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## Appeal Decision

Site visit made on 25 April 2019

**by Elaine Gray MA(Hons) MSc IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 May 2019**

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### **Appeal Ref: APP/X5210/Y/18/3211699**

### **31 Downshire Hill, London NW3 1NT**

- 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 John Lindsay-Taylor against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/0616/L, dated 4 February 2018, was refused by notice dated 23 April 2018.
  - The proposed works are described as 'this application proposes to move the kitchen from the small front basement room to the larger back basement room and involves the following: a) Removal of some non-original, non-structural wooden partitions. b) Creating a new solid floor, paved with natural stone, on one level in the back room. This floor is presently partly original solid masonry with cork tile finish at one level and partly non-original suspended timber at a lower level. c) Enlargement of the hearth opening of a chimney breast in order to accommodate a range cooker and ventilation hood, with adequate support for the chimney breast remaining above the basement. d) Removal of two alcove cupboard doors and reusing them in a restored pantry cupboard. It is likely that this change will be relocating the doors close to their original positions. e) Reduction of the depth of the pantry cupboard to 600 mm to match standard kitchen units. e) Removing the existing door to the back basement room and reusing it for entry to the reconfigured back room. All indications are that this will be relocating this door to its original position. The rationale behind these changes includes: 1) The present kitchen is too small to allow of any use but food preparation and storage. The larger back room will provide for a kitchen diner. 2) Close study of the doors, pantry cupboard and chimney breast indicate that the kitchen was originally in the back room. It is believed that this proposal will return the building more or less to its original configuration. 3) The need for ventilation under the existing suspended floor in the back room makes the room difficult to heat. An insulated solid floor will offer significant heat savings. 4) The present division of the back basement into room and corridor wastes space'.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the special interest of 31 Downshire Hill, a grade II listed building.

### **Reasons**

3. The appeal site is a terraced house dating from the early 19<sup>th</sup> century. It stands at two storeys high, with a basement. The two bay front elevation has a stucco finish, and incorporates a round arched doorway with a 20<sup>th</sup> century radial

fanlight and panelled door. It has a slated mansard roof with a parapet. The rear elevation is finished in brick, and is plainer in character than the frontage.

4. Internally, the building largely retains the typical townhouse layout whereby the stairs and hallways provide the main means of circulation, and give access to front and rear rooms on each floor. Despite some changes, the original layout remains clearly legible. No 31 is an attractive example of a modest townhouse of its period. It has clearly undergone a number of alterations since it was built. Nonetheless, its historic form, fabric, dimensions and appearance, including the interior, remain largely apparent. These factors all contribute to the significance of the listed building.
5. The appellant makes reference to the document entitled 'Camden Planning Guidance - Design CPG1' (CPG1), which supports the development plan policies. The wording of paragraph 3.23 of CPG1 states that the Council will expect original or historic fabric features to be retained, making a clear distinction between the two. This distinction reflects the wording of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), which requires that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. I note the appellant's stance that architectural interest should prevail over historic interest, but I have not been presented with any compelling legal or policy basis to support this position.

#### *Removal of the timber partition*

6. The proposed works are confined to the rear room and passageway on the basement level, and would facilitate the relocation of the kitchen from the front room to the back. The passageway gives entry to the building from the back door, and incorporates a timber cupboard immediately adjacent to the door, which was previously the location of the larder. The back room is entered by a door off the passageway, and down a shallow step.
7. The proposal would require the removal of the thin timber partition that separates the back room from the passageway. The existing door to the back room would be rehung in the doorway in the corridor. It is apparent that the partition is a later addition to the house, and may have been constructed of timber taken from another building, possibly the next door pub that was demolished in the 1930s.
8. The removal of the partition would create a single volume room that would be accessed directly from the back door. The appellant contends that this would have been the original layout of the space, stating that each of the back rooms originally occupied the full width of the building. However, there is little documentary evidence to demonstrate that this was the case at basement level.
9. From my experience, it is also feasible that an original partition in this location would have served to retain valuable heat within the rear room when the back door was open. Conversely, it would have kept the larder as cool as possible. It is unlikely that the achievement of well-considered proportions in the most utilitarian part of the house would historically have been a priority. Whilst there would have been a door in the corridor, this would have usefully served to keep cold from the passageway from penetrating further into the house. It

does not follow from the presence of such a door that the back room and the adjacent passage were originally one room.

10. The appellant also provides anecdotal evidence that, latterly, the house was in multiple occupation and housed three families. The appellant contends that this circumstance explains the need for both the toilet and the partition. Even if that is so, it is a well-established principle of conservation that the physical and functional evolution of listed buildings is part and parcel of their special interest. It is equally well established that the 'special interest' of a heritage asset falls to be identified on a case by case basis, and is a matter of judgement. Later works, even if they are deemed of lower quality, are often tangible documents of how buildings change over the years, and may therefore hold intrinsic interest. I am therefore unable to accept the appellant's stance that only original fabric or additional good quality 19<sup>th</sup> century work may be deemed to be 'historic', and worthy of preservation in this case.
11. I agree with the Council's position that material taken from a lost building holds a degree of significance, and in my view, it adds a further dimension to the unfolding history of the appeal site. Therefore, the loss of the fabric of the partition would harm the character of the building. Furthermore, it would result in the erosion of the plan form of the basement, which may be original. Even if the existing layout is later, it reflects the social changes to the building, and so its loss would be harmful to the special interest of the heritage asset.

*The replacement of the existing floors*

12. It is also proposed to take up the brick floor in the passage and the timber floor in the room, and replace them with a single insulated concrete floor slab finished with natural stone paving. The new floor level would match that of the timber floor.
13. There can be little doubt that the timber floor is also a later construction. I saw that it sits on a concrete screed, and the narrow width of the boards also indicates a later date. However, there is little evidence to indicate that the floor of the passage is not part of the original fabric of the house. The difference in flooring materials also serves to delineate the separate character of the passage and the back room as two discreet spaces.
14. It is likely that all of the original floor in this location would have been solid, and to that extent, the proposal would reflect this. However, the replacement of the passage floor would harm the listed building due to the loss of original fabric, and thus the integrity and interest of the structure as a whole. As with the partition, the removal of the timber floor would result in the loss of later fabric that nonetheless forms part of the historic evolution of the house. Therefore, its removal and replacement with an entirely modern solution would require clear justification.
15. I note the appellant's concern over building regulations with respect to alternative solutions to the cold and damp problems, which are clearly evident. The damp is no doubt being exacerbated by the current lack of use of the back room. However, it appears that potentially less invasive alternatives have not been fully explored, which would count against the appeal scheme. The removal of the timber floor has therefore not been sufficiently justified.

*The chimney breast and the timber alcove cupboards*

16. Within the back room, a section of the existing chimney breast would be removed to incorporate a new cooker. The submitted drawings indicate the dimensions of the original hearth opening, which was later partially infilled to create a smaller hearth, no doubt following the fashion of the time. However, the proposal would open up a significantly larger section of the chimney breast, necessitating the removal of original brickwork. An area of hearthstone would also be removed, although this appears to be a later addition, and its provenance is unclear.
17. Whilst this would have been the historic location of the cooking stove, and there would be clear merit in potentially reusing the existing flue, these factors would not justify the loss of the brickwork in question. The building would be harmed by the loss of original fabric, and also by the large scale of the new opening, which would be out of proportion to the modest size of the back room.
18. It is also proposed to remove the timber cupboards that are situated in the alcoves on either side of the chimney breast. The doors to the cupboards are clearly of some age. The cupboards themselves may be later, but these simple timber structures make a positive contribution to the character of the room. It is typical to find storage built into such areas, and their plain, simple character speak to the more lowly status of this area of the house, in contrast to the finer joinery found elsewhere in the principle rooms. The plain quality of the cupboards is a direct and tangible representation of the architectural hierarchy that informs the character of the house. Their loss would therefore harm its significance as a heritage asset.
19. I acknowledge the appellant's concern with regard to damp in the area, but it is likely that this could be addressed without the complete loss of the cupboards. For example, they could be removed and refitted if required. Limitations on the design of a contemporary kitchen would not justify the removal of these features.

*The passage cupboard*

20. Whilst the enclosure in the passage was historically, and possibly originally, a larder, it has since converted for use as a toilet. It is proposed to reconfigure the cupboard so that it would have two outward opening doors. The existing doors from the alcove cupboards in the back room would be used for this purpose. Internally, the cupboard would be partitioned and shelved out.
21. These minor changes would not be harmful in themselves, and in principle, the remodelling of the cupboards would be acceptable, providing the joinery detailing was agreed. However, the reuse of the alcove cupboard doors for this purpose would not be acceptable, in view of the harm I have identified above.

*Balance and conclusion*

22. The loss of the plan form would result in an open-plan space would that be predominantly modern in character. Crucially, the proposed changes would remove from the rear basement area both original fabric, and also later 20th century fabric that nonetheless contributes to the special interest of the building. Although I fully accept that the damp problem needs to be tackled, the cumulative detriment of these changes to the character and appearance of the listed building has not been justified. I accept that a number of the

- existing doors would be retained in different locations, but this would not be sufficient to mitigate these concerns.
23. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the listed building. Accordingly, conflict arises with the overarching statutory duty as set out in the 1990 Act, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). In addition, the scheme would fail to comply with Policy D2 of the Camden Local Plan, which resists development that is less than substantial to the significance of a heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
24. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
25. Whilst I fully appreciate the appellant's wish to save fuel by heating the back area more efficiently, and provide more natural light and a higher ceiling, these would amount to private benefits that would not weigh in favour of the appeal scheme. Indeed, it may be that the heat loss and damp problems could be addressed independently of the appeal scheme, and this avenue has not been fully investigated. The proposed changes would represent the personal preferences of the appellant, but there is little evidence that they are essential for the continued beneficial use of the house. Although the appellant states that there is a risk to health from the present conditions of the room, there is no substantive evidence before me that this is the case.
26. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage asset. The harmful elements of the scheme therefore further conflict with the NPPF, which directs, at paragraph 193, that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
27. I have been referred to planning permission 2013/2791/P at 30 Downshire Hill which, among other things, permitted the complete removal of a basement chimney breast for the accommodation of a cooker. However, the full circumstances of this case are not before me, and therefore I cannot be certain that it represents a direct parallel to the appeal scheme. This limits the weight I can give to it in my consideration.

### **Conclusion**

28. For the reasons above, I conclude that the proposal would unacceptably harm the special interest of the listed building. It would therefore conflict with the development plan as a whole, and so the appeal is dismissed.

*Elaine Gray*

INSPECTOR