

**30 Percy Street,
London W1T 2DB**

Heritage Statement

February 2020

Consultancy for the
Historic Built Environment

KMIHeritage

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1 Introduction

- 1.1 This report has been prepared in support of planning and listed building consent applications for alterations to No. 30 Percy Street, London W1T 2DB.

Purpose

- 1.2 The purpose of the report is to assess the effect of proposals for alteration on the significance of No. 30 Percy Street and other heritage assets in the vicinity of the site and to consider that effect against national and local policies relating to the historic built environment.
- 1.3 This report should be read in conjunction with the drawings and Design & Access Statement prepared by SPPARC, the Planning Statement prepared by Brunel Planning and other application documents.

Background

- 1.4 Proposals for 30 Percy Street have been the subject of extensive pre-application discussions. Following these discussions, two applications concerning the property were made to the Council in September 2019: planning application ref. 2019/4241/P and listed building consent application ref. 2019/4517/L.
- 1.5 The planning application seeks permission for:

External alterations including replacement rear extension at ground floor and basement level with roof terrace above, change of use of existing flat (Class C3) at second and third floor level to office space (Class B1a) and use of basement level as social enterprise space.

- 1.6 The listed building consent application seeks consent for:

Internal and external alterations including replacement rear extension at ground floor and basement level with roof terrace above, change of use of 3 bed flat (Class C3)

*at second and third floor level to office space (Class B1a)
and use of basement level as social enterprise space.*

- 1.7 KMHeritage prepared a Heritage Statement¹ that accompanied the September 2019 applications. That document set out the history of the building; assessed its heritage significance; identified relevant statute, case law, policy, and guidance; assessed the proposed scheme and its effect on heritage significance; and considered the proposed development against the aforementioned statute, case law, policy, and guidance. The report contained a series of appendices.
- 1.8 The September 2019 applications remain, at the time of writing, to be determined.
- 1.9 The applications for planning permission and listed building consent that are the subject of this report are intended to allow 30 Percy Street to be adapted to reverse the unauthorised works that took place at the upper levels of the listed building in a manner that is consistent with building control and fire safety standards, while still providing both residential and office use in the same building.

Organisation

- 1.10 This introduction is followed by an assessment of the history and significance of heritage assets in the vicinity of the site, and a description in Section 3 of the national and local policy and guidance that is relevant to this matter. Section 4 describes the proposed development and its effects. Section 5 assesses the proposed development against policy and guidance. Section 6 contains a conclusion.

¹ 30 Percy Street, London W1T 2DB: Heritage Statement, KMHeritage, August 2018

Nomenclature

- 1.11 No. 30 Percy Street is referred as the 'site' throughout this report. The proposals are referred to as 'the proposed scheme' or 'the proposed development'.
- 1.12 In 2015 English Heritage changed its name to 'Historic England' and a new charity, officially called the English Heritage Trust, took the name of English Heritage and responsibility for managing the National Heritage Collection of state-owned historic sites and monuments across England. In this report reference is made both to 'English Heritage' and 'Historic England'.

Author

- 1.13 The author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage and dealt with a range of major projects involving listed buildings and conservation areas in London. Prior to this, he had been a conservation officer with the London Borough of Southwark, and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect, and has a specialist qualification in urban and building conservation.
- 1.14 Assessment and drafting for this report was undertaken by Anne Roache MA. Anne is a researcher with over 25 years' experience. She has worked for leading commercial organizations in the fields of property, planning and law. Anne has a specialisation in the archaeology, architectural and social history of London.
- 1.15 Historical research and assistance for this report was provided by Dr Ann Robey FSA, a conservation and heritage professional with over 20 years' experience. She is a researcher and writer specialising in architectural, social and economic history, with a publication record that includes books, articles, exhibitions and collaborative research.

2 The site and its context

Introduction

- 2.1 No. 30 Percy Street is a Grade II listed townhouse of c.1766 located in the area known as Fitzrovia in the London Borough of Camden. Percy Street itself is a mixed street of residential and commercial use which largely retains its Georgian character.

The development of Percy Street

- 2.2 Until the mid-18th century, the area in which Percy Street now stands was still fields. The route of Tottenham Court Road existed as a major link between London and the northern villages such as Camden Town, Hampstead and beyond. In the 1750s, the construction of the New Road (now Euston Road) to the north, roughly parallel to the ancient Oxford Street, kick-started a planned development in the area between these two roads. This area - known since the 1930s as Fitzrovia - was speculatively developed between c.1750 and c.1770. Percy Street is in the southern portion of this new development and runs east-west between Rathbone Place and Tottenham Court Road.
- 2.3 In 1764, landowners Francis and William Gudge granted leases on the south side of what is now Percy Street, and in 1766 on the north side. By 1770, 28 grand terraced town houses and their associated service mews had been completed.² These can be seen on Horwood's map of London 1792-99 (fig. 1³).

² Roberts, JRH & Godfrey, WH (1949) (eds.) 'Percy Street', *Survey of London: Volume 21, the Parish of St Pancras Part 3: Tottenham Court Road and Neighbourhood*. (London, 1949), pp. 7-11.

³ Source: <http://www.romanticlondon.org>



Figure 1: Percy Street in Richard Horwood's 'PLAN of the Cities of LONDON and WESTMINSTER the Borough of SOUTHWARK, and PARTS adjoining Shewing every HOUSE', 1792-99

2.4 The first edition OS Map surveyed in 1870 shows the extent of infill in the courtyards behind the houses as well as the extent of No. 30 which is substantially larger than many of its neighbours (fig. 2).⁴

⁴ OS London (First Editions c1850s) XXXIV (City of Westminster; St Marylebone; St Pancras), Surveyed: 1870, Published: 1875.



Figure 2: Percy Street, OS Surveyed 1870

- 2.5 The architectural historian Dan Cruickshank describes Percy Street as one of the most important streets built in Georgian London, ‘for it is one of the earliest realisations of that Classical urban ideal – the uniform and symmetrically composed street’.⁵
- 2.6 A handful of regular palace-fronted streets predate Percy Street (e.g. Nos. 54-64 Strand (1738), Great George Street, Westminster (1755) and John Street, Bloomsbury (1759-mid-1760s) however, Percy Street was a much longer uniform terrace, which was duplicated on both sides to form a ‘monumental street of unprecedented scale’. It was started a year before the Adam brothers began the Adelphi in 1768, often regarded as heralding

⁵ Dan Cruickshank, C. (1991), ‘29 Percy Street, London’, *Country Life*, Vol. 185, No. 47.

London's age of large-scale and uniform urban developments.⁶

- 2.7 Unlike the Adelphi, Percy Street was not a palace-fronted terrace but conceived as an astylar terrace.⁷ Houses of varying size were built on both sides of the street, planned as two balanced compositions centred on No. 11 and No. 29.⁸ Monumentality was achieved by the 'simple mechanism of breaking forward certain house elevations, by subtle variations of details and by alternating paired front doors with single ones.'⁹ (fig. 3¹⁰).
- 2.8 The arrangement is fully described thus:¹¹

'The central feature is formed by a three-house composition – the centre house flanked by houses breaking forward 4in, It seems likely that the doors of all the centre houses were embellished with pedimented and columned porches, while the rest of the houses in the street had simple, arched doors, or corniced and consoled surrounds. The end house of each terrace also broke forward to form end pavilions, as did the middle house of each range running from the centre feature to the end pavilions.'

⁶ *Ibid.*

⁷ Astylar is an architectural term given to a class of design in which neither columns nor pilasters are used for decorative purposes.

⁸ Cherry, B and Pevsner, N. (2001) *The Buildings of England: London 4: North*, p.335.

⁹ *Op.cit.* Cruickshank (1991).

¹⁰ © London Metropolitan Archives, Collage Collection No. 113618.

¹¹ *Op.cit.* Cruickshank (1991).



Figure 3: The north side of Percy Street in 1963 (No. 30 has scaffolding on the roof)

2.9 No architect has been identified for Percy Street, but research of the surviving building leases reveals the name of William Franks¹² who made an agreement with Francis and William Goodge in 1764 for a 63 -year lease on the south side of Percy Street made up of ‘a parcel of ground fronting toward the north of an intended street called, or intended to be called, Percy Street.’ Franks probably sub-let to craftsmen who were partners in the scheme and he is likely to have designed as well as built the houses in Percy Street. He took out further leases for the south side in 1764, and for the north side in 1766. Franks himself lived at No. 5 Percy Street until 1788, two years before his death.¹³

2.10 Evidence from the Sun Fire Insurance records¹⁴ show that for at least the first 50 years of occupation many of the

¹² William Franks (d.1790) was an early English ‘Gentleman’ property developer who was instrumental in the development of Percy Street, Rathbone Street and Charlotte Street.

¹³ *Op.cit.* Cruickshank (1991).

¹⁴ London Metropolitan Archives, Sun Fire Insurance Records.

houses in Percy Street were occupied by gentlemen, widows and well-heeled spinsters, as well as the better sort of professional such as apothecaries, medical doctors, professors and a goldsmith.

- 2.11 The substantial terraced houses were not only stylish externally, but their interiors were impressive in a modest way, with wide stone halls to the ground floor, and a main front and back room on the principal floors. Several surviving houses have their back rooms extended into canted bays that rise three-storeys. The second and garret floors were generally sub-divided to form dressing rooms and extra bedrooms. A variety of internal details survive or are recorded as existing earlier in the 20th century. The interiors have been said to fall into two categories – those that were modest and slightly old-fashioned in their details with turned and fluted balusters of traditional design and others more advanced in design, with stone stairs with cast and wrought iron balustrades.¹⁵ No. 30 Percy Street, like No. 29 next door (fig. 4), is of the latter type. The interior of both houses perfectly captures the moment of transition between the Palladian/Rococo to the Neo-Classical in architectural style.

¹⁵ *Op.cit.* Cruickshank (1991).



3—The entrance hall at No. 29 is surprisingly wide for a London house of this scale

Figure 4: The wide entrance Hall at No. 29, and the ceiling

- 2.12 Today many of the houses in Percy Street have had shopfronts inserted into their ground floors, an adaptation that occurred from the mid-19th century onwards and many have lost a proportion of their original internal decoration. No. 30 however retains some important internal and external features of a house built when Neo-Classicism was starting to become fashionable in the London townhouse.

No. 30 Percy Street

- 2.13 No. 30 Percy Street, like the rest of the houses on the northern side of the street was built between 1766 and 1770. The house is refaced above the second floor with

the stone cornice replaced by a brick band below the parapet. The pedimented and Ionic columned doorway is a replica of the original (fig. 5¹⁶).



Figure 5: The original pedimented and Ionic columned porch at No. 30 in 1966

2.14 The plan form of all the houses in Percy Street seem to have been alike: the ground floor having a room at the front and an entrance hall, east or west of it with an archway leading to the staircase behind and a back room narrower than that in front.¹⁷ In the 1940s, the Survey of London published an elevation and a ground floor plan of No. 30 Percy Street (fig. 6¹⁸). It is likely that the front ground floor room was intended as a dining room as it has a recess under an elliptical arch carried on Ionic

¹⁶ © London Metropolitan Archives, Collage Collection No. 113618

¹⁷ Op. cit. Roberts, JRH & Godfrey, WH (1949).

¹⁸ *Ibid.*

columns, designed for a buffet or sideboard.¹⁹ This is also clearly shown on a section produced in the same publication and the feature survives today (fig. 7²⁰).²¹ Incidentally, the same layout survives at No. 29.

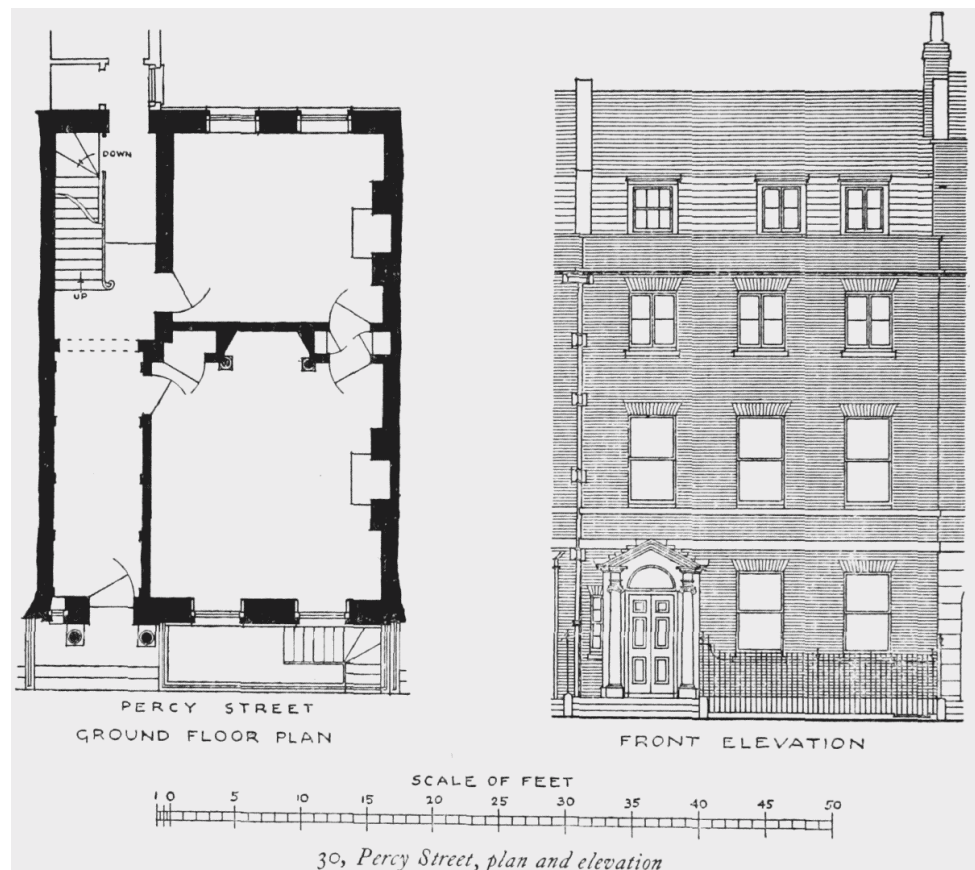


Figure 6: Ground Plan and Elevation as drawn in c.1949

2.15 Most of the hall passages and some of the rooms have moulded cornices, some with brackets or modillions. It seems likely that the first-floor reception room at No. 30 originally had a decorative plaster ceiling like others in the terrace, but this does not survive. The care with which these interiors were designed is shown in the measured drawings reproduced in the Survey of London (fig. 7).

¹⁹ *Op.cit.* Roberts, JRH & Godfrey, WH (1949).

²⁰ *Op. cit.* Roberts, JRH & Godfrey, WH (1949).

²¹ SPARC Architecture 30 Percy Street, Statement of Significance – Investigative Works (2018)

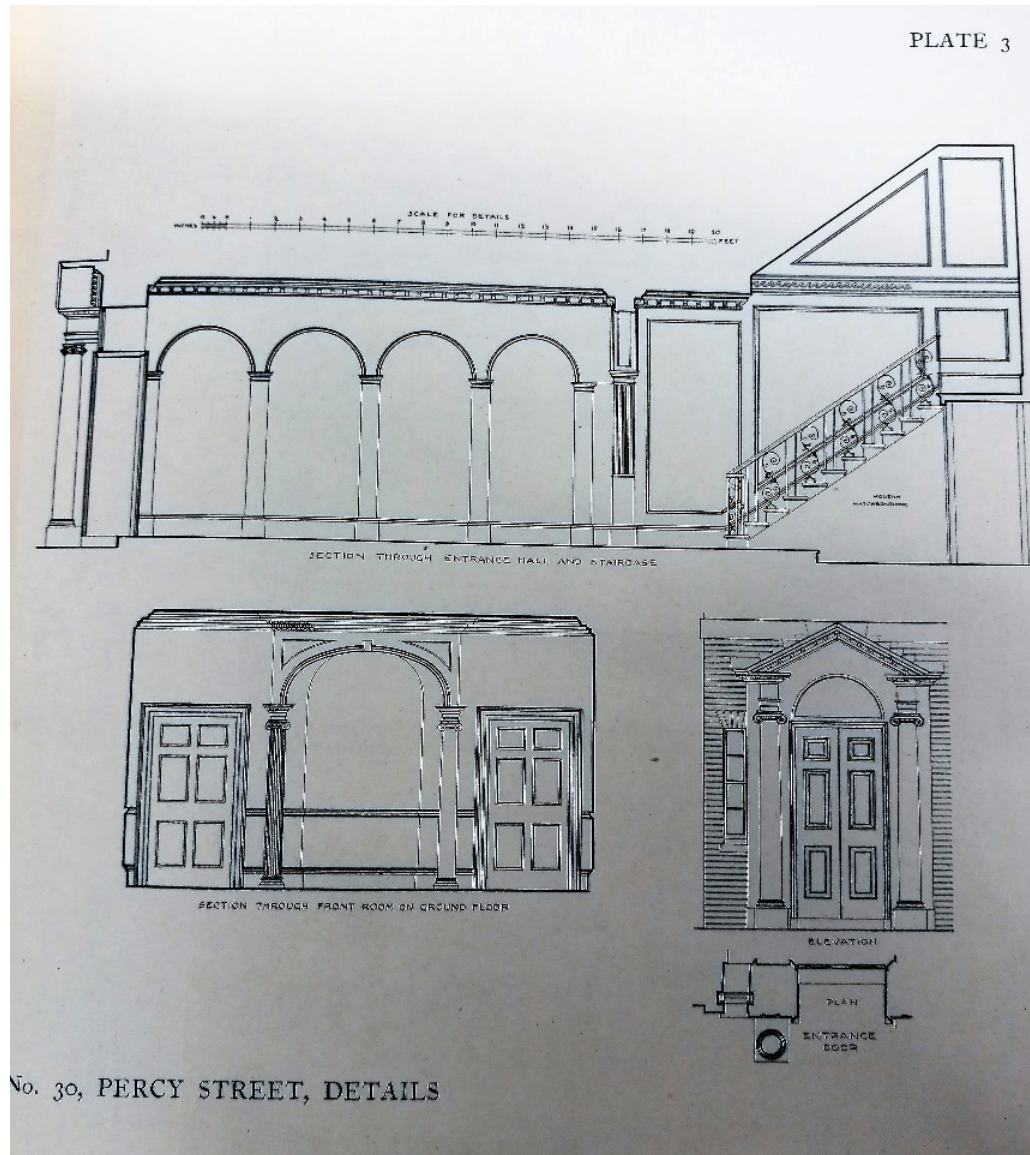


Figure 7: Details of No. 30 Percy Street c.1949

- 2.16 No. 30 Percy Street has a special and unique feature - the hall passage has an arcade of four arches on each side. Halls at this time were designed to accentuate the vestibule's outdoor feel, in keeping with Renaissance palazzi. The arcaded walls help to emphasise the feeling of exterior architecture, along with the stone flooring and stone stairs with their iron balustrades

2.17 Over the years changes and alterations have been made to No. 30 Percy Street but a description of the house²² accompanying an advertisement in *The Morning Chronicle* in October 1806 is easily recognisable as the same house today:

*'a spacious Leasehold House, most desirably situate, No. 30 Percy Street, near Bedford Square, containing an airy, cheerful chambers and dressing rooms, two lofty elegant drawing rooms communicating by folding doors, handsome entrance and stone staircase, well-proportioned eating room and breakfast parlour, with excellent offices for the accommodation of a genteel family'.*²³

2.18 During the 19th century occupants of the house included a number of artists, including E. J. Onions, who exhibited at the Royal Academy and owned *The Galleries of Art* in Newman Street and was at Percy Street in 1854, and the water colour painter Henry Tidey, Esq. who died at the house in 1872.²⁴ During the 1830s the house was an early music school used for the training of ladies on the pianoforte and where small groups were also instructed in French.²⁵ In the 1850s a musicians agency operated from part of No. 30. By the late 1870s the house had been divided; *The Times* advertised *'Very handsome Upper Part of the House to be let – comprising seven rooms, kitchen, two cellars, all in thorough repair'.*²⁶ In 1887 the occupier of the ground and part of the lower floors was W. Gulowski & Co. a manufacturing jewellers and diamond merchants.²⁷

2.19 In 1924, a new WC was put in the second floor behind the stairs for Sims and Sims, who were an employment

²² There were stables and a coach house located in nearby Stephen's Mews.

²³ *Morning Chronicle*, 24 October 1806. British Library, British Newspaper Archive.

²⁴ *Op. cit.* Roberts, JRH & Godfrey, WH (1949).

²⁵ *The Times*, 14 July 1835. British Library, British Newspaper Archive.

²⁶ *The Times*, 25 March 1879. British Library, British Newspaper Archive.

²⁷ *The Times*, 25 May 1887. British Library, British Newspaper Archive.

agency specialising in finding work for domestic servants.²⁸ A drainage plan of the basement of the house in 1929 survives, and shows both a kitchen and an office there, with a wide passage and extensive vaults, and a large wine store (fig. 8).²⁹ In 1931, one of the basement vaults was turned into a photographers' dark room.³⁰

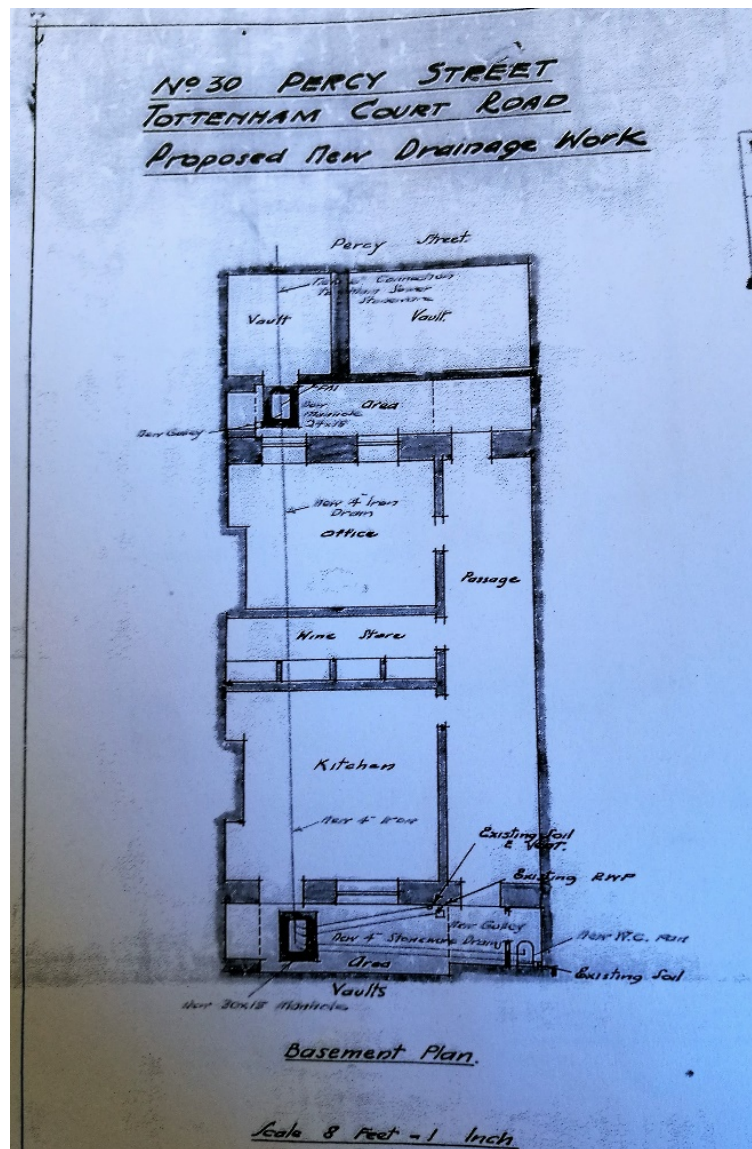


Figure 8: The basement at No. 30 Percy Street in 1929

²⁸ Camden Local Studies and Archives, Drainage Plan 20465 on microfiche (1924)

²⁹ Camden Local Studies and Archives, Drainage Plan on microfiche (1929)

³⁰ Camden Local Studies and Archives, Drainage Plan on microfiche (1931)

- 2.20 A photograph of the north side of Percy Street in 1944, shows the street view of that time (fig. 9³¹).



Figure 9: Nos. 28-36 Percy Street in 1944 (No. 30 is starred)

- 2.21 Fitzrovia suffered bombing during the Second World War. No. 30 received blast-damage and other houses close by were badly damaged.³² After the War, a number of houses on the north-eastern end of Percy Street, towards the corner with Tottenham Court Road, were demolished. A modern office tower - Metropolitan House - was built here in 1965. This was refurbished in the early 2000s, it is now known as the Met Building.
- 2.22 During the 1950s, Cohen & West, a publisher was based at No. 30 Percy Street.³³ By 1956 the owner of No. 30 Percy Street was a Mrs Hadim and works to the 'existing

³¹ © London Metropolitan Archives, Collage Collection No. 113743.

³² Ward, L. (2015) *London County Council Bomb Damage Maps*. Thames and Hudson Ltd.

³³ *The Times*, 22 July 1953. British Library, British Newspaper Archive.

terrace house' involving alterations to the main drains were undertaken by Hening & Chitty, architects of Gower Street. It was at this time that partitioning of some ground floor rooms was undertaken and the fireplace to the rear ground floor room removed. Extensive cloakrooms were made in the rear basement and by that time there was also a rear extension.³⁴

- 2.23 The 1990s saw the building extensively refurbished. Ove Arup had become, at some point, owners of the building, as in 1988, the Trustees of the Ove Arup Partnership Pension Scheme established that the basement, ground and first floors of No. 30 Percy Street had been in office use before 1964.³⁵ In 1990-91, permission was granted for the demolition of an existing rear extension, internal refurbishment and alterations to the house, and the erection of a two-storey rear extension with a glazed roof structure.³⁶
- 2.24 The new extension had two large studio rooms – Studio A on the ground floor and Studio B in the basement with a glazed conservatory roof. Various conservation and restoration strategies were put in place including the protection of original features, reinstatement of missing decorative plasterwork, replacement of sashes, and various other alterations. The staircase balustrading was repaired and replaced where necessary, and a fire surround was purchased and put into the first-floor front room. The work was carried out by the Spiromega Partnership for Flagship Securities/Maybury Estate.³⁷
- 2.25 In 1991, an application was made for the change of use of the second and third floors from residential³⁸ to office use

³⁴ Camden Local Studies and Archives, Drainage Plan 33835 on microfiche (1956).

³⁵ LB Camden online planning portal: 30 Percy Street (1988)

³⁶ LB Camden online planning portal: 30 Percy Street application 9170070 (1991)

³⁷ *Ibid.*

³⁸ At that time there was a self-contained one-bed flat on the third floor and a two-bed flat on the second floor.

for a limited five-year period. Permission was refused.³⁹ In 1994, the 5065 sq. ft freehold property was advertised for sale in *The Times* for £1.1m where it was described as a 'Beautifully Refurbished Grade II Office/Residential Building'.⁴⁰ The premises were sold and by 1995 No. 30 Percy Street was known as *Globe House*. In the 2000s it was the home of FISITA, a trade organisation for automotive, engineering and vehicle manufacturers.⁴¹

Heritage context

Conservation area

- 2.26 Percy Street is located in the Charlotte Street Conservation Area which was first designated by Camden Council in March 1974 and subsequently extended in 1981, 1985 and 1999. The current Conservation Area Appraisal and Management Plan was adopted in July 2008.⁴²
- 2.27 Charlotte Street Conservation Area covers an approximately 8.9Ha area extending from Tottenham Court Road in the east to Cleveland Street - the boundary with Westminster in the west - and from Chitty Street in the north to Gresse Street in the south, again adjoining the London Borough of Westminster.
- 2.28 The area's spatial character derives from the densely developed grid pattern of streets and limited open space. Development is predominantly four storeys and set back from the street by a small basement area creating a strong sense of enclosure. The sense of enclosure is intensified on narrower streets.
- 2.29 Percy Street has a mix of shops and restaurants set in three storey townhouses, however a significant proportion of the frontages are distinctly Georgian in character with arched door heads, banding details and rubbed brick

³⁹ LB Camden online planning portal: 30 Percy Street Application 9100602 (1991)

⁴⁰ *The Times*, 19 October 1994. British Library, British Newspaper Archive.

⁴¹ Until c. 2016.

⁴² *Ibid.*

window heads. As the Conservation Area Appraisal states: ‘of note along the street are decorative timber porches and door surrounds’, as survives at No. 30 Percy Street. Internally original features from the late 18th century also remain, the most unique being the arcaded wall panels found in the ground floor entrance hall.⁴³

- 2.30 The view south along Charlotte Street to Percy Street where the terraced frontage terminates the view has been identified as important.
- 2.31 A number of buildings are considered to make a ‘positive contribution’ to the character of their immediate surroundings and to the Conservation Area as a whole:⁴⁴ On Percy Street these are Nos. 10, 11, 27 and 31.

Listed buildings and structures

- 2.32 The group of buildings comprising Nos. 28, 29 and 30 Percy Street and attached railings is listed Grade II under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for their special architectural or historic interest.⁴⁵
- 2.33 The Listing was made in May 1974 and the description for No. 30 reads:

EXTERIOR: multi-coloured stock brick, refaced above second floor with stone cornice replaced by brick band below parapet. Slated mansard roof with dormers. Stucco bands at 1st floor and 1st floor sill levels. 3 storeys, attic and basement. 3 windows. Doorway with wooden Ionic doorcase with broken pediment, round-arched fanlight and panelled door with lion mask knocker. Margin light to left of doorcase. Gauged red brick flat arches to recessed C20 sash windows. INTERIOR: panelled hall and stone staircase with foliated wrought-iron balustrade. Ground

⁴³ *Ibid.*

⁴⁴ *Op. cit.* London Borough of Camden (2008).

⁴⁵ Historic England: <https://historicengland.org.uk/listing/the-list/list-entry/1113265>

*floor front room panelled. SUBSIDIARY FEATURES:
attached cast-iron railings with torch flambé finials.*

2.34 There are more than 70 statutorily listed buildings and structures within the Charlotte Street Conservation Area. Listed buildings on Percy Street include:

- Percy Street, Nos.: 1-9 and attached railings to number 8, 12-19, 28-30 and attached railings, 32-33 and attached railings;
- Tottenham Court Road: No.38.

2.35 Figure 10 indicates the location of those listed buildings closest to No. 30 Percy Street.⁴⁶

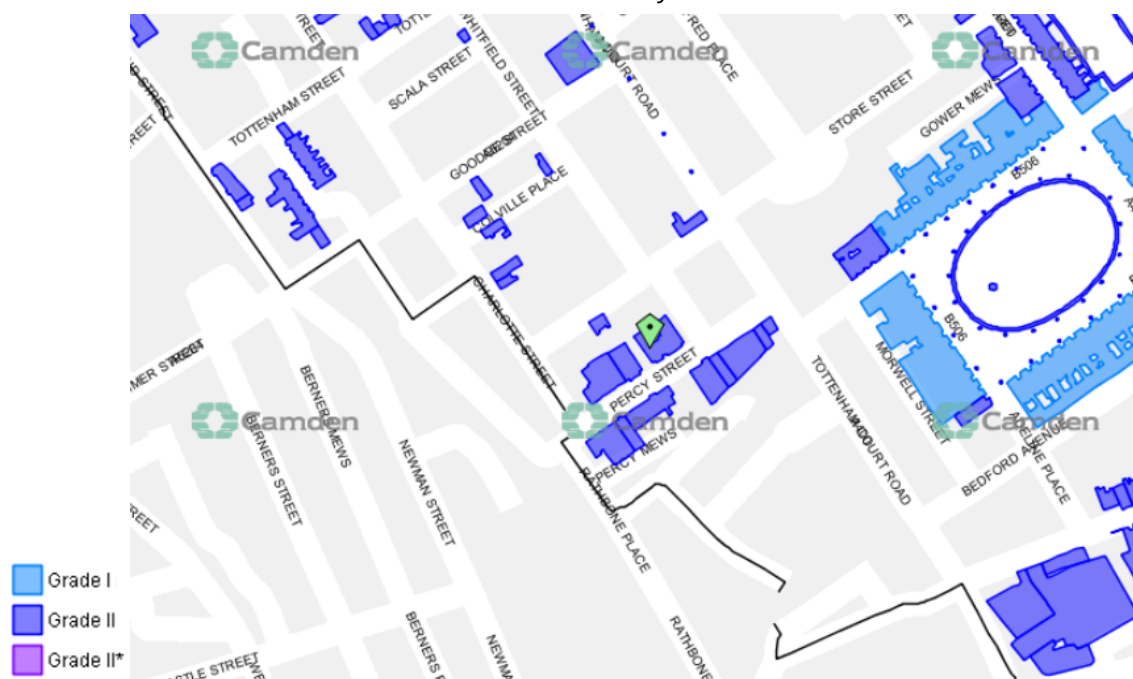


Figure 13: Location of listed buildings in vicinity of No. 30 Percy Street

⁴⁶London Borough of Camden:
<http://gis.camden.gov.uk/geoserver/ListedBuilding.html>

Heritage significance: concepts and terminology

- 2.36 No. 30 Percy Street, the nearby listed buildings and the Charlotte Street Conservation Area are all ‘designated heritage assets’, as defined by the National Planning Policy Framework (NPPF). Locally listed buildings are ‘non-designated heritage assets’.
- 2.37 ‘Significance’ is defined in the NPPF as ‘the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’. The Historic England ‘Historic Environment Good Practice Advice in Planning Note 2’ puts it slightly differently – as ‘the sum of its architectural, historic, artistic or archaeological interest’.
- 2.38 ‘Conservation Principles, Policies and Guidance for the sustainable management of the historic environment’ (English Heritage, April 2008) describes a number of ‘heritage values’ that may be present in a ‘significant place’. These are evidential, historical, aesthetic and communal value.

The heritage significance of 30 Percy Street

‘Architectural interest’, ‘artistic interest’ or ‘aesthetic value’

- 2.39 It is clear that No. 30 Percy Street possesses special architectural interest, and this has been acknowledged by its Grade II listing. In overall terms No. 30 retains clear Georgian characteristics despite various alterations over time.
- 2.40 No. 30 has ‘architectural’ and ‘artistic interest’ (NPPF) or ‘aesthetic value’ (‘Conservation Principles’). In respect of design, ‘Conservation Principles’ says that ‘design value... embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship’. The building retains the features of the original external design that contribute to each of these

qualities, and also they are also found internally at ground and first floor. However, significant changes have occurred internally and to the rear of the property, and these are described in the preceding part of this section of the report. The second and third floors have been heavily altered, in terms of plan layout and by the removal of features and fabric – this has created a degree of existing less than substantial harm in the listed building.

- 2.41 The most recent overall refurbishment of the building, in the 1990s, upgraded the building after the ad hoc and incremental change and subdivision of the 20th century, and, while significantly altering the listed building (with the rear extension, for instance) was the means by which its significance was sustained into the 21st century.
- 2.42 No. 30 Percy Street, despite substantial change over time, retains key features of the special architectural or historic interest that cause it to be a Grade II listed building, and it clearly makes a positive contribution to the Charlotte Street Conservation Area. The key areas of special architectural or historic interest are located at ground and first floors; elsewhere within the listed building, there is little of notable significance. The rear extension makes no contribution to special interest, nor do the second and third floors where the layout and fabric of the building has been lost. There is clearly potential for limited sensitive change to the principal rooms at ground and first floor, and much greater change at basement, second and third.

‘Historic interest’ or ‘Historical value’

- 2.43 No. 30 Percy Street is a good example of late 18th century townhouse that illustrates the historic development of Georgian London to the northwest of the City. Historical value is described as being illustrative or associative. ‘Conservation Principles’ says that:

Illustration depends on visibility in a way that evidential value (for example, of buried remains) does not. Places with illustrative value will normally also have evidential value, but it may be of a different order of importance...

The illustrative value of places tends to be greater if they incorporate the first, or only surviving, example of an innovation of consequence, whether related to design, technology or social organisation

- 2.44 30 Percy Street, the listed and unlisted buildings nearby, and their relationship to one another and the Charlotte Street Conservation Area collectively illustrate the development of this part of London. They tell us about the nature of the expansion of London in the 18th century, the suburbanisation of previously open land by means of estate development to the west of the City of London, the nature of society at the time and the market for such residential development, and about how the housing built in the 18th century was adapted and changed to suit occupation in the Victorian and Edwardian periods. It tells us also about social and commercial transformations during the late 19th and 20th century, and about the dynamics of post-war change and its effect on older buildings. The area and its buildings are a record of social and economic change and lifestyles in various periods, and illustrate the effect these things had on the historic building stock and urban grain.
- 2.45 In terms of English Heritage's 'Conservation Principles' the listed buildings and conservation area provide us with 'evidence about past human activity' and, by means of their fabric, design and appearance, communicate information about its past. Subsequent alteration, demolition and redevelopment has not entirely removed the ability of the older townscape and intact historic buildings to do this; the Charlotte Street Conservation Area and its listed buildings clearly retains sufficient historic character and appearance to convey the area's historical ethos.
- 2.46 Despite the many changes that are described earlier in this report, 30 Percy Street, externally and internally, retains its ability to convey this historical value. In fact, the presence of many phases of work together in a single building is part of its special historic interest, providing evidence

about the historical changes that occurred to it over time; an essential quality of the Georgian terraced house has proved to be its adaptability to change and how changes at various time help to reflect broader social change.

3 The legislative, policy and guidance context

Introduction

- 3.1 This section of the report briefly sets out the range of law, national and local policy and guidance relevant to the consideration of change in the historic built environment. The manner in which the proposed scheme complies with this legislation, policy and guidance context

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 3.2 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.

Case law

Assessing levels of harm

- 3.3 Of relevance to this matter is a judgement in the case of *Palmer v Herefordshire Council & Anr [2016]* (04 November 2016). The case concerned the effect of development on the setting of a designated heritage asset, a Grade II listed building. This judgement is referred to in a recent appeal decision concerning development at 43/45 Notting Hill Gate, 39/41 Notting Hill Gate and 161-237 Kensington Church Street (odd), London W11 3LQ, involving a tall

building that would affect the setting of various designated heritage assets⁴⁷

- 3.4 The clear message from the Court of Appeal judgement and the appeal decision is existing harm to heritage significance should be considered alongside the effect of the proposed development, as part of a holistic assessment that takes account of the existing circumstances of the heritage asset affected – and the effect of those circumstances on heritage significance – when considering the net level of harm caused by the proposed development.

*Substantial harm*⁴⁸

- 3.5 Another significant case, also referred to in an appeal decision, is *Bedford BC v SoS for Communities and Local Government [2013] EWHC 2847 (Admin)*. It played an important part in the Inspector's judgement as to substantial harm in his report to the Secretary of State for Housing, Communities and Local Government concerning development affecting land at Chiswick Roundabout, Junction of Gunnersbury Avenue and Great West Road, London W4⁴⁹.

- 3.6 The Inspector notes that the Judge in *Bedford* (our emphasis):

...set out his understanding of what the Inspector had been looking for when applying a test of 'something approaching demolition or destruction'. The judge was not giving his own view of what 'substantial harm' meant: "Plainly in the context of physical harm, this

⁴⁷ APP/K5600/W/16/3149585, decision dated 12 June 2017

⁴⁸ In order for 'substantial' or 'less than substantial harm' as defined in the NPPF to be caused, both levels of harm must be caused to a designated heritage asset – in this case, the Hoover Building and other listed buildings and structures nearby. Harm to non-designated heritage assets is not allocated a level.

⁴⁹ Appeal refs APP/F5540/W/17/3180962 & APP/F5540/Z/17/3173208. The Inspector's Report to the Secretary of State for Housing, Communities and Local Government was dated 10 December 2018. The development is known as the 'Chiswick Curve'.

*would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was **either vitiated altogether or very much reduced**".*

The National Planning Policy Framework

- 3.7 The Government published a further revised version of the National Planning Policy Framework (NPPF) on 19 February 2019, following its first revision on 24 July 2018.

Design

- 3.8 Chapter 12 of the National Planning Policy Framework deals with design: Achieving well-designed places. It begins:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process'.

- 3.9 Paragraph 127 sets out a series of expectations regarding design quality:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 3.10 Paragraph 131 says that ‘In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.

Proposals affecting heritage assets

- 3.11 Chapter 16 of the National Planning Policy Framework: ‘Conserving and enhancing the historic environment’ deals with Heritage Assets describing them as ‘an irreplaceable resource’ that ‘should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’.⁵⁰
- 3.12 Paragraph 189 brings the NPPF in line with statute and case law on listed buildings and conservation areas. It says that:

‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’

- 3.13 In terms of the local authority, paragraph 190 requires that they ‘identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.’
- 3.14 Paragraph 192 says that:

In determining applications, local planning authorities should take account of:

⁵⁰ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

3.15 Paragraph 193 advises local planning authorities that ‘When considering the impact of a proposed application on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.16 Paragraph 195 says:

Where a proposed application will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*

- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 3.17 Paragraph 196 says 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’ (paragraph 196).
- 3.18 In taking into account the effect of an application on the significance of a non-designated heritage asset the local authority should employ a ‘a balanced judgement’ in regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
- 3.19 The NPPF introduces the requirement that ‘Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 198).
- 3.20 Where a heritage asset is to be lost, the developer will be required to ‘record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’ (paragraph 199).⁵¹
- 3.21 In terms of enhancing the setting of heritage assets the NPPF states that ‘local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’. (paragraph 200).
- 3.22 It goes on however that ‘Loss of a building (or other element) which makes a positive contribution to the

⁵¹ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole' (paragraph 201).

- 3.23 Finally, paragraph 202 requires that the onus will be on local planning authorities to 'assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'.

Planning Practice Guidance

- 3.24 Planning Practice Guidance (PPG) provides streamlined guidance for the National Planning Policy Framework and the planning system. It includes guidance on matters relating to protecting the historic environment in the section entitled 'Conserving and Enhancing the Historic Environment' which gives advice under the following headings:

- Overview: historic environment
- Plan making: historic environment
- Decision-taking: historic environment
- Designated heritage assets
- Non-designated heritage assets
- Heritage Consent Processes and
- Consultation and notification requirements for heritage related applications.

- 3.25 The Government published an updated Historic Environment section of PPG on 23 July to reflect the changes made to the National Planning Policy Framework (NPPF) since the 2012 edition.

Historic England's Good Practice Advice in Planning Notes (GPAs)

- 3.26 Historic England provide guidance regarding the setting of heritage assets and how to assess the effect of change on that setting. They provide 'information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the national Planning Practice Guide (PPG)'.
- 3.27 These notes are:
- GPA 1: The Historic Environment in Local Plans (2015);
 - GPA 2: Managing Significance in Decision-Taking in the Historic Environment (2015);
 - GPA 3: The Setting of Heritage Assets (second ed., 2017).
- 3.28 Historic England's 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' is referred to in the previous section of this report.
- 3.29 Historic England also publishes Advice Notes (HEANs).

The London Plan

- 3.30 The London Plan 2016 (consolidated with alterations since 2011) is the current the spatial development strategy for London. This document, published in March 2016, is consolidated with all the alterations to the London Plan since 2011. It contains various policies relating to architecture, urban design and the historic built environment.
- 3.31 Policy 7.4 deals with 'Local character', and says that a development should allow 'buildings and structures that make a positive contribution to the character of a place, to

influence the future character of the area' and be 'informed by the surrounding historic environment'.

3.32 Policy 7.8 deals with 'Heritage assets and archaeology', and says:

A London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.

C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.

3.33 Policy 7.9 deals with 'Heritage-led regeneration', and says:

A. Regeneration schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate

environmental, economic and community regeneration. This includes buildings, landscape features, views, Blue Ribbon Network and public realm.

- B. *The significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.*

3.34 Consultation on the Draft New London Plan closed in early March 2018. The Mayor published the 'Draft London Plan: Minor Suggested Changes' on 13 August 2018. The Draft London Plan is now in the process of public examination, and is a material consideration in planning decisions.

3.35 A new draft policy, Policy HC1 'Heritage conservation and growth', echoes the policies of the current London Plan. Policy HC1C says:

Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

3.36 Policy HC1E says:

Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making,

and they should set out strategies for their repair and re-use.

- 3.37 On the 9th December 2019 the Mayor issued to the Secretary of State his intention to publish the London Plan along with a clean and tracked version of the Intend to Publish London Plan. This has no significant implications for design and heritage policies.

Camden Council's Local Plan

- 3.38 Camden Council adopted its Local Plan in June 2017. The Plan sets out the Council's planning policies. It replaces Camden's Core Strategy and Development Policies planning documents (adopted in 2010).
- 3.39 Section 7 of the Plan deals with Design and Heritage saying that 'the Council places great importance on preserving the historic environment'.
- 3.40 Policy D2 Heritage deals with Camden's heritage assets. The policy says that:

'The Council will preserve and, where appropriate, enhance Camden's rich and diverse 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.'

- 3.41 In relation to designated heritage assets generally the policy says:

'The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a. the nature of the heritage asset prevents all reasonable uses of the site;

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.'

3.42 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'.

3.43 In relation to conservation areas the policy says:

'In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will:

e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;

f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;

g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and

h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.'

3.44 In relation to listed buildings the policy says:

'To preserve or enhance the borough's listed buildings, the Council will:

i. resist the total or substantial demolition of a listed building;

j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and

k. resist development that would cause harm to significance of a listed building through an effect on its setting.'

- 3.45 In relation to other heritage assets and non-designated heritage assets including those on and off the local list, Registered Parks and Gardens and London Squares the policy states:

'The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.'

- 3.46 Sections 7.42-7.69 discuss the detail of the Council's approach to implementing Policy D2 under the following headings: Enhancing the historic environment (7.42-7.43); Designated Heritage Assets (7.44-45); Conservation Areas (7.46-7.56); Listed Buildings (7.57-7.62); Archaeology (7.63-7.67); 'Other' and Non-designated heritage Assets (7.68-7.69).

4 The proposed development and its effect

The proposed scheme

- 4.1 This section of the report describes the proposed scheme for No. 30 Percy Street and its effect on the heritage significance described in the Section 2.
- 4.2 The proposed scheme is illustrated in the drawings and Design & Access Statement prepared by SPPARC.

The proposed scheme

- 4.3 Please see Section 1 for background concerning proposals for 30 Percy Street to date.
- 4.4 The scheme now proposed is principally concerned with sensitively reinstating residential accommodation at second and third floors of 30 Percy Street by means of a plan layout that relates as closely as possible the historic plan form that was lost as result of the unauthorised works. This work involves interventions to assist means of escape in case of fire and prevent the spread of fire. This is necessary to protect lives and the special architectural or historic interest of the listed building.
- 4.5 No changes, apart from those associated with fire safety, are proposed at ground and first floor. A series of minor alterations are proposed at lower ground floor.

The fire safety works

- 4.6 The Design & Access Statement describes in detail the rationale and design of the fire safety works and their implications for the special interest of the listed building. These are:
- No alterations will be made at ground and 1st floor and Ground floor and given the classification of the building as a Grade II listed building, the main staircase and means of escape will be retained as per the existing situation. The main staircase is part

of the same single fire compartment as the rest of the building and it will be retained as such;

- The existing windows at each floor of the main staircase will be provided with automated opening mechanical devices being transformed into automatic opening ventilations (AOVs);
- At the top of the 1st floor staircase, a mechanical smoke extract fan will be provided in order to ensure that the top of the main stair will not be transformed into a smoke reservoir which could compromise the residential accommodation safe evacuation;
- The internal staircase serving the residential apartment will be provided with an AOV located on the roof.
- At the half landing between ground and first floors, the existing means of escape strategy will remain in place. However, fire and building regulation officers have requested that the window/door to the half landing is to mechanically opened outward as to provide a) physical means of escape and b) an AOV.
- The apartment at second and third floors will be provided with 30 minutes fire rated enclosure lobbies. This will bring an additional degree of separation between the residential area and the office area containing the main means of escape stair;
- The lower ground floor staircase enclosure and staircase lobby will be provided with 30 minutes of fire performance. All the doors present in the lobby will be fire rated.

Other works

- 4.7 At basement level, very little heritage significance survives, and the proposed scheme makes a series of relatively

minor changes to the layout so as to provide ancillary facilities for the overall building. A direct connection is proposed between the area of lower ground floor accommodation beneath the main part of 30 Percy Street and the existing extension to the rear of the building. A lobby connecting the two parts of the lower ground floor is proposed, which would also accommodate the relocated WC and shower facilities, which are separated from the adjacent private hall.

- 4.8 As described earlier, the listed building has been considerably altered at second and third floors – fabric and features have been removed and other than the overall size of the floorplate, practically nothing survives of the Georgian character and appearance found elsewhere in the listed building. In a very straightforward way, the second and third floor possess minimal, if any, *special* architectural or historic interest, the quality that makes 30 Percy Street a listed building.
- 4.9 The proposed scheme to reinstate an apartment at second and third floor will place an internal stair between the two floors in its former position (and as found in No. 29) as well as reintroducing a plan layout that broadly echoes the room subdivision that one might expect in a Georgian terraced house at this level. The proposed layouts follow this principle flexibly so as to permit residential accommodation to present-day standards.
- 4.10 The proposed works to the roof retain the shape and appearance of the mansard roof. They will include the insertion of new conservation rooflights in the valley, where they would not be seen. The fabric and structure of the roof is largely of recent date. Access to the roof will be for maintenance only.

Effect on heritage significance

- 4.11 The proposed scheme for 30 Percy Street acknowledges both the surviving special architectural or historic interest of the listed building and the changes that have occurred over time. It will reverse the harm caused to the special

interest of the listed building by the unauthorised works at second and third floors. An apartment is reinstated at these levels in a manner consistent with the likely historical plan form while at the same time providing up-to-date accommodation. Associated works to ensure the safety of occupants in case of fire are necessary and minimal in nature and effect on special architectural or historic interest.

- 4.12 The special architectural or historic interest of 30 Percy Street is preserved and enhanced by the proposed scheme. There is no effect on the Charlotte Street Conservation Area or the setting of other listed buildings, and thus the special interest of these designated heritage assets is preserved.

5 Compliance with policy and guidance

Introduction

- 5.1 This report has provided a detailed description and analysis of the site and its heritage context, as required by the National Planning Policy Framework. In addition, the report also describes (in Section 4 ‘The proposed development and its effect’) how the proposed scheme will affect that heritage significance. The effect is positive, and for that reason, the scheme complies with policy and guidance.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 5.2 The conclusion of our assessment, contained in previous sections in this report, is that the proposed scheme preserves and enhances the special architectural and historic interest of 30 Percy Street, and preserves (by having no effect on) the character and appearance of the Charlotte Street Conservation Area. The proposed development thus complies with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The level of ‘harm’ caused by the proposed scheme to heritage assets

- 5.3 As outlined in Section 5, the NPPF identifies two levels of potential ‘harm’ that might be caused to a heritage asset by a development: ‘substantial harm...or total loss of significance’ or ‘less than substantial’. Both levels of harm must be caused to a *designated* heritage asset – in this case, 30 Percy Street, other listed buildings and the Charlotte Street Conservation Area.
- 5.4 The only potential for ‘substantial’ harm would be if the proposed scheme for the site caused the loss of something *central* to the special interest of these designated heritage assets. The proposal evidently does

not give rise to this level of harm. We do not believe that any 'substantial' or 'less than substantial harm' is caused by the scheme.

- 5.5 We identify in Section 2 that the unauthorised works at second and third floor create a degree of existing less than substantial harm in the listed building. That less than substantial harm is reversed by the reinstatement of those floors in the present proposal. This is a significant heritage benefit.
- 5.6 We conclude that, when the reversal of the existing less than substantial harm is weighed with what minimal harm might be asserted concerning the physical proposals, the net effect is neutral – no harm is caused.
- 5.7 The public and heritage benefits of the proposed scheme more than outweigh any very low - and non-material - level of 'less than substantial harm' that *might* be asserted as being caused by the proposed scheme. However, we do not consider that the minimal effect of the proposals on the special architectural or historic interest/heritage significance described in detail earlier can reasonably be considered to be harmful in the sense of the term as used by the National Planning Policy Framework.

The National Planning Policy Framework

- 5.8 In respect of Paragraph 185 of the NPPF, the proposed scheme can certainly be described as 'sustaining and enhancing the significance of heritage assets'. The scheme preserves and enhances the significance of the listed building and the conservation area.
- 5.9 This report has provided a detailed description and analysis of the significance of 30 Percy Street and its heritage context, as required by Paragraph 189 of the National Planning Policy Framework.
- 5.10 The proposed scheme complies with Paragraph 195 of the NPPF - it certainly does not lead to 'substantial harm to or total loss of significance of a designated heritage asset'. It also complies with Paragraph 196 for the reasons given in

detail earlier in this report - the scheme cannot be considered to harm heritage significance that has been described and analysed in Section 2, but rather alters the listed building in a fashion that has a neutral effect on that overall significance. Any 'less than substantial harm to the significance of a designated heritage asset' (Paragraph 196) that can be ascribed to the scheme is outweighed by the benefits of the scheme.

- 5.11 However, and as stated above, it is our view that the proposals cannot reasonably be considered to cause harm to 30 Percy Street. The proposed scheme very definitely strikes the balance suggested by Paragraph 196 of the NPPF – it intervenes in a heritage asset in a manner commensurate to its heritage significance.

The London Plan

- 5.12 The proposed scheme for 30 Percy Street clearly 'conserve[s the significance of heritage assets]'. For these reasons, the scheme is consistent with Policy 7.8 of the London Plan.
- 5.13 It is also consistent with Policy 7.9 of the Plan – the 'significance' of the heritage assets in its context has been 'assessed' and the scheme is 'designed so that the heritage significance is recognised both in [its] own right and as [a] catalyst for regeneration'.
- 5.14 For the same reasons, the proposed scheme complies with Policy HC1 of the Draft New London Plan.

Camden Council's Local Plan

- 5.15 In satisfying the Planning (Listed Buildings and Conservation Areas) Act 1990, complying with the NPPF and satisfying the requirements of the London Plan, the proposed scheme also complies with Camden's Local Plan. The proposal will very definitely preserve and, where appropriate, enhance' the Grade II 30 listed building at Percy Street and the character and appearance of the Charlotte Street Conservation Area.

6 Summary and conclusion

- 6.1 No. 30 Percy Street is a Grade II listed townhouse built between 1766 and 1770 and located in Fitzrovia in the London Borough of Camden. The report describes the history of the listed building and analyses its heritage significance and the qualities that contribute to its 'special architectural or historic interest' as a listed building.
- 6.2 The architectural and historic interest of No. 30 Percy Street includes its external appearance and this encompasses its architectural design, appearance, shape, massing and urban presence. The interior also has undoubted heritage significance deriving from its plan layout, surviving building fabric and surviving decorative detail, and this is located principally at ground and first floors. Changes through the second half of the 20th century and particularly in recent years, described in the report, have considerably altered the interior, and much of its internal appearance and fabric is relatively modern. The basement, second and third floors have been heavily altered, and the second and third floors have lost the entirety of their internal features and much of the original fabric.
- 6.3 The applications for planning permission and listed building consent that are the subject of this report are intended to allow 30 Percy Street to be adapted to reverse the unauthorised works that took place at the upper levels of the listed building in a manner that is consistent with building control and fire safety standards, while still providing both residential and office use in the same building.
- 6.4 The scheme now proposed is principally concerned with sensitively reinstating residential accommodation at second and third floors of 30 Percy Street by means of a plan layout that relates as closely as possible the historic plan form that was lost as result of the unauthorised works. This work involves interventions to assist means of

escape in case of fire and prevent the spread of fire. This is necessary to protect lives and the special architectural or historic interest of the listed building. No changes, apart from those associated with fire safety, are proposed at ground and first floor. A series of minor alterations are proposed at lower ground floor.

- 6.5 The proposed scheme will reverse the harm caused to the special interest of the listed building by the unauthorised works at second and third floors. An apartment is reinstated at these levels in a manner consistent with the likely historical plan form while at the same time providing up-to-date accommodation. Associated works to ensure the safety of occupants in case of fire are necessary and minimal in nature and effect on special architectural or historic interest.
- 6.6 An assessment of the manner in which the proposed scheme complies with legislation, policy and guidance is provided in this Heritage Statement. It is clear that the proposed scheme complies with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and is consistent with the heritage policies of the National Planning Policy Framework, with the London Plan and with Camden Council's Local Plan.

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