

Delegated Report		Analysis sheet		Expiry Date: 15/01/2024			
		N/A		Consultation Expiry Date: 24/12/2023			
Officer			Application Number(s)				
Brendan Versluys			2023/3562/P and 2023/4947/L				
Application Address			Drawing Numbers				
Flat Basement And Ground Floor 28 John Street London WC1N 2BL			See decision notice				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
<p><u>Planning permission:</u> Refurbishment and restoration of existing vaults including the lowering of the floor and new openings for a timber framed door and timber framed windows.</p> <p><u>Listed building consent:</u> Refurbishment and restoration of existing vaults including the lowering of the floor and new openings for a timber framed door and timber framed windows.</p>							
Recommendation(s):		<ol style="list-style-type: none"> 1. Refuse Planning Permission 2. Refuse Listed Building Consent 					
Application Type:		<ol style="list-style-type: none"> 1. Full Planning Permission 2. Listed Building Consent 					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Summary of consultation responses:		<p>Site notices (1 x planning permission and 1 x listed building consent) were displayed 22/11/2023 and expired on 16/12/2023.</p> <p>A press notice was published 30/11/2023 which expired 24/12/2023.</p>					
Adjoining Occupiers:		No. notified	0	No. of responses	0	No. of objections	0
Site Description							
<p>The application site relates to a mid-terrace double fronted Georgian town house from the early nineteenth century. Four arched pavement vaults are located to the front of the property and are accessed via a lightwell to the building's front elevation.</p> <p>The terrace is Grade II listed (ref. no. 1379157). The site is also located in the Bloomsbury Conservation Area.</p>							

Relevant History

None relevant

Relevant Policies

National Planning Policy Framework 2024

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A5 Basements

Policy D1 Design

Policy D2 Heritage

Policy T3 Transport infrastructure

Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

CPG Home Improvements (January 2021)

Bloomsbury Conservation Area appraisal and management strategy (2011)

Assessment

3. Proposal

3.1. Planning permission and listed building consent is sought for lowering the floor level of the vaults by 1.3m and remove the dividing walls between each vault, and install windows to the vault's elevation facing into the lightwell. A glazed door would be incorporated into the window to the southern vault.

3.2. The vaults would be converted to ancillary residential space to the existing dwelling.

4. Planning Considerations

4.1. The material considerations in the determination of this application are as follows:

- Design and Heritage
- Basements
- Neighbouring Amenity
- Transport
- Biodiversity Net Gain

4.2. As the application site is situated within a Conservation Area and the building is Grade II listed, the following statutory provisions are relevant to the determination of these applications are Section 16, 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4.3. Section 16 requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

4.4. Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special

regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

- 4.5. The NPPF terms listed buildings designated heritage assets. Section 16 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 215 states that “less-than-substantial harm” to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.
- 4.6. The significance of the listed building derives from its architectural design and materials, planform, evidential value as mid nineteenth century townhouse, its immediate group value with the wider terrace on the western side of John Street (nos. 22 – 28) and eastern side (nos. 10 – 20) (all Grade II listed) , and its positive contribution to the character and appearance of the Bloomsbury Conservation Area.
- 4.7. In their guidance on Georgian and Victorian terraced housing, Historic England acknowledge that this part of the building provided an important transition zone between the street and the house, providing functional and physical separation and increasing the comfort of the occupants. They also acknowledge basement vaults are an important feature of some types of Georgian and Victorian terraced houses.

Assessment of proposals

5. Design and Heritage

- 5.1. No 28 John Street is a Grade II listed building, as are almost all other buildings (part of terraces) on the western and eastern sides of John Street. The Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, under Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 5.2. The application site is located within the Bloomsbury Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 5.3. Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 5.4. Guidance contained within CPG ‘Design’ states that design should respond positively to context and character and integrate well with the existing character of a place, building and its surroundings. In addition, development in conservation areas should only be permitted if it preserves or enhances the character and appearance of the conservation area.
- 5.5. The existing four vaults are separate self-contained spaces, with a head height of two metres to the top of the arch. They are accessed through door sized openings off the front lightwell. Originally they would have had solid timber doors but these have been removed. Despite being rendered internally, their original function and character is still clearly evident.
- 5.6. The proposed works would lower the existing floor by 1.3 metres and remove the dividing walls

between each vault. Windows would be installed into the elevation facing into the lightwell.

- 5.7. As a result the character and form of each vault being a subservient ancillary space would be lost, and replaced with a large habitable and domestic space which would be larger than the grander rooms on the main house. This would have a harmful impact in terms of the loss of historic fabric, as well as the overall character and hierarchy of spaces within the building. The insertion of large windows in the lightwell elevation harmfully alters the appearance and character of this space.
- 5.8. The vaults could likely be refurbished and converted to habitable space, without resulting in as intrusive interventions as proposed under this proposal. The extent of harm could be addressed by a more modest lowering of the floors in the, perhaps by 200-300mm to retain their special characteristics. A small door-size opening may be possible to link a couple of the vaults, but this would need to maintain the dividing wall. The introduction of windows in the lightwell wall is not appropriate, but timber doors, perhaps with small windows could work.
- 5.9. For these reasons, the alterations to the vaults are considered to cause less than substantial harm to the special architectural and historic interest of the listed building.
- 5.10. There are no public benefits of a nature adequate to outweigh the harm caused under Para 202 of the NPPF.
- 5.11. While the works are identified as causing harm to the special interest of the listed building, as the works would not be visible from the wider area (only from within the application property itself) it would preserve both the setting of adjoining listed buildings and the character and appearance of the Bloomsbury Conservation Area.

6. Basement

6.1. Policy A5 (Basements) requires proposals that include basement development to demonstrate that it would not cause harm to neighbouring properties, structural conditions, character of the area, architectural character of the building and significance of heritage assets. A Basement Impact Assessment, assessing its impact on drainage, flooding and structural stability is required to be submitted. There are also certain dimensional requirements for basements to ensure their impact is minimised.

6.2. Policy A5 contains the following criteria for basement development:

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. avoid the loss of garden space or trees of townscape or amenity value.

Exceptions to f. to k. above may be made on large comprehensively planned sites.

6.3. In response to points (f) to (m) the lowered vaults will not be more than one storey, not built under an existing basement (lower ground floor), not exceed 50% of the area of the garden, be less than 1.5x the footprint of the building, In response to points (k) and (l) the depth of the

existing basement would not increase, with the basement development being limited to the footprint of the existing vaults. No trees or garden space are affected by the basement works and therefore criterion (m) is complied with.

6.4. In addition Policy A5 also requires the submission to demonstrate certain details in relation to the basement development. This includes:

The Council will require applicants to demonstrate that proposals for basements:

- n. do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';
- o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- p. avoid cumulative impacts;
- q. do not harm the amenity of neighbours;
- r. provide satisfactory landscaping, including adequate soil depth;
- s. do not harm the appearance or setting of the property or the established character of the surrounding area;
- t. protect important archaeological remains; and
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.

6.5. The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith. The screening and scoping stages within the report are in accordance with the requirements of CPG Basements. The basement works would not harm the structural, ground, or water conditions of the area.

6.6. The basement works would also not have any adverse effect on adjacent properties and would not affect any trees. Compliance conditions could be secured in relation to the appointed structural engineer and building the basement in accordance with the relevant documents.

6.7. Council's Transport Officer has advised that the basement works could be undertaken without the need for a Construction Management Plan. The building works would be for a temporary period only and any vehicles for the building works, could be accommodated in the surrounding streets.

6.8. As discussed under section 5 above, the alterations to the vaults, including the extent of basement works, is considered harmful to the special interest of the listed building. Therefore, the proposal does not comply with criterion (s) of Policy A5.

6.9. Overall, it cannot be confirmed the BIA complies with the requirements of the policy A5, CPG: Basements and principles for audit. The proposed basement works would cause unacceptable harm to the appearance and setting of the property.

7. Residential Amenity

7.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; impacts of the construction phase; and noise and vibration.

7.2. The alterations to the vaults would not have any adverse effect in terms of overlooking or loss of light.

7.3. The proposal is not considered to give rise to any adverse impacts on residential amenity of any other residential property in the vicinity. In addition, appropriate onsite amenity would continue to be provided.

8. Transport

8.1. Policy T3 Transport infrastructure, seeks to protect existing and proposed transport infrastructure, particularly routes and facilities for walking, cycling and public transport, from removal or severance.

8.2. Given the proximity of the proposed excavation works (for lowering the vaults) in relation to the public highway, it would be necessary to secure an Approval In Principle (AIP) assessment of the proposals on the structural stability of the public highway by means of an obligation attached to a Section 106 Legal Agreement.

8.3. The lack of a legal agreement to secure the AIP constitutes a reason for refusal.

9. Biodiversity Net Gain (BNG)

9.1. Biodiversity Net Gain (BNG) requirements came into effect for small sites on 02 April 2024, however, there are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information provided, this proposal will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat)

10. Planning Balance and Conclusion

10.1. Overall, the proposed alterations to the vaults would result in an unacceptable impact in terms of the loss of historic fabric, as well as the overall character and hierarchy of spaces within the building, that would cause unacceptable harm to the character and setting of the grade II listed building and the appearance of the wider conservation area.

10.2. Considerable importance and weight has been attached to the desirability of preserving or enhancing the character or appearance of the Bloomsbury Conservation Area, and the settings of any listed buildings, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

10.3. Local Plan Policies D1 and D2, and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, seeks to preserve and enhance designated heritage assets. The NPPF states in Paragraphs 215 that "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".

10.4. As discussed above, there are no public benefits of a nature adequate to outweigh the harm caused by the proposed works.

10.5. Offsite amenity effects are considered acceptable.

10.6. Overall, therefore, on balance, the proposed development does not accord with Chapter 16 of

the NPPF which seeks to preserve and enhance heritage assets. The proposal is also contrary to Policies D1 and D2 of the Local Plan. As such, the proposal is considered to be unacceptable in terms of design, appearance, and location.

10.7. The proposal would therefore fail to accord with Policies D1 and D2 of the Local Plan. The development would result in unacceptable harm to the host building.

3. Recommendations

a) Refuse Planning Permission for the following reasons:

1. The proposed alterations to the front vaults, by reason of the loss of historic fabric, insertion of windows and changes to the vaults' form, would cause unacceptable harm to the special architectural and historic interest of the Grade II listed building, contrary to policies D1 (Design), D2 (Heritage) and A5 (Basements) of the London Borough of Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement securing an Approval in Principle, would fail to protect existing and proposed transport infrastructure, contrary to policy T3 (Transport infrastructure) of the London Borough of Camden Local Plan 2017.

b) Refuse Listed Building Consent for the following reasons:

1. The proposed alterations to the front vaults, by reason of the loss of historic fabric, insertion of windows and changes to the vaults' form, would cause unacceptable harm to the special architectural and historic interest of the Grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.