

Delegated Report		Analysis sheet		Expiry Date:		28/10/2022			
		N/A		Consultation Expiry Date:		27/11/2022			
Officer				Application Number(s)					
Josh Lawlor				1. 2022/3757/P 2022/4669/L 2. 2022/3756/P 2022/4667/L					
Application Address				Drawing Numbers					
1. 53 - 54 Doughty Street London WC1N 2LS 2. Offices And Premises 10 - 11 Doughty Street				See decision notices					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
1. Replacement of existing stepped access to number 54 Doughty Street with a platform lift to provide wheelchair access. 2. Replacement of existing stepped access to number 10 Doughty Street with a platform lift to provide wheelchair access.									
Recommendation(s):		1. Refuse Planning Permission & Refuse Listed Building Consent 2. Refuse Planning Permission & Refuse Listed Building Consent							
Application Type:									
Conditions or Reasons for Refusal:		Refer to Decision Notices							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		0		No. of objections		0	
Summary of consultation responses:		Site notices were displayed near the site 02/11/2022 to 26/11/2022 The application was also publicised in the local press from 03/11/2022 to 27/11/2022 <i>No responses were received</i>							

Site Description

Both sites comprise three storey buildings with basements and attic floors. They are both GII listed office buildings (Class E) within the Bloomsbury Conservation area, to which they make a positive contribution; a contribution which the Council has a statutory obligation to preserve or enhance. As listed buildings, their significance includes their architectural design and materials, plan form, evidential value as an early C19th terraced house and their townscape contribution. The sites also form part of the setting of the neighbouring listed buildings (all of Doughty Street is listed).

Planning History:

Non-relevant

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

The Camden Local Plan 2017

- D1 Design
- D2 Heritage
- C6 Access for all

Camden Planning Guidance (CPG)

- Access for All - March 2019
- [Design](#) - January 2021

Assessment

1. Proposed Development

- 1.1. The applications are for the replacement of existing stepped access to number 10 and number 53 Doughty Street with platform lifts to provide wheelchair access. Both buildings operate as Barristers' chambers.

2. Assessment

- 2.1. The relevant considerations are:

- Access
- Heritage
- Planning Balance

3. Access

2.2. Local Plan policy C6 promotes fair access and the removal of barriers that prevent everyone from accessing facilities and opportunities. The council will expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all. Paragraph 4.99 of the Local Plan states that “*the Council will balance the requirement to provide access with the interests of conservation and preservation. We will seek sensitive design solutions to achieve access for all, to and within listed buildings.*” Therefore the principle of a disabled ramp to a residential property is supported subject to heritage considerations.

4. Heritage

4.1 The provision of equal access in listed buildings

4.2 The lifts will provide access from the pavement into the ground floor entrance hall of the buildings.

4.3 All employers, large and small, have a duty to make reasonable adjustments to avoid substantial disadvantages to disabled employees. The duty to make these changes is not speculative, but relates to the actual needs of a specific individual who is disabled. It may, however, be more cost-effective to consider access improvements as part of a programme of planned refurbishment, thereby allowing for disabled people to be employed in the future without the need for further alterations.

4.4 The Equality Act does not override other legislation such as listed building or planning legislation, and the need to obtain appropriate approvals still applies in the case of changes made to improve access.

4.5 The type of service or activity that takes place within the building will also be a major factor in determining the appropriate level of access and the required degree of alteration. The Equality Act lists the factors that affect whether a potential adjustment is seen as reasonable – the size and financial resources of an organisation are taken into account.

4.6 Part M of the Building Regulations becomes relevant because these works require planning permission. Part M is about access to and use of buildings. It applies to material alterations of and extensions to non-domestic buildings and to material changes to some nondomestic uses. The regulation requires reasonable provision to be made for people to gain access to the building and to use its facilities.

4.7 Approved Document M gives guidance on meeting the regulation and sets out minimum standards for access. Following the guidance in Approved Document M can be a helpful way to establish reasonable provision under the Equality Act. Failing to meet the guidance need not automatically imply discrimination, however, as there may be other means of achieving the same end result. This approach is in line with the principles that underpin the protection of listed buildings, in that it can allow access to be provided in ways that avoid removing those features of a building which contribute to its significance, and thus to its listing.

4.8 Historic buildings and Approved Document M The need to conserve the special characteristics of historic buildings is recognised in Approved Document M. The guidance states that the aim should be to improve accessibility where practically possible, provided that the work does not prejudice the character of the building or increase the risk of long-term deterioration to the building fabric or fittings.

4.9 Under the terms of the Planning (Listed Buildings and Conservation Areas) Act (1990) consent

is required for any works of demolition, alteration or extension that will affect the character of a listed building, including any associated structures and fittings within its curtilage. Listed building legislation applies to both internal and external changes, irrespective of whether features are identified separately in the list description.

- 4.10 Design of buildings and their approaches to meet the needs of disabled people: Code of Practice BS 8300 provides guidance on good practice in the design of buildings and their approaches to allow convenient use by disabled people. The extent to which the standards apply to historic buildings will be determined on an individual basis. It should be noted that in certain respects guidance in the British Standard differs from that in Approved Document M.
- 4.11 When seeking listed building consent it is important to provide information about the architectural and historical significance of the building and to assess the likely impact of the access proposals in relation to this. The application must demonstrate why any potentially damaging works are necessary or desirable, thus establishing that a balance is being struck between conservation and access.
- 4.12 Heritage assessment
- 4.13 The application has been the subject of pre-application advice.
- 4.14 The Council is supportive of equal access, both in the wider borough and within the historic environment. For listed buildings and other heritage assets, the Council will balance the requirement to provide access with the interests of conservation and preservation. Sensitive design solutions that achieve access for all, to and within listed buildings, should be sought. Local Plan Policy D2 Camden Planning Guidance – Heritage sets out the Council’s detailed approach to development affecting listed buildings and other heritage assets. Provision of equal access arrangements is usually more challenging within the historic environment, and these two sites, being both listed, part of wider listed terraces, and within a conservation area, are of very high heritage significance.
- 4.15 The Camden Local Plan (2017) notes:
- 4.16 7.61 Where listed buildings and their approaches are being altered, disabled access should be considered and incorporated. The Council will balance the requirement for access with the interests of conservation and preservation to achieve an accessible solution. We will expect design approaches to be fully informed by an audit of conservation constraints and access needs and to have considered all available options. The listed nature of a building does not preclude the development of inclusive design solutions and the Council expects sensitivity and creativity to be employed in achieving solutions that meet the needs of accessibility and conservation.
- 4.17 The proposed arrangement involves disruption of historic fabric, and a legible change to the external appearance of the properties. The alterations do not better reveal or enhance the architectural and historic significance of the heritage assets and are not consistent with the style, materials, and architectural and historic significance of the properties, or their otherwise positive contribution to the character and appearance of the conservation area.
- 4.18 The proposals would cause less than substantial harm to the significance of the listed buildings and would fail to preserve or enhance the character and appearance of the conservation area.
- 4.19 The NPPF directs that “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.”

4.20 The proposed provision of equal access via the front door would likely be a public benefit. 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). While the NPPF does not explicitly identify disabled access to commercial buildings as a public benefit, it does identify “accessible services” as a public benefit, which I broadly take as potentially including parity of physical access.

4.21 But before that balancing is undertaken there needs to be more demonstration that it is the only feasible means of providing the use and that other, less harmful, options have been exhausted. A less harmful option would typically be a non-fixed ramp, such as has been used in listed commercial and public buildings throughout London, and reasons why that would not be appropriate in this instance should be identified if a mechanical system is put forward for listed building consent.

4.22 Portable ramps that are not fixed in place do not require any consent or permission, providing they do not permanently intrude over the public highway. As with any application for works which are deemed to cause harm to the significance of heritage assets, it is very important to demonstrate why the proposal is the option which delivers the most benefits with the least harm (with the matter of the least harm being given the greater weight under the NPPF).

4.23 At pre-application stage it was advised that, In order to assess the options and the degree of public benefit, an access strategy should be commissioned and should identify the following:

- Is it necessary to provide equal access to both sites, or is there one site where equal access, and any associated harm, could be consolidated?
- How does the equal access from the pavement to the building relate to the access within the building? Is there already an acceptable level of equal internal access in both sites or will internal works (ergo further listed building consent) be required? Substantial remodelling of the interiors of these building to provide equal access is highly unlikely to be permitted.
- How does the provision of equal access relate to matters of building control (means of escape in event of a fire etc)?

4.24 Historic England’s Guidance on preparing an access strategy for historic buildings can be found from page 11 here: <https://historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/heag010-easy-access-to-historic-buildings/> . At pre-application stage it was **strongly** advised that this guidance is followed fully and closely in the preparation of an access strategy for these sites, in the event of these works being submitted for listed building consent. It was also advised that it was very likely that a heritage consultant will need to be involved in the formation of the access strategy in order to identify areas of high, moderate and lower significance.

4.25 The current proposal has not provided a detailed Heritage Statement or an access strategy for the site. Therefore, while it is possible to assess that there would be public benefit to creating access into the site, it is not possible to assess if the public benefit is meaningful in the wider sense. It is possible that once the site is entered the interior of the site is not widely

disabled accessible, i.e. the public benefit could be very minimal. It is also likely that once the building is entered the provision of wider disabled access would only be achievable through the creation of further harm. In the absence of an access strategy beyond the front door, the public benefit of the proposal is limited to entry through the front door (which may in any case be achievable by less harmful means such as a ramp).

- 4.26 In terms of the application as it stands, the Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas. Camden's design policies are supported by Camden Planning Guidance Design.
- 4.27 CPG Design clearly states that the Council will only permit development within conservation areas that preserves and where possible enhances the character and appearance of the area. It further states that 'good design should respond appropriately to the existing context by: - ensuring the scale of the proposal overall integrates well with the surrounding area - carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area - positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks.'
- 4.28 Moreover, in paragraph 3.27, CPG Design mentions that for applications that involves listed buildings, 'the impact of proposals on the historic significance of the building, including its features, such as: - original and historic materials and architectural features; - original layout of rooms; - structural integrity; and - character and appearance' will be considered.
- 4.29 CPG Access for all states that for listed buildings and other heritage assets, the Council will balance the requirement to provide access with the interests of conservation and preservation. Sensitive design solutions that achieve access for all, to and within listed buildings, should be sought.
- 4.30 Given that the significance of the listed building and its contribution to the street and wider conservation area is chiefly by reason of its early C19th appearance, it is considered the introduction of stair/platform lift would have a detrimental visual and fabric impact to the existing entrance steps. To accommodate the stair/platform lift, the arch would need to be cut through which would affect the structural integrity of the steps and the historic fabric.
- 4.31 Paragraph 5.4 of The Bloomsbury Conservation Area Appraisal and Management Strategy states that the loss of original details can have a detrimental impact on the character and appearance of the conservation area. Whilst the introduction of the stair/platform lift would increase the accessibility of the host building, it is far from clear that it is the least harmful means of providing disabled access to the building. It is also unclear what the public benefit would be within the site as a whole as there is no access strategy for the interior of the building.
- 4.32 The proposal, by virtue of its design, visual prominence and location, would create incongruous additions, out of keeping with the host buildings, and detrimental to the established character and appearance of the listed terraced buildings and wider Bloomsbury conservation area.

4.33 The Council has had due regard to the public sector equality duty under s.149 of the Equality Act 2010.

4.34 Relevant appeal decision

4.35 I am conscious that an appeal decision which has some, but not total, equivalence to this application. The application at 6-7 Bedford Row W1CR (Ref 2019/1573/P and 2019/2175/L) dated 22 March 2019, was refused by notice dated 18 September 2019. The development proposed the part removal of existing entrance steps to facilitate the installation of a new vertical rising stair/ platform lift to allow for ambulant disabled/ wheelchair access into the premises and the appeal was allowed on 22nd December 2020. However, a fundamental and material difference exists in the circumstances of the appeal case and this application.

4.36 In the matter of the appeal site the Inspector found that the proposed installation of the platform lift would cause less than substantial harm to the listed building and conservation area. However, the Inspector was in a position to balance the public benefit of the proposed lift together with “the alterations already undertaken.” These alterations relate to the interior of the site and include extant disabled access across all floors. These extant alterations not only enabled the Inspector to consider the manner in which the proposed alterations would weigh into the public benefit of the site, but also was able to consider the manner in which the proposed alterations might then lead to the realisation of the optimum viable use of the site.

4.37 In the matter of this application the Council is not in the same position in the consideration of public benefit. There is very limited circulation within all of the properties served by the proposed platform lift and the nature of the interiors means that provision of internal access is likely to be extremely difficult to achieve without causing an unacceptable degree of harm to fabric and planform. Therefore the Council cannot properly weigh the public benefit of the proposals beyond what is in front of us at the time of this application, which is that the proposal would cause harm in order to facilitate entry into a premises with what appears to be extremely limited internal access for disabled persons. The purpose of Historic England’s guidance on *Easy Access to Historic Buildings* and Camden’s advice under the Local Plan 7 para 7.61 seek to achieve precisely the steps which are lacking under this application.

5. Conclusion and Planning Balance

5.1 The proposed works cause harm to the character and appearance of the Bloomsbury Conservation area and to the special architectural and historic significance of a GII listed building (and the wider listed group of which it forms a part). There is some public benefit to the proposal but from the information presented within this application that public benefit is very limited and cannot outweigh the less than substantial harm to designated heritage assets which these proposals would cause. The proposal fails under Paras. 200 and 202 of the NPPF.

6. Recommendations

6.1. Reason(s) for Refusal 1

1. The proposed works, by virtue of the detailed design and loss of historic fabric, combined with the prominent position of the entrance steps, would have a detrimental impact on the character and appearance of the host building which is Grade II listed, and the Bloomsbury Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017