

TANFIELD CHAMBERS

16th February 2018

Ms L Hazelton
Planning Officer, Planning Solutions Team
London Borough of Camden
Culture and Environment Directorate
2nd Floor, 5 Pancras Square
London N1C 4AG

By email laura.hazelton@camden.gov.uk

Dear Ms Hazelton

2017/6946/P – ELIZABETH HOUSE 4-7 FULWOOD PLACE LONDON WC1V 6HG

OBJECTION

We write in respect of the planning application for the development proposals at 4-7 Fulwood Place.

The Trustees of the 2-5 Warwick Court Trust are the freehold owners of 2-5 Warwick Court, WC1R 5DJ, which adjoins Elizabeth House at the rear. Tanfield Chambers Services Limited is the lessee of 2-5 Warwick Court, on behalf of Tanfield Chambers.

The Trustees and Tanfield Chambers Services Limited are greatly concerned by the proposals and their impact upon the quality of the working environment at 2-5 Warwick Court. Tanfield Chambers, who occupy the building, regularly work long hours and the quality of the accommodation is therefore very important to the staff who work at the property.

We have reviewed the planning application and provide the comments below. The comments are set out by topic, first reviewing policy and then assessing the proposals against them.

The Development Plan

S.70 of the Town and Country Planning Act 1990 states that applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In preparing the comments below we have had regard to the London Plan (2016), the Camden Local Plan (2017) (which comprise the development plan), as well as the relevant sections of the Camden Planning Guidance (2011).

Land Use

Policy H2 (Maximising the Supply of Self-Contained Housing From Mixed Use Schemes), promotes the inclusion of residential accommodation on site where a development proposes more than 200 sq m of commercial floorspace on site. In considering whether it will be required on site the Council will take into account:

- a. the character of the development, the site and the area;*
- b. site size, and any constraints on developing the site for a mix of uses;*
- c. the priority the Local Plan gives to the jewellery sector in the Hatton Garden area;*
- d. whether self-contained housing would be compatible with the character and operational requirements of the proposed non-residential use and other nearby uses; and*
- e. whether the development is publicly funded or serves a public purpose."*

We note that the ground floor level on the proposed section appears to allow for level access directly from the street and that the frontage is wide enough to create a separate access. It also appears to us that a single, dual aspect, family sized dwelling could be created.

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There are no diagrams indicating why this cannot be achieved or why this is unfeasible. We would be keen to see this examined further before the Council were to progress to a payment towards the Council's affordable housing fund in lieu of the provision of residential accommodation on site.

The Impact Upon the Character and Appearance of the Conservation Area and the Setting of Designated Heritage Assets

s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

S.66 (1) of the same Act states:

"In considering whether to grant planning permission or permission in principle 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."

Policy D1 (Design) of the adopted Camden Local Plan sets out the standard of design that the Council will require when considering new development. The following parts of the policy are particularly relevant:

"The Council will seek to secure high quality design in development. The Council will require that development:

a. respects local context and character;

b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;

f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;"

The following extracts of Policy D2 (Heritage) of the Camden Local Plan are also relevant to the proposals.

"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."

In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

The Council will:

e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;"

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Furthermore, the supporting text to policy D2 states:

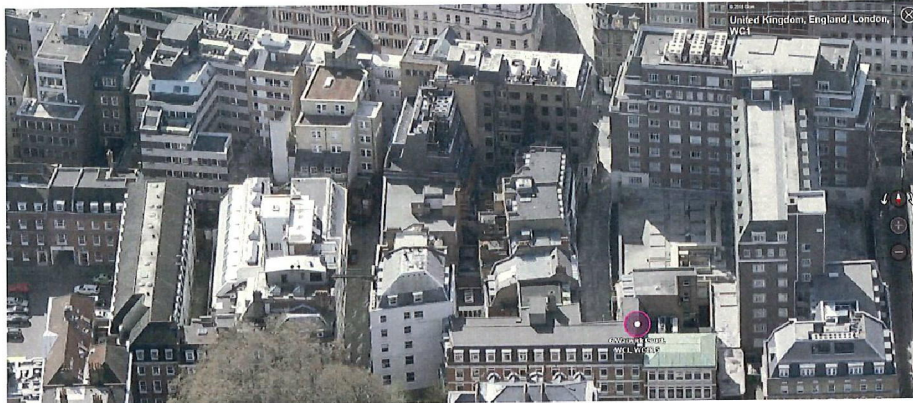
"The character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses. These elements should be identified and responded to in the design of new development."

This site is located within the Bloomsbury Conservation Area and in the setting of the Inns of Court, a Grade II* Registered Park and Garden. It is also in the setting of 7+8 Warwick Court which is a pair of grade II listed dwellings from 1697 and Field Court No.2 which is also listed Grade II. Nos 2-5 Warwick Court are locally listed buildings. The proposal therefore has the potential to harm these Designated and undesignated Heritage Assets.

Rear Extension

The historic development pattern of the streets between High Holborn and Grays Inn Gardens is one of buildings in extremely close proximity to one another. Fulwood Place and Warwick Court are no exception. However the character is one of separation of the built form between the two streets.

The four storey rear extension would conjoin the built form by abutting the stair core of the buildings at 2-5 Warwick Court and interrupt the pattern of spaces between the buildings. The separation between the buildings on the two streets can be seen from the aerial photograph below:



This photo serves to demonstrate the current proximity and spaces between the buildings. The rear elevation of Elizabeth House is presently just 10.5 metres from the rear wall of 2-3 Warwick Court. The proposals would, if approved, reduce this distance to approximately 7 m at the point where Elizabeth House shares a boundary with the rear elevation of 2 and 3 Warwick Court from ground to fourth floors.

Furthermore, the rear elevation of 4+5 Warwick Court is even closer to the rear elevation of Elizabeth House and the proposed extension would effectively increase the mass to these windows.

The infilling of the rear of Elizabeth House to a point where the original development pattern is lost and no longer legible, is harmful to the character and appearance of the conservation area and does not respect the local context or character.

Roof Extension

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We also note that the predominant height at Warwick Court and Fulwood Place is of buildings between ground plus 3 or 4 storeys in height. Taller buildings front High Holborn. The addition of two floors for the full width of the building is not consistent with the prevailing building height along Fulwood Place or Warwick Court and would be readily apparent in views from the open spaces within the of Grays Inn Gardens to the north (a grade II* registered park and Garden) and adversely affect the setting of the Grade II listed Field Court Number 2.

The sheer height of the building with two additional storeys would result in an unbalanced composition as a result of an extension which is poorly related to the main façade. No reference is paid to the proportions of the existing front façade in the proposed design and the overall form would lack coherence, as a result of the extent and proportions of the glazing, and the materials. The extension would be a prominent and incongruous feature of the conservation area.

Materials

The materials that are typical of this part of the Bloomsbury Conservation Area are brick, stucco and stone, with slate or zinc roofing materials.

The copper cladding is a striking modern finish which is at odds with the typical finishes. It is also unclear whether this copper material will weather green, which would perhaps be even more incongruous.

Summary

In our view the proposed extension will not preserve the character and appearance of the conservation area or the setting of the designated heritage assets by reason of its sheer scale, incongruous materials and expanse of glazing. It would therefore not be compliant with statutory provisions or the policies of the adopted Camden Local Plan.

Further the extent of its visual impact upon the setting of the registered park and garden, conservation area and listed buildings should be tested through a views analysis.

Loss of Light and Impact On Amenity

Policy 7.6 (Architecture) of the London Plan states that:

"buildings and structures should ... not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate"

This policy includes the amenity of adjoining commercial premises.

Furthermore, policy A1 of the adopted Camden Local Plan seeks:

"to ensure that the amenity of communities, occupiers and neighbours is protected;"

The policy protects various aspects of amenity including:

*"e. visual privacy, outlook;
f. sunlight, daylight and overshadowing;
g. artificial lighting levels;"*

It is clear that the development plan intends applications to be assessed for their impacts upon commercial buildings as well as residential accommodation.

The Camden Planning Guidance 6 (Amenity), at section 6, is very clear that the Council expects all buildings to receive adequate daylight and sunlight.

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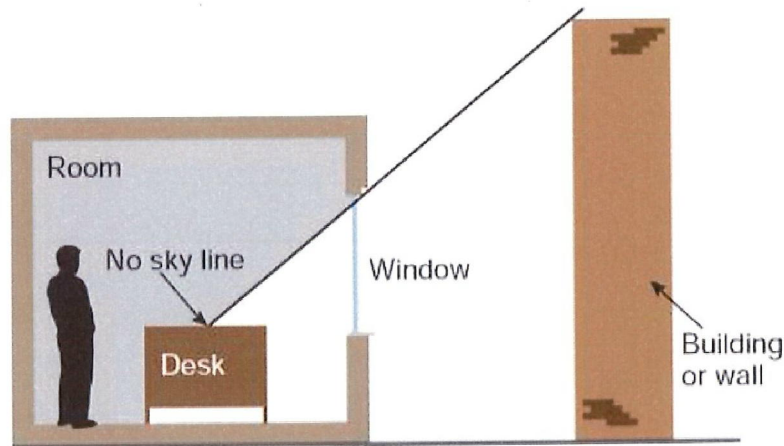


Figure 4 - The no-sky line divides areas of the working plan which can and cannot receive direct skylight.
(© BRE Report 209)

The diagram in the sunlight daylight report shows exactly the issue our quality of accommodation will face.

Paragraph 3.8 of the sunlight daylight report states:

"The BRE guidelines are intended for use for rooms in adjoining dwellings. They may also be applied to any existing non-domestic buildings where the occupants have a reasonable expectation of daylight, which could include schools, hospitals, hotels and offices. For dwellings it states that living rooms, dining rooms and kitchens should be assessed. Bedrooms should also be checked, although it states that they are less important."

Given the scale of the proposed extensions, the close relationship between our property and that of the application site, and the comments set out in the guidance, we are surprised that no assessment has been conducted regarding the impact of the proposals upon the sunlight and daylight at 2-5 Warwick Court.

We have instructed Delva Patman Redler to review the Sunlight Daylight report and their letter is enclosed. The letter concludes that the proposed development will create an overbearing and incongruous structure that would harm the outlook from within our offices. It would also obstruct a significant portion of the visible sky, causing a material loss of light. It further comments that if the study was extended to include the effects on Tanfield Chambers it would demonstrate losses of daylight well in excess of the BRE's numerical guidelines.

Furthermore, we have noted that the sunlight daylight report submitted with the application only analyses 7 Warwick Court in terms of the habitable accommodation at first floor and above. The planning permission which was granted at that property and implemented (2015/6866/P) shows habitable accommodation at ground and lower ground floor. The report is therefore incomplete and misleading.

The level of light in the bedrooms to these properties is already low according to the sunlight daylight assessment which accompanied the application for the change of use from office to residential. Any further reductions that would arise from the proposed extension may well have an unacceptable and harmful impact to those properties. The report should therefore be amended to include an assessment of the lower ground and ground floor windows at 7 Warwick Court.

We are therefore of the view that the proposals are presently not in accordance with Policy 7.6 of the London Plan or Policy A1 of the Local Plan.

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Flexibility of Uses

The site is located in the Inns of Court Area. Paragraph 4.79 of the adopted Camden Planning Guidance 5, states:


"The Inns of Court require flexibility in order to provide the size and type of floorspace required in order to remain competitive and attractive to tenants in the legal profession. It is therefore sometimes necessary to swap uses around within the buildings, particularly business and residential uses. In order to provide this flexibility, the Council will grant planning permission for a change of use, provided there is no net loss of residential floorspace or significant reduction in office floorspace in line with policies DP2 and DP13 in Camden Development Policies. Given that most of these historic buildings are either Grade I, II or II listed buildings and lie within the Bloomsbury Conservation Area, any changes of use and their associated alterations to fabric and character will have to be very carefully considered."*

Having regard to the flexibility that is required, it would be appropriate to consider whether any alteration or extension may prevent the future flexibility of the site or of a neighbouring site to convert to an alternative use as may be required.

In our view the proposed extension could well fetter the ability of the properties to be converted to residential accommodation and impact on the flexibility required in the Inns of Court Area.

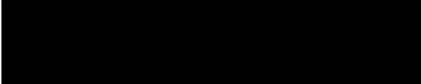
Roof Terrace

The proposals introduce a new fifth floor roof terrace which is substantial in area. This terrace will overlook our offices directly. It is also evident that the noise and disturbance associated with its use can directly impact the operation of our business, which regularly work late into the night. We would be keen for this extension to be strictly controlled in terms of its operation.



Philip Rainey QC
Chair of Trustees of the
2-5 Warwick Court Trust

Head of Chambers



Eamonn Kelly
Chief Executive, Tanfield Chambers