

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	11/01/2016
		N/A / attached	<b>Consultation Expiry Date:</b>	07/01/2016
<b>Officer</b>			<b>Application Number(s)</b>	
Darlene Dike			2015/6464/P and 2015/6935/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
42 Bedford Square London WC1B 3DP			Please refer to relevant decision notices.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
2015/6464/P and 2015/6935/L - Erection of a glass and metal arbour structure with planting in rear courtyard, and associated replacement of basement level window with door.				
<b>Recommendation(s):</b>		Had an appeal not been lodged, planning permission and listed building consent would have been refused		
<b>Application Type:</b>		Householder Application and Listed Building Consent		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>11</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 16/12/2015 to 06/01/2015.  A press notice was published from 17/12/2015 to 07/01/2016.</p> <p>No responses were received from adjoining occupiers.</p>					
<b>CAAC/Local groups* comments:</b>	<p>Historic England responded to our formal consultation with the recommendation that the applications should be determined in accordance with national and local policy guidance and on the basis of Camden's specialist conservation advice.</p>					

## Site Description

The application site comprises an 18<sup>th</sup> Century 3 storey plus attic and basement mid terrace building located on the southern side of Bedford Square, close to the junction with Adeline Place. Though currently unoccupied the property is being refurbished for use as a single dwelling house.

The site is located in the Bloomsbury Conservation Area and is Grade I listed, and thus forms a designated heritage asset of high significance.

## Relevant History

### APPLICATION SITE

- 2013/6444/P** - Erection of a two storey extension to the existing link structure, installation of a new dormer, balustrade and 3 condenser units to roof, installation of two internal lifts, creation of two plant rooms, and alterations to fenestration of dwelling house. **Non-determined, but would have refused 11/06/2014, subsequent appeal withdrawn 01/07/2014**
- 2013/6469/L** - Erection of a two storey extension to the existing link structure, installation of a new dormer, balustrade and 3 condenser units to roof, installation of two internal lifts, creation of two plant rooms, alterations to fenestration and various internal works to replace and refurbish ceilings, partitions and mouldings to dwelling house. **Non-determined, but would have refused 11/06/2014, subsequent appeal withdrawn 01/07/2014**
- 2014/4633/P** - Conversion of existing building containing 6 self-contained dwellings (1 x 1 bed flat, 4 x 2 bed flats and 1 x 4 bed maisonette) for use as single family dwellinghouse (Class C3), erection of two storey infill extension at lower ground floor level to existing link between primary and mews buildings, erection of new flat roof to enclose existing third floor terrace including lift overrun, installation of balustrade around lantern at roof level, removal of existing roof lights and vents, installation of hatch to roof, installation of 3 x air condensers to middle of existing roof, alterations to external steps and alterations to fenestration. **Refused 02/09/2014, and subsequent appeal allowed 10/02/2015.**
- 2014/4634/L** - Works associated with conversion of existing building containing 6 self-contained dwellings (1 x 1 bed flat, 4 x 2 bed flats and 1 x 4 bed maisonette) for use as single family dwellinghouse (Class C3), including erection of two storey infill extension at lower ground floor level to existing link between primary and mews buildings, erection of new flat roof to enclose existing third floor terrace including lift overrun, installation of balustrade around lantern at roof level, removal of existing roof lights and vents, installation of hatch to roof, installation of 3 x air condensers to middle of existing roof, alterations to external steps, alterations to fenestration, installation of two internal lifts, and various internal works to replace and refurbish ceilings, partitions and mouldings to dwelling house. **Granted 02/09/2015.**

### NEIGHBOURING SITES

No relevant history.

## Relevant policies

### National Planning Policy Framework 2012

### London Plan 2015

### Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

### Camden Development Policies 2010

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

### Camden Planning Guidance 2015 and 2011

CPG1 Design – Chapter 4 and 6

CPG6 Amenity – Chapter 6 and 7

### Bloomsbury Conservation Area Appraisal and Management Strategy 2011

### Fitzrovia Area Action Plan 2014

## Assessment

### 1. Proposal

1.1 Planning permission and listed building consent are sought for the erection of an almost 2 storey modular arbour structure constructed from polyester powder coated stainless steel and glazed sections, and topped by planting. It would be 4m wide, 5m deep and 4-6m high. The structure would be located in the rear courtyard and largely infill this space. To allow access to the structure permission is also sought to replace an existing basement level sash window in the courtyard with a new door.

### 2. Assessment

2.1 The principal considerations material to the determination of this application are summarised as follows:

- Design (Visual impact) and Heritage (Impact on the Grade I listed host building and wider conservation area)
- Amenity (Impact on the amenity of adjoining neighbours)

### 3. Design and Heritage

#### *Design*

3.1 The application site currently benefits from a traditionally arranged central courtyard space, enclosed between the main house, its own closet wing and that of next door, a link building and the mews house to the rear. Intended as a 'contemporary translation of an arbour', as explained within the submitted Design and Access Statement (page 19), the proposal makes a marked and deliberate departure from the traditional character of the courtyard. Although this results in a bold and striking design which is aesthetically pleasing in its own right, officers consider it will jar dramatically with the traditional courtyard area it is to be set within. This would have a deleterious

visual impact on the immediate context of the rear courtyard and appearance of its host building, on the character and setting of the listed building, as well as on its wider setting within the Bloomsbury conservation area.

3.2 Guidelines within DP24 make it clear that 'we will not accept design that is inappropriate to its context' (paragraph 24.4). It is considered that as these works to erect an arbour of such strongly modern design would not sit comfortably within this traditional setting, the proposal directly contravenes Council policy.

3.3 DP24 goes further to explain that, although 'innovative design can greatly enhance the built environment' and 'high quality contemporary design will be welcomed', this should only be the case 'unless a scheme is within an area of homogenous architectural style that is important to retain' (paragraph 24.6). 42 Bedford Square falls within a Grade I listed terrace, described within the Bloomsbury Conservation Area Appraisal and Management Strategy as 'a virtually intact and exemplary piece of 18<sup>th</sup> Century town planning' (page 38), so there is a clear homogenous pattern present which requires retention. Consequently it would breach this policy to allow such a modern intervention here which would intrude upon this uniform layout and character and thus be harmful to the character and appearance of the conservation area. With its highly contemporary design and form, uncharacteristic of the host building and its surroundings, the arbour would be inappropriate in appearance.

#### *Scale*

3.4 In terms of scale, the detailed design of the arbour is also unacceptable with regards to its height. Rising to a maximum height of 6m, and predominantly 4m tall, the proposed arbour would have the appearance of being almost 2 storeys in height. Given this, the structure would not be subordinate to the main building nor the mews building set behind it, but would instead appear bulky and dominant. Though the modular arrangement and use of materials is intended to make the arbour a light structure, its excessive height means that it cannot be seen as such – instead it could be read as a large infill extension (as the structure would be enclosed and feature sliding doors that provide internal access). DP24 makes it explicit that 'overly large extensions can disfigure a building and upset its proportions' and goes on to advise that 'extensions should therefore be subordinate to the original building in terms of scale and situation' (paragraph 24.13), which proposals just do not accord with. The Bloomsbury Conservation Area Appraisal and Management Strategy furthers the need for more modest massing in stating that 'Where new development has not been successful in terms of preserving or enhancing the character and appearance of the Conservation Area, this has generally been due to one of the following: Inappropriate scale, bulk, height and massing' (page 116). The proposed arbour would create a new structure of wholly inappropriate scale, bulk, height and massing and thus not serve to preserve and enhance the conservation area.

#### *Garden space*

3.5 The proposal also falls short of standards for development in garden areas to retain a reasonable amount of garden space. At 4m in width, the proposed arbour occupies the full width of the courtyard. It is also 5m deep in a garden space that is just 8.7m long. This results in a surface area coverage of 20m<sup>2</sup> out of a total 38m<sup>2</sup> of garden space which, at 52% of its original size, is arguably excessive. The rear courtyard is the only remaining outdoor space for the dwelling, and it has already been overdeveloped, facing a substantial reduction in its area from the presence of a link building which connects the main house and the mews. The addition of a structure which on plan measures 4m by 5m would result in the loss of the remaining amenity space, and for this reason the proposed arbour is too long and wide. It would not just clutter the courtyard space but essentially infill it, causing the majority of the site to be covered in built form. CPG1 Design

unequivocally states that 'development in rear gardens should...ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, and is visually subordinate to, the host garden' (paragraph 4.24). Proposals to erect an arbour of the scale intended would not achieve this necessary visual subordination. The immodest scale of proposals would also have a wider impact on the Bloomsbury conservation area, as currently every property within the southern terrace that 42 Bedford Square sits within contains a meaningful amount of courtyard space. The incongruous addition of an arbour at number 42 would disrupt this significant run of courtyard spaces, and be contrary to DP25 'development will not be permitted which causes the loss of ... garden space where this is important to the character and appearance of a conservation area' (paragraph 25.5).

#### *Listed building*

3.6 Furthermore, the proposed arbour would also have a detrimental impact on the special interest of the Grade I listed building. Given its massing, the arbour would largely obscure the historic building from internal views and obscure the relationship between its component parts around the courtyard. Whilst not attached to the back of the main house, the arbour would stand against the closet wing, which it would conceal. It would also block views of the rear of the house from the garden. As 42 Bedford Square is a heritage asset of high significance, it is important that this unobstructed setting and appearance is protected and thus the harm caused to the special interest of the listed building is unacceptable. DP25 explains that 'to preserve or enhance the borough's listed buildings, 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' (paragraph 25.1). Proposals fall foul of DP25 in this regard and so are not appropriate.

3.7 Currently the main building at 42 Bedford Square and the mews building that sits across the courtyard behind it are read as distinct. The proposal would severely erode the visual separation between the mews and main building, as the arbour would essentially infill the dividing courtyard space. This loss of visual separation is unacceptable, in line with CPG1 Design guidance which states that 'planning permission is unlikely to be granted for development whether in the form of extensions, conservatories, garden studios, basements or new development which significantly erode the character of existing garden spaces' (paragraph 6.31).

#### *Basement window*

3.8 Finally the proposals also seek to replace a basement window with a door. This aspect of the scheme is unacceptable also, as the resulting removal of the window apron would demand the loss of historic fabric which it is important to retain on such an exemplary Grade I listed building. Again the loss of historic fabric and harm to the appearance of the listed building as viewed within the courtyard would be contrary to policy DP25.

#### *Conclusion*

3.9 Special attention has been attached to the requirements of sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013, which place a duty on local authorities to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and the desirability of preserving or enhancing the character or appearance of the conservation area. It is considered that, in this case, the new arbour and basement window would harm both heritage assets of the listed building and conservation area.

#### **4. Amenity**

4.1 The proposed arbour is not considered to raise any amenity issues to neighbours. Given the position of the works at basement level, screened by a 2 storey high perimeter wall on one side and the presence of a 2 storey link building on the other, it is considered that there would be no loss of privacy, outlook or sunlight/daylight as a result of the works.

#### **5. Planting and Biodiversity**

5.1 Though unacceptable on design and heritage terms, the proposed arbour would make a positive contribution to planting and biodiversity. The proposed arbour is considered to be high quality landscaping. The broad range of plants is considered to provide a high level of visual amenity and to enhance the biodiversity of this part of the conservation area. The scheme is considered to be sustainable as the proposed plant species have been carefully matched to their preferred soil type and a complex irrigation system has been designed to ensure adequate water is available to the plants. The irrigation system is able to match water demand with water supply through the use of sensors. Also, ladder access will facilitate maintenance which has been factored into the proposals to further demonstrate that the scheme is sustainable.

#### **6. Grounds of appeal**

6.1 The applicants have lodged an appeal for non-determination, and set out justifications for their proposal within a Statement of Case. As the Statement of Case now forms a material consideration in the assessment of the applications the relevant points raised by the applicant are addressed below:

6.2 In section 1.3 the appellant argues that the 'the courtyard offers little opportunity for recreation due to its enclosed nature and the fact that it is overshadowed by surrounding properties and gains little sunlight' and they go on to state in section 7.7 that the 'existing courtyard space is enclosed, overshadowed with very limited aesthetic or functional value'. Though the courtyard is positioned at basement level, and flanked by 2 storey walls on either side, it still receives reasonable sunlight as attested by a site visit. In addition it is noted that the courtyard is in part overshadowed by the buildings in its immediate vicinity, but that is a typical condition of most gardens in this dense inner London area. Consequently it is felt that the courtyard is still a highly useable and desirable space. It benefits from a comparatively generous surface area of 38m<sup>2</sup> and, by virtue of appearing sunken, has an attractive private feel that is a luxury in this quarter of Central London. It is officers' opinion therefore that the current amenity value of the courtyard has been significantly undersold by the appellant and should be factored in consideration of the appeal.

6.3 The appellant also states that 'the arbour has been sensitively designed to preserve and enhance the setting of the listed building' (section 1.5) and that 'the introduction of the arbour would not harm the significance of the listed building' (section 8.5). The Council disagrees with this position, not least because the arbour would significantly obstruct the Grade I listed building, particularly the rear of the house and the closet wing, and in so doing detrimentally affect its setting.

6.4 Further to this the appellant argues in section 1.8 that 'no historic fabric will be lost' as a result of proposals and furthers this rationale in section 7.9 before going on to state that 'the existing courtyard space can accommodate change without harm to the significance of the asset' (section 8.2). The proposals however involve the loss of the apron to a basement window which is an avoidable loss of historic fabric. This would result in harm to the significance of the heritage asset and is an unacceptable consequence of proposals.

6.5 Section 8.2 of the Statement of Case states that 'there is no basis to seek preservation of the existing condition for its own sake'. There is a duty however to protect the Grade I listed building and its setting, not for its own sake, but because of the significant contribution that the existing condition makes to the architectural composition of the area. Policy DP25 makes clear that 'the Council has a general presumption in favour of the preservation of listed buildings' (paragraph 25.11) and, as proposals here do not preserve and enhance their setting, they contravene this policy.

6.6 The Statement of Case points to NPPF policy which says that conservation is 'the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance' (section 8.3). Works to erect an arbour, because of its proposed bulk and massing, would seriously undermine the significance of the heritage asset. Proposals would obstruct and not be subordinate to the host building and this would manifestly harm the heritage asset. The statement similarly directs attention to Historic England's Good Practice Advice Note 2 which states that 'change to heritage assets is inevitable but is only harmful when significance is damaged' (section 8.3). The Council is of the view that the significance of the Grade I listed building would indeed be harmed by proposals and on these grounds they are unacceptable.

6.7 The appellant argues in section 8.4 that 'the arbour complements the main house whilst expressing its own visual interest'. However the Council would counter that the arbour would in fact jar with the main building. Its detailed design in terms of its highly contemporary style as well as its scale and massing would sit at odds with the main building, and for this reason the scheme is unacceptable.

6.8 Section 8.6 of the Statement of Case suggests that the arbour will have 'minimal effect on one's ability to understand the relationship between the main house and the mews building'. This is disputed however and officers consider that the arbour will essentially infill the space between the mews building and main house, resulting in a loss of visual separation between the two properties, and in so doing certainly affect the relationship between the two buildings.

## **7. Recommendations –**

1. Had an appeal not been lodged, planning permission would have been refused on grounds of harm from the arbour to the appearance of the host building and character and appearance of the conservation area;
2. Had an appeal not been lodged, listed building consent would have been refused on grounds of harm from the arbour and new door to the setting, fabric and appearance of the listed building.



