



## Appeal Decision

Site visit made on 17 September 2019

**by JP Tudor BA (Hons), Solicitor (non-practising)**

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

**Decision date: 14 November 2019**

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### **Appeal Ref: APP/X5210/Y/19/3226181**

### **23 Harrington Square, London NW1 2JJ**

- 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 Kaufman against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2018/5167/L, dated 24 October 2018, was refused by notice dated 27 February 2019.
  - The works proposed are internal alterations in association with amalgamation of 2 flats into 1 at ground and first floor levels.
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### **Decision**

1. The appeal is allowed and listed building consent is granted for internal alterations in association with amalgamation of 2 flats into 1 at ground and first floor levels at 23 Harrington Square, London NW1 2JJ in accordance with the terms of the application Ref: 2018/5167/L dated 24 October 2018 and the plans submitted with it subject to the following conditions:
  - 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
  - 2) 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.
  - 3) Before the relevant part of the work is begun, detailed drawings showing the design of the staircase at 1:10 shall 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) The developer shall give the local planning authority 14 days advance notice of the start of any works and, for a period of 7 days or at a specified date and time for a period (not exceeding 4 days) as may be agreed in writing between the appellant and the local planning authority before any work takes place to the closet wing, other than the careful removal of floor boards to expose the structure, access to the building shall be given to the local planning authority or a person/body nominated by it for the purpose of recording the structure between the upper and ground floor of the closet wing by making measured drawings or taking photographs.

## **Preliminary Matters and Background**

2. The description of the proposed works used in the banner heading and decision above is taken from the Council's decision notice and the appeal form, as it more fully describes the proposal than that in the application form.
3. As the appeal concerns a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within section 16 of the National Planning Policy Framework (the Framework).<sup>1</sup>
4. As background, the appellant advises that Prohibition Orders were made by the Council on 20 March 2018 stating that the studio flats 3 and 4, on the ground and first floors of the closet wing of the property, were not large enough for residential occupation. The listed building consent application was subsequently made to combine the two flats into one.

## **Main Issue**

5. The main issue is the effect of the proposed works on the special interest of the Grade II listed terrace at 15-24 Harrington Square, of which the appeal property forms a part.

## **Reasons**

6. The appeal property at 23 Harrington Square comprises four storeys and a basement. It forms part of a terrace of ten Victorian town houses built between 1842 and 1848, which were first listed at Grade II in 1999. Part of the Duke of Bedford's estate, Harrington Square was developed to provide relatively modest, cheaper housing on narrow plots intended to attract the lower-middle classes, such as artisans and clerks, to north London. Originally, the relevant terrace stood adjacent to other terraces overlooking a central triangular garden space. However, as a result of Second World War bomb damage and subsequent redevelopment only the listed terrace on the eastern side of the square remains.
7. The town houses are stuccoed at ground floor, with porticoed entrances to one side and panelled doors reached by a short flight of steps, with spearheaded railings enclosing their half-basements. At first floor level there are pleasingly arched windows with stucco surrounds which open onto small projecting balconies. They are bounded by cast iron railings in a crossed spear pattern. A heavy stuccoed cornice is just above the second floor windows with the buildings resolving at a parapet. While some appear a little shabby, the facades of Nos 16-24 are of generally elegant, consistent design with decorative detailing, albeit the end-of-terrace house at No 15 differs in form.
8. To the rear the elevations have a plainer, functional appearance comprising of London Stock brick with rainwater goods attached, which reflects their less public role. There is also variation with closet wing additions to several houses, some single storey and others two storeys high, including those at Nos 21 and 23, where the brickwork indicates that the second storeys may be later additions. These water closet wings have an evidential value as they are illustrative of the evolution of the London terrace house.

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<sup>1</sup> February 2019

9. Internally, No 23 has been converted into 11 self-contained flats with modern partitions to form bathrooms and kitchens, including within the closet wing which is currently divided into two very small flats. Given the historic function as a water closet addition, it is perhaps unsurprising that Flats 3 and 4 lack internal detailing or significant features. Therefore, there have been changes to the internal plan form of the building, originally a single family dwelling, and the layout of rooms within it.
10. Given the above, the architecture of the terrace, particularly the form and features of its street-facing elevations, is of aesthetic value. Historically, it represents the 19<sup>th</sup> century development of lower-middle class housing in the area as part of the Duke of Bedford's estate. The water closet additions are illustrative of the evolution of town houses during this period, with improved sanitation facilities. Therefore, the special interest of the appeal property and the listed terrace of which it forms a part derive principally from the architecture of their front elevations and their historical associations.
11. It is proposed to amalgamate the two flats, currently housed within the closet wing, into one flat by adding a staircase within the wing between the ground and first floor. A modern mezzanine and fitted wardrobes in the ground floor flat and some partitioning in the first floor flat would be removed to create one new more commodious flat with living accommodation at ground and first floors.
12. The external architectural form and appearance of the building and its closet wing addition would be unaffected by the proposed changes. Therefore, its aesthetic interest would not be compromised, and the exterior of the water closet addition would remain as physical evidence of the historical evolution of such facilities. Its subservient character in relation to the rear elevation would remain intact in the limited public and more extensive private views available.
13. Internally, the Council says that each storey of the closet wing, a subsidiary addition serving the main house, is accessed from the existing original stairwell. It is concerned that the introduction of a stair between the storeys of the closet wing would change its relationship with the main house and alter internal circulation patterns. However, the hallway and main staircase would be unaffected and access to the ground floor flat would be unchanged, whilst it is understood that the existing door at first floor level would remain.
14. The original plan form and layout of rooms within the house has already been significantly compromised by its conversion into 11 self-contained flats, with sundry internal partitioning to provide bathrooms and kitchen areas. Indeed, the Council advises that it has no objection to the removal of the bathroom and non-original partitions in the first floor flat, as that would restore the plan form and internal spatial character of the room. Moreover, the overall internal proportions of the closet wing would be maintained, notwithstanding the insertion of the stair.
15. Therefore, the historic circulation arrangements would be retained as would the subservient relationship of the closet wing to the main house. Thus, there would only be a very modest change as a result of the new circulation introduced within the closet wing.
16. It is further submitted by the Council that the internal stair between the ground and first floor would be an alien feature within the closet wing. Even so, I

consider that a small stair ascending one floor within a discrete two-story rear closet addition would, if sensitively designed, have a minimal effect. Details of the design could be secured by condition. Moreover, as the stair would be enclosed within the flat, it would not be visible from the hallway, main stair or shared parts of the house and would only be experienced by residents of the new more spacious duplex flat.

17. It is also germane that the character of the closet wing appears to have already been altered at some point by its second storey addition and its conversion and use as two residential flats rather than as a water closet. Therefore, legibility of its original function, which the Council suggests would be undermined, is already largely lost other than to those moderately well-versed in the history of mid-19<sup>th</sup> century Victorian town houses.
18. Listed buildings embody information about the past and alterations should be sympathetic to their historic fabric and layout. I have dealt with effects on layout and plan form above. It should be acknowledged that installing the stair would require the removal of some existing fabric. The appellant advises that without invasive investigation, it is not clear how much historic fabric remains between the ground and first floors of the closet wing.
19. The nature and extent of the fabric being lost is relevant in assessing actual harm to the significance of a heritage asset. Here, if historic fabric exists, only a relatively small amount would need to be removed as the intervention required to install the stair would be minimal. It is likely to consist of a small part of the ceiling and parts of floorboards. Therefore, while there may be a loss of historic fabric, which would have some evidential value, the loss would be limited and likely confined to structural material of reasonably common grade and would not, therefore, be a significant loss. Access for recording could be secured by condition prior to the removal of such fabric.
20. Given the limited nature of the proposed works and the extent of previous change to the interior of this modest town house, including its conversion to flats, any effect on the main qualities which contribute to the significance of the listed terrace would be negligible. There would also be a benefit, albeit limited, in the removal of some modern partitions at first floor level which would sufficiently offset any negative effects associated with the modest change to the circulation pattern, confined to the closet wing.
21. Overall therefore, I conclude that the proposed works would not materially harm the special architectural or historic interest of this Grade II listed terrace, of which the appeal property forms a part. As there would be no material harm, there is no requirement for me to consider if there are any public benefits associated with the proposal. It follows that the works would satisfy the requirements of the Act, paragraph 192 of the Framework and policy D2 of the Camden Local Plan (2017), insofar as they all seek to safeguard the significance of designated heritage assets. However, even if I had found there to be a little harm in this case, the public benefits of improving the listed building by removing inappropriate partitions, and by retaining an active and appropriate use for this part of the building would outweigh any such harm.

## **Other Matters**

22. Although the appeal site lies within the Camden Town Conservation Area, as the minor changes are internal and confined to one part of one house, they would not affect the character or appearance of the conservation area.

## **Conditions**

23. The Council has suggested conditions which I have considered, making amendments, if necessary, to ensure compliance with the tests contained in the Framework<sup>2</sup> and the Planning Practice Guidance (PPG). In addition to the usual commencement condition, a condition requiring that the works match existing adjacent work is necessary to preserve the special interest of the building and the listed terrace.
24. Another condition suggested by the Council was in three parts. The appellant questioned the reasonableness of that condition. It included a requirement for its Conservation Officer to inspect the exposed structure. I think that it would be reasonable to give the Council the opportunity to record any historic fabric which may exist between the ground and first floors of the closet wing and have included an appropriate condition.
25. A second element of the suggested condition required further detailed drawings relating to the cutting of the underfloor structures. However, given my findings and that the extent of the opening is shown on the submitted plans, I do not consider that further drawings are necessary in that respect.
26. A third part of the suggested condition required detailed drawings of the design of the staircase to be submitted for approval, which I consider is necessary to ensure that the special interest of the listed building is preserved. Therefore, I have included that requirement within the conditions.

## **Conclusion**

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*JP Tudor*

INSPECTOR

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<sup>2</sup> Paragraph 55