
Appeal Decisions

Hearing held on 8 October 2014

Site visit made on 8 October 2014

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

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

Decision date: 23 October 2014

Appeal A Ref: APP/X5210/A/14/2222168

Pakenham Arms, 1 Pakenham Street, London WC1X 0LA

- 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 Pakenham Investments Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/2125/P, dated 24 March 2014, was refused by notice dated 23 June 2014.
 - The development proposed is described as 'change of use from ancillary residential above pub to create five flats and associated alterations to include alterations to rear elevation and mansard roof extension'.
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Appeal B Ref: APP/X5210/E/14/2222173

Pakenham Arms, 1 Pakenham Street, London WC1X 0LA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Pakenham Investments Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/2284/L, dated 24 March 2014, was refused by notice dated 23 June 2014.
 - The works proposed are described as 'change of use from ancillary residential above pub to create five flats and associated alterations to include alterations to rear elevation and mansard roof extension'.
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matter

2. The descriptions of the proposal used in the formal headings above are taken from the joint application form for planning permission and listed building consent. Although more detailed descriptions were used on the Council's decision notices, the separate appeal forms confirm that the description of the proposal has not changed and I intend to consider the appeals on that basis.

Main Issue

3. The appeal building is grade II listed and other listed buildings are located adjacent and close to the site, which is situated within the Bloomsbury Conservation Area. The Conservation Area and listed buildings are designated heritage assets and I am mindful of my statutory duties in these regards.

4. Planning permission and listed building consent were granted in March 2014 for alterations to the appeal building to create four flats at first and second floor level above the retained ground floor public house (the 'approved scheme'). The main difference between the approved scheme and the current appeal proposals is the proposed additional unit of accommodation at a newly created third floor level, with the consequent alterations to the existing roof and the addition of a new roof to the building. At the time of my visit to the site, a significant amount of work was taking place to implement the approved scheme. I intend to consider the current appeals in light of this.
5. As part of the appeal submissions, the appellant provided a draft unilateral undertaking in respect of four of the Council's six reasons for refusal of planning permission. A revised version of this undertaking, which was signed but not dated, was provided at the Hearing. The evidence before me indicates that the revisions followed comments provided by the Council, to address its concerns in respect of those four reasons for refusal. Discussion on the revised undertaking took place at the Hearing and, subsequently, the appellant submitted a completed copy of this planning obligation. I am satisfied that my consideration of Appeal A on this basis would not prejudice the interests of any party.
6. Taking into account the planning history of the site and the Council's position in relation to the matters covered in the submitted planning obligation, the main issue in Appeal A and Appeal B is whether or not the proposed mansard roof and replacement of the existing mansard roof would preserve the listed appeal building, any features of special architectural or historic interest that it possesses, its setting or the setting of other listed buildings nearby and preserve or enhance the character or appearance of the Conservation Area.

Reasons

7. Bloomsbury Conservation Area is a large area located within a highly developed part of central London. Although it is predominantly residential in character, it also contains a mix of other uses. The Council's *Bloomsbury Conservation Area Assessment and Management Strategy 2011* identifies the appeal site as within sub-area 14, which is characterised by mainly older terraced residential development interspersed with, amongst other things, public houses. The appeal building and its immediate neighbours form part of a relatively small group of buildings that appear largely unchanged externally. Due to their use, architectural features, overall design, prominent siting, close relationship with the development around them and the longer views available of them, these buildings are important to the significance of the Conservation Area and make a strong positive contribution to its character and appearance.
8. From the evidence before me, including the listing description, I consider that the significance of the listed appeal building is largely derived from its use, historic age and architectural features, together with the contribution that it makes to the surrounding group of buildings. The submitted details indicate that it was constructed sometime after the adjoining terraced houses to either side and, in part, this is reflected in the architectural detailing to the front elevation. The design and form of the roof are also markedly different to those of the adjoining terraces, which can be clearly seen in the gap adjacent to 20 Wren Street, to the rear. However, the scale of the building and its overall design, together with its prominent corner location, are such that it forms an integral part of this harmonious group of properties.
9. The proposed mansard roof would be set back from the front and rear elevations of the building and would be partially screened by a parapet wall. Nonetheless, the

proposed new roof, due to its height, scale and siting, would materially alter the appearance of the building. The resulting increase in the height of the building would materially increase its overall scale and would detrimentally disrupt the graduation in height and scale between the taller, more imposing, properties on Calthorpe Street and the smaller scale terrace on Pakenham Street. This existing change in scale, which is reflective of local topography, and the articulation of the current roofscape, which adds to the visual interest of this prominent group of buildings, is clearly apparent in longer views of the group from the east.

Consequently, I consider that this part of the proposal would adversely affect the appearance of the appeal building, the setting of the neighbouring buildings and the character and appearance of the Conservation Area.

10. The proposed new wall for the rear elevation of the second floor has been designed to complement those of the neighbouring properties and the rear elevation of the building is far less prominent and less architecturally sensitive than the front elevation. However, the balance of the evidence before me indicates that the form of the rear roof slope and the proportions of the dormers are consistent with the age of the building and are likely to reflect its original form. Moreover, the existing rear roof form enables the separate construction of the appeal building and the evolving form of the terrace to be perceived. Therefore, I consider that the removal of the existing rear mansard roof slope would be materially detrimental to the historic character of the appeal property. It would also adversely affect the setting of the neighbouring listed buildings and the character and appearance of the Conservation Area. As a result, I consider that the roof extension as proposed would be materially harmful to the significance of these heritage assets.
11. It is not a matter of contention that the existing flat roof element of the mansard is a more recent alteration to the building, or that the materials of the vertical elements of the mansard roof have been altered over time and its current condition is poor. The proposal would not incorporate a terrace at roof level and, as a result, would lead to the removal of the existing roof-top structures and avoid the need for further structures as proposed as part of the approved scheme. It is not a matter of dispute between the parties that the interior of the building has been altered over time. With the exception of the existing rear roof slope, it has not been suggested that the proposed new roof would adversely affect any particular features of special historic or architectural interest within the building and there is nothing before me that would lead me to disagree with this assessment. I have also taken into account the representations of the Bloomsbury CAAC. However, none of these matters, either individually or cumulatively, leads me to alter my findings above.
12. The proposed new mansard roof would follow a traditional design approach for such structures. A number of other examples elsewhere have been drawn to my attention, including on corner buildings similar in character and appearance to the appeal building. However, whilst recognising that such a feature on corner buildings is not uncommon within the area, it is necessary to consider the proposal on its merits and the existence of other development elsewhere is not an appropriate reason to allow a proposal that would cause harm.
13. For the reasons given above, I conclude that the proposal would not preserve the listed building, its setting or the setting of the listed buildings nearby, or the character and appearance of the Conservation Area. As such, it would be contrary to the *Camden Core Strategy 2010* Policy CS14 and the *Camden Development Policies 2010* Policies DP24 and DP25, which seek to protect local character and appearance, including in relation to the historic environment.

14. Whilst I have found that the proposal would cause harm to the significance of the heritage assets, to which I attach considerable weight and importance, it would not lead to the substantial loss of the building or the neighbouring properties and would affect a small group of buildings within a much larger Conservation Area. Therefore, although material, I regard the harm that would result from the proposal as less than substantial. Paragraph 134 of the *National Planning Policy Framework* (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
15. In comparison to the approved scheme, the main public benefits resulting from the appeal scheme would be the provision of an additional unit of residential accommodation. As such, it would make a further contribution, albeit relatively limited, to addressing the identified housing need within the area and is in a location that is within easy reach of a range of local services and facilities. In common with the approved scheme, it would provide a new use for the upper floors of the building, whilst enabling its use as a public house to be retained at ground floor level. From the evidence provided, this would also have benefits to the local community. Given the general encouragement in the Framework for such development, I give these benefits moderate weight.
16. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the proposed appeal scheme would not make such a contribution. Furthermore, it has not been demonstrated that the proposed scheme would be necessary to secure the long-term use and retention of the listed building. It has not been suggested, and there is nothing before me that would lead me to consider, that the approved scheme would not be viable and, on the evidence available to me, this approved scheme would cause less harm to the significance of the heritage assets than the appeal proposal. As such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
17. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Other matters

18. In respect of Appeal A, the submitted planning obligation concerns provisions for sustainable construction, financial contributions towards the provision of education and open space, and arrangements for car-free housing. However, these provisions seek to address the potential impacts of the proposed development and the Council's reasons for refusal of planning permission in these respects. Given my findings in respect of the main issue, it is not necessary for me to examine the submitted undertaking further as, even if it were considered to meet the regulatory tests, its provisions would not result in benefits of the scheme that would outweigh the harm identified.
19. Also in relation to Appeal A, strong local concerns have been expressed about the impact of the proposal on the living conditions of neighbouring occupiers. A daylight and sunlight assessment was not submitted in support of the proposal.

However, from the evidence available to me, taking into account the relative orientation and relationships of the buildings concerned, I consider that the proposed increase in the overall height of the appeal building would lead to some loss of light to neighbouring dwellings and their rear gardens, particularly No 20 Wren Street. However, due to the existing height and close proximity of surrounding development, neighbouring trees and the tightly enclosed nature of the spaces involved, I consider that the extent of this impact would be relatively limited. Nonetheless, it would result in some harm in this respect, which adds to the harm identified above.

20. Having regard to the evidence before me, I am satisfied that issues regarding odour and noise from the proposed kitchen could be adequately addressed by the application of appropriate conditions. Furthermore, as outdoor amenity space does not form part of the appeal scheme, I am not persuaded that its likely impact in terms of noise and disturbance would be materially more significant than that of the approved scheme, despite the proposed alteration in the amount and type of accommodation proposed.
21. I also heard concerns about the impact of the construction work being undertaken on site. However, the effect on neighbouring occupiers resulting from the implementation of the approved scheme is not a matter that is primarily before me in my consideration of this appeal. Furthermore, whilst the appeal proposal would have resulted in significant works to the roof of the building, potential impacts arising from this are matters that I consider could have been appropriately addressed by the application of conditions.
22. I have found that certain elements of the scheme weigh in its favour and contribute towards the aim of achieving sustainable development. However, paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built and historic environment as well as in people's quality of life'. I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the character and appearance of the area and neighbouring living conditions. The proposal would not, therefore, meet the overarching aims of the Framework to achieve sustainable development.
23. Reference has been made to pre-application advice provided in respect of the proposal. However, I have concurred with the Council's formal decisions that the proposal would be harmful and the advice provided does not lead me to alter these findings.

Conclusions

24. For the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Anne Napier-Derere

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Barry Cansfield	Planning Consultant, Turley
Mr Marc Timlin	Conservation and Heritage Consultant, Turley
Ms Anna Snow	Planning Consultant, Turley
Mr Ben Grant	Pakenham Investments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Fergus Freaney	Planning Officer
Mr Alan Wito	Senior Conservation Officer
Mr Patrick Kelly	Lawyer

INTERESTED PERSONS:

Ms Anna Rosen	Local resident
Mr Tom Rosen	Local resident
Ms Maria Graziella Mecarone	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Council's addendum on car-free housing
2. Revised version of unilateral undertaking
3. Correspondence between the appellant and the Council relating to the revised unilateral undertaking
4. Copy of appeal decision Ref APP/X5210/A/13/2207697

DOCUMENTS SUBMITTED AFTER THE HEARING

5. Completed unilateral undertaking, dated 9 October 2014