



Appeal Decisions

Site visit made on 4 June 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal A Ref: APP/X5210/W/23/3329049

Doughty Street Chambers, 10-11 Doughty Street, London WC1N 2PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Terrance Munduru of Doughty Street Chambers against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2022/3756/P.
 - The development proposed is to replace existing stepped access to number 10 Doughty Street with a platform lift to provide wheelchair access.
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Appeal B Ref: APP/X5210/Y/23/3329050

Doughty Street Chambers, 10-11 Doughty Street, London WC1N 2PL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Terrance Munduru of Doughty Street Chambers against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2022/4667/L.
 - The works proposed are to replace existing stepped access to number 10 Doughty Street with a platform lift to provide wheelchair access.
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Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals at this site. Appeal A concerns the refusal of planning permission and Appeal B concerns the refusal of listed building consent, although in both cases, the appeal site and the proposal are the same. I have considered each appeal on its individual merits and with regard to the relevant legislation, policy and guidance. However, to limit duplication I have dealt with the two appeals together, except where otherwise indicated.
4. As the proposal is in a conservation area, and relates to listed buildings, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The address of the appeal property was somewhat unclear on the application forms and so I have used the address from the appeal forms in the banner heading above.

6. The appellant has made two further appeals against the refusal of planning permission and the refusal of listed building consent, for a very similar proposal to this one. These appeals are at their property 53-54 Doughty Street, London WC1N 2LS, on the opposite side of Doughty Street and a short distance to the southeast of this site. Whilst the main issues for both sets of appeals are the same, I have dealt with them separately in the interests of clarity.

Main Issues

7. The main issues for Appeal A and Appeal B are whether the proposal would:
- preserve a Grade II listed building;
 - preserve the setting of adjacent Grade II listed buildings; and,
 - preserve or enhance the character or appearance of the Bloomsbury Conservation Area.

Reasons

8. Nos 10-11 Doughty Street are adjacent, mid-terraced buildings that are connected internally and are used as private offices. The buildings have a basement level, three storeys above and are topped by a mansard roof, with painted metal railings separating the front lightwells from the pavement. They were constructed in the late 18th and early 19th century and are Grade II listed¹.
9. The buildings are both constructed of yellow stock bricks typical of this part of Doughty Street, although for No 10 the bricks are of a noticeably different colour and with less evidence of accumulated dirt. Both buildings have similar fenestration to the front elevations, with sash windows at ground, first and second floor levels. There is a common sill band at first floor level and cornice at third floor level, which continues along the terrace.
10. The two entrances are similar, with six-panelled timber doors with an arched fanlight above. The pilasters and archway around the doorway to No 10 are finished with stucco, whereas for No 11 the brickwork is untouched. The door for No 10 has been altered so as to open and close at the touch of a button.
11. The entrance doors are accessed by way of walkways surfaced by decorative tiles, which vault over the front lightwells. There are railings on either side of the walkways with similarly tiled steps down to the pavement level. This is not dissimilar to the entrances to the other buildings along this part of Doughty Street.
12. The basement lightwells are painted white to reflect light into the building, with a stucco finish to the lightwell for No 10. Both lightwells are accessible from the pavement by gated metal steps.
13. The vaulted entrance walkways are painted and appear to be constructed from stone or concrete, with the tiles fixed to the top. Beneath the vaulted entrance walkway to No 10, a small lobby-type room has been constructed, which is linked to the front basement room and which has an access door onto the lightwell. However, the walkway can still be appreciated as such, particularly

¹ List Entry Number: 1271987 / List Entry Name: Numbers 1-19 and attached railings

when seen in the context of the other nearby walkways / lightwells along this part of Doughty Street, including at No 11.

14. The lightwell by the walkway to No 10 is positioned below street level and is not visually prominent in the streetscene. However, views into it and of the lobby-type room beneath the vaulted entrance walkway of No 10 are straightforward from the pavement.
15. In my view the significance of Nos 10-11, insofar as they relate to these appeals, stems from their design, scale, position and materials, including their historical development on this part of Doughty Street.
16. All of the buildings on this part of Doughty Street, between Guilford Street and Roger Street, are listed buildings constructed during Georgian times. In addition to the appeal buildings, and opposite Nos 10 and 11 is the Grade I listed 48 Doughty Street², which is notable, amongst other things, for being a home of the author Charles Dickens. The remainder of the terrace on the eastern side of Doughty Street are Grade II listed buildings³.
17. Whilst there are many, mostly small differences between the buildings on this part of Doughty Street, there is also a strong visual coherence in terms of their design, scale, massing, materials and position, supplemented by the mature trees to be found in the footpaths here. No 9, adjacent to the south, is not dissimilar to Nos 10-11.
18. The significance of 9 Doughty Street, insofar as it relates to these appeals, stems from its design, scale, position and materials, including its historical development on this part of Doughty Street.
19. These buildings are all within the Bloomsbury Conservation Area (BCA), which covers some 160 hectares of central London, and contribute to its character and appearance. The BCA is a large and diverse area whose character and appearance have changed over time as London has grown and developed as a city. Nevertheless, much of the historic street pattern remains and together with the many historic spaces and buildings, shows how the area has developed.
20. In my view, the significance of the BCA, insofar as it relates to these appeals, stems from its historical development, including the variety of different uses that have taken place in the area over time, as well as the historic townscape, including the traditional streets, spaces, buildings and mature street trees to be found there.
21. The appeal proposal entails the installation of a bespoke platform lift within the vaulted walkway to No 10 to allow step-free access to and from the ground floor of the building, which would operate in concert with the existing automatic door. No works are proposed to the entrance, lightwell or interior at No 11.
22. Given the proposal, larger scale and more detailed plan, elevation and section drawings are required in order to fully assess the effect of the proposal on the historic fabric of the building, and it is very surprising the Council did not make such a request at pre-application stage.

² List Entry Number: 1356735 / List Entry Name: Charles Dickens House and attached railings

³ List Entry Number: 1356734 / List Entry Name: Numbers 39-47 and 49-62 and attached railings

23. In any event, I am not satisfied the appellant has provided a complete, consistent or accurate set of drawings. The existing and proposed elevation drawings⁴ are inaccurate, including with regard to the design of the doorway at No 11, which seems to include the stucco surround present at No 10, and they lack detail and annotations.
24. The plan drawings⁵ also lack detail and annotations and seem inconsistent with the elevations in terms of the dimensions of the proposed lift. The proposed elevation appears to show the lift would be as wide as the doorway opening, whereas the proposed plan shows it would extend almost the full width of the vaulted walkway.
25. The larger scale drawings⁶ provided by the lift manufacturer show a narrower platform lift relative to the doorway than is shown on the aforementioned elevation or plan drawings. It is not clear from the evidence what the size of the proposed lift would be; how it would relate to the building, including to the pattern of decorative tiles on the walkway; or what the detailed interface would be with the lipped stone doorstep, or with the pavement once the steps were replaced.
26. Furthermore, the section drawings do not show what I observed on my site visit. Section B-B shows part of the lightwell has been blocked up, and is completely unrepresentative of the actual lightwell.
27. Sections A-A and D-D show the lift equipment would be stored within a pit some 350mm below the pavement level, when not in use. The drawings show the pit would be within the vaulted walkway that is shown as being well over half a metre deep. However, the arched roof of the lobby-type room is not shown on the section drawings. I am not satisfied the dimensions of the vaulted walkway would be adequate to contain such a pit, or if so, would be structurally strong enough to support the proposed lift machinery within it.
28. Furthermore, beneath the pit, channels for cables and hoses, and for rainwater drainage are shown. These would be positioned centrally within the lightwell, between the front elevation of the building and the pavement. No details of where the cables and hoses, which are said to have limited flexibility, would connect to within the lightwell are provided and they are likely to block access within the lobby-type room.
29. Reference is made to a 'lift framework' in the appellant's Heritage Statement⁷, but no such framework is visible on the submitted drawings. Reference is also made to 'associated internal machine cabinets and controls...to be located in the vaults under the footpath...these will utilise existing penetrations and service voids/runs to ensure minimal disturbance of any historic fabric'. These are not shown on the submitted drawings either.
30. The inadequate scale and level of detail shown; the lack of meaningful annotations; the absence of referenced equipment, controls and support infrastructure from the drawings, and their inaccuracy and inconsistency, means it is not possible to fully assess the effects of the proposal on No 10 or on the setting of its adjacent neighbours.

⁴ Ref. DC 5038 05 / 06

⁵ Ref. DC 5038 01 / 02 / 03 / 04

⁶ Ref. BL-DCS-SLP-001 / -002 / -003

⁷ Paragraphs 3.7 and 5.16 - 10-11 and 53-54 Doughty Street Heritage Appeal Statement August 2023

31. There would be a loss of, and alterations to, parts of the historic fabric of the appeal building; there would also be additions to the building that would be out of keeping with its character and appearance. This would undoubtedly cause less than substantial harm to its significance. The setting of Nos 9 and 11 would be adversely affected by the proposal causing less than substantial harm to their significance. As 10 Doughty Street, and its adjacent neighbours, make a positive contribution to the significance of the BCA, the less than substantial harm I have identified would detract from the character and appearance of the BCA, causing less than substantial harm to its significance. Any harm to the significance of a designated heritage asset should be given considerable weight.
32. The buildings are used as Barristers Chambers, together with other buildings on Doughty Street. The current use of the buildings, and No 10 in particular, as private offices for Barristers would not attract visiting members of the public, unlike 54 Doughty Street where the main reception and meeting rooms of the Chambers are located.
33. The Council's pre-application advice regarding the proposal included a request to supply an 'equal access statement' and an 'access strategy' to consider some specific accessibility issues for both sets of appeals. I would expect such documents to consider accessibility within and between the various offices that comprise the Chambers. However, no such documents have been provided.
34. Within the building, amendments to the internal layout, fixtures and fittings have been made so as to allow a person using a wheelchair to access rooms at ground floor level, including an office and an accessible toilet.
35. The Council has commented that they have no record of formal consent being granted for the various works and no such evidence has been provided by the appellant. In any event, this matter is distinct and not determinative to these appeals.
36. The current arrangements for wheelchair access / egress involve the deployment of temporary ramps by employees. Whilst this type of practice is commonplace in historic buildings, it is very far from ideal, and would not allow a person using a wheelchair to enter or leave the building independently.
37. I also note the concerns raised with regard to the gradient and operation of the ramps, including in the event of the building being evacuated. However, no compelling evidence has been provided to show these would cause particular difficulties for a wheelchair user.
38. Reference is made to Barristers needing to work outside of conventional office hours, although the reason for this is not explained. One of the Barristers at the Chambers is said to be a wheelchair user, with their private offices at ground floor level at 10 Doughty Street. The proposed lift would enable that person to enter and leave the building independently, including outside office hours.
39. Whilst improving the accessibility of buildings can be a public benefit, in this case, given the stated use of No 10, it would primarily be a private benefit for this Barrister, or, as is referenced, were another wheelchair user to be employed by the Chambers and to use the offices at No 10.
40. No evidence has been provided that the building is in a state of disrepair or at risk of becoming so. Notwithstanding the stated position of the Bar Standards

Board, there is no compelling evidence that the current use of the building cannot continue without the appeal proposal.

41. Disability is a protected characteristic under s4 of the Equality Act 2010 (the Act) and I have had due regard to the Public Sector Equality Duty (PSED) contained under s149 of the Act, which sets out 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 share it.
42. Improving the accessibility of the building would be consistent with the aims of the PSED and would be a public benefit of the proposal, although given the use of the building as private offices, this would have only limited weight. There would also be limited social and economic benefits as part of the manufacture, installation and maintenance of the proposed lift. However, these would be largely private benefits.
43. It does not follow from the PSED that the appeal should succeed. In this case the wholly inadequate submitted evidence regarding the proposal means it is not possible for me to conclude that the limited public benefits of the proposal would outweigh the less than substantial harm to the significance of designated heritage assets that would be caused. Furthermore, I am not satisfied the proposal could even be implemented as shown in the evidence.
44. For these reasons, the proposal would not preserve a Grade II listed building, would not preserve the setting of adjacent Grade II listed buildings, and would detract from the character and appearance of the BCA. It would, insofar as relevant, conflict with Policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017, and with the Framework.

Other Matters

45. My attention has also been drawn to other appeals for a similar proposal⁸ nearby. I am not familiar with this proposal and its similarity or otherwise with the appeal proposal, although I note the comments of both parties. I also note the supportive comments of the nearby British Thoracic Society.
46. These matters do not cause me to reach a different conclusion with regard to the less than substantial harm that would be caused by the proposal, or to the identified public benefits.

Conclusion

47. For the reasons given above, I conclude that it is necessary and proportionate for Appeal A and Appeal B to be dismissed.

Andrew Parkin

INSPECTOR

⁸ Ref. APP/X5210/Y/20/3246427