

Site Location Plan – 35 Gray’s Inn Road (2024/5056/P)



Photographs and Drawings – 35 Gray's Inn Road (2024/5056/P)



1. Front elevation of site prior to installation of gas riser



2. Front elevation of site with gas riser installed (to right of grey doorway)



3. Front elevation as existing (left) and as proposed (right)

Delegated Report		Analysis sheet		Expiry Date:		13/01/2025			
(Members' Briefing)		N/A / attached		Consultation Expiry Date:		12/01/2025			
Officer				Application Number(s)					
Sam FitzPatrick				2024/5056/P					
Application Address				Drawing Numbers					
35 Gray's Inn Road London WC1X 8PG				Please refer to decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
Installation of gas riser to front elevation at ground floor level (retrospective).									
Recommendation(s):		Grant conditional planning permission							
Application Type:		Full Planning Permission							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		00		No. of objections		00	
Summary of consultation responses:		<p>Site notices were displayed from 13/12/2024 to 06/01/2025 and a press notice was published on 19/12/2024 (expiring 12/01/2025).</p> <p>No objections or comments were received from members of the public during this time, nor prior to this recommendation being made.</p>							
Bloomsbury Conservation Area Advisory Committee		<p>The Bloomsbury Conservation Area Advisory Committee (BCAAC) raised an objection to the proposal, with their concerns summarised as follows:</p> <ul style="list-style-type: none"> • Historic photographs show that damage has been done to the façade; • The gas riser should be placed internally or within the wall, not left on the outside of the property and so close to the footpath; • The application site is next to the Grade II listed Yorkshire Grey pub; • The doorway has been badly altered by the addition of the gas pipe and the façade should be returned to its previous condition as this is an inappropriate place for a riser. <p><i>Officer response:</i></p> <ul style="list-style-type: none"> • <i>For concerns relating to design and heritage, please see section 3 of this report.</i> 							

Site Description

The application site is located on the west side of Gray's Inn Road, just north of the junction with Theobalds Road. The site is a four storey building plus basement and roof level, which consists of a commercial unit at ground and basement level and residential units above. The property is located within the Bloomsbury Conservation Area and is noted as making a positive contribution to the conservation area, but is not listed. It is located immediately adjacent to the Grade II listed Yorkshire Grey pub, and the shopfront of the building is not recognised as a shopfront of merit in the Bloomsbury Conservation Area Appraisal and Management Strategy.

Relevant History

Application site

2023/2692/P – Installation of plant equipment to flat roof of building including air conditioning units, extractors, and associated ductwork. (Retrospective) **Planning permission refused and warning of enforcement action to be taken 18/10/2024.**

Reason for refusal:

- 1) The proposed development, by virtue of insufficient noise mitigation associated with the roof-top plant equipment, would fail to achieve a minimum 'rating level' of 10dB below background levels at the nearest noise sensitive locations, and would thus fail to safeguard the amenity of neighbouring occupiers by virtue of potential noise nuisance.
- 2) The proposal has failed to justify the need for the air conditioning units, by way of a sufficient cooling statement and thermal modelling, thereby failing to demonstrate that carbon emissions would be minimised.

8602011 – Relocation of the existing extract duct for the restaurant at 35 Grays Inn Road from its present location on the rear wall of 2 Theobalds Road to the rear wall of 35 Grays Inn Road. **Temporary permission granted 19/04/1988 until 30/03/1990.**

8501485 – The installation of a ground floor frontage and the retention of an extract duct at the rear of 35 Gray's Inn Road. **Planning permission refused 30/12/1985.**

Reasons for refusal:

- 1) The extract duct because of its siting, adversely affects the appearance of the area which is adjacent to the Bloomsbury Conservation Area, and additionally adversely affects the amenity of adjacent residential occupiers by reason of noise and disturbance.

Nearby sites

7 Upper St Martin's Lane

2023/5013/P & 2024/0008/L – Installation of gas riser pipe to front elevation (retrospective). **Planning permission and listed building consent granted 29/04/2024.**

2 Gray's Inn Square

2023/4920/P – Installation of 1 no. new gas riser to the ground floor of the front elevation and 1 no. new riser to the 3rd and 4th floors of the rear elevation (retrospective). **Planning permission granted 19/03/2024.**

Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

Camden Planning Guidance

- CPG Amenity (Jan 2021)
- CPG Design (Jan 2021)

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Assessment

1. The Proposal

- 1.1. The application seeks permission for the retrospective installation of a new gas riser to the front elevation at ground floor level.
- 1.2. The riser was installed in October 2024 due to a suspected gas leak at the property. In response to the potential gas leak, the gas supply at the property was switched off and repair works were carried out to reconnect the gas supply with a safe and reliable design. Due to current standards and guidance for gas installations in Multiple Occupancy Buildings, gas pipework cannot be installed in communal fire escapes (including entrance and exit hallways) due to the potential risk of explosion or fire and subsequent threat to life by compromising the means of emergency exit. Restrictions also mean gas pipework must have adequate venting and avoid voids to limit the risk of accumulation of gas. As such, it was necessary to locate the replacement gas pipework to the external face of the building, rather than reuse the existing internal route.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:

- Design and heritage
- Impacts to amenity

3. Design and heritage

- 3.1. Local Plan Policy D1 (Design) states that the Council will aim to achieve the highest standard of design in all developments and requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area. Local Plan Policy D2 (Heritage) states that the Council will seek to preserve and, where possible, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and the setting of its listed buildings.
- 3.2. The Council's 'CPG Design' outlines that rooftop plant should be concealed and should not be visible from the street or from public vantage points. Installations should also be consistent with the host property in terms of the design and materiality.
- 3.3. The application site is located within the Bloomsbury Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. The property is recognised as a positive contributor by the Bloomsbury Conservation Area Appraisal and Management Strategy.
- 3.4. The proposal involves the installation of a gas riser to the front elevation at ground level to serve the property, including the residential units above the ground level. This appears as boxed in pipework to the side of the existing entrance door to the upper level flats. The pipe enclosure is painted grey to match this part of the existing shopfront and runs from a side panel down the pilaster and into the pavement below.
- 3.5. As previously noted, the shopfront is immediately adjacent to the Grade II listed Yorkshire Grey pub, and is not identified as a shopfront of merit within the Bloomsbury Conservation Area Appraisal and Management

Strategy. However, it and the entrance to the upper flats that the riser has been installed to, read as a separate composition to the listed building, even if the buildings are otherwise attached. The contribution of the application building to the conservation area comes from the massing of the block as a whole, and as such the elevation is secondary and alterations to it therefore less harmful.

- 3.6. Additionally, the submission states that other regulatory regimes mean that the gas pipework cannot be installed to communal fire escapes, including entrance and exit hallways, as this may present a risk to residents from the units above using the entrance/exit as a means of emergency escape. The residential units above ground floor would be connected to the gas network through the gas riser. Therefore, the installation of the pipework to the front is proposed, as this would comply with other regulations and allow for easy access for maintenance, repair, and refurbishment works.
- 3.7. Irrespective of the above, the alterations are extremely minor in the context of the main building and its front elevation. There has clearly been an attempt to mitigate the visual impact of the pipework through its enclosure and it having been painted grey to match this part of the building. Although the works do obscure a small part of the pilaster around the doorway, the enclosure is constructed over this architectural feature in such a way so as not to draw attention to the alteration and be subservient to the main building, and as such are considered, on balance, not to cause undue harm to the host building or the wider conservation area. Additionally, as previously explained, the necessity of the works to be carried out to provide the residential units above with gas connection is noted in considering the impact of the minor works. For these reasons, the works are considered to preserve the appearance of the existing property, as well as the character and appearance of the Bloomsbury Conservation Area.
- 3.8. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.9. Overall, the proposal would not harm the character or appearance of the conservation area and therefore complies with Policies D1 and D2 of the London Borough of Camden Local Plan.

4. Impacts to amenity

- 4.1. Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, light availability, and noise. The Council's guidance contained within 'CPG Amenity' provides specific guidance with regards to these aspects.
- 4.2. Due to the nature of the works, it is considered that the proposal would not result in any material or significant harm to neighbouring amenity. The pipework enclosure is very limited in scale and would also not be considered to obstruct pedestrian movement on the highway.
- 4.3. Overall, the proposal would result in any harmful impact to amenity and as such would comply with Policy A1 of the London Borough of Camden Local Plan.

5. Conclusion

- 5.1. On balance, taking into consideration the fact that the gas pipework is necessary for the safe function of the building and was fitted in the context of other constraints, the retrospective works are considered acceptable. The works would not harm the character or appearance of the conservation area, nor the amenity of residents.

6. Recommendation

- 6.1. Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20th January 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/5056/P
Contact: Sam Fitzpatrick
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Date: 13 January 2025

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
35 Gray's Inn Road
London
WC1X 8PG

DECISION

Proposal:
Installation of gas riser to front elevation at ground floor level (retrospective).

Drawing Nos:
Design, Access, and Heritage Statement (prepared by Dalcour Maclaren, dated August 2024); 24004736_PLN_LOC_2.1; 24004736_PLN_EL_1.1; 24004736_PLN_SI_3.1; 24004736_PLN_SI_4.1.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design, Access, and Heritage Statement (prepared by Dalcour Maclaren, dated August 2024); 24004736_PLN_LOC_2.1; 24004736_PLN_EL_1.1; 24004736_PLN_SI_3.1; 24004736_PLN_SI_4.1.

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

- 3 The pipework installed to the front façade shall be finished to match the frontage behind in colour, and any new fixings that may be required shall be made to mortar joints rather than brickwork.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

++ Summary of statutory exemptions for biodiversity gain condition:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.

3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.

4. The permission is exempt because:

- It is not “major development” and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.

- It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

- The application is a Householder Application.

- It is for development of a “Biodiversity Gain Site”.

- It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).

- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

4 Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73(2D) of the Town and Country Planning Act 1990:

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

Phased development:

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION