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By Email: [david.peresdacosta@camden.gov.uk](mailto:david.peresdacosta@camden.gov.uk)

18<sup>th</sup> January 2022  
Your Ref: 2021/0321/P  
My Ref: 21082

Dear Mr Da Costa

**Town and Country Planning Act 1990 (as amended)**  
**2021/0321/P and 2021/1968/L – Planning and Listed Building Consent applications for light refurbishment of all floors including installation of air conditioning systems**  
**27 Fitzroy Square W1T 6ES**

This letter is written on behalf of the Applicant in respect of the above planning application and to address concerns raised by Camden Council in your email to MWA dated 7<sup>th</sup> December 2021 and the 28<sup>th</sup> September 2021 email from your colleague.

In the email dated 28<sup>th</sup> September 2021 it stated that:

*With regard to the listed building alterations it would be difficult for us to accept air conditioning and chemical damp proofing in a listed building.*

*Such internal equipment is generally not acceptable to listed buildings and we would not support its addition to a building of this significance.*

*Some of the other alterations may be acceptable and I would be happy to proceed with a reduced scheme if you wish.*

In your email dated 7<sup>th</sup> December 2021 you stated that:

*Concern has been raised in relation to the a/c units and the impact on the listed building.*

*There is also a further concern which I need to raise. The Local Plan 2017 includes Policy CC2 'Adapting to climate change'. This states that all development should adopt appropriate climate change adaptation measures such as measures to reduce the impact of urban and dwelling*

*overheating, including application of the cooling hierarchy. The supporting text states that the Council will discourage the use of air conditioning and excessive mechanical plant. In addition to increasing the demand for energy, air conditioning and plant equipment expel heat from a building making the local micro-climate hotter.*

*Active cooling (air conditioning) will only be permitted where **dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.***

*The cooling hierarchy includes:*

- *Minimise internal heat generation through energy efficient design;*
- *Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;*
- *Manage the heat within the building through exposed internal thermal mass and high ceilings;*
- *Passive ventilation;*
- *Mechanical ventilation; and*
- *Active cooling.*

*Further guidance is provided in Camden Planning Guidance 2021 'Energy Efficiency and Adaptation'.*

Although the supporting text to Policy CC2 states that the Council will discourage the use of air conditioning and excessive mechanical plant it is acknowledged that the supporting text also states that air conditioning will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.

In this respect, the proposed building is Grade II\* listed and is approximately 190 years old (dating from c1832-35) and has clearly not been constructed to modern sustainability standards.

In recent years several applications have been determined in Fitzroy Square, including as follows:

- 2021/1730/L - Installation of secondary glazing at third and fourth floor levels.
- 2020/0367/L - Installation of 1 air-conditioning unit and 3 louvre doors under the external stair in the lightwell fronting onto Conway Street and associated internal pipework (also 2020/0367/L)
- 2018/1361/P - Rear extensions at ground floor level including roof terrace and new access door above following the demolition of first floor rear projection. Refurbishments to building incl. lowering of floor to front vault and installation of new AC plant all in association with the continued use of the building as an office (B1a)

- 2016/7117/L - External and internal alterations in connection with the installation of external air conditioning condenser and grilles, including alterations to existing internal layout (Also 2016/7117/L)
- 2016/4164/L - Internal re-configuration of the basement space, addition of secondary glazing and air handling unit with servicing and louvres to existing openings in modern elevation.
- 2016/3477/L - Replacement and re-positioning of AC housing at first floor level (also 2016/3254/P)
- 2016/2046/P - Change of use from offices (B1a) to single dwellinghouse (C3) with external alterations including replacement roof and access platform, new doorway with access bridge, air conditioning units and air source heat pump (also 2016/2825/L)

These applications (all approved) suggest that elements such as secondary double glazing and air conditioning units are required in the buildings in Fitzroy Square as a result of the inadequate building fabric and it is clear that the installation of air conditioning is a last resort but necessary as a result of the constraints of the building.

The Cooling Hierarchy seeks to:

1. *Minimise internal heat generation through energy efficient design;*

The design of the building is almost 190 years old and as a result of a Grade II\* listing major alterations to the fabric of the building, such as insulation, are not possible without harm to the significance of the listed building. However, the other works to the building (if approved) will enhance its sustainability.

2. *Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;*

It is not possible to change the orientation of shading of the building to reduce heat and the surface materials cannot be changed due to the Grade II\* listing which also makes changes to fenestration, blinds and insulation difficult.

3. *Manage the heat within the building through exposed internal thermal mass and high ceilings;*

Due to the Grade II\* listing any major alterations to the fabric of the building are not possible.

4. *Passive ventilation;*

Although windows are openable this relies on individual users of the office and is not always possible due to external noise and wind. More complex systems are tricky to achieve without major alterations to the building fabric of the Grade II\* listed building

5. *Mechanical ventilation;*

Mechanical ventilation systems are tricky to achieve without major alterations to the building fabric of the Grade II\* listed building and rely on individual users of the office.

In this respect it is considered that air conditioning is the least harmful cooling strategy to the heritage asset and would meet the policy test within Policy CC2.

In your December email you also state that:

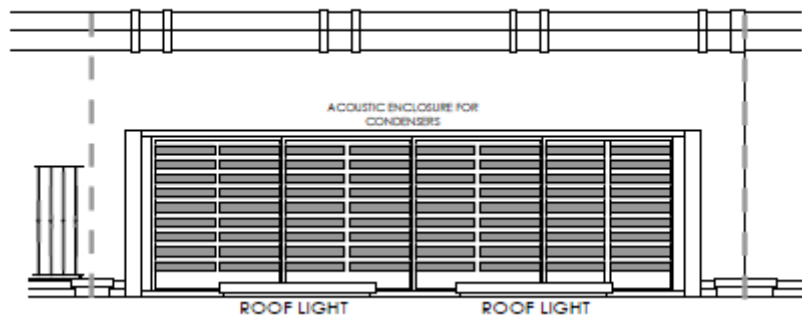
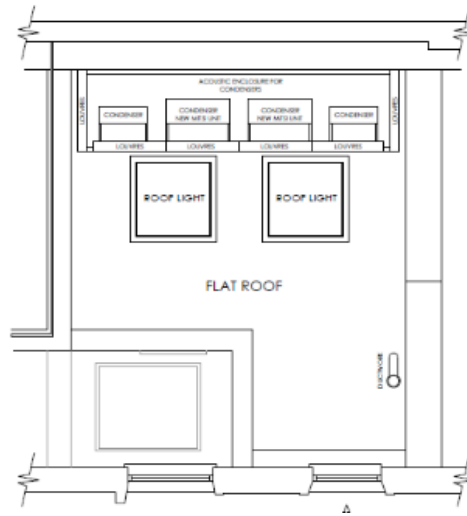
*Your email referred to the air-conditioning units approved 07/08/2018 at 28 Fitzroy Square (planning ref: 2018/1361/P). It is unclear whether the case officer considered Policy CC2 as there is no reference to this policy in the Delegated Report. It is also evident that the development approved at 28 Fitzroy Square was not comparable to that proposed at Number 27 which involved the demolition of the first-floor element and the re-provision of this volume at ground floor to make the existing ground floor half width extension full width. Therefore, the reconfiguration of floorspace involved the loss of rooms with windows providing natural ventilation to a full width extension without natural ventilation.*

Therefore, it is clear that there is precedent for air conditioning units which has been created in the immediately adjacent property for which planning permission was granted on 7<sup>th</sup> August 2018 for 'rear extensions at ground floor level including roof terrace and new access door above following the demolition of first floor rear projection. Refurbishments to building incl. lowering of floor to front vault and installation of new AC plant all in association with the continued use of the building as an office (B1a)' (Ref: 2018/1361/P).

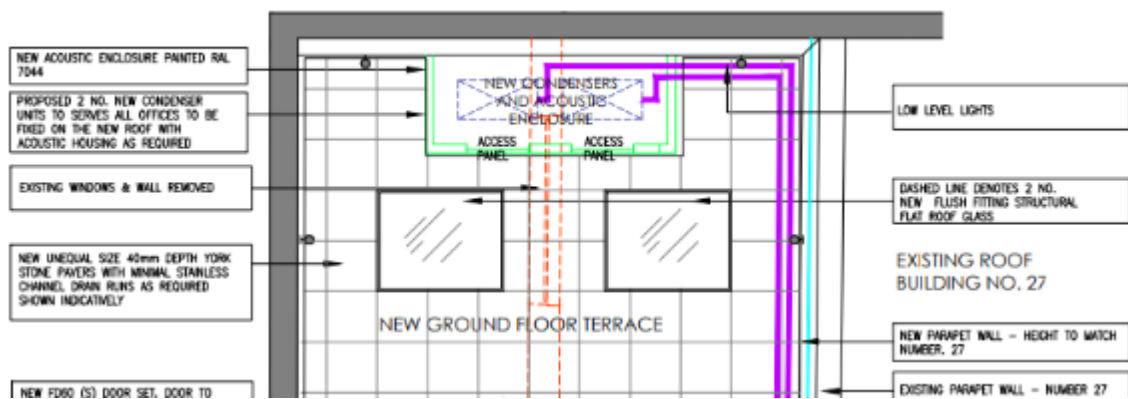
The accompanying Listed Building Consent (Ref: 2018/1481/L) for 'external alterations to GII\* listed property including ground floor rear extension and replacement window, demolition of existing first floor rear projection and provision of rear terrace (incl. access door and plant enclosure). Internal alterations incl. lowering of levels to front lightwell and refurbishments from basement to third floor levels incl. replacement of mechanical and electrical services, all in association with the continued use of the building as an office' was also granted.

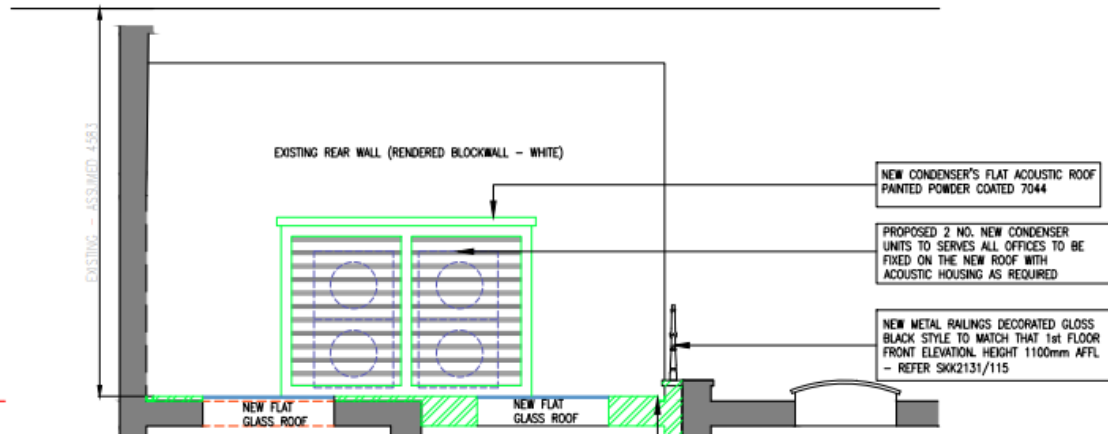
Although you state that the Planning Officer's Report makes no reference to Policy CC2, the Camden Local Plan was adopted in 2017 and therefore was part of the Development Plan at the time of determination.

Furthermore, submitted drawing 263-001(P1F)ELE-01A shows the location and size of the proposed condenser units and enclosures as follows:

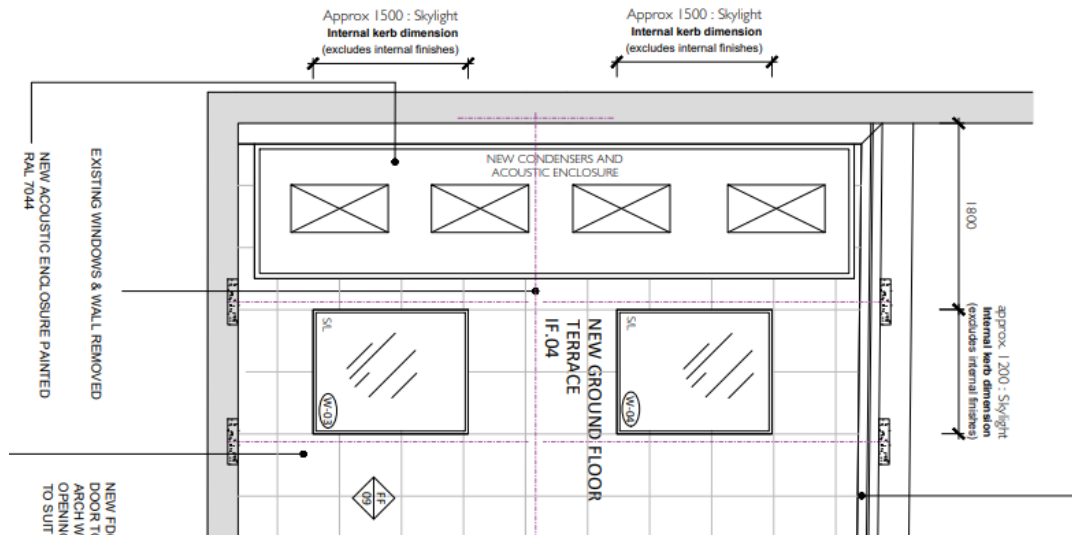


The approved plans for application 2018/1361/P show a similar same layout as shown below:





However, planning permission 2020/1045/P at 28 Fitzroy Square for 'conditions 4A, B, C & E of 2018/1361/P 2018/1481/L - External alterations to GII\* listed property including ground floor rear extension and replacement window, demolition of existing first floor rear projection and provision of rear terrace (incl. access door and plant enclosure). Internal alterations incl. lowering of levels to front lightwell and refurbishments from basement to third floor levels incl. replacement of mechanical and electrical services, all in association with the continued use of the building as an office. 2019/2678/L - Minor internal amendments to approved Listed Building consent, 2019/1269/L; includes revised wall positions to rear basement level and new skylight to rear light well' shows an approved condensers and acoustic enclosure as follows:



Therefore, this approved scheme is **exactly the same** as that proposed in this application and this is shown in the below photograph of the neighbouring property:



In your email you have stated that:

*The size of this enclosure is also a concern. It appears to be significantly larger than that approved at Number 27. The enclosure approved at Number 27 measured approximately 3m by 1.1m and was 2.1m high. Whereas the enclosure sought at the subject property would be approximately 5.8m by 1.47m and would be 1.66m high.*

It is assumed you are referring to No. 28 when discussing the approved enclosure. However, when referring to the 2020 consent and the photograph above it is clear that the current proposal is the same as the one which was approved at No. 28 and, in fact, the current proposals were deliberately designed to match this adjacent property.

In addition, the London Plan Policy SI 4 confirms that the cooling hierarchy is only relevant to **major development proposals** and the supporting text confirms that

*If active cooling systems, such as air conditioning systems, are unavoidable, these should be designed to reuse the waste heat they produce*

In this respect, the proposed development includes heat reclaim ventilation units in accordance with the above and therefore it is considered that there is no conflict with the London Plan as the air conditioning system is unavoidable for the comfortable use of the property.

The London Plan forms part of the Development Plan and was adopted in 2021 and therefore should carry more weight than the Camden Local Plan if conflict arises. Nevertheless, the Local Plan Policy CC2 states that development **should adopt appropriate** climate change adaptation measures.

Therefore, as discussed above, if such measures are inappropriate or not possible then there would be no conflicts with the policy.

This principle has been accepted on other recent planning (and listed building consent) permissions including application 2020/3856/P (and 2020/4718/L) at 8 Lincoln's Inn Fields in which the Planning Officer's Report stated:

*Cooling demands of existing offices can be more difficult to control than residential properties, particularly as passive forms often rely on individual control of occupiers. Other methods of passive cooling, such as external blinds or shading, installation of insulation, or internal reconfiguration, can be more invasive to listed buildings which means that they are also often harder to adapt. In this instance, the provision of the two AC units is considered appropriate and proportionate, would not cause harm and would meet the objectives of policy CC2.*

This application, similar to these proposals, did not require dynamic thermal modelling as it was clear that the age of the building and its listing made other cooling measures not possible.

Other recent commercial premises which have been granted consent for air conditioning units include 93 Euston Road (Ref: 2020/3489/P) which did also not require any additional reports.

It is unclear from the Planning History if the existing condensers have permission. However, from the above it is considered that the proposal would not be contrary to Policy CC2 and therefore this point is not considered relevant.

With regard to the heritage considerations Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments.

Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving the building's setting or any features of special architectural or historic interest. In considering developments affecting a conservation area, it requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The submitted Heritage Impact Assessment confirms that the internal works and the inclusions of the air-conditioning will have a 'negligible to Minor magnitude of impact on the significance of the listed building' as no original fixtures or fittings will be removed, and no new internal partitions will be inserted.

The building has already been subjected to a degree of modern refurbishment as shown below:





The architectural detailing and layout of the building, which is an integral part of its overall significance in historical and architectural terms, will not be materially affected by the air-conditioning units which will be wall mounted and will not have an impact on any historic features.

in rooms which have already been altered by modern features such as electric lights in the ceilings.

Any minor harm caused will be outweighed by improvements to the interior of the listed building such as period style radiators and feature pendants.

Furthermore, from the listing details it is clear that the main significance of the listed building arises from its 19<sup>th</sup> Century stucco frontage pilasters and window arrangements rather than any historic internal features.

As can be seen from the plans, the condenser units would be on the roof of the modern extension and not part of the original listed building and sits between the main building and the buildings on Fitzroy Mews which have no facing windows towards the application property.

The proposed external units would not be visible in short or long views from the public realm. The impact of the proposed units is reduced further by their relatively small size and the proposed units would not cause harm given their size and limited visibility.

The installation of AC units to the rear of this building would not set a harmful precedent for the terrace as the particular circumstances of the case mean they cannot be seen from the street nor in the context of the rear elevation and in addition are the same as those already granted permission in the adjacent property.

The works to the fabric of the listed building itself would be minimised as they are surface mounted on the non-original extension, along with the trunking which has a minimal run, and the cassettes internal to the building do not interrupt any original features which contribute to the building's significance, which has been established as an office for some time.

The works would therefore not harm the special interest of the listed building and care has been taken to minimise any impact by the placement of all elements of the system.

In this respect, the proposal would preserve the character and appearance of the Conservation Area and would also preserve the special architectural and historic interest of the listed building.

Further details in respect of appearance can be controlled by conditions.

Therefore, from the issues raised in your email there is nothing which has not been addressed and therefore there would be no sustainable reasons to not grant planning and listed building consent for the proposed development.

If there are any queries or further information is required, please do not hesitate to contact me.



Yours sincerely

A handwritten signature in blue ink that reads 'J Butterworth'.

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