



Appeal Decisions

Site visit made on 14 August 2018

by Mr K L Williams BA, MA, MRTPI

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

Decision date: 05 September 2018

Appeal A: APP/X5210/W/17/3187826

4 Leverton Street, Kentish Town, London, NW5 2PJ

- 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 Mr W Hitchins and Ms G Miller against the decision of the Council of the London Borough of Camden.
- The application, ref: 2017/1225/P, dated 28 February 2017, was refused by notice dated 3 August 2017.
- The development proposed is the demolition and replacement of an existing glazed infill extension and the installation of bi-folding doors to the rear at ground floor level.

Summary of Decision: The appeal succeeds and planning permission is granted in the terms set out in the Formal Decision.

Appeal B: APP/X5210/Y/17/3187831

4 Leverton Street, Kentish Town, London, NW5 2PJ

- 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 W Hitchins and Ms G Miller against the decision of the Council of the London Borough of Camden.
- The application ref: 2017/1436L, dated 28 February 2017, was refused by notice dated 3 August 2017.
- The works proposed are internal and external alterations including removal of internal partition wall to the rear and re-orientation of ground floor WC, retrospective removal and enlargement of rear ground floor window and replacement of a glazed rear extension.

Summary of Decision: The appeal succeeds and listed building consent is granted in the terms set out in the Formal Decision.

Appeal C: APP/X5210/F/17/3189299

4 Leverton Street, Kentish Town, London, NW5 2PJ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W Hitchins and Ms G Miller against a listed building enforcement notice issued by the Council of the London Borough of Camden.
- The enforcement notice, ref: EN17/0751, was issued on 4 October 2017.
- The contravention of listed building control alleged in the notice is the removal of an original ground floor rear window and lowering of the cill to create a doorway.
- The requirements of the notice are:
 - 1) To fully reinstate the ground floor rear window with a six over six pane, single glazed, timber sash window as shown on existing plan numbers DD01/DD02 under application reference 2017/1436/L, and;
 - 2) Make good any resulting damage.
- The period for compliance with the requirements is 3 months.

- The appeal is made on the grounds set out in section 39(1) (e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary of Decision: The appeal succeeds. The enforcement notice is quashed and listed building consent is granted in the terms set out in the Formal Decision.

Appeals A and B and ground (e) of Appeal C

Main Issues

1. The first main issue in all three appeals is the effect on the special architectural and historic interest of the listed building and on its significance. A further main issue is whether the character or appearance of the Kentish Town Conservation Area would be preserved or enhanced.

Relevant Statutory Requirements and Policies

2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that, when considering whether to grant listed building consent, there must be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of any planning function.
3. Policy D1 of the Camden Local Plan 2017 deals with design. Amongst other things it requires that development respects local character, preserves or enhances the historic environment and uses details and materials that are of high quality and complement local character. Amongst other things policy D2 requires that development in Conservation Areas preserves or enhances the area's character or appearance.
4. The policies of the National Planning Policy Framework (the Framework) are material considerations. The listed building and the Conservation Area are designated heritage assets. The Framework gives great weight to conserving a designated heritage asset when considering the impact of development on its significance. Heritage assets should be conserved in a manner appropriate to their significance.

The Effect on the Listed Building and on the Conservation Area

5. No.4 is a two storey terraced house on the east side of Leverton Street. It is of 19th century origin and is part of nos. 2 to 26 Leverton Street, which together are Grade II listed. The property is within the Kentish Town Conservation Area. Amongst other things the listed building description refers to the slate roofs, the painted stuccoed brick principal elevations to Leverton Street and sash windows. The interiors were not inspected but unusual plaster decoration is nevertheless noted. The terrace forms a charming group of small scale, painted houses with distinctive decoration that is very unusual in London. The appellants' Heritage Statement also alludes to the terrace's historic significance as part of the 19th century development of Kentish Town.
6. In July 2007 planning permission and listed building consent (2007/2018/P and 2007/2030/L) were granted for the demolition of the original rear closet wing and the erection of a single storey rear extension. That development has been

carried out. In December 2009 appeal APP/X5210/E/09/2100909 was dismissed. It was against the Council's refusal to grant listed building consent for the replacement of the ground floor window which is the subject of Appeal C with timber French doors.

7. Details of the proposed rear extension are shown on drawings 101 2, 101 3 and 101 4. The extension would be single storey. It would affect only the rear elevation whereas it is the building's front elevation that is primarily seen from public viewpoints. The rear elevation has already been heavily altered by the development approved in 2007. It removed a small rear closet wing and enabled the formation of a larger kitchen and a conservatory. The existing extension would be removed. It is not part of the building's historic fabric.
8. The rear extension in place is of no particular design merit. Its rear elevation comprises a rendered wall with a window and a conservatory element with French doors and a shallow sloped glazed roof. There is an incongruous mix of fenestration. Loss of the extension would not be harmful. The proposed extension would not project any further into the small rear garden and would not exceed the maximum height of the existing extension. Its rear facing elevation would be comprised of glazed, thin profile aluminium bi-folding doors with a rendered surround. Rather than mimic an historic character the extension would appear as a modern addition, readily distinguishable from the original building. It would provide a simpler, more coherent rear elevation than now exists. The plot is narrow. The extension would occupy its full width but due to its limited height it would remain subservient to the main building. It would not appear unduly dominant. The rear garden of the building is well enclosed and the extension is unlikely to be seen from public viewpoints.
9. The appellants observe that alterations to the rear elevations of other properties on Leverton Street, including a neighbouring house, have resulted in a broad mix of structures. A schedule of planning approvals and listed building consents relating to other properties is submitted. The Council observes that some rear alterations did not have planning permission or listed building consent. I have not seen these other properties and I attach only modest weight to that evidence. Nevertheless, subject to control of materials I conclude that the proposed rear extension would not harm the special architectural and historic interest of the listed building, which would be preserved. The proposal is for a modest extension on the rear elevation. It would not be harmful to the building's significance. It would not harm the character or appearance of the Conservation Area, which would be preserved. Nor would it conflict with polices D1 or D2.
10. In addition to the replacement of the existing rear extension, the works in Appeal B encompass other ground floor alterations. The existing ground floor layout is shown on drawing 101 1 and the proposed layout on drawing 101 2. The alterations to partition walls would not affect original features. No decorative internal plasterwork would be affected. Nor is the current position of the ground floor WC part of the original layout. However, the proposed repositioning of the WC would block a way through to the kitchen from the hall. Internal access to and from the kitchen would then rely on the opening which has been created by the removal of the window that is part of the Appeal B proposals. It is also the subject of the enforcement notice in Appeal C. The removal of the original sash window has allowed the creation of a doorway giving access to the kitchen and conservatory. The removal of the window and

the related works to create the opening were not carried out by these appellants but were nevertheless unauthorised.

11. The 2009 appeal decision post-dated the addition of the rear extension now in place. The Inspector referred to planning policies and guidance then in place. He considered it important to retain surviving features, including internal features. In dismissing the appeal he concluded that the replacement of the sash window with French doors, as then proposed, would damage the building's architectural and historic interest but would not harm the Conservation Area.
12. I take the previous appeal decision into account but I have reached a different conclusion based on the evidence before me in these appeals and what I saw on my site visit. Although removal of the sash window has resulted in a loss of historic fabric it is small in extent and has not affected the principal elevation to Leverton Street. It is that elevation which is important in the street scene and in public viewpoints. A degree of loss of historic fabric is not uncommon as listed buildings evolve. Some loss of historic fabric was considered acceptable when the original closet wing was replaced with a larger structure.
13. Prior to the addition of the existing rear extension, the sash window was on the rear elevation of the house. The window derived its function and much of its significance as a historic feature from that position. It allowed light into the house, provided ventilation when opened and afforded views to the garden. It appeared as part of the building's rear elevation to the garden. However, the addition of the rear extension has resulted in a significant change to the character of the listed building, to its layout and its appearance. A reinstated sash window, as required by the listed building enforcement notice, would be on an internal wall. Its function as a window would be vitiated to a large extent and its reinstatement would appear contrived. The window would not be a feature seen from public viewpoints. Nor, as a result of the rear extension, would it be easily seen in conjunction with the first floor sash windows in the rear elevation. In addition, reinstatement of the window would inhibit the simpler, more coherent ground floor layout which retention of the opening would facilitate.
14. I appreciate the Council's concern about the effect of the proposed repositioning of the WC on the original layout. However, the rear ground floor layout has already been heavily altered as a result of the changes approved in 2007. The original small closet wing, which projected from the original rear wall, has been removed. In that context the repositioning of the WC as now proposed and the related blocking of an internal access route would not be materially harmful.
15. The appellant has referred to other properties in the area where the removal of historic fabric, the blocking of original doorways and the removal of a window have been considered acceptable. I have not visited those properties and give only modest weight to that evidence. Nevertheless, I conclude that the ground floor alterations which are the subject of Appeal B would not harm the special architectural and historic interest of the listed building, which would be preserved. Nor would they be harmful to the building's significance. They would not harm the character or appearance of the Conservation Area, which would be preserved. They would not conflict with policies D1 or D2.

Conditions

16. In Appeals A and B standard conditions are required concerning the commencement of development and compliance with approved plans and relevant documents. To protect the building's special interest details of materials will also be required. In the listed building consent conditions should also cover making good and submission of further details.

Conclusions

17. Having regard to the above and all other matters raised all three appeals should succeed. Planning permission and listed building consent should be granted in Appeals A and B respectively. In Appeal C the listed building enforcement notice should be quashed and listed building consent granted for the works already in place. Consideration of ground (h) in Appeal C is not required.

Formal Decisions

Appeal A: APP/X5210/W/17/3187826

18. The appeal is allowed and planning permission is granted for the demolition and replacement of an existing glazed infill extension and the installation of bi-folding doors to the rear at ground floor level at 4 Leverton Street, Kentish Town, London, NW5 2PJ in accordance with the terms of the application, ref:2017/1225/P, dated 28 February 2017 and the plans submitted with it and subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Heritage Statement dated February 2017, Design and Access Statement dated February 2017, Planning Statement dated February 2017, Simply Planning cover letter dated 28 February 2017, Simply Planning cover letter dated 26 May 2017, 101 4, 101 5, 101 2, DD01, Location Plan.
- 3) The development hereby permitted shall not commence until samples of all externally facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Appeal B: APP/X5210/Y/17/3187831

19. The appeal is allowed and listed building consent is granted for internal and external alterations including removal of internal partition wall to the rear and re-orientation of ground floor WC, retrospective removal and enlargement of rear ground floor window and replacement of a glazed rear extension at 4 Leverton Street, Kentish Town, London, NW5 2PJ in accordance with the terms of the application, ref: 2017/1436L, dated 28 February 2017 and the plans submitted with it and subject to the following conditions:

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The works hereby permitted shall be carried out in accordance with the following approved plans and documents: Heritage Statement dated February 2017, Design and Access Statement dated February 2017, Planning Statement dated February 2017, Simply Planning cover letter dated 28 February 2017, Simply Planning cover letter dated 26 May 2017, 101 4, 101 5, 101 2, DD01, Location Plan.
- 3) The works hereby permitted shall not commence until samples of all facing materials have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) Before the works commence detailed drawings including plan, elevation and sections at 1:10 of all windows and doors (including jambs, head and cill) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the details approved.
- 5) All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Appeal C: APP/X5210/F/17/3189299

20. The appeal is allowed, the listed building enforcement notice is quashed and listed building consent is granted for the works already in place, those works being the removal of an original ground floor rear window and lowering of the cill to create a doorway at 4 Leverton Street, Kentish Town, London, NW5 2PJ.

K Williams

INSPECTOR