

---

# Appeal Decision

Site visit made on 23 September 2014

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 2 October 2014**

---

**Appeal Ref: APP/X5210/F/13/2209175**

**19 Chester Terrace, Regents Park, London NW1 4ND**

- 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 Paul Faiman against a listed building enforcement notice issued by the London Borough of Camden.
  - The Council's reference is EN12/0844.
  - The notice was issued on 20 September 2013.
  - The contravention of listed building control alleged in the notice is the installation of windows with inappropriate fenestration pattern at ground and second floor at the rear of the property.
  - The requirements of the notice are as follows: the windows at ground and second floor to the rear of the property shall be replaced with one over one timber sash windows to match the prevailing pattern in the terrace.
  - The period for compliance with the requirements is two months.
  - The appeal is made on ground (e) only as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- 

## Decision

1. The appeal is allowed (see formal decision below).

## Main issues

2. The main issues are firstly the effect that the works have had on the preservation of the listed building and on its features of architectural and historic interest and, secondly, the effect on the character and appearance of the Regents Park Conservation Area.

## Reasons

3. The mid-terraced appeal building is a 4 storeys, plus basement, dwelling house. Designed by John Nash, it dates back to around 1825. It is Grade I listed and lies within the Regents Park Conservation Area. Following bomb damage during the Second World War the terrace was completely reconstructed in the 1960s.
4. In considering whether to grant listed building consent, and in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had to the desirability of preserving the building or its setting or any features or special architectural or historic interest. Section 72 of the same act requires that special attention must also be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. I taken into account the Council's Core Strategy Policy CS14 (High quality places and conserving heritage); Policy DP25 (Conserving Camden's Heritage); Camden Planning Guidance 1 and the Camden Town Conservation Area Appraisal and Management Strategy. I have also considered relevant policies of the National

Planning Policy Framework (NPPF) and in particular those relating to conserving and enhancing the historic environment as well as relevant Planning Policy Guidance.

6. The unauthorised windows are in the rear elevation of the building. They comprise sashes with margin lights at either side. They differ in appearance from most of the other rear windows at these levels in the terrace. At these levels most windows are one-over-one sash windows. Generally there is one large window at first floor level; one-over-one sashes at ground, second floor and third floor levels and some two-over-two or casement windows which follow established proportions. There are some smaller openings at ground and basement levels as well as garage doors. However, I noted a variety of exceptions to the fenestration patterns and even to window types and materials along the length of the terrace.

7. Having viewed the appeal building (which is roughly in the middle of the terrace) from the rear and having viewed other parts of the terrace from Albany Street, I do not share the Council's concerns about the visual impact of these two windows on the listed building, on its setting and on the setting of the terrace. Whilst accepting that the narrow margin lights differ from most of the others at these levels I do not consider that they are distinctly noticeable when seen as part the rear elevation of the terrace as a whole.

8. In fact it is not possible to get a clear view of the whole of the rear elevation of the terrace and the overall window patterns and types do differ in places. Although I could see some ground and upper windows from Albany Street, views of the appeal windows were obscured and were only noticeable from the rear from mainly oblique viewpoints. I acknowledge that consistency of window patterns is most important in relation to this fine Grade I listed terrace but the rear elevation has been distinctly altered over the years. I noted physical differences and changes at numbers 20, 14 and 15, 23, 26, 30 and 38. There were also other small window patterns/sizes differences along the rest of the rear elevation.

9. Having considered these changes in the overall context of the existing rear elevation as a whole and, taken on their merits, I find that the appeal windows are acceptable. In my view the proportion of the windows with side lights is much more appropriate to the structural opening sizes of these windows. The one-over-one windows have a more modern appearance and I agree with the Crown Estate Architect that the appeal windows are not harmful to the listed building or its overall setting. The changes referred to above which have been carried out over the years reinforce my view that the two appeal windows preserve the appearance, the character and the setting the listed building. It follows that I also consider the character and appearance of the conservation area are also preserved by the installation of these two windows.

10. I find that the windows accord with the development plan policies CS14 and DP25 and to policies within the National Planning Policy Framework (NPPF) which aim to conserve our heritage. I do not find that the works are harmful to this Grade I heritage asset and consider, therefore, that listed building consent should be granted for their retention. The appeal succeeds on ground (e).

### **Other Matters**

11. I have considered all other matters raised by the Council. These include the full planning history; the planning policy framework and status; the background information; comments on the appeal scheme; comments on the appellant's grounds of appeal; the Camden Planning Guidance and the Regent's Park Conservation Area Appraisal and Management Strategy.

12. However, none of these carries sufficient weight to alter my conclusions on the main points at issue and nor is any other factor of such significance so as to change my decision that the appeal should be allowed.

**Formal Decision**

13. The appeal is allowed and I direct that the listed building enforcement notice be quashed. Listed building consent is granted for the retention works carried out at 19 Chester Terrace: namely the two windows (sash and case with sidelights) at ground and second floor levels at the rear of the property.

*Anthony J Wharton*

Inspector