

EK/KFH/PD9345

email: kate.falconerhall@montagu-evans.co.uk

19 September 2014

Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir/Madam

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

6 LINCOLN'S INN FIELDS, LONDON, WC2A 3BP - LISTED BUILDING ENFORCEMENT APPEAL

This Appeal is lodged under Section 39 of the Planning (Listed Buildings and Conservation Areas) Act) 1990.

This Appeal is lodged on the basis of four grounds of Appeal under section 39 (1) of the Act. Grounds c) e) h) and j) are indicated in the Appeal form dated 19 September.

Grounds of Appeal

Ground (c) – That those matters (if they occurred) do not constitute such a contravention.

The alleged unauthorised works have not affected the character of the building as one of special architectural or historic interest.

The works specified under paragraph 3 of the Notice do not cause harm to the special interest of the listed building. The alleged harmful works are stated as being:

- 1. The removal and replacement of ceiling, panelling and cornices in front and rear rooms at ground floor level (Rooms GF02 and GF03 as shown in plan A-67-LIN-PL-001 appendix 1) [Action];*
- 2. The removal and replacement of ceiling, panelling and cornices in the front and rear rooms at first floor level (Rooms FF02 and FF03 as shown in plan A-67-LIN-PL-003 appendix 2) [Action]; and,*
- 3. The removal and replacement of ceiling, panelling and cornices in front and rear rooms at second floor level (Rooms SF02 and SF03 as shown in plan A-67-LIN-PL-004 appendix 3) [Action].*

The ceiling, panelling and corning details extant at the property are in a style appropriate to the special historic and architectural interest of the listed building.

Ground (e) – That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.

The reasons for issuing the Notice are specified under paragraph 4 of the Notice. These indicate that

'a) The work outlined above has been carried out to this Grade II listed building without the benefit of Listed Building Consent,

b) The unauthorised works to this property are considered to have a detrimental impact on the special architectural and historic interest of the listed building...'

Matters in dispute concern the extent and effect of these alleged unauthorised works on the special interest of the listed building, and the level of work that should reasonably be required in order to regularise matters. The matter has been in negotiation over many months, but has only recently resulted in the London Borough of Camden serving a Notice on 20 June 2014. This notice was withdrawn and a revised version of the notice was served on 11 August. This Appeal relates to the revised notice dated 11 August.

The matter extends from the grant of planning permission and listed building consent by the London Borough of Camden for the conversion of the listed building from B1 office to C3 residential use on 3 June 2010 (LPA Refs. 2009/5461/P and 2009/5479/L).

Before the alleged unauthorised works took place, the Grade II listed property at 6 Lincoln's Inn Fields was in B1 office use. The alleged unauthorised works occurred during the course of converting the building back to its original use as a single family dwelling. Following discussion with officers, it was agreed that certain matters should be addressed, and a considerable amount of work was completed at the authority's request.

During the course of negotiations, some concern was raised about the condition of six rooms over three floors of the building. There is limited evidence to show what existed in each of the six rooms before any conversion works commenced, nor has it been possible to ascertain the ceiling heights that existed when the building was in office use, the date of their installation or their general condition.

The consented drawings (A-067-LIN-ELE-ORI 200-223) from the consent of April 2014 are agreed between the Council and the appellant as being the best understanding of the original condition of the panelling and ceiling heights in the specified rooms. The Council therefore alleges harm based on incomplete evidence and requires the appellant to carry out works to the building on this basis.

Paragraph 5 of the Notice requires the owner to *'Remove the replacement ceilings, panelling and cornices in the front and rear rooms at ground floor, first and second floor levels and either:*

- 1. Install replacement ceilings, panelling and cornices at ground floor, first and second floor levels which match the requirements approved 17/04/2014 ref. 2013/6568/P and 2013/6650/L; or*
- 2. Replace with a facsimile of the original as shown drawings (A-067-LIN-ELE-ORI) 200-223 (A-067-LIN-DE-) 100-103 of consents 2013/6568/P and 2013/6650/L.'*

To satisfy the Notice, the arrangement shown on either the ORI or PRO drawings would have to be realised, which would suggest the Council is satisfied to have the ceiling height in that room at either 2955mm or, alternatively, 3010mm. The only arrangement which cannot be reconciled with the LBEN is the existing height of 2950mm (just 5mm difference from that agreed as acceptable on the ORI drawings). In any room, let alone one with high ceilings, an adjustment of 5mm would be imperceptible.

With reference to ground of Appeal c), it is considered that the alleged unauthorised works do not cause harm to the special interest of the listed building and should be consented in their current form.

Ground (h) – That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.

The stated timescale for compliance falls short of what should reasonably be allowed. The works are complicated and require the engagement of specialist contractors. The complexity of the work, tendering and execution of the scope of works required requires a timeframe of between 12 and 18 months for the works to be carried out.

Ground (j) - That the steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building.

The steps required of the owner as specified in paragraph 5 of the Notice exceed what is necessary to alleviate the effect of the unauthorised works.

The works would require the removal of the interiors at the ground, first and second floor levels of the buildings. The execution of the works specified in the Notice would not serve any useful purpose in alleviating the alleged harm to the special interest of the building.

We hope the above is clear and clarifies our grounds of Appeal.

Yours Faithfully

MONTAGU EVANS LLP

MONTAGU EVANS LLP