

Appeal Decisions

Site visit made on 15 November 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal A Ref: APP/X5210/W/21/3274863

11 Regent Square, London WC1H 8HZ

- 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 Mr & Mrs A Smith against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/4848/P, dated 20 October 2020, was refused by notice dated 3 March 2021.
 - The development proposed is the erection of a lift to the rear of the property from lower ground to second floor, internal lift from second to third floor, replacement of non-original windows, alterations to windows at existing roof addition, and associated renovation of property and internal alterations.
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Appeal B Ref: APP/X5210/Y/21/3274864

11 Regent Square, London WC1H 8HZ

- 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 & Mrs A Smith against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/5385/L, dated 20 October 2020, was refused by notice dated 3 March 2021.
 - The works proposed are the erection of a lift to the rear of the property from lower ground to second floor, internal lift from second to third floor, replacement of non-original windows, alterations to windows at existing roof addition, and associated renovation of property and internal alterations.
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Decision

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021, and this post-dates the Council's decision notice. I have, therefore, had regard to the revised Framework in my decision. I am satisfied that this has not prejudiced the main parties as they have had the opportunity to address this during the course of the appeal proceedings.

Main Issues

4. The main issues in both appeals are whether the proposal would preserve the listed building and any features of historic or architectural interest that it possesses; and whether it would preserve or enhance the character or appearance of the Bloomsbury Conservation Area.

Reasons

Special interest and significance

5. Dating from circa 1829, the appeal building is part of a wider terrace (Nos. 1 to 17 Regent Square) listed at Grade II and located within the Bloomsbury Conservation Area. Nos. 1 to 17 Regent Square consist of three main storeys plus attic and basement, laid out in the classic London terraced house format established in the Georgian period. The annotation 'GV' on the list description indicates that the significance and special interest derives to some degree from the group value of the terrace, and indeed its height, enclosure of the street, the rhythm of its structural openings and harmony of architectural detailing contribute considerably to the townscape, character and appearance of the Conservation Area.
6. The rear of the listed building is not referred to in the list description and lacks the consistency of the terrace's front aspect, presenting a more functional appearance in clear contrast to the polite formalism of its principal elevation. There has also been some alteration due to repair and partial rebuild following historic wartime bomb damage. Nevertheless, these more fortuitous aspects to the rear contribute to the significance of the building, by displaying the typical architectural composition of a rear elevation of an 1820s townhouse, with an ordered window layout and high parapet wall. In turn, this makes a positive contribution to the Conservation Area, which is characterised by similar Georgian townhouses and an abundance of open spaces laid out in formal squares and gardens.
7. The building's significance is also, in part, derived from its internal layout, with its historic plan form still evident across the ground and first floors and rear facing rooms still largely readable. The lower ground, second and third floors have all been significantly altered in their layout, but they all still maintain large rear facing rooms arranged around the rear facing windows, albeit some have been reduced in size. Accordingly, the special interest of the listed building, in so far as it relates to this appeal, derives from its age, character and appearance as a well-preserved example of a late-Georgian terrace, which displays many strong architectural features, typical of its period.

The appeal proposal

8. Planning permission and listed building consent are sought for a four-storey extension to the rear of the property that would facilitate the installation of a lift. This would be serviced from the rear lightwell to the lower ground floor and provide direct access from the ground floor to the first and second floors of the building. The lift shaft would be externally clad with pre-weathered zinc sheeting with a matt grey finish.
9. The proposal also includes the installation of an internal lift between the second and third floors, the replacement of non-original windows, and a reconfiguration of the property to restore much of its historic plan form, including the removal of non-original partition walls and the restoration of historic features. The rooftop room would also be extended to the party wall with No. 10 to enclose a fire escape stair and the south-facing wall glazed with floor to ceiling windows.

The effect of the appeal proposal

10. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest it possesses. Section 72(1) of the Act also requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore considered the appeal proposal in light of these weighty statutory duties.
11. The proposed lift has been designed to minimise its impact on the designated heritage assets. Nonetheless, it would appear as a tall box-like structure clad in a metallic material that would be in sharp contrast to the traditional brick of the listed building. Whilst I accept that there are other extensions to the rear of neighbouring properties and along the wider terrace, none are of the scale proposed and therefore the development would stand out as an incongruous feature that would harmfully detract from the architectural significance of the building. The external flue at No.13 does not change my view in this regard.
12. Therefore, the proposal would amount to a prominent and harmful addition to the rear of the property, resulting in several significant punctuations into the rear elevation to facilitate access and which would involve an unacceptable loss of historic fabric. Overall, this element of the scheme would over-complicate the simple and more functional character of the building's rear aspect. My findings in this regard are consistent with the appellant's own Heritage Impact Assessment¹, which considers that the external lift would cause less than substantial harm to the significance of the listed building.
13. The external lift shaft would be visible from the rear of adjacent properties along the terrace and the top of the shaft would be seen, to a lesser degree, in some limited public vantage points from St. George's Gardens. Accordingly, the proposal would introduce a prominent and discordant feature that would be harmful to the character and appearance of the Conservation Area as a whole.
14. Internally, the proposal would utilise jib doors in an attempt to conceal the entrances to the lift on the ground, first and second floors, and to maintain the integrity of the plan form. However, these doors would be visible from within the rooms where they would be located and, given their positioning and proximity to adjacent rear-facing windows, they would only serve to further confuse the historic plan form of the property.
15. The proposed internal lift would be located within the rear-facing rooms on the second and third floors. This installation would dominate these rear-facing rooms and result in a further harmful disruption to the plan form of the property, substantially altering the proportions of these rooms. Whilst I accept that the plan form of the second and third floors have already been harmfully eroded due to previous alterations, this does not in itself justify a further harmful intervention. In this regard, the internal lift would amount to an unsympathetic addition to the property, at odds with the historic plan form of the property and thereby resulting in clear harm to the heritage asset.
16. The alterations to the rooftop room to provide stairs and additional glazing would be a minimal intervention that would have no appreciable impact on the significance of the listed building or the Conservation Area. Accordingly, these elements would have a neutral effect.

¹ Heritage Statement by Spurstone Heritage Ltd, dated October 2020

17. The proposed works to replace non-original windows with more historically appropriate window frames and glazing; the reinstatement of original features such as fireplaces; and, the internal reorganisation of the property to remove modern partition walls and reinstate some of the historic plan form of the property would result in an enhancement of the heritage asset and adds moderate weight in favour of the appeal scheme.
18. Nevertheless, taking all these points together, the proposal in its entirety would fail to preserve the listed building and the features of historic and architectural interest that it possesses. In doing so, it would also fail to preserve or enhance the character or appearance of the Bloomsbury Conservation Area. Accordingly, the proposal would not meet the statutory requirements of the Act, as cited above.
19. Consequently, the proposal would be contrary to Policies D1 and D2 of the Camden Local Plan 2017, which together seek high quality design and the preservation or enhancement of the historic environment and heritage assets.

Other Matters

20. I have carefully considered the reasons given for why the appellant has applied for planning permission and listed building consent to alter and extend the property. I have also considered the health documentation relating to the appellant. Given the sensitive nature of the personal information provided to me as part of the appeal, it would not be appropriate for me to outline the specific health conditions of the individual concerned.
21. However, on the evidence before me, I have no doubt that the proposal would provide adaptations to the property that would be of benefit to the appellant's personal circumstances. This would provide greatly improved living conditions for the appellant and their family and are therefore personal circumstances to which I afford weight in favour of the proposal.
22. Accordingly, in my assessment I am mindful of the Public Sector Equality Duty (PSED) arising from section 149 of the Equality Act 2010. This requires me to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Equality Act, protected characteristics include physical impairments. Consequently, I am satisfied that a current occupier of the appeal property has a protected characteristic for the purposes of applying the PSED. In considering the appeal, I have also had regard to the rights conveyed within the Human Rights Act 1998.
23. In weighing the personal circumstances in the planning balance, this must be considered against the significant harmful effects that the proposal would have on the special interest of the listed building and the character and appearance of the Conservation Area. These harms are of considerable importance and attract great weight.
24. Other internal re-configurations have been considered by the appellant, and following advice from the Council, the Bloomsbury Conservation Area Advisory Committee (the BCAAC) and the Georgian Group this has resulted in several design iterations which have been informed by guidance published by Historic

England². These other options were discounted for various reasons including on medical, technical, or aesthetic grounds. Whilst I accept that some of these other options could be impractical, it has not been demonstrated that other less invasive schemes would not provide the appellant with a suitable standard of accommodation, but perhaps without access to all floors of the property. Moreover, the proposal would result in permanent additions and alterations to the listed building, the harmful effects of which would endure if the appellant and their family should choose to move from the property. Consequently, for these reasons, these matters attract no more than moderate weight in favour of the appeal.

25. In respect of the above matters, a refusal of planning permission and listed building consent is a proportionate and necessary approach to the legitimate aim of preserving the special interest of the listed building and avoiding harm to the character or appearance of the Conservation Area. In these regards, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the appellant and their family. Therefore, whilst I acknowledge the personal circumstances put forward in this case, these considerations do not outweigh the harm that would be caused by the appeal proposal in respect of my previous conclusions on the main issues set out above.
26. In support of the appeal, the appellant has drawn my attention to a recent approval of a lift on a Grade II* listed building at 10 Park Village West. Whilst I do not have the full details of this other case before me, I can see that the proposal in that case was of a substantially different design and scale to the appeal scheme and the host building was a detached two-storey villa with a differing surrounding context. It is, therefore, not a comparable scheme and does not provide any weight in favour of the proposal which has been considered on its own merits.
27. I acknowledge the letters of support from interested parties and the fact that the BCAAC were in support of the proposals. However, this does not detract from the harm that I have identified and therefore does not provide a justification for allowing the appeals.

Planning Balance and Conclusions

28. In accordance with paragraphs 201 and 202 of the Framework, it is for the decision maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to be less than substantial given the extent of the proposal and its consequent effects. The harm must therefore be weighed against the public benefits of the proposal.
29. Specific elements of the proposal including the replacement of non-original windows and doors with more traditional and historically appropriate windows and doors; the removal of external pipework; the reinstatement of original features such as fireplaces; and the reconfiguration of the property to remove modern partition walls and reinstate much of the historic plan form of the building; and other proposed works, would be enhancements the listed building that are of public benefit. Furthermore, I readily accept that the works to improve accessibility for a disabled person would provide a public benefit by

² Easy Access to Historic Buildings, by Historic England, 2015

improving the Council's housing stock for such persons and in pursuit of the aims of the PSED as outlined above. Nevertheless, I have little evidence before me to suggest that there is a shortage of such homes in the Borough. Thus, taken together, these public benefits offer only moderate weight in favour of the appeal.

30. Furthermore, the continued viable use of the building as a residential property is not dependent on the proposal as the property has an ongoing residential use; and I have been supplied with no substantive evidence to suggest that such use would cease in the absence of the proposed works. It has not therefore been demonstrated that the proposed works would result in the optimum viable use of the building.
31. Consequently, these public benefits would not tip the balance in favour of the appeal scheme when set against the great weight and importance that I attach to the harm that the proposal would cause to the special interest of the listed building and the Conservation Area. For these reasons, the appeal scheme would conflict with the Framework, insofar as it seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

Conclusion

32. I have found that the proposal would fail to preserve the listed building and the features of historic and architectural interest that it possesses; would neither preserve nor enhance the character or appearance of the Conservation Area; would not accord with the Framework; and would conflict with the above cited policies of the development plan.
33. Moreover, with regard to appeal A, no material considerations have been advanced of a sufficient weight to justify a decision other than in accordance with the development plan.
34. Consequently, for the reasons given, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

J M Tweddle

INSPECTOR