



Appeal Decision

Site visit made on 10 May 2022

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2022

Appeal Ref: APP/X5210/W/21/3285984

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by The Honourable Society of Gray's Inn against the Council of the London Borough of Camden.
 - The application Ref 2021/3190/P, is dated 30 June 2021.
 - The development proposed is the conversion of attic space originally forming part of flat at 3 Gray's Inn Square South into separate residential flat including new dormer windows to west elevation.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council did not determine the proposed development within the typical timeframe. I have proceeded on the basis that the matters in dispute between the main parties are contained within their submitted cases. This has formed the basis of main issues I have identified.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the conservation area, and what impact, if any, it would have on the setting of nearby heritage assets;
 - the effect of the proposed development on parking provision, highway safety and congestion; and
 - whether the proposed development would make acceptable provision for cycle storage.

Reasons

Character and Appearance

4. The appeal site falls within Bloomsbury Conservation Area (CA). The significance of the CA lies, in part, in its formal landscaped squares and grid pattern of streets. Within the Conservation Area Appraisal (CAA), buildings around Gray's Inn Square and South Square Gardens are described as having been designed to replicate earlier styles and to maintain the character of the

- spaces. The CAA sets out issues within the CA. It makes specific reference to alterations to existing buildings, including that of inappropriate roof level extensions, particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block.
5. The buildings 1, 6 to 8 and 12 to 14 (including gatehouse) Gray's Inn Square are Grade II* listed buildings. These are four-storey plus basement terraced buildings of brown brick with red dressings and tiled roofs with attached cast iron railings. The chapel, sundial and pump at Gray's Inn Square are Grade II listed buildings. The nearby Hall is a Grade I listed building, located to the south of the square.
 6. The listed buildings are set within Gray's Inn Square, which forms a peaceful verdant courtyard when compared with the hustle and bustle outside the courtyard. Within this relatively confined context, the listed buildings can be viewed both individually and as a group, appreciated within the context of the central square. Whilst the buildings are best viewed from within the square, rear views towards some of the listed buildings (particularly Nos 1 and 6-8) can be obtained from within Gray's Inn Gardens. Despite some historic restoration, the listed buildings generally remain unaltered.
 7. The appeal property consists of a third floor residential flat on the west side of Gray's Inn Square. The CAA sets out that a sizeable number of buildings in this area make a positive contribution to the character and appearance of the CA, particularly in the vicinity of the narrow passageways and mews on the south and west sides of Gray's Inn. Nevertheless, it is from Gray's Inn Gardens that the proposed development would mainly be viewed, out of sight from within Gray's Inn Square itself. No 3 and the buildings that adjoin it appear largely unaltered from this rear perspective and retain a uniformity of scale, proportion and detailing, with a strong and consistent roofline.
 8. The proposed development would introduce three new dormer windows to the west roofslope. Whilst these would generally match the proportions and form of the windows within the main elevation, they would interrupt the currently unaltered roofslope, cluttering and unbalancing this elevation. With no other, similar roof alterations visible to these elevations, the proposed development would introduce an incongruous and discordant addition to the unspoilt block. This would have a detrimental impact upon the character and appearance of the appeal building and wider terrace. It would, therefore, fail to preserve or enhance the character or appearance of the CA.
 9. I acknowledge the Appellant's reference to the terrace on the opposite side of Gray's Inn Gardens (Raymond Buildings Terrace), and others, having a roofline of a more varied nature. However, this terrace is not of the same character or appearance as the appeal property, nor is it experienced in the same way as the appeal site within the wider CA. The fact that dormer windows exist here does not mean those at the appeal site should therefore be considered acceptable and each case must be considered on its own, individual merits.
 10. As the key significance of the listed buildings at Nos 12 to 14 and the Hall is primarily derived from their frontages, which can be appreciated from within Gray's Inn Square, the proposed development to the west elevation would not negatively impact on the significance or setting of these heritage assets. The position of the proposed development would be visible in the context of listed buildings at Nos 1 and 6-8 and would form an insensitive addition, breaking the

consistent roofline of the block when viewed as a whole and having a detrimental impact upon their setting. It would therefore fail to preserve the setting of nearby designated heritage assets.

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66(1) of Act requires the decision maker to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest.
12. Paragraph 202 of the National Planning Policy Framework (the Framework) states that harm to a heritage asset might be defined as 'substantial' or 'less than substantial'. The harm in this case would be 'less than substantial'. The Framework sets out that where less than substantial harm is found, the harm must be weighed against any public benefits.
13. The public benefits arising in this case include a contribution to the housing supply within the borough, as well as the social and economic benefits this would bring during both construction and occupation, including the bringing about of additional trade to local shops and services and use of the Inn area more widely. However, as one two-bedroom unit, these benefits would inevitably be limited. I do not consider these limited public benefits to outweigh the clear harm I have identified above.
14. Consequently, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the Bloomsbury Conservation Area and fail to preserve the setting of the nearby listed buildings. Accordingly, the proposed development would be in conflict with the relevant provisions of Policies D1 and D2 of the London Borough of Camden Local Plan (LP) (2017). These, amongst other things, seek the preservation of heritage assets and their settings.

Highway Safety and Parking Provision

15. The area surrounding the appeal site is subject to a controlled parking zone. A privately managed car park exists within Gray's Inn Square, with other similar car parks nearby. During my early afternoon site visit I noted a reasonably high number of parked cars and service vehicles within these parking areas. There is very limited on-street parking is available within the immediate vicinity.
16. Although the appeal site benefits from a high Public Transport Accessibility Level rating, there is potential that the future occupiers may use a car. I have no substantive evidence before me to illustrate that the Gray's Inn car parks or surrounding roads could comfortably and safely accommodate further vehicles should this be the case. As such, the proposed development would likely result in increased stress on existing parking provision and inconsiderate parking, to the detriment of highway safety.
17. Any additional car use would be contrary to the objectives of LP Policies T1 and T2 insofar as they require that any new dwelling is car-free to reduce air pollution, congestion and the promotion of more sustainable and efficient forms of transport. Such a car-free provision would need to form part of a legal agreement, permanently removing the entitlement of occupiers from applying for parking permits. Although the Appellant agrees that a legal agreement

could be entered into to secure the above measures, no completed legal agreement has been provided.

18. Consequently, I conclude that the proposed development would have a harmful impact on parking provision, highway safety, congestion and sustainable transport objectives. This would be contrary to the relevant provisions of LP Policies T1, T2 and A1, which in summary seek to reduce car-use, congestion and air pollution and promote more sustainable forms of transport.

Cycle Provision

19. No dedicated cycle parking provision is proposed as part of the development. Although the appellant states that the wider Gray's Inn Estate provides a high number of existing secure cycle spaces, I have no substantive evidence before me to conclude that there is sufficient room within existing cycling parking facilities to accommodate dedicated spaces for future occupiers.
20. As such, the number of spaces falls short of the 2 cycle spaces that are required by London Plan standards for new dwellings of this size. The Council, in its officer report, acknowledges that limited space is available within the site and its immediate area to provide additional cycle parking. As such, the Council is requesting a financial contribution towards adequate provision in the form of 2 bike hangar spaces. Such a provision would need to form part of a legal agreement.
21. In the absence of evidence that 2 dedicated cycle spaces are being provided for the new dwelling and with no completed legal agreement to secure the above measures, the proposed development would fail meet the Council's objectives of facilitating and encouraging cycling as a sustainable transport alternative.
22. Consequently, I conclude that the proposed development would not make an acceptable provision for cycle storage, contrary to the relevant provisions of LP Policy T1 and Camden Planning Guidance: Transport (2021), which in summary seeks to prioritise walking, cycling and public transport.

Conclusion

23. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR