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# Appeal Decision

Site visit made on 6 March 2015

**by Isobel McCretton BA(Hons) MRTPI**

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

**Decision date: 18<sup>th</sup> March 2015**

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**Appeal Ref: APP/X5210/W/14/3001023**  
**25-26 Red Lion Street, London WC1R 4PS**

- 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 Castle Lane Securities Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref. 2014/5910/P, dated 18 September 2014, was refused by notice dated 7 November 2014.
  - The development proposed is a roof extension to provide additional accommodation at 5<sup>th</sup> floor level containing 2no. 1-bedroom flats. Reconfiguration of existing extract duct to the rear.
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## Decision

1. The appeal is dismissed.
2. The description of development set out above is taken from the application form. However the appeal form and the Council's decision notice describe the proposal as '*erection of a roof extension at 4<sup>th</sup> floor level to provide a 2-bedroom flat and associated reconfiguration of existing extract duct to rear*'. This accords with the submitted drawings and I have determined the appeal on this basis.

## Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the host building and the Bloomsbury Conservation Area;
  - whether the proposed development would be liable to contribute unacceptably to parking stress and congestion; and
  - whether, for the duration of the construction period, the development would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area.

## Reasons

### *Character and Appearance*

4. The appeal site lies on the eastern side of Red Lion Street and comprises two Victorian, 4-storey, mid-terrace properties with a restaurant and bar on the ground floor and flats above. The main parts of Nos. 24 – 27 are of similar

height, but the roofs have front dormers of varying size, no.27 is slightly lower than 25 and 26 and no.24 is of a modern design with a mansard roof and dormers. To the rear of nos. 25 and 26 flat roofed additions to the 4<sup>th</sup> floor appear to have been added behind the original pitched roof and there is a small flat roofed structure which accommodates a stairway from the existing top floor flat. No.28, on the corner of Red Lion Street and Princeton Street is a 6-storey flat-roofed building. Further to the north and south are more imposing modern blocks of offices and apartments of 4 and 5 storeys. On the opposite side of the road in the vicinity of the appeal site the buildings are between 2 and 5 storeys with commercial use on the ground floor and residential accommodation above. Particularly at roof level there is a wide variety of roof styles and extensions and no overall distinctive character.

5. The site is within Sub Area 11 (Red Lion Square and Queen Square) of the Bloomsbury Conservation Area. The Council's adopted Bloomsbury Conservation Area Appraisal and Management Strategy (2011) (BCAAMS) identifies Red Lion Street as one of the 'mixed use' streets in the Conservation Area characterised by relatively narrow streets with continuous building frontages that provide a good sense of enclosure and are of a noticeably urban character. The BCAAMS states that the street is characterised by a variety of uses and ages of buildings, although the prevailing type remains the terraced house with ground floor converted to shops. That is the case to the north-west of the appeal site but, in the immediate vicinity, the character is much more varied as I have set out above.
6. Among the issues in the Conservation Area identified in the BCAAMS are inappropriate roof level extensions, particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character a block or are overly prominent in the street scene. In the Built Heritage Audit (Appendix 3) nos.25-27 are shown as buildings which are positive contributors to the Conservation Area. The elements of interest in Red Lion Street are granite kerbs and the ground floor shop front is a 'shop front of merit.'
7. It is proposed to raise and alter the roof to allow for the creation of a 2-bedroom flat in the new roofspace. At the front, the raised section of roof would be angled back from the existing roof and 4 conservation rooflights inserted in this new roof slope. The existing dormer would remain and the front chimney stacks and pots would be retained. At the rear, a mansard roof with traditional lead-clad dormers and timber sash windows would be added.
8. The Council considers that the double height roof at the front would be out of keeping with the character of the area. However, because of the depth of the existing roof, the existing large dormers, the angle of the new section of roof and the limited angles of view from the street, the new the roof extension would not be widely seen. Even where it could be viewed I do not consider that it would be obtrusive in the street scene or detrimental to the character and appearance of the host building or the Conservation Area. Although the appeal building and no.27 contribute positively to the Conservation Area, they are not a uniform terrace which would be disrupted by the development. Moreover, the alterations proposed would only be at roof level and the rest of the façade would remain unchanged. There would be no harm to any of the street features highlighted in the BCAAM.

9. There are few, if any, public views of the rear of the building. The mansard would be seen from surrounding properties, but the surrounding roofscape, even within this particular street block (between Princeton Street and Sandland Street), is very varied. The proposed mansard would appear as a more uniform roof treatment at the rear of the property than at present and such roof extensions are not an uncharacteristic feature of the area. I consider that the development would be a positive improvement to the appearance of the rear of the building which is in need of maintenance.
10. I conclude that the proposed development would not be detrimental to the appearance of the host building or the street scene and that the character and the appearance of the Bloomsbury Conservation Area would be preserved. As such the scheme would not conflict with Policies CS14 of the Camden Local Development Framework Core Strategy 2010-2025 (adopted 2010) or policies DP24 and DP25 of the Camden Local Development Framework Development Policies 2010-2025 (Adopted 2010) which, among other things, seek high quality design and the preservation and enhancement of Camden's rich and diverse heritage assets. It would also not conflict with the National Planning Policy Framework which gives great weight to the conservation of heritage assets.

### *Parking*

11. The Council's second reason for refusal is centred on the lack of a s106 obligation to secure the development as car-free housing. The site is within the Kings Cross parking Zone which it is stated has a ratio of parking permits to spaces of 105% and, as such, additional development would be likely to add to parking stress in the area. The appellant is agreeable to the development being car-free, but maintains that this could be dealt with by way of a condition if the scheme were to be allowed. I disagree. A car-free housing scheme seeks to restrict the ability for future occupiers to have parking permits which are provided under other legislation and may require alterations to the local traffic order to exclude occupiers of the property from being eligible to apply for one.
12. The Planning Practice Guidance states<sup>1</sup> that a positively worded condition that requires the applicant to enter into a planning obligation should not be used. It also advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. In exceptional circumstances a negatively worded condition may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. This appeal does not concern complex or strategic development and, in accordance with the advice in the Practice Guidance, I see no exceptional circumstances which would warrant the imposition of a condition.
13. In the absence of a mechanism to secure the development as car-free housing I conclude that the development would be liable to contribute unacceptably to parking stress and congestion contrary to policies DP18 and DP19 of the Camden Local Development Framework Development Policies 2010-2025 which seek 'car capped' developments in areas of on-street parking stress and to

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<sup>1</sup> Planning Practice Guidance paragraph ID 21a-010-20140306 last updated 06 03 2014

resist development which would add to on-street parking demand where on-street spaces cannot meet existing demand.

*Construction Management Plan*

14. The Council has also objected to the lack of a planning obligation which would secure a construction management plan. The Council considers that this is required to protect the amenities of the area and to minimise road conflict issues during construction and that an obligation is needed as it relates to controls that are outside the development site. However this is a matter which is frequently addressed by means of conditions and there is a model condition on the Planning Portal, though of course this would need to be amended to relate to the specific site circumstances. I therefore do not consider that the appeal should fail in this regard.

**Conclusion**

15. Although I have found that the proposed development would not harm the character or appearance of the Bloomsbury Conservation Area, and that construction management issues could be dealt with by way of a condition, as no s106 agreement has been provided to secure the development as car free housing I find that the proposal would be likely to contribute unacceptably to parking stress and congestion. For this reason, as set out above, I conclude that the appeal should be dismissed.

*Isobel McCretton*

INSPECTOR