



Appeal Decision

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an Inspector appointed by the First Secretary of State

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14 JAN 2005

Appeal A Ref: APP/X5210/C/04/1153198

55 Albert Street, London NW1 7LX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Stergides against the enforcement notice issued by the Council of the London Borough of Camden.
- The Council's reference is EN030159.
- The notice was issued on 4 May 2004.
- The breach of planning control as alleged in the notice is "without planning permission: the erection of a ground floor overhanging rear extension".
- The requirements of the notice are:
 1. The ground floor overhanging rear extension shall be completely and permanently demolished. All resultant materials shall be removed from the rear garden of the Premises. The original structure shall be made good.
 2. The original rear extension shall be rebuild, to include a timber-framed sash window to match that which had been removed".
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(a) of the 1990 Act.

Summary of Decision:

The appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/X5210/F/04/1153199

55 Albert Street, London NW1 7LX

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Stergides against a listed building enforcement notice issued by the Council of the London Borough of Camden.
- The Council's reference is EN04/0286.
- The notice was issued on 4 May 2004.
- The contravention of listed building control alleged in the notice is "without the grant of listed building consent in accordance with Part 1 of the Act:- the erection of a ground floor overhanging rear extension".
- The requirements of the notice are:
 1. The ground floor overhanging rear extension shall be completely and permanently demolished. All resultant materials shall be removed from the rear garden of the Premises. The original structure shall be made good.
 2. The original rear extension shall be rebuild, to include a timber-framed sash window to match that which had been removed".
- The period for compliance with the requirements is 6 months.
- The appeal is made on the grounds set out in section 39(1)(e) of the 1990 Act as amended.

Summary of Decision: The appeal is dismissed and the listed building enforcement notice is upheld.

Preliminary Matters

1. No. 55 Albert Street is a Grade II listed building within a terrace of similar properties that were built in 1845 to the design of the surveyor George Bassett Jnr in yellow stock brick with rusticated stucco ground floors. The terrace, which is three storeys and basements, has slate mansard roofs with attic dormers. Upper floors have architraved sashes and the first floors have console-bracketed cornices and cast-iron balconies. The list description indicates that the whole of Albert Street forms a cohesive group of the 1840s. At the rear adjoining properties have extensions, some of which are modern. The property forms part of the Camden Town Conservation Area.

Appeal A. The appeal on ground (a): that planning permission ought to be granted; and

Appeal B. The appeal on ground (e): that listed building consent should be granted.

The Main Issues

2. The principal considerations in these appeals are first, whether the extension preserves the listed building, its setting and its features of special architectural and historic interest and, secondly, its effect on the residential amenities of the basement flat in terms of loss of daylight and ventilation.

Development Plan and other Planning Policies

3. Development plan policies for the area are incorporated into the London Borough of Camden Unitary Development Plan (UDP) adopted in March 2000. The Council has referred me to policy EN38 that seeks the preservation of listed buildings. In terms of the location of development, policy EN14 requires development to be sensitive to, and compatible with, the character of its surroundings and policy EN19 considers amenity for neighbours. Policy EN31 addresses the character and appearance of conservation areas while EN21 refers to alterations to existing buildings.
4. In reaching my decision I have also taken account of Government advice in Planning Policy Guidance Note 15 "Planning and the Historic Environment" (PPG15) and PPG18 ("Enforcing Planning Control"). I have also had regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires me, when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest that it possesses. There are similar provisions in section 66(1) of the Act regarding the effect on listed buildings when considering whether to grant planning permission. Equally I have taken note of section 72(1) of the same Act that obliges me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Reasons

5. On behalf of the appellant it is said that the extension has been constructed using old

stock bricks to match the existing brickwork on the rear elevation. Similarly it is said that the new window is a timber sash of the same pattern as other windows in the property despite the addition of a narrower light on one side of the main frame. The appellant is said to be prepared to have the side light removed to maintain the proportions of the original windows. As the extension does not extend beyond either the back addition to the appeal property or beyond the extension of the adjoining property, no. 57 Albert Street, it is submitted for the appellant that its location minimises the visual impact on the rear elevation and that, because of the difference in ground levels, the overhang to the basement level is not apparent, especially when seen from neighbouring properties.

6. In terms of the living conditions of the basement flat, it is said that the appellant accepts that daylight has been reduced but that he would be willing to extend the basement to resolve that issue. The appellant would commission all necessary drawings for that extension in order to obtain planning permission and listed building consent.
7. At my site inspection, though, I found that there are significant differences in the brickwork employed in the construction of the new extension, even though the bricks are yellow London stocks. I noticed that the extension of the adjoining property also fails to match the original brickwork of the terrace but in my judgement it is important to ensure that further departures from the design and materials of the original terrace should not be allowed to dilute its essential character. Equally, it was apparent to me that the new window fails to respect the proportions of the original sash windows in the building, largely by the inclusion of a narrow light on one side that disturbs the symmetry of the window. I also saw that the details of the new window are incompatible with the original windows in terms of the size of the glazing bars and the surrounding frames. The introduction of an exposed concrete supporting frame is also an alien element that harms the listed building.
8. As to the basement flat, I saw that it suffers from poor light to the room at the front of the property because of the area that is below street level, while the bedroom at the back now has little light because of the overhanging new extension. Although I note that the appellant hopes to overcome this defect by extending the basement storey as well, I consider that such a course of action would produce an ill-proportioned room while depriving the adjacent kitchen of adequate light. Accordingly I have come to the conclusion that the unauthorised extension should be removed and for the above reasons both these appeals must fail. I do not consider that this is a case where conditions would alleviate the harm that I have identified.

Conclusions

9. For the reasons given above, and having regard to all other matters addressed to me, I have come to the conclusion that the appeals must fail. The character of the existing listed building has been harmed by the new extension that has been conceived without a proper understanding of the building. As indicated in PPG15, successful extensions to listed buildings require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail. In reaching my decision I have taken account of everything brought to my attention in writing but I have found nothing that outweighs the main planning issues of this case.

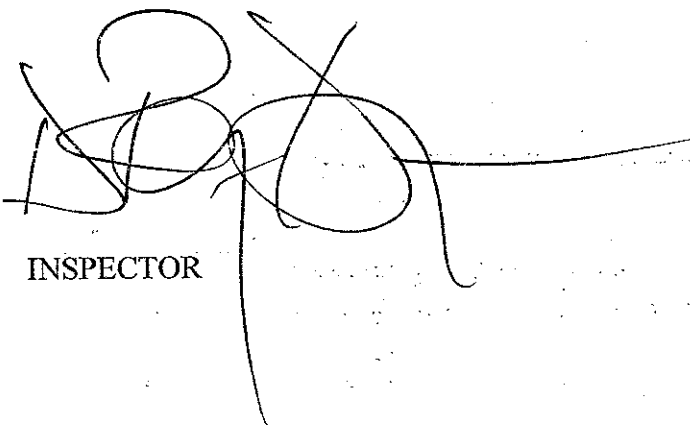
Formal Decisions

Appeal A

10. In exercise of the powers transferred to me, I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended.

Appeal B

11. In exercise of the powers transferred to me, I dismiss the appeal, uphold the listed building enforcement notice and refuse listed building consent for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.



INSPECTOR