

**PETER
STEWART
CONSULTANCY**

Nos. 51 & 52
Tottenham Court
Road

Appeal Heritage
Assessment

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1.0 Introduction

- 1.1 This Heritage Assessment has been prepared in support of the appeal against the refusal of planning application ref: 2016/2027/P for development at nos. 51 & 52 Tottenham Court Road (the 'Site'), in the London Borough of Camden. It has been prepared by Peter Stewart Consultancy, a practice which provides independent expert advice on heritage, townscape and architecture. PSC prepared the Heritage assessment submitted with the planning application.
- 1.2 The report should be read in conjunction with the scheme design drawings, the Planning, Design and Access Statement ('DAS'), the Appeal Statement prepared by Savills and the Architectural Addendum prepared by Squire and Partners.
- 1.3 Section 2 sets out the relevant statutory duties and national and local policy and guidance (further detail on local policy and guidance is given in section 5 where relevant) .
- 1.4 Section 3 describes the Site and the townscape character of the surrounding area based on a site visit and the Council's Development Plan Documents. It identifies heritage assets in the surrounding area.
- 1.5 Section 4 assesses the significance of the Charlotte Street Conservation Area and the contribution of the buildings on Site to this.
- 1.6 Section 5 assesses the appeal scheme (Appeal Proposal) and goes on to consider reason for refusal 1 and 2 and the Officer's delegated report. It concludes by assessing the effects of the Appeal Proposals on the surrounding townscape and heritage assets.
- 1.7 Section 6 sets out the conclusions of our assessment. The Appeal Proposals are of a well considered design appropriate to the Site context and will enhance the character and appearance of the local townscape and cause no harm to the setting of any heritage asset.

2.0 The Site and its townscape context

- 2.1 This section contains an overview of the statutory duties and national, London-wide and local planning policies and guidance relevant to the consideration of heritage and design matters.

Statutory duties

The Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Areas

- 2.2 Section 72 of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Listed Buildings

- 2.3 Section 66 (1) of the Act states, “*in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the 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.*”

National planning policy and guidance

National Planning Policy Framework (March 2012)

- 2.4 The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental and social planning policies for England. Section 12 of the NPPF deals with conserving and enhancing the historic environment. It applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990, plan-making and decision-taking.
- 2.5 Heritage assets are defined in Annex 2 as a “*building, monument, site, place, area or landscape identified as having a degree of significance*”

meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)”.

2.6 The NPPF requires an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting (para 128). It goes on to say that *“the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.

2.7 In paragraph 131, the NPPF identifies three key factors local authorities should take into account in determining applications:

*“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”*.

2.8 Paragraph 132 states that in assessing impact, the more important the asset, the greater the weight should be given to its conservation. It notes that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

2.9 Paragraph 134 states where a development proposal will lead to *‘less than substantial’* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

2.10 The setting of a heritage asset is defined in Annex 2 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”*.

Planning Practice Guidance, March 2014

- 2.11 The national Planning Practice Guidance (PPG) was launched by the Government on the 6th March 2014 and provides a web-based resource in support of the NPPF.
- 2.12 The planning objectives of design are stated to include promoting, inter alia, local character; safe, connected and efficient streets; a network of green spaces and public places; and cohesive and vibrant neighbourhoods.
- 2.13 In terms of the qualities that contribute to a well designed place, the PPG states that a well designed place should:

*"Be functional;
Support mixed uses and tenures;
Include successful public spaces;
Be adaptable and resilient;
Have a distinctive character;
Be attractive; and
Encourage ease of movement".*

- 2.14 The PPG identifies the following considerations which may be relevant in terms of how buildings and the spaces between them should be considered:

*"Layout - the way in which buildings and spaces relate to each other;
Form - the shape of buildings;
Scale - the size of buildings;
Detailing - the important smaller elements of building and spaces;
and
Materials - what a building is made from".*

- 2.15 The PPG includes a section entitled '*Conserving and enhancing the historic environment*'. This considers the factors that should inform decision taking about developments that would affect heritage assets. It notes that *"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals"*.

Regional planning policy and guidance

The London Plan – Spatial Development Strategy for Greater London, 2016

- 2.16 The London Plan is *‘the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.’* The London Plan was updated in March 2016 to include the Minor Alterations to the London Plan (MALP).
- 2.17 Policy 7.4 expands on the theme of local character and states that *‘Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings’.*
- 2.18 Policy 7.6 on architecture states that *‘Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.’* It goes on to set out a list of requirements of new buildings and structures including, inter alia, that they should be *‘of the highest architectural quality’*; they should *‘be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm’*; they should include details and materials that *‘complement, not necessarily replicate’* local architectural character; they should not cause *‘unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings’* which is said to be particularly important for tall buildings; and they should *‘optimise the potential of sites’.*
- 2.19 Policy 7.8 ‘Heritage Assets and Archaeology’ states that *‘Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural details.’*

Local planning policy and guidance

Camden Core Strategy and Development Policies, 2010

- 2.20 The Core Strategy and Development Policies documents, which form part of the LDF, were adopted on 8 November 2010. The Core Strategy, along with other LDF documents, will replace the existing UDP.
- 2.21 The Core Strategy sets out the key elements of the Council's planning vision and strategy for Camden. **Policy CS14** seeks to promote high quality places and to conserve the heritage of Camden.
- 2.22 The Development Policies document sets out additional planning policies that the Council will use when making decisions on planning applications.
- 2.23 Policy **DP24 – Securing high quality design** states:
- “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:*
- a) character, setting, context and the form and scale of neighbouring buildings;*
 - b) the character and proportions of the existing building, where alterations and extensions are proposed;*
 - c) the quality of materials to be used;*
 - d) the provision of visually interesting frontages at street level;*
 - e) the appropriate location for building services equipment;*
 - f) existing natural features, such as topography and trees;*
 - g) the provision of appropriate hard and soft landscaping including boundary treatments;*
 - h) the provision of appropriate amenity space; and*
 - i) accessibility.”*
- 2.24 The DPD goes on to say at paragraph 24.4 the *“Council is committed to design excellence and a key strategic objective of the borough is to promote high quality, sustainable design. This is not just about the*

aesthetic appearance of the environment, but also about enabling an improved quality of life, equality of opportunity and economic growth.”

Paragraph 24.7 states development should consider:

- “• the character and constraints of its site;*
- the prevailing pattern, density and scale of surrounding development;*
- the impact on existing rhythms, symmetries and uniformities in the townscape;*
- the compatibility of materials, their quality, texture, tone and colour;*
- the composition of elevations;*
- the suitability of the proposed design to its intended use;*
- its contribution to public realm, and its impact on views and vistas; and*
- the wider historic environment and buildings, spaces and features of local historic value.”*

2.25 **Policy** “DP25 – Conserving Camden’s heritage” deals with heritage assets. Those parts of the policy relevant to this appeal include parts (a) and (b) in relation to conservation areas and (g) in relation to listed buildings, whereby the Council will:

- “a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;”*
- “g) not permit development that it considers would cause harm to the setting of a listed building.”*

Supplementary planning documents and guidance

2.26 The **Camden Planning Guidance 2011/2013** gives additional advice and information on how the Council will apply the planning policies in the Camden UDP 2006, including those policies relating to development within conservation areas. The guidance on rear extension and roof extension is considered in more detail in section 5.

2.27 The guidance notes at para 4.9 that “*A rear extension is often the most appropriate way to extend a house or property. However, rear extensions that are insensitively or inappropriately designed can spoil the appearance of a property or group of properties and harm the amenity of neighbouring properties, for example in terms of outlook and access to daylight and sunlight.*”

2.28 Paragraph 4.10 gives advice on the design of rear extensions. The points relevant to this assessment are set out below:

- “• *be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;*
- *respect and preserve the original design and proportions of the building, including its architectural period and style;*
- *respect and preserve existing architectural features, such as projecting bays, decorative balconies or chimney stacks;*
- *respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space”*

2.29 In relation to height it notes at 4.13 that “*In most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.*”

2.30 In respect of width the guidance notes a rear extensions should be designed so that it is not visible from the street, and that it should respect the rhythm of existing rear extensions. In addition, the Council will seek to preserve rears of buildings that are architecturally distinguished.

2.31 The guidance gives specific advice on conservatories and development in rear gardens. It has been written with residential areas in mind, and this is reflected in the example sketches, all of which are of paired residential villas in garden settings. as opposed to central London retail streets.

2.32 The section on roof extensions notes that the guidance is particularly relevant to residential properties. It notes additional storeys and roof alterations are likely to be acceptable where:

- There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and
- Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;
- There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.

2.33 It goes on at para 5,8 to set out where roof alterations or additions are likely to be unacceptable as there would be an adverse affect on the skyline, the appearance of the building or the surrounding street scene:

- There is an unbroken run of valley roofs;
- Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design;
- Buildings or terraces which already have an additional storey or mansard;
 - Buildings already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;
- Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;
- Buildings whose roof construction or form are unsuitable for roof additions such as shallow pitched roofs with eaves;
- The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;
- Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form;
- Where the scale and proportions of the building would be overwhelmed by additional extension.

2.34 Detailed advice is given on the design of mansard roofs: no advice is given on hipped pitched roofs.

2.35 The ***Fitzrovia Area Action Plan*** was adopted in March 2014. The Site falls within the Fitzrovia Area Action Plan boundary. The urban design principles related to built form and grain listed include:

“New development should respond positively to the prevailing form of nearby buildings and frontages in terms of scale and grain, particularly listed buildings, and buildings, spaces, and other features identified as making a positive contribution to the conservation areas.

New built form should reflect the area’s human scale, its sense of enclosure and be built to define the traditional street block. Buildings should be designed to avoid harm to views from Bedford Square and Fitzroy Square.”

2.36 The **Charlotte Street Conservation Area Appraisal and Management Plan** (the ‘Appraisal’) was adopted in July 2008. It replaces a Conservation Area Statement published in 1996. This document describes the character and appearance or significance of the Conservation Area and sets out a management strategy for its future. The Appraisal notes the views south along Tottenham Court Road towards Centre Point and identifies several buildings in the conservation area as being ‘positive contributors’, including nos. 51 and 52 Tottenham Court Road. The Appraisal also identifies public houses as being local landmarks, including The Rising Sun Public House, close to the Site.

2.37 The **Bloomsbury Conservation Area Appraisal and Management Plan** was adopted in April 2011. It replaces a Conservation Area Statement published in 1998. This document describes the character and appearance or significance of the Conservation Area and sets out a management strategy for its future.

Other guidance

2.38 The HE ‘Advice note 1: Conservation Area Designation, Appraisal and Management’ (2016), suggests a number of questions to assess the value of an unlisted building to the significance of a conservation area, provided its historic form and values have not been eroded:

“Is it the work of a particular architect or designer of regional or local note?

Does it have landmark quality?

Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?

Does it relate to adjacent designated heritage assets (DHA) in age, materials or in any other historically significant way?

Does it contribute positively to the setting of adjacent designated heritage assets?

Does it contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?

Is it associated with a designed landscape e.g. a significant wall, terracing or garden building?

Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?

Does it have significant historic association with features such as the historic road layout, burgage plots, a town park, or landscape feature?

Does it have historic associations with local people or past events?

Does it reflect the traditional functional character or former uses in the area?

Does its use contribute to the character or appearance of the area?"

3.0 The Site and its townscape context

Location

- 3.1 The Site is located on the west side of Tottenham Court Road (A400), between Windmill Street and Goodge Street, in Fitzrovia in the London Borough of Camden. It lies within the Charlotte Street Conservation Area.
- 3.2 Tottenham Court Road is a busy main route, connecting Oxford Street (A40) with Euston Road (A501). North of the Site Goodge Street (A 5204) runs south-west to connect with Mortimer Street, Cavendish Square and Wigmore Street. Bloomsbury lies to the east and the borough boundary with the City of Westminster, and the Charlotte Street West Conservation Area, lies to the west along Charlotte Place, the top of Rathbone Street and Charlotte Street.
- 3.3 Tottenham Court Road is well served by bus routes and both Goodge Street and Tottenham Court Road London Underground Stations are located within walking distance, roughly 150m and 350m away respectively.

History of the development of the area¹

- 3.4 Before 1750, the Site and the area around it was agricultural land on the edge of London within the demesnes of the Manor of Tottenham, also known as Tottenham Court. Tottenham Court Road was a market road that connected Tottenham Court, which was popular as a place for entertainment for Londoners, and Oxford Street. It is shown on John Rocque's 1746 map of London.
- 3.5 Originally owned by the Canons of St Paul's Cathedral, the area around the Site changed ownership several times and the piecemeal nature of development in the area reflects this varied ownership. This contrasts with the more regulated and consistent development to the east of Tottenham Court Road in Bloomsbury.

¹ Based on the Council's Appraisal, pages 14 to 15

- 3.6 The area south of the Site, including Windmill Street and Rathbone Place, were laid out in the 1720s. The construction of New Road in the 1750s (now known as Euston Road) and the resultant bypassing of Oxford Street, led to the northwards expansion of the suburban residential streets. In just 20 years, the street pattern seen within the Charlotte Street Conservation Area today had been established, with townhouses the most common form of development.
- 3.7 By the turn of the 19th century, the wider area around the Site started to become less fashionable as the wealthy occupiers started to move out further west. Rents started to drop and the townhouses were subdivided, creating spaces for studios, and this led to an influx of artists, artisans and craftsmen. The manufacture of furniture, in particular cabinet making, became popular and ground floor shops started to appear in the terraced houses. Towards the end of the 19th century, a wave of immigrants began to come into the area, contributing to a greater variety of businesses, including different shops and restaurants in ground floor units.



1875-78 1:2500 Ordnance Survey map²



1896 1:2500 Ordnance Survey map²

- 3.8 The scale of development in the area and particularly along Tottenham Court Road, changed considerably throughout the 20th century. Ground floor units were merged to provide larger, purpose-built furniture shops, and grand department stores and warehouses were built amongst the domestic terraces in the 20th century to serve the furniture making trade that established itself in the area in the 19th century. Pevsner notes that this character has largely gone with only Heal's (196 Tottenham Court Road) surviving in its original buildings³.
- 3.9 Larger scale developments continued to appear along Tottenham Court Road following bomb damage during the Second World War, establishing a significant stock of post-1950s buildings in the wider area. On the west side towards the southern end of the street there is the 6 to 10 storeys high granite clad 1980 office building described as a "hulk" in Pevsner and designed by Sidney Kaye Firmin Partnership⁴. This pattern of the intensification of development continues.

² © Crown copyright and Landmark Information Group Limited 2014. All rights reserved

³ Buildings of England London 4: North; 1998: Pevsner and Cherry, page 333

⁴ Ibid page 334

The Site

3.10 The Site comprises two buildings, nos. 51 and 52 Tottenham Court Road, which lie on the eastern edge of the Charlotte Street Conservation Area (the boundary of the conservation area runs along Tottenham Court Road). These two buildings are of a different age, architectural style and height as described below.



Street elevation



Additions and extension to rear (and modern context to the rear) seen from above

No. 51 Tottenham Court Road

- 3.11 No. 51 likely dates from the mid 19th century (it is included on the 1838-40 Tallis Survey of Tottenham Court Road). It is a three storey brick built double fronted former townhouse with a mansard roof. It is 4 windows wide with replacement timber sash windows with horns. The ground floor shopfront is modern and of poor quality. The mansard roof has two modest dormers positioned between the 1st and 2nd and 3rd and 4th windows in the facade below.
- 3.12 The facade is painted white. A photograph from the early 20th century held at Camden Archives shows it painted white at this time and covered with painted advertisements - typical of retail premises of the period (this image also shows the original shopfront in place). To the left (facing) is the gated covered entrance to the yard to the rear (not in the ownership of the applicant), with a modern single storey store visible from the street. The façade of no. 51 continues above the opening to adjoin no. 50.
- 3.13 There is a piecemeal mix of poor quality extensions to the rear, the ground floor extends out to the rear site boundary with a painted brick façade; there is a small lightwell to the rear right hand side (facing). Above this is a timber shed like extension. Both are connected to the main building with a brick and part rendered addition with a modern metal clad flat roof.

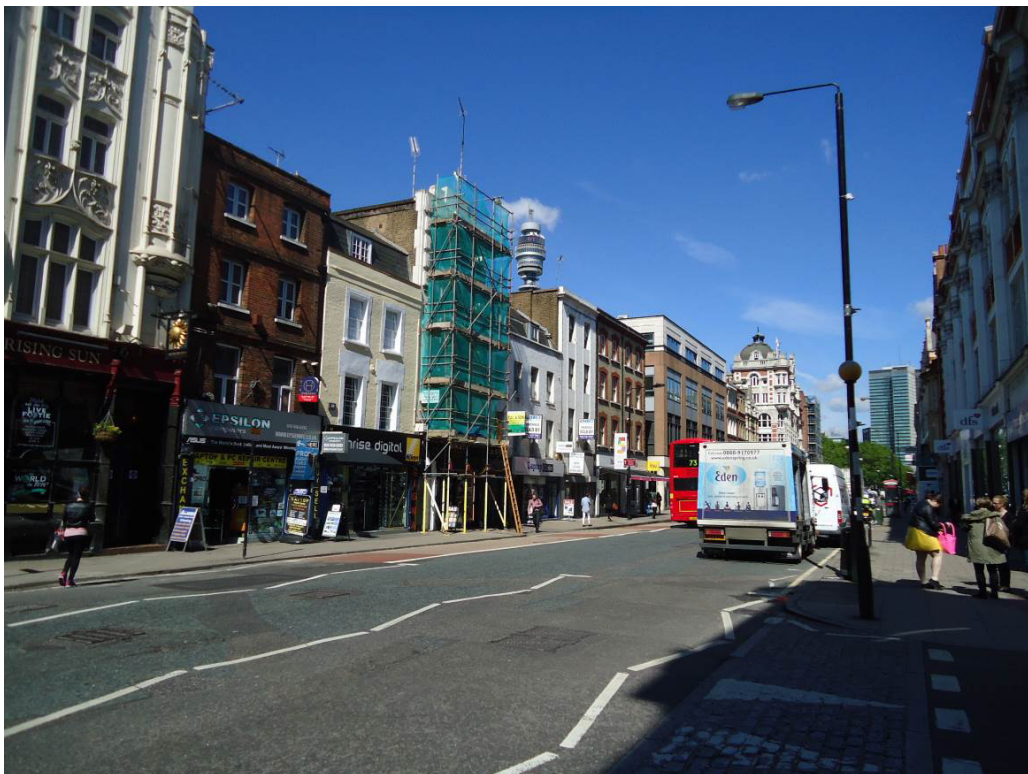
No. 52 Tottenham Court Road

- 3.14 No. 52 is an unremarkable example of a late 19th century terrace house. It is a 4 storeys high brick building. It is two windows wide with the fenestration aligned vertically in a brick surround with inset panel in between floors. Historic photographs show the soffit panels with decorative detail with the name of the commercial occupier and a date, they are rendered and painted white today. It has a flat roof. The roof form and fenestration pattern differ to those of nos. 53 and 54 to the north.
- 3.15 The rear of the main building has modern windows. It has been extend at ground floor level across the whole plot, with a full length, half width 1st floor extension to the right (facing) built of fletton bricks with a mono pitch concrete tile clad roof. There are also two piecemeal small

extension to the rear of the main building; one finished with modern timber cladding at 2nd floor level, and another in render at 2nd floor half landing level.

Immediate Site context

3.16 There are a mix of buildings along Tottenham Court Road between Windmill Street and Goodge Street, which include the Site. These include, running north from Windmill Street, the Rising Sun public house, listed grade II (see below) which forms a highly decorated stucco fronted local landmark at the junction. This is followed by a two windows wide refronted red brick terrace dating from the late 19th century (which has been altered); and a 3 storeys high 2 windows wide building with a mansard roof, painted yellow and with remnants of later 19th century window surrounds. There is then a 4 storeys high purpose built commercial development dating from the 1920s, which abuts the Site. The full height stone frame to the façade, with art deco style swags to the top, give the building a vertical emphasis; within this frame there is an arrangement of casement windows and soffit panels.



Frontage to Tottenham Court Road from Windmill street to Goodge Street (Site towards centre of image)

- 3.17 To the north of the Site, nos. 53 and 54 are a matching pair of terraced building with yellow brick facades and red brick surrounds to the punched window openings to each floor. They have hipped roofs set behind parapets. There is then an alley leading to a 1920/30s development, Kirkman House, built on a former yard. This is followed by a 4 storeys high modern commercial development with a ground floor retail unit and a 1st floor comprising louvers. Beyond are a pair of red brick terraced fronts with stone window surrounds, dating from the later 19th century; and, a more exuberant red brick commercial building with decorative stone dressing. This run is terminated at the junction with Goodge Street, with a vacant site today (where the 3 storeys high white faience clad commercial development from the 1920s stood until recently).
- 3.18 To the rear of the Site the rear of the extended modern office block fronting Whitfield Street is dominant and defines the edges of the yard with a series of stepped and rendered facades. The original route of the yard has been built over to the north and west and the area that survives is a remnant.

Heritage assets

- 3.19 The following heritage assets are relevant to the appeal proposals. A full statement of significance of the Charlotte Street Conservation area is include in section 4
- 3.20 The Site lies within the **Charlotte Street Conservation Area**. The conservation area was designated 26th March 1974 and was extended in 1981, 1985 and 1999. The Site has only been included within the conservation area since its most recent extension on the 25th November 1999, some 25 years after the main street of terraced houses were designated.
- 3.21 The **Bloomsbury Conservation Area** *lies on the opposite side of* Tottenham Court Road to the Site. It was designated in 1968 and subsequently extended several times.
- 3.22 There are two listed buildings in the surrounding urban blocks on Tottenham Court Road: one within the same urban block as the Site and one in the adjacent urban block to the north.

3.23 **The Rising Sun Public House** (46 Tottenham Court Road) is located to the south of the Site, at the junction with Windmill Street. It was listed grade II on 14 May 1974. The list description reads as follows:

“Public house. 1896. By Treadwell and Martin. Stucco with brick extension. Elaborate Art Nouveau Gothic. 4 storeys and basement. 1 bay with 3-bay return and 1-bay extension to Windmill Street. Each bay separated by tourelles with pinnacles. Over window bays, gables surmounted by segmental pediments. Lavish use of vertical strips, scrollwork, heraldic beasts, cupids heads etc., in relief..”

3.24 **No. 64-67 Tottenham Court Road and 2-8 Goodge Street** is located north-west of the Site. It was listed grade II on 19 July 2002. The list description reads as follows:

“Former Catesby's Store, 64-67 Tottenham Court Road and 2-8 Goodge Street. Former carpet and linoleum store, with former public house at corner; now sub-divided into retail use on ground floor, office use above. Free Renaissance style. By Henry Alfred Whitburn FRIBA, 1903, with possibly earlier range to west facing onto Goodge Street. Red brick with extensive Portland Stone dressings, granite faced lower floors, slate and bronze-tiled roofs. EXTERIOR: Tottenham Court Road elevation is an extremely rich essay in the Free Renaissance style. “

3.25 There are other listed buildings in the wider area but given the dense urban character of the area none have a significant visual relationship with the Site. The Council did not refer to any others in their delegate report.

Townscape summary

3.26 Tottenham Court Road, on which the Site lies, is not a street of uniform or cohesive character, nor is it read in a wider townscape of such development. The street frontage of Tottenham Court Road in the Charlotte Street Conservation Area is varied (in terms of the age, scale, height and detailed design of buildings) and forms part of a wider townscape which has a rich and varied character.

- 3.27 The street and Site have distinct characters to the front and rear. The front, a main A road and shopping street, is public facing; the rear, a compromised yard / alley with no public access, is private. The grain of the area, as read in the rhythm of street elevations and reinforced by the varied height, design and materials of individual buildings, is more evident in the street frontage, and it is principally this element of the Site that contributes to the significance of the conservation area.
- 3.28 The historic plot rhythm and therefore the grain of the street and Site is less apparent to the rear. There is no clear rear building line to the rear of Tottenham Court Road and the former uninterrupted route / layout of the yard has been lost. The poor quality extensions to the buildings adjoining the Site (and the buildings on Site) as well as the large scale redevelopment of surrounding buildings detract further from this. There are no public view to the rear of the site.

4.0 Significance of Charlotte Street Conservation Area and the Contribution of nos. 51 & 52 Tottenham Court Road

- 4.1 The assessment below is based on the LB Camden's Appraisal, records held at the Camden Local Archives Centre and London Metropolitan Archives, and a site visit. The assessment is proportionate to the significance of the conservation area, the interest of the buildings, and the nature and extent of the Appeal Proposal. It is sufficient to understand the potential impact of the proposals on heritage interest. It uses English Heritage and LB Camden guidance where appropriate (as set out in section 2 of this report).
- 4.2 The Charlotte Street Conservation Area adjoins the Charlotte Street West Conservation Area to the west (in the City of Westminster), on the opposite side of the conservation area to the Site.

Significance of the Charlotte Street Conservation Area

- 4.3 The Charlotte Street Conservation Area lies within the wider area known as 'Fitzrovia'. It was laid out as a Georgian residential suburb of speculative houses, spanning north from the earlier development around Rathbone Place (1720s). The area was laid out within the space of 20 years, with a dense street pattern of three and four storey townhouses with limited space to the rear. The townscape overall would have exhibited a high degree of uniformity.
- 4.4 The Council's Appraisal notes that the area's spatial character "*derives from the densely developed grid pattern of streets and limited open space*" of terraced townhouse typical of Georgian London. Most development is four storeys in height on the wider streets and three storeys in height on some of the narrower streets, and is primarily built of yellow stock brick. The buildings are set back from the street behind a small basement area and their roof line is often consistent and defined by parapets. Percy Street, Goodge Place and Colville Place are good examples of streets that have retained their residential Georgian character.

- 4.5 The area underwent a change in social status from the 1800s onwards, as the wealthy occupiers of the houses moved further west as the suburbs of London expanded in that direction. The townhouses were subdivided into smaller dwellings, shops and other small scale business.
- 4.6 This pattern of development continued throughout the 19th and into the 20th centuries. The area went from being primarily residential in character to an area with a mix of residential, commercial and retail uses. Retail became a primary use along Tottenham Court Road and ground floor frontages were merged to form larger retail units. Some sites within and outside the conservation area were redeveloped with large retail premises and department stores. This included 64 to 67, the former Catesbys department store (listed grade II, which specialised in linoleum) built in 1903-5 to the designs of by Henry Whitburn; and Heals (191 to 199), the centre block dating from 1912 to 17 and designed by Smith & Brewer. The latter is described by Pevsner as the best commercial front of that date in London⁵.
- 4.7 Different buildings types can be found in different parts of the conservation area, reflecting the changes in architectural tastes and styles and the changing population in the area. Many of the properties were re-fronted or altered during the 19th century, with infill development and complete redevelopment occurring during the 20th century. Thus Gothic and Italianate decorations can be found, especially on the public houses such as The Rising Sun Public House, as well as red brick buildings.
- 4.8 There are also more modern office blocks and commercial buildings which are of a significantly larger scale than the original development, such as in Whitfield Street. Post-war and more recent redevelopment schemes continued the pattern of the intensification of development. Many of the post-war development in the conservation area are identified by the Council as negative in the Appraisal, including the Whitfield Gardens, to the north of the Site, on Tottenham Court Road. Redevelopment schemes continue as seen in the recent commercial block a few plots north of the Site on Tottenham Court Road.

⁵ Buildings of England London 4: North; 1998: Pevsner and Cherry, page 334

- 4.9 There are areas of distinct townscape character in the conservation area reflecting the diverse variety of buildings noted above and the hierarchy of streets in this central London location.

Tottenham Court Road

- 4.10 Tottenham Court Road, a main north / south route, has a varied scale and character of development and an eclectic townscape. The section of Tottenham Court Road between Windmill Street and Goodge Street is described above. The Council's Appraisal describes Tottenham Court Road in the 'Main Thoroughfares' townscape character area. It states that "*Tottenham Court Road is notable for the variety of heights, building styles and materials along the frontage. The prevailing height is three and four storeys with a general pattern of vertically proportioned buildings on narrow plots and a well-defined parapet at roof level... There are a range of materials including yellow and red brick, render and stone*".
- 4.11 Tottenham Court Road was a well established retail street of London wide significance when the conservation area was designated. At paragraph 4.7 the Appraisal notes how the "*introduction of shopfronts and other ornamentation in the 19th century and commercial developments during the 20th century reflect the way in which occupation and activity within the area has evolved*". The Appraisal goes on to note at para. 6.8 that "*Tottenham Court Road became, and remains, a focus for department stores and the sale of furniture as the result of the concentration of cabinet makers in this area at the turn of the 19th century. This has led to pressure for larger blocks along this frontage, although the pattern of earlier terraces remains intact in places.*"
- 4.12 The 1998 edition of Buildings of England London 4: North describes Tottenham Court Road "*as entirely commercial, Victorian and post-Victorian, and indeed post 1950s*". It notes that of the six buildings singled out by Pevsner in the original 1952 edition only three remain. The description of Tottenham Court Road in the former is relatively short given the length of the street, and detours onto Store Street and Gresse Street highlighting the lack of memorable buildings Tottenham Court Road.

4.13 The significance of Charlotte Street Conservation Area is derived from the remaining grid street pattern, the surviving runs of terraces, both those with commercial ground floor frontages such as Charlotte Street, as well as those that retain a cohesive residential character such as Percy Street, Goodge Place and Colville Place. In contrast Tottenham Court Road exhibits a very varied townscape, in terms of the age and scale of development, and has undergone significant phases of redevelopment over time. It is a major retail street in London and well known for furniture stores. The element that unifies its character are the ground floor retail uses. This type of development has been an integral part of its character, and provides a far more varied an eclectic townscape than the main body of the conservation area.

The contribution of nos. 51 and 52 to significance of the Charlotte Street Conservation Area

4.14 The EH document, 'Understanding Place: Conservation Area Designation, Appraisal and Management' (2016), suggests a number of questions to assess the value of an unlisted building to the significance of a conservation area. They consider that any one of these characteristics could provide the basis for considering that a building may make a positive contribution to the special interest of a conservation area i.e. its significance, subject to consideration of whether or not these values have been compromised. The contributions of nos. 51 and 52 Tottenham Court to the significance of the Charlotte Street Conservation Area are assessed below:

Is it the work of a particular architect or designer of regional or local note?

Nos. 51 & No 52

No – the architects of the buildings are not known but both appear to be the work of speculative builders.

Does it have landmark quality?

Nos. 51 & 52

No – Both buildings are of a modest scale and appear as background buildings along a street that has undergone much change, where more recent buildings are more prominent. There has been considerable redevelopment both inside and outside the conservation area, and the character of this part of the conservation area belongs to the wider townscape of this street.

Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?

No. 51

Yes – It survives from the mid 19th century and is a brick built building with a slate clad mansard roof and forms part of a continuous built frontage. It has a retail ground floor frontage as do most buildings along Tottenham Court Road (albeit with a poor quality modern shopfront today).

No. 52

Yes – in as much as it is a late 19th century brick fronted building and forms part of a continuous built frontage (it is later than many of the residential built terraced buildings in the main body of conservation area). It has a retail ground floor frontage as do most buildings along Tottenham Court Road (albeit with a poor quality modern shopfront today); and whilst of a similar height to nos. 53 and 54 is of a different detailed design to the front, roof and rear.

Does it relate to adjacent designated heritage assets (DHA) in age, materials or in any other historically significant way?

Nos. 51 & 52

No

Does it contribute positively to the setting of adjacent designated heritage assets?

Nos. 51 & 52

No - It forms part of the terraced front to this street block with the listed Rising Sun Public House at the junction with Windmill Street to the south. However, there is no significant relationship between this listed building and either nos. 51 or 52.

Does it contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?

Nos. 51 & 52

No

Is it associated with a designed landscape e.g. a significant wall, terracing or garden building?

Nos. 51 & 52

No

Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?

No. 51

Yes – It illustrates the development of the area in as much as any form of development would. It dates from the mid 19th century, and is one of the earlier building along Tottenham Court Road and in the conservation area. It does not reflect, however, the prevailing character and scale of development along Tottenham Court road today nor at the time this area was included as an extension to the conservation area.

No. 52

Yes – but only as much as any form of development would, and not in any significant way. It is an unremarkable example of a late 19th terraced building that has been altered. It lacks the quality and stature

in other buildings from this period seen elsewhere along Tottenham Court Road.

Does it have significant historic association with features such as the historic road layout, burgage plots, a town park, or landscape feature?

Nos. 51 & 52

To a degree - the flank elevation of no. 51 and rear elevation of nos. 51 and 52 follow the alignment of the former route into Red Lion Yard (now blocked to the north). The yard has been built over and has a cluttered and mixed character today from successive phases of redevelopment and extension of buildings along its route. There is a shed in the alley, visible through the gates on Tottenham Court Road in the covered way through no. 51 (not in the ownership of the applicant).

Does it have historic associations with local people or past events?

Nos. 51 & No 52

No - there are no known historic associations with local people or past events of any significance.

Does it reflect the traditional functional character or former uses in the area?

No. 51

Yes - the residential appearance of the upper floors reflects the residential use that remain more evident in the main body of the conservation area. The retail ground floor frontage reflects the characteristic use along Tottenham Court Road.

No. 52

Yes – it reflects the focus of retail and commercial uses along Tottenham Court Road.

Does its use contribute to the character or appearance of the area?

Nos. 51 & 52

Yes - the retail use at ground floor level of both units contributes to the characteristic use along Tottenham Court Road. The modern shop fronts and signage are however of poor quality.

Alterations

- 4.15 Alterations that have taken place to no. 51 include the modern shop front and signage; painting of the front façade, replacement fenestration (timber frame sashes with horns) and extension to the rear including at 1st and 2nd floor level, the latter a shed-like structure. Whilst not part of the Site there has been a modern shed built in the gated alley way which is visible from the street. It does, however, retain the pattern of window openings to the upper floors as well as a mansard roof form visible from the street.
- 4.16 No. 52 has been extended to the rear and the front has undergone alterations including painting of the facade, rendering of details, and the installation of a modern shopfront.

Summary

- 4.17 No. 51 is typical of the period. It is of some interest as a former house from the mid 19th century, as reflected in the domestic character of the design and openings of the upper floors; and because of the retail ground floor use which contribute to the character of Tottenham Court Road and its almost continuous retail ground floor street frontage. The modern ground floor shopfront and signage is of poor quality with a relatively low value retail occupier at present.
- 4.18 No. 52 is unremarkable architecturally and contributes little of interest to the local townscape.
- 4.19 No. 51 meets 5 of the characteristics suggested by EH in considering whether a building contributes to the significance of a conservation area. It survives from an early phase in the development of the Charlotte Street area and retains a domestic appearance to the upper

floors. It is the facade to Tottenham Court Road with a retail use at ground floor level (albeit with a modern poor quality shopfront) that is of most interest, as part of the built edge to the street.

4.20 No. 52 is unremarkable architecturally and contributes little of interest to the local townscape. It has been painted, does not match the detailed design of the two buildings to the north (nos. 53 and 54), and stands as an altered building of little quality. Whilst it meets 5 of the characteristics suggested by EH in considering whether a building contributes to the significance of a conservation area, these relate primarily to the contribution of the street frontage. This building is set at the back of the footway, reflects the historic plot pattern of the area, and the grain of the main body of the conservation area. The façade itself however is of little interest.

4.21 In considering both buildings it is the retail ground floor use, grain of the facade widths and principal façade of no. 51 that contribute to the character of the conservation area. There are other buildings that contribute more positively to the townscape along Tottenham Court Road and to the significance of this part of the conservation area, including the two listed buildings identified above.

5.0 Assessment of Appeal Proposals

- 5.1 This section describes the Appeal Proposal and sets out the reasons for refusal considered as part of this report. It goes on to assess the effects of the scheme in light of the Council's reasons for refusal, the officer's delegated report and national and local policy and guidance.

Appeal Proposal

- 5.2 The Appeal Proposal involves the demolition of the subsidiary elements to the rear of the buildings on Site and the extension and reconfiguration of nos. 51 & 52 Tottenham Court Road to provide enhanced retail, commercial and residential accommodation.
- 5.3 Reference should be made to the plan and elevation drawings that accompanied the application, and further details of the design are given in the DAS.
- 5.4 The principal facades of both buildings are retained, as is the main shell of no. 51 and the party walls of no. 52. The piecemeal collection of rear additions and extensions to both nos. 51 and 52 are demolished, as is the rear elevation to no. 52; and the upward extension of both buildings will involve works of demolition at roof level.
- 5.5 No. 52 is extended to the rear to wrap around the back of no. 51 (which will remain as a distinct building above ground floor level). Both buildings are raised at roof level; no. 51 with an extrusion of the 2nd floor with a new 3rd floor to match, and a mansard roof above; and no. 52 with a roof extension. The latter is of a distinct but complementary modern design, with a vertical copper clad facade set back from the parapet (there is a small lift overrun set back from the street elevation).
- 5.6 To the rear the original plot division will be apparent in the set backs and elevation design of the extension. The plots divisions of nos. 51 and 52 are also expressed in the new roof plan.

Reasons for refusal and general observations on the delegated report

- 5.7 Two of the Council's reasons for refusal for application ref: 2016/2027/P are relevant to heritage and townscape matters, reasons 1 and 2:

"1 The roof extensions by reason of their scale, visual prominence and effect on the established townscape and neighbouring properties would detrimentally harm the character and appearance of the subject buildings, street scene and would fail to preserve or enhance the conservation area, all contrary to policy CS14 of the Camden Core Strategy 2010-2025 and policies DP25 and DP26 of the Camden Development Policies 2010-2025, The London Plan (2016) and the National Planning Policy Framework (2012).

2 The rear extensions by reason of their height, scale, bulk and massing would fail to respect the scale and proportions of the existing buildings, would be over-dominant additions which would fail to be adequately subordinate to the existing buildings, would alter the historic pattern and established townscape of the block and would not compliment [Sic] or reflect the rhythm and grain of this part of the street, all contrary to policy CS14 of the Camden Core Strategy 2010-2025 and policies DP25 and DP26 of the Camden Development Policies 2010-2025, The London Plan (2016) and the National Planning Policy Framework (2012)."

- 5.8 It would seem more appropriate to cite policies DP24 Securing High Quality Design and DP25 Conserving Camden's Heritage in respect of these two reasons for refusals (as was done for the previous refused application for the Site, ref: 2011/2286/P). These are the two policies that this report assesses the appeal scheme against below. The Planning Appeal Statement deals with matters in respect of policy DP26 Managing the Impact of Development on Occupiers and Neighbours.
- 5.9 As a general observation, the Council claim in the officers' delegated report that no justification was given "*on the historic and architectural impact of the proposals on the host building*". These matters were covered in detail in the 32 page Heritage Assessment, 28 page DAS

and 33 page planning statement submitted with the application, all of which appear on the Council's website as "*application documents*".

- 5.10 At para 5.19 the Council state the level of demolition would not constitute substantial demolition nor would it harm the character of the conservation area. They found the extent of demolition proposed acceptable, subject to a condition requiring the submission of further details on how the building fabric to be retained will be secured during construction. Accordingly, the assessment below deals principally with the new build elements of the scheme which are considered to be wholly appropriate for the Site and its context. Relevant sections of the delegated report are quoted as appropriate.

Assessment

- 5.11 The assessment begins by considering the scheme in respect of policy DP24. It goes on to consider the roof extensions and then the rear extension in turn. It concludes by considering the effects of the scheme on the Charlotte Street Conservation Area and the setting of the grade II listed Rising Sun Public House.

DP24 Securing High Quality Design

- 5.12 The Appeal Proposal will be of a high quality of design and will maintain the distinct characteristics of the pair of buildings on Site as seen from the street and from the rear.
- 5.13 In line with Policy DP24 (which was not cited in the reason for refusal but is clearly relevant) the Appeal Proposal responds positively to the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing buildings on Site. They will use high quality materials and provide enhanced interesting frontages to the street. They will enable an improved quality of life for future occupiers and people visiting the shops, as well as encourage economic growth.
- 5.14 The Appeal Proposal, as set out in detail in the DAS, is based on a clear understanding of:
- the character and constraints of its site;

- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the compatibility of materials, their quality, texture, tone and colour;
- the composition of elevations; and
- the suitability of the proposed design to its intended use.

5.15 In terms of the varied height, along the street generally and on Site specifically, it is the variety and not the specific relationships that are important. There will be a change to the roofline on Site but it will maintain the same level of variety as exists today and which the Council believe to result in harmony. The change will not be very noticeable.

The roof extensions

5.16 Whilst no. 51 already has a mansard roof, the design of the Appeal Proposal involves the upward extension of the brick elevation with a single mansard roof above – the appearance and profile of the roof form will not change. The Council acknowledge that the “*design provides a better understanding of the existing architectural language and hierarchy of the host building than the previous scheme*” and at para 5.8 note that the parapet height and mansard height of the proposal would be slightly lower than in the previous refused scheme, and that the extension to no. 51 would now terminate at a similar height to the parapet at no 49. The raised brick parapet of no 51 would in fact lie around 1.8 below the corner of the parapet of no. 49 (2.5m below its highest point); the very top of the recessive mansard (the ridge of the second pitch) would broadly align with maximum height of the parapet of no. 49, as seen in true elevation.

5.17 However, it remains the Council’s view that the addition of a third floor and mansard above to no. 51 would “*substantially alter the form and proportions of the original building and remove all trace of the role this building plays in the pattern of the historic streetscape*”; and go on to say it “*would still also substantially alter the relationship it has with no. 49 which stands out within the row as a higher, more modern, Art-Deco style building, with a more monumental character*”.

- 5.18 The addition of one floor, in a style to match that of the original building, cannot reasonably be said to remove all traces of the role this building plays in the pattern of the historic streetscape. Nor would it substantially alter the relationship with no. 49, which the Council claim to be monumental in character. There will be a change, but this will be of an appropriate magnitude, and will cause no harm to the townscape (see below in respect of the conservation area). Once completed, it is unlikely that people passing by the Site would notice the change to no. 51.
- 5.19 The roof extension to no. 52 offers architecture of a high quality and will deploy a crisp modern architectural language with a limited palette of high quality materials. This will add to the varied layers of development in the area and the richness and grain of the surrounding built form.
- 5.20 The Council state at para 5.9 the roof extension to no. 52 *“would result in a property which is significantly higher than the neighbouring buildings (no. 53 and 54), increasing the bulk and scale of this group of three buildings”* and that this would have a *“an overbearing and dominant affect, particularly as a strong existing parapet line exists across nos. 52-54”*; and that *“the scale and proportions of the existing buildings would be overwhelmed by the additional extensions”*.
- 5.21 Again, this is not a reasonable account of what is proposed. The roof extension to no. 52 would not result in a property which is significantly higher than the neighbouring buildings (no. 53 and 54) nor would it have *“an overbearing and dominant affect”*. The scale and proportions of the existing buildings would not be *“overwhelmed by the additional extensions”*. The addition of one extra set back floor to this four storey building will not be overbearing or dominant nor will it overwhelm the host building. No. 49 (described by the Council as having a monumental appearance) will remain prominent by virtue of its detailed design, and clearly distinct from and different to, the prevailing terraced frontages either side of it.
- 5.22 In line with the Council’s Planning Guidance *“CPG1 (design)”*, the Appeal Proposal is architecturally sympathetic to the age and character of each of the host buildings, and will retain the overall integrity of their respective roof forms. There will be no adverse effect on the skyline, the appearance of either of the host buildings or the surrounding street scene. Neither roof extension will:
- affect a valley roof;

- overwhelm the scale and proportions of the host buildings;
- affect a notable terrace with an unimpaired roofline (no. 52 does not read as part of group with 53 and 54);
- involve buildings that are already higher than neighbouring buildings;
- add significantly to the bulk or unbalance the architectural composition of either building;
- affect important London-wide and local views from public spaces;
- affect a building with a roof construction or form unsuitable for roof additions;
- undermine the architectural style of a building designed as a complete composition; nor
- detract from the variety of a group where differing heights add visual interest (it will simply add to this);

5.23 The additional floors will not be very noticeable or prominent in views. The Appeal Proposal maintains the variation in height between the two buildings on Site and between them and the wider street. In true elevation the extended nos. 6 to 10 Whitfield Street to the rear of the Site is already visible above the ridge line of these two buildings today.

5.24 In reality, as experienced in oblique views, the additional floors to each of these buildings, which will maintain the varied skyline and prolife of the built edge of this urban block, would make very little difference to the local townscape, and would not be already apparent to those walking down the street (see also the Charlotte Street Conservation Area section below). The existing view images in the DAS and the new views images prepared by the architects for the appeal illustrate the minimal effect of the Appeal Proposal on the local townscape of Tottenham Court Road.

Rear extension

5.25 There are no public views to the rear of this terrace, and the established townscape to the rear block is not of any note. The quality of development here is mixed and generally of low quality. The best maintained buildings are commercial buildings with large recent extensions. As such the grain and rhythm that survives, is of a piecemeal and compromised character, and not one that contributes to a townscape of note or the significance of the conservation area (see below). This part of the Site provides an opportunity to increase both

the amount and quality of accommodation, whilst maintaining the character of main street frontage.

- 5.26 In respect of the rear extension the officer's delegated report found at para 5.13 that:

"These proposed rear extensions are not considered to be subordinate to the host properties and would alter the historic pattern and established townscape of the block which can currently be read from the rear. The extension does not compliment [Sic] or reflect the rhythm and grain of this part of the street and the proposed bulk and massing is considered to be unacceptable."

- 5.27 The rear of the Site comprises a mix of one, two and three storey elements, some running west the whole depth of the Site, and is of a piecemeal appearance. It is also compromised by the very great degree of change seen in the immediate neighbours. Changes here will not affect the street frontage, any public views or any view that contributes to the significance of the conservation area. The rear extension on Site will reflect the plot widths in its detailed design and the main body of each building will remain discernible in the elevation design and is expressed differently at roof level. The extension will not appear over dominant, and the existing grain will be maintained and better expressed.
- 5.28 The Council's guidance, which is borough wide, has clearly been written with residential properties in mind in respect of rear extensions, and it is not appropriate to apply it rigorously to this a city centre Site, where extensive change has taken place to the rear of the Site, and its neighbours. Only a remnant of the former yard remains. The appeal scheme is designed so that the individual plots will remain readable in the building design, rationalising the existing poor quality clutter to the rear of the buildings.
- 5.29 The original frontage buildings will clearly remain the most prominent elements on Site and in townscape views. They will not be seen in conjunction with the rear extensions. The proposal follows the pattern of intensification of development seen nearby, including in the conservation area, but in this case retaining the frontage buildings. It will provide a backdrop of a cohesive appearance and high quality finishes. Views from adjoining buildings to the rear will be significantly enhanced by the new development

5.30 In addition, as set out in the Appeal Statement prepared by Savills, the proposal will not result in unacceptable harm to the amenity of neighbouring properties, suggesting that this is an appropriate scale of development for this central London Site.

Significance of CA

5.31 The Appeal Proposal adopts a sensitive approach to the provision of an increased amount of development on Site of a higher quality than exists on Site today, to provide a mixed use scheme that will enhance the character and appearance and significance of the Charlotte Street Conservation Area.

5.32 The significance of the Charlotte Street Conservation Area is derived from the streets of terraced houses which predominate within the main body of the conservation area, as well as the contribution of the short street frontage to Tottenham Court Road to the character of this route as a major retail street. Those elements of the buildings found to contribute to the significance of the Charlotte Street Conservation Area (to varying degrees) are retained as part of the Appeal Proposal and the Council have not objected to the extent of demolition.

5.33 The principal facades of the buildings on Site are retained and enhanced, as is the distinction between nos. 51 and 52 Tottenham Court Road at the upper floor levels and through the detailed design of the shop front. The Appeal Proposal will maintain a variation in height along the street frontage. The upward extension of no. 51 will match the design of the existing building; and the mansard to no. 52 will complement the pitched roofs (of different designs) to nos. 53 and 54 to the north (no. 52 has a flat roof). The loss of the built elements to the rear of the Site, to which there is no public access, would cause no harm to the significance of the designated heritage asset, the Charlotte Street Conservation Area.

5.34 The delegated report noted at para 5.3 that the subtle variation in height between buildings nos. 46 to 54 Tottenham Court Road “*reflects the gradual evolution of the street and exhibits buildings from the 18th century through to the 1930s. At the same time a degree of harmony is introduced by the overall roofline in this stretch of the street.*” This does not, however, acknowledge that this area has continued to evolve since the 1930s including, directly to the north, the remainder of the street

frontage of the urban block within which the Site lies. This section of frontage is also located in the conservation area and includes large infill projects of up to 5 storeys (nos. 55 and 63), which together take up half of the street frontage (the former occupying the entire width of the urban block up to Whitfield Street and defining the edge of Kirkman Place, once connected to the yard to the rear of the Site).

- 5.35 Tottenham Court Road is a street of a distinctive character derived from the successive phases of redevelopment and retail premises. A stretch of it was included in the Charlotte Street Conservation Area as a later extension to the original conservation area designation, and this stretch is not typical of the character of the main body of the conservation area. There are a number of conservation areas along the length of the Tottenham Court Road and the boundaries of these different conservation areas are not 'readable' from walking along the street. In townscape terms it is important to consider Tottenham Court Road as a major and well known central London main road, with two sides in its own right and not as fragments of the adjoining areas. This is the dominant reading of the townscape as experienced.
- 5.36 The Appeal Proposal reflects the intensification of development that has taken place here and elsewhere along Tottenham Court Road since the 19th century, and its importance as a principal London retail street since the turn of the 20th century. Comparing historic street elevations with the street frontage today highlights the fact that this type of change has been occurring since the 19th century, and forms part of the character of the conservation area.
- 5.37 The Appeal Proposal will enhance the street views, refurbishing and renovating the retained facades as part of the works. The shop fronts and signage to both buildings are also enhanced. The nib wall and varied shopfront designs will maintain the distinct appearance of nos. 51 and 52 at ground floor level and ensure a suitable visual relationship with the elevations above. The heritage benefits of the scheme, enhancing the quality of development on Site and its contribution to the Charlotte Street Conservation Area, will far outweigh any harm that could be considered to be caused.
- 5.38 It is our view that the Appeal Proposal will cause no harm to heritage significance. The Council, however, found there to be some harm, "*less than substantial*" in NPPF terminology. Therefore, the relevant NPPF policy test in assessing the appropriateness of the scheme is set out in paragraph 134.

- 5.39 The Council accept (at para 5.16) that the increase in commercial accommodation and new three bed residential units will represent a public benefit (in their view limited) but that this would not outweigh the less than substantial harm. Elsewhere they note that “*a new shopfront is proposed which is considered to be acceptable and would be an improvement on the current situation*”. Their assessment fails to give adequate weight to these benefits the Appeal Proposal will deliver; or acknowledge the significantly improved retail space the new amalgamated unit will provide as part of the retail offer along Tottenham Court Road.
- 5.40 Given the importance of Tottenham Court Road as a retail street, the new shopfront (acknowledged by the Council as an improvement) and enhanced retail spaces, in addition to the new homes and office space, represent significant public benefits, that outweigh any limited harm that could be said to be caused. The public benefits brought forward by the scheme are considered further in the Appeal Statement prepared by Savills.

Setting of the Rising Sun Public House

- 5.41 We agree with the Council that the grade II listed corner building at the junction of Tottenham Court Road and Windmill Street, the Rising Sun Public House, is a landmark building. The Council claim, however, that the Appeal Proposal fails to take into account the historic and architectural role of this building and will harm its setting. This is not the case in our view.
- 5.42 There will be no effect on the setting of this listed building, which given its corner position, architectural style (“*strong architectural treatment*” in the words of Council officers), materials and highly decorative facades will remain prominent in the local townscape. This urban block comprises terraced buildings forming a continuous frontage in central London. The appeal site lies 4 plots away, and given the modest additions to the street frontage, and the nature of the built form and townscape in the surrounding area, there will be no effect on any element of setting that contributes to the significance of the listed building. If there were considered to be an effect it would have to be considered to be positive by virtue of the enhancements of the street frontage.

6.0 Conclusion

- 6.1 The Appeal Proposal is based on a clear understanding of the townscape and urban design character of the Site and its context, and the significance of the Charlotte Street Conservation Area and the contributions of nos. 51 and 52 Tottenham Court Road to this. The street frontage to Tottenham Court Road is retained and enhanced as part of a project that will deliver significantly improved accommodation on Site, including a new large retail unit that will significantly enhance the retail offer along Tottenham Court Road.
- 6.2 The upward extension of nos. 51 and 52 will maintain the varied height of buildings seen along Tottenham Court Road, and the extension to the rear is appropriate to its context. This pragmatic approach will provide more and enhanced accommodation on Site, contributing to the regeneration the area, whilst maintaining those elements that contribute to the local townscape and conservation area.
- 6.3 The Appeal Proposal reflects the intensification of development that has taken place along Tottenham Court Road since the 19th century, and its importance as a principal London retail street since the turn of the 20th century. Tottenham Court Road has undergone significant change, including within the Charlotte Street Conservation Area, and can accommodate further well considered changes (as demonstrated in various places along its length). The Appeal Proposal maintains the character of the street frontage largely as found today, albeit it will be one floor higher to each building and with enhanced ground floor frontages. This change will be minor when seen in the wider views up and down Tottenham Court Road. The plot width, a reminder of the incremental pattern of development along Tottenham Court Road, will remain apparent.
- 6.4 The Appeal Proposal is of a high quality of design, based on a clear understanding of the Site, the Charlotte Street Conservation Area and the townscape context. It will enhance the quality of the townscape of the area and the character and appearance and significance of the Charlotte Street Conservation Area. It will not harm the setting of any heritage asset. In respect of design and built heritage considerations, it is in line with the policies and guidance on design set out in the NPPF and PPG; London Plan policies; local policies CS14, DP24 and DP25, and SPDs.

6.5 We respectfully ask that the appeal be allowed.

Peter Stewart Consultancy
70 Cowcross Street
London EC1M 6EJ

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