



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

APPEAL

Direct Line 0117-987-8914
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-

827

DISMISSED

Graham Pratt RIBA
Architect
60/62 Great Titchfield Street
LONDON
W1P 7AE

Your Reference:

Council Reference:
ENF 1762

Our Reference:
APP/F/96/X5210/645437

Date: 20 OCT 1997

NOTICE
VARIED

Dear Sir

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 39 AND SCHEDULE 3 : PLANNING AND COMPENSATION ACT 1991
APPEAL BY MR F VALOTI
BUILDING AT 22 ARGYLE STREET, LONDON

1. As you know I have been appointed by the Secretary of State for the Environment to determine your client's appeal against a listed building enforcement notice issued by the London Borough of Camden Council, concerning the above mentioned building. I have considered the written representations made by you and the Council. I inspected the site on 9 September 1997.
2.
 - (1) The notice was issued on 24 October 1996.
 - (2) The contravention of listed building control as alleged in the notice is the introduction of bathrooms and lobbies at ground and first floor level of the premises.
 - (3) The requirements of the notice are that the bathrooms and lobbies at ground and first floor levels of the premises shall be permanently removed, and the rooms restored to their original layout.
 - (4) The period for compliance with these requirements is three months.
3. Your client's appeal was made on ground (e) as set out in section 39(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991. Both parties refer to other ways of solving the dispute and these will be considered under ground (g). The appeal is therefore proceeding under grounds (e) and (g).

4. The appeal property is a terraced three-storey 19th century Grade II listed building. It has recently been refurbished and is in use as a 12 bedroom annex to your client's hotel on the opposite side of the street. Prior to the works, there were front and rear rooms on both the ground and first floors which were separated by a spine wall. These guest rooms are now approached through a lobby off the hall and a lobby off the first floor staircase landing. Each of the four guest rooms has ensuite bathroom facilities in an enclosure leading off the room. The ensuite enclosures and the lobbies are formed by new full-height partitions and have ceilings which are lower than the adjoining room ceilings.

APPEAL ON GROUND (e)

5. The appeal under ground (e) seeks listed building consent for the retention of the lobbies and ensuite bathrooms on the ground and first floors. Following my inspection and the consideration of the representations, my view is that the principal matter to be appraised is the effect of retaining the lobbies and bathrooms on the special architectural or historic interest of No 22 Argyle Street.

6. Section 16 of the amended 1990 Act requires that, when considering whether to grant listed building consent, special regard should be had to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. The Council's emerging policies reiterate this approach. In this case, the Council feel that the sub-division of the principal rooms has compromised the integrity of these spaces.

7. At my visit, I saw that the ground and first floor rooms had been reduced in size and the proportions of the spaces had been squeezed by the introduction of the lobbies and bathrooms. Apparently few original features and details in these rooms survived prior to the recent conversion works; nevertheless, the original arrangement of the ground and first floors of these houses is of interest as a record of early 19th century domestic architecture. The advice of English Heritage regarding London terraced houses is that the principal rooms at ground and first floor should not normally be subdivided. I felt that something had been lost in the treatment of these rooms and that the architectural interest of the interior of the listed building had been reduced. To allow the rooms to remain in their present form would undermine the Council's policies for safeguarding listed buildings.

8. Paying special regard to the desirability of preserving the special architectural or historic interest of listed buildings, I consider that listed building consent should not be granted for the retention of the unauthorised works. Your client's appeal on ground (e) fails.

APPEAL ON GROUND (g)

9. You explain that reducing the height of the lobbies and ensuite rooms would allow the original ceiling plane to continue and the original size and shape of the rooms would become apparent. You submit a drawing (No 658.05) showing this arrangement on both floors.

10. The Council say that it may be acceptable to introduce half lobbies which would allow the original ceiling line to be preserved. They object however to the presence of the ensuite bathrooms. With a reduced ceiling height, the bathrooms would still result in the loss of the original plan form.

11. Section 38(2) of the amended Act allows a local planning authority to choose what remedy they seek in a listed building enforcement notice. The choice is between returning the building to its former state or for executing further works necessary to alleviate the harm caused. The reduction in height of the lobbies and ensuite rooms, rather than their complete removal, would be an alleviation measure. The cornices to the exposed areas of ceiling would be reinstated. I consider that the suggested further works shown in the submitted drawing (No 658.05) would enhance the historic interest of the ground and first floor rooms. It would ameliorate the harm caused to the ground and first floor rooms by the full-height partitions and would allow the proportions and ceiling lines of the original rooms to be seen and appreciated. I do not share the Council's view that the original plan form would be lost. Revealing the original ceiling and the line of the spine wall would give a clear signal of the domestic origins of this historic property. My view is that the notice should be varied to require the reduction in the height of the new partitioning on the ground and first floor rather than their permanent removal. Your client's appeal on ground (g) succeeds and the notice will be varied and upheld.

12. I have taken account of the other matters raised and none of the items mentioned overrides the considerations leading to my decision.

FORMAL DECISION

13. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the notice be varied by the deletion of Section 5 and the substitution of the following:

WHAT YOU ARE REQUIRED TO DO

The bathrooms and lobbies at ground and first floor levels of the premises shall be reduced in height, the exposed ceiling shall be made good and the cornice reinstated, and the reduced partitions shall be finished with a projecting cornice, all in accordance with the attached drawing No 658.05.

You are to comply with the above requirements within three months of this notice taking effect.

Subject thereto, I dismiss your client's appeal and uphold the listed building enforcement notice, as varied, and refuse to grant 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.

14. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully



J T Griffiths MA(Arch) MSc RIBA MRTPI DMS
Inspector
ENC

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
PLANNING (LISTED BUILDINGS AND CONSERVATION) AREAS) ACT 1990
(as amended by the Planning and Compensation Act 1991) ("the Act")**

LISTED BUILDINGS ENFORCEMENT NOTICE

RE: REES HOTEL, 22 ARGYLE STREET, LONDON WC1H 8EQ

ISSUED BY : THE LONDON BOROUGH OF CAMDEN

1. **THIS IS A FORMAL NOTICE** which is issued by the Council being the Local Planning Authority for the purposes of Section 38 of the above Act because it appears to them that there has been a contravention of Section 8 of the Act, in respect of the listed building described below. The Council considers it expedient to issue this notice for the reasons set out in paragraph 4 below.

2. **THE LISTED BUILDING**

Land and premises at Rees Hotel, 22 Argyle Street, London WC1H 8EQ ("the Premises") as shown, for the purposes of identification only, outlined in black on the attached plan.

3. **THE CONTRAVENTION ALLEGED**

Without the grant of listed building consent in accordance with Part 1 of the Act:-

The introduction of bathrooms and lobbies at ground and first floor level of the premises. These works are such as to involve a contravention of Section 8 of the Act.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue the Notice for the reason that the subdivision of the ground and first floor through the introduction of bathrooms and lobbies is detrimental to the historic and architectural character of the building and is contrary to the Council's policy as expressed in the Written Statement of the London Borough of Camden Local Plan 1987 (the Borough Plan) and the draft Unitary Development Plan to preserve Listed Buildings.

5. **WHAT YOU ARE REQUIRED TO DO**

The bathrooms and lobbies at ground and first floor levels of the premises shall be permanently removed, and the rooms restored to their original layout.

You are to comply with the above requirements within three months of this notice taking effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 6th day of December 1996, unless an appeal is made against it beforehand.

DATED: 24th day of October 1996

(Signed)

Michael Kelly
Borough Solicitor, on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP.

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 6th day of December 1996. The enclosed Sections 38-46 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Regulations 5-8 from the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991 set out your rights. Read them carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this listed building enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this listed buildings enforcement notice, it will take effect on 6th day of December 1996, and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with a listed buildings enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.