

1. INTRODUCTION

- 1.1. This appeal is against the refusal of the London Borough of Camden to grant planning and listed building consents for works consisting of the removal of six (6) AC units and their replacement with three (3) AC units.
- 1.2. In their decision, the Borough opine that the AC unit in the lightwell was supportable, so the appeal looks only at the units to the rear of the building.

2. SITE ANALYSIS

- 2.1. The property is located at 34 Percy Street London W1T 2DG within a terrace of Grade II Listed Buildings.
- 2.2. 34 Percy Street comprises four storeys over a small basement, with a lower wing to the rear. The buildings sits 4^{1/2} inches in front of its neighbour at 35 Percy Street. The Survey of London records the buildings as follows:
there is one circular headed window of Adam design and the ground floor has three arched openings with keystones to two windows and the door. Each house has a single dormer in the roof.
- 2.3. The listing noticed for the site reads as follows

4 terraced houses. 1766-70; refronted 1950s. Flemish bond brick; mansard slate roof with brick ridge and end stacks and dormers. EXTERIOR: 3 storeys and attics; 11 window range. Stucco semicircular arched architrave with fanlight to mid-C18 6-panelled door to No.34, C20 door to No.35, C20 door framed by pilasters to No.36 and early C19 panelled door set in early C19 reeded architrave to No.37. Gauged red brick flat arches over 12-pane sashes and 9-pane second-floor sashes; plain storey bands. Cornice and blocking course. INTERIORS: No.36 has mid C18 open-well staircase with

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fine foliated wrought-iron balustrade, mid C18 panelled doors set in moulded architraves, enriched and moulded cornicing to ground and first floor rooms; 1st floor has moulded dado rail to front room which has mid C18 double doors with original hinges opening into rear room with fine mid C18 fireplace having central swag and fluted frieze. No.36 has similar mid C18 doors and cornicing, early C19 marble fireplaces, mid C18 moulded skirtings and dado rails and early C19 open-well staircase with stick balusters. No.34 has similar mid C18 doors and cornicing. No.35, interior not inspected.

- 2.4. The property also lies within the Charlotte Street Conservation Area and laid out over lower ground floor, ground floor, first floor, second floor and third floor.
- 2.5. The building has been extended at least twice in the past. The double pitch roof visible on neighbouring buildings has been removed, and an extension has obscured the original rear wall.
- 2.6. Records show that consent was issued in 1990 for:

Internal alterations, demolition of staircase, refurbishment of rooms to original state, replacement of internal doors and rear windows
- 2.7. Permission was granted in 2012 for its conversion to residential including ancillary works
- 2.8. Percy Street includes a remarkable diversity of buildings, unsurprisingly in a part of central London which has been built up for several centuries. Incremental redevelopment has generated its special character, and many buildings have been given an additional storey or storeys since their initial erection.

3. LEGISLATIVE AND PLANNING POLICY BACKGROUND

National Policy

- 3.1. In March 2012, the government published the National Planning Policy Framework (NPPF), which replaced national policy relating to heritage and archaeology (Planning Policy Statement 5: Planning for the Historic Environment).
- 3.2. Section 12 of the NPPF, 'Conserving and Enhancing the Historic Environment', Paragraphs 126-141, relate to developments that have an affect upon the historic environment. These policies provide the framework to which local authorities need to refer when setting out a strategy for the conservation and enjoyment of the historic environment in their Local Plans.
- 3.3. The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment:
 - The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
 - The desirability of new development in making a positive contribution to local character and distinctiveness;
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 3.4. The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
 - The desirability of new development in making a positive contribution to local character and distinctiveness;
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 3.5. These considerations should be taken into account when determining planning applications, and in addition, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be considered.
- 3.6. Heritage Assets are defined in Annex 2 of the NPPF as: a building, monument, site, place, area or landscape positively identified as having a

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degree of significance meriting consideration in planning decisions. They include designated heritage assets (as defined in the NPPF) and assets identified by the local planning authority (including local listing). A Designated Heritage Asset

- 3.7. As stated in Paragraph 128, when determining applications, LPAs should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance.
- 3.8. According to Paragraph 129, LPAs are also obliged to identify and assess the significance of an heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.
- 3.9. Paragraphs 132 to 136 consider the impact of a proposed development upon the significance of a heritage asset. Paragraph 134 states that where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the benefits of the proposal. Paragraph 137 states that developments which better reveal or enhance the significance of a designated heritage asset and its setting, will be looked upon favourably.
- 3.10. The national policy framework has therefore moved away from narrow or prescriptive attitudes towards development within the historic environment, towards intelligent, imaginative and sustainable approaches to managing change. English Heritage has defined this new approach, now reflected in NPPF, as 'constructive conservation': defined as 'a positive and collaborative approach to conservation that focuses on actively managing change...the aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment.' (Constructive Conservation in Practice, English Heritage, 2009).

4. National Guidance

PPS 5: Historic Environment Planning Practice Guide (Communities and Local Government, English Heritage, DCMS, March 2010)

- 4.1. Guidance is currently being drafted in order to support the recently published PPG. In the interim period, PPS 5: Historic Environment Planning Practice Guide, issued by the Department of Communities and Local Government in collaboration with English Heritage and DCMS in 2010, remains valid¹, and provides important guidelines on the interpretation of policy and the management of the historic environment.

Conservation Principles, Policies and Guidance (English Heritage, 2008)

- 4.2. Conservation Principles outlines English Heritage's approach to the sustainable management of the historic environment. While primarily intended to ensure consistency in English Heritage's own advice and guidance through the planning process, the document is commended to local authorities to ensure that all decisions about change affecting the historic environment are informed and sustainable.

- 4.3. This document was published in line with the philosophy of PPS5, yet remains relevant with that of the current policy regime in the emphasis placed upon the importance of understanding significance as a means to properly assess the effects of change to heritage assets. The guidance describes a range of heritage values which enable the significance of assets to be established systematically, with the four main 'heritage values' being: evidential, historical, aesthetic and communal. The Principles emphasise that 'considered change offers the potential to enhance and add value to places...it is the means by which each generation aspires to enrich the historic environment' (paragraph 25).

Strategic Policy

1. _____

The London Plan, adopted July 2011

- 4.4. On 22 July 2011 the Mayor of London published the London Plan which replaced the amended version of 2004. This now constitutes the strategic Development Plan for London, and Policy 7.8, 'Heritage Assets and Archaeology' seeks to record, maintain and protect the city's heritage assets in order to utilise their potential within the community.
- 4.5. Policy 7.8 further provides the relevant policy with regard development in historic environments. It requires that developments which have an affect upon heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail
- 4.6. Policy 7.4, 'Local Character' requires new developments to have regard to the local architectural character in terms of form, massing, function and orientation.
- 4.7. This is supported by Policy 7.8 in its requiring local authorities in their LDF policies, to seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy, as part of managing London's ability to accommodate change and regeneration.
- 4.8. The London Plan therefore encourages the enhancement of the historic environment and looks favourably upon developments which seek to maintain the setting of heritage assets.

Camden Development Plan Document (Oct 2010)

- 4.9. For developments including alterations and extensions to existing buildings, policy DP24 requires the Council to consider, among other things, the character, setting, context, form and scale of neighbouring buildings, as well as the character and proportions of the existing building. It also states that, in conservation areas, development should preserve and enhance the area.
- 4.10. Policy DP25 refers specifically to Listed Buildings when it states that the Council will only grant consent for a change of use or alterations and

extensions to a listed building where it considers this would not cause harm to the special interest of the building.

4.11. The Conservation Area Appraisal records:

Where appropriate the Council will have regard to the feasibility of installing air- handling equipment and external flues so that the position, particularly in visually sensitive locations and in the proximity of residential accommodation, will protect local amenity and preserve the appearance of the conservation area

View 1 Looking down towards existing AC units

5. Grounds of Appeal

- 5.1. On site there is evidence of considerable later alterations to the historic plan form, lost during the buildings tenure as office accommodation. These changes have included the loss of its original roof, extensions to the rear, formation of new openings, new and the removal and/or replacement of much of the historic decorative joinery and plasterwork.
- 5.2. It is salient to note that the previous occupiers positioned 6 different AC units on the building, including 2 situated on its roof, and one on the rear elevation.



- 5.3. It's return to residential use has involved the re-instatement of these features. The consented works resulted in further change to the form, fabric and features of the listed building, albeit in a sensitive manner which sustains and enhances the significance of the historic fabric and features. no proposals to remove any original features in the property, and . The proposals seek to renew, replace and reduce the existing Air Conditioning services at the property. These works are necessary to accommodate the changes to residential and the following the improvements made to the building to facilitate that change.
- 5.4. As a result of the quality of the historic interiors in a number of locations throughout the properties, two approaches were taken to replace the existing internal Air Conditioning units throughout the buildings. As such, these proposals present an opportunity to undertake a sensitive upgrade

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of the existing services which will preserve the special interest of the listed buildings whilst ensuring their continued use.

- 5.5. The installation of a new air conditioning system for the property was designed by the architects and M&E consultants in order to be sensitive to the significance of the listed building and the surrounding conservation area. The proposals have been closely informed by an assessment of the significance of these heritage assets, including their history and architectural character.
- 5.6. The approach has been to relocate the plant away from the exposed roof and upper floor terrace, and to limit the amount of new services which will be installed to the minimum that is required to achieve the appropriate level of temperature control within the property for the residents. The location and design of the proposed new units (both external and internal) and associated pipework has been well considered in order to minimise any physical or visual impact on existing original or historic fabric or features of the property that contribute to its special interest or setting.
- 5.7. Assessment of the historic and architectural interest of the listed building has established that as found today the internal spaces have been subject to considerable alteration from original, including change to the historic plan form and the removal and or replacement of interior features as part of more recent refurbishment works. It is within this context of past change, and also the recently approved scheme of works of alteration to the property, that the current proposals for new services should be considered.

External: Rear Flat Roof

- 5.8. The Appellant has installed three free-standing condensing units on the existing flat roof area at the rear at first floor level. This flat roof area was created in the modern period as an extension to the office use, and

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the units are located adjacent to a non-original wall. The units are modest in size and discreetly positioned and can be enclosed within a simple acoustic enclosure, which can be required by condition.

- 5.9. This intervention will not detract from existing private views of the secondary rear elevation or roof form of the property from within the rear garden area. Public views will not be affected by this change.
- 5.10. Only one new air conditioning units has been installed within the existing front lightwell. The Borough raise no issue as to impact on the special interest of the listed building within this space.

Internal

- 5.11. The larger ceiling mounted unit will be located within the less sensitive interwar rear extension of the original house (which will be reconfigured as part of the recently consented scheme). This unit will have no impact on any fabric or features which contribute to the special interest of the listed building.
- 5.12. This approach again demonstrates the sensitivity of the new services design to the significance of the different parts of the listed building in seeking to minimise impact on any historic fabric or interior features that remain.

6. Summary and Conclusions

- 6.1. The works proposed avoid harmful consequences to the special historic and architectural character of the Listed Building.
- 6.2. The proposals adopt a sensitive approach to the installation of new services to the listed building within the conservation area, which is based on a clear understanding and appreciation of its significance, and the existing fabric and features that contribute to this, as found today.
- 6.3. The approach has been to limit the amount of new services which will be installed to the minimum that is required to achieve the appropriate level of temperature control within the property for the residents. The location of the units (both external and internal) and associated pipework has been well considered in order to minimise any physical or visual impact on any existing original or historic fabric or features of the property.
- 6.4. In conclusion, the appeal proposals will preserve the special interest of the listed building. They will also preserve the character and appearance of the surrounding Charlotte Street Conservation Area. The significance of these designated heritage assets will be sustained.
- 6.5. The proposals will therefore meet the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF 2012, policy 7.8 of the London Plan, the adopted Core Strategy Development Management Plan, and relevant supplementary planning documents.
- 6.6. The existing condenser units on the exterior of the buildings do not feature within views towards the properties. Therefore, the replacement of these units with, essentially, like for like equipment will not harm the external appearance of the listed buildings and thus preserve their special interest.

The units have been sited on brackets so that the fabric of the Listed Building remains undamaged.

7. CONCLUSION

- 7.1. The works proposed avoid harmful consequences to the special historic and architectural character of the Listed Building.