

## Planning Application



**Flat A, No. 40 Earlham Street, London WC2H 9LH**

## 1. INTRODUCTION

- 1.1. This planning assessment has been prepared by Shape Urban Planning Consultants in support of the planning application at no. 40 Earlham Street, Seven Dials in the London Borough of Camden.
- 1.2. The assessment demonstrates the proposal succeeds in preserving the building of architectural or historic interest and its setting in accordance with the relevant statutory duties and policy guidance. To inform the conclusion, thorough evaluation has been undertaken of the effect of the proposed works on the heritage significance of no. 40 Earlham Street, which is listed grade II and falls within the Seven Dials Conservation Area.
- 1.3. The proposal for the erection of a balcony to the rear elevation is the subject of this application for planning and listed building consent.
- 1.4. This statement provides background information including a description of the site and surroundings and planning history. In addition, the proposed works has been assessed in relation to relevant planning policy. This statement concludes by providing LB Camden with a clear planning rationale for the proposed balcony to the rear of the property at first floor level.
- 1.5. The ultimate objective of the proposal is to achieve the comprehensive and sympathetic erection of a balcony to the rear of 40 Earlham Street, providing a high-quality finish amenity space.
- 1.6. This should be read in conjunction with the drawings submitted in the application.

## 2. LEGISLATION, POLICY & GUIDANCE

2.1 This section sets out the relevant statutory duties, national, regional, and local planning policies and guidance that are relevant to the consideration of heritage and townscapes matters.

### **Statutory Duties**

#### ***The Planning (Listed Buildings and Conservation Areas) Act 1990***

##### Listed buildings

2.2 Section 7 of the Act requires listed building consent for any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of architectural or historic interest.

2.3 Section 16 (2) places the duty on the decision maker to have special regard to the desirability of preserving the building or its setting in determining applications for listed building consent.

### **National planning policy**

#### ***The National Planning Policy Framework, 2019***

2.4 The Government issued the National Planning Policy Framework (NPPF) in February 2019. The NPPF sets out planning policies for England and how these are expected to be applied.

##### Heritage

2.5 Section 16 of the NPPF deals with conserving and enhancing the historic environment. It applies to plan-making, decision-taking and the heritage-related consent regimes under the 1990 Act.

2.6 Heritage assets are defined in Annex 2 of the NPPF as a '*building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*'

2.7 The NPPF notes, at paragraph 189, that heritage assets 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'

2.8 The NPPF requires an applicant to describe the heritage significance of any heritage assets affected by a proposal, including any contribution made by their setting (para 194). It goes on to say that 'the level of detail should be proportionate to the heritage assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

2.9 The NPPF identifies three key factors local authorities should take into account in determining applications:

*'The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
The desirability of new development making a positive contribution to local character and distinctiveness.'*

2.10 Paragraph 199 states that in assessing impact, the more important the asset, the greater the weight should be given to its conservation. It notes that heritage significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting.

2.11 The setting of a heritage asset is defined in Annex 2 as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

2.12 The NPPF states, at paragraph 201, that where a proposed development would lead to 'substantial harm' or total loss of heritage significance of a designated heritage asset, consent should be refused, *'...unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'*, or all of a number of specified criteria apply, including that the nature of the heritage asset prevents all reasonable uses of the site.

2.13 Where a development proposal will lead to 'less than substantial' harm to the heritage significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202).

### ***Planning Practice Guidance***

2.14 The PPG includes a section called 'Historic environment' which was updated on 23 July 2019. It explains which bodies are responsible for the designation of HAs and provides information on heritage consent processes.

2.15 The PPG considers the factors that should inform decision taking about developments that would affect HAs. It notes that *'HAs may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a HA, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals...'* (18a-007). It further says that *'understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm'* (18a-008). It states that in assessing proposal, where harm is found, the

extent of harm should be ‘*clearly articulated*’ as either ‘*substantial*’ or ‘*less than substantial*’ (18a-018).

- 2.16 The PPG notes that setting is defined in the NPPF and that ‘*all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent*’ (18a-013). It goes on to say, ‘*the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each*’ (18a-013).

## **Regional planning policy and guidance**

### ***The London Plan 2021***

- 2.17 The London Plan 2021 was adopted in March 2021. It is the ‘overall strategic plan for London’ and sets out a ‘framework for the development of London over the next 20-25 years’.
- 2.18 The chapter 7 ‘Heritage and Culture’ sets out the policies most relevant to heritage.
- 2.19 Policy HC1 on ‘Heritage conservation and growth’ notes that development proposals that affect heritage assets and their settings should ‘conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings’.

## **Local policy and guidance**

### ***The Camden Local Plan (2017)***

- 2.20 The Camden Local Plan was adopted on 3rd July 2017. It replaced the Core Strategy and the Development Policies. It covers the period up until 2031 and aims to help the delivery of the Council’s vision for Camden.
- 2.21 Policy A1 Managing the impact of development states the Council will seek to protect the quality of life of occupiers and neighbours.
- 2.22 Policy D1 Design states the Council will seek to secure high quality design in development and sets out various requirements for new development including that it:

‘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.'*

- 2.23 Policy D2 Heritage states the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings including conservation areas and listed buildings. Part (e) requires 'that development within conservation areas preserves or, where possible, enhances the character or appearance of the area'. Part (j) states the Council will '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'.

## **Supplementary planning documents and relevant guidance**

### ***Camden Planning Guidance – Design (2021)***

- 2.24 The Camden Planning Guidance on Design was published in January 2021 and supports the local plan. It gives information on detailed design issues, including design excellence and heritage, and supports policies D1 and D2 (amongst others) in the Camden Local Plan.
- 2.25 In respect of alterations to listed buildings it notes that the Council will consider the impact of proposals on the historic significance of a building, including its features, such as:
- original and historic materials and architectural features;
  - original layout of rooms;
  - structural integrity; and
  - character and appearance.
- 2.26 It goes on to say that the Council will expect original or historic features to be retained and repairs to be in matching material. Proposals should seek to respond to the special historic and architectural constraints of the listed building, rather than significantly change them.

### ***Seven Dials Conservation Area Statement***

- 2.27 The Site lies within the Seven Dials Conservation Area. The Seven Dials Conservation Area Statement (the 'Appraisal') was adopted in 1998. It describes the character of the area and identifies Earlham Street, where the application site is located, in Sub Area One with the following description:

*Earlham Street is predominately four storey with the scale and plot sizes of the original Seven Dials although it was almost entirely rebuilt in the 1880s as part of the Woodyard Brewery. There is still evidence of the high level cast iron bridges, which connected the brewery buildings across the street. A few 18th and early 19th century terraced buildings remain, in particular the section on the south side Nos.14-26. The Cambridge Theatre, a 1930s building designed by Wimperis, Simpson and Guthrie with interiors by Serge*

*Chermayeff, forms a corner building at Seven Dials. The simple classical design provides an interesting contrast to the 18th and 19th century corner buildings whilst having some affinity with warehouse buildings. The Art Deco design was later echoed in Ibis House, designed by Terry Farrell, another corner building at the junction of Monmouth Street and Mercer Street. Between Shaftesbury Avenue and Seven Dials there are a number of new shopfronts on the north side on buildings previously in office use that have been converted successfully to retail and residential use. An exception to the distinctive quality of Seven Dials is Earlham House, a 1970s development designed by Richard Seifert. It has a particularly damaging impact at street level on Mercer Street at the entrance to the basement car park. Between Seven Dials and Neal Street the streetscape is notable for the reinstatement of original paving materials plus Victorian gas lantern style streetlights and Seven Dials bollards as the first stage of the Renaissance project. Between Seven Dials and Shaftesbury Avenue a market, which has traded since at least the 19th century, occupies one side of the street.*

- 2.28 40 Earlham Street, the application building, is among the statutory Grade II listed buildings including Cambridge Theatre on Earlham Street as set out in the conservation area appraisal.

## **Other guidance**

### ***Historic England Advice Note 1, Conservation Area Appraisal, Designation and Management (Second Edition) (February 2019)***

- 2.29 The purpose of this note is to provide information on conservation area appraisal, designation and management to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment legislation, the policy in the National Planning Policy Framework (NPPF) and the related guidance given in the Planning Practice Guidance (PPG). The advice in this document emphasises that evidence is required to inform decisions affecting a conservation area, including both its designation and management, should be proportionate to the importance of the asset.
- 2.30 *At paragraph 4 of the introduction it states, ‘Change is inevitable, and often beneficial, and this advice sets out ways to manage change in a way that conserves and enhances the character and appearance of historic areas’, and that ‘Conservation areas can contribute to sustainable development in all its three dimensions as outlined in the NPPF.*

### ***Historic England: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (March 2015)***

- 2.31 The purpose of this note is to provide information to assist local authorities, planning and other consultants, owners, applicants and other interested parties

in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the Planning Practice Guidance (PPG). These include assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding.

- 2.32 In terms of general advice on decision-taking it notes at para 4 that, *'The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance'*. The guidance goes on to suggest a number of common steps in assessing significance.

***Historic England Advice Note 12, Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)***

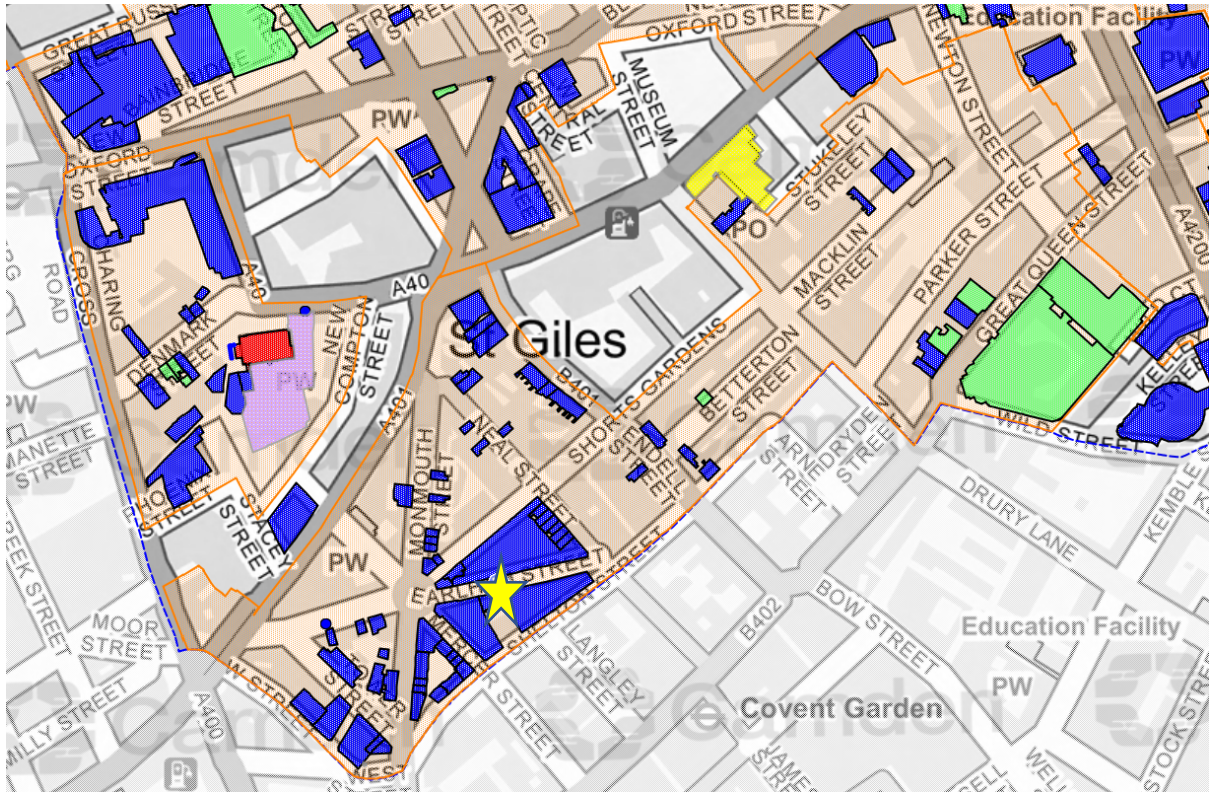
- 2.33 Historic England issued Advice Note 12, Statements of Heritage Significance: analysing Significance in Heritage Assets in October 2019. The note covers the NPPF requirement that heritage significance is described in order to help local authorities make decisions on the impact of proposals for change to heritage assets. It states, in paragraph 2 of the introduction, that *'the level of detail in support of applications for planning permission and listed building consent should be no more than is necessary to reach an informed decision, and that activities to conserve the asset(s) need to be proportionate to the significance of the heritage asset(s) affected and the impact on that significance'*. It describes a statement of heritage significance as *'an objective analysis of significance, an opportunity to describe what matters and why'*.
- 2.34 The advice note states that a staged approach to decision making, where the significance is assessed before the design of the proposal commences, is the best approach. It states in paragraph 29, under 'proportionality', that while *'analysis should be as full as necessary to understand significance, the description provided to the LPA need be no more than sufficient to understand the potential impact of the proposal on significance'*.



### 3. THE SITE AND ITS HERITAGE SIGNIFICANCE

#### The Site and its immediate context

- 3.1 No. 40 Earlham Street is listed grade II and lies in the Seven Dials Conservation Area in the London Borough of Camden. The heritage significance of these is considered below.



- 3.2 Earlham Street is a busy vibrant route that runs between Seven Dials and Covent Garden. The vast majority of buildings along its length are listed and it is lined with retail units and food outlets today.

#### Historic development of the area

- 3.3 By the 10th century the area north of the Strand and south of Holborn had become part of the Westminster Abbey estates. From the 11th century land to the west of Drury Lane was used as a garden for the Abbey while the area around the Seven Dials was owned by The Hospital of St Giles, a leper hospital founded in 1117. In 1537 the land was taken over by Henry VIII and let on a series of leases. The 1658 map shows St Giles Field prior to development.
- 3.4 The distinct layout around the Seven Dials is the legacy of an ambitious building plan devised by Thomas Neale, a speculator and Master of the Mint, at the end of the 17th century. The plan was unique, the only one of the 17th and 18th century developments in the West End which departs from a grid plan. Instead a radiating plan of streets was formed around a small central polygonal circus with a Doric column at the centre surmounted by sundials. The column was removed in 1773 probably by order of the Paving Commissioners to rid the area of the

undesirables who congregated around it. The column was later re-erected on Weybridge Green. A replica of the column was erected in 1989 by the Seven Dials Monument Charity and unveiled by Queen Beatrix of the Netherlands.

- 3.5 The large triangular blocks of the Thomas Neale development that radiate from the Seven Dials column remain a distinctive feature of the area despite 200 years of urban development. Thomas Neale imposed building agreements on the leases he granted which specified the materials and size of the houses to be built. In addition the Act for the rebuilding of the City of London, passed in 1667, had introduced comprehensive building regulations which began to influence the materials, heights and details of buildings. The houses were first occupied by merchants, gentlemen and better off tradesmen. Compressed into the same streets is the commercial development of the 18th and 19th century, in particular the brewery industry dating from the early 18th century.
- 3.6 During the 19th century the character changed as the houses were divided into lodgings. Seven Dials became notorious for its links with crime and corruption. Towards the end of the 19th century slum clearance and traffic management along the north west edge of Seven Dials by the Metropolitan Board of Works led to Shaftesbury Avenue being created in 1889 through the widening of the original Monmouth Street. In the early 20th century a number of theatres were built nearby including the Cambridge Theatre at Seven Dials, built in 1930, and designed by Wimperis, Simpson and Guthrie.

### Heritage significance

- 3.7 The National Planning Policy Framework defines heritage significance at 'Annex 2: Glossary' as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

- 3.8 In line with PPG paragraph: 006, the statements of significance below consider the various heritage interests of the identified heritage assets as follows:

***'Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.***

***Architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.***

**Historic Interest:** *An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.'*

- 3.9 Listed buildings generally hold special architectural or historic interest. The following assessments of significance are based on on-site visual inspection, the list description, the Council's adopted guidance, and published material. They are proportionate both to the importance of the assets and to the nature and extent of the application proposals. They are sufficient to understand the potential impact of the proposals on heritage interest.

#### **No. 40 Earlham Street**

- 3.10 No. 36, 38 and 40 Earlham Street altogether was listed grade II on 15 January 1973. They form an early C19th terrace (altered internally and externally). The list description reads as follows (the relevant sections have been highlighted in bold):

*'36, 38 and 40 Earlham Street form an early C19 terrace with later shop premises to the ground floor of 36 and 38. **The terrace is of four-storeys, plus basement level, and three-bays, in red/brown stock brick with the ground floor façade and a rebuilt parapet in yellow stock brick. A further floor appears to have been added in the late C20, set back from the main facade of the building.** It is likely that the terrace was built as three dwellings, although the ground floor level has been subsequently altered.*

***A vehicular entrance has been knocked through the depth of 40,** whilst 36 and 38 have been remodelled in the C19, possibly more than once, to accommodate shop premises, and subsequently refurbished in the 1990s. Each shop frontage consists of a central eight-over-eight pane hornless sash window with shutters, flanked by brick panels and vertical batons which contain the shutters when opened. Beneath each window are three wooden panels, the central one angled inwards. To the left of each frontage is a brick panel, and to the right, a door with an overlight. A fascia board runs across the top of each frontage, with a console bracket at the far end of each shop, and one dividing them. The shop frontages, including the brick work, project slightly from the main facade of the building. A photograph from 1959 shows the shop frontages in place, but with earlier shutters with circular apertures. These shutters are still in place in a photograph of 1990 taken during the refurbishment works. The ground floor windows appear to be reproduction, but it is unclear whether all of the joinery to the shop frontages was replaced in the 1990s, or merely repainted. The windows on the upper floors are eight-over-eight pane horned sashes with cambered arches, the first floor windows have modern balconettes. The same 1959 photograph, and further examples from 1974, shows these upper windows as un-horned, so it seems that they have also been replaced.*

*INTERIOR: The ground floor interiors of 36 and 38 have been stripped out, and the brick work of the interior of 38 has been exposed. The side walls are predominantly red stock brick, whilst the front wall is a mixture of yellow and red stocks, with two stone blocks in the north-east corner. The upper floors were not inspected.*

*SUMMARY OF IMPORTANCE: 36, 38 and 40 Earlham Street are of interest as a surviving example of an early C19 terrace situated within the Seven Dials Conservation Area.'*

### **Seven Dials Conservation Area**

3.15 The Seven Dials Conservation Area was designated on 26 November 1971 and extended on 24 July 1974 and subsequently on 11 June 1991 and on 2 July 1998.

3.16 The Council's Conservation Area Statement notes 'This Conservation Area has the imprint of a unique legacy. Vibrant economic activity combined with conservation of the built heritage has created a place that is important to Camden and to London'; going on to say that:

*'The special character of the Conservation Area is found in the range and mix of building types and uses and the street layout. The character is not dominated by one particular period or style of building but rather it is their combination that is of special interest. Most buildings appear to spring from the footway without physical front boundaries or basement areas. In this tightly contained streetscape, changes of road width, building form and land-use give dramatic character variation, narrow alleys and hidden yards provide unforeseen interest and the few open spaces provide relief and a chance to pause and take stock of one's surroundings. Apart from Seven Dials there are no formal open spaces but some significant informal spaces occur in the form of yards and street junctions.'*

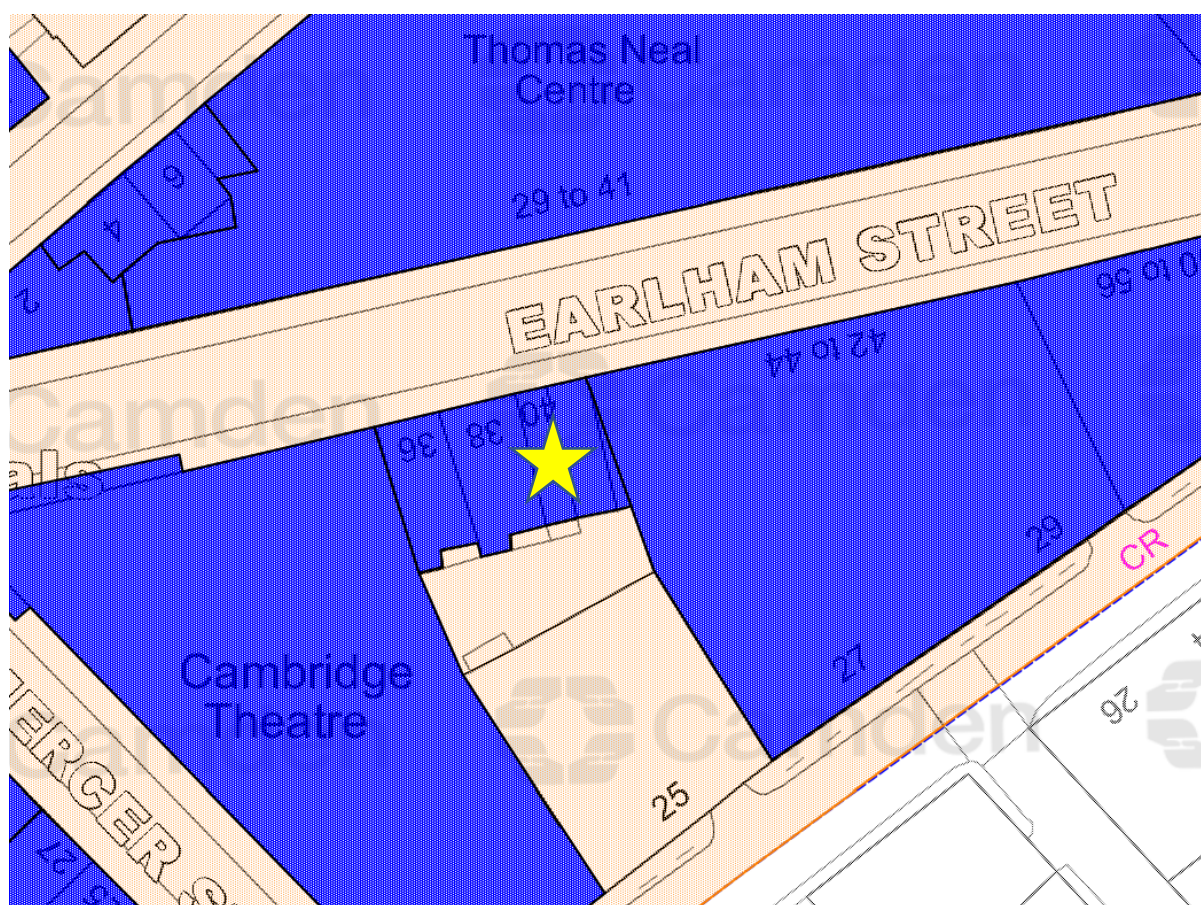
3.17 The Council's Appraisal notes 'Earlham Street is predominately four storey with the scale and plot sizes of the original Seven Dials although it was almost entirely rebuilt in the 1880s as part of the Woodyard Brewery. There is still evidence of the high level cast iron bridges, which connected the brewery buildings across the street. A few 18<sup>th</sup> and early 19th century terraced buildings remain, in particular the section on the south side Nos.14-26. The Cambridge Theatre, a 1930s building designed by Wimperis, Simpson and Guthrie with interiors by Serge Chermayeff, forms a corner building at Seven Dials. The simple classical design provides an interesting contrast to the 18<sup>th</sup> and 19th century corner buildings whilst having some affinity with warehouse buildings. The Art Deco design was later echoed in Ibis House, designed by Terry Farrell, another corner building at the junction of Monmouth Street and Mercer Street.'

3.18 The terraced frontage of nos. 36 to 40 Earlham Street contribute to the significance of the conservation area.



## Other Listed buildings

- 3.19 There are 5 listed buildings adjoining or close to the Site (including nos. 38 and 40 Earlham Street, see above) which together with the Site define the built edges to the north and south side of this stretch of Earlham Street.
- 3.20 **The Cambridge Theatre**, Earlham Street (South side) is listed grade II. The theatre sits on a corner site facing Seven Dials with returns to Mercer Street and Shelton Street. It was built in 1929-30 to the designs of Wimperis, Simpson and Guthrie with Portland stone front, and brick to the rear. The interior is partly by Serge Chermayeff, with friezes by Anthony Gibbons Grinling. It adjoins the Site to the west.
- 3.21 **Seven Dials Warehouse**, nos. 27 to 33 Shelton Street (north side) and nos. 42-54 Earlham Street (south side) is listed grade II. This former brewery building dates from the mid C19th century. It is built of yellow stock brick with granite dressings.
- 3.22 **The Crafts Centre**, nos. 29-43 (odd) Earlham Street (north side; including nos.8-26 Short's Gardens) is listed grade II. This former mid C19th stock brick warehouse, probably originally a brewery, was a crafts centre at the time of listing.



#### 4. PLANNING HISTORY OF APPLICATION AND ADJOINING SITES

##### Earlham Street London WC2H 9LH

Application No:	Site address	Proposal	Decision
2021/4749/L	36 Earlham Street London WC2H 9LH	Installation of Fascia and non-illuminated Projecting Sign to the exterior of the building.	Granted 26-01-2022
2021/4242/L	36 Earlham Street London WC2H 9LH	The insertion of a flue outlet in a light of the basement level sash window, a glazed screen in the rear section of the ground floor, lowering of the window opening (without a window) to the rear of the ground floor.	04-11-2021
2021/3272/P	36 Earlham Street London WC2H 9LH	Use of the basement and ground floors for retail and dog grooming (Use Class E).	Granted 20-07-2021
2016/6569/L & 2016/6231/A	38 Earlham Street London WC2H 9LH	External alterations in connection with the retention of non-illuminated, externally applied gold vinyl lettering to existing fascia board and display of a non-illuminated projecting sign with applied gold vinyl lettering on both sides.	20-01-2017
2014/4095/L	Flat C 40 Earlham Street London WC2H 9LH	Internal alterations to flat at 2nd floor level.	Granted 14-07-2014
2010/5452/L & 2010/5276/P	40H Earlham Street London WC2H 9LH	Installation of air conditioning condenser unit and erection of trellis screening fence atop existing rear lift shaft and replacement of front and rear sliding aluminium doors to 4th and 5th floor maisonette (Class C3).	Granted 06-12-2010
PSX0204930 & LSX0204931	25 Shelton Street & 36-40 Earlham Street London WC2 9LA	Refurbishment and extension of 25 Shelton Street to provide additional office (Class B1) floorspace, together with access from Shelton Street and Earlham Street including alterations to existing alleyway through grade II listed building to provide a new pedestrian entrance to office development at 25 Shelton Street.	Granted Subject to a Section 106 Legal Agreement 24-03-2004
P14/57/B/HB2156(R)	36 - 40 Earlham Street, WC2	Addition of fourth and fifth floors, addition at the rear	Conditional 26-10-1979

		for lifts and servicing, and works of rehabilitation.	
P14/57/B/28193(R)	Nos. 36, 38 and 40 Earham Street, WC2	Alterations and additions at Nos. 36, 38 and 40 Earham Street, WC2, to provide residential accommodation (7 flat and 2 maisonettas) and 2 shops.	Conditional 17-10-1979
P14/57/3/21306	40 Earham Street, WC2	The change of use of 40 Earham Street, WC2 from residential use to workshops, this Council raises no objection to the proposal,	Permisson 14-01-1976

## 25 Shelton Street London WC2H 9HW

Application No:	Site address	Proposal	Decision
2021/5895/P	Flat 14 25 Shelton Street London WC2H 9HW	Erection of a flat roof designed roof extension. Works at roof level to include erection of extended stair core; enclosing of rear terraces and installation of roof lights; replacement of 8x existing roof lights; remove rear opaque glazed windows; remove timber louvre screens; raise the brick party wall; safety barriers around roof top plant equipment; two air source heat pumps with screenings and removing existing two roof lights and installing 2x retractable roof lights and glass canopy to existing terrace (Class C3)	Pending decision
2020/1753/P	25 Shelton Street London WC2H 9HW	Removal of canopy on rear elevation and erection of single storey rear extension including air ventilation equipment within existing external courtyard for use by the A1/sui generis (health and beauty spa) use in the ground floor and basement	Granted 15-12-2020
2019/4573/P	25 Shelton Street London WC2H 9HW	Removal of existing canopy structure and erection of roof structure to infill rear courtyard at ground floor level; Addition of rear entrance doors within rear	Granted 23-12-2019

		passage, all in association with the existing basement and ground floor unit (Class A1/Sui-generis)	
2019/3479/P	Flat 14 25 Shelton Street London WC2H 9HW	Works at roof level to include erection of extended stair core; installation of 2x retractable roof lights and glass canopy to existing terraces; formation of terrace upon existing flat roof and replacement of existing rooflights on pitched roof to fifth floor flat (Class C3)	Granted 12-12-2019
2018/0846/P	25 Shelton Street London WC2H 9HW	Removal of existing canopy and erection of glass pitched roof and steel structure to infill rear courtyard and installation of ramp in association with the ground and basement unit (Use Sui-generis/A1)	Granted 10-08-2018
2017/3487/P	25 Shelton Street London WC2H 9HW	Use of basement and ground floor for an flexible use, as either retail (A1) or health and beauty spa (sui generis), or a combination of the two.	Granted 14-08-2017



## 5. ASSESSMENT OF EFFECT AND CONCLUSIONS

### Proposal Site

5.1 The works comprise a balcony to the rear of Flat A with the following details:

- Measuring the length and depth of the [late 20<sup>th</sup> Century] parapet projection in front of the bedroom of flat A
- With fixings to the parapet copings and brickwork of no. 40 Earlham Street
- To be built with a grill front to match the balconies on the above floors and a matching grill floor to allow passage of light to the obscured-glass skylights beneath, which give limited daylight to the rear of the commercial space at No 36.
- The floor to be in hinged sections which can be raised flexibly to allow access to the skylights.
- The existing window to be replaced with French doors to match those of the 2<sup>nd</sup> and 3<sup>rd</sup> floor flats above
- Removable steel or wooden steps to be provided as access from inside

### Assessment

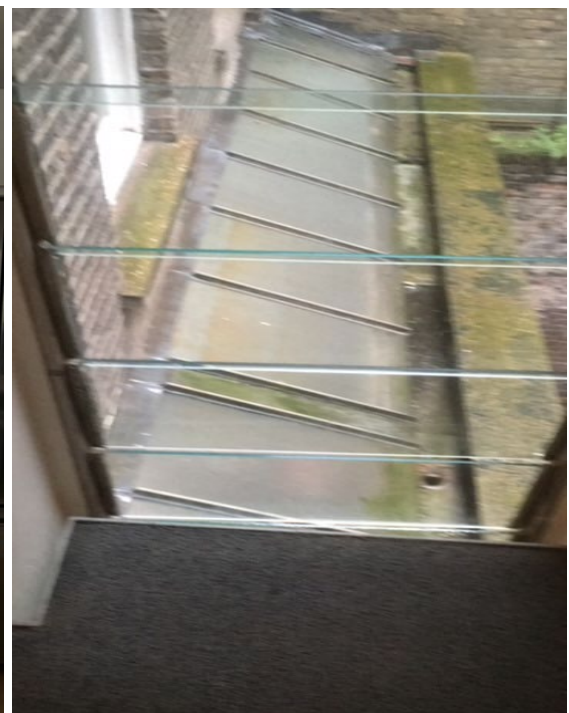
5.2 The proposed balcony would be built sympathetically to the historic and architectural constraints of the listed building, by way of limited alteration to the building fabric and prefabricated and modular addition to the rear elevation. The principle of the proposal follows the precedents of several modern additions already established to the rear elevation of the building, including the full-length balcony to Flat H on the 4<sup>th</sup> floor and small balconies on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

5.3 In terms of materiality, the proposed works would feature similar features to the existing including the use of grill front and French door. It would also adopt the approach of flexibility and agility in its design, allowing the balcony floor to be raised for sunlight infiltration to the courtyard and removable access from the inside of the application property.

5.4 Accordingly, there will be a minimal loss of historic fabric, and no loss of any decorative elements or features, or harm to the historic plan form. These works are minor in nature, bear resemblance to the existing features and will not harm the significance of the listed building and its setting.

5.5 On the matter of privacy in relation to the 25 Shelton St flats whose rear elevation faces the rear elevation of 40 Earlham St, it should be noted that 25 Shelton St is a substantially taller building than 40 Earlham St and that privacy between the two buildings is already somewhat compromised by their proximity. But the full length balcony on the 4<sup>th</sup> floor of 40 Earlham St (facing the 4<sup>th</sup> of 6 storeys of 25 Shelton St) provides a clear precedent for this proposal, which does not in itself increase visibility from building to building; indeed its balcony grill would partially obscure the window view from the interior of Flat A,

5.6 It must be noted that the existing full-length balconies on the 4<sup>th</sup> floor of 40 Earlham St, overlooked by the top floors of 25 Shelton St, create a precedent of overlooking. The new balcony would have the same view as the flat's rear windows, but its grill frontage would reduce visibility from window to window at first-floor level, so it should cause no additional loss of privacy for 25 Shelton St. Accessed from the flat's bedroom, the balcony will rarely be used by more than two people.







5.7 It should be noted that the principle of the development has received support from Covent Garden Community Association and Shaftesbury, the leaseholder of the commercial premise.

**Tim Disbrey, 4<sup>th</sup> Floor/H**

*Happy New Year to all as well! I do not have any objections, good luck!*

**Geoffrey Davies, 4<sup>th</sup> Floor/G**

*Martin, personally (and therefore not on behalf of the company as your landlord) I think this looks good. I assume you aren't making any structural changes to the walls. Do you have a door there already? When you have got everything, you need to go ahead the company will need to grant you a licence to make the alterations.*

**Peter Jones, 3<sup>rd</sup> Floor/E**

*Hi Martin*

*Happy New Year! I have no objections so long as the window cleaners etc can still access the 2nd and 3rd floor windows.*

**Nick and Jane Prentice, 2<sup>nd</sup> Floor/C**

*Happy New Year, Martin, and all. Well done on designing this.....looks neat. In fact, we might well do the same at some point, although other commitments prevent us from joining in this year. In any event, good luck in taking this forward. We certainly have no objections as long as you would have none if we did decide to follow suit in due course !*

## Conclusion

5.8 The Works to the exterior, and limited addition to the interior, of no. 40 Earlham Street have been kept to the minimum necessary to accommodate a new balcony which would provide additional amenity space and improve the quality of

accommodation. They will not harm the significance of this grade II listed building, which as noted in the list description.

5.9 Special attention has been paid to the effect of the proposed Works on the significance of this listed building and there will be no harmful effects. The Works therefore accords with the objectives set out in section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The Proposed Development is in line with the policies and guidance on design set out in the NPPF and PPG; local policies and guidance and HE guidance.