
Appeal Decision

Site visit made on 23 October 2017

by S Jones MA DipLP

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

Decision date: 21 November 2017

Appeal Ref: APP/X5210/W/17/3179758
4-5 Bernard Street, London WC1N 1LJ

- 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 T Byng representing Franco Manca against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6272/P, dated 15 November 2016, was refused by notice dated 12 January 2017.
 - The development proposed is removal of front railings and infill of lightwells.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. After submission of the appeal, the London Borough of Camden adopted a new Local Plan on 3 July 2017. The policies in that Plan now apply for the purposes of this appeal. The parties were aware of this and I am satisfied that no prejudice thereby arises to any party.

Main Issue

3. The main issue is the effect of the proposed development on the appeal site and the surrounding Bloomsbury Conservation Area (CA).

Reasons

4. In determining this appeal, I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The CA is also a designated heritage asset in terms of the National Planning Policy Framework (the Framework) and therefore I must also take account of the significance of the asset and any harm arising to it from the development. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets.
5. The appeal site comprises two adjoining properties which are part of a four storey terrace between Russell Square Tube station and the Hotel Russell in an area of mixed commercial and residential use. There are a number of listed buildings in the vicinity including Russell Square Tube adjacent, the Hotel Russell and the Brunswick Shopping Centre which is roughly diagonally opposite. I note no issues have been raised regarding these in this appeal. Some of the nearby similar terraces are listed Grade II and although this

particular terrace is not listed itself, it forms part of the original style terraces laid out in the Russell Square area and surrounding squares, and so contributes to the significance of the CA.

6. The proposal would alter the frontage by removing the railings and infilling the lightwells. Whilst there are some instances of more modern buildings without these features, having walked up and down the road and observed properties in the area, railings (usually black) to the frontage over steps to a basement level are a particular predominant feature of the buildings in the area. The appellant states that the railings are not original but this does not mean that they play no part in maintaining the character and appearance of the CA. Moreover, the sunken lower ground floor/basement level accommodation was historically a feature of such terraces. Although partially bridged, this feature is still visible at present, whereas it would be almost entirely obscured by the proposed infill.
7. Consequently the development would completely remove some of the distinctive elements of the terrace which tie into its historic context as part of a planned and architecturally unified original development. This development would not retain or better reveal that heritage or its significance. Therefore the proposed development would be unsympathetic and out of keeping with the terraces and their surroundings.
8. Furthermore, in reaching these findings I am not convinced by the appellant's argument that the appeal site can be treated differently because it has become separated from the rest of the terraces by subsequent development. It still retains many of the same features in the streetscene as the other terraces in the street and in the area, including the railings and visible basement level notwithstanding intervening later development. The heritage value of the buildings changed by whether they are put to commercial or residential use.
9. As the alterations are limited to the outside frontage, I consider that they would result in less than substantial harm to the significance of the CA. Although I can appreciate that the alterations would permit more onstreet seating, easier maintenance and increased commercial appeal, these are private and not public benefits which would otherwise counterbalance the harm identified to the CA. Furthermore, there is no evidence before me to demonstrate that this development is required to ensure the economic wellbeing of the existing businesses located onsite.
10. As set out above I conclude there are no public benefits or other matters which would outweigh the fact that the development would be harmful to the character and appearance of the appeal site, and would harm the significance of the CA and would not preserve or enhance its character and appearance, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and the Framework which seek to secure appropriate design which protects heritage assets.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR