
Appeal Decision

Hearing held on 22 January 2014

by **C Thorby MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2014

Appeal Ref: APP/X5210/A/13/2202236
47 Great Russell Street, London WC1B 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Roger England against the London Borough of Camden Council.
 - The application Ref 2013/3219/NEW, is dated 24 May 2013.
 - The development proposed is change of use of 34.5 square metres of ground floor from art gallery (class D1) to residential (class C3).
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Decision

1. The appeal is dismissed and planning permission for change of use of 34.5 square metres of ground floor from art gallery (class D1) to residential (class C3) is refused.

Application for costs

2. At the Hearing an application for costs was made by the London Borough of Camden Council against Mr Roger England. This application is the subject of a separate Decision.

Preliminary matters

3. The appeal scheme is described on the planning application form as change of use from a gallery (class D1) to residential (class C3). The use of the existing premises is in dispute and the application description does not imply acceptance that the unit is in D1 use. Nevertheless, the proposed change of use as described is what has been applied for and this has been addressed in my decision.

Reasons

4. *Background.* The main issues are the effect on the character and function of the Museum Street Central London local area (MSLA) and the character and appearance of the Bloomsbury Conservation Area.
5. 47 Great Russell Street is a Grade II listed building, part of a listed terrace of 6 buildings with shops or other commercial uses on the ground floor and mainly residential on the upper floors. Regardless of whether a recent planning permission (2011/5134/P) has been commenced for residential use on the remainder of the appeal property, it has not been implemented and the appeal

premises appear to have been vacant since 2009. Prior to 2009, the ground floor operated for some years exhibiting artworks and was known as Gallery Forty Seven. Although it seems that paintings were exhibited, there is no definitive evidence showing that the paintings were not sold from the premises. Therefore, it is not possible for me to positively conclude that the appeal premises benefit from a class D1 use. It would up to the appellant to seek a certificate of lawful use under sections 191/192 of the above Act to conclusively establish if class D1 is the lawful use of the unit.

6. A recent, previous appeal at the site for change of use from retail (class A1) to residential (class C3) was dismissed. The Inspector concluded that a residential use at the appeal site would detract from the character and function of the MSLA, and fail to preserve the character and appearance of the conservation area contrary to national and local plan policy. This is a significant material consideration.
7. *Museum Street Central London local area (MSLA)*. The ground floor of 47 Great Russell Street is in a key location along Great Russell Street, where a substantial number of visitors are received due to the presence of the British Museum entrance which is almost opposite the site. The appeal building is one of a row of shop and commercial units that service the visitors and play a vital role in the MSLA, one of Camden's distinct localities identified in the Council's CPG5. Not all the shops and other businesses are specialist uses and there are other residential units in the area. However, the appeal unit either as an art gallery/exhibition space (whether in class D1 or A1 use) would be open to the public, with people coming and going adding vibrancy and contributing to the area's distinctive character. A residential use would significantly change the nature of the premises to one of a private residence. The frontage would be inactive with only a limited number of people using the front door and it would break the run of ground floor small shop/commercial units along the terraced row of buildings fronting Great Russell Street, which includes the appeal site.
8. My conclusion on this issue follows the previous Inspector's, that is, in this key location a residential use would erode the distinct character and function of MSLA. I consider that as either class D1 or A1, this would be contrary to Core Strategy (CS) policy CS10 and Camden's Development Policies (DP) policy DP15 which seek to support and/or protect community facilities and services or CS policy CS7 and DP policy DP10 which seek to promote and protect retail uses. These policies are consistent with one of the National Planning Policy Framework (NPPF) core principles to take account of the differing roles and character of different areas.
9. *Bloomsbury Conservation Area*. While the conservation area displays a consistency in street pattern, spatial character and building form, there are a wide range of diverse uses contained in buildings of significant historic value. Although non-residential uses including shops, galleries and restaurants in front of the British Museum may be 20th century changes, they are part of the historic evolution of the area and are of significance to the vibrant character which defines this part of the conservation area. As stated above, the change from a non-residential use at the appeal site, be it an art gallery or shop, to a dwelling would erode this distinct character. Although the building frontage would be unaltered, the loss of active windows and a commercial aspect likely to be associated with a gallery or shop would detract from the appearance of this part of the conservation area. Although the harm would be less than

- substantial, I conclude that the proposal would fail to preserve the character and appearance of the Bloomsbury Conservation Area.
10. The change of use would restore the listed building to its original purpose allowing restoration of domestic features, including floor plans, room proportions and finishes. Nevertheless, in this case, restoring the residential use would not be of public benefit as it would be detrimental to the character of the conservation area which is part of the historic environment. Moreover, I see no reason why a commercial use could not take place within a restored ground floor, including the floor plan, proportions and finishes. The restoration to the former use would not, therefore, outweigh the aforementioned harm.
 11. Whilst CS policies CS1, CS3, CS5 and CS9 (referred to by the appellant) seek development such as housing to meet the needs of Camden's population, this is set within the context of taking account of the local character which is where the appeal scheme fails as set out above. In any event, the appeal scheme would not appear to create an additional residential unit but would be incorporated into the remainder of the property to create a larger residential house. For this reason there would be no noticeable increase in people using the area, nor a reduction in commuting for future residents. There would be some increased surveillance from ground floor windows, but this is an area of Central London where there are likely to be people walking around in the evening. Additionally, there would be views of the pavement from upper floor windows and there appears to be little benefit arising from this matter. There would be no material public benefit arising from the scheme which would outweigh the harm.
 12. I come to a similar conclusion as the previous Inspector that a residential use would not preserve the character and appearance of the conservation area, contrary to CS policy CS14 and DP policy DP25 which consistent with the NPPF seek to protect the historic environment.
 13. *Other Matters.* Recent planning permissions for residential units have been referred to within the area, but in the case of No 42 Great Russell Street, the Council accepted that there was no demand for the community/education use which is not the case put forward for the appeal scheme. Other properties referred to do not occupy such an important position in relation to the British Museum as the appeal site and would not justify the proposal. The comments of the Bloomsbury Association and the letters of support are noted. However, views of nearby occupiers may change over time and, in any event, they would not outweigh the conflict with national and local planning policy. The appeal is dismissed.

Christine Thorby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R England	Appellant
Mr J True	Planning consultant
Mr M Lacey	Heritage Advisor

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Markwell	Principal Planning Officer
Mr A Vito	Conservation Officer
Mr Mistry	Legal Team

INTERESTED PERSONS:

Mr B Lake	46 Great Russell Street
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DOCUMENTS

- 1 Letter of notification submitted by the Council
- 2 Letters in support submitted by the appellant

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