

Appeal Decision

Site visit made on 25 October 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/X5210/W/16/3155073

6 Coptic Street, Camden, London WC1A 1NH

- 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 City Investment Properties Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0321/P, dated 18 January 2016, was refused by notice dated 7 June 2016.
 - The development proposed is extensions and alterations to the existing building to provide enhanced commercial floorspace to improve the appearance of the existing building; this includes a half-width extension to the rear of the property on the first and second floor levels; a traditional mansard roof extension; replacement of modern windows with traditional sash windows; and replacement of modern glazing at the rear of the building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant identified on the Appeal Form differs from the applicant stated on the original application form which was *Behedam Holdings Ltd*. Paragraph 2.3.1 of the *Planning Inspectorate Procedural Guide: Planning Appeals – England (2016)* (The Procedural Guide) states that only the applicant can appeal a planning decision. Following correspondence with the appellant and their agent, it was confirmed in writing that there had been an administrative error in the drafting of the application form. Notwithstanding this, it was then confirmed in writing by the appellant that the original applicant had consented to *City Investment Properties Limited* being a substitute applicant. Having considered the circumstances of the case, and given the evidence now provided, I am satisfied that the appeal can be determined on that basis.
 3. The choice of procedure for this appeal was queried by an interested party and a request for a Hearing was sought. I have assessed the case against the criteria for determining the procedure for planning appeals, as set out in Annex K of the Procedural Guide. Having reviewed the issues in this case, I consider that the matters concerning this appeal are able to be fully understood from the appeal documentation. Furthermore, I find that the matters not to be sufficiently complex or likely to require testing through questioning. Whilst there may be a level of local interest, in my view, this would not be such as to warrant a Hearing. Therefore, I am satisfied that the written representations
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procedure is the most appropriate for me to assess this case and I have therefore determined the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposed development on the:
- character and appearance of the host property and on the Bloomsbury Conservation Area (CA); and
 - living conditions of neighbouring occupiers, with regard to sunlight and outlook.

Reasons

Character and appearance

5. The appeal property is located on the west side of Coptic Street close to its junction with Little Russell Street. The host building is a four-storey plus basement property within a terrace of similar buildings. It is constructed of brick and has an 'M' shaped roof which is hidden from public view by a parapet which forms a continuous feature with the adjacent property at 5 Coptic Street (No 5). A parapet forms a fairly consistent feature across the group of properties on the west side of Coptic Street, albeit with a small step in height between the appeal property and 7 Coptic Street (No 7) adjacent. The street is characterised by a mix of commercial and restaurant uses generally on the lower levels of the properties with residential use on the upper floors. The appeal property has most recently been in use as offices but is now vacant and is in a relatively poor state of repair internally.
6. The proposed mansard roof would be visible above the parapet and would detract from the simplistic architectural style and quality of the host building and the group of buildings in terms of the roofline. Whilst there is a small variance in height within the group of properties, the appeal buildings consistent height and visual relationship to No 5 would be adversely affected by the roof extension. Furthermore, the introduction of an additional storey would add an element of inconsistency and disruption to the overall character and appearance of the group of buildings on that side of Coptic Street.
7. I note that the rear of the appeal property has had a number of alterations and extensions previously. Despite this, the proposed rear extension would appear as a substantial addition to the host property in terms of its design and massing. Whilst I appreciate that the proposal would use matching materials and would be of a comparable scale and appearance to the rear extensions of other adjacent properties, the combined effect in terms of bulk, massing and height of the proposal would have a detrimental cumulative impact on the character and appearance of the original properties and the surrounding area.
8. Furthermore, although the proposed rear extension would not be in a particularly prominent or publicly visible location, the significance of the CA derives from the buildings and layout of development as a whole, irrespective of whether elements are publicly visible or not. As such, the significance of the CA does not rely solely on the elements that can readily be seen.
9. Having had regard to the above matters, I find that the proposal would have a detrimental impact on the character and appearance of the host building and

the pair of buildings of which it forms a part with No 5. The mansard roof would adversely affect the appearance of the group of similar properties on the west side of Coptic Street and would cause material harm to the character and appearance of the CA. Whilst the harm to the CA would be less than substantial, the scheme would not have a preserving or enhancing effect on its character or appearance. Furthermore, having noted the potential improvements to elements of the host building and the benefits of the proposal set out by the appellant, I find that none of these, individually or cumulatively, would outweigh the significant harm I have identified.

10. The proposal would result in a substantial built element projecting from the existing height of the parapet and the rear elevation of the host property. This would disrupt the current simplicity of the host building, particularly in the streetscene of Coptic Street, which contributes to its intrinsic character and appearance. It would also have an adverse effect on the contribution of the buildings and its group of properties to the surrounding area, including the CA.
11. Consequently, I conclude that the proposal would have a significant harmful effect on the character and appearance of the host property and the Bloomsbury CA. Therefore, it would be contrary to Policy CS14 of the Camden Local Development Framework Core Strategy (Core Strategy) and Policies DP24 and DP25 of the Camden Local Development Framework Development Policies document (DP). Amongst other matters, these policies seek to ensure that development is of a high quality design and conserves, preserves or enhances the heritage assets of the local area, including conservation areas.

Living conditions: sunlight and outlook

12. The impact on sunlight has been assessed and subsequently reassessed due to errors in the original reports. This has resulted in the Council and other interested parties, including neighbouring occupiers, having some uncertainty and limited confidence in the evidence provided by the appellant. Notwithstanding this, I note the amendments and alterations made to the appellant's evidence.
13. The proposed rear extension to the host property would exist at first and second floor height and, as a result, it would have an adverse effect on the amount of sunlight reaching windows, particularly Window 78, at the rear of No 5 and its roof terrace. Furthermore, there is limited information within the submitted daylight and sunlight assessments relating to particular windows at No 7. As such, I consider the assessments to be incomplete and subsequently give them only moderate weight in my determination of the appeal.
14. From my observations, due to its proximity to the rear of neighbouring No 5 and its height, I find that the proposed rear closet wing extension would overshadow the roof terrace at No 5 and significantly inhibit the amount of sunlight reaching the roof terrace and the rear windows of that property. Notwithstanding its limitations, my concerns are supported by the appellant's latest assessment provided on winter sunlight hours. The latest assessment of overshadowing relating to the garden at No 5 indicates that a significant loss of sunlight would be experienced in terms of the roof terrace.
15. From what I have seen and read, I am not satisfied that the proposed development satisfactorily demonstrates that no significant harm would be caused to neighbouring properties and occupiers in relation to loss sunlight.

16. With regard to the effect of the proposal on the outlook of neighbouring occupiers, the rear closet wing extension would reduce the distance between the first floor flank window, indicated as 'Window 2' of No 7 and the flank wall of No 5 by approximately 3 metres. Whilst I appreciate that the proposed rear extension would be narrower than previous proposals and would include a chamfered element, I find that the height and massing of the scheme would result in a materially detrimental effect on outlook from Window 2 of No 7 and would create a heightened sense of enclosure for its occupiers. Furthermore, from the evidence before me, it appears that Window 2 of No 7, albeit secondary, is identified as serving a habitable room. In such circumstances, I find that this would only exacerbate the significant detrimental impact on the outlook of the occupiers of No 7.
17. In addition, the proposal would result in a brick wall being constructed adjacent to, and to the south of, the roof terrace of No 5 at second floor level. This would be a prominent and dominant feature for the occupiers of No 5. As a result, the outlook from the rear of No 5 would be significantly affected and would create a more prominent sense of enclosure for its occupiers.
18. Having had due regard to previous proposals at the property, I note that this scheme reduces the width of the rear extension and creates a chamfered edge in order to address previous concerns. Notwithstanding this, I must assess the proposal on its own merits. In my view, the chamfered design would be insufficient to mitigate the significant adverse effect of the height and massing of the proposed rear extension and its proximity to adjoining properties on the outlook of neighbouring occupiers.
19. Consequently, I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring occupiers with regard to sunlight and outlook. It would therefore be contrary to Policy CS5 of the Core Strategy and Policy DP26 of the DP. Amongst other matters, these policies seek to ensure that development does not have any significant adverse impact on neighbouring properties or their occupiers.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR