

Appeal Decisions

Site visit made on 13 August 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal A Ref: APP/X5210/W/24/3341108

61-63 Cartwright Gardens, Camden, London WC1H 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Harlingford Hotel against the Council of the London Borough of Camden.
 - The application Ref is 2023/1760/P dated 2 May 2023.
 - The development proposed is Erection of external elevator shaft for improved accessibility, external alterations to existing openings to enable lift access to respective floors and guest bedrooms and associated internal alterations to enable the same.
-

Appeal B Ref: APP/X5210/Y/24/3338859

61-63 Cartwright Gardens, Camden London WC1H 9EL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Harlingford Hotel against the Council of the London Borough of Camden.
 - The application Ref is 2023/2307/L dated 2 May 23.
 - The works proposed are Erection of external elevator shaft for improved accessibility, external alterations to existing openings to enable lift access to respective floors and guest bedrooms and associated internal alterations to enable the same.
-

Decision

1. Appeal A is allowed and planning permission is granted for Erection of external elevator shaft and associated external alterations at 61-63 Cartwright Gardens, Camden, London WC1H 9EL in accordance with the terms of application ref 2023/1760/P dated 2 May 2023, subject to the conditions within the attached schedule.
2. Appeal B is allowed and listed building consent is granted for Erection of external elevator lift to rear elevation and associated external alterations. Internal alterations to accommodate lift access at 61-63 Cartwright Gardens, Camden, London WC1H 9EL in accordance with the terms of application ref

2023/2307/L dated 2 May 2023 subject to the conditions within the attached schedule.

Preliminary and Procedural Matters

3. The appeals concern works and development to 61-63 Cartwright Gardens, called Harlington Hotel, a Grade II listed building which forms part of the Grade II listed buildings of 46-63 Cartwright Gardens (List entry number 1244103, listed 13 May 1974). In addition, the listed building is situated within the Bloomsbury Conservation Area (BCA). I am therefore mindful of my statutory duties in respect of sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
4. The Council failed to determine the applications within the statutory period. They have provided details with this appeal confirming they would have refused to grant permissions for both applications, including details of their reasoning and reference to their local plan policies they consider the proposal would conflict with.
5. Their Delegated Report submission alters the description of the works and development from the description included in the appellant's application forms submitted to the Council. I find the Council's descriptions more accurately describe the proposal before me and have been followed through above. I do not consider this to prejudice either party.
6. These appeal decisions address both planning and listed building consent appeals for the same site and same scheme. The remit of both regimes is different, and the main issues identified below relate to both the planning appeal the listed building appeal. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

Main Issues

7. The main issues are whether the proposed works and development would preserve the special interest of the Grade II listed 61-63 Cartwright Gardens or any features of special architectural or historic interest that it possesses; and whether or not it would preserve or enhance the character or appearance of the Bloomsbury CA.

Reasons

Significance and special interest

8. The listed building is group listed with 46-63 Cartwright Gardens. From the evidence available to me, the special interest and significance of the listed building are largely derived from its historic and architectural interests. The heritage asset is a terrace of eighteen town houses forming a southern half of a crescent built around 1809-1811 by James Burton. The houses are four storeys over a basement with main entrances accessed via front steps, apart from those located to the side returns of the terrace. Built using stock brick with rusticated stucco ground floors and stucco cornice at ground floor, round arched doorways with reeded jambs, cornice heads, fan lights and panelled doors creates a pleasing continuity to the crescent. Large curved recessed timber sliding sash windows at ground floor and continuous cast-

iron balconies at first floor adds a visually distinctive characteristic to the crescent.

9. These heritage assets are within the Bloomsbury Conservation Area (BCA), which covers some 160 hectares of central London, and contribute to its character and appearance. The BCA is a large and diverse area whose character and appearance has changed over time as London has grown and developed as a city. Nevertheless, much of the historic street pattern remains and together with the many historic spaces and buildings, demonstrates how the area has developed. In my view, the significance of the BCA, insofar as it relates to these appeals, stems from its historical development, including the variety of different uses that have taken place in the area over time, as well as the historic townscape, including the traditional streets, spaces, buildings and mature street trees to be found here.

The effect on the heritage assets

10. Numbers 61-63 Cartwright Gardens are currently in use as a hotel of approximately thirty-nine bedrooms. The three town houses are internally connected with the sole guest access from Number 62, via external steps. The hotel is stepped to upper floors with the ground floor the only internal step-free area with communal dining and lounge rooms, and a number of bedrooms located on this floor.
11. The proposal entails the installation of a glazed external passenger lift to the rear of the building and accessed from internal landings. Fenestration alterations to principal windows to the ground floor and replacement finials to railings are also proposed.
12. The rear of the building retains much historical significance with chamfered outriggers, fenestration of a historical hierarchy of order with a vertical emphasis. Although some fenestration consists of more modern casement windows, many follow the historic pattern of eight over eight or six over six. There have been more modern interventions to the rear, in particular a large three storey extension extending to the rear boundary of the site.
13. It would be from this later extension the proposed lift would be sited within, and extend vertically to the parapet of the building, between two outriggers. Two windows would be removed and openings elongated as a consequence. I could see that one of the windows displays the more traditional characteristics of six over six sliding sash window, and the other a more modern casement window within a historic opening. Historic fabric below the window would also be removed to make the openings longer to allow flush access from the landing into the lift. In addition, as a tall vertical structure, it would be a large and uncharacteristic object located at the rear of the building.
14. Overall, in my judgement, the proposal would not preserve the special interest of the listed building. The harm I have identified would be, in the context of the significance of the assets as a whole and in the language of the National Planning Framework (the Framework), less than substantial.

Heritage Balance

15. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of a designated asset, paragraph 208 requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use.
16. The appellant proposes to reinstate the principal ground floor windows to a design that would appear more consistent with some of the other buildings with their historic window designs seen along the crescent. They would also re-instate the missing finials to the boundary railings on a like-for-like basis to complete the boundary treatment. These proposed enhancements would better reveal the significance of the heritage asset, but in my view, would be to a small degree. I therefore apportion it a limited level of weight as a public benefit.
17. The hotel has accessibility limitations as there are steps into the main entrance, and only a small number of bedrooms are located on the ground floor with the majority of hotel guests needing to access other floors via staircases. I am mindful that disability is a broad term and does not just extend to people who are less mobile, but also extends to the likes of partially sighted individuals who may be guests at the hotel. Improving the accessibility of the building would be a public benefit.
18. Disability is a protected characteristic under s4 of the Equality Act 2010 and I have had due regard to the Public Sector Equality Duty (PSED) contained under s149 of the Act, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Improving the accessibility of the building would be consistent with the aims of the PSED.
19. A lift would provide a better guest experience as a means to access floors. I note the narrowness of the staircase in places and corridors the further up the building. A lift can help to reduce passing conflict between guests, and guests and staff. Guests with or without a disability protected characteristic could benefit from a passenger lift. I apply a high proportion of weight to this.
20. In addition, the building is in use as a hotel. The option of a lift for hotel guests can help to sustain the optimum viable use of the hotel to which attracts more than moderate weight in the balance.
21. I also note the appellant has provided another option to locate a through-floor lift internally within the building. This would be a more invasive solution to the historic integrity of the heritage asset when compared to the proposed location given this part of the rear elevation has been somewhat compromised by the existing rear extension that covers part of the historic

fabric. It would sit between two outriggers and the existing symmetry would remain respected. Even with the addition of a glass lift structure that would be a new and uncharacteristic feature, the rear of the building carries aesthetic value and could still be read as a Georgian townhouse of its original high status.

22. Due to the large buildings behind the appeal site and the proposed position of the lift shaft towards the middle of the site, it would be entirely hidden from view from the wider CA. Therefore, it would have a neutral effect upon the character and appearance of the CA.
23. Overall, I find that whilst there would be some harm arising to the listed building as a consequence of the lift being located in this location, the public benefits that would be accrued would be sufficient to outweigh the less than substantial harm to the significance of the listed building and provide clear and convincing justification for the proposal.
24. To conclude, it would therefore preserve the special interest of the listed building in accordance with the Act and would preserve the character and appearance of the CA, complying with the design and heritage safeguarding aims of Policies D1 and D2 of the Camden Local Plan 2017.

Other Matters

25. The appellant raises complaints referring to the Council's service. This should be directed to the Council in the first instance and is not within my remit to comment upon.
26. The Council points to another Inspector's decision regarding a bespoke platform lift within a vaulted walkway. However, the Inspector concluded there was insufficient information before them regarding the proposal, and nor do I consider the same circumstances as the proposal before me applies. Therefore, the two cannot be reasonably compared.

Conditions

27. I have considered conditions in light of the Planning Practice Guidance and Paragraph 56 of the National Planning Policy Framework. Conditions relating to both planning permission and listed building consent schemes have been detailed within the attached schedule.
28. Considering the conditions for both appeals collectively, in addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty. Conditions in relation to joinery details of the new windows are reasonable in order to preserve the special interest of the listed building, and details of repair works to the external railings is also conditioned.

Conclusion – both appeals

29. For the reasons set out above, I conclude that the appeals should succeed and planning permission for works and development is granted.

Alison Scott INSPECTOR

Schedule of Conditions

Appeal A - APP/X5210/W/24/3341108

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings; 335.03-0.002-2, 335.03-3.003-2, 335.03-3.004-2, 335.03-3.005-2, 335.03-3.006-2, 335.03-3.007-2, 335.03-3.008-2, 335.03-3.009-2, 335.03-3.010-2, 335.03-3.014-2, 335-03-3.141-1, 335-03-3.130-2, 335-03-3.131-2, 335-03-3.132-2, 335-03-3.133-2, 335-03-3.134-2, 335-03-3.012-2, 335-03-3.114-2, 335-03-3.103-2, 335-03-3.104-2, 335-03-3.105-2, 335-03-3.106-2, 335-03-3.107-2, 335-03-3.108-1, 335-03-3.113-2.

Appeal B - APP/X5210/Y/24/3338859

- 1) The works to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
- 2) A schedule of all works to the ground floor windows including sections (at a scale of 1:10) and timeframe for completion shall be submitted to and approved in writing by the local planning authority before the lift hereby approved becomes operational. The works shall be carried out in accordance with the approved details and schedule thereafter.
- 3) A schedule of repair works to the railings of the external front boundary treatment shall be submitted to and approved in writing by the local planning authority before the lift hereby approved becomes operational. The schedule shall include a programme of works including a timeframe for completion in full. All works shall be undertaken in accordance with the approved schedule and programme thereafter.

End of schedule