
Appeal Decision

Hearing held on 8 September 2015

Site visit made on 8 September 2015

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 22 October 2015

Appeal Ref: APP/X5210/Y/15/3006984
20 Prince Albert Road, London NW1 7ST

- 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 Mr Gavin Pattison against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/1019/L, dated 4 February 2014, was refused by notice dated 16 September 2014.
 - The works proposed are for the erection of a single storey rear extension at basement level (following demolition of existing conservatory), replacement of door on rear elevation at lower ground floor level and internal alterations in connection with the change of use of basement and ground floor from 2 x 2 – bedroom flats to a 1 x 3 – bedroom maisonette (Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 20 Prince Albert Road is a grade II listed building. As required by Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
3. The application form sought both planning permission and listed building consent. The Council granted planning permission for the proposed works, but refused listed building consent with regard to the proposed internal staircase. The appeal is concerned only with the refusal of listed building consent, and the Council have raised no issues with the proposed external alterations and extensions, nor the other internal works included with the proposal. However, there are inconsistencies across the refused drawings for the proposed external works and the extension. Notwithstanding these discrepancies, my determination of the appeal has been on the basis of the submitted drawings.
4. Reference is made by the main parties to pre-application schemes and an option preferred by the Council. Notwithstanding these alternative proposals, for the avoidance of doubt, my decision is based on the refused listed building consent scheme.
5. Amongst other things, the appeal scheme proposes the linking of the existing basement flat (currently known as flat 1) with the ground floor flat (flat 2).

Due to a typing error, some of the submitted drawings are incorrectly titled. In order to avoid confusion, I have considered the drawings on the basis of their numbered references, and have referred to the floors as being the basement and ground floors.

6. The description of the application was changed by the Council on its decision notice, and has been used by the appellant on the appeal form. At the hearing the main parties were given an opportunity to consider which description to use. Following the agreement of the main parties, I have referred to the description as cited on the appellant's appeal form and the Council's decision notice.

Main Issue

7. The main issue is whether the proposed staircase between the ground floor and the basement would preserve the special architectural or historic interest of a grade II listed building.

Reasons

8. Along Prince Albert Road there are three pairs of similar semi-detached villas, linked by side porticos. These grade II mid nineteenth century listed buildings are set back from the road behind shallow front gardens, and overlook the Grand Union Canal. The rich external architectural detail and decoration of the villas, their height and symmetrical facades, form an imposing and elegant row of houses in the road.
9. 20 Prince Albert Road is one of the central pair of these villas. Like the other houses in the row, it is a three storey property, with an attic and basement. The sub-division of the villa into flats occurred in the 1950s, with entrance to all the flats from the ground floor. The communal hallway provides doorways to the ground and basement flats, with the others on the upper floors using the main staircase.
10. The high status of the ground floor of the villa is reflected with the wealth of decorative detail. Within the entrance lobby and communal hallway are large and eye catching friezes. Doors from the hall lead to large front and rear rooms, the former of which has a serving room to one side. These rooms form principal rooms on the ground floor of the house. Their imposing size and elegant detailing, their large windows, the arrangements of openings and consequential linkages between them, are important elements of the special interest and significance of the villa.
11. In addition to the main staircase within the hallway, there is a further staircase providing access to the basement. Little evidence remains within the rooms on this floor of their former function, although the plan form reflects that of the ground floor. In addition, the ceiling heights and the detailing of the stairs provide some evidence of its service function. These are further elements of the special interest of the villa, including the unusual presence of the service stairs to one side of the communal hall. There is a clear historic hierarchy of use with the grand status of the principal ground floor rooms contrasting with that of the service areas below.
12. The proposed staircase to link the ground floor and basement would harmfully disrupt the historic plan form of the building. Whilst the existing bathroom has already interrupted the historic layout, the proposed staircase would be a much

- deeper feature, projecting well beyond the extent of the bathroom. Furthermore, the insertion of a staircase would separate the principal rooms providing an access to the basement that would be at odds with the historic plan form. It would harmfully erode the plan form of the ground floor, and the former functions of the principal rooms, their uses, and the linkages between them.
13. I accept the installation of new panelled doors to the principal front room would restore the former opening. However, the provision the staircase in such close proximity to them would in itself be an incongruous and cramped juxtaposition. The stairs would be a harmfully divisive feature, forming an alien link between the two floors.
 14. The appellant has referred to the proposed removal of a number of modern partitions, including the hallway within the rear principal room and the subdivision of the ante room. These are positive aspects of the proposal, as would be revealing the window architrave. However, for the reasons given these works would not outweigh the harm I have found as regards the unacceptable loss of the plan form and the consequential erosion of the historic status and significance of the principal rooms.
 15. Historic fabric is an important part of a heritage asset's significance, and the advice given in Historic England's "London Terrace Houses 1660-1860", emphasises preserving structural integrity and fabric. In this case, a large area of the historic floor would be lost with the insertion of the proposed staircase. This would be irreversible, and the impact would not be lessened by keeping the removed floorboards. Furthermore, the staircase would be adjacent to the rear principal room's chimney breast. Whilst the appellant considers there would be limited structural impact from the installation of the stairs, I have no evidence before me this would be the case. In the absence of any investigative work to ascertain the position and integrity of structural elements, including the chimney and joists, it is not clear what works would be needed to accommodate the staircase or how much historic fabric would be lost.
 16. The appellant refers to the Council having accepted the inevitable loss of historic fabric with the planning approval for the creation of the maisonette. Be that as it may, there is a statutory requirement to pay special regard to the desirability of preserving the listed building or any features of special architectural or historic interest it possesses. In this case I have found the proposal would unacceptably harm the listed building and its special interest.
 17. The main parties have made reference to alternative schemes, including pre-application enquiries and a different staircase position suggested by the Council during the consideration of the application. However, whilst I note the appellant considers the Council's preferred option would result in a greater loss of historic fabric than the appeal proposal, this has not been substantiated in any detail. Notwithstanding this, my consideration of the appeal has to be on the basis of the scheme refused by the Council.
 18. The National Planning Policy Framework (the Framework) requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The proposed staircase would lead to less than substantial harm due to its relatively small size compared to that of the listed building as a whole. I have had regard to the appellant's view that public

benefit would result from the removal of modern partitioning and associated compartmentalisation. However, for the reasons given above, these benefits would be limited and would not outweigh the harm I have found.

19. The Framework requires 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. In this instance the proposed staircase would not preserve the special interest of this grade II listed building. The Council have drawn my attention to Policy CS14 of the Camden Core Strategy (2010) and Policy DP25 of the Camden Development Policies (2010). Although development plan policies are not determinative in listed building cases, I have taken those cited by the Council into account as a material consideration. The proposed staircase would conflict with them, as they seek to ensure, amongst other things, to preserve and enhance heritage assets, reflecting an objective of the Framework.

Other Matters

20. The appeal proposal includes a number of other internal works to the listed building, as well as a new external door and a replacement single storey extension. Whilst the Council have raised no objection to the scheme apart from the proposed staircase, the drawings refused by the Council show different designs and detailing for the external works, particularly with regard to the extension. Across the suite of drawings the size, roof form and impact on a historic boundary wall are different between the submitted proposed elevations, floor and roof plans, and sections.
21. The appellant has explained that these inconsistencies are drawing errors, and that a condition would allow the appellant to undertake one of the proposed alternatives. Be that as it may, there are a number of differences, with little consistency between the drawings. Moreover, conditions can only be used to make a minor modification to a proposal. In this case the differences are significant. Nor has supporting information been provided assessing the impact of the extension on the garden wall, or indeed whether it would remain. In view of the differences shown on the drawings with regard to the external works, I am unable to ascertain the accuracy of the information provided on the drawings, which proposed alternative would be part of the appeal proposal or how it would impact on the listed building. As such I cannot come to a decision on this aspect of the scheme.
22. Local residents are concerned that the proposed extension would cause a loss of light, privacy and noise disturbance. However, these are matters for consideration with the planning application rather than with the listed building scheme. Party wall matters and land ownership issues would be for the relevant parties to resolve. Consequently, these matters have had little bearing on my assessment of the appeal.
23. Finally, the appellant's concerns regarding the Council's handling of the pre-applications and the subsequent applications relate to procedural matters and have no bearing on my consideration of the merits of the case.
24. When taken either together or separately, none of these other matters would outweigh the harm I have found as regards the main issue.

