

APPELLANT'S STATEMENT OF CASE

FOR

CONSTRUCTION OF 4TH FLOOR MANSARD ROOF EXTENSION

TO PROVIDE A 1-BED SELF-CONTAINED DWELLING WITH RECESSED TERRACE

AT

103 KINGS CROSS ROAD, LONDON WC1X 9LP

ON

APPLICATION 2022/2623/P

BY

APPLICATION AGENT

WILLINGALE ASSOCIATES

56 Clerkenwell Road,

London EC1M 5PX

ON BEHALF OF

HOL PROPERTIES (UK) LIMITED

MARCH 2024

CONTENTS

- 1 Introduction**
- 2 The Appellant's Case**
- 3 Public benefits in accordance with the NPPF**

APPENDICES

- A** Planning Application 2022/2623/P documentation
- B** Subsequent design revisions (revisions B & C)
- C** Planning Decision and Planning Report for 2022/2623/P
- D** Subsequent documentation prepared for the Appeal
- E** Documents by others relevant to design revision C

1 INTRODUCTION

- 1.1 This Written Appeal Appellant's Statement of Case is submitted by Willingale Associates, Agent for the Applicant, HOL Properties (UK) Limited the freeholder of No.103 Kings Cross Road, London WC1X 9LP, following the refusal by Camden Planning of Planning Application reference 2022/2623/P for construction of a 4th floor mansard roof extension to provide a 1-bed self-contained dwelling with roof terrace.
- 1.2 Willingale Associates is a certified RIBA Chartered Practice (2130702P) at 56 Clerkenwell Road, London EC1M 5PX that has been providing architectural services since November 1991. The practice principal, Mark Willingale MA Cantab, AADipl, RIBA Member 4863968, has over thirty years of experience designing proposals for planning and listed building consent in sensitive urban contexts including the conservation areas of most metropolitan boroughs. Mark Willingale received a City Heritage Award for the residential conversion of the Sir Christopher Wren church tower of St. Aban, Wood Street in the City of London and has received a conservation award from Islington Council for the residential conversion and extension of a former tobacco factory in Dingley Place. Other commended projects include the residential conversion and extension of the Grade 2 listed Overseas Bankers Club at 7 Lothbury beside the Bank of England and more recently the development of three new-build terraced houses beneath a curved green roof at Thane Villas, Islington.
- 1.3 Application 2022/2623/P was validated on 20/07/22. There were two subsequent revisions B and C: -

Revision B submitted 19/12/22.

- 4th floor extension reduced in size.
- accommodation reduced from (1b,2p) flat to (1b,2p) studio.
- recessed roof terrace replaced by a 4th floor front terrace.
- dormers on Kings Cross Road elevation reduced from 4No. to 3No.
- dormers on Frederick Street elevation reduced from 3No. to 1No.
- door set provided with the 1No. dormer, set back 2m from parapet.

Revision C submitted 23/10/2023.

- reduced width of the 4th floor dormer for the terrace door set
- dormers on the Kings Cross Road elevation reduced from 3No. to 2No.

The Decision of 10 November 2023 references the Revision C drawings so that this Appeal is for the Revision C design. The documentation submitted for the Application is provided in Appendix A and includes both Design and Access Statements.

1.4 The Application was refused by the Decision of 10 November 2023 and a copy of the Planning Report was subsequently available from the Planning Portal. A copy of the Decision and the Planning Report are provided in Appendix C

1.5 The Planning Report describes the proposal as **Construction of 4th floor mansard roof extension to provide a 1-bed self-contained dwelling with recessed terrace** and as this more accurately describes the Revision C submission this is the description submitted for the Appeal.

1.6 The Planning Decision of 10 November 2023 provides three reasons for refusal: -

1 The proposed mansard roof extension with terrace, by reason of its siting, design, scale and prominence, would cause harm to the character and appearance of the host building and the wider street scenes to which it forms a part, and would thus cause harm to the character and appearance of the Bloomsbury Conservation Area and the settings of nearby listed buildings, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2 The proposed development, in the absence of a legal agreement to secure the new dwellings as "car-free", would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

3 The proposed development, in the absence of a legal agreement securing a Construction Management Plan, implementation support fee and Construction Impact Bond, would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

1.7 There is a single **Informative 1**: -

Without prejudice to any future application or appeal, the applicant is advised that

reasons for refusal Nos. 2 and 3 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

1.8 Clause 5.3 of the Design and Access Statement of June 2022 confirms that the proposal is car-free. The Applicant anticipated a car-free legal agreement but this matter along with a legal agreement for a Construction Management Plan was not raised as a requirement by Camden Planning before determination of the application. Subject to the terms the Applicant is willing to enter into a legal agreement on these matters. Accordingly, these matters are common ground can be set aside leaving Reason 1 as the subject of the Appeal.

1.9 The documentation subsequently prepared for this Appeal is listed and provided in Appendix D.

2 THE APPELLANT'S CASE

2.1 The Revision C Full-Planning Statement sets out the case submitted for the Application. This planning statement also systematically responds to the objections raised in Michael Burroughs Associates statement of 12th August 2022 and concerns raised by Catherine Bond the Principal Conservation Officer .

2.2 The Camden Planning delegated report lists the relevant planning policies. Of the 10No. policies listed from the Camden Local Plan 2017, subject to signing legal agreements on transport and managing the impact of development, to discharging proposed conditions for waste management and by being below the threshold of affordable housing policy the remaining relevant policies for the Appeal are the maximising of housing supply and Design and Heritage.

2.3 The Planning Report clause 3.0 confirms the proposal is for a priority land use and the principle of new housing on this site is supported. Clauses 5 and 7 confirm the proposal provides an acceptable quality of accommodation and acceptable amenity. No.103 Kings Cross Road provides the following existing residential accommodation on the upper floors assessed from the survey plans and photographs: -

- 1st floor flat - 2 bedroom 2 person flat @ 57.6sqm GIA
- 2nd floor flat - 1 bedroom 2 person flat @ 57.8 sqm GIA
- 3rd floor flat - 1 bedroom 2 person flat @ 60.4 sqm GIA

The proposal provides a new 37.6sq.m (1b,1p) studio, which might be considered a small contribution to the supply of new housing within Camden but, as a proportion of the

existing residential floor area and accommodation on this well-serviced central metropolitan site, the proposal provides a 21.4% uplift of residential gross internal floor area and 16.7% uplift in bedspace accommodation. This, if replicated across the borough, would be a significant contribution and with the benefit of being achieved through the efficient extension of existing development rather than redevelopment. Furthermore, this uplift is provided less than half a mile from Kings Cross, which is the focus of the emerging and economically significant “Knowledge Quarter” of London defined as an area within one mile of Kings Cross. Accordingly, this proposal for No.103 Kings Cross Road in the Bloomsbury Conservation Area is a proportionately significant planning and public benefit that provides an attractive and convenient dwelling within walking distance of the Knowledge Quarter focus.

2.4 The Revision C Full-Planning Statement includes the design and heritage commentary submitted in support of the Application. Clause 2.6 provides a historic map chronicle from 1746 – 1914 to which the following images and comments are added for the Appeal: -

- an extract from the London County Council Bomb Damage maps 1930-1945 published by the London Topographical Society showing the site of Nos.71-103 on the west side of the bend in Kings Cross Road, where Nos.71-91 are coloured, **Light Green** indicating **Clearance areas** and Nos.93-103 **Yellow** indicating **Blast damage, minor in nature**.
- W1CX_103KKR_BDM - aerial view of Nos.71-103 Kings Cross Road, 26 May 1939
- W1CX_103KKR_HP01 - two RAF aerial views with Nos.71-103 Kings Cross Road casting shadows over the thoroughfare
- W1CX_103KKR_HP02 - aerial views of Nos.71-103 Kings Cross Road, 26 May 1939 and 30 September 1947
- W1CX_103KKR_SP02 - Extract from Google Earth Street
- With reference to the map of 1871 in the map chronicle and the aerial photographs it is clear from the open site on the 1871 map that the terraced houses at Nos.71-91 pre-date the railway works, and the site of Nos.93-103 Kings Cross Road was developed as a single composition following the construction of the Metropolitan Railway.

These images confirm that Nos.71-91 Kings Cross Road formed a terrace of 11No. houses and their shadows along with the evidence of the former No.71 party wall seen on No.69 today indicates they were only a little over half the height of No.69 with hipped butterfly roofs behind straight parapets and only two storeys on the street frontage. The light green **Clearance areas** of the LCC maps and aerial view of September 1947 confirm they were demolished after WW2. The evidence of the former No.71 party wall on No.69

also confirms that the current buildings at Nos. 71-91 are more than twice the height of the former terraced houses.

The shadows seen in the images confirm that the architectural composition of Nos. 93-103 was also around twice the height of the former terrace at Nos.71-91 so, on viewing this group from further north on Kings Cross Road, No.103 on the corner when conceived would have appeared significantly more prominent than today. The effect of redeveloping Nos. 71-91 to more than twice the previous height and Nos.93-99 a storey taller has diminished the prominence of the Victorian corner composition and places emphasis on the frontage further south where previously there was the low terrace. Accordingly, the addition of a mansard on the corner is relatively modest, consistent with the changes already implemented further south and helps restore the prominence of the corner without disturbing appreciation of the Victorian composition.

- 2.5 The proposal restores the original form of the chimney stack on the party wall of the neighbouring house in Frederick Street. This also helps to restore the prominence of the corner while restoring part of the original composition of the neighbouring grade 2 listed terrace.
- 2.6 While Willingale Associates has aimed to be professionally impartial in stating the design and heritage merits of the case it is understood that the architect of a proposal is also an advocate for the Application so for the Appeal an independent assessment of the Design and Heritage planning case has been commissioned from professional witness, Ignus Froneman of Cogent Heritage and his statement is provided in Appendix D.
- 2.7 Two letters by Emma McBurney, director of Michael Burroughs Associates, Planning, Development & Licensing Consultants were submitted to raise objections on behalf of the leaseholders of Flats A, B and C on the upper floors of No.103 Kings Cross Road. The comments in section 6 of our Full-Revision C Planning Design Statement respond to the second Michael Burroughs Associates letter of 31st January 2023.

3.0 PUBLIC BENEFITS IN ACCORDANCE WITH THE NPPF

- 3.1 The public benefits are re-iterated and reordered to take account of the additional evidence provided for the Appeal.
- 3.2 The proposal makes efficient use of an existing well-serviced metropolitan site to provide an additional dwelling during a housing crisis in accordance with current infrastructure and planning policy while also providing an attractive new apartment with good aspects and private external amenity space.

- 3.3 The proposal less than half a mile from Kings Cross provides an additional dwelling within and for the emerging and economically significant “Knowledge Quarter” of London, the biotech, computer-sciences information hub centred on Kings Cross. Accordingly, No.103 Kings Cross Road in the Bloomsbury Conservation Area provides an attractive and convenient dwelling comfortably within walking distance of the Knowledge Quarter focus.
- 3.4 The proposal restores the original form of the Cubitt chimney stack on the party wall of the neighbouring house, thereby enhancing the form, setting and views of the Grade 2 listed Cubitt terrace in Frederick Street.
- 3.5 The proposal provides a mansard roof extension for the corner that is relatively modest and consistent with the additional storeys already implemented further south and helps restore the prominence of the corner without disturbing appreciation of the Victorian composition.
- 3.6 The proposal replaces the current bright-white paintwork of the former signage cartouches and shopfronts with a softer, warmer tone compatible with the fare-faced brickwork of the 19thC Victorian corner composition and the off-white lighter tone stucco of the early 19thC Cubitt terraces in Frederick Street.