



Department of the Environment and  
Department of Transport

Common Services

Room 1401

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 913

Switchboard 0272-218811.

GTN 2074

H C Boalch Esq DipArch RIBA  
49 Leyborne Park  
Kew Gardens  
RICHMOND  
Surrey  
TW9 3HB

Your reference

Our reference

T/APP/X5210/A/84/018536/25

Date

16 JAN 85

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY H C BOALCH LTD  
APPLICATION NO:- M15/13X/A/37003(R2)

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal which is against the decision of the London Borough of Camden Council to refuse planning permission for the construction of 2 x two bedroom maisonettes with 3 x two bedroom flats over at 18/20 Northington Street, London WC1. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on Tuesday 18 December 1984.

2. The site is a piece of vacant land presently used for car parking purposes on the north side of Northington Street. Immediately to the east is the White Lion public house beyond which, on the corner with John's Mews, is a recent residential redevelopment. Westward of the site are flats at Millman Street comprising a 5-storey block over a basement. The proposal under appeal is a building comprising basement, ground, first and second floors with a third floor under a mansard roof. All windows are to face Northington Street or towards the rear where there is a play area to a school; the flank elevation to the Millman Street flats is to be blank. The site has a planning permission dating from 1983 for 2 town houses comprising ground floor and 2 upper storeys, the second being under a mansard roof.

3. Having viewed the site and its surroundings and considered the representations made I am of the opinion that the main issue to be determined is whether occupiers of the adjacent flats at Millman Street would suffer a material loss of amenity in terms of the lighting of and outlook from their flats as a consequence of the scheme which is now put forward.

4. The appeal land was apparently cleared in the early 1970s in connection with the redevelopment of property to the west for the construction of the present Millman Street flats. Being surplus to the Council's requirements in 1982, the land was sold off at auction on the understanding that it would be redeveloped for residential purposes. I understand that in disposing of the land the Council impressed that such a redevelopment should be in scale and character with the adjoining buildings. While the Council have accepted a 3-storey redevelopment of the site, it is felt that a 4-storey building is inappropriate. In reaching their decision, the Council have relied upon their Environmental Code, quoting in particular paragraphs 3.1 and 3.3. In the Council's opinion the proposal would adversely affect the daylight and sunlight received by the Millman Street flats on the ground, first and second floors and, additionally, windows would look out on to a blank wall.

5. In that the land has been vacant for some time, I can appreciate that residents of flats at Millman Street have become accustomed to the space provided by this cleared land in the view from their windows. It seems to me, however, that while there is a window to the living room in the side elevation to the flats, the main window to that room faces a southerly direction over a balcony on the Northington Street elevation. The kitchen window to the flats would, it seems to me, look past the back wall of the building now proposed. To these considerations, 2 further aspects have a material bearing upon my decision. First, it is apparent that in the previously envisaged Phase Two of the Millman Street Redevelopment the appeal land was intended to be redeveloped by maisonettes in a 4-storey building, that is, to a height consistent with the ridge line of the public house. Secondly, from photographic evidence of the buildings formerly occupying the site, it is evident that No 18 was a building of ground, first and second floors with a third floor of accommodation under a low roof, while No 20 comprised ground, first and second floors under a pitched roof of the same height as that at No 18. The main body of the proposed building, ie the ground, first and second floors, therefore it seems to me essentially accords with the height of the Northington Street elevation of the previous buildings. Where the difference occurs is at roof level; I do not feel, however, that this variation is material in relation to the totality of the building now proposed nor in relation to the proportions of the adjoining White Lion. I accordingly see no reason in principle to disallow the inclusion of the additional storey now proposed over and above the redevelopment already agreed. On the contrary, bearing in mind the location of the site in a Conservation Area, the reinstatement of a building on the land to the proportions proposed would in my view be a greater enhancement to Northington Street than the lower building approved earlier which in my judgement would appear architecturally uncomfortable between the public house and the Millman Street flats.

6. While I acknowledge that the proposal is likely to result in some loss of light in the side living room windows of the flats to the west, I am conscious that the principal source of sunlight and outlook is towards the south which would not be affected by the scheme. You have produced a consultants report, the calculations of which lead to the conclusion that the difference between the 3-storey building approved and the 4-storey scheme now applied for would be insignificant in practice. Taking this into account and from my own observations I am satisfied, bearing in mind the Council's Environmental Code, that the proposal would not result in any unreasonable deterioration in daylighting and sunlighting in the adjacent flats from the situation which would have pertained had the previously approved redevelopment gone ahead.

7. All the other matters raised in the representations have been taken into account but these do not outweigh the considerations which have led to my decision. I note that the Council suggest, in the event of the appeal being allowed, that certain conditions should be imposed. In view of the limited size of the site and its location in a Conservation Area, I am satisfied that the detailed considerations which the Council wish to control are reasonable; I have therefore included appropriate conditions.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the construction of 2 x two bedroom maisonettes with 3 x two bedroom flats over at 18/20 Northington Street, London WC1 in accordance with the terms of the application (No M15/13X/A/37003(R2)) dated 6 October 1983 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.

2. Notwithstanding the provisions of Article 3 of the Town and Country Planning General Development Order 1977 as amended, no development within Classes I and II of Schedule I of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

3. Samples of the facing materials to be used on the external walls and roof of the building hereby permitted shall be submitted to and approved by the local planning authority before any work on the site is commenced.

4. Details of the window and door openings and the window arches to be used on the building shall be agreed with the local planning authority before any work on the site is commenced.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Sir  
Your obedient Servant

*Brian G. Meardon*

B G MEARDON BA DipTP MRTPI  
Inspector