

Built Heritage Statement

The Montague on the Gardens, 15 Montague Street, London WC1B 5BJ

On behalf of Crown Outdoor

Date: February 2024 | Pegasus Ref: P23-2223





Document Management.

Version	Date	Author	Checked / Approved by:	Reason for revision
1	February 2024	HP	CG	-

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1. Introduction

- 1.1. Pegasus Group have been commissioned by Crown Outdoor to prepare a Built Heritage Statement to consider the proposed alterations at The Montague on the Gardens, 15 Montague Street, London WC1B 5BJ as shown on the Site Location Plan provided at **Error! Reference source not found..**
- 1.2. The Montague on the Gardens is a hotel located on the eastern side of Montague Street. The hotel forms part of the Grade II Listed *Numbers 12–29 and Attached Railings Including Montague Hotel (Numbers 12–20)*, which falls within the designated bounds of the Bloomsbury Conservation Area.
- 1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 200 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

“...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”.¹
- 1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 205 to 209 of the *NPPF*, any harm to the historic environment resulting from

the proposed development is also described, including impacts on significance through changes to setting.

- 1.5. As required by paragraph 200 of the *NPPF*, the detail and assessment in this Report is considered to be *"proportionate to the assets' importance".²*

Proposed Development

- 1.6. This application seeks Full Planning Permission and Listed Building Consent for the demolition of a glazed conservatory extension at lower ground floor level on the rear elevation of the Hotel and its replacement with a higher quality and marginally larger extension in a similar position. The works will comprise the complete removal of the existing conservatory and installation of a new extended conservatory, with a new WC associated with the existing hotel suite.
- 1.7. **Section 6** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 5**.

¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, December 2023), para. 200.

² DLUHC, *NPPF*, para. 200.

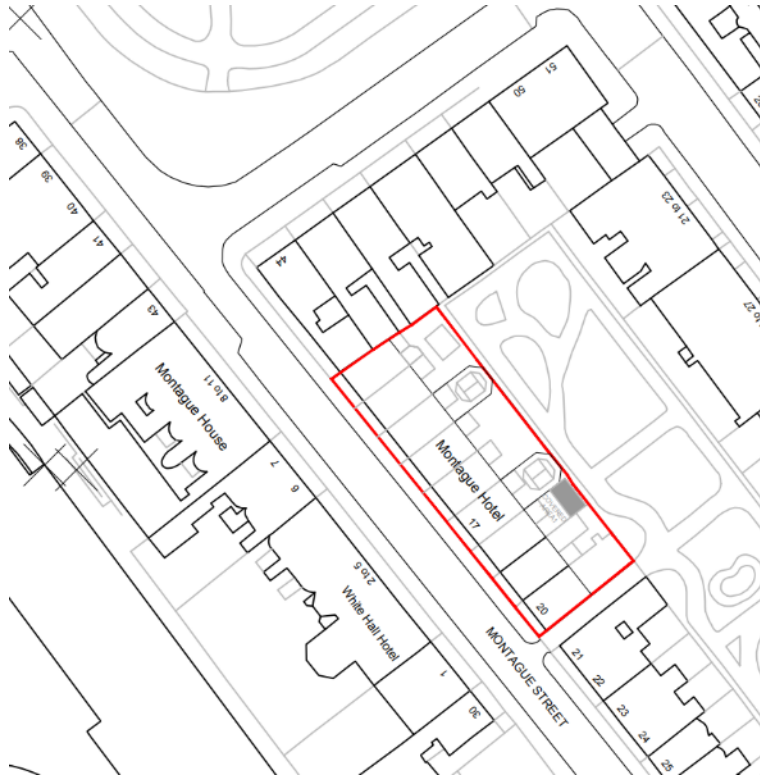


Plate 1: Site location plan.

2. Site Description and Planning History

Site Description

- 2.1. The application site comprises The Montague at the Gardens Hotel, which forms part of a wider row of early-19th-century terraced houses on the eastern side of Montague Street. The properties are four storeys in height with a consistent roofline/parapet. The building is constructed in yellow stock brick and has a stucco string course between 2nd and 3rd floor levels, whilst the ground floor and basement have channelled rustication.



Plate 2: The Montague at the Gardens Hotel, front elevation.

- 2.2. A rectangular private communal garden to the rear of the hotel separates the buildings on Montague Street from those on Bedford Place. There are also several modern rear extensions which occupy former courtyard spaces and now host restaurant and lounge spaces for the hotel.



Plate 3: View towards the rear elevation from the private, communal gardens with the site location not visible.

- 2.3. The application proposals pertain to a small, lower ground floor extension/conservatory at the rear of the Hotel. The structure is a late-20th-century addition comprising a timber structure and frame with a glazed roof and windows. There is no record online of the structure having formally received Listed Building Consent, but it has been depicted on application drawings from at least 1997. The structure lies within a small courtyard area between two closet wings.



Plate 4: Existing lower ground floor extension/conservatory at the rear of the Hotel.



Plate 5: More recent glazed roof of rear extension.



Plate 6: The wider area at the rear of the hotel, adjacent to the rear extension.

Site Development / Map Regression

- 2.4. The application site and the wider row of terraced properties were developed in c.1803–6, by James Burton. The speculative development is clearly illustrated in the 1895 Ordnance Survey Map, at which time the site comprised nine individual terraces which backed onto a mewshouses to the rear as well as a Public House. Montague Mews was accessed via an opening between nos. 20 and 21 Montague Street, and it served the properties lining Montague Street, Bedford Place, Russell Square and Bloomsbury Square.
- 2.5. The mapped extent of the properties appears as they do today, with stepped entrances at the front and closet wings at the rear. The incorporation of the hotel within the terrace, however, resulted in the sealing shut of some of the original entrances to the terraced houses.
- 2.6. Between 1895 and 1920, the mewshouses were demolished and cleared for the creation of the existing communal garden. Access to the garden remained as previously established between nos. 20 and 21 Montague Street.



Plate 7: 1895 Ordnance Survey Map, site highlighted in red (nos. 12–20), wider Listed Building in blue (21–29).

- 2.7. The Montague Hotel was established during the early–mid–20th century, and initially comprised five of the original terraced properties (nos. 12–16). Mapping from this time shows the hotel featured what was likely a single–storey extension at its rear. In time, the hotel continued to grow, expanding into the neighbouring nos. 17–20, which subsequently resulted in a loss of the buildings' original layout and historic fabric. The exterior and former appearance of the terraced development has remained relatively intact, although at closer inspection, there are notable differences which indicate the hotel's wider expansion.



Plate 8: 1944-1972 Ordnance Survey Map.

- 2.8. During the late 20th and 21st century, notable additions to the hotel have included several rear extensions which occupy the former rear garden / courtyard spaces of the terrace and now host restaurant and lounge spaces for the hotel. The earliest of these were introduced in the 1970s.

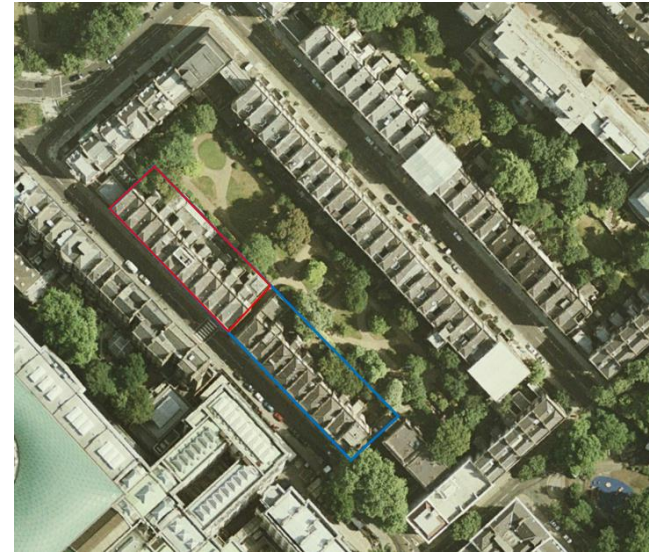


Plate 9: 1999 Google Satellite Imagery.



Plate 10: 2020 Google Satellite Imagery.

Planning History

- 2.9. A review of recent planning history records held online by Camden Council, has revealed several applications for the site, those of relevance are as follows:

PS9705202R1 & LS9705203R1 | The erection of two conservatory pavilions on either side of the rear bar terrace and the formation of a new gated opening in rear boundary wall, as shown on drawing numbers 96131/51, 52A and 53A. | Refused July 1998 | Approved at Appeal January 1999.

- 2.10. Comments made by the Inspector which are of relevance to the current application are as follows:

“By reason of their subservience in terms of scale to the height and the length of the existing terrace, it is not my view that the conservatories would be harmful to the character or appearance of the rear elevation, where there are a number of extensions already constructed and visible from the gardens. They would not be full width extensions. They would not conceal important architectural features.

Furthermore, although raised a few steps above the ground level of the gardens, and reaching to the rear of the terrace, above the existing basement, they would not be unduly prominent in the area, in my view, due to their glazed and timber structure, which would be a lighter contrast to the solidity of the brick buildings beyond and behind. Because they would be a lighter and more transparent garden structure, they would not harm the strong and regular rhythm of the listed buildings, nor would they adversely affect the integrity of the original design, and in that regard they would

respect the scale and character of the present rear elevations. The materials which you propose would be in character with the building, whilst not dominant or intrusive in views from the garden area.”

- 2.11. This example establishes the acceptability of conservatory structures to the rear of the building when they are positioned to not conceal important features, have appropriate materiality and not be unduly prominent in views.
- 2.12. This application also included a plan drawing which indicated the presence of the existing lower ground floor, glazed conservatory extension. An extract of this drawing is shown below.



Plate 11: Extract of elevation drawing from app. ref. PS9705202R1.

- 2.13. A full copy of the Appeal Decision and Plan is included in **Appendix 1.**

2017/4425/P & 2017/5207/L | Alterations to rear of hotel at ground floor level involving installation of a replacement retractable awning and of retractable glazed perimeter screens. | Permitted 29th November 2017.

- 2.14. The above application pertained to the central extension at the rear of the hotel. The Decision Notice for the Planning Permission and Listed Building Consent provided further reasoning, they stated as follows:

Planning Permission:

“The proposed development would include the replacement of an existing retractable awning as well as the existing glazed screening enclosing one of the terraces to the rear of the hotel.

...

The development would not result in any additional visual impact upon the adjacent private Bedford Estates enclosed garden area. Overall the development proposed is considered to preserve the character and appearance of the host listed building and wider conservation area.”

Listed Building Consent:

“The installation of the screens would not involve any intervention into historic fabric (being bolted down into the concrete slab of the rear terrace only) and the replacement awning could utilise the existing brackets installed the rear elevation.

The proposed works are consequently not considered to result in any harm to the character, appearance or historic interest of the Grade II listed building. Similarly the works would not lead to any significant intervention into the historic fabric of the listed building.

The proposal is considered to preserve the special architectural and historic interest of the building....”

- 2.15. Both Decision Notices are included in **Appendix 2.**

2018/4724/L & 2018/3944/P | Erection of wooden framed, glazed conservatory with sliding screens to the rear of hotel at ground floor level and installation of additional AC plant to rear flat roof. | Granted 14th November 2019.

- 2.16. The above again related to the central extension, reinforcing the acceptability of this type of extension to the rear of the building.

3. Methodology

- 3.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

- 3.2. This assessment considers built heritage.

Sources

- 3.3. The following key sources have been consulted as part of this assessment:

- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above; and
- Google Earth satellite imagery.

Site Visit

- 3.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 17th October 2023 during which the site and its surrounds were assessed.

Photographs

- 3.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

- 3.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 3**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-*

Taking in the Historic Environment (hereafter GPA:2);³

- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter GPA:3);⁴
- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter HEAN:1).⁵

- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter HEAN:12);⁶ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁷

³ Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (GPA:2) (2nd edition, Swindon, July 2015).

⁴ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets* (GPA:3) (2nd edition, Swindon, December 2017).

⁵ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management* (HEAN:1) (2nd edition, Swindon, February 2019).

⁶ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (HEAN:12) (Swindon, October 2019).

⁷ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

4. Policy Framework

Legislation

- 4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.⁸
- 4.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁹
- 4.3. Full details of the relevant legislation are provided in **Appendix 4**.

National Planning Policy Guidance

- 4.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*,

an updated version of which was published in December 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.¹⁰ The *PPG* also contains the *National Design Guide*.¹¹

- 4.5. Full details of the relevant national policy guidance is provided within **Appendix 5**.

The Development Plan

- 4.6. Applications for Planning Permission and Listed Building Consent are currently considered against the policy and guidance set out within Camden Council Local Plan (adopted July 2017) and The London Plan (adopted March 2021).
- 4.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 6**.

⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁰ Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

5. The Historic Environment

- 5.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.
- 5.2. As set out in **Section 1**, the site comprises the Grade II Listed *Numbers 12–29 and Attached Railings Including Montague Hotel (Numbers 12–20)*, which falls within the designated bounds of the Bloomsbury Conservation Area.
- 5.3. With regards to other heritage assets within the surrounds of the site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.¹²
- 5.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 5.5. It is however widely accepted (paragraph 213 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹³ In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.
- 5.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 5.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.
- 5.8. It has been observed that the following heritage assets have the potential to be sensitive to the development proposals and thus these have been taken forward for further assessment below:
- The Grade II Listed *Numbers 12–29 and Attached Railings Including Montague Hotel (Numbers 12–20)*;
 - The Bloomsbury Conservation Area.
- 5.9. With regard to other heritage assets in the vicinity of the site, assessment has concluded that the site does not form any part of setting that positively contributes to overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage significance of

¹² Historic England, *GPA3*, p. 4.

¹³ *DLUHC, NPPF*, para. 213.

these assets. Other heritage assets have therefore been excluded from further assessment within this Report.

Numbers 12–29 and Attached Railings Including Montague Hotel (Numbers 12–20)

- 5.10. Nos. 12–29 Montague Street was added to the National List at Grade II on 28th February 1969 and amended on 11th January 1999 (NHLE 1322131). The List Entry describes the building as follows:

“Terrace of 18 houses. c1803–6. By James Burton. Built by WE Allen, altered. Yellow stock bricks with stucco ground floors. Stucco sill band at 3rd floor level. Nos 15–17 and Nos 22 and 23 slightly projecting. Gateway to rear gardens (qv) between Nos 20 and 21. 4 storeys and basements. 3 windows each. Round-arched doorways with reeded door frames or sidelights, mostly 2-leaf doors; Nos 17, 20, 21, 22, 24, 25, 27, 28 and 29 with patterned fanlights. No.13, door replaced by window. No.19 with mosaic top doorstep with words “White Hall”. Gauged brick flat arches to recessed sash windows, most with original glazing bars. Nos 18, 19 and 20 with glazing bars forming patterns of octagons, squares and ladders, to sides of panes, on ground and 1st floor. Nos 21 and 22 with patterned glazing bars to ground floor and No.26 to 1st floor. 1st floor windows with cast-iron balconies. Parapets. Rear elevations of Nos 25–29 with bowed bays. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas.

- 5.11. A full copy of the List Entry is included at **Appendix 7**.



Plate 12: The Grade II Listed Building and attached Montague Hotel.

Statement of Significance

- 5.12. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the NPPF.¹⁴ This significance is consolidated by its inclusion within the boundaries of the Bloomsbury Conservation Area.
- 5.13. The heritage significance of *Numbers 12–29 Montague Street* is principally embodied in its physical fabric, which derives historic and architectural interest as a surviving early-19th-century terraced development, which was

¹⁴ DLUHC, NPPF, para. 206.

adapted to a hotel in the early 20th century. As a result of this, a number of changes have occurred to the Listed Building and its immediate surrounds, but the early conversion has some historic interest in its own right as it demonstrates the demand for visitor accommodation within this part of London.

- 5.14. The terrace has an unimpaired roofscape, and the front elevations remain in an almost original form. To the rear, the upper floors (1st – 4th) and retention of the closet wings without any upward extensions also reinforce the regularity of the terrace and its group value. At ground floor level though, the rear elevations differ between the northern (hotel) and southern halves. Whilst the southern terrace retains openness to the rear and an appreciation of the original footprint and rear elevation, the northern row (hotel) has been extended at ground floor and lower ground floor levels, so the legibility of the original footprint has been diminished.
- 5.15. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which are considered to contribute to its heritage significance comprise:
- The rear community garden, formerly the associated mews and attached Grade II Listed Iron Gates (NHLE 1322132); and
 - The contemporaneous development within the asset's surrounds, almost all of which are designated in their own right.

- 5.16. The lower ground floor conservatory at the rear of the Hotel is a modern extension deriving no historic or architectural interest. The structure lies within a small, enclosed area, which is what remains of the building's significantly altered, earlier garden area. Overall, the rear conservatory and adjacent garden area (subject of the proposals) make a neutral contribution to the overall heritage significance of the Listed Building, neither enhancing or detracting from the asset's special interests or wider surround and experience (its "setting").

Bloomsbury Conservation Area

- 5.17. The Bloomsbury Conservation Area was first designated in 1968, and there have been numerous subsequent extensions since. The *Bloomsbury Conservation Area Appraisal and Management Strategy* was adopted on 18th April 2011, and helps form the basis of this assessment.
- 5.18. The Conservation Area covers an area of approximately 160 hectares, extending from Euston Road in the north to High Holborn and Lincoln's Inn Fields in the south, and from Tottenham Court Road in the west to King's Cross Road in the east.
- 5.19. Bloomsbury represents a period of London's early expansion northwards, dating from Stuart times (around 1660), which continued through the Georgian and Regency periods to around 1840. The first swathe of building created a mix of uses with houses, a market, commercial, cultural uses (the British Museum), hospitals and churches. This was carried out speculatively by a number of builders, on leases from major landowners, and followed a consistent form with terraced townhouses constructed on a formal grid pattern of streets and landscaped squares. The progression of development

across the Conservation Area illustrates the subtle changes in taste and style in domestic architecture that occurred throughout the 17th, 18th and 19th centuries.

- 5.20. The Victorian era saw the urban area evolve with a movement of the wealthy to newly developing urban and suburban areas to the north. New uses emerged and existing ones expanded. There was an increase in industrial uses on the eastern fringes along the Fleet Valley, the establishment of University College, an expansion in specialist hospitals around Queen Square, and the development of the British Museum. Older areas such as St Giles High Street had become notorious slums; this was addressed by the building of New Oxford Street, created as a new shopping and commercial area. The development of a series of railway termini along Euston Road saw an expansion in hotel developments, and office development took place throughout the Conservation Area.
- 5.21. The quintessential character of the Conservation Area derives from the grid of streets enclosed by mainly three and four storey development which has a distinctly urban character of broad streets interspersed by formal squares which provide more landscape dominated focal points. The urban grain is dominated by townhouses arranged in terraces, which reflect the speculative, mainly residential, development of the Stuart, Georgian, Regency and early Victorian periods. This gives a distinctive, repeated grain to large parts of the area.
- 5.22. Brick is the predominant building material used across the Conservation Area. Red brick is seen in some of the earlier brick-built developments of the Tudor and Georgian period, whereas London stock was used from c. 1800. Red brick is also common in late Victorian and Edwardian

buildings. Stone is also evident, but mostly used in the construction of churches, the British Museum and other key buildings. Such materials are also used in the detailing and articulation of frontages, alongside stucco, which is commonly found in buildings dating from the early-18th century. Modern materials such as concrete, glass and steel, are particularly evident in the mid-late 20th century and 21st century developments.

- 5.23. There was no specific plan in the original layout of Bloomsbury to create distinctive formal views and vistas, especially when considering local landmarks or architectural set pieces. As such the visual characterises of the Conservation Area derive from the sequential and kinetic views provided when moving between streets, squares and other spaces, and the contrast between enclosed and open spaces.
- 5.24. Due to the size of the Conservation Area, it has been sub-divided into a series of character areas that generally share common characteristics and appearances. The application site falls within *Sub Area 6: Bloomsbury Square/Russell Square/Tavistock Square*. This sub area is generally consistent with the character and appearance of the wider Conservation Area, made up of three- and four-storey late 18th and 19th century terraces surrounding a sequence of linked formal and open spaces, namely Bloomsbury Square, Russell Square and Tavistock Square. A series of north-south vistas visually connect the three squares. Moving through the area, there is a transition between the enclosed, urban nature of the streets and the more open squares which are softened by trees and green landscape. The built form in this area is generally recognised for its architectural uniformity which is emphasised at street facing elevations.

Statement of significance

- 5.25. The significance of the Bloomsbury Conservation Area is principally derived from the following key elements:
- The historic layout and plan form of the 17th-19th century development of Bloomsbury, which contributes to the historic and architectural interest of the Conservation Area;
 - The uniformity of development in its form, style, materiality, which whilst consistent, still reflects the multi-period development of the area; and
 - The sequential and kinetic views provided between streets, squares and other spaces which form the Conservation Area.
- 5.26. While there is currently no statutory protection for the settings of Conservation Areas, it is evident that elements of the surrounds of the Conservation Area make some contribution to its significance, albeit less than the structures and spaces within its boundaries. Principal elements of the physical surrounds and experience of the asset (its setting) which are considered to contribute to its heritage significance comprise the multiple Conservation Areas which line the boundaries of Bloomsbury which partially share contemporaneous characteristics and appearances.

The contribution of the site

- 5.27. The Montague Hotel (the site) forms part of the Grade II Listed *Numbers 12-29 Montague Street*, a row of early-19th-century terrace townhouses which have more or less kept their original form. Montague Street is recognised as an area of uniformity with a high sense of enclosure and strong visual consistency derived from the repeated terrace frontages. Furthermore, the later introduction of new uses, such as hotels, reflects the changing character of the Conservation Area during the 20th century.
- 5.28. Overall, the Hotel and wider Listed Building are an illustrative example of the early-19th century domestic development in Bloomsbury, and the later change in character with the introduction of hotels and other commercial uses. As such, the site is considered to have a positive contribution to the overall character and appearance of the Conservation Area.
- 5.29. The consented baseline of the site area would be free of any built form and comprise an open courtyard between the closet wings, but it is clear that the existing extension has been present for some time. This area has a utilitarian appearance and is not readily visible from any public views nor private ones. Therefore, both with and without the structure, it is considered to make a neutral contribution to the overall character and appearance of the Conservation Area.

6. Assessment of Impacts

- 6.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Planning Permission and Listed Building Consent in line with the proposals set out within **Section 1** of this Report.
- 6.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission, including those for Listed Building Consent are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 6.3. The statutory requirement set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings. Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 6.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Listed

Buildings and Conservation Areas, and this needs to be the primary consideration when determining the acceptability of the proposals.

- 6.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 207 and 208 of the *NPPF*.¹⁵ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 209 of the *NPPF*.¹⁶
- 6.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.¹⁷
- 6.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.¹⁸ In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

¹⁵ DLUHC, *NPPF*, paras. 207 and 208.

¹⁶ DLUHC, *NPPF*, para. 209.

¹⁷ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹⁸ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹⁹

- 6.8. This Section will consider each of the heritage assets detailed above and assess the impact of the proposed development, whether that be harmful or beneficial to the significance identified above.

Numbers 12–29 and Attached Railings Including Montague Hotel (Numbers 12–20)

- 6.9. The application proposals comprise the removal of the existing lower ground floor extension/conservatory, which may not have formal Listed Building Consent but has been present since at least 1997. This will be replaced with a new, marginally larger extension in the same position with the extended portion occupying the space between the closet wing of the former No. 12 and the modern stairway to accommodate a WC. This will improve the functionality of the existing hotel suite in this position. The new installation will have the same appearance as other approved glazed structures on the building, with a similar form and materiality (as approved in refs. PS9705202R1 & LS9705203R1, 2017/4425/P & 2017/5207/L, and 2018/4724/L & 2018/3944/P). The position of the structure and its materiality will ensure that it is not unduly prominent in views and retains the appreciation of the characteristics and rhythm of the building.
- 6.10. Given the proposals seek to potentially regularise existing alterations that potentially do not have consent, this

includes the opening between the existing conservatory and the interior of the Listed Building. The opening is 2.12m in width and would likely have been enlarged from an existing door or window. Whilst it is not clear when the loss of fabric occurred, this is at an ancillary level of the building where alterations were more likely to have taken place over time to accommodate the changing requirements of the hotel. Such openings and extensions at this level would have occurred historically as well. Therefore, the loss of fabric through this opening would have resulted in a negligible impact on the architectural and historic interest of the Listed Building.

- 6.11. The proposed extension will comprise minimal impact to the physical fabric of the building, apart from that which has been discussed above. The structure will adopt a similar form to the unauthorised extension and utilise the same fixing points to avoid any further impact to the physical fabric of the Listed Building; however, it will largely be self-supporting. That said, it is clear there has been alteration to the brickwork of the closet wing with the existing kitchen through the new fenestration and newer brickwork. Therefore, alteration to historic fabric in this area will be extremely limited.
- 6.12. A new WC is proposed to be installed in what is currently the existing garden area which will be enclosed by the new extension. The associated fixtures will reuse existing plumbing routes, to avoid the need to reroute services through historic fabric.

¹⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

- 6.13. The new extension will replicate a similar style and materiality to the existing, as well as other established, acceptable extensions found at the rear of the hotel. The new extension will comprise a glazed panelled ceiling and wall, with a timber stallriser running below.



Plate 13: The external kitchen wall, featuring the modern sealed doorway, brickwork and garden area.

- 6.14. Overall, the application proposals are not expected to have any negative impact to the historic and architectural interests of the Listed Building. Moreover, the proposals will represent an improvement, not only by renewing the overall function and use of the space, but also replacing what is considered a negative feature of the building, with a more sympathetic and considered installation.

Bloomsbury Conservation Area

- 6.15. When considering potential impacts on the Conservation Area, it is important to note that the site forms only one small part of the asset.
- 6.16. Paragraph 213 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?²⁰
- 6.17. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:

“Section 72 requires an overall assessment of the likely impact of a proposed development on the

²⁰ DLUHC, *NPPF*, para. 213.

conservation area, and *not just that part of it where the development site is located*".²¹ (my emphasis)

- 6.18. The wider site is considered to make a positive contribution to the overall character and appearance of the Conservation Area. However, the existing extension and area of proposed works specifically, makes a neutral contribution to the wider Conservation Area. The new extension will generally adopt a similar form, massing and materiality to the existing structure, thus resulting in no negative impacts on the characteristics of the Conservation Area which contribute to its significance.
- 6.19. Therefore, the application proposals are expected to preserve the overall character and appearance, and therefore heritage significance of the Bloomsbury Conservation Area.

Summary

- 6.20. Overall, with reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of the Listed Building or Bloomsbury Conservation Area. The proposals will thus satisfy the requirement in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant local policies.

²¹ Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities and Local Government [2020] EWHC 958 (Admin).

7. Conclusions

- 7.1. Pegasus Group have been commissioned by Crown Outdoor to prepare a Built Heritage Statement to consider the proposed alterations at The Montague on the Gardens, 15 Montague Street, London
- 7.2. The Montague on the Gardens is a hotel located on the eastern side of Montague Street. The hotel forms part of the Grade II Listed Numbers 12-29 and Attached Railings Including Montague Hotel (Numbers 12-20), which falls within the designated bounds of the Bloomsbury Conservation Area.
- 7.3. This application seeks Full Planning Permission and Listed Building Consent for the demolition of a glazed conservatory extension at lower ground floor level on the rear elevation of the Hotel and its replacement with a higher quality and marginally larger extension in a similar position. The works will comprise the complete removal of the existing conservatory and installation of a new extended conservatory, with a new WC associated with the existing hotel suite. The proposals are considered acceptable given the lack of notable impacts on any elements of the Listed Building or Conservation Area which contribute to its significance.
- 7.4. Overall, with reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of the Listed Building or Bloomsbury Conservation Area. The proposals will thus satisfy the requirement in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant local policies.



Appendix 1: Appeal Decision and Plans for refs. PS9705202R1 & LS9705203R1



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Appeals Allowed

Lomax Cassidy & Edwards
Curtis House
34 Third Avenue
HOVE
East Sussex
BN3 2PD

Your Ref:
NHL/98170
Our Ref:
T/APP/X5210/E/98/1011843/P7
T/APP/X5210/A/98/1011808/P7
Date:

12 JAN 1999

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 20 & SCHEDULE 3
APPEALS BY MONTAGUE TRAVCORP LTD
APPLICATIONS NOS: LS9705203R1 AND PS9705202R1**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeals against the decisions of the Council of the London Borough of Camden to refuse listed building consent and planning permission for 2 No. proposed conservatory pavilions to the existing rear bar terrace and the formation of a new gated opening in the rear boundary wall at the Montague Hotel, 12 - 20 Montague Street, London. I have considered all the written representations together with all other material submitted to me. As you know, I inspected the site on 4 January 1999.

2. The appeal buildings are listed grade II for their special architectural or historic interest, and are an attractive terrace in Montague Street. To their rear is a pleasant large open garden, which is bounded on its 4 sides by the appeal buildings, an adjoining terrace of similar quality buildings, and opposite and to the ends of the garden by further attractive buildings of a similar scale and quality to the appeal buildings. Your client's proposal is to erect 2 conservatories at either end of the present bar area, which is a stock brick and flat roofed extension on the rear of the listed buildings, with a terrace outside it. From this terrace a flight of steps leads down to the access to the gardens, which are generally lawns and paths with a number of fine trees and shrubs. The conservatories would be of painted timber and glazing, with 20° pitched glazed roofs. The proposal also includes for 3 lengths of black painted mild steel railings to match the existing, to the edge of the terrace to the garden, for two black painted mild steel stairs at either end of the terrace, and for a new 1 metre wide black painted mild steel gate, in a style to match the existing, towards the south east end of the group of buildings. The appeal site is located within the Bloomsbury Conservation Area.

3. The Council's concerns relate to the effect that the proposed development would have on the listed building, on the Bloomsbury Conservation Area within which it is situated, and on the setting of the garden at the rear. In this regard, they have referred in their reasons for refusal to Policies EN33, EN43, EN51, EN52, EN69 and EN72 of the Deposit Draft Camden

100%



recycled Paper

Unitary Development Plan. As the emerging Local Plan is at an advanced stage in its progress towards adoption, I shall afford the policies in it considerable weight.

4. Policies EN51 and EN52 relate to alterations and extensions, and seek to ensure that the original building is not dominated. Policies EN69 and EN72 have as their objective the protection of the integrity, appearance and setting of historic parks and gardens and public and private open spaces.

5. Policy EN43 sets out the general presumption in favour of the preservation of listed buildings, and states that applications will be considered having special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Policy EN33 seeks to ensure that development in Conservation Areas preserves or enhances their special character or appearance. These latter two policies reflect the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. In determining these appeals I shall also take account of Government advice which is contained in Planning Policy Guidance: Planning and the Historic Environment (PPG 15).

6. From what I have said above, my inspection of the site and its surroundings, and from the written representations made, I consider the main issue in these appeals to be the effect the proposed development would have on the character and appearance of the listed buildings, and thus on the character and appearance of the Bloomsbury Conservation Area within which they are situated.

7. The existing flat roofed bar area, although it is in stock bricks similar to the original listed buildings, is, in my view, a relatively unattractive addition to the group, which has a number of existing extensions to it at the rear. By contrast, the modest scale of the open glazed conservatories which are proposed would relieve the impact of the bar extension on the quality of the rear elevations. By reason of their subservience in terms of scale to the height and the length of the existing terrace, it is not my view that the conservatories would be harmful to the character or appearance of the rear elevation, where there are a number of extensions already constructed and visible from the gardens. They would not be full width extensions. They would not conceal important architectural features.

8. Furthermore, although raised a few steps above the ground level of the gardens, and reaching to the rear of the terrace, above the existing basement, they would not be unduly prominent in the area, in my view, due to their glazed and timber structure, which would be a lighter contrast to the solidity of the brick buildings beyond and behind. Because they would be a lighter and more transparent garden structure, they would not harm the strong and regular rhythm of the listed buildings, nor would they adversely affect the integrity of the original design, and in that regard they would respect the scale and character of the present rear elevations. The materials which you propose would be in character with the building, whilst not dominant or intrusive in views from the garden area.

9. The proposal would, in addition, enable your client's customers to enjoy the views of the attractive garden, and views from the garden would not, in my opinion, be adversely affected by the 2 modest conservatories that are proposed, particularly as they would be seen against the background of a substantial group of listed buildings. No concerns were expressed

by the Council with regard to the proposed gateway, and from the evidence submitted and from what I saw at the site, I have no reason to consider that the proposed modest gateway would be harmful. Nor were concerns expressed with regard to the railings or staircases, and I similarly have no concerns in that regard. In my opinion the proposed conservatories would preserve the character and appearance of the listed buildings and, it follows, would preserve the character and appearance of the Conservation Area.

10. For all of these reasons, I conclude that the proposed development would preserve the special character of the listed buildings, and thus the special character of the Conservation Area, both of which would therefore be preserved. It follows that it would satisfy the emerging policies, and Government advice in that regard. I have taken account of all the other matters raised in the written representations, but I have found no evidence that would outweigh the considerations which have led me to my decision.

11. I have considered carefully the conditions suggested by the Council, in the light of the advice in Circular 11/95. These relate to the control of the detailed design, and the materials which you propose to use. In view of the fact that the appeal buildings are listed, and in a Conservation Area, I consider that these conditions are necessary.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your client's appeals and grant listed building consent and planning permission for 2 No. proposed conservatory pavilions to the existing rear bar terrace and the formation of a new gated opening in the rear boundary wall at the Montague Hotel, 12 - 20 Montague Street, London in accordance with the terms of the applications nos. LS9705203R1 and PS9705202R1 dated 11 November 1997 and the plans submitted therewith, dwgs nos. 96131/50, 51, 52 and 53, as amended by dwgs nos. 52A and 53A, subject to the following conditions:

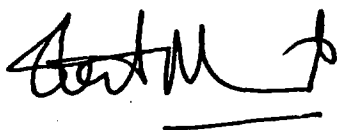
1. the development hereby permitted shall be begun before the expiration of five years from the date of this permission;
2. no development shall take place until samples and full details of the materials, including painted finishes and their colour, to be used in the construction of the external surfaces of the conservatories, gate, railings and emergency stairs hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include drawings at a scale of 1:10 of the gate, the railings, the emergency stairs, and all timber framing, timber panelling and other timber moulded sections to the proposed timber conservatories. Development shall be carried out in accordance with the approved details;
3. all new work and making good shall match the existing buildings unless the local planning authority give their consent otherwise in writing.

13. These conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if they refuse any such application, fail to give a decision within the prescribed period, or grant a conditional approval.

14. Your attention is drawn to the enclosed note relating to the requirements of the Building Regulations with respect to access for disabled people.

15. This letter only grants planning permission and listed building consent under Section 57 of the Town and Country Planning Act 1990 and Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart M Reid', with a horizontal line underneath.

STUART M REID D Arch (Hons) RIBA
Inspector



REAR ELEVATION AS PROPOSED

1-DIGITAL GLAZED SASH WINDOWS
2-20" DOUBLE GLAZED PITCHED ROOF
3-WHITE PAINTED TIMBER PANELLING
4-BLACK PAINTED MILD STEEL EMERGENCY STAIR

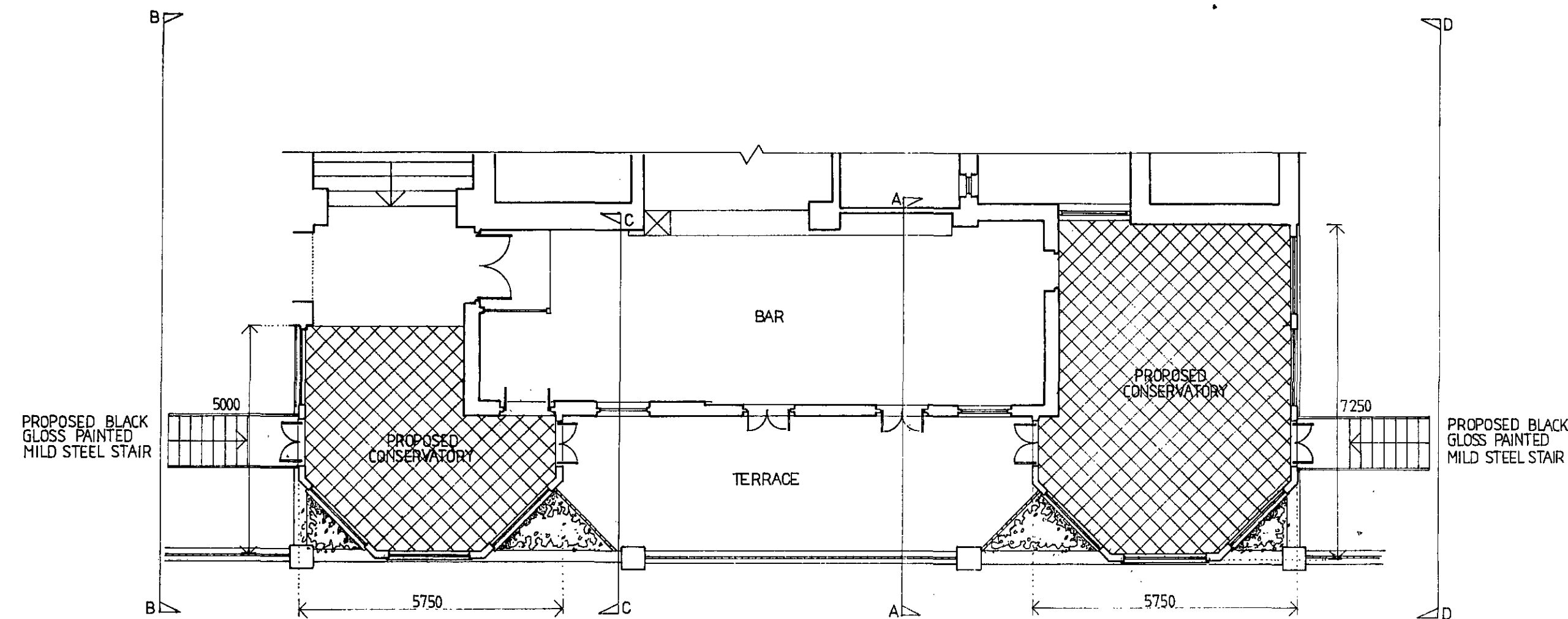
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Lomax Cassidy & Edwards
ARCHITECTS PLANNERS
TELEPHONE 01273 208710 FACSIMILE 01273 208801

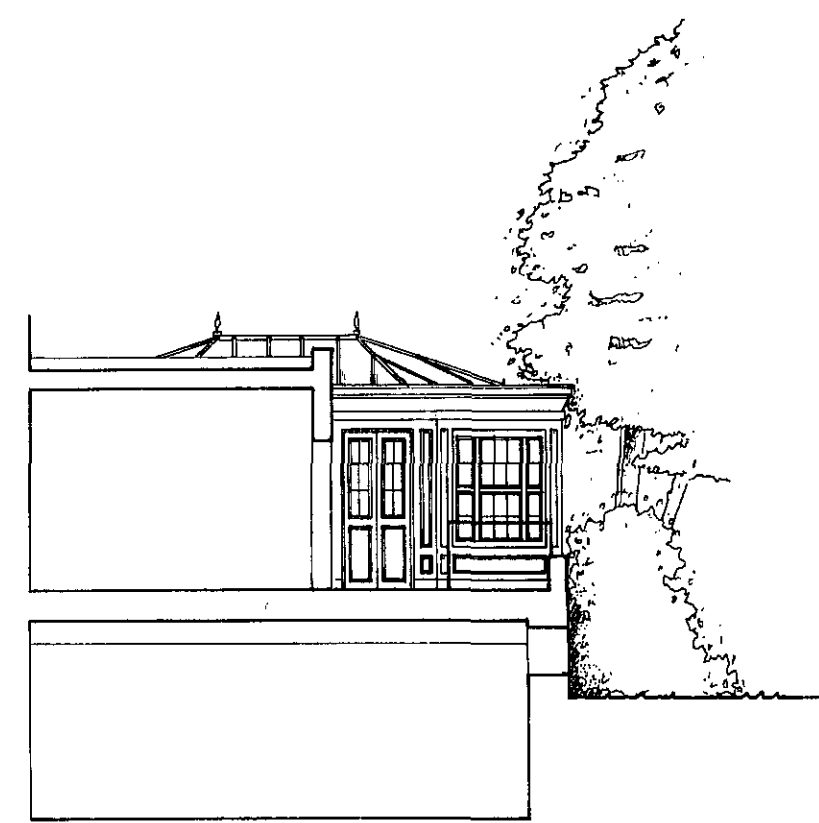
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MONTAGUE HOTEL
LONDON

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REAR ELEVATION AS PROPOSED

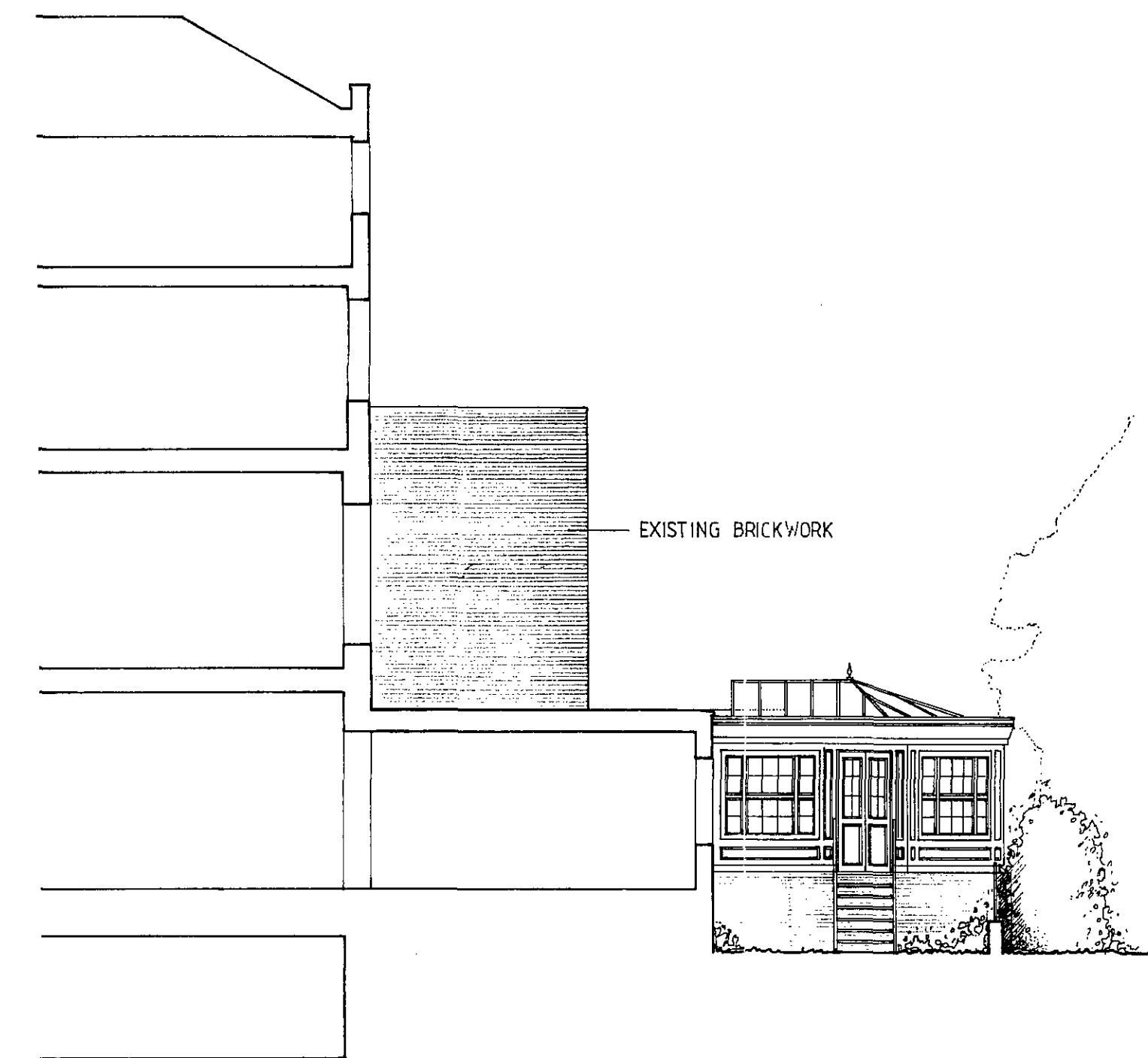
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NUMBER 96131/53 REV



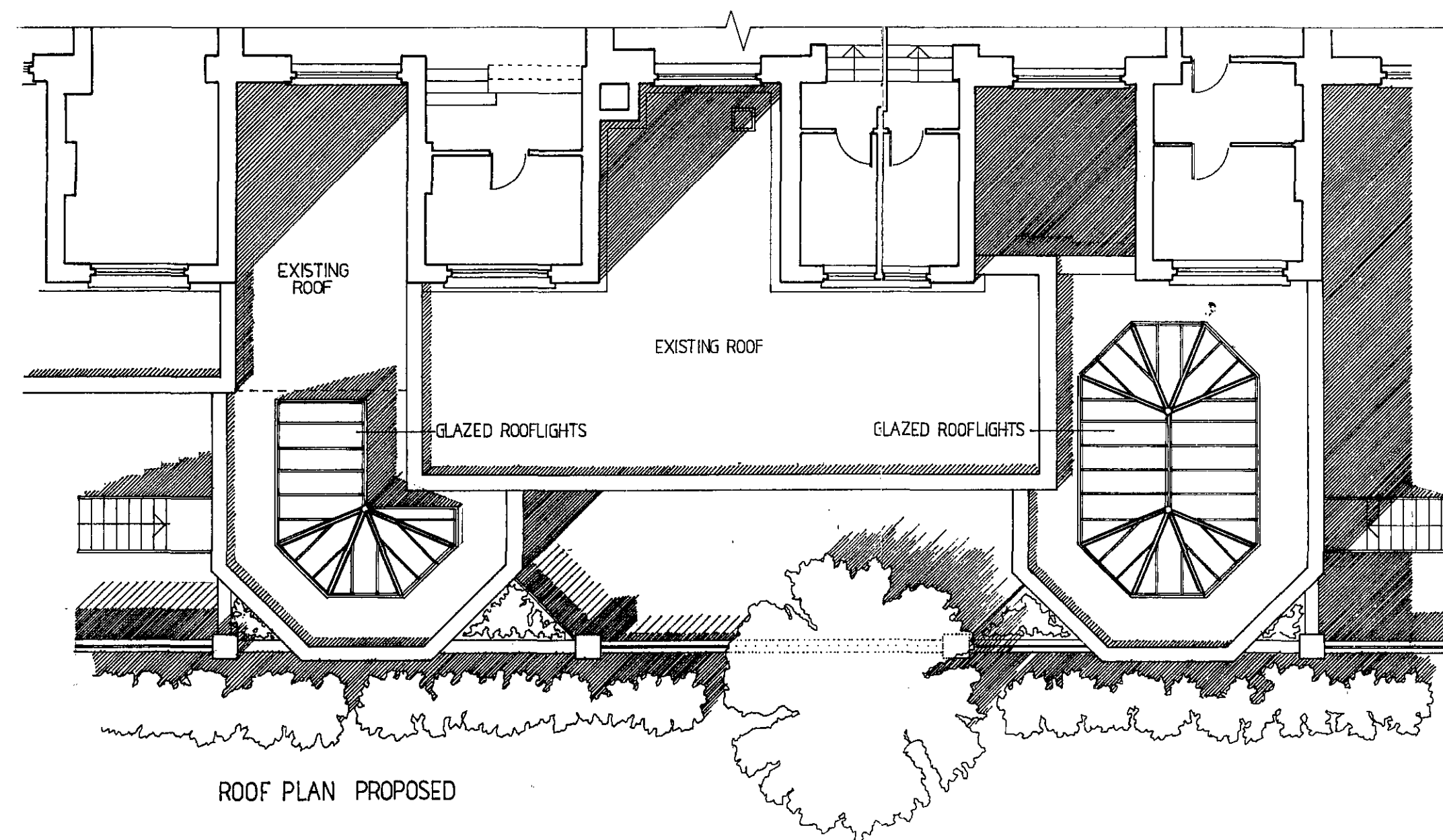
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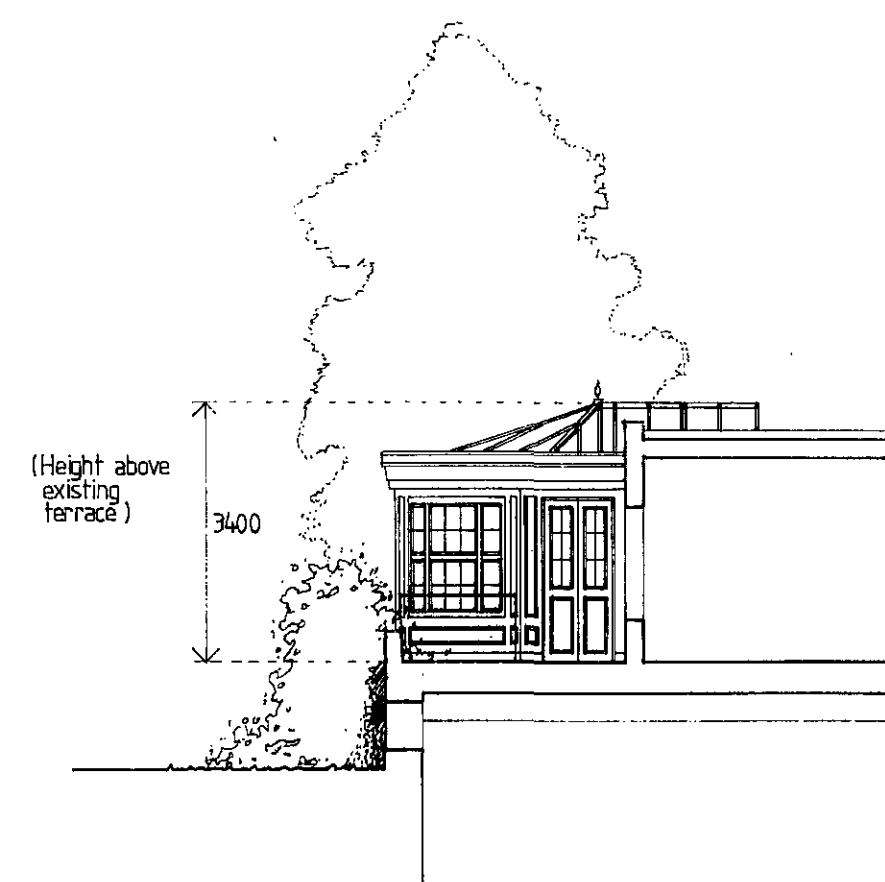
ELEVATION AA PROPOSED



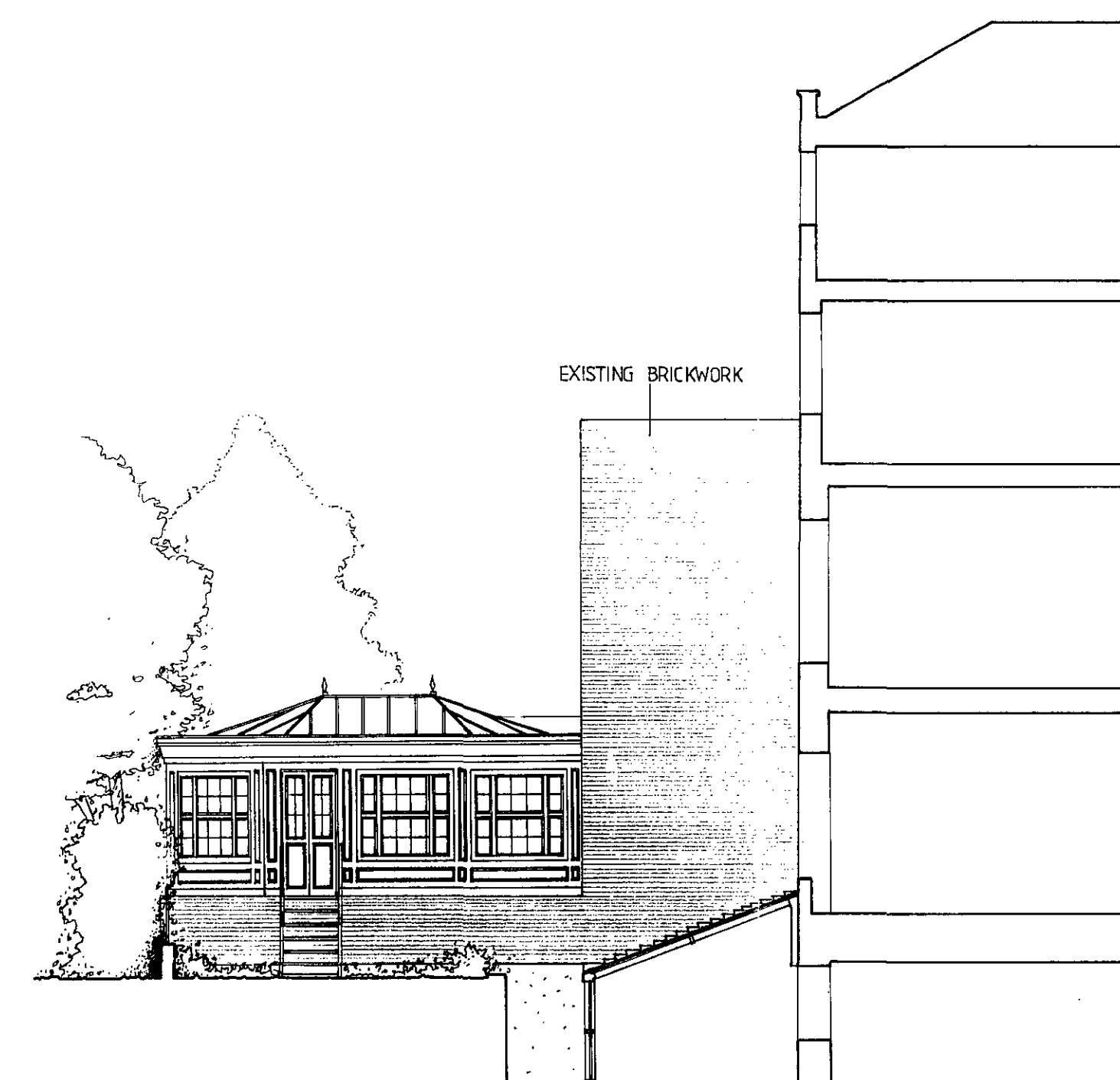
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ROOF PLAN PROPOSED



ELEVATION CC PROPOSED



ELEVATION DD PROPOSED

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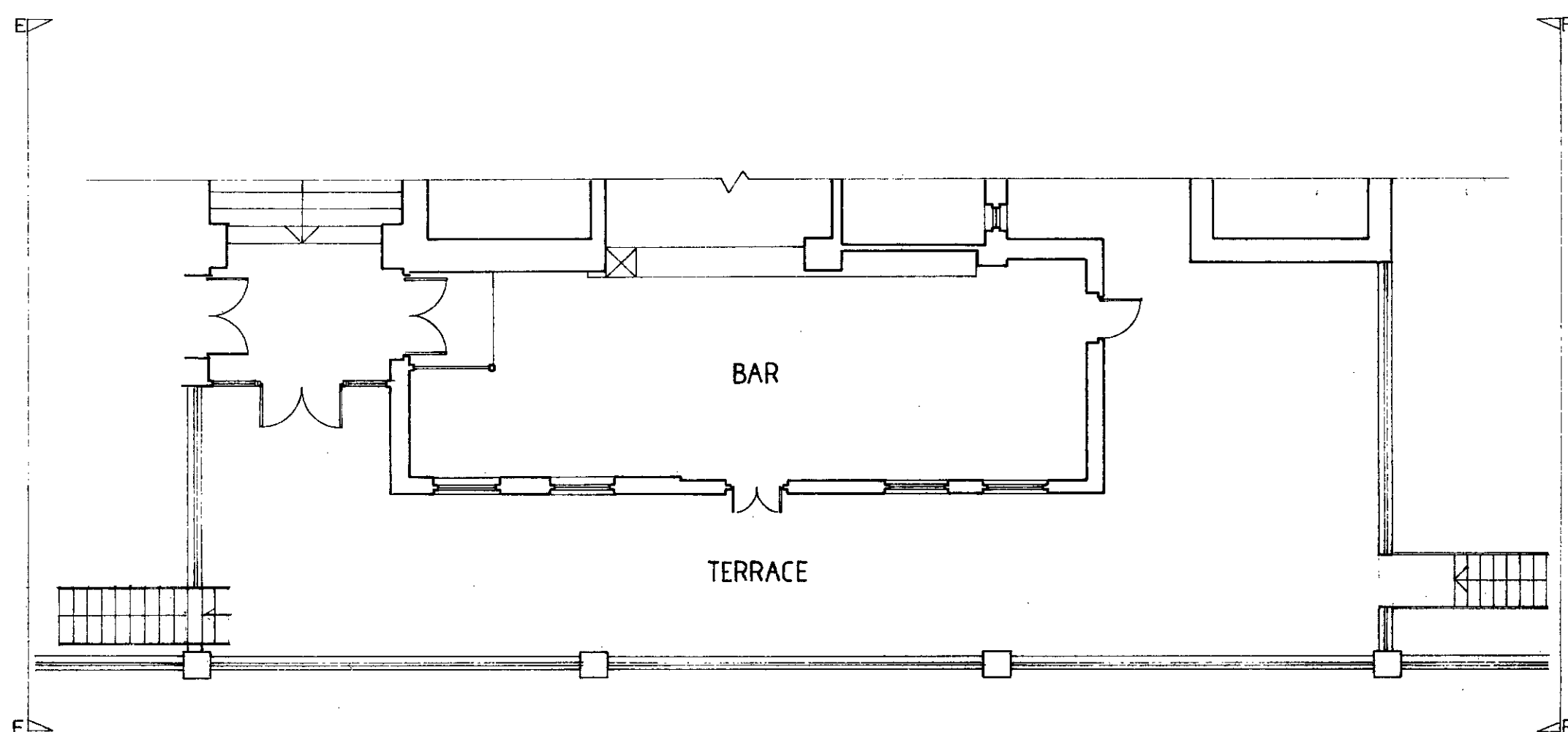
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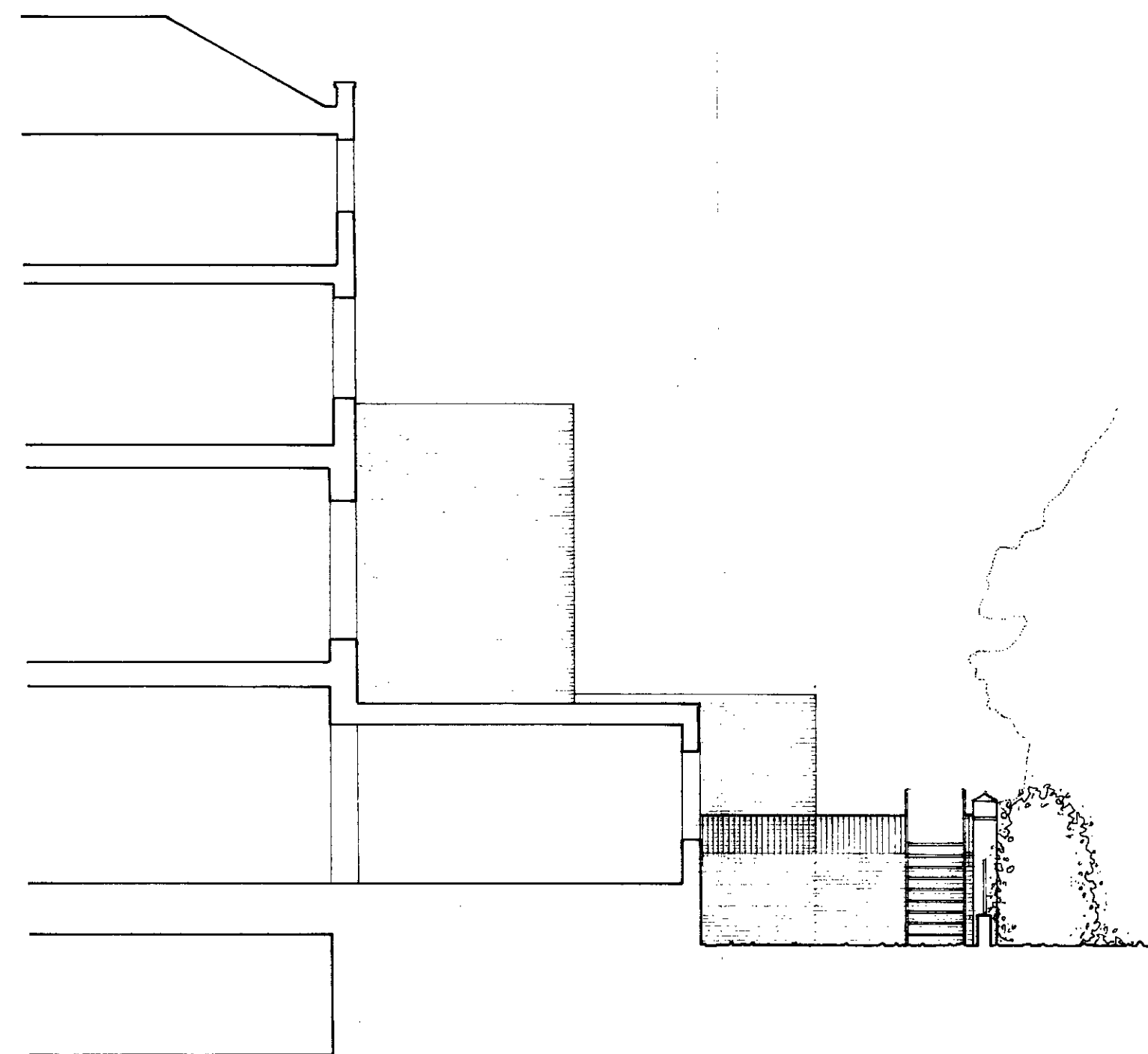
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existing decorative gate

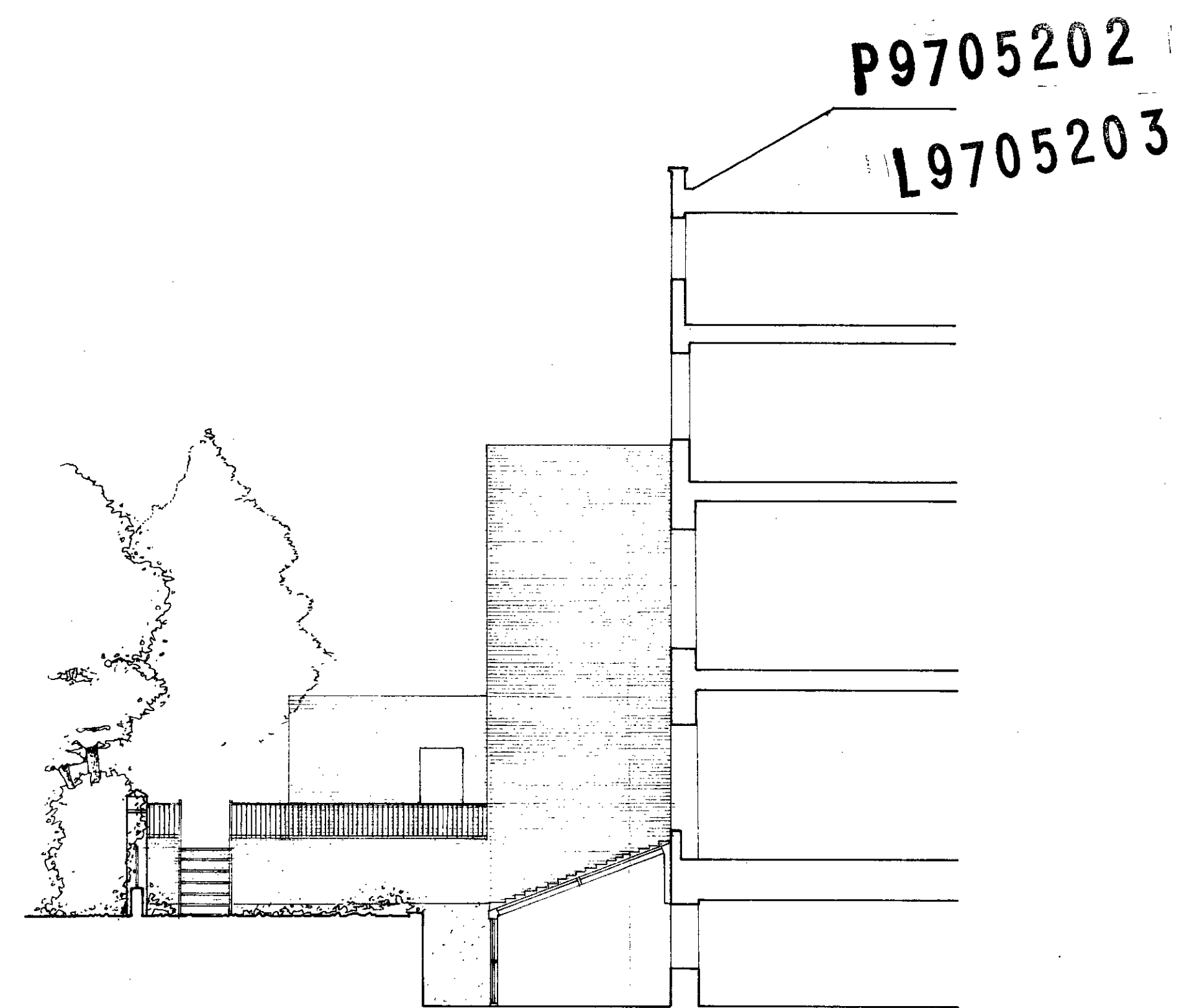
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FLOOR PLAN EXISTING



ELEVATION EE AS EXISTING



ELEVATION FF AS EXISTING

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NUMBER 96131/50	REV	



Appendix 2: Decision Notices for App refs. 2017/4425/P & 2017/5207/L

Mr Graham Allison
Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Application Ref: **2017/4425/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

29 November 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
15 Montague Street
London
WC1B 5BJ

Proposal:
Alterations to rear of hotel at ground floor level involving installation of a replacement retractable awning and of retractable glazed perimeter screens
Drawing Nos: 50581/3, 50581/2C (dated 19.07.17), Site plan (dated Dec 14), Retractable awning specification (markilux 6000), Covering Letter, Design and Access and Heritage Statement (ref. PD11364/JE/GA/)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 50581/3, 50581/2C (dated 19.07.17), Site plan (dated Dec 14), Retractable awning specification (markilux 6000), Covering Letter, Design and Access and Heritage Statement (ref. PD11364/JE/GA/)

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Reasons for granting permission-

The proposed development would include the replacement of an existing retractable awning as well as the existing glazed screening enclosing one of the terraces to the rear of the hotel. It is noted that the same works have already been completed to the next terrace along the rear frontage, between the next two sets of projecting orangeries.

The proposed awning would be of the same scale and construction as existing and the cover would be patterned to match that in existence on the next terrace along. The replacement of the existing degraded canopy is considered to be an improvement. The retractable screening proposed would match the existing in terms of height and siting but would allow for screens to be lowered when weather permits. The framing to the replacement screen would not be substantially different to existing and would be acceptable in this regard. The option to lower the screens in warmer months would improve both the usage of the terrace and the appearance of the rear from the adjoining private garden. The development would not result in any additional visual impact upon the adjacent private Bedford Estates enclosed garden area. Overall the development proposed is considered to preserve the character and appearance of the host listed building and wider conservation area.

Due to the siting, scale and design of the replacement screen and awning, they would not result in any detrimental impact upon the residential amenities of any adjoining occupier. The replacement screens would not raise any safety or security concerns to the hotel as confirmed by the Metropolitan Police.

No objections were received prior to making this decision. The planning history of the site was taken into account when coming into this decision. Special regard has been paid to the desirability of preserving or enhancing the desirability of preserving the listed building, its setting and its features of special architectural or

historic interest, and the character or appearance of the Bloomsbury Conservation Area under s.66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As such, the proposed development is in general accordance with policies C5, D1, D2, A1 and A4 of the London Borough of Camden Local Plan 2017. The development also accords with the London Plan 2016 and the NPPF 2012.

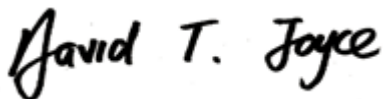
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning

Mr Graham Allison
Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Application Ref: **2017/5207/L**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

29 November 2017

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
15 Montague Street
London
WC1B 5BJ

Proposal:
Alterations to rear of hotel at ground floor level involving installation of a replacement retractable awning and of retractable glazed perimeter screens
Drawing Nos: 50581/3, 50581/2C (dated 19.07.17), Site plan (dated Dec 14), Retractable awning specification (markilux 6000), Covering Letter, Design and Access and Heritage Statement (ref. PD11364/JE/GA/)

The Council has considered your application and decided to grant Listed Building Consent subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 50581/3, 50581/2C (dated 19.07.17), Site plan (dated Dec 14), Retractable awning specification (markilux 6000), Covering Letter, Design and Access and Heritage Statement (ref. PD11364/JE/GA/)

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting consent-

The proposed development would include the replacement of an existing retractable awning as well as the existing glazed screening enclosing one of the terraces to the rear of the hotel. It is noted that the same works have already been completed to the next terrace along the rear frontage, between the next two sets of projecting orangeries.

The proposed awning would be of the same scale and construction as existing and the cover would be patterned to match that in existence on the next terrace along. The replacement of the existing degraded canopy is considered to be an improvement. The retractable screening proposed would match the existing in terms of height and siting but would allow for screens to be lowered when weather permits. The framing to the replacement screen would not be substantially different to existing and would be acceptable in this regard.

The installation of the screens would not involve any intervention into historic fabric (being bolted down into the concrete slab of the rear terrace only) and the replacement awning could utilise the existing brackets installed the rear elevation.

The proposed works are consequently not considered to result in any harm to the character, appearance or historic interest of the Grade II listed building. Similarly the works would not lead to any significant intervention into the historic fabric of the listed building.

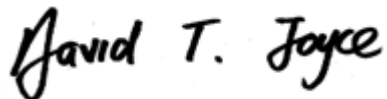
The proposal is considered to preserve the special architectural and historic interest of the building. Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest which it possesses, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposal is in general accordance with policy D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning

Appendix 3: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined 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. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²²

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²³

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.²⁴ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁵

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.²⁶

²² DLUHC, *NPPF*, Annex 2.

²³ Historic England, *GPA:2*.

²⁴ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

²⁵ DLUHC, *NPPF*, Annex 2; DLUHC, *PPG*, paragraph 006, reference ID: 18a–006–20190723.

²⁶ DLUHC, *PPG*, paragraph 006, reference ID: 18a–006–20190723.

Significance results from a combination of any, some, or all of the interests described above.

England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.²⁷

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”²⁸

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. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”²⁹

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.³⁰

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

²⁷ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

²⁸ DLUHC, *NPPF*, Annex 2.

²⁹ DLUHC, *NPPF*, Annex 2.

³⁰ Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a–013–20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”³¹

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 206 of the *NPPF*, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 72 of the *NPPF*;³²
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 206 of the *NPPF*, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³³ and

³¹ *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

³² *DLUHC, NPPF*, para. 206 and fn. 72.

³³ *DLUHC, NPPF*, para. 206.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.³⁴

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

“...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative

*assessment using professional judgement is inevitably involved.”*³⁵

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

³⁴ DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁵ International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4–10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"*,³⁶ and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."³⁷

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *"preserving"* means doing *"no harm"*.³⁸

Preservation does not mean no change, it specifically means no harm. GPA:2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.³⁹ Thus, change is accepted in Historic England's guidance as part of the evolution of

³⁶ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁷ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁸ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁹ Historic England, GPA:2, p. 9.

the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in GPA:3, described above.

Fundamental to this methodology is a consideration of “*what matters and why*”.⁴⁰ Of particular relevance is the checklist given on page 13 of GPA:3.⁴¹

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴²

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, GPA:3 states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴³

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor,

would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴⁴

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 5**, the NPPF (at Paragraphs 207 and 208) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁵

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 207 to 209.⁴⁶

The PPG provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a

⁴⁰ Historic England, GPA:3, p. 8.

⁴¹ Historic England, GPA:3, p. 13.

⁴² Historic England, GPA:3, p. 4.

⁴³ Historic England, GPA 3., p. 8.

⁴⁴ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.

⁴⁵ DLUHC, NPPF, paras. 207 and 208.

⁴⁶ Including – Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin); DLUHC, NPPF, paras. 207 and 209.

private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*

- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.”⁴⁷*

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

⁴⁷ DLUHC, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 4: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁴⁸ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and 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.”⁴⁹

Section 66(1) of the Act goes on to state that:

“In considering whether to grant planning permission [or permission in principle] for 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 building or its setting or any features of special architectural or historic interest which it possesses.”⁵⁰

⁴⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”⁵¹

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 208 of the current, revised NPPF, see **Appendix 5**), this is in keeping with the requirements of the 1990 Act.⁵²

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving

⁵⁰ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵¹ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵² Jones v Mordue [2015] EWCA Civ 1243.

or enhancing the character or appearance of that area.⁵³

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent,

are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁵⁴

⁵³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

⁵⁴ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 5: National Policy Guidance

The National Planning Policy Framework (December 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in December 2023. This replaced and updated the previous *NPPF* (September 2023). The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or***
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”⁵⁵***

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.”⁵⁶ (our emphasis)

The NPPF continues to recognise that the planning system is planned and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”⁵⁷

⁵⁵ DLUHC, NPPF, para. 11.

⁵⁶ DLUHC, NPPF, para. 11, fn. 7.

⁵⁷ DLUHC, NPPF, Annex 2.

The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”⁵⁸

As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”⁵⁹

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 201 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”⁶⁰

Paragraph 203 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”⁶¹***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 205 and 206 are relevant and read as follows:

“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

⁵⁸ DLUHC, NPPF, Annex 2.

⁵⁹ DLUHC, NPPF, Annex 2.

⁶⁰ DLUHC, NPPF, para. 201.

⁶¹ DLUHC, NPPF, para. 203.

substantial harm, total loss or less than substantial harm to its significance.”⁶²

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;**
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”⁶³**

Section b) of paragraph 206, which describes assets of the highest significance, also includes footnote 72 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 207 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities

should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and**
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”⁶⁴**

Paragraph 208 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”⁶⁵

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 212 that:

⁶² DLUHC, NPPF, para. 205.

⁶³ DLUHC, NPPF, para. 206.

⁶⁴ DLUHC, NPPF, para. 207.

⁶⁵ DLUHC, NPPF, para. 208.

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”⁶⁶

Paragraph 213 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁶⁷ (our emphasis)

With regards to non-designated heritage assets, paragraph 209 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”⁶⁸

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

⁶⁶ DLUHC, NPPF, para 212.

⁶⁷ DLUHC, NPPF, para. 213.

⁶⁸ DLUHC, NPPF, para. 209..

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁶⁹

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which

harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁷⁰ (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

“When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.”⁷¹

“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”⁷²

It goes on to state that:

“Well-designed places and buildings are influenced positively by:

- the history and heritage of the site, its surroundings and the wider area, including cultural influences;***

⁶⁹ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁷⁰ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁷¹ DLUHC, NDG, para. 46.

⁷² DLUHC, NDG, para. 47.

- *the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- *the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.*

*Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."*⁷³

⁷³ DLUHC, NDG, paras. 48–49.

Appendix 6: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Bloomsbury are currently considered against the policy and guidance set out within the Camden Local Plan (adopted July 2017) and The London Plan (adopted March 2021).

Camden Local Plan

“Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require 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;**
- d) is of sustainable and durable construction and adaptable to different activities and land uses;**
- e) comprises details and materials that are of high quality and complement the local character;**
- f) integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;**
- g) is inclusive and accessible for all;**

h) promotes health;

i) is secure and designed to minimise crime and antisocial behaviour;

j) responds to natural features and preserves gardens and other open space;

k) incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,

l) incorporates outdoor amenity space;

m) preserves strategic and local views;

n) for housing, provides a high standard of accommodation; and

o) carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

...”

“Policy D2 Heritage

The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological

remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site;
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above

headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h) preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i) resist the total or substantial demolition of a listed building;

j) resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and

k) resist development that would cause harm to significance of a listed building through an effect on its setting.

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset."

The London Plan

"HC1 Heritage conservation and growth

A Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.

B Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:

- 1) setting out a clear vision that recognises and embeds the role of heritage in place-making
- 2) utilising the heritage significance of a site or area in the planning and design process
- 3) integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place
- 4) delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.

C 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 avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

D Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

E Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use."

Appendix 7: Full List Entry

NUMBERS 12-29 AND ATTACHED RAILINGS INCLUDING MONTAGUE HOTEL (NUMBERS 12-20)

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1322131

Date first listed: 28-Feb-1969

Date of most recent amendment: 11-Jan-1999

Statutory Address 1: NUMBERS 12-29 AND ATTACHED RAILINGS INCLUDING MONTAGUE HOTEL (NUMBERS 12-20), 12-29, MONTAGUE STREET

Location

Statutory Address: NUMBERS 12-29 AND ATTACHED RAILINGS INCLUDING MONTAGUE HOTEL (NUMBERS 12-20), 12-29, MONTAGUE STREET

The building or site itself may lie within the boundary of more than one authority.

County: Greater London Authority

District: Camden (London Borough)

Parish: Non Civil Parish

National Grid Reference: TQ 20172 81766

Details

CAMDEN

TQ3081NW MONTAGUE STREET 798-1/100/1146 (East side)
28/02/69 Nos.12-29 (Consecutive) and attached railings. Montague Hotel (12-20) (Formerly Listed as: MONTAGUE STREET Nos.1-29 (Consecutive) White Hall Hotel (2-5), Montague House (8-11), Montague Hotel (12-16))

GV II

Terrace of 18 houses. c1803-6. By James Burton. Built by WE Allen, altered. Yellow stock bricks with stucco ground floors. Stucco sill band at 3rd floor level. Nos 15-17 and Nos 22 and 23 slightly projecting. Gateway to rear gardens (qv) between Nos 20 and 21. 4 storeys and basements. 3 windows each. Round-arched doorways with reeded door frames or sidelights, mostly 2-leaf doors; Nos 17, 20, 21, 22, 24, 25, 27, 28 and 29 with patterned fanlights. No.13, door replaced by window. No.19 with mosaic top doorstep with words "White Hall". Gauged brick flat arches to recessed sash windows, most with original glazing bars. Nos 18, 19 and 20 with glazing bars forming patterns of octagons, squares and ladders, to sides of panes, on ground and 1st floor. Nos 21 and 22 with patterned glazing bars to ground floor and No.26 to 1st floor. 1st floor windows with cast-iron balconies. Parapets. Rear elevations of Nos 25-29 with bowed bays. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas.

Listing NGR: TQ3019981736

Legacy

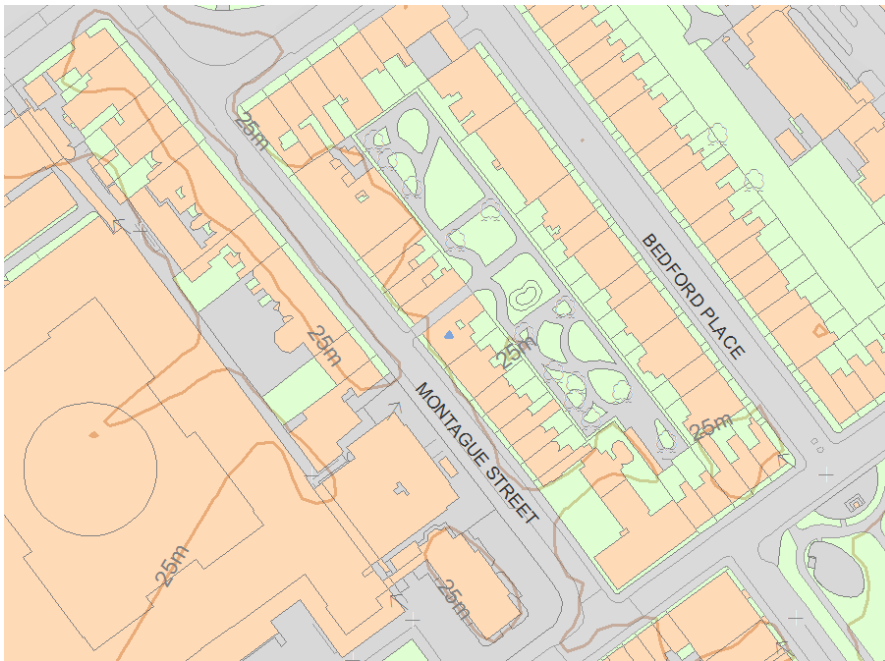
The contents of this record have been generated from a legacy data system.

Legacy System number: 477534

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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