



Appeal Decisions

Site visit made on 3 May 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2022

Appeal A Ref: APP/X5210/W/21/3279988

36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vulcan Properties Limited against the decision of London Borough of Camden.
 - The application Ref 2021/1164/P, dated 5 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is described on the application form as: 'Conversion of former fire station tower to a single dwellinghouse (1 bed flat)'.
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Appeal B Ref: APP/X5210/Y/21/3279990

36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Vulcan Properties Limited against the decision of London Borough of Camden.
 - The application Ref 2021/1743/L, dated 5 March 2021, was refused by notice dated 1 June 2021.
 - The works proposed are described on the application form as: 'Conversion of former fire station tower to a single dwellinghouse (1 bed flat)'.
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Decisions

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. These decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of each regime is different, and the main issues below relate either to the planning appeal (Appeal A), or the listed building appeal (Appeal B), or both. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
3. The statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) fall on me as the decision maker. Even so, I have borne in mind that the appeals before me follow two unsuccessful linked planning and listed building consent appeals¹ (determined in August 2019 and August 2020 respectively) relating to works and development of similar description.

¹ APP/X5210/Y/19/3222128 & APP/X5210/W/19/3222123 and APP/X5210/W/20/3246051 & APP/X5210/Y/20/3246053

4. For the purposes of my determination of Appeal B, I have used the description of works² stated on the Council's Decision Notice and the listed building consent appeal form. This is because it accurately and precisely refers to the principal alterations intended to the building.

Main Issues

5. The main issues are:
 - Whether or not the proposal would preserve the Grade II* listed building known as Belsize Fire Station, and any of the features of special architectural or historic interest that it possesses;
 - Whether or not the proposal would acceptably guard against parking stress and promote sustainable transport choices;
 - Whether or not the proposal would make adequate provision for affordable housing.

Reasons

Significance and special interest

6. The significance and special interest of the Grade II* listed Belsize Fire Station (the listed building) is drawn, in part, from its early twentieth century civic origins and its reflection of a broad point in time when a series of bespoke and characterful fire stations were constructed across London. This significance and special interest is further defined by the building's association with Charles Canning Winmill, formerly of the London County Council Architects' Department, who interpreted the architectural house style and intricate detailing reflective of the Arts and Craft movement whilst accommodating functional requirements of the fire brigade. Despite changes over time, including conversion to residential use, surviving remnants of the building's original plan form and features that reflect its earliest form and function continue to underly the building's special interest and significance.
7. The proposal is centred upon the former fire station's tower (the tower), a feature specifically identified in the statutory list description as being an impressive monumental tower, which retains its iron spiral staircase (the staircase) and hose-drying chamber. As was apparent upon internal inspection, the tower exhibits a range of original features. It incorporates intentionally confined and constrained spaces for the purposes of training firemen, exemplified by the staircase (which provides access between the tower's different floors), floor upstands, and various brickwork nibs, archways and chimney breasts.
8. In addition, there exists a central aperture bound by metal railings on a floor-by-floor basis. Although temporary boarding has in recent times been installed for safety reasons, this aperture runs through the building and would have accommodated drying/dangling fire hoses. Therefore, even though no longer in use, the tower forms an integral feature of the listed building's aesthetic and functional design and part of its overall significance and special interest.

² Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at 2nd to 5th floors

9. The significance and special interest of the Belsize Conservation Area (the CA) as a designated heritage asset is drawn, in-part, from its predominantly residential streets and the grand and often consistent nature of many of its buildings. The CA contains a range of often intricately designed listed buildings that further contribute to this special interest. The appeal site is located at the juncture where Eton Avenue meets Lancaster Grove, which are roads lined by large Edwardian houses of often impressive architectural merit. The listed building's prominence in the street scene is emphasised via its tower, detailing and overall scale. Therefore, it provides a link with the early 20th century built development of Belsize Park, contributing aesthetically and historically to the character and appearance of the CA as a whole and, thereby, to its significance as a designated heritage asset.

The proposed works and development

10. The proposal is to convert the presently vacant tower in order to provide a one-bedroomed flat across its multiple floors. The formation of a balustraded external roof terrace above the tower is also intended.
11. Glazed floor panels (the panels) are proposed be installed centrally at third, fourth and fifth floor levels beneath a flat rooflight. This would be in the interests of maintaining the concept of a central aperture. I see merit in the approach taken. Indeed, the aperture is already boarded up (albeit on an interim basis) and transparent glazing would offer a meaningful signpost to the tower's past functions.
12. Should the appeals be successful, and the scheme ultimately be implemented, it would be unduly challenging to effectively control that the panels remain consistently clear of floor coverings or other obstructions to visibility/light in their totality. Notwithstanding the precise terms of any future leaseholder agreement, this would ultimately be a matter of personal preference for any future occupier. However, it remains relevant that the panels would offer important sources of light, which would promote their retention in an unimpeded form (at least during daytime hours).
13. Furthermore, the panels are intended to be removeable. The tightly dimensioned nature of the staircase would mean that difficulties would necessarily apply should bulky items such as large furniture require moving in and out. This offers a strong indication that, from a practicality standpoint, the panels would not be permanently fixed, as to do so would potentially prejudice opportunities to hoist in large or heavy items. Thus, even when factoring in the planned removal and redeployment of metal railings from the perimeter of the aperture, I find that an innovative and genuinely versatile solution has been found that would suitably offer reference to and respect the building's special historic interest.
14. Moreover, the suite of evidence before me illustrates that the scheme has evolved since original conception and that legitimate efforts have been made to respond to previous objections. For example, the staircase is to be retained and sensitively enclosed and no longer are solid/opaque floor structures intended for the central aperture. I am content that exterior alterations at roof level, including the omission of chimneys and the insertions of a rooflight and balustrading would have limited visibility and would not prejudice the tower's special interest. I also accept that some change is a natural consequence of converting a former civic facility for residential purposes.

15. However, the loss of historic fabric that is proposed would not be minor in cumulative extent. Whilst it has been suggested by the appellant that, with respect to brickwork alterations, the amount of internal works is entirely consistent with similar works approved and implemented elsewhere in the building, this stance has not been robustly substantiated. This is notwithstanding a submitted floor plan extract³. The tower's internal brickwork would undergo multiple sizeable manipulations across a limited built footprint (including to nibs and arches) to achieve the living spaces proposed. A distinct loss of historic fabric and associated heritage significance would ensue.
16. Furthermore, whilst full details of internal finishes could be suitably secured via condition, it is intended that floor upstands on the third and fourth floors become embedded within removeable raised floors. Although these upstands would not be omitted, their legibility would be significantly impaired particularly if fully concealed. The evidence before me does not offer appropriate assurances that the upstands would remain visible or readable and it cannot be assumed that comprehensive alterations to the tower's flooring would be reversed in the future, even if designed to offer potential removability.
17. As such, the scheme would undermine the original plan form of the tower as comprising a labyrinth of constrained, part-obstructed, and sometimes arched spaces. As a consequence, legibility of the original purpose and function of the tower, would be weakened and noticeably eroded. It follows that the proposed works and development would have wider adverse implications on the listed building's special interest and significance, which, irrespective of the conversion works already undertaken, would not be preserved but harmed.
18. In the context of the CA's character and appearance, the external alterations that are intended would be limited in extent, be focussed at roof level, and have minimal visibility. Nevertheless, I have identified that the planned internal works would result in some harm to the character and authenticity of an important listed building within the CA. In my judgement, there would inevitably be some residual harmful effect upon the character of the CA when taken as a whole.
19. For the above reasons, the proposal runs contrary to the clear expectations under sections 16(2), 66(1) and 72(1) of the Act. Under the terms of the National Planning Policy Framework (July 2021) (the Framework), bearing in mind the scale and nature of the proposals on the listed building as an entity, I qualify that the degree of harm to the listed building's significance as a designated heritage asset would be less than substantial. In respect of the CA, the harm to its significance would be less than substantial and at the lower end of that scale. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my overall planning balance.

Parking and sustainable transport

20. The main parties do not dispute that a legal agreement is required to secure that the development remain car-free. A Unilateral Undertaking (the UU) has been submitted at appeal stage that covenants that each new occupier shall not normally be entitled to be granted a Residents Parking Permit or to buy a contract to park within any car park owned, controlled or licensed by the

³ page 11 of the appellant's Appeal Statement of Case

Council. Having considered the full contents of the UU, and in the absence of any objections from the Council, I am satisfied that its general contents are fit-for-purpose.

21. However, as the UU is not dated, I cannot take it into account. It should be noted that, had I not found the scheme to be unacceptable for other reasons, I would have gone back to the appellant to request a signed version. Nevertheless, in the absence of a satisfactorily completed legal agreement, I find that the proposal would not acceptably guard against parking stress and would not promote sustainable transport choices. The scheme conflicts with Policy T2 of the Local Plan in so far as this policy sets out that the Council will limit the availability of parking and require all new developments in the Borough to be car-free.

Affordable housing

22. Policy H4 of the Local Plan seeks to maximise the supply of affordable housing and sets out the expectation for a contribution to be attained from all developments providing additional homes and involving a total addition to residential floorspace of at least 100 square metres. The proposal would not meet this square meterage threshold and is not accompanied by a legal agreement securing an affordable housing contribution.
23. However, the same policy sets out that where development sites are split or where separate proposals are brought forward for closely related sites, it shall seek to be ensured that the appropriate affordable housing contribution is comprehensively assessed for all the sites together, and that all parts or phases of split or related sites make an appropriate affordable housing contribution. It is the Council's stance that the intended gross external area generates a required contribution of £96,990.
24. I do not accept the argument that, as other constituent parts of the building have been converted and are now occupied in full, the scheme is not eligible to contribute. Indeed, Policy H4 specifically accommodates different phases of development at split or related sites. It does not differentiate between ongoing and completed phases, nor engage with the concept that a new planning chapter should be considered to have commenced post-occupation.
25. It is also relevant that the previous August 2020 Inspector identified that, even though the conversion of the main section of the building had been completed at that time, the scheme before him was clearly a separate proposal brought forward for a site related very closely to the implemented scheme, as provided for in the policy. Whilst a not insignificant period has now passed, I find that the same principles apply to the revised scheme that is now before me.
26. A delegated officer report has been brought to my attention that relates to a resubmitted proposal to convert roof space at a different site where planning permission had previously been granted to convert the wider building. A change in circumstances was identified, whereby the wider conversion had been completed and the resubmitted proposal did not ultimately attract an affordable housing contribution. However, that scheme fell under the auspices of Tunbridge Wells Borough Council and was thus considered against a different development plan. Moreover, the findings of a Council officer with respect to an entirely unrelated scheme are of limited relevance to my considerations.

27. For the above reasons, in the absence of a legal agreement to secure a proportionate contribution, the proposal does not make adequate provision for affordable housing. The scheme conflicts with Policy H4 in so far as this policy seeks to maximise the supply of affordable housing.

Heritage and Planning Balance

28. The scheme, the subject of Appeals A and B, would cause less than substantial harm to the significance of the listed building and fail to preserve its special historic interest contrary to the expectations of the Act. The scheme would also fail to preserve the character of the CA and lead to less than substantial harm, albeit at a low level, being caused to its significance.
29. The scheme would offer enhanced accessibility to the tower and bring it back into active use. In doing so, an additional housing unit upon previously developed land would be provided in accordance with the Government's objectives (as endorsed via the Framework) of significantly boosting the supply of homes and making an efficient use of land.
30. The remainder of the building is already in residential use and, particularly when factoring in shared access arrangements, I accept that an active non-residential use for the tower would likely prove unrealistic to actualise. Even so, due to the extent/type of the internal interventions involved, I do not consider that the proposal is necessary or warranted to achieve the building's optimum viable use. This is especially so as it has not been clearly demonstrated that it would not be possible to convert the tower for residential purposes alongside less invasive internal interventions.
31. Furthermore, I am unpersuaded that a conversion of the tower, which I experienced to be of robust and sturdy construction, is necessarily essential to avoid it ultimately falling into a state of disrepair if not actively used. Moreover, it is my understanding that a Conservation Management Plan related to the whole site in question was secured via legal agreement when the original conversion to 18no self-contained residential units was permitted.
32. In the context just described, the benefits associated with the scheme, to include the delivery of a new housing unit in an inner-urban location and the bringing back into active use of a vacant part of the building, would be relatively modest in cumulative terms and carry moderate weight in its favour. This leads me to conclude that, in the circumstances of this case, the public benefits do not outweigh the less than substantial harm that I have identified would be caused to the listed building, and that, on a separate basis, these benefits do not outweigh the harm that that I have identified would be caused to the significance of the CA. For the avoidance of doubt, this CA harm continues to carry considerable importance and weight despite being at the lower end of the less than substantial scale.

Conclusions

33. I have found that the sum of wider public benefits are insufficient to outweigh the heritage harms identified, leading to conflict with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policy D2 of the Camden Local Plan (2017) (the Local Plan) in so far as this policy sets out that 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 a listed building shall be resisted. In respect of Appeal A, particularly when factoring in other identified conflicts with Policies T2 and H4 of the Local Plan, there is conflict with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

34. For the above reasons, I conclude that Appeal A and Appeal B should be dismissed.

Andrew Smith

INSPECTOR