



## Appeal Decisions

Site visit made on 17 May 2022

**by Mrs H Nicholls FdA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 July 2022**

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### **Appeal A Ref: APP/X5210/W/21/3288791**

#### **10 Prowse Place, London NW1 9PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Luke Moore against the decision of the Council of the London Borough of Camden.
  - The application Ref 2021/3482/P, dated 16 July 2021, was refused by notice dated 17 October 2021.
  - The development proposed is replace existing two storey extension and basement side extension with a three story extension and deeper basement side extension.
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### **Appeal B Ref: APP/X5210/W/21/3288793**

#### **10 Prowse Place, London NW1 9PN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs Luke Moore against the decision of the Council of the London Borough of Camden.
  - The application Ref 2021/4055/L, dated 16 July 2021, was refused by notice dated 17 October 2021.
  - The works proposed are replace existing two storey extension and basement side extension with a three story extension and deeper basement side extension.
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## **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

## **Procedural Matter**

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of each regime is different, and the main issues below relate either to the planning appeal (Appeal A), or the listed building appeal (Appeal B), or both. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

## **Main Issues**

4. The main issues common to both appeals are:
  - whether the proposed works and development would preserve the Grade II listed building, its setting, or any features of special architectural or historic interest which it possesses; and

- whether the character or appearance of Jeffrey's Street Conservation Area would be preserved or enhanced.
5. In respect of Appeal A only, additional main issues are:
- the effect of the proposed development on the structural, ground and water conditions of the area; and
  - the effects on the public highway.

## **Background and Reasons**

### *Significance and special interest*

6. The appeal property forms part of the Grade II listed building known as Numbers 4 to 20 Jeffrey's Street and Number 10 Prowse Place and attached railings (List Entry Number 1379152) (the listed building), on the south side of Jeffrey's Street and within the Jeffrey's Street Conservation Area (CA).
7. The listed building comprises a terrace of ten early-19<sup>th</sup> century houses, each of yellow stock brick with stucco ground floors, three-storey over basement townhouses, and roofs behind a parapet. The townhouses within the terrace share a commonality of form and material treatment, including traditional timber sashes, and feature window heads and some cast iron railings to areas including lightwells and first floor windows. In contrast to the more characteristically grand and detailed frontage, the rear elevations of the listed building are more restrained, featuring flat backs, slate roofs, timber sashes and articulated by rear chimney stacks.
8. The appeal property (No 10) is end-of-terrace and, according to the statutory list description, formerly No. 2 Jeffrey's Street, while fronting Jeffrey's Street and has a 20<sup>th</sup> century entrance onto Prowse Place. Other than the lack of front entrance, the building's principal elevation is consistent with the Jeffrey's Street façade. When viewed from the rear on Prowse Place, there is still an evident visual rhythm created by the pattern of fenestration, materials, slate roofs and the vertical emphasis created by the chimney stacks. While the rear elevations have seen some changes over time, mainly in the form of single-storey rear extensions, these are relatively unobtrusive and allow continued legibility of the overall form and integrity of the listed building.
9. I find the special interest of the listed building to be primarily associated with the traditional form and integrity of the individual houses, including legibility of original plan form, historic fabric and features, as well as differentiation between front and rear elevations. While significance does not rely on visibility, the historic arrangement of the rear elevation is still clearly apparent from Prowse Place. There is overall homogeneity within the terrace, which reflects the Classically-inspired architectural aesthetic of the early 19<sup>th</sup>-century. The listed building's contribution within the wider streetscape is therefore indicative of its wider group value, which also adds to its significance and special interest.
10. The CA designation encapsulates the streets and terraces to the north and south of Jeffrey's Street, comprised mainly of early 19<sup>th</sup> century residential development. The Council's Jeffrey's Street Conservation Area Statement (2003) (CAS) identifies Jeffrey's Street as being one of the oldest complete streets in Camden and, other than development within the rear gardens of Georgian houses, as being largely unchanged. Prowse Place is a secondary

street and contributes to legibility of the hierarchy of streets and routes within the area.

11. I find that the significance of the CA as a whole to be derived from its historical and architectural interest, indicative of the speculative residential expansion of upper-middle class housing within this part of London from around the turn of the 19<sup>th</sup> century. The well-preserved Georgian streets and terraces, and hierarchy of streets and spaces are intrinsic to the character and appearance of the CA. An integral and prominent component within the area's built backcloth and one of the earliest complete streets in the area, the appeal building is of value to the significance and special interest of the CA as a whole. The introduction of buildings at both No. 2 Jeffrey's Street and No. 12 Prowse Place have altered the streetscene but have not, in my judgement, caused harm to the CA's significance.

### *The Proposals*

12. The proposals would involve the demolition of the existing part-single, part-two storey rear extension at No. 10 and its replacement with a part full-width part two-storey extension of matching brick. It is also proposed to reposition the entrance door to the side flank elevation. Internally, the basement level would be reconfigured to create an open-plan space and at first floor level, the original plan form would be returned to two bedrooms.
13. While the existing rear extension is of limited architectural or historic interest per se, it is low-key in terms of its scale and enables legibility of the original form and nature of the rear elevation of No. 10. The proposed replacement extension would significantly increase the bulk and mass at the rear of No. 10, disrupting the legibility of its original form. Moreover, the scale of the proposal would dominate the building's rear, disrupting the hierarchy between the listed building's primary and secondary elevations and obscure the historic arrangement of the latter.
14. The brick header of the new sash within the proposed bathroom would virtually meet the eaves of the roof slope, while there would be a relatively large area expanse of solid wall between this window and the basement window below it. The new pattern of fenestration would therefore jar with, rather than complement the solid-to-void ratio and order of the principal building. The proposal would disrupt the visual rhythm of the rear elevations within the terrace and create a bulkier expanse of largely blank brick wall to face onto Prowse Place. Whilst the proposal would affect one dwelling within the wider terrace, there would be an associated weakening of the listed building's overall homogeneity and degradation of its early 19<sup>th</sup> century architectural aesthetic.
15. For the above reasons, I find that the proposed works and development would fail to preserve the Grade II listed building, and would cause harm, thereby running contrary to the expectations of s66(1) and s16(2) of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 (the Act).
16. While the impact of the proposed extension would not be overtly obvious Jeffery's Street, from the Prowse Place vantage the weakening of the historic authenticity of the rear elevation and the homogeneity of the wider terrace would be apparent. Furthermore, as listed buildings contribute to the built backcloth and historic evolution of this small CA, there would be some very small residual harm to the character and appearance of the CA as a whole. Conflict therefore also arises with Section 72(1) of the Act.

17. Given the extent and nature of the proposed works in relation to the CA and listed building as an entity, I consider the degree of harm to the significance of each as a designated heritage assets would, in each case, be less than substantial. In circumstances where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, Paragraph 202 of the Framework requires the harm be weighed against the public benefits of the proposal, including, where appropriate, securing [the asset's] optimum viable use. I shall turn to this in my overall heritage and planning balance.

#### *Structural, Ground and Water Conditions*

18. The proposal includes excavations of around 700mm from the lower ground floor level. In line with Camden Planning Guidance on Basements (2021) (CPG), the Council customarily ask for a 'Basement Impact Assessment' (BIA) where proposals include an extension at basement level. The CPG also requires BIAs to be independently verified at a cost to the appellant. The BIA was not requested until late in the application processing and rather than a full BIA, a 'Desk Study and Basement Impact Assessment Report' (the Report) was submitted with the appeal.
19. The appellant asserts that the submitted Report recommends "*fairly standard measures*" that do not suggest that permission should be withheld but that ultimately, there is no objection to progressing a full BIA and complying with any audit requirements, should the appeal be found acceptable.
20. The Council has commissioned the independent verification of the submitted Report and has identified that further assessment is required under a full BIA in respect of the magnitude of ground movements and related mitigation measures, the effects on the adjacent highway and neighbouring property and construction sequence methodology. Whilst no effects are anticipated in respect of water conditions, for these reasons, the BIA is evidently deficient and the appellant has not denied this, but seeks to incur the relevant costs only if the project is more certain to proceed.
21. For the foregoing reasons, I can only conclude based on the absence of evidence to the contrary, that the proposal would unacceptably harm the structural and ground conditions of the area, contrary to Local Plan Policy A5 which seeks to only permit basement development where it would not cause harm to neighbouring properties; the structural, ground, or water conditions; the character and amenity of the area; the architectural character of the building; and the significance of heritage assets.

#### *Public Highway*

22. Local Plan Policy A1 sets out that the Council will resist development that, amongst other things, fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network, and will require mitigation measures where necessary. The preamble to the Policy explains that developers are required to mitigate the impacts of development through repair of construction damage to transport infrastructure or landscaping and footway surfaces following development.
23. The works, including an approximate 250mm excavation to the utility area adjacent to the public highway, were anticipated by the Council to give rise to damage to the public highway. The cost of the damage does not appear to be disputed by the appellant. Whilst I accept the appellant's point that the

requirement for a planning obligation for a contribution to cover the damage was only raised at a late stage, I note that there is an agreement to progress this and secure such an obligation if the appeal were to proceed.

### *Heritage and Planning Balance*

24. The proposal would realise some investment in the fabric and overall quality of the living environment within the appeal building, and re-instatement of the plan form within the first-floor layout. There may also be some improvements in thermal performance of the building and energy saving would constitute public benefit. However, there is unclear the extent to which ongoing carbon savings might be offset by the process of demolition and replacement of the existing fabric with a new, larger extension. Nevertheless, these are economic, environmental and heritage benefits. However, economic benefits would be short term and largely in relation to the construction phase, while the environmental and heritage benefits are small. Given their scale and nature I attribute the public benefits of the proposals moderate weight.
25. The proposals would not affect the principal Jeffery's Street elevation, nor historic fabric or internal plan-form at basement level or the relocated entrance. There would also be a single brick type at the rear. The appeal site may require some upgrading however, it is in use as a single dwelling and so the proposals do not gather benefits associated with securing optimum viable use. Rather, the proposed works and development would principally maximise living space, which is a private, not public, benefit. I do not consider the non-matching brickwork to the rear of the building detracts from its special interest or significance, and its rationalisation would be a neutral factor. No do I agree that the scale of the proposed would be an appropriate or better to larger scale and more utilitarian buildings and warehousing on Prowse Place, especially as it concerns an integral part of a Grade II listed building. Overall, these are neutral rather than positive aspects of the appeal scheme and carry no weight in the balance in favour of the proposals.
26. Taken together, I attribute the sum of public benefits associated with the proposals to carry moderate weight in its favour. On the other hand, even less than substantial harm to a designated heritage asset in each case carries considerable importance and weight. Even cumulatively, the sum of public benefits are not of sufficient weight to outweigh the less than substantial harm identified to the listed building and CA as individual designated heritage assets. The proposals therefore conflict with the heritage protection policies of the Framework.
27. For these reasons, conflict also arises with, in particular, Policies D1 and D2 of the Camden Local Plan 2017 (Local Plan). These Policies seek to ensure development respects local context and character and preserves or enhances the historic environment and heritage assets. In respect of Appeal A, I have also found that there would be harm in respect of structural and ground conditions and do not find there to be material considerations that indicate that Appeal A be determined other than in accordance with the development plan.

### **Other matter**

28. In my judgement, it would not be possible to secure a planning obligation by way of planning condition under the terms of the Planning Practice Guidance, which reserves the use of such conditions for exceptional circumstances which

are not present in this case. However, as the appeal is failing for other reasons, the absence of an obligation is not determinative.

**Conclusions**

29. For the reasons outlined above, and taking all other matters raised into account, I conclude that Appeals A and B should be dismissed.

*Hollie Nicholls*

INSPECTOR