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APPEAL SITE

32A Chalcot Square, LONDON, NW1 8YA

APPELLANT

Ms Tindale

Appeal Statement in support of the refusal of LB Camden planning application and Listed Building Consent applications : 2021/1650/P & 2021/2254/L for 'Replacement of window at front of lower ground floor flat with French doors (2021/1650/P & 2021/2254/L); removal of internal walls (bathroom) and erection of new partition walls to form new bedroom and bathroom (2021/2254/L only)'

1. INTRODUCTION

This Appeal Statement contains the Council's case in respect of planning application 2021/1650/P & 2021/2254/L for 'Replacement of window at front of lower ground floor flat with French doors (2021/1650/P & 2021/2254/L); removal of internal walls (bathroom) and erection of new partition walls to form new bedroom and bathroom (2021/2254/L only) at 32A Chalcot Square, LONDON, NW1 8YA.

The planning application was refused on 07/07/2021 for the following reason:

The removal of the sash window in the front elevation and the proposed replacement French windows, by way of their style, design and appearance, would cause material harm to the architectural character of the Listed Building and the character and appearance of the Conservation Area. The proposal is therefore contrary to policies D1 (Design) and D2 (Heritage) of the LB Camden Local Plan 2017.

The Listed Building Consent application was refused on 07/07/2021 for the following reason:

The removal of the sash window in the front elevation, the proposed replacement French windows and the removal of part of the original internal spine wall, would result in material harm to the architectural and historic significance of the Listed Building. The proposal is therefore contrary to policy D2 (Heritage) of the LB Camden Local Plan 2017.

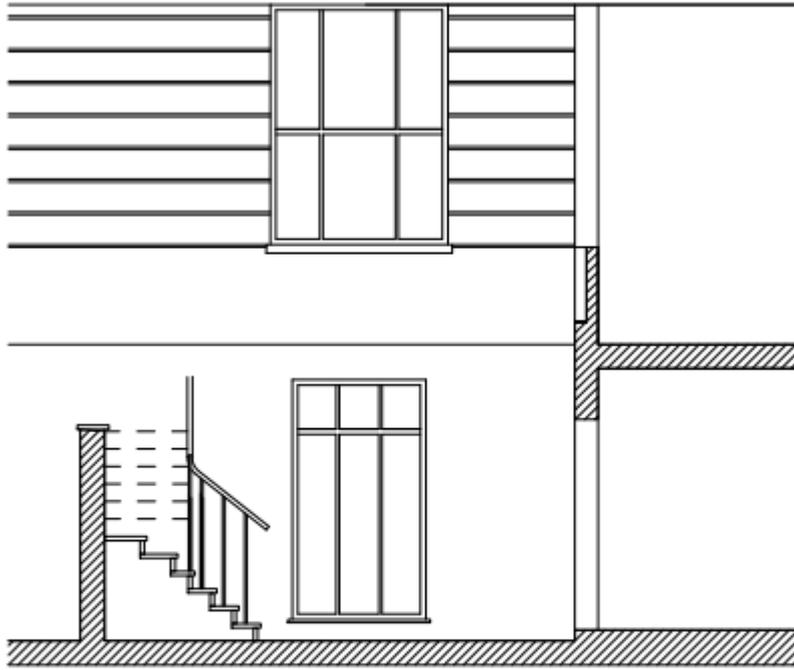
The Officer Report setting out the consultation response from the Conservation Area Advisory Committee, the site description, relevant planning history, relevant planning policies, proposal and assessment was sent with the Questionnaire.

2. STATEMENT OF CASE

The relevant considerations in this case are the effects on the architectural and historic merits of the Listed Building and the character and appearance of the Conservation Area of the replacement of the sash window in the middle of the front elevation at lower ground floor level with French windows and the removal of part of the original spine wall in the middle of the building at lower ground floor level.

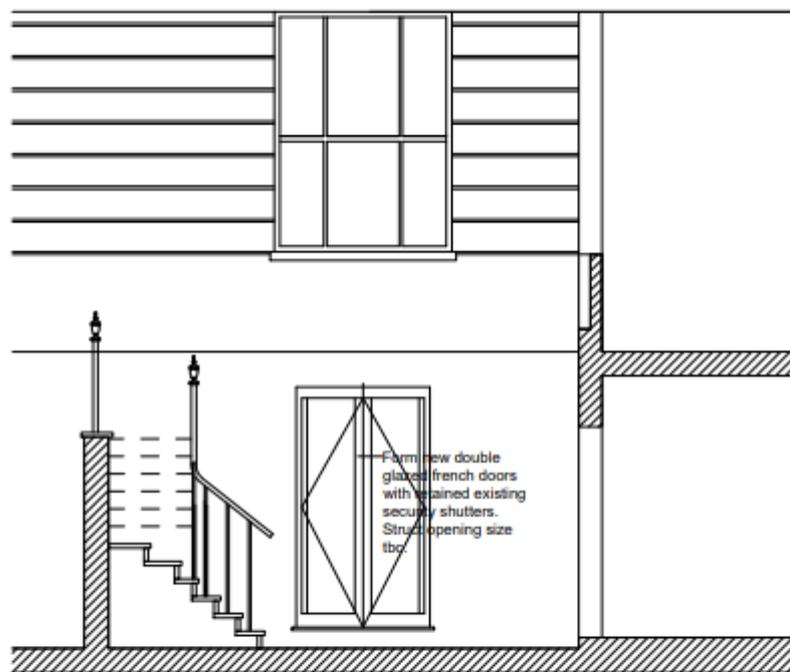
The replacement of the sash window in the middle of the front elevation at lower ground floor level with French windows

The historical sash window in the middle of the front elevation at lower ground floor level is indicated on the application existing elevation below:



Existing front
elevation A

The proposed replacement French windows are indicated on the application proposed elevation below:



Proposed front elevation B

The new French windows at basement level would result in the loss of a traditional sash window which is representative of when the building was used a single house with an ancillary basement.

The Primrose Hill Conservation Area Statement notes that Chalcot Square is enclosed on its north, east and west sides by mid-19th century listed terrace houses, which form an almost symmetrical composition. They are similar in elevational design to the buildings on the south side of the square, but have a more intimate character, as they are separated from the public space by only a small front lightwell surrounded by railings and a narrow highway.

The building forms one of a group of 6 Listed Buildings (29 – 33 and 33a Chalcot Square) on the north west side of the Square.

The French windows at basement level at the front of the neighbouring building, 33 Chalcot Square (referred to in the application Planning & Heritage Statement) are long established. They are shown on the existing drawings for planning application 2011/4459/P & LBC application 2011/4560/L which were dealt with in 2011). Consequently, they are not considered to represent a

justification for allowing the proposal at the application site.

No evidence has been submitted to show that the distinctive sash windows at the fronts of the basements have been replaced with French windows at any of the other listed buildings in the terrace.

The proposed French windows are not compatible with the heritage of the building which, as can be evidenced by the statutory listing was a single house with ancillary accommodation at basement level.

The replacement of the sash window in the front elevation at lower ground floor level would result in 'less than substantial harm' to the heritage assets, the Listed building and the Conservation Area.

However, while the harm to the Conservation Area and the Listed building would be 'less than substantial' it is considered that there are no public benefits associated with the proposal which would 'over-ride' the harm that would be caused to the heritage assets. Consequently, the development would be contrary to the Camden Local Plan policy D2 (Heritage), the London Plan 2021 and the NPPF 2021 and it should therefore be refused.

The removal of part of the original internal spine wall

The proposed internal alterations (which are included in Listed Building Consent application 2021/2254/L) are indicated on the application existing and proposed plans copied below:



The demolition of the spine wall and removal of the wall around the doorway and the doorway itself would harm the plan form. The addition of a bathroom in the rear room would also reduce the legibility of the plan form.

Currently the plan can be understood, retaining its basic historic form of two square rooms linked by a corridor (containing a small bathroom). Basement level entry is effected, as is traditional, via a door under the front door.

The proposal would see this form converted into a free-flowing open space, with an L-shaped space at the front, with a fully enclosed bedroom in one corner, and another L-shaped space at the back, containing a square bathroom. The bedroom at the front of the house would be approached through

what is currently the front door, so this inconvenience has driven the applicant to attempt to convert the window into a pair of French windows.

In the absence of any public benefit associated with the internal alterations, these would also be contrary to the NPPF advice regarding development and the historic environment. The internal alterations for which Listed Building Consent is required should therefore be refused.

Comments in response to the appellant's Statement of Case:

At 4.3, the appellant states that he wishes to improve the layout of the flat. In fact the layout is worsened.

The demolition of the spine wall and removal of the wall around the doorway and the doorway itself would harm the plan form. The addition of a bathroom in the rear room would also reduce the legibility of the plan form.

Currently the plan form can be understood. It retains its basic historic form of two square rooms linked to the front by a corridor (which currently contains a small bathroom). Basement level entry is effected, as is traditional, via a door under the front door.

The proposal would see this form converted into a free-flowing open space, with an L-shaped room at the front, with a bedroom in one corner, and another L-shaped space at the back, containing a bathroom. The original relationship between these spaces would be completely erased.

The proposed new bathroom is shared by bedroom 2 and the lounge, and is approached by Jack-and-Jill doors, hardly an improvement in the layout. On the other hand, the new bedroom 1, which has no window, would obstruct the traditional basement entrance, necessitating the harmful creation of a new external doorway in the facade.

It must also be noted that the demolition of the spine wall, the removal of the wall around the doorway of the front room and the doorway itself, and the alterations to the façade would entail loss of historic fabric.

The works require the insertion of a steel beam to replace the portion of the spine wall that is to be demolished. Steel beams are not appropriate features in the historic environment.

The flat currently has a traditional sash window above a brick apron. This fabric would need to be demolished, and would be replaced with a French window, an atypical form.

At 4.4, the appellant suggests that harms that have taken place to other facades locally should be taken as precedents for this harm. This is of course not the correct way to view this matter. Firstly, it cannot be known whether the other buildings the appellant has in mind are listed buildings. If they are, it is possible that the alterations to them were made before they were listed. It is also possible that the works are unauthorised. The mere existence of other unsympathetic alterations does not justify this one. In fact, the more alteration has taken place elsewhere, the more valuable surviving unaltered examples become.

Such a house would not traditionally have French windows on its façade. The lower ground floor contained service quarters and was approached, by

servants, from underneath the front door. The addition of French windows, in addition to the loss of traditional form and historic fabric, would advertise the internal change of use and elevation of status of the basement, to the detriment of the historic interest of the house, and would also harm the plan form, moving the circulation from its correct position under the front door, to an anomalous one. The design of the proposed French windows, two full-height panes of double-glazed glass, is also inappropriate to the period of the building.

At 4.6, the appellant suggests that the works will amount to a public benefit. The conversion of a two-bedroom flat into a differently arranged two-bedroom flat cannot be considered a public benefit. The “improvements to thermal efficiency” are not mentioned in the application and would therefore be likely to entail unauthorised works. Finally, since one of the new bedrooms would have no windows, it cannot be argued that the proposal ensures the provision of “adequate natural light and ventilation”. The less-than-significant harm is therefore not outweighed by any apparent public benefit.

At 4.7, the appellant again justifies the proposed harm, this time to the interior, by harms alleged elsewhere. For the reasons given above, this cannot be accepted. The circumstances under which the other alleged alterations were made cannot be known, and the sites cannot be inspected.

At 4.8, the appellant notes that “no material harm will occur to the architectural character of the building”. This depends on whether harm to plan form, loss of historic fabric and the insertion of inappropriate features in the façade are considered harmful. It is the view of the council that they are. The appellant notes that the works will not be visible. It is a commonly held misconception that work to listed buildings that is not visible is not harmful. This is not the case. In any case, the proposed French windows are visible from the pavement.

At 4.9, public benefit is again mentioned. As stated above, there is no public benefit here.

For the reasons above, it is considered that the proposal is harmful to the special interest of the grade-II-listed building and the character and appearance of the Primrose Hill Conservation Area, contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017.

Conclusion

The works for which planning permission and Listed Building Consent are required (under applications 2021/1650/P & 2021/2254/L) would result in harm to the architectural and historic merits of the Listed building and the character and appearance of the Conservation Area. They would therefore be contrary to the Local Plan policy (D2) for heritage assets, the London Plan 2021 and the NPPF 2021. Planning permission and Listed Building Consent should therefore be refused. The Inspector is therefore politely requested to dismiss the appeal.

Should the Inspector be minded to allow this appeal then the Council requests the imposition of the following conditions:

2021/1650/P:

1. The development hereby permitted must be begun not later than the

end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved drawings/document : Location Plan, Drawing 2102—01 E, Planning & Heritage Statement (PD Planning UK)

Reason: For the avoidance of doubt and in the interest of proper planning

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

2021/2254/L:

1. The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning 2 (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings/document: Location Plan, Drawing 2102—01 E, Planning & Heritage Statement (PD Planning UK)

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

3. All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017

4. Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- Details including sections at 1:10 of the new French windows in the front elevation at basement level

Reason: To safeguard the architectural and historic merits of the Listed Building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.