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## Appeal Decisions

Site visit made on 2 November 2015

**by J Flack BA Solicitor**

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

**Decision date: 10 November 2015**

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### **Appeal A: APP/X5210/W/15/3130991** **14 Leigh Street, London WC1H 9EW**

- 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 Mr John London against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/7167/P, dated 14 November 2014, was refused by notice dated 28 May 2015.
  - The development proposed is 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.
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### **Appeal B: APP/X5210/Y/15/3131005** **14 Leigh Street, London WC1H 9EW**

- 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 Mr John London against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/7251/L, dated 14 November 2014, was refused by notice dated 28 May 2015.
  - The works proposed are 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.
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## Decisions

1. **Appeal A:** the appeal is allowed and planning permission is granted 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 at 14 Leigh Street, London WC1H 9EW in accordance with the terms of the application, Ref 2014/7167/P, dated 14 November 2014, subject to the conditions set out in the Schedule to this decision.
2. **Appeal B:** the appeal is allowed and listed building consent is granted 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 at 14 Leigh Street, London WC1H 9EW in

accordance with the terms of the application Ref 2014/7251/L, dated 14 November 2014, subject to the conditions set out in the Schedule to this decision.

### **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 12 – 19 Leigh Street (listed as numbers 12-19 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. The listed building dates from 1810-13 and comprises an attractive terrace of 8 houses. These are of 4 storeys with basements and possess shopfronts to the ground floors, some of which are of considerable age. The design of the upper floors of the front elevation is sober and simple, and this is carried over to the rear elevation. The lesser importance of this elevation is reflected in the uses of dark red/brown bricks which contrast with the paler bricks of the front elevation, but much original work, including a regular pattern of fenestration at the upper levels, remains to the appeal house and its neighbours within the terrace.
5. The contribution that the rear elevation makes to the listed building is however diminished by the various extensions which exist at present. The very substantial extension to No 15 is an exception, but my observations during my visit were that whilst extensions to other houses appear to be of part width, they exhibit a considerable diversity of form and materials. This has the result that they do not to any very significant degree serve to add a rhythm and continuity to the terrace as the Council asserts, nor in general do they appear obviously historic. It follows that whilst the existing extensions clearly do not provide a justification for poorly designed extensions at the appeal house, they do provide a context which affords a degree of flexibility in design approach.
6. Whilst the proposed development and works comprise various elements, the only focus of dispute between the parties is the design, at ground floor level, of the proposed rear extension. My attention is drawn to two recently consented rear extensions<sup>1</sup> to No 14 (the consented extensions). These would have been of similar footprint and height to the appeal extension, but there are various design differences. The present appeal proposal is to be assessed on its own merits, but the consented extensions are nevertheless an obviously significant contributor to the context of my assessment. I have taken them into account accordingly, although limited plans and details have been provided to me.
7. There is at present a small single storey extension of unremarkable flat roofed design projecting from one side of the rear elevation of No 14. Beside it is an unattractive and decaying plastic roof over the basement area. The Council has described the extension as a historic closet wing, but has not sought to challenge the appellant's assertion that these are not features of houses of this date. In any event, I saw on my visit that the pale bricks of the extension do not match with those of the rear elevation. This and the straight joint between

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<sup>1</sup> One approved on 16 November 2012 (Ref 2012/3997/L and 2012/3976/P) and the other on 8 August 2013 (Ref 2013/3867/L and 2013/3688/P)

the extension and the rear elevation indicate that it is not original. Moreover, I saw that the extension bridges the basement area and is supported by concrete foundations with a metal beam visible at one end; these features and the appearance of the small casement windows to either side of the extension's door into the garden are strongly suggestive that the extension has C20 origins.

8. Given also that there is no evidence before me that the extension replaced an equivalent earlier structure, I consider that it makes very little contribution to the significance of the appeal house. It follows that whilst the proposed extension would be full width and make no reference to the existing extension, this is not a matter which counts materially against the proposal.
9. The appeal house contains little surviving detailing internally, but the essential plan form of two rooms and a dog leg staircase reads strongly in the upper floors. The Council considers that the proposed extension would be harmful to this plan form by internalising the ground floor rear room and reducing outlook from it. However, I do not consider that the proposed scheme is significantly detrimental in this respect. The approved extensions were also full width, and whilst they would have included a substantial glazed section and produced a sense of space around the rear elevation opening from the ground floor rear room, the appeal extension shows a sufficient degree of respect to this opening through the inclusion of a very substantial rooflight adjacent to it which extends from the rear elevation across almost all of the depth of the extension. This also includes glazed doors which occupy most of the width and height of the rear face of the extension.
10. I acknowledge that the proposed extension, unlike the approved extensions, would not achieve any vertical emphasis in response to that of the fenestration and accommodation on the upper floors, nor contain any reflection of the ground floor opening into the garden. However, this does not count materially against the proposal given that the rooflight and very substantial glazed doors of the extension's rear face would create a considerable degree of transparency, the latter in particular allowing substantial appreciation of the rear elevation at ground floor level. This could be complemented by a condition requiring the rear elevation to be retained as exposed brickwork. Moreover, the plans of the approved extensions indicate that the glazed section and the brick elements to either side it would have produced a somewhat disjointed and awkward structure, which would tend to draw attention to itself and distract attention from the rear elevation of the house. In this respect the proposed extension would be more satisfactory: the Council describes it as perfunctory, but in my view its simple and symmetrical contemporary design would be beneficially recessive in character and would achieve an appropriate degree of subordination to the original house.
11. The desirability of preserving the listed building is a matter to which I am required to have special regard by virtue of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and the preservation of the character and appearance of the conservation area is a matter to which I am similarly required to pay special attention by section 72 of the Act. However, for the reasons I have given above, I have concluded that the proposed extension would not cause harm to the special interest of the listed building.

12. I note that the Council also refused planning permission and listed building consent on the basis that insufficient information was provided as to proposed window replacement, but it accepts that this could be satisfactorily addressed by condition. The Council raises no objection to any other aspect of the proposal, and there is no evidence before me which leads me to take a different view.
13. I therefore conclude that the proposed development and works would preserve the special architectural and historic interest of the listed building, and by so doing they would also preserve the character and appearance of the conservation area to which the listed building contributes.
14. Such preservation is the overall objective of Policy DP25 of the Development Policies<sup>2</sup>, and for the reasons I have given the proposal would not be contrary to this. Nor would it be contrary to Policy DP24, which has the objective of securing high quality design, or Policy CS14 of the Core Strategy<sup>3</sup>, which seeks to conserve and enhance heritage assets and to achieve the highest standards of design that respects local context and character. The proposal would also sufficiently accord with the requirements of paragraph 4.10 of the Council's design guidance<sup>4</sup> relating to rear extensions. Moreover, whilst the listed building and the conservation area are designated heritage assets for the purposes of the National Planning Policy Framework (the Framework) and paragraph 132 requires that great weight be given to their conservation, I have concluded that proposal would not be harmful to the significance of either of these assets.

#### *Conclusions*

15. I have taken into account all other matters raised in the evidence before me, but nothing arises which disturbs my conclusions on the main issues. The appeals are therefore allowed.
16. In reaching my conclusions I have considered the conditions suggested by the Council in the context of the tests set out at paragraph 206 of the Framework, making minor changes to some of these conditions in the interests of clarity, certainty and economy of expression. In addition to standard commencement conditions, conditions requiring adherence to approved plans are necessary for the avoidance of doubt. To protect the living conditions of neighbouring occupiers and in the interests of highway safety, it is necessary that planning permission be subject to conditions restricting the use of the rear extension roof, and requiring adherence to an approved construction management statement. However, the suggested condition as to materials is unnecessary given that this is a matter which is more appropriately controlled by the listed building consent, and the suggested condition relating to a green roof is inappropriate given that a felt roof covered with pebbles is proposed.
17. As to the grant of listed building consent, in order to protect the special interest of the listed building, conditions are necessary to require the provision, approval and implementation of further details in relation to specified aspects of the works, including the repair and replacement of windows. For the same reason, conditions are necessary to require matching materials in relation to

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<sup>2</sup> Camden Development Policies 2010 - 2025

<sup>3</sup> Camden Core Strategy 2010 - 2025

<sup>4</sup> Camden Planning Guidance: Design CPG1

external works, to require the rear façade to be retained as exposed brickwork, to control the provision of lighting, security equipment and other apparatus on the exterior of the appeal building, to provide for the retention and repair of architectural features and to control works to ceilings.

*J Flack*

INSPECTOR

## CONDITIONS

### Appeal A: APP/X5210/W/15/3130991

- 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: E009 Rev E; E010 Rev D; E011 Rev D; E012 Rev D; E013 Rev D; E015 Rev C; E030 Rev C; E031 Rev B; E040 Rev C; E041 Rev A; EB01 Rev A; EB02 Rev A; EB03 Rev A; EB04 Rev A; EB05; EB06 Rev B; EG01 Rev B; EG02 Rev B; E101 Rev B; E102 Rev A; E201 Rev B; E202 Rev A; E301 Rev B; E302 Rev B; E303 Rev A; 009 Rev U; 010 Rev Y; 011 Rev T; 012 Rev N; 013 Rev O; 015 Rev K; 030 Rev E; 031 Rev M; 040 Rev K; 041 Rev C; PB01 Rev C; PB02 Rev C; PB05 Rev A; PB06 Rev B; PB07 Rev D; PG01 Rev B; PG02 Rev C; PG03 Rev D; P101 Rev D; P102 Rev B; P103 Rev B; P201 Rev C; P202 Rev C; P301 Rev D; P302 Rev B and P303 Rev B.
- 3) The flat roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area unless otherwise agreed in writing by the Local Planning Authority.
- 4) A Construction Management Statement, indicating the method, access and timing of construction works on the site, shall be submitted to and approved by the Council prior to commencement of the development hereby permitted. The development shall thereafter be implemented in strict accordance with the approved Statement.

### Appeal B: APP/X5210/Y/15/3131005

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E009 Rev E; E010 Rev D; E011 Rev D; E012 Rev D; E013 Rev D; E015 Rev C; E030 Rev C; E031 Rev B; E040 Rev C; E041 Rev A; EB01 Rev A; EB02 Rev A; EB03 Rev A; EB04 Rev A; EB05; EB06 Rev B; EG01 Rev B; EG02 Rev B; E101 Rev B; E102 Rev A; E201 Rev B; E202 Rev A; E301 Rev B; E302 Rev B; E303 Rev A; 009 Rev U; 010 Rev Y; 011 Rev T; 012 Rev N; 013 Rev O; 015 Rev K; 030 Rev E; 031 Rev M; 040 Rev K; 041 Rev C; PB01 Rev C; PB02 Rev C; PB05 Rev A; PB06 Rev B; PB07 Rev D; PG01 Rev B; PG02 Rev C; PG03 Rev D; P101 Rev D; P102 Rev B; P103 Rev B; P201 Rev C; P202 Rev C; P301 Rev D; P302 Rev B and P303 Rev B.
- 3) Notwithstanding Condition 2), detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the works is begun:
  - a) Typical details of new railings at a scale of 1:10 with finials at 1:1, including materials, finish and method of fixing into the plinth.

b) Plan, elevation and section drawings of all new doors at a scale of 1:10 with typical moulding and architrave details at a scale of 1:1.

c) Samples and manufacturer's details of new facing materials for the new rear extension hereby authorised. The sample panel shall include facing brickwork demonstrating the proposed colour, texture, face-bond and pointing.

d) Typical section drawings of the junction between the rear extension with the existing rear wall including the existing ground floor and half landing opening at a scale of 1:10.

e) Samples and manufacturer's details and threshold level details of all new floors including an associated location plan and photos of any existing floor finishes to be removed.

g) Details of any works of alteration or upgrading not included on the approved plans which are required to satisfy Building Regulations or Fire Certification.

The relevant parts of the works shall then be carried in accordance with the approved details.

- 4) Notwithstanding condition 2, before the works hereby authorised begin a window schedule shall be submitted and approved by the local planning authority detailing proposed works for repair to windows to be retained and for all new windows, together with plan, elevation and section drawings of all new windows at a scale of 1:10 with typical glazing bar details at 1:1. The works shall be carried out in accordance with the approved schedule and drawings.
- 5) Save as specified or approved pursuant to any other condition to which this consent is subject, all new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building.
- 6) The existing rear façade shall be retained as exposed brick work and not rendered, and retained as such in perpetuity.
- 7) Save as specified or approved pursuant to any other condition to which this consent is subject, no new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed to the external faces of the building.
- 8) Save as specified or approved pursuant to any other condition to which this consent is subject, all architectural features including cornices, architraves, skirting, floorboards, balustrades, and fireplaces shall be retained and repaired to match the original work.
- 9) Save as specified or approved pursuant to any other condition to which this consent is subject, all original ceilings are to be repaired/reinstated to their original level using matching materials.