



## Appeal Decisions

Site visit made on 20 October 2022

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 26<sup>th</sup> October 2022**

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### **Appeal A Ref: APP/X5210/W/22/3299220**

#### **125 Albert Street, LONDON, NW1 7NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Daisy Ridley against the decision of the Council of the London Borough of Camden.
  - The application Ref 2021/4358/P, dated 31 January 2022, was refused by notice dated 15 March 2022.
  - The development proposed is the erection of a full width rear extension following the demolition of the existing ground floor outrigger extension and two outbuildings including internal restoration and the erection of a mansard roof extension all associated with the use of the property as a single family dwelling.
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### **Appeal B Ref: APP/X5210/Y/22/3299221**

#### **125 Albert Street, LONDON, NW1 7NB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Daisy Ridley against the decision of the Council of the London Borough of Camden.
  - The application Ref 2021/5222/L, dated 31 January 2022, was refused by notice dated 15 March 2022.
  - The works proposed are the erection of a full width rear extension following the demolition of the existing ground floor outrigger extension and two outbuildings including internal restoration and the erection of a mansard roof extension all associated with the use of the property as a single family dwelling.
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#### **Decision – Appeal A**

1. The appeal is dismissed.

#### **Decision – Appeal B**

2. The appeal is dismissed.

#### **Preliminary Matters**

3. The appeals relate to the same proposal under different legislation. I have dealt with both appeals together in my reasoning.
4. At the time of my visit work at the site was well underway to implement an alternative scheme that the Council has permitted, Ref 2021/4360/P and 2021/5254/L. The plans before me show that this will also return the building to a single dwelling in the same manner as the appeal proposal, although this scheme does not include the proposed roof extension.

## **Main Issues**

5. The main issue for both appeals is the effect on the significance of the grade II listed building, which comprises a terrace known as 123-139 Albert Street, and whether the proposal preserves or enhances the character and appearance of the Camden Town Conservation Area.

## **Reasons**

6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appeal building is part of a listed terrace. The appeal terrace is a well preserved example of mid 19<sup>th</sup> century London housing. It addresses the street with a fine and ordered façade, set back modestly behind matching cast iron railings. The ground storey is faced with rusticated stucco with brick above. Taller first floor windows are fronted by elegant individual cast iron balconies. The appeal building retains many original features, including its plan form, staircase, internal finishes and its butterfly roof structure. These internal elements as well as the overall appearance and architectural detail of the terrace are primary contributors to the special historic and architectural interest of the listed building.
8. The appeal terrace forms part of a continuous terrace of similar dwellings that front the west side of Albert Street and stand within the Camden Town Conservation Area (the CA). The formal residential terraces are characteristic of the 19<sup>th</sup> century development of the city. In this part of the CA they are laid out in a consistent and ordered manner, and contrast with the dynamic and busy commercial frontages found elsewhere within the CA. Albert Street is a notably wide road that is referred to as broad and handsome within the submissions. For these reasons, the appeal terrace makes an important contribution to the character and appearance of the CA.
9. The matter of contention between the parties is that of the upward extension of the building to form an additional storey. Nos. 123 and 125 Albert Street are the only dwellings within the listed terrace that retain their original roof form. This comprises two low roof slopes to each dwelling, that fall towards a central valley that discharges at the rear. They are hidden from the road behind a plain parapet. This simple arrangement is an important retention that demonstrates the original form, scale and architectural composition of the terrace and contributes to its special interest. The fact that only two dwellings remain in this form only serves to heighten the significance of this retained arrangement.
10. The proposal would not complete the gap as it would not provide a similar upward extension to No. 123 Albert Street. In any case, I cannot agree that the appearance of these two dwellings needs to be altered so that they fit in with neighbouring buildings, as though their existing appearance is an anomaly or in any way incongruous. Many of the existing roof extensions differ in terms of scale, form and appearance. For example, the upward extension at the Jewish Museum is much lower than others, and the variation of the design, size and position of the dormer windows adds a noticeable degree of visual clutter

to this level that in some cases does not appear subservient and is at odds with the refined and consistent appearance of the façade below the parapet.

11. Extending the building in the manner proposed would have a significant adverse impact on the original form and appearance of the building as appreciated from the street. This in turn would fail to preserve the character and appearance of the CA. Although the harm would be less than substantial, it must be accepted that adding a prominent additional storey to a listed building, that would be highly visible in the context of its original front elevation, introduces a level of harm much greater than the very low level suggested by the appellant in the submissions. In addition to this, the proposal would also see the removal of all of the existing historic fabric that makes up the current roof.
12. Details before me demonstrate that the Council has accepted similar interventions to many nearby buildings, including most of the other dwellings that make up the listed terrace. I accept that such extensions do form part of the established character of the area that has developed over the last few decades. However, these matters do not lessen the level of harm that would arise from the proposal as a result of its impact on the building's appearance, the erosion of its original form and the loss of historic fabric. The weight I give to the harm arising from the proposal is increased by the fact that No. 125 is one of only two buildings within the terrace that retains its original historic form, appearance, and scale.
13. For the reasons above I find that the proposal would harm the special interest of the listed building and the character and appearance of the CA. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
14. Although work was underway at the time of my visit, I could see that the building has suffered from a lack of maintenance and care for a number of years. Significant damage has occurred as a result of the failure of the downpipe at the rear to carry rainwater away from the valley. This has resulted in vegetation establishing within the masonry and significant damage to internal finishes. I could also see that there were other areas where water penetration has caused damage to fabric, and I note that there are structural issues with the building's front façade. The proposal would secure the full repair of the building, reinstating its domestic use and securing its future as an historic asset.
15. I also note that the proposal would reinstate elements of lost plan form and would improve the appearance of the building at the rear by reinstating timber sash windows into traditionally proportioned openings with arched heads.
16. These public benefits carry considerable weight. However, they would all be secured through the other scheme, which is currently underway on site. This scheme would reinstate a single domestic use over the building, with a generous two bedroom layout without any harm to the building's special interest or to the character and appearance of the CA. Furthermore, it would appear that a three bedroom layout could be achieved without the upward extension by omitting a bathroom at the first or second floor. I am therefore not satisfied that the upward extension is necessary to facilitate returning the building to a single dwelling.

17. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. Whilst the public benefits before me carry considerable weight, the weight I give to them is lessened by the fact that they would all be delivered by the alternative scheme that has already been implemented on site. As such the public benefits for me are not sufficient to outweigh the significant level of harm identified.
18. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the building and would not preserve the character and appearance of the CA. It would be contrary to Policies D1 and D2 of the Camden Local Plan 2017, which together seek to ensure that development proposals secure a high quality design that preserves the area's heritage assets.

### **Other Matters**

19. With regard to Appeal A only, the Council issued a further refusal reason relating to the absence of a legal agreement to secure a contribution to affordable housing. Such an agreement has been secured as part of the approval for the alternative scheme, and the appellant is willing to enter into a similar agreement for the appeal proposal. A completed agreement is before me that would appear to address this matter to the satisfaction of the Council. However, as I am dismissing the appeals for other reasons, this matter does not need to be considered further.

### **Conclusion**

20. For the reasons above, both appeals should be dismissed.

*A Tucker*

INSPECTOR