

Delegated Report	Analysis sheet	Expiry Date:	01/08/2022
	n/a	Consultation Expiry Date:	17/07/2022

Officer	Application Numbers
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Tony Young	1. 2022/0560/P 2. 2022/2098/L
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Application Address	Drawing Numbers
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Flat A 40 Earlham Street London WC2H 9LH	Refer to draft decision notice
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PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
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Proposals

- Planning application: Installation of rear balcony with metal grille front and hinged floor sections, including associated replacement of rear window with timber French doors.
- Listed building application: External and internal alterations in connection with the installation of a rear balcony with a metal grille front and hinged floor sections, including associated replacement of rear window with timber French doors.

Recommendations	<ol style="list-style-type: none"> Refuse Planning Permission Refuse Listed Building Consent
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Application Types	<ol style="list-style-type: none"> Full Planning Permission Listed Building Consent
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Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informative:	

Consultations

Adjoining Occupiers:	No. notified	0	No. of responses	0	No. of objections	0	No. of support	0
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Publicity:	Site notice was displayed from 17/06/2022 to 11/07/2022 Press notice was published from 23/06/2022 to 17/07/2022
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Response(s) from local amenity groups:	No response received
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Site Description

The application site is a Grade II listed building located on the southern side of Earlham Street within the Seven Dials (Covent Garden) Conservation Area. Along with nos. 36 and 38, the host building forms part of an early 19th Century terrace with later shop premises to the ground floor of nos. 36 and 38. The original terrace and building comprises 4-storeys, plus basement level. A 2-storey roof addition, set back from the front and rear façades of the building, was erected in the late 1970's. The upper floors have since remained in use as residential units.

There are a number of Grade II listed buildings adjoining or located in close proximity to the application site. These include, the Cambridge Theatre, Earlham Street (South side); the Seven Dials Warehouse,

nos. 27 to 33 Shelton Street (north side) and nos. 42-54 Earlham Street (south side); and the Crafts Centre, nos. 29-43 (odd) Earlham Street (north side; including nos.8-26 Short's Gardens).

Relevant History

2014/4095/L (Flat C) - Internal alterations to flat at 2nd floor level. Listed building consent granted 14/07/2014

2010/5276/P & 2010/5452/L (Flat H) - 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). Planning permission & listed building consent granted 06/12/2010

PSX0204930 & LSX0204931 (25 Shelton Street & 36-40 Earlham Street) - 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. Planning permission & listed building consent granted 24/03/2004 & 07/04/2004 respectively

P14/57/B/HB2156(R) (36 - 40 Earlham Street) – Addition of fourth and fifth floors, addition at the rear for lifts and servicing, and works of rehabilitation. Planning permission granted 26/10/1979

P14/57/B/28193(R) (36, 38 and 40 Earlham Street) - Alterations and additions to provide residential accommodation (7 flats and 2 maisonettes) and 2 shops. Planning permission granted 17/10/1979

P14/57/3/21306 (40 Earlham Street) - Change of use from residential use to workshops. Planning permission granted 14/01/1976

Nearby or adjoining sites:

2021/5895/P (Flat 14 25 Shelton Street) - Erection of a flat roof designed roof extension with black balustrades. 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 balustrades 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). Planning permission granted 30/03/2022

2021/4242/L (36 Earlham Street) - 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. Listed building consent granted 04/11/2021

2020/1753/P (25 Shelton Street) - 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 on the ground floor and basement. Planning permission granted 15/12/2020

2019/4573/P (25 Shelton Street) - 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 passage, all in association with the existing basement and ground floor unit (Class A1/Sui-generis). Planning permission granted 23/12/2019

2019/3479/P (Flat 14, 25 Shelton Street) - 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). Planning permission granted 12/12/2019

2018/0846/P (25 Shelton Street) - 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). Planning permission granted 10/08/2018

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 - Managing the impact of development

D1 - Design

D2 - Heritage

Camden Planning Guidance

CPG Design 2021 - chapters 1 (Introduction), 2 (Design excellence) and 3 (Heritage)

CPG Home Improvements (January 2021) – Chapter's 'Key principles' (pages 16-32), 'Materials' (pages 36-37), 'Rear extensions' (pages 40-41) and 'Balconies and terraces' (pages 54-55)

CPG Amenity 2021 – chapters 1 (Introduction), 2 (Overlooking, privacy and outlook) and 6 (Noise and vibration)

Seven Dials (Covent Garden) Conservation Area Statement (adopted 1998)

Assessment

1. Proposal

1.1 Planning permission and listed building consent are sought for internal and external alterations to install a rear balcony with metal grille front and hinged floor sections, including the associated replacement of a rear window with timber French doors.

Additional information

1.2 The applicant provided a sketch during the planning officer's site visit which showed a window and frame that would open sideways as a hinged single panel as an alternative to French doors. While no revised drawings have been received in support of this alternative, consideration has been given during the course of the application to this suggestion.

2. Assessment

2.1 The principal considerations in the assessment and determination of the applications are:

- the design and impact of the proposal on the architectural and historic interest of the listed building, its' setting and significance, and on the character and appearance of the wider Seven Dials (Covent Garden) Conservation Area; and
- the impact of the proposal on neighbouring amenity.

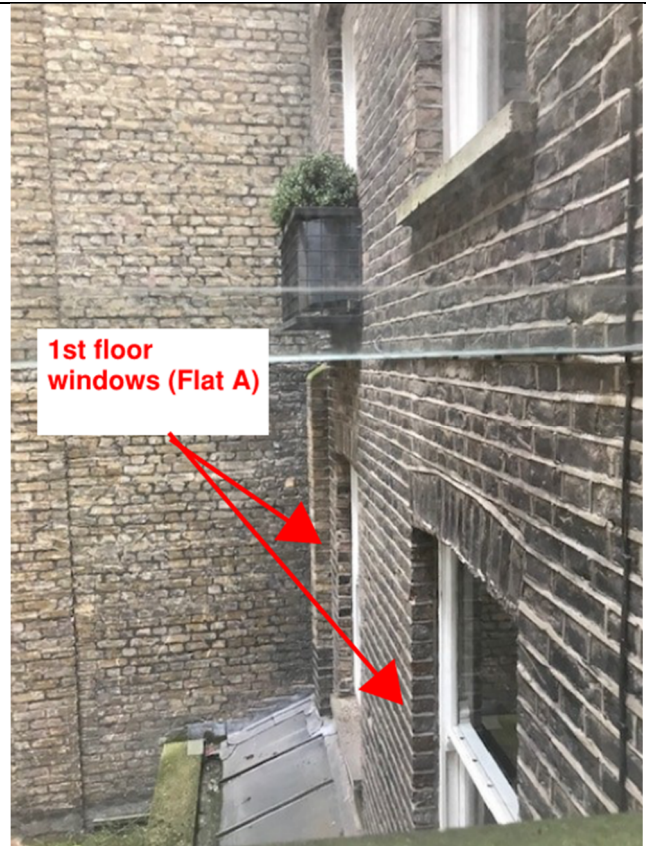
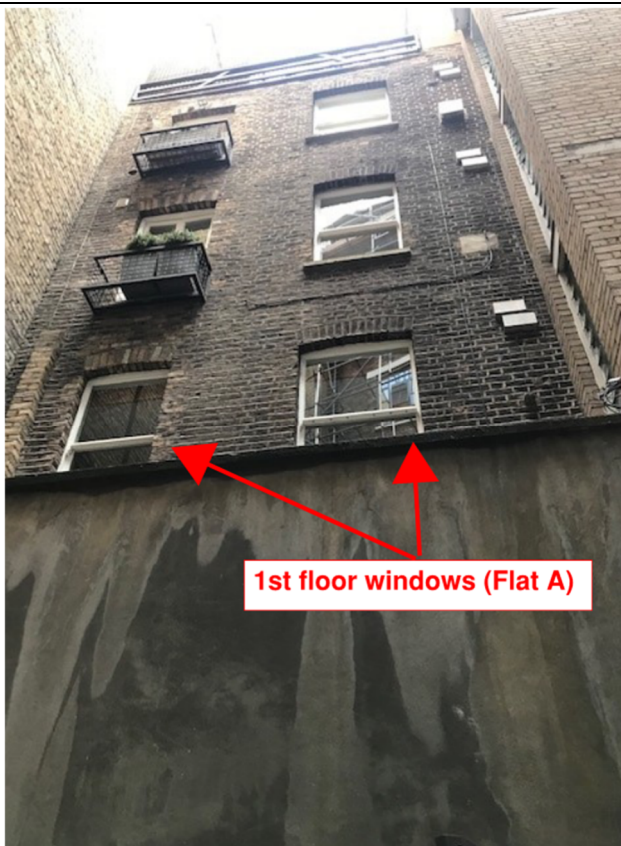
3. Design and heritage

3.1 Local Plan Policy D1 (Design) requires that all developments, including alterations and extensions to existing buildings, are of the highest standard of design and expects all development to specifically consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations;
- the suitability of the proposed design to its intended use; and

- the wider historic environment and buildings, spaces and features of local historic value.

- 3.2 Local Plan Policy D2 (Heritage) states that the Council will only permit development within conservation areas that preserve and enhance the character and appearance of the area and resist proposals for alterations to a listed building where this would cause harm to the special architectural and historic interest of the building. Policies D1 and D2 are supported by Camden Planning Guidance (CPG) Design through the recognition that all development must be carefully considered in order to prevent harm to the particular character of a conservation area or a listed building and its' setting.
- 3.3 The Seven Dials (Covent Garden) Conservation Area Statement supports the above policies and guidance through its designation as a conservation area and its policies designed to preserve or enhance the special interest of such an area.
- 3.4 Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) advises that the impact of a proposal should be taken into account to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 3.5 In regard to extensions at the rear, Camden Planning Guidance (CPG Home improvements) states in Section 2.1.1 that they should appear subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing; be built from materials that are sympathetic to the existing building wherever possible; and respect and preserve the original design and proportions of the building, including its architectural period and style. More specifically in regard to balconies, Section 2.2.3 recognises the importance of appreciating the impact of alterations on the host building and wider area, and in ensuring that balconies are sensitively and appropriately designed within their particular context and that a new balcony should complement the elevation upon which its proposed to be located.
- 3.6 The application site at no. 40 Earlham Street, together with nos. 36 and 38, were originally constructed as a terrace of 3 residential dwellings with later shop premises to the ground floor of nos. 36 and 38. The original terrace and building comprises 4-storeys, plus basement level, constructed using a red/brown stock brick. A 2-storey roof addition, set back from the front and rear façades of the building, was erected in the late 1970's and the upper floors have since remained in use as residential units.
- 3.7 The application site is a Grade II listed building located on the southern side of Earlham Street and its special interest arises as a surviving example of an early 19th Century terrace situated within the Seven Dials (Covent Garden) Conservation Area. There are a number of Grade II listed buildings adjoining or located in close proximity to the application site. These include, the Cambridge Theatre, Earlham Street (South side); the Seven Dials Warehouse, nos. 27 to 33 Shelton Street (north side) and nos. 42-54 Earlham Street (south side); and the Crafts Centre, nos. 29-43 (odd) Earlham Street (north side; including nos.8-26 Short's Gardens).
- 3.8 The application relates to a residential unit (Flat A) and comprises proposed works at 1st floor level to the rear elevation of the building (see Images 1 and 2 below) which faces into a courtyard surrounding by tall buildings on all sides.
- 3.9 Given that the proposed alterations would affect only the rear of the building, the character and appearance of the Seven Dials (Covent Garden) Conservation Area and the special architectural interest of the listed building at the front would be preserved.



Images 1 and 2 – showing existing rear elevation and 1st floor level windows at host property

- 3.10 Notwithstanding that 2 rear windows and openings at 2nd and 3rd floor levels have been replaced with doors and small Juliette style balconies at some point in the past and that the existing windows that remain may not be original, the appearance of the rear of the building still clearly follows a traditional and historic pattern of a flat vertically proportioned façade with single glazed, timber framed, horned sash windows. As such, the existing fenestration remains fairly consistent and uniform in appearance; the repeating rhythm and pattern of fenestration being plainly evident in its well preserved and historic configuration, which allows an appreciation of the original openings and composition.
- 3.11 Though the rear elevation would not be visible from within the public realm, its visibility is not necessarily the deciding factor when considering proposals in regard to listed buildings. Retaining the integrity of the building, original architectural intention and fabric are important considerations as they essentially provide the significance of the building which in this instance is the simplicity and rhythm of the rear elevation. Therefore, even though this rear elevation may be secondary and have lesser significance to that of the front, it nevertheless has significance for the building as a whole and the listed setting, and is a material consideration.
- 3.12 In this context, the proposal is considered to add unnecessary visual clutter to the rear elevation of the building which would involve harmful and insensitive changes to the distinctive qualities of the historic building and fail to preserve its special architectural interest at the rear.
- 3.13 The proposed metal grille balcony would be a particularly unsympathetic and insensitive addition in so far as it would extend across almost the full width of the elevation at 1st floor level and protrude over 3 times further forward in depth than the existing narrow Juliette balconies, thereby having a significantly more noticeable and pronounced impact on the rear elevation than the Juliette balconies in situ. The character of this rear elevation is one of a well-preserved, vertically proportioned composition, and as such, a horizontally proportioned balcony as proposed would be out-of-keeping and harmful to the existing character and appearance of the rear façade.
- 3.14 Furthermore, the proposed design of the cantilevered balcony with raiseable grille floor on a supporting four-legged, platform structure would not be a typical feature of a 19th century building of this kind and is considered to represent a clumsy design approach that would add

uncharacteristic features, bulk and materials to the rear which would detract from the special significance of the historic building.

- 3.15 Additionally, the proposed introduction of timber French doors would involve the replacement of a 1st floor window which is one of a number of remaining vertical sliding sash windows on this elevation which, even though it has likely been replaced at some point in the past, nevertheless still retains its original form and proportions. The removal of the window and surrounding brickwork, including any associated internal alterations, would therefore amount to a loss of some historic fabric and a serious disruption to the characteristic rhythm of fenestration on this rear façade. Along with the alterations that have already taken place in the past which involved the loss of historic fabric following the introduction of Juliette balconies and doors, the proposed removal of the existing window and brickwork at 1st floor level and replacement with French doors and balcony, would contribute cumulatively to the significant harm caused to the appearance of the listed building and integrity of the rear elevation as a whole.
- 3.16 The applicant provided a sketch during the planning officer's site visit which showed a window and frame that would open sideways as a hinged single panel as an alternative to the proposed French doors. No revised drawings have been received in support of this suggested alternative. Nonetheless, having consideration to the sketch provided, a window of this kind would be wholly inappropriate and would not represent a historically accurate replacement window, particularly by virtue of its detailed design and opening method. Rather, it would introduce an unfortunate pastiche to the rear elevation which would bear little relation to the special architectural or historic interest of the building and would undermine its integrity, both through the introduction of a window of this kind, as well as, the consequential loss of some historic fabric.
- 3.17 The applicant has referenced in the supporting Planning Statement, a number of local examples of modern additions to the rear elevation of the building considered by the applicant to be relevant and to set a precedent for the current proposals. The Council has taken these into consideration.
- 3.18 A couple of particular examples referred to by the applicant are the existing Juliette balconies at 2nd and 3rd floors on the rear elevation of the host building. These are noted as being small and narrow, containing green planting typical of balconies of this kind, where a use for sitting out purposes is not possible. Notwithstanding that it is the Council's view that these additions are not comparable to the proposals in terms of their impact and appearance for the reasons stated above (see Paragraphs 3.10-3.15), it is also noted that these alterations do not appear to have consent. As such, they are not considered to represent examples of similar existing alterations or any precedent for the proposed works, especially in the absence of any formal planning consideration for the examples in situ.
- 3.19 The applicant also refers to an existing full-width balcony at 4th floor level on the host building (Flat H). This balcony, and indeed terrace space at 5th floor level, is located on a modern extension granted consent in 1979 for 2 additional storeys to nos. 36 - 40 Earham Street (ref. P14/57/B/HB2156(R)). Approval was subsequently granted in 2010 for trellis screening to part of a 5th floor level rear balcony (2010/5276/P & 2010/5452/L). It is important to note that the balcony space at both 4th and 5th floor levels differs from the application proposals in so far as it is sited in a set-back position and on a modern addition to the building. As such, the planning officer at the time considered that *'the method of screening is contextually sympathetic and in keeping with the character of the upper two floors'* and *'sufficiently discreet so as to avoid harm to the appearance of the listed building'*. As outlined in Paragraphs 3.9-3.14 above, this is not considered to be the case with the proposed 1st floor level balcony which directly impacts on the historic fabric and appearance of the rear of the building, through the loss of some historic fabric and a serious disruption to the characteristic rhythm of fenestration and general composition on this façade.
- 3.20 Other examples of development in the rear locality are also not considered to be sufficiently similar or comparable to set any precedent for the current proposal. Therefore, while paying due attention to any past changes, the application has been assessed in light of its site context and

historic setting, based on the individual merit of the proposal, and having regard to all relevant policies and guidance, planning and appeal history.

Conclusion

- 3.21 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. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. No clear or convincing justification has been put forward in the application submission to show that the proposal would be necessary to preserve the significance of the listed building. There is also no public benefit to offset the harm caused by the proposals.
- 3.22 Overall therefore, the proposed balcony and associated alterations, by virtue of the detailed design, siting, scale, form and materials, would add unnecessary visual clutter, resulting in an unsympathetic addition and loss of historic fabric, harmful to the character and appearance of the rear of the host building, and detrimental to the special architectural and historic interest of the Grade II listed building and its' rear setting. As such, the proposals are considered to be unacceptable and would not accord with Local Plan Policies D1 (Design) and D2 (Heritage) and related guidance in design and heritage terms.
- 3.23 In considering whether to grant listed building consent for any works, the Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. Special attention has also been paid to the desirability of preserving or enhancing the character or appearance of the Seven Dials (Covent Garden) Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4. Amenity

- 4.1 Local Plan Policy A1 (Managing the impact of development), supported by Camden Planning Guidance (Amenity), seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents.
- 4.2 It is firstly noted during the planning officer's site visit that the courtyard space which Flat A is located above does not appear to be in an active residential use, but rather is a cluttered space, partly used as an occasional outdoor seating area associated with a ground floor bar. The existing 1st floor level windows at the host property are set-back by approximately 1.6 metres from the courtyard below. Therefore, though the proposed balcony would protrude forward by 1.6 metres in depth, it would not extend over the courtyard space itself and would be at a relatively high level above the area (approximately 4.5 metres above ground level). As such, it would not have any noticeably adverse impact in terms of overlooking in residential amenity terms.
- 4.3 There would likely be some additional noise created from activity associated with the proposed balcony; however, this is unlikely to be significant given the private nature of the proposed use, especially given levels of existing noise associated with the occasional outdoor use of the courtyard below by a ground floor bar. There might be some reduction in privacy to neighbouring residents given the presence of neighbouring facing windows located on the opposite side of the courtyard as a result of a seated person, perhaps occupying the space more actively than the existing incidental nature of an occupant simply looking out of the 1st floor level bedroom windows (see Images 3 and 4 below). However, any loss of privacy is unlikely to be significant given the anticipated low-key private nature of the use, the established character of residential windows which face inwards into the courtyard and towards each other, and the relative distances between

them (approximately 8 metres). There have been no objections from local residents or neighbours.



Photos 3 and 4 – showing rear elevation opposite and view towards it through 1st floor level windows

4.4 Overall therefore, the proposal is not considered to have any significant adverse impact on the amenity of neighbouring residential occupiers in terms of increased noise levels or overlooking, loss of privacy or outlook. As such, the proposal accords with Camden Local Plan policy A1 (Managing the impact of development) and related Camden Planning Guidance in amenity terms.

5. Recommendation

5.1 It is therefore recommended that planning permission and listed building consent be refused for the following reasons:

Planning application

5.2 The proposed balcony and French doors, by virtue of their detailed design, siting, scale, form and materials, would add unnecessary visual clutter, resulting in an unsympathetic addition which harms the character and appearance of the host building to the detriment of its special architectural and historic interest as a listed building, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

Listed building consent application

5.3 The proposed balcony, French doors and associated alterations, by virtue of their detailed design, siting, scale, form and materials, would add unnecessary visual clutter, resulting in an unsympathetic addition and would result in loss of historic fabric, harming the special architectural and historic interest of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.