

PLANNING SERVICES**TOWN & COUNTRY PLANNING ACT 1990 (as amended)**

HEARING STATEMENT OF CASE

APPEAL SITE

48 Mornington Terrace
London
NW1 7RT

SUBJECT OF APPEAL**APPELLANT**

Mr Luke Chandresinghe

Appeal under S20 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Appeal against Listed Buildings Consent refusal dated 13/4/2021 for:

Removal and installation of replacement sash windows and drainage pipe (front elevation); alterations to internal walls and plan form; new/replacement shutters, flooring, ceiling, and fireplaces and surrounds; replacement staircase; alteration to front lower ground steps; rendering of vault; alterations to joinery; removal of rear wall and erection of fully glazed full width rear extension and glass roof to rear return (retrospective).

COUNCIL REFERENCE:

LBC ref: 2020/5037/L

PLANNING INSPECTORATE REFERENCE:

APP/X5210/Y/21/3284736

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1.0 REFUSAL OF LISTED BUILDING CONSENT Ref: 2020/5073/L

- 1.1** The subject of this appeal is the refusal by the Planning Authority of a retrospective listed building consent application (2020/5073/L), for extensive alterations to No. 48 Mornington Terrace. These works were carried out without the benefit of Listed Building Consent to a statutorily listed grade II building and the application sought to regularise the planning position.
- 1.2** The Planning Authority's response to Appellants Grounds of Appeal can be found in the Table of Breaches Appendix
- 1.3** **On 13/04/2021** - Listed Building Consent was **refused** for: removal and installation of replacement sash windows and drainage pipe (front elevation); alterations to internal walls and plan form; new/replacement shutters, flooring, ceiling, and fireplaces and surrounds; replacement staircase; alteration to front lower ground steps; rendering of vault; alterations to joinery; removal of rear wall and erection of fully glazed full width rear extension and glass roof to rear return (retrospective) (2020/5073/L).

Reasons for refusal as given on the Decision Notice:

1. The internal alterations (including the removal of historic fabric within the lower ground floor, the removal of the domestic stair to that floor, changes to the upper floors involving the loss of original plan form and ceilings, and the replacement of the original marble fire surrounds and historic joinery on ground floor with ones of an inappropriate design), by reason of their detailed design and the loss of historic plan form and historic fabric, are considered to harm the special architectural and historic interest of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The external alterations to the front and rear elevations (including the removal of the rear wall at lower ground level, the enlarged full width rear extension, the new steps to the front lightwell, the replacement windows at front and rear, and the new downpipe on the front elevation), by reason of their location, form, bulk and design, are considered to harm the special architectural and historic interest of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The reflective qualities of the proposed double-glazed sealed units and the joinery details of the replacement windows, by reason of their detailed design out of keeping with the existing single-glazing on adjacent properties in the terrace, are considered to harm the special architectural and historic interest of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

1.4 For clarity, the works proposed to be regularised in this refused application are itemised as follows:

1.5 Lower ground floor

1. Replacement of lower ground floor sash- front elevation with a larger double glazed window.
2. Removal of original spine wall to create a single cleared space.
3. Removal of original rear wall to facilitate rear extension and create a larger cleared studio space
4. Chimney breast removed in rear basement. This is shown in drwing no. AS101. A comparative plan showing existing and as built.
5. Lower ground floor - Staircase removed and replaced with new ply staircase
6. Floor depth lowered throughout lower ground floor
7. Glazed rear extension spanning the full width of the rear of the house
8. Rendering of vault to create a bathroom
9. Re-ordering front garden steps

1.6 Ground floor

- 11 Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing
- 12 Removal of marble chimney surrounds and hearths with new chimney surrounds
- 13 Removal of double doors between principal room and installation of metal frame
- 14 Modification to historic shutters, shortened to avoid snagging new radiator. Now replaced with louvred shutters
- 15 Replacement of existing flooring with narrow pale Maple boarding
- 16 Glass roof to rear return and timber floor

1.7 First Floor

17. Removal and replacement of timber sash windows with double glazed

- 18. Replacement flooring with narrow Maple boards
- 19. Removal of mantel pieces and hearths
- 20. Removal and replacement of double room dividing doors

1.8 Second Floor

- 21. The installation of a bathroom, timber cladding to walls, bathroom services including drainage installed
- 22. Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing
- 23. Installation of louvred shutters where none existed historically
- 24. Replacement of original floorboards with new narrow pale Maple boards

1.9 Third Floor

- 25. The removal of the plaster ceiling and wall plaster. Exposed sand blasted brick finish
- 26. Replacement of existing flooring. Ceilings formed of reclaimed floor boards attached to underside of roof structure
- 27. Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing

1.10 Front Elevation

- 28. Installation of a plastic drainage pipe from second floor bathroom

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

Summary of applications and unauthorised works

- 2.1** The council has sought to regularise unauthorised development to the property as shown below and to work proactively with the Appellant.
- 2.2** The house has a lengthy planning and enforcement history including various permissions, refusals and enforcement action including: alterations and extensions, erection of an outbuilding in the rear garden, and change of use of the basement to an office.

- 2.3 In 2014 application 2014/27441/P was refused. The subject of this current appeal is the refused retrospective application for works carried out in 2014/15 and which were essentially the same as 2014/27441/P.
- 2.4 In 2014 planning permission and listed building consent were granted for alterations including an extension at basement level.
- 2.5 In 2015, a site visit revealed however that substantial unauthorised works had been undertaken including the erection of a full width rear extension at basement and ground floor levels and a garden room.
- 2.6 In 2015, the unauthorised outbuilding/garden room was refused permission. In 2017 an enforcement notice was issued to remove the outbuilding. In 2018, an appeal against an enforcement notice was allowed granting consent for the outbuilding.
- 2.7 In 2021, an appeal against an enforcement notice issued in 2020 regarding the change of use of the basement to an office and associated works was dismissed.
- 2.8 Listed building consent to regularise the internal and external alterations was refused on 13/4/21 and is subject of this appeal.

The planning and enforcement history is amplified below.

3.0 Detailed planning and enforcement history

- 3.1 The history is set out as follows chronologically, with the earliest decisions first. The current listed building refusal subject to this appeal follows enforcement action instigated in 2015 regarding unauthorised works.
- 3.2 **On 06/06/1973-** permission was **refused** for the change of use of the first, second and third floors, including works of conversion, to provide three self-contained flats. (Ref: 28246).
- 3.3 **On 17/09/1984-** permission was **granted** for the change of use of the basement to a self-contained dwelling unit, including works of conversion (Ref: 34063(R1)).
- 3.4 **On 09/10/2008 –** Listed building consent was **granted** for mass concrete underpinning to the single storey rear extension (Ref: 2008/3295/L).
- 3.5 **On 13/06/2013 -** Planning permission and listed building consent were **refused** for the erection of basement and ground floor rear extension with first floor rear extension above, new rear light-well with associated landscaping, glass canopy over front light-well and internal alterations to

existing dwelling (Class C3). (Refs: 2013/2239/P & 2013/2343/L). The applications were refused on the following grounds:

Planning permission refused:

1. The proposed extensions, by reason of their inappropriate detailed design, scale, bulk and height on the rear elevation would be an incongruous and obtrusive addition to the building which would detract from the appearance and special architectural and historic interest of this terrace of Grade II listed buildings and the wider Conservation Area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed glass canopy would be an uncharacteristic feature to the existing building and would have an adverse impact on the special architectural interest of the listed building, contrary to policy CS14 (Promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. By virtue of their size and position the proposed rear extensions would have a detrimental impact on the daylight received by the residents at 49 Mornington Terrace. This would be contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Plan.

Listed Building consent refused:

1. The proposed extensions, by reason of their inappropriate detailed design, scale, bulk and height on the rear elevation would be an incongruous and obtrusive addition to the building which would detract from its appearance and special architectural and historic interest contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed glass canopy would be an uncharacteristic feature to the existing building and would have an adverse impact on the special architectural interest of the listed building, contrary to policy CS14 (Promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (conserving

Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. The proposed internal alterations at second floor level would harm the historic plan form of the listed building and thereby detract from its special interest, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3.6 On 02/09/2013** - Planning permission and listed building consent were refused for the erection of rear extension at lower ground floor level of existing dwelling (Class C3), associated landscaping and internal alterations. (Ref: 2013/4379/L, 2013/4286/P). The applications were refused for the following reason:
- 3.7** The proposed extension, by reason of its bulk, mass, and inappropriate detailed design (including use of the roof as a terrace with the balustrade and steps), would be an uncharacteristic addition which would detract from the appearance and special architectural and historic interest of the grade II listed building, wider terrace and Conservation Area. This would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 3.8 On 08/04/2014** - Planning permission and listed building consent were **granted** for external and internal alterations for erection of single storey rear extension on basement level, new rear light-well with balustrade and replacement of rear ground floor windows of rear extension to dwelling house and associated internal alterations (Class C3). (Ref: 2013/6592/P & 2013/6742/L)- The Council is of the opinion that these permissions were implemented but not in accordance with the approved drawings, although the Appellant's previously argued that the permissions had not been implemented at all and are therefore expired.
- 3.9 On 07/10/2014-** a complaint was received in respect to considerable modifications to the basement, in addition to a large building being constructed of breeze-blocks at the bottom of the garden. (EN14/0974). This was in connection with an outbuilding being erected, which was subject to an enforcement notice issued on 22/12/2017. See paragraphs 3.13 and 3.14 below.
- 3.10 On 24/02/2015** – a complaint was received for unauthorised works to the building including rear ground floor and basement extensions, partial change of use in basement to architect's office and various other alterations throughout without planning or listed building consent. These

works were subject to enforcement action under case reference EN20/0163, see para 3.17 and 3.18 below.

- 3.11 On 21/07/2015** - Planning permission and listed building consent were **refused** for the erection of full width rear extension at lower and ground floors (retrospective) (Refs: 2014/7441/P & 2014/7506/L). The applications were refused for the following reason:

The proposed development, by reason of its design, scale, bulk and location, has a detrimental impact on the appearance, setting and special interest of the host listed building and on the setting of the wider terrace of listed buildings. As such the proposal would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policy DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.

- 3.12 On 21/07/2015** - Planning permission and Listed Building Consent were **refused** for the erection of a garden room in the rear garden (retrospective) (2014/7412/P and 2014/7447/L).

The reason for refusal was as follows:

The development, by reason of its design, scale, bulk and location, has a detrimental impact on the character and appearance of the Camden Town conservation area, on the appearance and setting of the host listed building and on the setting of the wider terrace of listed buildings. As such the proposal is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.

- 3.13 On 22/12/2017**, an enforcement notice was subsequently issued (Ref: EN14/0974) for removal of the above garden room/outbuilding. The notice required that within 3 months of it taking effect the owner was required to: totally remove the black metal and glass outbuilding from the rear garden, and make good any damage done as a result of the above works.

- 3.14 On 29/6/2018** an appeal against the above notice on ground A was allowed and the notice quashed (APP/X5210/C/17/3191981, 3191982 & 3191983) The Planning Inspector was of the opinion that it is sited away from the public realm and screened from Mornington Terrace by the listed terrace itself. There is no public vantage-point and that it is most unlikely that there is a public vista in which any part of the building would be seen. The Inspector conclude that the development preserves the character

and appearance of the Conservation Area, the setting of the host building and the listed terrace of which it forms part.

- 3.15 On 09/10/2018** - Listed building consent was **granted** for details of existing landscaping and proposed maintenance as required by Condition 1 of appeal decision relating to the above enforcement notice EN14/0974 (Ref: 2018/3880/L)
- 3.16 On 12/10/2020**- an enforcement notice was issued in relation to the material change of use of the basement of the property from part of residential dwelling (use class C3) to an office (Class E) (Ref: EN20/0163). This was appealed.
- 3.17 On 21/12/2021**, an appeal was dismissed against the above enforcement notice issued regarding use of the basement. Refs: APP/X5210/C/20/3263558 & APP/X5210/C/20/3263559. The Inspector concluded that the use of the basement for an office resulted in the loss of residential floorspace, contrary to Policy H3 of the Camden's Local Plan.
- 3.18 On 12/10/2020** a listed building enforcement notice (Ref: EN20/0163) was also issued for unauthorised physical works including internal and external alterations at basement level of this grade II listed building. The listed building enforcement notice was subsequently withdrawn at appeal stage because the wording in the notice was considered to be poorly drafted. The notice issued related solely to works at basement level and it was unclear how the requirements of the listed building enforcement notice could be achieved at basement level without affecting the upper floor of the extension. (Ref: APP/X5210/F/20/3263561). This subject appeal against a subsequent refusal of listed building consent takes the issue of unauthorised physical works forward.
- 3.19 On 13/04/2021** Planning permission refused for the Change of use of the lower ground floor from residential to office (retrospective) (Ref: 2020/5040/P). This refusal was never appealed. It should be noted that an enforcement notice was issued in respect to the change of use at basement level, which was appealed and subsequently dismissed by the Planning Inspectorate (See paras 3.16 & 3.17 above)

The Subject of this appeal

- 3.20 On 13/04/2021**- Listed Building Consent was refused for internal and external alterations and it is the subject of this appeal. The refusal notice is set out fully in para 1 above. The application was submitted following receipt of an 'Enforcement Letter' (dated 13 February 2021 under reference EN15/0212) - see Appendix B setting out 28 alleged unauthorised works

4.0 RELEVANT LEGISLATION AND POLICY

**4.1 Planning (Listed Building and Conservation Areas) Act 1990
Sections 16, 66 and 72**

**4.2 National Planning Policy Framework 2021 Section 16
Planning Policy Guidance**

4.3 The London Plan 2021

4.4 Camden Local Plan 2017

- Policy D1 Design
- Policy D2 Heritage

**4.5 Camden Planning Guidance:
- Design (2021)**

4.6 Camden Town Conservation Area Statement (date)

Other guidance contained in:

- 4.7**
- Energy Efficiency and Historic Buildings 2016;
 - Energy Efficiency and Historic Buildings: Secondary glazing for windows 2016;
 - Conservation Principles, Policies and Guidance 2008;

See Appendix 1

5.0 THE SITE AND SURROUNDINGS

5.1 No. 48 Mornington Terrace is a grade II listed early Victorian mid terrace house located on the east side of the Mornington Terrace. Dating from the 1840's, No. 48 forms part of an impressive uniform terrace of 27 houses built in yellow stock brick and with rusticated stucco ground floors. The front elevations have stucco fluted Ionic pilasters which mark the division of houses and a continuous decorative cast iron balcony. Decorative and striking the frontage has a strong repetitive architectural rhythm. The appeal site is over five storeys including a basement floor and all under a slate mansard roof. The terrace was listed in 1974 in recognition of its .The area is predominantly residential, although there is a public house located on the west side of the street opposite the appeal site, The Edinboro Castle, which is also listed Grade II.

No. 48 Mornington Terrace is within the Camden Town Conservation Area was designated on 11th November 1986 and the boundary later extended in 1997.

5.2 The Council's assessment of the significance of the Listed Grade II building as a Heritage Asset

5.2 The Historic England Listed Entry reads as follows:

NUMBERS 26-52 AND ATTACHED RAILINGS, 26-52, MORNINGTON TERRACE Listed Grade II

Terrace of 27 houses. Mid C19. Yellow stock brick with rusticated stucco ground floors. Slate mansard roofs and dormers. Formerly symmetrical terrace; projecting central houses (Nos 33-38) and northern end houses (Nos 50-52), southern projection missing. 3 storeys, attics and semi-basements; central and end houses 4 storeys and semi-basements. 2 windows each. Stucco porticoes with pilasters carrying entablature; fanlights and panelled doors, some with nail-head ornament. Entrance to No.52 in side portico. Ground floor sashes of Nos 26, 27, 29, 31, 32 & 40 with margin glazing. Stucco fluted Ionic pilasters mark division of houses rising through 1st and 2nd floors to carry entablature at 3rd floor level (except Nos 46 & 49), formerly with balustraded parapet. Recessed, architraved sashes to upper floors; 1st floor with console bracketed cornices and continuous cast-iron balcony. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings flanking steps to doorways and geometrical railings to areas.

5.2.1 A description of the established traditional layout of terraced London houses of the 18th and 19th century as follows:

The layout of terraced houses was fairly typical for mid-nineteenth century houses with basements accessed via front light-wells. These had steps to one side and direct access to the basement service area above the main entrance. Each house had two or three coal vaults beneath the pavement. The front room at basement level was a kitchen with the household range with a smaller servant's room to the rear. A closet wing to the rear of each house housed a small room with a fireplace for the cook or housekeeper. At street level, a bridge across the light wells gave access to the front door of each property, situated to the opposite side of the plot to the domestic access. Keeping the two social orders firmly apart. The front door led to the entrance hallway and the main stairs running along the party wall of each house. The two main rooms of significance at ground floor level each had a fireplace on the party wall which formed the focus of the rooms. The closet wing again included a small room and fireplace. The first floor accommodated the primary reception room, the room of highest significance, stretching across the entire frontage of each house with a smaller room to the rear. Again both these important rooms focused on the fire place. The second and third floors supported smaller domestic rooms, a smaller room to the back and a larger room to the front, sometimes divided on the upper most attic

floor. These floors would also have included fireplaces on the party walls.

This clearly describes the interior of No. 48 Mornington Terrace prior to the unauthorised works being carried out. This is relevant to the appeal as it illustrates that the building was of significance because, in terms of the NPPF definition, it was of value as a heritage asset to this and future generations because of its heritage interest.

- 5.3** The application property was visited at the end of 2013 by the Council's Conservation Officer in connection with application 2013/2343/L. This was prior to any works, internal or external, being carried out in 2014. The current owner/applicant showed the conservation officer around the property. It was evident that the house was virtually in its original form and that it had been occupied up until very recently.
- 5.4** To see an interior with such a level of historic detailing is increasingly rare and as such represents a highly import architectural set piece. A record for future generations.
- 5.5** The historic plan form of the ground, first and lower ground floors were clearly evident on that site visit. Internal details to the principal floors were all evident too. The fireplaces on the ground and first floor were plain grey/white marble chimney pieces which in the opinion of the Conservation Officer, were original to the building, dating from the early Victorian date of the house. Similar examples are to be found in neighbouring terraces in this part of the conservation area of the same period.
- 5.6** Other features viewed on site included historic joinery, folding room dividing doors, vertically sliding timber sash windows with associated joinery - shutters, architraves, aprons etc., original internal doors, skirting and floorboards were all observed in situ. Original plain and decorative ceiling plaster and the historic staircase from the ground to the upper floors were also evident.
- 5.7** In the basement a simple stair with later 20th century balustrading and a timber handrail could be seen. It was not possible to ascertain the age of the stair but it appeared to be a small scale domestic servants' stair as would normally be expected in this location. The cellular floor plan of the lower ground floor was clearly legible showing the more modest proportions and lower ceiling height of the domestic or service quarters as would be expected in a house of this stature.
- 5.8** The early to mid19th century domestic hierarchy was clearly evident in the plan form and layout of the building. Also in the details – decorative joinery displaying articulated moulding, raised and fielded panels, double room dividing doors and decorative cornices to the ceiling plasterwork in the principle rooms. Plainer finishes in the lower status quarters - all

illustrating the way in which this historic building was originally planned and lived in.

- 5.9** Externally the rear elevation retained a subordinate, double height, half width rear extension or closet wing which had been rebuilt sometime in the late 20th century. The full height of the main house, from basement, four floors plus attic storey, could be appreciated from the garden and the back of No. 48 echoed the historic built rhythm, of rear wall and protruding extensions, replicated along the neighbouring listed terrace and typical of this type of 19th century development within the Camden Town conservation area. Some later alterations had taken place but generally the original closet wings were in the main, evident.
- 5.10** Camden Town Conservation Area was designated on 11th November 1986 and the boundary later extended in 1997. The conservation area statement described the area as having a high proportion of 19th century buildings both listed and unlisted, which make a positive contribution to the historic character and appearance of the conservation area.
- 5.11** The site lies within the designated Camden Town Conservation Area. Camden Town Conservation Area was designated by the London Borough of Camden on 11th November 1986. The Camden Town Conservation Area Statement and Management Strategy (2007), gives a detailed description of the terrace's attractive classically influenced architecture as follows:

Forming the western boundary of the Conservation Area, Mornington Terrace has a spacious quality and benefits from panoramic views to the south and west. This is due to the Euston railway lines which have run alongside since 1851, the widening of which resulted in the demolition of a series of villas on the west side in 1902. A high brick wall with stone copings constructed at this time screens the railway cutting below. At the entrance to the Mornington Street Railway Bridge, the wall is accentuated by a pair of stone piers with lamp standards, which are listed grade II for their special interest.

The east side of the street is lined in most part by uniform terraces of brick and stucco houses erected in the 1840s. The houses tend to be taller and grander than their counterparts in streets to the east. The terrace at Nos 26-52 has a raised centrepiece rising to five storeys (Nos 33-39), accentuating the classical nature of the architecture. The bulbous cast-iron balconies at first floor level are continuous, a strong horizontal feature somewhat counterbalanced by the Ionic pilasters which run along the first and second floors of the properties. Front gardens are of a generous depth, often with mature planting, although front railings to a sizeable number of properties have been replaced with inappropriate boundary treatments including low brick walls and hedges. The terrace

ends splendidly in a different style, with Nos 53-54, a pair of Italianate houses distinguished by heavy eaves brackets and arched windows breaking through a cornice. They are jointed to Nos 55-56 on the corner of Delancey Street, also Italianate, forming a single building with canted sides. Nos 53-56 are similar to the Italianate terraces of 1845-50 found in Gloucester Crescent to the north (in the neighbouring Primrose Hill Conservation Area).

- 5.12** Mornington Terrace dates from the earlier part of the 1840's and is considered to be one of the grandest and most decorative of all the terraces in this part of the Camden Town Conservation Area. The railway tracks from Euston run parallel to the terrace and which allow open views from the front of the houses.
- 5.13** The Appellant points out that the primary significance lies in the frontage. It should be noted that many of the early Victorian terraces in the neighbouring streets have far plainer front elevations and are listed grade II. Delancey Street, Arlington Road and Albert Street to name a few. Again the listing citations state the interiors were not inspected. This does not infer the interiors had no significance rather they were not assessed.

6.0 STATEMENT OF CASE

REFUSED AND UNAUTHORISED WORKS TO THE LISTED BUILDING

- 6.1** The following Statement of Case amplifies the reasons for refusal and addresses the Appellants Grounds of Appeal there in. The following to be read in conjunction with the Appellants Statement of Case.
- 6.2** This statement addresses the works applied for in the Listed Building Consent Application (ref: 2020/5037/L).
- 6.3** In 2015 the Conservation Officer visited No. 48 Mornington Terrace again and found considerable work had been undertaken without listed building consent. In the officers' opinion much of the work involved demolition and removal of original fabric with new fabric, both in terms of material and design, which was at odds with the special character of the historic building. A great deal of invasive work had clearly taken place, for example the installation of a steel supporting structure – all hidden by new plaster finishes.
- 6.4** The subject of this appeal is the refusal by the Planning Authority of a retrospective listed building consent application (2020/5073/L), for extensive alterations to No. 48 Mornington Terrace. These works were carried out without the benefit of Listed Building Consent to a statutorily listed grade II building and the appeal application sought to regularise the planning position.

- 6.5** It must be noted that the application (2020/5073/L), was for works listed by officers and only visible at the time of visiting site and after the works had been completed. A great deal of structural work had presumably been carried out which could not be seen and for which no evidence has been provided.

INTERNAL WORKS

- 6.6** The internal works, as viewed on site, include the removal of historic fabric within the basement resulting in the loss of the original plan form and the reduction in height of the floor, thereby harming both the spatial proportions of the original front and rear rooms and the historic domestic hierarchy.
- 6.7** The Appellants state it was necessary to lower the basement floor in order to deal with damp and water ingress but they have not demonstrated why the change in level was required. The damp proofing and insulation could have been carried out without changes to the floor level. Nor is there an explanation as to why the works contribute towards the long-term preservation of the property. Such invasive and heavy handed installations can have damaging permanent structural repercussions for the building and also the adjoining neighbours. 18th and 19th London terraces were built as an interconnected structure. Stiffening, strengthening and introducing mass concrete and a ridged steel frame, as is likely in this case, may cause fundamental damage. No structural engineers report has been provided.
- 6.8** The excavation and lowering of the basement floor has fundamentally altered the historic hierarchy of the listed building. The floor to ceiling height of the basement is now comparable with that of the principle rooms on the ground and first floor. The ground floor and first floor rooms were the primary spaces historically and as such the scale and decorative finish were designed to impress visitors to the house - to show off the social status of the house holder. The lower ground floor would have been the cooks' domestic quarters, more modest in scale and undecorated as appropriate to the social hierarchy of the occupants.
- 6.9** The cellular character of the basement rooms was replaced with an open plan office of substantially larger volume lacking reference to the historic interior. In addition the domestic stair from the basement to the ground floor had been removed and replaced with a temporary stair of ply wood. Such an extent of the lower ground floor walls had been removed this work must have involved substantial excavation and the introduction of structural works. No details have been provided of this invasive work.
- 6.10** The Appellant has stated that the chimney breast in the rear room has not been removed although it is clearly shown in the existing drawings and as removed in the as built. This needs to be clarified.

- 6.11** On the ground and 1st floors, in the high status rooms, the removal has taken place of what was considered to be the original marble fire surrounds and they have been replaced with fireplace surrounds of an out-of-keeping detailed design. The chosen replacement surrounds look out of place and inappropriate for a building of this period in officers' opinion.
- 6.12** The removal and replacement of historic joinery, with an architecturally unrelated design has taken place. The central dividing doors on the ground floor and associated timber architraves have been removed and in place was a bland opening surrounded by flat section metal liner with no definition or interest. These new interventions not only represented a loss of historic fabric and detailing but the replacement elements had no relevance to the historic interior. All exert a negative impact and caused harm to the special architectural and historic interest of the listed building by virtue of their loss. On the first floor the historic interconnecting doors had also been removed and replaced with new versions.
- 6.13** On the second floor it is understood that glass partitions installed as part of these appealed works, have been removed. Confirmation on site would be helpful.
- 6.14** Alterations carried out over the upper floors also involved the loss of original plan form and the loss of the top floor ceilings, along with the removal of the plaster wall finish. Instead there are now sand blasted brickwork in the bedrooms and floorboards used to panel out the internal roof slope. These rooms no longer have the original finishes, proportions or volume to be expected of a house of this period. All this is considered to have collectively harmed the special architectural and historic interest of the listed building by virtue of the inappropriate and negative visual impact as well as the loss of historic fabric.
- 6.15** Throughout the house the old floorboards appear to have been replaced with engineered timber flooring. Pale Maple narrow boards have been installed which would not have been historically relevant. The appellant states the original floor boards have been retained underneath but no photographic evidence has been provided. Indeed Drwg. No. 210_D July 2015 See Appendix XX shows to that contrary to the Appellants statement the floorboards and skirting were removed.
- 6.16** If the original floor boards were retained then the original skirting, doors and associated architraves would have required considerable trimming, cutting and refitting. Indeed the doors, skirting and associated architraves look, in the opinion of the Conservation Officer, as if they have been replaced also. No details have been provided to show they have been retained,
- 6.17** The finish to the original internal timber elements is questionable. All joinery, doors etc. now have a bright blue paint finish over an extremely

crisp and even timber base. Either the doors have been replaced or they have been refinished aggressively so that no softness or wear of age is evident. The joinery appears new and devoid of historic character.

EXTERNAL WORKS

- 6.18** The unauthorised external elevational alterations to the rear, including the near total removal of the rear wall at lower ground level, the introduction of a greatly enlarged full width rear extension of a design and materials that fail to relate to the historic host building or the wider listed terrace, the new steps to the front light well, the replacement windows (front and back) are all considered to be harmful, by reason of their location, form and design, to the significance of the listed building.
- 6.19** The rear extension as refused and built, is full width at lower ground level and half width at upper ground floor with a glass canopy roof covering the open area, thus effectively appearing as a full width structure. The detailed design of the rear extension is made up of a lightweight steel frame structure with infill panels. The panels fail to harmonise with the proportions or layout of the existing architecture of the host building or the listed terrace. A non-traditional clerestory, a strip of window across the whole back of the full width extension at the meeting of the lower ground and ground level gives light to the basement. The design is totally out of keeping with the historic appearance of the building. All original access from the basement to the garden which would naturally have been expected, has been removed and access is now from the ground floor only.
- 6.20** The glass canopy to the rear of the ground floor creates a covered terrace structure totally unusual and inappropriate for the early Victorian building. The canopy cuts unfortunately across the ground floor brick window arch without any reference to the host building and obscuring a key feature of the rear elevation, being the sash window of one of the principle rooms of the house.
- 6.21** The flooring of the covered terrace appears to be interior type timber boarding possibly Maple. This again looks out of keeping and at odds with the listed host building.
- 6.22** Another key feature of the listed terrace is the regular repeating projections of the original rear additions from the main rear elevations creating a strong visual counter-play between these two elements.
- 6.23** Although some of the rear elevations have been altered during the 20th century the changes mostly pre-date the 1974 listing of the terrace or creation of the Conservation Area in 1986. Others it appears have no planning record, nevertheless the historic pattern of brick closet wings and rear elevations punctuated by sash windows remains strongly

identifiable along the back of the terrace and should not be degraded by any extensions that fail to follow the established, historic building form.

- 6.24** It is considered that, by reason of its inappropriate detailed design and materials, its excessive bulk, and its scale and location obscuring the legibility of the original building at both levels, the extension overall fails to preserve the listed building and its features of special architectural or historic interest, also harming the setting of the wider terrace of listed buildings.

Applications for nearby properties

- 6.25** Of relevance to this appeal the following applications for neighbouring properties were made to the planning authority. This shows that the council seeks to protect this listed terrace and that consent would be granted for sympathetic development.
- 6.26** WITHDRAWN No.50 Mornington Terrace – An application for a two storey extension with access steps to the garden to rear of maisonette and associated landscaping was withdrawn on 26/04/2013 (refs: 2013/0841/P and 2013/0947/L).
- 6.27** REFUSED No. 46 Mornington Terrace - A similar proposal involving erection of a rear basement extension and a rear conservatory at ground-floor level with external steel staircase to the garden was refused on 20/08/2002 (ref: PEX0101054). The proposed extensions by virtue of their height and bulk were considered to dominate the rear elevation, detrimental to the character and appearance of the terrace.
- 6.28** REFUSED at Appeal No. 37 Mornington Terrace - A similar first floor rear extension to the proposed one was refused on 08/09/2004 (refs: 2004/3039/P and 2004/3040/L) and dismissed at appeal on 22/04/2005. The inspector considered that the rear façade of the building would be badly affected by the first floor extension.
- 6.29** APPROVED No. 34 Mornington Terrace - A single storey conservatory type rear extension at lower ground floor level was approved on 01/09/2009 (ref: 2009/2679/P).
- 6.30** In respect to items 3 and 7 contained in the Appellant's letter sent to the planning department and dated 29/10/2020, the Appellant seeks to argue that the two-storey rear extension is now immune from enforcement action given that it has been in place for more than 4 years. Whilst this may be applicable in planning terms, this is not the case where it relates to harm caused to listed buildings. Where harm is caused to a listed building and restitution is sought to mitigate the harm caused there is no statute of limitation for when enforcement action can be undertaken.

Moreover, the original rear wall at rear basement level has been completely removed in order to facilitate light into the rear extension at basement level. The Council is of the opinion that the removal of the rear wall causes harm to the special historic interest of this grade II listed building. Should the wall need to be replaced/reinstated then this would necessitate removal of the two-storey rear extension and associated canopy. The Council is therefore of the opinion that the rear extension is not immune from enforcement action.

WORKS TO THE FRONT ELEVATION

- 6.31** Along the front elevation of the listed terrace are regularly placed cast iron rain water down pipes which appear to be in their original location, and which contribute to the architectural rhythm of the front elevations. The unauthorised works include the installation of a soil pipe that has been introduced above the front entrance of No. 48.
- 6.32** The substantial new black downpipe on the front elevation is considered to cause physical harm, by necessitating core drilling the principle elevation, and visual harm to the listed building, the setting of the adjacent listed buildings and to the wider Conservation Area. The Victorian sensibilities would have been highly offended at having such a soil pipe displayed at the entrance to the house. The installation is ugly and mars the fine elevation to the detriment of the appearance of No. 48 and the neighbouring listed terrace of like buildings.
- 6.33** Works to replace the front basement steps are clearly in connection with the lowered ground level which has been reduced throughout the lower ground floor to create a much larger space, a grander, more impressive work unit. This work alters the basement entrance from its domestic appearance to a more impressive entrance presumably for the architects studio and clients. This has the effect of fundamentally altering the established historic hierarchy of the listed building to the detriment of the understanding of the building. The significance of the hierarchy has been harmed.
- 6.34** Rendering and altering the vaults located under the front garden to create a bathroom and store have involved excavation and underpinning of which no details have been provided. The Appellant claims that the vaults previously suffered from damp, and that the render applied is breathable lime-based plaster and is reversible, and that the works do not affect the character as a building of special architectural or historic interest.
- 6.35** No method statement has been provided of the structural works or the works of damp proofing to the vaults. Services including drainage have been introduced – again no details have been provided.

WINDOW REPLACEMENT

- 6.36** The demolition and replacement of the vertically sliding timber sash windows are part of the refused application and unauthorised works.
- 6.37** The reflective qualities of the replacement double-glazed sealed units and the joinery details of the replacement windows contrast with the existing single-glazing to be found elsewhere in adjacent properties in the terrace, causing harm to the grade II listed building and the setting of the adjacent listed buildings.
- 6.38** The planning authority does not normally support the replacement of historic windows and the installation of double glazing as a matter of fact. Besides the loss of historic fabric the visual impact of double glazing is considered to negatively stand out from the consistent appearance of, as in this instance, a terrace of similar windows.
- 6.39** Furthermore in this case all the replacement double glazed windows have plain, historically inaccurate, rectangular glazing bar sections which fail to follow the historic moulded and richer decorative original joinery examples. Indeed no other examples of this odd joinery section are known in listed buildings in Camden. The machine made flat glass of the replacements has resulted in hard reflective qualities and there is also a shadow appearance of the integral spacer between the layers of glass Both of which fail to match the original windows of the listed terrace as a whole thereby negatively impacting on both the listed building as well as the setting of the listed terrace.
- 6.40** Normally the introduction of secondary glazing is the supported option for listed building as this retains the original glass with its softer appearance and the original timber box sashes. Secondary glazing is considered reversible in the long term.
- 6.41** Generally the planning authority is keen to support more sustainable environmental improvements and secondary glazing is seen as the least harmful option for historic buildings.
- 6.42** Prior to the unauthorised works the existing front basement window was a single glazed six over six vertically sliding timber sash window. As part of the unauthorised works, this was replaced with a nine over nine timber sash window of a noticeably greater depth with horizontally proportioned glazing resulting in a fussy glazing bar configuration and which is considered uncharacteristic. The replacement basement window fails to match the proportions of other 6 over 6 sash windows of the front elevation and fails to follow the domestic hierarchy of the fenestration.
- 6.43** The design of the replacement dormer windows to the front roof slope is considered an improvement to the appearance of the building. The existing were not original and appeared to date from the later part of the 20th century. However the Council has received comments relating to the

location of the replacement dormers to the rear roof slope. It has been pointed out they do not follow the line of the fenestration to the lower floors as was granted approval, and as such this is considered to be a disharmony. This needs confirmation on site.

- 6.44** No schedule or condition survey was carried out by the appellant to provide justification for the removal of the original fenestration. In terms of the conservation approach to a listed building, repair is the first option when considering the condition of original fabric.
- 6.45** No. 48 Mornington Terrace dates from the 1840's this was just as larger panes of glass were becoming easier to manufacture and cheaper. It maybe that the demolished windows were originally six over six sash frames which had been "modernised" with the removal of the additional glazing bars. This could have been historically interesting as a record of changing joinery details. The introduction of horns to the top sashes happened at this time. Unfortunately the appellant carried out the work with scant record and no condition survey of the window details.
- 6.46** It is acknowledged that the glazing bar configuration of the replacement windows from the ground floor up, follow the neighbouring pattern.
- 6.47** It should be noted there is currently a rolling programme of secondary glazing window installation along Mornington Terrace in connection with the works associated with HS2. Listed Building Consent applications for these works have been submitted and approved by Camden. The consents require the secondary glazing to be removed on completion of the HS2 works. No double glazing has been granted consent in this respect.
- 6.48** Conditions attached to these approved HS2 associated LBC applications and relevant to this appeal include:

- The external metal grille serving the mechanical ventilation unit at second floor level shall have their outer faces fitted flush with the external wall finish. They shall be finished in black to blend in with adjacent brickwork.

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.

- works hereby approved are for a temporary period only and shall be removed from the property, and the affected historic fabric reinstated to its pre-installation condition and made good using sensitive repair techniques using materials and techniques to match the existing building, within 6 months of the HS2 noisy works period ending, for which they are required.

Reason: The type of works are not such as the local planning authority is prepared to approve, other than in exceptional circumstances and for the

limited period required, in view of their appearance and their impact on the special interest of the listed building. The permanent retention of the works would be contrary to the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

7.0 CONCLUSION

- 7.1** The works which form the retrospective application (Ref: 2020/5037/L) and the subject of this appeal are considered to represent a harmful and therefore an unacceptable loss of historic fabric of significance, the loss of the subordinate character of the lower ground floor and the resulting loss of the domestic hierarchy, the loss of the original floorplan and the introduction of rear extension which constitute material harm to the character or appearance of the statutorily protected building.
- 7.2** The Council's reasons for refusal are clearly stated. The individual items proposed within the application are not listed within the Final Decision Notice reasons for refusal, as is normally the case with the Planning Authority Decision Notices.
- 7.3** The Decision Notice states the refusal is due to the harm caused to the special architectural and historic interest of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 7.4** An assessment and evaluation of the scheme has been carried out in accordance with the requirements and tests within chapter 16 of the NPPF 2021 (especially paras 197-208) regarding any impact and level of harm caused to the significance of designated heritage assets, i.e. this grade II listed building and the wider conservation area.
- 7.5** NPPF para 197 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 199 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 294 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 listed building of any grade should be exceptional. Where the harm to a designated heritage asset is less than substantial, para 202 advises that 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 7.6** The Council is of the opinion that the significance of this listed building relates not just to its very fine frontage, and that despite there being no internal inspection the listing applies to the building as a whole and

therefore it should not be looked at in part. There is a hierarchy of significance which this building displays internally and externally.

- 7.7** The loss of the original plan form at basement level, the removal of historic fabric, including the fire surrounds, the lowering of the basement floor throughout, thereby affecting the proportions and spatial character of the rooms, the installation of inappropriate replacement double glazed sash windows, the replacement of an internal staircase and the introduction of a full width rear extension with glazed canopy which obscures appreciation of the full historic rear elevation have all contributed in causing harm to the special architectural and historic interest of this grade II listed building.

Harm being defined in Conservation Principles, English Heritage, 2008 and also Historic England, Heritage Protection Guide under Heritage definitions (2022). "Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place".

- 7.8** It is considered that the harm to this designated heritage asset is 'less than substantial harm - substantial harm referring to near total demolition and that is not the case here. On the basis that there is less than substantial harm, paragraph 196 of the NPPF is applicable. It states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Optimal viable use being one which causes the least harm to the heritage asset. Given the harmful alterations that have been required to support the unauthorised change of use from residential to commercial architects office (dismissed at appeal), and the fact that No. 48 Mornington Terrace was originally designed and built for residential use, this strongly supports a residential use being the optimum viable use.

No. 48 is an attractive historic building and it is this that makes it a highly desirable house in a very sought after area of London. There is nothing to suggest that works of repair and refurbishment would not have enhanced the building to achieve the long term committed ownership nor that a change of use would ensure long term committed ownership either.

- 7.9** The Council disputes the appellant's assertion, how this less than substantial harm to the listed building achieves public benefits which outweigh that harm.
- 7.10** At 7.2.16 of their statement the Appellant says in relation to the removal of the rear wall at basement level that leaving "nibs" allows legibility and will assist the long term committed ownership. The Council strongly disagrees and considers that by removing such an extent of fabric of significance the Appellant has undermined appreciation and understanding of the historic building. The removal of this level of historic

fabric is irreversible. The duty under section 66 of the Act to preserve the building has been ignored.

- 7.11** The Appellant states that the significance of the listed building lies in the group value of the terrace. However, the statutory listing covers all elements assessed to be of historic or architectural significance of the building. This significance is considered to include plan form, decorative elements, design details, fabric, spatial characteristics, proportions and historic hierarchy.
- 7.12** Listed status is intended to ensure changes protect the character or significance of the listed building, to protect a building, for example from unsympathetic alteration, unjustified demolition, or neglect.
- 7.13** Officers disagree with the Appellant's argument that the unauthorised rear extension and internal works are conducive or in keeping with the character and appearance of the listed building. The works are considered to be unsympathetic in scale and proportion, and the design details and materials including contemporary joinery, are at odds with the buildings' historic and architectural significance. The architectural approach is totally alien to the historic context failing to preserve or enhance as required by section 66 of the Act.
- 7.14** The Appellant is of the opinion that the works are an enhancement to the property, which do not cause harm to the significance of the heritage asset affecting its character as a building of special architectural or historic interest, and that they should be granted listed building consent. The Council refutes the above notion. The Appellant has paid no regard to the special historic and architectural interest of the building and has destroyed the original historic plan form at basement level as a result of the unauthorised works. The works have also resulted in removing historic fabric including the loss of the original rear wall of the main house at basement level and the loss of a wealth of historic joinery and fire surrounds. The Council can see no justifiable reason that if the works are considered harmful that they should be granted consent.
- 7.15** In the Council's assessment of the unauthorised works, the subject of the Listed Building Application (ref:2020/5037/L) and subsequent refusal (13 April 2021), special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Camden Town Conservation Area, and of preserving the listed building, its setting and its features of special architectural or historic interest, under s16, s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.5.91.
- 7.16** The Council maintains that the rear extension by reason of its inappropriate detailed design and scale, on the rear elevation is an incongruous and visually obtrusive addition. There are no similar rear extensions located on the rear of other buildings along this terrace and the rear extension is considered insubordinate in terms of its relationship

with the host building. In conclusion, the proposed overall bulk, form and design of the rear extension is considered harmful to the host building, the setting of the adjoining listed buildings and the character and appearance of the surrounding conservation area. It fails to comply with policy D1 (Design) or D2 (Heritage) of Camden's Local Plan 2017.

- 7.17** The Appellant considers that these works do not affect the character as a building of special architectural or historic interest as stated in their statement of case, the Council is of the opinion that the works clearly constitute a contravention of the Act. Section (9) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) stipulates that "If a person contravenes section 7 of the Act he shall be guilty of an offence". Section (7) of the Act states "Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised". The Council contends that the works have not been granted listed building consent and are therefore unauthorised works and that the extent of the works undertaken does cause harm to the significance of the heritage asset affecting the character as a building of special architectural or historic interest.

Harm being defined in Conservation Principles, English Heritage, 2008 and also Historic England, Heritage Protection Guide under Heritage definitions (2022). As previously *quoted "Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place"*.

- 7.18** The PPG states that works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. The Council contends that the works carried out by the Appellant have effectively removed significance and the building has therefore lost part of its value as a designated heritage asset. It therefore follows that the works cannot be considered to be of public benefit.
- 7.19** The Council has also set out reasons why in their opinion the Appeal should be dismissed due to the scheme's unacceptability in terms of the loss of historic fabric of significance, the loss of historic plan form, the negative impact of the bulk, form and design of the rear extension, and harmful impact on the neighbouring listed building and surrounding conservation area. It is thus considered to be contrary to the Legislation, the NPPG and policies D1(Design) and D2 (Heritage) of the Camden Local Plan 2017. The harm in this case fails to outweigh the public benefit.
- 7.20** The Inspector is therefore respectfully requested to dismiss the appeal against the refusal for listed building consent.

8.0 STATEMENT OF COMMON GROUND

- 8.1** In response to the Appellants Draft Statement of Common Ground dated October 2021, the Planning Authority confirms it is in agreement with the draft document which sets out the areas that are considered not to be in dispute between the Appellant and the Council, as well as those matters that are considered to continue to be in dispute.

Matters in Dispute

- 8.2** Paragraph 4.1.1. the Appellant's statement of common ground states:
The following represents those matters that are currently subject to dispute between the Appellant and the Council. These matters have been derived from discussions with the Council over the past 7 years, enforcement history, and the Officer's Reports:
- 8.3** The Appellant disputes the harm to the heritage asset resulting from the works set out within the Listed Building application, as attributed by the Council within the Officer Report and Decision Notice
- 8.4** Paragraph 4.1.2. of the Appellant's statement of common ground states:
The Appellant has sought to positively and proactively engage with the Council to try and overcome the disputed issues further to submission of the Application however, this appeal is the only course of action which is available to resolve these matters.

Conclusions

- 8.5** The above seeks to identify those matters in the determination of this Appeal that are agreed as common ground between the Appellant and the Council ahead of the requested Hearing. This document will be added to and updated as discussions take place with the local authority.
- 8.6** At paragraph 4.1.2 The Council would add that Officers have also worked positively and proactively with the Appellant to try and achieve an acceptable design approach to the works to No. 48 Mornington Terrace.

9.0 CONDITIONS

Without prejudicing the outcome of the appeal, should the Inspector be minded to dismiss the appeal, the Council finds there are no conditions which would mitigate the overriding harm. In discussion with our legal services the Council would pursue enforcement action should the appeal be dismissed.

10.0 LIST OF APPENDICES

Appendix 1 – Policy Documents - Relevant exerts - NPPF, PPG, London Plan 2021, Camden Plan, 2021 CPGs (Design and Home Improvements), Historic England Guidance.

Appendix 2 – Camden Town Conservation Area Statement (Excerpt)

Appendix 3 – Officers Delegated Report

Appendix 4 – Enforcement Notice

Appendix 5 – Plans and appellants schedule of works

Appendix 6 – Table of Breaches

Appendix 7 – Appellants letter dated 29th October 2020 with added Council comments

Appendix 8 – Estate Agents sales sheet

Appendix 9 – Fire surround details

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