

The Planning Inspectorate

LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/X5210/F/16/3154628

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Jonathan Bucknell
Address	4 Chamberlain Street LONDON NW1 8XB
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mr Simon Levy
Company/Group Name	Simon Levy Associates
Address	Simon Levy Chartered Surveyors, Link House 49 Theobald Street BOREHAMWOOD WD6 4RT
Phone number	02082076100
Fax number	02082076100
Email	rsaltman@simonlevy.net
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	London Borough of Camden
LPA reference number (if applicable)	1781.834
Date of issue of enforcement notice	07/06/2016

Effective date of enforcement notice

19/07/2016

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes No

Address

4 Chamberlain Street
LONDON
NW1 8XB

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes No

What is your/the appellant's interest in the building?

Owner

Tenant

Mortgagee

None of the above

E. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes No

2. Hearing

3. Inquiry

F. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes No

(a) That the building is not of special architectural or historic interest.

(b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.

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

(d) That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.

(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.

(f) That copies of the notice were not served as required by section 38(4).

(g) Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

The facts are set out in

the box below

The appeal is in respect the plan attached to the Listed Building Enforcement Notice EN16/0450 which specifies "Ceilings to be reinstated with lime plaster finish as it was originally, to be carried out by appropriate craftsman". This effectively means that the plaster ceiling is to be replaced with timber laths and lime plaster. This condition was stipulated by the London Borough of Camden Building Conservation officer as a mandatory requirement in in connection with local authority enforced repairs and improvement works arising from statutory condition and amenity compliance regarding a tenanted property. The requirement/condition to use lime based plaster (on timber laths) is the subject of this appeal on account of practical, construction performance and Building Regulation compliance reasons which are particularized below:

1. The ceiling defined in the design is a flat separation ceiling applied as a surface finish to a traditional timber floor belonging to a separate residential flat above. Building Regulation compliance is mandatory as well as the sensible practical need to provide adequate fire protection to a principal element of structure.

2. A timber lath and lime plaster ceiling will not provide the requisite fire separation between the flats in accordance with Building Regulation Approved Document B. A double screw-fixed layer of 12.5 mm thick plasterboard or Gyproc Fire Line in accordance with manufacturer's recommendations is required to achieve compliance in circumstances where re-plastering to the underside of a flat separation floor (ceiling) is required.

3. Timber lath and lime plaster ceilings are inherently fragile on account of these consisting of timber laths nailed to the underside of the structural floor. Apart from the combustibility of the laths (again relevant in context of the fire precaution), this type of ceiling has a limited life expectancy and is not used in modern day construction. Vibration and deflection flexure caused by normal foot traffic to the top surface of a flat separation floor (which on account of its age is inherently under-designed from a structural viewpoint) can commonly cause a timber lath and lime plaster ceiling to crack, thereby prejudicing its essential fire protection ability.

4. Even in the context of a Grade II Listed Building, lath and plaster ceiling is not used or insisted upon by many other Local Planning Authorities due to its performance shortcomings as described above.

5. It is therefore proposed that a 2-layer breaking joint (overlap) 12.5 mm thick plasterboard or Gyproc Fireline ceiling (scrim and set finish) is provided. The latter technique is widely used in residential construction (including Listed Buildings) as it does not physically appear different from the lath and plaster, and has a reduced propensity to cracking.

6. The works described in (5) above will provide a far better level of sound attenuation when compared to timber lath and lime plaster ceiling plaster.

7. Matching the fibrous cornice is shall be formed by taking a mold of the existing and re-casting to replicate the original by a specialist

8. There is no perceptible difference in the appearance of a ceiling construed as (5) above when compared to a timber lath and lime plastered ceiling.

The above are reasonable conditions and practical parameters applicable to the replacement of a failed original timber lath and lime plastered ceiling in a Grade 2 Listed Building on the to a ceiling surface located on the underside of a flat separation floor.

(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.

- (i) That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.
- (j) That 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.
- (k) That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

G. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

H. BUILDING INFORMATION

Please indicate the grade of the building

- Grade I
- Grade II*
- Grade II

What date was the building first listed?

Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:
 see '[Appeal Documents](#)' section
02. Plan:
 see '[Appeal Documents](#)' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Date

Name

On behalf of

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 326, Bristol, BS99 7XF.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 01. The Enforcement Notice.

File name: ENFORCEMENT NOTICE.pdf

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 02. A list of the plans, drawings and documents sent to the LPA as part of the application they considered.

File name: PLAN.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by MR SIMON LEVY

Date 15/07/2016 18:18:27