



Date: 9<sup>th</sup> May 2022  
Your Refs: APP/X5210/F/22/3295909  
Our Refs: EN21/1142  
Contact: Sophie Bowden  
Direct Line: 020 7974 6896  
[sophie.bowden@camden.gov.uk](mailto:sophie.bowden@camden.gov.uk)

Corrina Clements  
The Planning Inspectorate  
Room 3B  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Dear Ms Clements,

**APPEAL BY: Mr Nathan Silver (Roxy Beaujolais Limited)**

I write in connection with the above referenced appeal. The appeal relates to an enforcement notice that was issued on 17th February 2022 in order to secure the removal of equipment installed to the front elevation of the building.

The Council's case is largely set out in the Officer's delegated report, a copy of which was sent with the appeal questionnaire. In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following comments before deciding the appeal.

**Site at: 53-54 Carey Street, LONDON, WC2A 2JB**

**Enforcement Notice against the unauthorised:**

- Installation of two awnings
- Installation of one green blind
- Installation of LED uplighters
- Installation of pavement heaters
- Installation of associated conduit

**1. Summary**

1.1 The appeal site is at 53-54 Carey Street, a small pub known as the Seven Stars, with painted brick cladding and a partial timber frame dating in part from 1602. In 1974, the appeal building was formally listed at grade II status. The pub backs on to a grade-II\*-listed New Square. English Heritage describe New Square as an important, very well preserved early

example of a set of early legal chambers, remarkably spacious and with good panelled interiors not seen. It is also one of the most complete surviving C17 set pieces in London.

1.2 The alterations also affect part of Thomas Moore Chambers which is located next door to the appeal site at nos. 51-52 (now known as the “Wig Box”) and is partly amalgamated with the pub, and is also a listed grade II building, although this address is not included in the appeal. The site also stands directly across the road from the grade-I-listed Royal Courts of Justice.

1.3 The buildings contribute to making a positive contribution to the character and appearance of the Bloomsbury Conservation Area. Both 51-52 and 53-54 Carey Street are considered to have shopfronts of merit which is confirmed in the Bloomsbury Conservation Area statement.

1.4 Listed building consent was refused on 02/12/2021 for retrospective permission for awnings, external heaters and lights at the site (reference 2021/1188/L). The reason for refusal was as follows:

*The unauthorised awnings, external heaters, lights and associated fittings, by virtue of their size, location and design obscuring the frontage of the building, introduce modern and uncharacteristic features to the façade of two Grade II listed buildings, which detracts from the special architectural and historic interest of the Grade II listed buildings on which they are located and the setting of the Grade I listed Law Courts opposite, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.*

1.5 As the application was retrospective the notification of refusal was passed on to the planning enforcement team on 02/12/2021 in respect to the unauthorised installation of awnings, external heaters and lights (Ref: EN21/1142) - **The case is the subject of this appeal.**

1.6 An enforcement notice was then served on 17th February 2022, which would have taken effect on 31<sup>st</sup> March 2022. The enforcement notice required that within 3 months of it taking effect the Appellant should:

- Remove the awnings, blind, uplighters, pavement heaters and conduit;
- Make good the site and building following the above works.

## **2. Relevant planning history**

2.1 The relevant planning history demonstrates that the Council is consistent in resisting unacceptable development at the rear of this terrace of buildings. The council however seeks to grant permission where visual amenity is preserved or enhanced. The relevant planning history is below:

**2017/1658/L** Demolition and replacement of internal staircase. Refused 7/6/17.  
Appeal dismissed 20/10/17

**2021/1188/L** installation of awnings, external heaters and lights. Refused  
02/12/2021

### **3. Relevant enforcement history**

**EN21/1142**—complaint received in respect to unauthorized installation of awnings, external heaters and lights. The enforcement case is subject to this appeal.

### **4. Relevant planning policy:**

4.1 In arriving at its current position the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The development subject to this appeal was considered in the light of the following policies:-

### **5. National policy documents:**

#### **National Planning Policy Framework 2021 London Plan 2021**

5.1 The full text of each of the policies has been sent with the questionnaire documents.

### **6. Supplementary Planning Guidance:**

#### **Camden Local Plan 2017**

D1 Design

D2 Heritage

#### **Bloomsbury Conservation Area Statement 2011**

### **7. Comments on appellant's grounds of appeal:**

**7.1 Appeal on Ground (E) – That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.**

7.2 The appeal site is a very important building and is a designated heritage asset. It is grade II listed indicating its special architectural and historic importance. The site also lies within the Bloomsbury Conservation Area and therefore makes a positive contribution to the character and appearance of

the area. The main ethos of the Council is to preserve or enhance the character and appearance of this important building, and this part of the Bloomsbury conservation area.

7.3 The Appellant has not numbered the paragraphs in their appeal statement but confirms that the appeal has been made under ground E- That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted. In order to respond to the Appellants grounds of appeal I will seek to break down the issues raised into two main sections:

- Design/Impact on the heritage asset
- Public benefit and Viability

## **8. Design and impact on the heritage asset**

8.1 It is notable that at no point in the statement submitted does the appellant defend the lamps, heaters or conduit on the face of the two listed buildings which forms part of the enforcement notice.

8.2 In the first paragraph of the sub-heading 'introduction', the appellant notes that the unauthorised works was a quick response to the pandemic. However, it is considered that the pandemic cannot be used to justify businesses carrying out harmful and unauthorised works to a listed building. Moreover, now that the restrictions around the pandemic have been lifted, and businesses are able to operate as normal, the unauthorised works should be undone and the resultant damage remediated. The justification, minor as it was, has now expired.

8.3 The second paragraph of the introduction goes on to mention a 1964 photo showing awnings being present across both listed buildings (nos: 51-52 and 53-54 Carey Street). The pub and the shop next door were listed in 1974 and 1999 respectively, so the presence of awnings at least 10 years previous to the buildings being formally listed carries no weight.

8.4 The appellant has also presented a photo dated "circa 1975", showing awnings. Assuming that this date is correct, and there is no reason to believe that it is not, no evidence has been submitted explaining the circumstances of the removal of the awnings. The fact that a harmful addition that exists in a photograph has at some point been removed from a listed building (including as a result of enforcement action) does not mean that it can be reinstated at any point in the future, without the requisite listed building consent.

- 8.5 Under the 'seven stars' improvement history, and the pub's recognition' sub heading, the appellant gives a planning history of the site, describing successful applications to make non-harmful alterations to the interior of the pub. However the appellant omits the unsuccessful 2017 appeal in which he sought to demolish the central possibly 17th-century staircase, having described in their design and access statement submitted in support of their listed building application submitted under reference as "dating back to no more than four or five decades and of amateur construction".
- 8.6 The Appellant then goes on to describe the benefits of a "good pub" under paragraph three of 'seven stars' improvement history, and the pub's recognition' sub heading. This is not disputed. However a pub can be good and not have visually and physically harmful external fittings. The appellant does not attempt to claim that the pub would decline or close if the awnings and other paraphernalia were removed. Indeed this would be a difficult claim to make since the Seven Stars was winning awards throughout the 2000s, over 10 years before the awnings were introduced.
- 8.7 The Appellant then moves on to sub heading the 'history of awnings'. Firstly, the appellant explains that, during the 19th and early 20th centuries, awnings were fitted ad lib. This was before the advent of the modern planning system, including the listed building regime, both of which were responses to the recognition that individuals could no longer be allowed to alter the built environment at will, that general amenity and the historic environment needed protection.
- 8.8 Photos are then provided on the next page showing awnings in a variety of unrelated settings including a church in Preston. The circumstances under which these awnings were erected (and some of them are clearly harmful), the listed status of the host buildings, the date of installation and the lawfulness of the works are unknown. All that can be concluded is that awnings are acceptable on some buildings in some circumstances; however, they are not acceptable in the circumstances surrounding this appeal.
- 8.9 On the fifth page of the Appellant's statement under sub-heading 'do added awnings impair grade II listed buildings?' the Appellant asks, rhetorically, whether awnings are per se harmful to significance. To this, the Council's response is "emphatically not". In the correct context, awnings can be entirely appropriate. However, in the context of these two host listed buildings, the setting of the neighbouring listed building and the conservation area, they are not, because the current awning is considered to detract the characteristics and appearance of the host building.

8.10 The Appellant then argues that, where a doorway is present, an awning is desirable. This is rather to miss the point of listing a building. It is not in doubt that the Appellant considers the awnings “functional improvements”. Obviously the awnings offer the publican a valuable extension of the premises into the public realm. Clearly in the winter months, customers would prefer to be able to smoke under a cover, but it is the historic character of the building as found that is required to be protected. This means that certain conveniences may have to be foregone, if they are considered to be harmful to the heritage asset. If owners could make any alterations to listed buildings that they considered “desirable”, it would be difficult for the system to protect certain buildings.

8.11 The Appellant goes on to explain that the awnings should only be removed if they are deemed to be “annoyingly disruptive”. It is the Council’s argument that, in disrupting and damaging the facades of the listed buildings, in harming the setting of the neighbouring listed Law Courts and in failing to enhance the character and appearance of this part of the Bloomsbury Conservation Area, that they are indeed disruptive and harmful. As noted above, the “contemporary examples” of awnings on other buildings in other parts of Britain do not justify the harm that is caused here.

8.12 On the sixth page under sub-heading ‘The Seven Stars’ Awnings’ the Appellant seeks to justify the detailed design of the awnings. It should be noted that, while the garish colours of the awnings contribute to the harm caused, the awnings themselves harm the ability to appreciate the facades of the listed buildings, as well as causing physical damage as a result of their fixings.

8.13 The picture captions state that the two, flat roof, single storey buildings adjacent to the pub) cannot be said to be impacted by the awnings. Firstly, the two buildings in question are not listed. Secondly, this is simply not true. When standing at the junction of Serle Street and Carey Street, they are partially obscured by them. The fact that the third, pitched roof, single storey building adjacent might have an eave shaped like an awning is neither here nor there; it is not listed, and does not have an awning.

8.14 Finally, no 56 Carey Street, the Silver Mousetrap, which does have an awning, is an irrelevant comparison. It is not a listed building and at ground level is clearly a purpose-built 19th-century shop, of exactly the type that suits an awning. The fact that the awnings all align when open only goes to emphasise the substantial cumulative impact of all these awnings on the street scene. This is not to say that a street of aligned awnings is unpleasant in the correct context; but in this context it is inappropriate.

8.15 Under the sub-heading 'floral baskets' on page eight, the Appellant states that he has fastened flower baskets to the walls. This appears to constitute further evidence of the appellant's disregard for historic fabric, but unfortunately cannot be addressed here.

8.16 The Appellant notes that the pub predates the Royal Courts by over 250 years. This acknowledges the pub's great historic value and emphasises why it must be protected from harmful and whimsical alteration. As for the setting of the pub, it is indeed likely that, given the importance that we now ascribe to the historic built environment, a large new building as the Law Courts would need to take account of this. However, the point at issue is not the street's Victorian Gothic masterpiece, but rather a series of unsympathetic modern additions attached across the facades of two listed buildings.

8.17 The Appellant's description of the building as "grey, featureless brickwork" shows the lack of understanding of this important historic building. It is of course only grey because it has been painted so. One harm does not justify further harm. The fact that the awnings signal the presence of a pub might be another "functional improvement" but, again, shows the visual impact on the buildings, setting and area. The building does not need enlivening. Again, this shows an essential lack of sympathy with the historic environment. The Appellant again mentions the pre-existence of the awning on the adjacent building; but all that seems to be known is that an awning was present in 1965, and is therefore not relevant to this appeal.

8.18 Although not mentioned in the appeal statement, and therefore not discussed in this response, it should not be forgotten that the refusal of listed building consent also includes a large quantity of exterior paraphernalia including lamps, heaters and conduit. Along with the awnings, these additional elements have been damagingly because they have been affixed into the high quality stonework and the historic brickwork of the host buildings and are considered harmful.

## **9. Public Benefits and Viability:**

9.1 Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (which this site is considered to be), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.2 The Council is of the view that there is harm to the heritage asset and that it is less than substantial and does not consider there to be any

demonstrable public benefits arising from the proposal. The Council is also of the view that the installation of the awnings and other paraphernalia set out in the enforcement notice is not necessary to secure the ongoing optimum viable use of the building and the Appellant has provided no evidence to the contrary.

9.3 Year-round standing outside pubs is not a London tradition. It is a regrettable side effect of the 2007 smoking ban. Keeping the patrons of this pub dry is not considered a sufficient public benefit to outweigh the harm caused.

9.4 Moreover, the Appellant has provided no evidence to substantiate that without the awnings and other paraphernalia subject to the enforcement notice the use would become unviable. No information has been provided to support the notion that without the awnings the building is liable to fall into disrepair and become an under-utilized vacant heritage asset. In fact, as stated above, the pub has been winning awards prior to the installation of the awnings.

9.5 In regards to the petition submitted supporting this appeal it is considered that neighbouring institutions who support the unauthorised works indicates a lack of interest or knowledge in urban conservation. Moreover, this does not mean that the unauthorised works are justified, and they remain unlawful development.

9.6 In all, the harm is considered to be less than substantial. This level of harm can be justified either by public benefits or by keeping the heritage asset in its optimum viable use. Unfortunately, keeping the patrons of this pub dry is not considered a sufficient public benefit to outweigh the harm caused. Nor is there any suggestion that the pub will fall into disuse if the appeal is not allowed.

9.7 It is therefore considered that the removal of the awnings and other paraphernalia subject to the enforcement notice would not result in having any adverse impact on the viability of the current use, or the preservation of the listed building.

## **10. Conclusion**

10.1 The unauthorised awnings, external heaters, lights and associated fittings, by virtue of their size, location and design obscuring the frontage of the building, introduce modern and uncharacteristic features to the façade of two Grade II listed buildings, which detracts from the special architectural and historic interest of the Grade II listed buildings on which they are located and the setting of the Grade I listed Law Courts located opposite.

10.2 The awnings and other paraphernalia subject to the enforcement notice is considered to be an insensitive intervention in terms of the



materials used and does not respect the special historic and architectural interest of the listed host building.

10.3 The appeal proposal is thereby contrary to policy D2 (Heritage) of the Camden Local Plan 2017

10.4 On the basis of the information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss this appeal for the reasons stated on the enforcement notice.

10.5 The Council is unable to recommend any conditions to mitigate the impact of the development should the appeal be allowed.

If you require any further information or clarification on any matter associated with this case please contact Sophie Bowden on the above direct dial number.

Yours Sincerely,

Sophie Bowden  
Planning Officer  
Culture and Environment Department