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B } 12/15/89 890306 [2479] DISMISSED
[8903045(R2)] [2671] ALLOWED

F } 12/15/89 8910404 [2672] ALLOWED
8910430 [2856] ALLOWED

SR
(Camden High St)

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Your reference
K87/1045-019
Our references
T/APP/X5210/A/88/106576/P2,
T/APP/X5210/E/88/803779/P2,
T/APP/X5210/A/89/124479/P2,
T/APP/X5210/A/89/124526/P2,
T/APP/X5210/E/89/804603/P2 &
T/APP/X5210/E/89/804723/P2

Date 21 SEP 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
AS AMENDED BY THE HOUSING AND PLANNING ACT 1986
TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND BUILDINGS IN CONSERVATION
AREAS) REGULATIONS 1987
LOCAL GOVERNMENT ACT 1972 - SECTION 250 (5)
APPEALS AND APPLICATION FOR COSTS BY RUGBY SECURITIES LIMITED, BY
INTERNATIONAL CALEDONIAN ASSETS LIMITED & CENTRIC SECURITIES LIMITED, AND BY
CENTRIC SECURITIES LIMITED
APPLICATION NOS: PL8802040, PL8870306, PL8903045R2, PL8903046R2, PL8970404, &
PL8970430
(2856)(F) [2479](A) [2479](B) [2671](C) [2672](D) [2672](E)

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the failure of the London Borough of Camden Council to determine within the prescribed period 6 applications as follows:

Appeal A (DoE Ref T/APP/X5210/A/88/106576/P2, LPA Ref PL8802040, Plans 3689/49-3689/72 inclusive)
Application on behalf of Rugby Securities Limited for planning permission for redevelopment to provide 5 retail shops, 18x2 bedroom maisonettes, 3x2 bedroom flats, 17x1 bedroom flats, servicing and car parking on land at 112-124 Camden High Street and 93 Bayham Street, London NW1

Appeal B (DoE Ref T/APP/X5210/E/88/803779/P2, LPA Ref PL8870306, Plans 3689/49-3689/72 inclusive)
Application on behalf of Rugby Securities Limited for conservation area consent for demolition of unlisted buildings within a conservation area at 112-124 Camden High Street and 93 Bayham Street, London NW1

Appeal C (DoE Ref T/APP/X5210/A/89/124479/P2, LPA Ref PL8903045R2, Plans 411/01-411/05 inclusive, 411/P.29, 411/P.30, 411/P.31)
Application on behalf of International Caledonian Assets Limited and Centric Securities Limited for planning permission for new retail premises to replace existing at 112-126 Camden High Street, London NW1

Appeal D (DoE Ref T/APP/X5210/A/89/124526/P2, LPA Ref PL8903046R2, Plans 411/10-411/13 inclusive)

Application on behalf of International Caledonian Assets Limited and Centric Securities Limited for planning permission for refurbishment and extension to existing B1 premises at 93 Bayham Street, London NW1

Appeal E (DoE Ref T/APP/X5210/E/89/804603/P2, LPA Ref PL8970404, Plan F13/06)

Application on behalf of Centric Securities Limited for conservation area consent for demolition of an unlisted building within a conservation area at 112-126 Camden High Street, London NW1

Appeal F (DoE Ref T/APP/X5210/E/89/804723/P2, LPA Ref PL8970430, Plan 411)

Application on behalf of International Caledonian Assets Limited and Centric Securities Limited for conservation area consent for partial demolition and reconstruction / extension of premises at 93 Bayham Street, London NW1

I held a local inquiry into the appeals on 18-21 July 1989. At the inquiry, an application for costs was made by your clients against the local planning authority and I deal with this separately below.

APPEALS

2. The appeals sites form the central part of a street block bounded by Camden High Street, Greenland Street, Bayham Street and Pratt Street. There are 2 separate arched accesses through buildings on Bayham Street, one to 93 Bayham Street and the other jointly to the rear of the High Street properties included in these appeals and to those buildings to the north.

3. After submission of the appeals, the council on 28 June 1989 decided that they would have refused permission for A on grounds of overdevelopment, the height, bulk and detailed design of the building and detailed aspects of the access. B would have been refused because, in the absence of an approved scheme of redevelopment, demolition of the existing building would be premature and detrimental to the character of the conservation area. Your clients claim that only the matter of access can be the subject of discussion in A. They take the view that all other matters were determined in an appeal decision in 1988 in which the Inspector granted outline planning permission for the same development as that in A on the basis that the development then shown on plans, which were illustrative only but are the same as the detailed plans submitted in support of this full application, did not amount to overdevelopment, and that the bulk, mass and appearance of the building were satisfactory. The council concede that there has been no change in circumstance since then.

4. Having studied both the case of Shemara Limited v. Luton Corporation, to which you referred me and the outline permission, I have reached the same view as the council, namely that matters of height, bulk and design can appropriately be considered in the context of this application A. The application form for the previous outline application indicates that all matters are reserved and that all details are for determination at detailed stage; other than the site location plan, all plans are said to be illustrative. The previous Inspector stated in his decision letter that he was dealing with an outline application with all matters reserved. His comments that the illustrative plans showed that certain matters should, might or may be possible or need not be unacceptable nor amount to overdevelopment, were in the context of discussing the principle of the proposal insofar as he could assess it having seen the details in those illustrative plans. He did not

state that the illustrative plans were themselves acceptable. He was not in a position to do this, as these plans were not before him for decision. The outline permission was subject to approval of details of design, external appearance and landscaping. Such details to my mind include those of the height, bulk and detailed design of the building. In any event, the Inspector's conclusion was framed in respect of whether the illustrative plans showed that the development ought to be possible without causing any materially harmful effects within the site or in the surrounding area. He did not assess whether the illustrative plans showed that the development should be able to protect or enhance the character or appearance of the conservation area. The Shemara case gives little support to your clients' opinion, since it bears little similarity to their case. It was in relation to an outline permission in which matters reserved for future approval included detailed plans and particulars expressly "incorporating the principles shown in the sketch details submitted with the outline application".

5. As to **policy documents**, the sites lie within the Camden Town Action Area Plan area as approved in 1979 after designation in the Greater London Development Plan in 1976. Design guidelines were prepared in 1981 for a larger site including that of the current appeals. The sites are also in an area identified as a core shopping frontage within the Camden Town Major Shopping Centre in the Borough Local Plan adopted in May 1987 in succession to the District Plan which had been approved in 1979. The Borough Plan is supported by the non statutory Environmental Code 1979. The sites are also in the Camden Town Action Area Programme Area which was designated in 1986 and has a specific programme of proposals and are covered by a position statement approved in 1986. In addition, they are within the Camden Town Conservation Area, designated in 1986. In considering these proposals, I have had regard to the policies and proposals of all these documents as referred to by both main parties as well as to the complicated and detailed planning history of the site and its surroundings.

6. With regard to **A**, the Borough Plan and Environmental Code give useful guidelines for building bulk and intensity of land use in terms of plot ratio and residential density. The Action Area Plan also has a plot ratio guideline. Although A proposes a plot ratio of about 3.85:1 compared with the guidelines for this site of 2:1 in the Environmental Code and 2.5:1 in the Action Area Plan, this does not itself indicate that the proposal is unacceptable. The Environmental Code states that the standards are guidelines only, represent neither an entitlement nor a rigid upper limit, that a higher plot ratio may be permitted and that in all cases the impact of the bulk of the proposed building on adjacent properties and on the character of the area and the suitability of the area for residential use must be considered. Likewise, I recognise that, in addition to the non residential uses, the residential density of the proposal at about 215 HRA would be higher than the normal range of between 70 and 140 HRA of Borough Plan policy HG21 and HG25 refers to guidance for conservation areas in design briefs. Nevertheless, HG23 permits exceptions in certain circumstances including the need for compatibility with the surrounding area and the Environmental Code recognises that density is a rather insensitive tool and will generally be secondary to other indicators of living conditions and to design considerations. The main objective of conservation and design policies in the Borough Plan is to achieve a high standard of design, particularly in conservation areas where aesthetic and environmental considerations take precedence over normal planning standards. In particular policies UD3, UD7 and UD32 seek to ensure that development is compatible with the scale and character of existing surrounding development. This accords with government guidance in para 20 of circular 22/80, PPG1 and paras 61 and 62 of circular 8/87. Para 95 of

circular 8/87 and local guidelines indicate that consent to demolish an existing building in a conservation area should normally be given only when there are acceptable plans for redevelopment.

7. Against this policy background, bearing in mind the starting point of the 1988 outline decision, from my inspection of the site and surrounding area and from the representations made at the inquiry and in writing, it seems to me that the **decision on A depends on the effect of the height, bulk and detailed design of the proposal on Camden Town Conservation Area, and on traffic safety.**

8. In relation to matters of **appearance**, your clients refer to the character of Camden High Street as piecemeal and pragmatic and draw attention to the undistinguished nature of the buildings on the appeal site and of those to the south in contrast to the fine late Victorian buildings to the north. They consider that proposal A represents a bold design and a range of fenestration and of materials which reconcile the rich detail and red brickwork of the gables on the building to the north across to the smoother, simple and rather plain fronts of the buildings to the south. In their view the proposal would make a positive and valuable contribution to the conservation area both in its terms of its regeneration of a decaying site and in its resourceful and bold design.

9. I share the council's opinion that the conservation area derives its character from the modest scale of its buildings which vary from single storey to a maximum of 5 storeys with a predominance of 3 storey buildings; that sobriety dominates the design; that projections in front of the building line above ground floor are the exception; and that in spite of the low rise buildings, the narrow frontages and traditional window proportions create a vertical emphasis, which is accentuated by the rhythm, proportions and detailing of the later Victorian buildings to the north of the site. Although some facades are rendered, brick dominates the elevations. In this context, the proposal would not be in keeping with the scale of the area in that it would occupy a frontage of about 37 m, rise to 6 storeys at the frontage with a seventh floor set back and be a maximum of about 6.5 m higher than the building to the south, so that the full depth of the building would be evident from Camden High Street. In addition, the design of the front elevation incorporates a multiplicity of design elements and materials which, notwithstanding the degree of detail in the design of the building to the north, to my mind creates an unacceptably complicated and unsettled appearance beside the more modest buildings which predominate in the area. The relationship of the proposal to adjoining buildings would also be unsatisfactory, as the new building would not respect the building heights of adjacent properties and would introduce unnatural changes in parapet heights between 110 and 126 Camden High Street. In addition, by its overbearing nature and by obscuring of views from the south, the proposed building would harm the attractive impact that the building to the north provides in the street scene. For these reasons, I accept the view of the council and of the Primrose Hill Conservation Area Advisory Committee, that the proposal in A would be excessive in terms of height and massing and of an inappropriate design for the site and would fail to preserve or enhance the character or appearance of the conservation area as required by the Town and Country Planning Act 1971. It would also conflict with the similar aims of the conservation and design policies of the approved Borough Plan and in particular with UD3, UD7 and UD32.

10. Turning to **traffic safety aspects**, the council agreed during the course of the inquiry that, as a consequence of your client's explanations at the inquiry, a number of their detailed objections regarding vehicular access, car parking and servicing had been overcome or, in the cases of improved

visibility for pedestrians at the accesses, the operation of a vehicle control system on the access ramp to the residential car park and arrangements for refuse collection could be largely overcome by the imposition of conditions as agreed in principle and appropriately worded. I see no reason to dispute this. The traffic situation in Bayham Street is not so serious that, on the occasions on which vehicles might have to wait there for a few moments to enter the access ramp, unacceptable conditions would result. The restriction of commuter parking is not a land use matter but a management consideration in relation to which a condition would not be appropriate.

11. The remaining matters of concern were the gradient of the residential access ramp from first floor to mezzanine level, the capacity / manoeuvring space in the loading area and the nature of the access to dwellings from the car park. I accept the council's point that it is difficult to be sure from the plans that the gradient of 1 in 7, as recommended for short lengths in the Environmental Code, can be met on the ramp from first floor to mezzanine level, and that no transition ramp is provided on this ramp as required by the Code. On the other hand, since the council measure the gradient as 1 in 6.35, since the Code is not mandatory, and since it is unusual to require transition ramps in such situations within a car park, I concur with your clients' view that neither any discrepancy in gradient nor the lack of transition ramps would cause demonstrable harm in this situation in a private car park. There is no dispute that the loading bay would cater for 2 pantechnicons. The scope to cater for 3 vehicles of this size, as required by the Environmental Code based on floorspace, is limited by the amount of manoeuvring that would be required. I realise that the need to provide for 3 pantechnicons to unload depends to some extent on the type of retail unit. Nevertheless, in view of the number of units proposed and the overall average figures for goods vehicles generation by type in Westminster, and at Hammersmith, Wembley and Putney, it seems unlikely that the proposal would generate more than 2 commercial vehicles per hour. Thus, I do not consider that the difficulty of accommodating 3 pantechnicons at a time would create undue traffic danger as a result of unloading from Camden High Street or waiting in Bayham Street. The means of access to dwellings in general is not ideal. In particular, maisonettes 1 to 8 and flat 1 have access is alongside parked cars through what would in effect be a garage without a front door. Since there would be alternative access to these units, this would not be an overriding objection. In sum on the issue of traffic safety, subject to the imposition of the conditions I have mentioned, I do not believe that the other objections of detail either singly or cumulatively are sufficient to stand as a sound reason for refusal, although they add to a limited degree to the main ground for refusal of application A.

12. In the light of my conclusion on A, I share the council's opinion that the demolition of the existing buildings as applied for in B should not be permitted because, in the absence of an acceptable scheme for the redevelopment of the appeal site, this would be premature and would neither preserve nor enhance the character of the conservation area.

13. After submission of the appeals, the council on 7 June 1989 issued letters stating that they would have refused permission for C on the grounds of underdevelopment, wasting scarce land resources, conflict with the Borough Plan in that no housing is proposed on the site and failure to preserve or enhance the character or appearance of the conservation area; for D on the ground of prejudice to the satisfactory development of the Bowman's site as a whole in accordance with the policies and objectives expressed in the Borough Plan, Camden Town Action Area Plan and non statutory documents; and for E on the ground that in the absence of an approved redevelopment, demolition of the existing building would be premature and detrimental to the conservation area.

14. In addition to the Borough Plan policies already referred to, those particularly applicable to C include HG1, which aims to eliminate housing need and HG13, HG19 and HG20 which emphasise the need to increase both the quantity of dwellings and the amount of land in residential use and make the fullest use of all vacant or under-utilised sites suited to residential development, and to encourage the provision of residential development in mixed use schemes by private developers. The council's objectives for the site as indicated in the Camden Town Action Area Plan 1978, Planning Brief 1981 and the Camden Town Action Programme 1986-89, all of which were prepared in consultation with local groups and individuals and have been approved by the council, are to secure a mixed use development to provide jobs, housing, shops and community services. PPG3 refers to encouraging home ownership and rented housing, promoting full and effective land use within existing urban areas and realisation of the development of underused land. Strategic planning guidance for London identifies a target of 8,000 new dwellings in Camden between 1987 and 2001.

15. In the light of the policy background, from my inspection of the site and surrounding area and from the representations made at the inquiry and in writing, the main issues in C appear to me to be **whether demonstrable harm would result from the intensity of development or from the lack of housing proposed and the effect of the design of the proposal on Camden Town Conservation Area.**

16. In respect of the **intensity of development**, the net site area and proposed floorspace of this site and that of D would represent a plot ratio of 1.6:1 compared with the ratios of 2:1 or 2.5:1 indicated in the guidelines. However, the 1981 development brief for an area including the sites of C and D and land to the north calculated the then existing plot ratio over the larger site as 2.7:1 and envisaged redevelopment which would have achieved a plot ratio of 2.6:1. If the floorspace of the completed refurbishment of the land to the north is included with that of proposals C and D, the plot ratio would be about 2.75:1. Again, plot ratio is only a useful guideline. The Camden Town Action Area Plan sought redevelopment of the site within the 2.5:1 plot ratio with proportions of shopping 1, office/ employment 1, and residential 1.5. It also sought council offices, which are no longer required, and a public library, which is not being pursued by the council. I realise the benefits in of making the optimum use of urban sites but other than general references to the mix of uses indicated in the Action Area Plan and the other plans already mentioned, no uses other than residential were put forward at the appeal as being positive current requirements on this site. Concern has also been expressed that use should be made of the basement but better trading conditions are achieved at ground and first floor levels and the existing basement has for the most part a maximum 2.1 m ceiling height. The Environmental Code indicates that in the application of plot ratio controls, design policies are the primary consideration in determining the scale of development. It seems to me that, in judging the appropriate intensity of this development in a conservation area, design considerations should be paramount.

17. Against the background of the **housing policies** for this area, I am aware that permission exists for the redevelopment of the site for retail and housing uses and that the Inspector felt that these uses were those envisaged by the Camden Town Action Area Plan and by the Borough Plan, except the library. On the other hand the council in 1981 were content that the housing element on the larger site to which their brief referred should consist of residential / hostel accommodation to be provided on the quiet frontage along Greenland Street (not part of the appeal site) with a total of 500 sq m of the 20,800 sq m total floorspace; the equivalent of 500 sq m residential has already been provided on that northern part of the larger site; this issue was

not raised by officers or by members until late in their consideration of the proposals; and whilst housing would be acceptable, the location of the site on the busy Camden High Street is not amongst the most suitable locations for housing. The housing policies aim to encourage greater provision of residential but do not require this in all cases. In the particular circumstances of this case, the site has been recognised for at least 10 years as being in need of redevelopment but little progress seems to have been made in implementation of any of the council's plans. This prominent site is currently largely unused and its boarded up and neglected appearance is harmful to the street scene. Its redevelopment is important both to improve Camden Town as a major shopping centre in conformity with the aims of and policy SH7 of the up to date statutory Borough Plan and in the interests of the appearance and character of Camden High Street, which is now in a conservation area. The development proposed in D would bring additional economic benefits if it were also implemented. In this case, therefore, I accept your clients' views that neither the low intensity of development nor the effect of lack of housing on the general aims of the housing policies nor on the specific aims for this site represent demonstrable harm nor provide sound and clear cut reasons to refuse permission for this proposal.

18. In relation to **design**, the building proposed would be similar in form and scale to the existing, comprising ground and 2 upper floors, the latter set back to the existing building lines on the upper floors. On ground and first floor, the building would extend back about 23 m from the building line with a second floor about 8 m deep. The amended plans now under consideration were submitted following discussions with council officers with the aim of improving the original proposals which they, English Heritage, Primrose Hill Conservation Area Advisory Committee and Camden Town Area Committee felt showed an unsatisfactory design treatment of the front elevation in that the horizontal emphasis would be out of character with adjoining buildings and with the character of the conservation area. The council and representatives of the Primrose Hill Conservation Area Advisory Committee consider that earlier amended plans took into account this criticism and improved on the former design, subject to minor adjustments. They take the view that the latest changes in design have abandoned the virtues of the earlier amendments.

19. Your clients are of the opinion that the front elevation would harmonise with its immediate neighbours and that the vertical emphasis sought by the council has been appropriately achieved in a rich and well detailed, distinctive design which would benefit and enhance the character and appearance of the conservation area. I realise that officers supported the latest design of the scheme and that the committee were advised on 27 April 1989 that the bold and exciting design of the proposal makes a positive contribution to the streetscape. Like the council, however, I consider that the design of the front elevation does not overcome the problem of the disparity between first and second floor floor to ceiling heights of the proposal and adjoining properties; that neither the rhythm introduced by the vertical elements nor the proportions resulting from the fenestration would be in accord with that of adjacent buildings; and that this, combined with the elaborate nature of the design, would result in the domination of the street scene by the building. I take the same view as the council, the Camden Town Area Committee and the Primrose Hill Conservation Area Advisory Committee that, despite the appropriate scale of the building, the elevational details as finally amended would result in a building which neither protected nor enhanced the character nor appearance of the conservation area. Your client and the council agree that, if the proposal were otherwise satisfactory, permission could be granted subject to a condition requiring the approval of further amended details and of samples of materials to be used on the external elevations before work commences. Since the general scale of the building is

satisfactory and the first amended plans show that with more modest design, a building along these lines would enhance the appearance and character of the conservation area, I accept that this would be appropriate.

20. In view of the poor visibility for pedestrians at the vehicular access, a grampian condition would also be necessary to secure improved sight lines within the public highway, as indicated in para 34 of the Annex to circular 1/85. I acknowledge that the council's concern in suggesting a condition restricting the use to retail purposes within Class A1 is because this is a core shopping frontage. Nevertheless, general government advice in para 67 of the Annex to circular 1/85 is that there is a general presumption against such limitations, and the use of these units for other purposes within Class A1 (which does not include building societies or estate agents) would not in my view have a significantly harmful impact on the shopping character of this part of Camden High Street core shopping area. A condition seeking to control the loading of goods on a public highway would be unacceptable in terms of para 33 of the Annex to and model 8 of Appendix B to circular 1/85. It would not be necessary to seek a section 52 agreement to ensure that C and D are both implemented because a condition could achieve the same result. Nevertheless, this would be undesirable in principle because of the difficulty in enforcement as explained in para 50 of the Annex to circular 1/85. More importantly, the 2 applications are independent and the development of one without the other would not be objectionable.

21. The council's objection to D is based solely on their wish to see a comprehensive development of sites C and D in line with development plan proposals and the Planning Brief including housing within the 2.5:1 plot ratio guideline. In view of my conclusions on the issues of intensity of development and lack of housing in relation to and of my intention to grant permission for C, this objection is no longer valid. The proposal to refurbish and extend is appropriate in its own right. I see no reason to refuse permission for D subject to a grampian condition as mentioned in relation to C, requiring prior completion of works within the public highway to improve sight lines at the vehicular access to Bayham Street in the interests of pedestrian safety. Since this is a full application, details of the design of which are acceptable, it is not necessary to require further details of elevations. Details of colour, type and texture of the facing materials have not been provided. They should be subject to approval in the interests of the appearance of the conservation area. It is not appropriate to seek a section 52 agreement to restrict the uses of separate floors of the building within Class B1, as this would conflict with the government advice already mentioned, and the building already has a B1 use, the proposal being to add a further floor.

22. In granting permission for C and D, I acknowledge that there are acceptable plans for the redevelopment of these sites. Thus, demolition or part demolition of the existing buildings on these sites would not be premature but, subject to a condition regarding the prior making of a contract for the replacement building, would indirectly enhance the appearance and character of the conservation area. Thus, there is no reason to refuse conservation area consent for E or F. Notwithstanding that C is subject to a condition requiring amended elevational details, I am satisfied that the conservation area will be protected subject to conditions in E and F along the lines of those advised in para 111 of and Appendix VII of circular 8/87 imposing a time limit on the permission and requiring that demolition shall not be undertaken before a contract for the carrying out of the works has been made and before approval has been granted for the details required by condition attached to the permission for redevelopment for which the contract provides.

23. I have borne in mind **other issues** which have been raised during consideration of these applications. It is clear from the history of the sites that demolition of the existing buildings has been envisaged for almost 10 years. Outline planning permission exists for a development which would require such demolition. In my view, there is no objection to the demolition proposed, subject to suitable alternative schemes having been permitted. For the reasons already given, I see no good reason to object to the principles of non use of the basement or of retail use on the upper floors of the Camden High Street properties.

24. I have taken into account all the other matters raised at the inquiry and in writing but none outweighs the considerations that have led to my conclusions.

25. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss appeals A and B and refuse to grant planning permission for A and conservation area consent for B, and allow appeals C, D, E and F and grant planning permission for C and D and conservation area consent for E and F.

26. In respect of **Appeal C**, I hereby grant planning permission for new retail premises to replace existing at 112-126 Camden High Street, London NW1 in accordance with the terms of the application (No PL8903045R2) and plans 411/01-411/05 inclusive, 411/P.29, 411/P.30 and 411/P.31, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. this permission shall not relate to the details of the elevations shown on the plans; the details of the elevations and samples of facing materials to be used on the building shall not be otherwise than those shown in revised plans and samples which shall have been submitted to and approved by the council before any work on the site is commenced.
3. no development nor works of demolition shall commence until alterations within the limits of the public highway to secure sight lines at the vehicular access in Bayham Street have been carried out.

27. In respect of **appeal D**, I hereby grant planning permission for refurbishment and extension to existing B1 premises at 93 Bayham Street, London NW1 in accordance with the terms of the application (No PL8903046R2) and plans 411/10-411/13 inclusive, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. the colour type and texture of the facing materials to be used on the building shall not be otherwise than those shown in plans which shall have been submitted to and approved by the council before any work on the site is commenced.
3. no development nor works of demolition shall commence until alterations within the limits of the public highway to secure sight lines at the vehicular access to Bayham Street have been carried out.

28. In respect of **appeals E and F**, I hereby grant conservation area consent for demolition of an unlisted building in a conservation area at 112-126 Camden High Street, London NW1 in accordance with the terms of the application (No PL8970404) and plan F13/06, and for partial demolition and reconstruction

/ extension of premises at 93 Bayham Street in accordance with the terms of the application (No PL8970430) and plan 411, subject in both cases to the following conditions:

1. the works hereby permitted shall be begun not later than 5 years from the date of this consent.

2. the demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and approval has been granted for the details required by condition attached to the permission for the redevelopment for which the contract provides.

29. An applicant for any consent, agreement or approval required by a condition of these permissions has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

30. Your clients' attention is drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1987.

31. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than sections 23 or 277A(2) of the Town and Country Planning Act 1971.

APPLICATION FOR COSTS

32. In support of their application for costs in respect of appeal A, your clients rely on their legal submission that only the matter of access can be the subject of discussion, as all other matters were determined in the 1988 appeal decision. If that is right, it was unreasonable of the council to object on grounds dealt with in 1988, which they were not entitled to re-open. In relation to the access / parking / turning objections, it is plain that the council's only real point is in respect of the internal access ramp. That is not a substantial point. They have been put to unnecessary expense because it should not have been necessary to have called planning evidence and may not have been necessary to have called architectural or traffic evidence. As for appeals C and D, your clients say that the council were unreasonable in that they had no substantial evidence to support their case in view of the history of the proposals and the strong officers' recommendation of approval. Whilst that is not in itself justification for an award of costs, they used plot ratio to demonstrate underdevelopment without taking account of the emphasis in the Environmental Code to the weight to be given to the characteristics of the site; analysis of the planning documents shows that there is no case for requiring housing; and they brought no substantial evidence to justify refusal for a carefully designed scheme which effects a transition between the buildings on either side. If costs are justified for C, it must follow that they are entitled to costs in respect of D because the only reason it was refused was because it was part of the site of proposal C, which they felt was unacceptable.

33. In reply, the council also rely in the case of appeal A on their stance that, when the documents are examined, it is wholly right that the 1988 decision letter did not and could not have determined matters of height, bulk and design. Plot ratio and density are helpful tests in considering these matters. Thus, evidence from planning and architectural witnesses was necessary. A number of detailed access points were still at issue between the parties when the inquiry opened, and although some were withdrawn during the

inquiry, others remained in dispute. The presence of a traffic witness was necessary. They do not consider that the fact that officers and the chairs of committees found appeal C an attractive alternative is important. Officers draw the attention of the committee to the policy background. Even although the loss of housing was not mentioned as a reason for refusal in committee reports, this objection is soundly based on planning grounds. The committee were well aware of the mix of uses envisaged in the policies and the 1988 appeal decision supports a mix on the larger "Bowman's" site. It was open to members to make the decision they did in the light of the planning considerations. If costs were awarded on this ground, it should be against the officers whose recommendation was wrong. It is well established that maximum use should be made of land particularly in Inner London. Again, plot ratio is a helpful objective test, which was conceded to be relevant. The costs claim on this ground is not understood. As for design, substantial forceful and convincing evidence was given at the inquiry as to the defects of this scheme. Costs are opposed because the council raised valid and appropriate grounds for refusal and were not unreasonable. The issue of the development in D being prejudicial to development envisaged on the adjoining site, was equally valid and appropriate. Costs are resisted.

CONCLUSIONS ON COSTS

34. In determining the application for costs, I have borne in mind that in planning appeals the parties are normally expected to meet their own expenses, irrespective of the outcome of the appeal, and that costs are only awarded on the grounds of unreasonable behaviour leading to unnecessary expense. Accordingly I have considered the application for costs in the light of circular 2/87, the appeal papers, the evidence submitted by the parties, and all the relevant circumstances of the appeal. In relation to appeal A, I have already explained why it was appropriate for matters of height, bulk and design to be discussed at the inquiry. Plot ratio and density provide useful guidelines in this consideration. In my view, the council's evidence on access, servicing and parking matters was of such a substance that their objections could not be described as unreasonable, notwithstanding that I do not agree that they are sufficient to stand alone as a sound reason for refusal. Turning to C, and the grounds of loss of housing and intensity of use, I consider that in view of the national and local policy background and the planning history of the site, as well as the plot ratio consideration in the case of the latter issue, it was not unreasonable for the council to oppose this proposal for those reasons. I was particularly impressed by the substance of the evidence given on behalf of the council as to the unsatisfactory design of this scheme. In the light of their stance on C, the council were not in my opinion unreasonable in objecting to D. Thus, your clients did not incur unnecessary expense in relation to any of these proposals.

FORMAL DECISION ON COSTS

35. For the above reasons, and in exercise of my powers under section 250(5) of the Local Government Act 1972 and section 36 of, and paragraph 5 of Schedule 5 to, the Town and Country Planning Act 1971 as amended by the Housing and Planning Act 1986, I hereby determine that your clients' application for an award of costs against the council be refused.

I am, Gentlemen
Your obedient Servant

Sueira C. Bruton

Mrs S G Bruton BA DipTP FRTP
Inspector

Ref Nos: T/APP/X5210/A/88/106576/P2
T/APP/X5210/E/88/803779/P2
T/APP/X5210/A/89/124479/P2
T/APP/X5210/A/89/124526/P2
T/APP/X5210/E/89/804603/P2
T/APP/X5210/E/89/804723/P2

APPEARANCES

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Paskin Associates, Architects

Mr G D Bellamy BSc CEng - Partner, Messrs Tomalin, Bellamy and
MICE MAME Partners, Consulting Engineers

FOR THE PLANNING AUTHORITY

Mr S Randle - of counsel, instructed by the
Solicitor, London Borough of Camden
Council

he called

Ms S Diamond BA - Senior Planning Officer with the
council

Ms R Blum DipArch DipTP - Principal Architect Planner with the
council

Mr A Butcher BSc - Principal Traffic Planner with the
council

FOR THE INTERESTED PARTIES

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