

# Appeal Decision

Site visit made on 25 April 2014

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

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

**Decision date: 29 April 2014**

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**Appeal Ref: APP/X5210/C/13/2206501**

**11 Regents Park Terrace, London NW1 7EE**

- 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 Richard Rose against an enforcement notice issued by the Council of the London Borough of Camden.
  - The notice was issued on 30 August 2013.
  - The breach of planning control as alleged in the notice is the installation of a roller shutter and shutter box to rear elevation at first floor level of dwellinghouse (Class C3).
  - The requirements of the notice are completely remove the solid roller shutter, shutter box and associated fixtures and fittings.
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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## Decision

1. The appeal is dismissed, the listed building enforcement notice is upheld, and listed building consent is refused 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.

## Reasons

2. The appeal dwelling is part of a Grade II listed building that is situated within the Primrose Hill Conservation Area. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving the historic interest of the listed building and Section 72(1) of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

3. The main issue in the ground (a) appeal is the effect of the roller shutter and shutter box on the architectural and historic interest of the listed building and on the character and appearance of the Primrose Hill Conservation Area.

4. 11 Regents Park Terrace is a four storey plus basement mid-terraced dwelling and the terrace dates from the late 18<sup>th</sup> century. It is constructed in yellow stock brick. At the rear of the dwelling is a flat roofed two storey element. The flat roof is decked and is used as a sitting out area. Access to this area is through a doorway in an arched opening off a first floor landing within the dwelling. The arched opening has, on the outside, a soldier course of bricks in an elevation of bonded brickwork. The opening is a distinctive, original and attractive architectural feature of the listed building that contributes to its historic interest.

5. The white shutter box is mounted above the soldier course and the white shutter slides are fixed to the brickwork of the rear elevation either side of the opening. These slides cut across the soldier course and partially obscure this historic feature of the building. The shutter box is a bulky and prominent modern addition to the building that detracts from its architectural interest. The whole modern addition, with the shutter in its closed position, obscures, completely, the arched opening and will detract from the architectural and historic interest of the dwelling and of the listed building.

6. The harm that the shutter installation causes to the architectural and historic interest of the listed building is most obvious from the rear garden of the appeal property. From this vantage point it is clear that the well preserved terrace makes a significant contribution to the character and appearance of the Conservation Area. The shutter installation is a prominent and visually intrusive feature of the building that detracts from the terrace's contribution to the character and appearance of the Conservation Area. Painting the installation to blend in with the brickwork might reduce its visual impact but not to any significant degree.

7. The installation of the roller shutter and shutter box to the rear elevation of the dwelling has had a significant adverse effect on the architectural and historic interest of the listed building and on the character and appearance of the Primrose Hill Conservation Area. The retention of the installation thus conflicts with policies CS14 of the Council's Core Strategy, policy DP25 of the Council's Development Policies Development Plan Document and with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. The Appellant's desire to secure his dwelling against unlawful intrusion, particularly in the light of a recent event of this nature, is understood and it is acknowledged that features, such as shutters either side of the opening, preclude the fitting of security measures to the inside of the glazed door. However, sensitively designed external security measures to replace the existing crude metal shutter would provide the security that the Appellant desires. Other dwellings in the terrace have been altered at the rear but not by the addition of a crude metal roller shutter such as that at the appeal dwelling.

*John Braithwaite*

Inspector