



The Planning Inspectorate

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NOTICE A - APPEAL ALLOWED (NOTICE QUASHED)

The Lutken-Simmonds Consultancy
Sutherland House
7 Turketel Road
FOLKESTONE
Kent
CT20 2PA

Your Reference:

0103/97

Council References:

L9600847 & P9600846

Our References:

T/APP/F/97/X5210/647277

T/APP/C/97/X5210/647278

Date:

13 JAN 1998

NOTICE B - APPEAL DISMISSED
(NOTICE VARIED)

Dear Sirs

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTION 39 AND SCHEDULE 3
TOWN and COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEALS BY MR A THAWER
LAND AND BUILDING AT ~~ST~~ CHAD'S STREET, LONDON - ~~LISTED~~ GRADE II

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your client's appeals against listed building and planning enforcement notices issued by the Council of the London Borough of Camden concerning the above mentioned land and building. I have considered the written representations made by you and the Council and I inspected the site on 28 November 1997.

LISTED BUILDING ENFORCEMENT NOTICE A

2. (1) The notice was issued on 27 March 1997.
- (2) The contravention of listed building control alleged in the notice is the installation of internal partitioning of the front rooms at basement, ground, first and second floor levels of the premises without the grant of listed building consent for those works.
- (3) The requirements of the notice are that the internal partitioning of the front rooms at basement, ground, first and second floor levels of the premises shall be permanently removed, and the building returned to its former state.
- (4) The period for compliance with these requirements is two months.

PLANNING ENFORCEMENT NOTICE B

3. (1) The notice was issued on 27 March 1997.

(2) The breach of planning control alleged in the notice is, without planning permission, the unauthorised change of use of the premises from three self-contained flats to Hostel accommodation.

(3) The requirements of the notice are that the unauthorised use of the premises as hostel accommodation shall be permanently discontinued, and the premises shall not be used other than as three self-contained flats.

(4) The period for compliance with these requirements is two months.

GROUND'S OF APPEAL

4. Your client's appeal against Notice A is proceeding on grounds (b) and (e) set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991, and his appeal against Notice B is proceeding on grounds (a), (f) and (g) set out in section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991.

The appeal building and its surroundings

5. Your client's property is one of a terrace of 7 early 19th century 3 storey town houses with basements, 5 of which including the appeal building have Mansard roof extensions. The terrace lies within the Kings Cross Conservation area, the character of this part being primarily terraces and squares of similar houses, many of which have been converted to hotels or flats, with other commercial uses in St Chad's Street and the general area. Of those houses in the immediate terrace, Nos.2-6 comprise the Midland Hotel which is owned by your client, while No.7 has been converted into the Clifton Hotel. This leaves only No.1 and the appeal building in residential use. The buildings are generally in good condition and all but Nos.1 and 6 have been painted brown and white, while the restoration work carried out by your clients to No.6 has left the frontage of the property probably in the best external condition in the terrace.

The policy background

6. The adopted Camden Borough Plan and the emerging Camden Unitary Development Plan (UDP) contain policies which seek to increase the quantity of housing in the Borough and encourage family size accommodation. The Council normally resist conversion of residential properties to hotels, hostels or other short term accommodation unless there is no loss of permanent residential floorspace, and schemes for conversion should provide at least one large unit of 4 or more bed spaces and an overall mix of units, most with separate living and bed rooms. In addition, the plans include policies to ensure the protection of listed buildings by controlling alterations and extensions. In considering these appeals, I shall have special regard to the desirability of preserving the listed building and its setting, and of preserving or enhancing the character or appearance of the conservation area, as required of me by section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The appeal against Notice A on ground (b)



[REDACTED]

[REDACTED]

The appeal against Notice A on ground (e)

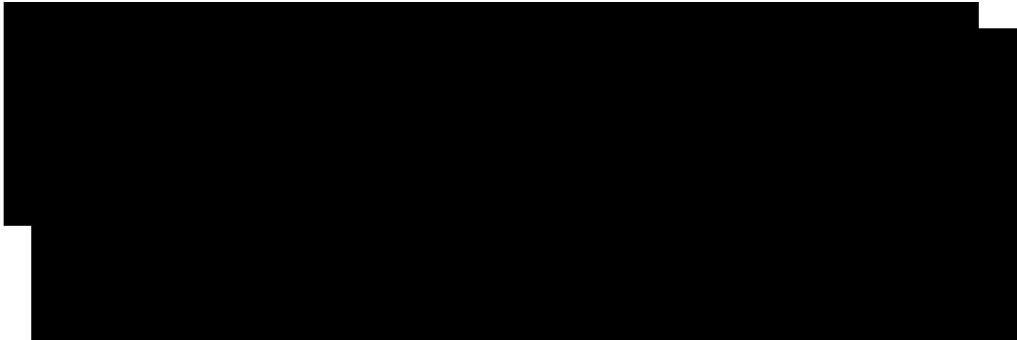
[REDACTED]

[REDACTED]

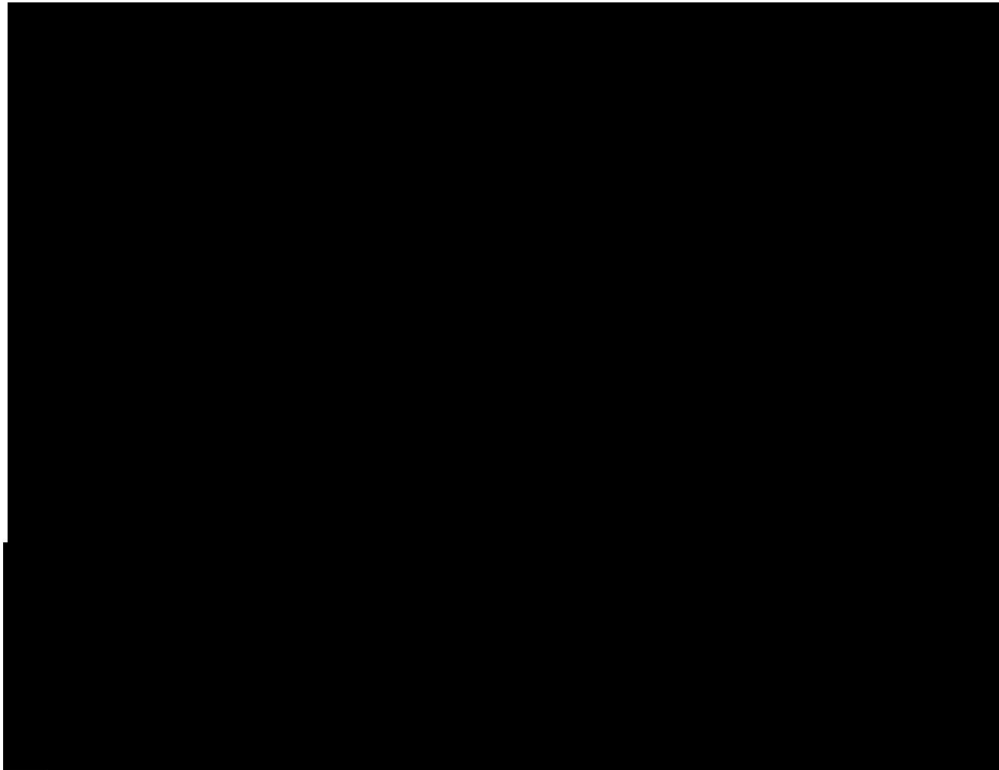
The appeal against Notice B on ground (a) and the deemed application

[REDACTED]

The appeal against Notice B on ground (f)



The appeal against Notice B on ground (g)



CONCLUSIONS

24. My overall conclusion is that the new partitioning has a minimal effect on the character of the listed building, but the change of use to a hostel is contrary to the soon to be adopted housing policies in the UDP and detrimental to the residential character of this part of the conservation area. Although I find the requirements of the notice reasonable, the period for compliance falls short of what should reasonably be allowed.

25. I have taken all the other representations submitted into account, including the Mansard roof extension to the property which, although the planning officer found it to be acceptable, was refused planning permission and listed building consent along with the other alterations, but this is not before me in these appeals. I have therefore found nothing of sufficient substance to outweigh the factors that have led me to my conclusions.

FINAL DECISIONS

26. For the above reasons, and in exercise of the powers transferred to me I hereby determine these appeals as follows:

The appeal against listed building enforcement Notice A
(Ref:T/APP/F/97/X5210/647277)

For the above reasons, and in exercise of the powers transferred to me, I hereby correct the notice by deleting the word "ground" from the second line of the alleged contravention in paragraph 3 of the notice. Subject thereto I allow your client's appeal, quash the listed building enforcement notice as corrected and grant listed building consent for the retention of internal partitioning at basement, first and second floor levels at 6 St Chad's Street, London WC1H 8BD.

The appeal against planning enforcement Notice B
(Ref:T/APP/C/97/X5210/647278)

For the above reasons, and in exercise of the powers transferred to me, I hereby vary the notice by deleting "two months" and substituting "twelve months" for the period for compliance in paragraph 5 of the notice. Subject thereto I dismiss your client's appeal, uphold the planning enforcement notice as varied and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the amended Act.

27. The above decision does not convey any approval or consent required under any enactment, byelaw, order or regulation other than section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RIGHTS OF APPEAL AGAINST DECISIONS

28. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully,


JOHN H MARTIN RIBA MRTPI
Inspector

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