
Appeal Decision

Site visit made on 12 October 2015

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 23 October 2015

Appeal Ref: APP/X5210/F/15/3006532

London School of Barbering, 186 Drury Lane, London WC2B 5QD

- 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 London School of Barbering against a listed building enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 30 January 2015.
 - The contravention of listed building control alleged in the notice is the unauthorised installation of 2 x air conditioning units and 2 ventilation skylights.
 - The requirements of the notice are 1) The complete removal of the 2 x air conditioning units and 2 x ventilation skylights and associated fixtures and fittings; and 2) To make good the roof following the removal of the air conditioning units and ventilation skylights.
 - The period for compliance with the requirements is three months
 - The appeal is made on the grounds set out in section 39(1)(j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Reasons

2. The appeal has been made under ground (j); that the steps required to be taken exceed what is necessary to alleviate the effect of the works to the building.

3. The Appellants, in their appeal representation, stated that "We request the Inspector to see the current position of the...units, and to evaluate the proposed new placement of the units after being moved in order to conserve the building appearance and not be a nuisance to surrounding people of concern", and that "...we wish to reposition the units so that they do not have a detrimental impact upon the historic fabric of the building".

4. It is clear from these statements that the Appellants accept that the units, presumably the air conditioning units, must be repositioned to alleviate their effect to the building; though they do not make reference to the need to remove or reposition the ventilation skylights that are also subjects of the enforcement notice. A ground (e) appeal is made when the Appellants are seeking listed building consent for the unauthorised works that are the subject of the enforcement notice; but this would not include consideration of any other works to the building, such as the installation of alternative ventilation and daylighting.

5. The merits of any works proposed to provide alternative ventilation and daylighting of the building cannot be considered in the ground (j) appeal, because this must be considered by the Council in the first instance, on submission of an application for listed building consent. The appeal can only consider whether the steps required by the notice are necessary to alleviate the effect of the unauthorised works to the building. The Appellants have not put forward any evidence to suggest that the steps are excessive and have not indicated what they regard to be suitable lesser steps. The ground (j) appeal thus fails.

John Braithwaite

Inspector