

Appeal Decision

Site visit made on 3 June 2014

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 2 July 2014

Appeal Ref: APP/X5210/A/14/2217452

357 Euston Road, London, NW1 3AL

- 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 Mr Philip Collett against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2013/6696/P was refused by notice dated 17 January 2014.
 - The development proposed is described as: "amendment to previously consented application Ref: 2012/4512/P to include an additional floor to create a duplex residential unit over the 4th and 5th floors".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's second and third grounds for refusal relate to the absence of a legal agreement to ensure the development is 'car free' and to secure a post construction sustainability review. The appellant has provided a copy of a Unilateral Undertaking (UU), dated 7 April 2014, to address these matters. I deal with this in the body of my decision.

Main Issues

3. The main issues are: (i) the effect of the proposal on the character and appearance of the host building and surrounding area; and (ii) whether a planning obligation is necessary to ensure the development is 'car free', and to secure a post construction sustainability review.

Reasons

Character and Appearance

4. The appeal property comprises a relatively narrow four storey building with its main frontage facing Euston Road, and the rear elevation facing Warren Street. The Euston Road facade is attractive, and finished in red brick with bay windows at upper storey levels. It is capped with a stone balustrade, with a central inscribed panel. The Warren Street frontage is less elaborate, faced in 'stock' bricks, with metal framed windows on the upper levels and two domestic sized doors at ground floor level.
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5. Euston Road is a busy traffic route, and is mixed in character, comprising commercial and other buildings of varying ages, styles and heights. On the Euston Road frontage, the appeal building is flanked to one side by a substantial post-war office building, block-like in form with a repetitive and regular window pattern, and a substantial concrete upper portion. On the other side is a rendered building of a more traditional design with arched windows at upper level and a mansard style roof with windows. Both adjacent buildings are of a greater scale than the appeal property.
6. The appeal building is located adjacent to, but outside, the Fitzroy Square Conservation Area, a designated heritage asset. Its boundary runs along Warren Street with the buildings on the southern side falling within the Conservation Area. This section of Warren Street has a more intimate character, with a number of original brick faced terraced buildings on the opposite side to the appeal property.
7. Planning permission was granted in 2013¹ for various works, including amongst other things, alterations to the elevations, and conversion of the upper storeys to residential use, as well as the construction of an additional storey. This appeal scheme proposes a further additional floor to that approved in 2013.
8. Whilst the previously approved additional floor would be adequately assimilated with the host building, I have concerns that a further additional floor would appear incongruous and discordant. Although it would be recessed from each frontage of the building, it would be visible in longer range views, including from Conway Street, as well as from the opposite side of Euston Road. The additional glazed top storey would appear 'box-like' and add to the bulk of the existing building. It would also be unsympathetic to the character and age of the existing property.
9. I find on this issue that the proposal would harm the character and appearance of the host building and the wider area. It would also fail to preserve the character or appearance of the adjacent Fitzroy Square Conservation Area. It would conflict with Policy CS14 of the Core Strategy which requires development to be of the highest standard of design that respects local context and character. It would also conflict with Policies DP24 and DP25 of the Development Policies which have similar aims, including requiring consideration of the character and proportions of the existing building, where extensions are proposed; and not permitting development outside a Conservation Area that would harm the character and appearance of that Conservation Area.

Planning Obligation

10. The Council's second and third reasons for refusal relate to the absence of a planning obligation to secure a 'car free' development, and to provide for a post construction sustainability review. To address this, the appellant has provided a copy of a UU dated 7 April 2014. The Council has not commented on its contents, but says its preference is that these matters be secured through a deed of variation to the original legal agreement in respect of the earlier approved scheme.

¹ Ref: 2012/4512/P

11. It is not clear that the UU has been signed by everyone with an interest in the land. Furthermore, the Council has provided no substantive evidence or explanation to support its second and third reasons for refusal, or to indicate why such an obligation is necessary having regard to the relevant tests in the National Planning Policy Framework ('the Framework')² and the Community Infrastructure Levy Regulations³. However, because I have found the appeal unacceptable in relation to the first issue, my decision does not turn on these matters.

Other Matters

12. In reaching my decision, I have taken into account the appellant's submissions in support of the appeal, including that the site is in an accessible location close to public transport links; and that the proposal would comply with 'Lifetime Home' standards. I acknowledge that the buildings either side are taller than the appeal building, that the area is densely developed and that the surrounding buildings are varied in design with no single dominant style. I appreciate that the proposal would utilise high quality building materials, and that the scheme would form part of an overall refurbishment scheme for the building. However, these factors do not outweigh my concerns.
13. Although some buildings in the vicinity have been altered and extended, Paragraph 24.13 of the supporting text to Policy DP24 states that past alterations or extensions to surrounding properties should not necessarily be regarded as a precedent for subsequent proposals.
14. I have considered the proposal in the context of the presumption in favour of sustainable development set out in the Framework. I acknowledge the Framework encourages the effective use of land that has been previously developed and that the scheme would contribute to the supply of housing in a sustainable location. However, the Framework seeks to promote or reinforce local distinctiveness. This proposal would fail to achieve that objective.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Matthew C J Nunn

INSPECTOR

² Paragraph 204

³ Regulation 122