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N13/34/A-34064
34065
Rev. N° 1260
ALLOWED

Messrs Druces and Attlee
Solicitors
Salisbury House
London Wall
LONDON EC2M 5PS

Your reference

1/26/15070

Our reference

T/APP/5008/A/82/013284 and 013285/PE3

Date

11 AUG 83

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY NATIONAL PROVIDENT INSTITUTION
APPLICATIONS NOS:- N13/34/A/34065 AND N13/34/A/34064

1. I refer to these appeals, which I have been appointed to determine, against the decisions of the Council of the London Borough of Camden to refuse planning permissions for (a) change of use of existing mixed recording studio/residential use to offices with ancillary flat and (b) change of use of existing recording studios with ancillary residential accommodation to offices with independent flat both at 76 Bedford Court Mansions, Bedford Avenue, London WC1. I held a local inquiry into the appeal on Tuesday 24 May 1983.
2. From my inspection of the appeals' site and of the surrounding area and from my consideration of the representations made at the inquiry and in the letters received; I have come to the conclusion that the main issue in both these appeals is whether or not there is evidence of any special circumstance which could justify either the use for office purposes of space with a lawful use for residential purposes and which has an established use for mixed uses or the creation of additional office floorspace in the central area of London and wherein the policy of the District Plan to the approved Greater London Development Plan is to restrict the further growth of offices.
3. The proposals are to a large extent identical needing only the creation or blocking of a door opening to mark the difference in physical terms. They involve location at basement level of a 2-bedroomed flat with own entrance and an office suite on the ground floor with own entrance and extending down into the basement with one office and WC accommodation.
4. Bedford Court Mansions is a 7-storey Edwardian block on the corner of Adeline Place and Bedford Avenue and is within the Bloomsbury Conservation Area. To the north-east and south-east it is adjoined mainly by offices but includes a college and shop use. To the north-west on the other side of Bedford Avenue are offices fronting Bedford Square, to the west the south-east end of the south-west side of the Square is occupied by a block similar to Bedford Court Mansions and with the same name and to the south-west fronting the south-west side of Adeline Place is the extensive YMCA hotel, hostel and club complex. Nearby development to the south-east includes 2 hotels and the shops, offices, theatres, etc of St Giles Circus.
5. Along the Bedford Avenue frontage Bedford Court Mansions are divided into 3 bays each with a central entrance circulation serving 4 corner wings. The appeal

premises are located in the south-east wing at the rear and consists of 8 main rooms, 3 smaller rooms and WC and bathroom compartments on 2 floors with a gross internal area of 2,850 sq ft. The rooms on the north side are lit by a light well and those on the south overlook a small open area backing onto terraced properties in Great Russell Street.

6. The appeals' premises were built as a dwelling and are part of a block where 5 other dwellings of the 108 in the block have office uses in them. However, they have not been in wholly residential use since 1947 when the former occupant established his record company therein and installed a recording studio and echo chamber, as well as carrying on other music business enterprises. On 14 January 1982 the council issued an Established Use Certificate certifying that on 27 July 1981 the mixed use of 76 Bedford Court Mansions as storage, offices and recording studio in connection with the wholesale sale of records, and residential was established. The plan accompanying the certification shows the wholly residential element at about 400 sq ft, that is almost doubled if shared circulation, residential/office and residential business spaces are taken into account with the remainder in office and business uses.

7. The appeals' proposals would effectively add the established business use floor area of some 800 sq ft to the existing established office use to give a total of some 1,550 sq ft. The loss of this quantity of business floorspace and conversely the creation of a similar quantity of office space would not in themselves have any but a modest impact upon the sum totals of such space in this part of the borough, but if the proposed change of use to offices were permitted without adequate reason it would be extremely difficult to resist similar changes to other residential units in the area despite the lack of any business content in them as is the case here. The effect of a number of such changes could be significant in terms of the decline of residential accommodation and the growth of office floorspace contrary to the aims and intentions of the District Plan.

8. The established residential use is spread throughout the dwelling and the council accept that it does not form the sort of family home called for in the policies. The appeals' proposals provide a flat of 774 sq ft, a marginally higher area of residential floorspace than at present, organised into a clearly defined area and is a family sized dwelling. If it is right that the commercial content of the established use creates a higher value than a wholly residential use, then I see no cogency in the council's contention that the premises should revert to their lawful use, ie the predominating residential use on the appointed day (1 July 1948). Indeed your clients state that there is no question of the dwelling becoming wholly or predominantly residential or of them converting it to more than one dwelling. They also consider that they could find another occupier, for instance in the video or computing industries, well able to operate in the appeals' premises within the established use.

9. The appeals' premises are adjoined by dwellings in office use and are within a grouping of 4 of the 6 in the block in office use. All such uses, in common with the established use of the appeals' premises, are old established. While there is no evidence that the established use, including the recording studios, caused any disturbance to neighbouring or nearby homes it seems to me that an office use is inherently much quieter than a music organisation employing up to 8 people in the premises. To my mind the proposals are an improvement and I see no reason why they would create any unacceptable disturbance.

10. In all the circumstances I consider that the elimination of a possibly noisy business use with rationalized space apportionment and improved residential

accommodation combined put the balance to allowing the applications as made. I think therefore there is an exception to the strict application of the policies in this case justifiable.

11. As things are the established business/office use could expand into the residential use areas in varying degrees as could the office use expand into the storage and recording areas and it could well be difficult for proper planning control to be exercised. Appeal application (a) proposes residential accommodation ancillary to the offices and to my way of thinking a gradual encroachment of one or the other and the amalgamation of the 2 uses could take place in the same manner as is suggested for the established use contrary to the policies. While as stated I think approval would be justifiable, it would only be so if the 2 uses were used solely for the purpose for which the permission is given and I intend to condition this approval accordingly.

12. I acknowledge that approval of the applications trebles the office space in the premises and that several residents express concern about the security of the Mansions should there be an increase in the number of people with access thereto.

13. I have taken account of all the other matters raised but they are not sufficient to outweigh the considerations that have led me to my conclusion. For the above reasons, and in exercise of the powers transferred to me, I hereby allow appeal (a) and grant planning permission for change of use of mixed recording studio/residential use to offices with ancillary flat at 76 Bedford Court Mansions, Bedford Avenue, London WC1 in accordance with the terms of the application (No N13/34/A/34065) dated 16 April 1982 and the plan 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:

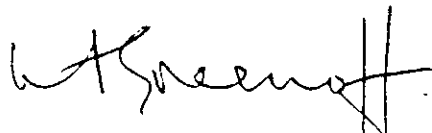
2. the premises shall be used for offices and residential as shown on the drawings 1085-3 and for no other purposes.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for (b) change of use of existing recording studios with ancillary residential accommodation to offices with independent flat unit at 76 Bedford Court Mansions, Bedford Avenue, London WC1 in accordance with the terms of the application (No N13/34/A/34064) dated 16 April 1982 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

15. 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.

16. 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.

I am Gentlemen
Your obedient Servant



W A GREENOFF DiplArch RIBA
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr William Hicks

- of Counsel: instructed by
Messrs Druces and Attlee.

He called:

Mr A H Crowther MA AADipl RIBA

- Partner: Messrs Greenway and
Partners, Architects,
Branch Hill Mews, London NW3 7LT.

FOR THE LOCAL PLANNING AUTHORITY

Mr D J Noble

- Solicitor with the council.

He called:

Mr K E Goff DipTP MRTPI

- Assistant Planning Officer.

DOCUMENTS

- Document 1 - List of names of persons present at inquiry.
- Document 2 - Copy of letter notifying local people of inquiry and list of addresses circulated.
- Document 3 - Bundle of letters received in reply to Document 2.
- Document 4 - Schedule of commercial uses in Bedford Court Mansions.
- Document 5 - Statutory declaration made by P A Newbrook Esq.
- Document 6 - Extracts from the Greater London Development Plan.
- Document 7 - Extracts from the District Plan.
- Document 8 - Extracts from the District Plan.
- Document 9 - Extracts from the District Plan.
- Document 10 - Extracts from other non-statutory policies.
- Document 11 - Copy of planning officer's report to council.
- Document 12 - Extracts from the written statement to the District Plan.
- Document 13 - Extracts from the Greater London Development Plan.
- Document 14 - Appendix to proof of evidence submitted by Mr Crowther.

DOCUMENTS CONTINUED

Document 15 - Bundle of letters received in reply to the appeals' applications.

Document 16 - Extract from Law Reports - Cook v Secretary of State for the Environment.

PLANS

Plan A1 - Established Uses: appeal (a).

Plan A2 - Proposed alterations: appeal (a).

Plan A3 - Established Uses (b).

Plan A4 - Appeal proposals (b).

Plan B - Location Plan.

Plan C - Land Use Plan.

Plan D - Block Plan.

Plan E - Schedule of floor areas in established use and proposed uses.