



Appeal Decision

Site visit made on 15 November 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/X5210/Y/21/3274711

60 Delancey Street, London NW1 7RY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Brooks against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/5132/L, dated 26 October 2020, was refused by notice dated 16 March 2021.
 - The works proposed are described as 'retrospective application for previously installed ceiling spotlights'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated that the works have already commenced without consent and I observed during my visit that spotlights have been installed throughout the property and are operational. I have dealt with the appeal on that basis.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021, and this post-dates the Council's decision notice. However, the revised Framework does not materially alter the national policy approach in respect of the main issue raised in this appeal. I have therefore had regard to the revised Framework in my decision.

Main Issues

4. The main issues are whether the works preserve the special interest of the Grade II listed building, Numbers 40-60 and attached railings, 40-60 Delancey Street, of which the appeal property forms part, and whether the character or appearance of the Camden Town Conservation Area is preserved or enhanced.

Reasons

Special interest and significance

5. Constructed around 1840, the appeal property is a three storey, plus basement, early Victorian mid-terrace townhouse of Regency style and forms part of a wider terrace of houses (Nos. 40-60) listed at Grade II. The property is of group value along with other terraced houses along the street, which together form a harmonious group of substantial brick and stucco faced houses of common material, form and composition.
6. Internally, the property has been subject to various alterations, including a recent refurbishment of the property which has resulted in the unfortunate loss

of some of the historic lath and plaster ceilings. Nevertheless, the principal elements of its original internal layout and finish have survived to a great extent and remain evident. This includes the clean lines and largely uninterrupted appearance of the smooth plastered surfaces of the walls and ceilings, with some ceilings retaining historic fabric in the form of lath and plaster, and some rooms framed by decorative coving. Prior to the recent installation of recessed spotlights, rooms, including the stairs and entrance hall, would have likely been lit by a single surface mounted light fitting that would have been centrally hung from the ceiling in a traditional fashion. The positioning of these historic light fittings would have provided a central focal point to the principal rooms and would have been the primary source of illumination to these historic spaces.

7. Accordingly, from the evidence available to me, including my own observations, I consider the special interest and significance of the property to be principally derived from its architectural and historic interest as a well-preserved example of an early Victorian townhouse. In so far as it relates to this appeal, the significance of the property's interior is derived from its historic integrity, to which its internal layout and finish, as described above, contribute.
8. The appeal property also falls within the Camden Town Conservation Area (CTCA), which is dominated by early to mid-19th century properties which illustrate the historic development of this part of London, primarily associated with the rapid expansion of the railways in the early 19th century and the area's strategic location to the north of Euston. It follows, therefore, that the appeal property, being an early to mid-19th century residential terrace of historic and architectural interest, makes a significant positive contribution to the character and appearance of the CTCA.

The appeal proposal

9. The appeal seeks listed building consent for the installation of recessed spotlights within the ceilings in every room of the property. The appellant's supporting statement confirms that a total of 89 recessed spotlights have been installed throughout the property. It goes on to advise that 29 are inserted into the ceiling within the basement, 21 to the ceilings at ground floor level, 16 to the ceilings on the first floor and 21 to the ceilings on the second floor.
10. It is understood that these recessed spotlights have replaced surface mounted pendant lights and some spotlights that were affixed to a track, but which were not recessed. The works have also included the replacement of all electrical wiring throughout the property in order to meet current safety standards and reduce the risk of fire.

The effect of the appeal proposal

11. Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require 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. Section 72(1) of the Act also requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore considered the appeal proposal in light of these weighty statutory duties.
12. Despite their relatively small size and white bezel surround, the recessed spotlights are a conspicuous addition to the ceilings throughout the property,

notable by their layout across the ceilings and their sheer quantity. Indeed, I consider the number of spotlights to be excessive for a property of this size and therefore they appear as highly prominent features.

13. When in operation, the lighting is exceptionally bright with its modern method of illumination at odds with the historic character of the property, drawing attention to their incongruity. When not in operation, the recessed light fittings disrupt the otherwise largely uninterrupted smooth plastered finish of the ceilings and thereby diminishing the character of these historic spaces.
14. Furthermore, the installation of the recessed spotlights has resulted in a significant number of perforations into the fabric of the ceilings. Whilst I accept that not all of the ceilings are original, nevertheless there has been some loss of historic fabric as a result of the installation. The fact that the works are reversible does not detract from this harm, which is compounded by the quantity of spotlights that have been installed throughout the property.
15. I accept that there may be an argument for modern light fittings to be installed within the more functional areas of the property, such as the kitchen and bathrooms which are less sensitive to change. I also accept the appellant's point that low ceilings in the basement make this area difficult to illuminate by other means of lighting. However, the cumulative impact of the proposal cannot be ignored and overall amounts to a non-traditional and inappropriate lighting installation that is harmful to both the historic fabric and internal appearance of the listed building. This harm to the property's interior is acutely obvious in the principal rooms at ground and first floor, along with the entrance hall and staircase, where the spotlights are highly noticeable features.
16. I acknowledge that the spotlights are the appellant's preference from the perspective of electrical safety and energy efficiency. However, there is little evidence to suggest that less intrusive light fittings would be inherently unsafe or inefficient.
17. Externally, when viewed from the street, the spotlights are visible, but only to a limited degree and, in the context of the wider street scene, they do not amount to prominent or discernible features. Accordingly, there is no appreciable impact on the character or appearance of the CTCA.
18. Bringing these points together, the works fail to preserve the special interest of the listed building, Numbers 40-60 and attached railings, 40-60 Delancey Street, of which the appeal property forms part. Accordingly, the proposal does not meet the statutory requirement set out in section 16(2) of the Act. In doing so, the works also conflict with the development plan, which is a material consideration in this instance. Specifically, there is conflict with Policy D2 of the Camden Local Plan 2017 which seeks the preservation and, where appropriate, the enhancement of the borough's listed buildings.
19. I have found that the proposal does not harm the CTCA and therefore I am satisfied that the overall character and appearance of the conservation area is preserved, in accordance with the statutory duty at 72(1) of the Act. However, this finding is of neutral consequence that weighs neither for nor against the proposal.
20. In support of the appeal, the appellant has drawn my attention to several other properties within the terrace and other listed buildings in the area where recessed spotlights have been installed. However, I have not been provided

with the full details of these other schemes or confirmation that they do indeed benefit from listed building consent. I am therefore unable to draw any meaningful comparisons to the appeal proposal. Instead, I have considered the appeal on its merits and reached my own conclusion based on the evidence before me.

Planning Balance & Conclusion

21. In accordance with paragraphs 201 and 202 of the Framework, it is for the decision maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to be less than substantial given the extent of the proposal and its consequent effects. The harm must therefore be weighed against the public benefits of the proposal.
22. No public benefits are advanced in favour of the proposal. From the submitted material it appears that the proposal amounts to only private benefit for the appellant and their family.
23. Despite the appellant's assertion that any harm would be at the lower end of the spectrum of less than substantial harm, the Framework is clear that great weight is to be given to the heritage asset's conservation. Consequently, I attach great weight and importance to the harm that has been identified. It follows therefore, that, in this case, the harm I have identified is not outweighed by any demonstrable public benefit. For this reason, the proposal is in conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.
24. In conclusion, I have found that the appeal proposal would fail to preserve the special interest of the listed building; would not accord with the Framework; and would conflict with the development plan. Therefore, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR