



Appeal Decisions

Hearing held on 4 May 2016

Site visit made on 4 May 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 12 May 2016

Appeal A Ref: APP/X5210/W/16/3143413

42 Bedford Square, Camden, London WC1B 3DP

- 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 Classic Design Investments Limited against the Council of the London Borough of Camden.
 - The application Ref 2015/6464/P, is dated 16 November 2015.
 - The development proposed is described as *'the construction of an independent, modular, glazed, landscaped structure "an Arbour" for both internal and external use associated with the occupation of the property as a family dwellinghouse.'*
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Appeal B Ref: APP/X5210/Y/16/3143409

42 Bedford Square, Camden, London WC1B 3DP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Classic Design Investments Limited against the Council of the London Borough of Camden.
 - The application Ref 2015/6935/L is dated 16 November 2015.
 - The works proposed are described as *'the construction of an independent, modular, glazed, landscaped structure "an Arbour" for both internal and external use associated with the occupation of the property as a family dwellinghouse.'*
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Decisions

1. Both Appeal A and B are dismissed, and planning permission and listed building consent are refused.

Preliminary Matters

2. The Hearing for this appeal was held together with that for appeal reference 3140851 for the same site, albeit for a different proposal. That appeal is the subject of a separate decision letter. For the avoidance of doubt, this decision letter considers only the planning and listed building matters cited in the above headers.
3. The Council failed to determine the appeal schemes within the statutorily prescribed period. Nonetheless, the Council asserts that, were it in a position to do so, it would have refused planning permission and listed building consent. Put simply, this would have been on the basis of the design, form, size and location of the arbour would harm that character and appearance of the

Bloomsbury Conservation Area and the character, appearance, setting, and special historical features and interest of the Grade I listed host property.

4. A second reason for refusal relating to Appeal B, and the replacement of a window with a door, is not 'contested' by the Council, following the submission of amended drawings at the Hearing, which removed this element of the scheme from the proposals. After considering the views of the main parties at the Hearing, whom raised no objections, I have proceeded on the basis that the amended plans listed at the end of these decisions (numbered 2 to 5) form part of the proposed schemes.
5. Although both appeal schemes as a whole are before me, I have considered these suggested concerns and also those detailed within the Statement of Common Ground in constructing the main issue.

Main Issues

6. The main issue for both appeals are whether the proposed development and/or works would preserve the special architectural or historical features of the Grade I listed building, and whether they would preserve or enhance the character or appearance of the Bloomsbury Conservation Area.

Reasons

7. The appeal building is a Grade I listed building and is formed of No 42 Bedford Square and No 13 Bedford Avenue, which is a mews building located to the rear of the site. Planning permission and listed building consent has already been granted under ref APP/X5210/A/14/2228630 and 2014/4634/L respectively for the conversion of the two buildings into use as a single dwelling house Use Class C3 (herein the approved schemes). I was able to see during my site inspection that works relating to these earlier permissions are currently underway. In particular, I saw that a previous link between the two buildings has been partially demolished, with a new link element, which would be wider than the previous link, having permission under the approved schemes. Nonetheless, the approved schemes retain a significant area of rear courtyard between the house and the mews elements.
8. Historically, the primary focus of grand Georgian terraces would be their front elevations, overlooking an area of open space; as is the case here in the form of the enclosed Bedford Square open space. The area to the rear of the buildings would not have been used as a garden in the modern sense; that is somewhere to do gardening or relax. Instead, the rear courtyards were typically places for activities such as cleaning, or the storage of rainwater or coal. This is evidenced in part by the fact that the mews buildings to the rear of terrace would most likely have housed the growing number of servants serving the occupants of the main house. It is the relationship between the two built parts of the appeal site, namely the house and mews, and the fact that the observer is able to see the link between these elements, from which the significance of the Grade I listed building partially derives. For similar reasons, the spatial arrangement that the courtyard creates contributes to the character and appearance of the Bloomsbury Conservation Area, and therefore its significance as a heritage asset; albeit limited to the immediate environs of the appeal site.

9. The appeal scheme seeks the erection of an arbour structure within the courtyard area. This would be roughly 3.6 metres in height, rising to approximately 6 metres in places as a result of its design form. It would consist of glazed doors at either end, and I heard would be affixed to concrete slabs set under the York Stone courtyard floor, with some flashing detailing on the points where the structure would abut the walls of the courtyard. The Council suggests that the structure would cover about 20m² in a garden area of 38m². Looking at the submitted plans, the proposal would probably have a floor area about that size, which would represent about 52% of the courtyard area.
10. The proposed arbour would essentially result in an infilling of the rear courtyard area between the closet wing at No 42 and that at the adjoining building. Visually, this would erode the visual separation between both No 42 and No 41 and that between the house and the mews to the rear. There was some debate at the Hearing as to whether the enclosed nature of the arbour meant that it should be treated as an extension rather than a garden landscape feature. But this is, in my mind, a moot point insofar as the principal issue is the fact that the arbour structure would effectively screen the courtyard area from both parts of the appeal site; that is the house and mews elements. In doing so, the proposed arbour would inhibit important views and links between the rear courtyard and the rest of the appeal site. This would result in the erosion of the important historic and architectural links between the house and mews, and erode the open nature of the rear courtyard, which would be further reduced in size by the link extension permitted under the approved schemes.
11. This point is further underpinned by the fact that historically the courtyard area appears to have been 'lost' when built over in the past (according to OS and other historic survey maps), and the current state of the courtyard has, in effect, reintroduced what is very likely to have been the original historic courtyard form. Accordingly, the proposed arbour would fail to preserve the special architectural and historic interest of the Grade I listed building. For similar reasons, the proposal would also fail to preserve or enhance the character or appearance of the Bloomsbury Conservation Area; albeit this harm is mitigated by the lack of readily visible public views of the courtyard area.
12. In policy terms, Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework) ascribe weight to the degree of harm to designated heritage assets. In this case, the Council considers that the proposals would result in 'substantial' harm to the designated heritage asset; although at the lower end of that spectrum (although it should be noted that the Framework states either 'substantial' or 'less than substantial' harm as degrees of harm arising, rather than a spectrum as such). On the other hand, the appellant contests that the proposals would not result in any harm to the designated heritage asset. I have found that in failing to preserve the special architectural and historic interest of the listed building, the proposals would result in harm to the Grade I listed building and to the Bloomsbury Conservation Area.
13. The direct impact to the fabric of the listed building, which mainly comprises the ground fixings and flashing, are likely to be reversible and therefore be minimally intrusive. Moreover, an arbour structure is generally easier to remove at the end of its useful life, compared to a single storey extension requiring ground work foundations, for example. The proposal would

nevertheless interrupt the important direct views between the mews and house buildings, and result in the loss of a large part of the courtyard, which is an important historical feature of the listed building, with significant parts of it already set to be lost as part of the link extension under the approved schemes.

14. Whilst I agree with the Council's submission that the proposals would result in harm to the listed building, I do not agree with the Council's assessment that the proposal would result in substantial harm. Instead, all of these factors would result in less than substantial harm, as set out in Paragraph 134 of the Framework. It should be appreciated that 'less than substantial harm' does not equate to less than substantial objection to the granting of permission, with the Framework clearly indicating that great weight should be given to the asset's conservation in all cases. Nevertheless, Paragraph 134 of the Framework, and its 'harm weighed against public benefits' test, is of particular relevance here.
15. In terms of public benefits, the appellant suggested at the Hearing that these include the biodiversity, landscape design, enhancement of the property, and enjoyment of future occupiers. In terms of biodiversity, I heard that the proposed structure would enable the introduction of nectar rich species which would entice both insects, such as bees and butterflies for example, and birds to the rear courtyard area. This is primarily due to the height of the arbour, which would enable a wider selection of plants, including those seeking sunlight, as the mews element screens the sun from the lower parts of the courtyard. I saw at my site inspection, on a sunny and warm day in May, that the north south axis and mews building together prevent a majority of sunlight reaching the lower parts of the courtyard, and presumably this would be worse in the autumn and winter months.
16. The general thrust of both local plan policies, such as CS5 of the *Camden Core Strategy 2010-2025* (CS), and those of the Framework, is to ensure that opportunities to incorporate biodiversity in and around developments should be encouraged. The Council made the point that any contribution to biodiversity is likely to be small given the size of the courtyard and proposed arbour. Nonetheless, any contribution towards improving biodiversity, and particularly within densely built urban areas, should be supported, limited though the contribution might be. At the same time, such contribution needs to be calibrated by the fact that the courtyard is currently devoid of any noticeable plant life, and it would not be impossible to provide some plants to improve biodiversity, albeit the range and scope of such plants would be limited to those which prefer shady and cool environments. In this respect, the public benefit from biodiversity enhancements when considered, as a whole, should be afforded modest weight in favour of the appeal schemes.
17. I note the appellant's point that the structure would essentially be visually lightweight with the use of a thin modular construction and glass, with views obscured principally by planting. I also note that, in the appellant's view, the structure would enhance the landscape of the courtyard area, the property overall and improve the quality of life of occupants. However, these are all factors which are primarily private benefits and do not weigh in favour of the proposal in terms of the public benefits test set out in Paragraph 134 of the Framework.

18. I am required to give considerable importance and weight to the desirability of preserving the listed building or its setting or any features of historical or architectural interest, as required under Sections 16(2) and 66(1) of the Planning Listed Buildings and Conservation Area Act 1990, as amended. The proposals would conflict with these parts of the Act, and Section 72 (1) of the same Act, in terms of failing to preserve the character of the Bloomsbury Conservation Area. In this case, the public benefits do not outweigh the less than substantial harm I have identified to these designated heritage assets.
19. I therefore conclude that the proposed development would result in unacceptable harm to the Grade I listed building and the Bloomsbury Conservation Area. Accordingly, the proposals would be contrary to Policy CS14 of the CS and Policies DP24 and DP25 of the *Camden Development Policies 2010-2025*, which, amongst other aims, seek to ensure that listed buildings are preserved or enhanced by only granting consent for alterations or extensions where it considers this would not cause harm to the special interest of the listed building. It would also be contrary to the aims of the Framework, which, amongst those already listed, include that great weight should be given to a heritage asset's conservation and that heritage assets should be conserved in a manner appropriate to their significance.

Conclusions

20. For the reasons given above, and having taken into account all matters raised, I conclude that both appeals should fail.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Gibbs	Planning Consultant - DP9 Ltd
Tim Leach	Architect - BDP
Martha Schwartz	Landscape Architect - Martha Schwartz Partners
Edward Kitchen	Heritage Consultant - Montagu Evans
Benjamin Kite	Ecological Consultant - Ecological Planning and Research Ltd
Alice Broomfield	Planning Consultant - DP9 Ltd
Mark Brown	Architect BDP
Edith Katz	Landscape Architect - Martha Schwartz Partners
Martin Simms	On behalf of Classic Design Investments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Nick Baxter	Senior Conservation Officer - LB Camden
Darlene Dike	Planning Technician - LB Camden

Documents submitted at Hearing

1. List of attendees representing the appellant
2. Drawings numbered P05_(15) AP001 Rev C
3. Drawings numbered P05_(15) AP005 Rev C
4. Drawings numbered P05_(15) AP002 Rev C
5. Drawings numbered P05_(15) AP003 Rev B
6. Drawings labelled 1974 ref: HB767
7. Drawings labelled existing at 2006 ref: 2006/5534/P
8. Drawings labelled proposed at 2006 ref: 2006/5534/P
9. Drawings labelled existing at 2011
10. Drawings labelled consented scheme ref: 2014/4636L, APP/X5210/A/14/2228630
11. Drawings labelled APPEAL SCHEME REF: 2015/4222L