

**APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY TRI CAPITAL PROPERTIES LLP**

**APPELLANT'S GROUNDS OF APPEAL**

**1. Introduction**

- 1.1 This appeal has been lodged, on behalf of Tri Capital Properties LLP, against the failure of the London Borough of Camden to determine, within the prescribed [eight week] period, the planning application submitted with respect to **No. 55 Farringdon Road, London EC1M 3JB**, for the erection of a fifth floor mansard roof extension with front and rear dormers to provide a new residential unit (Council Ref: 2013/3801/P).

**2. Site Description and Surrounding Area**

- 2.1 The appeal site comprises a basement plus five storey mid-terrace building that lies within the south-eastern corner of the London Borough of Camden, a short distance from its administrative boundaries with the London Borough of Islington (to the east), and the Corporation of London (to the south). The site forms part of a terrace of properties, Nos. 49 – 73 Farringdon Road, that lie on the western side of Farringdon Road (the A201), which forms the borough boundary with the London Borough of Islington. The existing building is currently used for Class B1 (office) purposes.
- 2.2 The appeal site lies in an area that accommodates a range and mix of office, retail, industrial, warehousing and residential uses. The appeal site also benefits from its excellent proximity to local public transport facilities, in that 'Farringdon' Underground and Mainline Railway Stations are less than two minutes walking distance of the site, as are local bus stops (including directly outside the appeal site) that are served by several bus routes that operate along Farringdon Road and nearby Clerkenwell Road.
- 2.3 Given the diverse mix of residential and commercial uses, and the site's close proximity to public transport facilities, it is clear that the site lies in a sustainable location, one that is suitable for the proposed development.

**... the historic environment ...**

- 2.4 The application site lies within the Hatton Garden Conservation Area, which covers an area that extends from Ray Street (to the north) to Holborn/Charterhouse Street (to the south). Farringdon Street forms the eastern-most boundary of the conservation area, and Grays Inn Road its (north)western-most boundary.

- 2.5 In August 1999 the Council adopted the ‘*Hatton Garden Conservation Area Statement*’, which confirms that it is an area rich in architectural and historic interest, but one whose character “*is not dominated by one particular period or style of building but rather by the combination of styles*” (paragraph 5.10). The key importance of the conservation area statement is that it provides an appraisal of the key architectural and historical characteristics, qualities and elements that define and contribute to the special interest and significance of the conservation area. However, as *supplementary* planning policy guidance it can only carry very limited weight as it is substantially out of date.
- 2.6 No. 55 Farringdon Road is not statutorily listed, and neither are any of the properties that form part of the terrace at Nos. 49-73 Farringdon Road. No. 55 Farringdon Road is also not included on the Council’s list of ‘*buildings of local interest*’, and neither are the properties at Nos. 49-73 Farringdon Road specifically identified as a group/terrace that makes a significant or positive contribution to the special character and appearance of the conservation area.

**3. The Submitted Application - Council Ref: 2013/3801/P**

- 3.1 The application that is the subject of this appeal follows a previous ‘pre-application’ submission (in August 2012) that sought officers comments on the possibility of an extra floor being added to the existing building. The Council’s formal letter of response setting out its observations on the pre-application submission was received in September 2012, and it confirmed, in the first instance, that officers had no objections on a number of matters (e.g. the principle of providing additional residential accommodation, the layout and standard of accommodation, and the potential impact in terms of noise, overlooking and overshadowing). A copy of the Council’s letter of response is included as part of the accompanying Design and Access Statement.
- 3.2 However, concerns were raised in relation to the proposals, for example that the proposed roof addition would “*disrupt the consistent roof line*” of the terrace of properties comprising Nos. 53-67 Farringdon Road, and also with regard to the [modern] detailed design of the proposed mansard.
- 3.3 The Council’s ‘pre-app’ observations were carefully considered, and in response, amendments were made to the scheme details. The planning application that is the subject of this appeal was formally submitted to the Council on 18 June 2013, but it was not validated until 23 July 2013. The application was allocated to Mr Gideon Whittingham.

- 3.4 After several unsuccessful attempts to try and speak to the case officer, by phone and email, Mr Whittingham eventually advised, on 26 September 2013, that he would send an email setting out his full assessment of the application. That email was received the following day on 27 September, and Mr Whittingham advice was as follows:-

*"Having had the opportunity to consider the sites planning history and the wider area, developments of this nature and location are neither consistent nor characteristic within this terrace and would be contrary to guidance within the LDF, CPG and Hatton Garden conservation area statement.*

*Moreover, two permissions have been refused with appeals also being dismissed at Nos.73 and 63.*

*Within this context, and given the principle issues raised, the proposal would justify a recommendation of refusal.*

*I would therefore encourage this application be withdrawn before 03/10/2013 to avoid the above determination.*

*Please note this is not an explicit summary of concerns with regard to the scheme, these shall be expanded upon in the Officers Delegated Report should this application be determined".*

- 3.5 The (eight week) date for the determination of the application expired on 17 September 2013, and whilst the appellant obviously wishes to be fully informed of the full extent of the Council's observations and concerns, the appellant is concerned that the Council's determination would not be immediately forthcoming after the deadline of 3 October. Therefore, and to avoid any further delays, the appellant has lodged this appeal.

**4. The Appellant's Case**

4.1 The details of the proposal are described in the accompanying Design and Access Statement and illustrated on Drwg Nos. TR1/921/0D01A and TR1/921/0D03. The Design and Access Statement and the accompanying Planning Impact Statement set out the supporting case and justification for the appeal proposal, namely that it represents an acceptable form of development. In the first instance:-

- the proposed residential unit provides a satisfactory standard of accommodation in terms of unit/habitable rooms size, internal layout and design, private amenity space, and natural light and outlook.
- the development would not harm the amenities of neighbouring or surrounding occupiers, in terms of harmful impacts on outlook, privacy or daylight conditions.
- the provision of a 'car-free' scheme [i.e. not proposing any car parking provision] is supported by the applicable planning policies of the development plan. The development would not harm local traffic and parking conditions.

4.2 The appellant has fully considered the appeal decisions that relate to Nos. 63 and 73 Farringdon Road, and it is clear in both instances that the Appeal Inspectors objected to the proposed roof extensions on the grounds that both would have been clearly visible from Farringdon Road and from more distant views. In the case of the current proposals for No. 55 Farringdon Road, the photographs and visualizations provided as part of the Design and Access Statement clearly demonstrate that the proposed additional storey would not (i) disrupt the continuous horizontal parapet line of the terrace, (ii) be visible from Farringdon Road; and (iii) be visible from longer and more distant views (in both directions, from Crowcross Street to the south, and Clerkenwell Road to the north). The proposed mansard roof addition would not therefore appear as a dominant feature from the public realm.

4.3 The appellant is [therefore] of the view that the proposed development would not be harmful to the character and appearance of the existing building, to the character, appearance or group value of the terrace of properties at Nos. 49-73 Farringdon Road, or be harmful to the character or appearance of the Hatton Garden Conservation Area, for the following additional key reasons:-

- the terrace to which the application site belongs (Nos. 49-73 Farringdon Road) can successfully absorb the resultant change in the roofscape given the variety of roof structures and roof forms that exist along the terrace.
- the existing building does not form part of a terrace of buildings where the roof form is of uniform character, and [therefore] no significantly negative visual impacts would result from the subsequent change in the roofscape.
- the Council accepts that mansard roofs are a traditional and effective means of a terminating a building “*without adding a highly visible roof*”.
- the proposal comprises a traditional roof form that is architecturally sympathetic and appropriate to the age and character of the exiting building.
- the detailed design of the proposed mansard roof accords with the Council’s applicable requirements/guidance.
- the proposed roof extension would not adversely impact on, or affect, the existing skyline, or any important strategic or local views.

4.4 For the reasons specified above, the appellant is of the view that the appeal proposal fully complies with the applicable policies of the ‘*Camden Core Strategy (2010-2025)*’ and the ‘*Camden Development Policies (2010-2025)*’.

**5. Conclusions**

5.1 The Planning and Compulsory Purchase Act 2004 requires all planning decisions to have regard to the statutory development plan, unless material considerations indicate otherwise. The National Planning Policy Framework further adds that [sustainable] development proposals that accord with statutory plans should normally be approved, unless there are significant adverse impacts.

5.2 It is the appellant's contention that the appeal proposal generates no overriding planning policy obstacles, and also, that the appeal proposal would not result in any significant adverse impacts, as it would not harm the character and appearance of No. 55 Farringdon Road, the character, appearance or group value of the terrace at Nos. 49-73 Farringdon Road, or the character or appearance of the Hatton Garden Conservation Area, specifically bearing in mind the following key considerations:-

- the additional storey would not (i) disrupt the continuous horizontal parapet line of the terrace, (ii) be visible from Farringdon Road; or (iii) be visible from more distant views.
- the existing building does not form part of a terrace of buildings where the roof form is of uniform character.
- the proposed roof comprises a traditional form of development that is architecturally sympathetic to the age and character of the host building.
- the detailed design of the proposed mansard roof accords with the Council's applicable requirements and guidance.
- the proposed extension would not adversely impact upon or affect the skyline, or any important strategic or local views.

5.3 The appellant therefore contends that the proposed development comprises an acceptable form of development, and respectfully requests that this appeal be allowed.