



## Appeal Decision

Site visit made on 1 July 2015

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

Decision date: 24 July 2015

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**Appeal Ref: APP/X5210/W/15/3007974**

**29 High Holborn, London WC1V 6AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Kamal Pankhania (Westcombe Management) against the Council of the London Borough of Camden.
  - The application Ref 2014/4551/P, dated 14 July 2014.
  - The development proposed is rear extensions (above that approved under reference 2013/7078/P) to provide new office floorspace.
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### Decision

1. The appeal is allowed and planning permission granted for rear extensions (above that approved under reference 2013/7078/P) to provide new office floorspace at 29 High Holborn, London WC1V 6AZ in accordance with the terms of the application, Ref 2014/4551/P, the conditions identified in the attached Schedule to this decision.

### Procedural Matter

2. The appeal was submitted because of the Council's failure to determine the application within the prescribed period. Subsequently, the Council has identified that it would have refused the appeal application because of its failure to include, or provide a financial contributions towards, residential accommodation as identified in Policy DP1 of the Camden Development Policies (DP).

### Main Issue

3. It is considered that the main issue is whether, by reason of the omission of any provision for housing, the proposed development would be a sustainable form of development.

### Reasons

4. The appeal property is situated within a predominantly commercial area and includes a 7-storey building fronting High Holborn with a 2-storey building to the rear which fronts Fullwood Place. Both parts of the property are linked but there is a partial void at first floor level. The rear building is currently vacant offices.
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5. The Council has already granted planning permission for the erection of a 3<sup>rd</sup> and 4<sup>th</sup> storey above the rear building to provide additional office accommodation (Ref 2013/1078/P). There is nothing before me to indicate that the approved scheme could not be constructed if this appeal failed. The proposed development includes the erection of about 110sq m of office accommodation comprising 2-storeys which would be added to the approved scheme. Other than a minor change to the staircase of the approved scheme, it is the proposed office accommodation forming part of the appeal scheme which is before me to consider.
6. The property is situated within the Central London Area as identified by Policy CS1 of the Camden Core Strategy (CS) and DP Policy DP1 which is one of the highly accessible areas where development will be concentrated. Within the surrounding there are a range of facilities, job opportunities and public transport. DP Policy DP1 refers to a mix of uses being provided within the Central London Area and, specifically, for developments in excess of 200sq m there is a requirement for up-to 50% of the floorspace being used for housing.
7. In this case, the appeal scheme before me to assess does not reach the floorspace threshold identified by DP Policy DP1 and there is no specific reference in the policy to other approved schemes being taken into account. For this reason, I do not consider that the requirements of DP Policy DP1 apply to the appeal scheme and the provision of housing, or a contribution towards the provision of housing elsewhere, is necessary.
8. If, as claimed by the Council, a cumulative approach is adopted then I consider that the character of the development, the surrounding commercial uses and the layout of the scheme which has been approved amount to constraints on the ability to appropriately include a residential element in this case. Further, because of the relationship between the proposed development and the surrounding commercial properties there would potentially be concerns about overlooking into any residential accommodation.
9. I am mindful of the statutory tests, policy and guidance for Councils seeking a financial contribution from an appellant by the use of Planning Obligations. No evidence has been provided by the Council to identify the amount of any financial contribution which would be sought and how it might be used to deliver housing elsewhere within Camden. For the reasons given, it is concluded that the proposed development, even with the omission of any provision for housing, would amount to a sustainable form of development and, as such, it would not conflict with the requirements of CS Policy CS1 and DP Policy DP1.

*Other Matters*

10. The Council has not identified that the proposed development would fail to at least preserve the character and appearance of the Bloomsbury Conservation Area. By reason of the property's context and the approved scheme, the design and siting of the proposed development does not provide me with any reasons to disagree with the Council's assessment that the appeal scheme would accord with the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

11. Although the comments of neighbouring occupiers have been carefully noted, there are no reasons for me to disagree with the Council's assessment that the proposed development would not cause unacceptable overlooking or loss of privacy to the occupiers of these commercial properties.

### **Conditions**

12. The Council has suggested conditions in the event that this appeal succeeds and they have been assessed against the tests contained in the National Planning Policy Framework and the National Planning Practice Guidance. Because of the site's location within the Conservation Area there is a need for matching materials to be used and, also by reason of location, it is appropriate for a Construction Management Statement to be submitted and approved by the Council.
13. For reasons of proper planning and for the avoidance of doubt a condition is required requiring the proposed development to be constructed in accordance with the approved plans. For reasons of precision, the suggested conditions have been amended. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should succeed.

*D J Barnes*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1225/40; 1255/41; 1225/44; 1225/45; 1225/46; 1225/47; 1225/48; 1225/49 and 1225/50.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. Where relevant the Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from demolition and construction works