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| Delegated Report | | Analysis sheet | | Expiry Date: | | 27/04/2021 | |
| | | N/A | | Consultation Expiry Date: | | 09/05/2021 | |
| Officer | | | | Application Number(s) | | | |
| Nick Baxter | | | | 2021/1188/L | | | |
| Application Address | | | | Drawing Numbers | | | |
| 53-54 Carey Street London WC2A 2JB | | | | See decision notice | | | |
| PO 3/4 | | Area Team Signature | | C&UD | | Authorised Officer Signature | |
| | | | | | | | |
| Proposal(s) | | | | | | | |
| Retrospective application for awnings, external heaters and lights on front elevation at ground floor level. | | | | | | | |
| 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 | 2 | No. of objections | 2 |
| Summary of consultation responses: | | A member of the public commented, agreeing that awnings and heaters were appropriate during the pandemic, but objected to the colours. | | | | | |
| CAAC/Local groups* comments: *Please Specify | | The Bloomsbury CAAC objected on the grounds that the proposal harms the grade-II-listed building, harms the setting of a grade-I-listed building and is detrimental to the character and appearance of Bloomsbury Conservation Area. | | | | | |

Site Description

The application site is 53-54 Carey Street, a small pub called the Seven Stars, with painted brick cladding and a partial timber frame dating in part from 1602. In 1974, the application building was grade II listed.

The pub backs on to grade-II*-listed New Square, which can be seen in the same vista when viewed from the west.

The alterations also affect part of Thomas Moore Chambers next door, 51-52 (now the "Wig Box") and partly amalgamated with the pub, and also listed grade II, although this address is not included in the application.

The site stands directly across the road from the grade-I-listed Royal Courts of Justice, to whose setting it contributes.

All are considered to make a positive contribution to the Bloomsbury Conservation Area.

Both 51-52 and 53-54 are considered to have shopfronts of merit in the Bloomsbury Conservation Area statement.

Relevant History

2017/1658/L Demolition and replacement of internal staircase. Refused 7/6/17. Appeal dismissed 20/10/17

A planning application has been submitted for the works but insufficient information provided to validate the application.

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

D1 Design

D2 Heritage

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Assessment

1. Proposal

- 1.1. The applicant wishes retrospectively to regularise the presence of awnings, lighting, conduit and wall-mounted pavement heaters on both the Seven Stars pub and the Wig Box.
- 1.2. On the façade of the pub, he has installed two new awning boxes, painted lilac to match the brickwork above. The larger awning is yellow, the smaller orange. The awnings are lit by four LED uplighters. Five pavement heaters have been installed below the uplighters. This equipment is fed by surface-mounted conduit fastened to the fascia.
- 1.3. On the façade of the Wig Box there is an awning box, painted lilac to match the brickwork of the pub. In addition, he has installed two white uplighters, and a pavement heater. The blind of the awning is bright green. The lights and heater are fed by surface-mounted conduit. Numerous fixings have been made into the stonework of the fascia

1.4. ASSESSMENT

1.5. The main issues of consideration are:

- Visual impact on the exterior of the grade-II-listed buildings.
- Damage to historic fabric of the listed buildings.
- Harm to the setting of the grade-I-listed Royal Courts of Law.
- Visual impact on the character and appearance of the Bloomsbury Conservation Area.

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. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 2.3. 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.
- 2.4. 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 and the preservation of the character and appearance of Conservation Areas. 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

- 2.5. 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.*’
- 2.6. Local Plan policy D1 states that: ‘*The Council will seek to secure high quality design in development. The Council will require that development: a) respects local context and character; b) preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage; and e) comprises details and materials that are of high quality and complement the local character.*’
- 2.7. The Bloomsbury Conservation Area Statement states that: ‘*The shopfronts that remain from the 19th and early 20th centuries are an important element in the character of these areas. The important historic shopfronts have been noted in the appraisal. They are listed in the audit of Shopfronts of Merit in Appendix 3. All historic shopfronts within the Conservation Area contribute to the special character and their retention is particularly important. The Council expects all historic shopfronts to be retained and restored in the appropriate manner. The installation of a new shop front, shutters and grilles and most alterations will need planning*

permission. Inappropriate and poorly designed shopfronts detract from the character and appearance of the Conservation Area. The Council expects the quality and design of new shopfronts to respond sensitively to their historic setting and, importantly, the building frontage as a whole.

3. Assessment of the proposal

- 3.1 The applicant states that the awnings, heaters, uplighters and conduits can be removed and the exterior reinstated.
- 3.2 It is argued that there were awnings previously in place. A photograph showing Dutch awnings attached to the pub in 1964 was provided.
- 3.2 The Seven Stars was listed in 1974. This means that the evidential photo predates the listing.
- 3.3 The fact that, at one point before it was listed, the pub had completely different awnings that were subsequently removed is not considered to justify the current proposal.
- 3.4 Awnings have become popular outside pubs since the smoking ban however they are not a traditional feature of pubs of this type.
- 3.5 It is noted there are other examples, such as the Wig Box which has an awning. A traditional awning has been in situ since at least 2008. However, it is unlikely that this is an historic feature of a solicitors' chambers The Wig Box dates from 1888. In contrast, it is characterised by richly decorated stonework and brickwork, contributing to its special interest.
- 3.7 There is also no suggestion that there were uplighters, heaters or conduit attached historically. In addition, these elements have been drilled into the stonework. This will have caused damage.
- 3.8 The pub is noted in its list description to date, in part, from 1602. It has a plain, rather austere façade. This is considered to be its visual character and hence an important part of its special interest. Attaching awnings, conduits, heaters and uplighters are harmful, both visually and to its fabric.
- 3.12 The Law Courts opposite, opened in 1882, is a sober Gothic building. Part of its special interest is its setting, this part of which has remained unaltered since 1888, when Thomas Moore Chambers, now the Wig Box, was built.
- 3.13 Introducing modern awnings, exterior lighting and heating is harmful to appreciation of its special interest.
- 3.15 Inserting the above-mentioned items introduces highly visible and discordant elements into the otherwise unaltered historic streetscape.
- 3.17 Clearly, the attachment of the above-mentioned items to the shopfronts harms them in two ways: it conceals their form, harming the ability to appreciate them, and it physically damages them, through fixings.

Heritage impact

- 3.18 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.
- 3.19 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.’

- 3.20 A substantial amount of the significance of 51-52 and 53-54 Carey Street stems from the historic character of their facades. This historic character is lessened by the presence of the awnings, heaters, uplighters and conduit.
- 3.21 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.
- 3.22 For this to apply, public benefits would need to be identified.
- 3.23 The applicant states that the items have been installed in the interests of public safety during the Covid pandemic. Temporary permitted development rights were given for outdoor moveable structures to address the implications of Covid. These permitted development rights come to an end in 2022.
- 3.24 As far as can be known, the pandemic is drawing to a close and, from 17 May, indoor drinking has resumed.
- 3.26 Such slim benefits as are provided by this scheme do not outweigh the less-than-substantial harm caused to the two listed buildings, and the setting of the Law Courts by the installation of the awnings, uplighters, heaters and conduits, 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 policies D2.
- 3.27 Special attention has been paid to the desirability 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.

3 Recommendations

Refuse listed building consent

The unauthorised awnings, external heaters, lights and associated fittings, by virtue of their size, location and design obscuring the frontage of the building, introduce modern and uncharacteristic features to the façade of two Grade II listed buildings, which detracts from the special architectural and historic interest of the Grade II listed buildings on which they are located and the setting of the Grade I listed Law Courts opposite, contrary to policy D2 (Heritage) of the Camden Local Plan 201

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 two awnings
- Installation of one green blind
- Installation of LED uplighters
- Installation of pavement heaters
- Installation of associated conduit

WHAT ARE YOU REQUIRED TO DO:

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

- To remove the awnings, blind, uplighters, pavement heaters and conduit
- To make good the site and building following the above works

PERIOD OF COMPLIANCE: three months

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

The unauthorised awnings, external heaters, lights and associated fittings, by virtue of their size, location and design obscuring the frontage of the building, introduce modern and uncharacteristic features to the façade of two Grade II listed buildings, which detracts from the special architectural and historic interest of the Grade II listed buildings on which they are located and the setting of the Grade I listed Law Courts opposite, contrary to policy D2 (Heritage) of the Camden Local Plan 201