


Enforcement Delegated Report		Receipt date:	12/10/2023
Officer		Enforcement Case	
Joshua Cheung		EN23/0835	
Breach Address		Photos & Other material	
Kelley House, 18-20 Royal College Street, London, NW1 0TH		See appendices A – V (separate documents).	
Authorised Officer Signature			
 <div style="text-align: right;">14/03/2024</div>			
Alleged Breach			
<p>Without consent:</p> <p>(Note that the references highlighted in bold below to “action” or “no action” are references to the requirements set out in Section 5 of the notice)</p> <p>External</p> <ol style="list-style-type: none"> 1. Replacement of the timber sash windows located on the front and rear elevations across the ground, first, second and third floor levels with laminated timber/composite sash windows – Action. 2. Replacement of the two timber doors (one in each property) at the two-storey rear extensions’ flat roof terraces with laminated timber/composite doors – Action. 3. Removal of the two timber picture windows (one in each property) and sections of masonry, and subsequent installation of laminated timber/composite casement windows and doors within each front lightwells at basement level – Action. 4. Removal and infilling of the two doorways of the front lightwells’ ‘Storage Rooms’ (one in each property) at basement level – Action. 5. Erection of a timber outbuilding with boiler and ancillary plant equipment at the rear garden – Action. 6. Replacement of timber sash windows located on the flank elevations of the rear extensions at ground and first floor levels with laminated timber/composite sash windows – No action. 7. Replacement of the two timber casement windows (one in each property) at the rear ground floor level extensions with laminated timber/composite casement windows – No action. 8. Replacement of the two top-hung timber casement windows (one in each property) at the rear elevation at basement level with a top-hung laminated timber/composite casement window at No.18 and a laminated timer/composite door at No.20 – No action. 9. Replacement of the three doors (one in No.18 and two in No.20) at the rear ground floor level extensions with laminated timber/composite doors – No action. <p>Internal</p> <ol style="list-style-type: none"> 10. Complete replacement of the two original staircases (one in each property, spanning through all levels) with modern staircases – Action. 11. All rooms (excluding the rear room at ground floor level of No.18, and the first floor utility rooms of both properties): Installation of recessed LED lights in the ceilings – Action. 12. Front and rear rooms at basement and ground floor levels (excluding the front and rear rooms at ground floor level of No.18): Installation of larger kitchenettes in unconsented positions – Action. 13. Front and rear rooms at the first, second and third floor levels (excluding the rear rooms at both ground and third floor levels of No.18, and first floor utility rooms of both properties): Installation of kitchenettes – Action. 			

14. Rear rooms at ground and first floor levels of No.20: Removal of sections of the chimney breast where their respective unauthorised kitchenettes have been installed – **Action**.
15. All rooms (excluding the front and rear rooms at both first and second floor levels of No.20, and the front and rear rooms at third floor level of both properties): Infilling of the alcoves adjacent to the chimney breasts – **Action**.
16. All front rooms (excluding the front room at ground floor level of No.18): Installation of larger and subdivided ensuite bathrooms at the front rooms. At ground and first floor levels, they also infill the floors and ceilings – **Action**.
17. All rear rooms (excluding the rear room at ground floor level of No.18): Installation of modern doorways to provide access to these new front room ensuites – **Action**.
18. Following the removal of a section of masonry in the party wall between No.18's ground floor rear room and No.20's hallway, the installation of a modern doorway – **Action**.
19. Ground floor rear room of No.18: Installation of ensuite bathroom that infills the floor and ceiling by the window – **Action**.
20. Removal and infilling of the doorways of the front lightwells' 'Storage Rooms' (one in each property) at basement level – **Action**.
21. All rooms: Replacement of all doors of all rooms with modern doors – **Action**.
22. All rooms and hallways: Replacement of all door architraves with modern architraves – **Action**.
23. All rooms, hallways, and landings: Replacement of all skirting boards with modern skirting boards – **Action**.
24. Ground to third floor level hallways and landings: Installation of MDF floorboards over the original floorboards – **Action**.
25. All Basement level rooms and hallways: Installation of Porcelain tiles over existing concrete floors – **No action**.
26. All Ground to third floor level rooms: Installation of laminated timber floorboards over the original floorboards – **No action**.

Recommendation(s):

That the Borough Solicitor issue a Listed Building Enforcement Notice under Section 38 Planning (Listed Building and Conservation Area) Act 1990 as amended, and officers be authorised in the event of non-compliance, to prosecute under Section 43 of this act.

Site Description

The site forms two of the nine buildings of the "NUMBERS 6-22 ROYAL COLLEGE STREET, AND ATTACHED RAILINGS AND BOLLARD IN PEDESTRIAN WAY OF NUMBER 12" listed terrace, which lies near the Kings Cross St Pancras Conservation Area.

Kelley House is a late C18 four-storey property with rendered ground floors (painted white) and yellow stock brick façades at 1st – 3rd floor levels. The properties have basements which are under an Article 4 direction, and lightwells at the front of the property. Continuous second-floor sill band; Round-arched entrances with later doors and fanlights; Gauged brick flat arches to recessed sashes, first floor having iron window guards; Parapet. Internally, a number of historic joinery features survived in addition to the general legibility of historic planform and runs of chimney breasts etc.

Investigation History

12-OCT-23 – Complaint made to the Council regarding potential works that fall outside of the recently issued listed building consent (2023/0285/L).

16-OCT-23 – The Council requested that the responsible parties cease all works.

24-OCT-23 – A site visit was conducted by the planning enforcement manager and assigned conservation officer. Substantial amount of original historic fabric verified to have been removed. Some of the works undertaken were consented. Formal caution issued and advised that any further works are at their own risk.

08-FEB-24 – Another site visit undertaken by the assigned enforcement officer and conservation officer, as it is cited by the complainant that works had not ceased since last year. Notably without consent new skirting boards, doors, door architraves, floorboards (overlaid on top of original), staircases installed since the last visit. New larger timber faced shed installed too. Cigarette butts across almost all floors of the site (strongest smoke smells

in the third-floor level rooms) – instructed him to instruct his contractors to stop smoking indoors as this is a H&S fire risk. The only sash window they had not removed was the one located in the No.20 rear extension (flank elevation) – instructed him not to remove it at this time.

The Council has had due regard to the ‘before’ photos provided within the 2023/0285/L application for our allegations and requirements.

Planning history of the site:

8802186 - Refurbishment, 3 storey rear extension, 4th floor extension and conversion to 9 flats. **Refused on the 29th November 1988.**

8802358: Change of use to hotel. **Refused on the 15th September 1988.**

PL/8903675 - Change of use from HMO to hostel. **Granted on the 2nd February 1990.**

PL/8903674 - Change of use from HMO to bail hostel. **Granted on the 2nd February 1990.**

9401373 - Construction of a boiler house at rear as shown on drawing no(s) 94019A and as revised by letter dated 3rd March 1994. **Granted on the 11th November 1994.**

2010/1919/P and 2010/1926/L - Change of use from house of multiple occupation (Class C4) to probation hostel (sui generis) and associated alterations to listed building. **Withdrawn by applicant on the 29th April 2010.**

2010/2790/P & 2010/2793/L: Continued use as probation hostel (sui generis) and associated listed building alterations. **Granted on the 13th July 2010.**

2010/2793/L - Internal alterations to listed building in association with the continued use as a probation hostel (sui generis). **Granted on the 15th July 2010.**

2013/4485/P - Details of location, design and method of waste storage as required by condition 3 of planning permission granted 13/07/2010 (ref: 2010/2790/P) for continued use as probation hostel. **Approved on the 21st August 2013.**

2023/0285/L - Internal alterations and refurbishment. **Granted on the 7th February 2023.**

Reason(s) for granting consent: *“It is proposed to undertake like-for-like repairs and re-provide ensuite bathrooms as per the previous use of the buildings and at approximately the same quantity. Much of the internal significance of the buildings has been harmfully lost over the twentieth century by reason of the loss of C18th (and presumably some C19th) fabric and erosion of plan-form. The proposals seek to repair what remains of the historic fabric like-for-like and to reverse some of the form to planform, notably through closing the party wall openings at all floors bar third. The proposed provision of ensuite bathrooms does not cause any additional harm to the buildings as they re-provide ensuites which have already been in place for many years, and in most rooms they enhance significance by allowing more of the original planform of the room to be read. The proportions of all of the front rooms are better reinstated than the extant condition, and the original circulation of front and rear room off the landing is reinstated at first and second floor. The proposals do not involve the loss of any historic fabric, repair what remains of the historic fabric and better reveal and enhance what remains of the historic planform.”*

Relevant policies / GPDO Category

National Planning Policy Framework 2023

- Paragraph 59 - ‘Enforcement’
- Section 16 (Conserving and enhancing the historic environment)

London Plan 2021

- D4 (Delivering good design)
- D14 (Noise)
- HC1 (Heritage conservation and growth)

Camden Local Plan 2017

- D1 (Design)
- D2 (Heritage)
- A1 (Managing the impact of development)

- A4 (Noise and vibration)

Camden Planning Guidance

- Design (2021)
- Amenity (2021)
- Home Improvements (2021)

Assessment

Issues:

The main issues for considerations are:

- Design and Heritage; and
- Amenity

Legal and policy framework:

Policy D1 of the Local Plan requires all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider: character, setting, context and the form and scale of neighbouring buildings; its contribution to public realm and its impact on views and vistas; and the wider historic environment and buildings, spaces and features of local historic value.

Policy D2 of the Local Plan will resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and resist development that would cause harm to significance of a listed building through an effect on its setting.

Guidance within **Camden's Design CPG** states that the Council will not permit the loss of or substantial harm to a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or particular circumstances apply. Balanced judgment having regard to the scale of any harm or loss and the significance of the asset(s) affected, the Council will take account of the desirability of sustaining and enhancing the significance of any heritage asset/s and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality and health and wellbeing; and the desirability of new development that affects heritage assets to preserve and enhance local character and distinctiveness. As such, the Council will only permit development that preserves and where possible enhances the character and appearance of the area.

Guidance within **Camden's Home Improvements CPG** states new windows and doors should generally be designed and composed of materials and finishes sympathetic to the original window and/or doors to the building, also encouraging the restoration of original features if appropriate.

The NPPF also requires good design, not just design that is not harmful. Features which are sympathetic to the host building and wider area should be retained wherever possible, as their loss can harm the appearance of a building. The Council's policies and guidance on our commitment to protect our listed buildings from substantial harm are also derived from the NPPF (**Section 16**).

Namely, **Paragraph 202 of the NPPF** states Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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.

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.

And **Paragraph 208 of the NPPF**, where the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Introduction to the matters (historic significance of the site and the unauthorised works):

Kelley House is a Grade II listed late C18 four-storey site (Nos.18 & 20) with rendered ground floors (painted white) and yellow stock brick façades at 1st – 3rd floor levels. Continuous second-floor sill band; Round-arched entrances with later doors and fanlights; Gauged brick flat arches to recessed sashes, first floor having iron window guards; Parapet.

The façade is pursuant with the immediate and wider Georgian terrace along Royal College Street which are also under statutory or local lists. The site is one of the various properties within the borough that is listed and lies adjacent to a designated area. To which in addition to this statutory listing, Camden Council have imposed an Article 4 direction on the properties' basements and front lightwells too. It is evident the site's external facades, including at basement level, make a positive contribution to the area and holds significant historic and architectural interest which we have and will continue to find great desirability to protect, restore, and enhance. Accordingly, we will resist unsympathetic development that imposes the contrary.

Internally, it appears a number of historic joinery features survived in addition to the general legibility of historic planform, including runs of chimney breasts. Further, areas of historic square-profile skirting survived, the two original staircases survived. Whilst there were some harmful internal interventions prior to the unauthorised works (subject of this notice), the internal historic interest of the property had retained its significance through these original and (in comparison to what has been implemented without consent) more historically appropriate features – ready for restoration. We therefore find great desirability to protect, restore, and enhance the internal parts of this heritage asset too.

Fortunately, a proposal (2023/0285/L – henceforth, 'the 2023 consent') was put forward for general restorative works (i.e. new ceiling and wall plaster), protection and repairing of the surviving internal and external historic features, and (following the removal of inappropriate partitions) installation of new ensuite bathrooms to bring the site back into use. We approved this scheme on the 7th February 2023 in-line with the above legal and policy framework, as the benefits of the scheme was found to outweigh the harm of the new ensuite bathrooms (not completely reinstating the rooms back to their original planforms).

Unfortunately, the applicant has instead completely replaced the surviving historic features with incongruous modern additions and undertaken additional works outside the consent, which detract from the historic significance and substantially modernise the site.

It does appear the applicant has implemented some the restorative works of the 2023 consent, as such the Council, in arriving at its current position, has had regard to these benefits. We have also had regard to the prior condition and pre-existing C20th features of the properties (where we have decided not to action four separate breaches within this notice). The loss of the historic features itself constitutes less than substantial harm. We are in the absence of sufficient and clear justification for this harm, so it is considered the new modern counterparts and additions furthers this harm.

The existence of the 2023 consent clearly demonstrates that it was entirely feasible to bring the site back into use in a sympathetic manner. Accordingly, we do not consider the existing public benefits of all works (authorised and unauthorised) to convincingly outweigh the harm all unauthorised works have individually and cumulatively imposed on the site – as detailed below.

This report is to be read in conjunction with Appendices A – V (separate to this document). The below attached Appendices (1 – 8) are attached to the final Enforcement Notice.

The unauthorised external works:

New timber/composite fittings

Relates to breaches (1, 2, 3), *(6, 7, 8), and (9): The replacement of all the original single-glazed timber fittings with double-glazed laminate "timber/composite" counterparts/additions: Sash windows (labelled W1 - 27, Appendices A, B, C); Casement windows (labelled CA1 & CA2, Appendix B); Top-hung casement windows (labelled CA3 & DR1, Appendix B); and Timber doors (labelled DR2 & DR3, Appendix D).

All new fittings are coated in 'white weather sealant' and have stuck-on glazing bars and thicker frames – both of which also have modern detailing. These features are located across all floor levels of the front, rear and flank elevations of the site.

The specification sheets cite the material of all unauthorised fittings are "timber/composite" - "Finger Joint Laminate (FLJ) Softwood". This material is formed through finger jointing (potentially scrap) pieces of timber and composite wood, then wrapping in wood laminate – so products made of this material cannot be considered as high quality (particularly in relation to this listed site) and have very smooth surfaces. With the addition of the 'white weather sealant', which provides for shiner finishes (almost gloss-like), the materiality of the new fittings was initially, thus can be, misinterpreted as uPVC.

The Council was able to closely view the windows and doors from the inside and could discern that it was in fact not uPVC, but believed they were made of 'weather-sealed MDF'. Whereby, the Council had to request final confirmation of the materials from the responsible party via specification sheets. Accordingly, the materiality, thus appearance, of the new fittings is ambiguous and unequivocally results in inappropriate modern additions across the facades of the site.

Additionally, all new fittings have stuck on glazing bars. Compared to structural glazing bars, stuck-on glazing bars easily deteriorate and are low quality in appearance. Stuck-on glazing bars are also prominent in uPVC fittings – furthering the above referenced ambiguity these unauthorised works. The detailing of these glazing bars is also inappropriate (appear to be 'Ovolo' mouldings), which in the historic context of the site is harsher in appearance compared to the appropriate Lambs Tongue mouldings. The frames of the new fittings are also of this inappropriate detailing and are also thicker in proportions. Altogether, this furthers the undesirable appearance of all new windows and doors by way of design and profile. Lastly, all new fittings are double-glazed, and all sash window replacements have two external hook lifts their top sashes – again, furthering the incongruous appearance of the new fittings by way of design.

Per the Heritage Statement of the 2023 consent, it was mutually agreed that it was highly beneficial to overhaul and repair the pre-existing fittings, with the front elevation windows holding "very high" significance and rear elevation windows holding "medium" significance. Despite this, the responsible party has surprisingly replaced all windows and doors with unsympathetic and low-quality replacements/additions which harmfully alter the historic character and appearance of the site and contributes to the cumulatively erosion of its significance. The site lies mid-terrace thus in a prominent position, so against surrounding timber windows the undesirable effect of the new front elevation windows on the townscape and wider area is exacerbated.

*In regards to **breaches (6, 7, 8)**, it is considered that the windows located on the C20th rear extensions, are of low significance, thus their removals would not bring the site closer to its historic interest. It is also noted that for breach **(9)**, whilst not ideal, these three doors are somewhat pursuant to what would be acceptable as garden doors within c20th extensions of listed buildings – not expedient in the context of the rear extension and pre-existing condition. No action for these unauthorised works.

Front lightwell works

Relates to breach (3): In reference to [Appendix E](#), following the removal of the timber picture windows and demolition of sections of masonry (circled in black), the installation of modern timber/composite casement windows and doors leading from the front basement rooms into the front lightwell (labelled DR4 & CA4, and DR5 & CA5). **And breach (4):** Access into the front light well 'storage rooms' have been boarded up (highlighted in red and orange).

Whilst picture windows are not of historic interest, where sash windows are, they have less of an impact as the new casement window and door as they did not effect the plan form and possess the same undesirable effect of the timber/composite materials. This part of the works therefore contributes to the further departure of the historic interest of this part of the site and the overall cumulative loss of historic fabric through the removal of the brickwork.

Timber-faced boiler outbuilding

Relates to breach (5): The erection of a shed at the rear garden ([Appendix F](#)). It has a pitch roof that is clad in a black weather proofing membrane and the body of the shed comprises untreated timber. The space inside is almost entirely occupied by multiple large boilers and a variety of ancillary pipes, wiring and equipment. The internal walls and ceilings are mostly unfinished (exposed wall insulation, timber frames, and joists).

It is noted that consent was provided for a boiler shed via consent reference 9401373. However, this new boiler shed is much larger than what was previously approved. The untreated timber facades and black roof are dominant and low-quality in appearance in their own regards - a basic and rough finish of the timber and a solid equally rough finish of the roof. In aggregate, it cannot be considered to complement its setting. Further, by virtue of its size and location, the outbuilding reads as an incongruous addition to the No.20 extension, thus adds clutter to the rear and harms the setting of the listed buildings. It appears that there was a previous shed erected at the rear, but this possessed no record of consent and is considered to impose similar harm to the properties as the as-built.

Further, in regard to amenity, Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not cause harm to the amenity of residents by way of assessing a variety of considerations, including the impacts on outlook, noise, vibration, and odours and fumes. Policy A4 states that the Council will seek to ensure that noise and vibration is appropriately controlled and managed to avoid undue harm. It states that the development should have regard to Camden's adopted Noise and Vibration Thresholds and that the Council will not grant planning permission for development likely to generate unacceptable noise and vibration impacts. No record of building control for replacing boilers.

In the absence of a scheme, the Council is concerned that the plant equipment is excessive and inappropriately designed and located, nor can we be certain that they are compliant with our noise standards or in perpetuity.

Again, the site is considered to positively contribute to the surrounding area. So, whilst the site abuts the Kings Cross St Pancras Conservation Area, we would expect any external development at this site to consider its wider surrounds. It appears the responsible party has attempted to match what was previously in-situ. The unfortunate reality is that all replacement windows are of inappropriate design, profile, and materiality - contributing to the cumulative detractor from the character, appearance and significance of the historic properties and wider area. The front elevation windows in particular are prominently visible and negatively impact the streetscape. Alongside these unauthorised windows, the works to the front lightwell further the cumulative erosion of the historic significance of the property by way of the loss of both historic fabric and the planform. The rear garden outbuilding is considered a dominant, poor quality, and incongruous addition, which does not respond to the setting of the host building and area and adds clutter to the rear.

The unauthorised internal works:

Staircases

Relates to breach (10): The complete removal of the two original staircases ([Appendix G](#)). This includes the historic stringers and treads/steps, but these particular features have been replaced with identical ones. As such, the notice importantly addresses the loss of the historic handrail, spindles, newels - these features were typical early C19th square section stick spindles and 'canon' newel stairs in painted timber, likely Baltic pine. The notice also addresses the risers which now appear to be made of MDF - a poor quality material both in appearance and durability.

Per the 2023 consent, the responsible party intended to "protect" them, but were instead completely replaced. Whilst the stringers and treads/steps have been replaced with identical ones, this part of the unauthorised works has undeniably resulted in the permanent loss of all extremely significant original historic features of the staircase - which can now only be reinstated through replicas. The as-built staircase is of chamfered square spindles and square-section newels, typical of the C.1900-1920 period, and cannot be considered to replicate what was previously in-situ, nor, in light of the MDF risers, considered as high quality or sympathetic in design.

New recessed LED lights, new kitchenettes and resultant damage to chimney breasts & infilling of alcoves

Relates to breach (11): The installation of LED lights. They are recessed and sit flush with the ceiling ([Appendices H, I, J, K, L](#) - labelled LED), which makes it part of the reinstated ceiling plaster as if inherently apart of the listed buildings, thus alongside the new kitchenettes, read as incongruous modern additions.

Breaches (12, 13, 14): The installation of kitchenettes ([Appendices H, I, J, K, L](#) - labelled KIT) and associated harm.

Kitchenettes or "TP (Tea Points)" have been consented in the basement and ground floor level rooms only. This was on the basis that these rooms had lesser significance at basement level and at ground floor level the tea points were proposed to have been located within a small space which was relatively concealed between the ensuite and the door. The unauthorised installation of kitchenettes in the first - third floor rooms is therefore

considered to harmfully alter the original planforms and perception of the scale of these rooms. While it is accepted that many of the rooms had wash-hand basins in situ at various points in the C20th, and that furnishing would not require listed building consent, what has been installed are built-in kitchen units with their associated permanence and equipment.

Furthermore, the kitchenettes within the basement and ground floor level rooms have not been built in accordance with the 2023 consent. These were to be directly adjacent to the ensuites so as to congregate the modern additions in one area of each room. The as-built kitchenettes are not only larger, but positioned away from the ensuites, thus read as incongruous stand-alone additions within these rooms. These kitchenettes need to be relocated next any subsequent ensuites to mitigate this harmful effect. Further, the responsible party has purposely cut out two separate portions of chimney breast at the ground floor and first floor rear rooms at No.20 in order to facilitate the new kitchenettes (circled in orange, Appendix M), resulting in the loss of original historic fabric. This chimney breast needs to be made good, thereupon if a kitchenette was to be installed, it must, like the others, conform with the 2023 consent.

And breach (15): The loss of the chimney breasts through the infilling of the adjacent alcoves (as depicted in Appendices N, O, P, Q).

Whilst not physically gone, it is unequivocal that these features are no longer discernible, further eroding and harming the special historic interest of the affected rooms by way of the effective loss of the historic feature and planform.

Further planform alterations

Relates to breaches (16, 17): The new ensuites have not been built in accordance to plan. It appears none of the rear room ensuites have been built. Instead, the front room ensuites have been built larger and internally subdivided, where modern doorways have then been installed in the rear rooms' spinal wall for access. The ensuites within the front rooms at ground to first floor level and rear room at ground floor level of No.18 infill the floors and ceilings – as depicted in Appendix R. Appendix S is Drawing “2245-19” of the 2023/0285/L consent - showing the consented design of the ensuite partitions.

The larger ensuites discernibly reduce the square footage of the front rooms, affecting their overall proportions and perception of the scale. However, the primary concern is the harmful alteration to the ceiling plan forms via the infill, which detracts from the historic appearance and interest of these rooms.

Breach (18): The planform of the ground floor rear rooms has been adversely altered by way of the new modern doorway in the site's party wall, creating a new means of access between each property of the site (Appendix T).

And breach (19): Further, the boarding up of the doors providing access from the front basement rooms to their respective Storage Rooms (Appendix U) has also adversely altered the planform of the lightwell and front basement rooms, in a cumulative manner alongside the new doors in the lightwell and boarding up of the external doors for the front lightwell-to-storage room access.

In aggregate, the above works cause further cumulative and adverse loss of character, planform and historic fabric. Again, whilst it is accepted that many of the rooms had C20th partitions which harmfully altered planforms of the site, the benefits of reinstating the original planform does not justify nor outweigh the harm that arises from these unauthorised works.

New laminate timber/composite doors, architraves, & skirting boards

Relates to breaches (20, 21, 22): the replacement of the doors, architraves, and skirting boards (Appendices H, I, J, K, L - labelled D, ARC & SKT, respectively), throughout. The replacement of the doors with modern ones, throughout.

Whilst the previous doors were not ideal (were to be removed and replaced with four panel doors), the current doors are considered to be a further departure to the latter and contributes toward the unacceptable modernisation of the site. They must be completely removed, but it would be the responsible party's discretion to follow the 2023 consent and insert more appropriate four panel doors or apply/enquire for more sympathetic/historically accurate replacements.

The replacement of the architraves and skirting boards in particular have furthered the unacceptable modernisation of the site as they replace original and historically accurate fabric. The architraves appear to have been historic or were at least of an appropriate profile and design for the age of the property. The skirting boards

do appear to have been historic with the exception of those in the C20th rear extensions and the first floor rooms of Number 18 which all appeared to have been c.1970s. The architrave and skirting replacements has a singular and continuous groove running throughout and are likely coated in the same white weather sealant on account of its shinier finish. This part of the unauthorised works are much more simplistic in design and cannot be considered to replicate what was previously in-situ, thus result in a net loss of historic and appropriate features which detract from the significance.

In regard to the modern architraves of the new ensuite bathrooms, whilst not ideal, we do not consider action is warranted on these same architraves in the context of the new ensuite bathrooms. These have not been listed as a 'no action breach' because we are requiring the ensuites to be completely removed and built in accordance. In this light, we would highlight that there is a need to separate the modern interventions with the original/historically accurate features of the property.

Floorboards

Relates to breach (23): The installation of MDF floorboards in the hallways and landings at ground to third floor levels ([Appendix V](#)). It is likely they are to be replaced with new laminated timber floorboards, but in the instance they are not - again, MDF is low-quality in appearance and durability and cannot be considered to be high quality nor sympathetic in design and must be removed.

And breaches (24, 25): Where backer boards have been installed and new laminated timber and porcelain floorboards overlaid on top the original floorboards. They are not ideal but considered reversible. No action.

In aggregate, all unauthorised internal works have significantly and harmfully altered the character and appearance of the site on an individual and cumulative scale, thus significantly contributed toward the erosion of the historic significance of the site.

Assessment:

Prior to the commencement of the works the areas of the site which retained significance, aside from the brick carcass of the building, were the window frames, the planform, the surviving elements of internal historic joinery (square-profile skirting, staircases). The parts of the significance which have been lost are the windows frames (total loss), staircases (total loss), square profile skirting (total loss), party wall separation between the two properties at ground floor level, character of rooms and spaces through introduction of unsympathetic doors, architraves, kitchenettes and LED lighting.

Accordingly, all alleged unauthorised works have unequivocally resulted in the cumulative erosion of this historic significance, where a variety of original and historically accurate features have been permanently lost and replaced (i.e. staircases) with incongruous and low-quality modern replacements that detract from the listed host buildings and surrounding area. Additional works (i.e LED lights, Kitchenettes) further the 'modernising' effect of these replacements, to which some have also resulted in a net loss of the original planforms of the site (i.e. ensuite partitions, party wall breaches).

Public benefits from the implementation of the 2023 consent were achieved through its notable commitment to protect and restore existing historic features. These benefits can no longer be achieved, and historical fabric has been irreversibly lost by the unauthorised works, which on the planning balance has limited public benefit to convincingly outweigh the harm it causes.

In aggregate, the alleged works are contrary to the 2023/0285/L consent, Policies D1 and D2 of the Camden Local Plan (2017) and CPG Design (2021) and CPG Home Improvements (2021) planning guidance. The boiler outbuilding at the rear garden and ancillary plant equipment is considered excessive, and in the absence of a sufficient scheme, we cannot be certain that it complies with our noise standards or will comply in perpetuity, contrary to Policies A1 and A4 of the Camden Local Plan (2017).

Other matters:

It has appeared to the Council that these works would be in relation to a future potential change of use of the property from a Probation Hostel (C2) to a Temporary Sleep Accommodation (Sui Generis) or Hotel (C1) – an enquiry was submitted to us regarding this matter (EN23/0713 – ongoing investigation).

Recommendation:

That the Borough Solicitor issue a Listed Building Enforcement Notice under Section 38 Planning (Listed Building and Conservation Area) Act 1990 as amended, and officers be authorised in the event of non-compliance, to prosecute under Section 43 of this act.

The notice shall allege the following breaches of planning control:

Without consent:

(Note that the references highlighted in bold below to “action” or “no action” are references to the requirements set out in Section 5 of the notice)

External

1. Replacement of the timber sash windows located on the front and rear elevations across the ground, first, second and third floor levels with laminated timber/composite sash windows – **Action**.
2. Replacement of the two timber doors (one in each property) at the two-storey rear extensions’ flat roof terraces with laminated timber/composite doors – **Action**.
3. Removal of the two timber picture windows (one in each property) and sections of masonry, and subsequent installation of laminated timber/composite casement windows and doors within each front lightwells at basement level – **Action**.
4. Removal and infilling of the two doorways of the front lightwells’ ‘Storage Rooms’ (one in each property) at basement level – **Action**.
5. Erection of a timber outbuilding with boiler and ancillary plant equipment at the rear garden – **Action**.
6. Replacement of timber sash windows located on the flank elevations of the rear extensions at ground and first floor levels with laminated timber/composite sash windows – **No action**.
7. Replacement of the two timber casement windows (one in each property) at the rear ground floor level extensions with laminated timber/composite casement windows – **No action**.
8. Replacement of the two top-hung timber casement windows (one in each property) at the rear elevation at basement level with a top-hung laminated timber/composite casement window at No.18 and a laminated timber/composite door at No.20 – **No action**.
9. Replacement of the three doors (one in No.18 and two in No.20) at the rear ground floor level extensions with laminated timber/composite doors – **No action**.

Internal

10. Complete replacement of the two original staircases (one in each property, spanning through all levels) with modern staircases – **Action**.
11. All rooms (excluding the rear room at ground floor level of No.18, and the first floor utility rooms of both properties): Installation of recessed LED lights in the ceilings – **Action**.
12. Front and rear rooms at basement and ground floor levels (excluding the front and rear rooms at ground floor level of No.18): Installation of larger kitchenettes in unconsented positions – **Action**.
13. Front and rear rooms at the first, second and third floor levels (excluding the rear rooms at both ground and third floor levels of No.18, and first floor utility rooms of both properties): Installation of kitchenettes – **Action**.
14. Rear rooms at ground and first floor levels of No.20: Removal of sections of the chimney breast where their respective unauthorised kitchenettes have been installed – **Action**.
15. All rooms (excluding the front and rear rooms at both first and second floor levels of No.20, and the front and rear rooms at third floor level of both properties): Infilling of the alcoves adjacent to the chimney breasts – **Action**.
16. All front rooms (excluding the front room at ground floor level of No.18): Installation of larger and subdivided ensuite bathrooms at the front rooms. At ground and first floor levels, they also infill the floors and ceilings – **Action**.
17. All rear rooms (excluding the rear room at ground floor level of No.18): Installation of modern doorways to provide access to these new front room ensuites – **Action**.
18. Following the removal of a section of masonry in the party wall between No.18’s ground floor rear room and No.20’s hallway, the installation of a modern doorway – **Action**.

19. Ground floor rear room of No.18: Installation of ensuite bathroom that infills the floor and ceiling by the window – **Action.**
20. Removal and infilling of the doorways of the front lightwells' 'Storage Rooms' (one in each property) at basement level – **Action.**
21. All rooms: Replacement of all doors of all rooms with modern doors – **Action.**
22. All rooms and hallways: Replacement of all door architraves with modern architraves – **Action.**
23. All rooms, hallways, and landings: Replacement of all skirting boards with modern skirting boards – **Action.**
24. Ground to third floor level hallways and landings: Installation of MDF floorboards over the original floorboards – **Action.**
25. All Basement level rooms and hallways: Installation of Porcelain tiles over existing concrete floors – **No action.**
26. All Ground to third floor level rooms: Installation of laminated timber floorboards over the original floorboards – **No action.**

WHAT ARE YOU REQUIRED TO DO:

(The item numbers in bold refer to the alleged breaches in Section 3)

External

1. Completely remove all laminated timber/composite sash windows located on the front and rear elevations across ground to third floor levels of both properties (as identified in Appendix 1 – outlined in red) and insert timber sash windows to match in profile, materiality, and designs of those that previously existed (**Item 1**).
2. Completely remove the two laminated timber/composite doors located at the second floor extensions' rear terraces of both properties (as identified in Appendix 1 – outlined in orange) and insert timber doors to match in profile, materiality, and design of those that previously existed (**Item 2**).
3. Completely remove the laminated timber/composite picture window and door fittings of both properties (as identified in Appendix 2 – outlined in red), insert timber picture windows to match in profile, materiality, and design of those that previously existed, and infill the resultant gaps with brickwork and render this new brickwork with lime-based render internally and externally to match existing (**Item 3**).
4. Reinstate the front lightwell access into the 'Storage Rooms' located at basement level of both properties to match in profile, materiality, and design of those that previously existed in accordance with "Drawing 2245-12" (Appendix 3 – circled in red) (**Item 4**).
5. Completely remove the timber-faced boiler outbuilding and ancillary plant equipment at the rear garden (**Item 5**).

Internal

6. Completely remove the handrail, spindles, newels, and risers of the two modern staircases of both properties and insert handrail, spindles, newels and risers to match in profile, materiality, and design of those that previously existed (**Item 10**).
7. Completely remove all recessed LED lights which are located in all rooms of both properties (except for No.18's ground floor rear room and Nos.18-20's first floor utility rooms) and make good the resultant gaps to match the existing ceilings (**Item 11**).
8. Completely remove the kitchenettes that are located in the front and rear rooms of both properties at basement level and front and rear rooms of No.20 at ground floor level, and insert the consented 'TP (Tea Points)' in accordance with Drawing "2245-12" and "2245-13" of the 2023/0285/L consent (Appendix 3 and 4, respectively) (**Item 12**).
9. Completely remove the kitchenettes located in the front and rear rooms at first, second, and third floor levels of both properties (**Item 13**).
10. Following the removal of the kitchenettes in the ground and first floor rear rooms of No.20, reinstate the sections of removed chimney breast with brickwork and make good this brickwork to match existing (**Item 14**).
11. Completely remove the alcove infills adjacent to their respective chimney breasts (as identified in Appendices 3, 4, 5, and 6 – red boxes) (**Item 15**).

12. Completely remove the ensuites located in all front rooms and the associated modern ensuite doorways (doors and architraves) located in the respective rear rooms of both properties, infill the resultant gaps in these rear room walls to match the existing, make good the ceilings where appropriate to match existing, and insert the consented ensuites in accordance with Drawings "2245-13", "2245-14", "2245-15", "2245-16", and "2245-19" of the 2023/0285/L consent (Appendices 4, 5, 6, 7, and 8, respectively) (**Items 16 and 17**).
13. Completely remove the modern doorway (door and architraves) in the party wall between No.18's ground floor rear room and No.20's ground floor hallway, then infill the resultant gap with brickwork and make good this brickwork to match existing (**Item 18**).
14. Completely remove the ensuite located in the ground floor rear room of No.18 and insert the consented ensuite in accordance with Drawing "2245-13" of the 2023/0285/L consent (Appendix 4) (**Item 19**).
15. Reinstate the front room access into the 'Storage Rooms' located at basement level of both properties to match in profile, materiality, and design of those that previously existed in accordance with "Drawing 2245-12" (Appendix 3 – circled in orange) (**Item 20**).
16. Completely remove all modern entrance doors of all rooms of both properties and insert the consented doors in accordance with Drawing "2245-19" of the 2023/0285/L consent (Appendix 8) (**Item 21**).
17. Completely remove all modern door architraves of all rooms, hallways and landings of both properties and insert architraves to match in profile, materiality, and design of those that previously existed (**Item 22**).
18. Completely remove all modern skirting boards located in all rooms, hallways, and landings of both properties and insert skirting boards to match in profile, materiality, and design of those that previously existed (**Item 23**).
19. Completely remove the MDF floorboards in the hallways and landings of both properties at ground, first, second, and third floor levels (**Item 24**).
20. Remove all resultant materials from the site and make good all damages as a result of all the above operations.

PERIOD OF COMPLIANCE: NINE (9) months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- a) The work outlined above has been carried out to these Grade II listed buildings without the benefit of Listed Building Consent;
- b) All unauthorised external works, by virtue of the loss of historic and historically accurate fabric and installation of unsympathetic replacements, additions and extensions are harmful to the special architectural and historic interest of the host listed building and setting of the wider terrace which is listed contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
- c) In the absence a sufficient scheme to confirm compliance with the Council's noise standards and the resulting noise levels, the plant equipment inside the unauthorised boiler outbuilding fails to safeguard the amenities of neighbouring occupiers, contrary to policies A1 (Amenity) and A4 (Noise) of Camden's Local Plan 2017
- d) All internal works, by virtue of the loss and damage to historic and historically accurate fabric and erosion of the planform, as well as the installation of unsympathetic replacements and additions, is harmful to the special architectural and historic interest of the listed building contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

ENFORCEMENT NOTICE (REQUIREMENTS) Appendices.

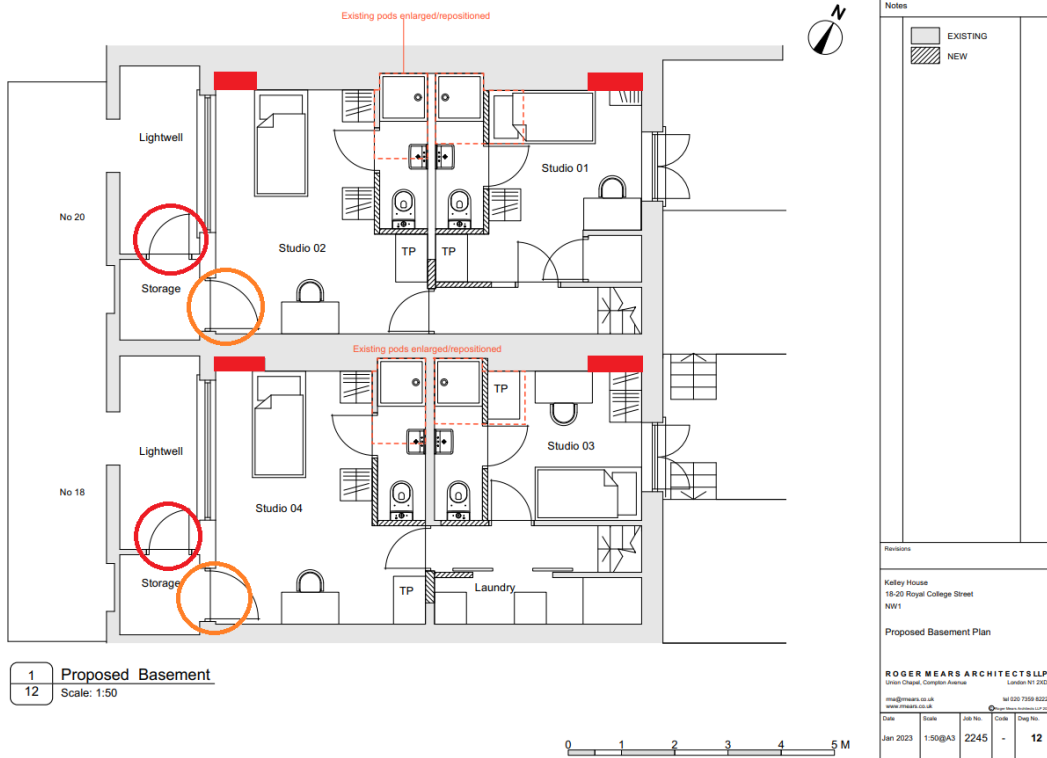
Appendix 1: Annotated version of Drawing 2245-07 ‘Existing Elevations’ of the 2023/0285/L consent



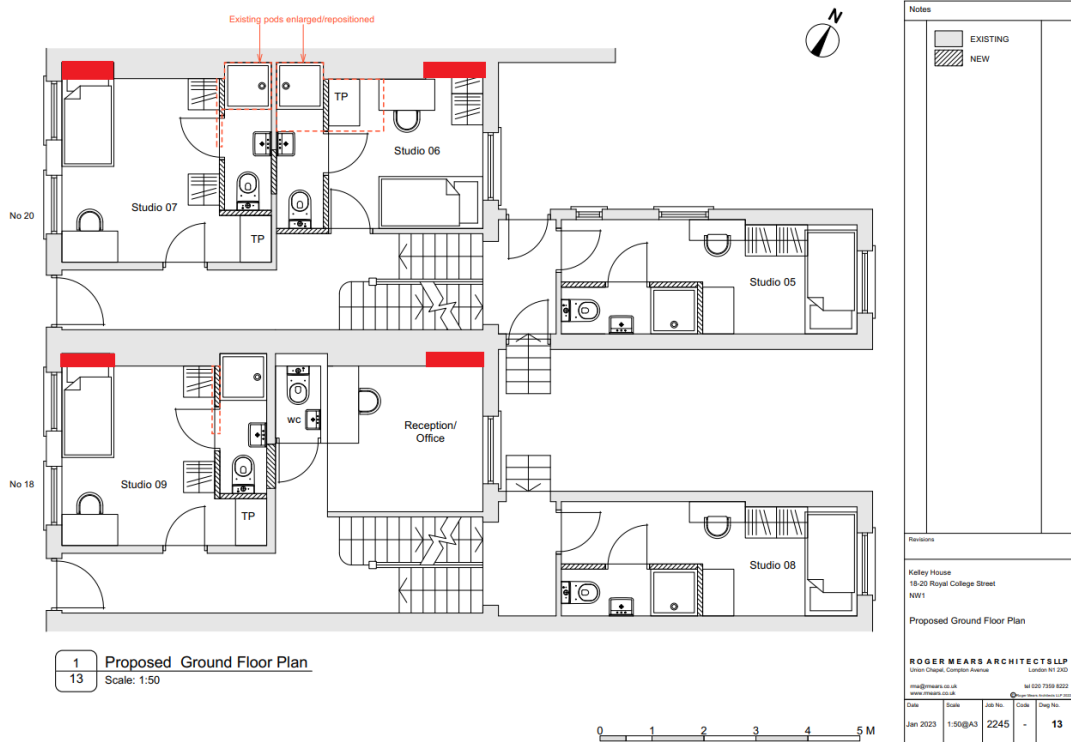
Appendix 2: Annotated image of unauthorised casement windows and doors



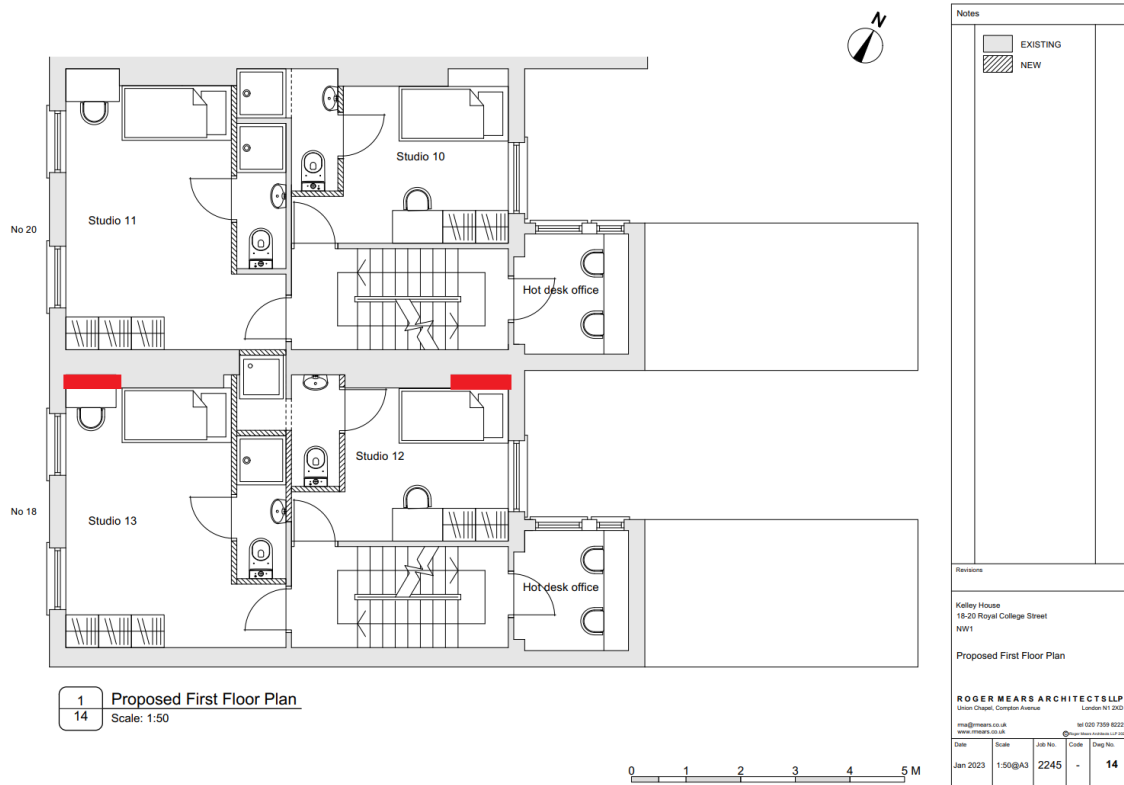
Appendix 3: Annotated version of Drawing 2245-12 “Proposed Basement Plan” of the 2023/0285/L consent



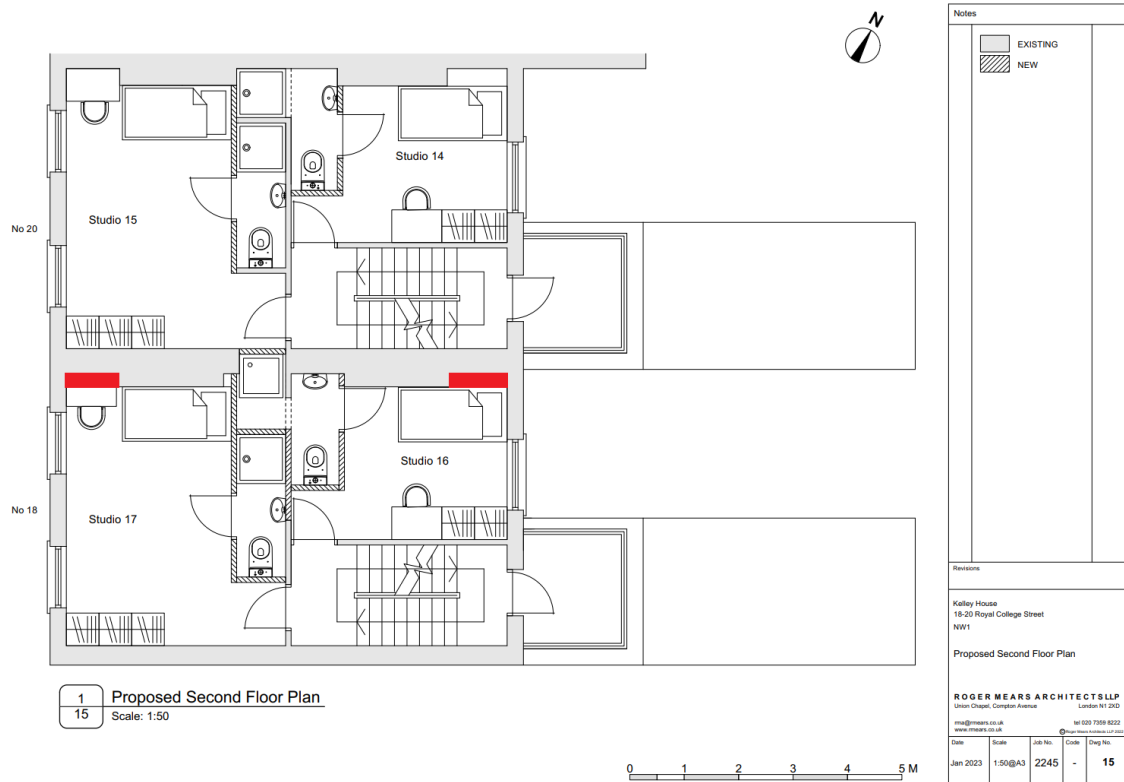
Appendix 4: Annotated version of Drawing 2245-13 “Proposed Ground Floor” of the 2023/0285/L consent



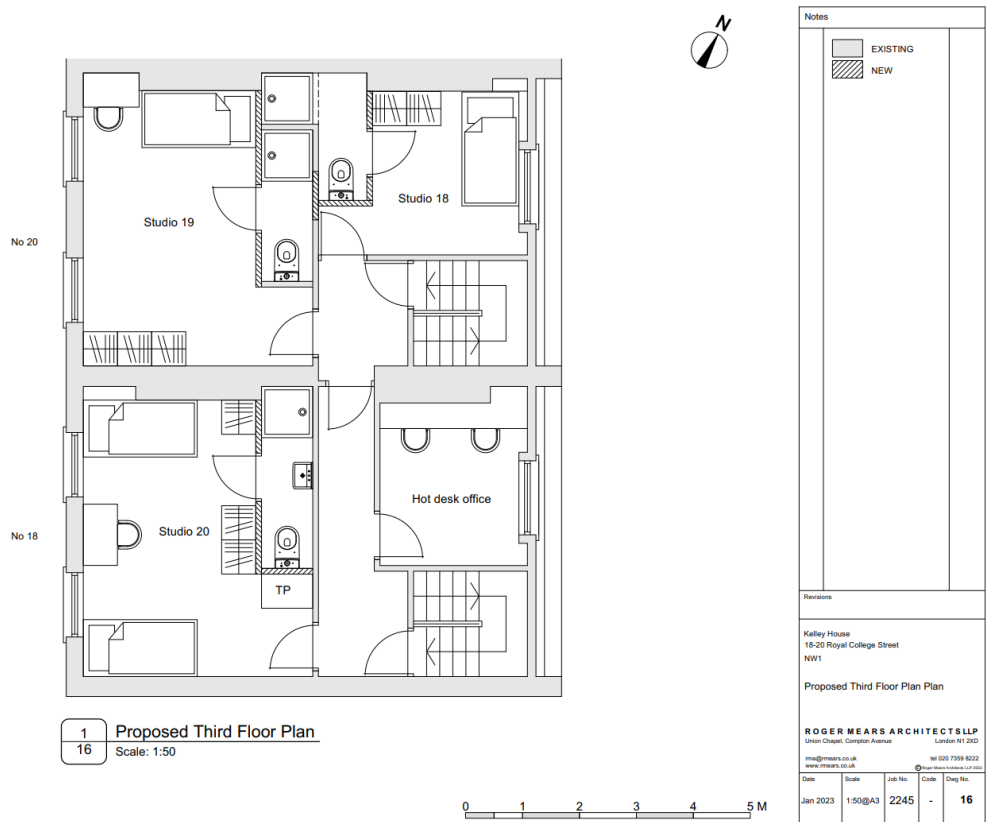
Appendix 5 – Annotated version of Drawing 2245-14 “Proposed First Floor Plan” of the 2023/0285/L consent



Appendix 6 – Annotated version of Drawing 2245-15 “Proposed Second Floor Plan” of the 2023/0285/L consent



Appendix 7 – Drawing 2245-16 “Proposed Third Floor Plan” of the 2023/0285/L consent



Appendix 8 – Drawing 2245-19 “Proposed Section”

