



Appeal Decision

Hearing held on 19 June 2012

Site visit made on 19 June 2012

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2012

Appeal Ref: APP/X5210/A/12/2172359

Isis House, 64-76 New Oxford Street, London WC1A 1EV

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Artillery Properties against the decision of the Council of the London Borough of Camden.
 - The application Ref.2011/5823/P, dated 14 November 2011, was refused by notice dated 6 February 2012.
 - The development proposed is external alterations including the re-cladding of the existing building and enhancement of the main entrance, along with a roof extension to create an additional fourth floor, to provide office accommodation and associated plant.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations including the re-cladding of the existing building and enhancement of the main entrance, along with a roof extension to create an additional fourth floor, to provide office accommodation and associated plant at Isis House, 64-76 New Oxford Street, London WC1A 1EV in accordance with the terms of the application, Ref.2011/5823/P, dated 14 November 2011, subject to the conditions set out in Annex A to this decision.

Main Issue

2. This is whether the proposals would preserve or enhance the character or appearance of the conservation area and, linked to that, their effect on the settings of nearby listed buildings.

Reasons

The Main Issue

3. Isis House sits on the corner of New Oxford Street and Bloomsbury Street. Neighbouring it, is a terrace of three former dwellings, Nos.1, 3 and 5 Bloomsbury Street. These date from the 18th Century and are listed Grade II. To the rear of the appeal site, across Streatham Street, is Parnell House, listed Grade II* and to the north-west lies Congress House, also listed Grade II*. All lie within the Bloomsbury Conservation Area
4. CS¹ Policy CS14 requires development to attain the highest standard of design, respecting local context and character, and preserving and enhancing heritage assets and their settings, including conservation areas and listed buildings.

¹ London Borough of Camden Local Development Framework Core Strategy

5. DP² Policies DP24 and DP25 tread a similar path. The approach to conservation areas and listed buildings, and their settings, mirrors the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990³. However, I note the distinction between CS Policy CS14 and DP Policy DP25 that refer to the need to preserve *and* enhance the character *and* appearance of conservation areas (my emphasis) and the reference in the Act to the desirability of preserving *or* enhancing the character *or* appearance of conservation areas (my emphasis).
6. Paragraph 131 of the Framework⁴ says that in determining planning applications, local planning authorities⁵ should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 sets out that when considering the impact on a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. Isis House dates from the 1980s and is four storeys in height. It is constructed in relatively dark brown brick with regularly-spaced openings housing dark brown tinted windows. The flat roof is home to a variety of plant and service equipment, some of which is visible from New Oxford Street, in particular. The Council highlights the manner in which Isis House relates to Nos.1, 3 and 5 Bloomsbury Street as a positive element of its design. It does appear that the parapet of Isis House was designed to align with the adjacent terrace, though for reasons I will come on to, I question the value of that. Nevertheless, it seems that the vertical rhythm of the fenestration of Isis House mirrors that of the terrace and the cladding detail above the windows at second and third floor levels is a reference to the cornices that adorn the front of the terrace. Also the stair core, with its setback and glazed treatment provides a relatively subtle transition between new and old.
8. These aspects of the design of Isis House give it some contextual relevance. However, an assessment of the overall contribution the building makes to the conservation area requires a wider view. From what I saw, I agree with the appellant that Isis House appears dated, the relatively dark brown brick and tinted windows give it a dour, monotonous appearance that relates poorly to neighbouring buildings. Its lack of height, relative to its neighbours on New Oxford Street, and effective articulation, particularly on the corner of New Oxford Street and Bloomsbury Street, make it a somewhat apologetic element in the street-scene. The visibility of plant and rooftop forms from street level give the roofline of the building an untidy and unresolved appearance. Overall, notwithstanding some positive elements of the design, Isis House is a negative element in the conservation area that relates poorly to the listed, and other, buildings around it.
9. The proposal would increase the height of Isis House by a storey. This would give the building more of a presence that would allow it to relate much better to neighbouring buildings on New Oxford Street. The use of a glazed envelope would be much carry far more visual interest than the existing external treatment, creating reflections and variety in views of it. The rooftop forms would appear much more resolved.

² London Borough of Camden Local Development Framework Development Policies

³ Sections 72(1) and 66(1)

⁴ The National Planning Policy Framework

⁵ I take that to include the Secretary of State or those acting on his or her behalf

10. The manner in which the proposal would 'turn the corner' into Bloomsbury Street and sit against Nos. 1, 3 and 5 was the subject of debate. The proposal does not seek to highlight the corner but returns the glazed envelope around it, following the plan form of the existing building. I consider this to be an effective treatment because the extent to which the glazed façade would return into Bloomsbury Street would be relatively limited. This would allow the glazed envelope to be read as more of a New Oxford Street element rather than something addressing Bloomsbury Street.
11. In terms of the relationship with Nos.1, 3 and 5, the proposal would form a junction through a stair tower, set back from the line of the main façades either side. This would act as a more-effective transition between the glazed envelope and the terrace than the present treatment because the use of white-coloured render would be a more appropriate nod to the stucco used on the frontage of the terrace. Given the increase in height of Isis House proposed, the stair tower would rise above the terrace, in contrast to the current situation. However, while the terraces on Bloomsbury Street are regular in height, there is nothing unusual about a variety in height between different buildings, from different times, in the immediate or wider area so the relationship would not appear strained. Indeed, a positive difference in height between Isis House and the terrace, given their different origins and designs, would be more redolent of existing relationships between different buildings in the conservation area.
12. With all those points in mind, I consider that the alterations to, and extension of, Isis House would allow it to sit far more comfortably in its context, significantly enhancing the character and the appearance of the Bloomsbury Conservation Area, and the setting of nearby listed buildings.
13. To the north of the existing building is a yard that, it seems, used to function as a small, public open space. Due to difficulties of security and management it has been fenced off. The boundary treatment appears rather stark and a negative presence on Dyott Street and Streatham Street. The appellant is prepared to accept a condition requiring new landscape and boundary treatments. This too would serve to enhance the character and appearance of the conservation area.
14. In that overall context, the proposals comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, CS Policy CS14, DP Policies DP24 and DP25, and the Framework.

Other Matters

15. There are flats in the upper floors on Nos.1, 3 and 5 Bloomsbury Street, and windows serving them in the rear elevation that faces the development proposed. DP Policy DP26 seeks to protect the quality of life of existing occupiers and this is one of the core principles of the Framework too. The increase in height proposed means that Isis House would have more of a visual presence in views from these windows. However, the degree of separation would be such that there would be no dominant or overpowering visual impact and no significant loss of sunlight and daylight. In effect what would happen is that the view from these windows would change. It is an established planning principle that the right to a view is not inviolable. As a consequence, the proposal does not fall foul of DP Policy DP26 or the Framework.

Conditions and the Obligation

16. I have considered the suggested conditions in the light of advice in Circular 11/95⁶. As well as one to cover commencement, a condition is required to set out the approved plans. To ensure that the benefits of the proposals are carried through into detailed design, a condition is necessary to secure details and/or samples of the glazed façade treatment and the plant screen for approval. In order to safeguard local residents from noise and/or disturbance, a condition is required to regulate the operation of the plant. A condition is necessary to secure details of cycle parking, its provision and retention, and also, as set out, details of a new landscape treatment of the open space to the north of the existing building.
17. A completed Section 106 Agreement, dated 26 June 2012, was submitted after the Hearing closed. This covers a wide range of topics. The Framework, in paragraph 204, sets a series of tests for planning obligations. They should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Regulation 122 of the CIL Regulations 2010, referred to in the Agreement, follows much the same course.
18. Dealing with those topics in turn, given the constraints of the existing site and the proximity of existing residential and business occupiers, a Construction Management Plan is necessary to make the development acceptable in planning terms. Given that the requirements will almost certainly involve areas not under the control of the appellant, these are best dealt with through the Agreement, rather than a condition. Linked to that, given that damage to the footpaths around the building is almost certain to occur as a consequence of the construction process, a financial contribution to address that (the Highways Contribution) is necessary. The extent of the contribution required cannot be quantified at this stage, obviously, but that promulgated seems reasonable and, in any event, there is provision for reimbursement in the event that some of the contribution remains unspent.
19. Where more than 200 square metres of new floor-space is to be provided, DP Policy DP1 requires up to 50% of that additional floor-space to be housing. Alternatively, where that cannot, practically, be achieved on-site, the Council may accept a contribution to housing elsewhere in the area, or, exceptionally, a payment-in-lieu. The parties have agreed that the latter course is acceptable in this case and I have no good reason to disagree. The Affordable Housing Contribution has been calculated in accordance with CPG8⁷ and, in the light of DP Policy DP1, is necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind to it.
20. DP Policy DP17 states that development should make suitable provisions for pedestrians, cyclists, and public transport. There is every likelihood that the increased floor-space will mean more users of the building. The level of the Environmental Contribution has been informed by the need to mitigate the impact of these extra users on the pedestrian, cycling and public transport network in the immediate vicinity of the appeal site, and agreed between the parties. In the context of DP Policy DP17, the contribution is necessary to make the development acceptable in planning terms.

⁶ Circular 11/95: *The Use of Conditions in Planning Permissions*

⁷ Camden Planning Guidance: *Planning Obligations*

21. DP Policy DP31 notes that the Council will only grant planning permission for development that is likely to lead to an increased use of public open space where an appropriate contribution to the supply of open space is made. In accordance with CPG6⁸, the Council may agree to accept financial contributions in place of direct provision where the development site is too small to accommodate it and the densely built-up character of the Borough prevents provision off-site. The proposal will generate additional demands on public open space that need to be mitigated. The parties have agreed a financial contribution and this is necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind to it.
22. CS Policy CS13 looks to secure high environmental standards in design and construction and DP Policy DP22 sets out the sustainability standards the Council expects development to meet. These matters need to be addressed to ensure not only a satisfactory form of development in the first instance but also its future assessment, management and maintenance. On that basis, the Energy Efficiency and Renewable Energy Plan and the Sustainability Plan are necessary to make the development acceptable in planning terms and best dealt with through the Agreement
23. DP Policy DP18 expects all development in the Central London Area of the Borough to be car free. To achieve compliance with that policy, it is necessary to address matters around parking permits and the use of car parks through the provisions of the Agreement.
24. Taking those points together I conclude that the provisions of the Section 106 Agreement meet the requirements of the CIL Regulations 2010 and accord with the Framework.

Final Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR

⁸ Camden Planning Guidance: *Amenity*

APPEARANCES

FOR THE APPELLANT:

Matthew Gibbs	DP9
BSc MA MRTPI	
James Penfold	DP9
BA(Hons) PGDip MRTPI	
Kevin Murphy	KM Heritage Ltd
BArch MUBC RIBA IHBC	
James Hindle	Tate Hindle Architecture & Design
BArch DipArch RIBA	
Harish Ratna	Tate Hindle Architecture & Design
BA(Hons) RIBA	
David Hallett	Jaro Real Estate Ltd
MRICS	

FOR THE LOCAL PLANNING AUTHORITY:

Hannah Walker	Principal Conservation & Design Officer
MSc BA(Hons)	
Jenna Litherland	Senior Planning Officer
MA BA(Hons)	
Milena Nuti	Ward Councillor for Bloomsbury
BA MA PhD	

INTERESTED PERSONS:

Cherie Matrix-Holt	Local Resident
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DOCUMENTS

- 1 DP9 Letter and Enclosure of 14 June 2012
- 2 Draft s.106 Agreement
- 3 Completed s.106 Agreement (submitted post-Hearing)

PLANS

- A P-EX(03)001 00 – Existing Site Location Plan
- B P-EX(03)009 00 – Existing Basement Floor Plan
- C P-EX(03)010 00 – Existing Ground Floor Plan
- D P-EX(03)011 00 – Existing First Floor Plan
- E P-EX(03)012 00 – Existing Second Floor Plan
- F P-EX(03)013 00 – Existing Third Floor Plan
- G P-EX(03)014 00 – Existing Roof Plan (Level 1)
- H P-EX(05)001 00 – Existing South Elevation
- I P-EX(05)002 00 – Existing North Elevation
- J P-EX(05)003 00 – Existing West Elevation
- K P-EX(05)004 00 – Existing East Elevation
- L P-A(03)409 00 – Proposed Basement Floor Plan
- M P-A(03)410 00 – Proposed Ground Floor Plan
- N P-A(03)411 00 – Proposed First Floor Plan
- O P-A(03)412 00 – Proposed Second Floor Plan

P	P-A(03)413 00 – Proposed Third Floor Plan
Q	P-A(03)414 00 – Proposed Fourth Floor Plan
R	P-A(03)415 00 – Proposed Roof Plan
S	P-(04)002 00 – Proposed Section A-A
T	P-(04)003 00 – Proposed Section B-B
U	P-(05)001 00 – Proposed South Elevation
V	P-(05)002 00 – Proposed North Elevation
W	P-(05)003 00 – Proposed West Elevation
X	P-(05)004 00 – Proposed East Elevation

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-EX(03)001 00 – Existing Site Location Plan; P-EX(03)009 00 – Existing Basement Floor Plan; P-EX(03)010 00 – Existing Ground Floor Plan; P-EX(03)011 00 – Existing First Floor Plan; P-EX(03)012 00 – Existing Second Floor Plan; P-EX(03)013 00 – Existing Third Floor Plan; P-EX(03)014 00 – Existing Roof Plan (Level 1); P-EX(05)001 00 – Existing South Elevation; P-EX(05)002 00 – Existing North Elevation; P-EX(05)003 00 – Existing West Elevation; P-EX(05)004 00 – Existing East Elevation; P-A(03)409 00 – Proposed Basement Floor Plan; P-A(03)410 00 – Proposed Ground Floor Plan; P-A(03)411 00 – Proposed First Floor Plan; P-A(03)412 00 – Proposed Second Floor Plan; P-A(03)413 00 – Proposed Third Floor Plan; P-A(03)414 00 – Proposed Fourth Floor Plan; P-A(03)415 00 – Proposed Roof Plan; P-(04)002 00 – Proposed Section A-A; P-(04)003 00 – Proposed Section B-B; P-(05)001 00 – Proposed South Elevation; P-(05)002 00 – Proposed North Elevation; P-(05)003 00 – Proposed West Elevation; and P-(05)004 00 – Proposed East Elevation.
- 3) No development shall take place until details and/or samples of the glazed façade treatment and the plant screen have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete, continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).
- 5) No development shall take place until details of the cycle storage area have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before any part of the accommodation is occupied, and retained as such thereafter.
- 6) Notwithstanding condition No.2, no development shall take place until a scheme for a new landscape treatment of the existing open space to the north of the building, including boundary treatment(s), soft and hard landscaping, and a programme of works, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained as such thereafter.