

Grounds for appeal of the refusal by London Borough of Camden Council of full planning application ref 2014/3316/P and associated Listed Building consent ref 2014/6518/L.

These grounds for appeal were prepared by David Cunningham and Reiko Yamazaki.

David Cunningham

Qualified architect of 30 years experience. Amongst many listed and historic building projects David delivered the 26 reserved matters on the Battersea Power Station (Parkview Estates Outline Consent) whilst working with 3D Reid architects, He was also the retained architect for the Grade 1, Covent Garden Ladies Health Spa complex (known as The Sanctuary) for 15 years.

Reiko Yamazaki

Worked on various historic buildings including:

Chester Street, London SW1X

Restoration, renovation and extension to late Georgian (Regency Style) residential property in Belgravia, London (Grade II) - Found Associates (2013)

Tower Environs, Tower Hill

Renovation and restoration of Grade I and Grade II buildings for new visitor facilities, Tower of London - Stanton Williams Architects (2004)*

Whitby Abbey Visitor Centre (Grade II)*

Funded by Heritage Lottery Fund - Stanton Williams Architects (2002)

Introduction

This refusal follows a lengthy process of pre-application consultation and **attempted** post pre-app and post actual application dialogue with the LPA. The appellants found the level of response and engagement to be very poor.

We have included the pre-app submission and the council's response along with our follow up to that to which we didn't even get a response (despite many requests to engage) this meant we had to submit the application without the benefit of discussions with the LPA.

We have put together a chronology of our attempts to engage with the LPA from the initial delayed pre-app to the non-answer to the pre-app revisions, to the long delay with the final decision.

Despite many attempts to obtain advice, and indeed a decision little was forthcoming until a councillor who was approached by the client intervened.

The chronology is included at **Appendix A**.

We include this information, as we believe that given a better dialogue with officers, the Reasons for refusal 2, 3 and 4 could have been addressed through

minor amendments and explanation during the course of the application. We have included such explanation and amendments that we think resolve these issues within this appeal for the consideration of the inspector.

1.0 The Planning refusal

Reason for refusal (RR) RR1 This is a design matter and is a fundamental issue. The appellant disagrees that the design is over dominant due to its height, width, scale, bulk and design. In the context of the conservation area all these aspects are sensitively balanced to provide an improvement to the character and appearance of the conservation area to both the front and the rear of the building.

The second question that arises is whether these elements (height / width / scale / bulk and design) produce an over-dominant form of development that harms the special historic and architectural interest of the listed building and the Bloomsbury Conservation Area.

These are separate issues, so taking each in turn;

1.1 The affect on the character and appearance of the conservation area.

The following images illustrate the improved appearance to the rear and then the front of the site.

Thes drawings usefully describe the positive affect these changes will have on the character and appearance of the conservation area. Annotations with the images explain further.



Figure 1: Existing rear elevation (N.T.S.)

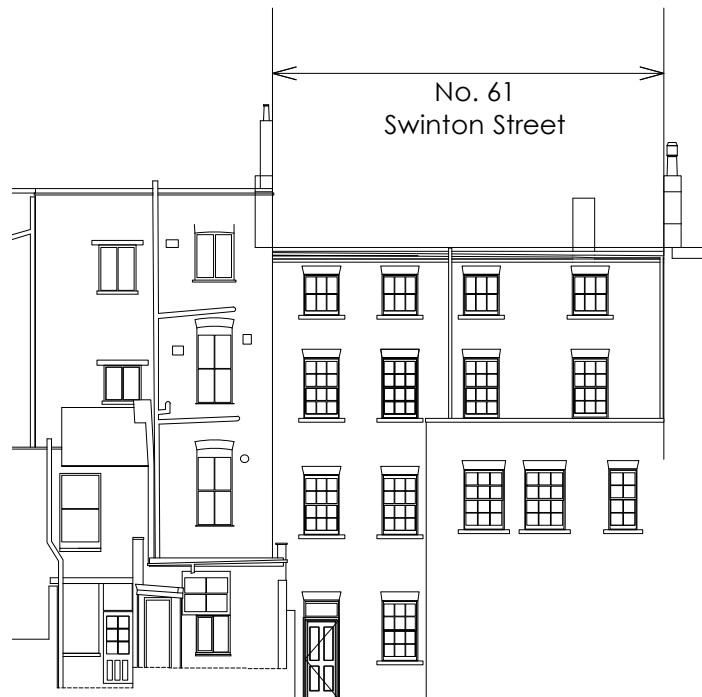


Figure 2: Proposed rear elevation (N.T.S.)

Here we can see how an adhoc and jumbled elevation is transformed to one with order and which is composed of historic referenced, balanced design.



Figure 3: 3D image of existing rear elevation



Figure 4: 3D image of proposed rear elevation



Figure 5: Proposed rear



Figure 6: Photograph of existing front elevation



Figure 7: 3D image of proposed front elevation

1.2 To look at the affect the stated elements of the design have on the special historic and architectural interest of the listed building we first identify those qualities. Note we have also referred, in these planning refusal grounds, to the 'plan form' aspects as raised in the Listed building consent refusal.

Below is the description and Analysis from AHP's (Architectural Heritage Partnership) Heritage Audit (This document formed part of the planning application).

Extract from Description and Analysis

Front Elevation

The main front of the building to the street is five bays wide and four storeys high over a basement, with a plain parapet. Doubtless the facade was originally of brown brick with red brick window arches, like the adjoining houses, but the ground floor now has brown glazed faience facing dating from the mid-twentieth century and the upper storeys are faced with render, ashlar to resemble masonry. The windows of the upper floors all have raised moulded surrounds, with ears or lugs to the surrounds of the longer first floor windows for additional emphasis. Such surrounds are typical embellishments of the mid-nineteenth century and may have been added when the eastern part of the street was built up in the late 1830s.

Rear Elevation

Some original brickwork is still visible in the lower part of the rear wall of the main building but the upper parts are of stock brick, which is probably a post-Second War rebuilding. There is a substantial two-storey multi-period eastern addition extending the full-depth of the plot and a smaller single storey western addition.

Front Area (External)

It is clear there was originally a front area. Early maps (figs 2 and 4) appear to show two front areas either side of a central entrance but the western end of the present front area appears to have been partly covered over by the 1890s. The eastern half remained at least partly open until the 1930s.

Interior Plan Form

The main building is essentially of 1775, though much altered. Originally it probably had a simple plan with a central core containing the entrance hall and a full-height dog-leg stair, with a central landing and a single room on each side, heated from chimney stacks in the end walls. This plan survives on the first floor and above but has been lost on the ground floor and basement.

Basement Floor

Inside the main building at basement level there are three brick vaults under the street. In the main building there is a hearth with a chimneypiece on the eastern side but not on the western, which was presumably the storage cellar. The floor is mostly concrete with a few stone paving slabs. The space is now divided by modern blockwork partitions with a modern timber stair to the ground floor.

Ground Floor Front

At ground floor level, comparison with the 1936 plan shows considerable alteration. Originally there was almost certainly a central entrance door with a room on either side. The 1833 sales particulars talk of a bar, taproom and parlour or coffee room, one of which may have been in a rear addition. By 1936 there were three doors to three separate bars, but no separate entrance hall, and the lowest flight of the stair was already turned at right angles. There is now a single bar across most of the front with a separate entrance hall on the east side. The bar and the timber fittings are all modern. Nothing survives of the 1930s or earlier arrangements.

Ground Floor Rear

The large rear bar combines parts of the 1930s public bar and saloon lounge with what was then a small open yard between them as well as the large billiard hall. From the history already set out it is clear that the lower floor of the wing may incorporate some 19th century fabric. It is not known when the bar took its present form but it was probably in the 1980s or 1990s.

Upper Floors

The upper floors of the main building retain their original plan form, but there has been a lot of repair and replacement of the original fabric. The rooms are modest and decorative finishes must always have been very simple. The timber dog-leg stair above the first floor is almost certainly original, as are some of the moulded timber door and window surrounds and perhaps even some of the timber sashes. In many places the old timber floorboards have been replaced or overlaid with later flooring, mainly tongue and groove boards, plaster ceilings and partitions have been replaced with chipboard or plasterboard and many of the window sashes have the horns which indicate that they are 19th or 20th century work.

Rear Wing

The upper floor of the rear wing appears to be entirely of the 20th century, though clearly the product of at least two builds, one of which was probably in the late 1930s. Indeed, it appears that the whole building was extensively overhauled at this period.

1.3 Dealing with the rear elevation and its proposed alterations and extension

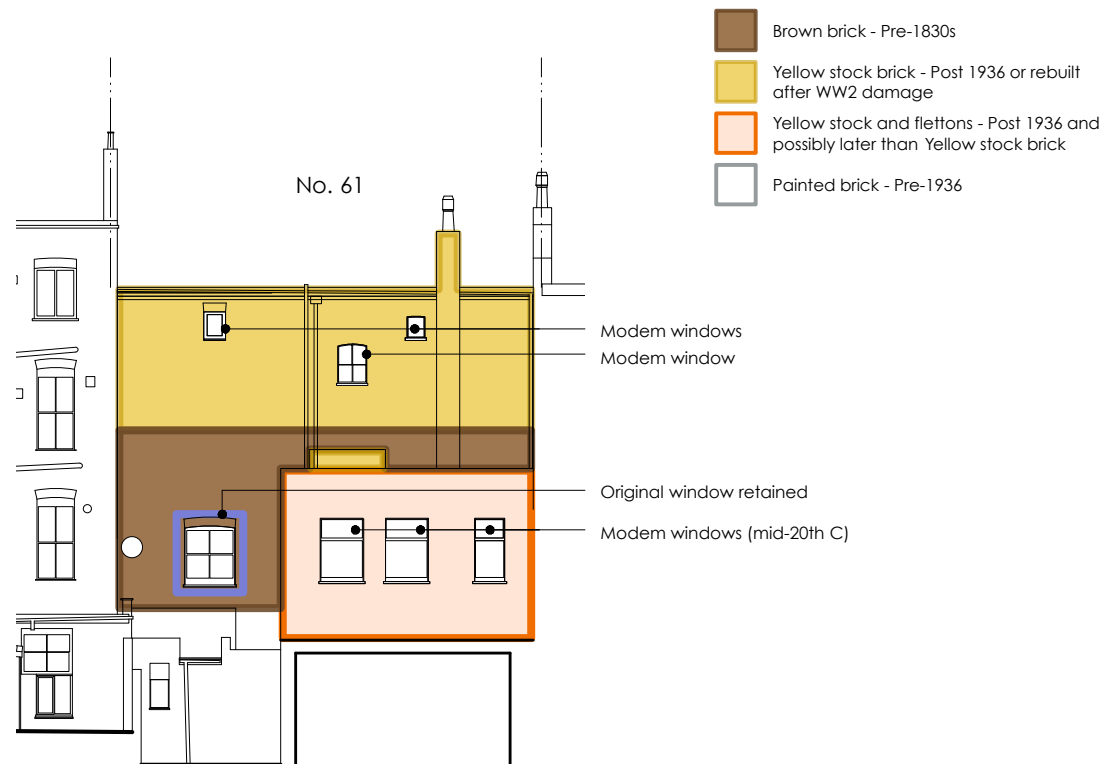
The following images illustrate the mish-mash of brickwork and walling types to the rear and the totally ad-hoc elevational composition.



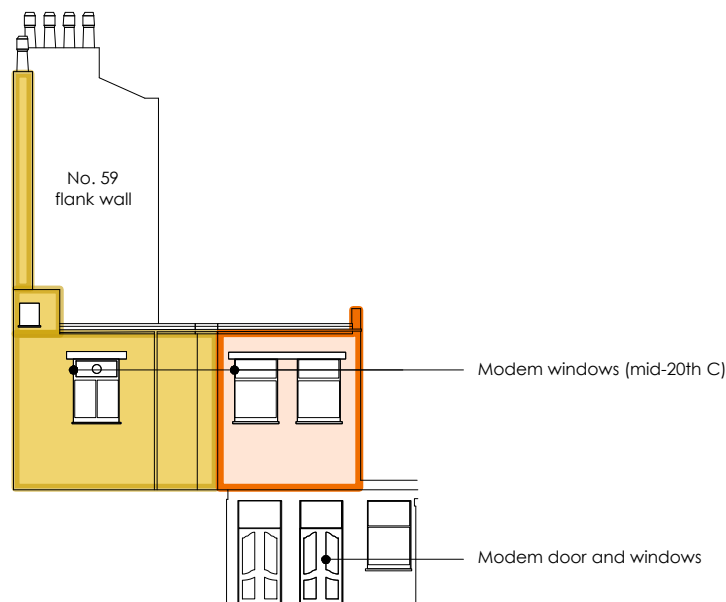
Figure 8: Photo of existing rear elevation



Figure 9: Photo of existing rear extension elevation



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION

Figure 10: Illustration of existing rear and side elevations showing a patchwork of materials from various times

We reproduce here the listing for the building, (items relating to 61 specifically are emboldened);

CAMDEN

TQ3082NE SWINTON STREET 798-1/91/1588 (South side) 25/10/71 Nos.55-67 (Odd) and attached railings. The King's Head Public House (61-63)

GV II

Terrace of 7 houses. c1776, some altered. Nos 55-59: darkened stock brick, Nos 55 & 57, 3rd floors rebuilt. No.55 painted ground floor; Nos 55 & 57 rusticated stucco ground floors. Plain stucco 1st floor bands. 4 storeys and basements. 3 windows each. No.55, wooden doorway with fluted pilasters and brackets carrying projecting cornice; fanlight and paneled door. No.57, wooden Doric doorcase with open pediment; round-arched doorway with radial fanlight, panelled reveals and door. No.59, segmental-arched, recessed doorway with fanlight. Gauged red brick flat arches to recessed sashes with glazing bars; 1st floors Nos 55 & 57 with cast-iron balconies. Parapets. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with urn (No.55) and torch flambe finials to areas. **Nos 61-63 (King's Head Public House): stucco. Formerly 2 houses with 3 windows each, now 5 windows. 4 storeys and cellars. C20 public house frontage with late C19 consoles flanking fascia. Architraved sashes, with lugs to 1st floor. Parapet with plain stucco band. INTERIORS: ground floor with c1930s bar interior with central counter and bar back.** No.65: darkened stock brick. 4 storeys 1 window. Late C19 wooden shopfrontage with enriched consoles. Gauged red brick flat arches to recessed C20 sashes. Parapet. INTERIOR: not inspected. No.67: darkened stock brick with painted ground floor. 4 storeys and basement. 3 windows. Wooden architraved doorcase with simplified Doric entablature and dentil cornice, fanlight, panelled reveals and C20 door. Gauged red brick flat arches to recessed C20 sashes. Parapet. INTERIOR: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with torch flambe finials to areas. (Survey of London: Vol. XXIV, King's Cross Neighbourhood, St Pancras IV: London: -1952: 98).

The listing, in so far as it gives guidance to the special historic and architectural interest makes no mention whatsoever of the plan form or of the rear elevation of this building.

The areas where the proposals are aiming to restore the building's historic composition are mentioned and these are mainly to do with elements of the street frontage.

1.4 The current proposal is fully detailed in the drawings and statements prepared by Divine Ideas, the building will be converted to hotel use with a bistro on the ground floor and two new self-contained apartments will be formed on the ground and first floors at the rear of the property. The principal physical alteration will be the construction of a new rear range one room deep rising the

full height to match the main front range and there will also be a number of internal alterations.

External Works

On the street facade, sections of **the original basement** area will be re-opened and enclosed by new metal railings following the pattern of surviving early railings in the street. All the timber sash-windows in the front will be overhauled and the two blocked windows on the third floor will be re-opened.

At the rear, which is totally enclosed from the street and not easily visible in longer views, the existing and unsightly upper rear elevation of the main the building will be covered by new full-height rear range, which will be faced with reclaimed stock brick. The new range will have regular fenestration, with small-paned timber sash windows to match those recently approved for the rear elevation of 65 Swinton Street and similar in appearance to the windows in numbers 57 and 59 Swinton Street. The existing rear-wing will be also re-fenestrated with small-paned timber sash windows.

Internal Works

At basement level, which is currently in a very neglected condition, the window and door openings to the front area will be refurbished, an existing modern blockwork partition will be removed and new partitions will be installed to enclose a new kitchen and plant room. The steep timber stair to the ground floor will be renewed.

On the ground floor the existing side entrance passage will be retained as access to the new apartments, with the existing stairs to the first floor, but the rest of the original ground floor space will be re-partitioned to form a reception/bar area and a breakfast room/bistro, with a link to 65 Swinton Street through a rear lobby.

The rest of the present rear bar and the ground floor of the existing rear wing will be adapted to form a new two-bedroom apartment with an open courtyard.

On the first floor, the original plan form will be retained, with the central stair flanked by a single room on each floor. New lavatory and bathroom cubicles will be formed in each room and a new lobby will be formed on the stair landing with doors to the rooms. On the half-landing between ground and first floors a connection will be made through the original rear wall into the new rear range for an escape stair. Rooms in the new range and the first floor of the existing rear wing will form the second private residential apartment, served by a new stair on the line of the existing stair from the ground floor side passage.

On the second floor the original plan form will be retained, with new bathroom cubicles in the two front rooms and a new lobby between them on the stair landing. The two original hearths in the end-wall chimneybreasts will be retained but the twentieth century tiled chimneypieces will be removed. The lavatory compartment on the half-landing between first and second floors will be

removed to form a new opening to the new rear range where there will be two en-suite hotel bedrooms.

The treatment of the third floor will be similar to the second floor, with a connection through to the rear range on the half-landing. The twentieth-century tiled chimneypiece in the west room will be removed but the hearth will remain.

External Impacts

The works to the facade consist principally of refurbishment and will not affect the significance of the listed building. The partial reinstatement of the front area with properly detailed area railings to match those of number 65 should enhance both the building and conservation area.

The new rear range will be a major addition to the building, but very little original fabric will be lost in making the addition. At present, the rear elevation of the building is an unremarkable patchwork of materials. The new range will be faced in re-claimed London stock brick with a concealed roof and will have small-paned sash windows like those of the front elevation. The new range will not be visible from the street or in any public views and will preserve the character of the Conservation Area.

Internal Impacts

The internal impacts as a result of the conversion to hotel and residential use will be considerable, but very little original fabric will be lost because of the works. The historic plan form of the main building and the original stair will be preserved.

Appendix B illustrates the amendments proposed on a floor-by-floor basis. These drawings help illustrate how there is good preservation of the historic fabric and indeed some restoration to historic arrangements particularly on the lower floors and to the frontage.

It is true that the rear extension to the two uppermost floors adds to the historic plan form but that plan form is retained almost in its entirety, and so far as it is amended this is in and around those areas that have (as can be seen by the various brick work patterns) already been altered in recent times.

1.5 Further the plan form remains reasonably intact in the proposed designs and the architects have designed ways that it can still be appreciated, for example the retention of the one historic window in the rear elevation.

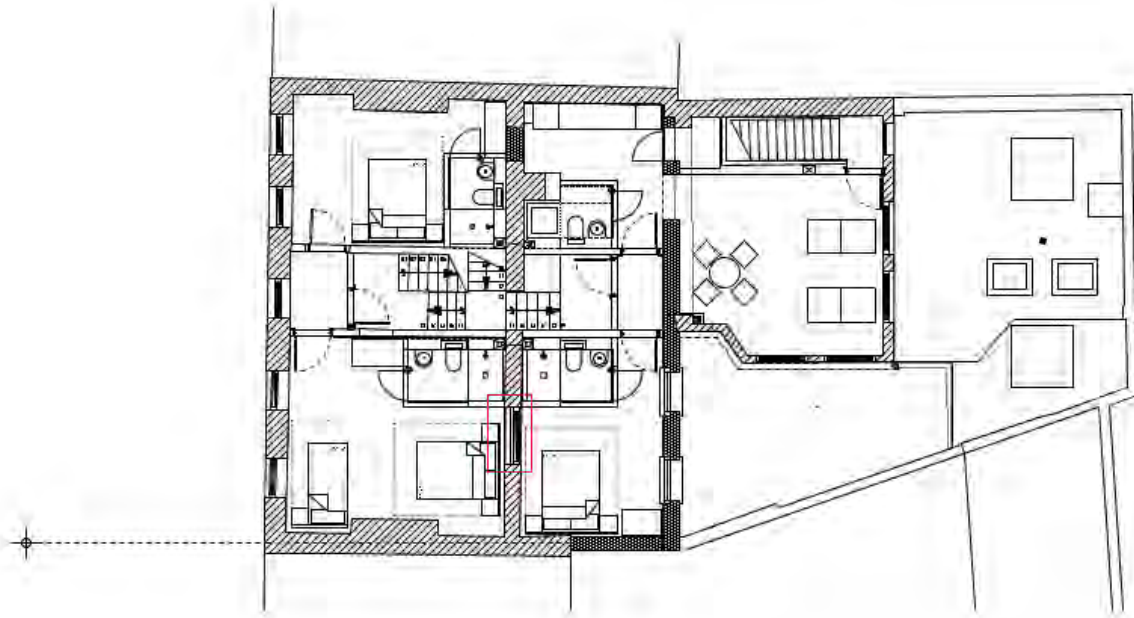


Figure 11: Proposed 1F Plan with window to be retained highlighted



Figure 12: 3D interior view of proposed guest room and retained window and elevation

1.6 In summary

On balance there is minimal harm from the proposals to the plan form of the historic building, which is retained within the new design. The plan form already has been removed at the lower floors and the existing rear elevation and wall treatments to the upper floors do not suggest there is much historic fabric remaining toward the rear of the upper floors.

Further the Proposed rear extension follows the form of the main neighbouring terrace. It replicates this and improves the character of the conservation area as far as it is viewed in the rear courtyard.

The frontage improvements enhance the appearance of the building within the conservation area and the character and special architectural interest of the listed building.



Figure 13: Areal photograph of appellant site in context

The above image shows how recent developments have been allowed in adjacent properties, in the same terraces, which have retained the frontage appearance but changed the plan forms to the rear. (edged pink)

2.0

RR2 This is a technical issue. Our reading of the policies meant that we did not consider that a sustainability report was required. If we had been able to engage with the LPA (as we tried to do on many occasions) and they had explained that they wanted this report, we would have produced it.

We therefore rely on the following interpretation of the policy that sets out when such a report should be provided, and as can be seen in this instance, it appears a report would not be required.

When is a sustainability statement required?

A sustainability statement should accompany applications for:

- *all new build residential houses and flats*
- *multi-occupation residential buildings with 10 or more rooms/units or occupiers*
- *residential refurbishments, conversions and change of user for: 5 or more dwellings, or 500sqm or more of floor space*
- *non-residential development of 500sqm or more of floor space (including offices, retail and industrial)*

We are less than 5 units dwellings (2 units proposed), and we have less than 500sqm of non-residential development so as such we had no requirement to include any reports.

3.0

RR3

We have commissioned a technical report that looks at the daylight levels in the proposed dwellings. Again if we had been in dialogue with the LPA we would have produced this during the application phase. They also did not request this information at the pre-app stage.

The assessment undertaken by NRG (see **appendix C**) demonstrates that the self-contained flats and hotel guest rooms at 61 Swinton St achieve good levels of daylight with all rooms meeting or exceeding the values set by British Standard BS8206:Pt2 and Site Layout Planning for Daylight and Sunlight, A guide to good practice, by P J Littlefair, BRE 2011. We have had to make some minor amendments to introduce rooflights to improve the lighting levels in unit one only. These are shown in drawings at appendix C.

The existing ancillary accommodation spaces on 2nd and 3rd floors are of 'bed-sit' arrangement (107.7 sqm.) without dedicated kitchen & living / dining area. The proposed is two self-contained flats with increased area (146.87 sqm), both meeting the Camden's and the London Plan's minimum floor space per unit. The residential accommodation on this site is improved significantly in its quality and amenity.

4.0

RR4

The applicant has owned the building for over 5 years and has seen three operators come to try and make the pub space work. The final 2 on minimal rental terms because it was cheaper than paying empty rates if a business was operating on site.

All these ventures failed. This is no longer a viable site for a pub. In the end the owners couldn't get an operator even on a nil rental deal and the premises were closed. Squatters moved in and it took the owners 6 months to move them out after which, for the past 18 months, a building guardian has been in occupation whilst the premises have been available for re-use as a pub with no interest manifesting itself.

Appendix F provides a letter from the owners and some extracts from the tenancy agreements. This information was presented to the LPA as part of the pre-app process. They did not seem to have had a problem about this at that stage but seem to have changed their position.

The application details how a smaller bistro type operation will be more sustainable. This will operate all day in support of the adjacent hotel trades both on site and in the immediate vicinity. Starting with breakfasts, morning coffee, lunch and afternoon tea. Evening trade will be more akin to a pub operation in any event as it will switch over to a bar type use.

A smaller operational footprint is proposed but this is partly off set by bringing the basement area back into proper usage.

As with the previous two reasons for refusal, this issue could have been resolved through dialogue with the LPA, as it is clear that the above operational descriptions can all easily be accommodated within the pub use which could remain to the areas designated commercial at the ground and basement floors.

Indeed the aspirations in the quoted policies, to support community facilities and services and particularly ***'CS10 (g) to facilitate the efficient use of community facilities and the provision of multi-purpose community facilities that can provide a range of services to the community at a single accessible location'***.... This is precisely what the appeal proposal seeks to deliver.

5.0

RR5 and RR6 As noted in the LPA refusal notice informative, these matters can become subject to a Section106 agreement, which we will agree with the LPA, should the appeal be allowed.

6.0

The final statement on the refusal notice letter says..

'In dealing with the application, the council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the NPPF'. This is simply not true. See **appendix A**. We doubt that this has any material bearing on the inspector's decision making but should the inspector wish to see full detail of the various attempts at correspondence these can be made readily available.

Listed Building Consent refusal ref 2014/6518/L

Grounds for appeal

1.0

RR1

The appellants have included their case, concerning original layout and plan form, in the grounds for appeal made with respect to RR1 in the planning consent refusal. We refer the inspector back to that section of these grounds items 1.1 to 1.6 to be read again here in the grounds for appeal against the Listed Building Consent refusal.

2.0

RR2 We have reviewed this in context of other approvals in the area.

The most pertinent is the consent at the neighbouring property. At No. 65 Swinton Street the front elevation windows are approved for overhaul renovation and restoration and to remain single glazing timber sash windows. The new windows to rear extension are approved to be 'slim-lite' or 'slim-line' double-glazing. Approved drawings for discharge of conditions are attached at **Appendix D**. We are content to propose the same for No.61. Given a dialogue with the LPA this would have been agreed during the process,

3.0

RR3

We have historic map evidence, which proves we are reverting to the historic context on this matter. The drawings are presented in **Appendix E**.

On the basis that the proposal reinstates historic layout and arrangements the Council's concern for loss of York stone paving is misplaced. The arrangement is not atypical of a traditional public house and as the historic map evidence quite clearly shows these light wells were originally part of the pub's presentation to the street frontage.

As the 3D image montage of the street frontage (see Section 1.1 Figure 7 above) show it also improves and restores the street scene in the conservation area.

4.0

RR4 (although the LPA listed it as RR3 again on the notice)

It appears that the LPA have not read the proposals correctly. The rear wall is not lost, in fact it is partially replaced. See sequence of drawings in **Appendix B**.

For a planning and listed building stage scheme, the drawings clearly indicate how the structure will be dealt with. There are no significant structural matters here. Simple building control and structural calculations will follow within the detail design stage, as would be the normal course of events. Additional notes are included on the drawings in appendix B to clarify the structural proposals.

Conclusion

The appellants believe that the various detailed matters in the reasons for refusals for both the planning (RR 2 to RR 6) and the listed building applications (RR 2 to RR4) have been satisfactorily dealt with by the objective responses and further information supplied in these grounds for appeal.

Regarding the substantive matters in both refusals at RR1 these grounds have demonstrated;

To both the important, main street frontage, and the less frequently seen rear area, the scheme proposals will enhance the character and appearance of the conservation area. This is an important benefit.

The fabric of the listed building is mainly maintained and enhanced. Many historic features are reinstated (the front light well / front elevation improvements / some internal walls and arrangements).

The plan form is retained. It is still recognisable within the proposed development. In the areas where it is proposed that it will be amended it has already been largely rebuilt in more recent times.

A long time vacant and derelict listed building will be brought back into a vibrant mixed use that will fulfil the council's aim of working with its partners to provide facilities for both Camden's people and also visitors to the borough.

The improvements to both the character and appearance of the conservation area and to the special interest features of the listed building (i.e. the frontage and features as mentioned in the listing notes) outweigh the minor alteration to some parts of the plan form (which is not part of the special interest).

The appellants respectfully ask the inspector to allow these appeals.