



Appeal Decision

Site visit made on 7 July 2021

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 September 2021

Appeal Ref: APP/X5210/F/21/3266640

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

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Gloria Wang against a listed building enforcement notice issued by the Council of the London Borough of Camden.
- The listed building enforcement notice was issued on 1 December 2020.
- The contravention of listed building control alleged in the notice is 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.
- The requirements of the notice are:
 1. Remove all the partition walls in the front two rooms (rooms facing Harrington Square) to reinstate the original proportions of the rooms;
 2. Reinstate 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.
- The period for compliance with the requirements is SIX (6) months.
- The appeal is made on the grounds set out in section 39(1)(b),(c),(e),(g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act").

Summary of Decision: The appeal succeeds in part on grounds (c) and (e), otherwise the appeal is dismissed, as set out in the Formal Decision below.

Background and preliminary matters

1. 17-18 Harrington Square forms part of a Grade II listed terrace of 10 four storey with basement properties at Nos. 15-24 Harrington Square.
2. Formerly two single dwelling houses, No. 17 was amalgamated with No. 18 and converted into flats some years ago. The appeal site, Flat E, is located at second floor level. It was formed from a lateral conversion through the party wall of the formerly separate dwelling houses.
3. The works alleged in the notice to have been undertaken comprise the erection of partition walls within the two front rooms to create two additional bedrooms; the removal of separate sections of internal walls to create larger openings in the hallway; and the removal of three doors.

Appeal on ground (b)

4. To succeed on this ground of appeal the onus is on the appellant to demonstrate that what is alleged in the notice to constitute a contravention of the Act has not occurred as a matter of fact. The appellant's case on this ground relates to the alleged removal of sections of wall dividing the kitchen

and hallway; the front room (opposite the kitchen) and hallway; and the removal of the kitchen door.

5. Listed building consents¹ for internal alterations to Flat E were previously granted by the Council. The plan details submitted with the appeal are not entirely clear and hence make a definitive comparison with what currently exists on site somewhat uncertain. However, contrary to the appellant's view, in comparing the plans with the actual existing layout on site I am satisfied that there has been at least some wall reduction further than was consented, albeit to quite a limited degree, and that the kitchen door has been removed. Consequently, I conclude that the appellant has failed to demonstrate that the alleged matters have not occurred as a matter of fact. The appeal on ground (b) therefore fails.

Appeal on ground (c)

6. For the appeal on this ground to be successful the appellant must show that the works carried out do not constitute a contravention of sections 7 and 8 of the Act. Section 7 says that no person shall execute or cause to be executed any works to a listed building, including those for its alteration, in any manner which would *affect its character* as a building of special architectural or historic interest, unless the works are authorised. Section 8 sets out when works to a listed building are authorised. It should be noted that the question to be answered is simply whether the character of the listed building has been *affected*, and not whether the works are considered harmful.
7. In their submissions the Council acknowledge that the removal of the kitchen door was an authorised detail of the 2015 consent, and is not therefore a contravention. Accordingly, I will delete this element of the allegation in the notice and its associated requirement.
8. The listed terrace, including the appeal property, was constructed between 1842-1848 as the eastern side of a square and part of the Duke of Bedford's Estate. Externally, to the front, the terrace is characterised by its uniform brick façade with cast ironwork railings, projecting porches, 4 pane sash windows with cambered heads at upper ground floor, casements with balconies at first floor, and 6 over 6 sash windows at second floor. The main front entrance door at upper ground level for each house is reached by a flight of stone steps, while the separate stair to the lower ground floor would have provided access to service quarters in the basement. Typical of the internal layout for townhouses of this design and era the principal rooms are those to the front upper floors having two windows each and a central fireplace, or casements with balconies, as described. Rooms to the rear were more functional with lower social status rooms providing service quarters to the basement. Consequently, along with the exterior of the building, the internal historic layout and distinction in the design of rooms is an essential part of the special interest of the listed building.
9. I acknowledge the appellant's submissions, including reference to another appeal decision², that the interiors of some of the individual properties, including the appeal property, have been altered over the years. However, although the doors and frames removed from the front two rooms/hallway were modern additions inserted as part of the flat conversion, they, along with

¹ Council references: 2014/5267/L and 2015/1219/L

² APP/X5210/Y/19/3226181

the walls either side, nonetheless served the purpose of defining the enclosure of the front two rooms such that the historic and traditional cellular plan form of the rooms (of each house) was still clearly legible. Furthermore, the alterations to walls and removal of doors comprise part of the overall scheme of works undertaken in partitioning the front two rooms so as to create a total of four smaller rooms. As such, the reduction in wall width, removal of the doors to the two front rooms, and insertion of partitions to create four separate rooms, are clearly visible alterations which affect the historic layout and thus the character of the listed building.

10. The appeal on ground (c) in respect of these matters therefore fails.

Appeal on ground (e)

11. An appeal on ground (e) is that listed building consent should be granted for the works carried out as alleged in the notice.

Main Issue

12. The main issue is the effect of those works on the special architectural or historic interest of the listed building.

Reasons

13. Section 16(2) of the Act requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. I have also taken into account the provisions of the Framework³ which is a material consideration.
14. Turning first to the alteration in wall width to the kitchen/hallway, I consider it unlikely on the evidence before me that it involved the removal of any historic fabric given the creation of the internal corridor behind the two front rooms during the conversion of the building into flats. Moreover, in purely physical terms it is a relatively minor reduction over what was previously approved and which does not result in any harm to the historic layout of the internal spaces and to the listed building as a whole. I will therefore grant consent for this element of the works carried out and delete the associated requirement in the notice accordingly.
15. Turning next to the front two rooms, the subdivision into four rooms has been achieved by the construction of standard stud-partition and plaster finished walls incorporating new internal doors. In one room the partition runs from a central point between the two front facing windows to the back of the room. In the second room the partition runs from the same central point between the two front windows, and then turns at 90° to create a short internal corridor providing access to the subdivided rooms. Other works include the removal of the hallway doors and some limited reduction in width of adjacent walls as previously described. The partition walls fully join with the ceiling and are finished with skirting at floor level.
16. As a result of the works the previously well-proportioned rooms, each with two sash windows, have been divided into four narrow rooms, each of which is now served by one of the windows. The size and proportional relationship between the large windows and chimney breasts with the historic dimensions of the

³ National Planning Policy Framework (2019)

original rooms has been lost. The windows and chimney breast now have an overly large and disproportionate relationship with the smaller and narrower rooms. Moreover, the higher status of the original rooms and their legibility as such, as previously described, has also been greatly diminished. Consequently, this results in harm to the significance of the listed building as a whole.

17. The appellant contends that the partition walls are capable of being removed and so does not jeopardise the possibility of reinstating the plan form at any time in the future. However, I consider that the partition walls are of a construction form and finish designed for permanent retention, or at least an indefinite period of long-term retention. In this respect they are no different to the same type of partition walls in modern houses which function for such long-term or permanent purposes. They have provided the flat with two extra bedrooms and there is no evidence before me that they are to be a temporary short-term feature. Overall therefore, I find that the harm to the listed building I have identified is also likely to be long-term or permanent.
18. The uncovering of the chimney breast in one of the rooms by the removal of fitted wardrobes are not works subject of the notice. While the removal of the wardrobes can be seen as a positive step it does not significantly mitigate the harm I have described resulting from the subdivision of the rooms.
19. The removal of the modern doors separating the front rooms from the hallway are not by themselves harmful given that reinstatement of the adjacent walls to their previously approved state would be sufficient to restore the character and legibility of the historic cellular room layout. I will therefore grant consent for the removal of the doors.
20. Given that all the works are internal there is no resulting harm to the character or appearance of the Camden Town Conservation Area.
21. In the language of the Framework the harm I have identified is *less than substantial* and hence should be weighed against any public benefits. However, no public benefits arising from the works carried out have been advanced by the appellant and there are none apparent to me that would outweigh the harm.
22. In conclusion; other than the removal of the two front rooms/hallway doors and the alterations to the kitchen/hallway wall, I conclude that the works result in less than substantial harm to the significance of the listed building which is not outweighed by public benefits. The works thereby conflict with the requirements of policies A1, D1, and D2 of the Camden Local Plan (2017).
23. For all these reasons the appeal on ground (e) succeeds in relation to the removal of the two doors to the front rooms/hallway and the alterations to the kitchen/hallway wall, but otherwise the appeal fails.

Appeal on ground (g)

24. The ground of appeal is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
25. There is no need for me to consider the requirements in respect of reinstating the kitchen door and kitchen/hallway wall since the appeal in respect of these matters has succeeded under grounds (c) and (e) respectively.

Appeal on ground (h)

26. The ground of appeal is 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.
27. The notice allows a 6 month period for compliance with the remaining requirements. The appellant sought a period of 12 months relating to uncertainty over international travel and occupation by foreign students studying in London during the Coronavirus pandemic. Also to allow for sufficient time for existing occupiers to find alternative accommodation.
28. While I acknowledge that securing alternative accommodation may take some time I do not have details of tenancy agreements and consequently how any might be close to or beyond expiry. Neither is there any convincing evidence before me to demonstrate that any existing tenants would have any significant difficulty in finding alternative accommodation. Nonetheless, I accept that finding and making arrangements for accommodation, together with securing and scheduling appropriate contractors to complete the required remedial works may take longer than 6 months. However, 12 months seems to me to be excessive and unjustified.
29. Taking account of all the relevant circumstances I consider that a period of 9 months would be more reasonable and I will vary the notice accordingly. The appeal on ground (h) therefore succeeds to this extent.

Formal Decision

30. It is directed that the listed building enforcement notice be corrected and varied by:
- in Section 3, last line, deleting the word “three” and substituting instead the word “two”;
 - in Section 5, line 1, deleting “SIX (6) months” and substituting instead “9 months”;
 - deleting all of the words in in Section 5.2 and substituting instead the words: “Reinstate the walls separating the front two rooms from the hallway to match the construction method, colour, material, texture and detail of the pre-existing walls”.
31. Subject to the correction and variations, the appeal is allowed on ground (c) insofar it relates to the removal of the kitchen door, and on ground (e) insofar as it relates to the removal of kitchen/hallway wall and the doors to the two front rooms. The appeal is dismissed and the listed building enforcement notice is upheld as varied, insofar as it relates to the insertion of partition walls in the front two rooms and the removal of sections of wall separating the two front rooms and hallway, and listed building consent is refused for the retention of these works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Thomas Shields

INSPECTOR