
Appeal Decisions

Site visit made on 19 October 2015

by J Flack BA Solicitor

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

Decision date: 02 November 2015

Appeal A: APP/X5210/W/15/3129639
64 Lincoln's Inn Fields, London WC2A 3JX

- 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 James Taylor Group against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1794/P, dated 25 March 2015, was refused by notice dated 23 June 2015.
 - The development proposed is demolition of existing roof and erection of single storey mansard roof extension.
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Appeal B: APP/X5210/Y/15/3129640
64 Lincoln's Inn Fields, London WC2A 3JX

- 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 James Taylor Group against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/2284/L, dated 25 March 2015, was refused by notice dated 23 June 2015.
 - The works proposed are demolition of existing roof and erection of single storey mansard roof extension.
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Decisions

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

Main Issues

3. The main issues in this case are a) whether the proposed works and development would preserve the Grade II listed building known as 64 Lincoln's Inn Fields (listed as Number 64 and attached railings) or any features of special architectural or historic interest that it possesses and b) whether or not they would preserve the character or appearance of the Bloomsbury Conservation Area.

Reasons

4. 64 Lincoln's Inn Fields (the listed building) dates from around the turn of the C18 and C19. The building has been used as offices for much of its life, but a scheme to convert the building to residential use has recently been consented

by the Council (the consented scheme) and I saw on my visit that a substantial program of works is currently under way. The listed building comprises four storeys and a basement, and has an impressive front façade. Set back from the street across a substantial driveway area, its symmetrical composition and proportions are typical of the Georgian period, and it has a notable lightness and essential simplicity, with delicate classical detailing and substantial fenestration.

5. The listed building makes a substantial positive contribution to the conservation area in the vicinity. The other buildings along this side of Lincoln's Inn Fields, which front onto the large and attractive public gardens at the centre of the square, include a number of other listed buildings. Whilst these share a common front building line, they otherwise exhibit considerable variety in age, style and height, and whilst the design quality of the unlisted buildings is not consistent, the distinctive individuality of the buildings within the row is an important element of the conservation area's character and appearance.
6. The proposed roof extension would provide a two bedroom flat. This would be accessed by a lift and by a continuation of the appeal building's central staircase; the Council raises no objection to these elements of the proposal, and I see no reason to disagree. However, the extension would involve the removal of the present roof structure, and would be contained largely within a new flat roof, this terminating at the rear in a vertical continuation of the rear walls, and at the front in a mansard roof slope provided with a number of dormer windows. These would employ traditional materials, with matching brickwork, and the mansard would be set behind a stone capped balustrade, punctuated by sections of stone pillars aligned with the dormer windows.
7. The present roof structure consists of a number of pitched and hipped elements, covered with slates. I saw on my visit that one side of the larger central section of roof has been altered by the provision of a flat roofed element to accommodate the building's lift, but a considerable number of older timbers remain and the previous form of the roof can clearly be read. At the front is a pitched roof which spans the entire width of the listed building. I was unable to inspect the interior of this during my visit. However, the evidence before me concurs that its pitch has at some point been raised, although some older timbers remain and there is no evidence that its form has otherwise been altered, nor that the forms of the remaining smaller sections of roof have been altered.
8. The heritage impact assessment¹ before me was provided in support of the consented scheme and provides no detailed assessment of the roof. In my view, its complexity and traditional forms are attractive and continue to speak strongly of the listed building's origins despite the alterations demonstrated by the evidence before me. I consider therefore that whilst the principal interest of the building lies in its front façade, the present roof also makes a substantive contribution to the special architectural and historic interest of the appeal building and thus to its significance. Its loss to the proposed extension would therefore have an unacceptably diminishing effect on the building's significance.
9. The appellant draws attention to the present termination of the front façade in a plain cornice. However, whilst its covering with lead flashing is unexpected

¹ Purcell, November 2013

and may possibly indicate that a parapet detail has been lost, this does not detract substantially from the front façade. There is no evidence before me that the provision of the proposed balustrade would amount to the restoration of a lost feature, and its somewhat ornate design would detract, albeit modestly, from the restrained and elegant simplicity of the front façade. Moreover, given that the qualities of every listed building are unique, the detrimental impact of the proposal on the appeal listed building is not mitigated by the presence of mansard roofs and balustrades on a number of nearby buildings, including the adjoining listed building at No 65.

10. Whilst the Council has not referenced the conservation area in its decision on the application for planning permission, it is a matter which the appellant has addressed. So must I, given that the desirability of preserving the character and appearance of the conservation area is a matter to which special attention must be paid pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
11. The appellant draws attention to the benefit of the proposal in blocking out views of the rear facades of the properties in Kingsway which lie beyond the listed building. However, whilst I concur that these utilitarian facades are not attractive, the blocking effect would only occur at views from certain medium distances: the facades are not visible at present in closer views, and significant elements of them would remain visible in longer views from within the public gardens. The degree of benefit would thus be very limited.
12. The appellant considers that the proposal will be of benefit by providing a more cohesive elevation to Lincoln's Inn Fields at roof level. I do not concur. The appellant has also stated that the variation in heights of buildings provides an aesthetic quality that contributes to the quality of the conservation area, and I have noted above the contribution made more generally by the distinctive individuality of the buildings adjacent to the appeal building, this being the product of gradual piecemeal redevelopment of this prestigious square since the C17. The increased homogeneity in height and design of the appeal building and No 65 that would result from the proposal would be at odds with these attributes. Moreover, and in any event, the harm to the listed building which I have identified would also be harmful to the conservation area given the contribution that the former makes to the latter. Whilst the proposed roof extension would not be significant in far views from within the gardens, I observed on my visit that the present front pitched section of roof is clearly visible in closer views, including the north western entrance to the public gardens, and so too would be the proposed roof extension.
13. For the reasons given above, I conclude that the proposed works and development would fail to preserve the special architectural and historic interest of the listed building, the desirability of which is a matter to which I am required to have special regard by sections 16 and 66 of the Act. I further conclude that the proposed works and development would fail to preserve the character and appearance of the conservation area.
14. Such preservation is the overall objective of Policy DP25 of the Development Policies², and the proposal would therefore be contrary to this policy and to Policy DP24, given its objective of securing high quality design. The proposal

² Camden Development Policies 2010- 2025

would also be contrary to Policy CS14 of the Core Strategy³, which seeks to preserve and enhance heritage assets and to achieve the highest standards of design. The appellant draws attention to paragraph 5.7 of the Council's design guidance⁴, which outlines circumstances where roof alterations are likely to be acceptable, but this section of the guidance is subject to heritage considerations, and in any case its overall objective, stated at paragraph 5.1, is that roof extensions are sympathetic and do not harm the character and appearance of buildings or the wider townscape. That would not be the case here.

15. For the purposes of the National Planning Policy Framework, the listed building and the conservation area are designated heritage assets. Within their overall context, I consider that the proposal would lead to less than substantial harm to their significance. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal. The provision of additional residential accommodation amounts to a public benefit, but it would be very limited, given that only one flat is proposed, and I have identified above that the benefit of the proposal in blocking out views of the rear facades of the properties in Kingsway would also be very limited. There is no evidence that the proposal would result in any other substantive public benefit.
16. The Act requires that considerable importance and weight are to be given to the desirability of preserving the listed building and the conservation area: I conclude that the public benefits of the proposal are modest and by some margin do not outweigh the material harm which would be caused to the designated heritage assets. Moreover, the great weight to be apportioned to the conservation of designated heritage assets anticipated in paragraph 132 of the Framework affirms this conclusion: it follows that the proposal would be contrary to the historic environment policies of the Framework.
17. I understand that the permitted scheme was subject to a planning obligation. Whilst the parties concur that a further obligation is necessary in connection with the appeal proposal, there has been dispute as to the nature and extent of the obligation's provisions; a signed, but undated, unilateral undertaking has been provided to me by the appellant. However, it is unnecessary for me to consider these matters: my conclusion that the proposal would fail to preserve the special architectural and historic interest of the listed building is sufficient on its own to cause me to dismiss the appeals, and I have further concluded that the proposal would fail to preserve the character and appearance of the conservation area.
18. I have taken into account all other matters raised in the evidence before me. However, nothing arises which disturbs my conclusions on the main issues. The appeals are therefore dismissed.

J Flack

INSPECTOR

³ Camden Core Strategy 2010- 2025

⁴ Camden Planning Guidance – Design, CPG1, September 2013