

LONDON BOROUGH OF CAMDEN

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY WRITTEN REPRESENTATIONS

SITE: 31 Warren Street London W1

SUBJECT: Change of use from shop with ancillary restroom to residential use and associated external alterations.

APPELLANT: Mrs S Conroy

COUNCIL REFERENCE: PS9705282

INSPECTORATE REFERENCE: APP/X5210/A/98/293807

1.0 SITE AND SURROUNDINGS

- 1.1 The appeal relates to the ground floor and basement area of a Georgian terrace, listed grade II, situated on the south side of Warren Street. The building is four storeys in height and has a simple, pleasing, appearance. The upper floors are in residential use. The adjoining ground floor premises are in commercial use.
- 1.2 The site lies within Bloomsbury Conservation Area and is within walking distance of Warren Street underground station. The Conservation Area designation covers a large area and the appeal site lies in the Fitzroy Square sector (the surrounding area is known locally as Fitzrovia) which was included in the conservation area in 1980. The Council has recently (February 1998) agreed a Conservation Area Statement for Bloomsbury, a copy of which is attached to this statement.
- 1.3 Warren Street contains a number of specialist shops and local convenience stores interspersed with office uses and residential units.

2.0 APPLICATION DETAILS

- 2.1 On 1 December 1997, the planning application the subject of this appeal, was submitted to the Council. The proposal was described as:

"Change of use from shop with rest room under, to residential use".

Following receipt of the application 11 neighbours were notified of the proposal. The Council received 5 letters of objection and one letter of support.

- 2.2 On 20 February 1998 planning permission was refused for the following reasons:
 - i) It is considered that the proposed change of use would be detrimental to the special architectural and historic characteristics of the building by reason of the unnecessary loss of original building fabric and compromising of the historic plan form, contrary to the Council's policies UD15 of the Borough Plan 1987 and EN43 of the deposit Draft Unitary Development Plan 1993 (as amended).
 - ii) It is considered that the proposed loss of the existing shopfront and retail unit would be detrimental to the character and appearance of this part of Bloomsbury Conservation Area contrary to the Council's policies UD19 of the Borough Plan 1987 and EN33 of the Deposit Draft Unitary Development Plan 1993 (as amended).
 - iii) The proposed loss of an A1 shop unit would be detrimental to local retail facilities, contrary to policy SH15 of the Deposit Draft Unitary Development Plan 1993 (as amended).

3.0 PLANNING FRAMEWORK

- 3.1 The Statutory Development Plan is the Council's Borough Plan, read in conjunction with the Greater London Development Plan. Due to its age, it is considered that the Greater London Development Plan is of limited value in this case. The Borough Plan, which came into operation in 1987 in succession to the former District Plan, comprises a Written Statement, Proposals Map and Open Space Map supported by a number of non statutory documents.
- 3.2 The Council refers to the following policies in the Borough Plan: UD3, UD12, UD15, UD18, UD19, UD32, PY47, SH20 and SH21.
- 3.3 In 1993 the Council formally placed on deposit its proposed Unitary Development Plan following an earlier round of public consultation. A public inquiry was held into objections to the plan. The Inspector's Report was published in January 1997. The Council's Environment Committee formally considered the Report's findings and the Council's response at a special meeting on 29 April 1998. The Committee agreed a draft Statement of Decisions which will be placed on deposit for a statutory consultation period of six weeks from 10 June to 22 July 1998.
- 3.4 The Council's formal response to the Inspector's Report constitutes a material planning consideration to be taken into account alongside the Council's draft UDP policies, the Inspector's Report and the policies contained within the Borough Plan.
- 3.5 The Council refers to the following policies in the UDP: EN16, EN26, EN33, EN43, EN45, EN46 and SH15.

4.0 PLANNING HISTORY

- 4.1 Planning permission was granted in 1983 for the installation of a new timber shopfront, the removal of the existing perspex fascia sign and the restoration of the existing fascia underneath. This was subsequently implemented.
- 4.2 At No.33 Warren Street planning permission and listed building consent were refused in November 1997 for the conversion of the basement, ground and first floor to a non self-contained residential unit. The reasons for refusal related to the impact of the works on the building and the impact of the loss of a shop unit on local retail facilities.

5.0 SUBMISSIONS

- 5.1 The determining issues relate to the impact of the works on the character and historic interest of the building and the conservation area and the impact of the change of use on local retail facilities.
- 5.2 Borough Plan policies UD3 and UD32 seek to ensure that all proposals for new development are of a good standard of design. Policy UD12 seeks to ensure that activities which

contribute to the character of Camden are not displaced by a change of use. Policies UD15 and UD18 seek to protect listed buildings and conservation areas from works that adversely affect their character or appearance. Policy PY47 states that within the defined Community Area of Fitzrovia changes of use which involve the loss of retailing will be resisted. This is reinforced in policies SH20 and SH21. The justification to policy SH21 states:

"Shops within the Community Area.....are under considerable pressure for change to non retail uses. But the maintenance of a range of shopping facilities in the area is a very important element of Council policies which aim to protect the residential community in the area and to provide essential facilities to the local workforce. A wide variety of uses including shopping facilities adds to the area's character and helps to retain the viability and serves local residents.

The shops concerned provide a vital service to the area's considerable proportion of elderly and other less mobile residents. Public consultation has identified the lack of shopping facilities as being a particular problem. Some shopping areas....Fitzrovia are particularly important in the provision of local shops. The Council has not however designated centres in this area....because the pattern of shopping is too diffused to make such definition appropriate."

- 5.3 UDP policies retain many of the same objectives and tenets of the Borough Plan relating to good design (EN16, EN26), controlling development in conservation areas (EN33) and changes to listed buildings (EN43, EN45 and EN46). With regard to shopping the Council will only grant a change of use from retail to non retail provided certain criteria are satisfied.
- 5.4 With regard to the first reason for refusal it is noted that the proposed conversion would result in the loss of the remaining original internal dividing wall in the basement. It would be replaced with a stud wall on a different alignment. Given that the basement has already suffered the loss of its chimney breast, fireplace and the majority of the original internal dividing walls, it is considered that the appellant's proposals would have an unacceptable impact on the special architectural and historic character of the building. The English Heritage publication "London Terrace Houses 1660 - 1860 A Guide to Alterations and Extensions" states:

"The structural integrity and fabric of a listed building should always be carefully preserved."

The guidance also points out that attention should not only be paid to the primary rooms of such houses but also to basement areas and servants quarters.

"The domestic plan form of London terrace houses is an important part of their character and special interest."

"At basement level proposals for wholesale clearance should be resisted."

Planning Policy Guidance Note No.15 makes the same points in Annexe C paragraphs C58 to C60. This aspect of the proposed development would therefore be contrary to Borough Plan policy UD15 and UDP policies EN43 and EN46.

- 5.5 With regard to the second reason for refusal, the development would result in the loss of a traditional style (although not entirely original) shopfront, a retail use and a most unsatisfactory replacement domestic frontage which would be detrimental to the appearance and character of this part of the conservation area. The established character of Warren Street is that it contains a balance of specialist and local retail uses interspersed with other uses such as residential and office use. Its varied appearance is derived from its character. The loss of the shopfront and consequently the retail use, would change this balance to an unacceptable degree. This would be contrary to Borough Plan policies UD12 and UD19 and UDP policy EN33.
- 5.6 The replacement domestic frontage fails either to preserve or enhance the character or appearance of the Bloomsbury Conservation Area. These particular Georgian houses do not have a tradition of a stucco finish at ground level. The window and door treatment should also be much simpler as can be seen at 34 Warren Street. The replacement domestic frontage could make a contribution to the preservation and enhancement of the conservation area if:
1. the ground floor wall to the street was constructed of fair faced stock bricks with flush mortar joints, coloured to match that at the upper levels with the arrangement of a single window and door to match that existing at 34 Warren Street;
 2. the structural opening for the new window matched that of the first floor windows at 31 Warren Street, the lintol was a flat arch in gauged brickwork, the cill was of reconstituted stone to match that on the ground floor of 34 Warren Street, the window was a softwood, double hung sash, with each sash of 6 panes and 18mm wide lambs tongue glazing bars;
 3. the door opening had a semi-circular fanlight and a 6 panel door with the upper four panels raised and fielded and the lower two flush with beaded edges.

It is considered that the above details illustrate the harm that would be caused to the conservation area if the appellant's scheme for the replacement domestic frontage were permitted.

- 5.7 Finally with regard to last reason for refusal, the appeal site lies within an area known as Fitzrovia. The Borough Plan states that in 1987 this was home for 5500 people and a workplace for 25000 people. As the area was experiencing considerable commercial pressure the GLC in 1982 declared Fitzrovia a Community Area where the aim has been to attach more importance to meeting the needs of the residential community. Borough Plan policy PY47 was derived from this background, to ensure the retention of adequate shopping facilities to meet the needs of residents and the local workforce.
- 5.8 Borough Plan policies SH20 and SH21 are also relevant as is UDP policy SH15. They set out criteria for considering a change of use from retail to non retail. In this instance the unit is vacant but no satisfactory evidence was produced by the applicant of determined but unsuccessful attempts to let it for retail use on reasonable terms. Indeed the applicant, via her agent stated "our client has no intention of letting the premises as a shop". (see enclosures for full text of agent's letter dated 15 January 1998) It is considered that the loss of the retail use at the appeal site (prior to 1995 it was a newsagents) would result in a range of diminished range of retail uses for local residents and workers in the area. At the time of the application there were 5 letters of objection. In particular the Charlotte Street Association (who represent the interests of people who live and work in the area) made the following comments:

"We object to the proposed change of use from retail even though the proposed use is residential on the grounds that the change is contrary to policy PY47 of the Borough Plan and SH15 (revised) of the UDP in that it will adversely affect the character and function of the area, since that change will have a deadening effect on the street frontage in this part of Warren Street. The loss of this shop, last used as a local convenience shop, will not leave a satisfactory range of retail facilities in the immediate vicinity."

Mr Muirhead of 27 Conway Street describes himself as a "local" who would be "deprived" if the change of use went ahead. Fitzrovia Today "an organisation supporting the local business community" also raised concerns as follows:

"Fitzrovia is a vibrant area and has always been welcoming to business especially the smaller firms who employ local residents and exist at street level. Creating "dead" commercial streets exacerbates the residential commercial divide and reduces the area's vitality."

It is considered that the change of use would clearly be contrary to both Borough Plan and UDP policy and would be detrimental to an interest of acknowledged importance namely the retention of local shops for the residents and workers in the area.

6.0 COMMENTS ON APPELLANT'S GROUNDS OF APPEAL

- 6.1 Even in the appellant's appeal submissions there is no evidence of "determined but unsuccessful attempts to let it (the shop) for retail use on reasonable terms" as required by policy SH21 of the Borough Plan.
- 6.2 Paragraph 6 - it is not known with whom the appellant has liaised in respect of the shop front alterations. Perhaps he could forward a copy of any correspondence with the Council on this subject. In any event, informal advice given by Council officers would not override any subsequent decision of the Council.

7.0 CONCLUSION

- 7.1 The Council's policies as expressed and amplified in section 5 above indicate that this application should be refused. For these reasons the Inspector is requested to dismiss the appeal.
- 7.2 However should the Inspector be minded to allow the appeal then the Council requests that the following condition be imposed:
1. Notwithstanding the details submitted with the application, revised details of the proposed ground floor elevation shall be submitted to and approved by the Council before any works on site are commenced.
 2. Prior to the commencement of development detailed drawings of the railings and new lightwell shall be submitted to and approved in writing by the Council.

Enclosures: Site plan
: Borough Plan policies: UD3, UD12, UD15, UD18, UD19, UD32, PY47, SH20 and SH21
: UDP policies: EN16, EN26, EN33, EN43, EN45, EN46 and SH15
: Extract from List of Buildings of Special Historic and Architectural Interest
: Copy of agent's letter dated 15 January 1998
: English Heritage "London Terrace Houses 1660 - 1860"
: Bloomsbury Conservation Area Statement

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