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## Appeal Decisions

Site visit made on 20 April 2015

**by Peter Rose BA MRTPI DMS MCMl**

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

Decision date: 19 June 2015

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### **Appeal A Ref: APP/X5210/Y/14/3001832**

#### **23 Harrington Square, London NW1 2JJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Redcourt Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2014/4254/L, dated 19 June 2014, was refused by notice dated 25 September 2014.
  - The proposed works are ground floor rear extension 2 metres deep and the rear wall of the back addition to be demolished in order to enlarge the open plan studio flat.
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### **Appeal B Ref: APP/X5210/W/14/3001826**

#### **23 Harrington Square, London NW1 2JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Redcourt Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2014/4085/P, dated 19 June 2014, was refused by notice dated 25 September 2014.
  - The proposed development is ground floor rear extension 2 metres deep and the rear wall of the back addition to be demolished in order to enlarge the open plan studio flat.
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## Decisions

1. **Appeal A** and **Appeal B** are each dismissed.

## Main Issues

2. Nos 15-24 consecutive of Harrington Square (east side) is a terrace of houses that dates from 1842-48 and is listed as grade II. The main issue to be considered for both appeals is therefore the effect of the proposed works upon the special architectural and historic interest of the listed building and, in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses.
3. A second main issue in relation to **Appeal B** is the effect of the proposed scheme upon the character and appearance of the Camden Town Conservation Area and, in particular, whether the scheme would preserve or enhance the character or appearance of the Conservation Area.

## Reasons

### Appeal A

4. The appeal site comprises a large mid-terrace residential property with basement. It forms part of a grade II listed terrace built as 10 houses. The statutory List Entry Description also specifically includes the area railings. The listed terrace Nos 15-24 Harrington Square (consecutive) lies within the Camden Town Conservation Area.
5. The List Entry Description identifies the terrace as forming the east side of a former square and dating from 1842-48. The terrace forms part of the enclosure at one side of the triangular-shaped Harrington Square Gardens. Whilst Nos 15-24 and the Gardens remain, surrounding sites have been variously developed, predominantly for residential use. The appeal site itself has been sub-divided into separate units of residential accommodation.
6. The significance of the appeal site as part of a building of special architectural and historic interest relates to its contribution as a large and resplendent nineteenth century London house set within a wider terrace of similarly distinguished properties. The terrace is a distinct and impressive entity outwardly displaying a wealth of architectural and historic features. The main frontage is brick-faced with stucco work, and includes balconies, cornices, parapets, and sash and casement windows, all set behind cast-iron railings.
7. Whilst this significance particularly arises from the frontage, the rear of the terrace is also an integral part of the asset and reflects a similar distinct nineteenth century design. The rear elevation is less ornate in its detailing, but contains original subordinate rear additions, window openings and stock brick elevations, all of which contribute to the terrace's essential architectural and historic significance.
8. The rear of the terrace has been subject to various alterations and works, including the rear addition to No 23, and some works have not been in-keeping with the original design of Nos 15-24. Nevertheless, across the terrace, the depth of the original footprint, as defined by the rear additions, appears, outwardly, to have been broadly retained, and this feature contributes to a general sense of relative uniformity and order characteristic of the listed building coupled with the building's strong vertical emphasis.
9. Although the proposed extension would be of limited size and would be finished in matching brickwork, the scheme would add further form beyond the existing footprint of the host building at No 23. As a single storey, flat-roofed addition protruding beyond the two-storey addition, I find that the design and position of the extension would make for a conspicuous and incongruous addition to No 23 and, in turn, to the wider listed terrace. The simple and distinguished form of the original appeal building would be subsumed into a larger, more cluttered and discordant structure with the squat appearance of the proposed addition conflicting with the vertical emphasis of the main terrace. The resultant relationship would harm the significance of the terrace by reducing its visual integrity and by detracting from its historic appearance.
10. I find that the special interest of the terrace would be diminished such that the proposed scheme would fail to preserve the significance of the listed building. The National Planning Policy Framework (the Framework) makes a distinction

between development causing substantial harm to the significance of a designated heritage asset, such as a listed building, and development that would lead to less than substantial harm. The Framework requires less than substantial harm to be weighed against the possible public benefits of the scheme. Whilst the scheme would provide more space for one of the residential units at No 23, I have found no overall public benefits sufficient to outweigh the harm which would arise to the listed building.

11. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) establishes a duty, when considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. There is a clear presumption in this duty that preservation is desirable, and the finding of harm to a designated heritage asset is a matter to which considerable importance and weight must be attached.
12. I therefore conclude that the proposed works would be harmful to the special architectural and historic interest of Nos 15-24 Harrington Square which is grade II listed. Accordingly, the scheme would be contrary to Policy CS14 of the Camden Core Strategy 2010-2025 (the Core Strategy), and to Policy DP24 and to Policy DP25 of the Camden Development Policies 2010-2025 Local Development Framework (the Development Policies). These policies are material considerations and seek, amongst other matters, to ensure that development preserves and enhances Camden's rich and diverse heritage assets, including listed buildings, and reflects the highest standard of design.
13. I find these policies broadly consistent with the Framework which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

## **Appeal B**

### *Listed building*

14. Section 66 of the Act also places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving the listed building. My findings of the impact of the scheme upon the significance of the listed building set out in **Appeal A** similarly apply in this regard to **Appeal B**.
15. As in **Appeal A**, the application for planning permission would similarly fail to accord with the same policy expectations of the Framework as they relate to designated heritage assets, and there would be no overall public benefits sufficient to outweigh the harm likely to arise.

### *Conservation Area*

16. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
17. The Camden Town Conservation Area is an area of rich historic and architectural heritage largely characteristic of the nineteenth century, and this

is further detailed in the Council's Camden Town Conservation Area Appraisal and Management Strategy dated 2007 (the Conservation Area Appraisal).

18. The appeal site forms part of the quieter, more formal residential element of the Conservation Area and is set within a highly distinguished nineteenth century terrace overlooking the Harrington Square Gardens. The Gardens are also identified by the Conservation Area Appraisal as the most significant green open space within the Conservation Area. The appeal site is an integral part of a listed building and the characteristic features described in **Appeal A**, in turn, similarly make important contributions to the highly attractive and historically significant character and appearance of the wider Conservation Area.
19. Whilst not as visually significant as the front, the rear is nonetheless visible from adjacent properties to the side and rear. For the reasons described in **Appeal A**, those views of the Conservation Area would be significantly harmed by the proposed development, and the scheme would thereby fail to preserve or enhance its character or appearance.
20. I appreciate that in terms of the whole Conservation Area the scheme would only create a modest degree of harm but, even so, the character and appearance of the Conservation Area would be neither preserved nor enhanced by the proposed development.
21. As with the impact upon the listed building, my assessment of the impact of the scheme upon the Conservation Area as a designated heritage asset is that it would similarly fail to accord with the same policy expectations of the Framework, and there would be no overall public benefits sufficient to outweigh the harm likely to arise to the Conservation Area.
22. References are made to various previous applications for schemes elsewhere, including within the listed terrace and in properties behind, and I have had regard to all the evidence submitted. I acknowledge the importance of consistency in decision-making, but the circumstances of each site and the form of each scheme will be different, and each proposal has to be considered on its own specific merits. Particular reference is made to developments at No 28 Albert Street and at No 19A Harrington Square, but both appear to be long-standing developments which pre-date the current development plan and the Conservation Area Appraisal. Mention is also made of No 32 Albert Street but the circumstances of that scheme also appear to be materially different, including its location. Notwithstanding any similarities to other schemes, I am clear, for the reasons identified, that the specific works subject to this appeal would be materially harmful for the reasons described and that such harm would not be justified by other previous decisions elsewhere.
23. I therefore conclude that the proposed development would be harmful to the character and appearance of the Camden Town Conservation Area. Accordingly, the development would be contrary to Policy CS14 of the Core Strategy, and to Policies DP24 and DP25 of the Development Policies.

### **Other Matters**

24. I have considered all other matters raised, including the possible impact of the scheme upon the living conditions of nearby occupiers. Mention is made by the Council in its assessment of the possible impact upon daylight to the basement and ground floor of the host property and to No 24. A representation has also

been received regarding line of sight from No 22. Nevertheless, the possible impact upon living conditions is not identified as a reason for refusal by the authority, and the back windows of these properties already appear to be significantly enclosed by the existing rear additions. From my assessment of the scheme, I am satisfied that no such further material harm is likely to arise in those regards because of the existing degree of enclosure.

25. An objection is also made from occupiers of one of the units within No 23, which appears to relate to the implications of the works during the construction period upon their privacy and quality of life. Possible noise and disturbance is an inevitable consequence of implementing development and would not in itself be reason to withhold planning permission in this instance.

### **Conclusion**

26. At the heart of the Framework is a presumption in favour of sustainable development. For decision-making, this means approving proposals that accord with the development plan without delay, and I find the scheme would fall short of that expectation.
27. For the above reasons, **Appeal A** and **Appeal B** are both dismissed.

*Peter Rose*  
INSPECTOR