



4-5 Bernard Street, Camden

APPEAL STATEMENT

THA Ref: 20175165

July 2017

Contents

1.0	Qualifications and Experience	p. 4
2.0	Background to the Appeal	p. 5
3.0	The Site and Environs	p. 7
4.0	Regulatory Framework	p. 10
5.0	Historic Background	p. 17
6.o	The Heritage Asset(s)	p. 21
7.0	Assessment of Proposals	p. 25
8.o	Summary	p. 34

Cover: Nos. 4-5 Bernard Street

Figures

Figure 1: Location (Google Maps)

Figure 2: Distribution of Listed Buildings in the Locale

Figure 3: Bloomsbury Conservation Area

Figure 4: 1856 OS Map Figure 5: 1922 Pocket Atlas

Figure 6: Russell Square Circa 1900 Figure 7: 1874 OS Map Extract Figure 8: 1916 OS Map Extract

Figure 9: Commercial Premises; 3-5 Bernard Street

Figure 10: Extract from Bloomsbury Sub Area 11 Map and Key

Appendices

Appendix 1: Listed Description, Nos 11-28 and Attached Railings



Qualifications and Experience

1.0

- 1.1 My name is Mark Sanderson, presently Director of *The Heritage Advisory*, an independent historic environment consultancy I have operated since March 2013.
- 1.2 Following completion of a Bachelor of Arts (Hons) in the History of Architecture and Design at De Montfort University (1998-2001), I undertook a Master of Arts in Architectural Conservation, also at De Montfort (2002-4).
- 1.3 My professional career in the historic environment began in 2000 as an archaeologist for Coventry Archaeology, and then in 2002 I moved to Boston Borough Council as Planning Officer (Conservation).
- 1.4 In 2004 I joined multi-disciplinary consultancy CgMs, working UK-wide as a Historic Buildings Consultant from their London office, before joining Tynedale Council in 2006 as Senior Conservation Officer.
- 1.5 I then joined Rolfe Judd Architecture and Planning, London, as Senior Built Heritage Advisor in 2007, before setting up New Historic Environment Consulting in the same year, a heritage consultancy I operated across the southeast until August 2010.
- 1.6 Following this, I went on to join Museum of London Archaeology (MOLA) as Regional Project Manager in London and the south of England, before being promoted to Lead Consultant (Built Heritage) at MOLA in September 2012.
- 1.7 I have over 15 years' experience of built heritage, conservation, design and archaeology. I have worked on a high number of proposals, involving a wide variety of historic buildings and areas, throughout the UK.
- 1.8 Between 2010 and 2015, I was visiting lecturer for Portsmouth University's MSc in Historic Building Conservation, and am a full member of the Institute of Historic Buildings Conservation.
- 1.9 I have been involved in the appeal site in an advisory capacity since November 2016 and am fully familiar with the history and material of the application.

Background to the Appeal

2.0

2.1 This Appeal Statement has been undertaken on behalf of Franco Manca. The document pertains to nos. 4-5 Bernard Street, London (**Figure 1**).



Figure 1: Location (Google Maps)

- The Appeal site comprising 4-5 Bernard Street, forms a component part of a terrace of three properties to the west of Russell Square Station. Whilst the terrace is not listed in its own right it is located in close proximity to a number of nationally designated listed buildings (**Figure 2**).
- 2.3 It is also located within the Bloomsbury Conservation Area, first designated in 1968 and subsequently extended to encompass areas of Victorian, Edwardian and twentieth century architecture.



Figure 2: Distribution of Listed Buildings Surrounding the Site

2.4 Proposals for the site are described by application material (2016/6272/P) as comprising the:

'Removal of front railings and infill of lightwells'.

- 2.5 Planning permission was refused on 12trh January 2017 for the following reason:
 - 1. 'The proposed removal of railings and infilling off lightwells would be detrimental to the character and appearance of the host properties, the wider area and Bloomsbury Conservation Area contrary to policy CS14 of the Camden Core Strategy, and policies DP24 and DP25 of the Camden Development Policies'.
- 2.6 I first visited the Appeal site in November 2016 and subsequently provided advice to the applicant and their agents.
- 2.7 The appeal statement focuses upon the 'Reason for Refusal' outlined above, and in particular, the perceived 'detrimental' impact to the character and appearance of the locale and its associated designations.



3.1 As indicated, 4-5 Bernard Street is located within the Bloomsbury Conservation Area (**Figure 3**) and forms a component part of predominantly mixed use development to the north of central London.

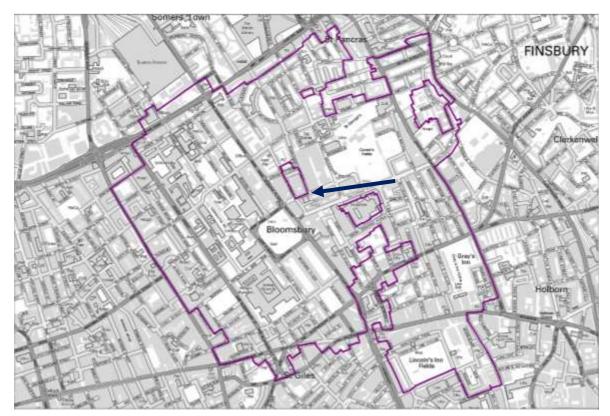


Figure 3: Bloomsbury Conservation Area

- 3.2 Whilst not subject to designation at a national level in its own right, the appeal site lies adjacent the Grade II* Listed Russell Hotel to the west and Grade II Listed Russell Square Underground Station to the east. A further designated terrace extends to the east of the station. Nos. 11-28 Bernard Street are Grade II Listed and are important given their representation of the consistently uniform character of original terraced townhouses within this locale.
- 3.3 The list description for these terraces reads as follows:

'Terrace of 18 houses. 1799-1803, some altered. By James Burton. Darkened yellow stock brick with later patching. Nos 11, 13-16, 19 & 22 with stucco ground floors. Nos 14-18 and 25-28 slightly projecting. 4 storeys and basements. 2 windows each. Roundarched doorways mostly with reeded pilaster-jambs, cornice-heads, some radial fanlights, and panelled doors. Doorways of Nos 13, 26 & 28 converted for use as windows; doorway of No.27 square-headed with stucco surround. 1st and 3rd floor stucco sill bands. Gauged brick flat arches (mostly reddened) to recessed sash windows some with glazing bars; 1st floor with cast-iron balconies. Parapets. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas. (Survey of London: Vol. XXIV, King's Cross Neighbourhood, Parish of St Pancras IV: London: -1952: 46).'

- 3.4 Historically, the appeal site formed a component part of this listed terrace. However, by the early twentieth century nos. 3-5 were definitively divorced from their neighbours due to the construction of Russell Square Underground Station. This both physically and visually separated these structures from the wider terrace and therefore, their original context.
- 3.5 Subsequently, the two elements have experienced widely differing fortunes. Principally, the station introduces a marked transition between the residential, uniform and cohesive character of nos. 11-28 and what is now the commercial, definitively more eclectic character of nos. 3-5; thus resulting in their exclusion from the national list.
- 3.6 Differences between the two sections of terrace is most obvious if recent planning decisions are considered. Applications for both planning permission and listed building consent relating to nos. 11-28 are primarily focused on aspects of preservation, reinstatement of original features, protection of interior features such as chimney pieces and staircase balustrades, and general features of repair and refurbishment (*P*59905134, *LSX*0005120, *LSX*004187, and *LSX*0004211).
- 3.7 However, the Appeal Site's more recent planning history includes the granting of permission for 'use as a restaurant/café (class A3) at ground floor and basement levels (2016/1672/P), 'replacement of existing shopfront and awning to restaurant (2016/2605/P), and 'display of externally illuminated fascia and projecting signs' (2016/2635/A).
- 3.8 At the time planning permission was granted for the latter application, the delegated officer's report stated that 'in conclusion the proposed shopfronts are



considered appropriate in terms of scale, design, materials to be used and location and would preserve the character and appearance of the host building, the streetscene and the conservation area, and would not harm the setting of adjacent listed buildings'.

- 3.9 Given such a view whilst being located within what is a patently historic environment the principle of development that is demonstrably focused on ensuring the practical functioning of the site as a restaurant/café is not deemed unacceptable by the LPA.
- 3.10 Further to this, the contribution made by the ground floor of nos. 4 & 5 toward the wider conservation area is both physically and visually very limited, whilst the appealed scheme offers the opportunity to assist the 'optimum viable use' of the property, in line with paragraph 134 of the NPPF. Upper floors that more closely reflect historic associations with wider townhouse development would not be altered at all.
- 3.11 The proposal itself is also of such a modest scale and significance as to be considered negligible when judged against the wider commercial elevation (at street level). As such, its subservience to the host building is without question, whilst impacts upon the special interest of the wider, designated historic environment are ultimately without harm.

Regulatory Framework

4.0

Legislation

4.1 Legislation relating to the historic environment is contained in the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act). Of particular relevance are sections 16, 66 & 72 which provide that in exercising planning powers:

Concerning a listed building or its setting, the local planning authority or Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Concerning conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Guidance

- The National Planning Policy Framework (NPPF, March 2012) emphasises a 'presumption in favour' of sustainable development i.e. defined by the document as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.
- 4.3 This 'presumption in favour' has been implemented to speed up decision making and encourage more development. As regards heritage assets, it is emphasised that their conservation under such circumstances is to be achieved 'in a manner appropriate to their significance'. Key paragraphs from the document are summarised below.
- 4.4 Paragraph 131 states that in determining planning applications local authorities should take account of:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 4.5 Paragraph 132 states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's



conservation.

4.6 Paragraph 137 sets out that local planning authorities should look for opportunities for new development within conservation areas and within the settings of heritage assets to enhance or better reveal their significance.

4.7 Concerning setting, Annex 2: Glossary of the NPPF defines the Setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

4.8 Historic England's guidance note *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning:* 3 from July 2015, goes further, stating that:

'Setting is not a heritage asset, nor a heritage designation ... Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings ...

- ... Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset ...
- ... Settings of heritage assets change over time. Understanding the history of change will help determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset.'

Local Policy

Camden Council Core Strategy (2010)

4.9 Camden's Core Strategy (adopted November 2013) sets out the key elements of the vision for the borough and is a central aspect of the Local Development Framework. Policies within the Core Strategy pertinent to the site are discussed below.



4.10 The Council outlines that they aim to manage growth ensuring the delivery of sustainable development, whilst continuing to conserve and enhance Camden's existing environment. As such *Policy CS5 – Managing the Impact of Growth and Development* states that:

'The council will manage the impact of growth and development in Camden...with particular consideration given to:

- providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;
- providing sustainable buildings and spaces of the highest quality; and
- protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.'
- 4.11 Within the *Core Strategy*, it is outlined that the Council's approach to the historic environment is to conserve and enhance local heritage and valued places by 'ensuring that development is of the highest possible standard and reflects, where possible improves, its local area'. As such, Policy CS14 Promoting High Quality Places and Conserving our Heritage states that:

'The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- requiring development of the highest standard of design that respects local context and character;
- preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
- promoting high quality landscaping and works to streets and public spaces;
- seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;
- protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views'.

Camden Council's Development Policies (2010)

4.12 The *Development Policies* set out detailed planning criteria that are used to determine applications for planning permission throughout the borough. Those policies relevant to the site are outlined below.



4.13 Policy DP24 – Securing High Quality Design draws on information within Policy CS14 of the Core Strategy and states that:

'The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the quality of materials to be used;
- the provision of visually interesting frontages at street level;
- the appropriate location for building services equipment;
- existing natural features, such as topography and trees;
- the provision of appropriate hard and soft landscaping including boundary treatments;
- the provision of appropriate amenity space; and
- accessibility'.
- 4.14 The Development Policies document also highlights that the Council believes it has 'a responsibility to preserve and, where possible, enhance' conservation areas and listed buildings. As a result, Policy DP25 Conserving Camden's Heritage states that:

'Conservation Areas

In order to maintain the character of Camden's conservation areas, the Council will:

- take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- only permit development within conservation areas that preserves and enhances the character and appearance of the area;
- prevent the total or substantial demolition of an unlisted building that makes a
 positive contribution to the character or appearance of a conservation area where this
 harms the character or appearance of the conservation area, unless exceptional
 circumstances are shown that outweigh the case for retention;
- not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and
- preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.



Listed buildings

To preserve or enhance the borough's listed buildings, the Council will:

 prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;

- 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; and
- not permit development that it considers would cause harm to the setting of a listed building.'
- 4.15 The *Development Policies* document also outlines that the Council recognises the contribution shop fronts can make to the character of areas and their distinctiveness. The resulting policy, *Policy DP30 Shopfronts –* states:

'The Council will expect a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features. When considering proposals for shopfront development we will consider:

- the design of the shopfront or feature;
- the existing character, architectural and historic merit and design of the building and its shopfront;
- the relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;
- the general characteristics of shopfronts in the area; and
- community safety and the contribution made by shopfronts to natural surveillance

We will resist the removal of shop windows without a suitable replacement and will ensure that in appropriate cases where shop, service, food, drink and entertainment uses are lost, a shop window and visual display is maintained.

Where an original shopfront of architectural or historic value survives, in whole or in substantial part, there will be a presumption in favour of its retention. Where a new shopfront forms part of a group where original shop fronts survive, its design should complement their quality and character.'



The London plan

4.16 The London Plan 2011 also contains policy pertinent to the site. Summarised, this would include the following extract:

'Historic environment and landscapes (Policy 7.8)

- London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.
- Development should identify, value, conserve, restore, re-use, incorporate heritage assets, where appropriate.
- Development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.'
- 4.17 The *Camden Local Plan* was adopted in 2017. This also contains relevant policy, summarised as follows:

'Policy D1 Design- The Council will seek to secure high quality design in development. Parts a. and b. of this policy seeks development to respect the local context and character and preserves or enhances the historic environment and heritage assets in accordance with Policy D1- Heritage.

Policy D2 Heritage- The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.'



Camden Planning Policies

4.18 The Development Plan for Camden, since the application was refused on the 12th January 2017, has been superseded. It previously comprised the Core Strategy (2010) and Development Management Policies (2010). However the Council have since adopted the Camden Local Plan on the 3rd July 2017. It is therefore appropriate to consider the equivalent design and heritage policies within this current document alongside the superseded policies together with the Council's SPG and Bloomsbury Conservation Area Appraisal.

Other Relevant Guidance

4.19 Of equal relevance is English Heritage's (now Historic England) 2008 document *Conservation Principles: Policy and Guidance for the Sustainable Management of the Historic Environment, 2008.* At paragraph 140, p.59, this states that "The greater the range and strength of heritage values attached to a place, the less opportunity there may be for change, but few places are so sensitive that they, or their settings present no opportunities for change".



Historic Background

5.0

- The site is located within Bloomsbury, a district lying on the north side of Holborn. Cassell, Petter & Galpin (London, 1878) believe the area 'was originally called Lomsbury, or Lomesbury, and the manor and village are said to have occupied that site of Bloomsbury Square and the surrounding streets. At the time when Lomesbury was a retired village, the royal mews, an establishment for horses and also for hawks, stood here.'
- The southern peripheries of Bloomsbury fell within suburban areas situated outside the walls of Londinium, the Roman City of London. By the middle ages the land was predominantly in agricultural and/or pastoral use, largely being owned by a series of Manors. The earliest record of what was to become known as Bloomsbury is in the Domesday Book, 1086. This records that the area had vineyards and "wood for 100 pigs". The name Bloomsbury is first noted in 1201 when the Norman landowner William de Blemond acquired the land. The name Bloomsbury is an adaptation of Blemondisberi the bury or manor of Blemond.
- 5.3 By the end of the fourteenth century Belmond Manor was acquired by Edward III who passed it to the Carthusian monks of the London Charterhouse. During this period the land remained predominantly rural. However, following the Dissolution of the Monasteries, Henry VIII seized this land, taking back possession and granting it to Thomas Wriothesley, Lord Chancellor of Henry VIII and first Earl of Southampton. The land was then developed by the fourth Earl, who obtained a royal license to build his residence Southampton House in 1640.
- 5.4 Following the Restoration i.e. Restoration of the monarchy in 1660 marking the return of Charles II as King following Cromwell's Commonwealth widespread development was begun in the area. Taking inspiration from areas such as Covent Garden, landowners saw the potential to develop new suburbs. This area of London expanded rapidly northwards over 1660-1840 with the impetus for initial development arising from events such as the Great Plague (1665) and Great Fire of London (1666), both of which wrought devastation across the City.
- In 1661, the fourth Earl of Southampton was also granted a building license to construct Bloomsbury Square to the south of Southampton House. Although Bloomsbury was not the first area of London to contain a formal square, Bloomsbury Square was the first to be named as such. Development continued when the estate passed to the Russell family (the

Dukes of Bedford) after the fourth Earl's daughter married William Russell in 1669. The fields of the Duke of Bedford's estate were to give rise to modern-day Bloomsbuy and Fitzrovia.

- 5.6 The later Georgian and Regency period saw rapid expansion north from Great Russell Street and Great Ormond Street and towards Euston Road, as landowners capitalised on demand from an expanding wealthy class. By the turn of the 18th century an estate plan was conceived which proposed the development of a succession of streets and squares across previously undeveloped land.
- 5.7 The Bedford Estate contained a series of public gardens, all of which assume the form of squares. Building agreements with regards to these squares ensured prescribed architectural compositions, with a continuous frontage making terraces appear as large country houses. Russell Square Gardens were laid out by architect Humphrey Repton in 1810.
- 5.8 As a result of the Napoleonic Wars, the pace of building slowed. Consequently, the area between Euston Square and Russell Square remained undeveloped until the 1820's. Following this period of stagnation, Thomas Cubitt took over as principal builder for the Bedford Estate, which included Tavistock Square, Woburn Place, part of Gordon Square and some neighbouring streets.



Figure 4: 1856 OS Map



Figure 5: 1922 Pocket Atlas

The completion of Gordon Square in 1860 marked the substantial completion of Bloomsbury, the underlying pattern of which – comprising streets and squares - remains largely intact today (**Figures 4 & 5**). However, in the latter parts of the 19th century and early 20th century, fashionable villa developments to the north and west of the area – including

Belsize Park and St. John's Wood - led to a decline in the desirability of Bloomsbury as a residential area.

- 5.10 This led to an increase in non-residential uses throughout the area, with many former dwellings being converted to office space. Inevitably, the appearance of many of these squares and spaces altered dramatically. For example, many 17th century, terraced, domestic properties were either rebuilt or refaced over the mid-19th century. Shops were also inserted into existing domestic terraces.
- 5.11 During the first half of the 20th century, continuing development was largely associated with the expansion of the University of London into that area between Gower Street and Russell Square (**Figure 6**). The further development of hospitals also occurred to the east of the area, along with more offices, hotels and shops occurring along arterial routes.



Figure 6: Russell Square Circa 1900

- The latter part of the 20th century and into the 21st century saw the continuation of university development. This replaced the older fabric of Bloomsbury, in addition to extensive reconstruction following wartime bomb damage. The worst affected areas underwent major redevelopment, with social housing being emphasised in some locations, and offices in others.
- 5.13 A number of large hotel buildings were also constructed in the post-war period, particularly in the vicinity of Russell Square. These were to subsequently encourage greater tourist and therefore economic activity in Bloomsbury. However, such development raised doubts concerning the loss of historic buildings and spaces, resulting in the listing review of the London Borough of Camden in 1974, which prevented similar large-scale development

removing earlier phases of historic expansion.

5.14 Pressure to redevelop the area has continued to the present day, resulting in a series of more modern interventions, principally developed to provide housing. In more recent years there has also been a trend towards the conversion and reversion of townhouses - currently in office use - back to residential use.

The Heritage Asset(s)

6.0

6.1 Heritage assets of principal relevance to the Appeal Site and proposals there would include the Grade II Listed nos. 11-28 Bernard Street (**Appendix 1**) and the wider Bloomsbury Conservation Area.

6.2 To recap, the list description for nos 11-28 Bernard Street reads as follows:

'Terrace of 18 houses. 1799-1803, some altered. By James Burton. Darkened yellow stock brick with later patching. Nos 11, 13-16, 19 & 22 with stucco ground floors. Nos 14-18 and 25-28 slightly projecting. 4 storeys and basements. 2 windows each. Roundarched doorways mostly with reeded pilaster-jambs, cornice-heads, some radial fanlights, and panelled doors. Doorways of Nos 13, 26 & 28 converted for use as windows; doorway of No.27 square-headed with stucco surround. 1st and 3rd floor stucco sill bands. Gauged brick flat arches (mostly reddened) to recessed sash windows some with glazing bars; 1st floor with cast-iron balconies. Parapets. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas. (Survey of London: Vol. XXIV, King's Cross Neighbourhood, Parish of St Pancras IV: London: -1952: 46).'

6.3 The Bloomsbury Conservation Area was first designated in 1968 and subsequently extended to encompass areas of Victorian, Edwardian and twentieth century architecture. Concerning the character and appearance of the conservation area, the *Bloomsbury Conservation Area Appraisal* outlines that:

'The quintessential character of the Conservation Area derives from the grid of streets enclosed by mainly three and four-storey development which has a distinctly urban character of broad streets interspersed by formal squares which provide landscape dominated focal points...There is a notable character created by the consistent use of cast iron railings along frontages to separate the pavement from the basement lightwell'.

- 6.4 Due to the size and complexity of the Conservation Area, the appraisal sub-divides it into a series of character sub-areas that nevertheless share common characteristics. The application site itself is situated within Sub Area 11: Queen Square/Red Lion Square, but also adjoins Sub Area 6: Bloomsbury Square/Russell Square/ Tavistock Square. The key characteristics of both are discussed below.
- 6.5 Sub Area 6 is predominantly made up of three and four storey, late 18th and 19th century terraces, with a basement below street level, and linked by a series of formal squares. The



conservation area appraisal sets out that 'there is a strong consistency in the architectural vocabulary of the original terraced development, albeit here it is some decades newer'. The terraces within this sub area are also identified as having iron railings to the frontage, small dormer windows set back in mansard roofs, standard plot widths of three-bays, and window openings with brick heads and window frames recessed behind deep reveals. The assessment also states that 'the architectural and historical importance of these terraces is reflected in their listing, mostly at Grade II.'

6.6 Sub Area 11 is predominantly characterised by a mix of land uses. The appraisal outlines 'streets are relatively narrow with continuous building frontages that provide a good sense of enclosure and subsequently one of a noticeably urban character. They comprise a large number of 18th and 19th century brick townhouses, three to four storeys in height often with shops at ground floor level. However other building types exist, reflecting the variety of uses within the streets...The mix of small-scale independent shops and service uses creates a lively active townscape'.

Nos. 4-5 Bernard Street

- 6.7 Within the locale of the appeal site, historic and architectural elements that make a contribution toward the wider character of the conservation area continue to be prevalent. To the east, along Bernard Street, the 'strong consistency in the architectural vocabulary of the original terraced development' prevails. Nos. 11–28 Bernard Street engender a uniform and cohesive character, defined by a consistency in fenestration, enclosing railings, and a common palette of materials. They rise to 4 storeys over a basement, whilst ground floor level frontage comprises two sash windows and an entrance door. Above, the fenestration is regular with two parallel sash windows rising through floors 1 to 3.
- 6.8 As evidenced by historic mapping, below (**Figures 7 and 8**), nos. 3-5 Bernard Street once formed the western end of this terrace, however they were segregated following the construction of Russell Square Underground Station. Evidence that nos. 3-5 once formed part of this terrace is apparent across the remaining elevations. Above ground floor level nos. 3-5 also comprise regular frontages rising to three storeys with two parallel sash windows per floor. Above ground floor, the frontage of these buildings are of brick.









Figure 8: 1916 OS Map Extract

6.9 However, any consistency of style and feature – highlighted within the conservation area appraisal as contributing to the overall character and appearance - is limited (these are already accounted for, above) and further to this, the two areas of terraces are made visually and physically separate by the distinctive architecture of Grade II Russell Square Underground Station. This building now comprises a marked transition between the more residential, coherent nature of nos. 11-28, and the more commercial, eclectic appearance of nos. 3-5, thus resulting in nos. 3-5's lack of designation.



Figure 9: Commercial Premises; 3-5 Bernard Street

6.10 Nos. 3-5 Bernard Street have commercial premises at ground floor level. No. 3 is a convenience shop, whilst 4 and 5 comprise restaurant and bar facilities (**Figure 9**). Though characteristic features remain at ground floor level - predominantly the use of railings separating the pavement from basement lightwells - these are modern replacements.

Additionally, incremental changes to the frontages over the properties' history alter their more general historic and/or architectural integrity; particularly when compared with Grade II listed nos. 11-28 Bernard Street.

- 6.11 Nevertheless, the upper storeys of nos. 4 and 5 exhibit historic and architectural features, including 'darkened yellow stock brick...4 storeys and basements. 2 windows each', that enable the building to contribute to the character of the conservation area and wider historic setting, including the settings of nearby listed buildings. However, modern alterations and additions at ground floor/street level now retain few historic or architectural references, and much diminish the potential for any positive contribution these frontages might make, toward the wider streetscape.
- 6.12 Nos. 4-5 Bernard Street are therefore of an intrinsically mixed value, where the emphasis of significance rests with the exterior, and in particular the upper levels, which is the only part to exhibit a degree of original fabric. Change of a much less appropriate nature has occurred at ground floor level however, thus nos. 4 5 cannot be considered to contribute to 'a strong consistency in the architectural vocabulary' of the area. Further, the ground floor frontage appears in clear need of improvement and general enhancement as it cannot be considered to positively contribute to the character and appearance of the Bloomsbury Conservation Area.
- 6.13 As regards the setting of surrounding heritage assets, it is necessary to assess this in terms set out by both the NPPF and relevant guidance provided by Historic England (already outlined in section 4). Where setting comprises the 'surroundings in which a heritage asset is experienced' it is important to note that its 'extent is not fixed and may change as the asset and its surroundings evolve'. On this point, with regard to nos. 4-5 Bernard Street, modern interventions undertaken to ensure the practical functioning of the property as a restaurant can be clearly seen to contain elements that make 'a negative contribution to the significance' of surrounding listed buildings.



Assessment of Proposals

7.0

7.1 As noted, proposals represent the:

'Removal of front railings and infill of lightwells'.

7.2 An application for planning permission submitted to the London Borough of Camden in November 2016 was refused on 12th January 2017. A *Delegated Officers Report* and *Decision Notice* were produced in relation to the site, the contents of which are discussed below. Additionally, as part of the application, planning consultation occurred. The resulting comments of the *Bloomsbury Conservation Area Advisory Committee (BCAAC)* are also reviewed below.

Bloomsbury Conservation Area Advisory Committee Comments 13th December 2017

7.3 Following the application to Camden Council, the BCAAC responded, raising objections 'to the proposals to infill the basement lightwells at no 4-5 Bernard Street'. The response acknowledges that the buildings are not listed, however cite that 'they are considered to be positive contributors to the Bloomsbury Conservation Area'. This is set out within Appendix 3: Built Heritage Audit (by sub area) of the Bloomsbury Conservation Area Appraisal. However, due to the installation of contemporary illumination and conversion to restaurant use at ground floor, the contribution these properties make to the wider conservation area can be seen to have been demonstrably diminished. Additionally, Figure 10 below is a map extract from the Bloomsbury Conservation Area Appraisal. Both properties are clearly omitted from a positive building designation.

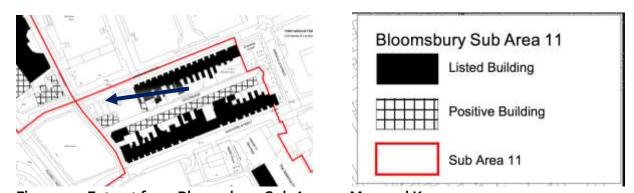


Figure 10: Extract from Bloomsbury Sub Area 11 Map and Key

7.4 The BCAAC also repeat the following from the conservation area appraisal: 'the railings and basements along the majority of frontages are an important facet of the character of the area. The council will resist the loss of original railings and infilling of basement lightwells where this



forms part of the area's character'. Information within this statement is not disputed. However, its potential to be applied to the Appeal Site is questioned where railings there are patently non-original.

- 7.5 With reference to **Section 6.0** above, it is acknowledged that the *Bloomsbury Conservation Area Appraisal* outlines 'there is a notable character created by the consistent use of cast iron railings along frontages to separate the pavement from the basement lightwells'. However, it is pertinent to note this description is a generalisation of the conservation area in its entirety. Turning specifically to *Sub Area 11* the area within which the site is situated it is unambiguously summarised that 'these streets comprise a large number of 18th and early 19th century brick townhouses, three to four storeys in height often with shops at ground floor level'. The site is clearly representative of this portion of the conservation area, albeit railings are not specified. Turning generally to said terraces, the appraisal also outlines that 'the architectural and historical importance of these terraces is reflected in their listing'. Again, this importance is not held at the Appeal Site, which it is not presently listed, and is unlikely to have ever been considered for listing.
- 7.6 The *BCAAC* also sets out how previous proposals for the site (2016/1672/P) were amended, as follows:

'The scheme has been revised during the course of the application to address objections received, as follows:

- (i) retention of the lightwell
- (ii) removal of the proposed external seating area/terrace from the proposal
- (iii) Removal of the transom bars from the glazing frontage, de-cluttering the original shopfront design
- (iv) Alterations to the design of the access steps into the restaurant from external to internal floors'.
- 7.7 These have been implemented. Consequently, it is understood that the BCAAC's view that 'it is completely inconsistent with Camden's previous intervention...to now consider the removal of the lightwell', exhibits a clear misunderstanding of appropriate conservation practice. Proposals have sought to establish an evidential approach, with the retention and infilling with pre-cast pavement light panels clearly evidencing a legibility of phasing both old and modern across both frontages.



7.8 To state that 'it would be more consistent with Camden's policy towards heritage that the applicant is forced to replace the modern railings with those that are in-keeping with the conservation area' is equivocal. As outlined in **Section 4.0** above, replacing features with 'in-keeping' elements is not a requirement of Camden's policy, nor is it necessarily a requirement to reinstate original or in-keeping features at a national level with the NPPF, or with the relevant Act.

- 7.9 Finally, the BCAAC 'asks the council to refuse planning permission for the infilling of the basements...in accordance with Camden's Core Strategy policy CS14 Promoting high quality places and conserving our heritage; and Development policy DP25 Conserving Camden's Heritage'. At this juncture, it should be noted that proposals would not only promote high quality places, whilst conserving our heritage, but both 'ensure Camden's places and buildings are attractive, safe and easy to use', as per Policy CS14, and further to this, maintain 'the character of Camden's Conservation Areas, as per Policy DP25, defined by the LPA (see above) as a 'lively active townscape'.
- 7.10 Further to this, it is important to note that the *BCAAC* makes no reference to potential impacts upon the settings of adjoining and near listed buildings. This is possibly owing to the fact that the scale of proposals is such that they would be barely discernible within this wider context. However, as a matter of principle the scheme has aimed to respond to wider heritage designations, thus ensuring that features portraying the origins of the property are retained and, where necessary, appropriately updated.

Delegated Officers Report 1st December 2017

- 7.11 The *Delegated Officers Report* sets out the site's location; proposals; recommendations; brief site description; relevant planning history; relevant policies; and an overall assessment of the proposals.
- 7.12 Again, the site location and description are generally accurate, however it is important to reiterate that the following statement, 'the buildings have been identified as positive contributes within the Bloomsbury Conservation Area Assessment' is ambiguous. It is included within Appendix 3 of the Appraisal but not supporting figures. Additionally, modern (approved) interventions are considered to have much diminished the positivity of said contribution, to the extent that it is not a credible recognition.
- 7.13 Additionally, the description of the scheme, 'removal of front railings and infill of lightwells' is accurate, as is the relevant planning history section. An assessment of this is set out above in **Section 3.0**.



7.14 A summary of consultation responses and comments is then provided. These outline that a single objection was received from a neighbouring resident i.e. Flat 2, 5A Bernard Street. This on the grounds that 'the railings are an in-keeping feature of the Grade II listed terraces within Bernard Street'. Again, it is important to reiterate that the Appeal Site no longer forms a component part of the Grade II listed terraces, located further east along Bernard Street. Their segregation from the wider whole divorced them entirely removed the potential for these to be seen as one cohesive development, any longer. Conversely, they now demonstrably contribute to the 'variety of uses' identified within the Conservation Area Appraisal.

- 7.15 Additionally, concern was raised by the resident that if proposals were to be approved 'an application for tables and chairs would subsequently follow'. This is not included within current proposals for the site and thus do not constitute a material consideration; a point also raised by the officer.
- 7.16 Comments made by the *BCAAC* are also summarised within this section of the officer's report. These have been discussed and analysed in detail above. However, the officer's comments in relation to these concerns are discussed below.
- 7.17 Some measure of the proposal's appropriateness and associated lack of controversy is indicated by a wider lack of response to consultation. No other responses were received with regards to proposed works, other than the those already mentioned.
- 7.18 The assessment section is correct in outlining that 'the proposal involves the removal of the existing railings to the front of the building and the infilling of the associated lightwells'. It is then set out that 'the main planning consideration of the proposals is the impact the removal of the railings and infilling of the lightwells would have on the properties and the surrounding area and whether the proposal would preserve or enhance the character or appearance of the Bloomsbury Conservation Area'. A reiteration of policy is then provided at paragraph 2.2. However, no clear justification or associated guidance is provided as regards the actual extent of impact arising from the implementation of proposals, or if they do or do not comply with cited policies.
- 7.19 The report then goes on to state in relation to specific sub areas that 'the Bloomsbury Conservation Area Identifies properties within Russell Square area as having a strong consistency in the architectural vocabulary of the original terraced development'. This is correct, however once again, not pertinent to the Appeal Site, this being located in an entirely separate sub area. Instead, the sub area within which the site is located (i.e. Sub area 11: Queen Square / Red Lion Square) merely adjoins sub area 6 to the east. Again, to reiterate, the overarching character of the area within which the site is located is described as comprising 'a large number of 1th and early 19th century brick townhouses, three to four storeys in height, often with shops at ground-floor level'. The site clearly reflects this description.



7.20 Therefore, paragraph 2.4 of the officer's report – written in support of consultee concerns - is unfounded and not supported by Camden's published guidance. To elaborate, the report hinges on the argument that properties of 'either three or four storeys in height with a basement below street level with iron railings to the frontage', contribute to a 'strong consistency in the architectural vocabulary' and that in relation to the site this 'feature remains consistent within the streetscene and the loss of the railings would be considered detrimental to the character and appearance of the Bloomsbury Conservation Area'.

- 7.21 Again, this is not specific to the site and the individual sub area within which it is located. The argument put forward therefore appears to be so generalised as to be inaccurate. In this context, the site constitutes a relatively minor component of the wider designation, the alteration of which, when considered alongside the already truncated original nature of the site and subsequent modern additions, conversion and illuminations, cannot be considered to have a detrimental impact on the wider character and appearance of the conservation area.
- 7.22 Further, to state that 'the properties form part of a terrace of four storey townhouses with basement lightwells and railings, briefly interrupted by the Grade II listed Russell Square Station' evidences an almost total disregard for the facts of the matter, and evolution of Bernard Street, subsequent to its original phase of construction. Today, nos. 3-5 Bernard Street are both visually and physically divorced from nos. 11-28 by the highly distinctive architecture of Russell Square Underground Station. As indicated above, this building clearly presents a marked transition between the residential, generally more coherent nature of nos. 11-28, and the definitively 'mixed use' and therefore more eclectic appearance of nos. 3-5. This separation cannot conceivably be considered 'brief', and, separate as they are, neither can these properties be considered to form a legible component 'part of a terrace of...townhouses'.
- 7.23 It is next asserted that 'the issues currently facing the conservation area (are) the loss of original details such as frontage railings'. Issues such as this are identified 'as the type of alteration which can have a detrimental impact, either cumulatively or individually, on the character and appearance of the area'. Such alterations have already occurred at the Appeal Site with the officer correctly identifying that 'many properties, including the subject site, have replaced the railings to the front with modern railings'. The inference being that the modern railings at the Appeal Site currently have a 'detrimental impact' on the character and appearance of the area.
- 7.24 Turning to proposals for lightwells, the officer's report acknowledges 'lightwell areas have both been partially bridged'. This more recent bridging evidences a later phase of alteration at the site, aiding the practical functioning of the building and its frontage, now it is no longer in use as originally intended. As such, the materiality of proposals aims to implement a clear distinction between old and new phases, thus ensuring the fully illustrated legibility of the site's evolution. This further ensures visual interest combined with an engaging and clearly



exhibited view of the site's narrative. Therefore, proposals demonstrably ensure the 'domestic origins' of the lightwells are retained, yet allow these to continue 'to be read as part of the terrace at street level'.

- 7.25 The terrace's separation from the whole as this was originally built and intended is also worth further note. Its divorce from the remainder of its now-listed neighbours and subsequent alteration can be seen to have been implemented to effect 'optimum viable use', in an economic climate that rendered such an approach necessary. Its conversion to restaurant/café use with residential on upper storeys nevertheless portrays authentically the building's evolution, with the Appeal Site clearly evidencing this phase of development on numerous levels.
- 7.26 Given the discussion set out above —as regards predominantly modern railings of a 'detrimental' impact and already 'partially bridged' lightwells it is not acknowledged that 'the loss of railed areas and infilling of the lightwells would contribute the erosion of historic fabric and detail and so would be to the detriment of the Bloomsbury Conservation Area'. On the contrary, proposals ensure that any removed fabric is not historic and where historic aspects prevail these will be retained or recorded and therefore evidenced.
- 7.27 The delegated officer's report recommends that proposals 'would be detrimental to the character and appearance of the host properties, street scene and the wider area and Bloomsbury Conservation Area through contrary to policy cs14 of the Camden Core Strategy, DP25 of the Camden Development Policies, The London plan, The NPPF and the Bloomsbury Conservation Area Appraisal'. This is strongly disputed. The host properties have been identified as generally comprising residential development of three to four storeys with a shop at ground floor. Proposals do not alter this characterisation. No works are proposed to upper storeys ensuring that they also continue to contribute to the wider character and appearance of the streetscene.
- 7.28 A generally evidential approach to the scheme ensures that proposals 'maintain the character' of the sub area within which the site is situated, in accordance with Policy DP25. Furthermore, their implementation would ensure that the building is 'attractive, safe and easy to use', in accordance with Policy CS14. Again, guidance and justification as to what aspects of the London Plan, NPPF and Bloomsbury Conservation Area Appraisal have not been provided by the report.
- 7.29 Despite this, it is necessary to emphasise that proposals not only preserve the heritage asset, but arguably render the on-going use and practical functioning of its associated frontage and/or space; and therefore its future maintenance and conservation. As per the relevant tests of the *NPPF*, this would result in what is a clear public benefit.



7.30 For the many reasons given above, it is considered that directives within aforementioned policy and guidance are more than amply achieved via the implementation of proposals. Given such a scenario, it is not understood how the delegated officer's report might conclude that proposals 'would be detrimental'.

Reason for Refusal

- 7.31 The application was nevertheless refused on 12 January 2017 for the following reason:
 - 'The proposed removal of railings and infilling of lightwells would be detrimental to the character and appearance of the host properties, the wider area and Bloomsbury Conservation Area contrary to policy CS14 of the Camden Core Strategy, and policies DP24 and DP25 of the Camden Development Policies.'
- 7.33 Whilst addressing this *Reason for Refusal*, this Appeal Statement focuses on the incorrect perception of the officer that proposals would have a 'detrimental' impact on the historic environment of the locale and its associated designations.
- 7.34 Contrary to views expressed in the *Decision Notice*, it is not considered that proposals would result in any 'detrimental' impacts to relevant heritage assets. Proposals have in fact sought to ensure that no original historic fabric is removed whilst features that evidence the origins of the property will remain clearly legible.
- 7.35 Proposals would not only preserve and enhance the heritage asset, but conceivably render the ongoing use, future maintenance and therefore conservation of this heritage asset, a far more stable and secure status. As per the relevant tests of the *NPPF*; a clear public benefit as outlined above.
- 7.36 Contrary to the views expressed by the Local Planning Authority (LPA), it is considered that the scale, design and evidential approach of the proposals constitute a high quality architectural approach that would not form a visually prominent feature within the wider streetscene.
- 7.37 Any historic and architectural value perceived as remaining to the existing building and the cumulative group value of the adjoining terraces predominantly retained at upper storeys would not be affected by proposals. Furthermore, the scheme would demonstrably remove those features of 'detrimental' fabric and replace them items of a considered design.
- 7.38 Having further regard to the discussion set out above, it is also unclear how proposals would be detrimental to the host building, wider area and conservation area. The scheme has been designed to have a positive visual impact on the appearance of the structure one that is



already significantly departed from the original. It could not therefore have a detrimental impact on the character and appearance of the wider, Bloomsbury Conservation area, primarily due to the established 'mixed use' character of this portion of the conservation area, as defined by 'townhouses...with shops at ground floor level. The scheme has been designed to have a positive visual impact on the appearance of the structure itself and due to its limited scale, would not form a dominant feature.

7.39 Additionally, the *Decision Notice* does not note that proposals are contrary to 'the London Plan, NPPF, and the Bloomsbury Conservation Area Appraisal' as set out within the delegated officers report. Furthermore, no mention is made in relation to impacts upon the settings of adjoining listed buildings, inferring that proposals are in fact acceptable in this respect.

Commentary

- 7.40 It is not accepted that proposals would result in a 'detrimental' impact on the host property and wider designated environment, but one that demonstrably improves the practical functioning of an unlisted, component part of the conservation area.
- 7.41 Turning again to relevant guidance, paragraph 126 of the NPPF sets out the requirement for LPAs to establish a positive strategy for the enjoyment of the historic environment. On this point, works would actually facilitate the enjoyment of the locale's historic environment, albeit on a modest scale. However, in its refusal of the scheme, the LPA has demonstrably resisted the opportunity to do so.
- 7.42 Additionally, paragraph 131 of the NPPF sets out that LPA's should 'take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. This also sets out the 'desirability of new development making a positive contribution to local character and distinctiveness'. For the many reasons set out above, it is considered that both these directives are more than amply achieved by proposals.
- 7.43 Paragraph 132 sets out that 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'. Here, merely a minor component part of a much wider heritage asset will be retained. Removed elements do not constitute historic fabric and no longer contribute to the varied, lively and active character of this area of Bernard Street, whilst evidential elements will be retained and enhanced ensuring the clear legibility of phasing as regards the site's evolution.



7.44 As regards works in relation to paragraph 132, it is not accepted that any 'harm or loss' would occur, to either relevant heritage assets or their settings. I hold the same view as regards advice set out at paragraph 133 of the NPPF regarding the question of 'harm or loss'.

- 7.45 As regards paragraph 137, it is considered that both the conservation area and settings of relevant listed buildings would be definitively enhanced from a physical and/or visual perspective.
- 7.46 As such, the relevant tests of the relevant Act are more than amply met whereby the conservation area is considered to be both *preserved and enhanced*, whilst the *special interest* of both listed buildings and their settings would not be adversely affected.
- 7.47 Regarding the requirements of local policy (*Camden's Core Strategy* and *Development Policies*), for the reasons set out above, proposals more than amply:
 - Exhibit the highest quality of design that respects local character and context, provides a scheme that is inclusive and accessible, and enhances relevant heritage assets and their settings – *Policy CS14*;
 - Considers the character, setting and context of neighbouring buildings, ensures a visually interesting frontage at street level, and ensures a high quality of materials – Policy DP24;
 - 3. Takes account of the conservation area appraisal, prevents the substantial demolition of an unlisted building, preserves the character and appearance of the area, and would not cause harm to the setting of a listed building *Policy DP25*; and,
 - 4. Considers the existing character, architectural and historic merit and design of the building and the shopfront *Policy DP3o*.



Summary 8.0

8.1 Fundamentally, as regards the key tests of the *Planning (Listed Buildings & Conservation Areas) Act* 1990 (S.16, 66 & 72 etc.), it is considered that proposals have had *special regard* to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.2 This is because the buildings would be retained, with proposals seeking to functionally and visually enhance a minor component part of a wider designated environment with an appropriate and complementary design in relation to the cluster of evolved terraces of which it forms part. As regards the conservation area, special attention has also been had for the 'desirability of preserving or enhancing the character or appearance of that area'.
- 8.3 Further to this it is considered that the relevant tests of the NPPF (paragraphs 131-134, & 137) would be more than amply met, and that, as regards the setting of the listed building(s), and character or appearance of the conservation area, these would be very clearly both preserved and enhanced.



Appendix 1: List Description, Nos 11-28 and Attached Railings

NUMBERS 11-28 AND ATTACHED RAILINGS

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: NUMBERS 11-28 AND ATTACHED RAILINGS

List entry Number: 1244497

Location

NUMBERS 11-28 AND ATTACHED RAILINGS, 11-28, BERNARD STREET The building may lie within the boundary of more than one authority.

County: Greater London Authority

District: Camden

District Type: London Borough

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 14-May-1974

Date of most recent amendment: 11-Jan-1999

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 476717

Asset Groupings

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

History

Legacy Record - This information may be included in the List Entry Details.



Details

CAMDEN

TQ3082SW BERNARD STREET 798-1/95/90 (South side) 14/05/74 Nos.11-28 (Consecutive) and attached railings (Formerly Listed as: BERNARD STREET Nos.11-24 AND 27 (Consecutive) (incorporating former Nos.25-28))

GV II

Terrace of 18 houses. 1799-1803, some altered. By James Burton. Darkened yellow stock brick with later patching. Nos 11, 13-16, 19 & 22 with stucco ground floors. Nos 14-18 and 25-28 slightly projecting. 4 storeys and basements. 2 windows each. Round-arched doorways mostly with reeded pilaster-jambs, cornice-heads, some radial fanlights, and panelled doors. Doorways of Nos 13, 26 & 28 converted for use as windows; doorway of No.27 square-headed with stucco surround. 1st and 3rd floor stucco sill bands. Gauged brick flat arches (mostly reddened) to recessed sash windows some with glazing bars; 1st floor with cast-iron balconies. Parapets. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas. (Survey of London: Vol. XXIV, King's Cross Neighbourhood, Parish of St Pancras IV: London: -1952: 46).

Listing NGR: TQ3029282156

Selected Sources

Books and journals

'Survey of London' in Survey of London - Kings Cross neighbourhood The Parish of St Pancras Part 4: Volume 24, (1951), 46

National Grid Reference: TQ 30288 82157

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