
Appeal Decision

Site visit made on 10 October 2018

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2018

Appeal Ref: APP/X5210/W/18/3205121
13 Leeke Street, London WC1X 9HY

- 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 Ms L Palfreyman (Paul Hamlyn Foundation) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/4707/P, dated 18 August 2017, was refused by notice dated 20 December 2017.
 - The development proposed is the demolition of the existing building and erection of a new three storey building with brick facade and erection of a roof and rear extension; change of use from residential flat (Use class C3) to office space (Class B1) in conjunction with the existing use at 5-11 Leeke Street.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and erection of a new three storey building with brick facade and erection of a roof and rear extension; change of use from residential flat (Use class C3) to office space (Class B1) in conjunction with the existing use at 5-11 Leeke Street at 13 Leeke Street, London WC1X 9HY in accordance with the terms of the application, Ref 2017/4707/P, dated 18 August 2017, subject to the conditions in the schedule to this decision below.

Procedural Matters

2. In the banner heading above, I have used the description of development as set out on the Council's Decision Notice rather than the one given in the application form¹, as it more comprehensively captures the scope of the proposal. I note also that the appellant acquiesced to the change of description during the course of the determination of the application that led to this appeal.
3. The Ministry of Housing Communities and Local Government issued the new National Planning Policy Framework (the Framework) on 24 July 2018, which supplants the version relevant at the date of the decision on the application that led to this appeal. The Framework establishes² that it is a material consideration in planning decisions from the date of its publication. Accordingly, views were sought from the parties on the bearing of the

¹ Which is "Change of use, demolition, and erection of new building for use as an annex to the Paul Hamlyn Foundation"

² At paragraphs 2 and 212

Framework on the merits of the appeal. I consider therefore that no interests would be prejudiced as a result of me taking the Framework into account in my consideration of the case.

4. The appellant submitted a revised proposed ground floor plan with the appeal documents³. The alteration to the swing, from outward to inward, of the proposed development's front doors is the only change depicted on this revised plan. I consider that this very minor alteration does not amount to a fundamental change to the proposal as presented at the application stage. Consequently, no prejudice would occur as a result of me taking this revised plan into account in my assessment of the planning merits of the appeal. On this basis, and mindful of the Council's comments on this matter, I consider that this amended plan satisfactorily addresses the Council's reason for refusal centred on the highway safety and pedestrian convenience effects of the proposal. I will therefore consider this aspect no further in my assessment of the planning merits of the appeal.
5. The appellant submitted a certified copy of a planning obligation⁴ which they and representatives of the Council have signed. As the obligation is a legally effective mechanism to secure the construction management plan sought by the Council in relation to this proposal, I consider that it adequately addresses the Council's reason for refusal related to this matter. Consequently, I will consider this matter no further in my decision.

Main Issues

6. The main issues in this appeal are firstly, whether the proposed development would meet the needs of existing and future households with reference to the development plan; and secondly, whether the proposed development would preserve or enhance the character or appearance of the King's Cross Conservation Area.

Reasons

Site, surroundings and proposed development

7. Set in the midst of a terrace of in the main commercial buildings, fronting a narrow cobbled street, with further commercial buildings facing it, the appeal property is a single-aspect residential building, faced in brick, with a door opening directly onto the street. Sandwiched between a warehouse building to one side, and the premises of the Paul Hamlyn Foundation to its other, the appeal property is close to a railway bridge over several lines associated with King's Cross Station.
8. The appeal scheme would demolish No 13 to make way for a new building that would extend the existing use in Nos 5 to 11. At its front the proposed development would have a similar shoulder height to the adjoining part of Nos 5 to 11, with taller elements stepped back considerably from the façade. The building's façade would be predominantly glazed, and recessed from the terrace's front building line, with 'hit and miss' movable brickwork screens in front of this glazing.

³ Drawing Number GSA936-PL102 Revision B

⁴ Dated 6 September 2018

Housing Need

9. Policy H3 of the Camden Local Plan (adopted July 2017) (the Local Plan) seeks to protect existing housing from changes of use and states that the Council will aim to ensure that housing continues to meet the needs of existing and future households by resisting development that would involve a net loss of residential floorspace.
10. The proposed development would clearly result in the loss of residential space. However, it is of limited size and is located amidst commercial buildings. Whilst I note the Council's view that No 13's two-storey scale would allow some variation in outlook and light penetration to its rooms, its single aspect, and the narrowness of the street which those windows face would serve to limit significantly the quality of light and outlook available to these broadly north facing windows. Moreover, due to its door opening directly from the street, and single aspect nature, No 13 lacks amenity, ancillary, and defensible space. These matters, taken together all limit the appeal property's ability to meet the needs of existing and future households, and I am also mindful in this regard that the property has been vacant for some considerable time. For these reasons, whilst the proposed development would result in a reduction in residential floorspace it is not demonstrably of a quality to meet the existing or future needs of households. Consequently, this is a material consideration that justifies a departure from the restrictions of Policy H3 of the Local Plan in this instance.

The Conservation Area

11. Leeke Street is part of the Gray's Inn Road sub-area as defined in the Council's *Conservation Area Statement 22- King's Cross* (the Statement), and exhibits some of the key characteristics of that sub-area, namely, commercial buildings in a terraced form within a fine urban grain, with a broadly consistent scale and materials palette. Taken together these aspects of Leeke Street contribute to the character and appearance of the Conservation Area, and its significance as a commercial area associated with this major and historic gateway into central London. Aside from these characteristics, due to the uses present along the terrace within which the appeal site is situated there is a degree of elevational variation, including large openings at the lower levels, and a varied pattern and rhythm of fenestration and other architectural features higher up the facades. Moreover, there is a clear contrast between the more formal façade present on Nos 5 to 11, identified as a positive building within the Statement, and the much more functional front elevational of the building to the appeal property's other side.
12. The proposed development's front elevation would be of a scale and materials palette similar to those of Nos 5 to 11, and in these respects it would respond positively to its host terrace. Although the proposed development would include taller elements, these would be recessed considerably behind the front façade and as a result would not challenge the hierarchy of the street-facing elements of the terrace. It would therefore not appear as a dominant or insensitive element in the context of Nos 5 to 11.
13. Whilst the proposed development's façade treatment would differ from its adjacent buildings, it would nevertheless be within a terrace of considerable architectural variation and mark a transition between the formalism of Nos 5 to 11 and the functional appearance of the building on its other flank. Nos 5 to

11 include large openings at the lower level, which vary in scale across the terrace with taller ones, surmounted by art deco style mouldings close to the appeal site. The openings related to the ground floor of the proposed development would be broadly commensurate with the scale of those taller openings present at Nos 5 to 11, and due to this, combined with the variation in height of ground floors across the terrace the appeal scheme would not appear disruptive or incongruous.

14. For these reasons the proposed development would not disrupt the urban grain of the area, would assimilate readily with its immediate streetscene, and would not therefore undermine the positive contribution that Nos 5 to 11 make to the Conservation Area. Mindful of the statutory duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, these considerations, taken together, lead me to the conclusion on this main issue that the proposed development would preserve the character and appearance of the King's Cross Conservation Area. For these reasons too, I can find no conflict with Policies D1 or D2 of the Local Plan or the Framework insofar as they, taken together and amongst other things, seek to ensure that heritage assets are conserved in a manner appropriate to their significance; and that development respects local context and also preserves the character or appearance of conservation areas.

Conditions

15. The Framework establishes⁵ that conditions should be kept to a minimum, and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis and have made modifications to their wording, where necessary, in the interests of clarity.
16. In the interests of certainty, it is necessary to attach a condition which specifies the approved plans. I have included references to plans of the existing building within this condition as they specify the extent of demolition entailed which is part of the development described within the banner heading above. In the interests of pedestrian convenience and highway safety, I have attached a condition which requires the ground floor external door swing to be constructed in accordance with the amended plan submitted with the appeal documents.

Conclusion

17. In this instance I have found that site and property specific matters related to No 13 constitute material considerations which justify a decision other than in accordance with Policy H3 of the Local Plan, insofar as it seeks to protect existing housing from changes of use. I find no other conflict with the development plan insofar as the other policies that have been drawn to my attention are concerned. Accordingly, for the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

⁵ At paragraph 55

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan-Drawing Number GSA936-EX001
Existing Ground Floor Plan-Drawing Number GSA936-EX002 Revision A
Existing Second Floor Plan-Drawing Number GSA936-EX003 Revision A
Existing Second Floor Plan-Drawing Number GSA936-EX004 Revision A
Existing Third Floor Plan- Drawing Number GSA936-EX005 Revision A
Existing North Elevation (Front)-Drawing Number GSA936-EX006
Existing South Elevation (Rear)-Drawing Number GSA936-EX007
Existing East Elevation/Section-Drawing Number GSA936-EX008
Existing Section-Drawing Number GSA936-EX009
Block Plan-Drawing Number GSA936-PL101
Proposed Ground Floor Plan-Drawing Number GSA936-PL102 Revision B
Proposed First Floor Plan-Drawing Number GSA936-PL103 Revision A
Proposed Second Floor Plan-Drawing Number GSA936-PL104 Revision A
Proposed Third Floor Plan-Drawing Number GSA936-PL105 Revision A
Proposed North Elevation (Front)-Drawing Number GSA936-PL106
Proposed South Elevation (Rear)-Drawing Number GSA936-PL107
Proposed East Elevation/Section-Drawing Number GSA936-PL108
Proposed Section-Drawing Number GSA936-PL109
Proposed West Elevation-Drawing Number GSA936-PL110
Proposed Massing-Drawing Number GSA936-PL111
Proposed Massing-Drawing Number GSA936-PL112
Proposed Massing-Drawing Number GSA936-PL113
Proposed Front Elevation-Drawing Number GSA936-PL114
Façade Detail- Drawing Number GSA936-PL115
View from West-Drawing Number GSA936-PL116
View from East-Drawing Number GSA936-PL117
Aerial Views-Drawing Number GSA936-PL118

- 3) The development hereby permitted shall not be occupied until the inward opening external doors shall have been constructed in accordance with details shown on submitted drawing no. GSA936-PL102 Revision B.

*****End of Conditions*****