



Department of the Environment

2 Marsham Street London SW1 P 3EB

Room C9/20

Direct line 01-212 4459  
Switchboard 01-212 3434

12 FEB 81  
L11/11X/A-27908(R)  
Revised 955  
\* 1102115

Messrs David Sampson and  
Gerald Mendoza Solicitors  
8 Cornwall Terrace  
Regent's Park  
LONDON  
NW1 4QP

Your reference  
DS/MV/4635  
Our reference  
APP/5008/A/80/02070  
APP/5008/E/80/70, 71 and 72  
Date

30 JAN 1981

Gentlemen

\* 55-83 ALBANY ST (27908(R)) ALLOWED ON OUTLINE SUBJECT TO  
REVISIONS NO 2115-2117  
\* 1492115 DISMISSED

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36  
TOWN AND COUNTRY PLANNING (LISTED BUILDING AND BUILDINGS IN CONSERVATION AREAS)  
REGULATIONS 1977  
APPEALS BY SAMUEL PROPERTIES (DEVELOPMENTS) LIMITED

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr J P Jackson, MRTPI, who held a local inquiry into your clients' appeals against the decision of the Council of the London Borough of Camden to refuse planning permission for:

Appeal 1

(APP/5008/A/80/02070) (Council's Application No L11/11X/A/27908(R) (ALLOWED ON OUTLINE))

- i. Change of use and works of conversion and extension at 55-81 Albany Street to form 20 x one-bedroom flats, 10 x 2-bedroom maisonettes, 4 dwelling houses, one retail shop and basement parking;
- ii. Change of use and works of alteration at 83 Albany Street to form one retail shop (ground and basement) and 2 x 2-bedroom flats;
- iii. Works of alteration at 5 Chester Gate to form one house;
- iv. Change of use and works of conversion and extension at 3 and 4 Chester Gate to form one house, 2 x one-bedroom flats, one x 2-bedroom flat, and one x 2-bedroom maisonette;
- v. Change of use and works of alteration and extension at 1 and 2 Chester Gate to offices and one x 2-bedroom flat;
- vi. Change of use and works of conversion and alterations to form 11 residential units at 1-5 Cambridge Terrace;
- vii. Change of use of No 6 Cambridge Terrace to form offices and reconstruction of 7-10 Cambridge Terrace to form offices;
- viii. Provision of basement level car parking under 1-10 Cambridge Terrace;

ix. The re-development of Cambridge Terrace Mews by the erection of 7 x 2-storey dwelling houses; all at 1-10 Cambridge Terrace, 55-83 Albany Street, 1-5 Chester Gate and Cambridge Terrace Mews, London NW1.

The failure of the same Council to give, within the prescribed period, notice of their decisions on your clients' applications for listed building consent to carry out:

Appeal ii

(APP/5008/E/80/70) - alterations and extensions at Nos 55-83 Albany Street, 1-5 Chester Gate and 1-6 Cambridge Terrace.

Appeal iii

(APP/5008/E/80/71) - demolitions at 55-83 Albany Street, 1-5 Chester Gate and 1-6 Cambridge Terrace.

Appeal iv

(APP/5008/E/80/72) - to demolish 1-13 Cambridge Terrace Mews.

1 copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"a. When the appellants' proposals are considered in the light of the criteria set out in Paragraph 63 of Circular 23/77, the position appears to be as follows: Criteria a. and b. Notwithstanding that nearly half of it has been demolished, Cambridge Terrace is rightly 'listed' as a Grade I Building of Special Architectural or Historic Interest. Its facade is of national importance, not only is it of considerable intrinsic architectural interest as a good example of a large and impressive front to a row of substantial early 19th century houses, it is the front of the ring of large terraces surrounding Regent's Park which were designed by the architect John Nash as a feature of his extensive scheme of Metropolitan improvements. It is also of importance because of the contribution which it makes to the appearance and character of the Park, in the views from which it is quite prominent, and to the surrounding Regent's Park Conservation Area generally. The houses Nos 1-5 Chester Gate, all Grade II 'listed' buildings are also of considerable importance; although of smaller size and scale than those of the terrace, their facades were designed by Nash to close visually the gap caused by Chester Gate in the row of major terraces overlooking the Park. The relatively modest early 19th century terraces of houses along Albany Street, all Grade II 'listed' buildings, are typical of their period; their facades form an attractive feature in the street scene where most of the old houses have now been replaced by modern buildings, and they make a positive contribution to the appearance and character of the surrounding conservation area.

b. Criterion c. The structural condition and state of repair of the buildings on the site varies from good for their age to very poor; Nos 83 Albany Street and 5 Chester Gate appear to be in a very poor condition, and the buildings in Cambridge Terrace Mews appear to have major defects. The cost of the necessary repairs and refurbishments generally would necessarily be very high; however, having regard to the architectural importance of the 'listed' buildings and the

contribution which these make to the conservation area, the cost would not be unacceptably high. The appellants consider that with the inclusion of some redevelopment including a considerable amount of office accommodation, as proposed, their scheme for the comprehensive restoration, repair and refurbishment would be economically viable provided that it could be carried out without further delay.

c. Criterion d. There is no evidence of any suitable alternative uses for the site. The limited amount of redevelopment now proposed, consisting of the replacement of the mews buildings by some town houses and the redevelopment of the site of the demolished portion of Cambridge Terrace to provide office accommodation behind a facade which would be a replica of the original, together with the repair and refurbishment of the 'listed' buildings and the restoration of their facades, as proposed by the appellants' scheme, would enhance the environment of the surrounding area generally and the views from the Park in particular.

d. The demolition of the buildings in the mews, none of which is 'listed', would inevitably destroy the original character of this part of the site. However, it would be unlikely to have any unacceptable effects in relation to the surrounding conservation area. These buildings are not prominent in the public views, being substantially screened by the surrounding buildings, and the proposed 2-storey replacement buildings would be similarly screened. Having regard to the marginal effect which the demolition of the mews buildings would have on the conservation area, and to the probability that due to the condition of the buildings their repair would necessitate so much rebuilding as to result in the virtual replacement of the original buildings by new ones, I consider that their retention is not necessary to protect the character of the conservation area.

e. The appellants and the Council now agree that although the appellants' planning application to which appeal i. relates was stated on the application form to be for full planning permission, the accompanying plans and drawings were for illustrative purposes only and consequently the application should have been submitted as one for outline permission only. It seems to me that although the drawings give a considerable amount of information about the appellants' general intentions, they do not give all the information necessary and desirable for the determination of an application for full planning permission, especially one relating to important 'listed' buildings in an important location. Consequently it would be preferable for the application for planning permission to be considered as one for 'outline' permission only.

f. I can see no objection in principle to the appellants' general scheme. It would result in the retention, repair and refurbishment of all the 'listed' buildings on the site, the reconstruction of the demolished portion of the facade of the architecturally very important Cambridge Terrace and the restoration of the remaining portion of its facade, and the restoration of the facades of the other 'listed' buildings on the site. These restorations would undoubtedly be of great benefit to the appearance of the buildings on the site (which have been in a somewhat dilapidated condition for many years) and to the surrounding conservation area generally.

g. The proposals provide for a substantial amount of office accommodation on the site, mainly in the new building to replace the demolished part of Cambridge Terrace. However, the total floor area of the office content proposed would be no greater than the amount of authorised office floor space now on the site, and furthermore it would make the scheme in general economically viable. It appears that most of the demolitions which would be necessary to enable the appellants' scheme to be carried out would be covered by a listed building consent for demolitions on the site granted in 1976 and which is still valid. Although the Borough Council were

originally opposed to the appellants' scheme and refused to grant planning permission for it, they are no longer opposed and would now be prepared to grant 'outline' permission subject to conditions.

h. Nevertheless, they are opposed to the grant of listed building consent for the demolitions, alterations and extensions to which appeals ii., iii. and iv. relate. Notwithstanding the existence of listed building consent for much of the demolition work proposed by the appellants, the Council consider that until such time as all necessary permissions have been granted and the contracts signed for the building work, it would be premature to demolish the Mews. Furthermore, they consider that the plans accompanying the listed building applications are insufficiently detailed and lack information essential for the proper consideration of applications relating to demolitions, alterations and extensions to the other buildings. The Historic Buildings Committee of the Greater London Council are also of the opinion that the applications provide insufficient information to enable them to authorise the grant of listed building consent. Whilst I can see no overriding objection to the demolition of the buildings in Cambridge Terrace Mews (Appeal iv) I consider that because of the imprecise information given by the applications, including the extent of the alterations and extensions, and the lack of details of important elevations of the buildings, such as the northern side of the building to replace the demolished Nos 7-10 Cambridge Terrace and the additional storey to be erected over the whole of this terrace, listed building consent for the work to which appeals ii. and iii. relate should not be granted at this stage.

i. I have considered the objections raised by the interested parties, including those of the Cambridge Terrace and Albany Street Action Group whose alternative scheme does not seem to me to be economically viable as it would result in the removal of all the established office use. However, I am of the opinion that there are no overriding planning objections in principle to the appellants' scheme. If the Secretary of State decides to allow appeal i and to grant planning permission this should be in outline form subject to the standard 'outline' conditions and consideration should be given to the imposition of further conditions on the lines requested by the Borough Council, which would be acceptable to the appellants".

The Inspector recommended that Appeal i. (APP/5008/A/80/02070) should be allowed and outline permission be granted subject to conditions and Appeals ii. (APP/5008/E/80/70) and iii. (APP/5008/E/80/71) should be dismissed and that iv. (APP/5008/E/80/72) should be allowed and listed building consent be granted for the demolition of Nos 1-13 Cambridge Terrace Mews.

3. Correspondence received too late for the Inspector's consideration has been noted but is not thought to raise any new issue of fact or evidence which disposes the Secretary of State to take a different view of the main planning issues to which the Inspector refers in his conclusions.

4. It is noted that while the application for planning permission was for full planning permission, the accompanying plans were merely sketch plans for illustrative purposes only. However, your clients and the council have agreed that the application should be considered as being for outline permission with all the details reserved for subsequent approval. Insofar as the application relates to works of erection of a building (including extension, alteration and re-erection) the appeal under Section 36 of the Act has been dealt with on that basis.

5. The Secretary of State agrees with the Inspector's conclusions in relation to the appeal under Section 36 of the Act and accepts his recommendation that it should be allowed subject to conditions. Therefore he allows the appeal (APP/5008/A/80/02070) and he hereby grants planning permission for:

- i. Change of use and works of conversion and extension at 55-81 Albany Street to form 20 x one-bedroom flats, 10 x 2-bedroom maisonettes, 4 dwelling houses, one retail shop and basement parking;
- ii. Change of use and works of alterations at 83 Albany Street to form one retail shop (ground and basement) and 2 x 2-bedroom flats;
- iii. Works of alteration at 5 Chester Gate to form one house;
- iv. Change of use and works of conversion and extension at 3 and 4 Chester Gate to form one house, 2 x one-bedroom flats, one x 2-bedroom flats, and one x 2-bedroom maisonette;
- v. Change of use and works of alteration and extension at 1 and 2 Chester Gate to offices and one x 2-bedroom flat;
- vi. Change of use and works of conversion and alteration to form 11 residential units at 1-5 Cambridge Terrace;
- vii. Change of use of No 6 Cambridge Terrace to form offices and reconstruction of 7-10 Cambridge Terrace to form offices;
- viii. Provision of basement level car parking under 1-10 Cambridge Terrace;
- ix. The redevelopment of Cambridge Terrace Mews by the erection of 7 x 2-storey dwelling houses;

at 1-10 Cambridge Terrace, 55-83 Albany Street 1-5 Chester Gate and Cambridge Terrace Mews, London NW1 in accordance with application No L11/11X/A/27098(R) dated 25 January 1979, and revised 12 November 1979, subject to the following conditions:-

1. a. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;
- b. Application for approval of the reserved matters shall be made to the local planning authority not later than 28 February 1984.
2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-
  - i. 28 February 1986; or
  - ii. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. The materials to be used for the external surfaces of the buildings shall be as may be agreed with the local planning authority.
4. Before the first occupation of the building fences, hedges, walls or other means of enclosure along the boundaries of the site shall be provided in such a manner as may be agreed with the local planning authority.
5. Within 12 months from the date when any of the buildings hereby permitted is first occupied trees shall be planted on the land in such positions and of such species as may be agreed with the local planning authority. Any trees removed,

dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

6. The existing trees to the rear of Nos 1 and 2 Cambridge Terrace shall be retained and shall not be felled, lopped or topped without the previous written consent of the local planning authority. Any trees removed without such consent or dying, or being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as may be agreed with the local planning authority.

7. Space shall be provided within the site for the parking and turning of vehicles as may be agreed with the local planning authority.

8. The offices at Nos 6-10 Cambridge Terrace shall not be occupied before the completion of the residential units at Nos 1-5 Cambridge Terrace.

6. [The Secretary of State agrees with the Inspector's conclusions and accepts his recommendations relating to appeals ii. and iii. and iv. (APP/5008/E/80/70, 71 and 72). He allows appeal APP/5008/E/80/72 and hereby grants listed building consent for the demolition of Nos 1-13 Cambridge Terrace Mews.] He hereby dismisses the appeals APP/5008/E/80/70 and APP/5008/E/80/71 and refuses listed building consent for the alteration, extension and partial demolition of Nos 55-83 Albany Street, Nos 1-5 Chester Gate and Nos 1-6 Cambridge Terrace, NW1.

7. Attention is drawn to the fact that where any condition imposed upon the grant of planning permission requires any consent, agreement or approval of the local planning authority the applicant has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than sections 23, 55 and 56 of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant

D A ROBINSON  
Authorised by the Secretary of State  
to sign in that behalf