

Delegated Report (Refusal)		Analysis sheet N/A / attached		Expiry Date:	31/10/2013		
				Consultation Expiry Date:	23/10/2013		
Officer Raymond Yeung			Application Number(s) 2013/4489/L				
Application Address 38 Lambs Conduit Street London WC1N 3LD			Drawing Numbers Refer to decision notice				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Installation of replacement shopfront with associated non-illuminated projecting sign. Installation of two air conditioning units within acoustic enclosure, and installation of new flue to rear lower ground lightwell. Internal alterations at ground and lower ground floors.							
Recommendation(s):		Refuse listed building consent					
Application Type:		Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	26	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Site notice: 18/9/2013 – 9/10/2013 Press notice (Ham&High): 19/9/2013 – 10/10/2013 No consultation responses received.					
CAAC/Local groups comments:		No comment made by Bloomsbury CAAC (consulted on 05/08/2013 under 2013/4388/P) .					

Site Description

The site is a four-storey mid-terraced, grade II listed building used as a shop with flats above. The building makes a positive contribution to the Bloomsbury Conservation Area. It was originally built in the 17th century and rebuilt in the 20th century. This application relates solely to the ground floor and basement unit (i.e. shop unit).

The proposals are retrospective and have been in situ for over 4 years. It is noted that works to listed building are never regularised through the passage of time (i.e. unlawful works remain so in perpetuity).

Relevant History

PSX0204305 - Application **granted on 29/10/2002** for the erection of a rear extension in association with the creation of a new roof terrace and the installation of a new external spiral staircase to allow access from first floor level to garden

PSX0104804 – Application **granted on 11/09/2001** for the installation of new shopfront and installation of internal staircase

PSX0104563 - Certificate of Lawfulness Application **granted on 10/07/2001** for the existing use of basement and ground floor premises at 38 Lambs Conduit Street as restaurant/cafe (Class A3).

2013/4388/P – Applicant **withdrawn on 24/03/2014 (by the applicant)** for 'Installation of new shopfront with associated non-illuminated 1x projecting sign. Installation of two air conditioning units within acoustic enclosure, and installation of new flue to rear lower ground lightwell'.

Relevant policies

NPPF 2012

London Plan 2016

Camden Local Plan 2018

D1 Design

D2 Heritage

Supplementary Planning Policies

CPG1 (Design)

Bloomsbury Conservation Area Appraisal

Assessment

1.0 Proposal

1.1 The application proposes the following:

- The retention of two air conditioning units within a large metal enclosure, and an extract flue, to the rear lower ground floor lightwell;
- The installation of a replacement shopfront and a new non-illuminated projecting sign;
- The retention of internal alterations at basement and ground floor levels.

1.2 It should be noted that the initial application, submitted on 10th July 2013, was made invalid following a site visit by officers who found that the air conditioning units, associated enclosure and the

extract flue had been installed in a location different to that shown on the originally proposed drawings. Therefore revised drawings, and a revised acoustic assessment, had to be submitted before the application was re-validated.

2.1 Design and listed building issues:

Air conditioning units

2.1.1 Policy D2 states that the Council will only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to its special interest. Paragraph 11.7 of CPG1 (Design) states that:

- screening or other techniques to minimise the impacts of plant, machinery and ducting must, in themselves, not cause visual blight;
- The design and materials used for plant, machinery and ducting, as well as for ancillary structures such as screening, where located on the exterior of the building, must be consistent with those of the building;

2.1.2 Paragraph 11.12 states that special consideration should be given to the installation of plant, machinery and ducting on listed buildings and in conservation areas. Fewer external solutions are likely to be appropriate in these locations.

2.1.3 As noted in the Bloomsbury Conservation Area statement at 5.42- *“where appropriate the Council will have regard to the feasibility of installing air-handling equipment so that the position, particularly in visually sensitive locations and in the proximity of residential accommodation, will protect local amenity and preserve the appearance of the conservation area”*.

2.1.4 The applicant has introduced a large stainless steel attenuator to enclose two air cooling devices in the rear yard. Photographs show these machines do not replace a pre-existing installation. The applicant has also installed two stainless steel ducts, one of which vents at first floor height. The drawings indicate that no machinery or ducts existed beforehand.

2.1.5 The device and ducts, as currently installed and proposed within this application, are overly large and dominant within the rear elevation and are inappropriate in the context of the conservation area. Although their location to the rear courtyard at lower ground floor level reduces their prominence to some extent, the significant overall bulk and scale of the enclosure and ducts means they are conspicuous, obtrusive alterations to the listed building which are apparent from neighbouring properties. They are considered to cause material harm to the special interest and character of the listed building.

2.1.6 As the building is listed, it is considered to be particularly sensitive to change and alteration.

The NPPF states the following in paragraph 132:

‘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. The more important the asset, the greater the weight should be.

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’

The proposals are considered to cause less than substantial harm, but never the less, harms the heritage asset.

The NPPF states the following in paragraph 134 with regard to harm:

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.

There is no public benefit to offset the harm caused by the proposals. Any benefits from the scheme would be for the private tenant and landowner only.

2.1.7 This is contrary to policies D1 Securing High-Quality Design, D2 Conserving Camden's Heritage and Promoting High-Quality Places and Conserving our Heritage. The application is recommended for refusal on these grounds.

Replacement shopfront

2.1.8 Despite being described as a "new shopfront" in the proposal, the project actually retains the preceding user's shopfront. This was a timber unit of good quality that complies with the Council's design guidance (CPG1). The applicant has added cosmetic beadings to the fascia and has attempted to balance its composition by removing a burglar alarm and adding a replica console bracket to match the one that existed. A small projecting sign has been added. These changes preserve and enhance the character and appearance of the conservation area and do not harm the special interest of the listed building.

Internal alterations

2.1.9 On the ground floor, a partition around a modern staircase has been removed and shopfittings have been rearranged. Downstairs, there have been minor changes to partitions and sanitary equipment has been removed. Drawings submitted with a 2001 application suggest that the interior was already much altered and that the internal works have not harmed the special interest of the listed building.

2.1.10 Special regard has been attached to the desirability of preserving the listed building and any features of special architectural or historic interest which it possesses, under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.0 Recommendation:

a) Refuse Listed Building Consent

b) Authorise Listed Building enforcement action

That the Borough Solicitor be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Building and Conservation Area) Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers authorised in the event of non-compliance, to prosecute under Section 43 or appropriate power and/or take direct action in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

The unauthorised installation of two air conditioning units within a large metal enclosure, and an extract flue, to the rear lower ground floor lightwell.

The Notice shall require within a period of 6 calendar months of the Notice taking effect:

- 1) Remove the unauthorised air conditioning units, associated enclosure and extract flue, and restore the lightwell to its previous state.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

- 1)The proposed plant and associated features, including the equipment, enclosure and external flues, by virtue of their position on the building and their scale, form, and detailed design would harm the special architectural and historic interest of the listed building contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017 and paragraphs 126 to 141 of the NPPF 2012.