

Date: 21/01/2022
PINS Refs: APP/X5210/W/21/3285984
Our Ref: 2021/3190/P
Contact: Obote Hope
Direct Line: 020 7974 2555
Obote.Hope@camden.gov.uk

Tel: 020 7974 2555
www.camden.gov.uk/planning

The Planning Inspectorate
Room 3/19 Eagle
Temple Quay House
2 The Square
Bristol, BS1 6PN

APPEAL SITE

Flat 3rd, Floor South
3 Gray's Inn Square
London
WC1R 5AH

APPELLANT

Honorable Society
Of Gray's Inn

Please find attached the officer's delegated report for the recommended refusal of planning application 2021/3190/P. The report, which is appended to this cover letter, forms the Council's main response to the appeal against non-determination submitted by the Appellant (ref APP/X5210/W/21/3285984).

This Appeal Statement relates solely to the main reason for refusal of the application (if it had been determined) regarding its unacceptable design impact (reason for refusal 1).

Reason for refusal

1. The size, scale and location of the proposed roof terrace and associated railings would represent incongruous additions that would cause harm to the original character and setting of the host building, adjoining terrace and wider conservation area. Contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 the Bloomsbury Conservation Area Appraisal and Management Strategy 2011.

CONCLUSION

Without prejudice to the Council's submissions and if the Inspector is minded to grant planning permission, it is requested that the conditions attached to this letter (Appendix A) be imposed. The justification is set out beneath each condition.

On the basis of the information available and having regard to the entirety of the Council's submissions, including the content of the attached report, the Inspector is respectfully requested to dismiss the appeal.

Yours sincerely,

Obote Hope

Planning Officer Culture
and Environment

Appendix A

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans HK2277- 00.001; HK2277- 01.002, 01.003, 01.004, 01.005, 01.006, 01.007, 01.008; Design and Access Statement by GHK architects dated 28 June 2021.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Appendix B – officer report

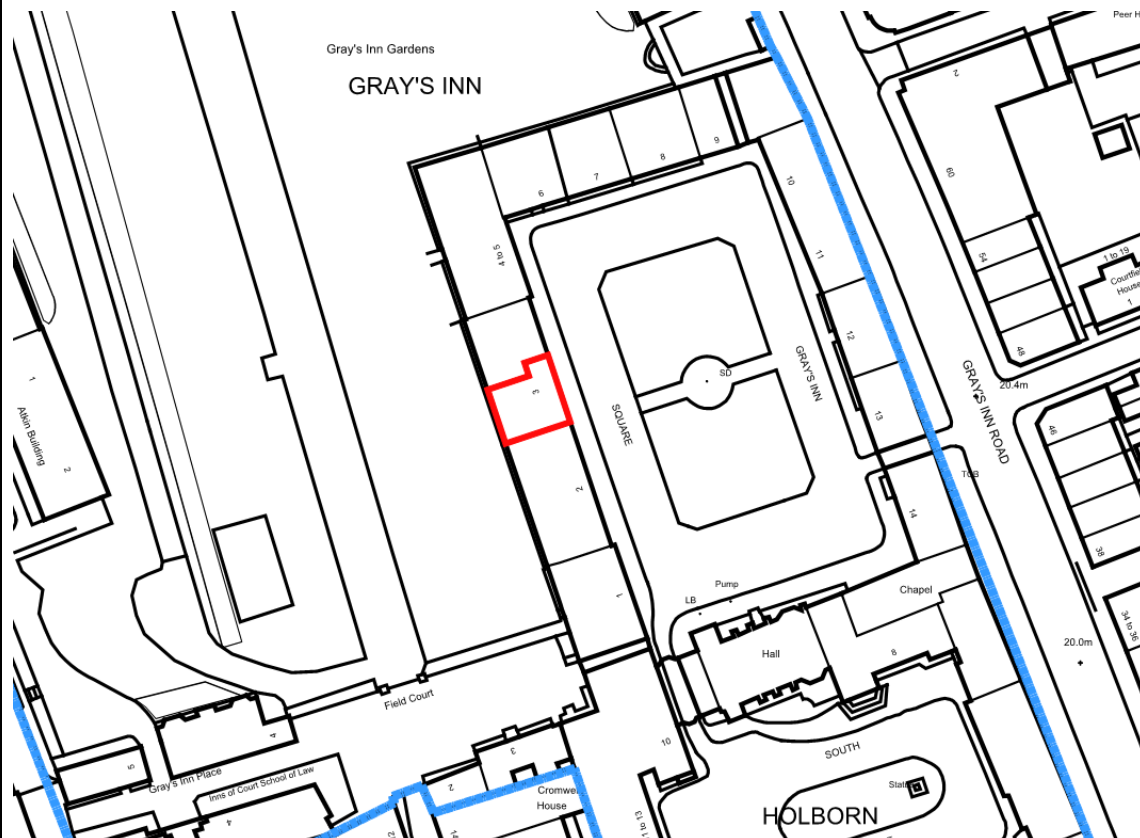
Delegated Report (non-determination appeal)		Analysis sheet		Expiry Date:		25/08/2021	
		N/A / attached		Consultation Expiry Date:		05/12/2021	
Officer				Application Number(s)			
Obote Hope				2021/3190/P			
Application Address				Drawing Numbers			
Flat 3rd Floor South 3 Gray's Inn Square London WC1R 5AH							
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Conversion of attic space into separate residential flat consisting of 1 x 2 bed self-contained flat including new dormer extensions to west elevation.							
Recommendation(s):		Planning permission would have been refused had an appeal against non-determination not been received					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notices					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		<p>A site notice was displayed from 10/11/2021 to 04/12/2021. Press notice was displayed on 11/11/2021 to 05/12/2021.</p> <p>No objections were received from adjoining occupiers or other individual third parties</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>		<p>Bloomsbury CAAC -object</p> <ul style="list-style-type: none"> Note the uniformity of the square The roofline is uniform and there are no stand-out alterations or any dormer windows on all four sides. Adding dormers windows to one property would upset the uniformity of the square and the well preserved roofscape. It would also set an unwelcome precedent for future incremental and unplanned alterations. 					

Site Description

Gray's Inn Square is an historic Square to the western side of Gray's Inn Road forming part of the Inns of Court in the southern part of the Bloomsbury Conservation Area. The site relates to part of a 4-storey terrace (nos. 1-5 consecutive) of plain uniform style with No. 3 Gray's Inn Square being located within the central part. The majority of the terrace including No. 3 was constructed in the mid 20th century in plain neo-classical style and is unlisted apart from No.1 at the southern end which dates originally from the 17th century (although heavily restored) and is grade II* listed.

A number of other listed buildings line the Square; Nos. 6, 7 and 8 (grade II*) a Chapel (grade II) on the south side adjoining No. 14, and also on the south side a grade I listed banqueting hall that fronts onto South Square (to the South). The Square itself also possesses a number of listed structures – a pump on the south side and sundial at the centre (both grade II).

The subject site faces onto two open spaces; Gray's Inn Square to the east and the more expansive Gray's Inn Gardens to the west which also includes some listed buildings and structures. The wider terrace is prominent in the setting of each of these historic green spaces including its currently unimpaired and uniform pitched roof.



The Bloomsbury Conservation Area Appraisal and Management Strategy (para 5.155) notes that the 20th century buildings around Gray's Inn Square "have been designed to replicate earlier styles and maintain the character of the spaces". They are identified as making a positive contribution to the character and appearance of the conservation area.

Current uses within the terrace of buildings comprise a mixture of legal chambers and residential flats. This application relates to the conversion of the attic store space of an existing 3 bedroom flat at third floor level to create a new 2-bed self-contained flat at fourth floor level.

Relevant History

There is no relevant planning history

Relevant policies

National Planning Policy Framework 2021

- Chapter 16, paras 189-208

London Plan March 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy H1 Maximising housing supply

Policy H6 Housing choice and mix

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car-free housing

Camden Planning Guidance 2021

CPG Design Jan 2021 Chapters paragraph 3.7 (conservation areas)

CPG Home Improvements Jan 2021 2.2 (roof extensions)

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Assessment

A non-determination appeal was submitted and start letter received on the 14th July 2021. The following outlines the Council's assessment on the proposed development and the recommendation that would have been made.

1.0 Summary of issues

1.1 The principal considerations material to the determination of this application is considered to be

- Design and Appearance
- Impact on heritage assets

2.0 Design and Heritage Impact

2.1 Policy D1 requires development to respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Through Policy D2, the Council will seek to protect heritage assets which includes listed buildings and conservation areas. It states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area. It goes onto state that to preserve or enhance listed buildings the Council will resist development which would cause harm to the special architectural and historic interest (its significance) of a listed building.

2.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) require local planning authorities to have special regard to the desirability of preserving the buildings and their setting, as well as any features of special architectural or historic interest they possess.

2.3 Section 72 of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

2.4 The National Planning Policy Framework (NPPF) 2021 (para 199) requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the asset's conservation. Para 200 states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"; and (para 202) "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".

2.5 The proposed development entails the installation of 3 dormer windows in the west elevation facing Gray's Inn Gardens. In this case the roofline is completely unbroken by any alterations and presents a pleasing uniform appearance. Whilst the Home Improvements CPG notes that not every unbroken roofline is of heritage value this terrace is noted as making a positive contribution to the Bloomsbury Conservation Area in its Appraisal and Management Strategy. The terrace, although of relatively recent construction was designed to complement the classically designed buildings which define the spaces of the Gray's Inn complex and many of these are statutorily listed. The appearance of sporadic additions would disrupt the uniformity and detract from the symmetry and order which makes up an important part of these building's contribution. The shallow depth of the roof void necessitates the dormers extending to the full ridge height causing them to appear as obvious protrusions viewed from the adjacent gardens. The dormers are therefore considered to cause harm to the character and appearance of the conservation area and to the setting of the surrounding listed buildings.

3.0 Transport considerations

3.1 The provision of a new residential unit would generate a need for cycle parking provision in line with Camden's Local Plan and the London Plan standards. Given the site constraints there is no space for on-site cycle-parking so a financial contribution towards 2 long-stay Bike Hangar cycle parking spaces in the area would need to be secured through a Section 106 legal agreement. Each space in a bike hangar equates to £700. So the contribution for 2 spaces would be £1,400 to meet the needs of this 2-bed flat.

3.2 The same legal agreement would also need to ensure that the unit is designated as car-free housing to accord with the Local Plan objective of reducing car-use and improving the Borough's air quality in line with Local Plan policy T2. This agreement would make the unit exempt from any entitlement to an on-street residents' car-parking permit issued by the Council. In the absence of a section 106 agreement to secure car-free housing or (in the case of cycle parking) other acceptable provision in the vicinity of the site for meeting the Council's cycle parking standards, these matters would need to form reasons for refusal.

4.0 Other matters

4.1 It is acknowledged that the proposal would provide a well proportioned 2-bedroom residential unit for which there is a need in the Borough and would be welcomed in line with Local Plan policies H1 and H6. However the very small public benefit derived from this single unit is not considered to constitute a public benefit as to outweigh the less than substantial harm to the heritage assets that would be caused.

5.0 Conclusion/Recommendation:

5.1 In view of the above it considered that this proposal for an attic conversion to provide a residential flat, would by reason of the proposed dormers be detrimental to the character and appearance of the Bloomsbury Conservation Area and the setting of nearby listed buildings contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017. In the absence of a section 106 legal agreement providing for cycle parking and car-free housing it would also have an unacceptable impact on car traffic generation and the Council's policy of promoting sustainable transport alternatives in the Borough.

5.2 The application was submitted in June 2021 but not registered or statutory consultations undertaken until November 2021. A decision was therefore not made on the application within the statutory determination period (ending 25/08/2021). However, if the application had proceeded to a decision then it would have been recommended for refusal for the following reasons:

- 1. The proposed dormer extensions, by reason of their height, bulk, and location on the currently uniform and unimpaired roofline of the building and wider terrace of which it is a part, would be an incongruous addition to terrace which makes a positive contribution to the Gray's Inn collection of buildings and spaces, and as such would have a detrimental effect on the character and appearance of this part of the Bloomsbury Conservation Area and the setting of neighbouring listed buildings contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
- 2. In the absence of a legal agreement for car-free housing, the proposed development would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail*

to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

3. *The proposed development, in the absence of acceptable provision for cycle parking would fail to facilitate and encourage cycling as a sustainable transport alternative contrary to policy T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.*

6.0 Appeal against non-determination (APP/X5210/W/20/3261121)

- 6.1 The applicant has submitted an appeal against non- determination and therefore the Council cannot determine the application. However, the Council seeks to advise the Planning Inspectorate what the Council's decision would have been if the application had been determined.
- 6.2 The submitted appeal statement reconfirm that the planning application was submitted on 30th June 2021. However, the application was not allocated to an officer until the 29th October 2021, the application was then registered on the 4th November 2021.
- 6.3 An Acknowledgement letter was emailed to the agent. However, the email was not sent due to the officer's inbox was full and by the time the old emails were archived by IT, it was not until the agent email the officer requesting a copy on the 26th November 2021 a copy was resent to the agent.