



Appeal Decision

Site visit made on 1 July 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Appeal Ref: APP/X5210/W/25/3360840

Glebe House, 15 Fitzroy Mews, Camden, London W1T 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Earlspring Property Investments Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/3123/P.
 - The development proposed is erection of an additional storey to create 2 residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the appeal process, a Planning Obligation by way of a Unilateral Undertaking (UU) made under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted. This covers various matters including amongst others, car free housing, two long stay cycling spaces, affordable housing, Construction Management Plan (CMP), CMP Implementation support contribution and Construction Impact Bond. I return to this matter below.
3. The Council's Officer's report and Statement of Case refers to a number of nearby listed buildings namely, 106 Cleveland Street (Grade II) (No 106) and 20-32 Fitzroy Square and attached railings (Grade II*) (Nos 20-32)¹. The reasons for refusal do not specifically refer to these listed buildings and I have sought confirmation from the parties regarding whether they consider the appeal site to be within the setting of the listed buildings. The Council has confirmed that it does consider the site to be within the setting of the listed buildings which is disputed by the appellant. Given that reference is made to the listed buildings within the Officer's report and Statement of Case and that both parties have had the opportunity to comment on this, I find that my assessment of this would not be prejudicial to any party and thus I have included this as part of my main issue.
4. In addition to being located within the setting of the above-mentioned listed buildings which I discuss further in my decision, the appeal site is also located within the Fitzroy Square Conservation Area (CA). I therefore have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Section 66(1) also requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had

¹ List Entry Numbers 1356771 & 1112996

regard to paragraph 212 of the National Planning Policy Framework (the Framework) which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Main Issue

5. The main issue of the appeal is the effect of the proposed development on the character and appearance of the host property and surrounding area, including whether it would preserve or enhance the character or appearance of the CA and preserve the setting of the listed buildings, No 106 and Nos 20-32.

Reasons

Site Surroundings and Significance

6. The appeal site comprises a post-war five storey building which fronts onto Cleveland Street to the west and onto the narrow Fitzroy Mews to the east. The building has retail on the ground floor and residential on the upper floors. It has a concrete frame with red facing brickwork and some rendered areas to the rear. There are feature bays to the Cleveland Street elevation in faced projecting concrete.
7. There are groups of buildings along Cleveland Street such as Nos 100-126 which contribute positively to the character of the area. This group includes No 106 which is a Grade II listed building, located approximately 4 buildings to the north of the appeal site. Whilst this building has a different character and is lower than the appeal site, they are both experienced together in views along the street. Development at the appeal site could therefore influence how such properties and their settings are experienced and their significance understood. Consequently, I find the appeal site to be within the setting of No 106.
8. No 106 is designated for its historical and architectural merit and has a notably detailed shopfront. I have had due regard to the listing description which sets out various elements of the building which are of architectural merit. I observed this building as part of my site visit where certain features of the historic building is visible within the street scene. The immediate area and public footways surrounding the building contribute to its significance by allowing the significance of the listed building to be appreciated within its surrounding context.
9. In terms of Nos 20-32, the appeal site lies to the west and rear and Nos 4 – 7 Fitzroy Mews (amongst others) abut these listed buildings to the rear, on the opposite side of the Mews from the appeal site. Although these buildings have a different relationship with the appeal site than that of No 106, the upper part of their rear elevation is visible above Nos 4-7 Fitzroy Mews and wider terrace which can be seen when looking down Fitzroy Mews from Cleveland Street and Carburton Street. This, coupled with the proximity between the appeal site and the listed buildings, then I find that the appeal site is also located within the setting of Nos 20-32.
10. Nos 20-32 front onto Fitzroy Square and are buildings which also contribute positively to the character of the area. Again, these buildings are designated for their historical and architectural merit, and I have had due regard to the listing description which sets out various elements of the building which are of merit.

These buildings are largely visible from Fitzroy Square with only the upper parts of their rear elevation visible from a short section along Cleveland Street and Carburton Street when looking down towards Fitzroy Mews.

11. The Fitzroy Square Conservation Area Appraisal and Management Strategy, 2010 (CAAMS) sets out that the CA is a distinctive and consistent area of late 18th and early 19th century speculative development. Owing to the relatively short period of its development, the area generally retains a homogenous character. It is an excellent example of Georgian town planning which combined dwellings with ancillary uses and services. The buildings vary in size and status, with the grandest overlooking the central formal, landscaped square, and the humblest located within the rear mews areas. Paragraph 4.5 of the CAAMS explains that generally, there is a transition from the grand scale and unified approach to the design of the terraces around most of the square, to repeated three- and four-storey townhouse forms on the surrounding streets. Paragraph 6.9 goes on to state that whilst there are subtle variations in the townhouses within the surrounding streets, there is a general uniformity and consistency in their character and detailing. The terraces generally have a strong and consistent parapet line above with elements such as party walls, mansards and chimneys can just be seen. There are subtle variations in the character and appearance of different streets that relate to their hierarchy in the urban structure.
12. Paragraph 6.33 of the CAAMS notes that, Fitzroy Mews retains its granite sett surface but has no buildings of note. The three-storey 20th century houses and offices on the eastern side take on a mews character and have large ground-floor openings with timber doors. It is also acknowledged that, the eastern side of the mews is dominated by five-storey red brick blocks of flats which have access walkways and balconies to the rear above first floor level. The existing building is set back at top floor level, in order to minimise its impact on to Cleveland Street and Fitzroy Mews. This helps to keep its uniformity and consistency with other buildings which is an important element which contributes to the character and appearance of the CA.

Effect of the development

13. The proposed development seeks planning permission to erect a single-storey extension to form an additional storey at fifth-floor level to provide two self-contained residential units. The extension would feature a similar footprint as the lower floor below it, with an extended stair/lift core, external terrace entrances, and a small secondary terrace for Unit 2. The existing facade at fourth-floor level would be removed and replaced with brickwork to match the lower levels, while the extension would be finished in a similar matching brickwork. The profile of the existing gable at fourth-floor level would be removed.
14. The CAAMS notes in paragraph 12.4 that alterations and extensions have had a detrimental impact cumulatively and individually on the character and appearance of the CA. Examples include, inappropriate roof level extensions, particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block or where they are overly prominent in the street.
15. Despite the proposed set back and balconies at upper floor level, the one-storey roof extension is poorly designed in its footprint, bulk, and integration with the existing building. When viewed from Cleveland Street (from the north and south),

the proposed roof extension would result in an awkward tiered form that is overly dominant and at odds with the scale and post-war style of the building. The bulk would be exacerbated by the lift overrun, which would be highly visible on the east side of the building when viewed within Fitzroy Mews. The existing parapet line has a taller height than the lower floors and that of the proposed roof extension. This would exacerbate the overall bulk resulting in harm to the established rhythm of the building.

16. Further to the above, the proposed arrangement of window openings would not adequately respond to those on the lower levels of the building. This, along with the added bulk and massing, would result in an incongruous addition to the host building. Overall, I cannot agree that the 4th & 5th floor would be read as a single and subordinate extension to the host building particularly given its awkward tiered form and I do not find there to be any suitable planning conditions to mitigate against this.
17. The Council has raised concern regarding the re-cladding of the existing roof level in brick and the proposed brick cladding of the extension. Given that the existing building already comprises red facing brickwork and that this material is used locally, then I do not find such materials to be prominent in this context. Nonetheless, this would not overcome the other harm that I have identified.
18. The existing building is already taller than other buildings on Cleveland Street. The adjoining terrace to the north is four-storeys including a mansard, which allows a large portion of the upper floors of Glebe House to be visible in views south along Cleveland Street. The existing building is also slightly taller than Cleveland Court, to the south. The proposed extension would therefore result in the building being taller than all the surrounding buildings including those to the west. The prominence and scale of the additional storey would harm the relationship that the existing building has with these nearby buildings and would appear overly dominant in views along Cleveland Street. To this end, and as referred to earlier, there are groups of properties located along Cleveland Street that contribute positively to the character of the area including Nos 100-126.
19. The above-mentioned groups of properties along Cleveland Street including No 106 have a consistent elevational treatment and rhythm of fenestration. Therefore, the proposed increase in height of the existing building would have a negative impact on the setting of these buildings particularly No 106 which is a listed building, by dominating and detrimentally detracting from how it is experienced. This would be detrimental to how its significance is understood.
20. The relationship between the appeal site and Nos 20-32 is one where it has a back-to-back relationship and is separated by Fitzroy Mews, including the properties in it. Although the upper part of their rear elevation is visible above Nos 4-7 and wider terrace which can be seen when looking down Fitzroy Mews from Cleveland Street and Carburton Street, the proposed development would have limited impact on such views. This is because of the relationship that exists between the appeal site and the listed buildings where views are somewhat limited to a very small section down towards Fitzroy Mews. The listed buildings significance can be fully appreciated from Fitzroy Square further east which the properties front onto. This would be unaltered by the proposed development given its location further west and height of the buildings/presence of trees. On this basis, I find that the proposed development would preserve the setting of these

listed buildings, so it would not harm its significance. Its effect would therefore be neutral, but this would not alter my findings of harm elsewhere.

21. It is acknowledged that planning permission was granted for a single-storey roof extension under ref. 2021/3245/P at Cleveland Court, to the south. That extension would, however, remain at a lower height than that of Glebe House with the additional storey. Nevertheless, the context of Cleveland Court is different to the appeal site. It is located on a corner at the junction with Grafton Way and is of a different age and design. While 78 & 80 Grafton Way is a listed building and lower in height than Cleveland Court, I do not find its relationship to be directly comparable due to its corner location and the presence of other taller buildings, including 101 Cleveland Street. Hence, that scheme would be read differently in its particular setting. Glebe House is a further distance away from such taller buildings and thus must be read as part of its immediate context particularly those properties to the north. I am not persuaded that Aradco House which is located further north, and Glebe House can function as 'bookends' to the older buildings (100-126 Cleveland Street) as the step up in height would be overly dominant to the detriment of the street scene.
22. I do not dispute that the development approved at Cleveland Court would help to screen the proposed development. However, it would still be highly visible from various public vantage points, particularly when viewed looking south along Cleveland Street and east towards the appeal site. This, coupled with the poor design of the extension, would have a harmful impact on the street scene and wider CA. The architects that worked on the appeal scheme are the same as for the approved scheme for the roof extension of Cleveland Court. It is intended that this will be implemented before permission expires but this would not alter my findings.
23. Overall, the proposed development would unacceptably harm the character and appearance of the host property and surrounding area. It would fail to preserve the character or appearance of the CA and would fail to preserve the setting of No 106. This would result in less than substantial harm to the significance of these designated heritage assets. While less than substantial, the prominence and scale of the additional storey, would result in the extent of harm being at the higher end of the spectrum.
24. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There would be some benefits associated with the scheme including the provision of new dwellings and I am aware that the Council is failing to meet its housing targets. I am also aware of the location of the site in relation to services and amenities as well as other matters in terms of biodiversity, replacement elevational treatment and those benefits associated with the submitted UU providing such can be fully secured. This includes the appellant's commitment to affordable housing. I am also mindful of the policy support shown for small/brownfield sites, making efficient use of land etc and collectively, I afford the above moderate weight.
25. Taking the stated benefits of the proposal together, there would be a high level of less than substantial harm to the significance of the CA and No 106, so I am not persuaded there would be public benefits of sufficient magnitude to outweigh the

great weight to the assets' conservation and the considerable importance and weight to this harm. Within the context of my statutory duties in the PLBCAA, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA; and would fail to preserve the setting of No 106, a listed building. It would conflict with Policies D1 and D2 of the London Borough of Camden Local Plan, 2017 which together amongst other matters, states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. To comply with Policy D2, extensions to properties should integrate with and enhance the host building and not be dominant or obtrusive.

26. For the same reasons, the proposed development would also be contrary to section 16 of the Framework relating to conserving and enhancing the historic environment.

Other Matters

27. As set out earlier, a UU that covers various matters has been submitted. Whilst I note the appellant's commitment to such matters, the appeal is to be dismissed on other substantive issues and thus I do not find it necessary for me to consider this matter further.

Planning Balance and Conclusion

28. The proposed development would unacceptably harm the character and appearance of the host property and surrounding area. It would fail to preserve the character or appearance of the CA and would also fail to preserve the setting of the listed building No 106 to which I attribute great weight.
29. As referred to above, the Council has confirmed that the Housing Delivery Test measurement demonstrates that the Council is failing to meet its housing targets which means that Camden's development plan policies are treated as being out-of-date in relation to housing proposals. It is therefore undisputed between the parties that the presumption in favour of sustainable development in paragraph 11 d) of the Framework is engaged.
30. Paragraph 11 d) explains that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Criteria i) includes footnote 7 which explains that the policies referred to are those in the Framework (rather than those in development plans) relating to amongst others, designated heritage assets.
31. On this basis and in light of my findings above in relation to heritage matters, I find that the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.

32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR