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Chartered Architects and Historic Building Consultants

26, 27 and 28 Ely Place, Camden, EC1

Historic Building Report
For CL Investments 2 Ltd

April 2022



Contents

1.0	Summary of Historic Building Report	1
2.0	Historical Background	4
3.0	Site Survey Descriptions	18
4.0	Assessment of Significance	21
5.0	Commentary on the Proposals	23
	Appendix I - Statutory List Description	24
	Appendix II - Planning Policy and Guidance	27

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1.0 Summary of Historic Building Report

1.1 Introduction

Donald Insall Associates was commissioned by CL Investments 2 Ltd in May 2021 to assist them in the preparation of proposals to add air conditioning units for 26, 27 and 28 Ely Place, Camden, EC1.

The investigation has comprised historical research and a site inspection. A brief illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the building, which is set out in Section 4 and summarised below.

Historic buildings are protected by law and in planning policy; the specific constraints for this building are summarised below. This report has been drafted to inform the design of proposals for the building, so that they comply with these requirements. Section 5 provides a justification of the scheme according to the relevant legislation, planning policy and guidance.

1.2 The Buildings and their Legal Status

26, 27 and 28 Ely Place are listed at Grade-II, together with the terrace numbering Nos. 30-34. The buildings located in the Hatton Gardens Conservation Area in the London Borough of Camden and are in the setting of Afsil House (Grade-II) 7, 8 and 9 Ely Place (Grade-II), 13 and 14 Ely Place (Grade-II), 21 and 25 Ely Place (Grade-II) and the Church of St. Etheldreda (Grade I). Development which affects the special interest of a listed building or its setting, and development in a conservation area requires listed building consent and/or planning permission.

The statutory list description is included in Appendix I and a summary of the conservation area statement provided by the local planning authority is in Appendix II, along with extracts from the relevant planning policy documents.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 16, 66 and 72 of the Act impose statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to 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’*. In respect of conservation areas, requires that *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’*.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the site comprises The Camden Local Plan (2017), and the London Plan (March 2021).



Ordnance Survey map reproduced under Licence 100020449

The Camden Local Plan (2017) has policies that deal with development affecting the historic environment. Policy D1 Design asks that such development *‘respects local context and character’* and *‘preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage’*. Policy D2 states that *‘Designated heritage assets include conservation areas and listed buildings’*, and that *‘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’*. Regarding listed buildings, Policy D2 Heritage states that 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’*, as well as *‘resist development that would cause harm to significance of a listed building through an effect on its setting’*. Policy HC1 Heritage Conservation and Growth of the London Plan (March 2021) stipulates that *‘(C) Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.’*

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2021 will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). The key message of the NPPF is the concept of ‘sustainable development’ which for the historic environment means that heritage assets ‘should be conserved in a manner appropriate to their significance’.

The NPPF recognises that, in some cases, the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF therefore states that any harm or loss to a designated heritage asset ‘should require clear and convincing justification’ and that, in accordance with paragraph 202, any ‘less than substantial’ harm caused to the significance of a designated heritage asset should be weighed against the benefits of the proposal including, where appropriate, securing its optimum viable use.

1.3 Summary of Significance

A more detailed summary of significance is provided in **Section 4** of this report. Nos. 26, 27 and 28 Ely Place are Grade-II listed buildings, which make a positive contribution to the character and appearance of the Hatton Gardens Conservation Area. The significance of the building is primarily derived from their **street-facing elevations, which** were reconstructed in facsimile in 1964; their scale, consistent composition, materiality and replication of elements are integral to the character and repetitive composition of the wider terrace. The front elevations also considered positively contribute to the setting of the adjacent listed buildings in the terrace (Nos. 21, 25, 29-34), and the character and appearance of the Hatton Garden Conservation Area.

1.4 Summary of Proposals and Justification

The proposals are set out in the drawings prepared by Delta House Group, which this Historic Building Report accompanies and are analysed in detail in **Section 5** of this report. The proposals are minor in nature and seek to install two air conditioning condenser units within an acoustic enclosure to the northern end of the flat roof of the lower ground floor extension, and nine air conditioning condenser units to the mansard roof. An existing air handling unit on the mansard roof would be replaced with a new air handling unit.

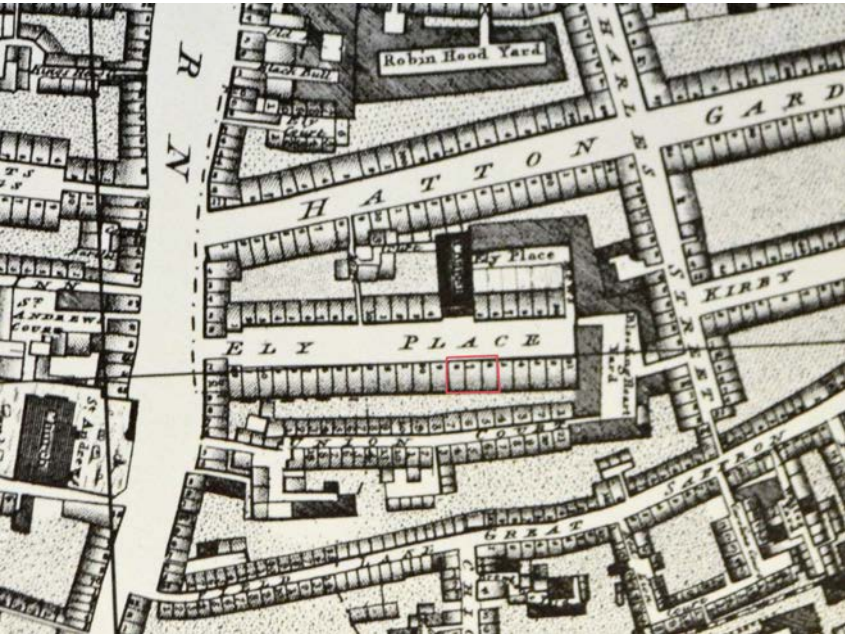
The proposals would not cause any harm the significance of 26, 27 and 28 Ely Place and would sustain the significance of the listed building in accordance with paragraph 197 of the National Planning Policy Framework. Moreover, it is considered that the proposed works would preserve the special architectural and historic of the listed building and conservation area, in compliance with the statutory duties set out in Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also accord with policies D1 Design and D2 Heritage of the Camden Local Plan (2017). They are considered to be acceptable in heritage terms.

2.0 Historical Background

2.1 The Buildings: 26-28 Ely Place

2.1.1 Early History

Ely Place was constructed in 1775 to the designs of the architect Charles Cole. Richard Horwood’s *Map of London*, 1813, provides the first depiction of the street and shows that terraced houses were constructed on the east and west side, with the Church of St Etheldreda retained on the western side, while the northern end enclosed by a boundary wall [Plate 1].¹

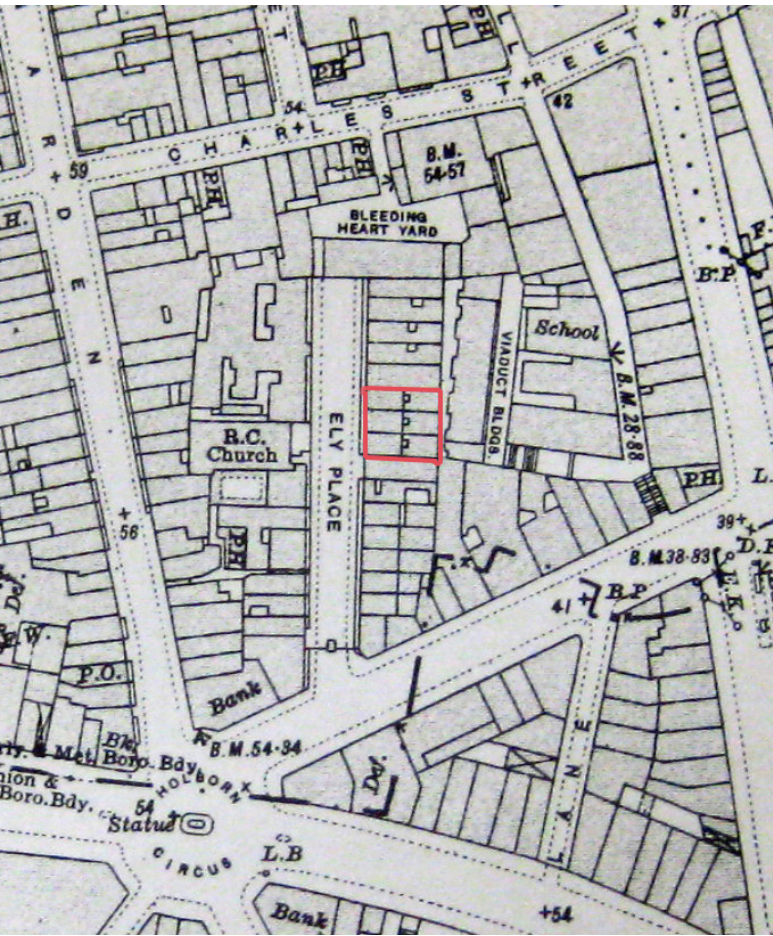


1. Detail of Richard Horwood, *Map of London*, 1813. Nos. 26-28 Ely Place are outlined in red

During the 19th century a great number of the buildings around Hatton Garden were converted into commercial premises and Ely Place was no exception. Goad’s fire insurance map shows that the buildings on the west side of the street, including Nos. 26-28, had been converted into various offices and there was a silversmith operating out of No. 22. Goad’s map also shows that all of the buildings had been extended at the rear with what appear to be typical late Victorian lower ground floor-ground floor kitchens, which were lit and ventilated by large glazed lanterns [Plate 2].² By 1914 the southern end of Ely Place had been redeveloped and the small terraced houses fronting onto Charterhouse Street, shown on Horwood’s 1813 map, had been demolished and replaced with the Union Bank of England on the western side and an office block on the eastern side [Plate 3].³ By this date, Union Court had been partially demolished to make way for new buildings on Charterhouse Street and the northern end of the road had been reduced to a courtyard in front of the Viaduct Buildings, a mid-19th public housing block constructed by the Corporation of the City of London.

1 Richard Horwood, *Map of London*, 1813 (LMA)
2 Charles Goad Fire Insurance Map, 1886 (British Library)
3 Ordnance Survey, 1:2500, 1914 (Camden Archives)

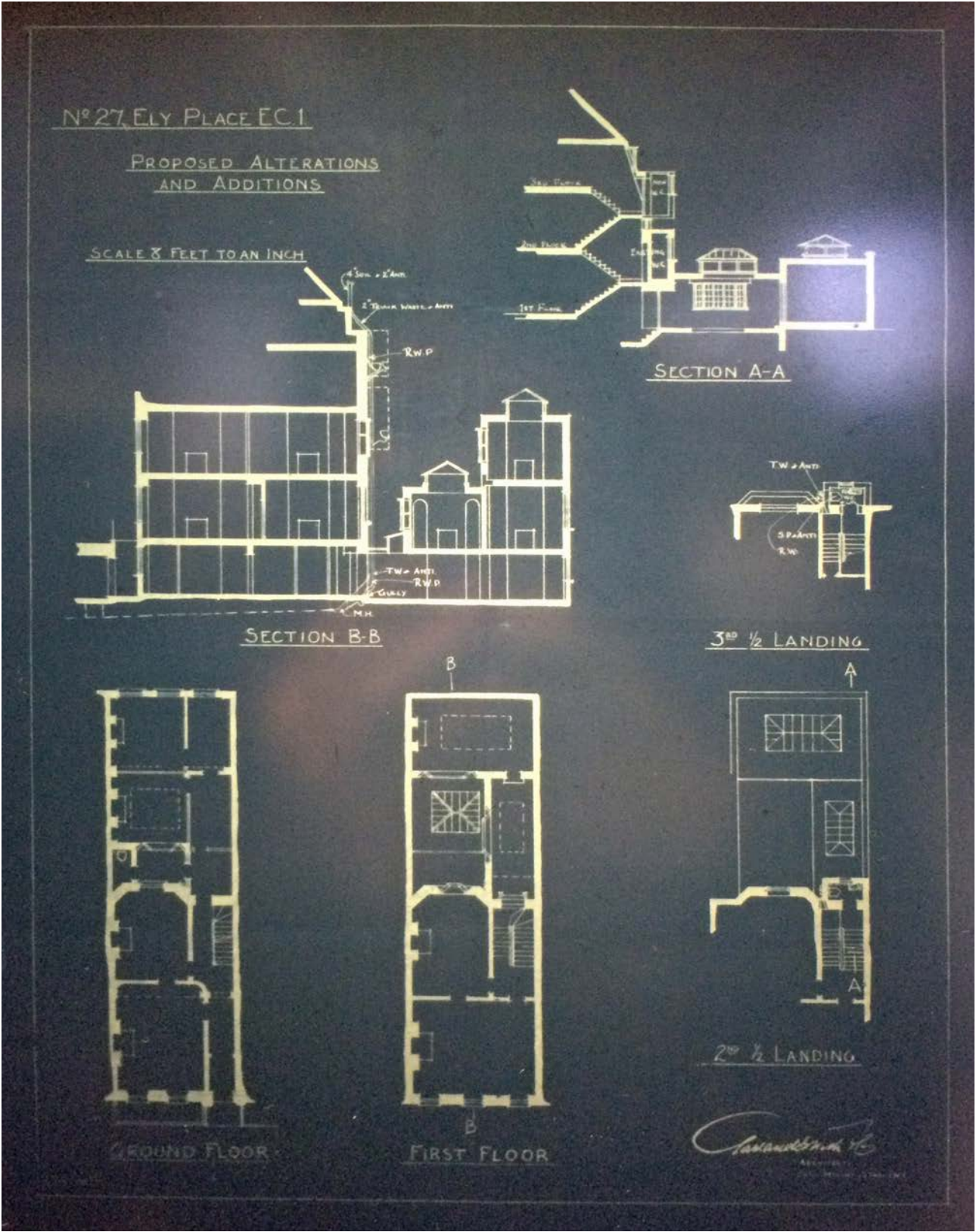
2. Charles Goad Fire Insurance Map, 1886. Nos. 26-28 Ely Place are outlined in red
3. Detail of 1914 Ordnance Survey Map. Nos. 26-28 Ely Place are outlined in red



Development plans for No. 26 Ely Place, which date to 1925, show that the terraced houses had typical 18th century brick frontages [Plate 4].⁴ Each building was of three bays and four storeys over a lower ground floor with the entrances situated in the right hand bay, which were framed with Doric porticos. On the upper floors there were three sash windows, one in each bay, all with splayed brick headers. In 1925 the ground floor elevation of No. 26 was altered with a tripartite glazed window, which was inserted as a part of a new shopfront. The floorplans of No. 26 also show that the layout of the buildings were typical of the 18th century with a front and rear room at each floor level (the dividing partitions in No. 26 were removed in 1925), and a staircase situated to the far right of the plan. Small bowed closet wings were at ground and first floor, though the footprint of that in No. 26 was blurred by the extension of the ground floor in the late-19th century. Floor plans of No. 27, which date to 1931, show that this building had also been extended at ground floor level, with an additional L shaped extension at first floor level.⁵ The plan form of No. 27 was however generally intact, retaining the original bowed closet wing and partitions dividing the front and rear rooms [Plate 5]. No early floor plans of No. 28 were available in Camden Archives.



4. Floor plans of 26 Ely Place, 1925



5. Floor plans and sections of 27 Ely Place, 1931

4 Drainage Plans for 26 Ely Place, 1925 (Camden Archives)

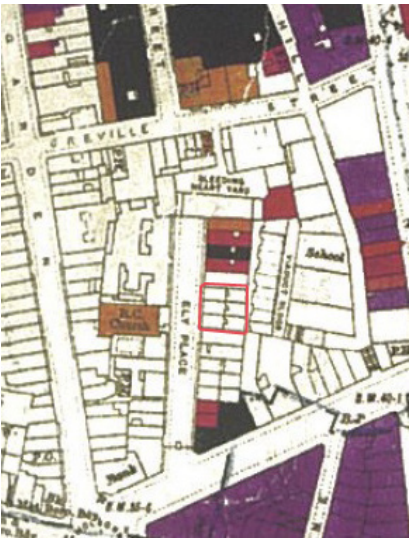
5 Drainage Plans for 27 Ely Place, 1931 (Camden Archives)

2.1.2 World War Two and Post-War Reconstruction

During the Second World War the terraces on north-east side of Ely Place were badly damaged. The LCC Bomb Damage Map shows that Nos. 21-24 were ‘substantially damaged’ with No. 23 marked in black, denoting that it was ‘damaged beyond repair’ [Plate 6].⁶ A 1944 photograph of the buildings shows that the flank wall of No. 25 had been damaged and part of the front elevation had been lost, but Nos. 26-28 appeared to be in good repair. Nos. 26 and 27 had shops on the ground floor and the lightwell of No. 26 had been filled in [Plate 7].⁷ The Doric portico of No. 27 was also photographed in 1958, together with the original 18th century metal gas lamp holder. The photograph shows that the entrance steps had been refaced with quarry tiles [Plate 8].⁸

Although no serious structural damage appears to have been caused to the buildings during the Second World War, consent was granted to rebuild Nos. 26-28 in 1964.⁹ It is unclear exactly why the buildings were rebuilt, but it is likely they had been left in a poor state of repair after the war and to rebuild provided improved floorspace at a similar cost to repairing and converting the buildings into offices. The buildings were also rebuilt at a time when the conservation of the historic environment had little weight in planning legislation and was of little public regard. Statutory listing, introduced under the Town and Country Planning Act of 1944, was a slow process that, that had focused on the West End and had not extended as far east as Holborn, nor was listing much of a bastion against demolition under the Act of 1944, where only a notice of the intention to alter or demolish was required by law.

There was also no legislation in place to protect unlisted historic buildings or areas until the passing of the Civic Amenities Act of 1967. This Act recognised that it was not just large and prestigious buildings that had special architectural and historic interest; groups of more modest building and streetscapes could also be of value. The legislation thus provided local authorities with the power to designate ‘conservation areas’, where the alteration or demolition of a building or significant element of the townscape required consent, and encouraged the employment of specialist ‘conservation offers’.¹⁰ However, the introduction of both conservation officers and conservation areas was, again, a slow process, and Hatton Garden Conservation Area was not designated until as late as 1999. Therefore, in the early 1960s there was no legislation in place to control the demolition of Nos. 26-28, though the conservation of the street’s architectural character clearly played a role in the design of the facades, which were reconstructed to the historic design.



6. Detail of London County Council Bomb Damage Map, 1939-45. Nos. 26-28 Ely Place are outlined in red



7. The original buildings of 25-28 Ely Place, the destroyed houses at Nos. 22-24 can be seen on the far left, 1944



8. Original Doric portico and metal gas lamp holder of No. 27 Ely Place, c.1775. Photographed here in 1958

6 London County Council Bomb Damage Map, 1939-45 (LMA)
7 Photograph of 22-28 Ely Place, 1944 (Collage)
8 Photograph of the entrance of 27 Ely Place, 1958 (Collage)
9 1964 consented planning application for the redevelopment of 26-28 Ely Place (Camden Council Online Planning Archives)
10 Simon Thurley, Men From the Ministry: How Britain Saved its Heritage (London: Yale University Press, 2013)

Correspondence held at Camden Archives confirms that Nos. 26-28 were reconstructed with a steel frame and a new brick skin. The front elevations were rebuilt in facsimile with the exception of the ground floor shop fronts to Nos. 26 and 27, which were replaced with paired sash windows.¹¹ The elevations were also faced in a red brick rather than the yellow stock of the original terraced houses. A continuous mansard was also constructed at 4th floor level, with steep dormer windows. The completed development was photographed in 1972, which clearly shows that Nos. 29 and 30 were also rebuilt at this time. The difference in brickwork between the original terraces at Nos. 25 and 31 and the redeveloped buildings was clearly apparent **[Plate 9]**.¹² Internally, Nos. 26-28 were constructed with open floor plans with a shared rear stair and lift contained within the footprint of No. 28. At lower ground and ground floor there was a large rear extension with a flat roof at ground floor level punctuated with skylights. The upper floors of the building were subdivided into offices, accessed via a central corridor.

2.1.3 Recent History

In 2001 consent was granted for minor internal alterations including the insertion of a new service riser at the north end of the building, which ran from the lower ground to fourth floor. At lower ground floor level new doors and toilets were provided the rear of the staircase **[Plate 10a]**. At ground floor level the entrance was refurbished with veneer timber-panelled walls and a stone floor and the rooflights were replaced at the rear over the lower ground floor extension **[Plate 10b]**. Similar alterations were carried out at first-to-fourth floor level including the insertion of W.Cs on the half staircase landings (first-to-third) and the replacement of the doors and fittings in the entrance lobbies to the offices **[Plate 10c-f]**. Externally, new timber doors were provided to the lower ground floor entrances and under-pavement vaults, and plant was provided on the flat roof of the mansard.¹³

In 2003 permission was granted for the demolition and reconstruction of partitions on the lower ground, ground and first floors and a new central staircase was inserted through the floor plate **[Plates 11]**.¹⁴



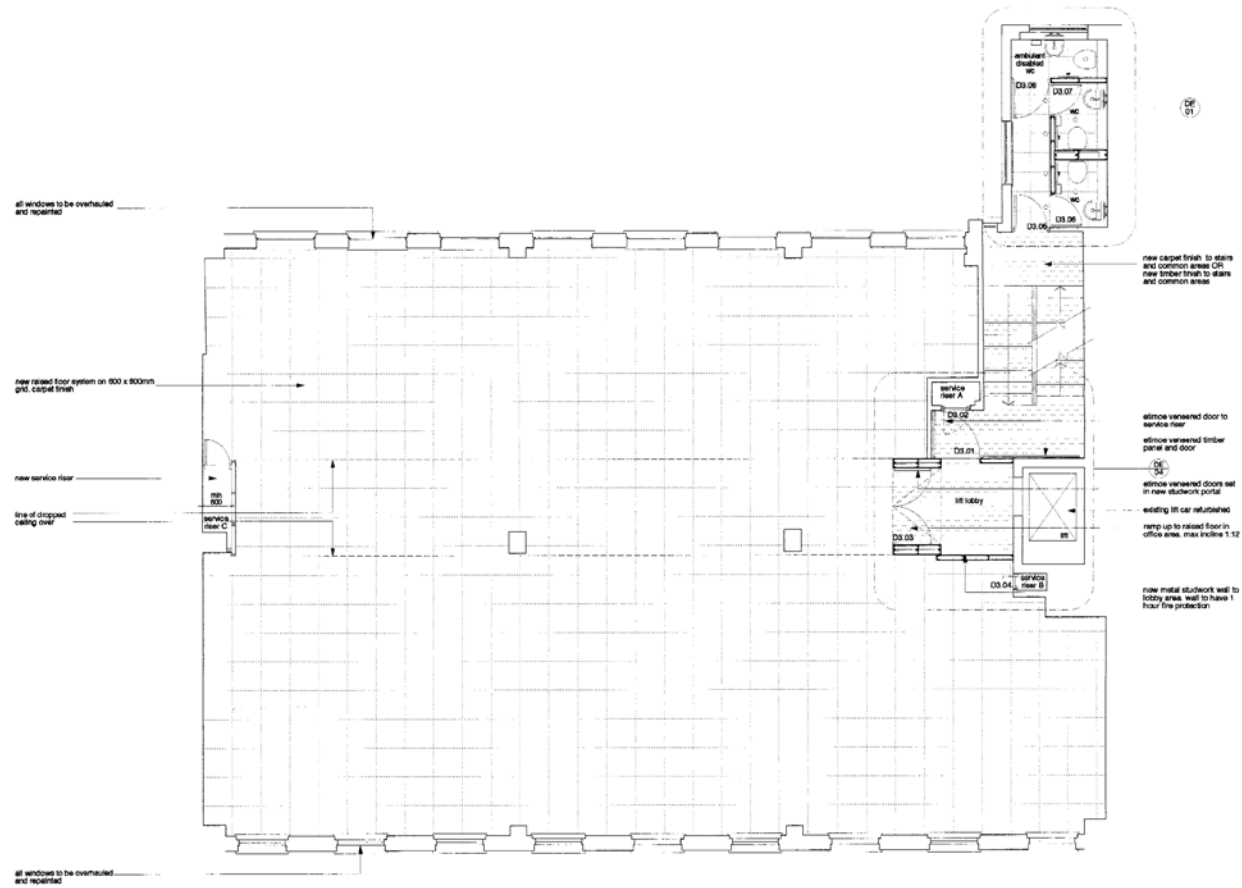
9. Photograph of the east side of Ely Place taken in 1971 on the completion of the reconstruction of Nos. 26-28 (far left) as well as Nos. 29-30

11 Correspondence regarding the redevelopment of 26-28 Ely Place, 1964 (Camden Archives)

12 Photograph of 25-30 Ely Place, 1972 (Collage)

13 2001 consented planning application and redevelopment drawings for 26-28 Ely Place (Camden Council Online Planning Archives)

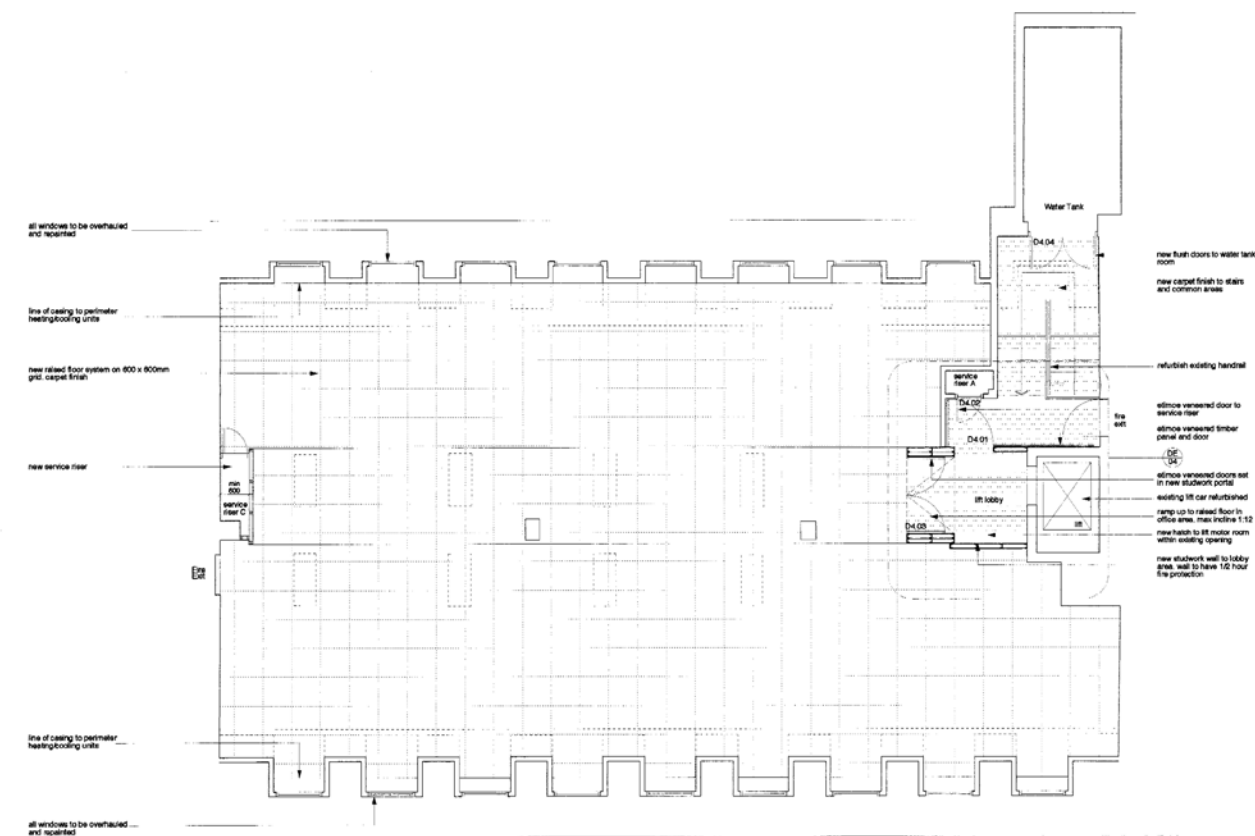
14 2003 consented planning application and redevelopment drawings for 26-28 Ely Place (Camden Council Online Planning Archives)



10e. Proposed third floor plan of Nos. 26-28, 2001



11. Proposed alterations to the lower ground-to-first floors of Nos. 26-28, 2003



10f. Proposed fourth floor plan of Nos. 26-28, 2001

2.2 Relevant Planning History

Ref:	21432
Proposal:	The erection of an office building on the sites of Nos. 27 and 28 Ely Place
Decision:	Granted
Date	13/01/1964
Ref:	101121/20001
Proposal:	The redevelopment of the sites of Nos. 26, 27 and 28 Ely Place by the erection of a building of basement, ground and four floors over for the use as offices
Decision:	Granted
Date	28/02/1964
Ref:	LSX0104847 and PSX0104746
Proposal:	Internal and external alterations including erection of plant at roof level in connection with existing use as offices
Decision:	Granted
Date	24/10/2001
Ref:	LSX0205269 and PSX0205268
Proposal:	Retention of external plant to the rear of the building and retention of internal alterations including the formation of opening in the structural slab at ground floor levels to form staircase
Decision:	Granted
Date	18/06/2003

2.3 Sources and Bibliography

London Metropolitan Archives

Maps:
Agas, Map of London, 1561
Charles De Morgan, Map of London, 1682
John Rocque, Map of London, Westminster and Southwark, 1746
Richard Horwood, Map of London, 1813
John Tallis, View of Hatton Garden, 1839-41
London County Council Bomb Damage Map, 1939-45

Collage, City of London

Photograph of 22-28 Ely Place, 1944
Photograph of the entrance of 27 Ely Place, 1958
Photograph of 25-30 Ely Place, 1972

British Library

Maps Collection: Charles Goad Fire Insurance Map, 1886

Camden Local Archives

Drainage Plans for 26-28 Ely Place
Correspondence regarding the redevelopment of 26-28 Ely Place, 1964
Historic Photographs
Maps: Ordnance Survey, 1:2500, 1872, 1896, 1914

Camden Council Online Planning Archives

All planning applications and redevelopment drawings relating to 26-28 Ely Place

Published Sources

Books
G. Fletcher, *The London Dickens Knew* (London, 1970)
H. Marryat and U. Broadbent, *The Romance of Hatton Garden* (London, 1930)
J. S Oglivy, *Relics and Memorials of London City* (London, 1910)
N. Pevsner and B. Cherry, *Buildings of England: London 4 North* (London and New Haven, 2002)
Simon Thurley, *Men From the Ministry: How Britain Saved its Heritage* (London: Yale University Press, 2013)

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British Library [https://www.bl.uk/collection-items/the-rookeries-of-london-a-survey-of-londons-poorest-quality-housing#sthash.ZAkaih8v.dpuf, accessed 28 April 2017]

Unpublished Sources

Hatton Garden Conservation Area Audit, Camden Council

3.0 Site Survey Descriptions

3.1 The Conservation Area Context

The Hatton Garden Conservation Area is located in the southern part of Camden, bordering the City of London to the south, whilst its northern and eastern boundaries run along Clerkenwell Road and Farringdon Road, bordering the London Borough of Islington. Charterhouse Street and High Holborn form the southern boundary and to the east, the southern end of Grays Inn Road. The Hatton Garden Conservation Area is not dominated by a particular style of period but instead reflects its extensive history through a combination of architectural styles including Georgian terraced houses, Victorian residential blocks, early social housing, 19th century industrial buildings as well as some neo-classical Georgian building and post-war developments. It is this diversity that gives the area its special interest.

3.2 The Buildings Externally

3.2.1 Front Elevations

The front elevations of Nos. 26-28 were reconstructed in 1964 [Plate 12]. The buildings are set back from the road behind a wide pavement, which is faced in high quality York Stone, and behind narrow front lightwells enclosed with post-war spear-headed railings designed a loose interpretation of the original 18th century railings seen on Nos. 25 and 31. The railings are finished on a low rail rather than caulked into a stone plinth as per the adjacent originals. The lightwells are accessed via a single metal staircase situated within the lightwell of No. 26 and the lightwells of Nos. 27 and 28 are open.

Each building is of three bays and four storeys over a lower ground floor and constructed in post-war red brick in a Flemish bond. At lower ground floor level there are paired six-over-six sash windows in the central and northern bays and timber and glazed doors in the southern bays. The west elevation of the lightwell is of painted white brick with modern timber doors into three under-pavement vaults, two situated opposite No. 28 and one at the very southern end of the lightwell opposite No. 26. The interior of the vaults were not inspected.

At ground floor level there are paired six-over-six sash windows in the central and northern bays with splayed brick headers. Within the southern bay there are raised stone steps to the main entrances, which have six-panelled doors and arched fanlights set within timber Doric porticos with Greek friezes. All of the porticos are roofed with prominent lead flashing.

At first-to-third floor level there are six-over-six sash windows with splayed brick headers; the windows decrease in size in connection with the internal height and hierarchy of the floors. All of the windows have detracting concrete cills. At fourth floor level there is continuous slated mansard with nine dormer windows (three above each building) with two-over-two sash windows. A downpipe runs between each building.



12. Front elevation of Nos. 26-27 Ely Place



13. Lower Ground Floor extension roof of 26-27 Ely Place

3.2.2 Rear Elevations

The rear elevation is of a plain, rudimentary design that is of no significance. At the very rear there is a flat roof over the lower ground floor extension that is punctuated with two rows of rooflights that were replaced in 2001 [Plate 13]. The east end of the extension is enclosed with a brick wall where it meets the deeper lightwell at the rear of Afsil House. The elevation is otherwise constructed in red post-war brick with eight metal-framed casement windows at each floor. In the southernmost bay there is a 1964 projecting brick closet wing, extending from lower ground to third floor, which is articulated with metal framed casements with concrete lintels and ugly louvres. At roof level there is a continuous slated mansard with nine dormer windows.

3.2.3 Roofs

Nos. 26-28 are roofed with a continuous mansard which has nine dormer windows to the front and rear and a central flat roof that is populated with roof plant and a lift overrun above No. 28.

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of 26, 27 and 28 Ely Place so that the proposals for change to the building are fully informed as to its significance and so that the effect of the proposals on that significance can be evaluated. This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as:

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

4.2 Assessment of Significance

Originally designed by Charles Cole in c.1775 as part of a four-storey brick terrace, the facades of Nos. 26-28 Ely Place were reconstructed in facsimile in 1964, with a brick skin set on a modern steel frame. The buildings were Grade-II listed in 1974 together with Nos. 29 and 30, which were also reconstructed post-war, and Nos. 31-34, four of Cole's original terraced houses.

It is unclear why Nos. 26-28 were rebuilt, for the original buildings were not damaged during the war and appear to have been structurally sound, though the demolition of historic buildings in the decades after the war was not uncommon. The designation of the buildings for their 'special architectural or historic interest' therefore seems somewhat misguided, for they are not an example of post-war conservation. It is likely the buildings were originally listed for group value in order to preserve the setting of Ely Place, which was not protected until the designation of Hatton Garden Conservation Area in 1999.

The sole significance of Nos. 26-28 therefore lies in their street-facing elevations; their scale, consistent composition, materiality and replication of elements such as the doorcases, railings and sash windows are integral to the character and repetitive composition of the wider terrace. The front elevations are also considered, in terms of heritage planning, to positively contribute to the setting of the adjacent listed buildings in the terrace (Nos. 21, 25, 29-34), and the character and appearance of the Hatton Garden Conservation Area.

The rear elevation is of no significance, having been reconstructed in 1964 to a mundane design. The rear elevation is also concealed behind Afsil House (Grade-II) and in any side views by the buildings on Charterhouse House Street and Bleeding Heart Yard. Due to the limited visibility and unremarkable architecture of the rear, it makes no contribution to the setting of Afsil House or the character or appearance of the conservation area.

The interiors are entirely modern in both their construction and character and there are open-plan offices spanning across all three buildings. The interiors are of no significance, nor do they make any contribution to the character or appearance of the conservation area.

As identified above, while the street-facing elevations make a positive contribution to the setting of the listed buildings and conservation area overall, there are many elements to the reconstructed elevations that are poorly detailed or historically inaccurate. These features include the straight vertical joint in the brickwork between Nos. 25 and 26, the red brick elevations that contrast with the original yellow stock brick of the neighbouring houses, the wide incorrect bed joints in the brickwork and the concrete window cills. The lightwell railings are also poorly detailed where they are finished on a bottom rail rather than caulked into a stone plinth, as would be expected of 18th century railings. The mansard is particularly steep and the overly-large dormer windows are out of proportion with the lower façades.

5.0 Commentary on the Proposals

5.1 Description of the Proposals and their Impact on the Listed Building

The proposals are set out in the drawings prepared by Delta House Group, which this Historic Building Report accompanies. The proposals are described below, with the impact on the listed building and conservation area set out in italics.

The proposals are minor in nature and seek to install two air conditioning condenser units within an acoustic enclosure to the northern end of the flat roof of the lower ground floor extension, and nine air conditioning condenser units to the mansard roof. An existing air handling unit on the mansard roof would be replaced with a new air handling unit.

The proposals are considered to have no impact upon the significance of the listed buildings or the character and appearance of the Hatton Gardens Conservation Area. The existing roofscape of the lower ground floor rear extension is an area of no significance, and already incorporates two rows of rooflights and various pieces of similar plant equipment. The proposed air conditioning condensers would therefore be located in a discreet and appropriate location. Similarly, the proposed eight air conditioning condensers to the mansard roof would be located amongst existing plant equipment and would not be visible from street level. The replacement of the existing air handling unit would have no impact upon the listed building nor conservation area, nor would the removal of a redundant chiller unit from the roofscape.

5.2 Justification of the Proposals and Conclusion

Nos. 26, 27 and 28 Ely Place are Grade-II listed buildings, which make a positive contribution to the character and appearance of the Hatton Gardens Conservation Area. The significance of the building is primarily derived from their street-facing elevations, which were reconstructed in facsimile in 1964; their scale, consistent composition, materiality and replication of elements are integral to the character and repetitive composition of the wider terrace. The front elevations also considered positively contribute to the setting of the adjacent listed buildings in the terrace (Nos. 21, 25, 29-34), and the character and appearance of the Hatton Garden Conservation Area.

For the reasons set out above, the proposals would not cause any harm the significance of 26, 27 and 28 Ely Place and would sustain the significance of the listed building in accordance with paragraph 197 of the National Planning Policy Framework. Moreover, it is considered that the proposed works would preserve the special architectural and historic of the listed building and conservation area, in compliance with the statutory duties set out in Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also accord with policies D1 Design and D2 Heritage of the Camden Local Plan (2017). They are considered to be acceptable in heritage terms.

Appendix I - Statutory List Description

26-34 Ely Place and attached railings

Grade II
Date first listed: 14 May 1974

9 terraced houses. c1773; Nos 26-30 rebuilt C20 in facsimile, Nos 31-34 restored top floors. Yellow stock brick; Nos 26-30 multi-coloured stock brick. Nos 30-33 with stone band at 1st floor. 4 storeys and basements; Nos 26-30 with attics and dormers. 3 windows each. Wood doorcases with Corinthian three quarter columns (No.34 with pilasters), fluted friezes with roundels and dentil cornices. Patterned fanlights. No.29 with service entrance in place of ground floor windows. Gauged brick flat arches (Nos 31-34 brown brick) to recessed sash windows, some with glazing bars. No.34 ground floor windows with stone architraved surround. Parapets. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings to areas.

The following statutorily listed buildings are located in the setting of 26-28 Ely Place:

St Andrews House (now Asfil House)

Grade II
Date first listed: 8 March 1999

19 flats, some now in office use. Built in 1875 by Corporation of the City of London, architect Horace Jones. Stock brick with some rendered details, flat roof. Symmetrical plan of 4 storeys with attic over centrepiece. One-bay centrepiece and two-bay end wings, with between them on each side and each floor six bays set behind galleries of cast-iron with exposed four-centred beams. All windows with glazing-bar sashes, those to centre and ends in stucco surrounds. The badge of the Corporation on the end wings. INTERIORS: altered and a lift inserted. HISTORICAL NOTE: this block, originally known as Viaduct Buildings, is the oldest surviving public housing in London and one of the oldest in Britain. This is the survivor of two blocks built by the Corporation, whose design owes much to Sydney Waterlow’s model dwellings for the Improved Industrial Dwellings Company. This design is more lavish than was generally adopted by the IIDC, particularly in its use of cast-iron. Waterlow was a member of the City’s Common Council and the Inspiration behind this development.

7-9 Ely Place and attached railings and lamp holder

Grade II
Date first listed: 14 May 1974

3 terraced houses. c1773. By C Cole and J Gorham. Brick; No.7 brown, tuck pointed with red window arches; No.8 multi-coloured with yellow window arches; No.9 red with yellow window arches. 4 storeys and basements. 3 windows. Wood Corinthian doorcases with architraved, half pilasters at sides, fluted friezes with roundels, and dentil cornices. Patterned fanlights. Gauged flat brick arches to recessed sash windows, nearly all C20.

Parapet. INTERIORS: not inspected. SUBSIDIARY FEATURES: cast-iron railings to areas, No.7 with finials and twisted columns to left of doorway. No.8 with lamp-holder.

13 and 14 Ely Place and attached railings

Grade II
Date first listed: 14 May 1974

Two houses, formerly one house, c1773. By C Cole and J Gorham with later alterations. Multi-coloured stock brick, tuck pointed. Stucco parapet coping, 3rd floor string and 1st floor band. 4 storeys and basement. 6 windows. C20 door in plain recess with gauged flat arch. Gauged yellow brick flat arches to recessed sash windows, some with glazing bars. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached railings to areas.

21-25 Ely Place

Grade II
Date first listed: 14 May 1974

2 terraced houses. c1773. By C Cole and J Gorham. Brown brick, No.21 with 3rd floor of multi-colour stock brick, under slate roofs with dormers. 4 storeys, attics and dormers. No.21, 2 windows, No.25, 3 windows. Wood doorcases with Corinthian three quarter columns, fluted friezes with roundels and dentil cornices. Patterned fanlights. Gauged yellow brick flat arches to recessed sash windows with glazing bars (No.21 with red arches to 2nd & 3rd floor). Parapets. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings.

Roman Catholic Church of St Etheldreda and attached walls and piers

Grade I
Date first listed: 24 October 1951

Roman Catholic chapel and crypt. Built c1300 as the chapel of the town house of the Bishops of Ely. Restored 1874 by George Gilbert Scott Jnr, 1935 by Sir Giles Gilbert Scott, c1944-52 following war damage and refitted 1960s. Ragstone with limestone dressings. PLAN: rectangular chapel over plain crypt. EXTERIOR: single storey. 5 bays and entrance bay. Only east elevation visible externally with 2 narrow late Geometrical style windows to the crypt and, above, a large 5 light elaborately traceried late Geometrical window (heavily restored following war damage) with a tall, narrow, blind, gabled and cusped arcade to either side and blind quatrefoil window over. West window similar. Entrance in the western bay of the south elevation with pointed archway and 3 moulded orders. INTERIOR: 2-light windows with pointed trefoil tracery to north and south elevations with glass depicting scenes from the Old & New Testaments by Charles Blakeman, 1952-8. West window, depicting English martyrs also by Blakeman (1964). East window of Christ in Majesty by Joseph Nuttgens, 1952. Between windows on north and south elevations and left and right of east and west windows, tall, narrow, blind, cusped arcades with crocketed gables and statues of martyrs (May Blakeman, 1962-4) on enriched corbels. Organ screen by Francis Bentley. Crypt with C19 columns and London paving stone floor. Glass 1960s by Charles Blakeman. SUBSIDIARY FEATURES: attached stone walls to areas and gabled stone gate piers. HISTORICAL NOTE: the chapel formerly had octagonal turrets

at the 4 corners. During the reign of Elizabeth I the house and chapel were temporarily confiscated but later returned and remained in the see of Ely until 1722 when the house was demolished and the chapel became a proprietary chapel. After passing through several hands it was bought in 1874 by the Rosminian Fathers.

Porters Lodge at Entrance and Attached Gates, Standards and Spur Stones, Ely Place

Grade II
Date first listed: 14 May 1974

Porter’s lodge. Late C18. Yellow stock brick with rusticated stone angles. 1 storey. 1 stone architraved window to each elevation, door on north. Pedimented ends to roof. Fluted stone chimney pot. INTERIOR: plain. SUBSIDIARY FEATURES: iron gates across road to west and east, with ornamental iron standard on west wide. Gates to pavements. Spur stones to lodge angles & gate standards. HISTORICAL NOTE: a rare survival of a gated road in London.

Appendix II - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 16, 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 states that:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, section 66 states that:

In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(l) of the above Act states that:

... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area

Local Policy

Camden Council

The Local Plan was adopted by Camden Council on 3 July 2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The following policies are relevant to the proposals:

Policy D1 Design

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;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*

- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and o. carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Excellence in design

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

Policy D2 Heritage

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, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, 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 the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

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.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed ‘designated heritage assets’. In order to maintain the character of Camden’s conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*

h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage.

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed ‘designated heritage assets’. To preserve or enhance the borough’s listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*
- j. 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; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.*

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including nondesignated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

The Seven Dials Estate Conservation Area Statement was adopted in 1998.¹⁵ This document is used in the assessment of planning applications for proposed developments in the conservation area. The statement describes the character of Earlham Street, Shelton Street and the Seven Dials Warehouse in 1998; this does not reflect the current appearance of the building post its reconstruction and restoration after the fire of 2000:

***Shelton Street** is dominated by the former Woodyard Brewery buildings which line both sides of this narrow street. Evidence of the high level linking iron bridges remain on some of the buildings. The historic remains of ironwork form part of the distinctive industrial character of this part of the Conservation Area. At the junction with Neal Street and Earlham Street is the **Seven Dials Warehouse**, which has iron hoists and hoist doors remaining. The building was converted to a mix of uses following a GLC permission in 1974, however a recent fire has destroyed much of the interior and proposals for it are expected (April 2000).*

***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.*

Views of the junction of Shelton Street, Earlham Street and Neal Street are also described as a significant feature of the conservation area:

*In an area of narrow streets open spaces provide unexpected and important contrasts and an opportunity to view the townscape. The most significant are; views towards and from Seven Dials; this included the view west along Earlham Street that frames the distinctive, red brick turreted corner of the Palace Theatre at Cambridge Circus and the view north along Mercer Street to the Post Office Tower. **The views towards the open space at the***

***northern end of Neal Street, the open space at the corner of Neal Street, Earlham Street and Shelton Street,** views along Shaftesbury Avenue towards Cambridge Circus and Princes Circus, views into Neal’s Yard.*

In regards to matters of design, as well as proposals for roof extensions and roof gardens, the conservation area audit states that:

***DESIGN SD2**
The Conservation Area has a long history of development which is demonstrated in the variety of styles which are juxtaposed within it. The last twenty years has seen the development of a successful combination of refurbishment and modern design, reflecting the dynamic changing character of the area, located in a unique historic context. Appropriate design for the Conservation Area can reflect both the historic and the modern context and both traditional and contemporary materials may be appropriate.*

Regional Policy

In March 2021 the Mayor published (adopted) the London Plan. This is operative as the Mayor’s spatial development strategy and forms part of the development plan for Greater London. Policies pertaining to heritage include the following:

Policy HC1 Heritage Conservation and Growth

(C) Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (July 2021). This sets out the Government’s planning policies for England and how these are expected to be applied. With regard to ‘Conserving and enhancing the historic environment’, the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset’s significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to ‘contribute to the achievement of sustainable development’ and that, at a very high level, ‘the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’.

At paragraph 8, the document expands on this as follows: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

15 The Seven Dials Estate Conservation Area Statement, 1998 (Camden Council Online Planning Records)

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 197 of the NPPF identifies the following criteria in relation to this:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness

With regard to potential ‘harm’ to the significance designated heritage asset, in paragraph 199 the framework states the following:

...great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Framework goes on to state at paragraph 200 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 or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to ‘substantial harm’ to or total loss of significance of a designated heritage asset paragraph 201 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use

With regard to ‘less than substantial harm’ to the significance of a designated heritage asset, of the NPPF states the following:

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

In terms of non-designated heritage assets, the NPPF states:

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 206 states that:

... Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Concerning conservation areas and world heritage sites it states, in paragraph 207, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) 2021 and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed

building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

capture and record the evidence of the asset’s significance which is to be lost
interpret its contribution to the understanding of our past; and
make that publicly available (National Planning Policy Framework paragraph 199)

Paragraph 6: What is “significance”?

‘Significance’ in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

archaeological interest: As defined in the Glossary to the National Planning Policy Framework, 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 skill, 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.

In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset’s significance.

Paragraph 7: Why is ‘significance’ important in decision-taking?

Heritage assets 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 heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

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.

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.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs193-196 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (March 2015)

Historic England: Conservation Principles and Assessment (2008)