



## Flat A, 1 New Square, Lincoln's Inn

Internal alterations, replacement windows and rooflights.

PLANNING STATEMENT

April 2018

VERSION D

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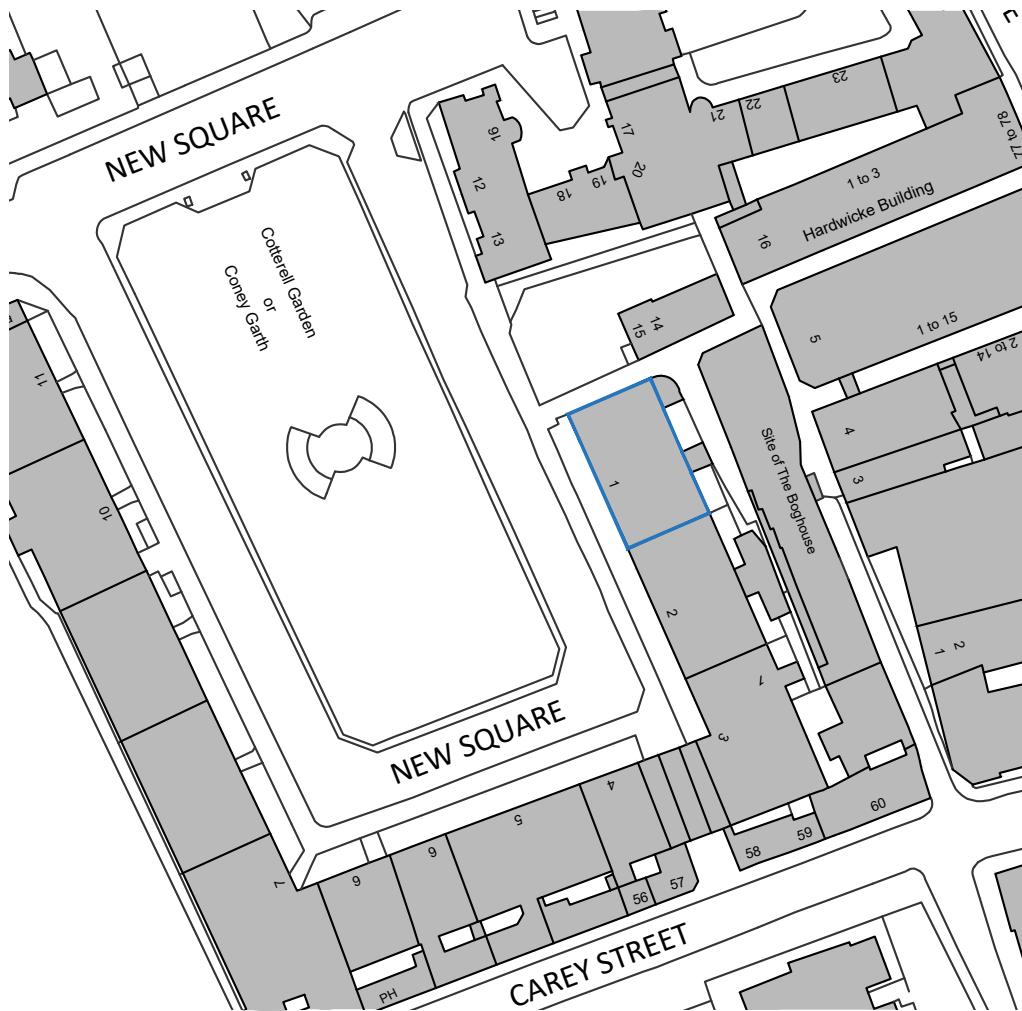
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Location of no.1 New Square

## 1.00 Site Description

Flat A (“the Flat”) is situated on the 3rd floor of 1 New Square. Lincoln’s Inn and New Square are maintained by the Honourable Society of Lincoln’s Inn. Buildings located within New Square fall within the London Borough of Camden’s conservation area and the flat is part of a larger block in New Square which is classified as Grade II\* listed properties in its entirety.

## 2.00 The Proposal

The proposal is to re-plan the layout and improve the interior of the Flat which is currently unoccupied and in need of repair. This is in part due to the removal of asbestos linings found in various locations throughout the Flat and the works carried out in the 1970’s by previous owners coupled with the subsequent neglect of the premises in the subsequent years. To date no record can be found of any consent having been granted for the works carried out in the 1970’s.

Under the proposals the existing front façade will remain unchanged with minor visual improvement to the new windows. The majority of the proposed works either do not require planning permission or would benefit from permitted development rights.

The proposal will introduce age appropriate features such as a re-claimed fireplace, improve the level of natural lighting and enhance the quality of the interior materials. It will enhance the architectural and historic significance of the Flat and also make a modest improvement to the visual appearance of the Conservation Area (by installation of high quality energy efficient sash windows).

## 2.01 Executive Summary

- No extension to the roof is proposed.
- Existing vehicular access has not changed or been altered.
- Material palette for the new building elements will be high quality reflecting the best existing materials found in the area.

### 3.00 The Need for the Works

The current layout was carried out in the 1970's. It has no historic authenticity, is unfit for purpose and is detrimental to the wellbeing of any occupants. The proposal is for the removal of poor quality fixtures and fittings which were installed in the 1970's and which are now in poor state of repair. The proposed demolition of the non-load bearing partitions will preserve and enhance the Flat. The photographs in the Design and Access Statement evidence the current deterioration.

The Flat has windows which are in poor condition and energy inefficient and which are not historically authentic. The Flat suffers from poor natural lighting. The flat has now been vacant for some years and is currently unoccupied.

### 4.00 Planning History

New Building was constructed in the end of the Seventeenth - beginning of the eighteenth century prior to the introduction of the planning system. To date no record of consent of the works carried out in the 1970's by previous owners has been found. There is no other relevant planning history for the Flat but there are a series of previous planning and listed building consents which have been granted elsewhere in No's 1-11 New Square and which are material to these applications. (see 8.00 below).

### 5.00 Statutory Framework

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), requires that for "decision[s] on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged."<sup>1</sup>

Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'. (*Barnwell Manor Wind Energy Ltd v East Northants DC and others* [2014] EWCA Civ. 137).

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved." *South Lakeland District Council v Secretary of State for the Environment and another* [1992] 1 ALL ER 573. Thus, a development that merely maintains the *status quo* would satisfy the statutory consideration.

To the extent that development plan policies are material to an application for planning permission there is a presumption that a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

<sup>1</sup> <https://historicengland.org.uk/advice/hpg/decisionmaking/legalrequirements/>

## 6.00 The Development Plan

### 6.01 London Plan (March 2015)

The London Plan given its strategic scope is of limited relevance of this proposal. However it is to be noted that this application accords with the London Plan in particular with the thrust of Policy 3.3 of the London Plan which recognises the need for new homes. The proposal also accords with the draft London Plan. The draft London Plan is subject to objections and is yet to be adopted. It can therefore be given limited weight.

### 6.02 Camden Local Plan

The relevant parts of the development plan for the purposes of this application are found in the Camden Local Plan Adoption version June 2017<sup>2</sup>. It was adopted post the introduction of the NPPF and prior to its adoption. It was found to be sound and also generally compliant with the NPPF. This proposal is in entire accordance with the adopted development plan.

The Flat has always been in residential use. It is in a poor state and has been vacant for some years. The proposal will bring a currently vacant residential property back into residential use and thus complies with Policy H1(6). It will also secure for use a two bedroom market house. This will help secure the mix of property types required by Policy H7 and is of a type of property for which there is a high priority within the borough (see Table 1, paragraphs 3.189-3.190).

The proposal conforms to Policy A1 and promotes and reinforces the residential community around Lincoln's Inn. The proposal is modest in terms of construction works and whilst a matter of judgement for the local planning authority proposals of this type would not normally require a Construction Management Plan (see paragraph 6.15 of the Explanatory Text to the Development Plan).

The proposal also complies with Policy D1 – it is high quality design which preserves and enhances the historic character of the listed building (D1 (b)(c)(e)(f)(n)) *inter alia* by re-introducing historically appropriate fireplace and removing an historically inappropriate and unhealthy layout carried out in the 1970's (see paragraph 4.14 on well being and layout) and removing 1970's poor quality fittings and fixtures (Policy D1(b)and (n)). The proposal will replace the energy inefficient windows in poor state of repair with energy efficient windows (Policy D1(c)) constructed of a high quality design consistent with the historic character of the listed building (Policy D1(b)(e)) which will provide a modest enhancement of the Conservation Area (Policy D1(b)). The details and materials are of the highest quality and will improve the listed building by removing poor quality materials installed by previous owners in the 1970's (Policy D1 (b)(c)(e)(f)(n)). The enhanced roof treatment in the proposal will increase the amount of natural light received by the flat thus improving the health and well bring of the residents (Policy C1) and reducing the amount of energy consumed for lighting (Policy D1).

By bringing the flat back into occupation with enhanced security features the proposal will also contribute to reducing the risk of Crime and Disorder (see Policy D1(i) and section 17 of the Crime and Disorder Act 1990)).

This proposal complies with Policy D2 (see further the Heritage Statement). The Design and Access Statement sets out the quantity of works required to the Flat in order to reinstate it to a functioning and safe residential dwelling. The minimal works required relate to the partitioning, floors and ceilings. Almost all the historic significance of the internal features of the Flat was lost during its refurbishment in the 1970's if not before.

The proposed demolition of the non-load bearing partitions will preserve and enhance the Flat. The photographs in the Design and Access Statement evidence the current deterioration.

The significant areas that will impact the external envelope have been discussed and addressed in the Design and Access Statement. In summary, the areas highlighted within the Design and Access Statement which might impact this policy are listed below:

1. Proposal to lower the window cill to match the other window openings on the rear facade. Altering the window will re-instate the language of this section of the rear facade and will enhance the heritage asset.
2. Replacement and enlarged roof lights are proposed in order to provide extra natural light into the Flat. This is to minimise the use of electrical lighting during daylight hours.
3. Enlarged roof lights are proposed along the two pitches forming the valley to the existing roof. This strategy will avoid the openings being visible from street level. Previous planning applications have been granted [on other premises in New Square] for large roof light lanterns and roof extensions within the valley in recent years. Precedents indicate that alterations within the valley are acceptable, provided that nothing is visible from street level.

<sup>2</sup> [https://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset\\_id=3601932&](https://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3601932&)

The proposal not only preserves the listed building but positively enhances this heritage asset. It removes poor quality fittings and fixtures installed by previous owners in the 1970's. It also replaces a layout created in the 1970's (or before) which is neither fit for purpose nor historically appropriate. The proposal will restore historically appropriate features such as reintroducing an age appropriate fireplace. In accordance with the guidance at paragraph 7.56 and 7.62 of the Development Plan, the proposal contains measures "adapted to meet the needs of climate change and energy saving while preserving [the building's] special interest and ensuring [its] long-term survival" in particular, by the replacement of poor quality windows with energy efficient and historically appropriately designed sash windows. This is also consistent with Policy CC1 in terms of energy efficiency.

Bringing this residential flat back into full use will enable the applicants to occupy the flat and reduce their current need to travel by car or public transport.(Consistent with Policy CC1). The proposal is also consistent with Policy CC2.



## 7.00 Other Material Considerations

### Supplementary Guidance

#### 7.01 Retrofitting planning guidance<sup>3</sup>

The July 2017 adopted Local Plan refers to the retrofitting planning guidance dated 2011 as supplementary guidance for listed building consent planning applications. This document provides further detailed guidance of the alterations that are acceptable within the London Borough of Camden's policies. The Case Study 2 highlighted at p.15 within the Camden Council's Retrofitting Guidance most closely reflects the proposed alterations in improving the energy efficiency, renewing the heating system and designing out cold bridges, where technically possible. This Planning Statement lists below summarises the strategy for all of the areas highlighted within the retrofitting planning guidance.

- Ventilation: Kitchens, W/C and ensuite will be ventilated using mechanical fans through the loft void. The penetrations will be made through the roof pitch within the valley to avoid the duct work being visible at street level. The Flat layout has been designed centrally to locate all the mechanical duct work to minimise penetrations throughout.
- Insulation: Insulation is proposed at roof level between the rafters. Ventilation will be maintained throughout to ensure that the timber structure is allowed to breathe. The proposed insulation at rafter level will not raise the roof slates or require amendments to the roof structure. The Structural Engineer will provide calculations at building control stage to confirm that the insulation panel loadings do not affect the existing roof structure.

- Windows: The proposed replacement of the windows will reflect the historic character retaining the same appearance as the neighbouring properties but will include energy efficient design.

*3 Retrofitting Planning%20Guidance\_Final\_June11().pdf*

#### 7.02 Camden Planning Guidance 1<sup>4</sup> (CPG01)

The proposal which includes the reintroduction of a historically appropriate fireplace employs the design principles contained in the CPG01 at paragraph 2.9: "positively enhance the character, history, and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area". The proposal removes the "poor quality [and the] unsympathetic palette of materials" employed in the 1970's works and replaces them with high quality sympathetic materials (paragraph 2.12).

In terms of conservation generally, the proposals respect the key messages of Chapter 3 of CPG01 being "development within conservation areas that preserves and enhances the character and appearance of the area" and addresses "sustainability" in particular by the introduction of energy efficient windows (see paragraph 3.29).

In accordance with Section 4, these proposed alterations "take into account the character and design of the property and its surroundings." The proposed "Windows, doors and materials" complement the existing building. In accordance with paragraph 4.1 the proposal delivers "high quality design that respects and enhances the character and appearance of a property and its surroundings."

*4 CPG1 Design(3).pdf*

#### 7.03 The NPPF

The proposal conforms to the (National Planning Policy Framework (2012) ("NPPF") NPPF, published on 27th March 2012 replaced the majority of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). The aim of the NPPF is to streamline planning at the national level and encourage Local Authorities to look favourably on projects which fall into the category of "sustainable development". The NPPF sets out the following broad policy objectives:

- To streamline national planning policy;
- to promote economic growth;
- to promote a positive approach to development;
- to establish a presumption in favour of sustainable development; and
- to facilitate delivery of Local and Neighbourhood Plans.

The NPPF defers to the adopted Development Plan, in accordance with the Town & Country Planning Act 1990, but sets out principles and general approaches which local planning authorities should adopt when creating policies and determining applications for development. These are particularly expressed within the core planning principles that are instructed to underpin plan-making and planning decisions (NPPF, Para 17). The NPPF establishes a presumption in favour of Sustainable Development and this is seen by Ministers as "a golden thread running through both plan making and decision taking". The NPPF makes clear that the starting point for decision making is the development plan and applications for development proposals that accord with an up to-date Local Plan should be approved without delay.



With particular relevance in this application are the express requirement for local planning authorities to:

- Always seek to secure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings;
- Conserving heritage assets in a manner appropriate to their significance.

This proposal satisfies both the above requirements of the NPPF.

New Square is considered by the NPPF as a “heritage asset” and therefore, the guidance set out in Chapter 12 (Conserving and enhancing the historic environment) is relevant. Paragraph 132 states that the significance of the designated heritage asset should be compared to the impact that proposed works would have on it. The existing layout does not retain any significant features from the original property as a result of the last refurbishment. It is estimated that the previous refurbishment had been carried out in the 1970’s. Unfortunately, the internal alterations previously carried out have destroyed almost all the internal remains of the heritage asset that the Flat may have once had. In this particular case, the proposed works include altering the internal layout improve the building by removing an inappropriate layout and introducing high quality design and materials, for example, the reintroduction of historically appropriate fireplace.

#### **7.04 Guidance by Historic England**

Where, as here, the neglect of the property is not the consequence of the current owner or applicant its improvement is a material consideration in favour of the application (see paragraph 45 of Heritage England’s GPA 2).

## 8.00 Precedents

Planning decisions may create a precedent for decisions that follow (see e.g. *Collis Radio Ltd v SSE* [1975] JPL 221 and *Anglia Building Society v SSE* [1984] JPL 175). The principle of consistency of decision making means that previous decisions by a planning authority on similar applications are material considerations which should be followed unless cogent reasons are given for departing from them (see e.g. *See R v East Hertfordshire District Council ex parte Beckham* [1998] JPL 55, *R (Rank) v East Cambridgeshire District Council* [2003] JPL 454 and *R(Havard) v South Kesteven District Council* [2006] EWHC 1373 (Admin)). The following decisions relating to the same listed building (New Square is listed as a single building) are thus highly relevant and supportive of the current application.

*Heating, water and electrical:*

Application No. 2015/7068L - 1 New Square

Planning permission was granted for the modernisation of a studwork wall, installation of a new gas boiler and wet heating system. In 2015, consent granted 1 New Square to carry out extensive works to lay new heating infrastructure.

*Roof works:*

Application No. 2008/2300/L - 5 New Square

Planning permission was granted for the installation of three dormers along the front façade and roof lights. Permission was also granted for alterations to internal partitions and the insertion of tea points and W/C. Larger works to the roof were also carried out and are visible from the street level.

Application No. 2012/6820/L - 6 and 7 New Square

Planning permission granted for roof repair, installation of four large roof lights and four small roof lights to the roof pitches forming the valley.

*Internal alterations and refurbishment:*

Application No. 2015/4406/P - 15 New Square

Permission granted for change of use from an office to a two (2) bedroom flat and installation of roof lights. This consisted of more demolition works than what is proposed in this application. The demolition works included doors, partitions, staircases, roof lights, plumbing, electrics and the part-removal of load bearing walls.

The approved application included two bathrooms, W/C, kitchen, staircase, two bedrooms and reception room.

Application No. 2012/3318/L - 4 New Square

Consent granted for internal alterations and refurbishment of bathrooms and kitchens.

*Overview:*

All the properties within New Square have undergone internal alterations, refurbishments, demolition and alterations to the roof. The above mentioned applications which have been granted consent indicate the works carried out to properties in New Square and are highly material in respect of the proposed works to the Flat which forms part of the same listed building.

The proposed works will not adversely affect the special architectural or historic character of the listed building and will not harm the character or appearance of New Square, quite the contrary.

The proposed improvements will positively impact New Square by halting deterioration and re-establishing the use of the Flat. The proposed works will also improve, repair and restore parts of the Flat that hold historic significance.

## 9.00 Conclusion

The proposal accords with the development plan and all material consideration including the NPPF are supportive. The proposal would not harm but enhance the character of the listed building and would not harm but make a modest improvement to the Conservation Area.