

## 38 Lambs Conduit Street, London WC1N 3LD

### Listed Building Enforcement Notice Appeal

### Statement of Grounds and Facts

#### Introduction

38 Lambs Conduit Street is located in the London Borough of Camden. The building is Grade II listed and forms part of the Bloomsbury Conservation Area. Whilst the building is listed, the list description states that this is for Group Value and that the building has been rebuilt above ground floor level.

#### Site Description

The site is located on the east side of Lambs Conduit Street, south of the junction of Lambs Conduit Street with Emerald Street. The site is a four storey mid terraced property, one of a terrace of 5 houses. It is used as a commercial retail unit at ground and basement levels and with residential flats above.

#### List Description

The list description for the site is as follows:-

*28-38, LAMBS CONDUIT STREET*

*Details*

*CAMDEN*

*TQ3081NE LAMB'S CONDUIT STREET 798-1/101/1002 (East side) 02/04/81 Nos.28-38 (Even)*

*GV II*

*Terrace of 5 houses. Nos 30 & 32 are one building. 1690-1700, No.28 built under a lease granted to Nicholas Barbon in 1686. Refronted early C19. No.38 rebuilt C20 above ground floor level but included for group value. Yellow stock brick with stone coped parapets. 4 storeys. 2 windows except Nos 28 & 38 with three. No.28 with C19 shopfront, the rest altered to various degrees in C20. Gauged brick flat arches to recessed sash windows, the 1st floor of Nos 34 & 36 in shallow round-arched*

*recesses. Rear elevations of plum stocks with bands and flush framed ash windows. INTERIORS: not inspected but Nos 28 & 36 noted to retain original staircases, that of No.28 possibly late C17 with heavy turned balusters and closed string; No.36 with twist balusters and carved tread ends. Some panelled rooms. First listed 2 April 1981*

## Relevant Planning History

PSX0204305 – Application granted on 29.10.2002 for the erection of a rear extension in association with the creation of a new roof terrace and the installation of a new external spiral staircase to allow access from first floor level to garden level.

PSX0104804 – Application granted on 11.09.2001 for the installation of new shopfront and installation of internal staircase.

PSX0104563 – Certificated of Lawfulness Application granted on 10.07.2001 for the existing use of basement and ground floor premises at 38 Lambs Conduit Street as restaurant / café (Class A3).

2013/4388/P – Application for planning permission was registered on 13 September 2013 and withdrawn on 24.03.2014 (by the applicant) for 'Installation of new shopfront associated non-illuminated 1X projecting sign. Installation of two air conditioning units within acoustic enclosure, and installation of new flue to rear lower ground lightwell.

## The Development Which Is The Subject Of This Appeal

An application for listed building consent was registered on 26 September 2013 – 2013/4489/L

This application described the following proposal:

*Installation of new shopfront with associated non-illuminated 1x projecting sign. Installation of two air conditioning units within acoustic enclosure, and installation of new flue to rear lower ground lightwell. Internal alterations at ground and lower ground floors.*

Listed building consent was refused and a Warning of Enforcement Action to be Taken was given on 16 March 2018 as follows:

*The Council has considered your application and decided to refuse listed building consent for the following reason(s):*

*The reason(s) for refusal was given as follows:-*

*1 The proposed plant and associated features, including the equipment, enclosure and external flues, by virtue of their position on the building and their scale, form, and detailed design would harm the special architectural and historic interest of the listed building contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017 and paragraphs 126 to 141 of the NPPF 2012.*

*Informative(s):*

**1 ENFORCEMENT ACTION TO BE TAKEN**

*The Director of Culture and Environment will instruct the Head of Legal Services to issue an Enforcement Notice alleging a breach of planning control.*

## The Listed Building Enforcement Notice

A Listed Building Enforcement Notice was served on 24<sup>th</sup> April 2018. The Notice comes into effect on the 5<sup>th</sup> June 2018. The Notice requires that within a period of three months of the Notice taking effect the occupier must:

*Remove the unauthorised air conditioning units, associated enclosure and extract flue, and restore the lightwell to its previous state.*

## Grounds of Appeal

There are 11 different grounds of appeal set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on which an appellant can make an appeal against a Listed Building Enforcement Notice.

The appellant in this case would like the appeal to be considered under the following grounds:

**Ground (e) – That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;**

It is considered that the works that have been carried out should be granted listed building consent. The plant and equipment enclosure together with the external flue are all located within a basement lightwell to the rear of the building. The list description makes a point of stating that no. 38 Lambs Conduit Street has been rebuilt above ground level. The rebuilt rear elevation is of very limited architectural quality. The upper floors above ground floor level have not replicated the original architectural design of a historic London town house. At lower ground level (basement level) there may be some historic fabric surviving but this is limited and not of any special architectural or historic interest. Therefore the overall significance of this elevation can only be considered to be neutral and the works have not caused harm to the overall special interest of the listed building or the conservation area.

**Ground (g) – except in relation to such a requirement as is mentioned in section 38 (2) (b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;**

The notice requires the total removal of all the plant and ducts from the lightwell. Before the works were carried out we can show that the basement lightwell was full of rubbish and rubble. The works to install air conditioning units and plant has also improved the general appearance of this lightwell area.

**Ground (h) – that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;**

The period specified allows insufficient time for an alternative proposal for air conditioning to be agreed as part of a new listed building consent application which is being prepared at present.

**Ground (j) – that the steps required to be taken by virtue of section 38 (2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;**

A rear lower ground level (basement) lightwell is an appropriate location for air conditioning units and associated plant on this site. If necessary a reduced scheme could be agreed for similar plant in this location, of reduced scale, and of a different form and detailed design, which would preserve the special architectural and historic interest of this listed building.

It would be unreasonable not to allow for a commercial use which occupies basement and ground floors to have some kind of mechanical ventilation and comfort cooling.

The listed building's special interest is such that the area affected makes a negligible contribution to its significance. Therefore the effect of these works (i.e. impact on the listed building's special interest) is very low or negligible. In our opinion listed building consent should be granted. Therefore the total removal required by the Listed Building Enforcement Notice exceeds what is necessary to alleviate the effect of the works. Listed building consent is being sought at present.

## Summary

The appeal for the retention of air conditioning units and ducts in the rear basement lightwell should be allowed as the location of the plant is acceptable. It has only very minimal impact on the appearance of the listed building and in any case the rear elevation of this listed building is of low to neutral significance, compared to the front elevation. There is no uniformity at the rear of this terrace of listed buildings that would contribute to its aesthetic significance. The views of the plant are extremely restricted and there are no views from public spaces. There would be no impact on public views of the Bloomsbury Conservation Area.

To conclude, the appellant considers that the Listed Building Enforcement Notice is disproportionate, given the nature of this listed building's special interest and the impact of the works. The situation can, in any case, be resolved by the forthcoming Listed Building Consent Application which will show a revision to the scheme to mitigate any perceived harm that the existing plant may cause.