

Date: 04 November 2020
Your Ref:
Our Ref: 13620

Planning Inspectorate
Room 3 O/P,
Temple Quay House
2, The Square,
Temple Quay,
Bristol
BS1 6PN



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London EC4V 6AB
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Dear Inspector,

APPEAL AGAINST REFUSAL OF APPLICATION REF: 2020/1895/P
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
RE: 74A CHARLOTTE STREET, LONDON, W1T 4QJ

1. DWD are instructed to submit an appeal on behalf of LF Canlife UK Property ACS c/o Canada Life European Real Estate ("**Appellant**") who are the freeholders of Ariel House, 74a Charlotte Street, London, W1T 4QJ ("**Site/Property**").
2. This appeal has been submitted in response to the London Borough of Camden's ("**Council**") decision to refuse an application for planning permission submitted under application reference: 2020/1895/P for the "**Proposed Development**":

"Conversion of rear ground floor undercroft car park to offices Class B1(a) (with cycle store) including rear extension and creation of additional entrance to front elevation involving alterations to front and rear ground floor elevations"

3. This appeal is made under Section 195 of the Town and Country Planning Act 1990 (as amended). The decision notice (see **Appendix 1**) dated 06 August 2020, ascribes the Council's reasons for refusal which is as follows:

"The proposed development, by reason of its height, bulk, mass and projecting form in front of the building line, would be detrimental to the character and appearance of the mews and the Charlotte Street Conservation Area contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017"

4. It is the Appellant's case that the Proposed Development would positively respond to the Council's adopted local plan policies pertaining to urban design and the Proposed Development would not result

Partners

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in any harm to the significance of the heritage asset it resides in, the Charlotte Street Conservation Area (“CSCA”).

5. This Covering Letter (“**Letter**”) should be read in conjunction with the submitted Appeal Form and the Heritage Appeal Statement (“**HAS**”) prepared by Edp (ref: edp6670_r001a), together with the full list of documents and drawings that formed part of the original application as set out in the ‘Schedule of Supporting Documents’ contained in Appendix 2.
6. The HAS along with the Planning Statement (“**Statement**”) which formed part of the original application (prepared by DWD, dated April 2020), form the basis of the Appellant’s case against the Council’s decision to refuse the application on the matter of design and the Proposed Development’s impact on the CSCA due to its design.
7. Section 3 of the HAS provides an overview of the relevant legislation and policy pertaining to the Development. Section 4 of the HAS provides an overview of the relevant background and context to the Site, with Section 5 providing a heritage assessment of the Development and Section 6 a policy review.
8. The full description of the Proposed Development is outlined in Section 3 of the Planning Statement, with Section 6 providing an assessment of the Proposed Development against the adopted development plan.
9. Accordingly, it is therefore not intended to repeat these details within this Letter, instead a summary of the Appellant’s case will be provided.

Case Summary

10. As acknowledged in Section 1.3 of the Officer’s delegated report for application 2020/1895/P, the Site was subject to an earlier application (LPA ref: 2020/0898/P) for an identical development to the Proposed Development, which was amended during the determination of the application to set-back the ground floor rear extension to sit flush with the building line of the upper floors. In approving the previous planning application, all other elements of the Proposed Development were assessed and deemed to be acceptable, including the principle of infilling the existing car park, and the alterations to the front elevation of the Property. These elements are therefore deemed acceptable by the Council in determining the Proposed Development, as stated in the Officer’s delegated report for the appeal application which states:

“The alterations to the front elevation and the principle of infilling the existing car park have previously been found to be acceptable (they were approved under planning ref: 2020/0898/P). Given this, the alterations to the front elevation continue to be supported”.

11. The reason for refusal for the appeal application therefore solely relates to the design of the rear ground floor extension and its impact on the character and appearance of the mews and the CSCA.
12. As outlined through the Statement and HAS however, it is argued that the Proposed Development would accord with the Council’s adopted local plan policies as they pertain to design and heritage.

Council’s Reason for Refusal

13. In analysing the Council’s reason for refusal, it is stated that the Development would be *“detrimental to the character and appearance of the mews and the Charlotte Street Conservation Area”*. In establishing the impact of the Development character and appearance of the mews and CSCA, the HAS first outlines the contribution the Site makes to the CSCA thereby affecting the significance of the conservation area, a designated heritage asset.
14. Design and heritage matters are inextricably linked in the context of the Proposed Development, with its design informed by the existing Site context which includes the existing high boundary treatment to the rear, which in turn is a response to the historic arrangement of buildings at the Site.
15. The design of the ground floor rear extension is a response to the existing boundary treatment fronting the mews which as stated in the HAS is not identified in the CSCA Conservation Area Appraisal as being a positive or negative contributor to the CSCA.
16. The existing boundary treatment is not considered a negative contributor to the CSCA, as to the contrary it is an indicator of the historic building line of the mews, which was set by the siting of the Church of St John the Evangelist, constructed in 1846 up to the Site’s redevelopment in the 1960s, which included two buildings which retain the projection into the mews.
17. The existing boundary treatment and its projection beyond the building line of the adjacent buildings cannot be divorced from this historic context with a projection of built form fronting onto the mews, being an intrinsic part of character and appearance of both the mews and the CSCA. The urban form of the mews is a reflection of its development history as evidenced by the *“disposition of the cobbles and pavement adjacent to the appeal site”* which reflects the narrowing of the mews as identified in Paragraph 5.36 of the HAS and as referenced in Paragraph 6.37 of the CSCA Conservation Area Appraisal.

18. Therefore, as considered in HAS Paragraph 5.34 *“the proposals entirely respect the existing, established, building line formed by the current high boundary wall and would thereby preserve the current arrangement”* with Paragraph 5.34 continuing *“the current and proposed arrangement actually preserves the historic building line that has persisted since the construction of the former church in the 1840s”*.
19. In addition, the HAS indicates that the existing boundary wall was an established feature at the time of the Site’s conservation area designation in 1999. In determining the Council’s justification for the Site’s designation as part of the CSCA, the HAS surmises that the Site’s inclusion may be related to *“the fact that the building within the appeal site reflects the historic footprint of the former church and its relationship to the street frontage, as there is no indication that any of these buildings possess any architectural or historic interest otherwise”*.
20. The Appellant would therefore content the Council’s assertion that the *“the extension would not respect the building line on this side of the mews”* and *“the mews is characterised by a consistent building line without projections”*, as historic records indicate that the Proposed Development would indeed both respect the established building line and be in keeping with the historic character of the mews. This reinforces the link between design and heritage in the case of this appeal, as the HAS states that the historic interest and footprint of the Site, may give the asset its significance and warrant the Proposed Development retaining the building line of the existing boundary treatment.
21. In considering the fundamental design of the rear extension, and the increased scale and massing of the extension, it is clear that the Proposed Development would be perceived in much the same way as the existing boundary treatment due to the existing height of the boundary treatment.
22. In introducing fenestration to the facing elevation including two large glazing openings, the Development would reflect the ‘grid-like’ pattern of the Property’s upper floors and the larger apertures are consistent the larger workshop windows which characterises the mews and the CSCA and are specifically referenced in the CSCA Appraisal (see Paragraph 5.13 of the HAS).
23. As summarised in Paragraph 6.13 of the Statement, the Proposed Development has been designed to, *“stitch into the fabric of the existing urban form”* with the design being a reflection of the existing Site context and in keeping with the character of the CSCA.
24. The Appellant therefore considers as concluded by the HAS at Paragraph 5.38:

“The proposals do not have an adverse impact on the conservation area for the reason that they preserve an historic building line and the proposals are entirely consistent with the

establish character of this part of the conservation area. Indeed, given that the proposals not only preserve the historic building line and also better reflect the character of the wider 19th century industrial mews that this would also represent an enhancement”.

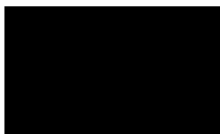
Changes to the Use Class Order

25. As part of the legislative changes to The Town and Country Planning (Use Classes) Order 1987 (as amended), which came into effect on 1st September 2020, Use Class B1a (Offices) has been revoked and now forms part of the new planning Use Class E (Commercial, Business and Service).
26. Regulation 4 in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 states, *“If prior to the commencement of the material period, a relevant planning application was submitted ..., to the local planning authority which referred to uses or use classes ... specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes”.*
27. For the purpose of this appeal submission the conversion of the existing car park is referenced as B1a office floorspace as it was intended to be at the time of the planning application submission, prior to the 1st September 2020.

Conclusion

28. The Appellant’s appeal submission addresses the Council’s reasons for refusal and demonstrates that the Proposed Development is in accordance with the relevant local, Greater London and national policy and relevant legislation. The Proposed Development would provide additional high-quality office floorspace in the Central Activities Zone, and has been designed to positively address the special interest of the CSCA in addressing the existing context and established boundary treatment at the Site.
29. The appellant therefore respectfully requests that the Appeal be allowed and planning permission granted for conversion of rear ground floor undercroft car park to offices Class B1(a) including rear extension and creation of additional entrance to front elevation involving alterations to front and rear ground floor elevations.
30. We look forward to receiving notification that the appeal has been registered and validated. Please do not hesitate to contact Robert Miller (020 7355 0339) at this office should you require any further information.

Yours faithfully,



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APPENDIX 1: DECISION NOTICE



Application ref: 2020/1895/P
Contact: David Peres Da Costa
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Date: 6 August 2020

Development Management
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DWD
6 New Bridge Street
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EC4V 6AB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:
Ariel House
74 A Charlotte Street
London
W1T 4QJ

Proposal:
Conversion of rear ground floor undercroft car park to offices Class B1(a) (with cycle store) including rear extension and creation of additional entrance to front elevation involving alterations to front and rear ground floor elevations.

Drawing Nos: P003C; P151E; P051C; DWD01; P101F; P155D; Planning statement prepared by DWD dated April 2020; Design and Access Statement prepared by Burogloo dated 24/02/2020

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development, by reason of its height, bulk, mass and projecting form in front of the building line, would be detrimental to the character and appearance of the mews and the Charlotte Street Conservation Area contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DP', is positioned above the printed name and title of the signatory.

Daniel Pope
Director of Economy, Regeneration and Investment



APPENDIX 2: SCHEDULE OF SUPPORTING DOCUMENTS

The following documents are submitted with the appeal:

| Name | Reference |
|-------------------------------------|---------------------|
| <i>Application documents</i> | |
| Application form | |
| Covering Letter | Dated 30 April 2020 |
| CIL Form | |
| Site Location Plan | DWD01 |
| Existing Ground Floor Plan | P003C |
| Existing Elevation and Section Plan | P051C |
| Proposed Ground Floor Plan | P101F |
| Proposed Charlotte Elevation | P151E |
| Proposed Mews Elevation and Section | P155D |
| Design & Access Statement | |
| Planning Statement | 13620 |
| <i>Supporting Documents</i> | |
| Heritage Appeal Assessment | edp6670_r001a |