



Appeal Decision

Inquiry held on 9 January 2007

Site visit made on 22 January 2007

by **S J Turner** RIBA MRTPI IHBC

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

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Date: 12 February 2007

Appeal Ref: APP/X5210/A/06/2009104

40 College Crescent, London, NW3 5LB

- 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 Harvestglen Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2005/3256/P, dated 3 August 2005, was refused by notice dated 29 November 2005.
- The development proposed is change of use from redundant nurse's hostel to 300 person hostel (youth hostel type).

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that there are four main issues in this case:
 - (i) the effect of the proposal on the special historic and architectural interest of the listed building and on the character and appearance of Fitzjohns/Netherhall Conservation Area;
 - (ii) its effect on highway safety;
 - (iii) its effect on the living conditions of local residents; and
 - (iv) whether the proposal would provide satisfactory living conditions for guests.

Planning Policy

2. The development plan includes the London Plan 2004 and the London Borough of Camden Replacement Unitary Development Plan (UDP) which was adopted in June 2006 and replaces the 2000 UDP. Of the policies that have been drawn to my attention I consider that those particularly relevant to this appeal are: Policy 3D.6 of the London Plan, which supports the provision of tourist accommodation; UDP Policies B6 and B7 which seek to preserve the special architectural and historic interest of listed buildings and the character and appearance of conservation areas; UDP Policies T3 and T12 which require development to make satisfactory provision for pedestrians and cyclists and to prioritise road safety and minimise accident risks; and UDP Policy SD6 which seeks to ensure that development does not harm the amenity of occupiers and neighbours.
3. I have also had regard to the Council's non statutory documents: Camden Planning Guidance 2006, which was adopted as supplementary planning guidance (SPG) in December 2006 and Conservation Area Statement 18 for Fitzjohn's/ Netherhall (CS18), as well as to Government advice in PPG15: Planning and the Historic Environment.

Background Information

4. The appellant made an earlier planning application for change of use to a hostel for the general public in 2004. In April 2005 the Council resolved to grant planning permission for this proposal subject to a legal agreement which, amongst other things, would have restricted the number of guests to 152 with provision to increase to 172 if agreed by the Council. Agreement on this and other matters was not reached and the Council withdrew the application from the planning register in December 2006. However it granted listed building consent, subject to conditions, for the refurbishment of the building in April 2005. Although there is no planning permission for hostel use, the building is now in use as a hostel and the existing arrangement provides accommodation for up to 210 guests.

Reasons

Listed building/ conservation area

5. The appeal building lies at the southern edge of the Fitzjohns/Netherhall Conservation Area at the junction of College Crescent with Fitzjohn's Avenue. Immediately opposite No 40, where the two roads meet, is a triangular paved area occupied by a decorative drinking fountain. This structure provides a focal point and the open space combines with the generous frontage of No 40 to create the impression of a spacious, open area dominated by the front elevation of the appeal building.
6. No 40 is an imposing detached house, dating from the 1880's. Designed by Morris and Stallwood in the Queen Anne style, for Samuel Palmer the biscuit manufacturer, it is a three storey red brick building with terracotta detailing and a tiled roof with prominent decorative Flemish gables and dormers. After the death of Samuel Palmer it was used for various institutional purposes until 1995, after which it fell into a state of disrepair and was categorised as a building at risk. Repair and renovation work has now been carried out to a good standard and it is evident that the building is no longer at risk.
7. It is proposed to substitute the central section of the east facing dormer window with a full height door, lower the threshold to provide a more convenient exit and allow the fire escape staircase to be reduced in height. This would alter the appearance of the window and make a break in the continuity of the lower part of the roof slope. The window is in a prominent position high up on the roof and has a small scale, domestic appearance which contributes to the character and interest of the roof. Even if the door were kept to the width of the existing central casement, which would make it an unusually narrow escape route, I consider that the proposed door and alterations to the roof would appear incongruous and awkward and would harm the balance and harmony of the roof of this listed building.
8. In addition a substantial roof purlin would need to be severed to open up the lower part of the proposed door opening. This would damage the structural integrity and architectural interest of the building and in my view would add to the harmful effect of this part of the proposal.
9. I have taken account of the benefit of reducing the height of the fire escape stairway, making it less prominent and thus enhancing the building's appearance. However the fire escape is temporary in nature and could be removed at any time in the future, leaving the building's original structure and fabric unharmed. This would not be the case with the proposed alterations to the window, which would be a permanent, harmful alteration. I have also taken account of the linking structure at roof level for which listed building

consent has already been granted. Whilst this would break into the building's original structure it would not be visible from ground level or from outside the site. Neither of these matters outweighs my conclusion that the proposal would harm the special interest of the listed building.

10. CS18 draws attention to the visibility of roofs which are a feature of this conservation area and adds that alterations can cause harm to the character of the roofscape. I consider that introducing a central door into this simple dormer window and cutting into the roof slope as proposed would create an awkward feature in a prominent location and would harm the character of the roofscape in this part of the conservation area.
11. To conclude on this issue, therefore, I consider that the proposed fire door would harm the special interest of the listed building and the character of the conservation area. It would conflict with Policies B6 and B7 of the UDP and with advice in PPG15.

Highway safety

12. The appeal site lies just outside the Swiss Cottage/ Finchley Road Town Centre and is close to bus stops, London underground stations, shopping and entertainment facilities. I observed that it is a busy area with constant pedestrian and vehicular traffic, including vehicles stopping to drop off and collect children at nearby schools.
13. In this sustainable location one would expect most guests to arrive by public transport and the Council's survey of existing hostels in London supports this view. In addition evidence submitted by the appellant, drawn from a survey carried out at the hostel between June and October 2006, shows that at the moment over 90% of guests arrived by public transport. Further information supplied by the appellant is based on CCTV footage of the hostel on three days in October and November 2006. This shows many pedestrians entering and leaving the site between 07:00 hours and 19:00 hours. I see no reason why, if the hostel were to cater for 300, the percentage arriving by public transport should be any different and this evidence leads me to conclude that most guests would arrive at the hostel by walking from nearby bus stops or stations.
14. The appellant has used the same CCTV footage to establish that the hostel attracts approximately 29 vehicles on a typical weekday, with considerably less at weekends. The appellant has used occupancy figures for the survey dates to project estimated site traffic generation for the proposed 300 bed hostel as between 21 and 45 vehicles visiting the hostel each weekday and about 10 on Sunday. I consider this to be a sensible calculation and accept that these figures represent the best estimate of vehicle movements available. On this basis, in the context of the level of traffic that I saw in the surrounding area on a normal weekday, I am satisfied that the proposal would not generate an unacceptable or harmful level of traffic.
15. Whilst neither of the vehicular accesses to the site meet the standards in the Council's SPG I am satisfied that both are capable of being altered to provide adequate visibility. In fact the south east access has already been widened by the accidental demolition of part of the boundary wall and evidence suggests that it is this access which is currently used by any heavy goods vehicles that visit the site.
16. This south east access is indicated on the application plans as the exit for coaches. However it is close to the pedestrian crossing on College Crescent as well as the junction with Fitzjohn's Road. If used for vehicles to leave the site I consider that it would be difficult for

pedestrians using the crossing to check for vehicles leaving the site and it could compromise pedestrian safety. Furthermore I agree with the Council's concern that this access would effectively create a fourth "arm" to the intersection of College Crescent and Fitzjohn's Road and if used as a vehicular exit from the site could result in confusion and introduce a traffic safety hazard where cyclists would be particularly vulnerable.

17. The appellant suggests that these difficulties could be overcome by operating a one way system, with vehicles entering the site at the south eastern access and leaving at the north west access. I agree that the widened south east access would provide a satisfactory and safe vehicular entrance to the site. However the north west access exits onto the narrower part of College Crescent. Despite the submission of track drawings at the Inquiry I am not persuaded that coaches or occasional rigid heavy goods vehicles could leave the site in a single turn. In my view they could encounter some difficulty turning, particularly if cars were parked along this stretch of College Crescent opposite the access. This would result in manoeuvring which I consider would be particularly hazardous to pedestrians and cyclists.
18. To conclude on this issue, therefore, whilst I am satisfied that the proposal would not lead to an unacceptable increase in vehicular traffic and that both of the site accesses are capable of achieving the required sightlines, I am not persuaded that the proposal makes satisfactory provision for coaches and heavy goods vehicles to leave the site safely. On this basis I consider that the proposal would have a harmful effect on highway safety and that it would conflict with the objectives of UDP Policies T3 and T12.

Living conditions – local residents

19. There are a number of residential buildings in the surrounding area, including College Court to the west and Northways to the south east of the appeal site. However the area as a whole contains a mix of uses and is close to the Swiss Cottage/ Finchley Road shopping centre which has cosmopolitan and vibrant character. I recognise that the hostel would be open 24 hours a day and note that guests could arrive throughout the day and night, for example using airport buses to Finchley Road. However I consider that the arrival of guests during the night would represent a low level of activity, dispersed through the night time hours. It would not, in my view, be inappropriate in an urban area where some level of traffic and activity already continues throughout the night.
20. The appellant has confirmed that the hostel use commenced in May 2006 and is capable of accommodating 210 guests. The current occupancy rate averages over 80%, which represents more than 150 guests per night. The appellant contends that typical guests enter or leave the building singly or in small groups and this is supported by CCTV footage. The proposal would clearly result in a significant increase in the number of guests staying at the hostel, but all the evidence and my observations at the site indicate that guests stay in this location in order to experience the tourist attractions of London. I see nothing to suggest that the hostel itself would become a focus for activities.
21. Communal facilities at the hostel are functional and compact and do not lend themselves to large gatherings that would be likely to generate noise or disturbance. The bar license places tight restrictions on who can purchase and consume alcohol at the hostel and Camden's restriction on drinking in the street would ensure that any consumption of alcohol would be contained within the site. The building is positioned centrally on a generous site with space on all sides and whilst windows might be open in summer months I do not consider that noise from within the building would cause unacceptable disturbance to

occupants of adjacent dwellings. In addition, whilst I have had regard to local residents concerns about noise and anti social behaviour in the surrounding area, none of the evidence before me indicates that a hostel of the type proposed would result in such problems.

22. The Council accepts that this location is suitable for a hostel and the objections relate to its size. However no firm evidence has been submitted to demonstrate that the current hostel use has been the subject of complaints regarding noise or disturbance either from within the site or in the surrounding area. On this basis I do not consider that a more intensive use of the building would result in unacceptable noise or any other disturbance which would harm the living conditions of the occupants of nearby dwellings, or local residents in the wider area. I am therefore satisfied that the proposal would not conflict with the objectives of UDP Policy SD6 in this respect.

Living conditions – future occupants

23. The application plans show indicative room layouts, but it is common ground that all of the 300 beds proposed are not shown and that some areas shown as dormitories are currently in use as communal areas. The hostel as it currently operates has won awards from Hostels.com and Visit London, but the Council contends that in order to accommodate 300 guests it would be necessary to remove some of the existing communal areas, resulting in cramped accommodation
24. It is clear that to accommodate the proposed capacity it may be necessary to use the attic floor of the building and/or to provide additional beds in some rooms. However on visiting the hostel I noted that the appellant has taken a flexible approach in arranging sleeping and communal areas, using imaginative solutions to create interesting and attractive spaces. The dormitories simply provide a space to sleep, with little privacy or storage space. However health and safety matters would clearly be controlled by appropriate regulations with which the appellant would need to comply. I consider that it is for the appellant to decide, based on knowledge of the market and future customers, what provision is made for dining, catering and other facilities and the balance between communal areas and sleeping spaces. On this basis I consider that the hostel is capable of providing satisfactory accommodation for the proposed 300 guests and see no conflict with UDP policies in this respect.

Conclusions

25. I have found that the proposal would provide satisfactory living conditions for guests and would not harm the living conditions of local residents. However I consider that these factors are outweighed by the harmful effect that the proposal would have on the listed building and on highway safety. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

Appeal Ref: APP/X5210/A/06/2009104

26. I dismiss the appeal.

Sue Turner

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Hockman QC	Instructed by Louise McLaughlan, legal adviser to the Council
He called	
Kiran Chauhan MTCP (Hons) MRTPI	Senior Planner, LB Camden
Hannah Walker BA (Hons) MSc	Conservation Officer, LB Camden
Stewart McKenzie BRP (HONS) NZPI	Senior Transport Planner, LB Camden

FOR THE APPELLANT:

Alun Alesbury of Counsel	Instructed by Planning and Project Management Services
He called	
Alvin Ormonde	Planning and Project Management Services
John Rowland BSc FIHT AMICE	Rowland Bilsland Traffic Planning

INTERESTED PERSONS:

Alice Lucas	Deputy Head, South Hampstead High School
Dr Ben Mammo	78 Northways, College Crescent, London NW3 5DL

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Notification of the Inquiry and list of those notified.
- 2 Written submission from Councillor Martin Davies.
- 3 Transport Policies - Camden Unitary Development Plan 2000
- 4 Transport Policies - Camden Replacement Unitary Development Plan 2006
- 5 Section 49 – Vehicle access etc. Extract from Camden Planning Guidance 2006.
- 6 Section 3 – Listed Building Control - Extract from PPG15.
- 7 Policy SD9 – Camden Replacement Unitary Development Plan 2006
- 8 Roof alterations and extensions – extract from Camden Planning Guidance 2006
- 9 Table prepared by Ms Chauhan
- 10 AO20 Photograph of the appeal building – dated approx 1930's
- 11 AO21 email correspondence between the appellant and the Council
- 12 AO24 bundle of information from the hostel website
- 13 AO25 awards given to the hostel
- 14 Supplementary proof of evidence submitted by Mr Rowland
- 15 Petition submitted by Dr Mammo
- 16 Interior photograph of proposed fire escape at roof level
- 17 Listed building consent for rebuilding boundary wall
- 18 Replacement to paragraph 4.23 of Mr McKenzie's proof
- 19 London's Finest – Visit Britain Award extract
- 20 Bed Plan and increases, submitted by the appellant
- 21 Draft legal agreement for earlier planning application

- 22 Sample menu
- 23 Shuttle bus information
- 24 Hostel manager's note
- 25 Average occupancy of hostel 4 – 10 September 2006
- 26 Revised appendices 16 (Drawing 11A) and 17 (Drawing 12A) to Mr Rowland's evidence
- 27 Mr Rowland's tables CC74 and CC76
- 28 Mr Rowland's Track diagrams T20,T21, T24, T25, T26, T27
- 29 Conditions suggested by the Council
- 30 Conditions suggested by the Appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 1A Occupancy report for 22 January 2007 – the day of the Inquiry site visit
- 2A Statement of Common Ground signed by the Council and the appellant

PLANS

- A Bundle of application plans