

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b> 02/06/2025			
		N/A		<b>Consultation Expiry Date:</b> 11/05/2025			
<b>Officer</b>			<b>Application Number(s)</b>				
Brendan Versluys			1. 2025/1517/P 2. 2025/1520/L				
<b>Application Address</b>			<b>Drawing Numbers</b>				
Basement And Ground Floor Flat 28 John Street London WC1N 2BL			See decision notice				
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
<p><u>Planning permission:</u> Refurbishment and restoration of existing vaults including the lowering of the floor and replacement of existing openings with 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 replacement of existing openings with a timber framed door and timber framed windows.</p>							
<b>Recommendation(s):</b>		1. Refuse Planning Permission 2. Refuse Listed Building Consent					
<b>Application Type:</b>		1. Full Planning Permission 2. Listed Building Consent					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Summary of consultation responses:</b>		Site notices (1 x planning permission and 1 x listed building consent) were displayed 16/04/2025 and expire on 10/05/2025.  A press notice was published 17/04/2025 which expires 11/05/2025.					
<b>Adjoining Occupiers:</b>		<b>No. notified</b>	0	<b>No. of responses</b>	0	<b>No. of objections</b>	0
<b>Bloomsbury Conservation Area Advisory Committee (CAAC)</b>		No response received					

## Site Description

The application site relates to an end-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.

The terrace is Grade II listed (ref. no. 1379157). The site is also located in the Bloomsbury Conservation Area.

## Relevant History

### Site History:

#### **2023/3562/P and 2023/4947/L –**

Planning permission: Refurbishment and restoration of existing vaults including the lowering of the floor and new openings for timber doors and timber windows.

Listed building consent: Refurbishment and restoration of existing vaults including the lowering of the floor and new openings for a timber framed door and timber framed windows.

### **Refused 20/02/2025 for the following reasons:**

#### **Planning permission:**

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.

#### **Listed building consent:**

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.

## 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

### **Camden Planning Guidance (CPG)**

CPG Design (January 2021)

## **Bloomsbury Conservation Area appraisal and management strategy (2011)**

### **Assessment**

#### **3. Proposal**

- 3.1. Planning permission and listed building consent are sought for the lowering of the floor level of the vaults by 1.45m and removing the dividing walls between each vault, and the installation of glazed windows to the existing openings in the vaults (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.
- 3.3. This application follows on, and is largely identical to, a scheme for the vaults which was refused planning permission and listed building consent (refs. (2023/3562/P and 2023/4947/L) on 20/02/2025. The only difference is that the proposed windows, facing into the lightwell are reduced in size. The previous application proposed the installation of large glazed arched windows which filled the entirety of each arch.

#### **4. Planning Considerations**

- 4.1. The material considerations in the determination of this application are as follows:
- Design and Heritage
  - Basement development
  - Amenity
  - Transport
  - Biodiversity Net Gain

#### **Assessment of proposals**

#### **5. Design and Heritage**

##### ***Designated assets***

- 5.1. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out that special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest, and Section 72 states that special regard must be had to the desirability of preserving the character and appearance of conservation areas.
- 5.2. The effect of these sections of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of Listed Buildings and their settings, and the character and appearance of conservation areas. Considerable importance and weight must be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.
- 5.3. Local Plan Policy D2 states that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm, and officers also attach great weight to such harm in line with the requirements of paragraph 212 of the NPPF:

*212. 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.*

5.4. Paragraphs 205-208 set out an approach to the determination of the significance of a heritage asset which must be taken 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. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (paragraphs 212 to 215).

5.5. Paragraph 215 states that:

*215. 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.*

5.6. 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.

5.7. 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.

## **Significance**

### **28 John Street (application site)**

5.8. 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 therefore has a statutory duty to have special regard to the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest which they possess, under Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).

5.9. The special interest of the Grade II listed building is partly derived from the front facade including its architectural design and elevational hierarchy, as well as to contribution it makes to the wider composition of John Street. However, the internal plan form, historic fabric and features are also of both architectural and historic interest in demonstrating domestic living arrangements from the early nineteenth century.

### **22-27 John Street, 10-20 John Street, 29-36 John Street and 2-9 John Street**

5.10. The special interest of the Grade II listed buildings are partly derived from the front and rear facades including its architectural design and elevational hierarchy, as well as to the contribution it makes to the wider composition of John Street.

### **Bloomsbury Conservation Area**

5.11. Bloomsbury is widely considered to be an internationally significant example of town planning. The original street layouts, which employed the concept of formal landscaped squares and an interrelated grid of streets to create an attractive residential environment, remain a dominant characteristic of the area. It is this consistency in street pattern, spatial character and predominant building forms which are considered to contribute to the area's architectural and historic significance.

### **Assessment**

5.12. The existing four vaults are separate self-contained spaces, with a head height of two metres to the top of the arch. Historically these would have been used for storage, particularly of coal, which can be seen with the existence of a small metal coal hole cover in the pavement. They are accessed through door sized openings off the front lightwell. Originally the vaults would have had solid timber doors but these have been removed. Despite being rendered internally, their original function as storage/utility spaces and character is still clearly evident.

5.13. The proposed works would lower the existing floor by 1.45 metres and remove the dividing walls between each vault. Windows would be installed into the elevation facing into the lightwell.

5.14. Within the building, there was a hierarchy of spaces, with the larger and grander reception spaces being located on the ground and first floor levels. This is reflected in the scale, and head height of the rooms on these levels. Subservient spaces were smaller in scale and located in either the upper floors or basement. Historically the basement was a more modest space in the building, housing servants and services. In order to provide natural light to this space a small lightwell was provided which also allowed access to the storage vaults. This approach was an important feature of the terraced house, as it maximised the amount of floor area, but without diminishing from the quality of the living space on the upper floors. Their arched roof form, and dividing walls were a response to the need to support the public pavement above.

5.15. In their guidance on Georgian and Victorian terraced housing, Historic England acknowledge that front lightwells and vaults 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.

5.16. As a result of the proposals, 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 through the loss of the segregation of the individual vaults.

5.17. With regard to the external works, the insertion of large windows in the lightwell elevation, albeit of a smaller scale to those proposed under 2023/3562/P and 2023/4947/L, would still harmfully alter the appearance and character of this space due to the use of large glazing panels which are an inappropriate material in this location.

5.18. For these reasons, the alterations to the vaults are considered to cause a minor level of less than substantial harm to the special architectural and historic interest of the listed building.

5.19. Paragraph 215 of the NPPF states 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. The applicant's heritage statement considers that the proposals would enhance and better reveal the pavement vaults and in turn, the significance and heritage value of the historic environment. It is also suggested that the vaults do not contribute in any meaningful way toward the overarching significance of the listed building. However, as noted above, the vaults were originally subservient ancillary spaces, and the proposals would harmfully alter the hierarchy of spaces within the building. Increasing the prominence of these spaces is therefore not considered to provide any heritage or public benefits, and as such, there are no public benefits that would outweigh the harm identified.

5.20. 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.

5.21. In conclusion, as a result of the harm identified to the significance of the listed building, the proposals would be contrary to policies D1 and D2 of the Local Plan.

## **6. Basement**

6.1. Policy A5 (Basements) requires proposals that include basement development to demonstrate that it would not cause harm to:

- a. neighbouring properties;*
- b. the structural, ground, or water conditions of the area;*
- c. the character and amenity of the area;*
- d. the architectural character of the building; and*
- e. and the significance of heritage assets*

6.2. 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.

6.3. 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.*

6.4. In response to points (f) to (m) the lowered vaults will not be more than one storey, not be 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.

6.5. 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.

6.6. The earlier refused application (ref. 2023/3562/P and 2023/4947/L, 20/02/2025) for similar basement excavation works was accompanied by a Basement Impact Assessment (BIA), which was independently audited by Campbell Reith. The screening and scoping stages within the report were found to be in accordance with the requirements of CPG Basements. Officers are therefore satisfied that the basement works proposed under this new application would therefore not harm the structural, ground, or water conditions of the area. If the proposals were considered acceptable in all other regards, planning permission would be subject to the condition that the basement works were completed in accordance with the submitted basement impact assessment and any recommendations made in Campbell Reith's audit report. A condition would also be required to secure details of the appointment of a suitably qualified chartered engineer with membership of the appropriate professional body to inspect, approve and monitor the critical elements of both permanent and temporary basement construction.

6.7. 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.

6.8. Council's Transport Officer advised for the earlier, refused application (ref 2023/3562/P and 2023/4947/L) for a similar proposal, 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.

6.9. Although the proposed excavations would comply with the majority of the requirements of Policy A5, because to the harm that has been identified to the significance of the listed building, the works would not comply with part (e) of the policy (to not cause harm to the significance of heritage assets), and therefore, the proposals as a whole would not comply with Policy A5 of the Local Plan.

## **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) 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 secured by a Section 106 Legal Agreement and an associated review fee of £1153.00.

8.3. The lack of a legal agreement to secure the AIP and associated fee therefore 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 and special interest of any listed buildings, under s.16, 66 and 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, the proposals would not deliver any public benefits that would outweigh the harm caused by the proposed works.

10.5. The basement works would not be acceptable due to the harm that would be caused to the significance of the listed building. Offsite amenity effects are considered acceptable. In the absence of a legal agreement to secure the AIP and associated fee, the proposal is not acceptable due to potential impacts to the public highway.



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, and does not comply with the development plan as a whole.

## **11.Recommendations**

- 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.
- Refuse Listed Building Consent for the following reason:
  - 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.