



Appeal Decision

Site visit made on 30 January 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2025

Appeal Ref: APP/X5210/D/24/3352621

26 Medburn Street, London NW1 1RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Russell Barker and Elissa Rospigliosi-Pallavicini against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/1213/P.
 - The development proposed is described as 'Erection of single storey infill rear extension, replacement of existing rooflight, external alterations to existing rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey infill rear extension, replacement of existing rooflight, external alterations to existing rear extension at 26 Medburn Street, London NW1 1RH in accordance with the terms of the application, Ref 2024/1213/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 2108_P01; 2108_P03; 2108_P02; 2108_26MS.
 - 3) Details or samples of all proposed external materials and finishes to the external elevations shall be submitted to and approved in writing by the local planning authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.
 - 4) Prior to the installation of any proposed windows or doors, details of the proposed windows and doors shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Preliminary Matters

2. The appeal property forms part of a Grade II listed building¹, referred to on the National Heritage List for England as: '26-29, *Medburn Street*'. It also lies within the Kings Cross Conservation Area. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. There is no accompanying appeal against the refusal of listed building consent for works to a listed building. As such, my considerations relate solely to the

¹ List Entry Number: 1113125.

development that is the subject of the planning application, notwithstanding any requirement for listed building consent.

Main Issues

4. The main issues are whether the proposal would preserve the Grade II listed building, 26-29, Medburn Street, or any features of special architectural or historic interest which it possesses; and whether the proposal would preserve or enhance the character or appearance of the Kings Cross Conservation Area (the CA).

Reasons

Special Interest and Significance

5. The listed building is a row of 4 terraced houses which were completed in 1852. These comprise of three storeys over cellars. The external detailing including the rusticated stucco frontage to the ground floors, the continuous cast iron balconies to the first floor, round arched doorways, and the symmetrical arrangement of windows, provide for a consistent, handsome façade. This makes a significant contribution to the special interest and significance of the listed building.
6. No 26 is located at the end of the row with its side elevation fronting onto Penryn Street. It has a slightly taller façade than its neighbours with its architrave window surrounds setting it apart from the more modestly detailed recessed sashes of the others in the terrace. This, to a degree, reflects No 25 on the opposite side of the road which also has an elevation facing onto Penryn Street and has similarly more elaborate detailing compared to its immediate neighbours. Both No 25 and No 26 have prostyle porticos onto Penryn Street.
7. The rear elevations of the terrace are more restrained. The ground floor elevations are treated simply with a pale coloured render over the stock brick which is visible to the upper floors. Whilst the appellant's evidence indicates that the former closet wing extensions to the rear of the terrace were removed by the Greater London Council (GLC) in the 1972, there remains an element of possible closet wing projection to the ground floor of No 26 and No 29. The extension at No 26 was added to with another extension in 1982. The windows and doors within the extensions are likely to date to this period.
8. Unlike the earlier extension, the 1982 addition is narrower than the width of the plot and abuts a low wall that defines the edge of the pathway running to the rear of the terrace. This pathway was installed by the GLC as part of the 1972 renovations. At the same time the GLC provided a separate brick storage building to each of the properties and amalgamated the rear gardens to provide a rectangular area of communal garden. The brick storage building at No 26 lies within the recess between the older addition and the narrower 1982 extension.
9. The full extent of the extensions at No 26, which are flat-roofed, are located behind the rusticated side boundary wall that fronts Penryn Street. An arched gateway with a wrought iron gate accessing this pathway was created in the wall as part of the 1972 renovations. This allows for views through to the communal spaces to the rear of the dwellings. The existing extension at No 26 is visible from this gate, and, in the distance, there are views of the rear elevations of the terraces along Charrington Street.

10. The alterations to the rear elevations in 1972 and the removal of the closet wing extensions has eroded the original form and layout to the rear of the listed terrace. The loss of the individual garden areas to each plot in favour of a communal garden have also resulted in harm in this regard, whilst the different extent of extensions to the rear has eroded the uniformity that previously existed.
11. As set out above, the special interest and significance of the listed building, 26-29 Medburn Street, is derived from the architectural composition and symmetry of the primary elevations. Pertinent to the appeal, significance is also derived from the status differentiation reflected in the building's front and rear elevations and the legibility of their development over time.
12. The CA comprises of a predominantly residential area that is primarily made up of late Georgian and early Victorian terraces. The listed terrace in which the appeal property stands forms part of that development. The relative continuity and consistency of design of the listed terrace, including to the more restrained rear elevation is an important element of the CA. Indeed, the unaltered upper rear elevations and butterfly roof lines along the terraces are contributors to the streetscene in views from Medburn Street and Platt Street as set out in the Kings Cross Conservation Area Statement (2004).
13. Nonetheless, I saw on the site visit that views of the ground floor elevations of the terrace are extremely limited in public views through the gate from Penryn Street. With the exception of the rear elevation of the 1982 extension at the appeal site, the only visible element are the upper walls of the extension at No 29 and its rendered boundary walls. The character and appearance and thus the significance of the CA stems from the prevalence of Georgian and Victorian terraces, and their consistent handsome frontages and more restrained rear elevations.

Proposals and Effects

14. The proposal would infill a narrow area between the older extension and the 1982 extension to the rear of No 26. This would involve the removal of the 1972 brick storage building which does not make a meaningful contribution to the significance of the listed building. Owing to the extent of the changes that have occurred to the rear of the building, there would be no discernible loss of historic fabric arising from the development.
15. The proposed extension is modest in scale, occupying only a small floor area in comparison to that of the existing dwelling or the existing extension. The extension would therefore not dominate or overwhelm the existing dwelling. Furthermore, as demonstrated by the historic map analysis provided by the appellant, No 26 appears to have historically had a larger footprint than the other houses in the terrace. The infill extension would reflect the design, fenestration and materials present in the existing extension. Moreover, extensions were a feature of the terrace prior to the alterations in 1972. For these reasons I am satisfied that the proposed extension would be subordinate to the existing building. Given the lack of uniformity to the ground floor rear elevations of the terrace, the proposal would not have a diminishing effect in that regard. As such the proposal would preserve the special interest and significance of the listed building.
16. Given the extremely limited nature of the existing views of the ground floor elevations from the side gate on Penryn Street, the proposal would have little discernible effect on these public views. The proposed extension would not obscure

the rear elevation of the terrace at 26-29, the upper elevations of which, would continue to be visible from Penryn Street.

17. Due to its position at the end of the terrace, facing onto the gable of the adjacent property fronting Penryn Street, the ground floor of the appeal property has limited visibility in views from the communal garden area. Nonetheless, having regard to its small scale, subordinate nature and its matching materials, the proposal would not result in any significant change to the views that can be gained from here.
18. For the above reasons, I therefore conclude that the proposal would preserve the Grade II listed building, 26-29, Medburn Street, and any features of special architectural or historic interest that it possesses. The proposal would also preserve the character and appearance of the CA. Consequently, I do not find any conflict with Sections 66(1) or 72(1) of the Act. The proposed development would also conform with the National Planning Policy Framework (the Framework) and Policies D1 and D2 of the Camden Local Plan (2017) which, together, seek to ensure development proposals constitute high quality design that conserves heritage assets in a manner appropriate to their significance.
19. In finding no harm to the significance of the designated heritage asset, the requirement to undertake a heritage balance as set out in the Framework is not engaged.

Conditions

20. I have had regard to the conditions suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. In addition to conditions requiring commencement with the standard statutory period and compliance with the approved plans, I have attached a condition requiring precise details of the elevational treatment of the extension and a condition requiring the submission of details of the proposed windows and doors. These conditions are necessary in order to ensure the development preserves the special interest and significance of the listed building.

Conclusion

21. The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that the appeal should be allowed.

Paul Martinson

INSPECTOR