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| **APPEAL AGAINST LONDON BOROUGH OF CAMDEN’S REFUSAL OF LISTED BUILDING CONSENT FOR WORKS DEFINED IN OWNER’S PROPOSAL SUBMITTED 4 FEBRUARY 2018 (PLANNING APPLICATION 2018/0616/L)** |
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| **STATEMENT OF REASONS FOR APPEAL** |
| **Appeal prepared/submitted by: John Lindsay-Taylor** |
| **Date: 14 September 2018** |

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* Letter from Property Tectonics dated 9 July 2012 concerning removal of partition and modification of chimney breast

1. **Correspondence with Camden**

* Mr. Baxter’s e-mail of 10 April 2018 advising reasons for refusal of the proposal
* Mr. Lindsay-Taylor’s e-mail of 10 April 2018 replying to Mr. Baxter’s e-mail of 10 Apr 2018
* Camden’s letter of 23 April 2018 advising their decision on the proposal
* Mr. Lindsay-Taylor’s e-mail to Mr. Baxter dated 12 September 2018 (at 15.10) sending him Appendices 3,4 and 7 to this appeal and seeking common ground.
* Mr. Baxter’s e-mail reply dated 12 September 2018 (at 16.05 according to my computer) confirming his view that the proposed works would be harmful.

1. **History and layout of 31 Downshire Hill**
2. **Responses to Mr. Baxter’s Comments**
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* Relevant paragraphs of Historic England’s Three Year Corporate Plan 2017-20
* Historic England’s London Borough of Camden Local Plan examination. Issue 8: Positive strategy for the protection and enhancement of the historic environment.

1. **Planning Application 2013/2791/P relating to 30 Downshire Hill (next door) in which, among other things, complete removal of the back basement chimney breast for accommodation of a cooker was proposed and granted**
2. **Photographs and images**
3. **introduction**
   1. This appeal sets out to show that Camden’s rejection of the Application for Listed Building Consent for works at 31 Downshire Hill, London NW3 1NT, dated 4 February 2018 is unwarranted.
   2. Camden claims that “The proposed alterations, namely, the partial demolition of the chimney breast, the demolition of the timber floor in the back room and the brick floor in the passage, the demolition of the timber fitted cupboards, the alteration of the passage cupboard, the demolition of the timber partition, and the insertion of a concrete floor slab would result in an unacceptable loss of historic fabric and plan form and so would harm the special interest of the listed building, contrary to the policy D2 of the Camden Local Plan 2017”, see Camden’s letter of refusal dated 23 April 2018, included as ***Appendix 2***.
   3. In a sentence, with the exception of the chimney breast, none of the fabric with which Camden are concerned is part of the original building or merits being categorised as historic and, contrary to Camden’s conclusion, the proposal actually enhances the special interest of the listed building by restoring the original basement plan form and intended purpose to the building, meeting Camden’s Policy D2 whereby “the Council will preserve and where appropriate enhance Camden’s rich and diverse heritage assets”.
   4. The appeal includes photographs and images and sets out to enable a determination to be made from the documents only, which accounts for the large number of photographs. However, the photographs are necessarily selective and a visit to assess the property at first hand would be preferable and welcomed by the owner.
   5. A brief history of 31 Downshire Hill, explaining the original building layout and noting when and why changes to the house which feature in the application for listed building consent were made, is included as ***Appendix 3.***
   6. Responses to comments made by Mr. Baxter in his e-mail of 10 April 2018 are contained in ***Appendix 4***.
   7. Photographs and Images referenced in the text are described in ***Appendix 7*** and are provided as separate files which can be accessed by reference to ***“Appendix 7 Content”***.
   8. Appendices 3, 4 and 7 were sent to Mr. Baxter on 12 September 2018 (at 15.10) with a view to seeking common ground and updating him with information gleaned during preparation of this appeal. His reply was received on the same day (at 16.05). This correspondence is included in ***Appendix 2***. Mr. Baxter’s reply does not identify any common ground and prompts the following observations,:

* The works necessary to cure damp in the party wall are not addressed.
* No suggestion has been made as to how excess cold in the back basement room can be eliminated without replacing the ventilated timber floor.
* No explanation has been provided as to why modification of the back basement chimney breast has been refused when complete removal of the equivalent chimney breast next door was approved in 2013.

1. **Summary of Proposal**

The proposal for Listed Building Consent, submitted on 4 February 2018, is included as ***Appendix 1***. The works can be summarized as follows:

* 1. The wooden partition separating the back basement room from the corridor is to be removed so that the existing back room and corridor are combined into one room.
  2. The existing timber floor in the back room is to be removed.
  3. The solid floor in the section of corridor adjacent to the back room is to be removed to the level of the base of the existing sub-floor in the back room.
  4. A new solid floor is to be laid in the new enlarged back room at a single level, incorporating a reinforced concrete slab, insulation, a damp proof membrane and finished with natural stone paving.
  5. The two existing alcove cupboards in the back room are to be removed.
  6. The cupboard in the corner of the existing corridor is to be reconfigured so that the present inward opening door and glazed timber wall panel are replaced by two outward opening doors. The existing doors on the alcove cupboards are to be used for this purpose. The reconfigured cupboard is to have a central partition with shelves on both sides.
  7. The chimney breast, which has been partially bricked up in the past, is to be opened up to accommodate a 1.3 m long range cooker and cooker ventilation hood.
  8. The present door to the back room is to be moved to the corridor doorway, thereby relocating it to its original position.

1. **Rationale of Proposal**
   1. The timber floor in the existing back basement room is ventilated by way of air bricks in the back wall, which has a northern aspect, and a vent in the back room, see photo ***Floor 1***. The vent acts in the manner of a partially open window and makes for a room which is cool in summer but cold in winter. Even with the large double radiator at maximum output the room is not habitably warm during cold weather. For this reason the room is currently used only for storage see photo no. ***Back room 1***. This floor would originally have been solid masonry, as is flooring in the rest of the basement, and restoring it to a solid, insulated floor will result in a room that is again habitable in all seasons and economical to heat.
   2. Combining the back basement room with the corridor will restore the original plan form of the basement and will permit the kitchen to be restored to its original size and location, with pantry and cooking stove in the positions they would have originally occupied. Rebates for hinges and lock keep in the corridor doorway, see photo nos. ***Basement 1, 2 and 3***, are evidence that there was originally a door in the corridor and makes clear that the back room and the corridor adjacent to it were originally one room. The small barred back window in the pantry cupboard, see photo no. ***Pantry 1***, informs that this cupboard was a pantry and that the room was originally intended as a kitchen. A kitchen in the back room opening directly on to the garden is exactly what one would expect in an artisan dwelling of the period.
   3. Paving the enlarged room with natural stone will enhance the building in a way that is consistent with its date of construction, see photo no. ***Cellar 3*** showing the original stone floor in the out-building which is now a cellar.
   4. The existing back room receives natural light from one window only, which has a northerly outlook. This light is poor because the window is small and low down in relation to the garden and there is a tall evergreen magnolia tree in the adjacent garden which blocks out the light at all times of year, see photo no. ***Back room 2***. The enlarged room will benefit from additional light coming through the partially glazed back door, see photo no. ***Basement 4***.
   5. The cupboard in the corner of the corridor, when modified, will serve as a pantry for dry foodstuffs, also for storage of crockery and sundries. The two doors from the alcove cupboards which are proposed to be used for the pantry, though brought into the building as second hand, appear old and worthy of preservation. The new pantry cupboard will be constructed of timber utilizing traditional joiner’s construction. Use of the existing pantry door and fabrication of a matching door for the new pantry has been considered, however use of the alcove cupboard doors for the pantry is preferred because:
2. They are wider and will provide better access to the pantry
3. The doors will be put to good use whereas otherwise they would be excess to requirements
4. The narrower original pantry door can be repurposed for the new kitchen.
   1. A range cooker is preferred to other types as the dual oven offers the best versatility for serious cooking and the generous hob ensures safer boiling and frying than the traditional 530 mm wide free standing cooker which serves in the present kitchen. It is appropriate to locate the cooker in the existing hearth as there is little doubt that a sizeable cast iron solid fuel stove for cooking and heating would have occupied this position in the original kitchen, also it makes best use of space available.
   2. Installation of an externally exhausting cooker hood will benefit both the building and its inhabitants by removing moisture, grease and carbon dioxide created during the cooking process and should be provided whether the cooker is to be installed in the hearth or elsewhere. A further benefit of locating the cooker in the hearth is that the existing flue, with a suitable stainless steel liner, can be used to channel the exhaust to atmosphere avoiding the need for an exit through the back wall.
5. **Conclusion**
   1. **Preservation Versus Conservation**
      1. It is noted that in Historic England’s ‘London Borough of Camden Local Plan Examination, Issue 8: Positive strategy for the protection and enhancement of the historic environment’ it was suggested that where Camden had used the words ‘preserve/preservation’ these be replaced by ‘conserve/conservation’ see ***Appendix 5***. Camden has made the suggested changes to the wording of their Local Plan however Camden’s determination in this case demands preservation whilst paying little heed to conservation. This is most clearly expressed in Mr. Baxter’s e-mail of 12 September 2018, see ***Appendix 2***. Conservation involves the long term protection of the historic environment by keeping it in beneficial use, see ***Appendix 5,*** Historic England’s ‘Three Year Corporate Plan 2017-20’. This proposal integrates the wasted corridor space into the kitchen and restores the back basement room, corridor area and pantry cupboard to their original plan form and to beneficial use.
   2. **Historic Fabric**
      1. Camden’s refusal of the proposal prompts the question “when should fabric in an early 19th century building be considered historic?”, and the more specific question “when should materials taken from one building, where they might, or might not, have been considered historic, and installed in another building, be considered historic fabric in relation to their new location?" I have found no guidance on the subject, which is not surprising since what might be considered historic in one situation may be considered otherwise in another. In this appeal the term historic fabric has been interpreted as:
6. Fabric forming part of the original building
7. Good quality 19th century additions and modifications
   * 1. Fabric which does not merit the designation historic would include:
   1. Poor quality or unsympathetic 19th century additions
   2. 20th and 21st century additions, unless of exceptional quality or with associations to notable people or events
      1. With respect to materials salvaged from other buildings, I believe this is best answered by reference to the intrinsic merit of the materials in question, which is to say whether they enhance the building into which they have been grafted, rather than the date they were made or the date they were moved to their current location. The partition between back room and corridor, and alcove cupboards have served a useful purpose in the past but are no longer required. Their installation is crude and an affront to original joinery. The respectful thing to do with the partition is to dismantle it and use the wood, which is well seasoned, for works in the new kitchen, in particular in the restoration of the pantry cupboard.
      2. Although the elements of the wooden partition, the alcove cupboard doors and pantry panelling, the bricks and slates supporting the back room floor give every appearance of being old it is clear that they have all been brought into the building at some time as salvaged materials. Whereas I have been unable to pin point a date at which this occurred all the evidence points to the 20th century, with the most likely time being the 1930’s, when the old Freemasons Arms was being demolished and the new constructed, or shortly after the war when salvaged materials were again plentiful.
      3. Evidence has been provided that the timber partition, alcove cupboards and pantry cupboard modifications are all 20th century introductions, see ***Appendices 3 and 4***, however I believe that judgement as to their historic significance should be based on their merit, which is to say quality. The quality of these introductions is poor compared with original building features and does not warrant their being preserved in their current form. The back room floor is also 20th century, but in this case a claim that it is historic fabric fails in any event in that it is not fit for purpose.
      4. It would appear arbitrary to refuse enlargement of the basement back room hearth opening to accommodate a cooker and cooker hood when permission was granted on 27-07-2013 to remove completely the equivalent chimney breast in 30 Downshire Hill (next door) which was listed Grade II at the same time as 31 Downshire Hill, see ***Appendix 6***.
   3. **Methodology**
      1. I believe a proper consideration of my proposal should include:
   4. An assessment of the appropriateness of the proposed scheme for the particular building in which it is proposed to be installed.
   5. Consideration of the advantages conferred by the scheme to the building, to the present and future residents of the building and to the public at large.
   6. Considerations of any drawbacks which might be imposed by adoption of the proposed scheme (including perceived ‘harm to historic fabric’).
   7. A determination based on a), b) and c) above as to whether the proposed scheme is detrimental to the building and the service which it provides.
      1. Whereas the proposal may have been considered in this way there is no evidence that this is the case. Reference to Mr. Baxter’s e-mail dated 10 April 2018 and the formal refusal, see ***Appendix 2***, indicates that whereas c) above was considered, there are no indications that a), b) and d) have been given the attention they deserve.
      2. Mr. Baxter’s e-mail dated 10 April 2018, see ***Appendix 2*** is puzzling. He states “The raising of the floor quite apart from the total loss of the floor itself, will require the loss of the hearthstone and the removal of the surrounding cupboards and will affect the timber partition dividing the back room from the passage.” However, since the proposal is to lower the floor and to remove completely the timber partition, a significant misunderstanding on Mr. Baxter’s part is apparent.

* + 1. Regarding the appropriateness of the proposal, this would be hard to gainsay since it involves the restoration of the kitchen as it existed when the building was completed, with its satisfying and practical proportions, solid masonry floor, pantry cupboard and cooking facilities in the hearth.
  1. **Advantages**

Advantages conferred by the proposal include:

* + 1. The proposal meets ‘Historic England’s’ aim of promoting the long term protection of the historic environment by keeping it in beneficial use, see ***Appendix 5***. The back basement room is presently unsuitable for year round habitation and is used for storage only. There is plenty of room for storage in the cellar in front of the building which is presently unused, see photo nos. ***Cellar 1 and 2***. The new stone paved solid floor will correct a past mistake, restoring the original well conceived masonry floor and excluding underfloor draughts which have made the back room, as currently configured, too cold for habitation during the winter months.
    2. A good size kitchen is created, having the pleasing proportions and layout of the building as originally designed and constructed, and allowing space for informal dining. The existing corridor area, which though necessary for garden access is presently wasted space, will be put to good use.
    3. The pantry cupboard, which is presently used for storage, will be restored as a pantry, with controlled ventilation, for storage of crockery, sundries and dry foodstuffs. This cupboard presently has an inward opening door which limits its use for storage and has insufficient space for hand washing facilities should it be suggested that it could be returned to use as a toilet. The only handwashing facilities in the basement are in the kitchen and the bathroom is two floors up. Should, at some future time a downstairs toilet be required this can be constructed in the cellar area which is not space limited and is convenient for connection to the sewer.
    4. Inclusion of the partially glazed back door in the new kitchen will improve natural lighting in the back basement room which is currently very poor.
    5. The proposal will restore the direct access to the garden from the kitchen which is a typical and desirable feature of houses such as this one.
    6. A cooker hood exhausting via the flue will provide controlled ventilation avoiding condensation and grease build up on walls, ceiling and windows without need for making an outlet through the back wall.
    7. Removal of the alcove cupboards and opening up of the chimney breast will aid the evaporation of dampness from the wall whilst permitting effective kitchen design. It will also make possible electro-osmotic damp coursing of the wall which has proved successful elsewhere in the basement and will prevent rising damp in the wall even if the pub is unable to avoid water penetration on their side of the wall. The current rising damp contributes to the cold feel of the room and gives cause for concern that it might initiate rot in the ceiling joists.
    8. The three cupboards and wooden partition, which Camden regards as historic fabric not to be harmed, are crudely constructed of materials salvaged from another building. They do not reflect the quality of design or construction of the house as it was built. All the original wood panelling and doors on the ground, first and second floors still exist, are of good quality and in excellent condition. This is a credit to the joiners who made them some 200 years ago. The removal of the partition and alcove cupboards and modification of the pantry cupboard will allow the simplicity and quality of the original building, evident on the ground, first and second floors, to be expressed also in the basement and the new kitchen to be designed for practicality and appealing period ambience.
    9. There is a public benefit since the insulated solid floor will result in much reduced heat loss when the back room is returned to beneficial use compared with the present ventilated timber floor, with consequent saving of fuel. Heat introduced at basement level is particularly efficient as it disperses upwards through the ground, first and second floors.
  1. **Drawbacks**

Perceived drawbacks identified by Camden in their refusal of the proposal include:

* + 1. The timber floor in the back room will need to be removed. Camden regard this floor as ‘historic fabric’. Whereas I have been unable to date the floor precisely I believe that the fact that the boards are planed on the underside determines 20th century construction.
    2. This conclusion is supported also by the stamped nails used to fix the boards and the fletton bricks found under the boards. Irrespective of the date the floor was installed it is not fit for purpose. Year round sub-floor ventilation, which necessarily vents into the room, is essential for conservation of the floor timbers and this makes the room, which is on the north side of the building, too cold for year round habitation.
    3. Camden considers that installation of a damp proof membrane in the floor might result in moisture being driven up the walls or trapped by the damp course. The front basement room has a damp proof membrane of the type proposed which was installed some 35 years ago. No problems with this floor are evident. Damp is detectable below, but not above the damp course which is doing its job. The damp proof membrane has been proposed because it is a requirement of the Building Regulations. I would have no objection to omitting the membrane if this is acceptable to the authorities, however photo no. ***Pantry 2***, showing wooden panelling in the pantry cupboard, illustrates the detrimental effect that a permeable floor can have on timber in contact with it.
    4. Camden considers removal of the hearth stone harm to historic fabric. There is no hearth stone.
    5. Camden considers removal of the timber partition between the corridor and the back room to be ‘harm to historic fabric’. This partition has been made by cutting up and reconfiguring some old wooden panelling which was designed to be placed against a wall and must have been taken from another building. The corridor side of this partition was the exposed side of the panelling and has a satisfactory painted finish. The room side of the partition is the side that was originally against the wall and was not made to be exposed to view. To hide the uneven and unfinished room side of the partition it has been covered in hardboard. There is no doubt that the bulk of the wooden part of the partition is old however, since hardboard does not appear until the 1920’s this would indicate that installation of the partition was 20th century. It is highly unlikely that the partition would have been accepted without some covering on the room side and there are no signs of lath and plaster, cloth, leather or other covering that might have been used had installation been in the 19th century.
    6. Camden considers removal of the two alcove cupboards as ‘harm to historic fabric’. The doors to these cupboards are old, however the cupboards themselves are 20th century as evidenced by nails, hinges and screws used in their construction. The cupboards were clearly installed after the floor was laid and the alcove walls sand/cement rendered. These cupboards could be retained in the new scheme, however I see no reason to do so since this would place unwelcome limitations on kitchen design, limit damp evaporation, cause difficulties with installation of a damp proof course and mean that repurposing the doors for the restored pantry would not be possible.
    7. Camden considers that the proposed chimney breast modification will result in an unacceptable degree of loss of historic fabric and says that the cooking apparatus (cooker and ventilation hood) “…is not appropriately scaled for this modest house”. The cooker and cooker hood are kitchen appliances and I think that Mr. Baxter is exceeding his brief and his speciality in commenting in this way. Should the proposed modification to the chimney breast be considered excessive the 1.3 m range cooker and hood can be installed elsewhere, however this would involve a hole in the back wall for the ventilation exit. A hearth installation would reflect the kitchen as originally designed, save space, and is much preferred. It should be noted that at 30 Downshire Hill (a listed building next door) a proposal in 2013 to remove completely the chimney breast in the basement back room was accepted, (see ***Appendix 6*** and planning application no. 2013/2791/P). It should be mentioned also that the 1.1 m range cooker has become the default selection stand-alone cooker for kitchens large and small. The proposed cooker is a bit larger at 1.3 m long, but takes up only 7% of the room perimeter, furthermore 80% of the cooker footprint would be contained within the chimney breast, space which is presently unused and unusable. Although the owner plans to install a 1.3 m long range cooker with hood this is not central to the proposal. Should this cooker be considered ‘out of scale’, and I see no reason why it should, there are several options for resolving the issue.
  1. **Summary**
     1. In consideration of all the above the owner believes that the proposed scheme offers an enhancement of the historic environment at 31 Downshire Hill, with minimal disturbance of truly historic fabric. With the exception of the back room chimney breast, the ‘historic fabric’ which Camden regard as being harmed by the proposal was installed in the 20th century, most of it being salvaged material, and, is of such quality when compared with the original building that it does not merit preservation in its present configuration.
     2. The back room timber floor is not fit for purpose and needs to be replaced with a solid floor as was originally installed.
     3. With the exceptions of the front wall and forecourt, the conversion of one bedroom to a bathroom and the back of the basement, the house is very much as built and in good condition. Restoration of the back basement to its original plan form and bringing it back into beneficial use will enable the damp problem to be resolved and should, I believe, be considered not only acceptable but a welcome contribution to the special interest of this listed building and to the historic environment.