



106 GREAT RUSSELL STREET
LONDON WC1B 3NB

ERECTION OF A REAR BASEMENT LEVEL EXTENSION, ASSOCIATED EXTERNAL STAIR AND WALKWAY ADJACENT FOLLOWING DEMOLITION OF EXISTING REAR EXTENSIONS AT BASEMENT LEVEL AND INSTALLATION OF REAR DOOR AT GROUND FLOOR LEVEL AND LANDSCAPING OF REAR YARD

Application for planning permission 2014/4963/P
Application for listed building consent 2014/5348/L

14 October 2014

The Bloomsbury Association objects to this application and wishes to make the following comments.

1 Overview

These applications have highlighted three major issues: design quality, the impact of the proposal on the existing mature Plane tree in the rear garden of 106 Great Russell Street and the impact on the listed building. All are related, all contribute to the quality of the Bloomsbury Conservation Area and cannot, as the applicant has endeavored to do in the planning strategy that has emerged over the past three years, be considered separately.

These issues are also reflected in Government policy. The National Planning Policy Framework, March 2012, sets out the Government's planning policies for England and how these are expected to be applied. These include design quality and conserving and enhancing the historic and natural environments.

Requiring good design

The Government attaches great importance to design - good design is a key aspect of sustainable development and is indivisible from good planning. The object is to achieve high quality and inclusive design responding to local character and history and reflecting the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in the area.

Assessment of landscape and visual impact involves an element of subjectivity on the part of the assessor. Professional judgment, taking into account a combination of quantitative and qualitative factors, is now widely accepted as best practice for assessing effects on landscape character and on visual amenity. Our view is that the proposal is neither high quality nor inclusive; it maybe involves some engineering gymnastics to prevent structural failure of the facade and roof drainage system above but it is not innovative. It ignores local character, history and identity in a way that affects the character of the listed building to which it is a part. It does not enhance the conservation area within which it is located. Indeed, if its impact on the adjoining tree is taken into account, it has a severely damaging affect on landscape character. The National Planning Policy Framework states: "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".

Conserving and enhancing the historic environment

The proposed dislocation of the rear facade from ground contact substantially damages the visual, spatial and historic integrity of the listed building. This is evident both externally and internally in drawing A(PL)-200 and in images contained in the Design & Access Statement. It lacks conviction in demonstrating how an uncompromisingly contemporary alteration can be made to an historic building

without considerable collateral damage. In particular, we question the impact on the structural integrity of the building and how the existing cast iron rain water pipe that drains the roof and passes between the two windows at each level goes when it is cut at ground level. It suggests that the design intent may not have been as carefully considered as such an intervention into the fabric of a valuable historic asset should be.

The National Planning Policy Framework states: "*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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional*". It goes on to state: "*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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss*".

The Design & Access and Heritage Statements make reference to the poor condition of the fabric of the rear part of listed building. The same owner/occupier and applicant have used the building for many years. Its rear elevation and garden have been badly maintained and this is no justification for their destruction. The Framework states: "*Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision*".

Conserving and enhancing the natural environment

Planning should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing elements of landscape value and eco-systems, and by minimising impacts on biodiversity. Trees can be vital to the general character of an area and can be at the heart of a particular historic or architectural interest in a site. The fact that a development proposal will require changes to trees is a material consideration in whether to give permission for those works.

Local planning authorities are also under a duty to preserve or enhance the character or appearance of conservation areas as a whole (1). A key part of that character and appearance is the trees. In addition to the protection afforded by being located in a conservation area, this tree has been offered additional protection by a Tree Preservation Order issued by the local planning authority because it was thought expedient to do so in the interest of amenity.

Central government's view (2) is that such orders should be used where there is a reasonable degree of public benefit from the tree's retention. This is because the tree is an element of the heritage significance of a conservation area or of the setting of a listed building, all of which are highly relevant here.

The National Planning Policy Framework states: "*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of, the development in that location clearly outweigh the loss*" (3). An 'aged or veteran tree' is a tree which, because of its great size or condition of exceptional value for wildlife, in the landscape, or culturally' (4).

The Framework goes on to state: "*The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity, where possible, contributing to the Government's commitment to halt the overall decline in biodiversity...*". The Framework further states: "*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*"

Mindful of the proximity of a tree protected by a TPO, the statement made by the applicant in Section 17 of the application form that there are no important habitats or other biodiversity features likely to be affected by the proposal is clearly misleading and incorrect.

2 Impact on the existing mature Plane tree

The background is that the existing tree is something like 200 years old. It is growing in the garden of a Grade II listed building that is believed to be the home and studio of the architect, designer and design theorist, Augustus Charles Pugin for much of his life. He died in 1832 and was succeeded by his son, now best remembered for his work in the Gothic Revival style, particularly the Palace of Westminster, who lived in the house until his death in 1852. It is likely that the tree was established during this period and predated the construction of the neighbouring Bedford Court Mansions from 1890 to 1895. The tree contributes to the character of the house and, as it falls within the Bloomsbury Conservation Area and as a Tree Preservation Order (C980) protects it, permission is required to carry out works to the tree. The owner of 106 Great Russell Street sought permission to fell the tree in April 2011 under application for tree works 2011/1860/T. No reason was given. The applicant again sought permission for a similar proposal to this in November 2012 (2012/3688/P and 2012/3746/L) that would have had a similar impact on the tree and it was withdrawn.

Some neighbours were notified of this at the time. However the Council determined the application hastily and, by the time residents had made their views known, had decided they had no objection, despite a previous refusal. The basis of the decision was challenged and the outcome was a provisional Preservation Order. This gave time for the Council to reconsider and properly consult with neighbors. We understand there was considerable support for the TPO and on 19 May 2011 the Council made a Tree Preservation Order for the tree that was confirmed in February 2012.

We reiterate the comments that were made earlier:

- The tree has high local amenity value. This is a sole tree in the block bounded by Great Russell Street, Bloomsbury Street, Bedford Avenue and Adeline Place and has high amenity value for the surrounding residential buildings, including Bedford Court Mansions and the residences of Florida State University;
- Its value as a wildlife habitat, for biodiversity and as an ecological asset is equally important;
- Bloomsbury's mature trees make a vitally important contribution to the character of the Conservation Area of which this is a part;
- The tree contributes to the historic setting of the listed building;
- The tree is not located in the public domain and presents no safety risk to passers by;
- We understand that the residents of Bedford Court mansions have sought specialist advice and are satisfied that the tree is presently causing no damage to the fabric of their neighbouring building;
- The original assessment prepared by the tree owner's arboricultural consultants, Barnes & Associates, and submitted to Camden Council, acknowledged that the tree, though affected by localised decay, had a large potential for growth and may be retained without suffering branch failure through canopy remodeling. The Association concurs with this recommendation and feels that the tree should be managed and retained.

A subsequent application for tree works, 2012/1542/T, sought consent for felling the tree and again gave no reason although it inferred that this was due to the risk posed to buildings of adjoining owners. Adjoining owners were not been consulted. The application was supported by a reassessment by the applicant's arboricultural consultant, Barnes & Associates, of which we were sceptical. We received informal advice at the time from an independent arboriculturalist and were surprised that an apparently healthy tree could have deteriorated so dramatically and so rapidly. We speculated that there is a margin of error in the decay detection devices that were used in this case with a degree of subjectivity in the interpretation of the results and their implications.

Barnes & Associates, in their previous report dated 18 March 2011, noted that the tree, though affected by localised decay, has a large potential for growth and may be retained without suffering branch failure through canopy remodeling. This, we understand, is a common approach to the management of trees of high historic or amenity value and it is our favoured solution. The tree now known as The Royal Oak at Boscobel House at Brewood in Shropshire is also of high historic value and, though also damaged, is meticulously managed by English Heritage to ensure its longevity. Its main threat is bad weather, from which the tree that is the subject of this application is well sheltered.

Barnes & Associates view, at the time, was that "...both damage and deflection of the side and rear boundary walls can clearly be seen" and that "The tree has potential for further growth and as such it can be expected to result in further direct damage to built structures nearby." It includes an assessment by a

consulting engineer that "... finds the damage offers a significant risk to nearby built structures and concludes that removal of the tree is the only reasonable management option to alleviate the problem." We note that although the engineer carried out a structural survey of the area immediately surrounding the tree, his inspection did not include Bedford Court Mansions.

Bedford Court Mansions Limited, the owner of the buildings to the north, commissioned their own structural assessment of the boundary wall and Smith Baxter Consulting Structural Engineers carried this out on 23 May 2011, before the current application was submitted. Their report, which we have seen, does not record any visible damage due to the impact of the tree on the boundary wall and properties in the vicinity and, in relation to other works, concluded "that the stability of the wall has not been compromised and it remains stable."

We have previously noted that the tree is not in the public domain and presents no safety risk to passers by. Clearly, if the applicant was of the view that the sole reason for felling the tree was "to obviate any risk of further damage due to direct contact, loss of limbs or total instability/collapse" then adjoining owners should have been allowed sufficient time and resource to assess that risk. Any immediate risk to person or property must be addressed but, otherwise, it was our view that the Party Wall Act 1996 may be a more appropriate procedure for adjoining owners to do this, not town planning legislation. It was reassuring to note that Barnes & Associates were of the view that the tree only "offers a significant current and foreseeable **nuisance** to the nearby walls and paving which has been confirmed by a Structural Engineer".

Barnes & Associates also note that the tree does not conform to British Standard BS5837: 2005. This is hardly surprising as it pre-dates any concept of construction standards other than those following the Great Fire of London of 1666. Indeed, it probably predates the buildings that surround it, which are listed as being of architectural or historic interest, and also do not conform with current standards. Non-compliance with current standards is no reasonable justification to destroy the nation's heritage.

The application to fell the tree, 2012/1542/T, was refused permission and the Tree Preservation Order confirmed. The current applications make no reference to the tree at all. It is shown diagrammatically on the drawings and in the images but we are sceptical about the extent of tree canopy indicated. Crucially, the proposal seeks to excavate the existing rear garden to a considerable depth beneath the tree canopy, which would entail cutting into the root spread and may remove sufficient drainage to the tree base to kill it. This might be the intention as Artimede has previously claimed that the tree posed a risk to adjoining buildings and would clearly be concerned for it to be located so close to the current proposed extension to their own building.

The Plane tree is characterised by surface root structure and a big root spread. As a guide to the likely spread of roots, a dimension of 12x the bowl of the tree, measured 1m above ground, or a distance equivalent to two-and-a-half times the height of the tree (22m) can be assumed. The maximum root spread recorded for a plane tree is 15m.

From its location, root spread may have been constrained by adjoining buildings and structures. It has not been constrained to the east and south, the area where the basement extension is proposed. Here the canopy spread is 11-12m. Clearly, the works will damage the tree's root structure; roots will be cut, the root structure may be lost and the tree may die.

Where work is proposed to be carried out on a tree with a TPO, permission is required from the local planning authority to carry out the work, including a survey and assessment of the impact of the proposal on the tree. The applicant, in Section 19 of the application form, makes no acknowledgement of this and no such assessment is included. Indeed, there is no mention in the application of the tree and of the fact that it is protected by a preservation order. No application for works to a protected tree is included with the application and, without it, we regard the proposal as invalid. If determined on this basis, could be overturned on judicial review because it has not been considered properly. We drew this to the attention of the Case Officer, by e-mail, on 6 October and to the Trees and Landscape Officer on 9 October.

The argument for retaining the tree is presented in several published documents. Your attention is drawn to *The Case for Trees* in Section 3 of the Council's *Strategy For Managing, Maintaining and Replacing Trees*. This defines the Borough's approach to the management of Council owned tree stock to ensure that it maintains and increases tree cover. It also stresses the importance of trees for air quality, microclimate, aesthetic and social benefits, environmental factors, sustainability, climate change and

biodiversity.

In 2008 the Government commissioned *Trees in Towns II* report was released, some 15 years after the original *Trees in Towns* survey. It is a troubling read. The indications are that overall canopy cover in our towns and cities has decreased, England's Victorian legacy of large trees is disappearing without replacement and trees are still languishing somewhere near the bottom of the local government agenda. *Trees in Towns II* seems to suggest that our urban forest is falling short in providing these functions, and that we are in fact seeing a slow decline. Trees are still not given the protection they need in the face of so many pressures, despite notable improvements to TPO legislation and best practice guidelines such as BS 5837.

The deterioration of the urban forest between the last survey in 1992 and the survey reported in 2008 shows that there really is no time like the present. We have already missed a generation's worth of chances to create a really robust population of urban trees and enjoy their benefits. Perhaps the consequences of our ageing Victorian tree stock were not realised early enough, nor the potential for trees as a buffer against the consequences of climate change and rapid urban development sufficiently well apprehended. We cannot unmake the past, but we will not be forgiven by posterity for missing another opportunity. The thrust of *Trees in Towns II* is that we need a bit of order, and specifically some systematic strategies for urban trees that involve all those that live and work in and manage our towns and cities, and that we need these measures as soon as possible.

We hope that the Council will act in accordance with the objectives that it and central government have set for this quintessential example of the urban tree and respect the views of local residents. We are encouraged by its statement that "The Council is committed to the effective management of its tree stock, to the conservation of existing tree cover and its increase" and hope that action will now reflect words and the tree's protection be enforced.

3 Impact on the listed building

Firstly, there seems to be a misapprehension that the value of a listed building lies only in its facade. We would like to stress that everything within the curtilage of 106 Great Russell Street is Grade II listed. The architect's Design and Access Statement says, on page 6, that only the front elevation is listed and, with such a fundamental misunderstanding of the heritage issues that are so vitally important to consider, we must be skeptical about the remainder of the proposal.

The proposal has to be considered not only in relation to its impact on the fabric of 106 Great Russell Street but also on the setting of the adjoining listed buildings and of the wider conservation area. It has been argued before that the rear of the building is not seen from the public domain and, therefore, it does not matter. Our view is that there are sufficient numbers of people living in adjoining buildings that overlook the inner space of the urban block of which 106 is a part, particularly in Bedford Court Mansions, that it does matter. This is particularly so as the proposed extension is high enough for users of its roof to be visible above the boundary wall that surrounds the garden.

The broad principles established in national policy and guidance on the historic environment are reflected in the London Plan. Policy 4B.12 seeks to ensure that the protection and enhancement of historic assets in London is based on an understanding of their special character, and form part of the wider design and urban improvement agenda. This recognizes that asset value is more than the fabric of the street's buildings but in the quality of the space that they define. This is also reflected in the objectives of PPS 5 and Policies DP24 and DP25 of the Council's Local Development Framework.

The proposal will have a damaging effect on the setting of 106 and on neighbouring listed buildings. Though conceived as an isolated garden 'pavilion' it clearly is not. Both internally and externally it is an integral part of the volume of the existing building and we are particularly concerned at its impact on the appearance and structural integrity of the rear façade and on the scale and the quality of both the internal space and on the garden that it dominates.

We are unhappy about the highly visible and audible surface fixing of air-condensing units on the existing building and on the boundary wall, which we do not feel is appropriate for a Grade II listed building nor for the important contribution that this building makes to the setting of the enclaved gardens to its rear. We question whether these have been erected with planning permission and listed building consent. No indication is given on the drawings where these existing air conditioning units are to be repositioned.

Clearly such an increase in commercial showroom space that displays heat emitting lamps can be expected to be air-conditioned yet Section 26 of the application form in relation to air-conditioning states 'N/A'. This is not credible and we anticipate that it is likely that air-conditioning equipment will be mounted on the roof of the extension where it will present an even greater impact on the listed building and on the amenity of residents directly opposite in Bedford Court Mansions.

We are also unhappy with how otherwise the basement extension might be used, both internally and externally. It seems that corporate hospitality events could all be possible which, mindful of its height in relation to the bounding wall, would have implications for both the visual and aural amenity of the homes in Bedford Court Mansions.

Whatever the view of the architectural expression of the new extension (and we feel that, alone, it is an interesting contemporary architectural solution) the harsh geometry and industrial aesthetic of a box clad in frameless curtain walling and roofed in polished concrete will not enhance the character and appearance of the Bloomsbury Conservation Area (why not a green roof?). We note that Policy DP25 states that the Council will "*only permit development within conservation areas that preserves and enhances the character and appearance of the area*" and will "*not permit development that it considers would cause harm to the setting of a listed building*". This proposal, in its present form, fails on both counts.

We are concerned at the proposal to install new timber framed, double-glazed windows in the facade of the listed building for which no details are given (application form Section 14 and drawing A(PL)-200. We are also concerned by the proposal to apply white render to the brick boundary wall, which is neither appropriate for the conservation area and which could, in time, cause damage the fabric of the listed structure (application form Section 14). We also question whether this proposal is effectively seeking retrospective consent for a change of use of the upper floors from residential to office floorspace.

Additionally, we are unhappy that, with such an increase in commercial floorspace, there is no separate provision for the storage or for aiding the collection of waste (application form Section 7).

We would have expected an application such as this to be accompanied by a structural methodology statement prepared by a Chartered Civil or Structural Engineer with specific details of subsoil and groundwater from a recent investigation and the method of excavation, including temporary supports and sequence of construction. This should demonstrate that works can be undertaken without risk or that any risks can be mitigated. A construction management plan should also accompany the application to explain how the proposed development can be implemented without risking damage to existing and adjoining buildings.

For these reasons we urge the Council not approve the application. We would be grateful if you would let us know of any further modification to the application; the decision, if it is to be decided under delegated powers, or the meeting date if it is to be decided by Committee. We would also be grateful if you would acknowledge receipt of this communication.

Stephen Heath
On behalf of the Bloomsbury Association

Copies to:

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Councillor Sabrina Francis, London Borough of Camden
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Alex Hutson, Trees and Landscape Officer, London Borough of Camden
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Seonaid Carr, London Borough of Camden
Hugh Cullum, Bloomsbury Conservation Area Advisory Committee
Kathleen Paul, Director, Florida State University Study Centre
Chair, Bedford Court Mansions Limited
Chair, Bloomsbury Association

References:

- (1) S72 Planning (Listed Buildings and Conservation Areas) Act 1990
- (2) Tree Preservation Orders: A Guide to the Law and Good Practice DEFRA 2000 and Tree Preservation Orders: A Guide to the Law and Good Practice - Addendum May 2009.
- (3) Paragraph 118, National Planning Policy Framework, Department for Communities and Local Government, March 2012
- (4) Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, March 2012