



Appeal Decision

Site Visit made on 27 October 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/X5210/W/21/3275292

Albany House, 41 Judd Street, LONDON, WC1H 9QS

- 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 Scott Franklin (Cliffgold Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/2247/P, dated 21 May 2020, was refused by notice dated 24 November 2020.
 - The development proposed is erection of a roof extension to provide 1 x 1 bedroom flat and 1 x 2 bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, the new London Plan was adopted on 2 March 2021 and the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance to their respective cases of these revisions to local and national policy during the appeal process.

Main Issues

3. The Council's decision notice sets out four reasons for refusal. Reasons 2, 3 and 4 relate to the absence of a legal agreement to respectively secure an affordable housing contribution; car-free development; and a construction management plan and financial contributions towards monitoring and an impact bond. The appellant has submitted a completed Section 106 Agreement with the appeal. The Council has confirmed that the agreement would secure the contributions sought, and that it would therefore overcome these reasons for refusal. As such, they no longer form main issues in this case, though I still consider the suitability of the legal agreement below.
4. The main issue therefore is the effect of the proposal on the heritage significance of the Bloomsbury Conservation Area.

Reasons

5. The appeal relates to a six storey (including sunken lower ground floor), red brick mansion block located on the north-western corner of Judd Street and Tavistock Place. The building is L-shaped, with the main elevation fronting Judd Street, a prominent gable on the corner, and a further elevation on Tavistock Place. The Judd Street section of the building has a shallow pitched roof with dormer windows, whilst the Tavistock Place side has a flat mansard roof. The

- surroundings of the appeal site includes similar red brick mansion blocks of five to six storeys, mainly dating from the late Victorian/Edwardian period.
6. The appeal building is located within the Bloomsbury Conservation Area (BCA), a sprawling conservation area stretching from Euston Road in the north to High Holborn in the south, and from Tottenham Court Road in the west to King's Cross Road in the east. It is described in the Council's Conservation Area Appraisal (April 2011) (the CAA) as an internationally significant example of town planning, with formal landscaped squares and an interrelated grid of streets, interspersed with several major institutional uses established in the area, including museums, universities and hospitals.
 7. The site lies within the Cartwright Gardens/Argyle Square sub-area, the significance of which derives from the formal early 19th century street pattern and layout of open spaces, and the relatively intact surviving terraces of houses. The CAA notes the series of Edwardian mansion blocks in Judd Street and other parallel streets, which differ in heights and scales, but share a common vocabulary of red brick. It also recognises the several high quality developments dating from the late Victorian period to the 1950s on both sides of Judd Street and Hunter Street. The CAA also identifies the predominance of red brick and ornate detailing, as found in the larger scale mansion blocks of the later 19th century in Tavistock Place.
 8. I have had regard to the comments made in respect of the perceived quality of the building by both parties. From my own observations, I find that the appeal building, though not as ornate in its design as some neighbouring buildings, is nonetheless representative of the surrounding character. It forms a prominent corner building visible from the east on Tavistock Place/Regent Square and from the southern approach on Hunter Street. It has a well-ordered, largely symmetrical façade, with the notable exception of the offset front entrance door. This symmetry and proportion extends to the roof level, where a clean parapet line defines the roofline on both elevations, which adds to the overall quality of the building's composition. Its scale also matches that of surrounding development and befits its location on a prominent street corner. The CAA identifies the building as a positive contributor to the BCA. The appellant argues that the Council has not justified this position, pointing out that the building was not designed as a landmark building, and is simpler in design relative to other mansion blocks in the area. However, for the above reasons, and having viewed it in its context, I find that the building, through its scale, materiality and design, makes a positive contribution to the late-Victorian/Edwardian townscape of the area.
 9. The proposed extension would be located at main roof level. The shallow pitched roof to the Judd Street side would be extended rearward, creating a partially higher, but more recessed, roof ridge. The mansard roof to the Tavistock Place side would also be extended upwards to form a barrier for a proposed roof terrace, behind which would be the massing of the proposed flat-roofed extension, with the façade facing the terrace composed mainly in glass to take advantage of the southerly orientation.
 10. The setting back of the extension on the Tavistock Place side would be visible from the Judd Street side, where the raised ridge line would start inside the line of the first dormer, resulting in a visible and awkward step to the roof. The extension would also not respect the symmetry of the Judd Street façade,

being offset to the southern side. The raised roofline would appear out-of-proportion with the existing roof, particularly due to it extending above the height of the chimney stacks. As a result, the extension would form a disjointed addition that would fail to integrate with the proportionate and balanced form of the existing roof. Similarly, on the Tavistock Place elevation, the raised parapet to the mansard roof would create a visibly taller top storey to the building that would be larger than the floors below. This would upset the proportions of this elevation, with the mansard roof appearing dominant and top heavy, in contrast to the more recessive form which presently exists.

11. The appellant has provided photomontages designed to show that the extension would not be readily visible from street level. However, contrary to the appellant's conclusions, I saw that the extension would be visible from Hunter Street to the south, where it would appear as a discordant and uncharacteristic feature above the principal parapet line of the building. I accept that the altered roofline to the Judd Street side would be concealed in longer views from Regent Square to the east by street trees when they are in leaf, but it would become visible during the winter months, and also if the street trees undergo pruning. I also saw that the altered roofline would be seen from closer vantage points, such as at the corner of Wakefield Street. Indeed, the photomontages show the massing of the extension in the views from the east, but my observations on site lead me to conclude that the visual impact of the extension would be more obvious than shown in the submitted images. Moreover, the discordant form of the extension and its effect on the overall appearance of the appeal building would also be readily visible from the upper floors of buildings surrounding the development.
12. For these reasons, I find that the proposed extension would harm the overall appearance of the building, and in doing so would diminish its contribution to the surrounding historic townscape and the wider character and appearance of the conservation area. This would result in harm to the significance of the designated heritage asset. Consequently, there would be conflict with Policies D1 and D2 of the Camden Local Plan (2017), which together require development to be of the highest architectural and urban design quality, which complements and enhances the distinct local character and identity of the area, and to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

Planning Obligation

13. The appellant has provided a signed and dated Section 106 agreement that would secure provision and implementation of a Construction Management Plan, an affordable housing contribution of £33,200, a Construction Management Plan bond of £7,500 and a CMP Implementation Support contribution of £3,136. The Council's Statement of Case sets out the basis for these planning obligations, including calculation of the amounts, with reference to development plan policy and supplementary planning guidance.
14. The Section 106 agreement also provides for the development to be 'car-free' by restricting eligibility of future occupants from applying for a parking permit, as required by Policy T2 of the CLP. This would be enforceable as the agreement is also made under Section 16 of the Greater London Council (General Powers) Act 1974 and other powers.

15. I am satisfied that each of these obligations meets the tests for planning obligations at Paragraph 55 of the Framework. Accordingly, I have taken these obligations into consideration. However, with the exception of the affordable housing contribution, the obligations in this case are required to mitigate potential adverse effects of the development. Therefore, they are neutral factors in the planning balance. The affordable housing contribution would be a benefit of the scheme, but one attracting limited weight in view of the scale of the contribution.

Other Matters

16. I have had regard to other concerns raised by interested parties. These include matters relating to existing building management issues which are not relevant to the planning merits of the appeal, and therefore are not matters that I address further.
17. The Council did not refuse the application on the basis of harm to the living conditions of neighbouring occupants or the standard of accommodation to be provided. Based on everything I have seen and read, including views taken at roof level, I have no reasons to reach different conclusions in these respects. However the absence of harm in these matters is a neutral consideration in the planning balance weighing neither for nor against the proposal.

Planning Balance and Conclusion

18. The harm to the designated heritage asset in this case would be less than substantial, in the language of the Framework. Paragraph 202 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The provision of two additional residential units to the Borough's housing stock would be a public benefit, but even having regard to the housing trajectory projections of the CLP referred to by the appellant, the proposal would make only a limited contribution in this respect. Associated economic benefits arising from construction activity in implementing the scheme, and from future patronage of local services by occupants of the flats, would be similarly limited in scale. The affordable housing contribution would be a further limited benefit in this case.
19. Taken cumulatively, these public benefits would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight.
20. In conclusion, the proposal would comply with the development plan in a number of respects; however, the harm identified to the heritage significance of the BCA results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case would not outweigh this conflict. Therefore, for the reasons set out, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR