

Delegated Report		Analysis sheet		Expiry Date:		1/1/21	
		N/A		Consultation Expiry Date:		Not applicable	
Officer				Application Number(s)			
Nick Baxter				2020/5132/L			
Application Address				Drawing Numbers			
60 Delancey Street London NW1 7RY				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Retrospective application for previously installed ceiling spotlights.							
Recommendation(s):		Refuse Listed Building Consent and that the Head of Legal Services be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990					
Application Type:		Listed building consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	0	No. of objections	0
Summary of consultation responses:		No consultation was required.					
CAAC/Local groups* comments: *Please Specify		No consultation was required.					

Site Description

The application site is a three-storey-plus-basement, grade-II-listed, mid-19th-century, terraced house, of stock brick with a stuccoed ground floor, one of a terrace of 11.

It makes a positive contribution to the Camden Town Conservation Area.

Relevant History

2019/4670/P and 2019/5087/L Erection of a mansard roof extension. Granted 13/11/19

2018/1825/P and 2018/2386/L Erection of lower ground floor rear extension and internal alterations. Granted 2/7/18

Relevant policies

National Planning Policy Framework 2019

London Plan 2021

Camden Local Plan 2017
D2 Heritage

Assessment

1. Proposal

1.1. The applicant seeks retrospective listed building consent for recessed spotlights in the ceilings of every room throughout the interior of the grade-II-listed house.

1.2. According to the application drawings, there are 29 recessed spotlights in the basement, 21 on the ground floor, 16 on the first floor and 21 on the second floor. This gives a total of 81 recessed spotlights. There appears to be no other form of lighting in the house.

1.3. ASSESSMENT

1.4. The main issues of consideration are:

- Visual impact on the historic character of the interior of the listed building.
- Loss of historic fabric within the listed building.
- Visual impact on the exterior of the listed building.

2. Principle of development, design and heritage impact

Statutory provisions

2.1. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) is relevant.

2.2. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that local authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

2.3. The effect of these sections of the Act is that there is a statutory presumption in favour of the protection of the special interest of listed buildings. Considerable importance and weight should be attached to their preservation. A proposal that would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should

be accorded to harm to heritage assets and in what circumstances such harm might be justified. This section of the report assesses the harm to heritage assets from the proposal. The balance of the harm and the benefits from the proposed scheme is discussed in the conclusion.

Policy context

2.4. Local Plan policy D2 on Heritage states 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...'*; later it says: *'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. Assessment of the proposal

3.1 Photographs in a design & access statement submitted for the same property in 2018 shows externally mounted lighting in somewhat irregular ceilings (2018/1825/P). There was no mention of new lighting in that scheme. The covering letter for this application notes that the lights were installed during the implementation of that scheme.

3.2 The house was listed at grade II in 1974.

3.3 The applicant has adduced some performance advantages to him provided by recessed spotlights.

3.4 However, their presence in such large numbers and in the place of any more traditional form of lighting, harms the historic character of every part of the house, including the principal spaces on the ground and first floors, and the staircase. His assertion that approximately 81 recessed spotlights are "considered the minimum necessary for the proper enjoyment of the property" is not considered reasonable. Most traditional rooms have a single pendant light source, supplemented by movable lamps where necessary.

3.5 The applicant has stated that previous lighting was surface mounted. Surface mounting is generally required to minimise harm to historic fabric, which suggests that previous owners were protecting historic plaster ceilings. But, then again, the surface mounted track lighting he describes replacing may not itself have benefitted from consent. Either way, this is no justification for fitting this type of lighting throughout the house.

3.6 It is not clear how much historic lath and plasterwork was present prior to the installation of the spotlights, because the work was carried out without consent. The applicant has stated that only two historic ceilings are affected. These ceilings survive and so their historic nature can be observed and cannot be denied. Whether other historic ceilings were present previously is unknown.

3.7 However, even if no historic fabric was harmed, the recessed spotlights are profuse, prominent and unsuitable to the historic nature of the house. They are also visible from outside. They are therefore harmful to the special interest of the listed building.

Heritage impact

3.8 An assessment and evaluation of the scheme needs to be carried out in accordance with the requirements and tests within chapter 16 of the NPPF 2019 (especially paras 192-202) regarding any impact and level of harm caused to the significance of designated heritage assets, ie. the adjoining listed building and the surrounding conservation area.

3.9 NPPF para 192 requires that those assessing applications take account of 'the desirability of

sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.’ Para 193 states that, ‘When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation’, and para 194 states that ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’. Substantial harm to a grade II listed building of any grade should be exceptional. Where the harm to a designated heritage asset is less than substantial, para 196 advises that ‘this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

- 3.10 In addition to its group value and external appearance, the significance of 60 Delancey Street stems from the historic character of its interiors. This historic character is lessened by the presence of the recessed spotlights.
- 3.11 It is considered that the harm here to the designated heritage asset is ‘less than substantial’. On the basis that there is less-than-substantial harm, paragraph 196 of the NPPF is applicable here, as noted above.
- 3.12 For the “optimum viable use” component of para 196 to succeed, it would have to be shown that the house could not be used without 81 recessed spotlights. As many houses have no recessed spotlights, this is clearly not the case.
- 3.13 No other public benefits have been identified by the applicant.
- 3.14 It therefore follows that there are no significant benefits to outweigh the less-than-substantial harm caused by the installation of 81 recessed spotlights, in accordance with the balancing exercise as set out in the NPPF. Thus the scheme results in harm to the special character of the listed building without adequate justification and does not comply with Local Plan policy D2.
- 3.15 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and of preserving the listed building, its setting and its features of special architectural or historic interest, under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4 Recommendations

Refuse listed building consent

That the proposal, by virtue of introducing a large quantity of modern and uncharacteristic lighting into historic spaces throughout the listed building, reduces the quality of those spaces and so harms the special interest of the listed building; by virtue of presenting modern and uncharacteristic internal features visible from outside, it further harms the special interest of the listed building; by virtue of causing loss of historic fabric, it harms the special interest of the listed building.

Initiate enforcement action

That the Head of Legal Services be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, and, in the event of non-compliance with the Notice, the Head of Legal Services be authorised to pursue any legal action necessary to prosecute the owner under Section 43 of the Act and or other appropriate power and/or the Director of the Culture and Environment Department be authorised to take direct action under Section 42 of the Act to secure compliance with the Notice.

The notice shall allege the following breaches of planning control: the notice shall allege that, without listed building consent, the following works were carried out:

- Installation of 81 recessed spotlights

WHAT ARE YOU REQUIRED TO DO:

The Notice shall require the owner, within a period of three months:

- To remove the unauthorised lights
- To make good the site following the above works

PERIOD OF COMPLIANCE: three months

REASONS WHY THE COUNCIL CONSIDERS IT EXPEDIENT TO ISSUE THE NOTICE:

The unauthorised lights are harmful to the internal and external character of the listed building, which detracts from the special architectural and historic interest of the property, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.