement to secure the development as 'car-free', with no entitlement to a Resident Parking Permit, and to provide a financial contribution towards the provision of off-site affordable housing. The appellant was willing to enter into such an agreement and a completed s106 Agreement has been provided during the course of the appeal, signed by the relevant parties. It secures both car-free housing and an affordable housing payment of £96,990, which was the sum calculated by the Council as appropriate, in addition to the contribution made in relation to the development of the rest of the site under the extant permissions.
40. I am satisfied that it is necessary and reasonable to secure the development as car-free, as it is within an area which has an excellent Public Transport Accessibility Level (PTAL) of 6a, so that it promotes healthy and sustainable transport choices, in accordance with policies T1 and T2 of the CLP and similar policy in the Framework. An affordable housing payment is also necessary to maximise the contribution of the site towards the supply of affordable housing in the area, in accordance with policy H4 of the CLP and relevant parts of the Framework.
41. Given those factors, the s106 planning obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework, as it is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. Therefore, given that the Council have prepared and executed the s106 Agreement (along with the appellant and a mortgagee), I am satisfied that it addresses the Council's second and third reasons for refusal, in relation to Appeal B.
42. Whilst some local residents have expressed concerns about effects on the BCA, in addition to the listed building, the main proposed changes would be to the interior of the tower, with external works largely confined to the removal of some chimney stacks on the roof, which are already mostly shielded by a parapet. Given the limited nature of the external alterations there would be little effect on public or private views of the building. Therefore, the character and appearance of the BCA would be preserved. I note that the Council takes a similar view in that respect.

Conclusions – Appeal A and Appeal B

43. Paragraph 192 of the Framework advises that in determining applications, account should be taken of the desirability of sustaining and enhancing the

significance of heritage assets and putting them to viable uses consistent with their conservation. That is echoed in Framework paragraph 196 which acknowledges that public benefits can include securing the optimum viable use of the heritage asset.

44. The proposal would utilise a functionally redundant part of a listed building for a residential use, in a context where extant planning permissions and listed building consents permit the sensitive conversion of the rest of the building to residential flats. Accordingly, the appellant submits that the proposed conversion would be a means of securing the viable use of the tower and enable its assimilation with the use of the rest of the development.
45. However, the Council says that it was understood that the service charges associated with the already consented development across the rest of the site would enable the tower to be maintained in the future. As those extant consents are being implemented, it appears, therefore, that there is already a mechanism by which the tower and the building, as a whole, would be maintained. Given the sturdy design and construction of the tower and the lack of any suggestion that it is in a state of disrepair, the extent of future maintenance required is also likely to be relatively limited. Alternatively, there may be some other functional use to which the tower could be put or the possibility of other proposals which do not entail such extensive loss of internal fabric and plan form.
46. Consequently, I am not convinced that the proposed re-development of the tower is necessary to conserve it or secure the optimum viable use of the listed building. There is no evidence before me to indicate that the conversion of most of the rest of the fire station to 18 flats would fail to secure the long-term future of the building, as a whole, putting it to a viable use that will ensure its conservation. That aspect also further differentiates the appeal from the Rose Cottage appeal. Therefore, I give limited weight to that public benefit argument.
47. In providing an additional dwelling with reasonable living conditions, the proposal would contribute to the Borough's housing stock. Policy H1 of the CLP confirms that the Council will aim to exceed its target for additional homes. The Framework also recognises that small and medium sized sites can make an important contribution to meeting the housing requirement for an area⁸ and encourages the use of previously developed or 'brownfield land'⁹, such as the appeal site. However, 18 units are being provided on the rest of the site and whilst all contributions have a value, a one bedroom flat would be a relatively limited addition to the supply of housing.
48. The supplementary financial contribution towards offsite affordable housing, as required by policy H4 of the CLP, would also offer some benefit, but there would already be a contribution associated with the wider development of the site. In any case, such payments would not, in themselves, normally legitimise causing harm to a listed building.
49. I have found that the proposed flat would provide acceptable living conditions for future occupiers and that issues regarding car-free housing and an

⁸ Paragraph 68

⁹ Paragraph 117

affordable housing payment have been satisfactorily dealt with by means of a completed legal agreement.

50. Overall however, I conclude that the proposed works fail to preserve the special architectural and historic interest of the Grade II* listed building and that the harm would not be outweighed by the relatively limited public benefits. Nor am I satisfied that the proposal is necessary to secure the optimum viable use of the building. Therefore, the proposal would not satisfy the requirements of paragraph 192 of the Framework or development plan policy D2 of the CLP, insofar as it is relevant.

Overall Conclusion

51. For the reasons set out above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

JP Tudor

INSPECTOR