



Appeal Decision

Site visit made on 5 October 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 3rd November 2017

Appeal Ref: APP/X5210/W/17/3179543
17 Greville Street, London EC1N 8SQ

- 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 Brightswell Estates Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/0695/P, dated 2 February 2017, was refused by notice dated 31 May 2017.
 - The development proposed is the erection of a new floor to create a two bedroom flat on two levels and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Hatton Garden Conservation Area (HGCA);
 - Whether adequate provision would be made for cycle storage; and
 - Whether a planning obligation is necessary to make the proposed development acceptable in planning terms.

Reasons

The Hatton Garden Conservation Area

3. The appeal building is narrow and has a modern unassuming external appearance with limited relief or strong frontage detailing. There is a shop front with offset front door and display window to the ground floor with four storeys above it, the fourth set inside a mansard style roof addition. Each floor, including the mansard, is served by a matching four section landscape style top opening window.
4. It is lower than and alongside numbers 15 and 16 which are a pair of wider four storey buildings with fine recessed gable detailing facing the road. There is a strong repeating portrait style window rhythm to the front, decorative banding detail between the floors and arched window headers to the top floor. No 18 to the opposite side is lower than 17 but equally narrow. It takes on a similar modern appearance to 17. Its roof has also been altered.

5. Nos 15 and 16 make a strong positive contribution to the street scene and thus the HGCA. The more modern 17 and 18 are more recessive in comparison, limiting the obviousness of their visual presence.
6. The addition of a further storey would emphasise the narrowness of this modern building and give an impression of something that is much taller. In addition, the visual effect of the new mansard would go further than just the mansard itself. The alteration of the existing mansard to a conventional storey in the building would give the visual impression of two floors having been added.
7. Roof additions in the form of mansards are not uncommon in the street scene. Of concern to me however is how the addition of a further storey to No 17 would appear when read alongside the more attractive pair of gabled buildings at Nos 15 and 16. No 17 would end up taller than 15 and 16 and thus increase its prominence in the street scene at this point. Its additional height would be perceptible from street level. It would add a modern and utilitarian design element (mansard) in a higher overall position alongside the more traditional and elegant gables. The jarring of the two alongside each other would detract from the quality of Nos 15 and 16 and how they contribute positively. I accept there are taller buildings in the wider area but they are of a noticeably greater width which off sets their height.
8. The appeal building is sited almost directly opposite the junction of Greville Street and Kirby Street and as such is in a visually prominent location. This would be a further exacerbating factor to the overall visual effect of the proposed development.
9. The Framework¹ sets out that great weight should be attached to the conservation of heritage assets². As a result of the above factors, it is my view that the proposed development would be harmful to the character and appearance of the HGCA which is a heritage asset. This harm would be less than substantial and as such, with regard to paragraph 134 of the Framework, it should be weighed against the public benefits. I have not been provided with any detail of public benefits arising out of the proposed development and as such there is nothing before me to weigh against the harm I have identified.
10. The proposed development would therefore fail to either preserve or enhance the character or appearance of the HGCA, conflicting with section 12 of the Framework which seeks to protect the historic environment from harm. There would also be conflict with Policy DP24 of the Local Plan³ which seeks to ensure high quality and contextually appropriate design which is acceptable for the character, form and scale of its surroundings.

Cycle Storage

11. The proposed development would provide for a self-contained two bedroom flat. The inference being that it has been designed around multiple occupancy. The development plan requires new developments to meet the cycle storage standards set out by the relevant appendix. This is to support Policy DP18's objective to reduce reliance on the private car through providing facilities for sustainable transport options over car parking spaces.

¹ The National Planning Policy Framework 2012

² Paragraph 132 of the Framework

³ Camden Core Strategy 2010-2025: Local Development Framework (2010)

12. I acknowledge the appellant's point that it is difficult to see how cycle storage may be provided in the appeal scheme. It would be a flat that would occupy the fourth and fifth floors of the building where it does not appear lifts are available. It would be unreasonable to expect an occupier(s) to carry cycles this far up narrow stair cases. Storage would therefore have to be on the lower floors and I do not have details of their layouts before me.
13. Whilst it is clear that the proposed development would not be able to meet what are minimum standards required by the development plan, I feel there is an equal argument to be had that the appeal building is in very close proximity to a number of other transport options such as walking, buses and the underground system. In addition, the constraints of the appeal building and local on street parking restrictions would, to my mind, have an effect on the decision of any future occupiers to own a car in the first instance. Thus discourage their use in any event as per the intentions of DP18.
14. It is clear that there would be conflict with Policy DP18 of the Local Plan insofar as the required minimum number of cycle storage spaces would not be provided. As I have established however, this could not be done practically. With this and my findings above in mind, there are other considerations prevalent which would lead me to conclude on this issue that the confliction with the development plan would not result in demonstrable planning harm. On this main issue therefore, the proposed development would be acceptable.

The Planning Obligation

15. The Council set out that the appellant has not provided a planning obligation that would deal with three matters. These would be to secure the scheme as one for car free housing in light of its location and access to sustainable means of transport; to provide a monetary contribution to the Council to hold in the event that there was damage to the public highway during construction work; and to establish a construction management plan. Subsequent to planning permission being refused for this reason, the appellant has made an obligation which is now before me in complete form.
16. Given my findings on the effect of the proposed development on the HGCA, I consider this issue to be of secondary importance. Clearly, even if an obligation suitably addressed the three intended matters it would not be sufficient to overcome my concerns over its impact on the HGCA. Essentially the two matters are unrelated to each other. The obligation in effect seeking to make the development acceptable in its relevant planning terms, not designed to weigh against harm.
17. That said, and on the matter of car free housing, I do have some concerns over the effect of the submitted obligation. Specifically in what methods it uses to achieve car free housing. The obligation requires the owner to inform occupiers that they shall not be entitled to a parking permit to park on the street nor buy a contract to park in a Council controlled car park. There is also a restriction preventing someone who holds a permit from occupying the property.
18. This last provision aside, I am struggling to see how the obligation should be able to affect the personal actions of an individual given that its provisions should run with the land and not the individual. The obligation also sets out that people should be informed that they are not permitted to apply for a

permit, a process which would only inform and not extend to preventing someone from actually getting hold of a permit. Thus I am concerned that the obligation would not have the effect the Council seek in this regard. Notwithstanding all of this, the Council are the same authority who would issue a permit if one was applied for. A restriction set out in the obligation therefore could be argued legitimately as an unnecessary duplication of their controls.

19. Any damage to third party land or property caused during physical works, including the public highway, would be a civil matter and not an issue on which the granting of planning permission would be withheld or for that matter set out in a planning condition. The local highways authority would also have statutory and legislative powers in this regard to seek recompense should the public highway be damaged. Indeed they would also be able to charge a developer accordingly should any alteration works be required in the public highway. In essence, such work would need their involvement and agreement at an appropriate time. The security of a bond therefore would not, given also the scale of the proposed development, be justified.
20. It would be eminently possible and indeed reasonable to secure the agreement of a construction management plan by planning condition. The Council then has the ability to enforce any breeches of agreed details in this respect. This would give the Council some comfort as to how physical works may be carried out with regard to local constraints.
21. Putting my concerns over the effect of the proposed development on the character and appearance of the HGCA aside therefore, and focusing solely on this main issue, there are too many concerns that I have with the content and aims of the obligation for me to take it into account in the determination of this appeal.

Conclusion

22. I have found that harm would be caused to the HGCA which the lack of harm in respect of cycle parking would not be sufficient to overcome. It would result in clear conflict with the development plan and the Framework and as a result the appeal scheme would fail to preserve or enhance the character or appearance of the HGCA. It is for this reason that I dismiss the appeal.

John Morrison

INSPECTOR