



Appeal Decision

Site visit made on 6 November 2012

by John G Millard DipArch RIBA FCI Arb

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2012

Appeal Ref: APP/X5210/E/12/2177259

17 Percy Street, London W1T 1DU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Bruce McCullum against the decision of the Council of the London Borough of Camden.
 - The application ref: 2011/5381/L dated 24 October 2011 was refused by notice dated 19 December 2011.
 - The work proposed is the building of 3 stud walls to create 2 treatment rooms, waiting room and office. Stud walls are temporary and removable without impact on the existing structure. Premises to be returned to previously existing condition at the end of the applicant's lease in July 2014.
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Decision

1. The appeal is allowed and listed building consent granted for the building of 3 stud walls to create 2 treatment rooms, waiting room and office at 17 Percy Street, London W1T 1DU in accordance with the terms of the application ref: 2011/5381/L dated 24 October 2011, subject to the following conditions:-
 - 1 The works hereby authorised shall not be carried out otherwise than in accordance with the details shown on the approved drawings numbered pcs lp 001, pcs p 001, pcs s 001, pcs s 002, pcs s 003, pcs x p 001, pcs x s 001, pcs x s 002 and pcs x s 003 and no variations shall be made without a further grant of listed building consent.
 - 2 The works hereby authorised shall be removed on or before 31 July 2014 and the building restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Preliminary Matters

2. As the works were carried out before the date of the application, I shall treat the application as having been made under the provisions of section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for their retention.
 3. The National Planning Policy Framework (the Framework) was published on 27 March 2012 at which time a number of national policy documents, upon
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which the appellant and/or the Council may have relied, were cancelled. As my decision on the appeal must accord with the Framework, the parties have been given the opportunity of reviewing their submissions and commenting upon any changes in national policy arising from publication of the Framework which they consider to have implications for their cases. In reaching my decision I have taken full account of any such comments received within the allotted time.

Main Issue

4. The main issue in this appeal is whether retention of the unauthorised works would preserve the listed building and any features of special architectural or historic interest it possesses.

Reasons

5. The appeal property is one of four Grade II listed former terraced houses dating from the second half of the 18th century and now in commercial uses. The first floor of No 17 is presently occupied as an alternative therapy clinic, in which connection a number of partitions have been erected to create 2 treatment rooms, an office and a reception/waiting area. Prior to the erection of these partitions, the whole of the floor comprised a single open space although there is clear visual evidence that, as originally built, it was divided into two separate rooms.
6. Retrospective planning permission was granted on 19 December 2011 under ref: 2011/4231/P for change of use from the previous Class B1 offices but the parallel application for listed building consent to retain the partitions until July 2014 was refused. It is against this refusal that the current appeal has been lodged.
7. The partitions are constructed of stud and plasterboard and are modern in appearance, with no pretence at either reflecting the original layout or emulating the Georgian detailing of the building. They are described in the application as being '*removable without impact on the existing structure*' and, from what I saw at the site visit, I have no reason to doubt that this is the case. Accordingly, whilst sub-division of the space clearly detracts from its historic character, no permanent harm has been or is being caused to the building's integrity or its original fabric. Furthermore, the number of people likely to experience this change in character during the period to July 2014 is strictly limited, particularly in light of the appellant's business.
8. A number of policies in the adopted Camden LDF Core Strategy 2010 have been referred to by the Council but that of most relevance to the appeal proposal is Policy CS14 which is entirely consistent with Part 12 of the National Planning Policy Framework 2012 (the Framework) in seeking to preserve and enhance the Borough's rich and diverse heritage assets. Also of relevance are the extant Planning Practice Guide to the former PPS5, which draws attention to the importance of a building's plan form, and the English Heritage document *London Terrace Houses 1660-1860* which advises that, as a general rule, the character, proportion and integrity of the principal ground and first floor rooms in such buildings should be preserved. 'Normally', it goes on, 'such areas should not be sub-divided'.
9. Because of the temporary nature of the alterations carried out in this case, the reversal of which can be readily secured by the imposition of a suitably worded

condition, I am satisfied that the key objectives of the above policies and guidance would not be compromised. The Council acknowledges that there is presently an over-supply of offices throughout the Borough, and in this locality in particular, and it was largely for this reason that permission was granted for the change of use.

10. On the basis of the submitted evidence, and of what I saw at the site visit, I consider the alterations carried out to be acceptable on a temporary basis in order that beneficial use continues to be made of the accommodation and that the building fabric is maintained in sound condition. It is my conclusion, therefore, on the facts of this particular case, that, subject to the imposition of an appropriate condition, retention of the unauthorised works would cause no permanent harm to, and would therefore preserve, the listed building and its features of special architectural or historic interest. The proposal thus accords with Core Strategy Policy CS 14 and national guidance in the Framework and is acceptable.
11. In reaching this conclusion I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be allowed and listed building consent granted.
12. I have considered the need for conditions in the context of Circular 11/95 – *The Use of Conditions in Planning Permissions*. None have been suggested by the Council and, as the works have already been carried out, the usual time limit condition is not appropriate. In the interests of proper planning it is necessary that the work should not be carried out otherwise than in accordance with the submitted plans and, for the avoidance of doubt, I shall impose a condition to that effect. Also necessary is the condition referred to above requiring the partitions to be removed and the previously existing layout reinstated by 31 July 2014.

John G Millard

INSPECTOR