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Your ref: APP/X5210/W/24/3344559
Our refs: 2020/3500/P
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Dear Sir/Madam,

Site: 13-16 Guilford Street, London, WC1N 1DX
Appeal by: Mr Anthony O Sullivan

Proposal: External alteration to involve opening up of lower ground floor lightwell and retention of existing railings at ground floor level (part retrospective)

We write in connection with the above appeal against the Council's refusal dated 12/01/24 to grant planning permission. The Council's case is set out primarily in the delegated officer's report (ref: 2020/3500/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history, relevant policies, and an assessment of the proposal. Copies of relevant policies from the Camden Local Plan and accompanying guidance were also sent with the appeal questionnaire.

In addition to the information sent with the questionnaire the Council would be grateful if the inspector would consider the contents of this letter which includes comments on the appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1. Summary of the Case

- 1.1. The appeal site comprises a 4-storey corner building with a basement level, situated on the west side of Guilford Street on the corner with Millman Street. The building is in office use on the ground and lower ground floors.
- 1.2. The drawings submitted with the application are not clear. See the submitted drawings appended to this submission. Drawing numbered 554/17 submitted with the appeal was forwarded by PINs on 16th August and by the appellant on 17th August to the council as it was not included with the application or appeal submission to the council.

- 1.3. In conjunction with the appellants description, officers interpreted that the proposal entails the following:

Retention of railings already erected outside the 3 office windows on Guildford Street and to open the pavement within the railings to allow light to the basement. A 'shop front' with door(s) would be created at basement level on plane with the frontage of the building, looking out to the new light well. Stairs would be installed for access to the street, and it is indicated that these are for emergency purposes.

- 1.4. The pavement section within the railings contains paving slab with glass blocks to allow light below. This appears to be private ownership, as the appellants state. The council contends however that this section of pavement was part of the public highway prior to the railings being installed.
- 1.5. The reasons for refusal are set out in the Decision Notice and not repeated here. The council's reasons for refusal are summarised below.
- 1.6. The proposal is unacceptable as it would be detrimental to the appearance of the street scene and surrounding conservation area. The opening up of the light well and railings would also add to street clutter and would narrow the footpath to the detriment of the pedestrian environment.

2. Comments on grounds of appeal

The following summarises and addresses points raised by the appellant in chronological order under the appellants headings.

Application submission

Issues with submitted drawings

1. The appellant states that *'at no time during the application was additional information requested'*.

The council contends that the original submitted plans were not clear and the right plans were not submitted. The agent was asked for clarification on what was being proposed. Following a telephone conversation with the agent to clarify what was being proposed, an email requested a full scanned version of the plans so that the application could be validated. The agent emailed photos with two plans. This information was considered to be poor quality, but the application was validated, nonetheless. Although further requests were made to provide clearer plans showing the existing and proposed floor plans and elevations, these were not provided.

The council refers to "legislation" issued after the application was submitted.

2. The appellant states that the council refers to legislation made after the application was submitted.

The council confirms that the delegated report refers to policies which were current when the application was determined on 12th January 2024. This is the correct procedure. It is noted that there are no material differences between current and previous policies in relation to this appeal.

'Assessment of Councils reason for refusal dated 12th January 2024'

The lightwell is not being widened

1. The appellant contends that the statement made in reason for refusal 1 that the lightwell is to be widened is incorrect and is not the case.

The council considers that the proposed works to the lightwell under the pavement are unclear, the plans are difficult to read regarding what exists under the existing paving. The council makes clear however in the last sentence of para 3.5 in the delegated report that the application is assessed on the basis that there is no extension at basement level. Had the application looked to be acceptable, full plans of any extension would have been required.

Nevertheless, removal of the section of pavement and light cubes is clearly proposed. The lightwell underneath would be exposed along the building's whole frontage of Guildford Street and this is unacceptable in highways terms as set out in the delegated report.

The facade is not being extended downwards

2. The appellant then says under point 2 the terminology in reason 2 for refusal *'of downward extension of the façade is misleading in that the ground floor is separated from the basement level but the existing ground beam and the comment of jarring with the design of the building, when the railings are in keeping with buildings of a similar age and design'*.

As stated within the delegated report, the submitted drawings appear to indicate that the ground floor glazed office frontage would be extended downwards to create a new basement level façade with steps incorporated down into the newly formed lightwell. Unfortunately, the submitted plans/drawings are sufficiently unclear in this respect. If the inspector is minded to allow the appeal, plans would be required to clearly show the new frontage of the basement in relation to the whole of the frontage of the building and at the very least, in relation to the existing ground floor frontage. Please see in Appendix A the drawings that were submitted to the council.

'Other Material Considerations'

1. The appellant appears to be concerned that there is no date given in the delegated report and notes the application consultation period and its expiry date in 2020 as stated in the delegated report.

The council confirms that the delegated report was finalised on 12/01/2024 when the decision notice was issued. The council's summary of consultation is a summary of neighbouring residents' responses raising concerns about the proposal. The consultations were undertaken in 2020 when the application was validated.

The appellant notes the consultees' comment *about 'closing the footpath by installation of the railings would make it narrower and would be a major loss of amenity for local residents and other pedestrians'.*

The council supports this objection. The loss of public highway is unacceptable and walking side by side would entail walking over tree pit and possible through canopy.

2. The appellant refers to an additional drawing submitted to the inspectorate No.554/17.

It is confirmed that this drawing was forwarded to the council by PINs on 16/8/24 upon request. The council accepts that the pavement covering the light well appears to be in private ownership. It is reiterated that this land was public highway prior to installation of the railings.

The appellant appears to state that the railings are not traditional as the building is not traditional.

The council refers to the assessment in the delegated report, the railings differ from existing conservation type railings nearby. The detailed design of other railings are more historically accurate, which provides a more refined appearance that is more appropriate within this historic setting.

3. The appellant complains about lack of understanding the proposal.

The plans are confusing. Clearly drawn existing and proposed plans including basement section drawings should have been submitted. Requests for clearer plans would have been pursued further had the proposal been acceptable.

4. The appellant claims that the design assessment of the railings is subjective, and this is not a public area.

The design of the railings is assessed in the delegated report. The council contends that the pavement was public highway until the railings were erected.

5. The applicant refers to a land registry document that shows the paved area in private ownership.

The council notes that the land registry document that the appellant is referring

to shows the site outlined in red. This site location plan is indicating where photos are being taken from not the extent to where the lightwell is being extended out. Please see below:

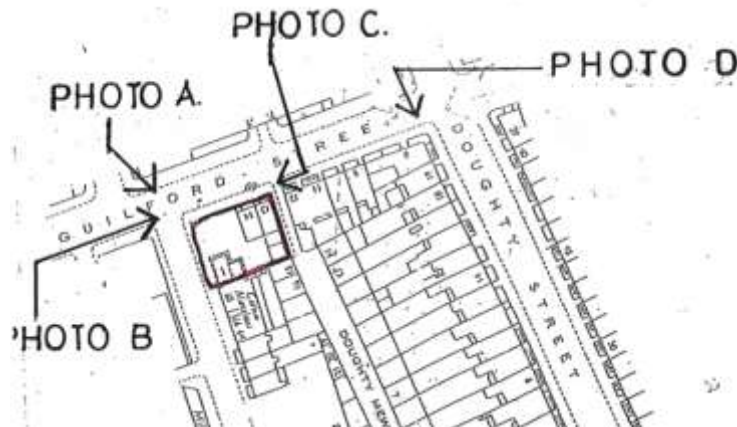


Fig.1. Site location plan screen shot

The appellants also states that the local authority laid out the pavement slabs which were not to a correct level. This has added to confusion.

6. Again, the appellant is referring to an additional drawing they have submitted to the inspectorate No.554/17.

However, the drawings submitted are unclear, officers were not able to measure from these electronically as per normal practice with all other planning applications submitted to the council.

The appellant refers to cycle stands.

The council clarifies that prior to the railings being erected, in 2019 cycle stands were in place next to the lamp post as can be seen from street view but it appears these have been removed since 2020. Although the cycle stands were removed, the lamp post and tree are still present and along with the railings the footpath is narrowed unacceptably.

3. Conclusion

- 3.1. Based on the information set out above and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to the Council's adopted policies.
- 3.2. The information submitted by the appellant in support of the appeal does not overcome the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

4. Conditions

- 4.1. Should the inspector be minded to allow the appeal, it would be requested that

conditions in Appendix B below are attached to the decision.

Appendix A – Proposed plans submitted

Please see attached PDF document.

Appendix B – Conditions 2020/3500/P

1. Prior to works removing the enclosed section of pavement and installation of the new basement frontage, detailed drawings including materials and sections at a scale of 1:50 and 1: 20 showing:
 - new basement frontage in relation to the ground floor and upper floors
 - all elevations of the new basement
 - new steps and gate access

shall be submitted to the council and approved.

Reason:

To ensure that the impact of the development is acceptable in the conservation area, for the avoidance of doubt and in the interest of proper planning.

Alternatively, should the inspector accept the submitted drawings:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 554/10, 554/11, 554/12, 224/10, Basement plan drawings, Design and Access Statement.

Reason:

For the avoidance of doubt and in the interest of proper planning.