



## Appeal Decisions

Site visit made on 24 March 2017

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

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

**Decision date: 07 April 2017**

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### **Appeal A: APP/X5210/W/17/3166583**

#### **Flat A, 22 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 Mrs Merete de Coninck-Smith against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/3434/P, dated 20 June 2016, was refused by notice dated 5 December 2016.
  - The development proposed is described as "The front light well which only belongs to Flat A , Harrington Square 22, was dangerous and represented a severe health hazard as it was made of iron, but very rusty with holes and sharp edges. It was also very steep and narrow. The whole estate has different staircases, some made of cement, some made of bricks, some with tiles and of all sorts of shapes and some have fixed storage units underneath the stairs. Given all these individual characteristics it was not at all apparent that planning permission was required for what principally essential maintenance. Moreover we have ensured that the visual impression at street level is unchanged as we have refitted the original stair railings and we will restore the severely damaged street level fence. We have changed the old iron staircase to a cement staircase covered with nice natural stone. We have kept the fence and the railings. We have made a small storage facility underneath the stairs. The floor of the light well was made out of cement but it was cracked and had holes in it. We covered the floor with nice natural stone in order to be able to clean better. We had rats because the drainage covers were damaged. That is also repaired now. The small storage underneath the stairs serves to prevent our neighbours from hiding underneath our stairs, smoking marihuana etc, and inject themselves with drugs. As you may well know we have Happy Vale Hotel as our neighbours. We attach some photos from before and your planning officer Gary Bakall has taken a lot of pictures of all the other staircases and our new one".
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### **Appeal B: APP/X5210/Y/17/3166578**

#### **Flat A, 22 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 Mrs Merete de Coninck-Smith against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/3803/L, dated 20 June 2016, was refused by notice dated 5 December 2016.
  - The works proposed are described as "The front light well which only belongs to Flat A , Harrington Square 22, was dangerous and represented a severe health hazard as it was made of iron, but very rusty with holes and sharp edges. It was also very steep and narrow. The whole estate has different staircases, some made of cement, some made of bricks, some with tiles and of all sorts of shapes and some have fixed storage units underneath the stairs. Given all these individual characteristics it was not at all apparent that planning permission was required for what principally essential
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## **Decisions**

1. Appeal A is allowed and planning permission is granted for the erection of external staircase to lower ground level following demolition of existing staircase (Retrospective) at Flat A, 22 Harrington Square, London NW1 2JJ in accordance with the terms of the application, Ref 2016/3434/P , dated 20 June 2016.
2. Appeal B is allowed and listed building consent is granted for the erection of external staircase to lower ground level following demolition of existing staircase (Retrospective) at Flat A, 22 Harrington Square, London NW1 2JJ in accordance with the terms of the application Ref 2016/3803/L, dated 20 June 2016.

## **Preliminary Matters and Main Issue**

3. The applications for the external staircase were made retrospectively, that is the works that consent was sought for had already been carried out prior to the applications being made.
4. I have used the Council's description of the works in my formal decisions above, as I consider these to be more precise and accurate than those in the application form.
5. Whilst the proposals seek consent for the external staircase, it is common ground amongst the parties that the staircase itself is acceptable. Based on all that I have seen and read I agree that the staircase does not cause harm to the listed building. Differences between the parties lie in the design of the railings for the staircase. In view of this the main issue in both appeals is whether the railings for the external staircase preserves the special architectural and historical interest of the Grade II listed building, its setting, and whether the railings preserve or enhance the character or appearance of the Camden Town Conservation Area (CTCA).

## **Reasons**

6. Nos 15-24 Harrington Square are a Grade II listed terrace of 10 houses lining the east side of Harrington Square Gardens. The properties are four storeys high, with basements. Ground floors and basements are stuccoed, with heavy stuccoed cornices set over the first floor windows. The properties have prominent porches to their ground floor entrances with balconies set above with noticeable cast iron railings with elaborate designs surrounding. The listing notes that railings with spearhead finials are subsidiary features. These

railings remain along the street frontages of the properties. The terrace is identified in the CTCA appraisal<sup>1</sup> as a key vista.

7. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset, or development within its setting.
8. The significance of Nos 15-24 Harrington Square, as far as its exterior is concerned, derives essentially from its architectural quality, fine proportions, detailing, and the rhythm of the terrace within its prominent setting fronting Harrington Square.
9. Policy CS14 of the Core Strategy<sup>2</sup> and policies DP24 and DP25 of the Development Policies<sup>3</sup> together state that the Council will preserve and enhance the area's heritage assets and their settings, and that all developments will be required to be of the highest standard of design, with consent for alterations to listed buildings only granted where this would not cause harm to the special interest of the building, only permitting development in conservation areas that preserve and enhance the character and appearance of the area.
10. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area
11. Flat A is the basement flat for No 22 Harrington Square. A gate is set into the railings at the front of the property which opens onto the staircase down to the flat's entrance. This staircase is constructed in concrete blockwork and faced in stone, and includes a lockable storage area underneath the staircase. Metal railings provide a handrail down the stairway; chequerboard metal mesh is set on the stair side of the railings. Those areas of the staircase not faced in stone have been painted in a cream colour to match the stuccoed surrounds.
12. Due to their location primarily below the street level, the railings and attached mesh are not clearly visible from the opposite side of the street outside the Gardens, and are only clearly visible when walking along the pavement directly outside the property, where the black metal of the mesh matches the materials of the stair railings and the frontage spearhead finials. The mesh is not visually obtrusive and consequently preserves the key vista of the Terrace within the CTCA and the overall character and appearance of the CTCA.
13. Furthermore I noted on my site visit that mesh on basement step railings was common in the terrace. The Council note that such alterations may not have received permission or consent, but on my visit I noted 6 basement staircase railings with similar mesh designs (out of a total of 10 such areas). On the Lidlington Place side of the end terrace unit of No 15, prominent meshed guards were also visible protecting basement windows. Such a design and standard has therefore become the norm for the building, is not visually

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<sup>1</sup> Camden Town Conservation Area Appraisal and Management Strategy, October 2007

<sup>2</sup> Camden Core Strategy 2010-2025

<sup>3</sup> Camden Development Policies 2010-2025

prominent in the street scene, and does not cause harm to the features or architectural interest of, and nor therefore the significance of the listed building.

14. I therefore conclude that the railings for the external staircase preserve the special architectural and historical interest of the Grade II listed building, its setting, and preserves the character or appearance of the Camden Town Conservation Area. The proposal complies with the Framework and Policies CS14 of the Core Strategy and DP24 and DP25 of the Development Policies.

**Conditions**

15. As the staircase and railings are in place and complete, I have not imposed any conditions on the consents. The Council's recommended conditions regarding compliance with plans are similarly not necessary

**Conclusion**

16. For the reasons given above, and taking into account all other matters raised, I conclude that the appeals should be allowed.

*Jon Hockley*

INSPECTOR