

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		5/4/21	
		N/A		<b>Consultation Expiry Date:</b>		Not applicable	
<b>Officer</b>				<b>Application Number(s)</b>			
Nick Baxter				2021/0566/L			
<b>Application Address</b>				<b>Drawing Numbers</b>			
8 Park Village West London NW1 4AE				See decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Retrospective application for internal works comprising the installation of electrical spurs within chimney breasts and ceiling downlighters							
<b>Recommendation(s):</b>		Refuse Listed Building Consent and that the Head of Legal Services be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990					
<b>Application Type:</b>		Listed building consent					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>				No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Summary of consultation responses:</b>		The site being listed at grade II*, Historic England and the NPCU were consulted, but declined to comment.					
<b>CAAC/Local groups* comments:</b> *Please Specify		No consultation was required.					

## Site Description

The application site is a two-storey-plus-lower-ground-floor, grade-II\*-listed detached stucco house of 1834-7 by John Nash's assistant, Charles Lee. It stands in a picturesque arrangement of 16 similar houses by Nash and his assistants.

It makes a positive contribution to the Regents Park Conservation Area.

## Relevant History

**2020/0198/PRE** Enlargement of existing lower ground floor level and associated internal alterations to Grade II\* listed building. Advice given 20/4/20

**2020/4545/P and 2020/5152/L** Enlargement of existing basement and associated alterations. Not yet determined.

## Relevant policies

**National Planning Policy Framework 2019**

**London Plan 2016**

**New London Plan - Intend to Publish version 2019**

**Camden Local Plan 2021**

D2 Heritage

## Assessment

### 1. Proposal

1.1. The applicant seeks retrospective listed building consent for recessed spotlights in the ceilings of every historic room throughout the interior of the grade-II\*-listed house. There are in addition power and data sockets mounted at high level within chimney breasts or on walls at lower-ground-floor, ground-floor and first-floor levels.

1.2. According to the application drawings, there are 25 recessed spotlights in the basement, 18 on the ground floor and 19 on the first floor. This gives a total of 62 recessed spotlights.

1.3 There are also sockets shown mounted at chest height on the lower-ground floor in the dining room, on the ground floor in the living room and on the first floor in the principal bedroom

#### 1.3. ASSESSMENT

1.4. The main issues of consideration are:

- Visual impact on the historic character of the interior of the listed building.
- Loss of historic fabric within the listed building.
- Visual impact on the exterior of the listed building.

### 2. Principle of development, design and heritage impact

#### *Statutory provisions*

2.1. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant.

2.2. Section 72(1) requires that special attention shall be paid to the desirability of preserving or

enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

- 2.3. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that local authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 2.4. The effect of these sections of the Act is that there is a statutory presumption in favour of the protection of the special interest of listed buildings and the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal that would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified. This section of the report assesses the harm to heritage assets from the proposal. The balance of the harm and the benefits from the proposed scheme is discussed in the conclusion.

#### *Policy context*

- 2.5. Local Plan policy D2 on Heritage states that *'the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains...'*; later it says: *'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.'*
- 2.6. The Camden Town Conservation Area Statement states that: *The appearance of characterful buildings within the Conservation Area is harmed by the removal or loss of original architectural features and the use of inappropriate materials.* It continues: *In all cases the Council will expect original architectural features and detailing to be retained, protected, refurbished in the appropriate manner, and only replaced where it can be demonstrated that they are beyond repair.*

### **3. Assessment of the proposal**

- 3.1 The downlighters and sockets were discovered during a pre-app site visit for a basement extension in 2020.
- 3.2 The house was listed at grade II\* in 1974.
- 3.3 The heritage statement suggests that internal works might have taken place in the 1950s.
- 3.4 The interior was not at that point protected by the listing.
- 3.5 The heritage statement outlines works carried out in 1984. These appear unlikely to have altered the character of the interior.
- 3.6 The heritage statement outlines works granted consent in 2013. Some of these works were minor, such as the reopening of a closed-off doorway, and some have not been carried out, such as the creation of a basement. They are unlikely greatly to have altered the character of the interior.
- 3.7 Despite some of these alterations apparently having been implemented, the house's interior as it currently stands is clearly of historic character. This character is harmed by the presence of downlighters, which give every room in which they are found a modern quality.

- 3.8 The heritage statement declares that: “The 2008 D&A submission shows ceiling lights to most rooms, and a recent inspection confirms that all the ceilings are constructed of contemporary materials – wire mesh and plaster, with no lathe and plaster ceilings.”
- 3.9 This may be true now, but it is not clear how much historic lath and plasterwork was present prior to the installation of the current spotlights, because the work was carried out without consent. The heritage statement is at pains to point out previous consents allegedly allowing alterations, some of which might have been implemented. But whether historic ceilings were present before the downlighters were installed cannot now be known.
- 3.10 The presence in of downlighters in large numbers and in the place of any more traditional form of lighting, harms the historic character of every part of the house, including the principal spaces on the ground and first floors.
- 3.11 Similarly, the presence of sockets prominently mounted at high level is harmful to the historic character of the rooms affected.
- 3.12 It is not clear how much historic fabric was present prior to the installation of the spotlights, because the work was carried out without consent. It is however likely that some ceilings were original.
- 3.13 However, even if no historic fabric was harmed, the recessed spotlights are profuse, prominent and unsuitable to the historic nature of the house. They are also visible from outside. They are therefore harmful to the special interest of the listed building.

#### *Heritage impact*

- 3.14 An assessment and evaluation of the scheme needs to be carried out in accordance with the requirements and tests within chapter 16 of the NPPF 2019 (especially paras 192-202) regarding any impact and level of harm caused to the significance of designated heritage assets, ie. the adjoining listed building and the surrounding conservation area.
- 3.15 NPPF para 192 requires that those assessing applications take account of ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.’ Para 193 states that, ‘When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation’, and para 194 states that ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’. Substantial harm to a grade II listed building of any grade should be exceptional. Where the harm to a designated heritage asset is less than substantial, para 196 advises that ‘this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 3.16 In addition to its group value and external appearance, the significance of 8 Park Village West stems from the historic character of its interiors. This historic character is lessened by the presence of the recessed spotlights and high-level sockets.
- 3.17 It is considered that the harm here to the designated heritage asset is ‘less than substantial’. On the basis that there is less-than-substantial harm, paragraph 196 of the NPPF is applicable here, as noted above.
- 3.18 For the “optimum viable use” component of para 196 to succeed, it would have to be shown that the house could not be used without 62 recessed spotlights and high-level sockets. As many houses have no recessed spotlights or high-level sockets, this is clearly not the case.
- 3.19 No other public benefits have been identified by the applicant.

3.20 It therefore follows that there are no significant benefits to outweigh the less-than-substantial harm caused by the installation of 62 recessed spotlights and high-level sockets, in accordance with the balancing exercise as set out in the NPPF. Thus the scheme results in harm to the special character of the listed building without adequate justification and does not comply with Local Plan policy D2.

3.21 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and of preserving the listed building, its setting and its features of special architectural or historic interest, under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### **4 Recommendations**

##### Refuse listed building consent

That the proposal, by virtue of introducing a large quantity of modern and uncharacteristic lighting and prominent electrical fittings into historic spaces throughout the listed building, reduces the quality of those spaces and so harms the special interest of the listed building; by virtue of presenting modern and uncharacteristic internal features visible from outside, it further harms the special interest of the listed building; by virtue of lessening the historic appearance of the house from outside, it harms the character and appearance of the Regents Park Conservation Area.

##### Initiate enforcement action

That the Head of Legal Services be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, and, in the event of non-compliance with the Notice, the Head of Legal Services be authorised to pursue any legal action necessary to prosecute the owner under Section 43 of the Act and or other appropriate power and/or the Director of the Culture and Environment Department be authorised to take direct action under Section 42 of the Act to secure compliance with the Notice.

**The notice shall allege the following breaches of planning control:** the notice shall allege that, without listed building consent, the following works were carried out:

- Installation of 62 recessed spotlights and three pairs of high-level sockets

##### **WHAT ARE YOU REQUIRED TO DO:**

The Notice shall require the owner, within a period of three months:

- To remove the unauthorised lights and sockets
- To make good the site following the above works

**PERIOD OF COMPLIANCE:** three months

##### **REASONS WHY THE COUNCIL CONSIDERS IT EXPEDIENT TO ISSUE THE NOTICE:**

The unauthorised lights and sockets are harmful to the internal and external character of the listed building, which detracts from the special architectural and historic interest of the property, contrary to policy D2 (Heritage) of the Camden Local Plan 2021.

