

Statement of Case

Glebe House, 15 Fitzroy Mews, London, W1T 6DP

February 2025

LPA: London Borough of Camden

Planning Application Ref: 2024/3123/P

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1.0 Introduction

- 1.1 This Statement of Case (SoC) has been prepared on behalf of our client, Earlspring Property Investments Ltd, in support of the proposed development at Glebe House, 15 Fitzroy Mews, London, W1T 6DP (hereafter referred to as *'the site'*).
- 1.2 The site lies within the London Borough of Camden (LBC) in central London and the proposal seeks to provide a single storey roof extension comprising of two new residential units (Use Class C3). See **Appendix 1** for photographs of the site and surrounding area.
- 1.3 This appeal has been submitted against the refusal of a planning application at the site (ref: 2024/3123/P) which was dated 20th September 2024 (see **Appendix 2** for a copy of the Decision Notice). Five reasons for refusal were provided. These related to the following matters:
 1. Height, bulk, mass and design considerations
 2. Lack of a Construction Management Plan
 3. Lack of a Car-Free Agreement
 4. Lack of Affordable Housing Contribution
 5. Lack of Agreement to secure two long-stay Cycle spaces
- 1.4 These reasons for refusal are discussed in detail within Section 7 *'Justification of the Proposal'* of this SoC. The full reasons for refusal are also detailed at **Appendix 2** *'Decision Notice'*.
- 1.5 The format of this SoC is as follows:
 - Section 2 describes the Site and its' context
 - Section 3 summarises the Proposal and recent Planning History
 - Section 4 details a key Comparable Scheme
 - Section 5 provides a summary of the Planning Policy Position
 - Section 6 evaluates Camden's Housing Supply and Delivery
 - Section 7 provides an assessment and Justification of the Proposal; and
 - Section 8 contains our conclusion.
- 1.6 Further details are also provided within the appendices which are listed within the contents. This SoC should also be read in conjunction with the supporting documentation for planning application ref: 2024/3123/P, which provided an extensive and detailed case to support the proposal.

2.0 The Site & Background

- 2.1 The site is known as Glebe House, 15 Fitzroy Mews, London, W1T 6DP. It comprises a post-war five-storey building which fronts onto Cleveland Street (west elevation) and onto Fitzroy Mews (east elevation). The site totals approx. 238 sq. m. **Appendix 1** provides photographs of the site and local area.
- 2.2 The ground floor of Glebe House includes retail units which front onto Cleveland Street, and the upper floors comprise 14 flats (a mix of 1 and 2 bedroom units). The site is located within the Fitzroy Square Conservation Area (FSCA); however, the property is not listed.
- 2.3 Glebe House was constructed in the early 1970's. It has a concrete frame with red facing brickwork and some rendered areas to the rear. There are feature bays to the Cleveland Street elevation in faced projecting concrete.
- 2.4 To the east of the site are a terrace of 13 houses (20-32 Fitzroy Square) which are Grade II* listed and form the western side of Fitzroy Square, a private open space listed in the London Squares Preservation Act 1931.
- 2.5 The site also falls within the Cleveland Street Neighbourhood Centre and the Borough boundary runs down the middle of Cleveland Street with the City of Westminster to the west.
- 2.6 The site benefits from the extensive services (leisure, cultural, tourism & business) that central London has to offer. Furthermore, the site is in close proximity to The Regent's Park (one of central London's largest parks), which is located a short walk to the northwest.
- 2.7 The site has a Public Transport Accessibility Level (PTAL) of 6b (the best). It benefits from being in close proximity to Warren Street Underground Station (Northern and Victoria Lines) to the northeast and Great Portland Street Underground Station (Circle, Hammersmith & City and Metropolitan Lines) to the northwest.
- 2.8 The site is also well served by numerous bus routes to the north on Euston Road and to the east on Tottenham Court Road. An image of the PTAL WebCAT rating for the site is provided at Figure 1.1.

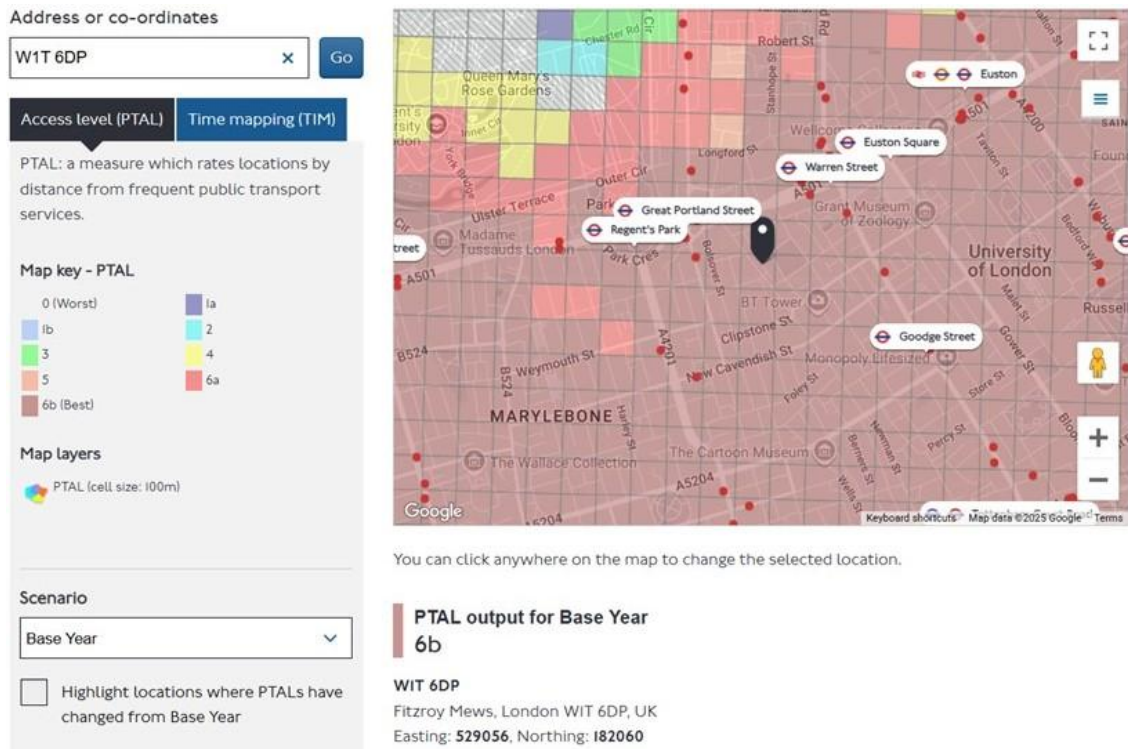


Figure 1.1: PTAL rating for Glebe House, 15 Fitzroy Mews, W1T (source: WebCAT)

Background

- 2.9 It should be noted that a previous planning application (ref: 2021/1782/P) for the '*Erection of an additional storey to create a residential dwelling*' at the site was refused on 11th November 2021. This is discussed further within Section 3 '*The Proposal & Planning History*'.
- 2.10 In advance of the Planning Application, which was submitted in July 2024, (the Appeal Scheme), the Appellant submitted a **Pre-Application Request** to LBC in August 2023. The Pre-Application response from LBC was generally positive (in terms of residential use and standards), apart from concern raised about the bulk, scale and materiality.
- 2.11 With reference to '**materiality**', the Pre-Application version of the scheme proposed a zinc cladding to the new extended floor, alongside white concrete banding and parapets. See Figure 1.2 which shows an elevation of the Pre-Application version of the scheme with zinc cladding.



Figure 1.2: Pre-Application scheme version (August 2023) with zinc cladding (top floor)

2.12 Whilst this is a common approach to many roof extensions, the LBC Pre-Application response dated 17th November 2023 stated as follows (in part):

*‘Paragraph 6.33 of the Conservation Area Statement (CAS) notes that “**Fitzroy Mews** retains its granite sett surface but has no buildings of note. The three-storey 20th century houses and offices on the eastern side take on a mews character and have large ground-floor openings with timber doors”. The CAS also acknowledges that “**the eastern side of the mews is dominated by five-storey red brick blocks of flats which have access walkways and balconies to the rear above first floor level**”.*

2.13 The Pre-Application response from LBC goes on to state:

‘The detailed design fails to respond sensitively to the existing building or surrounding context. The re-cladding of the existing roof level in brick and proposed zinc cladding will be prominently visible and fail to respond to the materiality of the local area. The proposed window openings do not adequately respond to the arrangement of the windows on the lower levels of the building.’

2.14 It is clear that the Pre-Application design guidance noted above appears to advocate the use of brick instead of zinc cladding as it specifically references ‘red brick blocks’ which respond to the context and ‘materiality of the area’. On this basis, we can confirm that the application (the Appeal Scheme) positively responded to these comments by adopting a brick finish for the roof extension (ref: 2024/3123/P).

3.0 The Proposal & Planning History

The Proposal

- 3.1 The description of development for the Appeal scheme is as follows:

‘Erection of single-storey roof extension to provide 2x new residential (Class C3) units.’

- 3.2 Specifically, the two residential units comprise 1x2 bedroom unit (Unit 1) which totals 61 sq. m (GIA) with 13.3 sq. m of external amenity space and a 1x1 bedroom unit (Unit 2) which totals 40 sq. m (GIA) with 14.9 sq. m of external amenity space. The extension would have a similar, yet smaller footprint to that of the existing 4th floor, with an extended stair / lift core, with external terraces.
- 3.3 The existing facade at fourth-floor level would be removed and replaced with brick cladding to match the lower levels, while the extension would be finished in a similar matching brick cladding. The profile of the existing gable at fourth-floor level would be removed.

Relevant Planning History

- 3.4 There is only one recent Planning History Decision (ref: 2021/1782/P) which relates to the site. The Application sought permission for the *‘Erection of an additional storey to create a residential dwelling’* and was refused on 11th November 2021. A sketch view of the proposal (Cleveland Street elevation) is provided at Figure 1.3.



Figure 1.3: Sketch View of Proposal (ref: 2021/1782/P) Cleveland Street elevation

- 3.5 Seven reasons for refusal were provided on the Decision Notice (ref: 2021/1782/P) which is dated 11th November 2021. However, the key reason (reason No.1) states as follows:

‘The development, by reason of its height, bulk, mass and detailed design, would be detrimental to the appearance of the host property, the streetscape and the Fitzroy Square Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.’

- 3.6 A copy of the Decision Notice is provided at **Appendix 3**.
- 3.7 Paragraphs 2.16 – 2.31 within the Planning Officers Delegated Report (PODR) for the decision refer to design and a copy of the PODR for Planning Decision ref: 2021/1782/P is provided at **Appendix 4**. There are no other recent or relevant Planning Decisions that relate to the site.

4.0 Comparable Scheme

4.1 This section summarises Planning Permission ref: 2021/3245/P at Nos. 86 – 90 Cleveland Court, Cleveland Street, London, W1T 6NH, which **lies immediately to the south of Glebe House** (*'the site'*).

4.2 Planning Permission (ref: 2021/3245/P) was Granted at 86 – 90 Cleveland Court on 25th January 2023 for the following development:

'Erection of a single storey roof extension to provide two flats (Class C3).'

4.3 A copy of the Decision Notice is provided at **Appendix 5**.

4.4 The PODR for the Permission refers to **'Land Use'** and paragraph 2.2.1 states as follows:

'2.2.1 Policy H1 of the Local Plan identifies self-contained housing as the priority land use in the borough. The proposals would result in the provision of two additional residential flats (C3) at the site which is welcomed in land use terms.'

4.5 A copy of the PODR for Planning Permission ref: 2021/3245/P at Cleveland Court is provided at **Appendix 6**.

4.6 Section 2.3 within the PODR refers to **'Design'** and paragraphs 2.3.2 & 2.3.3. are relevant and state:

*'2.3.2 The application site is **not a listed building** and is **not identified** in the Fitzroy Square Conservation Area appraisal and management strategy **as making a positive contribution to character of the conservation area**. Therefore, whilst the host building is considered to be a good example of art-deco influenced architecture, **it is considered there is scope for the erection a single storey roof extension at the site subject to a sympathetic and contextual design**.*

*2.3.3 As can be seen from the images included in section 1, the design of the revised roof extension takes **a simple form that seeks to replicate the rhythm and proportions of the existing building without detracting from the distinctive features that give the existing building its character, namely the red brick bays and white band/cornice detail at roof level. This results in a subservient extension that largely reads as a continuation of the existing building, which officers consider to be the best design solution for this particular site.***

- 4.7 An extract from an image contained in **Section 1 of the PODR** (paragraph 2.3.3.) is provided at Figure 1.4 and shows the proposed 5th floor extension atop the existing 4th floor at Cleveland Court.

Revised proposal



Figure 1.4: Existing 4th floor with 5th floor roof extension at Cleveland Court

- 4.8 The Existing View of Cleveland Court (looking north on Cleveland Street) is shown at Figure 1.5 on the left hand side, with a CGI view of the Approved roof extension shown on the right hand side of Figure 1.5.

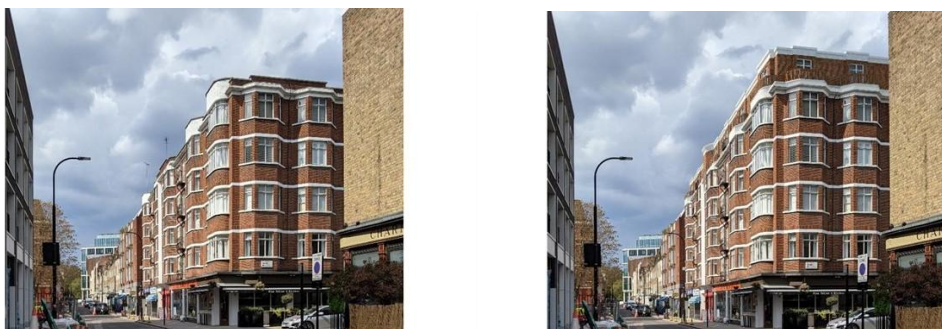


Figure 1.5: Existing (left hand side) and Approved Extension CGI view of Cleveland Court

- 4.9 The massing of the Approved roof extension is also shown at Figure 1.6, which is taken from the Daylight and Sunlight Report from the Application. The Approved roof extension is shown in ***‘light blue’***. The view looking west is shown on the left hand side with the view looking north shown on the right hand side of Figure 1.6.



Figure 1.6: Approved massing images of roof extension at Cleveland Court (in 'light blue')

- 4.10 With reference to Glebe House (the site), we would like to highlight that Glebe House is also **not a listed building** and is **not identified** in the Fitzroy Square Conservation Area appraisal and management strategy **as making a positive contribution to the character of the conservation area**. A copy of the FSCA Built Heritage Audit Plan is provided at **Appendix 7**.
- 4.11 This is **exactly the same situation as Cleveland Court**, which lies immediately to the south. On this basis, we consider that the commentary from paragraph 2.3.2. within the PODR for the Cleveland Court Approval (ref: 2021/3245/P) is relevant to Glebe House. It states (in part) as follows:
- '2.3.2Therefore, whilst the host building is considered to be a good example of art-deco influenced architecture, **it is considered there is scope for the erection a single storey roof extension at the site subject to a sympathetic and contextual design.***
- 4.12 Given that Cleveland Court is located at the corner of Cleveland Street and Grafton Way, the Approved roof extension (ref: 2021/3245/P) will be more visible from surrounding street views, especially from the south.
- 4.13 Given this emerging context, **the roof extension at Glebe House would be less visible from surrounding streets**, due to the fact that the roof extension at Cleveland Court will effectively **'shield'** many views of the roof extension at Glebe House. Additionally, the private terraces and setback design of the roof extension at Glebe House, (as well as the relatively narrow streets surrounding Glebe House), mean that the roof extension will not be highly visible from the majority of street views (e.g., from the south; from the east; from the southwest, due to the permitted extension at Cleveland Court).
- 4.14 It is also important to note that the same Architects (**'Works Architecture'**) acted in relation to the Planning Application at Cleveland House (ref: 2021/3245/P) **and Glebe House** (ref: 2024/3123/P). On this basis, they have confirmed that they have received instructions from their client to implement the roof extension permission and progress the approved development at Cleveland Court before it expires on 25th January 2026. **Therefore, we consider that the Appeal scheme should be considered in light of the extension at Cleveland Court being in situ.**
- 4.15 Furthermore, paragraph 2.3.4. of the PODR for Cleveland Court (ref: 2021/3245/P) is relevant and states:

*'2.3.4 Officers note the concerns raised by the Fitzroy CAAC and neighbouring residents with regards to the harmful impact the proposed extension would have on the character and appearance of the surrounding conservation area in terms of the increased height it would add to the building. However, **officers consider the proposed extension (which measures approximately 3.2m in height) to represent a subordinate addition that would not add excessive height to the building** and would*

*not detract from the **character and appearance of the street and wider conservation area**. This is particularly the case **given the prevalence of similar sized and taller buildings in the street, including the recently completed 101 Cleveland development directly opposite the site which rises to 10 storeys at its highest point**. The existing and proposed images (which show the initial extension design) demonstrate the impact the **additional height** would have on the building and street, **which officers consider to be acceptable**.*



Image of Existing and Proposed Extension at Cleveland Court: Source PODR (Para 2.3.4)

- 4.16 The existing and proposed view of the Cleveland Court roof extension is shown as above in the PODR. In addition, paragraphs 2.3.5 & 2.3.6 of the PODR for the Cleveland Court Planning Permission (ref: 2021/3245/P) refer to '**Heritage**' and state as follows:

*'2.3.5 The Fitzroy CAAC and local residents have also raised concerns with the **impact the increased height the proposed extension would have on the setting of the two adjoining Grade II listed buildings at 78 and 80 Grafton Way**. However, as mentioned in the CAAC's objection, **the application site is already a storey and half taller than the adjoining properties which are of a completely different size, scale and design to the mansion block at Cleveland Court**. Therefore, whilst the proposals would increase the height of the host building, **this height is not considered excessive and would largely maintain the existing relationship with the adjoining properties on Grafton Way** (see images below). As such, **the proposals are not considered to cause harm to the special historic interest or the setting of the nearby listed buildings**.*

Existing view



Proposed side elevation



2.3.6 Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area, under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

- 4.17 Whilst we agree with the commentary noting the relationship between Cleveland Court (six storeys tall with Approved extension) and the adjacent Grade II listed buildings at 78 & 80 Grafton Way (four storeys tall), we find the comments in the PODR for Glebe House (ref: 2024/3123/P) somewhat **contradictory**. For example, Glebe House lies immediately to the south of 100 Cleveland Street which is not a listed building (it is identified as a positive contributor). Paragraphs 7.7 and 7.8 within the PODR for Glebe House are relevant and state:

‘7.7. The existing building is taller than other buildings on Cleveland Street which are typically four-storeys in height. The adjoining terrace to the north (nos.100-126 Cleveland Street) is four-storeys including a mansard, **which results in a large portion of the upper floors of the subject site being visible in views south along Cleveland Street, including the proposed roof extension.** The building is slightly taller than Cleveland House, the neighbouring building to the south. The proposed extension would result in the building being taller than all the surrounding buildings including nos.127-129 Cleveland Street to the west. **The additional storey would harm the relationship the existing building has with these nearby buildings and would result in an even more dominant in views along Cleveland Street.**

7.8. It is acknowledged that neighbouring Cleveland House to the south was recently granted permission for a single-storey roof extension under ref. 2021/3245/P (dated 25/01/2023). The extension, which is considered to be appropriate in terms of height, scale, and design, would remain at a lower height than that of Glebe House with the additional storey. **It is also worth noting that the context of Cleveland House is different than the subject site, as it does not have any adjacent buildings that are of a significantly lower height.**

- 4.18 A copy of the PODR for Glebe House (ref: 2024/3123/P) is provided at **Appendix 8**.

- 4.19 We consider the commentary at paragraph 7.8 of the PODR to be particularly contradictory to the PODR comments for Cleveland Court. The statement that Cleveland Court 'does not have any adjacent buildings that are of a significantly lower height' is simply incorrect, given the relationship between Cleveland Court and **78 & 80 Grafton Way**. The height difference in both instances (if Glebe House is Allowed) would be approx. two storeys.
- 4.20 We also consider that the comments from paragraph 2.3.5. in the PODR for Cleveland House (ref: 2021/3245/P) are equally applicable to Glebe House, especially as Glebe House does not lie adjacent two adjoining Grade II listed buildings (78 & 80 Grafton Way) and is arguably less sensitive than Cleveland Court.
- 4.21 Specifically, we would like to highlight the following points:
- Para 2.3.4 notes that the 3.2m extension at Cleveland Court to **'represent a subordinate addition that would not add excessive height to the building and would not detract from the character and appearance of the street and wider conservation area. This is particularly the case given the prevalence of similar sized and taller buildings in the street, including the recently completed 101 Cleveland development directly opposite the site which rises to 10 storeys at its highest point'**.
 - Para 2.3.5 notes that Cleveland Court is **'already a storey and a half taller than adjoining properties'** (similar to Glebe House)
 - Para 2.3.5 notes that the height increase, and difference is **'not considered excessive and would largely maintain the existing relationship with the adjoining properties on Grafton Way'**.
 - Para 2.3.5 notes that **'the proposals are not considered to cause harm to the special historic interest or the setting of the nearby listed buildings'**. However, the increase of Glebe House by 1 storey adjacent to a non-listed building in the same vicinity of the site is considered to cause harm. We consider that the approach to these two applications is inconsistent and is a cause for concern.
 - Para 2.3.5 notes that Cleveland Court and the adjacent listed buildings at Nos. 78 & 80 Grafton Way are **'of a completely different size'**.
- 4.22 In summary, the Approved roof extension at Cleveland Court will shield many local street views of the proposed extension at Glebe House. On this basis, the roof extension at Cleveland Court will be more visible, thus providing the opportunity for increased height at Glebe House.
- 4.23 The flank wall of Cleveland Court (southeast corner) lies adjacent numerous Grade II listed buildings (e.g., nos. 78 & 80 Grafton Way) and will increase the height of the flank wall between No.80 Grafton Way and Cleveland Court.

- 4.24 Whilst we agree that this is acceptable (as they are of completely different scales) we do not see how the relationship between the flank wall at Glebe House and No.100 Cleveland Street is any different. In fact, No.100 Cleveland Street is not a listed building, nor is it visible from Fitzroy Square, and is arguably less sensitive in heritage terms. However, this relationship at Glebe House (which is in the same Conservation Area and vicinity) is not considered to be acceptable and we question the inconsistent analysis between Officers in these instances.
- 4.25 On this basis, we are of the firm view that the Planning Permission at Cleveland Court (ref: 2021/3245/P) and supporting analysis and commentary within the PODR represent significant '*material considerations*' in the context of the determination of this Appeal.

5.0 Planning Policy Position

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Specifically, Section 38(6) states:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 5.2 In this instance the Development Plan comprises the London Plan, published on 2nd March 2021 and the Camden Local Plan, which was adopted on 3rd July 2017. The Fitzrovia Area Action Plan (FAAP) was adopted in March 2014 and also has development plan status. The site is also located within the Fitzrovia Neighbourhood Area, which was adopted on 3rd April 2014. However, there is no draft or adopted Neighbourhood Plan in relation to this designation.

- 5.3 The following documents will also include provisions that are '*material considerations*':

- The National Planning Policy Framework (NPPF), December 2024
- The GLA Housing SPG, March 2016
- Camden Planning Guidance (CPG), Design (January 2021)
- CPG Developer Contribution (March 2019)
- The Fitzroy Square Conservation Area Appraisal and Management Strategy (2010)
- Housing Delivery Test - Action Plan, November 2024

- 5.4 It should be noted that LB Camden previously published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated to be in 2026).

- 5.5 An extract from the Local Plan Policies Map is shown at Figure 1.7. The site is shown at the centre of the map. The site is located within the following designated areas:

- The Fitzroy Square Conservation Area
- The Cleveland Street Neighbourhood Centre
- The Central London Area
- The Fitzrovia Area Action Plan Area

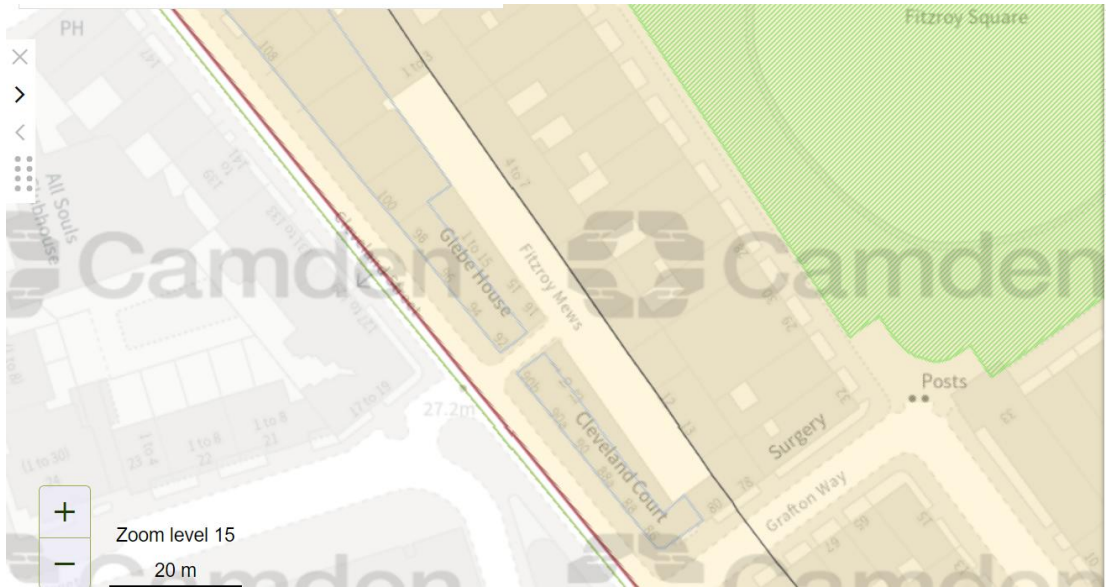


Figure 1.7: Extract from Local Plan Policies Map (Glebe House shown in centre)

6.0 LB Camden's Housing Supply & Delivery

6.1 Paragraphs 78-81 within the National Planning Policy Framework (NPPF) assert that local planning authorities should identify annually a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing. This is set against their housing need within adopted strategic policies or against their most up-to-date identified housing need.

6.2 Paragraph: 001 Reference ID: 68-001-20241212 of the National Planning Practice Guidance (NPPG) expands on paragraphs 78 - 81 within the NPPF and provides additional guidance on the Housing Delivery Test (HDT) and 5-year housing land supply. It states (in part):

'The Housing Delivery Test measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The 5 year housing land supply is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need) over the next 5 years.'

6.3 Where delivery of housing has fallen below the Local Authority's housing requirement, certain policies set out in the NPPF become relevant. Depending on the level of delivery, Paragraph 79 and (Footnote 8) of the NPPF indicates that:

- The authority should publish an action plan if housing delivery falls below 95% of the housing requirement
- A 20% buffer on the local planning authority's 5-year land supply if housing delivery falls below 85% of the housing requirement
- **Application of the presumption in favour of sustainable development if housing delivery falls below 75% of the housing requirement.**

6.4 Footnote 8 states as follows:

'8 This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 227.'

- 6.5 In light of this guidance, LBC published a **‘Housing Delivery Test - Action Plan’** (HDTAP) in November 2024. The **‘Introduction’** section of the HDTAP states (in part) as follows:

‘The Housing Delivery Test (HDT) was introduced by the government in 2018. It is an annual measurement of housing delivery in a local planning authority area.

*The latest HDT results were published in December 2023 after a brief delay. These show that 1,981 new homes were delivered in Camden between 2019/20 and 2021/2022 against a target of 2,891 new homes. **This gives Camden a HDT measurement of 69% when comparing the proportion of new homes delivered against the target.***

*This means that Camden has to produce an action plan and **apply the presumption in favour of sustainable development** as set out in the National Planning Policy Framework.’*

- 6.6 It goes on to state:

‘This is Camden’s fourth Housing Delivery Test Action Plan, with previous versions published in 2020, 2021 and 2022.’

- 6.7 The need for LBC to apply the **‘presumption in favour of sustainable development’**, means that applications for new homes, such as the Appeal scheme, should be considered with more weight in favour of the scheme by the Planning Service. It also adds a further reason to tilt the planning balance in favour of the Appeal scheme, which would deliver two high-quality residential dwellings at a sustainable brownfield site.

7.0 Justification of the Proposal

7.1 The planning application (ref: 2024/3123/P) was refused on 20th September 2024. This section of the appeal responds to the five reasons for refusal cited on the Decision Notice, a copy of which is provided at **Appendix 2**.

7.2 In summary, the key planning considerations raised by the appeal are:

- Height, bulk, mass and design considerations (reason for refusal No.1)
- Lack of a Construction Management Plan (reason for refusal No.2)
- Lack of a Car-Free Agreement (reason for refusal No.3)
- Lack of Affordable Housing Contribution (reason for refusal No.4)
- Lack of Agreement to secure two long-stay Cycle spaces (reason for refusal No.5)

Height, Bulk, mass and Design Considerations (reason for refusal No.1)

7.3 The first reason for refusal asserts that the height, bulk, mass and detailed design of the proposal would be detrimental to the appearance of the host property, the streetscape and the Fitzroy Square Conservation Area.

7.4 Paragraph 11 within the NPPF seeks to support Local Authorities that promote the development needs of an area through applying a '*presumption in favour of sustainable development*'. Paragraph 124 of Section 11. '*Making effective use of land*', within the NPPF is also relevant and supports plans that make as much use as possible of previously developed or brownfield land in order to meet the need for homes and other uses.

7.5 Part 'e' of Paragraph 125 is particularly relevant and states that planning policies and decisions should:

‘e) **support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions** – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous development should not be imposed on an application for multiple upward extensions unless there is an exceptional justification.

7.6 Policy GG2 '*Making the best use of land*' within the London Plan is also relevant and seeks to promote successful sustainable mixed-use places that make the best use of land. Specifically, it states that those involved in planning and development must seek to promote the development of brownfield land, as well as utilising small sites (Part 'A'). They must 'prioritise sites which are

well-connected by existing or planned public transport (Part 'B'). They must also 'proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development' (Part 'C') and apply a design-led approach to determine the optimum development capacity of sites (Part 'D').

- 7.7 Furthermore, Paragraph 1.2.2 within the London Plan forms part of the supporting text to Policy GG2 and states (in part):

'1.2.2. ...This will mean creating places of higher density in appropriate locations to get more out of limited land'.

- 7.8 Paragraph 1.2.5 also supports Policy GG2, and states (in part) as follows:

'1.2.5 All options for using the city's land more effectively will need to be explored as London's growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London.'

- 7.9 In addition, Policy GG4 '*Delivering the homes Londoners need*' is also relevant and seeks to ensure that more homes are delivered (Part 'A') and that those homes are of good quality and well designed (Part 'C').

- 7.10 Part 2(a) of Policy H1 '*Increasing housing supply*' within the London Plan is also relevant in this instance. It states:

'2) boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

*a) **sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a Tube station, rail station or town centre boundary.***

- 7.11 Furthermore, Part B (1) of Policy H2 '*Small sites*', within the London Plan is relevant and states:

'B Boroughs should:

1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites

7.12 Paragraph 4.2.4. within the London Plan forms the supporting text to Policy H2 and states:

*'4.2.4. **Incremental intensification** of existing residential areas within PTALs 3-6 within 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites.'*

7.13 Part 'F' of Policy G1 '*Delivery and location of growth*' within the Camden Local Plan (CLP) seeks to focus the most significant growth at highly accessible locations, '**in particular Central London**', which the site lies within.

7.14 It is clear from the NPPF; the London Plan; and the CLP that there is significant Policy support for development that optimises the development potential of highly accessible brownfield sites to deliver additional housing.

7.15 The NPPF seeks to increase density in appropriate locations and provides specific support for the **use of airspace** above buildings for upward extensions **to deliver additional homes**. Given that the site comprises a highly accessible brownfield site in the Central London Area, we consider that there is strong policy support for the upward extension of the property to deliver additional homes.

7.16 The height, bulk and mass of the proposal is cited within reason for refusal No.1. The Appeal scheme would result in a building totalling 6 storeys, which is the same number of floors at Cleveland Court with the permitted roof extension in place.

7.17 Whilst the Glebe House extended floor would be slightly taller than Cleveland Court (approx. 1.29 metres), much of the Glebe House roof extension will be shielded by the approved roof extension at Cleveland Court.

7.18 As with the PODR (para 2.3.5) for Cleveland Court which notes its relationship with Grafton Way, we consider that the relationship between Glebe House and Nos. 100-126 Cleveland Street is very similar. As with Cleveland Court, Glebe House is already a storey taller than the '***adjoining properties which are of a completely different size, scale and design***' to Glebe House.

7.19 As with the commentary for Cleveland Court, (para 2.3.5 of the PODR) we consider that the proposed height would not be considered excessive and would largely maintain the existing relationship with the adjoining properties on Cleveland Street. On this basis, the proposal is not considered to cause harm to the Fitzroy Square Conservation Area or the setting of the nearby listed buildings.

- 7.20 Furthermore, the PODR (para 2.3.4.) for Cleveland Court (ref: 2021/3245/P) makes reference to 'the prevalence of similar sized and taller buildings in the street including the recently completed 101 Cleveland development directly opposite' Cleveland Court which **risers to 10 storeys** at its highest point. Although it is located on the western side of Cleveland Street, and is therefore in Westminster City Council, it forms part of the high density bulk, scale and massing of the local area.
- 7.21 As with Cleveland Court, we consider that the additional floor at Glebe House will represent a subordinate addition, and that the additional height is acceptable. This is in the context of a high-density urban site in central London, which notes nearby developments of up to 10-storeys.
- 7.22 Policy D1 '*Design*' within the CLP was referenced within reason for refusal No.1. It seeks to secure high quality design that respects local character and context (part 'A'); comprises materials that compliment the local character (Part 'E') and provides a high standard of residential accommodation (Part 'N') amongst other considerations.
- 7.23 The local area has a mixed character, with Cleveland Street comprising traditional buildings of 4-5 storeys (including attic or mansard floors) alongside more modern 6 storey residential blocks such as 127-129 Cleveland Street, directly opposite Glebe House. Additionally, No.101 Cleveland Street to the southwest comprises a new residential development, which rises to 10-storeys.
- 7.24 Given this context, along with the permitted extension at Cleveland Court, we consider that the additional storey at Glebe House is wholly acceptable. In addition, the exterior of the existing 4th floor, which is set back from the lower floors, will utilise matching brick cladding so that both the existing 4th floor and proposed 5th floor appear as a subordinate extension to the host building. Both floors are setback from the lower floor, thus reducing the bulk and mass of the proposal.
- 7.25 Furthermore, the 5th floor window arrangement matches that of the existing window arrangement at the 4th floor. This design approach helps to make the 4th and 5th floor levels appear as a single subordinate extension, even though only 1 floor is proposed. We consider that this harmony in terms of the window arrangement at the upper two floors emphasises the horizontal emphasis of the extension, thus reducing the perceived scale of the extension and building overall. See Figure 1.8 for an elevation extract of the upper floors at Glebe House, with proposed window arrangement.

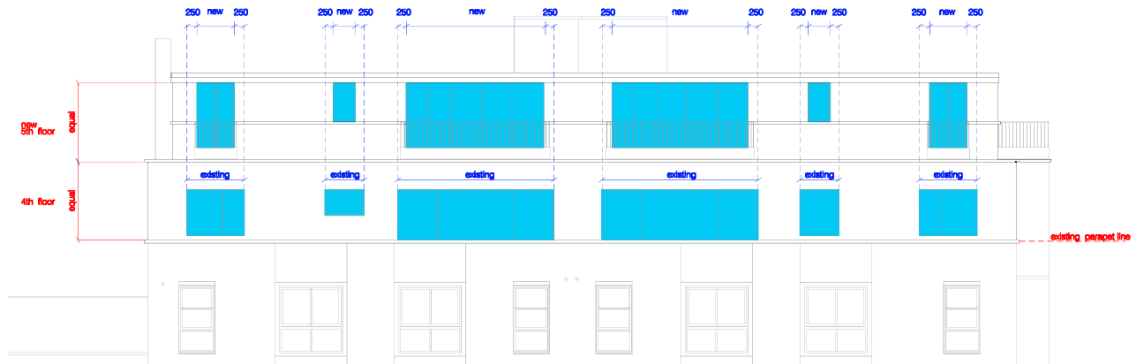


Figure 1.8: Proposed matching window arrangement at 4th and proposed 5th floor, Glebe House

- 7.26 We would also like to highlight the fact that the proposed 5th floor matches the height of the existing 4th floor (approx. 2.8 metres). This approach provides further design harmony between these two floors, which should be ‘read’ as a complete extension in terms of design. We also consider that the brick slips positively respond to the ‘red brick’ context of the area. This approach is consistent with the Pre-Application advice received from LB Camden in November 2023.
- 7.27 In terms of height, we can confirm that the permitted roof extension at **Cleveland Court** (ref: 2021/3245/P) **adds 3.2 metres** in height across the building. This occupies the entirety of the footprint of the building as is not setback, especially at the southern and western elevations, which are most visible from surrounding streets.
- 7.28 Conversely, the additional floor at **Glebe House** (the site) is setback from the lower floors, with private terraces and provides a lower roof **extension of 2.8 metres in height**. Whilst Glebe House is taller than Cleveland Court, the height difference with both roof extensions in place, is 1.29m as shown in Figure 1.9: ‘*Elevation showing height difference between Cleveland Court and Glebe House*’.



Figure 1.9: Elevation showing height difference between Cleveland Court & Glebe House

- 7.29 We consider that this approach is consistent with Policy D3 ‘*Optimising site capacity through the design-led approach*’, within the London Plan. Part ‘A’ seeks to optimise the capacity of sites through a design-led approach and Part ‘B’ states that ‘*higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and*

amenities by public transport, walking and cycling’, such as the site. Irrespective of this, Part ‘C’ advocates ‘incremental densification’ in less accessible areas.

- 7.30 Furthermore, Part ‘E’ of paragraph 135 within Section 12 ‘Achieving well-designed places’, of the NPPF notes (in part) that planning decisions should ensure that development ‘*optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development*’.
- 7.31 With reference to the Decision Notice (ref: 2024/3123/P) Policy D2 ‘Heritage’ within the CLP is also listed in Reason No.1. The PODR for the Appeal scheme refers to conservation and states as follows at paragraph 7.13:

*‘7.13. The detailed design fails to respond sensitively to the existing building or surrounding context. The **re-cladding of the existing roof level in brick and proposed brick cladding on the extension will be prominently visible and fail to respond to the materiality of the local area**. The proposed window openings do not adequately respond to the arrangement of the windows on the lower levels of the building. This, coupled with the added bulk and massing, results in an incongruous addition to the host building.’*

- 7.32 In response, we would like to reiterate that the LBC pre-application advice from 17th November 2023 rejected a zinc clad roof extension at the site, claiming that it failed to respond to the materiality of the local area. In this regard, the Fitzroy Mews Conservation Area Statement is relevant and Paragraph 6.33 notes that **Fitzroy Mews is dominated by five-storey red brick blocks** of flats. This no doubt refers to Glebe House and Cleveland Court.
- 7.33 On this basis, we consider that the brick cladding positively responds to the materiality of the local area, which is dominated by red brick. The fact that the red brick extension at Cleveland Court was granted permission adds further weight to this argument.
- 7.34 The site is located within the FSCA. However, Glebe House is not identified as a positive contributor. This is the same situation as Cleveland Court, albeit Cleveland Court lies next to two Grade II listed buildings. Paragraph 2.3.5 from the Cleveland Court PODR (**Appendix 6**) also refers to conservation and heritage matters and states (in part) as follows:

‘2.3.5. Therefore, whilst the proposals would increase the height of the host building, this height is not considered excessive and would largely maintain the existing relationship with the adjoining properties on Grafton Way (see images below). As such, the proposals are not considered to cause harm to the special historic interest or the setting of the nearby listed buildings.’

- 7.35 We consider that Glebe House is in a less sensitive location (from a conservation perspective) compared to Cleveland Court. On this basis, we also consider that the proposed extension at Glebe House is ‘*not considered excessive*’ and does not cause harm to the Conservation Area. As per Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 we consider that the proposal preserves the character or appearance of the Conservation Area.

- 7.36 In summary, the proposal will respect the design of the host building and the enhancements to the existing 4th floor will mean that the 4th & 5th floors together are read as ‘*a single and subordinate*’ extension to the host building. The window arrangement at the 4th & 5th Floors, along with the use of brick slips, will **add further design harmony**. This approach will also positively respond to the brick roof extension at Cleveland Court, which lies directly to the south.
- 7.37 The permitted roof extension at Cleveland Court will shield many of the street views of the proposal whilst optimising the potential of the site. Furthermore, the increased flank wall at the northern boundary is a similar approach to that of Cleveland Court and Grafton Way, which was considered acceptable by virtue of Planning Permission ref: 2021/3245/P. The local area also includes tall buildings such as the No.101 Cleveland development located to the south of the site.
- 7.38 We would also like to highlight that Aradco House is located at the corner of Nos. 128 – 134 Cleveland Street and Warren Street. This is a large modern building which also has a flank wall onto Cleveland Street. We consider that Aradco House and Glebe House can function as ‘bookends’ to the older buildings (Nos. 100-126 Cleveland Street) on the eastern side of Cleveland Street, which form part of the character of the streetscape and wider area. A double flank wall is also apparent on the Warren Street elevation of Aradco House, which also lies within the FSCA. This is shown at Figure 1.10: Existing flank wall at Aradco House at 128-134 Cleveland Street.



Figure 1.10: Existing flank wall at Aradco House at 128-134 Cleveland Street.

- 7.39 The proposal positively responds to the approved scheme at Cleveland Court and is approx. 1.29 m higher. This height is mitigated via the use of substantial setbacks and balconies which help to break up the mass and façade. Overall, we consider that the proposal maintains the character and appearance of the FSCA; the streetscape and arguably enhances the design of the host property. On this basis, we consider that the proposal should be supported.

Reason for Refusal No.2 (Construction Management Plan)

7.40 Reason for Refusal No.2 refers to the need for a legal agreement to secure the following:

- A Construction Management Plan (CMP)
- A CMP implementation support contribution
- A Construction Impact Bond

7.41 In response to this reason for refusal, we have submitted a Section 106 Deed of Planning Obligations by way of Unilateral Undertaking (UU) in support of the Appeal. In short, this UU would secure the items and financial contributions to respond to the points set out within Reason for Refusal No.2.

7.42 On this basis, we consider that the UU mitigates any concerns by the Council in relation to Construction Management (reason for refusal No.2). Clause 4.3 of the UU deals with the Construction Management Plan and Implementation Contribution. Clause 4.3 the UU deals with the Construction Management Plan Bond. We are content for the Planning Inspector to impose a Condition instead, should they consider that a S.106 is not required for any of these matters.

7.43 Contact details for the Appellant's solicitor are:

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Reason for Refusal No.3 Car-Free Dwellings

7.44 Reason for Refusal No.3 refers to the need for a legal agreement to secure car-free housing.

7.45 In response to this reason for refusal, we have submitted the UU which is referred to in para 7.41 above. The UU is also entered into pursuant to Section 16 Greater London Council (General Powers Act) 1974 (established by the Khodari decision as the appropriate statutory provision for this type of restriction). In short, this UU would ensure that the two proposed flats would be 'car-free', thus fully responding to reason for refusal no.3.

7.46 On this basis, we consider that the UU mitigates any concerns by the Council in relation to the two flats being 'car-free' (reason for refusal No.3). Clause 4.6 in the UU deals with this issue.

Reason for Refusal No.4 Affordable Housing Contribution

- 7.47 Reason for Refusal No.4 refers to the need for a legal agreement to secure a financial contribution towards affordable housing.
- 7.48 In response to this reason for refusal, we have submitted the UU which is referred to in para 7.41 above.
- 7.49 On this basis, we consider that the UU mitigates any concerns by the Council in relation to the required financial contribution towards affordable housing (reason for refusal No.4). Clause 4.1 in the UU deals with this issue.

Reason for Refusal No.5 Long-Stay Cycle Spaces

- 7.50 Reason for Refusal No.5 refers to the need for a legal agreement to secure a financial contribution to secure two long stay cycle spaces.
- 7.51 In response to this reason for refusal, we have submitted the UU which is referred to in para 7.41 above. In short, it would ensure the financial contribution of £2,160 towards the provision of two long stay cycle spaces, thus fully responding to reason for refusal no.5.
- 7.52 On this basis, we consider that the UU mitigates any concerns by the Council in relation to the required financial contribution towards the provision of two long stay cycle spaces (reason for refusal No.5). Clause 4.2 in the UU deals with this issue.

8.0 Conclusion

- 8.1 In conclusion, the proposal provides a high-quality development that will result in the provision of two dwellings at a highly sustainable and accessible site in central London. It will generate a financial payment towards affordable housing and provides two additional dwellings in a borough (LBC) that is failing to meet its housing targets (69% over the past 3-years).
- 8.2 This means that decision makers must apply the ***'presumption in favour of sustainable development'***, for applications for new homes, such as the Appeal scheme. In addition, it is clear from the NPPF; the London Plan; and the CLP that there is significant Policy support for development that optimises the development potential of highly accessible brownfield sites to deliver additional housing.
- 8.3 The NPPF seeks to increase density in appropriate locations and provides specific support for the use of airspace above buildings for upward extensions to deliver additional homes. We consider that the proposal fully accords with the aims of this national guidance, which represents a significant material consideration.
- 8.4 The local context includes a variety of building heights, including Cleveland Court, which is 6-storeys tall with the permitted roof extension in place (ref: 2021/3245/P). Furthermore, 127-129 Cleveland Street rises to 6-storeys and is located directly opposite the site. To the south lies the recently completed 101 Cleveland Development which rises up to 10-storeys in height.
- 8.5 Given this context, we consider that the extension at Glebe House to provide a six-storey building is wholly acceptable. Furthermore, the height and mass of the extension is mitigated through the use of setbacks and private balconies, whilst optimising the potential of the site. It has also been designed so that the 4th & 5th floors read 'as one' complete subordinate extension. The use of red brick cladding at both upper floors positively responds to the local materiality, which is noted in the Conservation Area Audit for the FSCA.
- 8.6 Whilst the extension will be approx. 1.29 metres higher than the permitted extension at Cleveland Court, it will be ***'shielded'*** by the approved extension at Cleveland Court in many street views and will not be highly visible.
- 8.7 In terms of flank walls, we consider that the context of Glebe House and Cleveland Court is clearly very different from many of the other properties in the local area (being more modern residential blocks) and that the extended flank wall on Grafton Way (Nos. 78 & 80) is both similar and acceptable as is the situation at No.100 Cleveland Street (directly north of Glebe House). The development also provides the opportunity to 'bookend' the older properties on Cleveland Street with Aradco House to the north.

- 8.8 The window arrangements of the top two floors at Glebe House are generally matching, allowing these setback floors to read 'as one' setback roof extension. On this basis, we consider that the proposal will positively respond to the roof extension at Cleveland Court, which is very similar and represents a strong material consideration in favour of the Appeal. On this basis, we consider that the proposal should be Allowed.
- 8.9 In addition, we consider that the UU (pursuant to S.106 of the 1990 Act and S.16 of the 1974 Act) fully responds to the reasons for refusal (nos. 2-5) listed on the Decision Notice. We can also confirm that the Appellant is willing to accept any reasonably worded Planning Conditions that the Planning Inspector may find necessary to make the proposal acceptable in planning terms.