



# Appeal Decision

Site visit made on 10 July 2024

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 7 August 2024**

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## **Appeal Ref: APP/X5210/W/24/3341090 103 King's Cross Road, London WC1X 9LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ross Inanc (HOL Properties (UK) Limited) against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2022/2623/P.
  - The development proposed is the construction of 4<sup>th</sup> floor mansard roof extension to provide a 1 bed self-contained dwelling with recessed terrace.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The appellant has agreed to the minor changes that the Council made to the description of development. I have therefore used the revised wording for this decision.

### **Main Issues**

3. The main issues are: (i) whether the development would preserve or enhance the character or appearance of the Bloomsbury Conservation Area and whether it would preserve the setting of nearby listed buildings; and (ii) whether a planning obligation is required to secure the proposed dwelling as car free and to ensure the provision of a Construction Management Plan.

### **Reasons**

#### *Heritage Assets*

4. The appeal site is located within the Barnsbury Conservation Area, which is a predominantly residential area that covers a significant portion of Camden. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the suburban development of this part of London and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of many of the buildings that comprise the Conservation Area, as well as the abundance of squares and other green spaces.
5. No. 103 is located in a prominent location at the junction of King's Cross Road and Frederick Street. The general appearance of the building, including its stock brick exterior and large sash windows, means that it contributes positively to the significance of the Conservation Area.

6. In addition to the Conservation Area, there are several Grade II listed buildings in the vicinity of No. 103, most notably the adjoining terrace of No's. 1 – 7 Frederick Street. The significance of these townhouses can be seen in their general appearance and architectural detailing. The terrace, in combination with similar buildings further down Frederick Street and opposite, provides a highly pleasing rhythm of harmonious development.
7. The proposed development would involve the construction of a mansard roof extension and a roof terrace. I observed on my site visit that the roof extension would be visible from street level. While I acknowledge that No. 103 would have been taller relative to nearby buildings in the past, I can only make my assessment based on the current situation. At present, No. 103 is only slightly taller than the adjoining listed terrace, and in combination with its flat roof, this ensures that it does not greatly disrupt the general uniformity of building heights along Frederick Street. Indeed, the present height of the appeal building complements that of the adjoining listed buildings. The proposed development, which would add an additional storey, would be significant enough to ensure that No. 103 would appear overly dominant in comparison to the adjoining listed terrace. In addition, the additional height, and the change in roofscape, would greatly erode the existing rhythm and general consistency that currently exists, and which forms a crucial part of the pleasing sweeping views along Frederick Street.
8. Because of the generous width of King's Cross Road and the prominence of the appeal site, the proposed recessed terrace would be easily visible from street level, including the balustrade. This would likely appear as a more modern feature that would seem incongruous and out of place when considered within the context of the character of the adjacent listed buildings, and would also further erode the consistency of roofscapes on Frederick Street.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In addition, Section 66 sets out that special regard must be had to the desirability of preserving the setting of the listed buildings.
10. In this instance, due to the limited scale of the development, the harm is relatively localised. However, the appeal site is located at a prominent entry point to the Conservation Area, and so this localised harm is also harmful to the character and appearance of the Conservation Area as a whole. In addition, the proximity of the appeal site to No's 1 to 7 Frederick Street means that harm would be caused to their setting. The proposal therefore has a negative effect on the significance of several designated heritage assets and results in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
11. The development would provide one additional dwelling in a sustainable location. It would also involve the restoration of a chimney stack which, in isolation, would enhance the appearance of the building to some degree. However, given the small-scale nature of the proposal, I consider that these public benefits would be limited, and as such they do not outweigh the

identified harm. The development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and the settings of listed buildings. This would fail to satisfy the requirements of the Act and the Framework and would also conflict with Policies D1 and D2 of the Camden Local Plan, 2017 (LP). Taken together, these policies seek to protect designated heritage assets and ensure that development is of a high quality design.

### *Planning Obligation*

12. The lack of a planning obligation to secure the proposed dwelling as 'car free' and to ensure the provision of a Construction Management Plan (CMP) formed a further reason for refusal.
13. LP Policy T2 requires all new development to be car-free, while Policies A1 and T4 require the use of Construction Management Plans. Furthermore, Policy DM1 sets out that planning obligations will be utilised to ensure that development is sustainable. As a result of this policy framework, I am satisfied that a planning obligation to address these matters is required.
14. I note that the appellant is willing to agree a planning obligation to this effect. While acknowledging the difficulties that have been encountered so far in terms of agreeing the content with third parties, it is likely that this issue could have been resolved had I been minded to allow the appeal.
15. Nevertheless, in the absence of a signed obligation I must find conflict with the above mentioned policies.

### **Conclusion**

16. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

*C Butcher*

INSPECTOR