
Appeal Decisions

Site visit made on 9 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 06 September 2019

Appeal A - Ref: APP/X5210/W/19/3227700

9 John Street/9 Northington Street, London WC1N 2ES

- 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 Floc Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/4025/P, dated 17 August 2018, was refused by notice dated 31 October 2018.
 - The development proposed is erection of single storey roof extension to Northington Street elevation and installation of glazed link at roof level in association with provision of additional office floorspace (B1).
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Appeal B - Ref: APP/X5210/Y/19/3227702

9 John Street/9 Northington Street, London WC1N 2ES

- 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 Floc Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/4339/L, dated 17 August 2018, was refused by notice dated 31 October 2018.
 - The works proposed are erection of single storey roof extension to Northington Street elevation and installation of glazed link at roof level.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. I have taken the descriptions in the banner headings above from the Council's decision notices and the appeal forms, as they more fully and accurately describe the proposal than that used in the application forms.
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). Although the Framework was updated in February 2019, after the applications were determined, the parties have been able to take account of any relevant changes during the course of the appeals.

Main Issue

5. The main issue, relating to both appeals, is the effect of the proposal on the special interest of the Grade II listed terrace at 2-9 John Street, of which the appeal property forms a part, the effect on its setting and on the character and appearance of the Bloomsbury Conservation Area (BCA).

Reasons – both appeals

6. The appeal site consists of linked buildings at 9 John Street and 9 Northington Street in office use. The building at 9 John Street forms part of a Grade II listed terrace at 2-9 John Street. Although the building to the rear at 9 Northington Street is not specifically referred to in the list description, the appellant's Heritage Statement (HS)¹ confirms that *'no.9 Northington Street forms part of the listed building due to the amalgamation of the two sites and the degree of physical attachment at the time of statutory listing in 1951.'*² The Council treated the applications on a similar basis, and I see no reason to take a different view. The site also lies within 'Sub Area 10, Great James Street/Bedford Row' of the BCA.
7. It is proposed to construct an additional floor on top of the flat roof of the building on 9 Northington Street. The roof extension would be slightly set back from the existing brick parapet on the northern elevation with a curved section on the north western corner set further back. The extension would be clad in bronze coloured perforated aluminium panels. A glazed link from it would connect to an existing external door, lift shaft and stair tower.
8. The building at 9 John Street is at the end of the listed terrace and stands next to the Lady Ottoline public house, which is on the corner of John Street and Northington Street. This listed terrace of Georgian townhouses from 2-9 John Street dates from the mid-18th century. The houses comprise four storeys resolved at a parapet plus basements. Although there is variation at No 6 which was rebuilt and restored in 1989, the houses along the terrace are three bays wide with simple, elegant front elevations constructed of multi-coloured stock brick with plain brick bands at first and second floor level. They have timber sash windows, Doric pedimented door surrounds with fanlights above and black metal railings to the front enclosing basements. Along with similarly designed listed terraces opposite and those further north along John Street and Doughty Street they combine to form an impressive, largely consistent tree-lined thoroughfare of 18th and 19th century Georgian townhouses.
9. Intersecting the main streets are more minor cross streets, such as Northington Street and Roger Street. The BCA Appraisal and Management Strategy (BCAA)³ refers to those streets as relatively narrow and more varied in character with different building types, styles and ages. It also says that: *'The streets' lesser status in the area is evident in the scale and orientation of buildings and a history of mixed uses such as small shops and public houses. These uses remain with some office and residential uses, giving the area a distinct varied character.'* Nevertheless, the appeal site stands immediately opposite a grade II listed 18th century house and shop at 8 Northington Street and just to the east of the Lady Ottoline public house, which, along with the

¹ Prepared by Fuller Long: Dated 12.10.17

² Paragraph 2.7 of HS

³ Adopted 18 April 2011

host building at 9 Northington Street itself, are noted within the BCAs as positive contributors to the BCA.

10. Given the above I find that the special interest of the appeal buildings, derives principally from the architectural quality and simple elegance of the principal façade of the listed terrace along John Street. It also rests, as noted in the appellant's HS, on the historic and architectural contribution to the planned development of this part of the BCA and on the strong relationship with other groups of listed terraces opposite and to the north.
11. Whilst the appeal building along Northington Street, dating from the 1860s, is more modest, that is in keeping with the nature, character and original function of these narrower and more varied cross streets which link to mews to the rear (Kings Mews in this case), which served the grander townhouses on the main thoroughfares. Nonetheless, the three storey (with half-basement) Northington Street façade, comprising yellow brickwork, symmetrical fenestration across six bays and parapet, is simple, well-proportioned and generally pleasing to the eye. The building became combined with 9 John Street in the mid-20th century into a single office use, which reflects the more recent history of the buildings. Therefore, 9 Northington Street, makes a positive, if humbler, contribution to the special interest of the listed terrace and to the significance of the wider BCA.
12. The appellant asserts that views of the proposed roof extension on Northington Street from John Street would be limited and transient. However, as I saw on my site visit, walkers, in particular, would have clear views along that side street from the junction with John Street, as confirmed in site photographs and 'visualisation' images of the proposed extension submitted by the appellant. Currently, the outlook from the far side of that junction encompasses the attractive Lady Ottoline public house in the foreground, which curves around the corner and leads the eye towards the 19th century brick façades on the south side of Northington Street, with the elegant listed terrace stretching out along John Street completing the field of vision.
13. The host building at No 9 is already one of the taller buildings along Northington Street, with its flank wall exposed by the lower adjacent building at No 11 and the rear dropdown to two storeys of the Lady Ottoline public house. Whilst there are some more modern buildings along Northington Street, they are not prominent from this viewpoint.
14. Within that context, a contemporary, glazed extension clad in bronzed aluminium perforated panels atop the flat roof of the modest building at No 9, would present as an incongruous addition in the street scene that would inevitably draw the eye. The proposed design and materials would appear out of character with the generally more modest nature of the buildings on that side of the street. The minor setbacks of the extension from the edge of the roof would do little to mitigate the increased height and bulk and the intrinsically ostentatious design which would jar with and detract from the simple, balanced façade of the host building below and the reserved nature of adjacent buildings.
15. Its form, height and materials would also create an unwelcome visual distraction from both the 19th century Lady Ottoline public house and the elegance of the main listed terrace along John Street, adversely affecting its setting. Furthermore, given the intentionally subsidiary nature of development

along these minor streets, so as not to detract from the architectural quality and aesthetic appeal of the buildings along the main thoroughfares, the prominence and atypical form of the extension would have a negative effect on the character and appearance of the BCA. Whilst the appellant has latterly suggested that the design details and materials could be conditioned, that would not sufficiently mitigate the harm occasioned by the scale, height and bulk of the extension interrupting the roofscape.

16. The appellant says that there are roof top extensions which contrast with the host buildings below and modern ancillary additions along Roger Street, another cross street to the north. However, it is not suggested that those extensions or additions are on top of listed buildings. Photographs of two examples have been provided by the appellant, which I also viewed on my site visit. One is located further towards Grays Inn Road and appears relatively unobtrusive in design and appearance, when viewed from John Street. The other is on the next block closer to John Street and, whilst I do not know the circumstances that may have led to that scheme being approved, I consider that it does have some detrimental effect on the character and appearance of the area. Therefore, I do not consider that it justifies approving another scheme that would also cause harm. In view of the above factors, I give limited weight to those precedent arguments. In any event, all proposals and contexts have their differences and I have considered the appeal proposal before me on its own particular merits.
17. Whilst the cross streets have a variety of buildings within them, which differs from the greater uniformity of the Georgian terraces along the mains streets, that does not automatically legitimise exacerbating that contrast by erecting discordant extensions. That is especially so, if increasing the height, scale and prominence of existing buildings begins to erode the essentially subordinate character and function of those more minor streets compared with the main thoroughfares, such as John Street. In my view, the proposed extension would have that effect.
18. The appellant includes an extract from an appeal decision relating to a roof extension on an historic building elsewhere in London.⁴ However, limited details have been provided, and the Inspector appears to be making a general and uncontroversial point that '*many buildings can be extended successfully*'. That is accepted but the effect of a specific proposal still needs to be assessed in its particular context, which is the approach that I have taken in determining this appeal.
19. Overall therefore, I conclude that the proposed roof extension would fail to preserve the special interest of the Grade II listed terrace, of which the appeal property forms a part, and have an adverse effect on its setting. It would also fail to preserve or enhance the character and appearance of the BCA.
20. It follows that the proposal would conflict with policies D1 and D2 of the Camden Local Plan 2017. Amongst other things, those policies seek to ensure that development respects and complements local character and context, including in terms of details and materials, and that it preserves and, where appropriate, enhances Camden's rich and diverse heritage assets and their settings, which includes listed buildings and conservation areas.

⁴ 2007638

21. The proposal would also fail to comply with the Act and paragraphs 127.c) and 192 of the Framework which, whilst not preventing or discouraging appropriate innovation or change, also seek to ensure that proposals are sympathetic to local character and history, including the surrounding built environment, and that they sustain and enhance the significance of heritage assets.
22. In accordance with the Act and paragraph 193 of the Framework, I give the harm identified to the significance of designated heritage assets great weight. However, I am also conscious that the host building is to the rear of the listed terrace and on a side street where public views are less extensive than along the main thoroughfares. Although considered as part of the listed terrace, that building is also of a later date, and the main listed terrace façade is not being altered. Moreover, the proposal affects one building located on one of the more minor and varied cross streets within the BCA. Given the above, I find the overall level of harm to the significance of designated heritage assets to be, in the language of the Framework,⁵ 'less than substantial'.
23. Paragraph 196 of the Framework indicates that 'less than substantial harm' to the significance of designated heritage assets should be weighed against the public benefits of the proposal, which can include securing the optimum viable use of listed buildings. Whilst no public benefits have been specifically advanced by the appellant, the proposal would lead to an increase in office/employment space, although there is no evidence to suggest that the additional floor is necessary for the continued viable use of the buildings. There would also be some economic benefits including those associated with the construction phase, in terms of short-term employment opportunities and the purchase of building materials. However, given the great weight that even 'less than substantial' harm to designated heritage assets attracts, I consider that those limited benefits are insufficient to outweigh the harm.

Other Matters

24. With regard to Appeal A, the Council's second reason for refusal concerned the absence of a legal agreement to secure a Construction Management Plan (CMP) and the associated 'Implementation Support Contribution' of £3,136.00, relating to assessment, monitoring and enforcement of the CMP by the Council. There is no completed s106 Agreement before me and there is dispute between the parties as to whether it would be appropriate to deal with the matter by condition. Given that I am dismissing the appeal on other substantive grounds there is no requirement for me to make a finding on this matter, as it would not affect my decision.

Conclusion

25. 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

⁵ Paragraphs 193 and 196