



Appeal Decision

Hearing held on 1 October 2013

Site visit made on 1 October 2013

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 29 October 2013

Appeal Ref: APP/X5210/F/13/2193605

12 Great James Street, London WC1N 3DH

- 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 Elliot Paul Reeve against a listed building enforcement notice issued by the Council of the London Borough of Camden.
 - The Council's reference is EN12/0891.
 - The notice was issued on 15 January 2013.
 - The contravention of listed building control alleged in the notice is 1) the unauthorised removal of the single paned double hung timber sash window units including timber sash, sash boxes and architraves and 2) the unauthorised installation of double glazed timber sash windows, window boxes and associated joinery.
 - The requirements of the notice are 1) the replacement six over six timber sash windows to each floor level shall be removed, 2) the former one over one double hung timber sash windows which were in place prior to the existing windows shall be reinstated and 3) if the existing windows cannot be reinstated new windows shall be installed to either match the existing windows shown on drawings ref 423/115 P1, 423/119 P1, 423/121 P1 (The details including materials, dimensions and profiles can be seen at 11 Great St James street), or match the size, design and location of the windows approved as part of listed building consent approved on 23/03/2011 (ref 2011/0357/L) shown on drawings 423/116 P1, 423/120 P1, 423/122 P2 and 0039_All_ELEV_A.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Procedural Matters

1. The council acknowledged there was a contradiction relating to the time for compliance in the enforcement notice, and that the wording 'Compliance due date: 26 May 2013' was added in error. In my view, there would be no injustice in correcting the notice by deleting this wording.

Decision

2. I direct that the listed building enforcement notice is corrected by deleting 'Compliance due date: 26 May 2013'. Subject to this correction, the appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the removal of the single paned double hung timber sash window units, including timber sash, sash boxes and architraves and the installation of double glazed timber sash windows, window boxes and associated joinery at 12 Great James Street, London WC1N 3DH, subject to the following conditions:-

- 1) All horns of the top sashes to all windows shall be removed within a period of 6 months from the date of this decision.
- 2) If the horns are not removed within this period, then within a period of 6 months 1) the replacement six over six timber sash windows to each floor level that have not had their horns cut off shall be removed, 2) the former one over one double hung timber sash windows which were in place prior to the existing windows shall be reinstated and 3) if the existing windows cannot be reinstated new windows shall be installed to either match the existing windows shown on drawings ref 423/115 P1, 423/119 P1, 423/121 P1 (The details including materials, dimensions and profiles can be seen at 11 Great St James street), or match the size, design and location of the windows approved as part of listed building consent approved on 23/03/2011 (ref 2011/0357/L) shown on drawings 423/116 P1, 423/120 P1, 423/122 P2 and 0039_All_ELEV_A.

Reasons

3. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, when considering whether to grant listed building consent, that special regard should be given to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The development plan includes the Camden Core Strategy [CS] and Camden Development Policies, Local Development Framework [DP]. CS Policy CS14 relates to providing high quality places and conserving heritage, and DP Policy DP25 to conserving Camden's heritage, and these have similar aims to Section 16(2) and Section 72(1). DP Policy DP22 promotes sustainable design and construction and DP Policy DP24 to securing high quality design. CS Policy CS13 promotes higher environmental standards to tackle climate change.
5. In terms of significance and special interest, the appeal building is grade II* listed and according to the description is part of a terrace of houses built between 1720 and 1724. Many of the details of the buildings are identified, including windows, segmental arches and dressings to flush framed windows, some with glazing bars and some with reeded frames and roundels. There was no dispute between the parties that the terrace, including the appeal building, is a very important example of early Georgian town planning and building design. It is seen in conjunction with the similar terrace opposite. The windows are very prominent and important visual features on the elevations and provide evidence related to the history and development of the building.
6. The Bloomsbury Conservation Area is very large, containing a variety of buildings, but with the development of early Georgian buildings and layout of terraced streets being important in relation to the development of central London.
7. In this case it is acknowledged there have probably been two periods of major replacement of the windows on the building. The first replacement of windows was likely to have occurred around 1800 at the end of the original leases, when more slender profiled, small pane sash windows would have replaced the previous more 'robustly' detailed frames. A second phase of major replacement

- would have occurred in Victorian times when many of the later Georgian windows were replaced with the 1/1 sash windows found in many of the buildings.
8. Planning Policy Statement 5 – Planning for the Historic Environment: Historic Environment Planning Practice Guide [PPS 5G] indicates in relation to restoration that previous repairs may be historically important, and may provide useful information about the structure of the building. New work can be distinguished by discreet dating or other subtle means. Restoration is likely to be acceptable if the significance of the elements that would be restored decisively outweighs the significance of those that would be lost and the maintenance implications of the proposed restoration are considered to be sustainable.
 9. In this case I consider that the Victorian windows now removed were part of the historical development of the building and attach weight to their historical significance. While the appearance of the individual buildings would have changed with the substitution of the 6/6 sashes with the 1/1 sashes, that was part of the development and simply replacing those windows for the purpose of 'restoration' to the original appearance would not be justified, even if it is agreed, including by me, that the appearance of the building is improved with the 6/6 arrangement.
 10. However, in this case the contractor that undertook the works of replacement clearly identified the poor condition of the windows that were removed, identifying extensive rot and that when removed the windows 'fell apart'. The council questions this, referring to the condition of other windows in the terrace. However, it had no evidence or direct experience of the condition of the windows at the appeal site. The council was particularly concerned that the stair and basement windows had been removed, as in its experience these were often original windows, not usually replaced, either because they were not prominent in the case of basement windows, or in common area and intricate in the case of the large arched stair window. However, the appellant indicated, and it was confirmed at the site visit, that the stair window has not been replaced.
 11. The contractor indicated that contrary to what the drawing of the existing building showed, one of the basement windows had previously been removed and blocked up; this opening was reinstated as part of the works. There was no photographic evidence to identify the condition of the windows. However, it is clear from the planning history that the building has been the subject of a number of previous applications, including when converted from an office to residential, where visits from the local planning authority to the building would have been necessary. A retrospective application for replacement windows was refused. However, correspondence between the appellant and the council and English Heritage, indicates that there was no particular objection raised to the principle of replacing the windows, but that the matter of concern related to detail.
 12. It is unfortunate that, the works were undertaken without giving the local planning authority an opportunity to assess the windows existing at the time of replacement. However, while there is little evidence to show the condition of the original windows, I place significant weight on the observations of the contractor and the fact that the stair window, which was still in acceptable condition, was retained. I therefore accept that the Victorian windows were in

- poor condition, requiring replacement and attach little weight to their historic value in terms of materials and their presence, as they needed to be replaced.
13. This is a case where the current windows were not the original windows or in good condition. In this situation the principle of 'going back' to reproduce the original window design, was acceptable to English Heritage and the local planning authority, subject to detailing. I agree with that approach.
 14. This is a very different situation to where original windows are being replaced. In that situation there would be the original window design and detailing to follow and replicas could be made and consistency achieved. In the current situation there are no original windows to replicate, the process being followed is to replicate replacement windows at 12 Bedford Row, which were based on what was considered to be early Georgian windows. There is no particular benefit in this situation in relation to consistency of the terrace, as there is a mix of window arrangements within the overall basic layout of the windows. So consistency with neighbouring buildings is not a main issue and the proposed windows would not therefore affect the significance of special interest of the conservation area, either locally or as a whole.
 15. The main changes are the provision of the timber bead externally, removing the need for putty, the increased size of the internal rebate to cater for the width of double glazing, with the consequent flattened section of the moulding, and the introduction of double glazing. I acknowledge that all of these are not features that would have been found in the original windows.
 16. In my view, the main benefit to the significance of the listed building of replicating the windows relates to the effect they would have on the appearance of the building, particularly in relation to their proportions when seen from the rooms and from the street. They cannot add or reproduce historical significance as they are new, other than in their contribution to the continuing history and change to the building. The exact detailing is not going to be beneficial in terms of historical dating of the building or historical accuracy, as the windows are of the current age and should be identifiable as such. In this particular situation, I therefore do not accept that the minor changes to the joinery detailing, such as occurs with the glazing bars and the angle of meeting rails, is overriding. Externally the appearance and proportions of the joinery and overall size is generally correct and the hornless 6/6 windows positively enhance the appearance of the building at the front. While horns have not been removed from the top sashes at the rear, this would be reasonable to be achieved by imposition of appropriate conditions.
 17. While the outside of the glazing beads is now wood and not putty, the profile is very similar, but I accept is more regular and identifiable at close range. The fixing internally with a removable timber moulded bead is not traditional, but to my mind is a practical and effective solution to the fixing of the glazing units. The moulding, while being of a flatter proportion, provides a strong feature around the glazing, effectively mimicking the deeper moulding that would have been provided, such as at Bedford Row. Double glazed units do affect the appearance of the rebates, with, at close inspection, the depth of the units being discernible, and some of the reflections from the units are 'doubled'.
 18. Drawings indicated that the frame box sections had been reduced. However, it was clear from the site visit that the box sections had to fit within a space between the outer wall and internal window shutter box, which the

replacement windows do, so there could actually be no change to the width of the boxes of the sash windows. It appears that some of the drawings have not been accurately completed, in this and other respects and that made it difficult for the council to understand and assess what changes were being made. While I have taken into consideration the drawings, I make my assessment on the basis of what has been installed. Overall, I accept that the changes, including removal of the Victorian windows, affect the character and appearance and significance of the listed building and cause harm, but because the overall proportions of sections and frames is good, the harm would be minimal and in terms of The Framework 'less than substantial'.

19. In my view, reinstating the 6/6 windows considerably improves the appearance of the windows and elevation generally. The 12 panes give varied reflections of the street and this adds to benefit and counters to some extent the change in reflection created by the double glazed units. There is also benefit in securing the future of the building by replacing rotted windows and some benefit in terms of sustainability from the improved thermal performance of the building. Overall, as I have found the impact on significance and on the special architectural and historic interest of the listed building to be minimal, I conclude that the public benefit far outweighs the harm. For the reasons given above, I conclude that the character and appearance of the conservation area as a whole would be preserved and that the works accord with the aims and objectives of CS Policies CS13 & CS14 and DP Policies DP22, DP24 & DP25.
20. I conclude that the appeal should succeed on ground (e) and listed building consent be granted.

Ground (h)

21. As I have granted listed building consent for the works, I do not need to consider the ground (h) appeal.

Graham Dudley

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr C Miele MRTPI IHBC
Mr D Taylor
Mr L Baylis
Elizabeth Reeve

Partner Montague Evans
Planning Consultant Montague Evans
Contractor

FOR THE LOCAL PLANNING AUTHORITY:

Mr C Rose
Mr D Glasgow

Urban Planner, London Borough of Camden
Enforcement Officer, London Borough of Camden

DOCUMENTS

Document	1	Notification letters
	2	Email from Dean Naumowicz dated 22 September 2013
	3	Direction as to Granting Listed Building Consent 18 July 2011
	4	Letter from English Heritage dated 19 June 2012
	5	Missing policies