
Appeal Decisions

Site visit made on 30 April 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal A - Ref: APP/X5210/W/18/3213013

21 John Street, Holborn, London WC1N 2BF

- 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 Jaspar Homes Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/0509/P, dated 29 January 2018, was refused by notice dated 11 July 2018.
 - The development proposed is erection of roof extension at 8th floor level to provide an additional 1 bed residential flat.
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Appeal B - Ref: APP/X5210/Y/18/3213022

21 John Street, Holborn, London WC1N 2BF

- 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 Jaspar Homes Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/1110/L, dated 29 January 2018, was refused by notice dated 11 July 2018.
 - The works proposed are erection of roof extension at 8th floor level and associated internal works to the building to create a 1 bedroom flat.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018, after the Council had determined the applications. It has since been subject to an update in February 2019, when the latest edition was published. However, the parties have had the opportunity to take account of any relevant changes during the course of the appeals.
4. As the appeals relate to a listed building within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken

account of the guidance within section 16 of the National Planning Policy Framework (the Framework).¹

Main Issue

5. The main issue, relating to both appeals, is the effect of the proposal on the special interest of the host Grade II listed building, the setting of adjacent listed terraces on John Street and Doughty Street and on the character and appearance of the Bloomsbury Conservation Area (BCA).

Reasons – both appeals

6. The appeal site at 21 John Street is an eight-storey building. It was originally designed as offices, but its upper six floors were converted to residential flats in 2014. The proposal is for a roof extension to provide an additional 1 bed flat.
7. The building forms part of a mixed-use development combining commercial office space with the Duke of York Public House on Roger Street and a block of residential flats, Nos 1-4 Mytre Court, on John Mews. The development was first listed in 2010 at Grade II. It was designed in 1937 by Desmond Edmund Harrington and completed by 1938, with some minor later alterations.
8. Drawing on its list description, its architectural and historic significance is derived from several factors, including its stylish art deco-influenced design characteristic of the 1930s, and the mixed-use nature of the development which was a forward-looking concept for its time. The eight-storey office block, situated on the corner of John Street and Roger Street, is a steel-framed building, adorned with artificial stone facing to the ground and first floors with red brick on the floors above and largely uniform metal casement windows. The rest of the complex, comprising the public house and the block of flats to the rear drops to three and four storeys, respectively.
9. The entrance to the office building is flanked by two tall columns with sculpted tops, each depicting a woman, in the stylised fashion of the 1930s. Its third storey is accentuated by stone banding above and below the windows following the contours of the building. The floors above exhibit consistent red brickwork and regular fenestration, until the setback of the top storey with its curved wall and artificial stone cornice forming an impressive and stylish deep projecting canopy, inset with 6 glass block panels, on the John Street elevation. In combination with the flat roof bounded by iron railings above, the top storey evokes an ocean liner and its deck, a common motif in many art deco-influenced buildings.
10. The building is also within sub-area 10 of the BCA. The BCA Appraisal and Management Strategy (BCAA)² identifies the townhouses along John Street and Doughty Street, just to the north, as of particular significance as they are almost complete three or four storey Georgian terraces, many of which are listed, with John Street dating from the mid-18th century and Doughty Street from the late 18th to the early 19th century. The fine art deco detailing of the Grade II listed appeal building is also referred to in the BCAA. Whilst it is noted that the office block building is significantly larger than its neighbours, according to the BCAA a number of other corner plots in the area were refaced

¹ February 2019

² Adopted 18 April 2011

in the 19th century, giving a greater architectural emphasis to buildings at street junctions. Furthermore, quoting from the list description, the BCAA notes that the appeal building '*responds in scale and materials to the streetscape of Georgian Bloomsbury*'. The grid layout and the grand, spacious thoroughfares of John Street and Doughty Street also provide good north and south views, noted in the BCAA, which encompass the appeal building.

11. The eighth storey of No 21 is visually differentiated from the plainer floors immediately below by its architectural features and detailing, including its set-back, curved walling, banded rustication in the brickwork between windows, artificial stone cornice and dramatic projecting canopy. Those features and that detailing echo the horizontal stone banding on the third storey, and clearly signify the intentional termination of the building.
12. There is already a small brick-built service and lift overrun structure on the roof. However, expanding the built form, by adding a more prominent additional residential floor around it, would undermine the architectural integrity of the original design. The progression of the building from ground level to its eight-storey finish is clearly conceived in its design and realised in its construction. Therefore, the proposal would have an adverse effect on the current strong and deliberate form of the listed building.
13. Whilst some corner plots in the BCA are occupied by buildings with greater prominence than the surrounding three and four storey terraces, the appeal building is already eight storeys. Notwithstanding the proposed setback, and references in its design and materials to the existing building, the additional height and bulk of the extension would be noticeable in significant medium and longer-range views from public vantage points along John Street, Doughty Street and from Roger Street, where the building is framed by adjacent development.
14. Given the height of the existing building, already significantly taller than the adjacent Georgian terraces, and the rooftop location of the addition, I disagree with the opinion expressed within the appellant's Heritage Appeal Statement (HAS)³ that the extension would be read as a subservient addition to the building. Rather, it would accentuate the height of an already tall, landmark building adding to its prominence.
15. Setting is defined in the Glossary to the Framework as the surroundings in which a heritage asset is experienced. The definition also says that elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate its significance or be neutral. Part of the significance of the listed terraces along Doughty Street and John Street is that they form almost complete Georgian streets which impress with their elegance and consistent, simplified Classical principles and proportions.
16. In medium and longer-range views from the south along Doughty Street in particular, one experiences and appreciates the continuity and completeness of the listed terraces, which contributes to their significance. The appeal building is already a tall, prominent feature within the backdrop to the listed terraces and forms part of their setting. In accentuating the height and bulk on top of the roof, the proposal would result in an increased level of visual distraction and competition from the appeal building, which would draw the eye and

³ Prepared by: Heritage Collective (August 2018)

adversely affect the ability to fully appreciate the elegant simplicity and completeness of the terraces, which forms part of their significance. Therefore, the proposal would detract from the setting of the listed terraces by partially compromising the existing views along Doughty Street and John Street, which are also referred to in the BCAs.⁴

17. Although the trees lining John Street and Doughty Street were in leaf when I visited, providing partial screening of parts of the appeal building in some views, the building and its upper storeys were still clearly visible from various points along those streets. In the winter months, when the trees will have dropped their leaves, visibility is likely to be even greater. Therefore, the increased expansion of built form at the top of the building would have an adverse effect on the current vistas within the BCA and on the settings of the nearby listed terraces.
18. As already noted, the design, materials and fenestration of the extension would mimic those of the listed building, and it would be set back from the edge of the roof. However, whilst those mitigating factors are acknowledged, they would not sufficiently overcome the more fundamental negative effect that an additional floor would have in noticeably compromising the original design form of the Grade II listed building, which already appears complete. Camden Planning Guidance: Design CPG 1⁵, a supplementary planning document, indicates, at paragraph 5.8, that roof alterations or additions are likely to be considered unacceptable where the building is designed as a complete composition and its architectural style would be undermined by any addition at roof level. In my view, the appeal proposal would have such an effect.
19. Whilst the existing lift shaft overrun on the roof does not enhance the appearance of the building, it is a relatively minor structure, with a small footprint, and is set well back from the northern and north-eastern edges of the roof, which are the most visible elevations in views from Doughty Street, John Street and Roger Street. The proposed extension wrapping around that structure would extend the built form significantly across the roof, bringing it closer to the edge of the building. Therefore, the additional storey, atop an already tall building, would increase its prominence in public views and when seen from the upper floors of some surrounding buildings, to the detriment of the host building and the character and appearance of the BCA.
20. The appellant refers to three examples of allegedly comparable approved roof extensions within the BCA. However, the Council advises that those relating to 112-116 New Oxford Street and 64 Grafton Way did not concern listed buildings, which distinguishes them from the appeal proposal. In relation to 99 Great Russell Street, a Grade II* listed building, the Council says that the proposal was not for a roof extension but related to a roof to be erected over a lower ground floor lightwell. Therefore, whilst I have limited details of those approved schemes, it appears that there are significant differences between them and the appeal proposal. Moreover, all cases must be judged on their individual merits, which is the approach I have taken in assessing the proposal before me.
21. Change should not be automatically equated with harm and it is acknowledged that the Act and the Framework are not intended to prevent all change to listed

⁴ Appendix 3: Sub Area 10: Great James Street/Bedford Row

⁵ July 2015 Updated March 2018

- buildings or in conservation areas. However, whilst attempts have been made in the design and proposed materials to mitigate the negative effects of the proposal, in this case they are not sufficient to overcome the detriment to listed buildings and the BCA.
22. Given the above factors, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building and adversely affect the settings of the adjacent listed terraces on John Street and Doughty Street. It would also harm the character and appearance of the Bloomsbury Conservation Area (BCA), considered as a whole.
23. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or a conservation area, great weight should be given to the asset's conservation. That is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Framework paragraph 194 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
24. Given that the extension would be inset, have design elements sympathetic to the host listed building, would be in the backdrop rather than the foreground of the settings of other listed buildings and involves one building in part of the BCA, I find the overall harm to be less than substantial, but nevertheless of considerable weight and importance.
25. In such circumstances, paragraph 196 of the Framework indicates that the 'less than substantial' harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of listed buildings.
26. The appellant appears to accept, in accordance with the findings of their own HAS, that the proposal would cause 'less than substantial harm'. However, the appellant holds that the harm would be outweighed by public benefits. The appellant's submissions and the HAS attempt to introduce further gradations of harm into the Framework's 'less than substantial harm' category, referring variously to a '*low level*' or a '*very slight level*' of less than substantial harm, in relation to effects on 21 John Street and the character and appearance of the BCA.
27. However, the Framework refers to 'substantial harm', 'total loss' or 'less than substantial harm' and is clear that great weight should be given to the conservation of heritage assets notwithstanding which category of harm is identified. The Act also requires similar special regard to be given to effects on heritage assets. Therefore, I do not find it necessary, appropriate or particularly useful to interpolate further degrees of harm within those categories. Once 'less than substantial' harm to designated heritage assets is identified, paragraph 196 of the Framework requires the harm to be weighed against the public benefits.
28. The appellant submits that an additional residential unit will guarantee the long-term viable use of the building and enable it to be maintained and conserved. However, I understand that the upper six floors of the eight-storey office building were converted to residential flats following consents given in

2013, with the ground and first floors presumably still in office use. Therefore, an additional 1-bedroom flat is unlikely to be determinative in the future viability and conservation of the building. Consequently, I give little weight to that public benefit proposition.

29. Whilst the appellant refers to the draft London Plan and potential increases in housing targets, the plan is still undergoing examination and is yet to be found sound or adopted. Therefore, it attracts limited weight. Nonetheless, the existing housing targets and the Government's objective of significantly boosting the supply of housing, articulated in paragraph 59 of the Framework, are relevant. Similarly, the important contribution that small and medium sized sites can make to meeting the housing requirement for an area is also recognised in paragraph 68 of the Framework.
30. It is accepted that the proposal would provide an additional residential unit in a sustainable location with an excellent Public Transport Accessibility Level (PTAL) of 6a. However, whilst smaller sites can contribute and all additional units have some value, a single one bed flat ultimately represents a relatively limited addition to the supply of housing. Moreover, whilst the appellant submits that there is a demand for one and two bedroom units, it has not been suggested that the Council is falling short of its annual housing targets.
31. Therefore, given the relatively limited nature of the public benefits, I conclude that they are insufficient to outweigh the less than substantial harm already identified, in relation to the failure to preserve the special interest of the listed building, the settings of nearby listed terraces and the character and appearance of the BCA. It follows that the proposal would not satisfy paragraph 192 of the Framework or policies D1 and D2 of the Camden Local Plan 2017, which seek to ensure that development respects local character and context and that Camden's rich and diverse heritage assets are preserved.

Other Matters

32. The Councils second reason for refusal, in relation to Appeal A, concerned the absence of a legal agreement to secure 'car free' housing. That was required to encourage the use of sustainable modes of transport, reduce impacts on traffic volumes and the demand for on-street parking in the area. The appellant accepts the need for such an agreement and has submitted a completed Unilateral Undertaking (UU) during the appeal. The Council objects to some of the clauses within the UU, which it considers unacceptable. Therefore, there is dispute between the parties about the content of the UU. However, as I am dismissing the appeal on other substantive grounds, there is no requirement for me to reach a finding on the submitted planning obligation, as it would not affect the outcome of the appeal.

Conclusion

33. For the reasons given above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

JP Tudor

INSPECTOR