



Statement of Case on behalf of the Appellant

4 Leverton Street,
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Contents

1. Introduction	3
2. Description of Appeal Site and Surrounding Area	4
3. Planning History and Factual Background	5
4. Proposed Development	7
5. Planning Policy and Material Considerations	9
6. Grounds of Appeal	15

Documents

Document 1:	Householder Application and Listed Building Consent Decision Notices (planning ref. 2017/1225/P and 2017/1436/L)
Document 2:	Internal and external photographs of 4 Leverton Street
Document 3:	Planning History Schedule
Document 4:	Existing and Approved floor plans for the demolition of the rear closest wing to 4 Leverton Street (refs. 2007/2028/P and 2007/2030/L)
Document 5:	Appeal Decision Notice (ref. APP/X5210/E/09/2100909/WF)
Document 6:	Full set of plans/drawings for original planning application (refs. 2017/1225/P and 2017/1436/L)
Document 7:	House Particulars
Document 8:	Statutory Declaration
Document 9:	Approved ground floor plan, including the blocking of doorways to 12 Leverton Street (refs. 2016/1249/P and 2016/1780/L).

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 support of planning and listed building consent appeals submitted under Section 78 of the Town and Country Planning Act 1990 (as amended) and Section 20 of the Planning Listed Buildings and Conservation Areas Act 1990.

1.2 On the 3rd August 2017, the London Borough of Camden (the Council) refused planning (ref. 2017/1225/P) and listed building consent (ref. 2017/1436/L) for the demolition and replacement of the existing glazed infill extension and installation of bi-folding doors to the rear at ground floor level, the reorientation of the ground floor WC and the retrospective removal of a rear ground floor window.

1.3 The Decision Notice for the planning application gave one Reason for Refusal:-

“The proposed rear extension, by reason of its scale, siting and detailed design would result in the further loss of the original built form to the rear of the property and would fail to preserve the character and appearance of the host building, adjoining terrace of properties and surrounding conservation area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.”

1.4 The Decision Notice for the listed building consent gave two Reasons for Refusal:-

“(1) The removal and replacement of the ground floor window with an enlarged replacement doorway and further internal works at ground floor, as described within this application, by virtue of their loss of historic features, plan form and fabric, are considered to be harmful to the special architectural and historic interest of the grade II listed building, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.

(2) The proposed rear extension, by reason of its scale, siting detailed design and resulting internal works would result in the further loss of the original built form to the rear of the property and would be detrimental to the special architectural and historic interest of the listed building, contrary to Policy D2 (Heritage) of Camden Local Plan 2017.”

1.5 Both the planning application and listed building consent Decision Notices (refs. 2017/1225/P and 2017/1436/L) are provided at Document 1.

1.6 This Statement is structured as follows:-

- Section 2 provides a description of the appeal site and surrounding area;
- Section 3 reviews the factual background to the appeal site including consideration of the site's planning history;
- Section 4 sets out the proposed development;
- Section 5 reviews the relevant planning policy considerations at national, strategic and local level; and
- Section 6 sets out the grounds of appeal.

2. Description of Appeal Site and Surrounding Area

- 2.1 4 Leverton Street is located on the eastern side of Leverton Street, approximately 28m from its junction with Leighton Road. It comprises a two-storey terraced, stuccoed house. To the rear is a single-storey existing extension containing a kitchen/dining room and WC which was constructed pursuant to consent granted in July 2007. Beyond the rear extension is a small raised garden.
- 2.2 4 Leverton Street is identified as being a building that makes a 'positive contribution' to the environment and the historic origins of Kentish Town.
- 2.3 The property was built in c. 1845 and was listed Grade II in 1984 for its group value; its list description 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 at 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 for a charming group of small-scale, painted houses with distinctive decoration that is very unusual in London."***
- 2.4 The listing makes no reference to the rear of the property or its internal arrangements. The listing does state the possibility of unusual plaster decoration; however, the proposals do not affect any original decorative plastering at the property.
- 2.5 Photographs of the appeal site including the existing extension and the internal rooms appear as Document 2.
- 2.6 Leverton Street is exclusively residential in character comprising almost exclusively of terraced houses.
- 2.7 The site is approximately 3 minutes' walk from Kentish Town Tube Station and the extensive shopping, leisure and food and drink uses of Kentish Town Road. It is a popular residential district of North London.

3. Planning History and Factual Background

3.1 The Council's online register shows a total of 3 previous planning decisions and an appeal in respect of the appeal site and they are detailed on the schedule that appears at Document 3.

3.2 The first decision is from 9th June 2004 (ref. 2003/1976/P & 2003/1977/L). The application proposed the removal of the existing ground floor closet wing and the erection of a single-storey rear extension. The application was refused planning consent on the following two grounds:-

“(1) The propose ground floor extension is considered to be unacceptable and detrimental to the character and appearance of the existing building in terms of scale, bulk, form and detailed design and is, therefore, contrary to policies EN13 (Design of new development), EN22 (Extensions to existing buildings), EN31 (Character and appearance of conservation areas) and EN38 (Preservation of listed buildings) of the London Borough of Camden Unitary Development Plan 2000.

(2) The proposed extension, by reason of its excessive height and bulk on the boundary of No 6 Leverton Street, would give rise to an unreasonable sense of enclosure, loss of light and outlook to the detriment of the adjoining residents contrary to policy EN19 (Amenity for occupiers and neighbours) of the London Borough of Camden Unitary Development Plan 2000.”

3.3 Although the application was refused, the principle of a rear extension was considered acceptable by the Council. This is confirmed as an informative on the Decision Notice. The informative stated:-

“An alternative form of extension, reduced in height and bulk on the side of No. 6, and revised in terms of design materials to appear less solid and more subordinate to the original building may be considered acceptable if a new application were submitted.”

3.4 Two further applications (refs. 2004/3795/P, 2004/4402/L and 2006/3636/P, 2006/3637/L) were submitted but were subsequently withdrawn. Both applications were seeking the demolition of the existing closet wing and alternative rear single-storey extensions.

3.5 The next decisions of relevance are from July 2007 (refs. 2007/2028/P and 2007/2030/L), when both planning and listed building consent were granted for the demolition of the original rear closet wing at ground floor level and the erection of a single-storey extension to the rear of the property. The drawings approved as part of those applications, including existing plans and elevations, appear at Document 4. The existing rear extension on site today stems from these consents.

3.6 The existing ground floor plan at Document 4 has been highlighted in yellow to clearly identify where demolition to the building's original fabric, was deemed appropriate by the Council. The demolition of the totality of the original rear closet wing was approved.

3.7 The latest decision is from 9th October 2008 (ref. 2008/2712/L). The application was for listed building consent which sought the replacement of an existing timber framed window with timber French doors at ground floor level to the rear elevation. The application was refused for the following reason:-

“The proposed French doors by reason of the loss of the original window, cill and masonry would be detrimental to the special architectural and historic interest of the grade II listed building contrary to policy 6 of the London Borough of Camden Replacement Unitary Development Plan 2006.”

3.8 The decision was taken to appeal (ref. APP/X5210/E/09/2100909/WF) and subsequently dismissed by a Decision Notice on 1st December 2009. A copy of the Appeal Decision appears as Document 5 to this Statement.

- 3.9 Subsequent to the refusal of that appeal and prior to the Appellant's purchase of the property, unauthorised works were carried out to the property to remove the internal rear sash window and replace it with an open archway door between the two rooms.
- 3.10 We address in Section 6 of this Statement both the issues raised by the previous appeal decision and the implications of the unauthorised removal of the rear window.

4. Proposed Development

- 4.1 Planning permission and listed building consent is sought for the demolition of the existing ground floor rear extension and replacement with a new extension including bi-folding glazed doors. In addition, listed building consent is sought for internal alterations comprising removal of internal partition walls to the rear, reorientation of the ground floor WC and retrospective permission for removal of the rear ground floor internal window.
- 4.2 The new extension would comprise bi-fold glazed doors to the garden, with rendered blockwork around the sides and above the aluminium framed doors. This would match the existing rendered rear elevation. The proposed design is of a modern contemporary appearance distinguishing it from the original house and the new fenestration will ensure good natural light to the kitchen and dining room.
- 4.3 The new extension maintains the existing height of the current extension and projects no further back, however, it is a full width extension on a continuous building line. This contrasts with the present extension which for half its width (where the current French doors) is recessed by 0.6m. The new extension, by adopting a common rear building line and therein infilling the current recess, creates an additional 1.08m² of floorspace.
- 4.4 The internal works comprise the realignment of the existing ground floor WC. The proposed location of the WC would be where the existing store cupboard is located. The WC would be rotated through 90 degrees to provide an open plan kitchen/dining room of simple, regular form. The proposed layout significantly improves the usability and circulation within the kitchen/dining room.
- 4.5 Finally, retrospective planning permission is being sought for the removal of the rear internal sash window to allow for a doorway (as actually exists) to provide access to the kitchen/dining room. Without this change the reorientation of the rear ground floor plan to create more rational, useable floorspace is not achievable.
- 4.6 The proposed modest extension and realignment of the WC would provide a total kitchen/dining room floorspace of 17.2m², an increase of 3.70m² from the current 13.5m².
- 4.7 Giving the building's Grade II listing and its location within the Kentish Town Conservation Area, the appearance of the proposal development, in particular the rear elevation of the proposed extension has been carefully considered. It was decided that the most appropriate design would be to extend the existing extension by provide a full width extension (similar to the neighbouring property – no. 2 Leverton Street), whilst keeping the height of the roof the same.
- 4.8 The use of thin profile aluminium sliding/bi-fold glazed doors, with rendered blockwork, was chosen as the best solution to improve the natural light entering the building, whilst providing additional space within the property. The proposed design would significantly enhance the living arrangement for the current and future occupants of the property.
- 4.9 The elevational approach is to create a modern, contemporary extension of simple, unified design comparable to the approach successfully used elsewhere along the terrace (for example, no. 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. The proposal will replace the current, somewhat confusing, and discordant existing rear extension, which is not part of the original dwellinghouse.

4.10 A full set of the drawings that were provided as part of the original full planning application can be found at Document 6.

5. Planning Policy and Material Considerations

5.1 In this section we set out, in brief, the relevant planning policies against which this proposal should be judged. We consider first, the NPPF followed by the relevant policies of the London Plan and then the adopted policies of the London Borough of Camden.

NPPF

5.2 On 27th March 2012, the Government published the National Planning Policy Framework (NPPF). It is augmented by the NPPG which expands on and gives detail to the NPPF's guidance. Both documents are material considerations in the determination of planning applications. They carry significant weight.

5.3 At the heart of the NPPF is a presumption in favour of sustainable development. In this respect, paragraph 7 explains that there are three dimensions to sustainable development; namely economic, social and environmental. Expanding on the social and environmental dimensions to sustainable development, paragraph 7 continues by explaining:-

- ***A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing; and***
- ***An environment role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimising ways to pollution and mitigate and adapt to climate change including moving to a low carbon economy.***

5.4 In the context of this guidance it is relevant that the application proposals perform both a social and environmental role. First, they will deliver small, but nonetheless important, improvements to this existing terraced house to make it better suited to the needs of both its existing and future occupiers. The property currently comprises a small awkward and constrained kitchen and dining room. Modernising existing housing to make it better suited to the needs of today is wholly consistent with the social role of sustainable development.

5.5 The proposal also has an environmental dimension. The property is listed Grade II and, as such, is part of the historic environment. The proposed extension has been thoughtfully designed to respect the building's historic significance whilst offering a modern alternative that would result in a positive enhancement to the building compared to what currently exists. The proposals, as such, perform an environmental role.

5.6 The NPPF sets out (at paragraph 17) twelve core planning principles which are to underpin plan making and decision taking. The application proposals are consistent with a number of those objectives. Relevant ones are:-

- ***Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.***
- ***Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.***
- ***Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for***

their contribution to the quality of life of this and future generations.

- 5.7 The third of the above bullet points is particularly relevant in this case. These proposals are about adapting and improving this existing terraced house to better suit its occupants' needs whilst respecting and maintaining the historic quality of the building. The present rear extension provides a congested kitchen, dining area and WC. This proposal seeks to provide a small extension and relocation of the WC to open up the kitchen area and thereby make the house more liveable. It does so, however, by extending the house in a modest way at the rear.
- 5.8 The proposal also delivers improvements to the property when viewed from the outside. The current extension is confusing and somewhat discordant. It employs varying fenestration types, is set on two different rear building lines and has an awkward roof pattern comprising a flat roof to one half and a mono pitch roof to the other half. The rear elevation, as such, lacks consistency and harmony. This proposal replaces all of this with a simple, unified rear extension which will read as clearly distinct from the retained listed building behind. It, as such, significantly enhances the listed building when viewed from the rear.
- 5.9 In short, this proposal enhances this heritage asset, in a manner that is appropriate to its significance yet helps to adapt the property so it is more suitable to today's occupants and indeed occupants in the future. It is exactly what the NPPF urges.
- 5.10 The NPPF's advice on conserving and enhancing the historic environment appears in paragraphs 126 to 141. Paragraphs 131 and 132 set out the approach to determining planning applications that affect a heritage asset. They indicate that:-

"131. In determining planning applications, Local Planning Authorities should take account of:-

- ***The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- ***The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- ***The desirability of new development making a positive contribution to local character and distinctiveness.***

132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As Heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably Scheduled Monuments, protected wrecks, battlefields, Grade I and II* listed buildings, Grade I and II* registered park and gardens, and World Heritage Sites, should be wholly exceptional."

- 5.11 In the context of this advice, these proposals:-

- Do not result in the loss of a heritage asset. The proposal merely seeks to alter the existing rear elevation which is not part of the original dwelling. The addition is carried out in a wholly sympathetic manner to the retained heritage asset.
- Although the proposals do include the retrospective permission for the removal of the original rear

window, it is important to understand that the window has already been removed. Although this is regrettable, this was done approximate 7 years ago before the Appellants purchased the property. Replacing the window would not replace the original fabric of the listed building. Even if replaced, the new window would be internal and not open to public view. Removal of the window, which is not condoned, has not destroyed the plan form of the house. The proportions of the rear original room remain and are clearly perceived.

5.12 As such, the proposals are, we consider, wholly consistent with this advice. Even if they were not, and if it was considered the proposal did harm the heritage asset in any way (we do not believe it does), any perceived level of harm could not be described as significant. In that scenario paragraph 134 would apply. It indicates that:-

“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.”

5.13 As we say, the proposal does not, in our opinion, result in any harm to the heritage asset but rather leads to positive benefits. Even, however, if harm were considered to arise from the proposed extension, it could not be described as substantial. It would be very slight harm. In that scenario the benefits of the proposal, most notably in securing ‘*the optimum viable use*’ of the building would fully outweigh any small perceived disbenefit.

5.14 The point goes further, however, the proposal will deliver a public benefit in that the design of the new rear extension is a significant and marked improvement over that which currently exists. It is more sympathetic to the listed building and allows the retained listed building to be more clearly read. In short, it positively enhances the listed building and this is a clear public benefit which outweighs any harm, if at all.

5.15 In summary, we conclude that the proposal is wholly acceptable in terms of the NPPF’s advice that deals with heritage assets and, more generally, with the whole thrust of the NPPF. It therefore gains the NPPF’s support.

The London Plan

5.16 The policies of the London Plan are of a strategic nature and only of limited reference in this appeal.

5.17 The Plan’s key policy concerned with heritage assets, including listed buildings, is Policy 7.8. It requires, (D) that:-

“Development affecting heritage assets and their setting should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.”

5.18 The proposed extension, is replacing an existing extension, which does not constitute the original fabric of the listed building. However, to ensure the form and scale remains the same, the new extension adopts the same roof line and retains details such as the down pipe. Moreover, the design is more sympathetic to the retained listed building. As such, the proposal is consistent with London Plan Policy 7.8.

Camden Local Plan

5.19 Relevant policies at local level, which form part of the Local Development Framework, are provided by Camden’s Local Plan, adopted July 2017.

Policy D1: Design

5.20 Policy D1 of the Local Plan is concerned with securing high-quality design. It indicates that the Council considers *'good design to be essential to creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations'*. Through Policy D1, the Council will seek to secure high quality design in development. Relevant criteria of D1 include:-

a. respects local context and character

5.21 The modest rear extension would mirror, in respect of its scale/setting/form, the existing rear ground floor extension to no. 2 Leverton Street (next door). It maintains the height of the existing extension and only increases the footprint marginally by proposing a consistent rear building line. Therefore, the proposed extension would be of an acceptable scale given the scale of existing extension it will replace.

5.22 The Officer's Report (ref. 2010/6180/P), for the existing rear extension at the neighbouring property (no. 2) concluded that:-

"The alterations to the rear of the application site will not be visible from the public realm as the rear of the property is screened by the three storey terraced properties at No's 7-13 Leighton Rand and a row of trees along the side boundary of No. 1 Maud Wilkes Close. Therefore the impact of the enlarged rear extension and new window in relation to the character and appearance of the listed building and the conservation area is considered to be minor."

5.23 The proposed extension at no. 2 (now in place) is the same size and depth at ground floor as the Appellant's proposal but in addition includes a half width first floor extension.

5.24 In light of the decision made for no. 2 Leverton Street, it must be concluded that the appeal proposal's impact on the listed building and conservation area should also be considered minor.

b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage"

5.25 The proposal will enhance this existing heritage asset. The current rear extension is discordant and this proposal will replace it with a simple, modern design more sympathetic to the listed building.

e. comprises details and materials that are of high quality and complement the local character

5.26 The proposed rear extension in terms of the materials used would match that of the existing and neighbouring properties and comprise rendered blockwork and aluminium profile bi-folding doors. The use of large aluminium framed windows to the rear of no. 2 also matches the windows being proposed for the rear doors of the proposed extension.

5.27 The proposal, as such, both accords with the established design principles of the host building as well as the materials used in recent approved extensions adjacent no 4 Leverton St.

g. is inclusive and accessible for all

5.28 The proposed works, although fairly minor, would greatly improve the accessibility for all existing and future occupiers. The proposed development would provide an open plan kitchen/ dining room, whilst providing higher levels of natural light into the building. The existing dining room is quite constrained in terms of width and the appeal proposal seeks to significantly improve the usability of the space.

n. for housing provides a high standard of accommodation

5.29 The improved layout, additional space and higher lighting levels will all contribute to a far higher standard of living conditions for occupants and guests that live in and visit the property. The majority of the proposed changes can be done without altering the original fabric of the building.

Policy D2: Heritage

5.30 Policy D2 of the Local Plan is concerned with preserving and enhancing Camden's heritage assets and their setting, including conservation areas and listed buildings.

5.31 The first part to Policy D2 states that the Council will not permit the loss or substantial harm to a designated heritage asset unless it can demonstrate that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. There is no conflict with this part of the policy. The heritage asset remains and any harm, if any, is less than substantial.

5.32 Where a proposal will result in less than substantial harm (at worst the position in this case), Policy D2, consistent with the NPPF, requires that the harm should be offset by the public benefits of the proposal.

5.33 First, it is important to establish that the proposals do not result in the loss of a heritage asset. The proposed minor extension and internal alterations do not affect the original fabric of the heritage asset. The original rear ground floor window has already been removed. Replacing the window would not replace the original fabric. Whilst loss of that window could amount to harm, it is offset by:-

- The substantial public benefit of delivering a far more attractive and sympathetic rear extension than presently exists; an enhancement of the listed building.
- Delivering housing that meets the needs of present and future generations.
- Delivering high quality design and a good standard of amenity that meets the needs of existing and future occupants of the building (NPP, paragraph 17).

5.34 In respect of Conservation Areas, Policy D2 sets out four criteria to ensure the character of Camden's Conservation Areas is maintained. The Council will also take account of Conservation Area statements, appraisals and management strategies when assessing applications within conservation areas.

5.35 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.”

5.36 A modest rear extension would not detract from the character or the appearance of the Kentish Town Conservation Area. The proposals are located to the ground floor to the rear of the property and would not be seen from any public viewpoint. The proposals would preserve the character of the Conservation Area.

5.37 Furthermore, the Conservation Area Appraisal and Management Strategy sets out a number of criteria to assist how the conservation area should be managed. Each criterion is addressed below.

5.38 Spatial analysis - As the proposed extension is modest in size and sits to the rear of the property there

would be no impact on the townscape value, the streetscene or spatial arrangement of the Kentish Town Conservation Area.

- 5.39 Character zones – The front of the property remains unaltered and therefore there would be no impact on the Leverton Road Character Zone which maintains Leverton Street's coloured stucco houses with narrow front gardens.
- 5.40 The quality of buildings and their contribution to the area – The prominent house type in the Kentish Town Conservation Area consists of terrace house, including Leverton Street. The proposed rear extension and internal arrangements would maintain the built form and therefore not harm, in any way, the character of the area.
- 5.41 Local details – The existing windows and doors to the rear of 4 Leverton Street are not the originals. The proposed thin profile aluminium sliding/ bi-fold glazed doors, although a modern approach, do not try to poorly mimic the original fenestration, but instead provide a character of its own. It is an improvement and accepted design approach for extensions of this type.
- 5.42 It is noted that the retrospective application for the removal of the internal rear window did comprise fabric. However, the window would have been located internally, reducing the quality of the property's layout for its occupants. The internal window would not be open to public view and makes no contribution to the character of the conservation area.
- 5.43 Audit of heritage assets – 4 Leverton Street is a Grade II Listed Building that makes a positive contribution to Leverton St and the Kentish Town Conservation Area as a whole. This proposal does not seek any development or changes to the front façade of the property. As such, the modest ground floor rear extension and internal arrangements would not have a negative impact upon the conservation area. Indeed, similar proposals have been allowed elsewhere along the street without detriment to the character of the conservation area.
- 5.44 Policy D2 also lists criteria specifically concerning listed buildings. The criteria are provided to ensure proposals preserve or enhance the Borough's listed buildings. Those criteria are:-

i. resist the total or substantial demolition of a listed building

- 5.45 This proposal does not seek the total or substantial demolition of the Grade II Listed Building. The works proposed include a modest rear ground floor extension to replace the existing non-original extension. The proposal will not result in the loss, or substantial demolition of this heritage asset.

j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building

- 5.46 The extension and internal arrangements are proposed to the section of the property which has previously been extend and altered. The internal layout and modest extension would not harm the building's historic form. Loss of the internal window which has already gone is more than offset by the benefits of the improved design of the extension.

k. resist development that would cause harm to significant of a listed building through effect on its setting

- 5.47 This criteria is not relevant. The proposal maintains the setting of the listed building.

6. Grounds of Appeal

Context

- 6.1 The proposed development to which this appeal relates was carefully designed to match the form and scale of various other ground floor rear extensions to listed buildings along Leverton St, including those at no. 2 and no. 12.
- 6.2 Throughout the planning application process, the case officer did not raise any concerns to the proposed development; this includes during and after the site visit which took place on 2nd May 2017.
- 6.3 The application process continued without concerns until the application was considered on by the Council's conservation officer. The conservation officer had dealt with 4 Leverton previously, during the refused application refs. 2007/2028/P and 2007/2030/L and the subsequent appeal ref. APP/X5210/E/09/2100909/WF. Due to the history with the property, the conservation officer realised that the original rear ground floor window had been removed.
- 6.4 In light of the removal of the ground floor rear window, the conservation officer understandable felt unable to support the proposed scheme and subsequently the applications were refused.
- 6.5 In respect of the loss of the window, it is the Appellant's understanding that removal of the window was carried out shortly after the appeal refusal in December 2008.
- 6.6 The Appellant purchased the property after the window had been removed. This is confirmed by the house particulars that have been provided at Document 7 and the Statutory Declaration, on behalf of the Appellant, provided at Document 8
- 6.7 The proposals subject of the applications were prepared with one overarching objective – to provide the existing and future occupants of no. 4 Leverton Street with a much improved living environment, whilst keeping any impact on to the listed building to a minimum.
- 6.8 The proposed modest rear extension and internal arrangements would provide occupants with a larger open plan dining room and kitchen whilst ensuring the lighting levels to both the rear and middle section of the property are greatly enhanced. In short, they are about updating the house to meet the needs of existing and future occupiers whilst respecting the listed status of the building.

Matters of Issue – External Alterations

- 6.9 In paragraph 2.2.3 of the Officer's Report the officer states:-
- “The alterations proposed would bring the height of the glazed infill to the same flat roof height (2.7m) and depth as the existing closet wing extension, creating a full width development that would no longer be read in as a traditional closet wing with secondary infill structure”.***
- 6.10 The report also states in paragraph 2.2.4 that whilst the closet has been altered previously (it has previously been completely demolished) *‘the built form to the rear of the site is considered to make a significant contribution to the special interest of the residential dwelling and cannot be allowed to be altered’.*
- 6.11 The existing closet wing extension does not mimic the scale, size or bulk of the original closet wing which was demolished as part of the approved planning application in 2007 (refs. 2007/2028/P and 2007/2030/L). Therefore, the historical fabric and scale of the original closet wing has already been lost.

6.12 Furthermore, no. 2 and no. 12 Leverton Street which are similarly listed have both recently been granted planning approval for full width ground floor rear extensions (ref. no.2 2010/3827/P and 2010/3830/L), ref. no.12. 2016/1249/P and 2016/1780/L). The officer assigned to the no. 2 Leverton Street application (ref. 010/6180/P) stated that:-

“A number of similar extensions have been implemented elsewhere in Leverton Street since the terraces were included on the statutory list, including no’s. 5 and 21 on the west side of the road.”

6.13 An amended application (refs. 2010/6180/P and 2010/6188/L) was subsequently submitted for alterations to the first floor extension. In supporting the Officer’s Report said:-

“Alterations to the rear of the application site will not be visible from the public realm.”

6.14 Accordingly, it concluded:-

“The impact of the enlarged rear extension in relation to the character and appearance of the listed building and conservation area to be minor.”

6.15 In addition, the report for the full width extension to no. 12 Leverton Street (refs. 2016/1249/P and 2016/1780/L) confirmed that the conservation officer assessed the proposed full width extension and considered the extension retained the original form layout and fabric of the historical building and therefore complied with local Policy DP25. The report then stated:-

“The proposed replacement rear extension is considered to be subordinate to the original building and will result in an improved appearance to the listed building. The extension is not visible from the public realm and is not considered to be harmful to the character and appearance of the Kentish Town CA.”

6.16 Given the comments in both reports above, it is difficult to comprehend how the principle of a full width rear ground floor extension is now unacceptable at no. 4 Leverton Street when a number of recent full width rear ground floor extensions have been approved by the Council.

6.17 Paragraph 2.2.3 of the report for the appeal scheme says:-

“The proposed bi-folding doors would also be at odds with the pattern of fenestration to the rear of the property and would not preserve or enhance the original character of the building.”

6.18 Whilst it is accepted that the modern design of the proposed extension and its fenestration would not match the existing pattern of design of the existing extension, it was in fact a design that was chosen for this exact reason. The current extension does not constitute the original building fabric, nor does it represent the original scale, mass or layout of the original historic building. In fact the current form somewhat detracts from the remaining historical features of the building. The proposed modern rear extension clearly distinguishes between the historic character of the historical building and the modern, better functioning extension. This would not only preserve the original external elements of the listed building, but would also enhance them.

6.19 Furthermore, the fenestration pattern to the rear of 2 Leverton Street, which included floor to ceiling double doors to the ground floor rear elevation extension, was deemed acceptable due to the extension not being visible to the public realm.

Matters of Issue – Internal Alterations

6.20 In terms of the proposed internal arrangements, the report raised the following concern:-

“The proposed orientation of the ground floor WC would result in the blocking of the original rear doorway from the vestibule to the closet wing/ courtyard, which is a characteristic feature of buildings of this type and an integral component of its original plan form.”

- 6.21 Although the proposed internal arrangements do include the blocking up of an existing doorway, the Council has accepted that the blocking up of such doorways is acceptable in several recent nearby cases. An application in respect of no.12 Leverton Street was approved on 10th August 2016 (refs. 2016/1249/P and 2016/1780/L), which included the blocking up of existing historical doorways, one to the dining room, the second to the kitchen. The kitchen doorway is located in the exact location that is being proposed at No. 4 Leverton Street.
- 6.22 For ease, a copy of the approved ground floor plan, clearly identifying (highlighted in yellow) both blocked doorways, of application refs. 2016/1249/P and 2016/1780/L has been provided at Document 9
- 6.23 The report on the no. 12 Leverton Street applications identified that one of the main considerations from a design and conservation point was the blocking of historical doorways. The report confirmed that a conservation officer had assessed these elements and found them acceptable.
- 6.24 It is wholly unjustified for the Council to now take a dramatically different view for two similar listed properties, in the same conservation area, just four properties apart. There appears to be a contradiction and inconsistency between the two applications when considering the blocking up of existing historical doorways.
- 6.25 With respect to the removal of the original rear window, the Inspector who dealt with the planning appeal ref. APP/X5210/E/09/2100909/WF in 2009 accepted the Council's view that the window was original and considered the original window to be part of the architectural and historic interest of the building.
- 6.26 Furthermore, the case officer stated within his Delegated Report that the removal of the original ground floor rear window and enlargement of the opening to create a new doorway would damage the special interest of the building. This view runs counter to the view taken elsewhere in Leverton Street. For example, application (2010/3827/P) approved for No. 2 Leverton Street considered the removal of a rear first floor window acceptable for a doorway. Although the window didn't consist of the original fabric of the building, historically a window would have always been located at this location. However, the officer did not consider the change to unacceptably alter the historic character of the building.
- 6.27 Although the rear ground floor window at no. 4 Leverton Street was part of the original fabric of the building, the window has since been removed. Even if the window was replaced, it would merely be a copy. The historical fabric has therefore already been lost.
- 6.28 Additionally, the new opening, where the original rear window was located, did not remove any of the original decorative plastering located above. The larger opening consisted of the removal of the blockwork below the original window.
- 6.29 In terms of the Kentish Town Conservation Area, the Inspectorate, dealing with the appeal case in 2009, considered that the removal of the window *'would have no material impact on the character or appearance of the Kentish Town Conservation Area.'* Therefore, the retrospective removal of the window should not be considered to have any material impact to the Conservation Area.
- 6.30 In summary on this point:-
- Unauthorised removal of the original window cannot be condoned.

- The reality, however, is that it has now gone. Insisting on its replacement will not restore original fabric.
- The present owners of the house, a young couple, did not remove the window: it was removed almost 10 years ago.
- Even if the window were in place its removal could and should be supported in policy terms.
- The window is internal and not open to public view.
- Policy supports adaption of listed buildings to better suit modern day living requirements.
- At worst the loss would amount to less than substantial harm.
- That harm is more than off-set by the significant public benefit derived from a wholly more sympathetic rear extension as proposed.
- The Council has supported on numerous nearby properties the loss of historic fabric, particularly where internal, such as originally doorway.

Matters of Issue – Amenity

6.31 The Council confirm, as stated in the officer report in paragraph 2.3.1, that the proposed extension and internal arrangements do not have a significant impact on the amenity of neighbouring residents in terms of daylight, sunlight, outlook and privacy. Consequently, the appeal does not require further justification regarding minimal impacts to residential amenity.



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