
Appeal Decision

Site visit made on 3 June 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/X5210/W/25/3359191

Offices And Premises At Unit 5 Ground Floor 37 Great Russell Street, London WC1B 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms O Weinberger of 36-37 Great Russell Street Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/5112/P.
 - The development proposed is change of use of part of the ground floor from Class E (office) to Class C3 (residential) with associated external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed what appeared to be a recently completed residential unit. However, this was a two-bedroom flat with a separate kitchen and living area. This contrasts significantly with the open-plan studio layout shown on the appeal drawings, which formed the basis of the Council's decision. Additionally, the plans include a skylight that was not present in the unit I observed.
3. The appellant has confirmed that planning permission is sought for the studio flat shown on the submitted drawings, rather than for what has been built. I have therefore determined the appeal based on the plans considered by the Council.

Main Issues

4. The main issues are:
 - whether the proposal would accord with the policies of the development plan relating to affordable and car-free housing; and
 - whether future occupiers of the proposed development would be provided with suitable living conditions, with specific regard to sunlight, outlook and internal layout.

Reasons

Affordable and car-free housing

5. Policy H4 of the Camden Local Plan 2017 (the CLP) seeks to maximise the supply of affordable housing and requires a contribution to affordable housing from all developments that provide one or more additional homes.

6. The Council's delegated report identifies a required affordable housing contribution of £24,800, calculated in accordance with its adopted policy. The appellant does not dispute this figure, and there is no evidence before me to suggest it is inaccurate. This contribution is therefore necessary to ensure compliance with Policy H4 and to meet the tests for planning obligations set out in paragraph 58 of the National Planning Policy Framework (the Framework).
7. In order to promote sustainable transport, Policy T2 of the CLP requires all new developments in the borough to be car-free. The appellant confirms that the proposal is intended to be car-free, with restrictions on future residents applying for parking permits. This is to be secured through a planning obligation. Given the requirements of the development plan, such an obligation is necessary.
8. A signed Unilateral Undertaking (UU) has been submitted with the intention to secure both the affordable housing contribution and the car-free restriction. However, the UU does not include provisions for either the Council's monitoring costs or indexation of the financial contribution.
9. The Planning Practice Guidance (the PPG) confirms that local planning authorities may seek contributions towards the cost of monitoring planning obligations, provided that the charge is proportionate, reasonable and reflects the actual cost of monitoring. The Camden Planning Guidance: Developer Contributions (March 2019) (the CPG) is a formally adopted Supplementary Planning Document and is therefore a material consideration in the determination of this appeal. Paragraph 6.9 of the CPG explains that monitoring and implementation of planning obligations requires significant Council resource and that associated costs should be borne by the developer. The CPG sets a standard monitoring fee per head of term, which is expected to be included in all planning obligations. Both the affordable and car-free housing elements of the obligation would require ongoing administration, and the lack of a monitoring fee would undermine their effectiveness. This is also supported by Policy DM1 of the CLP, which outlines how the Council will monitor the implementation of development plan policies to deliver its objectives.
10. The absence of an indexation clause means that the affordable housing contribution is not protected against inflation. The CPG outlines that financial contributions secured through planning obligations are expected to be index-linked to ensure they retain their value over time. Section 6.11 specifically references "index linked calculations" as part of the Council's monitoring responsibilities, and Section 6.13 states that charges will be reviewed annually using inflation indices published by the Office for National Statistics. These provisions establish indexation as a standard and necessary component of developer contributions. Without indexation, the contribution may fall short of the amount required to meet the objectives of the development plan in real terms.
11. There are other areas of disagreement between the parties regarding the UU, including clause referencing and the precision of certain definitions. However, it is not necessary to reach a definitive view on those matters given the clear and substantive shortfalls concerning monitoring and indexation. These omissions undermine the effectiveness of the obligation and mean that the UU does not secure the necessary mitigation to make the development acceptable in planning terms.

12. Whilst the appellant maintains that the issues with the UU are technical and minor, the absence of both monitoring and indexation provisions constitutes a substantive deficiency that materially undermines the enforceability and effectiveness of the obligation. Although the appellant has expressed a willingness to amend the UU to include these provisions, the Procedural Guide: Planning Appeals – England (30 June 2025) makes clear that a decision should not be delayed to await a revised obligation unless very exceptional circumstances exist. No such circumstances have been demonstrated in this case.
13. Where obligations are necessary, they must be legally enforceable and meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 58 of the Framework. In this case, the submitted UU fails to meet those tests. Accordingly, it cannot be relied on to comply with the policies of the development plan relating to affordable and car-free housing. The development would therefore conflict with Policies H4, T2 and DM1 of the CLP, the aims of which have previously been set out.

Living conditions

14. Among other objectives, Policies D1 and H6 of the CLP, and Policies D3 and D6 of the London Plan, March 2021 (the LP), require the layout and design of new housing to be of high quality, including providing adequate sunlight and outlook. The Council's concerns in respect of this issue focus on the quality of outlook, sunlight, and the internal layout of the building, including the entrance route.
15. The proposal is accompanied by a Daylight and Sunlight Study (the DSS), which is stated as being prepared in accordance with BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (3rd edition, 2022) (the BRE Guide). In terms of sunlight, although the DSS notes the vertical windows alone would not meet the BRE Guide target of 1.5 hours on 21 March, the inclusion of a skylight providing 2.5 hours of sunlight would meet this requirement. The DSS also includes an assessment of annual probable sunlight hours (APSH), showing that the room would receive between 62 and 665 hours of sunlight annually, indicating a reasonable level of sun exposure throughout the year. Accordingly, I am satisfied that the proposed unit would be acceptable in terms of the provision of sunlight.
16. The unit would be single aspect, with its only outlook facing a boundary wall approximately 3.5 metres away. Although this limits direct views, the submitted drawings and CGIs illustrate that the large, glazed opening would allow views of the sky and neighbouring buildings beyond, and the proposed green living wall could be secured by condition, which would help soften the immediate outlook. In the context of a ground-floor unit in a dense urban setting, Part B of LP Policy D3 recognises that single-aspect dwellings may be appropriate in certain circumstances. Given this, I am not persuaded that the proposal would result in an unacceptable standard of outlook.
17. The Council also raises concerns about the internal layout, particularly the unit's access via a corridor flanked by bin stores and a cycle store. Whilst the proposed arrangement is not ideal, the corridor is a communal area separate from the habitable space and could be appropriately sealed and ventilated to mitigate potential impacts from noise or odour. Accordingly, whilst the entrance experience would not be ideal, the layout would not, in itself, result in unacceptable living

conditions. As such, I am not convinced that the layout would be so poor as to conflict with the aims of the development plan.

18. For these reasons, I therefore conclude that the proposed development would provide adequate levels of sunlight and outlook, and a reasonable internal layout, thereby providing suitable living conditions for future occupiers. In respect of this issue, the proposal would accord with Policies D1 and H6 of the CLP, and Policies D3 and D6 of the LP, which collectively seek to ensure that new development provides a good standard of design and living conditions.

Planning Balance

19. Paragraph 11.d) of the Framework states that where the most important policies for determining proposals are out-of-date, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
20. Footnote 8 of the Framework clarifies that for applications involving the provision of housing, paragraph 11.d) applies where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council confirms it currently falls short of this requirement, meaning paragraph 11.d) is engaged.
21. Having regard to my findings on the main issues, Policies H4 and T2 of the CLP, which relate to affordable housing and sustainable transport, are the most important development plan policies for determining this appeal in terms of the paragraph 11.d) balance. These policies align with the objectives of the Framework and are not out-of-date.
22. The proposal would contribute an additional dwelling in a highly sustainable location and within an area where there is a defined housing need. It would also make efficient use of the land. These are benefits that weigh in favour of the proposal. However, given the modest scale of the development, the benefits are limited.
23. Weighing the benefits against the harm, I find that the conflict with the development plan would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal is not supported under the paragraph 11.d) balance.

Conclusion

24. Although I have identified no harm in respect of the living conditions of future occupiers, the proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR