



Statement of Case on behalf of the
Appellant

4 Leverton Street,
London, NW5 2PJ

November 2017

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1. Introduction

- 1.1 This Statement of Case is prepared by Simply Planning Limited (SPL) on behalf of William Hitchins and Gracie Miller (the Appellants) in response to an Enforcement Notice issued by the London Borough of Camden.
- 1.2 The Enforcement Notice was issued following London Borough of Camden's refusal for householder and listed building consent (application ref nos. 2017/1225/P and 2017/1436/L). Appeals for both applications have already been lodged with the Inspectorate (appeal ref nos. APP/X5210/W/17/3187826 and APP/X5210/Y/17/3187831).
- 1.3 Therefore, this Statement of Case only sets out the Appellants' further comments in respect of the Enforcement Notice and should be read in conjunction with the Appellant's Statement of Case for both the planning and listed building appeals. For ease, a copy of the Appellants' original Appeal Statement and Heritage Statement are included with this appeal submission. Consequently, for ease and brevity, we do not replicate much of the factual background (for example, site and surrounding area, planning history, planning policy context) as these are dealt with in depth in the Appellants' Statement for the planning and listed building appeals.
- 1.4 The Enforcement Notice was issued on the 4th October 2017 under the Council's ref. EN16/0038 and stated the following breach of planning control:-
- "Without listed building consent: The unauthorised removal of an original ground floor rear window and lowering of the cill to create a doorway."***
- 1.5 The Council gave two reasons for issuing the Notice. They were:-
- a) The work outlined above has been carried out to this Grade (II) listed building without the benefit of Listed Building Consent.**
- b) The unauthorised removal of an original ground floor rear window and lowering of the cill to create a doorway has led to a loss of historic plan form and disrupted the historic features of interest which are detrimental to the significance of the grade II listed building contrary to policies D1 and D2 of the Camden Local Plan 2017."**
- 1.6 This Statement sets out the Appellants' grounds of appeal in respect of the Enforcement Notice. The appeal is made under Grounds (e) and (h).

2. Grounds of Appeal (e)

2.1 The Appellants' case under Ground (e) sets out why listed building consent ought to be granted for the works: namely removal of the rear ground floor window.

2.2 At the outset it is important to reiterate that the present Appellants were not responsible for removal of the original sash window. As explained in the Statement of Case supporting the appeals against the refusal of consent to the planning and listed building application when the Appellants purchased the property in January 2015 the window had already been removed. It was in fact removed by the previous owners but one in or about 2010.

2.3 The NPPF's advice on conserving and enhancing the historic environment appears in paragraphs 126 to 141. At the outset, (paragraph 126), it urges local planning authorities to:-

“recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.”

2.4 The NPPF does not seek to prevent change to listed buildings such as this but rather, control change in a way appropriate to the heritage asset's significance. Indeed, if listed buildings such as this are to be preserved, maintained and used they need to adapt and change to meet the needs of present and future occupiers. That is part of the history of how such properties have changed and adapted over the years,

2.5 The removal of the former window and creation of a doorway is about making this property more appropriate and functional to the needs of its present occupiers whilst respecting the historic significance of the building. The proposed change (removal of the window) is a small change but one which delivers a far more practical, usable and efficient ground floor plan.

2.6 At paragraph 134 the NPPF gives the following advice:-

“Where a development proposal will lead 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”.

2.7 On any objective analysis, removal of the rear internal original window could amount to no more than less than substantial harm to this heritage asset. Indeed, as seen below, the Council has permitted the loss of historic fabric on other properties within this terrace without considering unacceptable harm would arise.

2.8 In a situation of less than substantial harm, paragraph 134 makes clear that the public benefits of a proposal including '*securing optimum viable use*' weigh in the balance. That is relevant in this case because:-

- The change delivered by removal of the window results in a wholly more efficient and usable ground floor plan making the property better suited to the needs of its present occupiers. In short, it is about delivering the optimal use of the building.
- The change is linked to the Appellants' wish to replace the existing, slightly discordant rear extension, with a more appropriate and sympathetic rear extension. By providing a new rear extension of the form proposed (which requires the removal of the window) there will be a public and heritage benefit through the delivery of a far more sympathetic rear extension to that which currently exists.
- Even without that overarching benefit the level of harm, if any, arising from removal of the window is slight at the very most. In particular, the window would be internal and not open to public view.

Moreover, whilst original fabric (which has gone in any event), it was not particularly unique, or exemplary in its design. On the contrary, it was quite common of properties of this type.

- 2.9 The removal of the internal window is an integral part of the overall proposed rear extension. The door opening is necessary to provide access to the kitchen and dining room. The layout of the proposed extension significantly improves the usability and circulation within the kitchen/dining room, essentially creating a much improved rational, usable floor space for both the existing and future owners and visitors to the property.
- 2.10 The doorway where the window has been removed enables an additional 3.70m² of floorspace is provided within the kitchen/dining room. This would provide huge benefits for the occupiers, including the possibility of inviting friends and family over for dinner, something which is just not possible with the current restricted layout.
- 2.11 Furthermore, the proposed extension, which again is only possible by replacing the ground floor rear window, would provide an extension that would create a modern, contemporary extension of simple, unified design comparable to the approach successfully used elsewhere along the terrace (for example, nos. 2 and 12). The extension will clearly read as a subordinate, modern addition to the listed building which will remain distinct and defined behind the new extension.
- 2.12 It is important that any change to an historic building is carefully assessed to ensure that the works are wholly sympathetic to the building and that works are only carried out when the harm is considered to be less than substantial, whilst balancing the needs of the occupiers. As such, the removal of the window does not harm the plan form, nor does it affect the room sizes of the original dwelling. Both the room sizes and the plan form of the original house remain, whilst ensuring the modern needs are met for the existing and future occupiers.
- 2.13 The *Kentish Town Conservation Area Appraisal and Management Strategy* identifies the importance of Leverton Street within the Conservation Area by stating:-

“Leverton Street and the return into Leverton Place have coloured stucco houses with narrow front gardens. Some houses retain ‘Greek’ detailing in the window detailed metalwork. There is a homogeneous design of house and detailed joinery.”

- 2.14 Given the identified importance of the Leverton Street Conservation Area, the removal of the window would not detract from the character or the appearance of the Kentish Town Conservation Area. The window is located to the ground floor on the original rear elevation of the property. The window is also located internally due to the existing approved rear extension. As such, the window cannot be seen from any public viewpoint. The proposals would preserve the character of the Conservation Area.

- 2.15 The list description for the property is as follows:-

“Terrace of 13 houses. c1845. Painted stuccoed brick, slate roofs. One window wide and 2 rooms deep; 2 storeys. First-floor band and moulded cornices stepped as ground rises to north. Projecting first-floor pilaster strips between Nos 2-10, and Nos 18-26; Nos 10-18 separated by recessed panels. Margin light sashes in moulded architrave surrounds, those to first floor with console brackets and with surviving anthemion cast-iron decoration to sills of Nos 2, 4, 6, 10, 12, 14, and 20. Doors with rectangular top lights set to right of each house, those to Nos 4, 10, 12 and 14 with original doors. INTERIORS not inspected but some noted to retain unusual plaster decoration. The terraces of Leverton Street form a charming group of small-scale, painted houses with distinctive decoration that is very unusual in London Architectural interest of the building is derived from the modest Italianate style in which it was constructed and the stucco dressings it displays in the form of simple

classical detailing and a hipped slate roof with large overhanging eaves. A key part of the interest in Regency and early Victorian suburban design was to create a sense of detached villas that were in fact semi-detached pairs."

- 2.16 Given the property's list description, it is clear that it is the property's front elevation which is of primary architectural importance. The frontage is of significance because it adds to the townscape and streetscene of the conservation area. The rear elevations of the properties along Leverton Street are far less consistent, due to a variety of different extensions, including both single and double extensions with varying finishes.
- 2.17 A table has been provided at Document 1 which list six properties along Leverton, all of which are included within the group listing with no. 4 Leverton Street (nos. 2-26), that have all been granted permission for alterations to the rear elevations. Although some of the applications were approved before the group property listing came into force on the 11th January 1999, it does illustrate that the rear facades along this stretch of Leverton Street have been altered significantly over the years.
- 2.18 Furthermore, the Council have also previously approved internal works along the terrace, most notably at properties nos. 2 and 12, which have led to the removal of the original fabric. The internal works have allowed changes to the historical plan of those buildings.
- 2.19 On 10th August 2016, no. 12 Leverton Street was granted planning consent (ref nos. 2016/1249/P and 2016/1780/L) for the blocking up of two doorways. The report for the applications confirmed that, although design and conservation was one of the main factors in determining the application, the changes were acceptable.
- 2.20 Additionally, an application was approved for no. 2 Leverton Street (2010/3827/P) which consisted of the removal of a first floor window to provide a doorway to the first floor rear extension. Again the officer did not consider this change to unacceptably alter the historic character of the building.
- 2.21 For ease, the approved floor plans clearly identifying (highlighted in yellow) the blocked doorways of applications ref nos. 2016/1249/P and 2016/1780/L and the window removal of application no. 2010/3827/P have been provided at Document 2 and Document 3.
- 2.22 The decisions, as on these nearby properties, illustrate that modest change to historic fabric can be acceptable to facilitate the more efficient use of such houses. This proposal should be seen in the same light.

3. Grounds of Appeal (h)

- 3.1 The time specified within the Notice compliance is 3 months. In the Appellant's opinion this period of time is insufficient and should reasonably be 6 months. The replacement window and blockwork would have to be undertaken by an approved contractor and it is reasonable that the Appellant should be able to obtain competitive quotes from contractors for the window replacement works. Given the current long lead-in time for builders to carry out works in London, it considers that 3 months would give insufficient time to obtain competitive quotes, appoint a builder, source or have made any replacement window and finally install the window and make good the interior of the property.
- 3.2 Furthermore, if the Notice is upheld the window will need to be an exact replica of the window which has been removed. This will result in the contractor taking extra time to prepare detailed drawings of any replacement window, fit the window and ensure that the finishings are completed to the highest standard possible.
- 3.3 To summarise, the current 3 month period would not provide adequate time to gain competitive quotes and to complete the works to the required standard necessary. Therefore, the Appellant asks for the Notice period to be extended from the current 3 months to 6 months.



4 Leverton Street, London, NW5 2PJ

Statement of Case on behalf of the Appellant

Document 1

Properties within group listing granted permission
for alterations to the rear elevations

Address	Application Ref	Proposal	Decision
2 Leverton Street, London, NW5 2PJ	2010/6188/L	Amendments to include enlargement of first floor rear extension, alterations to side and rear windows at first floor level and installation of 2no. rooflights to listed building consent granted on 13/09/2010 (ref. 2010/3830/L) for the erection of a single storey rear extension at first floor level with associated alterations to windows and doors on rear elevation at ground and first floor level and associated internal alterations to residential dwelling (Class C3).	Approved 21 January 2011
2 Leverton Street, London, NW5 2PJ	2010/6180/P	Amendments to include enlargement of first floor rear extension, alterations to side and rear windows at first floor level and installation of 2no. rooflights to planning permission granted on 13/09/2010 (ref. 2010/3827/P) for the erection of a single storey rear extension at first floor level with associated alterations to windows and doors on rear elevation at ground and first floor level to residential dwelling (Class C3).	Approved 21 January 2011
2 Leverton Street, London, NW5 2PJ	2010/3830/L	Erection of a single storey rear extension at first floor level, alterations to windows and doors on rear elevation at ground and first floor level and associated internal alterations to residential dwelling (Class C3).	Approved 13 September 2010
2 Leverton Street, London, NW5 2PJ	2010/3827/P	Erection of a single storey rear extension at first floor level with associated alterations to windows and doors on rear elevation at ground and first floor level to residential dwelling (Class C3).	Approved 13 September 2010
8 Leverton Street, London, NW5 2PJ	36374	The erection of a single storey rear extension and a roof extension with terrace at the front, together with roof terraces at rear first and second floor levels and an external rear staircase access to the garden from second floor level.	Granted 7 June 1983
12 Leverton Street, London, NW5 2PJ	2016/1780/L	Erection of single storey rear extension, with glazed roof, to replace existing extension. Internal alterations to include blocking off 2 ground floor openings, creating 1 ground floor door opening, installing new ground floor lavatory, installing bathroom within existing rear first floor room, alterations to non-original fireplace at ground floor, relocating attic sink and installing shower to create wet room to existing dwelling house (Class C3)	Granted 5 April 2016
12 Leverton Street, London, NW5 2PJ	2016/1249/P	Replacement of single store rear extension to dwellinghouse (Class C3).	Granted 5 April 2016
20 Leverton Street, London, NW5 2PJ	29595	Erection of a two storey rear extension to provide additional residential accommodation.	Granted 27 November 1979
22 Leverton Street, London, NW5 2PJ	15053	Extension of a rear extension at 22 Leverton Street, NW5 at ground level.	Granted 15 November 1972
26 Leverton Street, London, NW5 2PJ	2009/0930/L	Internal and external alterations in association with the rear extension to single family dwellinghouse (Class C3).	Granted 5 March 2009
26 Leverton Street, London, NW5 2PJ	27765	The erection of a single storey rear extension and a roof extension.	Granted 15 December 1978



4 Leverton Street, London, NW5 2PJ

Statement of Case on behalf of the Appellant

Document 2

Approved ground floor plan, including the blocking of doorways to 12 Leverton Street (refs. 2016/1249/P and 2016/1780/L)

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Check and verify all dimensions on site before starting work or workshop drawings. All measurements are to structural elements unless otherwise stated.

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Listed Buildings may need underpinning and this will require Listed Building Consent.

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Revisions:

REV G - Understair WC noted in more detail, Hallway blocked door recess noted.

REV F - Conservatory wall positions amended



REV E - new french door system shown

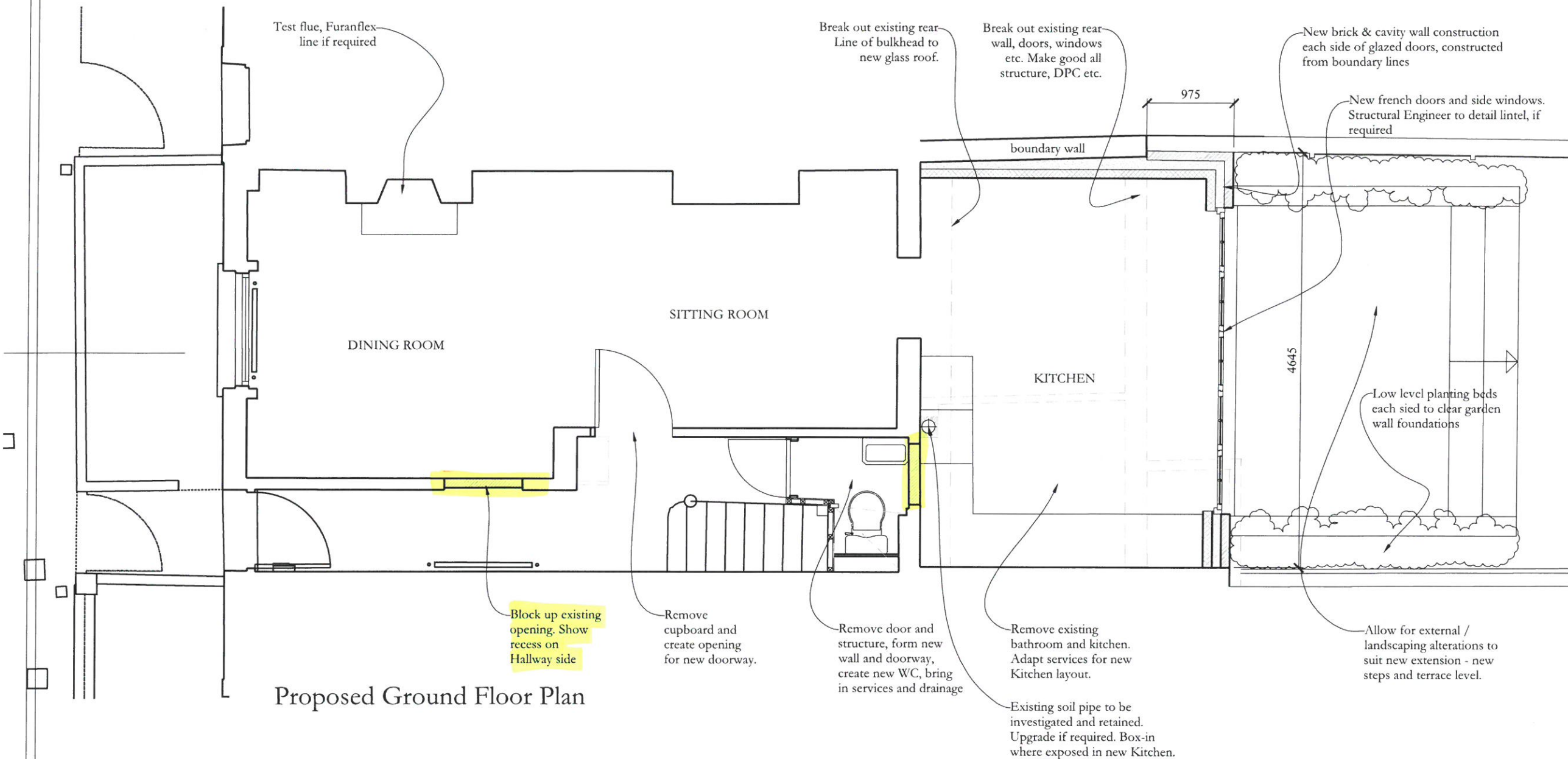
REV D - sash window amended, Dining Room/Sitting Room to Hall doors amended.

REV C - General revisions. (DRAFT)

REV B - External doors amended to show one door and one window.

REV A - French doors reduced to 1100mm wide.

 New wall
 Demolition



Proposed Ground Floor Plan

PLANNING

GUY GOODFELLOW
INTERIORS AND ARCHITECTURAL DESIGN

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PROJECT	Leverton Street
DRAWING TITLE	Ground Floor Plan Proposed Works
SCALE	1:50 at A3
DATE CREATED	Feb 2016
DRAWING NUMBER	GGL-LEV-004
DRAWN BY	MHE
REVISION	G

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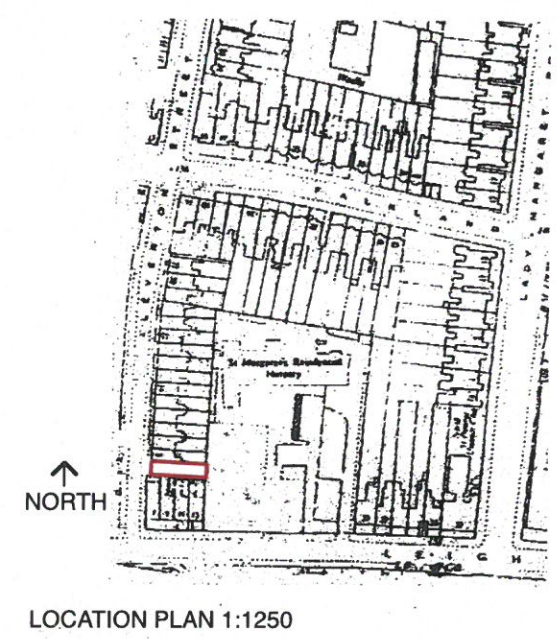
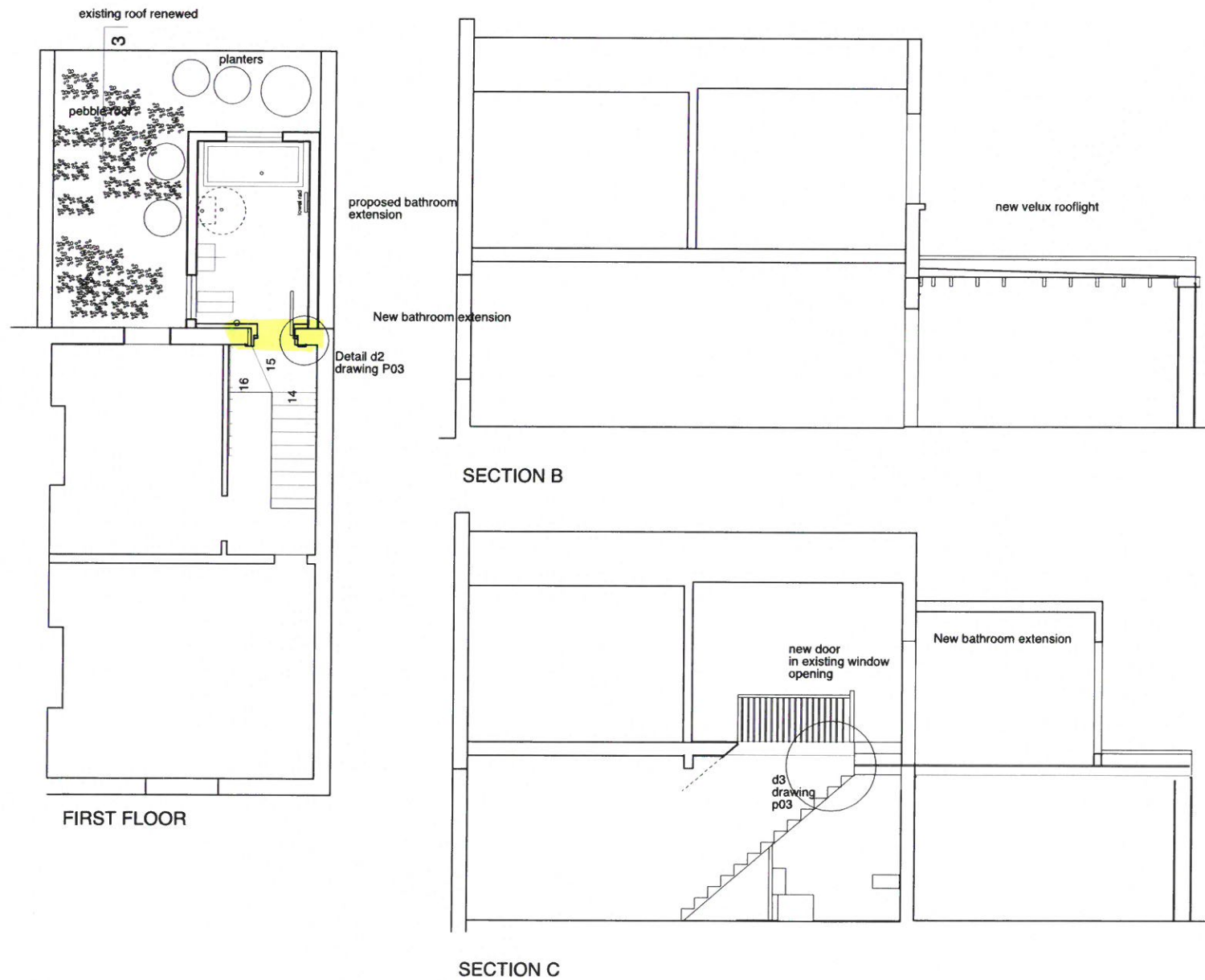
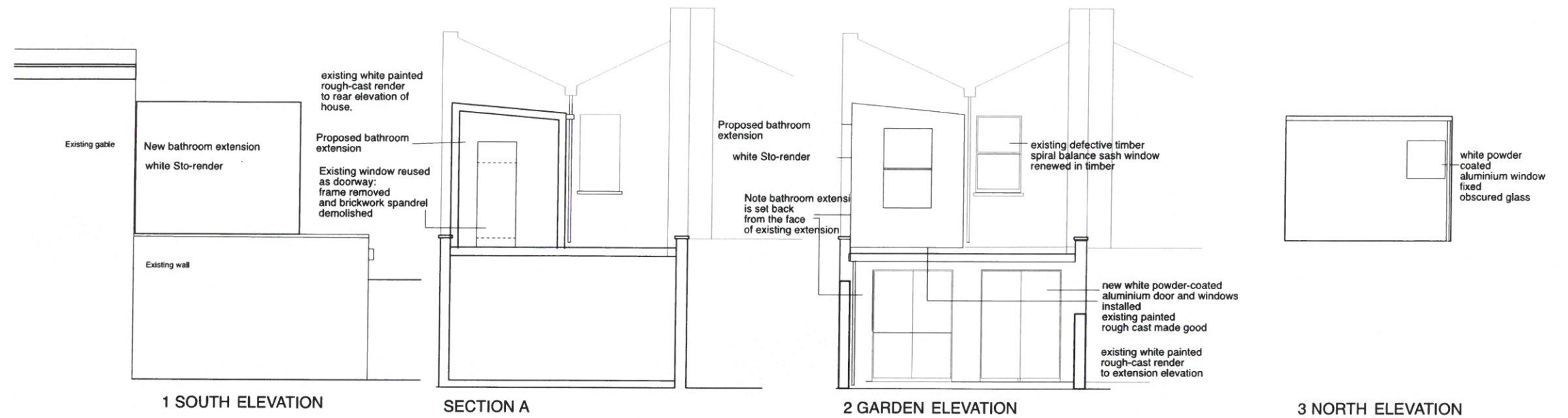
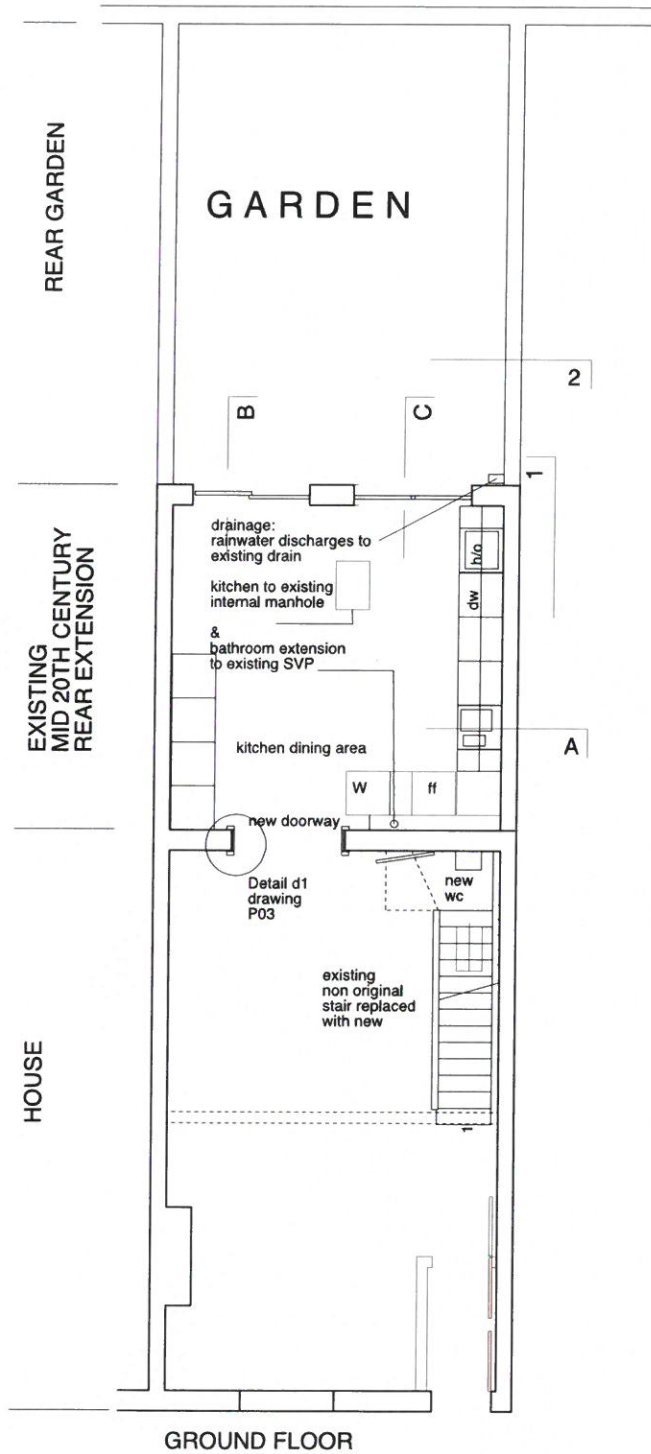


4 Leverton Street, London, NW5 2PJ

Statement of Case on behalf of the Appellant

Document 3

Approved first floor plan, including the window removal to 2 Leverton Street (ref. 2010/3827/P)



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2 LEVERTON STREET LONDON NW5
DRAWING 02:PROPOSALS
 scale 1:50 & 1:20@A1 1:100&1:40@A3
 at A4 please use the scale bar below

June 2010



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