



Appeal Decision

Hearing held on 4 May 2016

Site visit made on 4 May 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2016

Appeal Ref: APP/X5210/Y/15/3140851

42 Bedford Square, Camden, London WC1B 3DP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Classic Design Investments Limited against the failure of the Council of the London Borough of Camden to determine within the prescribed period an application for listed building consent.
 - The application Ref 2015/4222/L, dated 23 July 2015.
 - The works proposed are minor internal alterations including a change in the design of the secondary staircase from second to third floor and slightly re-configuring the layout at a second floor level.
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Decision

1. The appeal is dismissed and listed building consent is refused.

Preliminary Matters

2. The Hearing for this appeal was held together with those for appeals reference 3143413 and 3143409 for the same site, albeit for a different proposal. These appeals are the subject of a separate decision letter. For the avoidance of doubt, this decision considers only the matter cited in the above header.
3. The Council failed to determine the appeal scheme within the statutorily prescribed period. Nonetheless, the Council asserts that were it in a position to do so it would have refused listed building consent. This would have been on the basis of:
4. *The proposed arrangement, regarding both the shape of the rooms and the form of the secondary stair, is uncharacteristic of such a house, which is Grade I listed, and therefore harmful to its special interest. As such it is contrary to policy CS14 (Promoting high-quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High-Quality Design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.*
5. Although the listed building consent as a whole is before me, I have considered these suggested concerns and also those detailed within the Statement of Common Ground in constructing the main issue.

Main Issue

6. The main issue is whether the proposed works preserve the special architectural or historical features of the Grade I listed building.

Reasons

7. The appeal building is a Grade I listed building, which is formed of No 42 Bedford Square and No 13 Bedford Avenue. Planning permission and listed building consent has already been granted under ref APP/X5210/A/14/2228630 and 2014/4634/L respectively for the conversion of the two buildings into use as a single dwelling house Use Class C3 (herein the approved schemes). I was able to see during my site inspection that works relating to these earlier permissions are currently underway.
8. Put simply, the appeal scheme seeks to alter the shape of a secondary staircase, which provides access from the second floor to the third floor (attic). At present the secondary staircase is fed from the primary staircase, which is accessed from the *piano nobile* or ground floor. This takes the form of an open stair well, with stone cantilevered stairs and metal balusters. This is naturally lit by a lantern in the ceiling of the stairwell. Access from the second to third floors is, at present, achieved by a rectangular shaped winder style staircase. The approved schemes show this staircase to be replaced with one of a similar form, albeit wider. The appeal scheme instead seeks a straight front to back staircase arrangement, which would involve the creation of a short corridor on the second floor and some internal room re-arrangement.
9. Principally, the Council's concerns revolve around two factors. Firstly, the front to back, linear staircase proposed is considered to be an alien feature, with the dog leg or winder styles more typical of a dwelling of this type and age. Secondly, the internal re-arrangements would require the relocation of the WC from the rear of the building to the centre of the plan form, and the Council is concerned that technical solutions to deal with waste water are less than ideal compared to gravity based systems.
10. In terms of the stairs, it is clear from the plan form history of the appeal site, which in terms of internal drawings dates to the 1970s, that the secondary staircase has changed both its form and location within the building. As both parties broadly agree, and put simply, the existing secondary staircase is not of a historical value being a feature inserted sometime in the last three or four decades. Nonetheless, the principal and secondary staircases are vital parts of the character and plan form of most domestic listed buildings. They provide a key understanding as to how the building was used, and how this use changed over time. For example, from the servant based culture that existed in the 18th and 19th Centuries which sought demand for accommodation such as the Mews buildings to the rear of the site, through to later conversion of many of these buildings, and especially those in Bedford Square, to uses as offices. These are important features from which the significance of the listed building derives.
11. The problem in this case, is that the front to back staircase arrangement proposed is not only an unusual example, but on the basis of the last 40 years or so of documentary evidence before me, appears to be introducing an odd and alien feature to this particular building at these floor levels. What is more, the creation of a corridor on the second floor would interrupt the natural or 'historical' plan form of the building, whereby features such as corridors like

- that proposed would not be typical. The result of the corridor would also require changing the shape of the rooms so that they would lose the more traditional cube shape, being narrower than their likely historical form.
12. In terms of the location of the WC and its associated services, I have been presented with no technical evidence that demonstrates that a mechanical solution would not work in this case. A traditional approach, using a gravity-based system, might be more pragmatic owing to the certainty that such systems provide; especially in terms of not requiring electrical power. However, I heard from the appellant that the technology proposed has been used for over 35 years, that it would only require 40mm pipes compared to standard 5 inch downpipes, and that the agreed lift (to provide access for older or less mobile people to the upper floors) would require its own backup electrical system. In either case, electrical failures are rare occurrences in 21st Century London and it seems to me that the 40mm pipework for the technical solution may require less intrusive work to the fabric of the listed building compared to larger pipes normally used, even with the WC located towards the centre of the plan form. I do not, therefore, consider that this element of the proposal would result in harm in itself to the listed building.
 13. Nevertheless, the proposed alterations and works would fail to preserve the special architectural and historical features of the Grade I listed building, which is in the highest echelon of statutory listing, due to the loss of some historic fabric in the form of timbers, the introduction of an alien staircase form in terms of the second to third floor staircase, and the erosion of the plan form; particularly on the second floor. I acknowledge that the proposal would have a limited impact on the fabric of the listed building. The proposal would nonetheless lead to less than substantial harm to the significance of the designated heritage asset as I have identified. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that this harm is weighed against the public benefits.
 14. The back to front staircase arrangement may result in the removal of less timber than the approved scheme. But I do not consider that the loss of 'less timber' justifies the introduction of an alien plan form. I also acknowledge the appellant's desire to access Bedroom 4 without going through the en-suite bathroom. However, quirky arrangements such as these, with rooms accessed through other rooms, are not untypical for buildings of over 200 years old. Moreover, such a benefit would not be a public benefit; being limited to occupiers of the property.
 15. The appellant considers that the arrangements proposed here would allow, more easily, the buildings use as a single dwelling house. In this respect, government policy does seek to ensure that listed buildings are used appropriately rather than remaining in aspic or falling into disrepair; and the appellants desire to restore the listed building to a former use as a single family home is laudable. However, great weight is given the conservation of heritage assets, and the approved schemes demonstrate that there is a way in which the building can be converted without causing the harm to its special architectural or historical features that I have aforesaid.
 16. In this case, no clear public benefits have been given, although I acknowledge there would be some private benefits to the appellant. Nevertheless, even in the absence of specifically identified public benefits, I have given considerable

importance and weight to the desirability of preserving the listed building or its setting or any features of historical interest, as required under Section 16(2) of the above Act, I do not find that the benefits outweigh the harm I have identified.

17. I therefore conclude that the proposed works would fail to preserve the special interest of the Grade I listed building of 42 Bedford Square. Accordingly, the proposal is contrary to Policy CS14 of the *Camden Core Strategy 2010-2025*, and Policies DP24 and DP25 of the *Camden Development Policies 2010-2025*, which, amongst other aims, seek to ensure that listed buildings are preserved or enhanced by only granting consent for alterations or extensions where it considers this would not cause harm to the special interest of the listed building. It would also be contrary to the Policies of the Framework, which amongst other aims, seeks to conserve heritage assets in a manner appropriate to their significance.

Conclusion

18. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should fail.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Gibbs	Planning Consultant - DP9 Ltd
Tim Leach	Architect – BDP
Martha Schwartz	Landscape Architect - Martha Schwartz Partners
Edward Kitchen	Heritage Consultant - Montagu Evans
Benjamin Kite	Ecological Consultant - Ecological Planning and Research Ltd
Alice Broomfield	Planning Consultant - DP9 Ltd
Mark Brown	Architect BDP
Edith Katz	Landscape Architect - Martha Schwartz Partners
Martin Simms	On behalf of Classic Design Investments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Nick Baxter	Senior Conservation Officer - LB Camden
Darlene Dike	Planning Technician - LB Camden

Documents submitted at Hearing

1. List of attendees representing the appellant
2. Drawings numbered P05_(15) AP001 Rev C
3. Drawings numbered P05_(15) AP005 Rev C
4. Drawings numbered P05_(15) AP002 Rev C
5. Drawings numbered P05_(15) AP003 Rev B
6. Drawings labelled 1974 ref: HB767
7. Drawings labelled existing at 2006 ref: 2006/5534/P
8. Drawings labelled proposed at 2006 ref: 2006/5534/P
9. Drawings labelled existing at 2011
10. Drawings labelled consented scheme ref: 2014/4636L, APP/X5210/A/14/2228630
11. Drawings labelled APPEAL SCHEME REF: 2015/4222L