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14 LEIGH STREET,
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PLANNING AND LISTED BUILDING
CONSENT APPEALS



APPEAL STATEMENT

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Appeal Ref:

LPA Ref: 2014/7167/P and 2014/7251/L

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APPEAL STATEMENT

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SECTION 1: INTRODUCTION

- 1.1 This statement accompanies associated planning and listed building consent appeals (submitted on behalf of Mr. John London) relating to 14 Leigh Street, London. The appeals are submitted against the London Borough of Camden's decisions (made on 28^h May 2015, refs: 2014/7167/P and 2014/7251/L) to refuse to grant planning and listed building consents for:

“Erection of a ground floor rear extension with associated extension to basement and partial change of use of ground floor rear and basement from commercial to residential. The creation of a lightwell and stair to front and remodelling works on upper floors.”

- 1.2 The decision notices provides two reasons for refusal, listed as follows:

“1) The proposed extension, by reason of inappropriate detailed design, would be detrimental to the special architectural and historic interest of the grade II listed building, contrary to policy CS14 (promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP25 (conserving Camden’s heritage) of the London Borough of Camden’s Local Development Framework Development Policies.

2) Insufficient information has been submitted to enable the Council to determine that the proposed windows and materials would not have an adverse impact on the character and appearance of the building and the wider area, contrary to policy CS14 (promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP25 (conserving Camden’s heritage) of the London Borough of Camden Development Framework Development Policies.”

- 1.3 In essence, the sole issue for consideration in the determination of this appeal is therefore whether the proposed works would have a detrimental impact on the character and appearance of the listed building and the wider Conservation Area.
- 1.4 Section 2 of this statement sets out the relevant background information, comprising a description of the site and surrounding area and details of relevant planning history. Section 3 details the appeal scheme and section 4 sets out relevant planning policies. The appeal scheme is then assessed in the context of relevant planning



policies and the Council's reason for refusal at section 5. Conclusions are set out in section 6.



SECTION 2: BACKGROUND INFORMATION

a) Description of Site and Surrounding Area

- 2.1 The appeal scheme relates to a four-storey Georgian mid-terrace building located on the southern side of Leigh Street, halfway between King's Cross St Pancras Station (to the north) and Russell Square (to the south). The terrace is comprised primarily of commercial / retail-type uses at ground floor levels, with residential properties above.
- 2.2 The terrace as a whole is Grade II listed, primarily in relation to its historical and *original* group character. This is reflected in the listing which refers primarily to the features of its front façade - with the interiors left uninspected, and the rear also not referred to.
- 2.3 There are gardens behind each of the properties along the terrace, which are overlooked by a large brick built hostel building. The gardens are entirely enclosed by surrounding buildings - including the terrace itself - and are not therefore visible from any area of public realm. This restricts their contribution to the listed building's appearance, and that of the wider Bloomsbury Conservation Area.
- 2.4 Reflecting this, the rear of the listed terrace has been significantly altered to the rear at ground floor level (into the gardens) over the years, including several significant and unsympathetic extensions and additions. This includes a large-scale ground floor extension to No. 15, the adjoining restaurant. The rear of the appeal property, No. 14, includes a non-original 20th century toilet addition, and an unsightly plastic roof to the basement. These additions are not considered to be of any heritage interest to the building, are not original features and do not contribute to the group value of the listed terrace. They are also entirely screened and hidden from view from the public realm.
- 2.5 Photographs of the site and surrounding area are attached at **Appendix 1**.

b) Planning History

i) The Application Site

- 2.6 Prior to the appeal applications, there have been two sets of planning and listed building consent applications relating to the site in the past, listed as follows:



- Planning and listed building consents (refs: 2012/3976/P and 2012/3997/L) were granted in November 2012, allowing for internal alterations and “*partial change of use of the ground floor at rear and basement from office (B1a) use to residential use (C3); the erection of a two-storey (basement and ground floor levels) rear extension and construction of front lightwell with escape stair all to be used in conjunction with the upper residential floors residential accommodation.*”
- Further planning and listed building consents (refs: 2013/3688/P and 2013/3867/L) were then submitted for the same description of development, but with revisions to the previously approved scheme. These were also both approved.

2.7 These consents allowed for the demolition of the rear toilet addition, and the erection of a full-width rear extension running across the back of the property. However, the design of the rear extension was altered upon advice from the Council’s Conservation Team - rather than providing a clean and symmetrical addition to the property, the scheme approved involved a partially brick structure with a significant element of clear glazing on one side (including across the roof). It is understood that the Council’s objective in seeking this design was to create an element of “invisibility” to the glazed element to retain views through to the original rear elevation, and a visual reference to the proportions of the brick toilet structure.

ii) The Surrounding Area

2.8 There have been a vast number of modern additions, extensions and alterations to the rear of the terrace along Leigh Street, primarily at ground floor level. The overwhelming majority of these bear little relationship to the original building. The photographs at Appendix 1 emphasise this, and show that there is very limited consistency along the rear elevations - especially at ground floor level - and very little historic value retained to this part of the terrace.

2.9 Of particularly close prominence and relevance in the context of the appeal scheme is the approval (ref: 8900272) of the large rear extension occupying almost the entirety of the rear of the property. This completely transformed the rear of this property and extends above the party wall separating the two rear gardens; its approval underlines the limited value that is attached to the rear of the terrace in



terms of both the listing value, and the contribution to this side of the building to the character and appearance of the conservation area.



SECTION 3: THE APPEAL PROPOSAL

- 3.1 The appeals are against the Council's refusal to grant planning and listed building consents for the *“erection of a ground floor rear extension with associated extension to basement and partial change of use of ground floor rear and basement from commercial to residential. The creation of a lightwell and stair to front and remodelling works on upper floors.”*
- 3.2 The proposed scheme is detailed on the appeal drawings. The works to the front involve the excavation of a front lightwell to create a small patio with a separate entrance to the basement of the property, and the erection of railings around the lightwell. The Council have not objected to these works, which have already been approved as part of the previous, extant consents.
- 3.3 The proposed extension at the rear involves the demolition of the existing rear back addition, and the erection of a full-width addition extending out into the garden. These works, with an extension of this footprint, have already been approved (under planning and listed building consents 2013/3688/P and 2013/3688/L).
- 3.4 The only alterations to the scheme already approved involve the redesign of the rear extension. Whilst it has essentially the same footprint and volume, the design has been refined to create a smoother, cleaner brick structure with symmetrical openable glazed windows running across its rear elevation onto the garden. The objective of this revised design is essentially twofold:
- to provide a more coherent and less uncomfortable appearance for the rear of the building;
 - to provide a more functional and practical space, with no overlooking or overheating issues created by the glazed roof of the already approved extension.



SECTION 4: PLANNING POLICY CONTEXT

a) National Planning Policy Framework (NPPF) (2012)

4.1 The NPPF sets out the Government's economic, environmental and social planning policies for England.

4.2 The document specifically states that at the heart of the planning system, there is a "presumption in favour of sustainable development", which should be seen as a "golden thread" running through both plan-making and decision taking. It explains at paragraph 187 that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It specifically states that:

"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

4.3 Section 56 states:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

4.4 Section 58 states that decisions should aim to ensure that developments optimise the potential of a site to accommodate development, respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. They should be visually attractive as a result of good architecture and appropriate landscaping.

4.5 Paragraph 131 relates specifically to heritage matters and explains that in determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;



- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and;
- The desirability of new development making positive contribution to local character and distinctiveness.

4.6 Paragraph 132 explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

b) Local Planning Policy

4.7 The development plan for Camden is comprised of the Core Strategy and Development Policies DPDs, both of which were adopted in 2010. The Policies Map for the Borough indicates that the appeal site is located within the Central London Area, the Bloomsbury Conservation Area, and a designated neighbourhood shopping centre. Key policies of relevance to the appeal scheme are summarised below.

i) Core Strategy

4.8 **Policy CS1** provides general guidance for growth and development in Camden. It explains that the Council will promote the most efficient use of land and buildings in Camden by seeking development that makes full use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage and any other considerations relevant to the site. It also notes that high density development in Central London will be expected.

4.9 **Policy CS14** relates to heritage matters and explains that the Council will ensure that Camden's places and buildings are attractive, safe and easy to use. It sets out various requirements that will be set to help achieve this, including requiring development of the highest standard of design that respects local context and character, and preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

ii) Development Policies DPD

4.10 **Policy DP24** relates to design and explains that the Council will require all developments, including alterations and extensions to existing buildings, to be of the



highest standard of design and will expect developments to consider certain requirements including, of relevance:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the quality of materials to be used.

4.11 **Policy DP25** relates to Camden's heritage, and sets out how the Council will seek to maintain the character of Camden's conservation area, including:

- taking account of conservation area statements, appraisals and management plans when assessing applications within conservation area;
- only permitting development with conservation areas that preserves and enhances the character and appearance of the area;
- only granting consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building;
- not permitting development that it considers would cause harm to the setting of a listed building.

4.12 **Policy DP26** seeks to manage the impact of development on occupiers and neighbours. It explains that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity, with reference to, of relevance, visual privacy and overlooking, and overshadowing and outlook.

iii) Camden Planning Guidance 1 - Design

4.13 This supplementary planning guidance provides specific advice in respect of design.

4.14 With regard to listed buildings, the document explains that in assessing applications for listed building consent, the Council will consider the impact of proposals on the historic significance of the building, including its features, such as original and historic materials and architectural features, original layout of rooms, structural integrity, and



character and appearance. It indicates that proposals should seek to respond to the special historic and architectural constraints of the listed building, rather than significantly change them.

4.14 The document explains with regard to alterations and extensions that they should always take into account the character and design of the property and its surrounding, and indicates that windows, doors and materials should complement the building. It also states that rear extensions should:

- be secondary to the building being extended;
- respect and preserve the original design and proportions of the building, including its architectural period and style;
- respect and preserve existing architectural features;
- respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;
- not cause a loss of amenity to adjacent properties;
- allow for the retention of a reasonable sized garden;
- retain the open character of existing natural landscaping and garden amenity, proportionate to that of the surrounding area.

iv) Bloomsbury Conservation Area Appraisal

4.15 This document defines the special interest of the Conservation Area and sets out measures that are put in place to ensure appropriate enhancement. The appeal site lies within the Cartwright Gardens / Argyle Square sub-area. The appraisal notes the area's formally planned arrangement of streets and contrasting leafy squares, and its make-up of primarily three and four-storey development which has a distinctly urban character. It notes that brick is the predominant building material used across the Conservation Area.

4.16 The document explains that the Cartwright Gardens/ Argyle Square sub-area's value is derived from its early 19th century street pattern and the relatively intact surviving terraces of houses.



d) **Planning Policy Summary**

- 4.17 There is a clear national planning policy objective to make maximum efficient use of brownfield land - especially in accessible locations - provide and improve housing provision, and ensure that development sustains and enhances heritage assets and puts them to viable uses.
- 4.18 Local policies reiterate these guidelines, whilst at the same time emphasising the importance of good design which protects and enhances Camden's heritage assets, including its conservation areas and listed buildings. Extensions to buildings should not harm the character and appearance of conservation areas or listed buildings and, in general, should be well-designed and respect the main building.



SECTION 5: PLANNING ANALYSIS AND ADDRESSING THE COUNCIL'S REASON FOR REFUSAL

- 5.1 This appeal relates to a modest proposed rear extension to No. 14 Leigh Street, a mid-terrace Georgian property located in Bloomsbury, between King's Cross and Russell Square. Given that the site is located in an established residential area the proposed extensions are considered to be acceptable in principle. Indeed, national and local planning policies seek to promote development that maximises the use of previously-developed urban land, and no "in-principle" objection has been raised by the Council. Furthermore, consent has already been granted for an extension of the same footprint and volume as that now proposed.
- 5.2 The Council have accepted that the proposals will not have any detrimental impact on the amenity of any of the neighbouring properties or the wider surrounding area. They have also not raised any general concerns in relation to the design, materiality and proportions of the extension and its impact on the wider Conservation Area.
- 5.3 The sole issue of contention, therefore, is the impact of the design of the proposed extension on the character of the listed building itself. The Council's reasons for refusal suggest that the proposal would have a detrimental impact on the special architectural and historic interest of the building, and consider that insufficient information has been submitted in relation to the proposed doors and windows.
- 5.4 The appellant contests this view, and considers that the revised design proposed comprises an improvement on the already approved scheme, and will have a positive impact on the appearance of the building.
- 5.5 A Heritage Statement was prepared in support of the planning application by Martin O'Rourke, a heritage and listed buildings expert with over 30 years experience dealing with historic buildings. His Statement analysed the history of the area and its development, and the significance and value of the various design features of the building. It explained that the toilet addition at the rear is not original and is of no historic value and interest. He also noted that the design of the *approved* extension would provide a "visually unsettling" addition to the building that would actually result in a detrimental impact on the building.



- 5.6 The appeal scheme is simple, clean and consistent, modest in size, low in height and clearly appears as a neat, attractive and sensitive subordinate addition to the main building. It does not draw attention to itself or attempt to mimic lost original or non-original features of the building; it has been designed to help improve the space at this well-located, accessible residential property with minimal impact on the overall appearance and design features of the building.
- 5.7 In contrast, the scheme already approved by the Council comprises an awkward and uncomfortable addition that is clearly contemporary in design and, with the conflicting and disproportionate brick and glazed proportioning, will actively draw attention to itself as the primary feature of the building's rear elevation. As Mr O'Rourke has confirmed, the toilet addition is not of any historic value or significance and any attempts to rescue or retain reference to it are therefore, in our view, misguided. In any event, the already approved scheme will fail to do this and will simply present itself as a confused and visually dominant rear extension, detracting from the overall character of the rear elevation.
- 5.8 Mr O'Rourke has provided a further Heritage Statement addressing the Council's reason for refusal, which is submitted in support of this appeal. This expert evidence substantiates the above view, concluding that the Council's reasons for refusal are unjustified and that the simple and clean design of the appeal scheme will provide a more sympathetic and appropriate addition to the building than that already approved.
- 5.9 As part of the overall refurbishment and restoration of the building, the appeal scheme will rectify the current dilapidated and undesirable appearance of the rear ground floor elevation, removing the unsightly plastic addition and tidying up the garden space. It will represent a significant improvement on the currently extant rear extension permission, and will provide a much more sympathetic addition than the numerous modern extensions along the rest of the listed terrace.
- 5.10 In the light of this analysis, it is our view that the proposed extension is entirely acceptable in planning and heritage terms and therefore that the Council's primary reason for refusal is invalid. It is also therefore considered that the second reason for refusal - relating to window detailing and materials - is unreasonable. Notwithstanding this, if the Inspector considers that further information (over and above that already provided on the proposed drawing) is required to ensure that the



detailing is appropriate, this could quite easily be dealt with by a condition requiring the submission of further plans, and in itself does not justify refusal of planning consent.

- 5.11 The NPPF sets out that at the heart of the planning system, there is a “presumption in favour of sustainable development”, which should be seen as a “golden thread” running through both plan-making and decision taking. The proposal makes efficient use of space in line with the national guidance, whilst respecting and indeed enhancing the overall appearance of the listed building. As such, the proposals accord with the NPPF and the appeal should be granted in line with the presumption in favour of sustainable development.



SECTION 6: CONCLUSION

6.1 The appellant respectfully submits that the appeal scheme should be allowed for the following reasons:

- the ground floor rear elevation of the building as existing is tired and dilapidated and the 20th century toilet addition and plastic roofing to the basement are unoriginal additions with no historic value or significance;
- the ground floor elevation along the rear of the terrace has been significantly altered and extended over time including a very large and modern addition to the immediately adjoining property;
- the already approved extension is of a confused, contemporary and uncomfortable design that will be visually dominant and will have a detrimental impact on the rear elevation of the building;
- the proposed extension is of an appropriate, sympathetic, sensitive, clean and attractive design that will complement and enhance the appearance of the rear of the building;
- the rear of the property is entirely enclosed and concealed from the public realm and whilst the proposed extension will benefit the appearance of the rear of the building, it will have limited impact on the overall surrounding street scape.
- the extension will help to maximise the accommodation at this existing residential family dwelling,
- there is no detriment to the amenity of neighbouring properties as a result of the proposals;
- the proposals are consistent with local and national planning policies and the presumption in favour of sustainable development should be followed in this case.



APPENDIX 1



PHOTO 1: *The front of the appeal terrace. The appeal property is in the centre with the blue shopfront.*

PHOTO 2: *The rear of the property, with the non-original and dilapidated 20th century rear addition to the left.*





PHOTO 3: *The rear garden of the appeal property.*

PHOTO 4: *The hostel building, overlooking the rear garden*





PHOTOS 5 and 6: *The large rear extension to No. 15, the adjacent restaurant.*



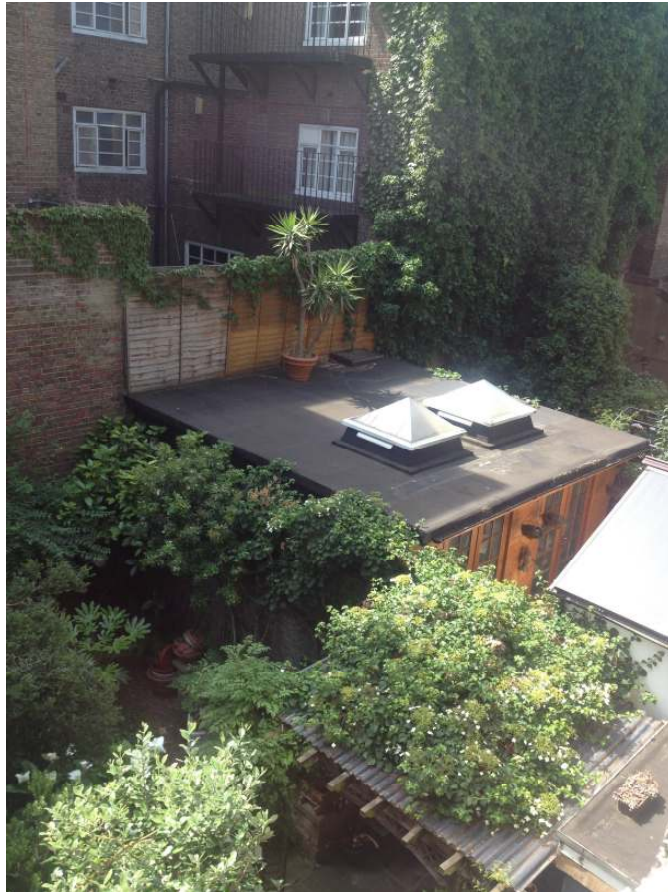


PHOTO 7: *The large rear extension to the rear of No. 12*

PHOTO 8: *The numerous rear extensions and alterations along the rear of the terrace to the west*





PHOTO 9: *The numerous rear extensions and alterations along the terrace to the east*