

36 LANCASTER GROVE, LONDON NW3 4PB

APPEAL STATEMENT OF CASE

LONDON BOROUGH OF CAMDEN
LPA REF: 2022/5455/P & 2023/0156/L

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1.0 INTRODUCTION

1.1 This statement accompanies an appeal against the decision by the London Borough of Camden (*"the Council"* hereafter) to refuse planning permission and listed building consent for works to no.36 Lancaster Grove, London NW3 4PB (formerly Belsize Park Fire Station).

1.2 The proposed development seeks conversion of the four-storey tower of the former fire station to provide a self-contained, 1-bed residential unit (LPA Refs: 2022/5455/P & 2023/0156/L).

Background

1.3 Belsize Park Fire Station closed on 9th January 2014, as part of the strategic planned closures by the London Fire and Emergency Planning Authority (LFEPA).

1.4 In 2017, Vulcan Properties secured listed building and planning consents 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L, allowing the *'alteration and change of use of the former fire station to provide 18 self-contained residential units, including replacement single storey side extension to east elevation and erection of two single storey side extension to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking'*.

1.5 The works are now complete, and the units occupied since 2020.

1.6 The development was shortlisted in the AJ Retrofit Awards 2021 for listed building development of the year. The approved works retain the intrinsic character of the former fire station and secures the listed building's long-term future.

1.7 The tower was unaffected by the above and remains vacant/unused to date. It is considered that a high quality, sensitive conversion of the space would enhance the heritage asset, bringing an unused and inaccessible part of the building to meaningful use, whilst creating an additional and unique dwelling within this remarkable building.

1.8 The Appellants have submitted previous applications for the conversion of the tower to create a 1 bed flat, however those applications have been refused by the Council, principally on heritage grounds/ loss of historic fabric. The previous decisions have been appealed to the Planning Inspectorate (PINS), and whilst the appeals were dismissed, PINS have provided further clarity on the matters of contention.

1.9 Accordingly, taking on board the comments of the latest Inspector's decision (PINS Ref: 3279988 and 3279990, attached at Appendix 7), the Appellants submitted applications 2022/5455/P & 2023/0156/L. The proposals preserve more of the original plan form, the historic fabric, and the illustrative value of the layout of the tower.

1.10 The Council resolved to refuse planning permission and listed building consent. The planning application (2022/5455/P) was refused for the following four reasons (decision notice attached at Appendix 1).

1. *The proposed development, by reason of poor-quality internal amenity, would fail to provide high quality residential accommodation for future occupants, contrary to policies H6 (Housing choice and mix) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*

2. *The proposed conversion of the tower to a residential; unit, by reason of its impact on the listed building, would result in 'less than substantial' harm to a designated heritage asset*

which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

3. *The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the London Borough of Camden Local Plan 2017.*
 4. *The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017.*
- 1.11 The listed building consent (2023/0156/L) was refused for the one reason (decision notice attached at Appendix 2).
1. *The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II* listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
- 1.12 This statement sets out the Appellants grounds for why LB Camden was incorrect to refuse the above applications.

2.0 GROUND OF APPEAL

PLANNING APPLICATION (LPA Ref: 2022/5455/P)

2.1 Reason for Refusal One states:

"The proposed development, by reason of poor-quality internal amenity, would fail to provide high quality residential accommodation for future occupants, contrary to policies H6 (Housing choice and mix) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017."

Need and Principle

2.2 LB Camden acknowledge that self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will 'make housing its top priority when considering the future of unused and underused land and buildings'.

2.3 The proposal would utilise an unused part of the existing residential building, to provide an additional 1-bedroom residential unit (Class C3) and is therefore compliant with Policy H1 in principle land use terms and contributing to the boroughs housing stock requirements. The principle of development should be strongly supported.

Quality

2.4 Camden CPG (Housing) requires development to provide high-quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. Assessing the quality of accommodation during the appeal for the initial application (ref 2018/4394/P), the Inspector disagreed with the Council that the unit would be substandard, concluding, *"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"*. Inspectors' decision (PINS ref: 13222128/3222123) attached at Appendix 3.

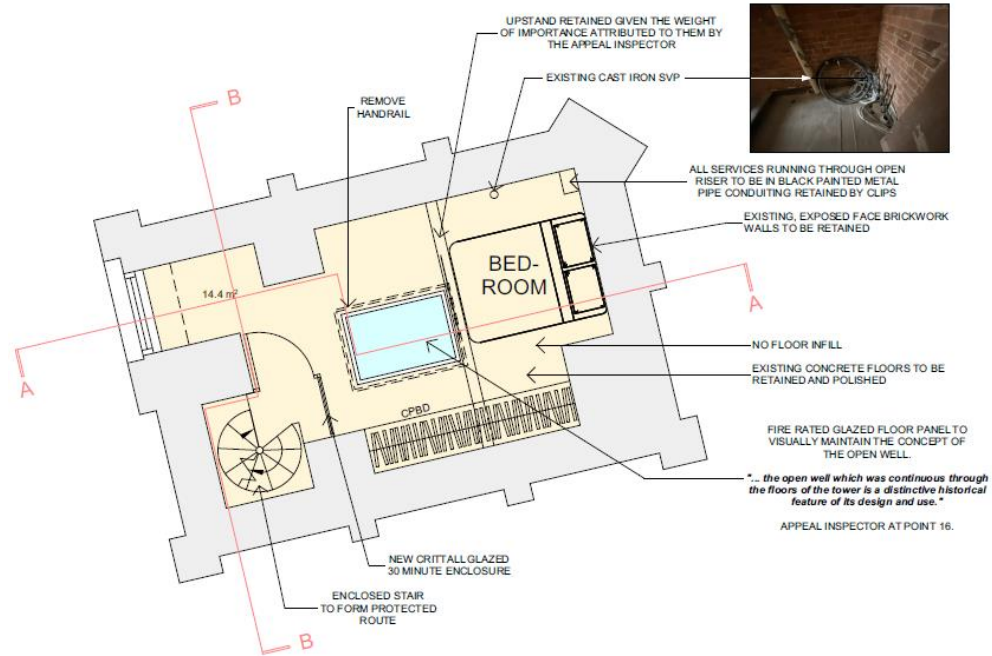
2.5 Under the current appeal proposals, whilst the layout of the proposed flat has been altered since the original application, the unit still provides an acceptable living condition for future occupiers. The proposed flat would also continue to provide a unique and novel living space within this remarkable building.

2.6 The Nationally Described Space Standards sets out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The GIA standards for a 1-bed unit as proposed are 39 sqm for a 1b1p flat and 50 sqm for a 1b2p flat. The proposed unit would provide 46.2 sqm of living accommodation (the previous size with internal walls removed was 57.8 sqm). The unit is situated over three floors with the stair core occupying approx. 7.2 sqm of this space. The usable floor area is 39 sqm, which complies with the standards for a 1b1p unit.

2.7 In order to better accommodate the retained internal walls, the Appellants have altered the internal arrangement of rooms when compared to previous iterations. It is considered that the resulting layout and arrangement of rooms over the three principal levels now works much better with the retained fabric. In consultation with The Heritage Practice, the proposals have quite ingeniously incorporated the retained fabric into the functional layout and use of the spaces at each level.

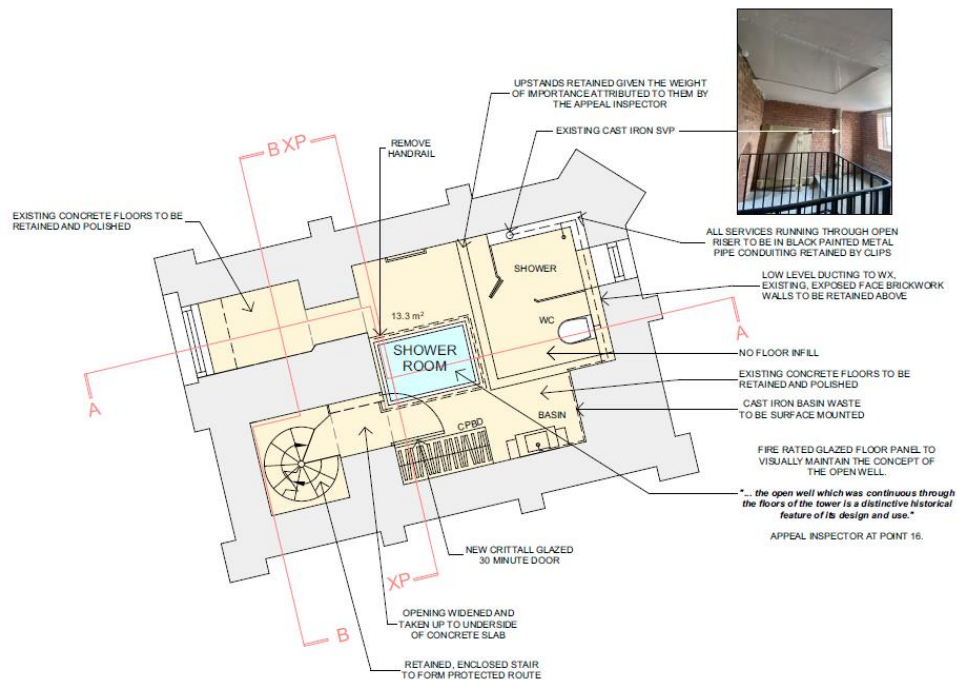
2.8 A bedroom is created at 3rd floor level with a fitted cupboard/wardrobe installed along the southern wall of the tower, utilising the existing recess of the wall as the flanking elements of the cupboard. The bed sits neatly behind the floor upstand that is retained. Walls and floors are left

exposed with brick and concrete, the latter polished to provide a greater reflective surface/light and a more practical useable finish. The room is lit from the west facing window.



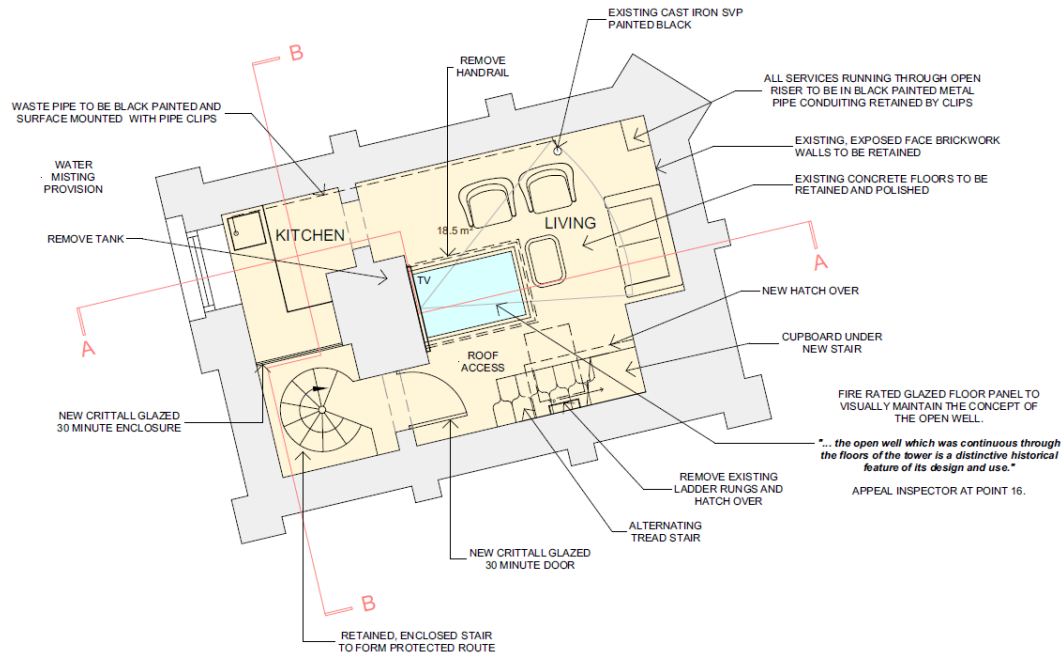
PROPOSED BEDROOM AT THIRD FLOOR

- 2.9 The 4th floor contains the shower room and WC. The retained floor upstand is neatly utilised as the edging for the shower basin. The floor will simply be retained and polished/sealed allowing practical use. The hand basin and cupboard again make use of the recess on the southern side of the tower. The shower room is lit from both east and west aspects.



PROPOSED BATHROOM AT FOURTH FLOOR

- 2.10 The main living space is at 5th floor level, with the kitchen neatly incorporated into the 'room' in the NW corner of the plan. The retained central brick massing effectively divides the living space from the kitchen space, and conveniently provides opportunity for media/tv appliances to be hung, serving the living space. The room will be lit from the west. The area to the southeast corner, which would receive the least light purposefully accommodates storage space and the stair access up to the roof terrace. The existing plain metal ladder is replaced with an alternating tread staircase, which provides better access to the terrace but in a clever space saving manner.



PROPOSED LIVING ROOM AT FIFTH FLOOR

- 2.11 With regard to floor to ceiling heights, the NDSS requires a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area. The floor to ceiling heights would comply across the third-floor level, however it is acknowledged that the fourth floor would be served by 2.2m height, and the fifth floor served 2.19m, which falls just marginally below standards.
- 2.12 However, it should be noted that under the previous applications and appeals, the floor to ceiling height, which remains consistent with the above, was not disputed.
- 2.13 The officer delegated report under the current scheme (attached at Appendix 4) acknowledges this but asserts that *"the headroom limitations were considered to be acceptable by the Inspector but this was in the context of a larger more open plan unit with a different arrangement of uses."*
- 2.14 The above statement is misleading and does not accurately reflect the Inspector's previous judgement.
- 2.15 The Inspector did not provide any judgment on the shape, size, or use of the rooms in question. Under planning appeal 3222128/3222123 (decision attached at Appendix 3), the Inspector simply noted that *'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.'* We provide the full extract below.

“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.’ 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.*

- 2.16 Accordingly, we conclude that whilst the proposals have retained a much greater degree of historic fabric, it has been achieved through careful attention to the layout and proposed uses, utilising the form of the spaces to best effect. Each level will continue to be naturally lit through retained windows at each level, the floor to ceiling heights remains acceptable, and the overall useable floorspace remain in compliance with NDSS.

2.17 Reason for Refusal Two states:

"The proposed conversion of the tower to a residential unit would result in 'less than substantial' harm to a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage of the Camden Local Plan 2017)."

- 2.18 The change of use of the former fire station to residential was established under planning refs. 2016/0745/P, 2016/1128/L, 2016/5813/P, and 2016/6119/L, which involved the conversion of the former fire station to a residential use comprising 18 self-contained units.
- 2.19 Those works of conversion have been completed and the building is entirely in self-contained residential occupation since 2020. The works have been implemented to the highest standard, taking a fabric first approach, culminating in the development being shortlisted for the Architects Journal Retrofit Awards 2021 in the Listed Building category. The conversion works undertaken to date are exemplary.



IMAGES OF THE CONVERTED BUILDING

- 2.20 The proposed works seek to convert the remaining part of the building, the tower, for which there is currently no use or access.
- 2.21 The Appellants acknowledge that the significance of the Grade II* listed tower is twofold. It has aesthetic value deriving from its height and form as well as its decorative use of materials. The tower is also understood that have integrated some functional requirements of the former fire station.
- 2.22 The proposal retains the external appearance of the former fire station. The external alterations are confined to the removal of three chimney stacks and the installation of a balustrade. The balustrade is resourcefully formed through the re-use of the internal railings which surround the

- floor voids. The officer delegated report accepts that the external alterations would not be perceptible from ground level and are therefore acceptable.
- 2.23 Internally, officers accept that the proposed alterations are less invasive in terms of loss of historic fabric and changes to plan form. Officers further acknowledge that the upstands would remain fully expressed and the internal walls would remain in situ, and the relocation of the internal railings to form the external balustrade are all acceptable.
- 2.24 The central void, like the previous application, would continue to be infilled by glazed panels. The Inspector for the previous appeal found this approach to be *'an innovative and genuinely versatile solution'* that would *'suitably offer reference to and respect the building's special historic interest'* and therefore remains acceptable.
- 2.25 The current proposals also retain the iron spiral staircase throughout the tower and steel-and-glass fire lobbies would be formed around them on each floor. The previous Inspector considered the fire lobbies were acceptable subject to a condition to ensure their detailed design maintained the legibility of the stair at each floor level. The appellants welcome such a condition, and the lobbies therefore remain acceptable.
- 2.26 To enable the installation of kitchen and bathroom servicing, it is proposed to dryline parts of the wall at 4th and 5th levels. While the Council originally expressed concern at the servicing element, the Inspector for the previous appeal considered that *'domestic scale services could be accommodated without disturbing the architectural character of the spaces'*, and therefore these elements also remain acceptable.
- 2.27 Accordingly, only **one** issue is considered to remain in terms of heritage impact, namely at fourth floor level a low arch would be raised from a height of 1.2m to 1.9m, to allow for a person to better move between the two spaces that it currently divides.
- 2.28 Officers consider that this represents harm as it would remove historic fabric and erode the legibility of the tower's historic use.
- 2.29 The Appellants intend to reuse the arch itself, thereby limiting the actual loss of historic fabric to circa six courses of bricks within the retained width of the opening. Accordingly, the Appellants find it extremely hard to conceive that this very minimal loss of fabric can result in harm to the significance of the building as a whole.
- 2.30 Furthermore, there is no loss of 'plan form' through the raising of the archway. The archway would continue to be understood and divide the space as per the existing character and intent. The confined spaces, including and narrowness of the archway would remain, and it is noted that the proposed height of the archway would remain lower than a standard door height, retaining the overall character and reference to its former functional use.
- 2.31 In our view there must be acknowledgement that change can occur when seeking long-term alternative uses for a listed building. Indeed, officers have already accepted changes to the tower as part of the development. In our view, raising the archway by 6 courses does not result in



EXISTING ARCH (BLACK)
PROPOSED ARCH (RED)

cumulative harm to warrant refusal. The raising of the archway does not erode the understanding of the functional space.

- 2.32 In summary, the confined spaces including the narrowness of the arch and the proposed height of the arch, which is still lower than a standard door height, is still present and prevalent and does allow sufficiently the ability to appreciate and recognise the former function and character of the tower. All other heritage impacts are agreed as acceptable.

Outweighing Harm

- 2.33 The Appellants seek to sensitively convert the tower to a unique residential unit, in line with the rest of the building, and to allow it to be reasonably maintained and put to optimum viable use.
- 2.34 The content of the proposed unit is constructed entirely from removable fittings and fixtures and floor inserts, in continuance of the theme applied throughout the building. No walls are chased, and fixtures and fittings are surface mounted in a utilitarian style, befitting the host which will be characterised by exposed brick walls and polished concrete floors.
- 2.35 The National Planning Policy Framework (NPPF, 2021) sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption in favour of '*sustainable development*'. The protection and enhancement of the historic environment forms one of three core objectives that defines sustainable development.
- 2.36 Paragraph 202 of the NPPF refers to proposed development leading to harm to the significance of heritage assets and the need to weigh this harm in the balance when coming to a decision, including any public benefits of the proposals.
- 2.37 The scheme is confirmed to cause "*less than substantial harm*" to the designated heritage asset. To justify heritage harm, the NPPF requires appellants to evidence public benefits that would outweigh the harm.
- 2.38 The various elements of intervention proposed by the development have been found to be acceptable. The only element that remains a point of contest between the appellant and the LPA is the harm limited to the raising of the brick archway at the fourth floor. Considering the minimal intervention now contested, the harm that needs to be outweighed is considered to be very minor.
- 2.39 The provision of an additional residential unit would in our view provide the sufficient level of public benefit to outweigh this very low degree of less than substantial harm.
- 2.40 In terms of securing an optimum viable use of the listed building, the inaccessibility of the tower renders it unusable in its current form. The minimal intervention proposed would allow the tower to be brought in residential use, allowing its optimum viable use to be realised. Moreover, the use would be the most appropriate having regard to the wholly residential use of the remainder of the building. The conversion of the tower will allow its residents and their visitors to appreciate the former fire station tower, something that no one can currently enjoy.
- 2.41 There would also be associated socio-economic benefits during and after construction, which should be given some weight.
- 2.42 For the reasons outlined above, it is considered that the limited harm to the heritage asset is demonstrably outweighed.

2.43 The third Reason for Refusal states:

"The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking street and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the Camden Local Plan 2017."

- 2.44 In line with Policy T1 of the Local Plan, the Council expect cycle parking at new developments to be provided in accordance with the standards set out within the London Plan. The planning permissions for converting and extending the adjacent fire station (ref: 2016/0745/P and 2016/5813/P), which are now complete, have overprovided in terms of cycle parking and therefore sufficient accessible, covered, and secured cycle parking exists for the proposed unit.
- 2.45 Policy T2 requires all new residential schemes to be car-free to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling.
- 2.46 The Appellant confirms that they will enter into a legal agreement for a car-free development as part of this appeal, thereby addressing reason for refusal three.

2.47 The fourth Reason for Refusal states:

"The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017."

- 2.48 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes *and* involve a total addition to the residential floorspace of 100sqm GIA or more.
- 2.49 Taken on its own, Camden officers confirm that the proposal would **not** trigger an affordable housing contribution as the uplift of residential floorspace is only 46.2 sqm, less than half of the 100sqm policy threshold.
- 2.50 The Council argues that Policy H4 includes provision for split or related sites and states that the Council will use planning obligations to ensure that all parts and/or phases make an appropriate contribution to the affordable housing supply. The policy states *"We will seek to ensure that where development sites are split or separate proposals are brought forward for closely related sites, the appropriate affordable housing contribution is comprehensively assessed for all the sites together. The Council will seek to use planning obligations to ensure that all parts or phases of split or related sites make an appropriate affordable housing contribution"*.
- 2.51 Having regard to the above, officers assert at paragraph 5.2 of their delegated report that, taken together, the two previous permissions provided an affordable housing contribution in the form of 2 intermediate units. Were the consented development and the appeal scheme for the tower to come in as one application, the affordable housing contribution would have been greater based on the total uplift of residential floorspace.
- 2.52 The appellants disagree with the Council's view. The consented development and the appeal scheme for the tower have not come in as one application, therefore it is not appropriate to assess the affordable requirements on the total uplift of residential floorspace.
- 2.53 Having regard to the events preceding this appeal, which include the conversion and occupation of the wider development of the Site, a new planning chapter has commenced, and the appeal proposals comprise a separate planning unit to the extant flats. The creation of one unit of less than 100sqm cannot now be reasonably included as part of the original consents granting conversion of the host building into 18 flats.
- 2.54 The original permissions at the Site, for the conversion of the building to 18 flats, has been completed in full and the building has been occupied since 2020. Therefore, the former fire station is a wholly residential building and has been established as such for some time.
- 2.55 The works proposed under this appeal form the addition of a flat to an established residential building. The Appellants have not deliberately sought to circumvent the need to provide affordable housing or deliberately split or phase the development.
- 2.56 Under the previous appeal at this Site, where this issue was raised, the Appellant noted precedent for their position, referencing a loft conversion at 8 Tunnel Road, Royal Tunbridge Wells, where permission was granted for the creation of 2 self-contained flats. The Site comprised a former warehouse that had been converted into 12 flats (1 x 1 bed and 11 x 2 bed) under application reference 17/00987/FULL. The works were completed in 2019 and the flats

- occupied. In the subsequent application, the applicants only sought conversion of the roof space. The lower floors of the building were unaffected by the application.
- 2.57 In approving the application (LPA Ref: 20/03392/FULL) Officer's concluded that ***"It is considered that there has been a change in circumstance, that the conversion to residential has now been completed. The 2017 application has been implemented. The development does not appear to have been artificially split from the main conversion works and has come forward to make best use of the space. It is considered justified in view of the change of circumstances, to consider the case on its merits- as a scheme for two dwellings it would not attract an affordable housing contribution and is therefore considered to have addressed the second and third reasons for refusal"***. We attach a copy of the LPA's delegated report at Appendix 5.
- 2.58 Despite the clear assessment provided above, the Inspectors decision under the previous appeal at the Site (PINS Ref 3222128 & 3222123, attached at Appendix 3) concluded that *"I do not accept the argument that, as other constituent parts of the building have been converted and are now occupied in full, the scheme is not eligible to contribute. Indeed, Policy H4 specifically accommodates different phases of development at split or related sites. It does not differentiate between ongoing and completed phases, nor engage with the concept that a new planning chapter should be considered to have commenced post-occupation"*.
- 2.59 The Inspector added that the example fell under the auspices of Tunbridge Wells Borough Council and was thus considered against a different development plan. Moreover, the findings of a Council officer with respect to an entirely unrelated scheme were deemed of limited relevance to his considerations.
- 2.60 The Appellants wholly disagree with the Inspectors findings. Whilst the example provided did fall under the auspices of a different planning authority and a different development plan, the principles and the relevant considerations were made by Tunbridge Wells and would equally apply to Camden. The policy in Tunbridge Well is not materially different to the policies within the Camden Local Plan and would capture split/phased or related development sites. We provide the relevant officer assessment in full below. The officer report states;

"It was concluded under 20/01513/FULL that given the conclusions of the Inspector under reference 19/0047/FULL – that the Council's approach that the roof space should not be considered separately from the remaining building, that there is justified local need as evidenced by the Council's housing register, it was considered that affordable housing contributions would equally apply to 20/01513/FULL. No supporting information was submitted to address this matter. There had not been significant change in affordable housing provision since this appeal was decided (26.11.2019), therefore a reason for refusal was included addressing a lack of affordable housing. Given the Inspectors comments in respect of Open Space, this was not included as a reason for refusal, however a contribution towards library stock was."

"the applicant now argues that the development has started a new planning chapter, that the scheme for 2 dwellings, under Core Policy 6, would not be required to contribute towards affordable housing. If this argument is accepted, then it would apply to both affordable housing as a material consideration and the contribution towards library stock, notwithstanding the applicant being amenable to library stock contributions being paid".

*"it is considered that there has been a change in circumstance, that the conversion to residential has now been completed. The 2017 application has been implemented. **The development does not appear to have been artificially split from the main conversion works and has come forward to make best use of the space. It is considered justified in view of the change of***

circumstances, to consider the case on its merits – as a scheme for two dwellings it would not attract an affordable housing contribution and is therefore considered to have addressed the second and third reasons for refusal.”

- 2.61 The above material assessment is not an isolated case and there is planning case law and further appeal examples on the issue.
- 2.62 The relevant case law is found in *R (Westminster City Council) v First Secretary of State and Brandford Limited (2003)* which sets out a ‘tripartite test’ for considering whether two (or more) development proposals could be aggregated or considered to form part of a larger whole. The ‘tripartite test’ relates to, ownership; whether the site is a single planning unit; and, whether the development should be treated as a single development.
- 2.63 Ownership. All of the applications at the Site converting the former fire station to the current residential building were submitted by the current applicant/owner. In terms of the current application, the applicant remains the same.
- 2.64 Planning Unit. The former fire station has been converted into a series of self-contained flats (use class C3). These self-contained flats are now long established and have been in occupation from since 2020. The self-contained flats can be considered as separate ‘planning units’.
- 2.65 Single Development. The final limb of the test is whether the existing and proposed development should be treated as a single development. The original developments for conversion of the building into self-contained flats is completed and fully occupied. The conversion from the fire station to the self-contained flats has established a new planning chapter for the Site has commenced. The proposed new dwelling would be accessed via the building core which serves the wider development, however given the nature of the proposal, which seeks to convert part of the upper floors of the building on site, the use of the core and grounds do not amount to the proposed unit forming a single development.
- 2.66 Taking all these factors into account and applying the tripartite test it is concluded it would be unreasonable to treat the two sites as a single development. Having regard to the particular scale and nature of the proposal, the existing development, the planning history of the Site, and the relative timescales of the applications and completed development, the appeal proposal represents an extension to the existing development, rather than a phased addition to a single development or amendment to it.
- 2.67 There is no evidence to suggest that the original proposal was deliberately designed to avoid the affordable housing threshold, and this is clear in the fact that an affordable contribution was made as part of the original conversion. Therefore, given that the scheme that is the subject of this appeal is for one unit, below the 100sqm threshold to trigger an affordable housing requirement, it would fall outside the threshold for affordable housing as set out in the development plan and so a S106 planning obligation would not be required in this regard.
- 2.68 The same considerations were applied in appeal decision 3174783, attached at Appendix 6. An appeal against the London Borough of Southwark was allowed, granting the erection of a single storey roof extension to provide 2 x 2 bed units at 148-150 Old Kent Road. The main issue of the appeal was whether the proposal would make appropriate provision for affordable housing.
- 2.69 At paragraph 7 of the Inspectors decision, the Inspector noted that the Council granted permission for a retail unit with 9 flats. The 9-unit scheme was completed on the site some two

- years prior, during 2015, and the Council accepted that, considered on its own merits, there was nothing about the approved scheme that suggested inefficient use of land.
- 2.70 The Inspector was also referred to the above 2003 Westminster case, in relation to whether two development proposals could be aggregated or considered to form part of a larger whole. It was noted in that case that the ownership remained the same between the original 9-unit scheme and the later 2-unit scheme, and that the proposed extension would share access and facilities such as plant room and bin stores with the existing development. However, these factors did not by themselves demonstrate that the proposed extension to the completed development should be considered an additional phase of the original development.
- 2.71 The Inspector further noted that whilst some interest may have been shown in an 11-unit scheme by way of an earlier pre-app enquiry, the application for the additional two units was not made until after the 9 units scheme had been completed in 2015.
- 2.72 At para 10 the Inspector also considered that *'simply waiting until completion prior to making a further application for development on the site does not itself absolve any phasing related requirements'*, however, on balance, based on the evidence before him and having regard to the particular scale and nature of the proposal, the existing development and its surrounding context, the planning history of the site, and the relative timescales of the application and completed development, he concluded that the appeal proposals represented an extension to the existing development, rather than a phased addition to a single development of amendment to it.
- 2.73 In light of the above, we conclude that the proposed development does not attract a requirement for the provision of affordable housing and therefore that the proposal would make appropriate provision in this regard. There is no conflict with policy H4 of the Local Plan.

LISTED BUILDING CONSENT (LPA Ref: 2023/0156/L)

- 2.74 The listed building application was refused for one reason which states:

“The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade-II listed building, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.”*

- 2.75 Please refer to paragraphs 2.16 to 2.42 above which set out the Appellants case regarding the proposed physical works to the listed building.

3.0 SUMMARY AND CONCLUSIONS

- 3.1 This statement has been prepared on behalf of Vulcan Properties, against the decision by the London Borough of Camden to refuse planning permission and listed building consent for works to 36 Lancaster Grove, London NW3 4PB. The proposed development seeks conversion of the former fire station tower to provide a self-contained, 1-bed residential unit.
- 3.2 Belsize Park Fire Station is a Grade II* listed building. Planning and listed building consents have already been granted allowing the alteration and change of use of the former fire station to provide 18 self-contained residential units.
- 3.3 The Appellants have completed the conversion of the property and it is now fully occupied for residential use, since 2022. The conversion works have taken a fabric first approach, are of the highest design quality and have resulted in the conversion being shortlisted for the Architects Journal Retrofit Awards 2021.
- 3.4 The tower was unaffected by original consents and remains an unused and inaccessible part of the building.
- 3.5 The Appellants have sought to convert the tower on previous occasions, however the degree of works to the heritage fabric and plan form have been considered too great. The appeal proposals present the lightest touch to the conversion of the former fire station tower, and preserve the original plan form, the historic fabric, and the illustrative value of its layout.
- 3.6 The various elements of intervention proposed by the development have been found to be acceptable by the Council. The only element that is considered to remain a point of contest is the harm limited to the raising of the brick arch at 4th floor level. Considering the minimal intervention now contested, the adverse harm is considered to be very minor.
- 3.7 The provision of an additional residential unit would in our view provide sufficient public benefit to outweigh this very low degree of less than substantial harm. The minimal intervention now proposed would allow the tower to be brought in residential use, allowing its optimum viable use to be realised. Moreover, the use would be the most appropriate having regard to the wholly residential use of the remainder of the building. The provision of a dwelling would constitute planning benefit which outweigh the very minor and less than substantial harm to the heritage asset. The works would also provide some associated socio-economic benefits during and after construction which should be given some weight.
- 3.8 It has been demonstrated herein that the quality of the proposed accommodation is acceptable, and that the overall floorspace of the proposed unit meets NDSS.
- 3.9 The proposed dwelling will be secured as car free. The appellant will be submitting a legal agreement to this effect under the current appeal.
- 3.10 Finally, with regard to affordable housing it is concluded it would be unreasonable to treat the original conversion of the former fire station, and the current appeal scheme as a single development. Having regard to the scale and nature of the proposal, the existing development, the planning history of the Site, and the relative timescales of the applications and completed development, the appeal proposal represents an extension to the existing development, rather than a phased addition or amendment. The proposal is for one unit, below the 100sqm threshold to trigger an affordable housing requirement.
- 3.11 For the reasons set out in this statement, we respectfully ask that the appeals are allowed.

APPENDICES

APPENDIX ONE

DECISION NOTICE 2022/5455/P

Application ref: 2022/5455/P
Contact: Kristina Smith
Tel: 020 7974 4986
Email: Kristina.Smith@camden.gov.uk
Date: 28 February 2023

NTA PLANNING LLP
46 James Street
London
W1U 1EZ



Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:
36 Lancaster Grove
London
NW3 4PB

Proposal:

Conversion of former fire station tower (Sui Generis) to a 1 bedroom residential unit (Class C3) on 2nd to 5th floors plus creation of roof terrace including installation of balustrade and removal of chimneys

Drawing Nos: 209-001; 209-1003C; 209-1004C; 209-1005B; 209-1006A; 209-1007A;
Planning, Design and Access statement; Heritage Appraisal prepared by The Heritage Practice (dated October 2022); Fire statement (dated 22/08/2018)

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development, by reason of poor quality internal amenity, would fail to provide high quality residential accommodation for future occupants, contrary to policies H6 (Housing choice and mix) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 2 The proposed conversion of the tower to a residential unit, by reason of its impact on the listed building, would result in 'less than substantial' harm to a designated heritage asset which is not outweighed by any planning benefits, contrary to policy

D2 (Heritage) of the London Borough of Camden Local Plan 2017.

- 3 The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the London Borough of Camden Local Plan 2017.
- 4 The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer

APPENDIX TWO

DECISION NOTICE 2023/0156/L

Application ref: 2023/0156/L
Contact: Kristina Smith
Tel: 020 7974 4986
Email: Kristina.Smith@camden.gov.uk
Date: 28 February 2023

NTA PLANNING LLP
46 James Street
London
W1U 1EZ



Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Refused

Address:
36 Lancaster Grove
London
NW3 4PB

Proposal:

Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at 2nd to 5th floors
Drawing Nos: 209-001; 209-1003C; 209-1004C; 209-1005B; 209-1006A; 209-1007A;
Planning, Design and Access statement; Heritage Appraisal prepared by The Heritage Practice (dated October 2022); Fire statement (dated 22/08/2018)

The Council has considered your application and decided to **refuse** listed building consent for the following reason(s):

Reason(s) for Refusal

- 1 The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II* listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

APPENDIX THREE

PLANNING APPEAL DECISION REF: 3222128 & 3222123



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.
-

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.
-

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

<https://www.gov.uk/planning-inspectorate>

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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

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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.

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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/V/18/3201140

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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)

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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

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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.

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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

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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

Appeal Decisions APP/X5210/V/19/3222128, APP/X5210/W/19/3222123

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

APPENDIX FOUR

OFFICER DELEGATED REPORT 2022/5455/P & 2023/0156/L

Delegated Report		Analysis sheet	Expiry Date:	10/03/2023
		N/A / attached	Consultation Expiry Date:	12/02/2023
Officer			Application Number(s)	
Kristina Smith			(i) 2022/5455/P (ii) 2023/0156/L	
Application Address			Drawing Numbers	
Belsize Fire Station 36 Lancaster Grove London NW3 4PB			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
(i) Conversion of former fire station tower (Sui Generis) to a 1 bedroom residential unit (Class C3) on 2nd to 5th floors plus creation of roof terrace including installation of balustrade and removal of chimneys (ii) Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and infill of central void at 2nd to 5th floors and installation of balustrade at roof level				
Recommendation(s):		(i) Refuse planning permission (ii) Refuse listed building consent		
Application Type:		(i) Full Planning Permission (ii) Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>Press advert published 19/01/2023 to 27/10/2023 Site notice displayed 18/01/2023 to 11/02/2023</p> <p><u>Two objections</u> were received from local residents (28 Lancaster Grove and address unknown) on the following grounds:</p> <ul style="list-style-type: none">- The grounds in support of the new applications are hardly distinguishable from the grounds set out in the earlier applications- The Heritage Appraisal dated October 2022 affirms that the tower is a dramatic and powerful feature of the building and has a strong sense of its original functionality, and yet the Appraisal dismisses the removal of the chimney stack and pots from the roof of the tower as having no visual impact upon the external appearance of the tower. This is simply wrong, and in any event is not a proper basis on which to assess an integral feature of the design and functionality of the building, whether or not such a feature is visible. The chimney on the roof of the tower is an essential feature of the overall design of the building and complements the taller chimney stacks along the roofline of the building.- The use of the roof as a terrace is possible without the removal and no credible case is made that the removal would serve a public benefit. The justification for removal would not outweigh the importance of retaining the original integrity of the tower's design, and especially so in the case of a Grade 2* listed building of this aesthetic, cultural and historic significance.- A further one-bed flat constructed within the existing intact hose-tower would degrade the characteristic features of the original structure, offer only questionable benefit for practical, 'essential' local housing and would diminish the integrity of the original purpose and design of the building. As such, it would fail to preserve this listed building's special interest and significance. <p><u>Historic England</u> provided authorisation to determine the application for listed building consent as the LPA thinks fit.</p>			
CAAC/Local Groups response:	<p><u>Belsize CAAC</u> comment- No objection. We note that all but one of the most recent appeal inspector's concerns have been addressed.</p>			

Site Description

This triangular site has a vacant Grade II* listed former fire station which is L-shaped with 2-3 floors and a central tower, designed in an Arts and Crafts style. Of the tower, the Historic England list description reads, '...Also impressive is the monumental tower, which does not disrupt the domestic character despite its height and breadth; the segmental arched and lattice work recessed panels in the brickwork soften its bulk.' The tower was designed to perform the twin roles of drying hoses, which were dangled through a series of apertures in the centre of each level, and of training firemen in moving through dark, confined spaces, to which end it was designed to present a series of tight, winding staircases and claustrophobic spaces.

The site is in Belsize Conservation Area and the surrounding area is of a predominantly residential character with mainly 3 storey detached and semi-detached properties.

Works to implement the previous planning permissions (see history below) for change of use, alterations and extensions are now complete.

Relevant History

History relating to the Tower

26/11/2018- ref 2018/4394/P- Planning permission refused for 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. Reasons-

1. The proposed development, by reason of poor quality internal amenity, would fail to provide high quality residential accommodation, contrary to policies H6 and A1 of the Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would fail to promote healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.
3. The proposed development, in the absence of a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 of the Camden Local Plan 2017.

26/11/2018- ref 2018/4910/L- Listed building consent refused for 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. Reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade-II* listed building, contrary to policy D2 Heritage of the Camden Local Plan 2017.

01/08/2019- Appeals against these decisions dismissed

29/01/2020- ref 2019/4604/P – Planning permission refused for - Conversion of former fire station tower (Sui Generis) to a 1 bedroom residential unit (Class C3) on 2nd to 5th floors plus creation of roof terrace including installation of balustrade and removal of chimneys. Reasons-

1. The proposed conversion of the tower to a residential unit would result in 'less than substantial' harm to the listed building as a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would fail to promote healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.
3. The proposed development, in the absence of a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 of the Camden Local Plan 2017.

29/01/2020 – ref. 2019/4965/L – Listed building consent refused for - Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and infill of central void at 2nd to 5th floors and installation of balustrade at roof level. Reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II* listed building, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.

03/08/2020 – Appeals against these decisions dismissed

01/06/2021 – ref. 2021/1164/P - Planning permission refused for - Conversion of former fire station tower (Sui Generis) to a 1 bedroom residential unit (Class C3) on 2nd to 5th floors plus creation of roof terrace including installation of balustrade and removal of chimneys. Reasons-

1. The proposed conversion of the tower to a residential unit would result in 'less than substantial' harm to the listed building as a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.

01/06/2021 – ref. 2021/1743/L – Listed building consent refused for - Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and infill of central void at 2nd to 5th floors and installation of balustrade at roof level. Reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II* listed building, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.

24/05/2022 - Appeals against these decisions dismissed**History relating to the wider site**

28/06/2017- refs 2016/0745/P, 2016/1128/L- Planning permission granted subject to S106 for- Part change of use of former fire station (Sui Generis) to provide 11 self-contained residential units (Class C3) including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking. LB consent for Associated internal alterations.

28/06/2017- refs 2016/5813/P, 2016/6119/L- Planning permission granted subject to S106 for- Change of use of part of former fire station (Sui Generis) to provide 5 self-contained residential units (Class C3) and installation of cycle parking enclosure. LB consent for Associated internal alterations.

23/09/2019- ref 2019/0106/P- Planning permission granted subject to S106 for- Variation of condition 3 (development in accordance with approved plans) of planning permission dated 28/06/2017 ref 2016/0745/P (for Part change of use of former fire station to provide 11 self-contained residential units including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking), namely to redesign approved eastern side extension and incorporate a new lightwell and lowered floor level.

23/09/2019- ref 2019/0109/L – LB consent granted for- Erection of replacement single storey side extension to east elevation, to incorporate a new lightwell and lowered floor level...

Relevant policies**National Planning Policy Framework 2021****London Plan 2021****Camden Local Plan 2017**

A1 Managing the impact of development
 A3 Biodiversity
 H1 Maximising housing supply
 H4 Maximising the supply of affordable housing
 H6 Housing choice and mix
 H7 Large and small homes
 D1 Design
 D2 Heritage
 CC1 Climate change mitigation
 T1 Prioritising walking, cycling and public transport
 T2 Parking and car-free development

Camden Planning Guidance

CPG Design 2021
 CPG Amenity 2021
 CPG Housing 2021
 CPG Transport 2019

Belsize Conservation Area Statement (2002)**Assessment****1 Proposal and background**

- 1.1 The application seeks planning permission for internal and external alterations in association with the conversion of the fire tower (Sui Generis) to a 1-bed residential unit (Use Class C3).
- 1.2 The application follows on from three previous schemes for conversion and associated alterations which have all been refused on both planning and listed building grounds (see planning history above for reasons for refusal) and later dismissed on appeal. In the latest appeal, the Inspector remained concerned at the loss of historic fabric and plan form which caused the legibility of the tower's original purpose and function to be eroded.
- 1.3 Therefore, the applicants have put forward a fourth iteration of the scheme. The main change from the most recently refused scheme is that the upstands are retained (i.e. with no boxing in to level the floor) as well as much of the internal brickwork. The loss of fabric now involves enlarged apertures where the fire lobbies associated with the staircase would be inserted, the raising of a low arched opening at fourth floor level, and the demolition of chimneys at roof level.

2 Assessment

2.1 The main considerations in the determination of the application are:

- Land use
- Standard of residential accommodation
- Affordable Housing
- Design and Heritage
- Amenity of neighbouring occupiers
- Transport considerations
- Sustainability
- Biodiversity

2.2 As the application site is situated within the Belsize Conservation Area and the building is Grade II* listed, the statutory provisions relevant to the determination of these applications are Section 16, 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and

Regulatory Reform Act 2013.

- 2.3 Section 16 requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 2.4 Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 2.5 Section 72 of the Act requires that in considering whether to grant planning permission for development in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.6 The NPPF defines listed buildings as designated heritage assets. Section 12 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 134 states that "less-than-substantial harm" to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.

3 Land use

- 3.1 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would provide an additional 1-bedroom residential unit (Class C3) and is therefore compliant with policy H1 in terms of land use. However, it is doubtful, given the unconventional and sub-standard nature of the accommodation proposed (see 'Standard of residential accommodation' for full discussion), that the unit would make a meaningful contribution to the Borough's housing stock.
- 3.2 The fire station tower is now redundant for its original purpose. The loss of the Sui Generis floorspace has been established under planning refs. 2016/0745/P and 2016/5813/P, which involved the conversion of the fire station to 16 residential units in total.

4 Standard of residential accommodation

- 4.1 CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms.
- 4.2 Assessing the quality of accommodation during the appeal for the initial application (ref 2018/4394/P), the Inspector disagreed with the Council that the unit would be substandard, concluding, "*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*". The Inspector's view is acknowledged and respected; however the living conditions have been materially altered by the design changes of the current application. The unit has been reduced in size through the retention of internal walls which has negatively impacted on the quality and functionality of the spaces now that the unit is not as open plan as initially proposed. Also, the arrangement of room uses now differs from the original scheme that went before the Inspector. As such, it is considered the standard of accommodation should be assessed anew as the unit would function in a significantly different way compared to the previous schemes. The different factors that constitute quality of accommodation will be discussed in detail below.
- 4.3 The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The GIA standards for a 1-bed unit as proposed are 39 sqm for a 1b1p flat and 50 sqm for a 1b2p flat. The proposed unit would provide 46.2 sqm of living accommodation (the previous size with internal walls removed was 57.8 sqm). The unit is situated over three floors with the stair core occupying approx. 7.2 sqm of this space thus reducing usable floor area to 39 sqm which complies with the standards for a 1b1p unit.
- 4.4 The floor area has to be considered in combination with the floor to ceiling heights. The standard requires a

minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area. In this case, the floor to ceiling heights would comply across only a third (i.e. only at third floor level) of the floorspace, providing 2.2m at fourth floor level and 2.19m at fifth floor level. Previously, the headroom limitations were considered to be acceptable by the Inspector but this was in the context of a larger more open plan unit with a different arrangement of uses. Under the current application, the kitchen and main living space are located at fifth floor level with the lowest floor to ceiling height whereas previously this was the bedroom, a use more suited to low ceiling heights. Previously, the kitchen was located on the floor with the most generous floor to ceiling heights (2.5m) whereas now the bedroom is located on that floor.

- 4.5 In addition to the scale of the unit, the retention of internal walls create awkward, enclosed living spaces cut off from the daylight and aspect provided by the few windows there are. At fifth floor level, a kitchen and living room would be provided with a 2.19m floor to ceiling height. For many occupiers it would be necessary to duck under a retained archway to access the kitchen. The daylight and outlook from the window at this level would hardly benefit the living space area situated on the other side of the archway. The current proposals retain the upstands, further constraining spaces at third and fourth floor levels as the occupiers would be required to step over them as they moved around the living spaces.
- 4.6 An internal daylight assessment has previously been provided at appeal stage in relation to application ref. 2018/4394/P. This demonstrated that the two living and kitchen/dining rooms (as was then proposed) failed to meet the Average Daylight Factor standards. It is expected that, in the context of the current proposal with the internal walls in place that block daylight from reaching the whole floor, the daylight levels will have worsened compared to the previous assessment.
- 4.7 The cumulative effect of all sub-standard factors together, including size, headroom, daylight, outlook, accessibility and functionality, will result in substandard living accommodation that is not suitable for permanent living accommodation.

5 Affordable Housing

- 5.1 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. Taken on its own, the proposal would not trigger an affordable housing contribution as the uplift of residential floorspace is only 46.2 sqm. Policy H4 however includes a provision for split or related sites and states that the Council will use planning obligations to ensure that all parts and/or phases of a site make an appropriate contribution to the affordable housing supply.
- 5.2 Taken together, the two previous permissions provided an affordable housing contribution in the form of 2 intermediate units provided on site (with an additional 0.5 units dismissed as an acceptable marginal shortfall). Were the consented development and the application for the tower to come in as one application, the affordable housing contribution would have been greater, based on the total uplift of residential floorspace. To support this argument, the previous Committee report for planning application ref. 2016/0745/P recognised that the application sought to convert only part of the building and as such agreed with the applicant that any further change of use of the remainder of the floorspace would trigger a requirement for additional affordable housing based on the whole scheme.
- 5.3 Under policy H4, for developments with a capacity of less than 25 units, the affordable housing contribution is based on a sliding scale with the target starting at 2% for an additional home (at 100sqm) and is increased by 2% for each home added to the capacity. Based on the floorspace uplift (rounded to the nearest 100sqm), for the development excluding the tower, the affordable housing contribution would be 28% (based on a GIA of 1406 sqm), and for a development including the tower, the affordable housing contribution would be 30% (based on a GIA of 1452 sqm). The difference between the two scenarios results in an affordable housing contribution of an additional 2%. This 2% is then applied to the total floorspace of the scheme including the tower, resulting in 29.04 sqm. This value is then multiplied by £5,000 (the multiplier factor to calculate payment-in-lieu for a market residential scheme) to get the required additional affordable housing contribution of £145,200.
- 5.4 Were the scheme to be supported, the additional affordable housing contribution would be secured via a S106 legal agreement upon approval of the proposal. In the absence of a legal agreement to secure the affordable housing contribution, the proposal cannot be supported as this would not assist the Council meet housing needs for households in the borough that are unable to access market housing. The applicant has indicated that they would be willing to enter into a legal agreement to provide an affordable housing contribution. However, in the absence of a legal agreement being in place at the time of determination, the

lack of such agreement shall constitute a reason for refusal.

- 5.5 It is noted that the applicant had signed a S106 legal agreement for the purposes of the previous appeal. The appeal Inspector was satisfied that an affordable housing payment was necessary to maximise the contribution of the site towards the supply of affordable housing in the area, in accordance with policy H4. However this S106 only specifically related to the previous application ref 2019/4604/P. A new S106 would be needed for the current application.

6 Design and Heritage

- 6.1 The significance of the Grade II* listed tower is twofold. It has aesthetic value deriving from its height and form as well as its decorative use of materials which together allow the tower to reflect and complement the surrounding houses. Within a highly considered and well-executed exterior that appears at ease with its domestic context, the tower integrates the functional requirements of a London fire station in three ways – it comprises a hose drop, multiple chimney stacks and also provided for a training tower, a result of how the chimney stacks emerged in different places on the floor plan to create obstacles. The building is intact and so the tower retains illustrative historical value of its purpose.
- 6.2 The proposal would largely retain the external appearance of the fire station with the external alterations being confined to the removal of three chimney stacks and the installation of a balustrade behind the existing parapet to ensure the proposed terrace is compliant with Building Regulations. The balustrade would measure 25cm and would be installed behind the parapet, with only 8cm exceeding the parapet height. The external alterations would not be perceptible from ground level and therefore the character and appearance of the Belsize conservation area would be preserved. Previous Inspectors have considered that the demolition of the chimney stacks and consequent loss of historic fabric was acceptable in heritage terms and 'would not materially compromise the external appearance or character of the tower' or 'harm the historic significance of the listed building'.
- 6.3 The proposed internal alterations have been revised to be less invasive in terms of loss of historic fabric and changes to plan form. The upstands would remain full expressed (rather than being boxed in) and the internal walls would remain in situ. At fourth floor level, a low arch would be enlarged from a height of 1.2m to 1.9m to allow for a person to move between the two spaces it divides, and to allow more light into the shower room. It is considered that this still represents harm as it would remove historic fabric and erode the legibility of the tower's historic use. At present, this unique plan form survives entirely intact, and its purpose-built historic use is therefore wholly legible. This is a view shared by the first Inspector who wrote, *'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.'* (officer's emphasis)
- 6.4 It is acknowledged that the new application is a revised scheme with a 'lighter touch' in terms of scope of internal alterations; however, the Council still identify an unacceptable level of harm owing to loss of plan form and historic fabric. Overall the principle of converting the tower to habitable accommodation is still unacceptable due to its resulting impact on the special interest of the listed interior.
- 6.5 The central void, like with the previous application, would be infilled by opaque glazed panels. The Inspector for the latest appeal found this approach to be *'an innovative and genuinely versatile solution'* that would *'suitably offer reference to and respect the building's special historic interest'*
- 6.6 As with the last proposal, the current application retains the iron spiral staircase throughout the tower and steel-and-glass fire lobbies would be inserted around the retained staircase on each floor as before. The previous Inspector considered the fire lobbies were acceptable subject to a condition to ensure their detailed design maintained the legibility of the stair at each floor level and did not conflict with the architectural character of the original interiors.
- 6.7 To enable the installation of kitchen and bathroom servicing, it is proposed to dryline the north-eastern wall. While the Council expressed concern at the servicing element, the Inspector for the last appeal considered that *'domestic scale services could be accommodated without disturbing the architectural character of the spaces'*.

7 Impact on the amenity of surrounding occupiers

7.1 There are no external changes proposed to the building's envelope that could result in an adverse impact on daylight/ sunlight or outlook of surrounding residential occupants. The terrace would be five storeys high above ground and is over 20m away from neighbouring properties to the north and south in Lancaster Grove and Eton Avenue and too high to provide direct views into the closer properties at nos.22 and 43. Thus it is considered that the long distance angled views would not result in any material increase in overlooking of nearby gardens and windows of residential occupants nor the school playground opposite.

8 Transport Considerations

8.1 In line with Policy T1 of the Local Plan, the Council expect cycle parking at new developments to be provided in accordance with the standards set out within the London Plan. The planning permissions for the adjacent fire station (ref: 2016/0745/P and 2016/5813/P), which is nearing completion if not now complete, has overprovided in terms of cycle parking and therefore it is accepted that sufficient accessible, covered and secured cycle parking would exist for the proposed unit.

8.2 Policy T2 requires all redevelopment schemes to be car-free in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling. The applicant has indicated that they would be willing to enter into a legal agreement for a car-free development; however, in the absence of a legal agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.

8.3 It is noted that the applicant had signed a S106 legal agreement for the purposes of the previous appeal. The appeal Inspector was satisfied that it was necessary and reasonable to secure the development as car-free, in accordance with policies T1 and T2. However this S106 only specifically related to the previous application and a new S106 would be needed for the current application.

9 Sustainability

9.1 The submitted planning statement discusses the sustainability merits of the wider development; however, there is a lack of information regarding the sustainable development principles and achievements of the tower alone. Should permission be granted at appeal, the Council would ask that information is provided regarding how the tower would be integrated into the overall sustainability strategy as presented within the planning application documentation. Given the floorspace uplift, the current application would not trigger the need for a specific BREEAM assessment or target and therefore the lack of information on the sustainability credentials of the proposed development shall not constitute a reason for refusal.

10 Planning balance

10.1 The National Planning Policy Framework (NPPF) sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption in favour of 'sustainable development'. The protection and enhancement of the historic environment forms one of three core objectives that defines sustainable development.

10.2 Paragraphs 195 and 196 refer to proposed development leading to harm to the significance of heritage assets and the need to weigh this harm in the balance when coming to a decision, including any public benefits of the proposals.

10.3 The revised proposal would still result in the loss of historic fabric and would erode the legibility of the tower's intended purpose of drying hoses and providing a purpose-designed training facility.

10.4 It is recognised that the proposal would bring about harm to the special interest of the Grade II* listed building. Three appeal Inspectors have concluded that the previous schemes would cause "less than substantial harm" to a designated heritage asset. It is considered that this conclusion remains the same with the current scheme. In order to support heritage harm, the Council has to identify tangible public benefits arising from the scheme that would outweigh the harm. In this instance, the public benefit would be the provision of one small additional residential unit of substandard quality to the Borough's housing stock and an additional contribution to affordable housing. This is not considered a sufficient public benefit to outweigh the heritage harm. The appeal Inspectors agreed that the 'harm would not be outweighed by the relatively limited public benefits'.

10.5 In terms of securing an optimum viable use of the listed building, it is correct that the proposal would secure a viable alternative use but owing to the harm involved, the use is far from optimum. The previous Inspector has highlighted there is no substantive evidence that without the proposal the tower would fall into disrepair, or that its conservation would be jeopardised. In response, the current application now includes an argument from the applicant that suggests the way in which the management of the building has been organised may mean the unused parts of the building fall into disrepair. However, a 'Conservation Management Plan' has been secured as part of the legal agreement for the original applications for the conversion of the wider fire station into residential use. Amongst general measures designed to secure the status of the heritage asset in perpetuity, Part c of the clause specifically requires details of how the fire station tower is to be maintained and how its structural upkeep will be monitored for the lifetime of the development. As such, the applicant cannot choose to let it fall into ruin. This assertion also brings into play paragraph 191 of the NPPF, namely, that "where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision". Self-evidently, this applies to threats of future neglect.

10.6 It is thus considered that planning permission should be refused on the basis of harm to the listed building as a heritage asset without any outweighing public benefit and that listed building consent should be refused on the basis of harm to the special interest of the listed building in terms of loss of historic fabric and plan form.

11 Recommendations

11.1 Refuse Planning Permission for following reasons-

1. The proposed development, by reason of poor quality internal amenity, would fail to provide high quality residential accommodation for future occupants, contrary to policies H6 (Housing choice and mix) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
2. The proposed conversion of the tower to a residential unit, by reason of its impact on the listed building, would result in 'less than substantial' harm to a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the London Borough of Camden Local Plan 2017.
4. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017.

11.2 Refuse Listed Building Consent for following reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II* listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

APPENDIX FIVE

OFFICER DELEGATED REPORT 20/03392/FULL

NOTES FOR TECH:		
APPLICATION PROPOSAL		Ref No 20/03392/FULL
Conversion of roof space to provide two self contained dwellings.		
ADDRESS Apartment 1 8 Tunnel Road Royal Tunbridge Wells Kent TN1 2FN		
RECOMMENDATION - Permit		
WARD Culverden	PARISH/TOWN COUNCIL	APPLICANT Mr Fry AGENT Mr Nicholas James
DECISION DUE DATE 18/01/21	PUBLICITY EXPIRY DATE 03/01/21	OFFICER SITE VISIT DATE 10.12.2020
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
Planning Application		
<p>Reference Number: 17/00987/FULL Proposal: Conversion of an existing warehouse into 1 x 1-bed and 11 x 2-bed apartments Decision PER Date: 06/12/17</p> <p>Reference Number: 18/01888/NMAMD Proposal: Non Material Amendment in Relation to 17/00987/FULL (Widen existing lift shaft and alter the main entrance to form a covered porch) Decision REF Date: 20/07/18</p> <p>Reference Number: 18/02404/FULL Proposal: Variation of Condition 2 - (Approved Plans) of 17/00987/FULL - Widen existing lift shaft and alter the main entrance to form a covered porch and internal alterations to communal stairs and lift Decision PER Date: 26/10/18</p> <p>Reference Number: 19/00047/FULL Proposal: Proposed two flats in roof space of converted warehouse to twelve flats to former Travis Perkins builders merchants approved under 17/00987/FULL and amended under 18/02404/FULL; amendment to include dormer windows in roof Decision REF and dismissed on appeal. Date: 26/04/19</p> <p>Reference Number: 19/02491/SUB Submission of Details in Relation to Conditions 3 (Code of Construction Practice), 4 (External Materials), 5 (Details of Fenestration, Doorway Design, Means of Enclosure, Refuse, Cycle Storage, External Lighting, Rainwater Goods), 6 (Sustainable Surface Water Drainage Scheme), 7 (Maintenance and Management Details of Sustainable Drainage Scheme), 8 (Details of Disposal of Foul Sewage and Surface Water), 9 (Hard and Soft Landscape Works), 11 (Noise Levels), 12 (Contamination Risk Scheme), 15 (Electric Vehicle Charging Point Details), 16 (Air Quality Control Scheme), 17 (Plant or Ducting System Details), 18 (Enhancement of Biodiversity Scheme), 19 (Off Site Work Details), 25 (Parking to be surfaced, drained and retained), 26 (Obscure Glazing), 27 (Renewable Energy Technologies), 28 (Water Conservation) and 29 (Energy Conservation) of 18/02404/FULL Decision : Permit</p> <p>Reference Number: 20/01513/FULL Proposal: Proposed loft conversion to provide two further flats Decision REF</p>		

Date: 04/08/20

DESCRIPTION OF SITE

The application site is located in close proximity to the primary shopping area of Royal Tunbridge Wells, located further south of the site. There are boundary walls to the north, north/west of the site. There is a slight rise in levels when accessing the site from the south side and into the car park.

There is an existing warehouse building on the site of brick construction, with parking to the frontage. The warehouse was previously in use as a builders/timber merchant but a conversion to apartments is understood to be complete with occupations having taken place.

To the north west and north of the site, the rear of buildings on Upper Grosvenor Road back onto the application site, including 8 Upper Grosvenor Road, the vehicle test centre, 10 Upper Grosvenor Road and the Tabernacle Church.

Further north there are relatively new two storey residential units, with rooms in the roof, and across from these on Tunnel Road, there are two storey residential terraces, with relatively short rear gardens, the dwellings further north have deeper front gardens as the terrace plays away from Tunnel Road. To the south there is the YMCA building with rear patio and to the south west is 1 Meadow Road, acquired by Canterbury Christ Church University with an approval for a change of use to D1 Education. To the immediate east is remaining section of the Travis Perkins Builders Merchant, with approval for residential development and with construction nearing completion. The character of the area is mixed, with residential but also business use and the shopping centre in the wider area.

There was no indication that the rear roof alterations applied for have been installed, although there are roof lights in front elevation.

PROPOSAL

The proposal seeks permission for the conversion of the roof to provide two further flats. As indicated in the history 12 dwellings have been permitted through the conversion carried out under the 2017 permission. This proposal is to convert the roof space into 2 x two bed dwellings, using the roof space in both the north western part of the building and the south eastern section of the building.

It is proposed to raise the eaves by one/ two matching brick courses. Three roof lights are proposed to the south west elevation (rear), three roof lights are proposed to the north side (front) elevation, a new obscure glazed window is proposed to the north west, and three new roof lights are proposed to the south east. A new insulated flat roof glazed section is proposed to access flat 14. Access would be obtained through the main stair core/lift through the building.

A Planning Statement is submitted to support the application and address previous reasons for refusal. It is set out that the application relates only to the conversion of the roof space and not the lower floors. It is set out that as the proposal is for two dwellings, the development does not meet the threshold for affordable housing. Regarding the local community services provision, the applicants are agreeable to this and propose this is dealt with in terms of a Section 106 Agreement, following agreement of the design.

SUMMARY INFORMATION

	As	Proposed	Change (+/-)
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	existing/approved		<i>[Delete if not a replacement]</i>
Site Area	983.40 sq.m	1065.00 sq.m	+81.6 sq.m
Land use(s) including floor area(s)	Residential	Residential	No change
Car parking spaces (inc. disabled)	13	14	+1
No. of storeys	3	3	No change
Max height – north western block to the front	13.2m	13.6m	+0.4
Top of parapet	13.8m/13.6m	13.8m	Similar height as previously shown
Eaves to front	10.4m	10.4m	Similar
South eastern block	12.3m	12.6m	+0.3
Eaves to front	9.6m	9.9m	+0.3
No. of residential units	12	14	+2
No. of bed spaces	35	41	+6
No. of affordable units			None proposed

PLANNING CONSTRAINTS

- Ashdown Forest
- The site is located within the limits to built development.
- Public Access Land Tunbridge Wells Common
- Network Rail tunnel – *located underground – through the existing hardstand to the front of the warehouse and is located under the south eastern corner of the warehouse building.*
- Air Quality Management Area – *the site is some 46-50m distant from the AQMA which is located to the south west of the application site, and follows along Grosvenor Road.*
- Policy AL/RTW 11 – Land at Goods Station Road

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan:

Tunbridge Wells Borough Core Strategy 2010:

- CP1 – Delivery of Development
- CP3 – Transport Infrastructure
- CP4 – Environment
- CP5 - Sustainable Design and Construction
- CP6 – Housing
- CP9 – Development in Royal Tunbridge Wells

- Site Allocation Local Plan 2016

- AL/RTW 11 Land at Good Station Road – allocated for residential development (C3) providing approximately 47 dwellings. Proposals for the redevelopment shall seek to retain the existing Victorian warehouse building and the development shall provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by the service provider.

Tunbridge Wells Borough Local Plan 2006:

- EN1 – Development Control Criteria

- EN18 Flood Risk
- H2 – Small and Intermediate Sized dwellings
- H5 – Residential Development within the LBD
- TP4 – Access to the Road network
- TP6 – Central Access Zone (Residential)
- TP7 - Central Parking Zone (Commercial)
- TP9 Cycle Parking
- R2 – Recreation open space in development of more than 10 bedspaces
- CS4 – Development contributions to school provision for developments over 10 bedspaces.

Supplementary Planning Documents:

Affordable Housing 2007
 Recreation Open Space SPD 2006
 Local Heritage Asset SPD

Other documents

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking)

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish/Town Council	- N/A	
Residential Objections	- None received	
Number received:		
Residential Support	- None received	
Number received:		

CONSULTATION RESPONSES

Southern Water

18.12.2020 – no objection raised, comment made regarding the need for a formal application for a connection to the public foul sewer to be made by the developer. Comments on SuDs.

KCC Drainage

01.12.2020 – The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Contributions

No comments received

KCC Highways

03.12.2020 – No objection. Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration. Standard informatives recommended.

TWBC Client Services

30.11.2020 – No objection.

Existing refuse/ recycling storage communal area to be used by additional properties
 .Additional/ change of bins if required if proven once occupied that the current
 capacity is not coping .(initially new occupiers material may stretch capacity with
 packing etc)

TWBC Environmental Protection

21.12.2020 – No objection raised. It is evident from our GIS database and historic records that this site does not fall within an Air Quality Management Area (AQMA) or an area of contaminated land. No concerns raised in regards to the nature of this development. The conversion of the roof space of this building is unlikely to give rise to complaints of noise or lighting. Standard informative requested.

TWBC Conservation

08.12.2020

This application to provide accommodation in the roof space of the former industrial building, now converted to residential, follows refused applications, including a dismissed appeal. The planning statement and comprehensive plans demonstrate that this scheme, which involves a small increase in eaves height with matching detail, roof lights to match existing, and a hidden glazed link at rear roof level, will constitute a minor visual change which will not harm the character of the building, which is considered to be a non-designated heritage asset. The following conditions are suggested but otherwise I support the proposal:

- Prior to the commencement of works to install the roof lights, manufacturer's details of the proposed lights shall be submitted to and approved by the Local Planning Authority.
- Prior to the installation of the new window, large scale elevation drawings, including details of materials and finish, shall be submitted to and approved in writing by the Local Planning Authority.

APPLICANT'S SUPPORTING COMMENTS (summary of key points)

- Permission 17/00987/FULL has been fully implemented. The brick warehouse has been converted to 12 self contained flats and has been occupied since last year.
- Site is located in a sustainable location.
- These proposals relate to the existing roof space to provide two self contained flats. The lower floors are not the subject of this application.
- The proposal would maximise the potential of the site and provide much needed housing.
- The proposal conforms to local and national policy.

BACKGROUND PAPERS

1720.WD.01A -Typical Sections
 1720.WD.02B -Proposed Third Floor Loft Plan
 1720.WD.03 -Existing Rear South West Elevation
 1720.WD.04 -Existing Front North East Elevation
 1720.WD.05 -Existing Side North West Elevation
 1720.WD.06 -Existing Side South East Elevation
 1720.WD.07 -Location Plan and proposed topographical plan

1720.WD.08A- Proposed Rear South West Elevation
 1720.WD.09A -Proposed Front North East Elevation
 1720.WD.10A- Proposed Side North West Elevation

1720.WD.11 -Proposed Side South East Elevation
1720.WD.12 - viewing Angles Plan

Planning Statement

APPRAISAL

Principle of development and Background

12 dwellings were approved under the original permission, 17/00987/FULL. Under planning reference 18/02404/FULL, permission was granted to amend the width of the lift shaft, render it in white, and relocate the windows to a central position. A porch was to be formed at the base of the lift shaft. The principle of development has been previously approved under the approved application, 17/00987/FULL. As an allocated site, within central Tunbridge Wells, it is considered that the principle of an additional 2 dwellings would be acceptable, in accordance with policy H5 of the 2006 Local Plan and AL/RTW 11 of the Site Allocation Local Plan. Tunbridge Wells Borough is unable to demonstrate a five year housing land supply and two dwellings would make a limited contribution to this shortfall.

The development involves the conversion of the existing building. This proposal seeks 2 additional flats in the roof space of each section of the building.

Application 19/00047/FULL was refused and dismissed on appeal.

The Inspector concluded in the subsequent appeal, the following;

- The roof alterations (windows, flat roofed dormer, terraced balconies, considerable number of roof lights within several elevations and a large amount of glazing to plot 14), would appear an overtly domestic and discordant addition to the roof slope. Given the roof is presently unbroken, the eye would be naturally drawn to these features.
- The roof lights and glazing would appear utilitarian, unduly dominant and at odds with the intrinsic character and appearance of the appeal building.
- Infilling between the gable end of one part of the roof structure and the roof slope of the other part of the building would appear cumbersome. "By reason of joining together the two separate roof elements it would result in a loss of a feature that contributes to the character of the appeal building. The proposed development would harm the character and significance of this NDHA".
- Whilst it was noted that the building has undergone a number of alterations, the Inspector concluded that the proposed development would be substantially at odds with the character and appearance of the appeal building. The effects would be particularly conspicuous given the height of the roof structure together with its prominent position in Tunnel Road.
- It was noted that the rear alterations would be partly screened from public view by the presence of a neighbouring four storey building, however, it was considered that the proposed development would remain partly visible in some views between buildings, in particular, in views from Meadow Road from where the proposed development would be read as discordant and visually intrusive.

Overall, the proposed development was found to fail to respect the character and appearance of the host building and it would have a significant adverse effect on the character and appearance of the NDHA, conflicting with Policy EN1 of the 2006 Local Plan, Policy CP4 of the 2010 Core Strategy. It would be contrary to the provisions of the Framework insofar as it requires developments to be sympathetic to local character and history and seeks to conserve the historic environment.

In terms of affordable housing/contributions the Inspector concluded;

- There is no justification that a provision of 35% affordable housing is not necessary on this site.
- There was no revised and updated viability assessment to interrogate that view that the proposed development should be similarly exempt.
- Whilst 2 dwellings in themselves would not be liable for affordable housing the proposed dwellings would be in addition to 12 permitted by the Original permission, the Council's case that the proposed development in the roof space should not be considered separately is not disagreed with as an approach.
- The absence of a legal agreement would be a fundamental obstacle to allowing the appeal.
- On the evidence, it appears that the need for affordable housing satisfies the 3 tests.
- The proposed development would be in conflict with CS Core policies 1, 6, and 9 and the requirements of the Framework.
- In terms of the library bookstock, the Inspector was satisfied that, with no spare capacity to meet the demand generated by the proposed development, that the contribution towards bookstock could be justified in relation to the development and fairly and reasonably relate in scale and kind. In the absence of a S106 planning obligation, the development would not make such contributions and would be in conflict with CS Core policies 1, 8, and 9 and in conflict with the Framework.
- In terms of recreation and open space, the Inspector concluded that contributions towards recreation and open space were not justified in terms of evidenced local deficiencies or how the contributions would be spent and the absence of a planning obligation in this respect did not weigh against the scheme.

Subsequently 20/01513/FULL was refused for a loft conversion to provide two further units, and refused as the alterations to convert the roof space would result in an infill between the roof section of the two parts of the building that would be incongruous (along with a large reverse dormer) that would harm the significance of the building as a non designated heritage asset. The CO could not support the proposal as it would harm the significance of the non-designated heritage asset, and would be contrary to paragraph 197 of the NPPF and was not considered to overcome the previous reasons for refusal. The proposal was considered to result in "less than substantial" harm, that could be balanced against the public benefits however, the contribution of two units was not considered to outweigh the harm.

The Inspector, when dismissing the previous appeal on this site for a roof conversion (infill section, roof alterations and a large flat roofed dormer window, together with terraced balconies) concluded that the roof conversion would be overly domestic and a discordant addition to the roof slope. Given that the roof slope is presently unbroken, the eye would be naturally drawn to these features. It was noted that there are views of the rear of the building and the building has a prominence on Tunnel Road. The infilling of the roof would appear cumbersome "By reason of joining together the two separate roof elements it would result in a loss of a feature that contributes to the character of the appeal building. The proposed development would harm the character and significance of this NDHA".

The Inspector also concluded the large number of roof lights within several elevations of the roof structure together with a large amount of glazing would appear utilitarian, unduly dominant and at odds with the intrinsic character and appearance of the appeal building. It was not considered that the revised scheme under 20/01513/FULL overcame the previous objections by the CO and the appeal Inspector.

Impact on non-designated heritage assets and Visual amenity

The scheme now submitted limits the roof lights to three on the front, rear and north east elevations.

The infill section is shown to be of a limited scale and glazed. The size of the link has been reduced significantly and has been lowered to a degree that it is not visible from vantage points, as demonstrated in plan 1720.WD.12A Viewing Angles. The infill section has been set back from the principle elevations and has been glazed to ensure that there is no visible impact on the warehouse building.

To the south side, the infill section has been set down from the existing rear outshot and would be set back, thereby reducing the impact when viewed from the rear of the site, including public vantage points such as Meadow Road.

The roof lights proposed have been limited and are to match the form of the existing roof light on the south elevation.

The submission demonstrates the visual impact of the infill section would be minimal, and the roof lights have been limited in terms of the number. The CO comments that the planning statement, and comprehensive plans demonstrate that this scheme, which involves a small increase in eaves height with matching detail, roof lights to match existing and hidden glazed link at rear roof level, will constitute a minor visual change which will not harm the character of the building, which is considered to be a non-designated heritage asset. Therefore the application can be supported subject to conditions.

It is therefore considered, that the alterations required to convert the building would be acceptable and accord with policy EN1 of the 2006 Local Plan, Core Policy 4 of the 2010 Core Strategy and the NPPF. The first reason for refusal of 20/01513/FULL, impact on the significance of the existing warehouse building, is considered to be addressed within the proposal.

Residential amenity

The infill section of the building on the roof would not result in any impact on neighbouring amenity, nor would the proposed roof lights on the northern slope of the roof. Rooflights, whilst reduced in number, are still proposed on the south eastern roof slope, that would be a further storey higher than the windows previously considered, when it was previously considered that there were increased opportunities for overlooking and a scheme of obscure glazing was requested on this elevation. However, the roof lights proposed would be angled, without direct line of vision and set some 1.7m above floor level, it is therefore unlikely that the three roof lights proposed on the south east elevation would result in unacceptable overlooking.

To the south, the roof lights would be acceptable in terms of relationship to neighbouring amenity.

A new window is proposed, to be obscure glazed, in the north west elevation, this window may be conditioned to maintain the obscure glass as indicated. It is noted that there is

some 26/27m between the site of the warehouse building and properties to the west in direct sight, furthermore, to north west is a church and south west is the Tunbridge Wells driving test centre. In view of the above, the impact on neighbouring amenity is considered to be acceptable.

Highways

In terms of highway comments, no objection has been received regarding highway matters. The works proposed would be in the roof. However, the submitted layout indicates two additional parking spaces, which is considered to be appropriate in this highly sustainable town centre location. Whilst visitor parking would no longer be provided, the site falls within the Central Access Zone where parking is limited to a maximum of one parking space per dwelling, which this scheme would achieve. Visitors would have access to the public car parks.

Access arrangements were addressed through 17/0987/FULL.

The impact on access and parking is considered to be acceptable.

S106 Contributions and developer contributions

The approved scheme for 12 residential dwellings on this site provided contributions towards Library stock, Youth and Adult and children's play space – reference 17/0987/FULL. This approval was also supported by viability appraisal to demonstrate that the provision of any affordable housing on the site (or off site contribution) would render the scheme unviable.

In dismissing the appeal under reference 19/00047/FULL, the Inspector accepted that local need was evidenced by the Council's housing register and that there was no justification that a provision of 35% affordable housing was not necessary. In the absence of a revised and updated viability assessment, the Inspector was unable to interrogate the view that the proposed development should be similarly exempt from any provision of affordable housing.

The scheme now proposed would generate two x 2 bed units. The viability has not been re-run for this scenario. It was concluded under 20/01513/FULL that given the conclusions of the Inspector under reference 19/0047/FULL – that the Council's approach that the roof space should not be considered separately from the remaining building, that there is a justified local need as evidenced by the Council's housing register, it was considered that affordable housing contributions would equally apply to 20/01513/FULL. No supporting information was submitted to address this matter. There had not been significant change in affordable housing provision since this appeal was decided (26.11.2019), therefore a reason for refusal was included addressing a lack of affordable housing. Given the Inspectors comments in respect of Open Space, this was not included as a reason for refusal, however, a contribution towards library stock was.

The applicant now argues that the development has started a new planning chapter, that the scheme for 2 dwellings, under Core Policy 6, would not be required to contribute towards affordable housing. If this argument is accepted, then it would apply to both affordable housing as a material consideration and the contributions towards library stock, notwithstanding the applicant being amenable to library stock contributions being paid.

The applicant notified the LPA, that first occupation of the building took place 18th December 2019. The Planning Statement sets out;

Having regard to the events preceding this application, it is clear that a new planning chapter has commenced and that the two units now sought cannot be reasonably included as part of the 2017

some 26/27m between the site of the warehouse building and properties to the west in direct sight, furthermore, to north west is a church and south west is the Tunbridge Wells driving test centre. In view of the above, the impact on neighbouring amenity is considered to be acceptable.

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Having regard to the events preceding this application, it is clear that a new planning chapter has commenced and that the two units now sought cannot be reasonably included as part of the 2017

consent granting conversion of the host building into 12 flats. That initial permission was gained by a third party who then sold the Site with the benefit of permission to the current applicant/owner. The applicants had previously sought permission to convert the left space, but these have been rejected by the LPA.

The above permission has now been completed in full and the building has been occupied for over a year. The former warehouse is now a residential building; a new planning chapter has commenced.

The applicant considers the works to be an extension to the existing residential building.

It is considered that there has been a change in circumstance, that the conversion to residential has now been completed. The 2017 application has been implemented. The development does not appear to have been artificially split from the main conversion works and has come forward to make best use of the space. It is considered justified in view of the change of circumstances, to consider the case on its merits- as a scheme for two dwellings it would not attract an affordable housing contribution, and is therefore considered to have addressed the second and third reasons for refusal.

Conclusion

It is considered that the revised scheme addresses the previous design reasons for refusal, and that the proposals will not harm the significance of the NDHA. The conversion of the building to residential appears to be complete and therefore it is reasonable to consider the two residential units proposed on the merits of the scheme. Such a proposal would not normally attract a contribution toward affordable housing or infrastructure contributions. The proposal would make efficient use of land in accordance with the NPPF and sufficient parking would be provided on the site. The application is therefore recommended for approval.

RECOMMENDATION – Permit subject to the following conditions:

CONDITIONS

- 1/ The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2/ The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1720.WD.01A -Typical Sections
- 1720.WD.02B -Proposed Third Floor Loft Plan
- 1720.WD.07 -Location Plan and proposed topographical plan
- 1720.WD.08A- Proposed Rear South West Elevation
- 1720.WD.09A -Proposed Front North East Elevation
- 1720.WD.10A- Proposed Side North West Elevation
- 1720.WD.11 -Proposed Side South East Elevation
- 1720.WD.12 - Viewing Angles Plan

Reason: To clarify which plans have been approved.

- 3/ The area shown on drawing number 1720.WD.07 as vehicle parking space and turning shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended, shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to such activities inconvenient to other road users.

- 4/ Before the first occupation of the building hereby permitted the windows shown to be of obscure glazing, shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the neighbouring amenities

- 5/ Prior to the commencement of works to install the roof lights, manufacturer's details of the proposed lights shall be submitted to and approved by the Local Planning Authority. The roof lights shall be installed in accordance with the approved details and maintained thereafter.

Reason: In the interest of the historic environment and visual amenity.

- 6/ Prior to the installation of the new window, large scale elevation drawings, including details of materials and finish, shall be submitted to and approved in writing by the Local Planning Authority. The window shall be installed in accordance with the approved details and maintained thereafter.

Reason: In the interest of the historic environment and visual amenity.

Informatives

- 1/ It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 2/ As the development involves demolition and / or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

The Council's approach to this application:

In accordance with the paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals, focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.



Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was determined based on the information supplied and without delay.

Case Officer Marie Bolton

Case Officer Sign: 	Date: 18.01.2021
Delegated Authority Sign: 	Date: 18/01/21
TL/DM Countersign if refused:	Date:

APPENDIX SIX
APPEAL DECISION 3174783



Appeal Decision

Site visit made on 4 September 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 October 2017

**Appeal Ref: APP/A5840/W/17/3174783
148-150, Old Kent Road, London, SE1 5TY**

- 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 Casamao LLP & OKR LLP against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3262, dated 9 August 2016, was refused by notice dated 31 October 2016.
 - The development proposed is the erection of a single storey roof extension to provide 2 x 2 bed units.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey roof extension to provide 2 x 2 bed units at 148-150, Old Kent Road, London, SE1 5TY in accordance with the terms of the application, Ref 16/AP/3262, dated 9 August 2016, subject to the Schedule of Conditions to this decision.

Main Issue

2. The main issue is whether the proposal would make appropriate provision for affordable housing.

Reasons

3. The appeal site consists of a modern building of more traditional design, currently in use principally as a language school at street level with 9 residential flats above. The site is located on the corner of Old Kent Road with Stanford Place and there are a wide variety of uses in the locality including flats and commercial premises. Nearby buildings generally range from three to six storeys and are mixed in character and age, including a grade II listed building identified as The White House on the opposite site of Old Kent Road.
4. It is proposed to construct an additional storey at the top of the appeal building in order to provide two further flats, resulting in a total of 11 flats on the site. I am advised that the existing development on the site is both completed and fully occupied, and nothing I saw during my site visit suggested otherwise.
5. Strategic Policy 6 of the adopted Southwark Core Strategy 2011 (the CS) relates to the provision of homes for people on different incomes and includes a requirement for the provision of as much affordable housing on development of ten or more units as is financially viable. Saved Policy 4.4 of the Southwark Plan 2007 (the SP) sets out that the LPA will generally endeavour to secure 50% of all new dwellings as affordable, with adjustments for certain geographical locations and a calculated proportion applying to schemes capable

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of providing 10 to 14 dwellings, such that for a scheme of 11 units 2 would be expected to be affordable. Neither of these policies sets out specific requirements in relation to phased development, but further guidance is provided in the Council's Affordable Housing Supplementary Planning Document 2008 (SPD), to which I shall return.

6. Policies 3.12 and 3.13 of The London Plan 2016 (the LP) set out that the maximum reasonable amount of affordable housing should be sought, having regard to various circumstances including the individual and local circumstances pertaining to matters such as viability; and that affordable housing should normally be sought on a site that has capacity to provide 10 or more homes, having regard to the density of the development. While the CS and SP policies pre-date the LP, they are generally consistent with its requirements. Neither of these policies sets out specific requirements in relation to phased development, albeit Policy 3.12 advises that relevant negotiations should, among other things, take account of phased development including in relation to the re-appraisal of viability prior to implementation.
7. Section 5.6 of the SPD offers supporting information for partial development, additional dwellings and phased developments. On the evidence before me, I am not persuaded that the appeal site has been artificially sub-divided. I note that there was an earlier planning permission dating from around 2004 for 11 flats on the site, which was not implemented. Nevertheless, the Council subsequently granted permission in 2011 for a retail unit with 9 flats, having had the opportunity to consider its inherent density, taking account of the context and character of the locality. The 9 unit scheme was completed on the site some two years ago, during 2015, and the Council accepts that, considered 'on its own merits', there was nothing about the approved scheme that suggested inefficient use of land. Accordingly, I consider there is no significant evidence that the site has been partially developed on this basis.
8. With regard to case law, my attention has been drawn in particular to the 2003 *Westminster*¹ case in relation to whether two development proposals could be aggregated or considered to form part of a larger whole. The resulting 'tripartite test' for considering whether a proposal constitutes phased development relates to ownership, whether the site is a single planning unit, and whether the development should be treated as a single development. These three criteria may provide a helpful guide, but are not necessarily definitive since the merits of each proposal will vary. In this appeal, the site ownership relating to the proposed 2 unit extension remains unchanged from the implemented 9 unit scheme and the proposed extension would share access and facilities such as plant room and bin stores with the existing development. There is no dispute that the site forms a single planning unit. However, these two factors do not by themselves demonstrate that the proposed extension to the completed development should be considered an additional phase of the original development.
9. I acknowledge that pre-application enquiries were made in around 2013 in relation to a proposal that included 11 flats at the site, significantly prior to the completion of the 9 flats scheme in 2015, but that this did not lead to a planning application. The first detailed application relating to the construction of an additional two units was made in 2015, around five years after the 9 flats

¹ *R (Westminster City Council) v First Secretary of State and Brandlford Limited* [2003] J.P.L 1066

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scheme. While some interest may have been shown in an 11 units scheme by way of the 2013 pre-application enquiry, the application for the additional two units was not made until after the 9 units scheme had been completed in 2015. The appellants advise that in light of the market success of the completed development, of which they had previously been uncertain, the additional two units were proposed as a natural progression of the site.

10. Simply waiting until completion prior to making a further application for development on the site does not in itself absolve any phasing related requirements. However, on balance, based on the evidence before me and having regard to the particular scale and nature of the proposal, the existing development and its surrounding context, the planning history of the site, and the relative timescales of the applications and completed development, I consider that the appeal proposal represents an extension to the existing development, rather than a phased addition to a single development or amendment to it.
11. While there are some clear links to the original proposal, I am not persuaded that it has been demonstrated in the circumstances particular to this case that the original proposal was deliberately designed to avoid the affordable housing threshold of 10 units, having regard to site capacity considerations, or as a first phase of a larger single development. Therefore, given that the scheme before me relates to 2 units it would fall outside the threshold for affordable housing as set out in the development plan and so a S106 planning obligation in this regard would not be required. Furthermore, I consider that the proposal is generally consistent with the relevant requirements of the SPD. It would also be generally consistent with the similar requirements set out in the Council's draft Affordable Housing SPD 2011, albeit I afford this limited weight in this case as it remains in draft.
12. In light of the above, I conclude the proposed development does not attract a requirement for the provision for affordable housing and therefore that the proposal would make appropriate provision in this regard. I find no conflict with Policies 3.12 and 3.13 of the LP, Strategic Policy 6 of the CS, or saved Policy 4.4 of the SP, the relevant requirements of each are set out above. I also find no conflict with saved Policy 2.5 of the SP, which sets out the circumstances in which the Council would seek to enter into planning obligations.

Other Matters

13. Preserving the setting of a listed building is a matter of considerable importance and weight and I am mindful of my duty under Section 66(1) of the planning (Listed Buildings and Conservation Areas) Act in this regard. While the proposed development would result in a measure of perceptible change to the setting of the nearby listed building, and the context in which it is experienced, this would not be of a magnitude to constitute harm given the degree of separation and the scale of the development proposed in the context of the wider surroundings. Hence the effect of the proposed development would be neutral and therefore the setting of the listed building would be preserved.

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Conditions

14. I have considered the suggested conditions provided by the Council, to which the appellants agree. In addition to the standard time limit for commencement, I have imposed a condition specifying the approved plans as this provides certainty. Conditions relating to external materials and to control roof plant are necessary in the interests of character and appearance. A condition relating to Approved Document M of the Building Regulations is necessary in the interests of the provision of adaptable dwellings. A condition requiring a construction management statement is necessary in the interests of the living conditions of nearby residents during the construction phase. A condition relating to internal noise levels is necessary in the interests of the living conditions of future occupiers.
15. I note that the site lies within a controlled parking zone. In the absence of a legal agreement to secure the appeal scheme as car free, I have considered the Council's suggested condition and the use of a negatively worded condition to secure an agreement to that end. However, the Planning Practice Guidance advises that such conditions should only be used in exceptional circumstances and in the case of more complex and strategically important development. I do not consider that an extension to provide two flats meets this definition. Regardless, I am anyway not satisfied that it has been demonstrated that significant harm would arise in relation to parking from the provision of two additional residential units in an area well served by alternative forms of transport. Therefore, I have not imposed a condition in relation to parking permits.

Conclusion

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

Catherine Jack

INSPECTOR

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SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 016-D-00; 016-D-01; 016-D-02; 016-D-03; 016-D-04; 016-D-05; 016-D-06; 016-D-07; 016-D-08; 016-D-09; 016-D-10; 016-D-11-REV-A; 016-D-12; 016-D-13; 016-D-14; 016-D-15-REV-A; 016-D-16; 016-D-17-REV-A; 016-D-18-REV-A; 016-D-19-REV-A; 016-D-20-REV-A; 016-D-21-REV-A; 016-D-22; and 016-D-23.
 - 3) Notwithstanding any annotations on the approved drawings, details and samples of all external facing materials to be used in the carrying out of this permission shall be submitted to, and approved in writing by, the local planning authority. The development shall not be carried out otherwise than in accordance with any such approval given.
 - 4) Before the development hereby permitted is commenced, the applicant shall submit written confirmation from the appointed building control body that the specification in the detailed construction drawings for the two additional residential units hereby approved comply with the M4(2) (Adaptable dwellings) standard of Approved Document M of the Building Regulations (2015) and the development shall only be carried out in accordance with the details thereby approved by the appointed building control body.
 - 5) No development shall take place, including any works of demolition, until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide details of:
 - i) hours of work
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities, and
 - vi) measures to control the emission of dust and dirt during construction.
 - 6) The dwellings hereby permitted shall be designed and constructed to ensure that the following internal noise levels are not exceeded due to environmental noise:
 Bedrooms: 30dB LAeq, T * and 45dB LA_Fmax
 Living rooms: 30dB LAeq, T †.
- * Night time 8 hours between 2300 and 0700
 † Daytime 16 hours between 0700 and 23:00.
- 7) No roof plant, equipment or other structures shall be placed on the roof or be permitted to project above the roofline of the extension hereby permitted.

APPENDIX SEVEN

APPEAL DECISION NOTICE 3279988 & 3279990



The Planning Inspectorate

Appeal Decisions

Site visit made on 3 May 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2022

Appeal A Ref: APP/X5210/W/21/3279988

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 London Borough of Camden.
 - The application Ref 2021/1164/P, dated 5 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is described on the application form as: 'Conversion of former fire station tower to a single dwellinghouse (1 bed flat)'.
-

Appeal B Ref: APP/X5210/Y/21/3279990

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 London Borough of Camden.
 - The application Ref 2021/1743/L, dated 5 March 2021, was refused by notice dated 1 June 2021.
 - The works proposed are described on the application form as: 'Conversion of former fire station tower to a single dwellinghouse (1 bed flat)'.
-

Decisions

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. These decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of each regime is different, and the main issues below relate either to the planning appeal (Appeal A), or the listed building appeal (Appeal B), or both. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
3. The statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) fall on me as the decision maker. Even so, I have borne in mind that the appeals before me follow two unsuccessful linked planning and listed building consent appeals¹ (determined in August 2019 and August 2020 respectively) relating to works and development of similar description.

¹ APP/X5210/Y/19/3222128 & APP/X5210/W/19/3222123 and APP/X5210/W/20/3246051 & APP/X5210/Y/20/3246053



The Planning Inspectorate

Appeal Decisions

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Appeal Decisions APP/X5210/W/21/3279988 and APP/X5210/Y/21/3279990

9. The significance and special interest of the Belsize Conservation Area (the CA) as a designated heritage asset is drawn, in-part, from its predominantly residential streets and the grand and often consistent nature of many of its buildings. The CA contains a range of often intricately designed listed buildings that further contribute to this special interest. The appeal site is located at the juncture where Eton Avenue meets Lancaster Grove, which are roads lined by large Edwardian houses of often impressive architectural merit. The listed building's prominence in the street scene is emphasised via its tower, detailing and overall scale. Therefore, it provides a link with the early 20th century built development of Belsize Park, contributing aesthetically and historically to the character and appearance of the CA as a whole and, thereby, to its significance as a designated heritage asset.

The proposed works and development

10. The proposal is to convert the presently vacant tower in order to provide a one-bedroomed flat across its multiple floors. The formation of a balustraded external roof terrace above the tower is also intended.
11. Glazed floor panels (the panels) are proposed be installed centrally at third, fourth and fifth floor levels beneath a flat rooflight. This would be in the interests of maintaining the concept of a central aperture. I see merit in the approach taken. Indeed, the aperture is already boarded up (albeit on an interim basis) and transparent glazing would offer a meaningful signpost to the tower's past functions.
12. Should the appeals be successful, and the scheme ultimately be implemented, it would be unduly challenging to effectively control that the panels remain consistently clear of floor coverings or other obstructions to visibility/light in their totality. Notwithstanding the precise terms of any future leaseholder agreement, this would ultimately be a matter of personal preference for any future occupier. However, it remains relevant that the panels would offer important sources of light, which would promote their retention in an unimpeded form (at least during daytime hours).
13. Furthermore, the panels are intended to be removeable. The tightly dimensioned nature of the staircase would mean that difficulties would necessarily apply should bulky items such as large furniture require moving in and out. This offers a strong indication that, from a practicality standpoint, the panels would not be permanently fixed, as to do so would potentially prejudice opportunities to hoist in large or heavy items. Thus, even when factoring in the planned removal and redeployment of metal railings from the perimeter of the aperture, I find that an innovative and genuinely versatile solution has been found that would suitably offer reference to and respect the building's special historic interest.
14. Moreover, the suite of evidence before me illustrates that the scheme has evolved since original conception and that legitimate efforts have been made to respond to previous objections. For example, the staircase is to be retained and sensitively enclosed and no longer are solid/opaque floor structures intended for the central aperture. I am content that exterior alterations at roof level, including the omission of chimneys and the insertions of a rooflight and balustrading would have limited visibility and would not prejudice the tower's special interest. I also accept that some change is a natural consequence of converting a former civic facility for residential purposes.

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15. However, the loss of historic fabric that is proposed would not be minor in cumulative extent. Whilst it has been suggested by the appellant that, with respect to brickwork alterations, the amount of internal works is entirely consistent with similar works approved and implemented elsewhere in the building, this stance has not been robustly substantiated. This is notwithstanding a submitted floor plan extract³. The tower's internal brickwork would undergo multiple sizeable manipulations across a limited built footprint (including to nibs and arches) to achieve the living spaces proposed. A distinct loss of historic fabric and associated heritage significance would ensue.
16. Furthermore, whilst full details of internal finishes could be suitably secured via condition, it is intended that floor upstands on the third and fourth floors become embedded within removeable raised floors. Although these upstands would not be omitted, their legibility would be significantly impaired particularly if fully concealed. The evidence before me does not offer appropriate assurances that the upstands would remain visible or readable and it cannot be assumed that comprehensive alterations to the tower's flooring would be reversed in the future, even if designed to offer potential removability.
17. As such, the scheme would undermine the original plan form of the tower as comprising a labyrinth of constrained, part-obstructed, and sometimes arched spaces. As a consequence, legibility of the original purpose and function of the tower, would be weakened and noticeably eroded. It follows that the proposed works and development would have wider adverse implications on the listed building's special interest and significance, which, irrespective of the conversion works already undertaken, would not be preserved but harmed.
18. In the context of the CA's character and appearance, the external alterations that are intended would be limited in extent, be focussed at roof level, and have minimal visibility. Nevertheless, I have identified that the planned internal works would result in some harm to the character and authenticity of an important listed building within the CA. In my judgement, there would inevitably be some residual harmful effect upon the character of the CA when taken as a whole.
19. For the above reasons, the proposal runs contrary to the clear expectations under sections 16(2), 66(1) and 72(1) of the Act. Under the terms of the National Planning Policy Framework (July 2021) (the Framework), bearing in mind the scale and nature of the proposals on the listed building as an entity, I qualify that the degree of harm to the listed building's significance as a designated heritage asset would be less than substantial. In respect of the CA, the harm to its significance would be less than substantial and at the lower end of that scale. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my overall planning balance.

Parking and sustainable transport

20. The main parties do not dispute that a legal agreement is required to secure that the development remain car-free. A Unilateral Undertaking (the UU) has been submitted at appeal stage that covenants that each new occupier shall not normally be entitled to be granted a Residents Parking Permit or to buy a contract to park within any car park owned, controlled or licensed by the

³ page 11 of the appellant's Appeal Statement of Case

Appeal Decisions APP/X5210/W/21/3279988 and APP/X5210/Y/21/3279990

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Council. Having considered the full contents of the UU, and in the absence of any objections from the Council, I am satisfied that its general contents are fit-for-purpose.

21. However, as the UU is not dated, I cannot take it into account. It should be noted that, had I not found the scheme to be unacceptable for other reasons, I would have gone back to the appellant to request a signed version. Nevertheless, in the absence of a satisfactorily completed legal agreement, I find that the proposal would not acceptably guard against parking stress and would not promote sustainable transport choices. The scheme conflicts with Policy T2 of the Local Plan in so far as this policy sets out that the Council will limit the availability of parking and require all new developments in the Borough to be car-free.

Affordable housing

22. Policy H4 of the Local Plan seeks to maximise the supply of affordable housing and sets out the expectation for a contribution to be attained from all developments providing additional homes and involving a total addition to residential floorspace of at least 100 square metres. The proposal would not meet this square meterage threshold and is not accompanied by a legal agreement securing an affordable housing contribution.
23. However, the same policy sets out that where development sites are split or where separate proposals are brought forward for closely related sites, it shall seek to be ensured that the appropriate affordable housing contribution is comprehensively assessed for all the sites together, and that all parts or phases of split or related sites make an appropriate affordable housing contribution. It is the Council's stance that the intended gross external area generates a required contribution of £96,990.
24. I do not accept the argument that, as other constituent parts of the building have been converted and are now occupied in full, the scheme is not eligible to contribute. Indeed, Policy H4 specifically accommodates different phases of development at split or related sites. It does not differentiate between ongoing and completed phases, nor engage with the concept that a new planning chapter should be considered to have commenced post-occupation.
25. It is also relevant that the previous August 2020 Inspector identified that, even though the conversion of the main section of the building had been completed at that time, the scheme before him was clearly a separate proposal brought forward for a site related very closely to the implemented scheme, as provided for in the policy. Whilst a not insignificant period has now passed, I find that the same principles apply to the revised scheme that is now before me.
26. A delegated officer report has been brought to my attention that relates to a resubmitted proposal to convert roof space at a different site where planning permission had previously been granted to convert the wider building. A change in circumstances was identified, whereby the wider conversion had been completed and the resubmitted proposal did not ultimately attract an affordable housing contribution. However, that scheme fell under the auspices of Tunbridge Wells Borough Council and was thus considered against a different development plan. Moreover, the findings of a Council officer with respect to an entirely unrelated scheme are of limited relevance to my considerations.

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27. For the above reasons, in the absence of a legal agreement to secure a proportionate contribution, the proposal does not make adequate provision for affordable housing. The scheme conflicts with Policy H4 in so far as this policy seeks to maximise the supply of affordable housing.

Heritage and Planning Balance

28. The scheme, the subject of Appeals A and B, would cause less than substantial harm to the significance of the listed building and fail to preserve its special historic interest contrary to the expectations of the Act. The scheme would also fail to preserve the character of the CA and lead to less than substantial harm, albeit at a low level, being caused to its significance.
29. The scheme would offer enhanced accessibility to the tower and bring it back into active use. In doing so, an additional housing unit upon previously developed land would be provided in accordance with the Government's objectives (as endorsed via the Framework) of significantly boosting the supply of homes and making an efficient use of land.
30. The remainder of the building is already in residential use and, particularly when factoring in shared access arrangements, I accept that an active non-residential use for the tower would likely prove unrealistic to actualise. Even so, due to the extent/type of the internal interventions involved, I do not consider that the proposal is necessary or warranted to achieve the building's optimum viable use. This is especially so as it has not been clearly demonstrated that it would not be possible to convert the tower for residential purposes alongside less invasive internal interventions.
31. Furthermore, I am unpersuaded that a conversion of the tower, which I experienced to be of robust and sturdy construction, is necessarily essential to avoid it ultimately falling into a state of disrepair if not actively used. Moreover, it is my understanding that a Conservation Management Plan related to the whole site in question was secured via legal agreement when the original conversion to 18no self-contained residential units was permitted.
32. In the context just described, the benefits associated with the scheme, to include the delivery of a new housing unit in an inner-urban location and the bringing back into active use of a vacant part of the building, would be relatively modest in cumulative terms and carry moderate weight in its favour. This leads me to conclude that, in the circumstances of this case, the public benefits do not outweigh the less than substantial harm that I have identified would be caused to the listed building, and that, on a separate basis, these benefits do not outweigh the harm that that I have identified would be caused to the significance of the CA. For the avoidance of doubt, this CA harm continues to carry considerable importance and weight despite being at the lower end of the less than substantial scale.

Conclusions

33. I have found that the sum of wider public benefits are insufficient to outweigh the heritage harms identified, leading to conflict with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policy D2 of the Camden Local Plan (2017) (the Local Plan) in so far as this policy sets out that proposals for a change of use or alterations and extensions to a listed building where this would cause harm to

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the special architectural and historic interest of a listed building shall be resisted. In respect of Appeal A, particularly when factoring in other identified conflicts with Policies T2 and H4 of the Local Plan, there is conflict with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

34. For the above reasons, I conclude that Appeal A and Appeal B should be dismissed.

Andrew Smith

INSPECTOR