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11 REGENT SQUARE, LONDON, WC1H 8HZ

Planning and Design & Access Statement

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Introduction

1. This Statement is submitted in support of a planning and listed building consent application for the erection of a lift to the rear of the property from lower ground to second floor, internal lift from second to third floor, replacement of non-original windows, alterations to windows at existing roof addition, and associated renovation of property and internal alterations at 11 Regent Square, London.
2. In addition to this document, the application comprises the following documents and drawings:
 - Existing drawings: rear elevation, lower ground floor, upper ground floor, first floor, second floor, third floor, roof plan, PA107, PA100
 - Proposed drawings: PA101, PA102, PA103, PA104, PA105, PA106, PA108, PA109
 - Heritage Statement (Spurstone Heritage Ltd, October 2020)
 - Personal Statement from applicants (October 2020)
 - Statement from Guy's and Thomas' NHS Trust (14 September 2018) *nb confidential document not for open publication*
3. The property is a terraced house on the southern side of Regent Square and is Grade II listed. The site lies within the Bloomsbury Conservation Area.
4. The Heritage Statement describes the property in detail, along with the evolution of the terrace and the wider area. Of particular note is the damage caused to the terrace during WWII, which resulted in the post-War rebuilding of the adjoining properties of Nos. 9 & 10, and the top floor and closet wing of No. 11 itself (see p16-17 of the Heritage Statement). The interior of the property suffered further with the conversion into flats in the 1960s, then use as a Convent in the 1970s with further internal works in the 1980s (see p17-20 of the Heritage Statement).



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5. Those previous uses ceased in the past, with the property once more a single family house. The house is one of only two family dwellings remaining in the terrace: the remainder of the terrace has seen the properties sub-divided into flats or used as HMOs.
6. The house was bought by the current owners in 2014 with the aim to renovate the property, which is in a poor state of repair, and to remain as a family house. However, in 2015 there was a major change in the owners' circumstances when Mr Smith developed a degenerative condition. This is explained further in the accompanying medical information and Personal Statement, but in brief summary means that walking became more difficult and this degeneration will continue until even in the house he will require a motorized indoor wheelchair.
7. In light of this significant change to personal circumstances, Mr & Mrs Smith submitted an application to the Council in October 2017 for internal works and reorganising the house, including the provision of an internal lift linking five floors of the house (ref. 2017/5989). This was withdrawn on the advice on the planning authority, who recommended a pre-application process be followed.
8. A pre-application submission was made to Camden in June 2018 that set out broadly the same scheme as in the withdrawn application. In August 2018 a meeting was held between Mr & Mrs Smith and the Planning Officer, where they expressed a wish to enter into discussions to provide an acceptable outcome. The Officer advised the scheme needed rethinking. Amended plans were submitted in September 2018 showing solely the installation of an internal lift and associated works. The Officer said that this would cause substantial harm to the plan form and materials of the house.
9. This advice was reappraised by the Council following further discussions, and a final response received in April 2019 that maintained an objection but advised discussing the case with the Bloomsbury Conservation Area Advisory Committee (BCAAC).
10. Mr & Mrs Smith took informal advice from the BCAAC and also the Georgian Group. They engaged Kit Wedd as a conservation advisor. Following her appraisal of the building and advice, revised plans were formulated for an external lift. These were sent to the Planning Officer for comment, who considered the new scheme still unsupportable for the same reasons as given in their objection to the installation of the internal lift.
11. In October 2019 the Chairman of the BCAAC viewed the house with Mr & Mrs Smith and Kit Wedd, and a discussion was held regarding the case. The BCAAC subsequently responded in November 2019 by saying that they would not object to a formal application on the basis that

'the level of harm to the building and CA caused by the lift is relatively low and is balanced by the proposed improvements ie. removal of stair partitions, restoration of original plan forms on lower floors etc.'

12. They further commented that

'We think on balance that the building will benefit by being in the ownership of one family who see it as a home to cherish and appreciate rather than an investment. We also support the prospect of making it more accessible to the disabled.'

13. Certain changes to the scheme were sought and the draft plans were amended to adopt those requests. The scheme was also referred to the Georgian Group, who did not object to the proposal.

14. The revised draft plans were sent back to the Planning Officer in December 2019 for a further review. A reply was received in March 2020 that maintained an objection on the grounds of harm to the conservation area and to the listed building.

15. Mr & Mrs Smith were understandably very disappointed to receive this continued objection, given that great efforts had been undertaken to consult with relevant stakeholders, modifications had been made to the scheme and, of course, there was the ever-pressing need to adapt the house for Mr Smith's degenerative disability.

16. The Planning Officer's response was reviewed further and additional changes made to the scheme. It is considered there are still strong grounds for the proposed changes and hence this formal application is now made.

Planning policies

17. Policy D1 of the **Camden Local Plan 2017** sets out the general criteria that seek to ensure a high quality of design in all development. This requires that development:

- a. respects local context and character*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage...*
- e. comprises details and materials that are of high quality and complement the local character...*
- g. is inclusive and accessible for all*
- h. promotes health...*
- n. for housing, provides a high standard of accommodation.'*

18. Paragraph 7.4 of the supporting text to this Policy further explains the importance of having regard to the local context within which any application site lies. The guidance states that

'Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings. Character is about people and communities as well as the physical components.'

19. The supporting text also emphasizes the need for ensuring buildings are accessible and adaptable. Paragraphs 7.14-16 state

'Good access benefits everyone. The Council requires new buildings and spaces to be inclusive and accessible to all. As accessibility is influenced by perceptions as well as physical factors, buildings should also be designed to appear, as well as be, fully accessible... Any adaptation of existing buildings must respond to access needs whilst ensuring that alterations are sympathetic to the building's character and appearance.'

20. An overarching objective to secure adaptable buildings and housing that suits all occupants is further set out in Policy H6. Although this chiefly relates to the provision of new housing, the objectives are fundamental to the provision of housing in the Borough; it is clear that achieving housing suitable for all an important policy aspiration. Reference is specially made in the Policy to the needs to secure a variety of housing suitable for existing residents of the Borough. The Policy states

'The Council will aim to minimise social polarisation and create mixed, inclusive and sustainable communities by seeking high quality accessible homes and by seeking a variety of housing suitable for Camden's existing and future households, having

regard to household type, size, income and any particular housing needs. We will seek to secure high quality accessible homes in all developments that include housing. We will:

a. encourage design of all housing to provide functional, adaptable and accessible spaces...

c. require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and

d. require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3). We will seek to secure a variety of housing suitable for existing and future households overall across development in the borough...

h. seek provision suitable for families with children, older people, people with disabilities, service families, people wishing to build their own homes and Camden's traveller community'.

21. The reasons for such aspirations are expanded upon in the supporting text to the Policy, where paragraph 3.139 states

'Many aspects of housing quality have a critical impact on the health and wellbeing of occupiers. These aspects of quality include the external environment, the condition of the property and its state of repair and decoration, accessibility... all of which can affect physical and mental health and influence life chances. The Council will therefore seek to secure a variety of high quality housing to meet the needs of different users'.

22. Paragraph 3.147 refers to Lifetime Homes and wheelchair housing which, although not proposed in the current application, sets out a statement of intent that recognizes the value of adapting buildings to meet a family's changing needs:

'Lifetime Homes are dwellings specifically designed to support the changing needs arising through a family's lifecycle, incorporating features to help accommodate pregnancy, prams and pushchairs, injury, disability, and old age. These features also allow a dwelling to be easily adapted for even higher levels of accessibility in the future, if the need arises, allowing people to live in their own home for as much of their life as possible. Wheelchair housing is designed to more demanding criteria relating to ease of movement and activity and is intended to be easy to adapt for households that include someone who needs to use a wheelchair within the home.'

23. It is clear that the situation faced by Mr & Mrs Smith is a direct parallel to the situation anticipated by the Local Plan, and hence the need to adapt their house.

24. Policy C1 of the Local plan seeks to promote health and wellbeing. The Policy states that

'The Council will improve and promote strong, vibrant and healthy communities through ensuring a high quality environment with local services to support health, social and cultural wellbeing and reduce inequalities. Measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development where appropriate.'

25. Thus, again, the overarching policy aspiration is that decisions on planning applications should, amongst other matters, promote improvements to health and reduce inequalities.

26. Policy D2 sets out the Council's approach to heritage, including listed buildings and conservation areas. The Policy states that

'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.'

27. With specific regard to conservation areas and listed buildings, 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...

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

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'.

28. There is specific guidance at paragraph 7.61 of the supporting text to the Policy relating to access in listed buildings. This states

'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.'

29. The framework of the Local Plan is therefore clear that an important policy objective is improving access and the usability of houses for the long-term needs of existing residents.

This includes in listed buildings, where applicants must consider every case carefully using expert evidence, investigating alternatives, and arriving at creative solutions. As outlined earlier, and will be explained further, this is the approach undertaken by Mr & Mrs Smith.

30. The **Bloomsbury Conservation Area Appraisal and Management Strategy 2011** undertakes the appraisal of the area and includes Regent Square in ‘Sub Area 12: Coram’s Fields/Brunswick Centre’. The Appraisal outlines the evolution of the sub-area, including the erection of the listed terrace and the bomb damage during the War. The value of the open space area to the rear (St George’s Garden) is discussed. No specific reference is made to the rear elevation of the Regent Square terrace as seen from those gardens.
31. The **Camden Planning Guidance: Design 2019** sets out the intention to seek design excellence in the Borough. It includes the requirement to preserve and enhance the character and appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings. The document recognizes the need to provide access to listed buildings. Paragraphs 3.32-34 state

‘It is important that everyone should have dignified and easy access to and within historic buildings, regardless of their level of mobility. With sensitive design, listed buildings can often be made more accessible, while still preserving and enhancing the character of the building.

For listed buildings and other heritage assets, the Council will balance the requirement to provide access with the interests of conservation and preservation. Sensitive design solutions that achieve access for all, to and within listed buildings, should be sought where it is practicable to do so...

In order to support access for all, there are ways in which access can be provided to listed buildings that avoid removing features that contribute to their heritage significance and therefore their listing. Where features are retrofitted to a listed building in order to improve accessibility, care should be taken to ensure that any potential harm is appropriately prevented or mitigated.’

32. The Guidance is therefore once more a matter of balance: the requirement to provide better access is acknowledged and sought, with that needing to be weighed against conservation and preservation interests. Importantly, the guidance recognizes that there may potentially be harm, and what is required is appropriate prevention or mitigation of that harm.
33. The Guidance refers to the Historic England publication **Easy Access to Historic Buildings 2015**. This document is said to be for those who own, manage or occupy historic buildings, and for those who are advising on such buildings. Guidance is provided for lifts

'The best way to provide accessible circulation between different floors of a building is to install an integrated and suitably sized passenger lift. As well as helping wheelchair users it can also be of benefit to ambulant disabled people, older people and people with pushchairs.'

34. The document discusses the matters to be considered when lifts are proposed in buildings. The guidance also sets out the important point that, where it has been established that vertical movement through a building is required, options other than a lift may be unsuited:

'Traditional stair or platform lifts that follow the incline of a stair should only be used where standard passenger or platform lifts cannot be installed. They tend to be unpopular with disabled people and can be undignified or impossible for some people to use. They may also create unacceptable visual intrusion and cannot be fitted to a staircase on an escape route if they constitute a hazard or reduce the width of the stairway to less than the acceptable minimum. They should only be considered as a last resort when it is impossible to accommodate a vertical lift or ramp or where alternative routes are not available.'

35. This is the case with 11 Regent Square, where there is no room to install a stair lift due to the size of the staircase in the property; it would be physically not possible to provide access to all the property in this manner, as wheelchair access is required on all levels. The submitted Statement from Guy's and Thomas' NHS Trust confirms that transfer of a wheelchair to each floor would be arduous and unsafe (nb the Statement was produced at the time when the pre-application through-floor lift was proposed, but the conclusions on health and mobility are still the same). It would also be the case that if stair lifts were installed, this would be an unacceptable hazard due to the narrowing of the stairs.
36. The **National Planning Policy Framework** sets out the policy approach for works affected heritage assets in Section 16. The application of this policy is comprehensively addressed in the accompanying Heritage Statement.

Policy appraisal in context of the proposed works

37. The previous overview of planning policy demonstrates that the development plan allows for the adaptation of listed buildings to provide improved access. Furthermore, there is a positive approach in the development plan towards proposals that enhance the accessibility of buildings and allow existing residents to adapt houses for mobility issues. This is consistent with the National Planning Policy Framework that states in paragraph 127 that, in assessing specific planning applications, places should be *'safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.
38. The development plan policy framework makes it clear that, in any such proposals, a thorough examination of the context of the area and the building itself must be undertaken. That assessment must also consider possible alternative solutions to adapting buildings.
39. This approach has been undertaken by the applicants. The accompanying Heritage Statement assesses the significance of the application property as a **listed building** (p21-24) and then sets out in detail the alternative ways which were considered for the adaptation to provide access (p 25-27 and Appendix D). The conclusion of this assessment and thorough exploration of alternatives is that the proposed external lift shaft would minimise the impact on the historic fabric of the building.
40. There would be the removal of a small amount of historic brickwork and change to the appearance of the rear elevation, That elevation is less significant than the street frontage, and the Statement shows that it has been much altered, with the rebuilding of Nos. 9 & 10 and the addition of a chimney to No. 13 changing the immediate setting of No. 11. There is also a variety of closet wings, as well as varied roof lines and parapets along the terrace. The proposed lift shaft is a minor further intervention.
41. The Heritage Statement explains that the internal lift at second to third floor would be in modern fabric, dating from the post-War rebuilding of the house and the later 1980s alterations. This would mean there is no impact upon historic fabric or plan form.
42. The Statement concludes there would be less than substantial harm caused by this change, and there would be a positive impact from the associated proposals to repair, reveal and reinstate historic exterior and interior features. These are public benefits.
43. There are further public benefits arising from the works ensuring that the house will remain in its optimum use as a single family home. As explained, this is one of only two entire private houses in the terrace. It has suffered from the changes over the years due to institutional use, division into flats, bomb damage, and post-War rebuilding. The house is now in a secure family ownership but, due to unexpected circumstances, that family

needs to adapt their house to ensure that long-standing commitment of ownership and restoration that will ensure the property receives the required substantial investment.

44. It is relevant to note that a similar approach has recently been adopted at a house within Camden at 10 Park Villas West, London. Planning permission and listed building consent were granted in April 2020 for external alterations including a three storey side extension to accommodate a platform lift (refs. 2019/6033/P & 2020/0704/L). This is a Grade II* listed building that lies within the Regent's Park Conservation Area. The proposed extension will be visible from the street, and attracted an objection from the local conservation group, whereas the extension proposed at 11 Regent Square would not be seen from public viewpoints.
45. It is acknowledged that there are, inevitably, differences between listed buildings and conservation areas. However, what is instructive in the granting of that permission and consent are the comments from Historic England (who were consulted, given the Grade II* listing). They recognised that there would be some harm to the significance of both the listed building and the conservation area as designated heritage assets, commenting that

'A previous application for listed building consent (ref: 2018/1718/L) for an internal lift across all levels within the building was withdrawn, which would have involved the demolition of sections of historic floor and roof structures. The current proposals, in our view, represent a lower level of impact on the significance of this Grade II listed building and have only a minor impact on the character and appearance of the Regent's Park Conservation Area.'*

46. However, having established there would be harm, Historic England then set out their position as follows:

'Historic England supports the principle of improving accessibility in historic buildings wherever practically possible, provided that the work does not unduly harm significance or increase the risk of long-term deterioration to the building fabric or fixtures.'

47. Thus, their position is not that there should be no harm, but that there should not be undue harm. This is consistent with the policy framework of the development plan and supporting guidance as outlined earlier: work to improve accessibility is allowed, provided any harm is prevented or mitigated as appropriate. This is also the position in the current scheme at 11 Regent Square. It is acknowledged there will be less than substantial harm, but that is not an undue level of harm given the location of the new lift shaft on the much-altered rear elevation, and the very limited change to the layout and fabric of the building itself.

48. Historic England's assessment of the case in Park Villas West then went on to say

'We consider the current scheme to represent the least harmful location to accommodate a lift within this highly significant Grade II listed building, as demonstrated by the range of different options tested by the architects through the previous application and subsequent pre-application discussions. We welcome the utilisation of existing openings within the north-west elevation and care that has been taken to match the design, proportions and facing materials with that of the existing building. We appreciate that there will be some impact on the character and appearance of the Regent's Park Conservation Area, but consider this to be minor...*

Historic England has no objection to the applications on heritage grounds.'

49. Again, this is the approach taken by Mr & Mrs Smith at their property. The accompanying Heritage Statement examines the range of different options tested by the applicants and advisors through the previous pre-application discussions. The enclosed Statement from Guy's and Thomas' NHS Trust explains why stair lifts are not possible in the property due to the mobility needs for Mr Smith. The possibility of through-floor lifts has also been fully explored. The Heritage Statement clearly explains how the current proposals are the most sensitive, and only feasible, option for providing the essential accessibility improvements to the house. Thus, the applicants took exactly the same approach to their property as encouraged by Historic England in the scheme for the Grade II* listed house at Park Villas West, and as sought by Historic England in their guidance publication *Easy Access to Historic Buildings*.

50. The Council's own assessment for case at 10 Park Villas West noted that *'the proposals would have some impact on the character and appearance of the listed building and result in the minor loss of historic fabric, this impact is considered neutral and would not harm the historic significance of the listed building.'* It was also stated that *'officers welcome the benefit of improving the accessibility of the building for its current occupants without harming its significance.'* Although there was a different assessment of the effect on the significance of the building – based on the merits of that case – the benefit of improving accessibility was still stated as a positive matter that weighed in favour of the proposal.

51. The Heritage Statement also assesses the effect of the proposed development on the designated heritage asset of the **conservation area** (p29). As the photograph shows on that page, the proposed lift shaft would not be visible from public viewpoints in St George's Garden. The location is screened by the recent Old Dairy development. It was noted earlier that the Bloomsbury Conservation Area Appraisal and Management Strategy does not make any specific reference to the rear of the Regent Square terrace, nor how that elevation contributes to the character and appearance of the Area.

52. It is clear that the small-scale change to the rear elevation of 11 Regent Square – in a terrace which has been altered to the rear in the past – and the lack of visibility means the lift shaft would preserve the character and appearance of the Area. Furthermore, as noted in the Heritage Appraisal, the other changes to the rear of the property at higher levels would enhance that appearance.
53. The proposed extension would be a small-scale addition as it adjoins the neighbouring properties, hence there would not be any loss of **amenity** to residents through effect on light or outlook. The pre-application discussions did not raise any objection to this matter.
54. s149 of the Equality Act 2010 sets out the **Public Sector Equality Duty**. This is relevant to the current applications as the personal circumstances being put forward are more than just private considerations; they are circumstances that fall into a protected characteristic under s149(7) of the Act. Thus, the local planning authority must have regard to the following:
- 3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- 4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities...*
- 6) Compliance with the duties in this section may involve treating some persons more favourably than others;*
55. The applicant has a disadvantage due to the disability of his degenerative condition, and the steps being put forward in these applications are seeking to remove this disadvantage. These steps – the provision of the external lift shaft to the building – are different to what might be acceptable to a person living in the house who does not have a protected characteristic but, under the Act, there is an obligation on the Council to recognise that this can be a reasonable course of action.
56. Of course, as noted earlier, in any event the development plan policies and Historic England guidance allows such a conclusion to be drawn in relation to improvements to accessibility at listed buildings. Hence the policy framework and the duties of the Act both point to the personal circumstances in this case to be a material consideration of significant weight.

Conclusions

57. Planning policy allows for the adaptation of listed buildings to improve accessibility. In the case of family homes the development plan seeks to provide for the needs of an existing family through improvements to usability throughout the lifetime of occupants.
58. The property has suffered in the past from alterations and previous uses. It is one of only two properties in the terrace in the original use as a single family house, which is the optimum use for the listed building. The severe health difficulties of the current owners only materialised after purchasing the house. They wish to undertake the renovation of the property but it is a substantial investment which, given the mobility needs of the family, now also needs the lift.
59. Planning policies and guidance from Historic England require an assessment to be made of a building, and an investigation of alternative ways to modify a building. This has been undertaken by the owners through many months – even years – of pre-application discussion with the local planning authority, the Conservation Area Advisory Committee, the Georgian Group, as well as independent advisors. The scheme presented now is less-intrusive than the original proposals for the building and is one that balances any impact against the need for the lift. That impact is low; planning policy does not seek to eliminate impact, but to minimise it and mitigate. There are wider public benefits arising from the works in addition to the benefit of providing the disabled access to this family house.
60. The proposed development would therefore satisfy the requirements of the development plan and national planning policy and planning permission and listed building consent can be granted.