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Design and Access and Heritage Impact Assessment

Listed Building Consent application for installation of air conditioning units 27 Fitzroy Square, London, W1T 6ES

Introduction

1. This statement comprises the Heritage Statement submitted in support of the listed building consent application for the installation of additional high level internal air conditioning units plus timber boxing (the proposed 'development') at 27 Fitzroy Square, London, W1T 6ES (the 'site').
2. No. 27 Fitzroy Square is an early-19th century townhouse forming part of a Grade II* listed terrace comprising Nos. 20—32 Fitzroy Square and is located in the Fitzroy Square Conservation Area. The building is currently in use as offices.
3. Listed Building Consent (Ref: 2021/1968/L) was granted on 17th July 2024 for the relocation of two existing condensers and installation of two condensers within acoustic enclosure to roof of ground floor extension. Refurbishment of all floors including replacement of flooring at basement level and ground floor entrance hall, installation of dado rail and refurbishment of WCs (retrospective).
4. This consent included air conditioning wall units within the basement area (x3) and one within the rear part of the ground floor within the modern extension.
5. During the course of this application other a/c wall units were removed from the application due to objections from the Conservation Officer.
6. This application seeks to retain these units but proposes additional timber boxing to enhance their appearance.
7. The purpose of this report is to present the local authority with a description of the significance of these designated heritage assets and the effects of the proposals on their significance. In doing so due regard has been given to the requirements of the National Planning Policy Framework (NPPF) and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. This statement will demonstrate that the proposed works to the building are respectful and will preserve the special interest of the listed building. As the alterations are internal only there is no impact on the Conservation Area or the significance of nearby listed buildings.
9. Furthermore, the proposals reflect and accord with local planning policy and guidance.

Proposed Development

10. The proposed development comprises high level internal a/c units as follows:

- Ground Floor:
 - Size 32: 773mm x 237mm x 299mm,
 - Size 15: 773mm x 237mm x 299mm
- 1st Floor:
 - Size 63: 1170mm x 295mm x 265mm,
 - Size 32: 773mm x 237mm x 299mm
- 2nd Floor:
 - Size 32: 773mm x 237mm x 299mm,
 - Size 20: 773mm x 237mm x 299mm
- 3rd Floor:
 - Size 40: 898mm x 237mm x 299mm,
 - Size 20: 773mm x 237mm x 299mm

11. It is proposed that the units will be concealed inside timber casings to match the colour of the wall / cornice.

Relevant Planning History

12. There are two other listed building consent approvals which relate to internal air conditioning units.

- 2021/1968/L - Relocation of two existing condensers and installation of two condensers within acoustic enclosure to roof of ground floor extension. Refurbishment of all floors including replacement of flooring at basement level and ground floor entrance hall, installation of dado rail and refurbishment of WCs (retrospective).
- 2024/3936/L - Installation of internal a/c units at upper levels, retention of extant units at lower ground floor

13. In this regard, it is noted that the principle of air conditioning units is acceptable. However, the Council has previously confirmed that:

Wall mounted indoor air conditioning units in all rooms at all levels of the property have been installed without listed building consent. These unauthorized units have been installed at high levels within each room. The degree of harm of these works is based off the hierarchy of

significance of each room. The units within the basement level are acceptable given the less legibly historic character of these spaces and the rear extension units are not considered to cause harm to a significant space. Therefore, the indoor air conditioning units within rooms at ground floor, first floor, second floor and third floor, are considered to detract from the special historic character and architectural interest of the host building.

14. In this regard, the current application seeks to overcome this issue by retaining the units but proposing timber boxing to match the cornices. This is discussed in more detail below.

Legislation and Policy Framework

15. Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 and 66 of the Act places a duty on the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historical interest which it possesses. Section 72 of the Act places a similar duty on the decision maker with respect to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
16. As the proposed development only relates to internal alterations there will be no impact on the Conservation Area and therefore this Assessment relates only to the impact on the listed building.

National Planning Policy Framework

17. The National Planning Policy Framework (NPPF) (2024) constitutes the Government's current national guidance and policy regarding development in the historic environment. It is a material consideration and includes a succinct policy framework for local planning authorities and decision takers. It relates to planning law by stating that applications are to be determined in accordance with the local plans unless material considerations indicate otherwise.
18. Paragraph 202 of the NPPF encourages local planning authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
19. Paragraph 207 of the NPPF places a duty on the Local Planning Authority (LPA) to require an applicant to describe the significance of any heritage assets. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
20. Paragraph 208 requires LPAs to identify and assess "the particular significance of any heritage asset". This should be taken into account when considering the impact of a proposal on a heritage asset, including by development affecting its setting.
21. Paragraph 210 requires that in determining 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.
22. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. Paragraph 214 confirms that 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.
24. Paragraph 215 confirms 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.
25. Harm is identified by Historic England as change which erodes an asset's significance.
26. The Courts¹ have determined that there are only three gradations of harm in heritage terms:
- "34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm ..."*

¹ R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin).

27. The Court went on to say that even limited or negligible harm was enough to fall within the bracket of 'less than substantial harm':

"34.... It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF. However, in my judgment, minimal harm must fall to be considered within the category of less than substantial harm."

28. In the case of *Bedford BC v SSCLG* [2013] EWHC 2847 (Admin) the meaning of 'substantial harm' was clarified as harm so severe as to practically to remove the rationale for designation. The critical paragraph in this judgement is 25 which states that '*One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*'.

National Planning Practice Guidance

29. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset. Where a less than substantial harm is found it is for the local authority to weigh that harm against the public benefits of the proposal.
30. Paragraph 020 of the NPPG recognises that public benefits include heritage benefits, such as:
- i. Sustaining or enhancing the significance of the heritage assets and the contribution of their setting;
 - ii. Reducing or removing risks to the heritage assets; i
 - ii. Securing the optimum use of the heritage assets in support of their long-term conservation.

Development Plan

31. London Plan Policy HC1 confirms that 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.
32. Camden Local Policy D2 focuses on development affecting heritage assets, and seeks to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

33. With regard to conservation areas the policy will (e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
34. In relation to listed building, the policy states that the Council will: (i) resist the total or substantial demolition of a listed building and (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.

Historic Environment Record

Fitzroy Square Conservation Area Appraisal and Management Strategy

35. The Fitzroy Square Conservation Area Appraisal and Management Strategy is another piece of supplementary planning guidance. It includes a description of the character and appearance of the conservation area and also includes guidance relating to the management of change, and specifically targets alterations and extensions to existing buildings.
36. This describes Fitzroy Square Conservation Area as a distinctive and consistent area of late 18th and early 19th Century speculative development. Owing to the relatively short period of its development, the area generally retains a homogenous character. It is an excellent example of Georgian town planning which combined dwellings with ancillary uses and services. The buildings varied in size and status, with the grandest overlooking the central formal, landscaped square, and the humblest located within the rear mews areas.
37. The character of the Fitzroy Square Conservation Area is derived from its original character as a wealthy residential district, and is influenced by subsequent social and economic changes that have affected patterns of use and occupation of buildings. This, and subsequent changes in architectural tastes and styles, is expressed in the changes to the physical fabric and current occupation of the area.
38. The Conservation Area boasts a sizeable number of buildings which are architecturally innovative of their period of development. The most notable and imposing group are the grade I listed, Adam-designed, terraces on the south and east sides of Fitzroy Square, with their stone fronted facades and classically influenced detailing and symmetry of elevational composition of the terrace as a whole. This is also reflected in the stucco terrace on the west side (grade II*) and in the remaining properties on the north side of the square.
39. The slightly later northern and western terraces have a plainer elevational treatment (than the south and east sides) and are listed grade II*. They are of the same scale and share similar common details such as the rusticated ground floor, arched ground floor openings and decorative railings at first floor level. Only St Luke's Hospital for the Clergy at Nos 13-14 (a later insertion of the 1920s) is unlisted.

Listing Details

40. The Official Listed Description is as follows:

Heritage Category: Listed Building

*Grade: II**

List Entry Number: 1112996

Date first listed: 10-Jun-1954

List Entry Name: NUMBERS 20-32 AND ATTACHED RAILINGS

Statutory Address: NUMBERS 20-32 AND ATTACHED RAILINGS, 20-32, FITZROY SQUARE

National Grid Reference: TQ 29086 82063

CAMDEN

TQ2982SW FITZROY SQUARE 798-1/93/449 (West side) 10/06/54 Nos.20-32 (Consecutive) and attached railings

*GV II**

Terrace of 13 houses forming the western side of Fitzroy Square. c1832-35. Stucco with rusticated ground floor. EXTERIOR: 4 storeys and basements. 3 windows each. 3 windows at each end and centre 7 windows projecting. Round-arched ground floor openings linked by impost bands. Doorways with pilaster-jambes carrying cornice-heads; fanlights (some radial patterned) and panelled doors. Sash windows in shallow, plain stucco recesses. Upper storeys with square-headed, recessed sashes. Continuous cast-iron balcony to 1st floor windows. Moulded 2nd floor sill band. Main cornice with plain frieze below attic storey. Cornice and blocking course. Central bays with 4 Ionic engaged columns in antis rising through 1st and 2nd floors. 1 bay to either side with pilasters rising through 1st and 2nd floors and recessed, tripartite sash windows, those on the ground floor being segmental-arched. No.32 with 3 window (all blind) return to Grafton Way. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with tasselled spearhead finials to areas. Cast-iron foot scrapers and most with mosaic top steps. HISTORICAL NOTE: No.21, was the home of Robert Gascoyne Cecil, 3rd Marquess of Salisbury & Prime Minister (GLC plaque). No.29 was the home of George Bernard Shaw and from 1907-11 Virginia Woolf had rooms here (commemorative plaques). This terrace complements the Adam blocks in the square, though it is very different in design. (Survey of London: Vol. XXI, Tottenham Court Road and Neighbourhood, St Pancras III: London: -1949: 52-8).



Assessment of Significance

41. The Framework confirms at paragraph 220 not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.
42. In this regard it must be the case that certain elements could accommodate change without affecting the significance of the asset. Change is therefore only considered harmful if it erodes an asset's significance.
43. Significance of a heritage asset is defined in the Framework 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.

44. The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

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 skill, 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.

45. In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.
46. The National Planning Practice Guidance (NPPG) advises that "*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*" [Paragraph: 007 Reference ID: 18a-007-20190723].
47. The building at No. 27 Fitzroy Square may be regarded as a heritage asset of High importance, reflecting its status as forming part of a Grade II* listed terrace along the western side of Fitzroy Square, one of the finest late Georgian/Regency squares in London, with well-known historical and literary associations of national importance.
48. The internal layout of the house exhibits a typical plan followed by the other houses in the square (and indeed characteristic of late 18th/early 19th century London townhouses generally) being two rooms deep with a large front room flanked by the hallway and a smaller back room flanked by the staircase.
49. However, at basement and ground floor a more modern extension has been constructed.
50. In addition, the interior has been subject to extensive modern refurbishment (most recently in 2022/2023). However, the original plan form of the house remains well-preserved and highly legible.
51. Notable surviving features which are probably original include the semi-circular glazed overlight in the entrance hall, the moulded ceiling in the entrance hall and the ceilings in the front rooms at ground and first floor levels with moulded cornices and friezes, the ceiling of the first-floor

landing with Greek key decoration for the frieze, as well as the staircases between the ground, first and second floors with mahogany handrails and cast-iron balustrades.

52. The majority of the sash windows appear to be original although they have evidently been subject to a degree of modern repair and refurbishment.
53. However, the majority of internal features are unremarkable, being relatively plain.
54. The marble fireplaces in the front rooms at ground and second floor level appear to be original but as discussed below. However, several of the fireplaces have been removed or replaced at a later date.
55. Much of the flooring appears to have been renewed in recent years (particularly in the upper floors) although the parquetry of the front rooms at ground and first floor level may be original.
56. The significance of the building in relation to the Conservation Area relates to the façade within Fitzroy Square.

Ground Floor

57. The large front room has a parquet floor and is largely devoid of decoration apart from a moulded cornice with egg-and-dart decoration. The wall at the back of the front room is bowed with a tall segmental arched opening which has been blocked up but originally would have led directly into the back room. The only other feature of note is a black marble fireplace with plain Doric pilasters.
58. The back room is again largely devoid of decoration apart from a plain moulded cornice.
59. A projecting chimneybreast is visible although the fireplace has been blocked up. No features of architectural interest are noted in this room.

First Floor

60. The large front room has a parquet floor. The room has a moulded cornice similar in form to that in the ground floor room) and ceiling frieze with elaborate scrollwork decoration and a central plaster rosette.
61. The fireplace has been removed and replaced by a cupboard.
62. A doorway in the rear wall provides access to the back room.
63. The back room has a cornice, ceiling frieze and rosette similar to that in the front room while the fireplace has also been replaced by a wall-cupboard.

Second Floor

64. The front room is largely devoid of decoration. There is no ceiling cornice and frieze in contrast to the rooms on the lower floors.

65. A marble fireplace with fluted pilasters and bullseye paterae survives although the grate has been blocked. It is likely that the room was originally sub-divided into two parts as indicated by a wall stub and the presence of another, smaller fireplace.
66. The back room is largely devoid of internal fixtures or fittings of note, with the exception of a small marble fireplace similar to the fireplaces in the front room.

Third Floor

67. The third floor is similar to the second floor in that the front room appears to have originally been subdivided. The two fireplaces are plainer than the others. No other fixtures or fittings of note are observed in this room.
68. Within the back room the only noteworthy feature is a fireplace.
69. In this regard, apart from some cornicing, ceiling friezes, some original flooring and fireplaces there is little significance to the internal arrangement of the building which has been modernised and is believed to have formerly been used as a dentist surgery.

Assessment of Harm

70. Harm is generally accepted as:

“Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place.”²

71. National Planning Practice Guidance³ advises that:

“• Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. 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 additions to historic buildings where those additions are inappropriate and harm the buildings’ significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial

² p71, Conservation Principles, English Heritage, 2008

³ Paragraph: 018 Reference ID: 18a-018-20190723

harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.”

72. For the purposes of assessing the likely impact of the proposed development on the heritage asset, the following criteria are used:
- **NEGLIGIBLE:** the proposed changes will have a very minor impact upon on the heritage asset or very minor impact on the overall character of the surrounding context.
 - **MINOR:** the proposed changes may cause minimal impact to the building or overall character of a heritage asset, but will not cause an overall change to the building or views around it.
 - **MODERATE:** the proposed changes will alter the setting or overall character of the heritage asset. There may be an impact in key views and change (e.g. the creation of coherency) to the visual aesthetic of the building.
 - **SUBSTANTIAL:** the proposed changes will seriously alter the overall setting and character of heritage assets.
73. The impact of proposals can also be NEUTRAL, BENEFICIAL OR ADVERSE.
74. The proposed works only involve the placement of 8 additional internal air conditioning units at high level and screened with timber.
75. No original fixtures or fittings will be removed, and no new internal partitions will be inserted. Consequently, based on the available information to date, it is considered that the architectural detailing and layout of the building, which is an integral part of its overall significance in historical and architectural terms, will not be materially affected.
76. The only noticeable change to the fabric will be the addition of high-level a/c units which will be screened by timber to match the existing cornice / wall / door details.
77. It may be noted that these internal parts of the building have already been subject to a degree of modern refurbishment.
78. In addition, the a/c units will have no impact on the existing corning and are fixed to walls which have previously been re-plastered and re-painted and have no original features. These fixings will be easily removed if the a/c units are no longer required.
79. In the case of the existing consent for the low-level units this is likely to cause more harm to the fabric of the listed building as to install these will require fixings to the floor (including some original parquet flooring) as well as walls at a low level. The existing permitted a/c units will also require some re-plumbing of the air conditioning system which will have further impact on the existing walls.

80. It is therefore considered that the proposed internal a/c units at a high level will have a **Negligible to Minor** magnitude of impact on the significance of the listed building and further details of timber casing can be secured by conditions, if necessary.
81. In relation to the impact on the Fitzroy Square Conservation Area, it is clear that the significance arises from the front façade within the square. In this regard, the proposed development has no impact on the significance of the Conservation Area.

Conclusion

82. In overall terms, the impact of the proposed internal works on the significance of the listed building may be assessed as **Slight**, based on a cross-referencing of the significance of the house, assessed as being of High importance as forming part of an important Grade II Listed terrace of early 19th century date, cross-referenced against the magnitude of impact, assessed as **Negligible to Minor**.
83. The proposed works will not alter the overall plan form or external appearance of the building, and no internal fixtures or fittings of note will be removed.