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## Appeal Decisions

Site visit made on 13 September 2016

**by Nigel Burrows BA MRTPI**

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

**Decision date: 05 October 2016**

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### **Appeal A: APP/X5210/W/16/3152112** **28 Museum Street, London, WC1A 1LH**

- 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 Alessandro Pacciana and Mrs Elisa Bazzani against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/4506/P, dated 5 August 2015, was refused by notice dated 10 December 2015.
  - The development proposed is described as 'Installation of a glazed conservatory on the rear terrace at the first floor plus minor internal improvements and maintenance.'
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### **Appeal B: APP/X5210/Y/16/3152113** **28 Museum Street, London, WC1A 1LH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Alessandro Pacciana and Mrs Elisa Bazzani against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/5024/L, dated 5 August 2015, was refused by notice dated 10 December 2015.
  - The works proposed are described as 'Installation of a glazed conservatory on the rear terrace at the first floor plus minor internal improvements and maintenance.'
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### **Decisions: Appeals A and B**

1. The appeals are dismissed.

### **Main Issues**

2. There is one main issue common to both appeals, which is the effect of the proposals upon the special architectural or historic interest of the property, a Grade II listed building. There is a further main issue in Appeal A, namely the implications of the development for the character or appearance of the Bloomsbury Conservation Area.

### **Reasons**

3. The appeals relate to a 4-storey terraced property (plus basement) located on the southwest side of Museum Street, near its junction with Little Russell Street in Bloomsbury. The property is included within the list entry for No's 27-34 (consecutive) Museum Street, which includes 'The Plough' public house (No 27).
4. The relevant list entry for the terrace states:-

*"Public house and 7 terraced houses with shops. 1855-64. By William Finch Hill. Stucco with rusticated pilaster strips separating each house and at angles. Modified French Renaissance style. 4 storeys. 3 windows each. No.27 with 2 storey extension and 5 window return to Little Russell Street. No.27, The Plough, with wooden C19 public house ground floor. Pilasters support a mutule*

*cornice. Segmental headed openings with panelled dados. Left hand entrance in Little Russell Street in early C19 shopfront with console bracketed cornice. Nos.29-34 with C19/early C20 shopfronts. 1st floor round-arched, architraved, recessed 2-pane sashes, above which architraved oculi enriched with swags. 2nd floor console bracketed sill bands to segmental-arched architraved sashes. Console bracketed cornice beneath 3rd floor architraved sashes with keys. No.27 with cornice surmounted by balustraded parapet; Nos 28-34 with plain parapet. INTERIORS: bar in two parts. Front bar much renewed but retains some early C20 panelling. Rear bar has early C20 counter, arched screen with later infilling and more wall panelling to side and rear."*

5. Taking into account all that I have seen and read, I consider the special significance of the building derives from its age, plan form, architectural detailing and materials. The fact that the property forms part of a homogenous terrace of C19 buildings which make an important contribution to the Bloomsbury Conservation Area adds to its special significance.

*Appeals A and B: Implications for the listed building*

6. The appellants' apartment extends over the first, second and third floors of the listed building. According to the Council, planning permission and listed building consent were granted for the provision of this living accommodation during 2012.<sup>1</sup> The associated internal and external alterations to the building evidently included the formation of a rear terrace at first floor level, together with the formation of a terrace at roof level.
7. The current proposals include the erection of a conservatory on the first floor rear elevation of the building. The indications are that this structure would extend over the majority of the first floor terrace. The proposals also include the removal of existing floor and staircase finishes and recovering them. The existing glazed double doors within the ground floor lobby would also be removed. The Council appears to have no fundamental objections to the proposed internal works. The Council's principal concern is the effect of the conservatory. I will therefore focus upon this element of the scheme.
8. The main parties have cited numerous development plan policies in support of their cases. However, it should be borne in mind that the approach to listed buildings is underpinned by the statutory requirements placed upon decision makers by the Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 16(2) and 66(1) of the Act indicate that in considering whether or not to grant listed building consent or planning permission for any proposals, the local planning authority (or the Secretary of State) shall have special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses.
9. The conservatory would project a maximum of about 4.9m from the first floor rear elevation of the building and would be about 2.8m high. An unusual feature of the scheme is that access to the structure would be through an existing kitchen window.
10. In any event, a troubling aspect of the scheme is the absence of any detailed information concerning the precise design and appearance of the conservatory. The application drawings merely provide a simplistic outline of the structure (which appears to have a lean-to profile) and some figured dimensions. According to the appellants' Design and Access Statement most of the conservatory would be glazed and frameless. Nonetheless, it is not entirely clear how the design of this conservatory would be reconciled with the irregular configuration of the terrace, which narrows to the rear.
11. On the evidence before me, I share the Council's concern that the conservatory would harm the special significance of the building. The structure would appear to project beyond the rear staircase wing and, amongst other things, would infill the 'L'-shaped plan form of the building at first floor level which is a distinctive feature of this historic property. The structure would also potentially harm the original two-room plan form of the listed building. As noted above, it would be accessed by climbing through the kitchen window. This arrangement is apparently intended to provide some legibility between the conservatory and the listed building, whilst avoiding the need to remove historic fabric.

<sup>1</sup> Refs: 2011/6466/P and 2012/0260/L (albeit with subsequent amendments and variations)

However, bearing in mind the appellants' concern to improve their quality of life, the long-term practicality of this arrangement is highly questionable. I could not discount the possibility that there might be future pressures to provide a more seamless access arrangement, if not from the appellants then perhaps from future owners/occupiers.

12. I observed the conservatory would also be likely to partly obscure an appreciation of the rear elevation of the building, including the kitchen window upon the first floor and also the adjacent windows upon the staircase wing. Overall, I consider that it would diminish an appreciation of the internal floor level and plan form of the historic building.
13. The appellants' stance is the conservatory would be a subordinate, lightweight, demountable structure. The inference is that it would be a minimalist design. However, in the absence of any details showing the precise design and appearance of the conservatory or indicating how its design could be reconciled with the configuration of the first floor terrace, there is a clear risk that it would detract from the character, architectural composition and detailing of the building, all of which contribute to its special significance.
14. The submissions for the appellants have suggested that the townscape to the rear of the property is unremarkable and contains a number of utilitarian structures and other paraphernalia associated with commercial uses in the vicinity. However, this is not a positive factor in favour of a proposal that would harm the architectural and historic interest of the listed building. As matters stand, I conclude the proposed conservatory would fail to preserve the special architectural and historic interest of this building.
15. I further conclude the scheme conflicts with the relevant development plan policies cited by the Council, including CS14 of the Core Strategy <sup>2</sup> and also DP24 and DP25 of the Council's Development Policies document<sup>3</sup> insofar as they require the highest standard of design for development and seek to preserve and enhance heritage assets.

*Appeal A: Implications for the Conservation Area.*

16. Section 72 (1) of the Act places a general duty upon decision makers with respect to any buildings or other land within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
17. The attractive façade of the terrace is fairly well preserved. The rear elevations have not survived to the same degree, albeit they were evidently of lesser quality. However, this does not mean that the area to the rear of the appeal property can, or should, be ignored. This is acknowledged within the Heritage Appeal Statement lodged on the appellants' behalf. The Council points out that any impact on the character or appearance of a conservation area is not limited to public vantage points. I also observed that the presence of the conservatory would be apparent from the neighbouring properties.
18. The submissions for the appellants indicate that one of the striking aspects of the area immediately to the rear of the property is the number of glass roof structures and roof lights or lanterns. However, my attention has not been drawn to examples of first floor domestic conservatories. There is no firm or persuasive evidence before me to demonstrate these structures are a prevailing characteristic of the Conservation Area.
19. I have borne in mind that incremental changes to individual buildings, such as unsuitable extensions, can have a detrimental effect not only on the character and appearance of the building itself, but also upon the conservation area as a whole. In this instance, the adverse effect of the conservatory would diminish, albeit in a small way, the contribution that this particular building makes to its historic surroundings, including the setting of the terrace and the Conservation Area. On balance, I conclude the development would fail to preserve or enhance the character or appearance of the Bloomsbury Conservation Area.
20. In this respect it also conflicts with the relevant development plan policies, including

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<sup>2</sup> Camden Core Strategy 2010 - 2025

<sup>3</sup> Camden Development Policies 2010 - 2025

CS14 of the Core Strategy and DP25 of the Council's Development Policies document, insofar as they seek to preserve and enhance the heritage assets of the Borough.

### **Overall Conclusions**

21. The Council's concern to protect and conserve heritage assets within the Borough is broadly consistent with the objectives of the National Planning Policy Framework (NPPF). Paragraph 132 gives 'great weight' to the conservation of a designated heritage asset. The more important the heritage asset, the greater the weight that should be given. I acknowledge that for the purposes of paragraph 134 the scheme would lead to less than substantial harm to the significance of designated heritage assets. However, on the evidence before me, I conclude this harm would not be outweighed by any public benefits.
22. In view of my findings on the main issues, I conclude the appeals should not succeed. I have taken into account all the other matters raised in the representations, but I find they do not alter or outweigh the main considerations that have led to my decisions.

*Nigel Burrows*

INSPECTOR