



**PLANNING ENFORCEMENT**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**STATEMENT OF CASE**

**APPEAL SITE**

Kelley House, 18-20 Royal College Street  
London  
NW1 0TH

**LPA CASE OFFICERS (AUTHORS)**

Mr Joshua Cheung (Enforcement) & Mr David McKinstry  
(Conservation)

**APPELLANT**

Mr Mark Friedman, Canal Estates LTD

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**SUBJECT OF APPEAL**

Appeal against the Listed Building Enforcement Notice dated 28<sup>th</sup>  
March 2024

**METHOD OF APPEAL**

Written Representations

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**LPA REFERENCE**

EN23/0835

**PINS REFERENCE**

APP/X5210/F/24/3344090

**DATED**

10<sup>th</sup> October 2024

## **1. Summary**

1.1 The site comprises two five-storey (including basements) mid-terrace properties on the East-side of Royal College Street – together known as ‘Kelley House’. Kelley House is Grade II listed, forming part of the “NUMBERS 6-22 ROYAL COLLEGE STREET, AND ATTACHED RAILINGS AND BOLLARD IN PEDESTRIAN WAY OF NUMBER 12” listing. The lawful use of the property is as a Probation Hostel (Sui Generis).

1.2 The site lies near the Kings Cross St Pancras Conservation Area. The site’s historic façade is pursuant to the visually and architecturally interesting Georgian terraces along Royal College Street which are also under statutory or local lists, to which the site makes a positive contribution to the area.

1.3 Internally, it appears a number of historic joinery features survived in addition to the general legibility of historic planform, including runs of chimney breasts. Most notably, the two original staircases and timber sash windows survived. Through these features, as well as (in comparison to the unauthorised works) more historically appropriate features, the interest of the property had retained its significance. We continue to find great desirability to protect, restore, and enhance the site, resisting unsympathetic development that imposes the contrary.

1.4 There was an opportunity to remedy some harmful interventions and restore the surviving architectural features, and an application was submitted to the Council which is considered to address this (LPA reference: 2023/0285/L). On the basis the proposals would preserve and enhance the special architectural and historic interest of the property, consent was granted on the 7<sup>th</sup> February 2023:

*“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”.*

1.5 On the 12<sup>th</sup> October 2023, an enquiry was made to the Council regarding works at the site that potentially fell outside of the 2023/0285/L consent. Subsequent visits on the 24<sup>th</sup> October 2023 and 8<sup>th</sup> February 2024 verified that an extensive breach of listed building control had occurred. Amongst the variety of works, the original staircases, windows, and other surviving historic features had been completely removed and permanently lost. These unauthorised works are considered to adversely affect the site’s character as buildings of special architectural and historic interest.

1.6 The collective harm of all breaches recommended that a Listed Building Enforcement Notice be served. This was served on the 28<sup>th</sup> March 2024, alleging a number of unauthorised external and internal works – **the subject of this appeal**. It provides a NINE (9) month compliance period. Some works have been alleged as a breach, but require no action.

## **2. Relevant planning history of the site**

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

**8802186:** Refurbishment, 3 storey rear extension, 4th floor extension and conversion to 9 flats. Refused on the 2<sup>nd</sup> December 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 & 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.

**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.

## **3. Status of policies and guidance framework**

3.1 In arriving at its current position, Camden Council has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The development subject to this appeal was considered in the light of the following policies:-

### **National Planning Policy Framework 2023**

### **London Plan 2021**

3.2 The full text of each of the below policies and guidance has been sent with the questionnaire documents.

### **Camden Local Plan 2017**

*D1 (Design)*

*D2 (Heritage)*

*A1 (Managing the impact of development)*

### **Camden Planning Guidance**

*Design (2021)*

*Amenity (2021)*

*Home Improvements (2021)*

3.3 It is noted that the Council has begun the process of updating the Local Plan. There are no material differences between the NPPF and the Local Plan in relation to this appeal. To which having looked at the relevant emerging policies, I am of the opinion that there is no material difference that would alter the Council's decision and within this appeal.

#### **4. Grounds of appeal**

4.1 The appellant has appealed against the Enforcement Notice under grounds E, G, I, J, & K, and has submitted a statement (with appendices) which sets out their case.

4.2 The Council must first raise the preliminary matter of important changes to the appellant's position on their appeal points, which is pertinent to the upholding of the Enforcement Notice and dismissal of the appeal.

#### **5. Preliminary matter: Recently submitted 2024/3768/P and 2024/3854/L applications, and the appellant's forthcoming undertaking of 9 of the 20 notice requirements.**

5.1 On the 10<sup>th</sup> May 2024, the appellant appealed the Listed Building Enforcement Notice, then engaged with the LPA in an informal pre-application meeting (dated 16<sup>th</sup> May 2024) at the Camden Council offices (5 Pancras Square, London, N1C 4AG). This appeal was made to 'safeguard the appellant's position' whilst they apply for a variety of remedial works.

5.2 Subsequently, the appellant has recently submitted planning applications (referenced 2024/3768/P and 2024/3854/L - 'the 2024 Scheme') confirming their final position on the alleged breaches and how they will comply with the Notice. Tables 1-16 below (Section 6) confirm the differences in the appellant's 'Appeal position' and '2024 Scheme position'.

5.3 The '2024 Scheme positions' are derived from the published 'Planning and Heritage Statement' which has taken into account informal advice ('Advice 28.06.24') the Council issued – copies of these documents have been sent alongside this statement, Appendices SOC1 and SOC2, respectively. It should again be noted that the advice was informal and issued without prejudice – this is understood by the appellant.

5.4 Nonetheless, the Council believed the appellant would request a pause on this appeal to PINS whilst we fully assessed the 2024 Scheme, per a verbal expression on the 16<sup>th</sup> May 2024. Whereby, a consented scheme may supersede some/parts of the requirements of the Notice. The appellant has also expressed that they will soon be actioning nine notice requirements. Therefore, it continues to appear to us that this appeal seeks the variation of the notice requirements.

5.5 As we have yet to put the 2024 Scheme on the planning balance and issue a decision, we must respond to the grounds of appeal within the context of all the alleged breaches as a whole. However, we will need to make reference to the 2024 Scheme where necessary and appropriate. Accordingly, the Council would state that the existing pending applications should not change the baseline position in assessing the outstanding grounds of appeal. To this note, as will be reiterated in Paragraph 8.2 below, the Council believes the Enforcement Notice must be upheld to secure the mitigation of harm especially where it is not contested by the appellant. However, the Council has provided substantial rebuttals to the firmly contested breaches and requirements for the full upholding of the Notice.

5.6 We will now seek to break down the issues raised, particularly for the firmly contested Breaches 2, 5, 12, 13, 16, 18, 20, and 23 and corresponding Requirements 2, 5, 8, 9, 12, 14, 16, and 19 of this appeal. Notable changes in the positions for Requirements 1 and 3 are also addressed. Arguments by the appellant have been summarised and formatted in italics where copied and pasted, then addressed beneath.

5.7 The Council has highlighted Tables in **Orange** where the appellant is expressing full compliance with the requirements in this appeal, but the 2024 Scheme shows the contrary. Tables in **Red**, are firmly contested breaches and requirements. Tables in **Green**, are where the harm and requirements are not contested and will be complied with.

## **6. LPA Enforcement Response and Conservation Evidence**

**Table 1**

<b>Breach 1</b>	<b>Requirement 1</b>	<b>Appeal position</b>	<b>2024 Scheme position</b>
1. Replacement of the single-glazed timber sash windows located on the front and rear elevations across the ground, first, second and third floor levels with double-glazed laminated timber/composite sash windows – Action.	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 single-glazed timber sash windows to match in profile, materiality, and designs of those that previously existed (Item 1).	<b><i>“Comply”</i></b>	Retain existing “timber” frames - but will replace the sash windows per the Requirement 1.  <u>The Council have yet to make full judgement on the 2024 Scheme.</u>  No grounds of appeal but responded to below.
Enforcement Delegated Report: Harm outlined in Pages 5 - 6, Photos in Appendix A - B (labelled ‘W1 - W21’).			

6.1.1 Table 1: Difference in appellant’s position on Requirement 1.

6.1.2 The appellant’s heritage risk assessment of the 2023/0285/L consent stipulates the significance of the front windows as “very high”, rear windows as “medium” – with overhauling and repairing them as highly beneficial actions (see the HIA Table on Page 13 of the appellant’s statement). Within this appeal, the appellant continues to accept the adverse harm caused by the entirety of Breach 1, and accordingly expressed full compliance with Requirement 1. Consent should not be given for Breach 1.

6.1.3 However, within the 2024 Scheme, the appellant states the unauthorised frames are “*timber*” and of “traditional design”, thus “*do not adversely effect the significance of Kelley House*”. Contradictorily, on the 6<sup>th</sup> February 2024, we were forwarded the specification sheets of all unauthorised replacement fittings, showing the unauthorised windows were “4mm ply backlings”, which is not natural wood. A copy of this specification sheet has been sent alongside the Council’s appeal statement (Appendix SOC3).

6.1.4 The pre-existing timber frames contributed toward the interest of the listed building in terms of its natural softwood materiality, which has now been lost without sufficient justification. The unauthorised frames are of inappropriate materiality and alongside the other unauthorised works, erodes the significance of the site through these modern interventions without corresponding benefits to outweigh. Requirement 1 must therefore be entirely upheld to secure the full mitigation of the adverse harm caused by Breach 1, which has no corresponding benefits, in line with their initial appeal position.

Table 2

Breach 2	Requirement 2	Appeal position	2024 Scheme position
2. Replacement of the two single-glazed timber doors (one in each property) at the two-storey rear extensions' flat roof terraces with double-glazed laminated timber/composite doors – Action.	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 single-glazed timber doors to match in profile, materiality, and design of those that previously existed (Item 2).	Ground E appeal.	Retain existing – argument consistent with their <b>Ground E appeal</b> .
Enforcement Delegated Report: Harm outlined in Pages 5 - 6, Photos in Appendix D (labelled 'DR2' and 'DR3').			

6.2.1 Table 2: No difference in their position – disputed.

6.2.2 **Appellant:** *Ground E appeal: The doors prior to the works were not historic nor original features of the building. The replacements are visually sympathetic to the established character of the terrace and do not harm its significance.*

6.2.3 **Response:** The appellant has argued the un-original terraces results in the removal of significance of the small respective sections of the historic rear elevation, thus argues the impact of the as-built doors as neutral. This is not the case. We would again refer to the appellant's HIA Table (Page 13 of their statement), which designates 'medium' historic significance to the rear. Ground – third floor have higher significance: Traditionally, sash windows would have been in the positions of the as-built doors. Therefore, whilst these doors are a result of the non-original terraces, they read as part of the historically significant rear elevations. The doors should therefore be uniform in design and materiality with the rest of the historic rear elevation fenestration, which they were before the unauthorised works.

6.2.4 As such, by reason of the imposition of their inappropriate design (stuck-on Ovolo glazing bars, double-glazing, thicker proportions) and engineered wood materiality (laminated timber/composite) on the historic and architecturally interesting rear elevation, less than substantial harm is being caused, and there is no public benefit outlined by the appellant to outweigh this harm. Consent should not be granted for Breach 2 - Ground E should fail and Requirement 2 upheld entirely to mitigate the harm.

6.2.5 The Council has been consistent in this principle as we have set out windows situation within the non-historic rear extensions as 'no action' breaches within the notice.

Table 3

Breach 3	Requirement 3	Appeal position	2024 Scheme position
3. Removal of the two single glazed timber picture windows (one in each property) and sections of masonry, and subsequent installation of double-glazed laminated timber/composite casement windows and doors within each of the front lightwells at basement level – Action.	3. Completely remove the laminated timber/composite picture window and door fittings of both properties (as shown in Appendix 2), insert single-glazed 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).	<b>"Comply"</b>	Retain access into lightwell, but replace existing with traditionally detailed and historically appropriate fittings (single glazed French doors, and sash windows).  <u>The Council have yet to make full judgement on the 2024 Scheme.</u>  No grounds of appeal but responded to below.
Enforcement Delegated Report: Harm outlined in Page 6, Photos in Appendix E.			

### 6.3.1 Table 3: Difference in appellant's position on Requirement 3.

6.3.2 In regard to the proposed retention of access, the appellant states "*it must be accepted that one of the most varied characteristics of the terrace's front elevation is the arrangement of openings into the lightwell at basement level*". Whereby, they cite the 8401812 permission at No 16 as a precedent for consenting access into the lightwell 'directly' from the front basement room, as Breach 3 has done for the site.

6.3.3 At the basement level front elevations of the similar listed Georgian buildings in the area (6-22 (even) and 75-85 (odd) – pursuant to the façade and age of the site), ten-over-ten sash windows would traditionally be in place. And where there is access into the lightwell from inside the buildings, it is provided 'indirectly' through a door underneath the ground floor entrance bridges or via the external storage room (like at site). Both are historic arrangements - storage rooms being a later addition.

6.3.4 Appendix SOC4, site visit photos of the lightwells of Nos 6-22 and 75-85, clearly shows that sash windows and 'indirect' access into the lightwell remain the prevailing and historic pattern of development of the similar Grade II listed Georgian buildings in the area.

6.3.5 The Council does not believe the 8401812 Granted on the 19<sup>th</sup> December 1984 to be material nor a precedent to this appeal. The legal and policy framework in applied in 1984 is vastly different to that applied today. Most importantly, as the appellant has recognised, the application and decision were issued before the site's listing in 1993. Unlike within the 8401812 application, heritage policies and guidance (especially, Local Plan Policies D1 (Design) and D2 (Heritage)) which comply with the NPPF, TCPA 1990 (as amended), and Planning (Listed Buildings and Conservation Areas) Act 1990 are being applied and hold significant weight in this appeal. If there were any heritage policies that were applied to the 8401812 application, they are 40 years old and are not applied by the Council today.

6.3.6 Nonetheless, through this application, 'direct' access into the lightwell is therefore part of No 16's own character and cannot be used as a precedent. Whereby, the installation of 'direct' access into lightwells through Breach 3 is a departure from site's individual and special historic characters. The principle of determining each case on its own merits is notably applicable here.

6.3.7 The context is also different. The LPA was tackling the dereliction of Royal College Street properties/land where there were many change of use/refurbishment applications between the 70's and 80's in the area, including at the site, that were mostly fully granted or on a 'limited period' basis. In this appeal case, whilst the site has been out of use, the appellant had a viable scheme to implement to bring the site back into use without the need of the alterations set out in Breach 3.

6.3.8 Finally, insofar the 8401812 consent can be considered a precedent for 'direct' access, there are no examples of picture window/door hybrid fittings (as-built) nor French door/sash window hybrid fittings (2024 proposed) in the area, meaning this 'precedent' would not be applicable to this case.

6.3.9 Whilst the pre-existing picture windows were non-original to the site and caused harm through the widening of the original opening, Breach 3 has furthered this harm by further widening this opening through the demolition works, as well as through introducing modern materials and alterations to the plan form. The reversion back to the last lawful position of the lightwell is much more appropriate than what is currently in place.

6.3.10 In light of all the above, the Council refutes that “it *must be accepted that one of the most varied characteristics of the terrace's front elevation is the arrangement of openings into the lightwell at basement level*”. The arrangement of openings has remained similar across the Grade II listed Georgian buildings in this area.

6.3.11 Within the 2024 Scheme, they also state there will be ‘difficulty matching new brickwork to the existing material in the event the door is removed’. And “*there is a substantial risk that the outline of the removed door would remain visible, potentially leading to historical confusion and detracting from the building's aesthetic appeal.*”

6.3.12 No evidence has been provided that it would be “*difficult*” to achieve the pre-existing positions of the lightwells. Given they have submitted applications, they have been at the discretion to confirm how to reinstate the lightwells’ pre-existing positions (as they have done so for Requirement 6 (the staircase profile), amongst other elements). Whereby, our Conservation Officers consistently interact with applicants who are required to, and fully capable of producing matching repairs or extensions of various kinds in sensitive settings across the borough. Even if the appellant chooses not to put forward a formal enquiry within the scheme, Requirement 3 is sufficiently clear and not ambiguous.

6.3.13 Taking into the account Government Planning Practice Guidance on what constitutes ‘substantial harm’ to a heritage asset and in the absence of sufficient evidence to further explain or demonstrate, it is highly unlikely that the risk of “*leading to historical confusion and detracting from the building's aesthetic appeal*” through complying with Requirement 3 is “*substantial*” nor high in likelihood.

6.3.14 The appellant does not dispute the harm caused by Breach 3. It is considered there is marginal/no risk that exists in carrying out Requirement 3, which is sufficiently clear and not ambiguous, and should be upheld entirely to mitigate the harm caused.

**Table 4**

<b>Breach 4</b>	<b>Requirement 4</b>	<b>Appeal position</b>	<b>2024 Scheme position</b>
4. Removal and infilling of the two doorways of the front lightwells’ ‘Storage Rooms’ (one in each property) at basement level – Action.	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).	“ <i>Comply</i> ”	“ <i>To comply</i> ” – technical details provided in application.
Enforcement Delegated Report: Harm outlined in Page 6, Photos in Appendix E (circled in red).			

6.4.1 Table 4: No difference in their position - wholly agreed by appellant and LPA, and arguments not made in either parties’ appeal statements. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 5**

<b>Breach 5</b>	<b>Requirement 5</b>	<b>Appeal position</b>	<b>2024 Scheme position</b>
5. Erection of a timber outbuilding with boiler and ancillary plant equipment at the rear garden – Action.	5. Completely remove the timber-faced boiler outbuilding and ancillary plant equipment at the rear garden (Item 5).	Ground E and I appeal.	Retain existing – argument consistent with their <b>Ground E and I appeal</b> .  <u>The Council have yet to make full judgement on the 2024 scheme.</u>
Enforcement Delegated Report: Harm outlined in Pages 6 - 7, Photos in Appendix F.			



6.5.1 Table 5: No difference in their position - disputed.

6.5.2 **Appellant:** *Ground E and I: The outbuilding is sympathetic to the character of the property, it is of lightweight, simple, and “honest” design. It follows conservation principles of reversibility.*

6.5.3 **Response:** Whilst there was a permission for an outbuilding under the historic 9401373 consent, the as-built boiler house is a considerable addition to the listed building in terms of its scale and needed to be assessed together with the rest of the unauthorised works, which again was extensive and caused adverse harm.

6.5.4 The Council would also apply the principles of differing context and legal/policy framework as set out in Paragraphs 6.3.5 and 6.3.7, here.

6.5.5 The harm is outlined in the Enforcement Delegated Report (Pages 6-7) and would be rectified through its complete removal. The Council believes Ground E and I should fail.

**Table 6**

Breach 6	Requirement 6	Appeal position	2024 Scheme position
6. Complete replacement of the two original staircases (one in each property, spanning through all levels) with modern staircases – Action.	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).	<i>“Comply”</i>	<i>“To comply”</i> – technical details provided in application.
Enforcement Delegated Report: Harm outlined in Page 7, Photos in Appendix G.			

6.6.1 Table 6: No difference in their position - wholly agreed by appellant and LPA, and arguments not made in either parties’ appeal statements. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 7**

Breach 11	Requirement 7	Appeal position	2024 Scheme position
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.	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).	Ground E appeal	<i>“To comply”</i> – technical details provided in application
Enforcement Delegated Report: Harm outlined in Page 7, Photos in Appendices H – L (labelled ‘LED’).			

6.7.1 Table 7: Difference in their position – now wholly agreed by appellant and LPA. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 8**

Breach 12	Requirement 8	Appeal position	2024 Scheme position
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.	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	Ground E and J appeal.	Retain existing – argument consistent with their <b>Ground E and J appeal</b> .  <u>The Council have yet to make full judgement on the 2024 scheme.</u>

	2023/0285/L consent (Appendix 3 and 4, respectively) (Item 12).		
Enforcement Delegated Report: Harm outlined in Pages 7 - 8, Photos in Appendices H – I (labelled 'KIT').			

6.8.1 Table 8: No difference in their position - disputed.

**6.8.2 Appellant:** *The kitchenettes in the front rooms of the basement level currently obstruct the doorways that previously led to the storage room in the lightwell. This arrangement is not appropriate as it impacts the legibility of the original access/egress from basement to the lightwell, albeit if they were retained in this area through a relocation away from these doorways, the kitchenettes would not necessarily be harmful (subject to the connections to pipe runs). In this respect, the inclusion of kitchenettes in the front rooms at basement level within this enforcement item exceeds what is necessary to alleviate the effect of the works at other points in the building. This is because the level of impact the removal would mitigate against is different at basement level front room, than when compared to the other rooms where the lightwell doors do not exist and do not present such a constraint. The item in relation to the basement front should be separated and included with item 19 [Requirement 8] which is to be complied.*

**6.8.3 Response:** The harm is agreed regarding the present position of the basement front room kitchenettes and consent should not be provided for this. However, despite the appellant's proposal to set these kitchenettes away from the storage room doors (to be reinstated, Table 15), we continue to contend they are harmful. Under the 2023/0285/L consent, these kitchenettes were to be directly adjacent to the ensuites, meaning full legibility of the original access/egress from basement to the lightwell. There is no benefit that would outweigh the remaining harm from setting them back.

6.8.4 In relation to the basement rear room and ground floor kitchenettes, again these kitchenettes were to be directly adjacent to the ensuites, so the modern additions are situated 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.

6.8.5 The as-built ground floor front room kitchenette is not considered to represent was was consented in the 2023/0285/L permission, but given what was consented we do not consider the harm to be material to warrant action. This kitchenette was therefore not included in Requirement 8, in line with the other "no action" breaches. The Enforcement Notice seeks to remedy injury to the character and interest of the site. There is no kitchenette within the ground floor rear room at No 18.

6.8.6 The benefits do not outweigh the less than substantial harm caused by retaining the kitchenettes at the existing positions and sizes at basement level and No 20. There is no sufficient justification for Breach 12. Requirement 8 does not exceed what is necessary to alleviate the harmful effects of these works. Grounds E and J should therefore fail.

**Table 9**

<b>Breach 13</b>	<b>Requirement 9</b>	<b>Appeal position</b>	<b>2024 Scheme position</b>
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.	9. Completely remove the kitchenettes located in the front and rear rooms at first, second, and third floor levels of both properties (Item 13).	Ground E and J appeal.	Retain existing (including those at No 20's ground floor rear room after their removal for chimney breast repairs) – argument consistent with their <b>Ground E and J appeal.</b>
Enforcement Delegated Report: Harm outlined in Pages 7 - 8, Photos in Appendices J – L (labelled 'KIT').			

6.9.1 Table 9: No difference in their positions - disputed.

**6.9.2 Appellant:** *The kitchenettes located elsewhere at first, second and third floor are located in positions that are away from the chimney breasts and they mostly occupy positions with pre existing infrastructure for drainage, given the previous hostel sink basins occupied similar positions. The kitchenettes are designed in the same way throughout the property, returning a holistic design approach to each constituent part of the site. The kitchenette design is also split between modestly sized low- and high-level storage cupboards with permeability through to the wall where the sink is located. meaning their presence reads in a similar way to furniture or storage shelves, by retaining a good understanding of the original scale and proportions of the room.*

**6.9.3 Response:** The Council reiterates the arguments set out in the Enforcement Delegated Report in response to the above, with some clarification on room/floor significance: Kitchenettes or “TP (Tea Points)” have been consented in the basement and ground floor level rooms only. The Council would clarify that this was on the basis that the basement rooms had lesser significance, and the benefits brought by the 2023/0285/L proposals outweighed the harm of installing only three kitchenettes in the ground floor rooms. Further, the tea points were proposed to be located within small spaces that were 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.

6.9.4 The benefits do not outweigh the less than substantial harm caused by retaining the kitchenettes at first-third floor levels and Requirement 9 does not exceed what is necessary to alleviate the harmful effects of these works. Grounds E and J should therefore fail.

**Table 10**

Breach 14	Requirement 10	Appeal position	2024 Scheme position
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.	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).	“Comply”	“ <b>To comply</b> ” with the reinstatement of the chimney breast. See LPA’s arguments on the retention of the kitchenettes in sections 6.8 and 6.9. above.
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendix M.			

**Table 11**

Breach 15	Requirement 11	Appeal position	2024 Scheme position
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.	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).	“Comply”	“ <b>To comply</b> ” – technical details provided in application
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendices N - Q.			

6.11.1 Tables 10 and 11: No difference in their positions - wholly agreed by appellant and LPA, and arguments not made in either parties' appeal statements. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 12**

<b>Breach 16</b>	<b>Requirement 12</b>	<b>Appeal position</b>	<b>2024 Scheme position</b>
16. All front and rear rooms (excluding those at ground floor level of No.18): Installation of larger and subdivided (two within each) full height ensuite bathrooms with modern doorways at the front rooms. Installation of modern doorways within the respective front/rear room party walls to provide the rear rooms access to these new front room ensuites – Action.	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) (Item 16).	Ground E and J appeal.	Retain existing (where full height ensuites to be reduced in height in line with the 2023 consent) – arguments consistent with their <b>Ground E and J appeal</b> .  <u>The Council have yet to make full judgement on the 2024 Scheme.</u>
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendices I - L (highlighted in blue) and R.			

6.12.1 Table 12: No difference in their positions - disputed.

6.12.2 **Appellant:** In regard to the as built positions of the ensuites, it is contended that *the erection of fewer partitions would be more sensitive in this context by preserving a less interrupted and coherent double depth plan form. Furthermore, at basement level, the ‘as built’ arrangement ensures that the legibility of the chimney breast remains discernible. This would be lost if returning to the consented arrangement which would be more harmful. The use of sliding doors represents a more contemporary approach to utilising small areas more efficiently, which is beneficial to the efficient onward use of the heritage asset. Their design, although clearly not a representation of a late 18th-century authentic door, fits well within the ‘as built’ interior décor of the building, which is unified across all floors and more appropriate than the pre-existing position.*

6.12.3 **Response:** Within the historic hierarchy of the building, the principal spaces are the front rooms at all levels, and especially at ground and first floor level. Any incursion on the legibility of the historic proportions of the principal rooms, particularly their sense of volume and spatial legibility, causes harm to some of the most significant spaces within the building. The larger as-built ensuites at the front rooms therefore produces more harm than what was previously consented, and outweighs the stipulated benefits, as explained below.

6.12.4 The larger ensuites, whilst they result in ‘less intervention’ by way of ‘erecting less partitions’, still harms the historic plan form of the rear room by way of the provision of a modern-looking access into these as-built ensuites (including architraves and sliding doors) in the spine wall. The unauthorised ensuites individually and as a whole causes more harm to the more significant spaces and still causes some harm to the less significant spaces. The fact they are full height at ground and first floor level (which alters the ceiling plan forms), exacerbates the overall harm to the site. In relation to Breach 13, the larger than consented kitchenettes further this harm in each room too.

6.12.5 The appellant, through altering their position on the harm and expressing changes to the inappropriate as-built modern skirting boards, architraves, and doors – see Tables 16, 17, 18 – the “as built’ interior décor of the building” will no longer exist. The arguments under the as-built kitchenettes and ensuites regarding a “unification” of interior décor should hold little/no weight.

6.12.6 The benefits do not outweigh the harm caused by retaining all as-built ensuites and Requirement 12 does not exceed what is necessary to alleviate the harmful effects of these works. Grounds E and J should therefore fail.

6.12.7 It has been stated that the *“insertation of consented ensuites does not add historic significance”*. The Council would like to explain the rationale behind adding *“...and insert the consented [works] in according with Drawing [numbers] of the 2023/0285/L consent (Appendix [numbers])”* to Requirements 8, 12, and 14: Whilst it would be possible for these requirements to restore the building to its former state, it was considered that in line with 2(c) ‘to bring the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with’. The Council would not object should the Inspector wish to amend to the former. For the purpose of clarity, without prejudice to the appeal, the suggested wording of Requirements 8, 12, 14, and 16 would be:

- 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 (Item 12).”
- 12. “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 (Item 16).”
- 14. “Completely remove the ensuite located in the ground floor rear room of No.18 (Item 18).”

**Table 13**

Breach 17	Requirement 13	Appeal position	2024 Scheme position
17. 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.	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 17).	“Comply”	“ <b>To comply</b> ” – technical details provided in application
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendix T.			

6.13.1 Table 13: No difference in their positions - wholly agreed by appellant and LPA, and arguments not made in either parties’ appeal statements. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 14**

Breach 18	Requirement 14	Appeal position	2024 Scheme position
18. Ground floor rear room of No.18: Installation of ensuite bathroom that infills the floor and ceiling by the window – Action.	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 18).	Ground E and J appeal.	Retain existing (but adapt height to reinstate ceiling plan form) – remaining arguments consistent with their <b>Ground E and J appeal in section 6.12.</b>  <u>The Council have yet to make full judgement on the 2024 Scheme.</u>
Enforcement Delegated Report: Harm outlined in Page 8, Photo in Appendix I (highlighted in blue) and R.			

6.14.1 Table 14: Slight difference in their position - disputed.



6.14.2 **Appellant:** *The existing arrangement does not pose any harm to the significance of the heritage asset or the readability of the historic layout.*

6.14.3 **Response:** Within the 2024 Scheme, the appellant no longer contests the harm caused to the significance of the heritage asset or the readability of the historic layout of the ceiling plan form through proposing to reduce the height of the as-built. On this basis, Ground E should fail.

6.14.4 The Council continues to believe there is harm caused by the positioning of this ensuite. The as-built position is considerably more harmful to the spatial quality of the room affected than the consented position because it encroaches on the space surrounding the window and the chimney breast, which were the most historically obvious features within the room prior to works, and both of which contributed to its spatial quality as a C19th room.

6.14.5 Further, following the rationale applied by the appellant regarding the ‘benefits’ of erecting less partitions in the rear rooms through the as-built positions, the historically significant rooms of No 18 have been adversely impacted by these ensuites moreso than the rest.

6.14.6 There are no benefits that outweigh the harm caused by retaining this as-built ensuite, thus Requirement 14 does not exceed what is necessary to alleviate the harmful effects of these works. Grounds E and J must therefore fail.

6.14.7 In regard to inserting consented ensuite in accordance with Drawing “2245-13” of the 2023/0285/L consent – please see suggested amendment to Requirement 14 in Paragraph 6.12.7 above, should the Inspector be minded to disagree with this part of the requirement.

**Table 15**

Breach 19	Requirement 15	Appeal position	2024 Scheme position
19. Removal and infilling of the doorways of the front lightwells’ ‘Storage Rooms’ (one in each property) at basement level – Action.	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 19).	<i>“Comply”</i>	<i>“To comply”</i> – technical details provided in application
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendix E (highlighted in orange).			

6.15.1 Table 15: No difference in their positions - wholly agreed by appellant and LPA, and arguments not made in either parties’ appeal statements. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 16**

Breach 20	Requirement 16	Appeal position	2024 Scheme position
20. All rooms: Replacement of all doors with modern doors – Action.	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 20).	<b>Ground E, I, and K appeal</b>	<i>Retain existing (but amend appearances via infilling groves and painting white to achieve similar appearance to last lawful position)</i>  <u>The Council have yet to make full judgement on the 2024 Scheme.</u>
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendices H - L (labelled ‘D’).			

6.16.1 Table 16: Slight difference in their position – disputed.

**6.16.2 Appellant:** *The four panel doors were never a part of the proposals but an error in the drawings. The four-panel door is not historically appropriate feature to the architectural style of late 18th century. The significance of the existed interior of the property has been diminished over time, with all original details replaced with modern prior the unauthorised works. The current contemporary design is in harmony with the studios' holistic aesthetic internally.*

**6.16.3 Response:** In reference to Paragraph 6.12.5, these doors will stand out as incongruous modern additions after the replacement of the unauthorised skirting boards and architraves, contrary to their arguments around a “holistic” approach. There are therefore no benefits for the retention of these doors that outweigh the harm. Ground E should therefore fail.

**6.16.4** It is understood that four panel doors are not the most historically accurate design for the site, however, they are much more appropriate than what is currently in place, including pre-existing. Approved Drawing “2245-19” clearly and unambiguously shows four panel doors across the site. The insertion of them would bring the character of the site back to its former state – Ground K and I, respectively, should therefore be dismissed.

**Table 17**

Breach 21	Requirement 17	Appeal position	2024 Scheme position
21. All rooms and hallways: Replacement of all door architraves with modern architraves – Action.	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 21).	Ground E and J appeals.	<b>Will be considered complied with by way of inserting ‘traditional’ architraves instead of pre-existing ones.</b>
Enforcement Delegated Report: Harm outlined in Pages 8 - 9, Photos in Appendices H - L (labelled ‘ARC’).			

**Table 18**

Breach 22	Requirement 18	Appeal position	2024 Scheme position
22. All rooms, hallways, and landings: Replacement of all skirting boards with modern skirting boards.	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 22).	Ground E and J appeals.	<b>Will be considered complied with by way of inserting ‘traditional’ skirting boards instead of pre-existing ones.</b>
Enforcement Delegated Report: Harm outlined in Page 8 - 9, Photos in Appendices H - L (labelled ‘SKT’).			

**6.18.1** Tables 17 and 18: Difference in their position - now wholly agreed by appellant and LPA. Addressed in Paragraphs 8.1 and 8.2 below.

**Table 19**

Breach 23	Requirement 19	Appeal position	2024 Scheme position
23. Ground to third floor level hallways and landings: Installation of MDF floorboards over the original floorboards – Action.	19. Completely remove the MDF floorboards in the hallways and landings of both properties at ground, first, second, and third floor levels (Item 23).	Ground E and I appeal	Retain existing - arguments consistent with their <b>Ground E and I appeal</b> .  <u>The Council have yet to make full judgement on the 2024 Scheme.</u>
Enforcement Delegated Report: Harm outlined in Page 8, Photos in Appendices I - L (labelled ‘F’) and V.			

6.19.1 Table 19: No difference in their position - disputed.

6.19.2 **Appellant:** *The MDF floorboards were laid on top of the original flooring in the hallways. This arrangement is appropriate and rather preserves the original fabric. The floorboards in the landings were replaced. Although, the notice fails to specify “the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose”.*

6.19.3 **Response:** There was ample opportunity for the appellant to inform the LPA the timber floorboards at the landings were replaced. On the 5<sup>th</sup> January 2024, the Enforcement Officer asked over email correspondence “Have you removed all original floorboards or have they just been overlayed with the new?” and “Could you also confirm that no other works have been undertaken since last year”. On the 6<sup>th</sup> February 2024, Mr Mark Friedman (appellant) responded, stating “*We didn’t change the floorboard - where they were there,*” (see Appendix SOC5), but did not address whether further works had been undertake since the last visit.

6.19.4 During the site visit dated 8<sup>th</sup> February 2024 attended by Mr Mark Friedman (Appellant), and Mr David McKinstry and Mr Joshua Cheung (Camden Council) we verified that further unauthorised works had occurred since the Council’s inspection on the 24<sup>th</sup> October 2023. As such, we explicitly asked for confirmation whether any floorboards in each property had been replaced – his answer was consistent with his email dated 6<sup>th</sup> February 2024. During this visit, we were unable to inspect underneath the MDF boards given they were fitted flush with its surroundings and no equipment was readily available to essentially pry the heavy floorboards up to inspect the underlying condition. There was also a risk to further damage the property in such an attempt.

6.19.5 **Within the 2024 Scheme, the appellant has understood the harm caused by the removal of the original timber floorboards at the landings, explicitly stating they will be reinstated (Page 20 of Appendix SOC1 - “However the half landings in both properties between the stairs do not retain any timber floorboards beneath them. In these areas timber floorboards will be reinstated”).**

6.19.6 In light of the above and for the purposes of progressing the appeal, the below suggested minor amendment to Requirement 19 is put forward for the Inspector’s consideration. The Council believe this amendment can be made without prejudice to both parties:

- 19. “Completely remove the MDF floorboards in the hallways and landings of both properties at ground, first, second, and third floor levels, **and where pre-existing timber floorboards existed insert timber floorboards to match pre-existing** (Item 23).”

6.19.7 Nonetheless, the Council believes the MDF floorboards should be removed primarily on the basis of its materiality. MDF is composed of compacted glues and wood waste and will retain moisture whether through water ingress, humidity, or spills. Alongside the lack of backer boards or other non-invasive protective measures (as evidenced in the photos in Page 46 of the appellant’s statement), the MDFs’ retention of water would result in prolonged periods of damp in between the as-built and underlying floorboards, causing long-term damage to this original fabric. MDF composition also means it is not biodegradable and has no carbon offset.

6.19.8 Accordingly, its susceptibility to deterioration also means it will require constant replacement in a time of a climate and waste crisis. The ‘benefits’ of retaining the MDF floorboards is outweighed



by the harm. Breach 23 should not be given consent and, subject to the above minor amendment, Requirement 19 should be upheld. Grounds E and I should fail.

## **7. Suggested Conditions and the 2024 Scheme Decision**

7.1 As the development has already been implemented, the Council cannot suggest any conditions that would overcome the harm caused.

7.2 Moving forward, the Council will notify the Inspector on the decisions of the 2024 Scheme. This is projected for the end of October but the date cannot be confirmed. We will provide another update at Final Comments stage on the 31<sup>st</sup> October 2024.

## **8. Conclusion**

8.1 The harm caused by Breaches 4, 6, 11, 14, 15, 17, 19, 21, and 22 are not disputed, and corresponding Requirements 4, 6, 7, 10, 11, 13, 15, 17, and 18 will soon be actioned in the interim. Verification of this is found in the appellant's emails to the Council dated 31<sup>st</sup> July 2024 and 1<sup>st</sup> October 2024 (Appendix SOC6) and indicated through the recent visit to the site where Requirement 4 had been actioned (Photos of 18 and 20 Royal College St in Appendix SOC4).

8.2 Accordingly, given Breaches 4, 6, 11, 14, 15, 17, 19, 21, and 22 has adversely and unjustifiably affected the special character of the site and unequivocally outweighs any benefits (which none have been identified) consent should not be granted for these works (Ground E). Therefore, corresponding Requirements 4, 6, 7, 10, 11, 13, 15, 17, and 18 do not exceed what is necessary for restoring the building to its condition before the works were carried out (Ground G), necessary to restore the character of the building to its former state (Ground I), does not exceed what is necessary to alleviate the harmful effect of the works (Ground J), nor exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with (Ground K). This is material and the Notice should be upheld on this basis alone.

8.3 Nonetheless, the Council has provided full responses against appellant's individual grounds of appeal on Breaches 2, 5, 12, 13, 16, 18, 20, and 23, and corresponding Requirements 2, 5, 8, 9, 12, 14, 16, and 19, which demonstrate that consent should not be given for any of the breaches, and all corresponding requirements upheld in their entirety. Responses to their change of positions on Requirements 1 and 3 has also been provided. The Inspector is respectfully referred to the conclusion set out in Page 9 ('Assessment') of the Enforcement Delegated Report.

8.4 The Council kindly invites the Inspector to dismiss this appeal and uphold the Enforcement Notice.

If any further information or clarification is required, please do not hesitate to contact Joshua Cheung and David McKinstry with the below contact details.

Yours sincerely,

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