



Appeal Decision

Site visit made on 13 December 2023

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/X5210/W/23/3322027

2A Gate Street, Camden, London WC2A 3HP

- 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 Peak Group London Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/1065/P, dated 15 March 2022, was refused by notice dated 29 November 2022.
 - The development proposed is upward extension to form additional storey with mansard, creating additional flat with external terrace. Alterations to windows at third floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Bloomsbury Conservation Area (the CA) and is close to several listed buildings. Accordingly, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023. Other than changes to paragraph numbering, there are no material changes relevant to the substance of the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, bearing in mind the extent to which it would preserve or enhance the character or appearance of the CA, and the special attention that should be paid to the desirability of preserving the setting of nearby listed buildings;
 - whether the proposed development would provide sufficiently high environmental standards to minimise its effects on climate change;
 - whether the planning obligations in relation to car-free housing and off-site cycle parking are reasonable and necessary to make the proposed development acceptable.

Reasons

Character and appearance

5. The Bloomsbury Conservation Area Appraisal and Management Strategy (the CAAMS) sets out that the CA covers approximately 160 hectares of central London, and represents a period of London's early expansion northwards dating from around 1660 to 1840. The CA is home to a wide variety of institutional uses with a strong historical focus on academia. Due to its scale and incremental development, the CA exhibits a variety of building typologies and forms. It predominantly comprises an interrelated grid of streets bound by terraced buildings with formal landscaped squares located throughout.
6. The CAAMS divides the CA into 14 sub-areas, with the appeal site forming part of Sub Area 9: Lincoln's Inn Fields / Inns of Court / High Holborn. Lincoln's Inn Fields is one of the characteristic landscaped squares that typify the CA. Lincoln's Inn itself lies to the east of the square and the character of the area continues to bear an intrinsic link to the legal profession. Although the architectural styles of the CA's various sub-areas reflect the original period of construction, there are also widespread examples of more contemporary development.
7. Given the above, the significance of the CA, insofar as it relates to the appeal, is derived predominantly from the historic layout of grids formed by streets of differing scale combined with formal landscaped squares, the associated buildings and the contribution made by the various street typologies, and the role played by institutional uses in its historic development and continued evolution.
8. The appeal site sits towards the south of the CA and to the northwest of Lincoln's Inn Fields, being visible from nearby buildings and street frontages facing the square. The north of the square is bound by a terrace of buildings which generally have the appearance of traditional townhouses, many of which have been diversified to other uses. Nos 1 and 2 Lincoln's Inn Fields sits at the western end of the terrace and wraps around the corner where, along with the appeal site, it bookends the narrow street of Whetstone Park.
9. Nos 1 and 2 Lincoln's Inn Fields is a Grade II listed building dating from the 18th century, originally comprising 2 terraced townhouses later converted to one. It is a 4 storey building with an additional basement level bound by railings at street level. It has visual similarities to its closest neighbouring townhouse properties fronting Lincoln's Inn Fields, as well as its neighbouring properties set further back from the square, including the appeal property. Its special interest, insofar as it relates to the appeal, is primarily associated with its contribution to the characteristic frontage on the north side of Lincoln's Inn Fields, and its positive relationship to development in the neighbouring streets set further back from the square.
10. The appeal property is a 4 storey non-listed building with a mansard roof extension on the corner of Whetstone Park and Gate Street. Nos 1 and 2 Lincoln's Inn Fields sits on the opposite of Whetstone Park. I am provided with a copy of an appeal decision relating to an extension to the adjoining property of No 4 Gate Street. I understand this granted planning permission for a development of similar external appearance to that proposed, albeit on a mid-terrace rather than end-terrace property.

11. When viewed from the front, the proposal would raise the roof level to match that of the adjoining building of No 4. Although I note the Council disagreed with the decision to grant planning permission at No 4, the associated development is now complete and forms an established part of the area's character. As such, when viewed in isolation alongside No 4 and the other adjoining buildings further to the north, the proposal would broadly reflect the scale and proportions of the adjoining building and would appear as a compatible extension to the terrace.
12. Due to the orientation of the buildings, the front elevation of the host property is read alongside the side elevation of the listed building of Nos 1 and 2 Lincoln's Inn Fields. Whilst there are similarities in the detailing of the corresponding buildings, the listed building is noticeably grander, featuring a decorated stringcourse that wraps around the front, side and rear elevations.
13. The host property features a more modest stringcourse to the front elevation only. Although this is positioned similarly between the second and third floor windows, it sits slightly lower than that of the listed building due to the differing proportions of the corresponding buildings, with the visible basement level on the listed building contributing to this. Nevertheless, notwithstanding the existing mansard extension to the roof of the host property, the current arrangement provides a degree of similarity between the two buildings, with the larger proportions and intricate detailing of the listed building reflecting its comparable grandeur.
14. The host property would appear as a 5 storey building from street level, with 2 floors above the stringcourse. Although this would correspond with the adjoining property of No 4, it would sit uncomfortably when viewed against the listed building, which features 4 storeys above basement level with only a single storey above the stringcourse. In addition, its outer brick walls would extend above those of the listed building, resulting in a dominant appearance that would reduce the prominence of the listed building and result in harm to its setting. Whilst I acknowledge the proposal would not exceed the height of the adjoining property at No 4, this property has a less familiar relationship to the listed building and its presence does not alter my findings.
15. I note the Council's reference to several other listed buildings in the vicinity of the site. However, I am satisfied, given the nature of the proposal and its relationship to the other listed buildings, that it would not harm them or their setting. Nevertheless, given my findings above, the proposal would fail to preserve the setting of the adjacent listed building. Consequently, this would also fail to preserve the significance of the CA.
16. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given my findings above, I find the harm to the setting of the listed building and the significance of the CA to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including,

where appropriate, securing its optimum viable use. The appellant submits that the proposal would provide a new dwelling within a sustainable location which would contribute to the Council's housing target, optimise the use of the land and make the most of a small site in accordance with development plan policies. Although I do not dispute these benefits, because the proposal would provide only one residential unit, I give them only a small amount of weight. As such, given the great weight I must give to the conservation of designated heritage assets, the harm I have identified would not be outweighed.

18. For the reasons given above, the proposal would fail to preserve the significance of the CA and the setting of the Grade II listed building. Accordingly, the proposal would conflict with Policies D1 and D2 of the Camden Local Plan 2017 (the CLP), which seek, in relation to this issue, to secure high quality design in development that respects local context and character and preserves or enhances the historic environment and heritage assets.

Environmental standards

19. There are some inconsistencies in the Council's statement of case in respect of the second reason for refusal listed in the decision notice, which relates to environmental standards. The Council firstly states it proposes to withdraw reason for refusal No 2, before concluding that the proposal remains contrary to the development plan in respect of this issue. Because of this uncertainty, I shall consider this issue based on the details before me.
20. Together, Policies CC1 and CC2 of the CLP seek to ensure development minimises the effects of, and is resilient to, climate change. Although the policies generally only require additional details in the form of energy and sustainability statements for developments of more than 5 residential units, the policies' key objectives including reducing carbon dioxide emissions, optimising efficiency of energy resources, and using sustainable construction measures, nevertheless apply to all development.
21. The Council notes in its statement of case that the key objectives of Policies CC1 and CC2 would be met through Building Regulations. Furthermore, the proposal would include measures such as a green roof and air source heat pump that the appellant states are proposed in addition to the Building Regulations requirements. Although the submission does not yet include full details of all measures proposed, I am satisfied that additional details could be secured via conditions in the event of the appeal being allowed.
22. For the reasons given above, the proposal would provide sufficiently high environmental standards to minimise its effects on climate change and would accord with Policies CC1 and CC2 of the CLP, the aims of which are set out above.

Planning obligations

23. Paragraph 57 of the Framework establishes that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.
24. Policy T2 of the CLP requires all new residential developments in the borough to be car free. In addition, Policy T1 of the CLP requires developments to provide cycle parking. There appears no dispute between the parties that these

issues can be addressed through planning obligations. Given the on-site constraints, it is proposed to provide a financial contribution for off-site cycle storage.

25. The third and fourth reasons for refusal given in the Council's decision notice refer to the absence of a legal agreement to secure car-free housing and a financial contribution for off-site cycle parking. To address these issues, I am provided with a signed and dated section 106 agreement that secures obligations to prevent future occupiers from obtaining residents parking permits and requires a financial contribution towards off-site cycle parking.
26. Given the considerations above, had I been minded to allow the appeal, the obligations would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. As such, they would ensure compliance with Policies T1 and T2 of the CLP and the provisions of the Framework, the aims of which are set out above. It would also accord with Policy DM1 of the CLP, which seeks, among other objectives, to use planning obligations where appropriate to support sustainable development, secure infrastructure to meet the needs of development, and mitigate the impact of development.

Conclusion

27. Although I find no harm in terms of the issues relating to environmental standards or planning obligations, the proposed development would conflict with the development plan as a whole and there are no material considerations that would lead me to a decision other than in accordance with the development plan. Accordingly, for the reasons outlined above, the appeal should be dismissed.

P Storey

INSPECTOR