



Date: 13 March 2024
PINS Refs: APP/X5210/Y/23/3329887
Our Ref: 2023/2283/L
Contact: Nick Baxter
Direct Line: 020 7974 3442
nick.baxter@camden.gov.uk

Hazel Stanmore-Richards
The Planning Inspectorate
3/05a Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Ms Stanmore-Richards,

Appeal by Mrs Anna Maria Iakovaki

Site address: 3 Eton Villas, LONDON, NW3 4SX

I write in connection with an appeal relating to the above grade-II-listed building located within the Eton Conservation Area.

The appeal arises from the refusal of listed building consent application 2023/2283/L on 3 August 2023 for “Proposed painting of front, side and rear elevation render.”

Listed building consent was refused on one ground:

It is considered that, by concealing the material with which the house was originally faced, the proposal to paint the Roman cement will harm the special character of the listed building, contrary to Policy D2 of Camden's local plan.

The Council’s case is set out in the delegated officer’s report (ref: 2023/2283/L) and the decision notice that has already been sent with the questionnaire and should be relied on as the principal statement of case. Copies of the relevant LDF policies and accompanying guidance have also been sent with the questionnaire.

Site

The site is a grade-II-listed semi-detached house of 1849. Its list description says:

“6 semi-detached villas. c1849. By John Shaw. For Eton College. Built by S Cuming. Painted stucco with slated gabled roofs, most with dormers or extended roof. 2 storeys, attics and semi-basements. 2 windows each. Recessed doorways, in recessed side bays, with architraved entrances, pilaster-jambes carrying cornice-heads; mostly half-glazed doors, approached by steps. Architraved recessed sashes; ground floors with pilasters supporting entablatures. Plain stucco 1st floor sill bands. Attic windows of 2 lights in plain frame with blind centre. Central slab chimney-stacks. INTERIORS: not inspected.”

Planning History

2022/5194/L

In 2022, the applicant sought permission for “Proposed painting of front, side and rear elevation Roman cement.”

The applicant was told “The Roman cement is a rare survival, intended to give the house the appearance of being made of ashlar. When the houses were built, they will all have been finished in this way. Since this example has survived, it is important to protect it.

“If your client is concerned about the appearance of the patch repairs, I have provided you with two sensitive approaches to overcome the issue. To reiterate, you can have the repairs done again with matching material, or you can stain the existing repairs to match the rest of the house.

“To the points you raise in your email: since the list description was written in 1974, 125 years after the house was built, it has limited value and cannot be taken to refer to the original or even the intended state of the house. Nor does it itemise every feature of special interest of each building.”

The application was withdrawn.

Status of Policies and Guidance

The full text of the relevant policies was sent with the questionnaire documents.

The Local Plan was adopted in 2017. It is currently being updated. There are no emerging policies that would be materially different in relation to this appeal. The main local plan policy is:

D2 (Heritage)

In refusing the application the Council also refers to supporting guidance in:

- The Eton Conservation Area statement 2002, which was subject to public consultation and was adopted by the Cabinet in November 2002.

There are no material differences between the Local Plan, the NPPF and the London Plan in relation to this appeal.

Comments on the Grounds of Appeal

As explained in the planning history section, above, a like-for-like repair has been carried out. Unfortunately, the works carried out have not provided a visual effect that is satisfactory to the appellant. Whether this is because of inappropriate material, or whether the material was not coloured correctly is not clear.

The appellant has not submitted a statement of case, instead noting that her grounds of appeal are contained within the heritage statement provided for the application. These grounds are summarised and addressed beneath:

Firstly, the executive summary notes that the other villas have uniform exteriors. This is not a consideration when assessing harm to the listed building. If anything, it makes retaining this last exterior even more important.

The Eton Conservation Area statement notes: “Most of the villas [...] have been painted but originally the intention was to use stucco as a stone

substitute and coursing lines are set into the render”. Therefore, the historic condition of this building is of unpainted stucco.

The summary goes on to state that no 4 was granted consent to paint its stucco in 2018. However, there is no reference to painting in the consented drawings. When assessed, no 4 was in unpainted Roman cement, like no 3. All there is in the drawings is an annotation, saying “area to be made good with Roman stucco” (2018/3788/P).



Figure 1: Nos 3 and 4 in 2018

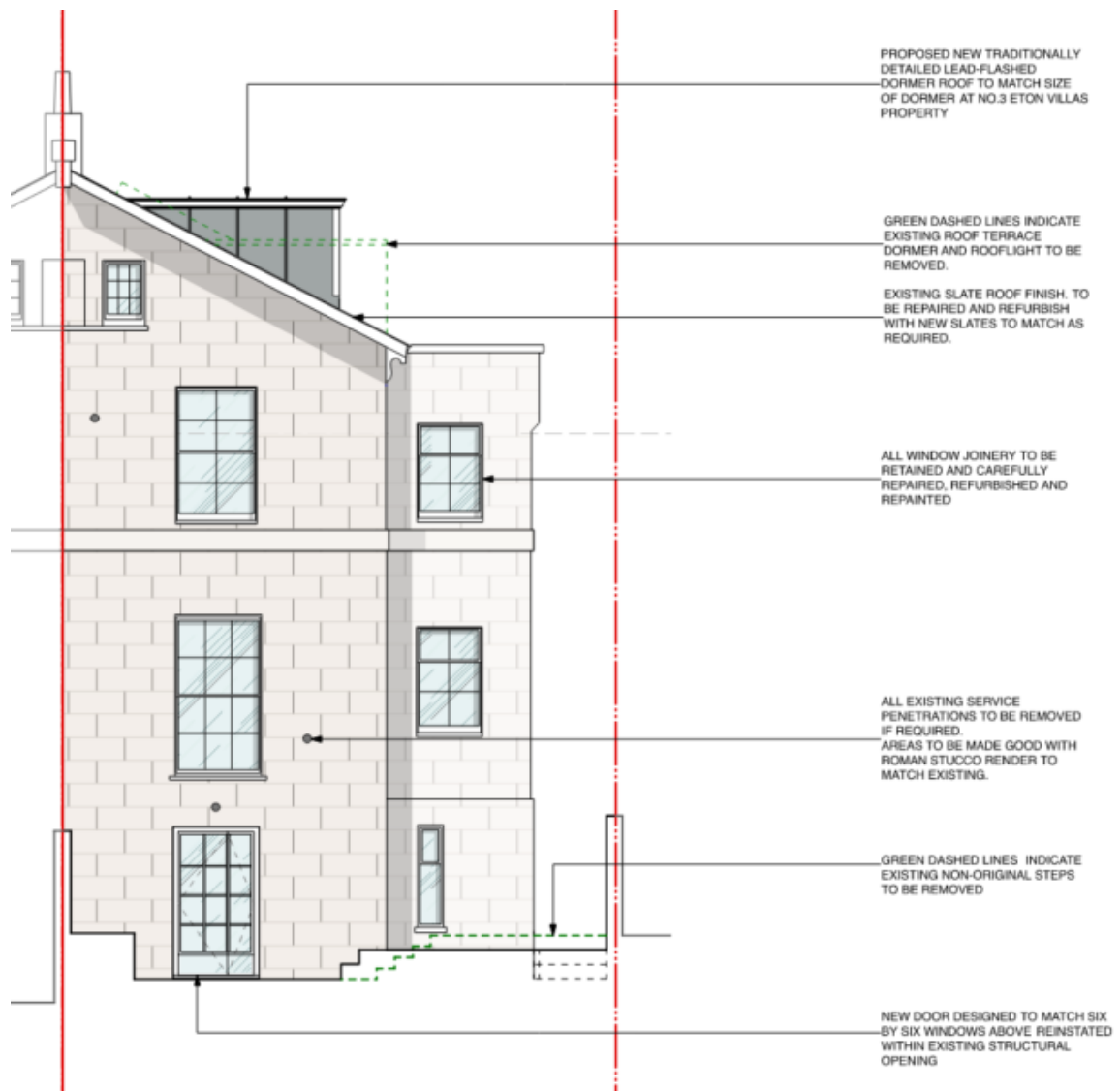


Figure 2: Consented elevation drawing for 4 Eton Villas (2018/3788/P), showing no external painting.

The summary goes on to assert that the painting of the building would enhance the character of this part of the conservation area. That is only true if one takes the view that removing unusual historic details enhances conservation areas. In fact, the conservation area statement says the opposite, noting that: “the current mixture of paint colours and unpainted properties does not significantly detract from the group value”. In any case, harm to the conservation area was not a reason for refusal.

The summary then notes that the stucco might not be original. Even if this is true, that does not mean that it should be covered up. Many parts of historic buildings are repaired like for like over the years; it does not then become

acceptable to paint such repaired parts. Furthermore, even if true, the work could have been carried out before the listing. In any case the assertion is speculation.

Finally, the executive statement cites the visibility of the repairs as being detrimental to the house's special interest. In the process of determination, two approaches were suggested to the applicant. Assuming that the contractor could not be required to reattend and carry out the repair more satisfactorily, the appellant could either clean the house to match the repair, or stain the repair to match the house. Painting the listed building to conceal a repair is unacceptable.

There is a well-established SPAB principle that repairs to historic buildings should be "honest", that is to say that where work is new, it should not be artificially aged. This principle is not deployed rigidly – hence the suggestions above about blending in the repair – and other considerations are often brought into play, but, where a repair cannot easily be blended into its surroundings, there is definitely no presumption that it can be concealed by any means necessary. Rather, obscuring the entire of the Roman cement to conceal repairs certainly would be detrimental to the house's special interest.

Moving to section 2.2, the appellant begins a technical assessment, noting that Roman cement was used to imitate local stone. This contradicts assertions in later sections that the house would definitely have been painted.

In fact, in section 2.3, the appellant notes of no 3 that "whether this finish and those of neighbouring properties was originally painted or left bare is unknown. It cannot be said with certainty as this is the only remaining villa of this type without a painted exterior".

Yet the rear elevation of nearby 9 Provost Road has survived unpainted (a slightly earlier house of 1844, also by John Shaw, in the next street). Rather than having stripped their rear elevation (for which no possible motive can be imagined) it seems likely that this part of this house is original and has survived unaltered. This suggests that the houses' original condition was unpainted.



Figure 3: The rear elevation of 9 Provost Road in December 2023, showing its as-built state. The house takes the same form as 3 Eton Villas, is in the next street, and is by the same architect, but is five years older.

The section on renders goes on to note that “these products were either specifically chosen for their ‘natural’ stone-like appearance, and so originally left unpainted where they mimicked the local stone or painted to hide their darker colour, depending on the builder’s preference”. This is hardly definitive and suggests that both outcomes are equally likely. Here, as strongly suggested by the photo above, it is likely that the former is the case. The conservation area statement also states the former (“Most of the villas [...] have been painted but originally the intention was to use stucco as a stone substitute and coursing lines are set into the render”).

At section 4.11, the appellant states that the render might not be original. Firstly, this is another supposition. Secondly, while originality is certainly a consideration, if the material and finish are appropriate to the building, it is not relevant whether they are original. Decaying parts of historic buildings are frequently renewed with appropriate materials and craftsmanship. What is

important is that it can be observed and understood how this building originally was designed.

At 4.1.2, selections from a 1997 article by a Mr Bristow are quoted. He states that Roman cement was customarily painted. This contradicts both the appellant's earlier notes about use of Roman cement to resemble stone, and the conservation area statement, which states that the buildings were originally unpainted. Not having access to the entire article, it is difficult to know how much weight to give these excerpts. But Mr Bristow's apparent conclusions that Roman cement became unpopular does not diminish its contribution to this house's special interest. If anything, it increases it, because of its rarity.

On p17, the appellant repeats that permission was granted in 2018 for the neighbouring house to be painted.

The consented drawings for 2018/3788/P (External alterations including installation of replacement front and rear lower ground floor doors and side window; installation of 2 glazed dormers following removal of existing dormer, roof terrace and roof lights; installation of 1 conservation style rooflight; erection of ancillary shed, bike and bin stores in front and rear gardens; alterations to boundary treatments and landscaping at front and rear) are available online and do not support this assertion.

The "unsympathetic alterations" mentioned referred to a large inset roof terrace that had replaced much of the top storey. At that time, nos 3 and 4 were a matching unpainted pair, as shown in Figure 1, above.

The appellant goes on to state that the unpainted appearance is not indicative of the building's original appearance and gives a misleading impression of the design intent for buildings of this type, and so modestly detracts from its historic interest. This is not conceded. Both the appellant's own research and the CA statement contradict this finding.

The appellant goes on to find that the uniformity of surface appearance was the key aesthetic that would have been sought by the designing architect.

However, this building is 175 years old. It is acceptable for it to have some patina. If the owner of this grade-II-listed building has been unable to blend in the repairs to a degree that is visually acceptable to her, she must accept the appearance presented by an honest repair. However, it is difficult to believe that the repairs cannot be toned down.

The appellant then quotes the part of the CA statement that, if anything, explicitly states that it is acceptable for some of the houses not to be painted: "Most of the villas in Eton Villas and Provost Road have been painted but originally the intention was to use stucco as a stone substitute and coursing lines are set into the render. However, the current mixture of paint colours and unpainted properties does not significantly detract from the group value." This proves that, if the conservation area document is anything to go by, there is no conservation area improvement to be had from painting the listed building.

Conclusion

The appellant has not proved that the Roman cement was originally painted. The opposite is stated by the conservation area statement and by parts of the heritage statement. It is also likely on the balance of probability, as shown by the unpainted rear elevation of 9 Provost Road, an earlier part of the same development.

Nor has the appellant proved that the fabric is not original. Even if it were a later replacement, this would not justify its being painted.

The concealment of honest repairs for entirely cosmetic reasons, to avoid a "patchy appearance", is not a valid conservation consideration.

This grade-II-listed positive contributor has either retained its original finish or at least retains its original finish materiality. The finish is rare. This house appears to be the last one in the area to retain publicly visible elevations of it (the back of Provost Road is not publicly visible). Taken in conjunction with a reading of the conservation area statement, the surviving finish allows understanding of what the whole terrace would originally have looked like. This means that it contributes both to the special interest of the listed building and to the character and appearance of the conservation area. Painting over

the finish would cause less-than-substantial harm to the listed building. There is no public benefit to outweigh this harm.

Harm to the conservation area was not given as a reason for refusal. However, the appellant repeatedly alleges benefits and harms to it, so this must be addressed. In deleting historic detail and fine grain, obscuring the Roman cement with paint would also be harmful to the character and appearance of the Eton Conservation Area.

Consequently, it is respectfully submitted that the appeal should fail.

If, however, the inspector is minded to allow the appeal, the Council considers the conditions set out in Appendix 1 are necessary.

If any further clarification of the appeal submission is required please do not hesitate to contact **Nick Baxter** on the above number or email address.

Yours sincerely

Nick Baxter
Senior conservation officer
Supporting Communities

Appendix 1

Suggested conditions should the appeal be allowed.

Listed building consent

- 1) The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) Within three months of the date of approval, full details of the covering paint shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area and safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: OS map, 101, 102, 103

Reason: For the avoidance of doubt and in the interest of proper planning.