



Appeal Decision

Site Visit made on 25 August 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/X5210/Y/21/3268183

1 Leigh Street, London WC1H 9EW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Gajan Rajasekaran (Bloomsbury Realty Management) against the decision of London Borough of Camden.
 - The application Ref 2020/2201/L, dated 13 May 2020, was refused by notice dated 9 October 2020.
 - The works proposed are described as: "Creation of a new enclosed reception area at ground floor level through the removal of the former small guest room. Removal of former reception kiosk. Introduction of a double guest room and en suite bathroom on the basement floor level in the former breakfast room, breakfast room moved to rear of building in former single guest room. Introduction of a new fire escape corridor allowing escape access to the front of the building from the new basement bedroom, entailing: the introduction of a new partition between this corridor and the adjacent kitchen, swapping the location of the window and door on the basement's northern facade, re-using the door and replacing the non-original window frame with a new timber framed sash."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a grade II listed building in a conservation area. The Council's reason for refusal refers only to the effect of the works on the listed building. However, I am mindful of my statutory duties under sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeal accordingly.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this and have considered the appeal on the basis of the revised Framework.
4. Since the Council refused the application, The London Plan: The Spatial Development Strategy for Greater London March 2021 (the London Plan 2021) has been published. I have considered the appeal accordingly and I have given the main parties the opportunity to comment on the London Plan 2021.
5. The Council has confirmed that, since the application was refused, the Camden Planning Guidance: Design (the Design CPG) has been updated, in January 2021. I have considered the appeal accordingly. The Council has provided a copy of the updated Design CPG with its appeal questionnaire and referred to it in its statement. I am therefore satisfied that the appellant has had the opportunity to comment as part of the appeal.

6. At the time of my site visit, works had been carried out which appeared consistent with those shown on the submitted drawings. Both main parties have referred to the works having already been undertaken. However, notwithstanding the works that have taken place, I have considered the appeal on the basis of the proposals as shown on the submitted drawings.

Main Issues

7. The main issues are:

- whether the proposals would preserve the grade II listed building identified in the list description as “Numbers 1, 2 and 3 and attached railings, 1, 2 and 3 Leigh Street” and any of the features of special architectural or historic interest that it possesses; and
- the effect of the proposals on the character or appearance of the Bloomsbury Conservation Area (the BCA).

Reasons

Special interest and significance

8. The appeal relates to an end-terraced property on the corner of Leigh Street and Marchmont Street, within the BCA, which has been converted into a hotel. Together with the neighbouring properties, 2 and 3 Leigh Street, the property is grade II listed. It is part of a wider terrace which continues along Leigh Street. Dating from around 1810-13, the properties in the listed building are 4 storeys high over basements, which are visible through railings which enclose the areas around them. The terrace’s elegant, ordered windows and doors, set in deep reveals, provide articulation and a strong rhythm to its elevations. Those facing Leigh Street and in the splayed corner of the building have sash windows whilst those on its return elevation along Marchmont Street are blind.
9. Insofar as it relates to this appeal, the special interest of the listed building is derived from its fenestration and architectural detailing, including the strong rhythm, hierarchy and deep reveals of its openings, and from its historic plan form. It also has group value with the other buildings in the same terrace further along Leigh Street.
10. The BCA in the vicinity of the site encompasses streets of early 19th century terraced housing within one of the later parts of Bloomsbury to be developed. There are also 20th and 21st century developments nearby, including on the eastern side of Cartwright Gardens to the north of the site. Insofar as it relates to this appeal, the significance of the BCA is derived from the long, elegant, rhythmic building frontages of its 19th century terraces. As part of one of those distinctive, classically-proportioned, early 19th century terraces, the appeal building makes a positive contribution to the significance of the BCA.

Ground floor works

11. Consent is sought for the removal of partitions and a reception desk in the front corner room on the ground floor, and their replacement with a single partition, forming a reception area in the front corner of the building. The reception desk and the previous partitions, which have now been removed and which formerly subdivided that space into a bedroom, shower room and reception area, were later additions and of no inherent historic interest or

significance to the building's historic plan form. Their removal and replacement with a single partition has not resulted in the loss of historic fabric or harm to the plan form or legibility of the listed building, or to its special interest.

Basement works

12. Consent is sought for the insertion of partitions to subdivide the front part of the basement into a bedroom and a fire escape corridor, and to create an en-suite shower room within the resulting bedroom. Consent is also sought to change a door opening in the front elevation of the basement into a window serving the new bedroom, and to change the window in the splayed corner of the basement into a door, at the end of the new fire escape corridor.
13. I have little information before me regarding the historic layout of the front part of the basement, although it does not appear to have been subdivided at the time that the works subject to this appeal were carried out. However, as the basement would historically have served as an ancillary, functional service area, its layout and plan form would not have been part of the designed hierarchy and plan form of the higher status, formal rooms on the ground and upper floors above it.
14. Furthermore, the front part of the basement has evidently been subject to alterations since its construction, including the enclosure of part of the adjacent area to form a kitchen, with a doorway leading into it from the front basement. I have also been provided with details from a permission granted in 1995¹ (the 1995 permission) for a door where the front window is now proposed, which indicate that there was a window in that location previously and that the basement's openings have therefore also been altered in the past. The appellant's submissions also indicate that few historic fixtures and fittings, if any, remained in the front basement prior to the carrying out of the works for which consent is now sought. Those submissions have not been disputed by the Council with reference to any substantive evidence.
15. Therefore, I consider the basement's interest as part of the listed building to be principally derived from its historic function as an ancillary, informal space of lower status than the upper floors, rather than specifically from its plan form or historic detailing. In that context, and in the absence of compelling evidence to the contrary, the subdivision of the basement as proposed would not affect the plan form or legibility of the building's designed formal spaces or harm the special interest of the building.
16. The 1995 permission details indicate that there has historically been a window in the front elevation of the basement. The reinstatement of a window in that position, set within a deep reveal and aligned with the openings on the floors above, would be consistent with the existing fenestration and with the positions of windows in the front of other basements in the terrace. The proposed window would be a timber framed sliding sash, consistent with other windows in the terrace. Therefore, it would not appear incongruous or harm the appearance of the listed building or the BCA.
17. At the time of my visit, the window had been removed from the corner of the basement and a doorway had been created in that part of the building. The submissions state that the wall below the pre-existing window, which was

¹ Reference: PL/9301301

removed to create the doorway opening, was built using blocks and plastered with plasterboard. They also refer to an 'old recessed door' having been removed to insert the previous window. Nevertheless, it is evident from a photograph provided, and from the submitted drawings, that the window previously in that position was set within a deep reveal, consistent with the fenestration elsewhere on the building.

18. In contrast, based on the submitted drawings, the sides of the proposed door would be almost flush with the external walls alongside it. As a result, it would appear as an incongruous and unduly prominent feature, which would fail to respect or preserve the profile or appearance of the building's deeply recessed openings. It would thus disrupt the pattern of the listed building's fenestration and the strong rhythm of its elevations. Consequently, even if the creation of the doorway has not resulted in the loss of historic fabric, the works would fail to preserve the special interest of the building and would harm the appearance of the BCA.

Conclusion on the main issue

19. For the reasons given, I have found harm to the special interest of the listed building and harm to the appearance of the BCA as a result of the proposed works. I have had regard to the Palmer judgment referred to by the appellant², including its reference to measuring any harm against the scale of the harm and the significance of the heritage asset.
20. Given the scale of the works, the harm arising would be less than substantial. Nevertheless, the Framework makes it clear that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Accordingly, I give considerable importance and weight to the harm I have identified and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposals.
21. I am advised that the works are intended to improve fire safety, and I have noted correspondence from the London Fire Commissioner in that regard. Fire safety improvements would be a notable public benefit. However, I do not have compelling evidence to indicate that the works that would give rise to the harm I have identified – specifically, the fitting of the basement door flush with the adjacent walls – are the only means of achieving any necessary fire safety improvements, or whether alternatives have been explored in that regard. Therefore, based on the evidence provided, I am not satisfied that the specific works before me would necessarily be the only means of achieving the public benefits highlighted. Consequently, I afford those benefits only moderate weight, and they do not outweigh the considerable importance and weight I afford to the harm to the listed building, a designated heritage asset of national importance, and to the BCA.
22. For the reasons given, some aspects of the works proposed would not cause harm to the listed building. However, the absence of harm is neutral, rather than a factor to be weighed in favour of the scheme.

² Palmer v Herefordshire Council & Anr [2016] EWCA Civ 1061

23. Given the above, I conclude that the proposals would fail to preserve the grade II listed building identified in the list description as “Numbers 1, 2 and 3 and attached railings, 1, 2 and 3, Leigh Street” and would cause harm to the appearance of the BCA. That harm would not be outweighed by the public benefits put forward in support of the proposals. The proposals would therefore fail to satisfy the requirements of the Act and of the Framework, and would also conflict with Policies D1 and D2 of the Camden Local Plan, which require proposals to preserve or enhance the historic environment and heritage assets.

Conclusion

24. For the reasons given, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR