
Appeal Decisions

Site visit made on 11 May 2015

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 9 June 2015

Appeal A: APP/X5210/W/15/3005297 **54-55 Birkenhead Street, London WC1H 8BB**

- 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 The Institute of Our Lady of Mercy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/3959/P, dated 13 June 2014, was refused by notice dated 22 August 2014.
 - The development proposed is the replacement of one UPVC window with a single timber glazed door, removal of current open railings at second floor level to the rear elevation and erection of 1.1 meter high black balustrade railing to create a roof terrace.
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Appeal B: APP/X5210/W/15/3005298 **54-55 Birkenhead Street, London WC1H 8BB**

- 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 The Institute of Our Lady of Mercy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/6785/P, dated 27 October 2014, was refused by notice dated 13 January 2015.
 - The development proposed is to replace one UPVC window at second floor level with a bespoke timber glazed door, to raise the existing parapet wall by 650mm before fitting a new stone coping of 50mm to the head of the parapet wall and fixing a 0.8m obscure glazed panel attached to black painted railings to create a roof terrace to the second floor rear elevation.
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Appeal C: APP/X5210/Y/15/3005299 **54-55 Birkenhead Street, London WC1H 8BB**

- 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 The Institute of Our Lady of Mercy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/7003/L, dated 27 October 2014, was refused by notice dated 13 January 2015.
 - The works proposed are to replace one UPVC window at second floor level with a bespoke timber glazed door, to raise the existing parapet wall by 650mm before fitting a new stone coping of 50mm to the head of the parapet wall and fixing a 0.8m obscure glazed panel attached to black painted railings to create a roof terrace to the second floor rear elevation.
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Appeal D: APP/X5210/W/15/3005300
54-55 Birkenhead Street, London WC1H 8BB

- 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 The Institute of Our Lady of Mercy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/6786/P, dated 27 October 2014, was refused by notice dated 13 January 2015.
 - The development proposed is to replace one UPVC window at second floor level with bespoke timber glazed doors, to raise the existing parapet wall by 150mm and fit a new stone coping and to fix a 1450mm obscure glazed panel attached to black painted metal railings to create a roof terrace to the second floor rear elevation.
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Appeal E: APP/X5210/Y/15/3005301
54-55 Birkenhead Street, London WC1H 8BB

- 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 The Institute of Our Lady of Mercy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/7006/L, dated 27 October 2014, was refused by notice dated 13 January 2015.
 - The works proposed are to replace one UPVC window at second floor level with bespoke timber glazed doors, to raise the existing parapet wall by 150mm and fit a new stone coping and to fix a 1450mm obscure glazed panel attached to black painted metal railings to create a roof terrace to the second floor rear elevation.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Appeal E

5. The appeal is dismissed.

Preliminary Matters

6. The scheme for Appeal A, against the refusal of planning permission, has been granted listed building consent by the Council. Appeals B and C relate to the same scheme (being for planning permission and listed building consent). Similarly, Appeals D and E are for the same scheme.

Main Issues

7. The main issues in these appeals are the effects of the proposals on the special interest of the listed building (Appeals B, C, D and E) and the effects on the amenity of neighbours (Appeal A).

Reasons

8. The appeal site sits at the corner of Birkenhead Street and St Chad's Street and is formed by 2 former houses, previously used as a hotel. The buildings have accommodation over 5 floors, including a basement and attics. The upper 2 floors of the buildings provide 10 bedrooms for Sisters and workers, together with ancillary residential accommodation. The buildings are grade II listed and are within the Bloomsbury Conservation Area. To the rear of the appeal site is the Crestfield Hotel and residential properties.

Appeal A

9. The appeal scheme would allow for the use of this relevant area as a roof terrace. From my visit to the area I was able to see that this would enable anyone using the roof terrace to see directly into the properties to the rear and down into their small garden areas. In such close proximity and at the proposed height, I consider that such overlooking would be particularly intrusive.
10. The appellants have suggested that any overlooking could be limited by the use of planting boxes at the edge of the terrace. I am doubtful that the inclusion of this as a requirement would guarantee the privacy of neighbours as this would have to ensure the height and maintenance of any plants. Unless the plants were particularly high, anyone standing on the terrace would be afforded views to the properties to the rear. This suggestion, therefore, does not overcome my concerns.
11. The appellants also suggest that conditions could be included within a planning permission which would restrict the hours of use within the working day, and that if the current occupiers were to vacate the property then the building would be altered to its previous state. I find this problematic for a number of reasons. Firstly, it assumes that any overlooking during the working day would be acceptable; I consider that it would not be acceptable even if it were to be considered that such a condition was practical and enforceable. It would also assume that overlooking by the current occupiers was acceptable but that subsequent occupiers would give rise to unreasonable overlooking. I do not agree with this last point. Therefore, I find the prospect of such a condition to be unacceptable and would not prevent unreasonable levels of overlooking by the current occupiers. For these reasons, the proposal is contrary to the aims of Policy CS5 of the Core Strategy and Policy DP26 of the Camden Development Policies.

Appeals B and C

12. The proposal would result in a higher parapet wall around the proposed roof terrace and metal railings backed by obscure glass, as a means to address concerns about overlooking. The rear of the property is visible in views from St Chad's Street and also from the properties to the rear.

13. The additional height of the parapet would appear awkward due to the relationship with the window below and the similar feature to the right. At the moment, the shallow parapet is in proportion with other features on the building and clearly relates to the roof level of the floor below. The proposal would provide an uncomfortably large area of solid elevation above the window which would be visually disruptive to this part of the elevation. The area of railings and obscure glazing would add to the height of the structure here. I do not agree that the obscure glass would be unobtrusive; its presence behind the railings would be obvious. I find that the close superimposition of the railings and the obscure glass to be one which would appear as an odd after-thought, rather than a well considered modern addition to the building. The contrast with the unaltered similar feature would highlight the unacceptable effects of the proposal.
14. As a result, I find that the proposal would unacceptably disrupt the appearance of the rear of the building and would fail to preserve its special architectural and historic interest. This would also diminish the contribution that the building makes to the conservation area and so it would fail to preserve or enhance the character and appearance of the conservation area. Therefore the proposal is contrary to the aims of Policy CS14 of the Core Strategy and Policy DP25 of the Camden Development Policies.

Appeals D and E

15. The increase in height of the parapet wall within this scheme is relatively minor and would not, in itself, have the same disruptive effects as Appeals B/C. However, this scheme includes a larger area of railings and obscure glazing. For the same reasons as are set out in relation to Appeals B/C, I consider this aspect of the proposal to be visually unacceptable, and more so for this scheme due to the greater area of this component. It would fail to preserve the special interest of the listed building and fail to preserve or enhance the character and appearance of the conservation area. As a consequence the proposal is contrary to the aims of Policy CS14 of the Core Strategy and Policy DP25 of the Camden Development Policies.

Conclusions

16. The appellant points out that the appeal site does not benefit from a generous provision of amenity space and the proposals could help address this. I accept that this would be the case, but it would be at the unacceptable expense to the amenity of neighbours or the effects on the heritage assets.
17. I consider that the harm that would arise in relation to the conservation area and listed buildings is 'less than substantial harm' as set out in paragraph 134 of the National Planning Policy Framework. I have sought to balance this harm against any benefits that would arise from the proposal and find that the harm would not be outweighed. In relation to appeal A, I consider that the harm to the amenity of neighbours would not be outweighed by any other matters. Therefore, the appeals are dismissed.

S T Wood

INSPECTOR