The Planning Inspectorate

Appeal Decision

Site visit made on 9 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/X5210/Y/19/3227802
23-24 Montague Street, London WC1B 5BH

- 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 Mr Sean Emmett (Bedford Estates) against the decision of the Council of the London Borough of Camden.
- The application Ref: 2018/4886/L, dated 11 October 2018, was refused by notice dated 18 March 2019.
- The works proposed are alterations to the existing 2nd-3rd floor staircase at 24 Montague Street.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the appeal relates to a listed building 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]

Main Issue

3. The main issue is the effect of the proposed works on the special architectural and historic interest of the Grade II listed terrace, at 12-29 Montague Street, of which the appeal property forms a part.

Reasons

4. The appeal properties at 23 and 24 Montague Street form part of a Grade II listed terrace of 18 houses built circa 1803-6. Originally separate houses, the buildings were conjoined during the early 20th century, with rooms subdivided to enable use as a boarding house or hotel. The site lies within the Bloomsbury Conservation Area (BCA).

5. Planning permission and listed building consent[2] have already been obtained for the change of use and conversion of the buildings from a hotel to six residential flats. The existing staircase at second and third floor levels within No 24 was to be retained. However, the appellant advises that the proposed entrance to the second floor flat at No 24, under that approved scheme, would

[1] February 2019
[2] 2016/7061/p and 2017/044/L

not comply with Building Regulations (BR)' as the entrance door to the flat would swing across the bottom of the staircase. Therefore, the appeal proposal is to remove the 2nd to 3rd floor staircase and replace it with a new staircase in a different configuration which would be further away from the entrance door to the second floor flat, to enable compliance with the relevant BR.

6. The listed terrace was built as part of the Duke of Bedford's estate in the early 19th century. Drawing on the list description, the houses are four storeys with basements, three bays wide, and are constructed of London stock brick with stucco ground floors and a stucco sill band at third floor level. Round-arched doorways with reeded door frames or sidelights with patterned fanlights feature on many properties, including No 24. Historic England (HE) has advised that along with Bedford Place to the east, the terraces are described in Pevsner's 'Buildings of England' series as *'characteristic and perfectly preserved examples of the style of the Duke of Bedford's new developments of this time.'*

7. Whilst the appellant refers to the fact that the interiors of the buildings were not inspected when the terrace was first listed in 1969, that is not uncommon. List descriptions are primarily for identification purposes and do not provide an exhaustive or complete description of features or fabric which may also contribute to the special interest of the building.

8. No 24 has undergone some internal changes and subdivision of rooms over time, but the historic plan form and significant internal features and fabric, including staircases, also contribute to its significance and an understanding of its historical evolution. Therefore, whilst the special interest of the listed terrace, of which the property forms a part, is principally associated with its impressive late Georgian façade, the internal features and fabric of its buildings also contribute to its overall significance and special interest. Indeed, the appellant's Design, Access and Heritage Statement (DAHS)[3] notes that the retention and repair of original architectural features was one of the aspects of the already approved scheme that attracted the Council's support.

9. The appellant refers to various historic plans obtained from the Bedford Estates Archive, including some dating from 1933, which appear to show the 2nd to 3rd floor staircases of Nos 23 and 24 both running in the same direction. It is submitted in the appellant's appeal statement, by reference to plans from 1971, that the direction of the stairwell to the upper floors at No 24 had changed by that time and runs in the opposite direction to that at No 23 (as also shown in later plans from 1976), which is the current position. On that basis, the proposed works are presented as a restoration of the original direction of the 2nd to 3rd floor sections of the staircases at No 24.

10. However, the appellant's DAHS acknowledges that the 1933 layout plan showing the same stair configuration in both Nos 23 and 24 is not necessarily definitive as *'the drawing could be inaccurate.'* It also advises that both staircase designs can be seen across the estate, winding right-left and left-right. Therefore, despite the assertions in the appellant's appeal statement, I am not sufficiently convinced that the plans provide clear or conclusive evidence of the position of the staircase in 1933 or, even if it has changed, when that change occurred.

[3] FT Architects: October 2018

11. Moreover, as I saw on my site visit and as illustrated in photographs submitted by the appellant[4], whilst the design is simple, the joinery of the existing staircase is of good quality with attractively carved newel posts, balustrades and handrails, which appear to be of some age. It is also of similar form and craftsmanship to the two flights of stairs below. Even if the direction of the relevant parts of the staircase has been altered over time, those changes evidence the history and evolution of the building. Therefore, although the appellant advises that the design of the new staircase would be sympathetic and replicate aspects of the original, notwithstanding a different configuration, the proposal would remove the existing 2nd and 3rd floor staircase in its entirety. The removal of such historic fabric from a building which forms part of the listed terrace would harm its special interest. I note that HE also takes a similar view.

12. The appellant further submits in mitigation that the affected section of staircase is substantially screened. However, listed buildings and their features are safeguarded for their inherent architectural and historic interest, irrespective of the extent of public or private views. Therefore, that does not legitimise the proposed complete removal of the existing sections of the staircase.

13. Paragraph 194 of the Framework indicates that any harm to, or loss of, the significance of a designated heritage asset, including from its alteration, should require clear and convincing justification. Here, the prime mover for the proposed alterations is to achieve compliance with the relevant BR. Whilst that is appreciated, it is not uncommon for layouts or features of historic buildings to fail to comply with the requirements of modern BR, and there may be other possible solutions which do not involve the complete loss of those parts of the staircase.

14. In this case, the appellant says that alternative designs have been suggested but that either no response was received from the Council or they were rejected. However, it appears from email correspondence[5] that it was the appellant's design team who rejected at least one possible alternative. Therefore, whilst I understand the health and safety concerns, which inform the relevant BR, and the constraints of the listed building, I consider, on the basis of the relatively limited evidence before me concerning alternatives[6], that other possible solutions may exist which do not involve the complete removal of the 2nd to 3rd floor staircase.

15. Given the above, I conclude that the proposal would harm the special architectural and historic interest of the Grade II listed terrace, at 12-29 Montague Street, of which the appeal property forms a part.

16. Although I have identified harm, the special interest of the listed terrace is principally derived from its impressive façade. Furthermore, the adverse effect would relate to a section of internal staircase within one of the buildings along the terrace. Therefore, I consider the overall level of harm to be, in the language of the Framework, 'less than substantial'. Nonetheless, even 'less than substantial' harm to the significance of designated heritage assets and their conservation should be given great weight.[7]

[4] See Design, Access & Heritage Statement
[5] Appendix J of appellant's Appeal Statement
[6] Including Appendix I of the appellant's Appeal Statement
[7] Paragraph 193

17. In such circumstances, paragraph 196 of the Framework advises that the harm should be weighed against the public benefits of the proposal, which can include securing the optimum viable use of listed buildings. However, the approval has already been given for the conversion of the buildings to residential use and I am not convinced that alternative solutions may not be possible to the BR issue. Therefore, there is no compelling evidence before me that a failure to approve this proposal would frustrate the future viable use of the building, which forms part of the listed terrace. No other significant public benefits have been presented and any associated with these internal works would be limited. Consequently, they are insufficient to outweigh the identified harm.

18. Accordingly, the proposal would fail to comply with the Act, paragraph 192 of the Framework or policies D1 and D2 of the Camden Local Plan 2017, which seek to secure high quality design that preserves or enhances the historic environment and heritage assets.

Other Matters

19. The appeal site is located within the BCA. The Council has not alleged that there would be harm to the BCA. Given that the works are limited and internal, would not be visible in the public realm or from surrounding dwellings and would affect one building within the listed terrace, I am satisfied that they would not adversely affect the character or appearance of the BCA, considered as a whole.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR