

Date: 09/04/2024
Your Ref: See table below.
Our Refs: See table below.
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The Planning Inspectorate
Room 3/23
Temple Quay House
2 The Square
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Bristol BS1 6PN

Dear Planning Inspector,

Appeal/ planning reference	Site at:	Development description
Your Ref: 2023/0803/P 2023/1183/L Our Ref: APP/X5210/W/23/3336019 APP/X5210/Y/23/3336012	135 Arlington Road London Camden NW1 7ET	Installation of a demountable roof terrace to main roof with roof access hatch, replacement of window at roof level to the rear, replacement of composite roof slates with natural roof slates and associated internal works.

Appeals on behalf of Mr Glyn Emrys, Emrys Architects Ltd in respect of refusal of Listed Building Consent under section 20 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and a Planning Application Appeal under the Town and Country Planning Act 1990

The Planning Permission and Listed Buildings Consent Applications (2023/0803/P and 2023/1183/L) were both refused under delegated powers on 16th November 2023 for the following Reasons for Refusal:

- 1. The proposed rooflight and roof terrace, by reason of their design, size, form, location and appearance would be visually and architecturally detrimental to the special architectural and historic interest of the Grade II listed building and character and appearance of the Camden Town Conservation Area contrary to Policies D1 and D2 of the Camden Local Plan 2017.*
- 2. The proposed enlarged roof hatch opening and new roof terrace, by virtue of its siting, scale and detailed would be visually and architecturally detrimental to the special architectural and historic interest of the Grade II listed building and character and appearance of the Camden Town Conservation Area contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*

The Council wishes to rely on its *Delegated Report*, which sets out the decision-making process which led to the refusal of permission.

However, the appellant's Appeal Statement *EMRYS 18 December 2023* raises some points in defence of the appeal which the Council hereby wishes to refute.

In terms of the *Appeal Statement* the following points are not agreed:

That the roof light can only be seen from aerial views and therefore the implication is that it cannot cause harm (page 2):

The issue of enlarging the rooflight was not because the rooflight itself would be visible from ground level but that it would give access to a roof deck and the likely visibility of this from street level was unable to be assessed at the time of the application as no sightlines or whole-elevation or whole-section drawings were provided. However, of greater weight is the fact that this is a listed building and therefore the manner in which its significance is appreciated is not confined to public views but also its internal significance. Although it is clear that the roof structure has been rebuilt since the C19th there is nonetheless the matter of widening the existing hatch to create access to the proposed terrace and the impact which that would have on the character of the building. The proposed access formalises access to the roof, ergo the historic circulation of the interior of the building and involves a larger opening in the roof slope than would ordinarily be acceptable for a listed building. Of more concern is that the existing retractable loft ladder access would be formalised into what the drawings describe as a staircase, thereby permanently altering the historic circulation of the listed building.

A further document entitled Comments on Conservation Officer Feedback *EMRYS 23rd October 2023* states that replacing a single glazed window with a double-glazed window would not cause harm to the special architectural or historic interest of the listed building.

A granting of listed building consent for replacement of single glazed windows with double glazed windows is exceptionally rare in the Borough and has almost never been consented in a listed C19th property. Single glazed windows form a key element of the significance of the host property as a C19th house and are part of its character, ergo its special architectural and historic interest.

This document also asserts that the creation of the internal access to the roof is no different, or no more harmful, than a mansard roof extension to a listed building. I am not aware of any mansard roof extension to a listed terrace being granted consent in the Borough in recent years, and the reason for that is partly the same as the reason for the unacceptability of the current proposal, i.e. the alteration of internal circulation and hierarchy.

Summary

The statutory obligation to "preserve or enhance" is partly contingent on both the prevailing character of a conservation area and on the particular character of whichever site is subject to an application for alteration. In this instance the internal space of the property including its, structural integrity, function and appearance and their significance relates to the special architectural and historic interest of the listed building (appeal site) the setting of neighbouring listed buildings of the same period and the otherwise positive contribution which the site makes to the character and appearance of the Camden Town Conservation Area. It is still not known how visible the roof terrace would be, and therefore the likelihood of some visibility remains a risk. The appeal proposal therefore alters significance at all of these levels, and in so doing fails to preserve the significance

of the listed building and fails to preserve or enhance the positive contribution which the site currently makes to the character and appearance of the conservation area.

Conclusion

Under the Act and its attendant policies, the greatest weight is given to the matter of the special architectural and historic interest of the GII listed building and the setting of neighbouring listed buildings:

Section 66(1) of the Listed Buildings Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The effect of the proposal is to cause less than substantial harm to the special architectural and historic interest of the listed building and to have the potential to cause harm to the setting of neighbouring listed buildings due to the loss of historic form, function and fabric and manner in which the design and appearance of the proposed works would harmfully dilute the strength of the existing historic appearance of the assets. Under the Act and its attendant policies, the Council is also directed to consider:

Section 72(1) of the Listed Buildings Act 1990 In the exercise of various functions under the Planning Acts in relation to land in conservation areas (including determination of planning applications) the Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

The effect of the proposal is failure to preserve or enhance the otherwise positive contribution which the appeal site makes to the character and appearance of the conservation area, and in that matter the proposal is also found to cause less than substantial harm to significance.

The Council maintains that the application was properly refused listed building consent and planning permission and respectfully requests that the Inspector dismisses the appeal accordingly.

2023/1183/L and 2023/0803/P Conditions

Suggested Conditions

The council respectfully suggest the following for the inspector's consideration:

2023/0803/P – Conditions and Reasons:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development shall be carried out in accordance with the following approved drawings: 1 - Site Location plan, 2 - Existing roof plan, 3 - Proposed roof plan, 4 - Existing second floor, 5 - Proposed second floor, 6A - Existing section A-A, 6B-

Proposed section A-A, 7A - Existing elevation, 7B - Proposed elevation, 8 - Plan of deck, 9 - Elevation X-X, 10 - Section Y-Y, Design & Access Statement.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

2023/1183/L – Conditions and Reasons:

1. The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 1 - Site Location plan, 2 - Existing roof plan, 3 - Proposed roof plan, 4 - Existing second floor, 5 - Proposed second floor, 6A - Existing section A-A, 6B- Proposed section A-A, 7A - Existing elevation, 7B - Proposed elevation, 8 - Plan of deck, 9 - Elevation X-X, 10 - Section Y-Y, Design & Access Statement.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

If any further clarification of the appeal submissions is required, please do not hesitate to contact Jaspreet Chana on the above direct dial number or email address.

Yours sincerely,

Jaspreet Chana
Planning Officer