

**FORMER BELSIZE PARK FIRE STATION - TOWER  
36 LANCASTER GROVE, LONDON NW3 4PB  
LONDON BOROUGH OF CAMDEN**

**PLANNING STATEMENT**

Prepared By



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## 1.0 INTRODUCTION

1.1 This statement accompanies an application for Planning and Listed Building Consent by Vulcan Properties, the owner of the former Belsize Park Fire Station, 36 Lancaster Grove, Belsize Park.

1.2 This application proposes to convert the vacant tower of the building, to accommodate a self-contained 1-bed flat (Use Class C3).

### Background

1.3 Belsize Park Fire Station closed on 9<sup>th</sup> January 2014, as part of the strategic planned closures by the London Fire and Emergency Planning Authority (LFEPA).

1.4 Belsize Park Fire Station is a Grade II\* listed building. Such buildings are important assets. Vulcan Properties recognises that they are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.

1.5 In that regard, in 2017, Vulcan Properties secured listed building and planning consents 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L, allowing the *alteration and change of use of the former fire station to provide 18 self-contained residential units, including replacement single storey side extension to east elevation and erection of two single storey side extension to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking*. The approved works retain the intrinsic character of former fire station and secures the listed building's long-term future and condition.

1.6 The applicants are in the process of implementing the above permissions with an expected completion early next year.

1.7 The tower was unaffected by the above and was to remain unused. However, after further consideration, it is considered that a high quality, sensitive conversion of the space would enhance the heritage asset, whilst creating an additional and unique dwelling within this remarkable building.

1.8 The applicants applied for planning and listed building consent for the conversion of the tower to a 1 bed flat in 2018 (application refs 2018/4394/P & 2018/4910/L). However, those initial applications were refused and subsequently dismissed at appeal (APP/X5210/Y/19/3222128 & APP/X5210/W/19/3222123) in August 2019. The principle reason for the dismissal was that the proposals resulted too great a loss of heritage fabric.

1.9 Accordingly, the applicants have prepared this revised application which takes on board those previous concerns and proposes a much lighter-touch conversion of the tower.

### Layout of this Document

1.10 This statement provides a detailed description of the site and surrounding area in section 2.

1.11 In section 3 we provide a summary of the background to these proposals.

1.12 In section 4 we provide a summary of relevant planning history, having regard to the most recent appeal decisions 3222128 and 3222123.

1.13 In section 5 we provide a detailed description of the revised application proposals.

- 1.14 In section 6 we identify the relevant planning framework; followed by an assessment of the proposals against relevant policies and other material planning considerations in section 7.
- 1.15 As part of the planning and listed building consent applications, we submit the following documents that should be read alongside this planning statement.

**Document**

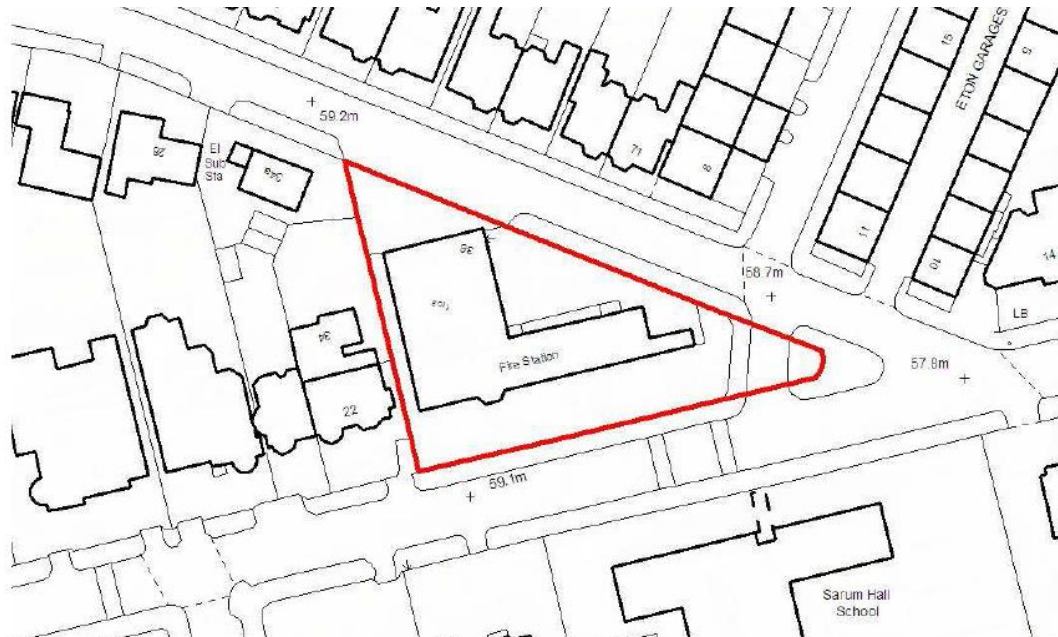
Heritage Statement  
Design and Access Statement  
Fire Engineer Report  
Bat Activity Report  
Daylight/Sunlight Assessment

**Author**

DLG Architects  
Tate Harmer  
BB7  
ARM Conservation  
BVP

## 2.0 DESCRIPTION OF THE SITE

- 2.1 The former Fire Station lies in Belsize Park at the junction of Lancaster Grove and Eton Avenue. The triangular shaped plot comprises 0.44 acres (0.1761 hectares).



SITE LOCATION PLAN

- 2.2 The building was designed by Charles Canning Winmill of the Fire Brigade Branch of the London County Council Architects Department, and erected 1914-5. The building is Grade II\* listed and is considered to be of special architectural merit.



BELSIZE PARK FIRE STATION (NORTH ELEVATIONS)

- 2.3 The building has an L shaped plan and comprises a part basement, ground/upper ground and first floor levels. There is also a substantial roof void at second floor level.
- 2.4 The focus of this application is the internal integrated former drill tower, arranged over four additional upper floors.



TOWER EXTERIOR AND INTERIOR

- 2.5 Elevations are constructed principally from brick. High architectural quality of an Arts and Crafts style is manifest in its design, detail and materials. The building is mostly intact, having not been extended or significantly altered externally. The tower benefits from a window lighting each level.
- 2.6 Internally, the tower contains the central staircase linking the ground first and second floor levels. Above that there is a circular staircase in one corner giving access to the upper levels of the tower, culminating with hatch access to the roof of the tower.
- 2.7 We submit a Heritage Statement herewith (produced by DLG Architects), which provides a more in depth heritage analysis of the tower.

### 3.0 BACKGROUND TO THE PROPOSALS

#### Closure of Belsize Fire Station

- 3.1 On 12 September 2013 the London Fire and Emergency Planning Authority approved the 'Fifth London Safety Plan' (LSP5). LSP5 outlines a wide range of policies and measures which are intended to improve the safety of Londoners. Amongst other things, the document set out proposals to find significant cost savings over the next two years.
- 3.2 Part of those measures reviewed the Authority's largely freehold estate comprising 112 stations, characterised by a significant number of ageing buildings; a third of which were listed and in need of repairs and improvements.



LSP5

- 3.3 An asset management plan completed in 2012 found that only 54 per cent of the fire stations were considered 'suitable' (fit for fire service purposes); the remainder were released. Belsize Park Fire Station was one of the stations deemed no longer fit for purpose and was therefore released.

#### 4.0 PLANNING HISTORY

- 4.1 In 2017, Vulcan Properties were granted planning permission and listed building consents for the change of use and alteration of the former fire station to provide 18 self-contained residential units (LPA references 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L).
- 4.2 In recommending the applications for approval, officers stated within their report to committee that *'the proposal to convert a vacant Grade II\* listed fire station for residential use is welcomed by officers'*. The proposal, providing 18 new residential units in a sensitive manner, would preserve the important elements of the listed building. Officers considered that the public benefits of the proposal, including 18 new residential units whilst preserving a Grade II\* heritage asset, outweighed the limited harm caused.
- 4.3 Subsequently, a full planning application and listed building consent application (2018/4394/P & 2018/4910/L) were submitted to the Council in October 2018. The applications sought external and internal alterations for the conversion of the tower into a residential unit. Unfortunately, the Council refused the applications on the 26<sup>th</sup> November 2018.
- 4.4 The full planning application (LPA Ref: 2018/4394/P) was refused for the following three reasons:
1. *The proposed development, by reason of poor-quality internal amenity, would fail to provide high quality residential accommodation, contrary to policies H6 and A1 of the Camden Local Plan 2017.*
  2. *The proposed development, in the absence of a legal agreement to secure car-free housing, would fail to promote healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.*
  3. *The proposed development, in the absence of a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 of the Camden Local Plan 2017.*
- 4.5 The listed building application (LPA Ref: 2018/4910/L) was refused for the following one reason:
1. *The proposed demolitions and alterations, by reason of loss of historic fabric and planform, would cause harm to the special architectural and historic interest of the Grade-II\* listed building, contrary to policy D2 Heritage of the Camden Local Plan 2017.*
- 4.6 An appeal was submitted to the Planning Inspectorate, however both the planning and listed building decision were dismissed on 1<sup>st</sup> of August 2019 (PINS decision attached at Appendix 1).
- 4.7 Whilst the Inspector dismissed the appeals, the comments offered by the Inspector are pertinent. Addressing firstly the three planning reasons for refusal;
- 4.8 Under reason for refusal 1 (internal amenity and quality of residential accommodation), the Inspector states at paragraph 38 of his decision that *"Overall therefore, I disagree with the Council that the opened out living space would be awkward or claustrophobic. Consequently, I conclude that **the proposed flat would provide acceptable living conditions for future occupiers, with particular regard to internal living space, access to light and outlook. Indeed, it would provide a unique and novel living space within a remarkable building. It follows that there would be no significant conflict with policies H6 and A1 of the CLP, which amongst other things,***



*seek to ensure that housing is well designed and provide a good quality of life for future occupiers, taking account of factors such as living, space, sunlight and daylight. The proposals would also comply with similar policies with the Framework, in that respect.*

- 4.9 With regard to reasons for refusal 2 and 3 (absence of legal agreement to secure car-free housing and affordable housing respectively) the Inspector noted that the Council had prepared and executed a s106 Agreement under the appeal (along with the appellant and mortgagee). The s106 Agreement secured both car free housing and an affordable housing payment of £96,990 (which was calculated by the Council as an appropriate sum). The Inspector concluded that *“I am satisfied that it addresses the Councils second and third reasons for refusal”*.
- 4.10 In light of the above, the Inspector resolved that all three reasons for refusal under the *planning* appeal were acceptable.
- 4.11 With regard to the listed building consent appeal, externally the proposed alterations were considered minor and it was concluded by the Inspector at paragraph 12 of his report that *“Those minor alterations would not materially compromise the external appearance or character of the tower, which contributes to the special interest of the listed building and provides a landmark within the BCA”*.
- 4.12 Internally however, the changes were deemed to be more extensive, with particular reference made to the loss of the tight spiral staircase, infill of the stair void, and the alternation to the barefaced brick walls and exposed concrete floor and ceiling. The Inspector considered that the cumulative effect of all of these changes would result in harm.
- 4.13 In assessing the degree of harm, the Inspector considered that the tower forms one part of the listed building, albeit an important one, and that its external appearance, a principal contributor to its significance would be unaffected.
- 4.14 Internally, the Inspector concluded that the loss of historic fabric would, in terms of the Framework, amount to *‘less than substantial harm’*, however he was mindful that less than substantial harm still attracts great weight. The appeals were dismissed on this basis.

## 5.0 THE REVISED PROPOSALS

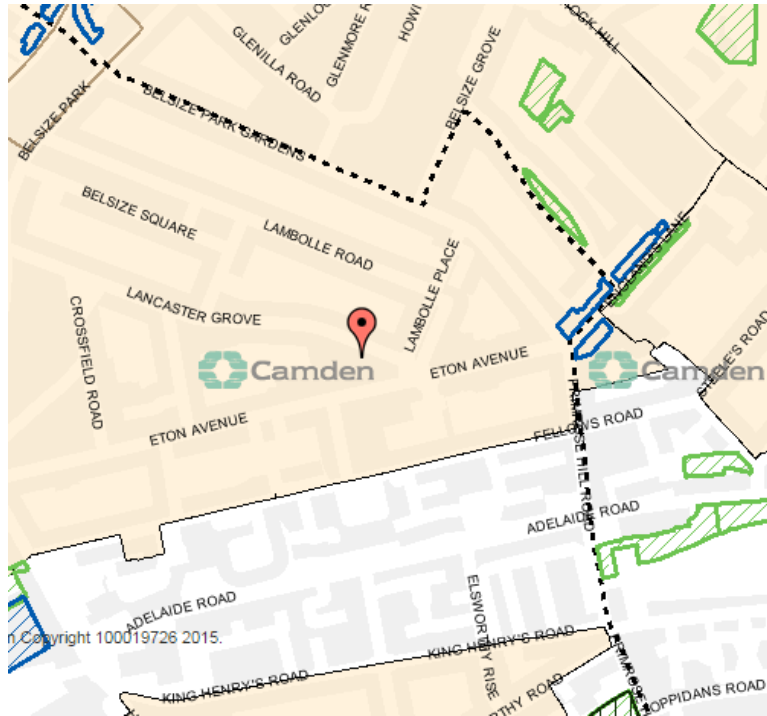
- 5.1 The revised proposals have taken on board the advice of the Planning Inspector.
- 5.2 In light of the positive comments regarding the quality of the internal amenity, the revised proposals maintain conversion of the tower into a one-bedroom single dwelling (Class C3).
- 5.3 The proposed total floor area (GIA) of the one bed unit is 57.8m<sup>2</sup>, in exceedance of nationally prescribed standards. The unit is also proposed to utilise the roof of the tower, providing a private outdoor terrace of 19.6m<sup>2</sup>.
- 5.4 Most significantly, the existing spiral staircase is retained, providing access from the second-floor entrance to all upper levels. This original stair, a notable element of the tower with its decorative rope-twist newel posts and perforated stair treads will be entirely preserved. The retained stair will require protection within a glazed crittall enclosure for fire regs, however the enclosure is largely glazed and therefore will allow users to appreciate the original volume of each level of the tower, as existing.
- 5.5 An open-plan kitchen and dining room is located on the third floor, living and bathroom are accommodated on the fourth floor, the bedroom on the fifth floor, and finally the private terrace on the roof. The proposed conversion will require some loss of the chimney breasts and some of the tighter brickwork areas on the upper levels to be removed, however the revised proposals have sought to retain as much of these structures as possible. The proposals retain chimney breasts at second, third and fourth floor level; the preserved chimney breasts will retain some of the more confined spaces that were integral to the training of firemen in the tower, therefore preserving the space of the original function of the tower and its special interest.
- 5.6 The central void of the tower does need to be infilled to allow any meaningful future use. The extents of the former void space will be demarcated visually. At second floor the void situated in the slab of the third floor will be highlighted within the communal stairwell through means of a backlit panel embedded within a black crittall frame. On the third to fifth floors the dimensions of the central void will be further articulated through changes in floor finish. This will take the form of a black painted metal strip that will demarcate the void infill from the existing floor. At fifth floor the memory of the void below will be featured using a rooflight of the same dimensions as the central voids. In contrast to the previous proposals, the infill panels described above are proposed to be openable fire rated hatches. See proposed section AA (drawing number BFS THA PR AL 210 P2).
- 5.7 With regard to the internal surface treatments, with exception of the bathroom on the fourth floor, all the existing walls will retain the original exposed brickwork of the tower. All floors and ceilings will also retain the original concrete floor finishes as well as the white painted concrete soffits. Any new services, cables and pipework will be exposed and curated to maintain the utilitarian character of the tower. This light touch will ensure that the internal parts retain the functional appearance of the tower, further preserving its special interest.
- 5.8 Externally, the roof of the tower will be served with a new balustrade behind the parapet. The balustrade is designed such that it is not perceivable from the surrounding street levels. The existing roof access hatch will be infilled and replaced with a new access hatch to allow more suitable roof access. The new skylight will be included in the roof of the terrace and will mimic the dimensions of the former centralised tower void below. The formalisation of the roof terrace also maintains the removal of some short chimney stacks. The Inspector deemed the external changes to be minor and acceptable and are therefore unchanged from the previous application.

- 5.9 The revised proposals maintained the original and decorative spiral stair, retain much of the original chimney breasts and the resulting confined spaces, and preserves the Through the retention functional internal appearance of the tower through exposed bricks walls and concrete floors and ceilings. Whilst the revised proposals do require the infilling of the central void, this is proposed to be executed in a sensitive and reversible manner.
- 5.10 **Overall, the cumulative effect of the works to the tower are considered to be significantly less than the previous proposal, retaining the internal fabric and the tighter plan form of the existing tower.**

**6.0 RELEVANT PLANNING FRAMEWORK**

6.1 The relevant planning framework comprises the National Planning Policy Framework (NPPF 2019), Mayor’s London Plan (2018) and the Camden Local Plan (2017).

6.2 The site falls within the Belsize Park Conservation Area (BCA). The host building is grade II\* listed.



**Map key**

- Conservation Area
- Belsize Park

**POLICIES MAP EXTRACT**

**6.3 Planning Considerations**

The following matters are considered to be material planning considerations:

- Land use
- Provision of Housing
- Design and Heritage
- Transport
- Energy and Sustainability
- CIL
- S106 contributions.

## 7.0 PLANNING ASSESSMENT

### a. Land Use

- 7.1 In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), a fire station is *Sui Generis*. Accordingly, any material change of use of the building to an alternative use would require prior planning permission.
- 7.2 It should be recognised that the closure of the fire station, which took place over five years ago (January 2014) formed part of the Fifth London Safety Plan (LSP5). A defined need for a fire station in this location no longer exists.
- 7.3 In 2017, permissions 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L granted the change of use of the building from a fire station to accommodate 18 self-contained flats (Use Class C3). Those permissions are in the process of being implemented on site. Whilst not yet complete, the lawful use of the site will shortly be residential.
- 7.4 Accordingly, it is considered that the proposed land use is acceptable in principle, subject to accordance with other relevant policies in the development plan.

### b. Provision of Housing

- 7.5 In accordance with Policy H1 of the Local Plan, Camden will seek to maximise housing supply by securing homes to meet the needs of existing and future households. Policy H1 seeks to exceed a target of 16,800 additional homes before 2031. The proposal will go towards exceeding this target.
- 7.6 Furthermore, in accordance with policies H1, H6 and H7, Camden seek overall internal floorspace in new self-contained dwellings to meet or exceed the minimum standards.
- 7.7 In light of the grade II\* listed nature of the building, and the unique configuration of the existing tower, the applicants have taken a fabric first approach to the development. Notwithstanding this, the overall flat, at 57.8m<sup>2</sup> GIA, complies with the minimum internal space standards.
- 7.8 The proposed flat benefits from a good sized open-plan kitchen and dining room on the third floor, together with living and enclosed bathroom on the fourth floor. The double bedroom is located at fifth floor. All rooms also benefit from an existing window providing natural light and ventilation. No additional openings are required.
- 7.9 Finally, the unit will benefit from a private terrace on the roof, well in excess of minimum standards and with unprecedented views in this location.

### *Affordable Housing*

- 7.10 In accordance with policy H4 of the CLP and relevant parts of the Framework, all new housing developments of less than 10 units are required to make a financial contribution towards the supply of affordable housing in the area.
- 7.11 An agreement has been reached with the Council for an affordable housing contribution of £96,990. The applicants remain committed to this obligation under this revised application and will enter discussions with Camden legal team and relevant juncture to secure this as part of any forthcoming consent. This will address the third reason for refusal of the previous application.

**c. Design and Heritage**

- 7.12 Good design is essential to creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations.
- 7.13 Under Policy CLP policy D1 (Design), the Council will seek to secure high quality design in development. The Council will require development to respect local context and character which preserves or enhances the historic environment and heritage assets, whilst being sustainable in design and construction and durable. Details and materials that are of high quality and complement the local character are essential to integrate well with the surrounding streets. Proposals must also be inclusive and accessible, and incorporate outdoor amenity space.
- 7.14 In addition, CLP policy D2 (Heritage) states that the council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings.
- 7.15 As set out in section 3 of this statement, the first planning reason for refusal under the previous application, related to the internal amenity of the proposed accommodation. The Planning Inspector disagreed with LB Camden and considered that the amenity/quality of accommodation proposed was acceptable. Overall the Inspector found that the new dwelling would provide acceptable living conditions in terms of living space, access to light and outlook while providing *"a unique and novel living space within a remarkable building."* We resubmit the daylight/sunlight assessment provided as part of the previous scheme confirming good light amenity. The general layout and distribution of rooms is comparable.
- 7.16 The Planning Inspector's principal issue was the 'less than substantial harm' to the fabric of the tower. However, at paragraph 45 of his report he acknowledged *"the possibility of other proposals which do not entail such extensive loss of internal fabric and plan form"* could bring the tower unit into use.
- 7.17 Accordingly, in order to address the concerns raised, material design amendments have been made to the interior which look to significantly reduce the loss of original fabric and form.
- 7.18 The plans which accompany this application show clearly that the form of the tower is retained and that there is no impact on the external appearance or the character of the tower as a landmark within the Conservation Area.
- 7.19 The overall space of the tower is retained and, as described above, the layout with a corner circular staircase is also preserved. The new critical enclosure to the stair retains maintains the form of the existing short walls and chimney stacks, many of which are also now retained to safeguard the tighter spaces and memory of the original function of the space.
- 7.20 The main change to the tower involves the infilling of the void and loss of the balustrade, however the void is retained, albeit in a different form. The works will allow users to appreciate the void with its elegant demarcation at each level. The infill panels are openable, comprising fire rated hatches, see section AA.
- 7.21 Externally the use of the interior of the tower as a single dwelling unit has no impact on the architectural or historic interest of the heritage asset. Other than the removal of a stubby chimney stack which is much shorter than the tall chimneys on the main roof and is an incongruous feature the alterations do not affect the external appearance of fire station.
- 7.22 The alterations constitute less than substantial harm (as confirmed by the Planning Inspector under the previous application). However, in light of the above, the cumulative effect of the revised proposals on the host are significantly reduced. In accordance with paragraph 193 of the

2019 NPPF, it is considered that the dwellings delivers a worthier use of the tower while retaining its historic and architectural interest.

**d. Neighbouring Amenity**

7.23 Policy A1 of the Local Plan states that development should protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity in terms of privacy, overlooking, noise etc.

7.24 The closest neighbouring residential units are located at 22 Eton Avenue and 34 Lancaster Grove. As no external changes are proposed, and given the residential use proposed, it is considered there will be no impact on neighbouring amenity.

**e. Transport**

7.25 Policy T1 of the Local Plan seeks to promote sustainable transport by prioritising walking, cycling and public transport. In support, Policy T2 states that the Council will limit the availability of parking and require all new development in the borough to be car-free.

7.26 It is confirmed that the development is proposed to be car free and will be secured by s106, addressing the second reason for refusal of the previous application.

7.27 A series of cycle bays are provided at ground floor level under the parent consents at this site, one of which will be made available for the proposed flats. The development will meet the Council's standards for cycle parking, comprising 1 space per 1 bed unit.

7.28 A construction management plan has been secured under planning permission 2016/0745/P. The principal access to the site is from Lancaster Grove. Deliveries and servicing will be taken on street adjacent to the public highway. The proposed development will respect the approved construction and servicing standards.

**f. Energy, Sustainability**

7.29 All new development is expected to incorporate sustainable development principles into its design and implementation.

7.30 The proposed scheme comprises the change of use and refurbishment of the former hose tower of a Grade II\* Listed former Belsize Park Fire Station. The proposed works follows the approval of the conversion of the building to 18 flats, where energy and sustainability matters were fully assessed by XCO2 energy consultants.

7.31 As the former Belsize Park Fire Station is a Listed Building located within the Belsize Park conservation area, all of the existing facades, roof, windows and floors will be retained and re-used as far as possible to maintain the character of the existing building. Furthermore, due to the conservation requirements of the existing Grade II listed building, it will not be feasible to install renewable technologies without considerable alterations to the former Belsize Park Fire Station.

7.32 In total (together with the 18 units already approved), the development is expected to reduce regulated CO2 emissions by approx. 46% when compared to the existing baseline building.

7.33 Regarding sustainability, again as the proposed development comprises the refurbishment of an existing Listed Building, the design team has aimed to preserve the appearance and character, both internally and externally. Therefore, it is not considered feasible to provide insulation to the existing external elements or carry out extensive works to the existing windows and internal walls.

7.34 As per the approved sustainability assessments (under the parent consents) it is anticipated that the overall development will achieve a maximum of 55.91 credits, whilst meeting all mandatory credits for BREEAM Domestic Refurbishment 'Good'. Although this falls short of Camden's Council's Target of BREEAM 'Excellent', it is a significant achievement for a Grade II\* Listed Building within a Conservation Area where the scope for alterations to the existing building is very limited.

**g. CIL**

7.35 No additional floorspace is proposed as part of this application. Accordingly, the development would not be subject to the Mayor of London's CIL or Camden CIL. A completed CIL form is submitted as part of the application nonetheless.

**h. S106 Contributions**

7.36 An agreement has been reached with the Council during the previous appeal process regarding an affordable housing contribution and the car free status of the application.

7.37 The applicants will complete a Section 106 Agreement (alongside the Council and Mortgagee) as part of any forthcoming consent.



## 8.0 SUMMARY AND CONCLUSIONS

- 8.1 This statement has been prepared on behalf of Vulcan Properties Limited.
- 8.2 The former fire station was closed on 9th January 2014 following the implementation of the London Fire and Emergency Planning Authority's latest London Safety Plan (LSP5, 2013-2016).
- 8.3 Planning permission was granted last year (2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L) for the change of use of former fire station (Sui Generis) to provide 18 self-contained residential units (Class C3) including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking.
- 8.4 The applicants applied for a subsequent planning and listed building consent for the conversion of the tower to a 1 bed flat in 2018 (application refs 2018/4394/P & 2018/4910/L). However, the applications were refused and subsequently dismissed at appeal (APP/X5210/Y/19/3222128 & APP/X5210/W/19/3222123).
- 8.5 The principle reason for the dismissal was that the proposals resulted too great a loss of heritage fabric, however the Inspector acknowledged "*the possibility of other proposals which do not entail such extensive loss of internal fabric and plan form*" to bring the tower unit into meaningful use.
- 8.6 The revised proposals have given careful consideration to the criticisms of the previous application. A greater fabric first approach has been taken, retaining the existing spiral staircase, chimney stacks and the more general functional character and appearance of the spaces comprising exposed brick walls and concrete floors and ceilings. The proposals will create a unique and novel living space within this remarkable building.
- 8.7 The proposed dwelling will be delivered as car free, secured by legal agreement. The legal agreement will also secure an appropriate contribution towards affordable housing.
- 8.8 It is concluded that the proposals comply with both national and local conservation legislation and guidance and conserve the building and the conservation area in accordance with their significance.

## APPENDICIES

**APPENDIX 1 - APPEAL DECISIONS (PINS REF: 3222128 AND 3222123)**



The Planning Inspectorate

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## Appeal Decisions

Site visit made on 1 May 2019

by **JP Tudor BA (Hons), Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: **01 August 2019**

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### Appeal A - Ref: APP/X5210/Y/19/3222128 36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Vulcan Properties Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2018/4910/L, dated 6 September 2018, was refused by notice dated 26 November 2018.
  - The works proposed are external and internal alterations associated with conversion of former fire station tower to residential unit including removal of chimneys, infill of central void and replacement of staircase.
- 

### Appeal B - Ref: APP/X5210/W/19/3222123 36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Vulcan Properties Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2018/4394/P, dated 6 September 2018, was refused by notice dated 26 November 2018.
  - The development proposed is conversion of former fire station tower (Sui Generis) to 1-bed residential unit (C3) including installation of balustrade at roof level and removal of chimneys.
- 

#### Decision – Appeal A

1. The appeal is dismissed.

#### Decision – Appeal B

2. The appeal is dismissed.

#### Preliminary Matters

3. As the proposal relates to a listed building and is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within section 16 of the National Planning Policy Framework (the Framework).<sup>1</sup>
4. The Council did not include, in its reasons for refusal relating to the planning application, a consideration of the effect on the Grade II\* listed appeal

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<sup>1</sup> February 2019

<https://www.gov.uk/planning-inspectorate>

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Appeal Decisions APP/X5210/Y/19/3222128, APP/X5210/W/19/3222123

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building. However, the statutory duty under s66(1) of the Act, states that: *'In considering whether to grant planning permission for a 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 listed building or its setting or any features of special or historic interest which it possesses'*. Accordingly, it is appropriate and necessary for me to consider that aspect in relation to both appeals.

### Main Issues

5. Therefore, the main issues in these appeals are as follows:

- Appeal A & B: whether the proposal would preserve a Grade II\* listed building, Belsize Fire Station, and any of the features of special architectural or historic interest that it possesses.
- Appeal B: whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal living space, access to light and outlook.

### Reasons

#### Listed building

6. The appeal relates to a former fire station tower, which forms part of Belsize Fire Station. The site is located on the corner of Lancaster Grove and Eton Avenue and lies within the Belsize Conservation Area (BCA).
7. The building is no longer in use as a fire station. The appellant has secured planning and listed building consents to convert the rest of the building to residential use,<sup>2</sup> with the provision of 18 self-contained flats. That work was already well under way at the time of my site visit. The proposal is to convert the fire station tower to a 1 bedroom residential flat.
8. Belsize Fire Station is a Grade II\* listed building, built under the direction of Charles Canning Winmill of the Fire Brigade Branch of the London County Council Architects Department, between 1912 and 1915. It was first listed in 1974 and has an L-shaped plan with an accommodation range orientated towards Eton Avenue and an appliance room facing Lancaster Grove, with a large red-brick tower at the hinge. The tower was used for the training of firemen within its intentionally confined spaces and for the drying of fire hoses.
9. According to its list description the building is a clever interpretation of an Arts and Crafts-style house, adapted to meet the needs of the fire brigade. It is described as one of the most distinctive and original of a remarkable series of fire stations built by London County Council between 1896 and 1914, each executed to a bespoke design. Belsize Fire Station is one of a number in which the architecture, design and attention to detail display particular sensitivity to their settings, here on the apex of two roads lined with many high-quality Edwardian houses, several of which are also listed buildings. In the 'reasons for designation' section of the list description, the fire station is described as being one of the most intact with its plan form and numerous other features retained.

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<sup>2</sup> 2016/0745/P, 2016/1128/L, 2016/5813/P and 2016/6119/L

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10. The tower is an impressive structure in views from the surrounding roads, although its brick detailing and recessed panels soften its bulk. Whilst centrally positioned and striking, the tower does not ultimately disrupt the essentially domestic character and proportions of the rest of the building, set within the context of its steeply pitched, hipped roofs and tall red-brick chimneys. The tower contains a central stair linking the ground, first and second floor levels of the building, with an iron spiral staircase providing access to the floors above. There is also a central aperture, bounded by railings, at each level from the ground floor upwards for the drying of fire hoses, which were dangled through it.
11. Given the above, a key part of the significance of the fire station tower rests on its impressive external appearance, at the centre of this Arts and Crafts-style Grade II\* listed building. Internally, whilst generally more functional in character, its narrow iron spiral stair and hose-drying chamber, both referred to in the list description, along with internal partitions and chimney breasts are significant original features specific to its former use. They contribute to its special plan form and are intrinsically linked to its historic purpose and interest, as part of a vital facility intended to safeguard the local populace in the event of fire.
12. Alterations to the exterior of the tower would be relatively minimal, with the removal of some short chimney stacks on the roof and the installation of a balustrade, rising only 8cm above the existing parapet height. An access hatch in the roof would also be replaced by a slightly larger hatch in a new position and a skylight installed to provide additional light to the fifth-floor bedroom. The current rudimentary ladder from the fifth floor to the roof would be substituted for a discreetly situated compact staircase. Notwithstanding the loss of some external fabric to facilitate the use of the roof as a terrace, there would be limited visibility of those changes from street level or from surrounding houses. Those minor alterations would not materially compromise the external appearance or character of the tower, which contributes to the special interest of the listed building and provides a landmark within the BCA.
13. Internally however, more extensive changes are proposed to convert the tower to a flat, with living accommodation over floors 3-5. As the tower was, in part, designed to train firemen to work in confined spaces, the iron spiral staircase is deliberately narrow. It would be replaced by a wider metal spiral staircase to provide easier access throughout the tower. The appellant submits that the replacement would respect the spiral form of the original, would be located in the same corner of the tower and that the proposed crittall-glazed enclosure would echo the existing nibs. However, the original spiral staircase, with its decorative rope-twist newel posts and perforated stair treads, a notable element of the tower, would be entirely lost.
14. The original extent of the hose drop would be visually indicated by a backlit acrylic panel on the second-floor ceiling and inset metal trims on the floors above. Nevertheless, the central void would be infilled, albeit with a reversible construction, and its metal railing surrounds removed, which would diminish the legibility of the plan form and historic interest of the tower. Moreover, whilst the infill may be theoretically reversible, it is difficult to envisage circumstances in which it would be likely to be reversed, once the tower had been converted to a residential flat.

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15. Chimney breasts and various internal dividing walls would also be removed to open out the proposed living space. The design of the interior partition walls, including low openings to other small rooms, create the confined spaces with difficult restricted accesses that were integral to the training of firemen in the tower. Therefore, that intentional layout, pertinent to the original function and history of the tower, would also be lost to the detriment of the special interest of the listed building.
16. The internal brick walls are functional in appearance, illustrating the more utilitarian aesthetic of the building's interior. Whilst it is proposed to dryline one of the main walls, in connection with the provision of services, the other three would remain as exposed red-brick. Concrete floor finishes on the second, fourth and fifth floor levels would be retained, and white painted concrete soffits maintained on all levels, sympathetic to the functional design of the tower. Although those mitigating aspects are noted, they do not sufficiently compensate for the extent and effects of the proposed changes and loss of internal fabric.
17. I also appreciate that some original fabric would be lost in relation to the approved wider conversion of the listed building, but that does not necessarily legitimise the extensive internal changes and loss of historic fabric and features within the tower. Whilst the hose drop and other features may no longer be functionally necessary, as the tower is not used for its original purpose, that is not determinative and does not mean that they do not have a heritage value. Indeed, buildings are often listed to try to ensure that original historic features are protected.
18. The appellant refers to a Council Officer's Report and related allowed appeal decision concerning Rose Cottage<sup>3</sup>, a Grade II listed building where works included alterations to an existing chimney breast at ground and first floor level. In that case, the Inspector considered that the plan form of the building involved a clear separation of the 'polite' and more utilitarian elements, but that the retention of 'nibs' containing the structural steelwork '*would still allow the pre-existing plan form to be read.*'
19. Furthermore, the appellant in that case was pursuing other works to the property, for which planning permission and listed building consent had been granted. The Inspector considered that the proposed works would be part of this overall programme and help to facilitate the more viable use of the property and its ongoing conservation, which was given considerable weight in the overall balance.
20. The Council considers that there is '*no comparison*' between that case and this appeal, submitting that the Rose Cottage appeal '*entailed a far less harmful intervention in a less interesting and important building, reflected by it being listed at a lower grade.*' It is relevant that Belsize Fire Station is one of a relatively low percentage of Grade II\* listed buildings across the country which, along with having great rarity value, signifies its particular heritage importance.
21. However, there do appear to be some broad parallels between the Rose Cottage appeal and the appeal before me, in relation to the consideration of effects on plan form, loss of internal fabric, extant consents for other works on the building and issues about viable use and long-term conservation.

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<sup>3</sup> APP/X5210/Y/18/3201140

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Nonetheless, such issues are not uncommon in listed building cases and it is a truism that all proposals must be judged on their individual merits, which is the approach I have taken in this appeal.

22. Moreover, aside from the Grade II\* listed status, the cumulative effects of the loss of original features and historic fabric, the extent of the internal changes and the particular historic use of the tower, differentiate this proposal from the Rose Cottage appeal.
23. Indeed, Historic England (HE) has expressed serious concerns about the appeal proposal. It submits that the works would cause *'a high degree of harm to the significance of the listed building'* by reason of the loss of significant historic fabric which includes the circular staircase, chimney breasts and the loss of the plan form of the building, including the vertical hose shaft. HE and the Council also emphasise the importance of those elements in serving to tell the story of the former uses of the tower, with the narrow staircase and partitions creating confined spaces for firemen to train within.
24. I appreciate that some of the changes, such as the subdivision of the second-floor landing with a new glazed partition, would be partly for fire safety reasons. I also understand that the extant consents/permissions approve a cylindrical glass lift in the lower part of the tower/stair core to provide access to flats on the converted upper floors. The appellant's Heritage Assessment<sup>4</sup> also suggests that the changes would only be evident to those gaining access to the tower and that the history of its use could be made available in other forms.
25. However, whilst I have considered those points, the protection of listed buildings is not dependent on the extent of public access to them and, currently, the nature of the use of the tower and its history is physically evident in its design and existing features. The proposed changes would result in the significant loss and alteration of much of that internal fabric and the plan form of the tower.
26. Therefore, the above factors lead me to conclude that the proposal would harm the special architectural and historic interest of the listed building. Paragraph 193 of the Framework advises that 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. Furthermore, Framework paragraph 194 advises that any harm to or loss of the significance of a designated heritage asset from its alteration or destruction should require clear and convincing justification.
27. In assessing the degree of harm caused, I have taken into account that the tower forms one constituent part of the listed building, albeit a central and important one, and that its external appearance, a principal contributor to its significance in the public realm, would be relatively unaffected. Internally, there are attempts in the design to mitigate harm, such as the position of the new spiral staircase and the demarcation of the hose drop infill. Therefore, whilst there would be a significant loss of historic internal fabric and original plan form within the tower, I consider that the overall level of harm to the significance of the listed building would, in the terms of the Framework and in

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<sup>4</sup> Prepared by DLG Architects LLP (August 2018)



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this particular instance, be 'less than substantial' harm. However, I am mindful that 'less than substantial harm' still attracts great weight.<sup>5</sup>

28. In such circumstances, paragraph 196 of the Framework says that the 'less than substantial' harm should be weighed against the public benefits of the proposal, which can include the securing of the optimum viable use of listed buildings. I will consider that aspect further within my conclusion below.

*Living conditions of future occupiers*

29. The London Plan (2016) incorporated the Government's 'Technical housing standards – nationally described space standard' (the space standard).<sup>6</sup> That sets out, amongst other things, minimum gross internal floor areas (GIA) for various types of dwellings. For a 1 bed 1 person flat the GIA should be 39m<sup>2</sup>. For a 1 bed 2 person flat the GIA should be 50m<sup>2</sup> or 58m<sup>2</sup>, if the unit is 2 storeys. However, the space standard does not appear to provide a GIA for a 1-bedroom unit over 3 storeys. The proposed one bedroom flat would, according to the Council, provide 54.6m<sup>2</sup> of living accommodation spread over three floors (excluding the second-floor entrance lobby leading directly onto the staircase). The Council considers that, given the heritage constraints which would be likely to prevent extensions, the proposed floorspace would be acceptable and I see no reason to take a different view.
30. Nevertheless, the Council is concerned that the proposal would not comply with the space standard requirement for a minimum floor-to-ceiling height of 2.3m for at least 75% of the GIA. It is agreed that the floor-to-ceiling height would be 2.53m at third floor level, 2.22m at fourth floor level and 2.19m at fifth floor level. It is relevant that the supporting text to policy H6 of the Camden Local Plan 2017 (CLP) indicates that: *'Where dwellings will be created from conversions or changes of use, the Council will apply the nationally described space standard flexibly taking into account the constraints arising from conversion of existing buildings, particularly listed buildings and other heritage assets.'*
31. The third floor, which would comprise the dining and kitchen area would be in excess of the minimum, whilst the fourth and fifth floors would fall 8cm and 11cm, respectively, below. The appellant says that whilst under other circumstances, the floor slabs could have been adjusted, that approach was not proposed in recognition of the Grade II\* listed status of the building. Therefore, given the relatively minimal extent of the shortfalls and the heritage constraints, acknowledged as relevant factors within the supporting text of CLP policy H6, I am satisfied that no material harm would result to living conditions.
32. There are existing south-west facing windows, about 1.2m<sup>2</sup> in size, on each of the three floors which would serve the kitchen/dining room, lounge and bedroom, respectively. The fourth floor also benefits from an additional smaller window on the north-east elevation, which would serve a bath or shower room. At the time that the planning application was determined, no daylight or sunlight assessment had been provided. However, the appellant has submitted a 'Daylight and Sunlight Report' (DSR) with the appeal.<sup>7</sup>

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<sup>5</sup> Paragraph 193 of the Framework

<sup>6</sup> March 2015

<sup>7</sup> Prepared by Brooke Vincent + Partners (BVP), dated: 11 January 2019

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33. The DSR refers to the Building Research Establishment (BRE) publication, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). Whilst I understand that document is due to be updated, as it is based on British Standard BS 8206-2:2008 which has recently be superseded by BS EN 17037:2018, it provides advice rather than mandatory requirements and indicates that *'numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design'*.
34. Average Daylight Factor (ADF) is the relevant numerical BRE guideline referred to by the parties. The DSR finds that the ADF would be 1.28% for the dining room/kitchen (third floor) and 1.45% for the living room/lounge (fourth floor), against a recommended level value of 1.5% ADF. The bedroom on the fifth floor would have an ADF of 4.2% against a recommended level of 1%, as it would also benefit from a skylight to the roof terrace. Therefore, two of the rooms would be below the recommended levels with another well above.
35. The Council suggests that the relevant recommended level for the kitchen is 2% rather than 1.5%. However, it is germane in my view that the room would also form a dining room, with the kitchen to the rear served by task lighting. In any case, it is accepted that two of the rooms are below the minimum guideline ADFs. However, the DSR says that the effect is of minor adverse significance and that annual and winter sunlight availability would be above the recommended values. Overall, taking into account the constraints on change in a Grade II\* listed building, and from what I saw on my site visit, I consider that the natural light levels would be acceptable.
36. With regard to outlook, there is debate between the parties as to whether the dwelling would be single or dual aspect. Given that there is one south-west facing window on each floor, supplemented by one smaller window on the fourth floor serving a shower room, I agree with the Council that the flat would be essentially single-aspect. Policy D1 of the CLP indicates, in its supporting text, that the Council will seek to ensure that residential development, both for new buildings and changes of use, is dual aspect except in exceptional circumstances. The Mayor of London's Housing Supplementary Planning Guidance (SPG) also seeks to minimise the number of single aspect dwellings. However, the SPG does acknowledge that good single aspect one and two bedroom homes are possible were limited numbers of rooms are required, the frontage is generous, the plan is shallow and the orientation and or outlook is favourable.
37. In this case, the significance of the external appearance of the tower within the Grade II\* listed building, would be very likely to preclude additional windows. It seems to me, as alluded to by the Council, that would form an 'exceptional circumstance', as referred to in the supporting text of CLP policy D1. The south-west facing window on each floor provides increasingly good views across the rooftops of other parts of the listed building and beyond, as one ascends the tower. Moreover, the proposed roof terrace would provide 20m<sup>2</sup> of outdoor living space and spectacular 360-degree views across London. In any case, in planning terms, poor 'outlook' is more usually understood to relate to the proximity of large or dominant structures that would have an overbearing effect, which is not the case here. In the round, I consider the outlook to be acceptable.

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38. Overall therefore, I disagree with the Council that the opened out living space would be awkward or claustrophobic. Consequently, I conclude that the proposed flat would provide acceptable living conditions for future occupiers, with particular regard to internal living space, access to light and outlook. Indeed, it would provide a unique and novel living space within a remarkable building. It follows that there would not be significant conflict with policies H6 and A1 of the CLP, which, amongst other things, seek to ensure that housing is well-designed and provides a good quality of life for future occupiers, taking account of factors such as living space, sunlight and daylight. The proposal would also comply with similar policies within the Framework, in that respect.

#### **Other Matters**

39. With regard to Appeal B, the Council's additional reasons for refusal related to the absence of a legal agreement to secure the development as 'car-free', with no entitlement to a Resident Parking Permit, and to provide a financial contribution towards the provision of off-site affordable housing. The appellant was willing to enter into such an agreement and a completed s106 Agreement has been provided during the course of the appeal, signed by the relevant parties. It secures both car-free housing and an affordable housing payment of £96,990, which was the sum calculated by the Council as appropriate, in addition to the contribution made in relation to the development of the rest of the site under the extant permissions.

40. I am satisfied that it is necessary and reasonable to secure the development as car-free, as it is within an area which has an excellent Public Transport Accessibility Level (PTAL) of 6a, so that it promotes healthy and sustainable transport choices, in accordance with policies T1 and T2 of the CLP and similar policy in the Framework. An affordable housing payment is also necessary to maximise the contribution of the site towards the supply of affordable housing in the area, in accordance with policy H4 of the CLP and relevant parts of the Framework.

41. Given those factors, the s106 planning obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework, as it is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. Therefore, given that the Council have prepared and executed the s106 Agreement (along with the appellant and a mortgagee), I am satisfied that it addresses the Council's second and third reasons for refusal, in relation to Appeal B.

42. Whilst some local residents have expressed concerns about effects on the BCA, in addition to the listed building, the main proposed changes would be to the interior of the tower, with external works largely confined to the removal of some chimney stacks on the roof, which are already mostly shielded by a parapet. Given the limited nature of the external alterations there would be little effect on public or private views of the building. Therefore, the character and appearance of the BCA would be preserved. I note that the Council takes a similar view in that respect.

#### **Conclusions – Appeal A and Appeal B**

43. Paragraph 192 of the Framework advises that in determining applications, account should be taken of the desirability of sustaining and enhancing the

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significance of heritage assets and putting them to viable uses consistent with their conservation. That is echoed in Framework paragraph 196 which acknowledges that public benefits can include securing the optimum viable use of the heritage asset.

44. The proposal would utilise a functionally redundant part of a listed building for a residential use, in a context where extant planning permissions and listed building consents permit the sensitive conversion of the rest of the building to residential flats. Accordingly, the appellant submits that the proposed conversion would be a means of securing the viable use of the tower and enable its assimilation with the use of the rest of the development.
45. However, the Council says that it was understood that the service charges associated with the already consented development across the rest of the site would enable the tower to be maintained in the future. As those extant consents are being implemented, it appears, therefore, that there is already a mechanism by which the tower and the building, as a whole, would be maintained. Given the sturdy design and construction of the tower and the lack of any suggestion that it is in a state of disrepair, the extent of future maintenance required is also likely to be relatively limited. Alternatively, there may be some other functional use to which the tower could be put or the possibility of other proposals which do not entail such extensive loss of internal fabric and plan form.
46. Consequently, I am not convinced that the proposed re-development of the tower is necessary to conserve it or secure the optimum viable use of the listed building. There is no evidence before me to indicate that the conversion of most of the rest of the fire station to 18 flats would fail to secure the long-term future of the building, as a whole, putting it to a viable use that will ensure its conservation. That aspect also further differentiates the appeal from the Rose Cottage appeal. Therefore, I give limited weight to that public benefit argument.
47. In providing an additional dwelling with reasonable living conditions, the proposal would contribute to the Borough's housing stock. Policy H1 of the CLP confirms that the Council will aim to exceed its target for additional homes. The Framework also recognises that small and medium sized sites can make an important contribution to meeting the housing requirement for an area<sup>8</sup> and encourages the use of previously developed or 'brownfield land'<sup>9</sup>, such as the appeal site. However, 18 units are being provided on the rest of the site and whilst all contributions have a value, a one bedroom flat would be a relatively limited addition to the supply of housing.
48. The supplementary financial contribution towards offsite affordable housing, as required by policy H4 of the CLP, would also offer some benefit, but there would already be a contribution associated with the wider development of the site. In any case, such payments would not, in themselves, normally legitimise causing harm to a listed building.
49. I have found that the proposed flat would provide acceptable living conditions for future occupiers and that issues regarding car-free housing and an

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<sup>8</sup> Paragraph 68

<sup>9</sup> Paragraph 117

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affordable housing payment have been satisfactorily dealt with by means of a completed legal agreement.

50. Overall however, I conclude that the proposed works fail to preserve the special architectural and historic interest of the Grade II\* listed building and that the harm would not be outweighed by the relatively limited public benefits. Nor am I satisfied that the proposal is necessary to secure the optimum viable use of the building. Therefore, the proposal would not satisfy the requirements of paragraph 192 of the Framework or development plan policy D2 of the CLP, insofar as it is relevant.

#### **Overall Conclusion**

51. For the reasons set out above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

*JP Tudor*

INSPECTOR