The Planning Inspectorate

# Appeal Decision

Site visit made on 20 June 2017

**by Beverley Wilders BA (Hons) PgDurp MRTPI**

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

**Decision date: 28 July 2017**

**Appeal Ref: APP/X5210/W/17/3171930**
**6 Stukeley Street, London WC2B 5LQ**

- 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 Derek Savage against the decision of the Council of the London Borough of Camden.
- The application Ref 2016/1445/P, dated 30 July 2015, was refused by notice dated 13 September 2016.
- The development proposed is the demolition of a single storey white painted brick building and to develop two, 2 bedroom dwellings with a lower ground floor to each.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Camden Local Plan (CLP) was adopted on 3 July 2017 and replaces the Camden Core Strategy 2010 – 2025 and the Camden Development Policies 2010-2025. The CLP was adopted after the application was determined and the appeal was submitted. Though no CLP policies were referred to in the Council's reasons for refusal, in reaching my decision I have had regard to the CLP policies listed within the Council's statement. As the relevant CLP policies were referred to in the Council's statement, I am satisfied that the appellant has had the opportunity to comment on the relevance of them to his case.

3. The Council's decision notice included six reasons for refusal. In its statement the Council stated that it wishes to withdraw the fifth reason for refusal which relates to wheelchair accessibility and that it would like to add an additional reason for refusal relating to the basement development. I have determined the appeal accordingly.

## Application for costs

4. An application for costs was made by Mr Derek Savage against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

## Main Issues

5. The main issues are:

   - the effect of the proposal on the character and appearance of the Seven Dials (Covent Garden) Conservation Area;

- the effect of the proposal on the living conditions of the occupiers of Goldsmith Court having particular regard to outlook and privacy.

## Reasons

*Conservation Area*

6. The appeal site is located in the Seven Dials (Covent Garden) Conservation Area (CA). The Council's Conservation area statement for the CA (CAS) states that the special character of the CA is found in the range and mix of building types and uses and the street layout. The character is not dominated by one particular period or style of building but rather it is their combination that is of special interest. The CAS states that in this tightly constrained streetscape, changes of road width, building form and land-use give dramatic character variation, narrow alleys and hidden yards provide unforeseen interest. The appeal site is located in Sub-Area three, an area in the north-east of the CA around Macklin Street.

7. With regard to Stukeley Street the CAS comments that a section of the south side of the street has an industrial/commercial character, similar to a mews quality. The existing building on the appeal site and neighbouring buildings at Nos 4 and 8 to 14 Stukeley Street are identified within the CAS as buildings which make a positive contribution to the CA.

8. The appeal site comprises a single storey mid terraced building constructed from brick under a natural slate pitched roof set behind a parapet wall. The front elevation of the building is painted white as is the brickwork to the neighbouring building at No 4 with other buildings nearby constructed from brick. The appearance of the front elevation of the existing building is unusual in that the windows are set at a high level compared to the door. Despite this and the modern alterations that appear to have been carried out to the existing building, its modest scale including its height, its horizontal proportions and its simple utilitarian appearance in combination with and in contrast to the scale and appearance of neighbouring buildings on this very narrow pedestrianised street results in a positive contribution to the character and appearance of the CA.

9. The proposed dwellings would be significantly larger and taller than the existing building and would have vertical rather than horizontal proportions and a residential character. The height of the proposed dwellings would exceed the height of No 4 and would be of a similar height to No 8, a prominent corner building and having regard to the length of the appeal site frontage and to the increased height proposed, the proposal would result in a harmful loss of variety of scale within the streetscene. The height increase would also result in an increased sense of enclosure within this part of the street and the loss of the view above the existing building towards the rear elevations of other buildings within the CA and this would also be harmful to the CA. Whilst I acknowledge that some attempt has been made to introduce variety within the proposed frontages onto Stukeley Street and to use appropriate and matching materials, this would not overcome the harmful impact of the scale and residential appearance of the proposed dwellings and the loss of the simple utilitarian appearance of the modestly scaled existing building.

10. My attention has been drawn to a development at 14 Stukeley Street. However I am not aware of the details or particular circumstances relating to

that case and in any event I must determine the proposal before me on its own merits.

11. The proposal would fail to preserve the character and appearance of the CA. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. As such having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. Whilst the proposal would provide one additional dwelling, this does not equate to a public benefit which would outweigh the harm identified.

12. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would not accord with paragraph 132 of the Framework or with policies D1 and D2 of the CLP. These policies seek to secure high quality design in development and to preserve and where appropriate enhance heritage assets including conservation areas.

*Living conditions*

13. The appeal site is located on a very narrow part of Stukeley Street and is directly opposite a five storey block of flats at Goldsmith Court (GC). The Stukeley Street elevation of GC contains a number of habitable room windows facing towards the appeal site together with a number of balconies. The windows and balconies directly opposite the appeal site currently have an open outlook above the existing single storey building and are not directly overlooked.

14. As stated, the proposed dwellings would be significantly taller than the existing building and the front elevation of the dwellings would contain habitable room windows at ground, first and second floor level facing towards GC. The Council states that the distance between GC and the proposed dwellings would be 6 metres at the widest point and this figure has not been disputed by the appellant. Having regard to the proximity of the proposed dwellings to GC, the proposal would result in a significant and harmful loss of outlook from habitable room windows of flats within GC directly opposite the appeal site. Although there are taller buildings than the existing building in the immediate vicinity of the appeal site including opposite GC, this does not justify the harm to outlook that would result from the proposal and I note that the proposed dwellings would be taller than Nos 2 and 4 Stukeley Street and that No 8 is offset from the front elevation of GC.

15. With regard to privacy, bedroom windows and glass balustrades are proposed at first and second floor level within the proposed dwellings and would face towards GC. These would be at a similar level to the facing habitable room windows within GC and given the short distance that would be between the proposed dwellings and GC, this is likely to result in mutual overlooking which would have a significant adverse effect on the privacy of occupiers of flats within GC directly opposite the appeal site. Whilst I agree with the appellant that it may in some circumstances be appropriate to have lower separation distances in urban areas as opposed to suburban areas and whilst I acknowledge that the Council raised no objections with regard to sunlight and daylight, for the reasons stated above, the relationship between the proposal and GC is not considered to be acceptable notwithstanding the urban context of

the appeal site and the existing relationship between some flats in GC and other nearby buildings.

16. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of Goldsmith Court having particular regard to outlook and privacy. It is therefore contrary to policies A1 and D1 of the CLP. These policies seek, amongst other things, to secure high quality design that respects local context and protects the quality of life of occupiers and neighbours.

**Other Matters**

*Cycle Parking*

17. The footprint of the existing building and of the proposed dwellings covers the entire footprint of the appeal site. Consequently no external cycle parking is proposed. CLP Policy T1 states that in order to promote cycling, the Council will seek to ensure that developments provide for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (LP) (Table 6.3) and design requirements outlined in the Council's supplementary planning document Camden Planning Guidance 7: Transport (CPG7).

18. I agree with the appellant that the need to maintain the existing building line outweighs any requirement to provide external cycle parking. However it appears that it would be possible to provide some cycle storage internally and if I was allowing the appeal I consider that this matter could be adequately dealt with by the imposition of a suitably worded condition. At my visit I noted that there are a number of cycle racks on Stukeley Street immediately outside the appeal site and it appears that these would also be available to occupiers of the dwellings.

*Car free development*

19. CLP Policy T2 requires all new development in the Borough to be car free and states that the Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

20. Both main parties are in agreement that a car free development would be appropriate given the appeal site location and I have no reason to disagree with the main parties on this issue. Whilst the appellant does not appear to be averse to entering into a legal undertaking to ensure that occupiers of the proposal would not hold parking permits, in the absence of any such undertaking, he considers that the matter could be adequately addressed by a condition with reference made to a condition used by a neighbouring Council. However as I am dismissing the appeal based on my findings on the main issues, there is no need for me to consider this matter further as my finding on this issue would not affect the outcome of the appeal.

*Other issues*

21. Though not forming part of the original reasons for refusal, the Council proposed an additional reason for refusal in its statement relating to the proposed basement. The Council is concerned that whilst the appellant has

submitted a Basement Impact Assessment and a Hydrogeology and Land Stability report that these documents have not been independently verified as is required by the Council's supplementary planning document Camden Panning Guidance 4: Basements and lightwells, having regard to the sites location in an area of concern regarding slope stability and groundwater flow.

22. I note that CLP Policy H4 states that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100 sqm GIA or more. Whilst the Council considers that a contribution would be required in relation to the proposal none is proposed by the appellant.

23. A draft Planning Obligation was submitted by the Council during the appeal. It contained obligations relating to affordable housing, basement development, car free housing and a construction management plan. However the obligation is not complete and it appears that the appellant is unwilling to sign it in its current form.

24. However as I am dismissing the appeal based on my findings on the main issues, there is no need for me to consider the matters of the additional reason for refusal relating to the basement development, the need for affordable housing or the draft obligation further as my finding on these issues would not affect the outcome of the appeal.

**Conclusion**

25. The proposal would fail to preserve the character and appearance of the CA and would have a significant adverse effect on the living conditions of the occupiers of GC having particular regard to outlook and privacy.

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

*Beverley Wilders*

INSPECTOR