



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: 04 February 2022

Appeal Ref: APP/X5210/Y/21/3275798

8 Park Village West, London NW1 4AE

- 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 Vardile Commercial Inc. against the decision of the Council of the London Borough of Camden.
 - The application Ref. 2021/0566/L, dated 8 February 2021, was refused by notice dated 26 April 2021.
 - The works proposed are described as 'retrospective application for internal works comprising the installation of electrical spurs within chimney breasts and ceiling downlighters'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Vardile Commercial Inc. against the Council of the London Borough of Camden. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant has indicated that the works have already been completed without consent and during my site visit I observed that the electrical fittings have been installed and are operational. I have proceeded to determine the appeal on that basis.
4. 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

5. The main issues are whether the works preserve the special interest of the Grade II* listed building, Numbers 1-8, 10-14 and 17-19 and attached railings, and whether the character or appearance of the Regent's Park Conservation Area is preserved or enhanced.

Reasons

Special interest and significance

6. The appeal relates to a two storey, plus basement and attic, Regency period villa at 8 Park Village West, also known as Casina Lodge. The property forms part of a

group of 16 related houses listed at Grade II* and laid out in a picturesque arrangement by renowned architects John Nash, James Pennethorne and their associates. The property dates from circa 1832-37 and is of substantial group value along with the other properties at Park Village West which together form a cluster of small independent houses that had great influence on the development of the Victorian middle-class suburb. The property's listing at Grade II* is indicative of its heritage value as a particularly important building that is of more than special interest.

7. Internally, the property has been subject to significant internal alterations, evident in its extensive planning history. Nonetheless, the original layout of its principal rooms remains legible including their proportions and basic arrangement. The evidence suggests that the historic ceilings throughout the property have been replaced by modern plasterwork supported by wire and mesh. However, their general form and appearance as a smooth surfaced feature, in some cases framed by decorative coving, adds to the historic character of the building's interior, and therefore contributes to the overall significance of the property.
8. Accordingly, from the evidence available to me, including my own observations, the special interest and significance of the building is principally derived from its architectural and historic interest as a good example of a surviving suburban Regency villa. In so far as it relates to this appeal, the significance of the property's interior is derived, in part, from the quality and finish of its internal features, including its ceilings and plastered walls.
9. The appeal property also falls within the Regent's Park Conservation Area (RPCA), which is dominated by John Nash's early 19th century Regent's Park development, comprising a unique planned composition of landscape and buildings in a classical and picturesque arrangement. It follows, therefore, that the appeal property, being part of Nash's masterplan for the area, makes a significant positive contribution to the character and appearance of the RPCA.

The appeal proposal

10. The appeal seeks listed building consent for the installation of recessed spotlights and electrical spurs throughout the property. The accompanying plans show that 65 recessed spotlights have been installed in total, with 26 installed within the ceilings of the lower ground floor, 18 to the ground floor and 21 to the first floor. LED strip lighting is also proposed over the kitchen wall units and to a sloped ceiling within the en-suite to the second floor. Spotlights fixed to two surface mounted tracks and a further single wall-mounted spotlight are also proposed in two second floor rooms.
11. In addition, consent is also sought for the electrical spurs that have been installed to supply a double socket and two data outlets in the living room, a first floor bedroom, a second floor bedroom and within the chimney breast of the lower ground floor dining room.

The effect of the appeal proposal

12. Section 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.

13. Individually the recessed spotlights are a relatively small fitting, nevertheless they are a conspicuous addition to the property resulting in an overly modern and contemporary appearance which, in this case, detracts from the historical character of the property's interior. In particular, when in operation, the spotlights are exceptionally bright with their modern method of illumination drawing attention to their incongruity.
14. Moreover, the positioning of the recessed lighting in the principal rooms, towards the edge of the ceilings and close to the walls, further adds to their discordant appearance, as these rooms would have likely historically been lit from a central fitting. Even when switched off, the recessed spotlights disrupt and erode the quality and finish of the property's ceilings, thereby diminishing the significance of these historic spaces.
15. The surface mounted lighting tracks, wall mounted spotlight and LED strip lighting to the kitchen and en-suite do not give me cause for concern. This is because the surface mounted lighting is more akin to a traditional form of illumination from a central source within an individual room and therefore it does not detract from the building's historical character. Also, I acknowledge that it would be difficult to light these spaces with any other form of lighting. As for the LED strip lighting, given its scale and location in this case, this appears as a more discreet and softer form of illumination that is not readily apparent, particularly when not in operation because, unlike the spotlights, these fittings would largely be concealed. Nor does there appear to have been any loss of historic fabric as a result of the installation of these lights.
16. The installation of electrical spurs to feed sockets and data outlets has likely resulted in the loss of only a very small amount of historic plasterwork. These installations are minimal interventions that have no discernible effect on the significance of the listed building. This is also, in part, due to the fact that they are largely concealed behind electrical appliances or artwork, so are not readily apparent.
17. I accept that the interior of the property has been eroded due to extensive internal works and that the installed lighting has not resulted in a significant loss of the building's historic fabric. However, previous harmful interventions do not provide a justification for further harm to the building.
18. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building, or its interior, can be gained.
19. Despite the harm that would be caused to the listed building I do not find that the proposal would be detrimental to the character or appearance of the RPCA. This is because the proposed changes would not be visible from the public domain and only a very limited prominence from the private domain. Unlike listed buildings, the significance of a conservation area is dependent upon how it is experienced. Under such circumstances it has been established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal

would not be detrimental to the RPCA and thus the character and appearance of the area would be preserved.

20. Taking the above points together, I find that the works fail to preserve the special interest of the Grade II* listed building, Numbers 1-8, 10-14 and 17-19 and attached railings, 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.
21. I have found that the proposal would preserve the character and appearance of the RPCA in accordance with section 72(1) of the Act. However, this is of neutral consequence that weighs neither for nor against the proposal.

Planning Balance & Conclusion

22. In this case, under the terms of the Framework, I consider the harm to be less than substantial given the scale of the proposal and its consequent effects. The harm must therefore be weighed against the public benefits of the proposal.
23. The appellant argues that the proposal would have the benefit of retaining the residential use of the property by ensuring its continued suitability for modern family living. However, little evidence has been provided to suggest that the residential use of the property would cease in the event that the appeal was to be turned away. It has not therefore been demonstrated that the works are required to maintain the optimum viable use of the building.
24. The Framework is clear that great weight is to be given to the heritage asset's conservation. Consequently, in this case, the harm I have identified is not outweighed by any demonstrable public benefit and therefore the proposal clearly conflicts with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.
25. I note the appellant's frustrations with an alleged lack of correspondence and positive engagement from the Council. However, these are essentially procedural matters beyond my remit insofar as it relates to a consideration of the planning merits of the appeal.
26. 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 fail.

J M Tweddle

INSPECTOR