
Appeal Decisions

Site visit made on 31 May 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 23 June 2017

Appeal Ref: APP/X5210/Y/16/3164849

Flat B, 10 Regent's Park Road, London NW1 7TX

- 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 Charles Akle against the decision of the London Borough of Camden.
 - The application Ref: 2016/3553/L, dated 24 June 2016, was refused by notice dated 14 September 2016.
 - The works proposed are described as 'the replacement of existing secondary balcony glazing'.
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Decision

1. The appeal is dismissed and listed building consent is refused for works described as 'the replacement of existing secondary balcony glazing'.

Preliminary Matters

2. Neither party express a view regarding any effect on the character or appearance of the Primrose Hill Conservation Area. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance. In this respect, as the proposal would not be seen from the public domain, I am satisfied that it would preserve those interests.
3. As the works also affect a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issue is whether or not the proposed works would preserve a Grade II listed building, 10 Regent's Park Road, and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The building was listed in 1998 and was constructed between 1954 and 1956. It was designed by Erno Goldfinger and constructed for the Regent's Park Housing Society Ltd. It comprises a block of flats constructed from reinforced concrete with a beam and column construction at the front. It has prominent cantilevered, concrete balconies on the front and rear elevations with precast front panels. The beam and column construction on the front elevation has red brick infill whilst the rear elevation is more uniform and is faced with precast
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concrete slabs. The main entrance is flanked by full height, varnished wooden doors which serve garages and a basement stairway. Metal casement windows characterise both elevations and a number of original features have also been retained internally. It is one of Goldfinger's first post war works and marks the start of his progression towards a tougher style. It stands in contrast to the adjoining 19th century, stucco terrace as a bold, modernist statement. The flats are also important in their own right as one of Goldfinger's most successful and least altered, domestic works. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily related to the integrity of its original architectural features and composition.

6. The appeal dwelling is one of two studio flats situated on the ground floor of the building. The lower ground to the rear of the building is such that the main living area opens onto a cantilevered balcony that overlooks the rear garden. The flat is small with all areas directly accessible from the main entrance hallway. The balcony is accessed via glazed, balcony doors which have full length windows with top hung casements on either side. These are single glazed with continuous metal frames and are an original architectural feature. The rear of the building is north-facing and this room is the only one that benefits from direct light. The appellant has already replaced the previous secondary double glazing and has installed full length, secondary double glazing units comprising four panels set within thick, oak frames.
7. I observed that whilst the panels broadly reflect the vertical subdivision of the original windows and balcony doors, the excessive bulk of the frames has given rise to a highly intrusive and incongruent feature. This not only dominates the internal space but also significantly disrupts its relationship with the external space. This is because it restricts views of the balcony and outdoor environment to a much greater extent in comparison to the far narrower frame of the original windows that would have helped to create a more seamless integration of these spaces in the original design concept. Moreover, the heavy wooden frames are clearly visible from the rear of the building because they extend significantly beyond the original frames. This has significantly disrupted the balanced, lightweight fenestration of the rear elevation.
8. Consequently, the works have not only eroded an original architectural feature but also disrupted the architectural composition of the building as a whole. Whilst the balcony windows cannot be seen from the public domain, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained. The appellant has suggested that the frames relate well to the interior fittings. I acknowledge the genuine attempt that has been made to reflect the original palette of materials but I am not satisfied that this is effective or mitigates the harm that has been caused given their excessive bulk and close proximity to the highly contrasting material of the metal windows.
9. Given the above, I find that the works would fail to preserve the special interest of the listed building and I consequently give this harm considerable importance and weight in the planning balance of this appeal.
10. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to their

conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the reversible nature of the secondary glazing, I find the harm to be less than substantial in this instance. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use.

11. The appellant is of the opinion that the works would be beneficial because the secondary glazing is required to improve the thermal efficiency of the existing windows. I accept that this is the case and acknowledge that such an approach can be an effective building conservation measure because it allows the retention of original features whilst allowing the ongoing use of a building. However, this is only the case where it is carried out in a sensitive manner which does not compromise any of the features it is intended to conserve, as is the case in this particular instance. No technical reasons have been given for the specific choice of secondary glazing or why the use of alternative, less intrusive materials would not be viable. Given the lack of a technically substantiated justification, the continued viable use of the property as a residential dwelling is not dependent on the works that have been undertaken because a lack of alternatives remains unsubstantiated.
12. Whilst the harm to the significance of the heritage asset is less than substantial, I have no evidence before me to suggest that any public benefit outweighs that harm. I therefore conclude that the works have failed to preserve the special architectural interest of the Grade II listed building. This conflicts with paragraph 134 of the Framework and local policies insofar as they seek to implement the Act.

Other Matters

13. The appellant is of the opinion that the Council acted inconsistently because its final decision did not reflect the pre-application advice it provided. However, advice is just that and the Council is entitled to reach a decision on the basis of all the available evidence. Consequently this matter carries little weight in the balance of this appeal.
14. The appellant has relied upon the fact that the Council described the works as reversible and maintains that the secondary glazing should be treated as a 'utilitarian piece of furniture akin to a curtain or blind'. However, unless of very short duration, intrusive changes are not justifiable simply because they are theoretically temporary or reversible because they risk becoming permanent. I have little doubt that this would be the case in this instance as future occupiers would not remove the feature simply because it was installed by a previous occupier given its functional role.
15. The appellant has drawn my attention to the conditions attached to a previous consent. Whilst I have considered the use of similar conditions to mitigate the harm that has been caused, I am not satisfied that this would be possible given the bulk of the frames, the narrow gap and the lack of any other source of direct sunlight to the flat.

Conclusion

16. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR