

Delegated Report	Analysis sheet		Expiry Date:		25/12/2020
	N/A		Consultation Expiry Date:		10/01/2021
Officer			Application Number(s)		
Nathaniel Young			2020/5037/L		
Application Address			Drawing Numbers		
48 Mornington Terrace London NW1 7RT			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Removal and installation of replacement sash windows and drainage pipe (front elevation); alterations to internal walls and plan form; new/replacement shutters, flooring, ceiling, and fireplaces and surrounds; replacement staircase; alteration to front lower ground steps; rendering of vault; alterations to joinery; removal of rear wall and erection of fully glazed full width rear extension and glass roof to rear return (retrospective).					
Recommendation(s):		Refuse listed building consent			
Application Type:		Listed building consent			
Conditions or Reasons for Refusal:		See Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	04	No. of objections	04
Summary of consultation responses:		<p>Site notice: 16/12/2020 – 09/01/2021 Press notice: 17/12/2020 – 10/01/2021</p> <p>Four objections were received from the occupiers of No 52A Mornington Terrace, an address to the rear of the application site on Albert Street and an unknown address who raised the following concerns:</p> <ul style="list-style-type: none"> • New windows on top floor do not align with the other rear windows of the property – incongruous. • Glass roof constructed over one of the listed windows is architecturally out of keeping. Unacceptable to conceal an original window in this way and thus ruin what is otherwise a uniform terrace in this respect. • Elevated outdoor terrace result in unacceptable loss of privacy – intrusive. • Light pollution caused by excess of glass used in basement 			

construction – detrimental impact on Albert street residents.

- Suggestions made by applicant that the rear of the property is not visible and of a wide variety (or “eclectic”) arrangements is disputed – architectural uniformity has been observed by objector at a number of Mornington Terrace addresses.
- Applicant has not resided in property for four years despite claiming in a previous outbuilding application that more space was needed to accommodate their ‘growing family’. Application site has been let out on a series of short-term lets on a continuing basis.
- Alterations to the rear of the application property, the use of black metal frames is incongruous with character and appearance.
- Catalogue of alterations to listed building is a criminal offence. Key original features that are prized in other listed buildings are dismissed as unimportant in the accompanying heritage statement – shutters, sash windows, marble fireplaces, floors and internal walls shown in the ‘before’ photos are all period correct., appear authentic and have been removed with no demonstrable benefit to the originality or heritage value of the house.
- Waste pipework installed to the front elevation is highly damaging – indicating that internally services have been relocated requiring this inappropriate intervention to the front façade.
- Replacement of the windows to this building for double glazed variants not appropriate. Aside from appearance, the additional weight of the glass requires the whole sash box arrangement to be removed. The removal of the entire window also alters the sight-lines as the box and counterweights are much larger – a fundamental alteration not preserving or enhancing the listed building. Careful repair of any decay and the use of secondary glazing would be the appropriate route.
- Roof detail drawing shows PIR insulation has been fitted between the rafter with timber planking as a visible finish. This is far more than the removal of historic fabric, this is a highly dangerous flammable ceiling on top of the same insulation that caused the Grenfell disaster.
- Basement floor 70cm higher than the base of the wall – this is highly unusual and greater proof needs to be shown regarding this detail, as if the walls have been underpinned to create 70cm extra head height, then this is significant structural alteration affecting the security of the adjoining properties.
- Objections made regarding the use of the lower ground floor as an office – this is addressed under concurrent application ref: 2020/5040/P

Officer response

- *Officers generally agree with the points raised above. Refusal is recommended due to the unacceptable harm caused to the heritage asset and wider conservation area.*
- *It is not considered that the rear terrace causes a sufficient loss of privacy as to warrant refusal on these grounds.*
- *Whether the applicant resides in the property or lets it out is not a material consideration.*
- *Any objections raised related to the change of use of the lower ground floor of the application property is addressed under application ref: 2020/5040/P.*

Camden Town CAAC

- The Camden Town CAAC strongly objects to this retrospective application. The very extensive works undertaken without consent would not have been approved had a Listed Building application been made prior to construction, and it is important that this fact is taken into account when determining this application. As such the Committee considers that granting retrospective approval for the works as set out would be wholly inappropriate and unacceptable, and would neither preserve nor enhance the Conservation Area. It would also potentially set a dangerous precedent.
- Substantial loss of original timber joinery (windows, shutters etc.) and other notable interior features (fireplaces and surrounds).
- Extensive alterations to the internal plan form which are considered harmful to the special interest of the building, along with removal of the top floor ceilings to create a mezzanine level, and plaster on the walls.
- Resizing of the lower ground floor window, which is an alteration to the front facade, has resulted in a window with incorrectly proportioned glazing panes.
- Addition of a soil pipe to the front elevation is particularly egregious and results in substantial disfigurement to the primary façade
- Removal of the rear wall at the basement level and addition of a full width fully glazed rear extension which rises above basement level is considered detrimental to the rhythm of the rear elevation of the terrace, and the glass roof to one side of the rear extension at ground level creates what becomes in volume a full width extension at ground floor too - again a move that has been refused in a number of other applications.
- Applicant should be required to reinstate the most important historic features in a like-for-like manner using historically appropriate materials, including the previous more cellular nature of the plan form.

Officer response

- *Officers agree with the points raised above. Refusal is recommended due to the unacceptable harm caused to the heritage asset and wider conservation area.*

Site Description

The application site is located on the eastern side Mornington Terrace and relates to an early Victorian mid-terrace residential property.

The site is located within the Camden Town Conservation Area, it contains a Grade II listed building and is identified as making a positive contribution to the character of the conservation area.

Relevant History

48 Mornington Terrace (application site)

09/10/2018 - Listed building consent **granted** for details of existing landscaping and proposed maintenance as required by Condition 1 of appeal decision relating to enforcement notice EN14/0974 issued 10/11/2017 (**Ref: 2018/3880/L**)

21/07/2015 - Planning permission and listed building consent refused for the erection of full width rear extension at lower and ground floors (retrospective) (**Refs: 2014/7441/P & 2014/7506/L**). The applications were refused for the following reason:

The proposed development, by reason of its design, scale, bulk and location, has a detrimental impact on the appearance, setting and special interest of the host listed building and on the setting of the wider terrace of listed buildings. As such the proposal would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policy DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.

21/07/2015 - Planning permission and Listed Building Consent refused for the erection of a garden room in the rear garden (retrospective) (**2014/7412/P** and **2014/7447/L**). The reason for refusal is as follows:

The development, by reason of its design, scale, bulk and location, has a detrimental impact on the character and appearance of the Camden Town conservation area, on the appearance and setting of the host listed building and on the setting of the wider terrace of listed buildings. As such the proposal is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.

An enforcement notice was subsequently issued on 10th November 2017(Ref: EN14/0974). The notice required that within 3 months of it taking effect the owner is required to: Totally remove the black metal and glass outbuilding from the rear garden, and Make good any damage done as a result of the above works.

The notice was subsequently appealed against on ground A and the appeal was allowed and the notice quashed on 29th June 2018 (APP/X5210/C/17/3191981, 3191982 & 3191983)

08/04/2014 - Planning permission and listed building consent **granted** for external and internal alterations for erection of single storey rear extension on basement level, new rear lightwell with balustrade and replacement of rear ground floor windows of rear extension to dwellinghouse and associated internal alterations (Class C3). (Ref: **2013/6592/P** & **2013/6742/L**)

02/09/2013 - Planning permission and listed building consent **refused** for the erection of rear extension at lower ground floor level of existing dwelling (Class C3), associated landscaping and internal alterations. (Ref: **2013/4379/L**, **2013/4286/P**). The applications were refused for the following reason

The proposed extension, by reason of its bulk, mass, and inappropriate detailed design (including use of the roof as a terrace with the balustrade and steps), would be an uncharacteristic addition which would detract from the appearance and special architectural and historic interest of the grade II listed building, wider terrace and Conservation Area. This would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

13/06/2013 - Planning permission and listed building consent **refused** for the erection of basement and ground floor rear extension with first floor rear extension above, new rear lightwell with associated landscaping, glass canopy over front lightwell and internal alterations to existing dwelling (Class C3). (Refs: **2013/2239/P** & **2013/2343/L**). The applications were refused on the following grounds:

Planning permission:

1. *The proposed extensions, by reason of their inappropriate detailed design, scale, bulk and height on the rear elevation would be an incongruous and obtrusive addition to the building which would detract from the appearance and special architectural and historic interest of this terrace of Grade II listed*

buildings and the wider Conservation Area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed glass canopy would be an uncharacteristic feature to the existing building and would have an adverse impact on the special architectural interest of the listed building, contrary to policy CS14 (Promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. By virtue of their size and position the proposed rear extensions would have a detrimental impact on the daylight received by the residents at 49 Mornington Terrace. This would be contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Plan.

Listed Building consent:

1. The proposed extensions, by reason of their inappropriate detailed design, scale, bulk and height on the rear elevation would be an incongruous and obtrusive addition to the building which would detract from its appearance and special architectural and historic interest contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed glass canopy would be an uncharacteristic feature to the existing building and would have an adverse impact on the special architectural interest of the listed building, contrary to policy CS14 (Promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. The proposed internal alterations at second floor level would harm the historic plan form of the listed building and thereby detract from its special interest, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

09/10/2008 – Listed building consent **granted** Mass concrete underpinning to the single storey rear extension (**Ref: 2008/3295/L**)

Relevant Enforcement History:

07/10/2014 - Complaint received in respect to considerable modifications to the basement, in addition to a large building being constructed of breeze-blocks at the bottom of the garden **EN14/0974** – **unauthorised outbuilding-Subject to enforcement. Notice issued on 10/11/2018 and subsequently quashed on appeal. Case closed**

EN15/0212 - Unauthorised works to listed building including rear ground floor and basement extensions, partial change of use in basement to architect's office and various other alterations throughout without planning or listed building consent. **Subject to enforcement**

EN20/0163 - Change of use of the basement from residential to an office, unauthorised lower ground and ground floor extension and internal works. **Subject to enforcement**

Relevant policies

National Planning Policy Framework 2019

The London Plan 2021

Camden Local Plan 2017

D1 Design

D2 Heritage

Camden Planning Guidance 2021

CPG Design

CPG Home Improvements

Camden Town Conservation Area Statement (2007)

Assessment

1.0 Proposal

1.1 This is a retrospective application for works which have already been carried out. There are 28 items listed in the application.

The D&A Statement lists the works as follows:

Lower ground floor

- 1) Removal of front sash window and installation of an enlarged sash window
- 2) Removal of original spine wall
- 3) Removal of original rear wall
- 4) Chimney breast removed
- 5) Staircase removed. New design appears temporary.
- 6) Floor depth lowered throughout
- 7) Introduction of a fully glazed full width rear extension
- 8) Rendering of vault to create bathroom
- 9) Reordering of front garden basement steps
- 10) Change of use of the basement from residential to offices

Ground floor

- 11) Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing
- 12) Removal and replacement of marble chimney pieces and hearths
- 13) Removal of double doors between principal rooms and the installation of metal frame
- 14) Modification of shutters
- 15) Replacement flooring
- 16) Glass roof to rear return

First floor

- 17) Removal of chimney pieces and hearths
- 18) Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing
- 19) Installation of louvred shutters
- 20) Replacement flooring

Second floor

- 21) Works on the second floor include the introduction of glazed screens and the installation of a bathroom, timber cladding, bathroom drainage
- 22) Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing
- 23) Installation of louvred shutters
- 24) Replacement flooring

Third floor

- 25) Removal of the plaster ceilings and wall plaster and exposed brick
- 26) Replacement flooring and floor boarded ceilings
- 27) Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing

Front elevation

- 28) Drainage pipe from second floor bathroom

2.0 Design and heritage

2.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of

design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.2 Local Plan Policies D1 and D2 are consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF (2019) which seeks to preserve and enhance heritage assets, and do not permit the loss of or harm to a designated heritage asset, including conservation areas and Listed Buildings.

2.3 The application property was visited by the Council's conservation officer prior to any of the works listed above being carried out in 2014. The current owner/applicant showed the conservation officer around the property. It was evident that the house was in virtually its original form and that it had been occupied up until very recently.

2.4 The historic plan form was clearly evident on that site visit. Internal details to the principal floors were all evident too. The fireplaces on the ground and first floor were plain grey/white marble chimney pieces which appeared to be original. Other features viewed on site included historic joinery, folding room dividing doors, vertically sliding timber sash windows with associated joinery - shutters, architraves, aprons etc, original internal doors, skirting and floorboards were all observed in situ. Original plain and decorative ceiling plaster and the historic staircase from the ground to the upper floors etc were also evident. In the basement a simple stair with later balustrading and a timber handrail could be seen. It was not possible to ascertain the age of the stair but it appeared to be a small scale domestic servants' stair as would normally be expected in this location. The cellular floor plan of the lower ground floor was clearly legible showing the more modest proportions and lower ceiling height of the domestic or service quarters as would be expected in a house of this stature.

2.5 Externally the rear elevation retained a double height rear extension or closet wing which had been rebuilt sometime in the late 20th century. The full height of the main house, from basement, four floors plus attic storey, could be appreciated from the garden and the back of No. 48 echoed the historic built rhythm, of rear wall and protruding extensions, replicated along the neighbouring listed terrace and typical of this type of 19th century development within the Camden Town conservation area.

2.6 The proposed internal alterations to the listed grade II house include the removal of historic fabric within the basement resulting in the loss of the plan form of the lower ground floor and thereby harming both the spatial proportions of the original front and rear rooms and the historic domestic hierarchy, along with the removal of the domestic stair to the lower ground. Alterations carried out over the upper floors also involved the loss of original plan form and the loss of the top floor ceilings. All this have harmed the special architectural and historic interest of the listed building. On the ground and 1st floors, the removal of the original marble fire surrounds and their replacement with fire surrounds of an out-of-keeping detailed design, and the removal and replacement of historic joinery with an architecturally unrelated design, all exert a negative impact and cause harm to the special architectural and historic interest of the listed building.

2.7 The proposed external elevational alterations both to the front and rear, the total removal of the rear wall at lower ground level, the introduction of a greatly enlarged full width rear extension, the new steps to the front light well, the replacement windows (front and back) and the new downpipe on the front elevation are all considered to be harmful, by reason of their location, form and design, to the significance of the listed building. The rear extension as built is full width at lower ground level and half width at upper ground floor with a glass canopy roof covering the open area, thus effectively appearing as a full width structure. It is considered that, by reason of its inappropriate detailed design and materials, its excessive bulk, and its scale and location obscuring the legibility of the original building at both levels, the extension overall fails to preserve the listed building and its features of special architectural or historic interest, also harming the setting of the wider terrace of listed buildings.

2.8 The reflective qualities of the proposed double-glazed sealed units and the joinery details of the

replacement windows contrast with the existing single-glazing to be found elsewhere in adjacent properties in the terrace, causing harm to the grade II listed building and adjacent listed buildings.

2.9 The proposed works which form this retrospective application are considered to represent an unacceptable loss of historic fabric of significance, the loss of subordinate character of the lower ground floor, the loss of the original floorplan and would constitute material harm to the character or appearance of the statutorily protected building.

2.10 Para 194 of the NPPF (2019) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional. The applicant has demolished important historic fabric at lower ground floor level which is considered to result in 'substantial harm'. The applicant has not justified the substantial harm caused.

2.11 Para 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The various alterations to the elevations, other than the above-mentioned demolition works, would result in 'less than substantial harm' to the special interest, character, appearance and fabric of the Grade II listed building. No public benefit has been identified to outweigh the material harm caused to the heritage asset.

2.12 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the listed building, under section 16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The proposal fails to accord with policies D1 and D2 of the Camden Local Plan 2017 and Section 16 of the NPPF (2019).

5. Recommendation

5.1 Refuse listed building consent