



**28 MUSEUM STREET,
LONDON, WC1A 1LH**

**APPEAL BY MR. ALESSANDRO PACCIANA & MRS. ELISA BAZZANI
AGAINST THE REFUSAL OF THE LONDON BOROUGH OF CAMDEN
COUNCIL TO GRANT PLANNING PERMISSION AND LISTED BUILDING
CONSENT FOR “INSTALLATION OF A GLAZED CONSERVATORY ON
THE REAR TERRACE AT FIRST FLOOR LEVEL INCLUDING INTERNAL
ALTERATIONS TO BUILDING”**

APPLICATION REFERENCE NOS: 2015/4506/P & 2015/5024/L

APPEAL PLANNING STATEMENT

FULL STATEMENT OF CASE

JUNE 2016

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1.0 INTRODUCTION

- 1.1 My name is Tim Waters and I am the founding director of RENEW Planning Limited, a planning and development consultancy based in London. I hold a Masters Degree in Town Planning and am a Member of the Royal Town Planning Institute (MRTPI), having qualified in October 1995. During the course of my professional career, I have dealt with a broad spectrum of planning matters and have considerable experience of all forms of development. I was not involved with the original applications, but am fully familiar with the background to this case.
- 1.2 I am instructed by Mr. Alessandro Pacciana and Mrs. Elisa Bazzani ('the appellants') to lodge an appeal against the decision of the London Borough of Camden Council ('the Council') to refuse applications for planning permission (reference no. 2015/4506/P) and listed building consent (reference no. 2015/5024/L), dated 5 August 2015, relating to the property at 28 Museum Street, London, WC1A 1LH ('the appeal property'). The appeal property is Grade II listed and situated within the Bloomsbury Conservation Area.
- 1.3 The Council's approval was sought for the:
- "Installation of a glazed conservatory on the rear terrace at first floor level including internal alterations to building".*
- 1.4 The appeal applications relate specifically to the first, second and third floors of the property, which the appellants occupy as their main family home. Both applications were refused on 10 December 2015 under officer delegated powers.
- 1.5 Planning permission (2015/4506/P) was refused on the following basis:
- 1. The proposed extension, by reason of its size, design, location and form, would be detrimental to the character and appearance of the host building and the Bloomsbury Conservation Area 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 Local Development Framework Development Policies.*
- 1.6 Listed building consent (2015/5024/L) was refused for the following reason:
- 1. The proposed extension, by reason of its size, design, location and form, would be detrimental to the character, appearance and 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 policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 1.7 The proposed conservatory extension would enclose a small external terrace at first floor level that was originally permitted in February 2012 as part of a wider proposal to change the use of the first to third floors from an office to residential use. It is intended to complement the sensitive and sympathetic

refurbishment of the property already undertaken by the appellants to create a high quality family home, which, through these applications, would also include some further internal alterations that are not the subject of the Council's maintained refusal grounds.

- 1.8 The appellants have taken professional advice from a highly respected heritage consultant (Heritage Collective), which opinion supports their view that the overall size and form of the proposed conservatory extension would not fail to preserve or enhance the character or appearance of the conservation area, as alleged by the Council, nor be detrimental to the special architectural and historic interest of the listed building.
- 1.9 The rear context of the appeal property is one of an unremarkable townscape characterized by a disparate mix of glazed roof structures and other external paraphernalia reflecting the largely commercial land use core of the area. The existing rear roof terrace has a small, isolated and self-contained presence in the area by comparison and the appellants would maintain that the proposed conservatory extension would not cause any unacceptable harm in itself to an immediate and wider site context that contributes little to the merits of the Bloomsbury Conservation Area. The lack of any public view afforded of the proposed conservatory extension further militates any concern in this respect. Related to this, the appellants would also maintain that the high quality design specification of the conservatory structure would respect the historic integrity and detailing of the existing building.
- 1.10 This Appeal Statement sets out the appellants' case in full and should be read in conjunction with the Heritage Appeal Statement, prepared by Heritage Collective, and the other documentation forming part of the appeal applications.

2.0 THE APPEAL SITE

- 2.1 The appeal site comprises the upper parts (first, second and third floors) of the property at 28 Museum Street (WC1A 1LH), which forms part of a wider terrace of properties (nos. 27-34 inclusive) situated on its western side between Great Russell Street to the north and Little Russell Street to the south, all of which have commercial uses at ground floor level.
- 2.2 The appeal property is accessed independently of the current ground floor restaurant use and was until 2011 used as office accommodation prior to a change of use planning permission and listed building consent granted in February 2012 (as subsequently amended). The building is Grade II listed (as part of a wider listing incorporating nos. 27-34 Museum Street dating from December 1977) and situated within the Bloomsbury Conservation Area. It is 4 storeys high (plus basement), 3 bays wide and has a stucco façade decorated with embellishments including moulded window surrounds, dentilled cornices, architraved oculi and quoins.
- 2.3 The listing notice reads as follows:

“TQ3081NW MUSEUM STREET 798-1/100/1172 (West side) 09/12/77 Nos. 27-34 (Consecutive) The Plough (No. 27)

GV II

Public house and 7 terraced houses with shops. 1855-64. By William Finch Hill. Stucco with rusticated pilaster strips separating each house and at angles. Modified French Renaissance style. 4 storeys. 3 windows each. No. 27 with 2 storey extension and 5 window return to Little Russell Street. No. 27, The Plough, with wooden C19 public house ground floor. Pilasters support a mutule cornice. Segmental headed openings with paneled dados. Left hand entrance in Little Russell Street in early C19 shopfront with console bracketed cornice. Nos. 29-34 with C19/early C20 shopfronts. 1st floor round-arched, architraved, recessed 2-pane sashes, above which architraved oculi enriched with swags. 2nd floor console bracketed sill bands to segmental-arched architraved sashes. Console bracketed cornice beneath 3rd floor architraved sashes with keys. No. 27 with cornice surmounted by balustrade parapet; Nos 28-34 with plain parapet. INTERIORS: bar in two parts. Front bar much renewed but retains some early C20 panelling. Rear bar has early C20 counter, arched screen with later infilling and more wood panelling to side and rear”.

- 2.4 The appeal property comprises a 4-bedroom family home (occupied by the appellants) and incorporates a small external terrace at first floor level and a larger terrace at roof level, both of which were approved under the original change of use planning permission and associated listed building consent. It is situated in a highly sustainable location (PTAL 6b), being a short walk away from Holborn and Tottenham Court Road underground stations and the extensive bus network in the immediate area.

3.0 PLANNING HISTORY

3.1 The appeal site benefits from an extensive planning history and the principal decisions are recorded below:

- 2011/5016/P

Change of use of the 1st to 3rd floors from offices (Class B1) to 1 x 4-bed maisonette (Class C3), replacement of a window with door to the rear elevation in association with the installation of new balustrade and planters to form an external terrace at rear 1st floor level, the use of existing flat roof as roof terrace with associated works and alterations to fenestration on front and rear elevations. Refused 20/12/2011.

- 2011/5020/L

Change of use of the 1st to 3rd floors from offices (Class B1) to 1 x 4-bed maisonette (Class C3), the relocation of existing stairs to the rear of the building, replacement of a window with door to the rear elevation in association with the installation of new balustrade and planters to form an external terrace at rear 1st floor level, the use of existing flat roof as roof terrace with associated works and alterations to fenestration on front and rear elevations and associated internal alterations. Refused 20/12/2011.

3.2 Planning permission was refused for three reasons, namely; (i) the inaccurate, inconsistent and lack of detailed drawings were considered to be detrimental to the character of the host building, streetscene and the character and appearance of the Conservation Area, harmful to the amenity of neighbouring and nearby occupiers and harmful to the function of the basement and ground floor operations, (ii) the proposed external alterations, by reason of their detailed design, are considered to be detrimental to the character of the host building, the streetscene and the character and appearance of the Conservation Area; and (iii) the absence of a legal agreement to secure car-free housing.

3.3 The two reasons for the refusal of listed building consent were: (i) the loss of historic fabric, impact on plan form, proportions and decorative features and detailed design, were considered to be detrimental to the special architectural and historic interest of the Grade II listed building; and (ii) the inaccurate, inconsistent and lack of detailed drawings.

- 2011/6466/P

Change of use of first, second and third floors from office (Class B1) to 1 x 2-bed maisonette (Class C3), formation of a terrace at rear 1st floor level, and formation of a terrace at roof level with installation of decking and balustrading at front and rear. Granted, 16/02/2012.

- 2012/0260/L

Internal and external alterations in association with the change of use of first, second and third floors from office (Class B1) to 1 x 2-bed maisonette (Class C3), including the formation of a terrace at rear 1st

floor level, and formation of a terrace at roof level with installation of decking and balustrading at front and rear. Granted, 16/02/2012.

- 3.4 These applications remedied the maintained deficiencies of the previous applications (2011/5016/P & 2011/5020/L) and, inter alia, allowed for the original door/architraves at first floor level to be retained (the relevance of this to the current appeal applications is explained later) and also the existing rear window as a means of access to the rear first floor terrace (where previously french doors were proposed).
- 3.5 The Officer Report assessment of the wider amenity implications of the proposed first floor and roof terraces was as follows:

“5.1 In terms of overlooking / outlook / sunlight and daylight and noise and disturbance matters, it was considered unlikely in the previous applications that the proposals would lead to such a detrimental impact on neighbouring amenity to result in the refusal of the application. In relation to the first floor roof terrace, although there are some nearby windows on adjacent properties none of these appear to serve habitable residential windows. An objection has been received from commercial properties occupying the 2nd and 3rd floors of no.29, but there would be no direct views to their windows. Their second floor window could be viewed obliquely, but its cill is 4.5m above the level of the terrace so it is not considered that there would be significant overlooking to this window. Thus no objections are raised in these regards to the first floor terrace.

5.2. In relation to the roof terrace it was not possible to gain access to the existing terrace, however based on aerial photographs and those provided by the agent, it is unlikely that any significant amenity impact is envisaged. The roof mainly looks out onto other rooftops, and there would be no view of no. 29.

5.3 As such, the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance”.

- 2012/1445/P

Details of new doors with moulding and architrave pursuant to condition 4b of listed building consent dated 16/02/2012 (ref. 2012/0260/L) for internal and external alterations in association with the change of use of first, second and third floors from office (Class B1) to 1 x 2-bed maisonette (Class C3). Granted, 01/05/2012.

- 2012/1447/L

Details of service runs for all new bathrooms/kitchens, demonstrating the relationship of new pipework with the structure of the building pursuant to condition 4c of listed building consent dated 16/02/2012 (ref. 2012/0260/L) for internal and external alterations in association with the change of use of first, second and third floors from office (Class B1) to 1 x 2-bed maisonette (Class C3). Granted, 01/05/2012.

- 2012/1448/P

Variation of condition 3 (development to be carried out in accordance with the approved plans) pursuant to planning permission granted on 16/02/2012 (ref. 2011/6466/P) (for the change of use of first, second and third floors from office (Class B1) to 1 x 2-bed maisonette (Class C3)) to allow for minor material amendment to provide 1 x 4-bedroom maisonette on the first, second and third floors (Class C3). Granted, 08/08/2012.

- 2912/2019/L

Alterations to the internal layout of the upper floor maisonette to create 1 x 4-bedroom maisonette as an amendment to listed building consent dated 16/02/2012 (ref. 2012/0260/L) for internal and external alterations in association with the change of use of first, second and third floors from office (Class B1) to 1 x 2-bed maisonette (Class C3). Granted 08/08/2012.

- 2015/4506/P & 2015/5024/L

Installation of a glazed conservatory on the rear terrace at first floor level including internal alterations to building. Refused, 10 December 2015.

4.0 THE APPEAL APPLICATIONS

4.1 The appeal applications were originally submitted to the Council on 5 August 2015 with planning permission and listed building consent sought for the following improvements to the property:

- Installation of a glazed conservatory on the rear terrace at first floor level, including paving with insulation and redecoration works. The conservatory would extend 4.9m from the rear building elevation at its furthest point and 2.8m high.
- Removing all floor coverings (comprising timber, laminate, carpet and ceramic tiles) and installing new levelled hardwood timber flooring laid on an acoustic underlay on the floors and the staircase with replacement ceramic floor tiles in the bathrooms.
- Removing the glazed double-doors within the ground floor vestibule.

4.2 The schedule of works issued with the applications also identified a number of other internal alterations proposed as part of the overall refurbishment of the property, including a reference to 'replacing the later added and poorly made doors and architraves with better quality ones'. The Officer Report relating to these applications notes how these details are not shown on the proposed drawings and 'no further information has been provided in this respect' (Paragraph 1.3). It further observes:

"3.4 The existing doors above first floor level are flush open doors, presumably the 'poorly made doors' referred to in the schedule of works. They do not have permission. It was a requirement/condition of the previously approved scheme(s) (refer to history above) to replace the former doors at this level with scholarly timber panelled doors. In fact the details of the new doors are available as part of application ref. 2012/1445/P which was submitted and approved to discharge condition 4b (Details new doors with moulding and architrave) of listed building consent dated 16/02/2012 (ref. 2012/0260/L).

3.5 Not only is the current owner in breach of the original permission because the new doors have not been installed but importantly, if approved, the existing, unlawful poor quality doors would be allowed and legitimized. The existing doors fail to preserve the historic or architectural significance of the listed building and harm the special interest of the grade II listed building".

4.3 For the avoidance of doubt, it is not the appellants' intention to retain the existing inferior quality doors at first floor level and above, but instead install the 'scholarly timber panelled doors' permitted pursuant to Condition 4b of the listed building consent reference no. 2012/1445/P. As such, any reference otherwise in the appeal applications should be disregarded and as this is not annotated on any of the proposed drawings, nor referenced in the formal development description, it is considered that the appeal applications can continue to be determined on their own respective merits in the knowledge that the appellants are already committed to replacing these doors under the terms of the above approval. In the event that it is deemed necessary, a condition could be imposed to exclude this element from any planning permission/consent.

5.0 LEGISLATION, POLICY AND GUIDANCE

Legislation

- 5.1 Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) of the Act provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Material Planning Policy

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The statutory development plan currently comprises the London Plan 2015 (Consolidated with Alterations since 2011) and the Camden Core Strategy and Development Policies 2010, both of which were adopted on 8 November 2010 and form part of its Local Development Framework. The Council’s Supplementary Planning Guidance (specifically CPG1 (2014) relating to Design and CPG6 (2011) relating to Amenity) are also material planning considerations, as is the Council’s Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011) and the national planning policy set out in the National Planning Policy Framework (NPPF), published in March 2012.

National Planning Policy Framework (NPPF)

- 5.4 National planning policy is set out in the National Planning Policy Framework (NPPF), which replaces the equivalent guidance previously expressed in the series of planning policy guidance notes and statements. The NPPF outlines the Government’s requirements for the planning system *“only to the extent that it is relevant, proportionate and necessary to do so”* (Paragraph 1). It reflects the Government’s pro-growth agenda and its commitment to building a strong, competitive economy and is underpinned by a *“presumption in favour of sustainable development”*, which should be seen as a *“golden thread running through plan-making and decision-making”* (Paragraph 14). The planning system should attach *“significant weight”* on the need to support economic growth and *“encourage”* rather than be an *“impediment”* to sustainable growth (Paragraph 19).
- 5.5 For decision-making, this means *“approving development proposals that accord with the development plan without delay”* and *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*

when taken as a whole; or specific policies in this Framework indicate development should be restricted” (Paragraph 14).

5.6 The NPPF identifies 12 land-use planning principles considered to be at the core of the planning system and which should underpin both plan-making and decision-taking (Paragraph 17). In this respect, planning should, inter alia:

- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

5.7 The NPPF maintains the Government’s commitment to ensuring good design, which is considered a *“key aspect of sustainable development”* (Paragraph 56). Paragraph 58 explains that planning policies and decisions should aim to ensure that developments, inter alia:

- Will function well and add to the overall quality of the area, not just for the short-term, but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Are visually attractive as a result of good architecture and appropriate landscaping.

5.8 On the principal matter of conserving and enhancing the historic environment, the NPPF advises local planning authorities as follows:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance” (Paragraph 128).

5.9 Furthermore, local planning authorities should *“identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise”* (Paragraph 129).

- 5.10 In this respect, the relevant test is whether a proposed development would lead to “*substantial harm to or total loss of significance of a designated heritage asset*” (Paragraph 133).
- 5.11 Where a development proposal will lead to “*less than substantial harm*” to the significance of a designated heritage asset, “*the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*” (Paragraph 134).
- 5.12 In short, “*a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*” (Paragraph 135).

London Plan 2015

- 5.13 The London Plan contains a raft of planning policies aimed at securing a high quality and enduring built environment (Policy 3.5 & Policy 7.6), whilst respecting local character (Policy 7.4) and the status of any designated heritage assets (Policy 7.8).
- 5.14 **Policy 3.5** (Quality and Design of Housing Developments) advises, inter alia, at a strategic level that:
- “A Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of the strategic policies in this Plan to protect and enhance London’s residential environment and attractiveness as a place to live...”*
- 5.15 The expectation in planning decision making is that:
- “B The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with and provision of, public, communal and open spaces, taking particular account of the needs of children and older people”.*
- 5.16 **Policy 7.4** (Local Character) states that at a strategic level that:
- “Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing enhanced character for the future function of an area”.*
- 5.17 Planning decisions should be taken in the following context:
- “Buildings, streets and open spaces should provide a high quality design response that:*
- a. Has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.*
 - b. Contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area.*

- c. *Is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings.*
- d. *Allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.*
- e. *Is informed by the surrounding historic environment”.*

5.18 **Policy 7.6** (Architecture) states as a strategic overview that:

“Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context”.

5.19 In this respect, buildings and structures should, inter alia:

- “
- a. *be of the highest architectural quality.*
 - b. *be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.*
 - c. *comprise details and materials that complement, not necessarily replicate, the local architectural character.*
 - d. *Not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings.”*

5.20 **Policy 7.8** (Heritage Assets and Archaeology) requires all applications for development affecting designating heritage and archaeology assets to “identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate”. Furthermore:

“Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail”.

Camden Local Development Framework

Core Strategy 2010

5.21 The overall approach of the Core Strategy is to manage Camden’s growth to make sure that its opportunities and benefits are delivered and sustainable development is achieved, while continuing to conserve and enhance the features that make Camden such an attractive place, work and visit (Paragraph 5.1). Central to this overall objective is managing the impact of growth in the borough and the following policies are material to an assessment of the appeal applications in this context.

5.22 **Policy CS5** (Managing the impact of growth and development) advises as follows:

“The Council will manage the impact of growth and development in Camden. We will ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to:

- a) *Providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;*
- b) *Providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;*
- c) *Providing sustainable buildings and spaces of the highest quality; and*
- d) *Protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.*

The Council will protect the amenity of Camden's residents and those working in and visiting the borough by:

- e) *Making sure that the impact of developments on their occupiers and neighbours is fully considered;*
- f) *Seeking to ensure development contributes towards strong and successful communities by balancing needs of development with the needs and characteristics of communities; and*
- g) *Requiring mitigation measures where necessary".*

5.23 Policy CS14 (Promoting high quality places and conserving heritage) states:

"The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) *Requiring development of the highest standard of design that respects local context and character;*
- b) *Preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;*
- c) *Promoting high quality landscaping and works to streets and public places;*
- d) *Seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;*
- e) *Protecting important views of St. Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views."*

5.24 The explanatory text further advises:

"Good design is safe and accessible, and responds flexibly to the needs of its users. It creates buildings that have minimal negative impact on the environment, during construction and beyond" (Paragraph 14.6).

5.25 Furthermore:

"High quality design also takes account of its surroundings and what is distinctive and valued about the local area. Camden is made up of a diversity of areas, each with their own distinctive character, created by many elements such as architectural style and layout, social and economic history, landscaping and mix of uses... As Camden is a densely built up borough where most development involves the replacement, extension or conversion, of existing buildings, taking account of context and local character is particularly important. The Council will therefore expect the design of buildings and places to respond to the local area and its defining

characteristics and reinforce or, if appropriate, create local distinctiveness” (Paragraph 14.7).

Development Policies 2011

5.26 The Camden Development Policies DPD contains three material planning policies (Policies DP24, DP25 & DP26) providing more detailed guidance on how the Council’s strategic design and heritage conservation objectives are enforced.

5.27 **Policy DP24** (Securing high quality design) advises:

“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:

- a) Character, setting, context and the form and scale of neighbouring buildings;*
- b) The character and proportions of the existing building, where alterations and extensions are proposed;*
- c) The quality of materials to be used;*
- d) The provision of visually interesting frontages and street level;*
- e) The appropriate location for building services equipment;*
- f) Existing natural features, such as topography and trees;*
- g) The provision of appropriate hard and soft landscaping including boundary treatments;*
- h) The provision of appropriate amenity space; and*
- i) Accessibility”.*

5.28 Paragraph 24.12 further advises:

“In order to best preserve and enhance the positive elements of local character within the borough, we need to recognise and understand the factors that create it. Designs for new buildings, and alterations and extensions, should respect the character and appearance of the local area and neighbouring buildings. Within areas of distinctive character, development should reinforce those elements which create the character. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials. In areas of low quality or where no pattern prevails, development should improve the quality of an area and give a stronger identity”.

5.29 **Policy DP25** (Conserving Camden’s heritage) states, insofar as it relates to conservation areas and listed buildings, that:

“Conservation areas

In order to maintain the character of Camden’s conservation areas, the Council will:

- a) Take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*
- b) Only permit development within conservation areas that preserves and enhances the character and appearance of the area;*

- c) *Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;*
- d) *Not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and*
- e) *Preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden’s architectural heritage.*

Listed buildings

- f) *Prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;*
- g) *Only grant 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; and*
- h) *Not permit development that it considers would cause harm to the setting of a listed building”.*

5.30 Paragraph 25.3 further explains:

“The character and appearance of a conservation area can be eroded through the loss of traditional architectural details such as historic windows and doors, characteristic rooftops, garden settings and boundary treatments. Where alterations are proposed they should be undertaken in a material of a similar appearance to the existing. Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration, The Council will consider the introduction of Article 4 Directions to remove permitted development rights for the removal or alterations of traditional details where the character and appearance of a conservation area is considered to be under threat”.

5.31 **Policy DP26** (Managing the impact of development on occupiers and neighbours) advises:

“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. The factors we will consider include:

- a) *Visual privacy and overlooking.*
- b) *Overshadowing and outlook;*
- c) *Sunlight, daylight and artificial light levels;*
- d) *Noise and vibration levels;*
- e) *Odour, fumes and dust;*
- f) *Microclimate;*
- g) *The inclusion of appropriate attenuation measures;*

We will also require developments to provide:

- h) *An acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;*
- i) *Facilities for the storage, recycling and disposal of waste;*
- j) *Facilities for bicycle storage; and*

k) *Outdoor space for private or communal amenity space, wherever practical*".

Other Material Considerations

Supplementary Planning Guidance

CPG 1 (Design) 2014

5.32 This guidance note provides more detailed information on the Council's design based policies, including Core Strategy Policy CS14 and Development Policies DP24 and DP25. In respect of conservatory extensions, it is stated that:

"Conservatories should normally:

- *Be located adjacent to the side and rear elevations of the building;*
- *Be subordinate to the building being extended in terms of height, mass, bulk, plan form and detailing;*
- *Respect and preserve existing architectural features. e.g brick arches, windows etc;*
- *Be located at ground or basement level. Only in exceptional circumstances will conservatories be allowed on upper levels;*
- *Not extend the full width of a building. If a conservatory fills a gap beside a solid extension, it must be set back from the building line of the solid extension; and*
- *Be of a high quality on both materials and design"* (Paragraph 4.19)

5.33 Furthermore:

"Conservatories should not overlook or cause light pollution to neighbouring properties, including to those in flats above. In order to minimize overlooking, opaque lightweight materials such as obscured glass may be necessary on facades abutting neighbouring properties. Also, in order to minimize light pollution, solid lightweight materials, one-way glass or obscured glass may be required" (Paragraph 4.20).

CPG 6 (Amenity) 2011

5.34 This guidance note provides more detailed information on the Council's amenity based policies, including Core Strategy Policy CS5 and Development Policies Policy DP26. It explains how all development *"should be designed to protect the privacy of both new and existing dwellings to a reasonable degree"* (Paragraph 7.4) and provides further guidance on how the potential impact on the privacy and outlook of neighbouring properties can be mitigated.

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011)

5.35 This appraisal defines the special interest and attributes of the Bloomsbury Conservation Area (as designated in 1968) and outlines the Council's approach to ensuring its preservation and enhancement. The Conservation Area covers an area of approximately 160 hectares extending from Euston

Road in the north to High Holborn and Lincoln's Inn Field in the south and from Tottenham Court Road in the west to Kings Cross Road in the east.

- 5.36 The character assessment of Museum Street (paragraph 5.115) observes as follows:

“At the southern end of the street, Museum Chambers and Russell Chambers are also of five storeys in height, forming a pair of red brick mansion blocks flanking the street. Both have contrasting horizontal banding and four-storey vertical bays. To the south of Museum Chambers is a terraced property with a yellow brick frontage, which forms a group with the side corner public house which has a frontage on Bloomsbury Way, each has horizontal banding and a three-bay street frontage”.

- 5.37 The management strategy acknowledges the significant pressure for new development within the Conservation Area and cautions (at paragraph 5.4) against inappropriate extensions to existing buildings, including:

- *Inappropriate design of extensions including the size and proportions of openings.*
- *The use of inappropriate materials/inappropriately detailed doors and windows.*
- *Inappropriate roof level extensions – particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block, are overly prominent in the street.*
- *Extensions of excessive scale, massing or height.*

6.0 GROUNDS OF APPEAL

The Council's Case

- 6.1 The Council's reasoning for refusing planning permission and listed building consent for the appeal applications is directed solely at the proposed conservatory extension and so it follows that the related internal alterations are deemed acceptable in planning policy terms. The Officer Report (attached in full at **Appendix 1**) also alleges that the appellants are seeking to "*gain approval through stealth of unlawful and inappropriate doors which do not preserve the significance of the listed building and was a condition of the previous conversion*". However, this is not the case, as the 'poorly made doors' will be replaced in full accordance with the details approved pursuant to Condition 4b of the listed building consent reference no. 2012/0260/L.
- 6.2 The conservatory extension is alleged to be inappropriate on the grounds that its size, design, location and form would be detrimental to the character and appearance of the host building and Bloomsbury Conservation Area and furthermore, the special architectural and historic interest of the Grade II listed building. It is therefore deemed contrary to Policy CS14 of the Core Strategy and Policy DP24 and Policy DP25 of the Development Policies.
- 6.3 Specifically, and by reference to the Officer Report, the alleged detrimental impact of the conservatory extension on the heritage status of the appeal property and conservation area is manifested in the following form:

Listed Building

1. It would harm the original two room plan form, which is considered one of the key components of a Georgian building that needs to be preserved wherever possible. Maintaining the original plan form at first floor level is considered 'particularly important', as this is the principal floor of the house and the ground floor plan form has been lost (and cannot be appreciated) on account of the alterations and extensions undertaken in this part of the building (paragraph 3.6). The conservatory extension would 'internalise' the original rear room at this level and 'betray' the historic plan form (paragraph 3.7).
2. The proposed design would cause fire safety issues and could not be allowed from a building control perspective, as the only access to the conservatory would be from an existing window and door would be needed to make it compliant, which would require listed building consent (paragraph 3.9).

Conservation Area

3. The conservatory extension would result in an 'unusual precedent' of infilling the 'L' shaped plan from above ground floor level, which 'would be at odds' with the existing established pattern of development' at the rear perimeter block formed by Museum Street, Little Russell Street, Great Russell Street and Coptic Street and with particular reference to the wider terrace of which the appeal property forms part (paragraph 4.2).

4. Higher level conservatories are 'generally not supported' in Camden guidance (specifically CPG1) on account of the potential visual amenity implications to neighbouring buildings arising from lightspill, which would draw attention to it (paragraph 4.3).
- 6.4 The overall conclusion of the Council's heritage impact assessment is that although there would be 'less than substantial harm' arising to the special interest of the building, setting of the adjoining listed terrace and the Bloomsbury Conservation Area, this harm is not outweighed by any public benefit (as required by NPPF paragraph 134).

The Appellants' Case

- 6.5 The appellants have instructed professional advice on the overall heritage impact of the proposed conservatory extension (from Heritage Collective) and the overall findings of this assessment are presented in the separate Heritage Appeal Statement forming part of their overall appeal case.
- 6.6 Although held to be material to the assessment of the appeal applications (as so acknowledged in the Officer Report), the Council has not maintained that the proposed conservatory is contrary to Policy CS5 of the Core Strategy or Policy DP26 of the Development Policies.
- 6.7 Policy CS5 seeks to manage the impact of growth and development in the borough and in accordance with wider defined strategic objectives for ensuring a high quality built environment that respects heritage and amenity interests. The Council has not disputed that the conservatory would serve a beneficial purpose in enhancing and enriching the quality of life of the appellants in terms of providing additional space that would meet the needs of a growing family and helping to sustain the transition of the accommodation from its former office function to a family dwelling house. Indeed, the Council has already accepted the merit of utilising this space as a small roof terrace in previous decision making and its further conversion into a conservatory room would serve a similar practical purpose. One of the primary aims of Policy CS5 is to protect and enhance the borough's environment and heritage and the amenity and quality of life of local communities such that the impact of developments on their occupiers and neighbours is fully considered. There is an obvious inconsistency in the Council's case in not citing this policy as an additional refusal ground in light of its wider heritage impact concerns, although the Officer Report does nevertheless concede (at paragraphs 5.1-5.3 inclusive) that the proposed conservatory would not have a detrimental amenity impact.
- 6.8 Specifically, Paragraph 5.2 of the Officer Report observes:

"It is considered that, as the proposed conservatory will replace the existing rear terrace, it will not create the opportunity for overlooking which isn't already apparent on site. What's more, it is considered that the choice of lightweight glazed materials minimize the effects of overshadowing onto adjacent properties".
- 6.9 Policy DP26 sets out the more detailed criteria against which the amenity impact of all new development will be assessed. Despite the Officer Report maintaining that the proposed conservatory would result in 'potential amenity implications' for adjoining occupiers in terms of lightspill, it is not suggested

that this would translate into any resultant harm that would be detrimental to the living conditions of these near neighbours. Hence, Policy DP26 is not cited as a refusal ground in this respect.

- 6.10 On this basis then, the Council has evidently accepted that the conservatory extension would greatly enhance the appellants' quality of life in terms of providing an improved standard of living accommodation without causing any resultant harm to the residential amenity of the area.
- 6.11 As such, it would accord with one of the twelve core planning principles of the NPPF, which requires planning to not simply be about scrutiny, but instead a creative exercise in finding ways to enhance and improve the places in which people live their lives (Paragraph 17).
- 6.12 The Council's refusal grounds maintain that the size and design of the proposed conservatory extension contribute to the overall resultant harm. However, there is no suggestion in the Officer Report that either its physical form or design/material specification is unacceptable per se, rather the concern is confined to a singular point that utilising the same window access to the terrace for the conservatory extension would be unacceptable in building control terms. This is unsubstantiated and in any event the current appeal applications must be considered on their own individual planning merits and not according to whether another regulatory approval would be needed and/or forthcoming. There is no Officer Report assessment of why the size of the proposed conservatory extension is deemed unacceptable and it is acknowledged that *"it has been designed to be as minimal as possible"* (paragraph 3.6) such that there would be no wider amenity harm arising in terms of loss of privacy, overlooking, overshadowing and outlook (paragraph 5.1).
- 6.13 As such, it is more the principle of the proposed conservatory extension that appears to be the primary issue in this case. In this respect, the Officer Report references Camden Planning Guidance (specifically CPG1), although this does not in itself preclude conservatory extensions above ground floor level per se, provided exceptional circumstances can be demonstrated (paragraph 4.19, CPG1). This is examined further below.

Assessment of Harm

- 6.14 In the absence of any adverse amenity impact, the overall harm assessment is confined to the effect of the proposed conservatory extension on the status of the designated heritage assets (listed building/conservation area). Each of the Council's concerns (as summarised at paragraph 6.3 above) is reviewed in turn below.

Original Two Room Plan Form & Listed Building Impact

- 6.15 The conservatory extension would not alter the original two room plan form of the property at first floor level as it would be a subordinate and self-contained structure accessed through the same retained window connection to the existing roof terrace. Indeed, it can be erected without the need for any external building alterations and can be considered portable in this respect (i.e. it can be demounted without reinstatement works). It can reasonably be considered the least obtrusive solution. As such, the original features of the property both internally and externally would be retained. The conservatory

would not permanently scar the listed building and nor would it result in an irreversible loss of fabric.

6.16 The Council's concern that the conservatory would 'harm' and 'betray' the original two room plan form is unfounded. Its own significance assessment in this respect relies on a quoted extract from leaflet guidance published by English Heritage on 1 February 1996 relating to alterations and extensions to London terrace houses (1660-1860).

6.17 This advises as follows:

"The domestic plan form of London terrace houses is an important part of their character and special interest. As a general rule the character, proportion, and integrity of the principal rooms at ground and first floor levels, together with the primary and secondary staircase compartments, should be preserved. Normally, such areas should not be subdivided" (Page 11).

6.18 The guidance nevertheless also acknowledges that many owners will want to improve their property by extending to the rear and as such, *"the aim should be to minimize the impact on the building while helping the owner to adapt the property to suit their reasonable needs"*. In this respect, *"extensions should never dominate the parent building in bulk, scale, materials or design"* (Page 12).

6.19 It is also stated:

"In many Inner London areas, it is difficult to extend buildings and maintain their character, appearance, and integrity without infringing wider planning constraints on daylight, sunlight, privacy and outlook. However, with skill, sensitivity, and expertise, rear extensions can often be acceptable, providing they are well related to the original building and are in scale with the building and space around it" (Page 13).

6.20 In short, *"a proposed extension should be subordinate to the main building"* (Page 13). The guidance note does nevertheless observe that conservatories should *"normally be permitted only at the rear garden level of buildings"* with proposals *"at a high level on existing rear extensions, or on the front or roofs of buildings"* normally being considered inappropriate (Page 13).

6.21 As such, each case must by necessity be considered on its own individual merits and as the conservatory extension would be a subordinate and self-contained addition, which would retain, and not permanently harm, the character, proportion and integrity of the principal rooms at first floor level of the property, it is considered that an exception can be appropriately justified in this instance. It further follows that the proposed conservatory extension cannot reasonably be held to be detrimental to the character, appearance and special architectural and historic interest of this listed building.

6.22 I am also reliant on the specialist opinion of Heritage Collective, which concludes that the retention of the existing window connection/access to the conservatory can be considered decisive in this respect. The terrace is already used in connection with the main house and this functional use would not change as a result of the conservatory extension.

Fire Safety Issues

- 6.23 This is addressed at paragraph 6.12 above. In short, it is not considered that this should be a reason for withholding planning permission and listed building consent, as the applications stand to be considered on their own respective merits and not according to whether another regulatory approval would be needed and/or forthcoming.

Precedent & Conservation Area Impact

- 6.24 The appellants would maintain that no weight should reasonably be attached to this argument, as precedent is not a material planning consideration, given the requirement for each application to be considered on its own individual planning merits. The Council's Officer Report alleges that the conservatory extension would *"be at odds with the existing established pattern of development in this rear perimeter block"*, although there is no uniformity or consistency to the defining spatial character and building form along this rear terrace and so it is difficult to comprehend how it would fail to preserve the character and appearance of this part of the conservation area. The Council's own assessment does not elaborate on what the 'existing established pattern' of development is in this rear perimeter block. Instead, the Officer Report references the property terrace as a generality, which frontage, as distinct from the rear, does indeed display a consistent typology and vernacular.
- 6.25 The Council has acknowledged that the conservatory would have no public vantage point and so its wider visibility would be confined to near neighbours only. However, the rear outlook of this property terrace generally is unremarkable and the disparate mix of utilitarian structures and general paraphernalia (including plant) associated with the wider ground floor commercial uses does not in itself make any discernible contribution to the defining characteristics and attributes of the conservation area. The existing roof terrace is small, self-contained and largely screened from its surroundings. The proposed conservatory would not sit as an awkward feature in this context in either size, form, design and position and hence, it cannot reasonably be held to be detrimental to the character or appearance of the host building and conservation area generally.

Principle

- 6.26 The Council has cited CPG1 in its Officer Report (although not in the planning refusal notice) as a further reason underpinning its position, although this does not prohibit conservatory extensions above ground level, provided there are exceptional circumstances for doing so.
- 6.27 In this instance, the absence of any demonstrable detrimental harm in either heritage or amenity terms can reasonably be considered in itself to amount to an exceptional circumstance. The Council's concern appears to be underpinned by a general anxiety that a grant of planning permission and listed building consent would set an undesirable precedent, making it difficult for other equivalent proposals to be resisted along the terrace. However, each application must by necessity be examined on its own respective planning merits and the appeal property nevertheless retains its own unique character and context to the rear in comparison to other adjoining properties. The Council has referenced the potentially undesirable visual amenity implications of a higher level conservatory extension, but the lack of any public views that

would be afforded of the structure and its limited visibility in the rear vista generally relative to neighbouring residential properties helps to mitigate any such concern.

- 6.28 The Council has not disputed that the conservatory would be subordinate to the host building in terms of its height, mass, bulk, plan form and detailing and nor has it expressed any concern over the high quality design and material specification of the structure, all of which are central to an overall assessment of its merits relative to policy and supplementary guidance.
- 6.29 The absence of any maintained amenity objection further reinforces the acceptability of the conservatory extension in terms of its general principle and associated impact.

Conclusion

- 6.30 The NPPF advises 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 (Paragraph 132). The Council's own significance assessment has concluded that the proposed conservatory extension would result in 'less than substantial harm' to the designated heritage asset, albeit there is no overriding public benefit to outweigh this harm. The appellants would contend that as the proposed conservatory extension would preserve (as a minimum) the character or appearance of the conservation area and the special architectural and historic interest of the listed building, there would be no such harm arising. However, even on the Council's own assessment, the degree of any harm is limited and the benefit that would be afforded in improving the quality of life of the appellants and further facilitating the conversion of a former office building into a large family home (in accordance with core NPPF objectives) would be sufficient benefit to outweigh this harm in the planning balance.

7.0 CONCLUSIONS

7.1 The appellant respectfully requests that these appeals be upheld such that planning permission and listed building consent is granted for the proposed conservatory extension for the following principal reasons.

1. The conservatory extension would not by the Council's own admission result in any detrimental harm to the amenity of surrounding residential occupiers in terms of loss of privacy, overlooking, outlook, overshadowing or sunlight/daylight impact. Thus, it accords with Policy CS5 (d) and (e) of the Core Strategy and Policy DP26 of the Development Policies.
2. It would greatly enhance the appellants' quality of life and represent the culmination of its efforts to convert former office accommodation into a large family home in a sensitive and sympathetic manner. This accords with Core Strategy Policy CS5 (a), (b) and (f) and one of the core NPPF planning principles (Paragraph 17).
3. The Council is not maintaining any objection to the overall design integrity of the conservatory extension in terms of its material specification and general form. Rather the concern is manifested in a suggestion that the existing window access to the roof terrace and proposed conservatory might not satisfy building regulations. On its own merits though, it accords with Core Strategy Policy CS5 (c) and Policy DP24 of the Development Policies.
4. The subordinate form of the conservatory extension relative to the host building and its general self-containment is such that it would not permanently harm, the character, proportion and integrity of the principal rooms at first floor level of the property, as otherwise alleged by the Council. The existing internal/external fabric of the building would not need to be altered or adapted to accommodate the installation and as such, it would not be detrimental to the character, appearance and special architectural and historic interest of the listed building. As such, it would comply with Core Strategy Policies CS5 and CS14 and Policies DP24 and DP25 of the Development Policies.
5. No weight can reasonably be attached to the Council's precedent concern, as each application must by necessity be considered on its own relative planning merits. The existing rear context of the appeal property has no uniform or consistent spatial character or appearance and is a generally unremarkable townscape containing a number of utilitarian structures and other related paraphernalia contributing little to the wider merits of the Bloomsbury Conservation Area. The existing rear terrace is self-contained, invisible from public vantage point and largely screened from wider neighbour view. The conservatory would not erode the special qualities and attributes of the conservation area contributing to its designation. It would therefore preserve (as a minimum) the character and appearance of the conservation area thus according with statutory legislation in this respect and the provisions of Core Strategy Policies CS5 and CS14 and Policies DP24 and DP25 of the Development Policies.

7.2 On balance, it is considered that the benefits of the appeal scheme outweigh the less than substantial harm that the Council has otherwise alleged would arise.