

# HANDFORTH

## HERITAGE

52 Doughty Street, Camden  
Heritage Impact Assessment

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December 2023

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# 1. Introduction

This Heritage Impact Assessment ('report') has been produced by Handforth Heritage to accompany full planning and listed building consent applications relating to the proposed alterations to the grade II listed No. 52 Doughty Street ('the site'), which is located within the Bloomsbury Conservation Area. The applications follow one round of pre-application discussions with the council undertaken in November 2023 (ref: 2023/3517/PRE).

The report has been produced to identify and assess the significance of any Heritage Assets that may be potentially affected by the proposals and then to determine the potential impact of the scheme on this. This report has been undertaken in accordance with Historic England's guidance on heritage assessments, namely Statement of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 and Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (GPA 3). The legislation and policy framework applicable to this application is set out at Appendix 1.

This report should be read in conjunction with the application drawings and Design and Access statement prepared by MCMa.



Figure 1 Site location plan, showing site in red.



## 2. Historic Development

The site is located along Doughty Street in the heart of the Bloomsbury Conservation Area. The street runs southwards from the south-east corner of Mecklenburgh Square, crosses Guilford Street and goes as far as Roger Street.

In 1792 Henry Doughty, granted leases to Joseph Wigg, carpenter, and George Slaton, builder, to erect six houses on each side of the street southwards from Guilford Street. In 1794 he granted land in the northern part of the street, north of Guilford Street, to George Slaton and John Golden to build three houses on the west and two on the east. These are shown in Horwood's map of London (figure 2).

In 1799–1800 building leases were granted for the completion of the south part of the west side of the street and the south part of the east side of the street was not completed until 1807–09, when leases were granted to John Wilson, Joseph Wigg, John Long of Christ's Hospital, and John Lovell of Red Lion Street. The progress of the building is reflected in the rate books of St. Pancras. There were thirteen houses in 1801, forty two in 1808, and sixty-two (the entire street) in 1820. Charles Dickens lived at No. 48 and this building is now grade I listed.

The 1828 Greenwood provides early cartographic evidence for completion of buildings on the street. The buildings at this point do not appear to feature any closet wings with open land and mews visible to the east.

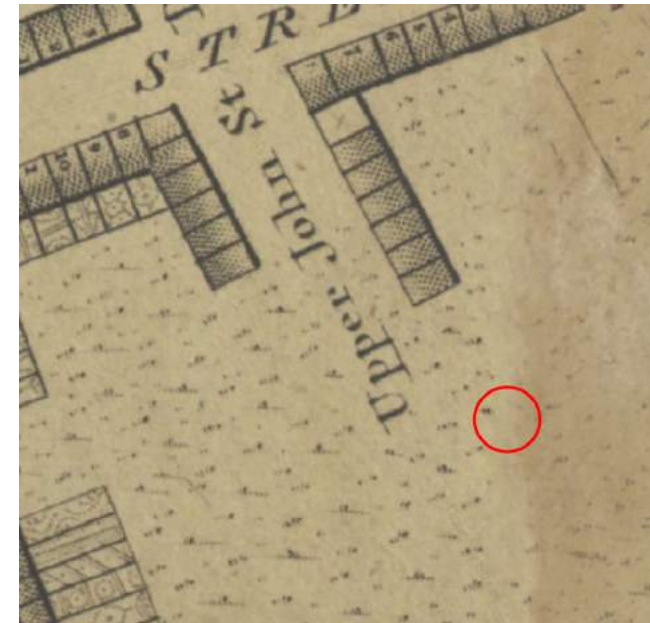


Figure 2 1799 Horwood map, showing site prior to construction.



Figure 3 1828 Greenwood map, showing the site and wider terrace prior to the proliferation of rear extensions.

## 2. Historic Development

The 1894 OS map provides evidence for substantial changes that have happened to the rear of the terrace and the site itself. At this point the site appears to have a considerable extension to its rear which butts up against a large extension off the mews buildings to the rear. The large structure appears to be completely separate from the site and accessed via a carriageway off Brownlow Mews. The site is unique in the street for having very little open space to the rear with almost all its original land now developed by a small lightwell. The buildings within the majority of the rest of the terrace now appear to feature closet wings.

The 1901 Goad map provides further detail, here the rear structure appears to be single storey with a skylight above. In addition to this, the buildings to the rear of this are described as a 'shopper fitters'. Reviewing the census records of the time, there does not appear to be any connection with the site and these structures; the 1871 census records eight people living in the house, including a 'Retired Cigar Manufacturer', a cook and housemaid, in 1881, there are people living there by 'there own means' and in 1891 a cab man and his family live there.



Figure 4 1894 OS map showing the site with a considerable extension to the



Figure 5 1901 Goad map, it is clear that the site has been considerably extended by this point.

## 2. Historic Development

Several photographs showing the site and wider terrace also survive and provide a further insight into the evolution of the area and building.

An aerial map of 1948 provides visual evidence of the structures shown on the Goad map, a M-shaped roof is also visible to the main house. Some 20 years later, a 1967 photograph shows the facade of the terrace, it is clear from this image that the site has lost its original multi-paned windows, with one over one sashes visible.



Figure 6 1948 aerial photograph showing the site with its historic full width extension enclosing the whole garden space.

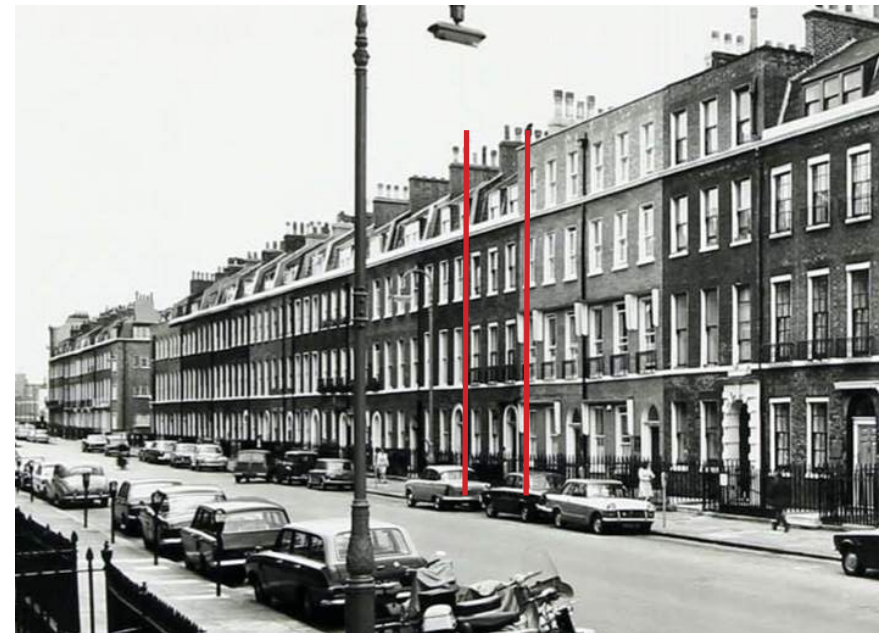


Figure 7 1967 photograph showing the site in red, note it has Victoria 1 over 1 sashes at this point.



## 2. Historic Development

A 1960 photograph also provides evidence for the appearance of a historic door which appears to incorporate varying panelling including rail and stile, raised and fielded and intaglio detailing in a six panel configuration. A 1975 photograph of the facade shows that by this point the windows have been replaced with more traditional multi paned details likely undertaken as part of the 1970s works (more information overleaf).

Research into other buildings within the street can also help unveil other details likely lost within the site's plan. A 1970s photograph of No. 50's interior for example, provides a typical tripartite arch arrangement used in countless Georgian buildings to separate the principal staircase form the secondary one.



Figure 8 1960 photograph showing original door and door case and later Victorian tile work (LMA)



Figure 9 1975 photograph showing facade of the building with new multi-paned sash windows (LMA).



Figure 10 1971 photograph showing interior of No. 50 and its historic secondary staircase arrangement, now lost within No. 52 (LMA).

## 2. Historic Development

The Camden archives also hold historic drainage plans for the site, including a 1892 basement plan that shows its historic layout based around a simple front and rear room configuration accessed via a side stair. Note also here, the survival of the wine cellar towards the centre of the building and enclosed by two spine walls.

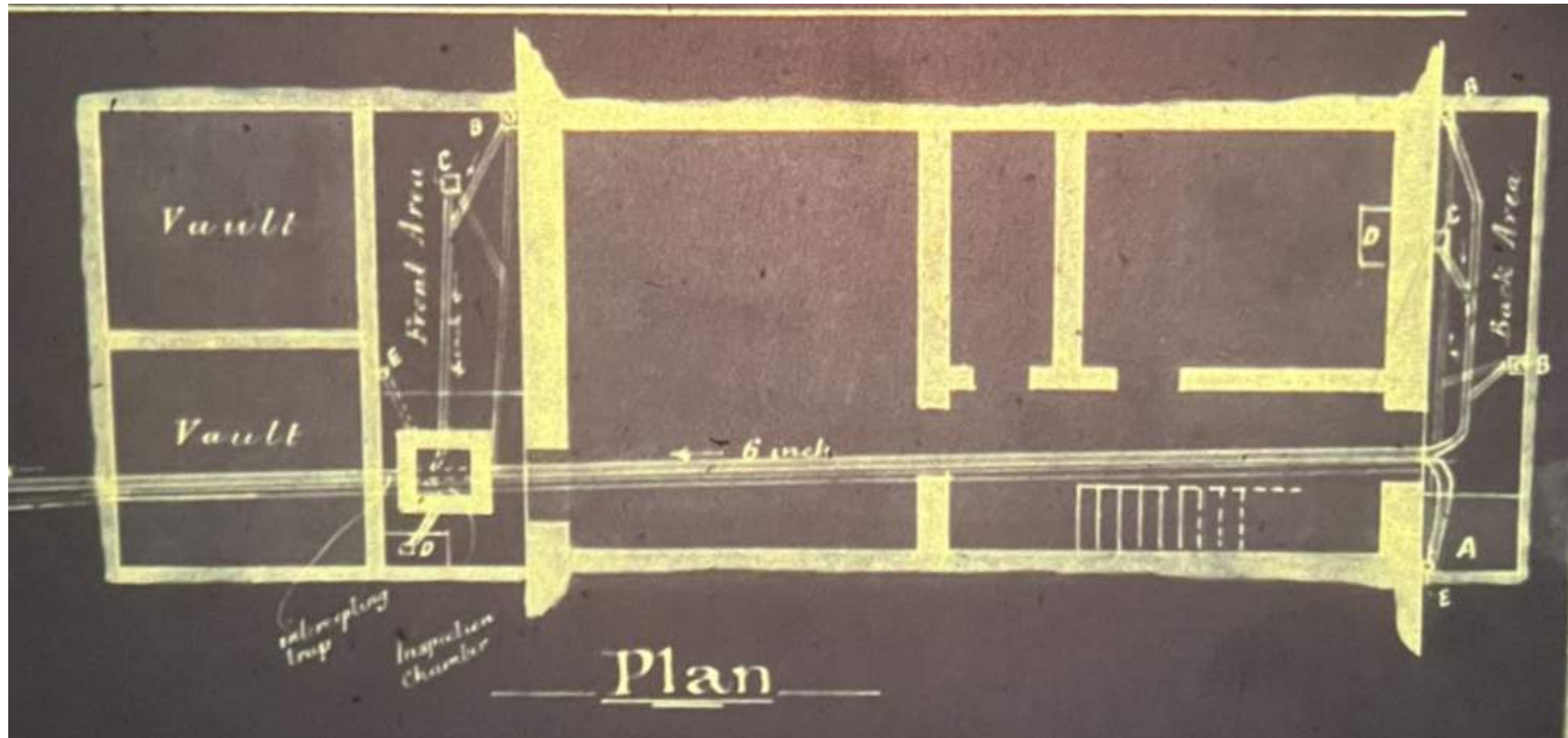


Figure 11 1892 drainage plan showing the basement (lower ground floor) level of the building.



## 2. Historic Development

The only other drainage plans for the building date to 1972, these are useful in showing when the current lift was installed and the full width rear extension which projects to roof level.

In addition to the information outlined above the council's planning history for the building provides useful information. The most recent applications for the building date to 2004 (ref: 2004/1512/P & 004/3115/L). These applications were granted permission to convert the building from office to a single family dwelling.

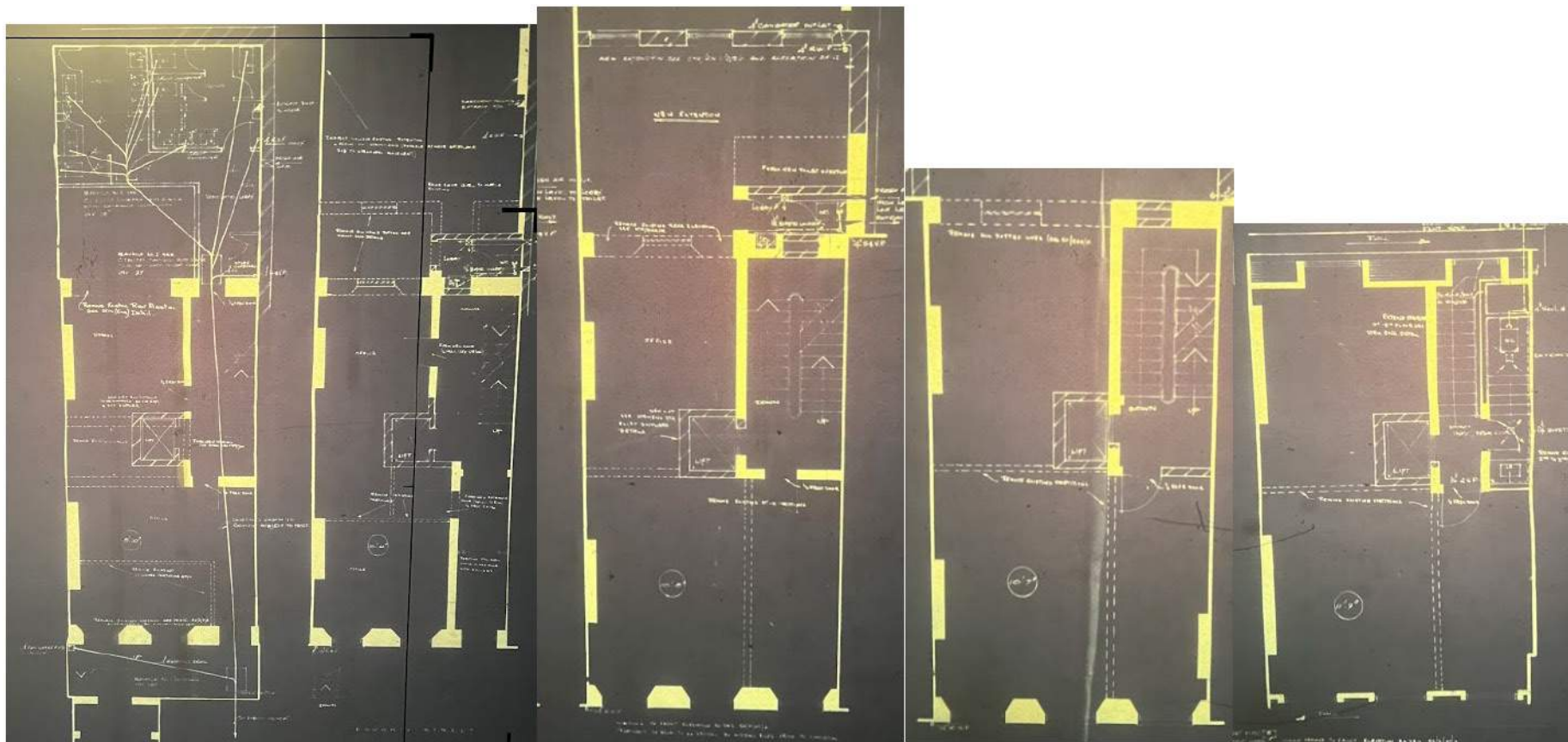


Figure 12 1972 drainage plans showing insertion of lift and full width extension. From left to right – Basement to third floor plans.

### 3. Identification of Heritage Assets and Significance Assessment

An inspection of the relevant databases and sources, including the Historic Environment Record (HER), the National Heritage List for England (NHLE), and the Council's website, has identified numerous Heritage Assets lying within the vicinity of the Site. Following desk based research and on site analysis, professional judgement has been used to identify and select Heritage Assets whose significances may be affected by changes to their settings or direct impacts. This assessment has been undertaken in accordance with Historic England's *Statement of Heritage Significance: Analysing Significance in Heritage Assets* and Historic England's *Advice Note 12 The Setting of Heritage Assets GPA 3*. In accordance with Paragraph 194 of the NPPF the level of detail is proportionate to the Assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The Heritage Assets that has the potential to be affected by the proposals is outlined below:

1. Numbers 39-47 and 49-62 And Attached Railings, Grade II
2. Bloomsbury Conservation Area

Other Heritage Assets were identified as part of this process but were excluded from assessment due to either a lack of visible or experiential connection with the Site, namely 3. Charles Dickens House and Attached Railings, 48, Doughty Street, Grade I.

That following section provides a description of the assets above, followed by an assessment of their significance.

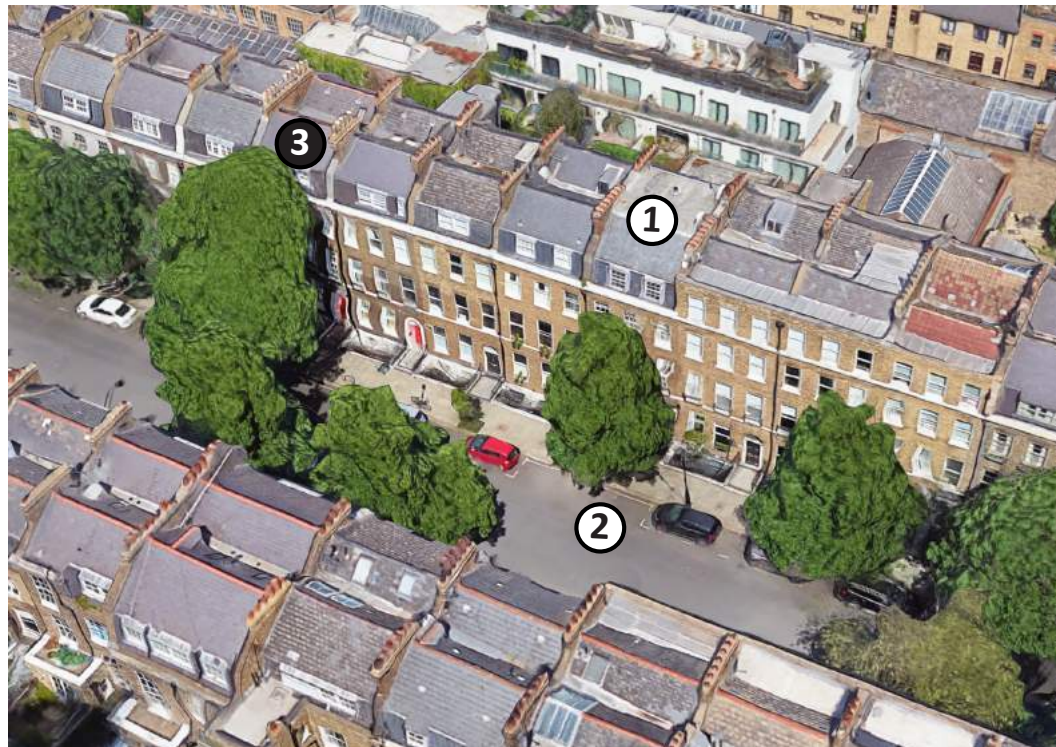


Figure 13 Showing the site (1) sitting in its wider listed terrace. The whole image is located within the conservation area (2). No. 3 denotes the grade II listed 48 Doughty Street, which has been scoped out of this assessment.



### 3. Identification of Heritage Assets and Significance Assessment

#### 1. Numbers 39-47 And 49-62 and Attached Railings, Grade II

The site forms part of a wider terrace of listed buildings that were first designated in 1974 with the list entry being updated in 1999. The list description reads as follows:

*GV II Terrace of 23 houses, excluding No.48 which is listed separately (qv). Nos 39-46 c1792; Nos 47-62 c1807-9; terrace completed by 1820. No.62 rebuilt in facsimile since 1974. Built by J Wigg, G Slaton and J Wilson. Multi-coloured stock brick most with evidence of tuck pointing; No.45 painted. Plain stucco first-floor sill band. Slate mansard roofs with dormers except Nos 53-55 and 62. Nos 39-47, 49-52 and 56-61: three storeys, attics and dormers. Three windows each; No.39 with four windows (one blind) and three-window return to Guilford Street. Round-arched doorways with panelled or recessed pilaster-jambs, cornice-heads, most with patterned fanlights and panelled doors. Nos 44-47, 49, 51 and 52 have doorways with stuccoed surrounds; Nos 57-61, doorways with Greek Doric engaged columns carrying cornice heads with guttae. Gauged brick flat arches to recessed, mostly 2-pane sashes. Nos 49, 52, 56, 57 and 60 with cast-iron balconies to first-floor windows. Stucco cornices and blocking courses, except No.39. Most houses with original lead rainwater heads and pipes. INTERIORS: not inspected. Nos 53-55 and 62: four storeys and basements. Three windows each, No.62 with 3-window return to Roger Street, plus three-storey three-window extension. Nos 53-54, round-arched doorways with moulded jambs and lion-head stops, cornice-heads and patterned radial fanlights. No.55 has projecting round-arched, rusticated stucco portico with cornice and later C19 doorway. Patterned, half-glazed door and overlight. No.62 has return with projecting Doric porch, part-glazed doors and patterned fanlight. Gauged brick flat arches to recessed sash windows; first-floor with cast-iron balconies. Cornice, continuing from other houses in terrace, at third-floor level. INTERIORS: not inspected but Nos 53-55 noted to have stick baluster stairs. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas. (Survey of London: Vol. XXIV, King's Cross Neighbourhood, Parish of St Pancras, IV: London: -1952: 50-54).*

#### Exterior

The facade of the building is described in detail above, it should be noted that it has lost all its original windows, although they are now traditional multi-paned sashes, the front door is modern as is the concrete paving entrance ramp. A 20th century awning is located above the front door that detracts from its aesthetic appearance.

The rear of the building is constructed in stock brick and features a number of recessed



Plate 1 Showing the listed terrace, the site can be identified by the red door.



Plate 2 Rear elevation of the building showing 1970s extension, note incongruous large sashes when compared to patio doors.



### 3. Identification of Heritage Assets and Significance Assessment

multi-paned sash windows. The elevation presents no original fabric having been completely extended and rebuilt in the 1970s and is of no architectural or historic interest.

#### Lower Ground Floor

This level of the building would have historically been where the domestic staff were housed, including house keepers and cooks. These staff would have undertaken day to day tasks on this level including food preparation, cooking and washing laundry etc. It would have therefore had a very plain, functional appearance. The 1893 drainage plan shown earlier in this report provides a clear indication of the original plan form of this level.

Today, much of this original plan form has been eroded with the removal of the former wine cellar, originally enclosed by two spine walls, the enclosure of the whole rear elevation for a substantially deep extension, and the insertion of a lift and service cupboard that have significantly changed the rear room's original open profile. The outline of the original cellar room can be seen through the retention of a down stand to the ceiling (3) although this has now been inappropriately encased with modern cornicing.

Bar the staircase, which features a classical Georgian newel post and slender stick balusters, there are no historic fixtures or fixings of interest surviving at this level.

Modern cornices and panelled doors adorn numerous rooms in the space, completely out of character with its historic subservient nature (2,3 &4).

The rear modern elements feature 20th century kitchen and toilet with suspended ceilings of no interest (5 & 6).

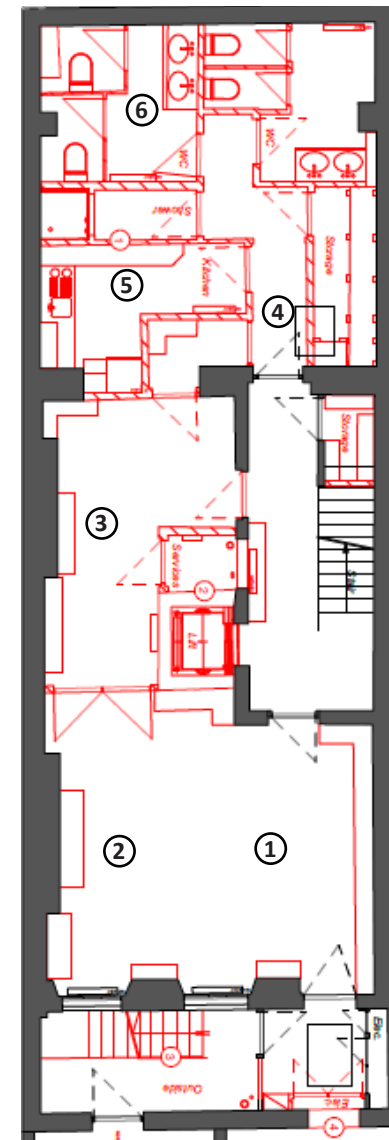


Figure 14 Showing photograph location plans for lower ground floor.

3. Identification of Heritage Assets and Significance Assessment



### 3. Identification of Heritage Assets and Significance Assessment

#### Interior- Ground Floor

Historically this level would have been used for dining (front room) with a single parlour room to the rear. As with the lower ground floor, much of the original appearance of this space has been heavily eroded overtime, some exceptions include the retention of the plain geometric staircase with curlicue newel (1) and the fanlight above the modern entrance door (2). The flooring throughout this space consists of modern tiles of no interest.

The front room retains its historic window shutters and soffits (3) apart from these, there are no other fixtures or fittings of interest within the space with modern applied mouldings detracting from the its original appearance.

The appearance of the rear room has been heavily eroded by the insertion of the lift and service risers, the survival of a down stand at ceiling level also suggests that the spine wall maybe have been removed at some point (4). Opening up works at this level would be beneficial to determine this. A shallow chimney breast survives in this room, although no original features adorn it.

The original rear wall of the building is still appreciable, with a large opening now connecting the former rear room to the 1970s extension (5). This room consists of modern applied mouldings and shelving with large sash windows and patio doors resulting in a disjointed appearance (6).

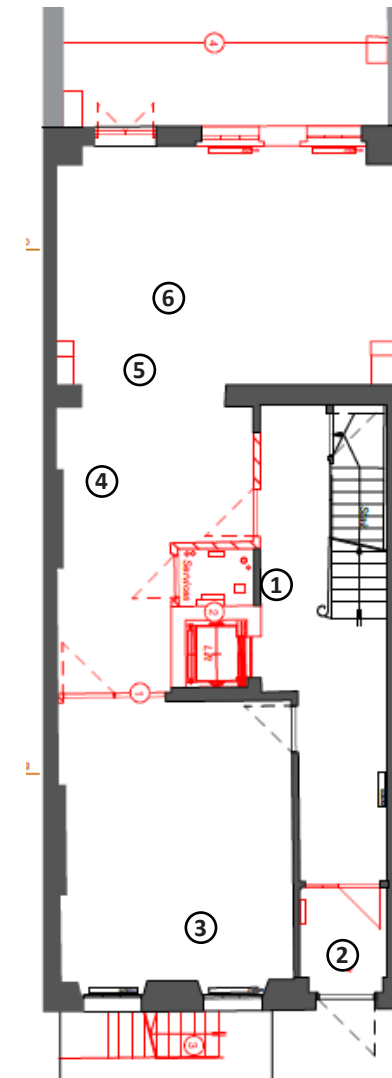


Figure 15 Showing photograph location plans for ground floor.



3. Identification of Heritage Assets and Significance Assessment



### 3. Identification of Heritage Assets and Significance Assessment

#### Interior- First Floor

This level, being the *piano nobile*, would have housed the most impressive spaces in the building including withdrawing room. The approach from the landing has been altered through the insertion of the lift which has eroded the historic circulation pattern of the building, with access to this floor only being possible via the front room (1). The front room features a modern glazed partition creating a corridor in the room and detracting from the original floor plan of the space (3). The room features original shutters (2), painted shut, but apart from this there are no other original fixtures or fittings.

Both the original front and rear rooms retain their chimney breasts although no fireplaces remain (4). The original rear wall of the building remains appreciable (6), but again the historic floor plan of the building has been eroded through the addition of the 1970s extension. This space features three modern six over six sashes, modern decoration and a proliferation of shelving throughout (5).

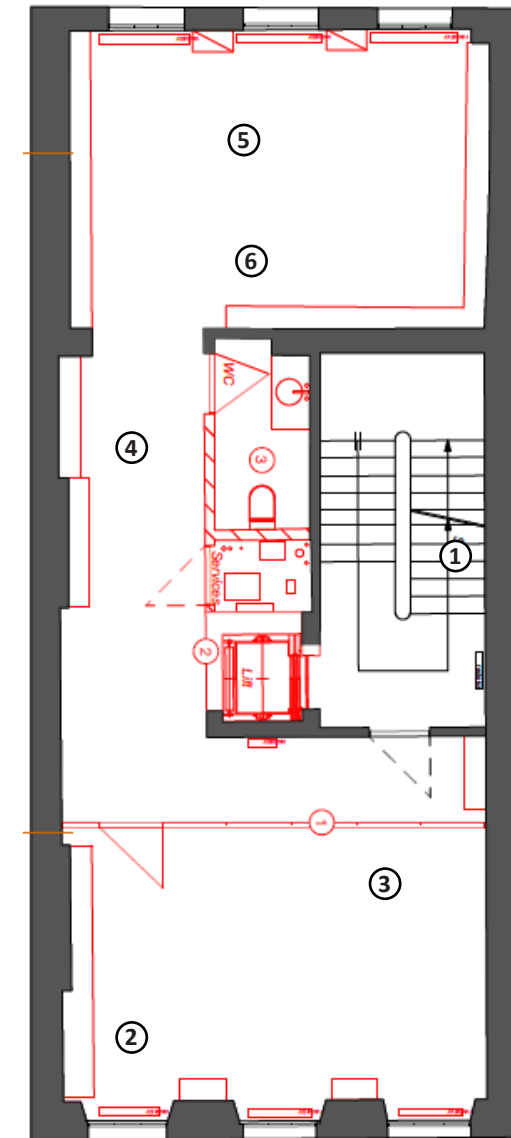


Figure 16 Showing photograph location plans for first floor.

3. Identification of Heritage Assets and Significance Assessment





### 3. Identification of Heritage Assets and Significance Assessment

#### Interior- Second Floor

The second floor level of the building would have traditionally housed bedrooms with two to the front and one to the rear. This level has experienced one of the largest changes in the house with the removal of its original secondary staircase (a standard feature of Georgian houses of this size, see figure 10). The original landing profile can be made out on the approach to the second floor from the stair (1), compare this to the later reproduction stair leading to the third floor where the soffit of the treads continues up the stair with no break (2).

This change has had a knock on effect to the floor plan of the building which now closer reflects that of the first floor, confusing the hierarchy of spaces. As with the first floor, the original circulation pattern of the building has changed, with the only access point to the whole floor being via the front room.

From reviewing the historic drainage plans, the front room appears to have been separated into two spaces, supported by the presence of two chimney breasts within the room (3). This wall was removed in the 1970s. Modern partitions are visible in the room which partly obscure the larger of the two chimney breasts in the space. Historic shutters and timber aprons with plainer mouldings than the floors below survive in this room, although they shutters have been painted shut.

The original plan form of the rear room has been adversely affected by the insertion of the lift and service room (4), although the chimney breast and rear wall are still discernible.

The rear space forms part of the 1970s addition and consists of two rooms, neither of which contribute to the special architectural or historic interest of the building (5-6).

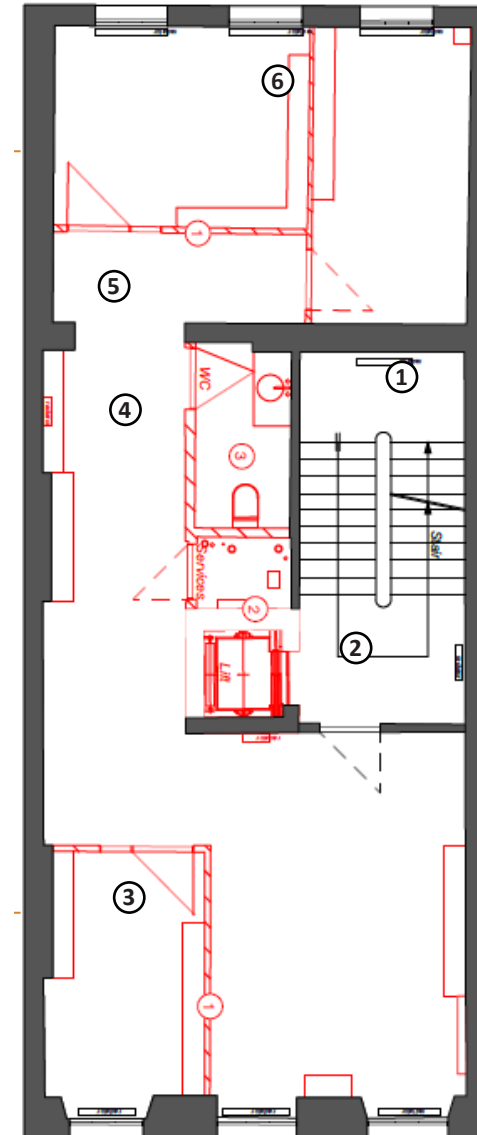


Figure 17 Showing photograph location plans for second floor.

3. Identification of Heritage Assets and Significance Assessment



### 3. Identification of Heritage Assets and Significance Assessment

#### Interior- Third Floor

This level was historically the garret level in the roof of the structure. Compared to the 1948 aerial map, it is clear that this structure has had its central valley infilled to provide additional accommodation. Upon the approach to this floor, it is clear that the stair is a later addition with much chunkier newel posts present (1).

The front room was probably subdivided into two as evidenced by the presence of two chimney breasts (2 & 3). The space is now completely open plan, connecting with the rear room off which is a modern bathroom (4), lift and service riser. The chimney breast to the rear room is still discernible although no original features remain (5). The rear elevation at this point features one sash and one patio door, creating a disjointed appearance (6).

#### Significance

The building has been heavily eroded overtime, resulting in its primarily significance being found in its facade and its contribution to the wider listed terrace. The building's architectural interest internally has almost been completely destroyed, although it retains most of its original staircase and a number of window shutters, soffit mouldings and timber aprons.

In terms of its historic significance, again this primarily relates to the fact that the building is an important surviving example of a late Georgian terraced house development, and whilst its original floor plan has been almost completely removed, it can be still appreciated in places through the retention of nibs, down stands, and chimney breasts.

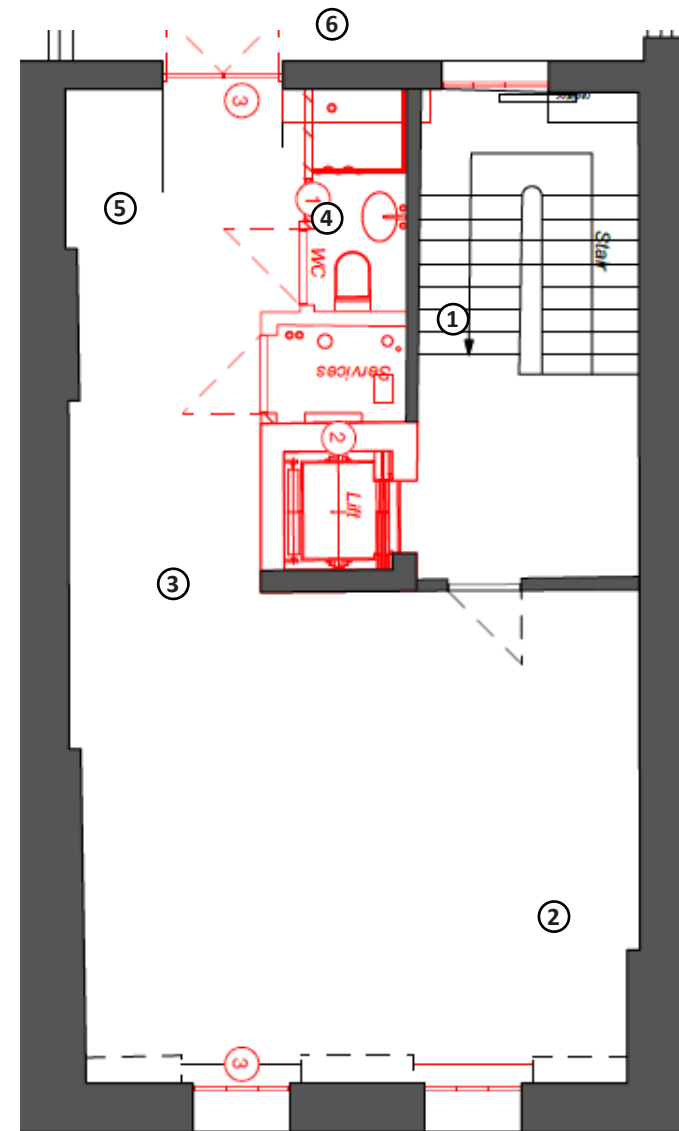


Figure 18 Showing photograph location plans for third floor.



### 3. Identification of Heritage Assets and Significance Assessment



### 3. Identification of Heritage Assets and Significance Assessment

#### 2. Bloomsbury Conservation Area

The Bloomsbury Conservation Area was first designated in 1968, largely to protect the Georgian character of the area. It was later extended to protect later Victorian, Edwardian and 20th century development. The most recent Conservation Area Appraisal produced by the council was adopted in 2011.

The Conservation Area is located in the south-east of the London Borough of Camden and stretches from Euston Road in the north to Lincoln's Inn Fields in the south. It covers an area of approximately 160 hectares. Its historic character is defined by the grid-like layout of residential streets which are punctuated by larger institutional buildings (such as the British Museum and University of London) and green, open squares.

Bloomsbury saw rapid growth in the mid 17th century up until the early 19th century with the advent of the Napoleonic Wars. Its residential popularity receded in the 19th century with educational, medical, commercial and cultural uses dominating. The built form is predominantly classical, although there is a large mixture of architectural styles found within the later extended areas. This variety is reflected in the fact that the conservation area appraisal identifies 14 character areas in total. The site is located within the 'Sub Area 10 Great James Street/Bedford Row'.

This sub area has a clear hierarchy of streets based around a grid layout. Bedford Row, Doughty Street and John Street are wide roads which is reflected in the presence of larger houses. There are no planned open spaces within the area, although the more formal streets are characterised by regularly spaced street trees, planted at regular intervals in the pavement. The predominant historic built form consists of town houses constructed along long terraces with rear mews buildings creating a fine grain and strong sense of enclosure.

The significance of the conservation area resides around it comprising a series of planned elements of formal townscape as the city of London expanded northwards during the 17th and 18th centuries, and later redevelopments of the 19th to 21st centuries.

The conservation area is of historical interest in illustrating the rapid expansion, population growth and prosperity of this part of London from the 17th century, and how its use and character has continuously evolved. The area also is of architectural interest in illustrating past approaches to architectural design, planning, style and use of materials across this period, which has resulted in a rich and diverse townscape of buildings and space with a distinctive sense of place.

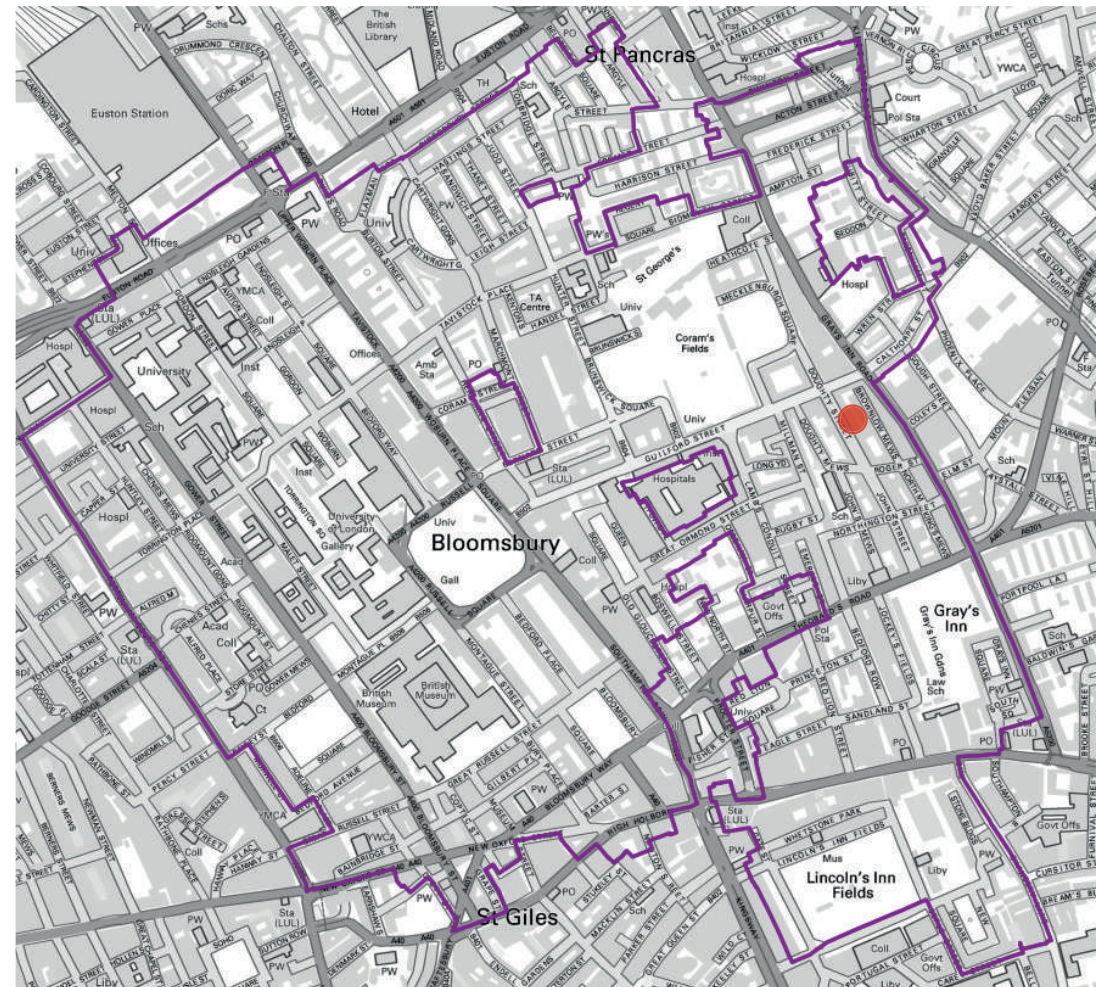


Figure 11 Map of Conservation Area, showing its considerable scale in comparison to the site (indicative location in red).



### 3. Identification of Heritage Assets and Significance Assessment

The site itself is largely a positive contributor to the conservation area, forming part of a near intact original Georgian terrace. Its rear elevation is modern and does not provide a positive contribution being out of scale with much of the rest of the terrace as can be seen in figure 12.



Figure 12 Oblique rear aerial view of the site (in red) within its wider terrace.

Visible on the far right of this image is a contemporary rear glazed extension at No. 40 Doughty Street, this was granted consent in 2010 (ref: 2010/3083/P & 2010/3185/L). Within the council's delegated report they stated:

*The proposed full width glazed sliding doors along the rear elevation of the basement extension and at ground floor level would not harm the special character of the listed building or the character of the wider conservation area.*

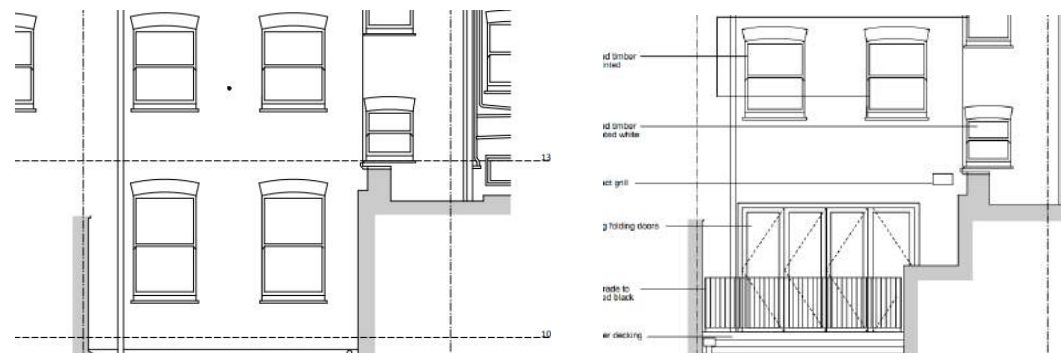


Figure 13 Existing (left) and consented (right) drawings in relation to No. 40 Doughty Street (refs: (ref: 2010/3083/P & 2010/3185/L).



## 4. Proposals and Assessment of Impact

This Heritage Impact Assessment has identified the Heritage Assets likely to be affected by the proposals and their significances. The key impacts will be on the listed building itself and to a much lesser extent the Bloomsbury Conservation Area. The report has demonstrated that the building has undergone so much internal and external change (to the rear), that it is now primarily the principal facade that is of architectural and historic significance. Some internal features of interest do survive, but these are limited to most of the principal staircase, joinery around the front windows and chimney breasts.

### Proposal and Assessment of Impact

Outlined below is an overview of the external proposals and their impact on the building and conservation area, followed by a floor by floor assessment of impact. Where relevant, extracts from the council's pre-application letter (ref: 2023/3517/PRE) will be included here in italics.

The proposals seek to change the use of the building from an office to its original use as a single family dwelling. This in itself would provide a **beneficial impact** returning the building to its likely optimum viable use. The proposals will also remove the lift from the building, removing an incongruous feature that would also result in a **beneficial impact**.

#### External

It is proposed to remove the awning above the front entrance of the building. This is not a traditional feature of a residential Georgian dwelling, and its removal would result in an **beneficial impact** on the listed building and conservation area.

The existing cementitious tiles to the entrance ramp will be replaced with stone in a stepped formation reflecting other traditionally detailed properties in the street. The threshold will also be replaced with marble as shown in the historic photograph. These changes would result in an **beneficial impact** on the listed building and conservation area.

The modern metal staircase to the front lightwell will be replaced with one that lines up with the vaults rather than the facade of the building. This would result in an **beneficial impact** on the listed building and conservation area.

It is proposed to replace the modern ground floor windows and patio door for multipaned full height windows and door. This change is considered to result in a **neutral impact** on the significance of the listed building as it would not affect any fabric of interest and would be in keeping with other consents in the street such as that at No. 40. The council have raised no objections to this within their pre-application comments:

*As the rear extension is of modern construction, the alterations do not raise any concerns from a heritage perspective.*

In terms of the interiors, the council stated:

*The proposed interior alterations, which include the removal of the existing office floorplan partitions, bathrooms, and fixtures (including internal lift) is broadly supported. None of these elements are historic, thus their removal raises no concerns.*

#### Lower ground floor

The key aspect of significance here, namely the staircase and chimney breasts would remain unaffected. The floor plan will change modestly and opportunities have been taken to reintroduce typical features including the wine cellar, skirtings, and period doors. It is also proposed to reopen the second front vault to the front lightwell. The proposals at this level would therefore have an overall **beneficial impact** on the significance of the building

#### Ground Floor

The ground floor room will remove the lift and service room and replace them with a WC and a new cleaners cupboard to the rear. There will be a number of period reinstatements at this level including ceiling rose, cornice and fireplace, these would all result in an overall net **beneficial impact** on the significance of the building.

#### First Floor

The changes at this floor will result in a reconnection of the staircase landing with the rear room through the removal of the lift. This will have a **beneficial impact** on the significance of the building. In addition to this, a spine wall will be reintroduced to the space, reducing the open plan nature of the floor. This would equally have a **beneficial impact**. The reinstatement of fireplaces, cornices and other joinery details would also result in a **beneficial impact**. Other changes at this level such as secondary glazing and new stud work would have a **neutral impact** not affecting any fabric or floor plan of interest.

#### Second Floor

This level will see the removal of the partition to the front room helping to reinstate this rooms original proportions, resulting in a **beneficial impact**. The rear room will be more closely aligned to its original layout through the removal of the passage arrangement with only a small laundry here. This, coupled with the part reinstatement of the spine wall would

## 4. Proposals and Assessment of Impact

result in an overall **beneficial impact**. The reinstatement of fireplaces, cornices and other joinery details would also result in a **beneficial impact**.

### Third Floor

The changes at this level will reinstate the proportions of the rear room but partially compartmentalise the front room through the insertion of plant room and bathroom. The front room would probably have subdivided to some degree historically and it is felt therefore overall that the changes at this level would have an overall **neutral impact**. The reinstatement of fireplaces, cornices and other joinery details would also result in a **beneficial impact**.

In relation to reinstating original features, the council stated:

*The reinstatement of original historic architectural features including fireplaces, cornices, ceiling roses, panelled doors, architraves, and skirting throughout is all considered acceptable and will help preserve and enhance the character and setting of the listed building.*

### Summary

The building has been heavily altered overtime to the point that it is now primarily the facade of the building that holds the building's predominant significance. Notwithstanding this, the proposals have taken numerous opportunities to reinstate original features, plan form and use. All these elements provide the opportunity to provide an enhancement to the significance of the listed building and the wider conservation area, and we see no heritage reason why Camden Council should not view the proposals favourably.

# Appendix 1: Legislation, Planning Policy and Guidance

## Legislation

Legislation regarding Listed Buildings and Conservation Areas is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the 1990 Act).

Section 16(2) states that in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) states that, in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority (LPA) 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 architectural or historic interest that it possesses.

Section 72(1) states that, in the exercise of planning functions, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The term “preserve”, within the context of Section 66, has been defined within *South Lakeland District Council v Secretary of State [1992]*, where it was held that the “desirability of preserving” creates a presumption against harmful changes, but not a presumption against any change. Case law has established that the preservation of the setting of a listed building requires considerable importance and weight (i.e. the Barnwell Manor judgment) and that a decision-maker who has worked through the paragraphs of the NPPF in accordance with their terms will have complied with the statutory duty set out in the 1990 Act (i.e. the judgment in *Jones v Mordue & Others [2015]*).

In the judgment for *Palmer v Herefordshire Council* ([2016] EWCA Civ 106), a discussion on the balance between harm and benefit to a listed building was undertaken. It was accepted that “where proposed development would affect a listed building or its settings in different ways, some positive and some negative, the decision-maker may legitimately conclude that although each of the effects as an impact, taken together there is no overall adverse effect on the listed building or its setting”. In essence, where there is some harm and some benefit, these should be given the same weight, and where they are equal in measure, the effect on the listed building would be neutral, and thus its significance would be preserved.

This approach was confirmed in *City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors [2021]*. In this case Lord Justice Lindblom concluded that ‘the considerable importance and weight to the desirability of preservation [of the special architectural or historic interest of a listed building or its setting], should tip the scales to produce an unequal balance in its favour. However, the SoS should still take account of the actual severity of any change, or scale of change as the Mayoral SPG puts it, and so the extent of impact, as well as the relevance to its significance, and the

importance of the asset. The overall weight to be given to any harm, and the conflict with policy, should be a product of these factors.’

## National Planning Policy Framework (2021)

The policies relevant to heritage are outlined within chapter 16, ‘Conserving and Enhancing the Historic Environment’. The NPPF places much emphasis on ‘significance’ which it defines as:

*The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence but also from its setting*

The NPPF directs local planning authorities to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and the level of detailed assessment should be ‘proportionate’ to the assets’ importance. (Paragraph 194).

Paragraph 195 states that the significance any heritage asset that may be affected by a proposal should be identified and assessed. This includes any assets affected by development within their settings. This Significance Assessment should be taken into account when considering the impact of a proposal, ‘to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.

Paragraph 199 requires 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

It is then clarified that any harm to the significance of a designated heritage asset, either through alteration, destruction or development within its setting, should require, “clear and convincing justification” (Paragraph 200). This paragraph outlines that substantial harm to grade II listed heritage assets should be exceptional, rising to ‘wholly exceptional’ for those assets of the highest significance such as scheduled monuments, Grade I and grade II\* listed buildings or registered parks and gardens as well as World Heritage Sites.

Paragraphs 201 and 202 discuss different levels of harm caused to heritage assets and requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of non-designated heritage assets, Paragraph 203 requires a Local Planning Authority to make a “balanced judgement” having regard to the scale of any harm or loss and the significance of the heritage asset.

With regards to conservation areas and the settings of heritage assets,

paragraph 206 requires Local Planning Authorities to look for opportunities for new development to enhance or better reveal their significance.

## Planning Practice Guidance

This guidance supports the NPPF and reiterates the importance of conserving heritage assets in a manner appropriate to their significance. Key elements of the guidance relate to assessing harm. An important consideration should be whether development proposals adversely affect a key element of the heritage asset’s significance:

‘it is the degree of harm, rather than the scale of development that is to be assessed’. The level of ‘substantial harm’ is stated to be a high bar, which may not arise in many cases. Whether development proposals cause substantial harm will be a judgment in the decision-taking process, having regard to the circumstances of the case and by applying the relevant NPPF policies. Such harm may arise from works to the heritage asset or from development within its setting. Setting is defined as:

*the surroundings in which an asset is experienced, and may be more extensive than the curtilage.*

A thorough assessment of the harm development proposals will have on this setting needs to consider, and be proportionate to, the heritage asset’s significance and the degree to which any changes enhance or detract from that significance, and the ability to appreciate and experience it.

## Regional Planning Policy

### The London Plan (2021)

Key extracts from the London Plan relating to this application are outlined below:

Policy D1 London’s form and characteristics

A. Development Plans, area-based strategies and development proposals should ensure the design of places addresses the following requirements:

Form and layout

- 1) use land efficiently by optimising density, connectivity and land use patterns
- 2) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

Quality and character

- 12) respond to the existing character of a place by identifying the special and valued features that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute to the local



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character

13) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

Policy HC1 Heritage conservation and growth

Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

### Local Planning Policy

#### Camden Local Plan 2017

Relevant policies include:

Policy D1 Design states the Council will seek to secure high quality design requiring, *inter alia*, that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- e. comprises details and materials that are of high quality and complement the local character;

Policy D2 Heritage seeks to preserve and where appropriate, enhance heritage assets and their settings. It states that:

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

#### Camden Planning Guidance, Design (January 2021)

This guidance supports the local plan and provides information on detailed design issues including design excellence and heritage, and supports policies D1 and D2 in the Camden Local Plan.

#### Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

This document outlines the significance of the area, its sensitivities and opportunities for enhancement.

### Guidance Notes

#### Conservation Principles, Policies, and Guidance (English Heritage, April 2008)

This document outlines Historic England's approach to the sustainable management of the historic environment. While primarily intended to ensure consistency in their own advice and guidance through the planning process, the document is commended to LPAs to ensure that all decisions about change affecting the historic environment are informed and sustainable. This document was published in line with the philosophy of PPS5, yet remains relevant with the NPPF and PPG, the emphasis placed upon the importance of understanding significance to properly assess the effects of change to heritage assets. Guidance within the document describes a range of 'heritage values' that constitute a heritage asset's significance to be established systematically; the four main heritage values include: aesthetic, evidential, communal or historical. The document emphasises that:

*considered change offers the potential to enhance and add value to places...it is the means by which each generation aspires to enrich the historic environment*

#### Historic Environment Good Practice Advice in Planning Notes

GPA 2: Managing Significance in Decision-Taking in the Historic Environment (March 2015)

This document provides advice on the numerous ways in which decision-making in the historic environment can be undertaken, emphasising that the first step for all applicants is to understand the significance of any affected heritage asset and the contribution of its setting to its significance. In line with the NPPF and PPG, this document states that early engagement and expert advice in considering and assessing the significance of heritage assets is encouraged, stating that:

*...application proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect.*

The advice suggests a structured staged approach to the assembly and analysis of relevant information, this is as follows:

This document outlines the significance of the area, its sensitivities and opportunities for enhancement.

- Understand the significance of the affected assets;
- understand the impact of the proposal on that significance;
- avoid, minimise, and mitigate impact in a way that meets the objectives of the NPPF
- look for opportunities to better reveal or enhance significance;
- justify any harmful impacts in terms of the sustainable development objective

of conserving significance and the need for change;

- offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

The advice reiterates that direct physical change may affect heritage assets, or by change in their setting. Assessment of the nature, extent, and importance of the significance of a heritage asset and the contribution of its setting at an early stage can assist the planning process resulting in informed decision-taking.

This document sets out the recommended steps for assessing significance and the impact of application proposals upon a heritage asset, including examining the asset and its setting and analysing local policies and information sources. In assessing the impact of a development proposal on the significance of a heritage asset the document emphasises that the cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change.

GPA 3: The Setting of Heritage Assets (December 2017) (2nd Edition)

This advice note focuses on the management of change within the setting of heritage assets. This guidance updates that previously published by English Heritage (The Setting of Heritage Assets 2011) in order to ensure that it is fully compliant with the NPPF and is largely a continuation of the philosophy and approach of the 2011 document. It does not present a divergence in either the definition of setting or the way in which it should be assessed.

Setting is defined as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'. The guidance emphasises that setting is not a heritage asset or a heritage designation and that its importance lies in what it contributes to the significance of the heritage asset itself. Elements of setting may make a positive, negative or neutral contribution to the significance of a heritage asset.

While setting is largely a visual concept, with views considered to be an important consideration in any assessment of the contribution that setting makes to the significance of an asset, setting, and thus the way in which an asset is experienced, can also be affected by other environmental factors, including historic associations.

This document states that the protection of the setting of a heritage asset need not prevent change and that decisions relating to such issues need to be based on the nature, extent and level of the significance of a heritage asset. It is further stated that the contribution made to an asset's significance by their setting will vary depending on the nature of the asset and its setting. Different heritage assets have the capacity to accommodate changes and, therefore, setting should be assessed on a case-by-case basis. Although not prescriptive in setting out how this assessment should be carried out, Historic England recommend using a '5-step process' to assess any effects of a development proposals on the setting and significance of a heritage asset:

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- Identifying the heritage assets affected and their settings;
- Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Assessing the effect of the development proposals on the significance of the heritage asset(s);
- Maximising enhancement and minimising harm;
- Making and documenting the decision and monitoring outcomes.