

Appellant's Grounds of Appeal Statement

Listed Building Enforcement Notice EN20/0114

Flat E, 17/18 Harrington Square, London, NW1 2JJ



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Report Reference:

20/5370HER

1. Introduction

- 1.1. This Appeal Statement has been prepared on behalf of the Appellant, 'Gloria Wang'. The Appeal is made following the issue of Listed Building Enforcement Notice Reference EN20/0114 on 01 December 2020 by LB Camden. The Notice was issued following the refusal on 10 November 2020 of Application Reference 2020/2966/L which sought Listed Building Consent for "Insertion of new internal partitions and removal of internal partition walls and doors on 2nd floor (retrospective)".
- 1.2. The Enforcement Notice alleges that the following contravention has been made:
- "Without listed building consent: Internal alterations at second floor level including the erection of partition walls within the two front rooms to create additional bedrooms, the removal of separate sections of internal walls to create larger openings in the hallway, and the removal of three doors in this Grade II listed property."
- 1.3. It is alleged that these works were carried out without the benefit of Listed Building Consent. The Enforcement Notice states that:
- "the unauthorised partition walls to the front rooms crowd the windows creating cramped, narrow and asymmetrical spaces harming the plan form of the historic rooms. The loss of three sections of wall and doors along the hallway results in a loss of historic fabric. Overall the development causes harm to the significance of the listed building contrary to policies A1 (Managing the Impact of Development), D1 (Design) and D2 (Heritage) of the Camden Local Plan."
- 1.4. The Enforcement Notice requires the Appellant, within 6 months of the notice taking effect on 12 January 2021, to:
1. Remove all the partition walls in the front two rooms (rooms facing Harrington Square) to reinstate the original proportions of the rooms;
 2. Reinstall walls, doors and door frames to the kitchen and two front rooms to match the construction method, colour, material, texture and detail of the pre-existing walls and doors; and
 3. Make good on any damage caused as a result of the above works.
- 1.5. This Statement has been prepared by Niall Hanrahan of Planning Potential. Niall has a MSc in Historic Conservation and is also MRTPI accredited. This joint heritage and planning specialism allows him to effectively balance the public benefits of proposals against any identified harm to heritage assets.
- 1.6. The Appellant seeks to appeal the Enforcement Notice on the following grounds:
- Ground B** – that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;
- Ground C** – that those matters (if they occurred) do not constitute such a contravention;

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;

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;

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;

- 1.7. The works have been limited to alterations to modern partitions created to form a central corridor when the building was laterally converted to flats. No historic doors or fabric have been removed. As such, the flat has a modern interior of no intrinsic historic or architectural significance. The installed partitions consist of simple timber and plaster structures and are entirely reversible.
- 1.8. This Appeal Statement provides an assessment of the proposals in relation to the relevant national and local planning policies and demonstrates, with corroboration from past application and appeal decisions, that the flat's interior contains no significance and that the retrospective works have not caused harm to the heritage asset. Further, the works have not jeopardised the potential for historic or architectural significance to be reinstated in the future should the building be converted to a single dwelling once again.
- 1.9. As such, it is argued that Listed Building Consent was not required for the works as the works did not affect the building's character as a building of special architectural or historic interest. It is considered that the significance of the building is principally derived from the architecture of the front elevation and the terrace's historical associations. Ground C is therefore applicable.
- 1.10. Should Ground C not be accepted, and it is considered that Listed Building Consent was required, it is maintained that Ground E is applicable and Listed Building Consent should be granted.
- 1.11. It is considered that the following key points demonstrate clearly why the retrospective proposals have not resulted in harm and would therefore not engage Paragraph 195 or 196 of the NPPF.
 - 1) There is no loss of historic fabric.
 - 2) The internal layout has already been compromised via previous conversion and partitions. This is corroborated by 2014 and 2015 approvals at the application site and the 2019 appeal at No.23 Harrington Square, discussed in Section 3.
 - 3) The works are entirely reversible and will not jeopardise the possibility of reinstating the plan form in the future.
 - 4) The works preserve the asset's significance and enhanced it through uncovering of the chimney breast.
- 1.12. The appeal is also made under Ground H where it is considered that a 6 month compliance period is too short. The flat is occupied by foreign students studying

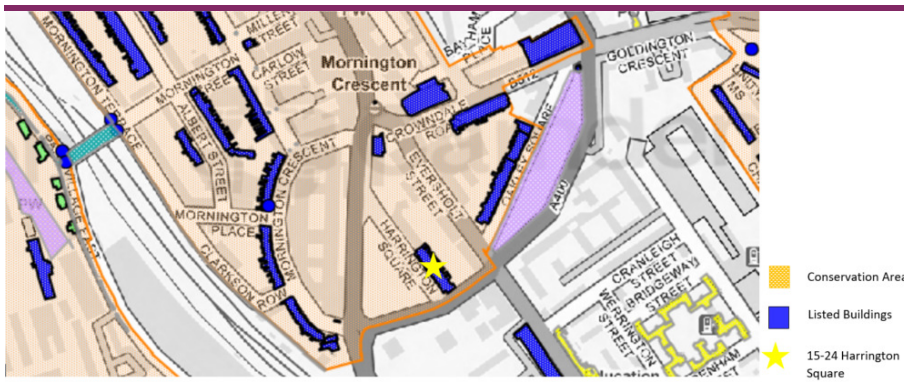
in London and a 6 month period is considered to be unreasonable given the global pandemic and evolving risks for the works to take place and for the current tenants to find alternative accommodation. It is considered reasonable in the current context to allow enough time for a significant change in global circumstances before remedial works to take place. A period of 12 months is suggested as an alternative. Given the reversible nature of the work undertaken, this position would not result in any long term harm.

- 1.13. Finally, the Enforcement Notice identifies the removal of 3 doors and their frames as works requiring Listed Building Consent. The removal of the kitchen door and installation of modern double doors to the front room were permitted under Application Reference 2015/1219/L and therefore it is considered that these alleged works have not occurred. As such, the appeal is made under Ground B.
- 1.14. In requiring a door to be reinstated to the kitchen for compliance with the Enforcement Notice, Ground G is relevant as this requirement exceeds what is necessary to restore the building to its previous state.

2. Site Area and Description

- 2.1. The property is located to the south of Mornington Crescent Underground Station, in the London Borough of Camden, and is arranged over five floors with a lower and upper ground floor.
- 2.2. No.17-18 Harrington Square forms part of the group listing of the terrace of 10 houses known as No.15 to No.24 Harrington Square. The terrace was Grade II listed in 1999 and constructed between 1842-1848 as part of the development of the Duke of Bedford's Estate.
- 2.3. The terrace is characterised by its grey brick façade, cast iron railings, projecting porches, ground floor 4 panes sashes with cambered heads, first floor casements with balcony, and small paned 6 over 6 sash windows to second floor.
- 2.4. The terrace formed the eastern side of a previous square and is included in the Camden Town Conservation Area.

Figure 1: Site Location Plan



Source: Camden Policies Map (2019)

- 2.5. Primary access to the site is via Harrington Square.

Figure 2: Frontage of No.17-18 Harrington Square



Source: Chestertons

- 2.6. The surrounding area is predominantly residential with commercial properties found towards Morning Crescent Underground Station to the north of the site.
- 2.7. The detailed significance of the site is contained in Section 5.

3. Planning History

3.1. Two recent applications were submitted in relation to Flat E at 17/18 Harrington Square. These are listed below:

Reference	Description	Decision & Date
2015/1219/L	Internal Works to Existing Partitions at 1 st Floor Level.	Listed Building Consent Granted 17 March 2015
2014/5267/L	Internal Alterations to Existing Partitions in Order to Create an en-suite Bathroom and the Installation of New Sanitary Equipment.	Listed Building Consent Granted 29 September 2014

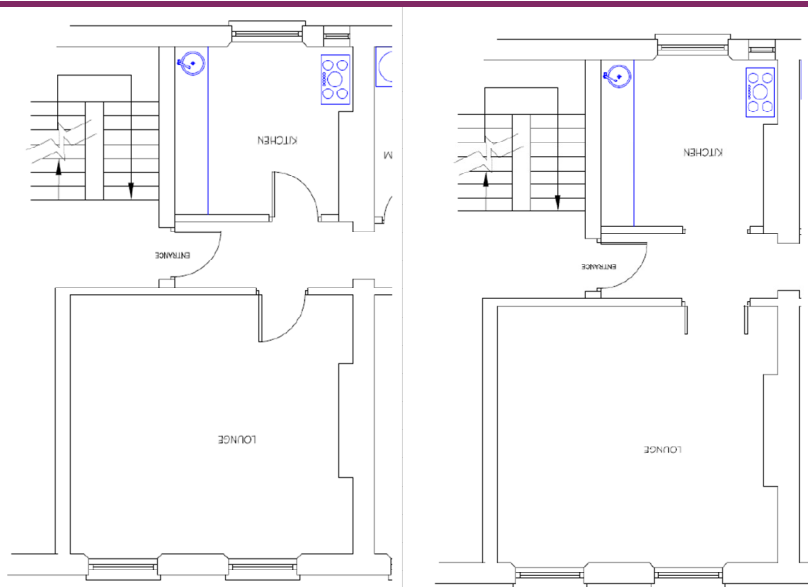
3.2. The 2015 works to existing partitions were approved by the LPA (2015/1219/L) with the reason for granting consent stated as:

Nos. 17 and 18 Harrington Square have been laterally converted and at this floor level a corridor runs through what was originally the rear room of the house to meet the opening in the party wall. Minor modifications are proposed to the door openings in the post war stud wall to the rear room and the spine wall. The opening in the rear wall will not affect historic fabric and any loss from the spine wall would be minimal.

Given the significant alterations to the internal plan form and layout of the buildings, these minor changes are not considered to harm the internal appearance or interpretation of the listed building. The works are considered to preserve the special interest of the listed building.

“Nos. 17 and 18 Harrington Square have been laterally converted and at this floor level a corridor runs through what was originally the rear room of the house to meet the opening in the party wall.”

Figure 3: Existing and Proposed Floorplans



“Given the significant alterations to the internal plan form and layout of the buildings, these minor changes are not considered to harm the internal appearance or interpretation of the listed building. The works are considered to preserve the special interest of the listed building.”

Source: LB Camden

- 3.3. The decision is significant to the appeal as the officer has assessed the significance of the property and made it clear that the lateral subdivision of the house has effectively diminished the plan form of the property.
- 3.4. It is confirmed that the interior of the flat has been subdivided with modern fabric and, from this, we can decipher that the internal fit out is also modern.
- 3.5. It is also pertinent to note that it was this application that allowed the widening of the kitchen opening, removal of its door, and the widening of the opening to front room with insertion of two modern double doors of not historic or architectural significance. It would appear that the Enforcement Notice includes these works as alleged contraventions when they are in fact consented works.
- 3.6. Of relevance to the development, the following applications elsewhere in the terrace should be noted:

Reference	Description	Decision & Date
23 Harrington Square: 2018/5167/L (Appeal Reference: 3226181)	Internal Alterations in Association With Amalgamation of 2 Flats into 1 at Ground and First Floor Levels.	Listed Building Consent Allowed on Appeal 14 November 2019

- 3.7. The 2019 appeal relating to internal works at No.23 Harrington Square included the insertion of a new stair case to link two floors. The Inspector allowed the appeal citing that the conversion of the property to flats had compromised the plan form already. Further, it was concluded that the internal works would not affect the significance of the building which principally derives from the architecture of the front elevation and the terrace’s historical associations. This is discussed in more detail in Section 5.

“It was concluded that the internal works would not affect the significance of the building which principally derives from the architecture of the front elevation and the terrace’s historical associations.”

4. Policy and Guidance

Heritage Legislation

- 4.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary legislation and foundation on which further policy, and guidance relating to the conservation of the historic environment is built. Section 66 of the Act relates to the 'general duty as respects listed buildings in exercise of planning functions', with Section 66 (1) stating that when deciding whether to grant planning permission for a development, special regard must be given by the local authority to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Planning Act 1990, Section 66).
- 4.2. Section 66 (2) of the Act states that "a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings".
- 4.3. Section 72 of the Act relates to the 'general duty as respects conservation areas in exercise of planning functions', with Section 72 (1) of the Act stating that in exercising planning functions, "special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area".

NPPF (2019)

- 4.4. The National Planning Policy Framework, with which all Local Development Plans must comply, constitutes the national level of planning policy and is a material consideration in planning decisions. The NPPF was originally introduced in March 2012 and was subsequently updated and published on 24 July 2018. The 2018 update broadly retains the wording of the 2012 Chapter on Conserving and Enhancing the Historic Environment (Chapter 16). The NPPF was recently updated again (February 2019) in order to provide definitions for housing need. No paragraph numbers changed as a result of this update.
- 4.5. The NPPF represents a continuation of the philosophy contained within Planning Policy Statement 5 (PPS5), introduced in 2010 and one of a number of planning policy documents replaced by the NPPF in 2012.
- 4.6. The NPPF uses slightly different terminology to the Act and emphasises that authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".
- 4.7. 'Conservation' is defined within the NPPF as "the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance".
- 4.8. No definition of 'preservation' (or any variant) is contained within the document. However, Historic England advise that both 'conservation' and 'preservation' are concerned with the management of change which seeks to sustain the special interest or significance of heritage assets. 'Conservation' has the addition of taking opportunities to enhance significance where it is possible and considered to be appropriate. This is discussed in Historic England's 2018 publication *Decisions: Legal Requirements for Listed Building and Other Consents*.

4.9. The NPPF also helps to define other key terms within heritage policy. These are provided within the table below.

Term	Definition
Heritage Assets	“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).” (p.67)
Designated Heritage Assets	“A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.” (p.66)
Significance	“The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” (p.71)
Setting of a Heritage Asset	“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” (p.71)

4.10. Chapter 16 specifically relates to conserving and enhancing the historic environment (paras. 184-202).

4.11. Paragraph 189 stipulates that within applications, applicants are required to describe the significance of the heritage assets affected and the contribution made by their setting. Local authorities should also identify and assess the significance of the heritage assets affected by a proposal. This should be taken into account when assessing the impact of a proposals on a heritage asset (Paragraph 190). Paragraph 192 of the NPPF goes on to state that when determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness. (p.55)

4.12. Paragraphs 193-202 of the document discuss how potential impacts to heritage assets should be considered with paragraph 193 stipulating a requirement for great weight to be given to an asset’s conservation when considering the impact

of a proposed development on its significance. The weight given should reflect the importance of the asset (p.55).

Degrees of Harm

- 4.13. Where harm to the significance of a designated heritage asset is identified, the NPPF requires clear and convincing justification of the proposals. The document categorises levels of harm as: total loss; substantial harm; and less than substantial harm.
- 4.14. Paragraph 195 states that where a development would lead to substantial harm to (or total loss of) the significance of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that such harm is necessary to achieve substantial public benefits that outweigh that harm, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 4.15. Paragraph 196 states that where a proposed development will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 4.16. In the case of impact on non-designated heritage assets, Paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

London Plan (2016)

- 4.17. The London Plan also contains relevant policies for the city-wide context within which individual boroughs must set their local planning policies.
- 4.18. Policy 7.1 – Lifetime Neighbourhoods – states that the design of new buildings and the spaces they create should reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.
- 4.19. Policy 7.4 – Local Character – states that buildings, streets and open spaces should provide a high-quality design response that:
- Has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
 - Contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
 - Is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;

- Allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area;
- Is informed by the surrounding historic environment;

4.20. Policy 7.8 – Heritage Assets and Archaeology – states to safeguard heritage assets. Development is encouraged to:

- Identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- Where it would affect heritage assets and their settings, conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

4.21. In addition to these design and heritage policies, the London Plan also contains policies in relation to housing stock and living standards. Of particular relevance is Policy 3.14 – Existing Housing – which states that the Mayor will, and boroughs and other stakeholders should, support the maintenance and enhancement of the condition and quality of London’s existing homes. Additionally, the policy states that Boroughs should promote efficient use of the existing stock by reducing the number of vacant, unfit and unsatisfactory dwellings, including through setting and monitoring targets for bringing properties back into use. In particular, boroughs should prioritise long term empty homes, derelict empty homes and listed buildings to be brought back into residential use.

LB Camden Planning Policy

Camden Local Plan 2017

4.22. The key policies that would be considered are detailed below:

4.23. **Policy A1** (Managing the Impact of Development) states that the council will grant permission for development unless this causes unacceptable harm to amenity.

4.24. **Policy D1** ‘Design’ states that:

4.25. ‘The Council will seek to secure high quality design in development. The Council will require that development:

- Respects local context and character;
- Preserves or enhances the historic environment and heritage assets in accordance with “Policy D2 Heritage”;
- Is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- Is of sustainable and durable construction and adaptable to different activities and land uses;
- Comprises details and materials that are of high quality and complement the local character;

- f. Integrates well with the surrounding streets and open spaces improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. Is inclusive and accessible for all;
- h. Promotes health;
- i. Is secure and designed to minimise crime and antisocial behaviour;
- j. Responds to natural features and preserves gardens and other open space;
- k. Incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;
- l. Incorporates outdoor amenity space;
- m. Preserves strategic and local views;
- n. For housing, provides a high standard of accommodation; and
- o. Carefully integrates building services equipment.

4.26. The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

4.27. **Policy D2** 'Heritage' states that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

4.28. In relation to conservation areas, the Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

4.29. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and

k. resist development that would cause harm to significance of a listed building through an effect on its setting.

National Planning Practice Guidance

4.30. The NPPG offers guidance as to what public benefits may constitute and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 8). Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

5. Heritage Significance

- 5.1. This Section assesses the significance of the heritage assets potentially affected by the works. Given the works consist only of internal works, the only relevant asset is considered to be the Grade II Listed Nos 17-18 Harrington Square.
- 5.2. The List Entry (1378736) confirms that the terrace (15 to 24 Harrington Square) was Grade II listed on 11 January 1999 and describes the heritage asset as follows:

"Number 15 to 24 and area railings, 15 – 24 Harrington Square Terrace of 10 houses, forming east side of the former square. 1842-48. Grey brick, No.19 reddened, No.21 painted, over stuccoed ground floor. Slate roofs. 4 storeys and basements, No.15 with attics, all 2 windows wide. No.15 terminates terrace, projects forward with wider main bay and entrance with Doric door surround in narrower bay to side. The other houses with projecting porches. No.17 now with window, the others with panelled doors, that to No.19 with raised and fielded panelling. Upper windows with small paned sashes, those to Nos 21 (wholly) and 16 (partly) replaced; first floor with casements opening on to projecting balconies with cast-iron railings of crossed spear pattern set in round-arched rendered surrounds, all save Nos 19 and 22 with rosettes in spandrels. Ground floor with 4-light sashes under cambered heads. Heavy stuccoed cornice over second floor. Rendered parapet to Nos 15-21 and No.24; that to Nos 23 and 24 renewed in machicolated brick. INTERIORS not inspected. SUBSIDIARY FEATURES: railings with spearhead finials to all areas."

- 5.3. The Camden Town Conservation Area Appraisal discusses Harrington Square as follows:

"Harrington Square has been much altered. It was originally laid out as a planned mid 19th century composition, comprising two terraces overlooking a triangular open space, separated from Mornington Crescent Gardens by Hampstead Road. Part of the east side remains, a stucco-trimmed yellow stock brick terrace dating from 1834 with arched first-floor windows set in stucco panels. The northernmost stretch of this terrace was destroyed by World War II bomb damage, and has been replaced by a post-war housing block, Hurdwick House, which does not attempt to blend with its historic neighbour. The terrace on the south side of the square was demolished for local authority housing redevelopment in the 1960s. Today the gardens are overshadowed by the towers of the high-rise Amptill Square Estate (situated outside the Conservation Area). Nonetheless, Harrington Square Gardens are the most significant green open space within the Conservation Area, containing a good tree group, shrubs and lawns."

Historic Development of Harrington Gardens and Terrace

- 5.4. 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.

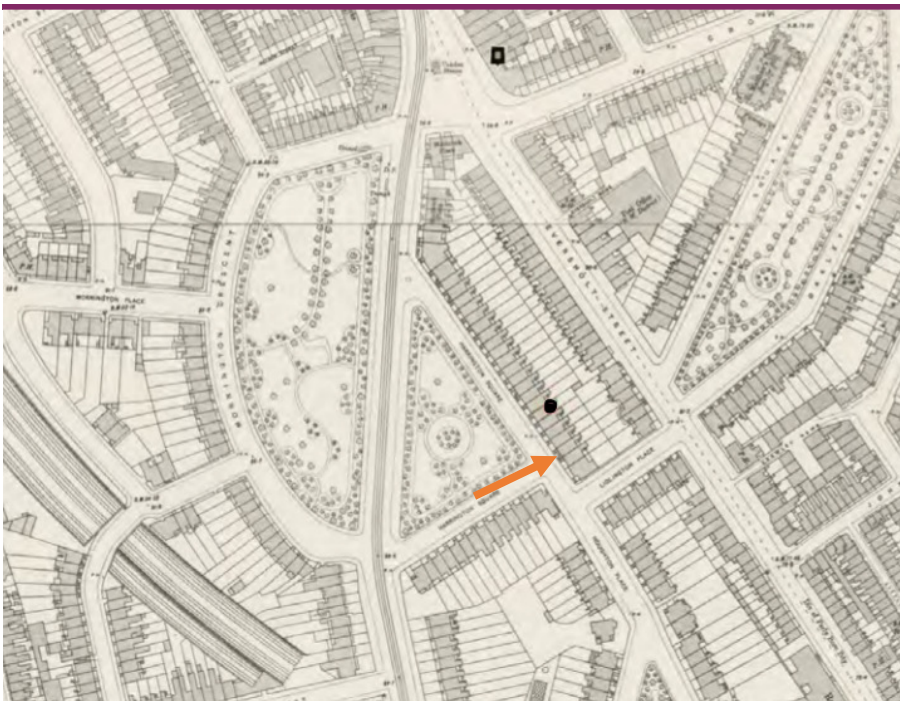
Figure 4: OS Mapping from 1876 and 1874-82



Source: OS

5.5. The development of the Estate in 1842-8 included the houses in Oakley Square, in what was known as Bedford New Town on the Duke's Figs Mead Estate.

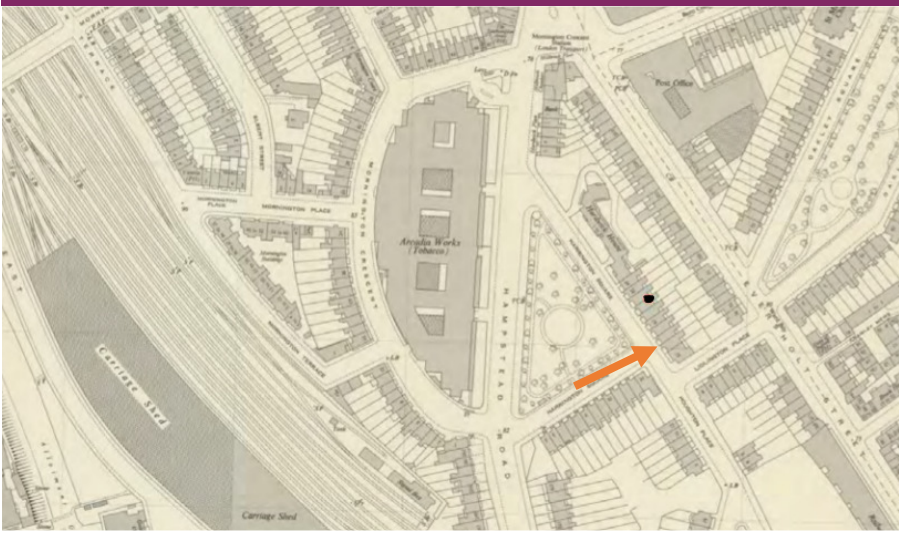
Figure 5: OS Mapping from 1893-6



Source: OS

5.6. The triangular enclosure in front of Harrington Square was laid out in 1843 and planned in conjunction with the former segmental Mornington Crescent Gardens which were lost in 1926 when the Carreras Tobacco Factory was built to the designs of M & O Collins.

Figure 6: OS Mapping from 1940s



Source: OS

- 5.7. The surviving terrace once formed the eastern end of the square with the terraces overlooking a central triangular garden space. As a result of WWII bomb damage, only the south eastern section of the square survives today. The terrace to the south was replaced by local authority housing development in the 1960s.

House Style and Significance

- 5.8. The style of the terrace properties is typical of the house plans that evolved from Georgian and Regency pattern books. The upper ground floor and steps leading up would be the main access to the property whilst the separate stair to the lower ground floor would lead directly to the service quarters in the basement.

Figure 7: Frontage of No.17-18 Harrington Square



Source: Chestertons

- 5.9. The ground floor would typically have a central hall leading to the front and rear rooms. The upper floors typically had a front and rear room. The front room on the first floor was a particularly important space and in the case of Harrington

Square, this space would include access to a portico balcony. This arrangement was decimated with the conversion of many of the terraces to multiple flats.

- 5.10. Architecturally, the terrace of town houses are relatively uniform with stucco fronted ground floors and grey brick above. Portico entrances project out and allow for a balcony above, accessed via arched windows with stucco surrounds.

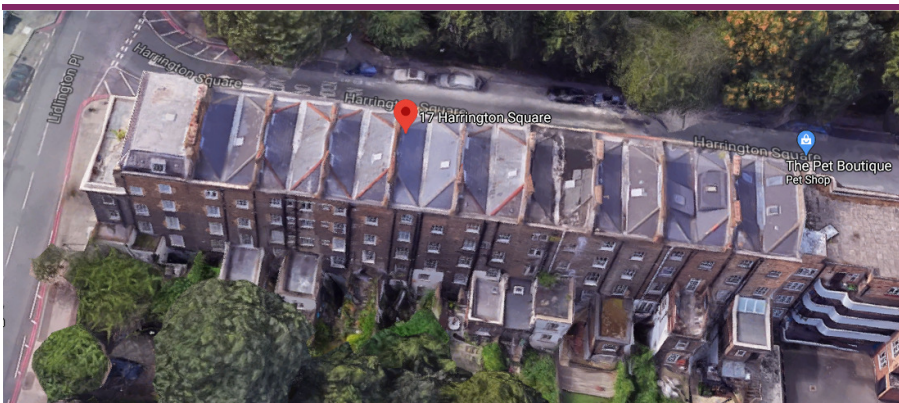
Figure 8: Aerial View of Terrace Frontages and Roof Form



Source: Google

- 5.11. The properties are accessed via Harrington Square with a short flight of stairs up to a panelled door with fanlight. Cast iron railings can be found to the front of the properties as well as on the portico balconies where they are found in a crossed spear pattern.
- 5.12. The properties have a heavy stuccoed cornice with parapet above. Hipped roofs are consistent across the terrace.
- 5.13. The rear elevations are much plainer and have a functional appearance. Their less public role is demonstrated through the use of London Stock brick and rainwater goods. Properties have either a single or double storey closet wing.

Figure 9: Aerial View of Terrace Rear and Closet Wings



Source: Google

Interiors

- 5.14. The internal configuration of 17-18 Harrington Square has been significantly altered. Once two single dwellings, the properties have been amalgamated and converted into flats.
- 5.15. Flat E now straddles the two properties and the original floorplan is practically unreadable as a central corridor has been created running from east to west. The original chimney breasts are, however, still evident and act as the last remaining understanding of how the properties may have been configured (i.e. with a front and rear room). As such, the existing doors are not original and hold no significance.

Figure 10: Front Room Prior to Retrospective Partitions and With Covered Chimney



Source: Chestertons

- 5.16. As expected from a property that has been amalgamated with another and a central corridor instated via modern partitions, the internal décor is also modern and of no architectural or historic significance. This is further evidenced by the fact that the modern en-suite bathroom has been decorated to match the rest of the room, and indeed the property.
- 5.17. This assertion is corroborated by the Inspector's conclusions (Paragraph 10) for a recent appeal (Reference: 3226181) at No.23 Harrington Square, which forms part of the same listing. Within that appeal, the Inspector emphasises the significance of the exterior and notes that works to the interior would not harm this significance.
- 5.18. At Paragraph 14 the Inspector acknowledges the original plan form and layout of rooms within the house has already been significantly compromised by its conversion into flats. In this example, the Inspector took the decision that the inclusion of a stair within the closet wing would have a minimal effect on the property. Notably, the proposals contained within this application would be significantly less intrusive than the insertion of a stair.

- 5.19. Similarly, works to existing partitions in Flat E (the appeal site) were approved by the LPA (2015/1219/L) with the reason for granting consent stated as:

Nos. 17 and 18 Harrington Square have been laterally converted and at this floor level a corridor runs through what was originally the rear room of the house to meet the opening in the party wall. Minor modifications are proposed to the door openings in the post war stud wall to the rear room and the spine wall. The opening in the rear wall will not affect historic fabric and any loss from the spine wall would be minimal.

Given the significant alterations to the internal plan form and layout of the buildings, these minor changes are not considered to harm the internal appearance or interpretation of the listed building. The works are considered to preserve the special interest of the listed building.

Significance

- 5.20. It is clear that the terrace's interiors have been significantly altered over time, most notably when converted to flats. The historical association of the surviving terrace to development in the area during the mid 19th Century is of significance, as is the uniform architectural character of the front elevations.

Architectural Interest

- 5.21. The terrace has architectural significance deriving from the form and features of the front elevation.

Historic Interest

- 5.22. The terrace has historic significance deriving from its representation as a 19th Century development of lower-middle class housing in the area as part of the Duke of Bedford's Estate. The terrace is surviving fabric from the previously larger square.

Archaeological Interest

- 5.23. The site is not located within an Archaeological Priority Area and it is considered that the area is of no obvious archaeological importance.

Artistic Interest

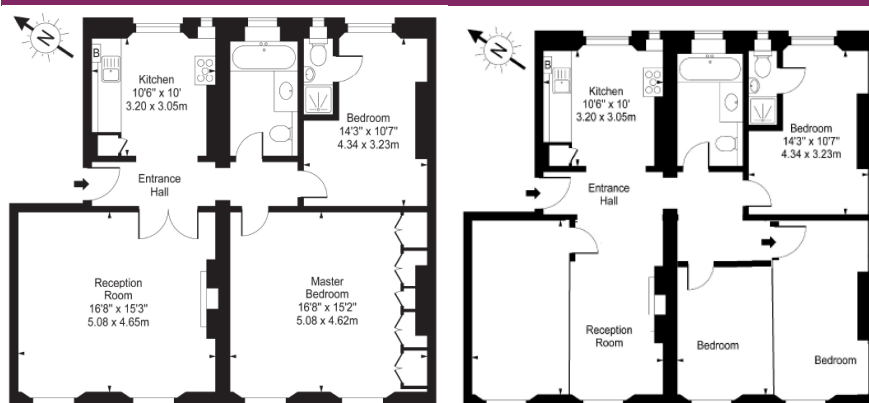
- 5.24. The property has limited artistic interest.

6. Works Undertaken and Enforcement Notice Details

Works Undertaken

- 6.1. The works undertaken consist of the following:
- Insertion of three partitions to create two additional bedrooms.
 - Removal of modern doors and part of a modern partition.
 - Uncovering of Master Bedroom chimney breast via the removal of modern fitted wardrobes.
- 6.2. The retrospective proposals have no impact on significance of the Grade II listed building.

Figure 11: Existing and Proposed Floorplans Submitted under Ref: 2020/2966/L



Source: Chestertons

Enforcement Notice Details

- 6.3. The Enforcement Notice (Reference EN20/0114) alleges that the following contravention has been made:

“Without listed building consent: Internal alterations at second floor level including the erection of partition walls within the two front rooms to create additional bedrooms, the removal of separate sections of internal walls to create larger openings in the hallway, and the removal of three doors in this Grade II listed property.”

- 6.4. It is alleged that these works were carried out without the benefit of Listed Building Consent. The Enforcement Notice states that:

“the unauthorised partition walls to the front rooms crowd the windows creating cramped, narrow and asymmetrical spaces harming the plan form of the historic rooms. The loss of three sections of wall and doors along the hallway results in a loss of historic fabric. Overall the development causes harm to the significance of the listed building contrary to policies A1 (Managing the Impact of Development), D1 (Design) and D2 (Heritage) of the Camden Local Plan.”

- 6.5. The Enforcement Notice requires the Appellant, within 6 months of the notice taking effect on 12 January 2021, to:

1. Remove all the partition walls in the front two rooms (rooms facing Harrington Square) to reinstate the original proportions of the rooms;
2. Reinstall walls, doors and door frames to the kitchen and two front rooms to match the construction method, colour, material, texture and detail of the pre-existing walls and doors; and
3. Make good on any damage caused as a result of the above works.

7. Appellant’s Grounds for Appeal

7.1. The Appellant seeks to appeal the Enforcement Notice on the following grounds:

Ground B – that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

Ground C – that those matters (if they occurred) do not constitute such a contravention;

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;

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;

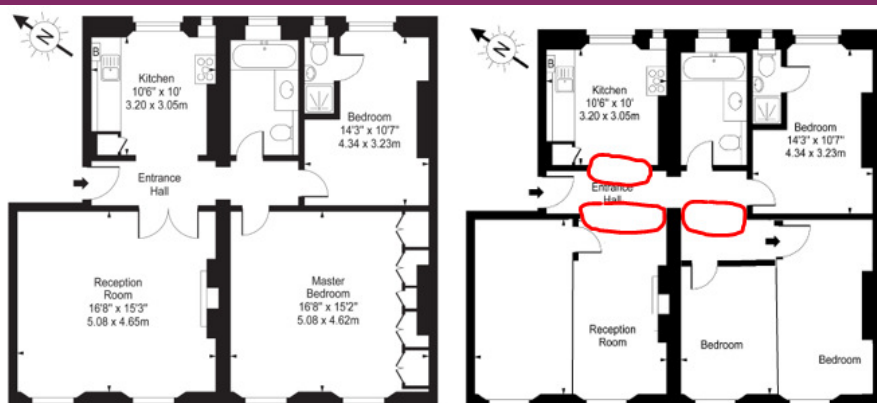
Ground H – that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;

Ground B

7.2. The Enforcement Notice identifies ‘the loss of 3 sections of walls and doors’; however, clarity is not provided in terms of the exact location of the alleged contraventions.

7.3. In requiring the Appellant to ‘reinstate walls, doors and door frames to the kitchen and two front rooms’ it is assumed that the Council are referring to the three areas identified below.

Figure 12: Existing and Proposed Floorplans Submitted under Ref: 2020/2966/L



Source: Chestertons

7.4. Although the Enforcement Notice is not entirely clear, should this be the case, then it is considered that the alleged works to the kitchen have not taken place. Those specific works were applied for and subsequently approved by LB Camden under Listed Building Consent Reference 2015/1219/L.

- 7.5. Also approved under 2015/1219/L was the removal of a single door and its replacement with a double door to the front room, opposite the kitchen. These doors, as with all of the other doors in the flat, are modern.

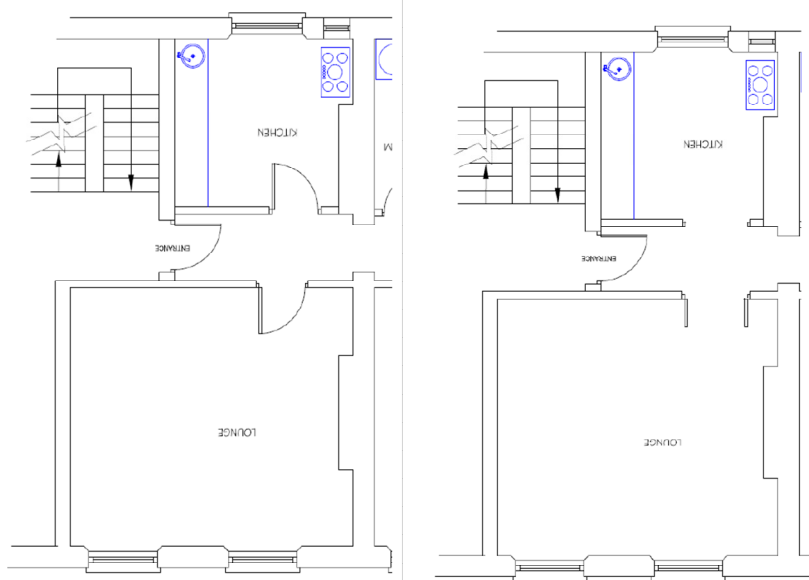
Ground C

- 7.6. In specific relation to the removed doors, all of these doors were modern, associated with the conversion of the building to flats, and held no historic or architectural significance.
- 7.7. As discussed under Ground B, the double doors were installed within the last 5 years and the kitchen door was removed, with consent, at the same time. All of those works consented under 2015/1219/L involved the loss of doors, their frames and surrounding fabric. The Conservation Officer at that time commented:

Nos. 17 and 18 Harrington Square have been laterally converted and at this floor level a corridor runs through what was originally the rear room of the house to meet the opening in the party wall. Minor modifications are proposed to the door openings in the post war stud wall to the rear room and the spine wall. The opening in the rear wall will not affect historic fabric and any loss from the spine wall would be minimal.

Given the significant alterations to the internal plan form and layout of the buildings, these minor changes are not considered to harm the internal appearance or interpretation of the listed building. The works are considered to preserve the special interest of the listed building.

Figure 13: Existing and Proposed Floorplans Approved under 2015/1219/L



Source: LB Camden

- 7.8. The decision is significant to the appeal as the officer has assessed the significance of the property and made it clear that the lateral subdivision of the house has effectively diminished the plan form. It is confirmed that the interior of the flat has been subdivided with modern fabric and, from this, we can decipher that the internal fit out is also modern.

- 7.9. Further to this, the Inspector for the 2019 appeal relating to internal works at No.23 Harrington Square (Application Reference 2018/5167/L & Appeal Reference 3226181) concluded that the internal works (including a stair connecting two floors) would not affect the significance of the building as the conversion of the property to flats had compromised the plan form already. It was considered that the significance of the listed building was principally derived from the architecture of the front elevation and the terrace's historical associations.
- 7.10. Given the flat has a modern interior of no intrinsic historic or architectural significance and the installed partitions consist of simple timber and plaster structures which are entirely reversible, it is suggested that Listed Building Consent was not required for the works to take place.

Ground E

- 7.11. Should Ground C not be accepted, and it is considered that Listed Building Consent was required, it is maintained that Ground E is applicable and Listed Building Consent should be granted.
- 7.12. In light of the discussion within Section 5 of this Statement, a clear and compelling case has been made, using substantial evidence, that the interior of the application site has limited historic or architectural significance. This is a result of the amalgamation of two dwellings, their conversion to flats and the modern additions required to do so.
- 7.13. The proposals allow for the removal of part of a modern partition and removal of modern doors. Two new bedrooms have been created through the insertion of three partition walls of simple construction with a wooden frame and plaster finish. These rooms are of a good standard and are significantly larger than the minimum technical standards for a single person bedroom.
- 7.14. Crucially, the works avoid affecting any historic fabric but do expose a previously covered chimney breast.
- 7.15. No harm has been identified and it is considered that paragraphs 195-196 of the NPPF (2019) are therefore not engaged by the retrospective works which are considered to comply with local policy.
- 7.16. The following key points demonstrate clearly why the retrospective proposals have not resulted in harm and Listed Building Consent should be approved without delay.
- 1) There is no loss of historic fabric.
 - 2) The internal layout has already been compromised via previous conversion and partitions. This is corroborated by 2014 and 2015 approvals at the application site and the 2019 appeal at No.23 Harrington Square, discussed in Section 3.
 - 3) The works are entirely reversible and will not jeopardise the possibility of reinstating the plan form in the future.
 - 4) The works preserve the asset's significance and enhance it through uncovering of the chimney breast.

“A clear and compelling case has been made, using substantial evidence, that the interior of the application site has limited historic or architectural significance.”

Ground G

- 7.17. In requiring a door to be reinstated to the kitchen for compliance with the Enforcement Notice, Ground G is relevant as the requirement exceeds what is necessary to restore the building to its previous state.
- 7.18. As discussed under Ground B, these works were consented under 2015/1219/L.

Ground H

- 7.19. It is considered that a 6 month compliance period is too short. The flat is occupied by foreign students studying in London and a 6 month period is unreasonable given the global COVID-19 pandemic, and the evolving risks associated, for the works to take place safely and for the current tenants to find alternative accommodation.
- 7.20. It is considered reasonable in the current context to allow enough time for a significant change in global circumstances before remedial works should take place. A period of 12 months is suggested as an alternative. Given the reversible nature of the work undertaken, this position would not result in any long term harm.

8. Summary

- 8.1. This Appeal Statement provides an assessment of the works in relation to the relevant national and local planning policies and demonstrates, with corroboration from past application and appeal decisions, that the flat's interior contains no significance and that the retrospective works have not caused harm to the heritage asset.
- 8.2. As per the Inspector's conclusions regarding the 2019 appeal at No.23 Harrington Square, which forms part of the same listing as the appeal site, it is considered that the significance of the building is principally derived from the architecture of the front elevation and the terrace's historical associations. The conversion of the property to flats has compromised the plan form already and no harm is considered to arise from the internal works.
- 8.3. For the reason set out in Section 7, it is requested that the Enforcement Notice be quashed. Should it be concluded that Consent would have been required, it is requested that Listed Building Consent should be granted.