



---

## Appeal Decisions

Site visit made on 13 March 2018

by **D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2018

---

### **Appeal Ref: APP/X5210/W/17/3190994**

#### **70 Oakley Square, London NW1 1NJ**

- 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 Dorchester Gardens Properties Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/5541/P, dated 5 October 2017, was refused by notice dated 30 November 2017.
  - The development proposed is 1st floor side and rear extension to create solarium, small ground floor rear extension and re-opening windows on 2nd and 3rd floors of the side elevation.
- 

### **Appeal Ref: APP/X5210/Y/17/3190996**

#### **70 Oakley Square, London NW1 1NJ**

- 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 Dorchester Gardens Properties Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/5808/L, dated 5 October 2017, was refused by notice dated 30 November 2017.
  - The works proposed are 1st floor side and rear extension to create solarium, small ground floor rear extension and re-opening windows on 2nd and 3rd floors of the side elevation.
- 

### **Decisions**

1. Both appeals are dismissed.

### **Preliminary Matter**

2. It would appear that the planning and listed building consent applications cited above in the banner headings were resubmissions of previously refused applications 2017/2190/P and 2017/2846/L. The applications involved the same proposal as the previously refused applications. The appellants' Statement of Case cites these earlier refusals but their appeal forms and the submitted decision notices relate to the later refusals. I have therefore dealt with the appeal on the basis that the appeals are against the later refusals.

### **Main Issues**

3. The main issue is whether the proposed development and works would: preserve the listed building known as 70 Oakley Square (listed as Nos 58-70 (Consecutive) and attached railings) or any features of special architectural and historic interest it possesses; preserve the character or appearance of the

Camden Town Conservation Area (CTCA) and cause any harm to the significance of the designated heritage assets.

## Reasons

4. The appeal building is at one end of a terrace and the whole terrace of 58 to 70 Oakley Square (Nos 58 to 70) is grade II listed as a single building and the site is within CTCA. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The List Entry Description states that the building dates from circa 1845-59. It is constructed from yellow stock brick with stucco dressings, it has a 2<sup>nd</sup> floor continuous sill band, sash windows, blind architraves to the end elevation and porticos as porches and cast iron balconies to the front. Based on the information available to me and my own observations I consider that the significance of the listed building is largely derived from its age, architectural features, historic plan form, historic fabric and its contribution as an attractive 19<sup>th</sup> Century terrace set within a wider area of similarly distinguished properties.
7. Based on the information before me and my own observations I consider that the significance of CTCA is mainly derived from the quality of the historic buildings, the pattern of development, the use of materials and its associations with notable people. The site is within Sub Area 2: Residential as identified in the CTCA Appraisal and Management Strategy (CTCAAMS). This document states that the residential parts of CTCA are largely homogenous in scale and character. It further advises that Oakley Square forms part of a pocket of residential development originally made up of slightly grander terraces.
8. The proposal would involve the construction of a rear extension at ground floor level, a first floor extension to the side and rear and the insertion of timber sash windows within a number of existing blind architraves in the end elevation. The first floor extension would be above an existing porch and extension and it would be largely glazed. However, it would have a larger floor area than the ground floor porch/extension and as a result it would be supported by new pillars. An existing sash window and one of the blind architraves would be utilised as doorway openings into the first floor extension.
9. The design of the glazed extension reflects that of a 19<sup>th</sup> Century solarium/conservatory and the railing and pillars would match those on the front elevation of the building. Nevertheless, the extension would coincide with the majority of the end elevation and it would wrap around onto the rear elevation. The ridge of the first floor extension's roof would be visually in close proximity to the sill band. The end elevation of the listed building faces and is clearly discernible from Eversholt Street.

10. There is little evidence to indicate that the blind architraves on the end elevation were designed to be actual window openings. In my experience, due to the prominence of this elevation and the slightly grander design of the terrace the architectural features of this elevation were intended to emphasise the wealth of the owner's/occupants. These architectural features have aesthetic, evidential and historical value and make an important contribution to the significance of the listed building. I noted that within the surrounding area a number of the end elevations of other traditional terraces also include blind architraves.
11. The context and legibility of the architectural features on the first floor of the end elevation would be significantly altered as they would be subsumed within the interior of the building. Sightlines through the mainly glazed elevations would be possible. However, the furniture, use and form of this area as living space would add clutter in front of these features. Consequently, it would erode the ability to appreciate their significance from Eversholt Street. As such, the proposal in this respect would materially harm an important part of the significance of the listed building.
12. Furthermore, due to its siting at first floor level, its overall size and wrap around form the proposed solarium/conservatory would overwhelm and dominate views of the listed building from Eversholt Street. Whilst, it would be set back from the front elevation of the terrace the conservatory would also be clearly discernible from Oakley Square. It would be above the existing end porch and it would be at a substantially higher level than the porticos on the front elevation of the terrace. As a result, it would visually compete with and erode the prominence of these features that contribute to the significance of the listed building.
13. The proposal would also involve the loss of historic fabric through the creation of doorway openings and the insertion of windows. The loss of historic fabric would only be moderate in relation to the overall significance of the listed building. Nevertheless, the removal of all of the blind architectural features on this elevation would appreciably erode their evidential and historic value.
14. Even though, conservatories can be found in similar locations on buildings within London they do not appear to be common within the immediate surrounding area. As such, it would be somewhat incongruous in the context of CTCA. Moreover, given my findings in relation to the special interest and significance of the listed building the adverse effect of the proposal would diminish the appeal building's contribution to the character and appearance of CTCA.
15. Taking into account all of the above the proposal would materially harm the special interest and significance of the listed building and, similarly, in turn, would incur harm to the character, appearance and significance of CTCA. As such, the proposal would be contrary to the expectations of the Act and I must attach considerable importance and weight to these considerations when reaching my decision. In the language of the Framework, it would result in less than substantial harm to the significance of the heritage assets. In those circumstances, paragraph 134 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

16. The additional accommodation provided by the extension would clearly be beneficial to the appellants, but I regard this as a private rather than public benefit given the absence of evidence that the current accommodation is deficient to an extent likely to threaten the viability of the residential use of the appeal building. Consequently, there are no public benefits that would outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 134 of the Framework.
17. It would also conflict with Policies D1 and D2 of the Camden Local Plan which, amongst other things, seek to secure high quality design and to preserve Camden's rich and diverse heritage assets including listed buildings and conservation areas.

**Conclusion**

18. For the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

*D. Boffin*

INSPECTOR