



Statement of Case

Refusal of Planning and Listed Building Applications
2019/1573/P & 2019/2175/L

on behalf of

7BR

6-7 Bedford Row, London, WC1R 4BS

February 2020



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1.0 INTRODUCTION

1.1 This Statement of Case has been prepared by Andrew Martin – Planning on behalf of Mr Julian Matthews of 7 Bedford Row (7BR), in response to Camden Council’s refusal of linked planning and listed building applications ref: 2019/1573/P and 2019/2175/L. The applications were validated on 23rd April 2019 and the decision notices dated 18th September 2019.

1.2 The development is described as:

“Part removal of existing entrance steps for the installation of a new vertical rising stair/platform lift for step-free access”

1.3 This Statement of Case is supported by the following application drawings and reports:

	Document	Name
1.	Application Form	
2.	Ordnance Survey Plan	-2332 OS Map rev B
3.	Existing Ground & Lower Ground Floor Plans with OS Map & Block Plan	-2332 EX0G rev D
4.	Existing External Building Elevations	-2332 EX0G EXELE rev C
5.	Proposed Entrance Stair Lift Plans, Elevations and Section Details	-2332 DT30
6.	Heritage (Design and Access) Statement	23.03.19

1.4 This appeal statement is divided into a further 5 sections; Section 2 sets out a site description and background to the appeal proposal; Section 3 describes the proposal; Section 4 sets out the planning policy context; Section 5 sets out the planning considerations; whilst Section 6 provides a summary.

1.5 A Built Heritage Appeal Statement has been prepared by RPS Heritage and is to be read alongside this Appeal Statement. The report provides an assessment of the significance of the listed building and an assessment of impact of the proposed works on the significance of the listed building and Conservation Area.



2.0 SITE DESCRIPTION AND BACKGROUND

Site Description

- 2.1 No's 6-7 Bedford Row is a Grade II listed building located within the London Borough of Camden. The building is a pair of former dwellings which form part of a terrace running the length of the eastern side of Bedford Row.
- 2.2 Bedford Row runs north to south, between Theobalds Road and Sandford Street. It lies approximately midway between Gray's Inn Gardens to the east and Red Lion Square to the west.
- 2.3 The terrace is constructed of brown or stock brick with brick bands at first floor and gauged red brick arches and dressings.
- 2.4 The building was constructed circa 1718 and is Grade II listed. It lies within the Bloomsbury Conservation Area.
- 2.5 Jockey's Fields runs parallel to Bedford Row and was completed in the late 1980s. Barristers 7BR occupy 6-7 Bedford Row, along with no's 6-7 Jockey's Fields which is linked to Bedford Row by a steel bridge/walkway and a glazed atrium forming an internal courtyard.

Background to the Proposals

- 2.6 7BR is a leading barristers' chambers providing expertise and assistance to solicitors across a broad spectrum of practice areas, including a high number of clinical negligence and personal injury claims.
- 2.7 There is currently no accessible access into the building and it is essential that this is provided. Disabled people are currently excluded from accessing or existing the building safely and with dignity, or at all. Proper access to one's place of work or a lawyer's office is an entitlement in any fair society and refusal of the planning and listed building consents have not justified a departure from that entitlement, with supportable reasons.
- 2.8 In September 2017, Mansfield Monk Architects were invited by 7BR to submit a high level strategic approach to the refurbishment of their existing offices at 6-7 Bedford Row and adjoining 6-7 Jockey's Fields. The purpose of the refurbishment was to improve the working conditions generally within both buildings with emphasis on improvements to the base build services and accessibility both into and between the buildings.



- 2.9 A full refurbishment of the premises was completed in July 2019. This has now provided inclusive access to all internal facilities the building has to offer such as tea point, toilets and meeting room functions. The works included the refurbishment of lifts and the installation of a stair lift to assist moving between the two buildings at ground floor level.
- 2.10 A significant purpose of the refurbishment was to allow disabled people to enter and leave the building safely and independently whether they be barristers, staff, visitors or suppliers. In other words, to remove any physical barriers to accessing the legal profession both as a career and in terms of access to justice. It would be extremely surprising if Camden Council were to impede such purposes.
- 2.11 The refurbishment has achieved these aims inside the building. However, such improvements cannot be sufficient if disabled people cannot get into the building with the same ease. The fact is that there is currently no level access into the office with demonstrably unsafe stepped access for wheelchair users and anyone else with a mobility or visual impairment into 7 Bedford Row, and access to the rear which meets a stairway immediately inside the door from Jockey's Fields.
- 2.12 At present, disabled people are largely excluded from accessing the building as access is via 3 steps. Wheelchair users are therefore dependent upon portable ramp access which is highly inappropriate due to the following reasons:
- a) it prohibits disabled people from working independently outside of office hours (a prerequisite for the profession of barrister);
 - b) it is undignified – the steepness of the portable ramp means wheelchairs have to exit 'blind' backwards, placing all their faith in the person accompanying them out of the building; and
 - c) it devalues disabled people's time – it takes minutes to set the portable ramp up, all the while the disabled person is waiting, and that waiting can often take place in inclement weather.
- 2.13 Further reasons why proper disabled access is essential is set out in paragraphs 5.9 to 5.16.



3.0 THE APPEAL PROPOSAL

- 3.1 The appeal proposal seeks the installation of a vertically retracting stair/platform lift to the main entrance of 7 Bedford Row. A bespoke lift design known as the 'Chelsea Lift' has been created by Sesame Access Systems, who are a UK based company providing unique solutions overcoming stepped access into historic buildings. The solution offers compliance with relevant elements of the Equalities Act and relevant British Standards.
- 3.2 The lift comprises a hydraulic platform that lowers the entrance steps to provide an accessible platform. The platform then rises to transport users to the higher level. Upon entering the building, the platform retracts into the formed pit beneath and then the steps rise back to their original position. The lift design has been tailored to suit the needs of the existing entrance, the existing structure and requirements for disabled access, whilst retaining the historical stepped entrance when not required.
- 3.3 Whilst the lift design is bespoke, it is very similar to the Edinburgh Access lift which can be viewed at the following link:
- <https://www.sesameaccess.com/lifts/edinburgh-access-lift>
- 3.4 A general overview of the installation works are as follows:
- temporary structural works to prop-up existing structure to ensure retention of the existing rendered brick arches and vaults;
 - removal of the central section of steps and installation of new structural members and formation of lift pit;
 - installation of Sesame stair lifting device and associated services;
 - allowance for remedial works to building fabric/external steps and railings;
 - installation of new finishes to steps and lifting device;
 - installation of new door hardware and associated call buttons and controls.



- 3.5 Where possible, the proposed design intends to match that of the current entrance, by replicating existing materials such as black/white mosaic tiled steps with marble nosings and risers as shown below:

Figure 1: Entrance as existing



- 3.6 The existing entrance door and railings will be reused. Repairs and reinstatement of the existing fabric will be carried out to match existing materials.
- 3.7 Where internal finishes require installation of new components, these will be undertaken with minimal disruption. Internal repairs will be undertaken respectfully and will be repaired/replaced in a like for like manner and technique.
- 3.8 The proposed development requires cutting through the brick archway underneath the steps to insert structural steels and padstones. However the existing brick archway at the edge of the steps will be retained. The intention is to retain the existing brick arches on either side of the lift pit however the existing brickwork is rendered and not currently visible. Should the existing render be in poor condition, the proposal is to re-render to match the existing.



Figure 2: Existing rendered brick archway





4.0 PLANNING POLICY CONTEXT

4.1 The relevant development plan consists of policies contained within the Camden Local Plan 2017, Camden Planning Guidance Design 2019, Bloomsbury Conservation Area Appraisal and Management Strategy 2011, as well as the National Planning Policy Framework, 2019.

Camden Local Plan

4.2 Policy D1 'Design' seeks to secure high quality design in all developments, including alterations and extensions to existing buildings. Supporting text states that proposals will be expected to consider the character, setting, context and form and scale of neighbouring buildings, as well as the character and proportions of the existing building, where alterations and extensions are proposed.

4.3 Supporting text to Policy D1 recognises the benefit of good access. Paragraph 7.14 states that new buildings and spaces are required to be inclusive and accessible to all.

4.4 Paragraph 7.16 states that *'any adaptation of existing buildings must respond to access needs whilst ensuring that alterations are sympathetic to the building's character and appearance.'*

4.5 Policy D2 'Heritage' states that the Council will preserve and where appropriate, enhance Camden's heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

4.6 Supporting paragraph 7.61 relates to access in listed buildings and states that:

"Where listed buildings and their approaches are being altered, disabled access should be considered and incorporated. The Council will balance the requirement for access with the interests of conservation and preservation to achieve an accessible solution. We will expect design approaches to be fully informed by an audit of conservation constraints and access needs and to have considered all available options. The listed nature of a building does not preclude the development of inclusive design solutions and the Council expects sensitivity and creativity to be employed in achieving solutions that meet the needs of accessibility and conservation."

4.7 Policy C6 'Access for All', seeks to promote fair access and remove barriers that prevent everyone from accessing facilities and opportunities. Paragraph 4.99 states that the Council will seek sensitive design solutions to achieve access for all, to and within listed buildings.



Camden Planning Guidance – Design 2019

- 4.8 This document supports the policies in the adopted Local Plan. Paragraphs 3.32 and 3.33 relate to inclusive access to listed buildings and states that the Council will balance the requirement to provide access with the interests of conservation and preservation, and that sensitive design solutions that achieve access for all, to and within listed buildings, should be sought where it is practicable to do so.

Bloomsbury Conservation Area Appraisal

- 4.9 This document defines the special interest of the Conservation Area in order to understand and protect its key attributes and to put measures in place to ensure appropriate enhancement.
- 4.10 The document identifies the appeal site as falling within Sub Area 10 – Great James Street/Bedford Row.

National Planning Policy Framework, 2019

- 4.11 Paragraph 193 states 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.
- 4.12 Paragraph 196 states that 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.
- 4.13 Further reference to the above policy documents is set out in Section 4 of the Heritage Appeal Statement.



5.0 PLANNING CONSIDERATIONS

- 5.1 The decision notices are both dated 18th September 2019 and set out a similarly worded reason for refusal:

2019/1573/P

“The proposed works, by virtue of the detailed design and loss of historic fabric, combined with the prominent position of the entrance steps, would have a detrimental impact on the character and appearance of the host building which is Grade II listed, and the Bloomsbury Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.”

2019/2175/L

“The proposed works, by virtue of the detailed design and loss of historic fabric, combined with the prominent position of the entrance steps, would cause harm to the special architectural and historic interest of the host building, contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.”

Impact on the Listed Building and Conservation Area

- 5.2 The Built Heritage Appeal Statement prepared by RPS Heritage is to be read alongside this Appeal Statement. The report provides an assessment of the significance of the listed building and an assessment of impact of the proposed works on the significance of the listed building and Conservation Area.
- 5.3 The report demonstrates that the proposed development accords with relevant legislation, national planning policy and local planning policy and guidance. The report concludes that the proposed development has been sensitively designed and would have a negligible impact on the significance, or special architectural and historic interest of the listed building, whilst complying with the relevance guidance on accessible access. It is further concluded that the public benefits associated with the scheme outweigh this low level of less than substantial harm and furthermore, the proposed development would sustain the viable use of the building as a barristers' chambers, providing a safe and accessible passage through the main entrance. Accordingly, it is considered that the proposals are not contrary to Local Plan policies D1 and D2, as cited in the decision notices.
- 5.4 In addition to the above, there are further material considerations support of the appeal proposal that the Appellant considers the LPA failed to take into account during determination of the application. These are explored below:



Alternative Options for Step-Free Access

- 5.5 Supporting text to Local Plan Policy D2 states that in considering disabled access to listed buildings, all available options should be considered. During the initial design phase, alternative options were considered by the architect, Mansfield Monk.
- 5.6 The existing main access into the premises is via the front of the building at 7 Bedford Row at ground floor level (no. 6 Bedford Row being a subordinate entrance). No. 7 is the main access for clients and visitors and leads directly to the reception area. An alternative access at lower ground floor level is available to the rear via Jockey's Fields. This is generally used for staff only. This is half a floor level below and therefore is stepped access only.

Figure 3: Existing stepped access to rear of building





5.7 This access has a stairlift but this is unsuitable for wheelchair or mobility scooter access since it requires the ability for the wheelchair user to transfer, which many wheelchair users will not be able to do. The stairlift was installed primarily for use in emergency situations such as fire evacuation of mobility impaired people. Having reviewed lift options here it was concluded that there is markedly insufficient space for a platform stairlift and furthermore it would block the main emergency escape route to the rear of the building. Although the main entrance via 7 Bedford Row is stepped access, it has the least amount of steps, the risers are quite shallow and there is sufficient space at the top and bottom of the steps for manoeuvrability. Furthermore, the entrance leads directly into the main reception area. It was therefore concluded that this access represented the only viable option to achieve step-free access into the building.

5.8 The above issues were discussed with the Council during determination of the applications but do not appear to have been taken into consideration as part of the decision-making process.

Meeting the Needs of Employees and Visitors

5.9 7BR is a leading practice providing expertise and assistance to solicitors across a broad spectrum of practice areas, including a high number of personal injury claims and maximum disability cases. They also specialise in clinical negligence, personal injury law and personal sports injury. In view of the nature of their specialism, their client base includes those with varying disabilities who have a range of requirements when visiting the premises. There is also a specific requirement for accessible access to meet the needs of existing employees.

5.10 Dr Gregory Burke, who is a barrister at 7BR, is a wheelchair-user. The absence of step free access has resulted in accidents when using the portable ramp. Dr Burke cannot leave chambers independently outside of reception hours because the portable ramp needs to be laid out and then removed. This significantly hampers his, and any other potential mobility-impaired person, from developing their career. The stepped access denies independent entry and exit and consequently prevents disabled barristers working outside of regular office hours when assistance is unavailable. The need to work outside normal office hours is an everyday occurrence for barristers and therefore lack of independent access is a significant impediment to the ability of disabled barristers being able to work and accept instructions.

5.11 With no alternative accessible access available, disabled people are excluded from applying for employment within the building, putting the careers of a current disabled barrister at risk. There are 6.9 million disabled people of working age in the UK, comprising 19% of the working population, yet only 1% of employees at law firms report a disability. The legal profession is far from being representative of the general population when it comes to disability and the appeal proposal makes an important contribution to enabling more disabled people to access



the profession. Furthermore, the presence of steps may well put off wheelchair users from applying to work in chambers either as a barrister, member of staff of the public seeking access to justice.

- 5.12 In addition to providing access to staff and clients, 7BR's meeting and conference room facilities are widely used by external groups and organisations. Chambers are hired out to various charities meaning that the facilities are not only visited by staff, clients and solicitors, but also members of the public and guests who sit outside the legal profession.
- 5.13 Chambers hold approximately 2 to 3 seminars per week on various topics and these are attended by those who do not work within the building. The seminar suite has a maximum capacity of 84, but Chambers tend to allow a maximum of 80 persons to each event.
- 5.14 In addition to regular weekly seminars, 7BR hire out their facilities for presentations and meetings approximately 12 times per year, to the following charities:
- AVMA (Action Against Medical Accidents)
 - Baby Lifeline Charity
 - ATLIEU (Anti Trafficking and Labour Exploitation Unit)
 - Greenwich University
 - Asian Legal Charity Seminar
 - IKWRO - Iranian & Kurdish Womens Rights Organisation
 - Headway
 - Apil
 - Back-up Trust
 - Brain Injury Group
- 5.15 7BR also hold conferences for Teacher Stern Solicitors who are located in Bedford Row but do not have any means of disabled access.
- 5.16 The above demonstrates that the building is actively used by a significant number and range of people and not just by employees. In order to meet the needs of those visiting the premises, a safe level access is required. Paragraph 196 of the NPPF states that 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. In this case, the provision of step free access will result in clear public benefits weighing in favour of granting planning and listed building consent. The Council's consideration of the appeal proposal failed to weigh any harm to the appeal site against the potential public, contrary to the requirements of the NPPF.



Similar Examples

5.17 Sesame lifts have already been installed within a number of listed buildings in London and have been recognised by other London Boroughs as an appropriate means of providing step-free access. Indeed, permission was previously granted by the London Borough of Camden for the installation of a Sesame lift at the Kimpton Fitzroy Hotel, within the Bloomsbury Conservation Area. The following examples are provided:

i) **Address:** Royal College of Music, Prince Consort Road

Listing: Grade II

Local Authority: City of Westminster

LPA Ref: 15/03988/LBC & 15/03987/FUL

Planning/Heritage Officer Comments:

“Works include the removal of the existing platform lift located to the east of the Blomfield building installed in 2003, and the installation of a sesame lift which would involve the removal and replacement of the steps to the east of the central entrance, the loss of part of the front façade and the laying of a new slab at lower ground floor level to support the lift. In addition the replacement of one set of double doors which are to be relocated within the building. The proposals will see the loss of historic fabric, which is considered to cause less than substantial harm to the building. In line with the NPPF para 134, the level of harm caused is considered mitigated by the provision of improved level access on the principle elevation of the building and the sesame lift is considered a sensitive approach in achieving step free access.”



ii) **Address:** Kimpton Fitzroy Hotel, Russell Square

Listing: Grade II*

Local Authority: London Borough Camden

LPA Ref: 2015/1673/P & 2015/2013/L

Planning/Heritage Officer Comments:

“The property is a Grade II Listed Building and falls within Bloomsbury Conservation Area. Alterations are proposed throughout the historic building, which is currently used as a hotel. These alterations related to both internal and external changes especially to the front and northern (side) elevations. The changes are considered to be acceptable and would not harm the special character of the property or destroy any historic fabric.”*

Figure 5: Sesame lift at Kimpton Fitzroy Hotel (to left side of handrail)





iii) **Address:** Bank of England, Threadneedle Street

Listing: Grade I

Local Authority: City of London

LPA Ref: 15/01270/LBC & 15/01323/FULL

Planning/Heritage Officer Comments:

“The proposed lift installation would cause less than substantial harm to the significance of the listed building by removing some 1930s fabric. This harm would be outweighed by the public benefit of greatly improving access to the building for staff and visitors, including visitors to the Bank of England Museum. The proposal would preserve the special architectural and historic interest of the listed building and is considered acceptable.”

Figure 4: Sesame lift at Bank of England





6.0 SUMMARY

- 6.1 This appeal relates to the refusal of planning and listed building consent for the part removal of the existing entrance steps and the installation of a new vertical rising stair/platform lift to provide step-free access into 6-7 Bedford Row.
- 6.2 The applications were determined under delegated powers and each cited a single reason for refusal relating to the impact on the character and appearance of the host listed building, and the Bloomsbury Conservation Area within which it lies.
- 6.3 Disabled people are currently excluded from accessing or exiting the building safely. Proper access to the building is essential to enable disabled people to both work and access the building with dignity and equality. There is currently no suitable alternative access to the rear of the building and as such, the building prevents access by mobility impaired barristers, members of staff or members of the public seeking access to justice.
- 6.4 The submitted Heritage Appeal Statement identifies a number of inaccuracies in the Officer's delegated report. These relate to the perceived impact of the works on the vaults, the proposed replacement mosaic tiling, as well as the feasibility of providing accessible access elsewhere within the building. This suggests that the application was not adequately assessed during the determination period and that despite further clarification provided by the Appellant at application stage, this was not taken into consideration.
- 6.5 The Heritage Appeal Statement concludes that the proposal will have a negligible impact on the significance of 6-7 Bedford Row and the Bloomsbury Conservation Area and will result in less than substantial harm to the significance of the listed building.
- 6.6 The appeal site is used by a wide range of visitors not just related to its use as barristers' chambers, but also as a venue for meetings and seminars to those outside the legal profession. The Council have failed to weigh the public benefits of the scheme against the low level of harm, as required by the NPPF.
- 6.7 The appeal proposal does not conflict with Local Plan policies D1 and D2 and represents a reasonable and proportionate approach to achieving step-free access to the building for the benefit of its employees and wider members of the public. It is respectfully requested that the appeals are allowed.