



Appeal Decision

Hearing held on 27 February 2007

Site visit made on 27 February 2007

by **K D Barton** BA(Hons) DipArch DipArb RIBA FCI Arb

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

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Date: 5 March 2007

Appeal Ref: APP/X5210/A/06/2022362

Falcon Public House, 234 Royal College Street, London NW1 9NJ

- 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 Robert Wynter & Partners Limited against the decision of the Council of the London Borough of Camden.
- The application Ref 2006/1686/P, dated 6 April 2006, was refused by notice dated 8 June 2006.
- The development proposed is the change of use of the ground and basement from Public House (Use Class A4) to residential (1 x 2 bed and 3 x 1 bed) and associated external alterations to the front and rear elevations.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application included French doors at basement level, as shown on drawing 003C that has been the subject of consultation, where the central French door did not align with the windows above. Following negotiations, a revised drawing 003F showing windows aligned with the openings at ground floor level was considered by the Council in reaching its decision. Prior to the hearing the appellant requested that drawing 003H be considered which reverts back to the French doors but shows them aligned with the openings above. Although drawing 003H has not been the subject of consultation, none of the parties at the hearing objected to, and in my view no-one would be disadvantaged by, consideration of this minor design change.

Living Conditions of the Occupiers of Basement Flats 3 and 4 in Terms of Daylight

3. It is accepted that neither the windows considered by the Council nor the French doors to the basement living rooms in flats 3 and 4 would meet the standard, set out in the Council's adopted Supplementary Planning Guidance (SPG) based on *Circular 17/96*, of window areas being equal to 10% of the floor area. The Average Daylight Factor (ADF) test set out in the Building Research Establishment's (BRE) guidance *Site layout planning for daylight and sunlight: A guide to good practice* published in 1991 has also been applied to the living rooms. Whilst the smaller windows requested by the Council would achieve ADF levels of 1.10 and 0.86, falling short of the guideline of 1.5 for living rooms, the proposed French doors would provide ADF levels of 2.39 and 1.92.
4. Whilst I note the concern of interested persons about the impact on energy use of rooms where artificial lighting might have to be used more frequently, I agree with the Inspector who determined the appeal relating to Grafton Chambers (APP/X5210/A/03/1125944) that

neither the Council's SPG, nor the BRE Guidance, are mandatory and that other standards might apply provided a reasonable level of natural lighting were provided. In my view, the natural light levels that would be achieved with the French doors, whilst not meeting the SPG standard, would exceed the minimum recommended ADF level for living rooms set out in the BRE Guidance and would be acceptable. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of flats 3 and 4 in terms of daylight that could be enjoyed and would comply with the objectives of Policy SD6 of the *London Borough of Camden Replacement Unitary Development Plan 2006* (UDP).

Character and Appearance of the Jeffrey's Street Conservation Area

5. The appeal property lies within the Jeffrey's Street Conservation Area. Whilst it is not listed, it is identified in the Council's *Conservation Area Statement* as making a positive contribution to the streetscape. It occupies a prominent position facing College Gardens, a triangular piece of land where the road into the City splits into Royal College Street and St Pancras Way that pass either side of the Falcon and its flanking buildings.
6. The *Statement* notes that "The distinct quality of Jeffrey's Street Conservation Area is that it largely retains its Georgian character". Whilst lightwells surrounded by railings are a feature of the area generally, they occur predominantly on buildings originally designed for residential use where the main floor is raised and approached by steps and the heads of basement windows in the lightwells are above pavement level. Commercial buildings generally had grilles or glass lights set into the pavement rather than lightwells, as illustrated in photographs. Although a number of shops close by have had lightwells added, particularly in Royal College Street, the *Conservation Area Statement* notes that these buildings have been spoilt by insensitive alterations.
7. The proposals indicate that the ground floor façade of the Public House, which in my view makes a significant contribution to the character of the area, would be retained with its three pairs of double doors separated by glazing. Lightwells have already been formed by breaking through the pavement level slab in front of the Falcon into the cellars. However, photographs show that the Falcon had a barrel drop to the cellars set into the pavement, following the pattern of commercial buildings which it very obviously has the appearance of, rather than a lightwell as the surrounding residential buildings. Indeed, I consider that the three pairs of double doors in the front elevation indicate that a lightwell would not have existed in front of the building.
8. Whilst the Council has not objected to the provision of a lightwell, I note that the conservation team provided comment at a weekly design surgery, without any opportunity for research, rather than in a formal consultation. The introduction of a lightwell would, in my view, be alien to the appearance of a building designed for commercial use and detract significantly from the Georgian character of the area. Moreover, the retention of the three double doors with the provision of only one 'bridge' over the lightwell to one set of doors would give the building an 'odd' appearance, which in my opinion would draw attention to the basement alteration. I conclude that the proposal would be detrimental to the character and appearance of the Jeffrey's Street Conservation Area contrary to the aims of UDP Policies B3 and B7.

9. I accept that if a lightwell were acceptable, the French doors aligned with, and a similar width to, the openings above would be sensitive to the vertical emphasis of the existing fenestration in the building, although the windows with a horizontal emphasis considered by the Council were in my view insensitive to the design of this notable building. However, even in such circumstances, the proposal includes insufficient detail of the formation of the lightwell, the finish of the external walls below ground level, the design of the means of access across it to the building entrance, or of any alterations to the ground floor glazed façade to provide opening windows or other means of ventilation. In my view, such details would have a fundamental impact on the acceptability or otherwise of any proposal and go far beyond ancillary details that might be required by condition. I consider that their absence would, in itself, justify refusing the proposal.

Other Matters

10. The proposal would not provide any off-street parking but is in an area which the Council accepts is highly accessible by public transport. A Section 106 Unilateral Undertaking would ensure that any occupiers were made aware that they would not be entitled to a Residents Parking Permit or to buy a contract to park within any car park owned, controlled or licensed by the Council and the proposal would, therefore, comply with the aims of UDP Policy T8 in this respect.
11. Whilst a change of use to residential is acceptable in principle, and the issue of lifetime homes has been addressed, I do not consider that additional flats in the basement of the Falcon would justify allowing this proposal that would harm the character and appearance of the Conservation Area. Notwithstanding my conclusions on car parking and living conditions I consider that the detrimental impact the proposal would have on the character and appearance of the Jeffrey's Street Conservation Area, which could not be overcome by the imposition of conditions, outweighs these conclusions and is the determining issue in this appeal.

K D Barton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hannah Baker BA(Hons) MA MRTPI	Indigo Planning, Swan Court, Worple Road, London SW19 4JS
Jeff Wilson	Indigo Planning, Swan Court, Worple Road, London SW19 4JS
Martin Howarth	Waterslade Limited OX29 4HF
Charles Kamenou	Kamen Construction Ltd
Gabriel Kamenou	Kamen Construction Ltd
Mark Adams	Kamen Construction Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Smith BSc(Hons) DipTP	Senior Planning Officer, London Borough of Camden, Development Control and Planning Services, Town Hall, Argyle Street, London WC1H 8ND
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INTERESTED PERSONS:

John Green	Jeffrey's Street Association, 4 Jeffrey's Street, London NW19PR
Gill Scott	Reed's and Rochester Place Neighbourhood Association, 48 Rochester Place, London NW1 9JX

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council's letter of notification of the hearing and list of those notified
- 2 Copy of appeal decision APP/X5210/A/03/1125944 referred to in appellant's statement
- 3 Briefing Note, letter dated 25 January 2007, Planning application dated 30 January 2007 and Section 106 Unilateral Undertaking submitted on behalf of the Appellant.
- 4 Bundle of documents, including appeal decision APP/X5210/A/04/1167235, submitted by Ms Scott