



## Appeal Decision

Site visit made on 10 October 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 8<sup>th</sup> November 2017

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### Appeal Ref: **APP/X5210/W/17/3178025** **20 Flaxman Terrace, London WC1H 9AT**

- 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 Salaft Properties Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/1968/P, dated 4 April 2017, was refused by notice dated 31 May 2017.
  - The development proposed is single storey infill extension of existing building at second floor level to provide 233 sqm of additional B1 office accommodation, with associated cycle parking and refuse storage.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposal would:
  - Preserve or enhance the character or appearance of the Bloomsbury Conservation Area (BCA) and preserve the setting of nearby listed buildings;
  - Take adequate measures to minimise the effects of, and adapt to, climate change through sustainable design and construction; and,
  - Provide a planning obligation to secure appropriate provision for off-site housing, local employment, and a construction management plan.

### Reasons

#### *Heritage assets*

3. The site is located within the BCA and is surrounded by a Grade II listed building known as 'The Lodge' to the south and 17 Duke's Road, a Grade II listed building to the north west.
4. I have a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area or setting of a listed building. This is a consideration that the Courts have held to be of considerable importance and weight.

5. An appeal<sup>1</sup> was recently dismissed for the development of a single storey roof extension at the site to provide additional office accommodation. The Inspector identified a 'back street' character along Flaxman Terrace and that the group of buildings to the north-west of Flaxman Terrace provide a muted backdrop for the grander buildings on the south-east side of the street.
6. The Inspector also noted that the appeal building contains design references from The Lodge, in respect of its similar height, emphatic plinth, use of white render, horizontal emphasis, overhanging eaves and central positioned entrance with gable feature. The Inspector considered that these design references create a harmonious pairing between the appeal building and The Lodge. Taking the above into account, and based on my site visit observation, I cannot agree that the existing building has a stunted appearance, sits awkwardly within the street scene or does not make a positive contribution to the BCA, as argued by the appellants.
7. In dismissing the appeal, the Inspector identified that the solid top-heavy appearance of the roof extension would reduce the prominence of the overhanging parapet and entrance feature and dominate the appeal property. Consequently it was concluded that the building would appear significantly more prominent within the street and thus harm the 'back street' character of the building and compete with rather than complement The Lodge. The design of the proposal before me is broadly the same in scale, mass and height. However the proposal includes an increased set-back and would be constructed from glazed panels rather than brick.
8. As was the case in the previous appeal decision, the single storey roof extension before me would not have a harmful effect on the setting of 17 Duke's Road. However, despite the intended light-weight appearance and the set-back modern design, the glazed panels would be incongruous with the openings and construction materials of the existing building. I also agree with the Council that the alignment of the proposed glazed panels with the windows in the existing building would not be readily apparent owing to the extent of the glazing proposed.
9. As a result, the proposal would visually dominate the appeal building when viewed from this section of Flaxman Terrace and Burton Street. Consequently the back street character of the building would be diminished with resultant unacceptable harm to the character and appearance of the BCA. And, as was the case with the previous appeal, the proposal would compete with rather than complement the setting of The Lodge.
10. In the context of paragraphs 131 - 134 of the National Planning Policy Framework (the Framework), I consider the extent of harm to the significance of the BCA and the setting of The Lodge to be less than substantial. In such circumstances, the Framework advises to weigh harm against the public benefits associated with the proposal.
11. The proposal would provide additional office space in an accessible central London location which attracts some weight in favour of the proposal. The appellants also highlight that public benefits would arise via the green roof with reference to the submitted revised plans and commitment to a sustainability plan.

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<sup>1</sup> APP/X5210/W/17/3172166, decision date 20 July 2017

12. Whilst the harm of the proposal to the BCA and the setting of The Lodge would be less than substantial, sections 66 and 72 of the Act are clear that such harm should be given considerable importance and weight. In this context, the considerable weight afforded to the harm to the above noted heritage assets would outweigh the combined weight afforded to the public benefits associated with the proposal described above.
13. Therefore the proposal would neither preserve nor enhance the character or appearance of the BCA nor preserve the setting of the Grade II listed building known as 'The Lodge'. Consequently the proposal would be contrary to Local Plan (LP) policies D1 and D2 and paragraphs 131 - 134 of the Framework. Combined these policies require development to secure a high quality design that preserves and enhance the significance of designated heritage assets.

#### *Sustainable design and construction*

14. Combined, LP policies CC1 and CC2 require development to minimise, adapt and be resilient to the effects of climate change. The Inspector determining the previous appeal did not consider it appropriate to deal with this matter by way of condition. Since the previous decision, revised drawings have been submitted as part of the appeal process to secure the provision of a green roof. In my view, the revised drawings provide sufficient reassurance that the proposal could meet the requirements of LP Policy CC1 without having a harmful effect on the finished appearance of the building.
15. Therefore the proposal would take adequate measures to minimise the effects of, and adapt to climate change through sustainable design and construction. Consequently the proposal would accord with LP policies CC1 and CC2, the requirements of which are outlined above.

#### *Planning obligation*

16. The submitted Unilateral Undertaking (UU) seeks to secure a financial contribution towards off site affordable housing, employment and business support, and a construction management plan. However, the Council are concerned that the submitted UU does not legally bind all parties with an interest in the land to the agreement.
17. In the overall balance (including weighing the extent of the proposal's harm to the significance of the above noted heritage assets against public benefits) a completed obligation would not have changed the outcome of the appeal. Therefore, while I have noted the Council's evidence about this issue, I do not need to reach a firm conclusion about the need for the contribution one way or the other.

#### *Other matters*

18. In reaching this view I acknowledge that the Council accept that the principle of a roof extension is acceptable. The appellants also state that in determining the previous application, the Council advised that a modern design would be preferred.
19. However the need to secure an acceptable design that does not lead to the harm identified above remains a pertinent consideration in determining the proposal.

**Conclusion**

20. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*B Bowker*

INSPECTOR