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## Appeal Decisions

Hearing held on 7 December 2010

Site visit made on 7 December 2010

**by John Chase MCD Dip Arch RIBA MRTPI**

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

**Decision date: 15 December 2010**

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### **Appeal A Ref: APP/X5210/A/10/2132019**

#### **1st and 2nd Floors, 3 Arlington Road, London, NW1 7ER**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Redcourt Ltd against the Council of the London Borough of Camden.
  - The application Ref 2010/1587/P, is dated 15 March 2010.
  - The development proposed is internal alterations to combine the existing studio flats into larger flats plus the installation of external gas meter boxes, replacement of existing windows, and installation of new gas boilers.
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### **Appeal B Ref: APP/X5210/E/10/2132302**

#### **1st and 2nd Floors, 3 Arlington Road, London, NW1 7ER**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Redcourt Ltd against the Council of the London Borough of Camden.
  - The application Ref 2010/1589/L, is dated 15 March 2010.
  - The works proposed are internal alterations to combine the existing studio flats into larger flats plus the installation of external gas meter boxes, replacement of existing windows, and installation of new gas boilers.
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### **Procedural Matters**

1. The Council indicate that it would have been their intention to refuse planning permission for the reason that replacement double glazed windows on the front elevation would be visually incongruous and harmful to the appearance of the building and the Conservation Area.
2. At the Hearing an application for costs was made by Redcourt Ltd against the Council of the London Borough of Camden. This application is the subject of a separate Decision.
3. The determination of whether or not the proposals would require planning permission is not a matter before this appeal.
4. At the Hearing the appellants indicated that repair of windows would be carried out where possible, rather than replacement only. This would not alter the fundamental nature of the scheme or affect third parties, and the appeal has been considered on that basis.

5. The Unitary Development Plan has been replaced by the Local Development Framework (LDF), adopted 2010. The content of the new nominated policies is broadly similar to that of their predecessors, and the main parties' cases are not significantly affected by the change.

## **Decisions**

### **Appeal A**

6. I allow the appeal, and grant planning permission for internal alterations to combine the existing studio flats into larger flats plus the installation of external gas meter boxes, replacement of existing windows, and installation of new gas boilers at 1st and 2nd Floors, 3 Arlington Road, London, NW1 7ER in accordance with the terms of the application, Ref 2010/1587/P dated 15 March 2010, subject to the following condition:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

### **Appeal B**

7. I allow the appeal, and grant listed building consent for internal alterations to combine the existing studio flats into larger flats plus the installation of external gas meter boxes, replacement of existing windows, and installation of new gas boilers at 1st and 2nd Floors, 3 Arlington Road, London, NW1 7ER in accordance with the terms of the application, Ref 2010/1589/L dated 15 March 2010, subject to the following conditions:
  - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
  - 2) All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions attached to this consent.
  - 3) Before any works hereby authorised are begun the location and details of any windows to be replaced shall be submitted to and approved in writing by the local planning authority. Such details shall include evidence of the appearance and condition of the existing windows, and drawings of the proposed replacement windows showing elevations at a scale of 1:10, and sections through frames and window bars at a scale of 1:1. The works shall be carried out in accordance with the approved details.
  - 4) Before any works hereby authorised are begun details of any secondary glazing shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings showing elevations of the windows, both internal and external, at a scale of 1:10, and sections through frames, including the original or replacement window, at a scale of 1:1. The works shall be carried out in accordance with the approved details.
  - 5) Before any works hereby authorised are begun, elevations and plans at a scale of 1:50 showing the routes and outlets of any ventilation pipes shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with the approved details.

- 6) Before any works hereby authorised are begun, and notwithstanding the information shown on the submitted drawings, details of the location and appearance of any proposed external meter cabinets shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with the approved details.
- 7) The works shall be carried out in accordance with drawings HD-314/1000, 1001, 1002, 1003, 2000, except as varied by any requirements of conditions attached to this consent, and excluding any indication that all existing windows shall be replaced.

### **Main Issues**

8. The main issues are whether the proposals would preserve the special historic and architectural character of the Listed Building, and the character or appearance of the Conservation Area.

### **Reasons**

9. The appeal property is at the end of a terrace of 15 town houses, which are Listed Grade II, and which fall within the Camden Town Conservation Area. They are described as dating from the 1840s, and the Listing includes reference to the glazing bar sashes in moulded architrave surrounds. Whilst the Listing notes that the appeal property with a modern mansard roof is not of interest, this is taken to refer to the roof alone, and not to the remainder of the building, which is clearly an integral part of the terrace. The rear of the terrace has received some modifications, including the addition of lower floor extensions and external services, but retains much of its original character. It is not visible from public areas, but is overlooked by adjoining properties. Whilst the front elevation of the block is of most significance, the rear is of sufficient importance to require that any alterations do not harm its prevailing character.
10. The proposals include the conversion of four studio flats into two one bedroom flats, intended to comply with an Improvement Notice under the Housing Act 2004. The works would include the removal of partitions and making of new doorways. The Council note that the subdivided interior of the property contains few features of historical or architectural merit, and that the proposed layout would be an improvement. There is no reason for this decision to come to a different conclusion.
11. However, the original application implied the replacement of all the existing windows, and the Council are not satisfied that this loss of original fabric is justified. In support of their position they quote the *Camden Town Conservation Area Appraisal and Management Strategy*, which refers to the negative impact of a loss of original sash windows, and *Camden Planning Guidance, 2006*, which requires an exceptional case to be made for replacement windows in Listed Buildings. These documents have been adopted as supplementary planning guidance following public consultation, and are material considerations in evaluating the appeal. In addition, Government guidance in *Planning Policy Statement 5: Historic Environment Planning Practice Guide* indicates that original materials normally only need to be replaced when they have failed in their structural purpose. This view is endorsed by English Heritage in their publication *London Terrace Houses 1660-1860*.

12. In the light of this advice, and in the context of this terrace of buildings, where the windows form a significant part of the character of the block, the wholesale replacement of the 1<sup>st</sup> and 2<sup>nd</sup> floor windows can not be supported unless there is a compelling case that there is no possibility of satisfactory repair. During the site visit, it was noted that a number of windows, especially those on the first floor, show signs of rot, sagging of frames, and an inability to open. However, this evidence falls short of proving that, in all cases, the existing windows could not be retained and renovated with the use of individual components. This might involve the appellants in more time and expense than replacement units, but the poor condition of the windows appears to result, at least in part, from a lack of care and maintenance, and such neglect would not justify the loss of elements of a heritage asset.
13. The appellants have accepted that windows would be retained and repaired where possible. Any windows that are proposed to be replaced should be identified, their condition assessed to justify the need for replacement, and details of the new windows agreed to ensure that the appearance of the property is maintained. For the same reason, any secondary glazing should be designed to avoid altering the external appearance of the building. Such measures can be achieved by suitable planning conditions. The appellants' contention that such conditions are not necessary, and could cause delay, is noted. However, in the absence of an adequate level of detail in the applications, it would not be possible to properly regulate the works to the Listed Building without this additional information.
14. It would be possible to ensure that any new ventilation systems involved in the conversion would not have a harmful effect on the appearance and fabric of the building by requiring the prior agreement of routes and location of pipes and outlets. It is proposed to introduce meter cabinets for a new gas supply at ground floor level. Whilst a few properties in the terrace have such cabinets adjacent to the street, their modern and utilitarian appearance is at odds with the historic character of the block. It would be possible to minimise the impact of the new cabinets by selection of their type, colour, design and location, and such details would be susceptible to agreement under a planning condition.
15. It may be the case that a similar level of control over the preservation of heritage assets has not been exercised at other locations in the Borough. However, the information about such examples presented to the Hearing lacks sufficient detail to establish the circumstances of these cases, which are likely to differ from the present appeal. In any event, any previous shortcomings would not justify further harm to the historic environment.
16. The Council have drawn attention to LDF Policies DP24, DP25 and CS14 which include requirements for a high standard of design which respects the prevailing character, especially in order to protect the Borough's heritage assets. Subject to the imposition of the conditions referred to above, it would be possible to meet these objectives, and to ensure that the proposals would preserve the special historic and architectural character of the Listed Building, and the character or appearance of the Conservation Area.

### **Other Matters**

17. Whilst the Council seek to retain small residential units, it is accepted that the present quality of accommodation is not adequate, and that the reduction from four to two units would be justified in order to meet current housing standards.

Any leasing arrangements of individual tenancies would be subject to control under other legislation, and outside the scope of this decision.

**Conditions**

18. In addition to the conditions referred to above, which would be applied to the Listed Building consent, it is necessary to specify that all new work should match the existing, in order to preserve the Listed Building, and that the approved drawings should be identified for the avoidance of doubt and in the interests of proper planning.

*John Chase*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANTS:

Mr L Kaufman

On behalf of the appellants

### FOR THE LOCAL PLANNING AUTHORITY:

Mr R Tulloch MA

Planning Officer, Camden Council

Mr A Wito BSc, MSc, MRTPI,  
IHBC

Conservation Officer, Camden Council

## DOCUMENTS

- 1 Extracts from Camden LDF Development Policies and Core Strategy, 2010
- 2 Extract from Camden Planning Guidance, 2006
- 3 Extract from London Terrace Houses 1660-1860, English Heritage