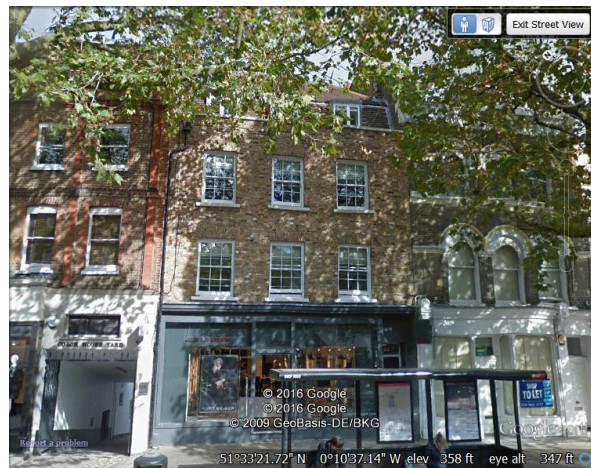


## GROUNDS OF APPEAL

**Against the refusal of Listed Building Consent  
for  
Removal of part of the modern internal ceiling  
At**

**Flat 3, 30 Hampstead High Street  
London  
NW2 1AQ**



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## 1.0 INTRODUCTION

- 1.1 This document comprises the grounds of appeal against the decision of London Borough of Camden ("Council") to refuse Listed Building Consent (LBC), 2016/4376/L for proposed internal alterations to remove part of the modern ceiling within the living area ("Proposal") at 3<sup>rd</sup> Floor Flat, 30 Hampstead High Street, London, NW3 1QA ("Site").
- 1.2 This statement will examine the Council's sole reason for refusal and demonstrate how the Proposal complies with the requirements, purpose and objectives of national and local planning policy and relevant legislation.
- 1.3 A copy of the Officer report is appended hereto and is referred to within this statement.

### REASON FOR REFUSAL

- 1.4 LBC was refused on 26<sup>th</sup> October 2016 for the following reason;
1. *The proposed works to this Grade II listed building, by reason of the removal of the reinstated modern ceiling and alteration to the spatial hierarchy of the third floor and attic space would adversely affect its special architectural and historic interest, thereby (not sustaining) having a negative impact on the designated heritage asset's significance. Therefore, the proposal is contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.*

## DESCRIPTION OF SITE

- 1.5 The Site comprises the upper floor of a Grade II listed terraced property within the Hampstead Conservation Area (CA). The property dates from the early C19th and extends over 3 floors plus the attic. It is constructed from yellow stock brick under a tiled mansard with three front facing dormer windows. A commercial unit occupies the ground floor with residential use on the upper floors. Flat 3 comprises a two bedroom flat located wholly within the attic space.
- 1.6 The property the subject of this appeal (Flat 3) is accessed via a single door from Hampstead High Street. A communal hall and stairwell provide access to the second floor entrance which leads to a private staircase to the attic space.
- 1.7 The terrace within which the Site is located typically comprises commercial units at ground floor with residential above.

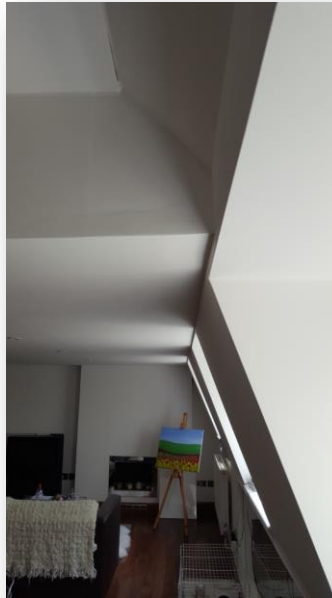
## HERITAGE CONTEXT

- 1.8 Listed Buildings are protected under the Planning (Listed Buildings and Conservation Areas) Act 1990 and are designated for their architectural or historic interest. The listing of a building does not equate to a preservation order precluding change.
- 1.9 The Listing entry for the property states:

*“Terraced house with later shop. Late C18, refronted early C19. Yellow stock brick. Tiled mansard roof with dormers. 3 storeys and attic. 3 windows. C20 shopfront. Upper floors with gauged flat brick arches to recessed sashes. INTERIOR: not inspected.”*

**BACKGROUND**

- 1.10 At the time of purchasing the appeal property, the flat has been subject to refurbishment works and internal alterations. The works included the installation of rooflights, internal alterations including covering paneling within the living room, replacement internal doors and the removal of internal ceilings throughout.
- 1.11 Following the purchase of the property, the Council approached the appellants about the unauthorized works undertaken prior to their purchase. Whilst the appropriate consents for the rooflights was granted, the Council were not minded to accept a number of other alterations. The appellants agreed to reinstate the ceiling within the main living room and to exposure paneling in the same room. These works were duly undertaken. The Council inspected the works and closed the case (March 2012).
- 1.12 A photograph of the modern ceiling, as it exists, is shown below. This highlights the modest ceiling height within the primary living space.



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1.13 The appellants wish to pursue the removal of part of the modern ceiling within the main kitchen/living/dining room. At present, the majority of the room has a very low ceiling height of only 2m which is causing increasing problems and difficulties when letting the property to tenants. The internal ceiling height of the sole living space within the property also compromises the amenity of occupants and fails to meet current minimum space standards.

**PLANNING HISTORY**

1.14 Table 1 below provides a summary of planning history associated with the Site (this does not include reference to other parts of 30 Hampstead High Street and is limited to Flat 3, the subject of this submission).

Application Reference	Details	Decision
2007/0685/L	Installation of rooflight and internal alterations to the existing top floor flat (retrospective)	LBC Refused 2007
2007/1968/P	Rooflight	Planning permission granted June 2007 LBC Approved
2006/2795/LBC	Internal alterations to top floor flat including insertion of double doors between lounge and kitchen and new doors to bathroom	September 2006

## 2.0 THE PROPOSAL

2.1 Full details of the proposal are shown in the drawings that accompany this submission.

### SCHEDULE OF WORKS

2.2 The works are internal only and relate to the modern replacement ceiling in the main living/dining area only. As shown on plan, it is proposed to remove the modern plasterboard ceiling whilst providing a simple 'cornice' detail (100mm projection) round the perimeter of the room. The works do not involve any works to the internal face of the roof void, ceiling joists or beams. A photograph of the internal face of the roof slope and existing beams, to be retained as existing, is shown below.



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**OBJECTIVE OF THE ALTERATIONS**

- 2.3 As set out in part 1 of this Statement, the sole living area of the flat has, for the most part, a ceiling height of only 2m. This falls notably below the minimum ceiling heights now deemed necessary to provide adequate living standards – a matter reinforced by the difficulties being experienced in letting the property.
- 2.4 In order to secure the long term viability of the property and to enable it to meet modern and expected living standards, it is proposed to remove, in part, the modern plaster board ceiling within the main living area.
- 2.5 A simple cornice detail would be retained around the edge of the room to denote and identify the height/position of the original ceilings therein. The bulk head over the kitchen area (2.4m above floor level) would remain as existing.
- 2.6 An agreement has been reached with the freeholder in relation to these internal works.
- 2.7 The proposal is therefore required in order to enhance functionality of the property, secure its long term use for residential purposes and to provide reasonable living conditions/amenities of future occupants of the property. This would, in turn, secure the long term viability of the property and its long term protection.



### **3.0 POLICY FRAMEWORK**

#### **National Planning Policy Framework (March 2012)**

- 3.1 The National Planning Policy Framework (NPPF) sets out the Government's approach to planning and provides advice about how to implement the legislation which covers the historic environment, the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF establishes a presumption in favour of sustainable development, an objective that lies at the heart of the advice contained therein.
- 3.2 Paragraph 126 recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. Paragraph 128 requires applicants to describe the significance of any heritage assets affected and provide information on the significance of any heritage assets affected and the contribution made by its setting, the level of detail to be proportionate to the asset's importance and no more than is sufficient to understand the potential impact on that significance.
- 3.3 Paragraph 134 states that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 3.4 The advice within the National Planning Policy Guidance (NPPG) expands on that offered within the NPPF. Paragraph 18 addressed the issue of conservation and enhancement of the historic environment and emphasises that conservation is an active process of maintenance and managing change. It does not preclude change per se.

**London Plan**

- 3.5 Policy 7.8 deals with heritage assets and archaeology. It states that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale materials and architectural detail.

**Development Plan**

- 3.6 The following policies of the Core Strategy (2010) are considered relevant;

- CS14 Promoting high quality places and conserving our heritage

- 3.7 The following Development Policies are considered relevant;

- DP25 Conserving Camden's Heritage

## 4.0 COMPLIANCE WITH LEGISLATION AND POLICY

### Significance of Heritage Assets – Listed Building

4.1 The significance of 30 Hampstead High Street can be summarised as:

- Its external architectural design being typical of a C18th/C19th albeit with a later shop front;
- the internal plan form and remaining original architectural detailing.

4.2 An assessment of the impact of the works on the significance of the building, as required by the NPPF (paragraph 128), is provided below.

### Impact on designated heritage asset – Listed Building

4.3 The schedule of work is set out in Section 2 of this statement together with the rationale behind their need/intent.

4.4 The ceiling in the main living area/kitchen is modern, having been installed in last few years. No works are proposed to the internal face of the roof void or any of the timbers/beams, the latter of which would become exposed following the works and appreciated. No original historic fabric or architectural details would be lost and the partial removal of the ceiling would not result in harm to the significance of the heritage asset in this respect.

4.5 The Officer report states:

*“The works are considered to cause harm to the historic character, plan form, spatial qualities and hierarchy of spaces within this listed building.”*

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- 4.7 For the avoidance of doubt, the works do not impact on the historic plan form.
- 4.8 The spatial quality of the attic level has evolved over time, for example the bulk head over the kitchen area is unlikely to represent the original ceiling height in this part of the flat.
- 4.9 The works specifically include the formation of a simple cornice detail which would be of a size/scale that is meaningful. This feature would provide a key understanding of the original spatial arrangement of the attic level (now a self-contained flat). The works would therefore retain an understanding of the spatial arrangement and room hierarchy through the building (albeit the building is now sub-divided and in separate ownerships).
- 4.8 It is also relevant to note in addition to retaining an understanding of the original spatial arrangement and room hierarchy at the attic level, the works are in any event entirely reversible. It is therefore held that the works would not cause harm to the understanding and appreciation of the original room hierarchy/spatial arrangements at this upper roof level of the property.
- 4.9 Even in the event that it were determined less than substantial harm were to result, the proposal secures benefits that must be weighted in this assessment.
- 4.10 As noted above, the premises have been sub-divided to provide a retail unit at ground floor with 3 residential properties above. The appeal property has a single living space which is significantly compromised by the low ceiling height. Indeed, the only living space within the property does not meet national or local minimum space standards.

- 4.11 Whilst this impacts on private interests (occupants), it also impacts on the long term viability and preservation of the property. There have been notable periods of vacancy of the flat with prospective occupants deterred by the sub-standard level of accommodation associated with the main living space. If the internal standards of the property cannot be brought closer to expected (and prescribed) modern day living standards the long term use/viability and protection of the flat is in doubt. The works therefore bring sound public benefits by securing the long term protection of this heritage asset.
- 4.12 To conclude, it is held that the works do not cause harm to the special architectural or historic interest of the property and even it were concluded that less than substantial harm were to result, the works ultimately secure public benefit by securing the long term use and protection of the property which in its current form fails to meet expected and prescribed space/amenity standards.

## 5.0 OTHER CONSIDERATIONS

### RESPONSE TO OFFICER REPORT

- 5.1 The Officer report refers to the removal of the internal ceiling, as was proposed in 2006. It is important to note that the previously refused scheme did not provide a cornice detail to clearly indicate and provide an understanding of the original ceiling height/spatial arrangement. In contrast to this, the current works do provide a key understanding of the spatial arrangement at attic level.
- 5.2 The Officer report goes on to state that *“no other heritage benefits [have] been brought forward which could be seen to outweigh the harm caused by the current proposal.”*
- 5.3 As noted above, the ability to retain a heritage asset in a viable use is critical to its long term preservation. The attic floor level now provides primary living space, unlike its historic or original purpose (with the use of the attic as a self-contained flat granted consent in the 1960’s).
- 5.3 The current arrangement has directly resulted in the flat being exposed to notable periods of vacancy. With prescribed national space standards and modern day living standard expectations there is a very real danger that without works to the ceiling height the flat will continue to suffer from prolonged periods of vacancy which in turn impacts on its term protection.
- 5.4 The removal of the modern plasterboard ceiling and the installation of a simple cornice detail to retain legibility of the original ceiling height thus offers a means to secure the long term future of the upper floor as a self contained flat and so deliver heritage and public benefits in the long term.

- 5.4 The Proposal does therefore deliver public and heritage benefits that must be afforded due weight in the decision making process.

**THE ASSESSMENT OF COMPARABLE WORKS IN OTHER LISTED PROPERTIES**

- 5.5 It is accepted that every application must be determined on its own merit and each listed property is unique in terms of its significance. However, the Council's concerns about the removal of the modern internal ceiling rely on matters of principle – that being the alleged harm resulting from the spatial arrangements of the living space.
- 5.6 The removal of internal ceilings at attic level formed part of a retrospective application for listed building consent that was submitted to Westminster Council (15/01454/LBC) in relation to 6 Hanover Terrace, an important Grade I listed property designed by John Nash and forming part of the Crown Estate.
- 5.7 In a similar manner to the works proposed herein, the works at 6 Hanover Terrace involved removing the internal ceilings in the attic rooms, save a 'cornice' detail (as proposed under this appeal). The top floor rooms and landing thus extended up to roof level with new rooflights installed to provide additional light into the rooms. The photographs below show the removal of the modern ceiling at 6 Hanover Terrace, a Grade I Listed building.



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- 5.3 Historic England was consulted and attended a site visit/meeting during the application process for 6 Hanover Terrace. They raised no objection to the works for which retrospective consent was being sought and ultimately gave authorization to the Council to determine the application. The matter of relevance here is that Historic England saw and considered the removal of the internal ceilings within this Grade I listed building (and therefore the associated change in the spatial arrangement and proportions of the attic rooms) and did not express any reservation or concern about this as a matter of principle.

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- 5.4 Westminster duly granted Listed Building Consent for the works, including the removal of the internal ceilings and resulting change in floor to ceiling heights in the attic. A copy of the decision notice is appended hereto which includes reference to the approved Drawing 140101/5.5A which shows the cornice details as approved and as shown in the photographs above. A copy of this approved drawing is appended for reference.
- 5.5 In the case of 6 Hanover Terrace, it was accepted that the removal of the internal ceilings at attic level (which were modern in the same manner as those the subject of this application) and the associated change in the proportions of the roof or visibility of the roof structure, did not harm the significance of a Grade I listed building in terms of spatial qualities or room hierarchy.
- 5.6 Similarly, it has been demonstrated that the significance of 30 Hampstead High Street (which includes Flat 3) would not be harmed by similar works.
- 5.6 For the reasons set out above, the works to the Listed Building do not lead to the total or partial loss of any historic fabric and do not cause harm to its identified significance. The works fully accord with the thrust of the NPPF and development plan policy in this regard.

## 6.0 CONCLUSIONS

- 6.1 The appellants are committed to the long term protection of the heritage asset. The proposed works are heavily influenced by the desire to bring the property up to modern day living standards and to enhance its function as a dwelling by removing the unduly low ceiling height within the living area. The proposed works are therefore intended to keep the building in a viable and economic use to meet the needs of the applicant.
- 6.2 The proposed works would not compromise future generations to meet their own needs and would not cause harm or loss to the architectural and historic importance of the building or its fabric. The works are reversible without impact on the building.
- 6.3 The works the subject of this submission help secure the long term future of the building. This is in the public interest and desirable in planning terms.
- 6.4 The proposal complies with all relevant Local Plan policies, central government advice and accords with the requirements of the Planning (Listed Building and Conservation Area) Act 1990. In our judgment no other material considerations weigh against it.
- 6.5 Accordingly we trust the appeal will be allowed and Listed Building Consent granted.