

Appeal Decision

Site visit made on 27 February 2014

by David Warden MSc MRTPI

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

Decision date: 30 April 2014

Appeal Ref: APP/X5210/C/13/2204171

Land at Hudsons House, St Giles Hotel, Bedford Avenue, London WC1B 3GH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the Council of the London Borough of Camden.
 - The appeal is made by St Giles Bar & Grill Limited.
 - The notice was issued on 18 July 2013.
 - The breach of planning control as alleged in the notice is the erection of a timber canopy and timber cladding to the Bedford Avenue elevation.
 - The requirements of the notice are to:
 1. remove the unauthorised timber canopy and timber cladding and associated fixtures and fittings; and,
 2. make good any damage from removing the timber canopy and timber cladding and associated fittings.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Main issue

2. The main issue in this case is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal building is a substantial structure. Whilst not listed, it reflects a particular period of bold architecture. It comprises of a two-storey (plus roof) podium that occupies the entirety of a relatively generous urban block, including that fronting Bedford Avenue, where the restaurant, Hudson House, is located. There are four large, interconnected, tall towers above the podium level. The character of the surrounding area is defined by its central London location and the scale of the buildings present, with a mixture of commercial and other uses reflecting such a location.
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4. A restricted palette of materials is a feature of the appeal building. This is largely limited to concrete, with a mixture of both textured and smooth finishes, along with metal and glass, primarily to the windows, but also to the projecting canopy over the main entrance to the St Giles Hotel. There is also some use of fabric canopies, although these are typically of a more limited scale.
5. The appeal development comprises a projecting timber canopy and timber cladding to the entrance of the restaurant. These coloured planks are constructed to a high standard and form part of an overall design concept for the restaurant, with input from a well-known designer. However, the alterations dominate this part of the Bedford Avenue elevation, particularly the cladding above the first floor windows and, to a lesser degree, that below. Moreover, due to the materials used, which depart from the existing restricted palette, the cladding and the canopy appear as inappropriate additions in this particular context.
6. The development visually competes with the more centrally located main hotel entrance, which is more in keeping with the overall design of the building. Along with being prominent from Bedford Avenue, the development is also visible from Adeline Place and, to a lesser extent, Tottenham Court Road. Overall, the building is of a particular architectural design and is not well suited to the appeal development, which, as a result, appears as a somewhat ad-hoc addition.
7. The above-mentioned prominence/visibility, includes views from within the adjoining Bloomsbury Conservation Area¹, the boundary of which is located on the opposite side of Bedford Avenue and the centre line of Adeline Place. Whilst the appeal building is a significant contrast to the characterful historic buildings within the Conservation Area, the development provides for a somewhat disjointed appearance of the building on the boundary of this designated heritage asset. In this regard, it causes harm to its setting and thus to the significance of this asset, although, with paragraph 134 of the National Planning Policy Framework ('the Framework') in mind, this harm is less than substantial. The Council also refers to nearby listed buildings, although few details have been provided. However, based upon the information before me², these are slightly further away from the development and, as a result, I am satisfied that their respective settings are preserved.
8. In many circumstances, natural materials would be suitable, if not preferable. In this case however, they are in stark contrast with the existing building. Whilst there is a degree of subjectivity involved in the assessment of such a development, to my mind, the harm caused goes beyond mere personal preference, as suggested by the appellant.
9. All in all, due to its inappropriate design and materials in this particular and prominent context, the development causes material harm to the character and appearance of the surrounding area, as well as to the setting of the adjoining Conservation Area. This is contrary to policy CS14 of the Camden Core Strategy 2010 ('CS') and policy DP24 of the Camden Development Policies, as well as guidance in the Framework and within sections 3 and, to the extent relevant, 4

¹ The Council also refers to the South Hampstead and Swiss Cottage Conservation Areas, although it is clear from the Council's Statement and the map provided that these references are in error.

² This includes Map 6: Heritage of the CS, which shows the location of listed buildings within the Borough.

of the Council's SPD³. These seek, amongst other things, to protect local character and distinctiveness, including the use of appropriate materials, along with preserving heritage assets in a manner appropriate to their significance.

Other matters

10. This small independent business employs over 25 people and there are economic benefits associated with increased use/prominence of the restaurant. The Framework is supportive of sustainable development intended to deliver economic growth. However, it also seeks to promote good design. Whilst I have no doubt that some form of street presence is vital to attracting customers along this more secondary frontage, there is no substantive evidence before me that a more sympathetic solution could not be found. Use of the designated external street seating area in accordance with the Operational Policies provided is noted, as is the desire for consistency with the interior design. Overall, however, these factors do not overcome or outweigh the harm that is a consequence of the development.
11. The appellant has expressed dissatisfaction with the Council's handling of matters related to the site, both now and in the past, including a lack of communication. However, these are matters that would need to be pursued directly with Council in the first instance. I confirm in this respect, that I have had regard only to the planning merits of the development.

Conclusion

12. For the reasons given above therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

David Warden

INSPECTOR

³ Camden Planning Guidance – Design, Supplementary Planning Document.