



Appeal Decisions

Site visit made on 5 June 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal A Ref: APP/X5210/Y/24/3340249

4 Flat Upper, Lyme Street, Camden, London NW1 0EH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr David Lace-Evans against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/4587/L dated 13 July 2023, was refused by notice dated 2 February 2024.
 - The works proposed are Installation of iron railings to form a rear terrace at upper ground floor level and removal of window at upper floor level and replacing with a door to provide access to the terrace.
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Appeal B Ref: APP/X5210/W/24/3340251

4 Flat Upper, Lyme Street, Camden, London NW1 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Lace-Evans against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/2878/P dated 13 July 2023, was refused by notice dated 2 February 2024.
 - The development proposed is Installation of iron railings to form a rear terrace at upper ground floor level and removal of window at upper floor level and replacing with a door to provide access to the terrace.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Preliminary and Procedural Matters

2. The appeals concern works and development to Number 4 Lyme Street, a Grade II listed building (List Entry Number:1379380) listed on 13 May 1974 as part of a larger group of ten houses. In addition, the listed building is situated within the Regent's Canal Conservation Area (CA). I am therefore mindful of my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
3. These decisions address both planning and listed building consent appeals for the same site and same scheme. Although the remit of both regimes is different, in order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision.
4. The description of the works and development has been amended by the Council and described within their decision notices and I consider this description accurately describes the scheme before me and removes

unnecessary detail from the appellant's original description. I also note they use this description within their submitted appeal forms. Therefore, I have also used this description within the above banner heading.

5. The submitted plans illustrate amendments made to the original proposal to reduce the width of the balcony from approximately 4000mm wide to approximately 3250mm. I have taken into account the latter width of extension as part of my assessment and consider no party to be prejudiced as a consequence.

Main Issues

6. The main issues are whether the proposal would preserve the special interest of the Grade II listed building or any features of special architectural or historic interest that it possesses, and whether the works and development would preserve or enhance the character or appearance of the Regents Canal Conservation Area (CA).

Reasons – both appeals

7. Numbers 1-10 Lyme Street are statutorily group listed. The significance and special interest of the listed asset lies within its quality and detailing and architectural interest as ten distinctive semi-detached mid-19th century villas, with stucco façades, side porch entrances, hipped slate roofs with projecting eaves over basements. Identifiable features representative of this specific architectural style of decorative detailing, with segmental pediments above ground floor windows and full height pilasters, adds positively to the significance of the heritage asset as a group, reinforcing their distinctiveness. With specific regard to No. 4, it is paired with No. 3 Lyme Street. They share significant symmetry to the front elevation as well as the rear elevations which are of a more restrained aesthetic than compared to the decorated front elevations and built from London stock brick. Whilst there are some obvious alterations having occurred, there is much continuity and consistency to the pair.
8. In addition, the listed villas are located within the Regents Canal Conservation Area (RCCA). Within the Council's Appraisal and Management Strategy (AMS) identifies; *'The special character of the area is largely derived from the almost hidden nature of the canal. The surrounding townscape largely turns its back on the canal creating a tranquil space distinct from the business of the surrounding city.'* The buildings in sub area 2, which include the early Victorian villas at 1-10 Lyme Street, enclose this part of the canal and make a positive contribution to the character and appearance of the RCCA.
9. The AMS also indicates, with regard to the townscape of sub area 2, that although less formal than the front elevations, many rear elevations of buildings have maintained their historic pattern of window openings, roof profiles and rear wings which gives an attractive architectural rhythm to the area and connects the canal to the wider urban grain.
10. The proposal is to erect a balcony with perimeter enclosure above the flat roof of the rear projection at No. 4A (basement flat) together with the removal of a timber sliding sash window and replacement with a French door leading from the existing kitchen.

11. Windows are often amongst the most prominent features and an integral part of the design of a listed building. The design, materials, details of construction and function of historic windows are all important to the architectural and historic interest of an individual building and this contributes to the significance of a heritage asset and its special interest. The kitchen window is a historic eight over eight timber sliding sash window. There is little evidence before me to indicate that this is not original to the listed building. The proposed balcony extension above part of the single storey extension, together with the addition of black painted metal railings to surround the balcony and 'plantation' covered privacy screens would appear discordant and fundamentally alter the historic legibility of the rear of the listed building that is currently largely intact and well preserved, even with the lower ground floor extensions to both houses.
12. The proposed new Critall style French door to replace the existing window would adversely imbalance the symmetry of the houses and disturb the simple rhythm and regularity of the building's fenestration. The historic fabric of a listed building will always be an important part of the asset's significance and the retention of as much historic fabric as possible is in the interest of conserving the heritage asset. In this instance, historic fabric would be deleteriously lost in perpetuity, weakening its integrity.
13. I appreciate the rear of the listed building is well concealed from wide public views within the CA. However, how the rhythm of the rear elevation is experienced within the CA adds to its character. Whilst the impact of the proposal would be reasonably localised, the scale and form of the proposal would cause some level of harm to the character and appearance of the appeal building and it would not encapsulate the essence of the special interest of this part of the CA, therefore diminishing its contribution to the significance of the CA.
14. Given my findings above, I am of the view that the proposal would fail to preserve the special interest of the listed building and the group, and fail to preserve or enhance the character and appearance of the CA, as required by the Act. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
15. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
16. With reference to Paragraphs 205 and 206 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development, and the degree to which it impacts on the designated heritage assets, I find the category of harm in this instance to be 'less than substantial'. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

17. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
18. The appellant explains that the balcony would provide them with external outdoor space to which they do not have access to any such space. I appreciate this is important to them. Be that as it may, this is a private benefit to the appellant and cannot be ascribed as a public benefit. The dwelling was occupied at the time of my visit and appeared to be in overall sound and good condition. There is nothing before me to suggest that its optimum viable use would be compromised should this proposal fail.
19. Therefore, I conclude that the proposed works and development would conflict with the Act, and policies D1 and D2 of the Camden Local Plan 2017 which seeks to secure high quality design and preserve and, where appropriate, enhance the area's rich and diverse heritage assets including listed buildings and conservation areas.

Other Matters

20. Any concerns regarding the appellant and the initial support garnered from the planning officer to the proposal should be directed to the local authority and is not within my remit to comment upon.

Conclusion – both appeals

21. For the above reasons and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Alison Scott

INSPECTOR

