

Delegated Report		Analysis sheet		Expiry Date:		23/04/2019	
		N/A / attached		Consultation Expiry Date:		31/03/2019	
Officer				Application Number(s)			
Elizabeth Martin				2019/0904/P & 2019/1046/L			
Application Address				Drawing Numbers			
33 Fitzroy Square London W1T 6EU				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of external lighting to Fitzroy Square elevation.							
Recommendation(s):		Refuse planning permission and listed building consent					
Application Type:		Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		<u>Site Notice: Displayed 1st March until 25th March 2019.</u> <u>Press Advert: Published 7th March, expired 31st March 2019.</u> No consultation responses were received prior to the determination of this application.					
CAAC/Local groups* comments: *Please Specify		<u>Bloomsbury CAAC</u> - no response to the consultation.					

Site Description

33 Fitzroy Square is a Grade I listed town house constructed as part of the south side of Fitzroy Square to the designs of the Adam Brothers c.1792 (completed after the death of Robert Adam). The terrace of nos 33-40 along the south side of the square was badly damaged during by bombing in the Second World War, but No.33 escaped with its original facade intact.

The property is located within the Fitzroy Square Conservation Area. This conservation area covers approximately 160 hectares and is widely considered to be an internationally significant example of town planning, noted for its formally planned arrangement of streets and contrasting leafy squares.

Relevant History

2019/0699/L- Restoration of the light well vault walls and associated iron railings at street level.
Granted listed building consent 22/02/19

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Camden Local Plan (2017)

D1 Design

D2 Heritage

Camden Planning Guidance

CPG1 Design (July 2015, updated March 2018)

Fitzroy Square Conservation Area Appraisal and Management Plan (2010)

Assessment

1. The Proposal

1.1 The proposed alterations comprise external lighting to the external façade of the Fitzroy Square elevation of the building. This would comprise uplighting of the window and door reveals on all floors, local spotlighting to the central blank stone panels and uplighting of the central pillars and wall-mounted lanterns outside the front door.

2. Assessment

2.1 The principal considerations in the determination of this application are as following:

- The impact of the proposal on the listed building of special architectural or historic interest and the character and appearance of the conservation area.

3. Heritage

3.1 The Council's Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings.

3.2 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") are relevant. Section 16(2) provides that in considering whether to grant listed building consent for any works to a Listed Building special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.3 The effect of these sections of the Listed Building Act is that there is statutory presumption in favour of the preservation of the preservation of Listed Buildings and their setting. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there is strong planning considerations which are sufficiently powerful to outweigh the presumption.

3.4 The symmetry of the terrace of nos 33-40 on the south side of the Square is an integral part of this listed building's special interest as well as the character of the conservation area. It is considered that lighting only one building along the south side will imbalance the appearance of the whole terrace, and potentially result in further ad hoc lighting schemes, without any sense of uniformity. This would be unacceptable in a terrace which benefits from a high level of considered symmetry in its original design. Some harm to the setting of the listed building and the appearance of the conservation area would result from this.

3.5 No objection is raised to the light fittings in themselves which would not harm the appearance of the building. However these light fittings will require fixings into the original Portland Stone facings of the principal elevation. As this is an important principal elevation, it would be harmful to introduce any scarring or permanent alterations and would result in damage to historic fabric.

3.6 Both the impacts described above would constitute a degree of 'less than substantial' harm to the Grade I listed building. It would also cause such harm to the character and appearance of the conservation area by virtue of eroding the symmetry of the terrace within the Square.

3.7 NPPF para. 196 and Camden's Local Plan Policy D2 are relevant here-

NPPF para 196 - 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, where appropriate, securing its optimum viable use.

Local Plan Policy D2- 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.

3.8 The applicant was given the opportunity to set out any public benefits of the scheme. No information was put forward and it is evident that lighting the façade of the building would not result in any public benefits and certainly none that would outweigh the likely harm caused. Local Plan Policy D2 and para 196 of the NPPF have not been complied with and therefore the application is unacceptable.

3.9 Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

3.10 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

3.11 Historic England objected to the applications on 13th March 2019. Their comments can be summarised as follows:

- Lighting only one building along the south side will imbalance the appearance of the terrace;
- Lighting will potentially result in additional ad hoc lighting schemes, which would be unacceptable in a terrace of considered symmetry;
- Scarring or permanent alterations to the principal Portland stone elevation will be harmful; The changes would cause less than substantial harm to the significance of the building therefore in accordance with the NPPF, there must be public benefit to outweigh the harm

They concluded by saying that if the council were minded to approve the works we would need to be satisfied that the harm set out above is clearly and convincingly justified and outweighed by the delivery of public benefits, as set out in Paragraphs 194-6 of the National Planning Policy Framework 2018.

4. Amenity

4.1 The lighting would not result in any loss of amenity to neighbours by reason of light pollution.

5. Conclusions

5.1 For the reasons set out above, the proposals would cause harm to the significance of the Grade I listed building, the setting of both this building and the adjacent listed buildings within the terrace, and the character of the conservation area. Although this would be 'less than substantial harm', there are no demonstrable public benefits to outweigh the harm, thus the proposal is unacceptable.

Recommendation: Refuse Planning Permission and Listed Building Consent.