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Dear Ms Williams,

Appeal site: 111 Frognal, London NW3 6XR

Appeal by: Mrs Zoe Chan and Mr Benjamin Eayrs

Proposal: replacement of unoriginal floated timber floor with solid ground floor at historic level, removal of backfill from part of the pre-existing cellar, structural repairs of the cellar walls and tanking and dry-lining of the cellar (retrospective application)

I refer to the above appeal against the Council's refusal to grant listed building consent dated 14 April 2022. The Council's case is set out in the officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1. Summary

- 1.1 The site is a stable block range dating from approximately 1740, attributed to Flitcroft and listed at grade II*, adapted by noted New Brutalists the Smithsons for the sculptor Caro in the 1960s.
- 1.2 The façade retains its general form, although the doors and windows have largely been replaced and the brickwork has been painted. Flat box dormers were previously inserted in the roof to replace originals. The interior has been extensively modernised, including the conversion of some of the attics to rooms with a box-back mansard, however, appreciation of the site's original function, as a stable block, has been retained in the single-room plan. To the rear, a large garden slopes steeply towards the house, terminating in flights of concrete steps, herbaceous borders and a small concrete terrace.
- 1.3 The retrospective proposal to seek to gain consent for works which have resulted in a basement beneath the house while concreting over the walls of a pre-existing cellar harms the special architectural and historic interest of the grade-II*-listed building.
- 1.4 The listed building application which is the subject of this appeal was refused for the following reason:

The development, by reason of the substantial damage to the fabric and historic character of the underfloor features, harms the special interest of the host listed building, contrary to policy D2 (Heritage) of the Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

2. Status of policies and guidance

- 2.1 In determining the abovementioned application, the London Borough of Camden had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.
- 2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on 3rd July 2017. The following policy in the Camden Local Plan is considered to be relevant to the determination of the appeal:
- D2 Heritage
- 2.3 The National Planning Policy Framework was revised in 2021. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's adopted policies and the NPPF in relation to this appeal.

The full text of the relevant adopted policies was sent with the questionnaire documents.

2.4 The Council's adopted policies are recent and up to date and should be accorded full weight in accordance with the NPPF.

2.5 There are no material differences between the NPPF and the Council's adopted policies in relation to this appeal.

3. Comments on the appellant's grounds of appeal

3.1 Firstly, it should be noted that the house has been the subject of extensive unauthorised works outside the appeal scheme, some of which, like the additional upper subterranean rooms to the rear (built under the guise of being foundations for the consented first-floor rear extension), have been required to be infilled; some of which required retrospective applications and are still under investigation. It was the substantial unconsented alteration to the floor that led to the appellant's discovery of what he deemed to be a pre-existing cellar beneath the house. There is an outstanding enforcement investigation looking into the unauthorised works to the listed building and the irreversible harm which has been caused.

3.2 The appellant's statement of case will now be examined paragraph by paragraph, starting from section 6. The appellant begins by using *Conservation Principles* to undermine the value of the listed building.

3.3 At paragraph 6.6, the appellant states that the consented elements of the works tended to remove 1960s accretions and reinstate lost features, such as stable doors. That is why they were granted consent and this is agreed.

3.4 At 6.8, the appellant states that age is a strong indicator of evidential value. Forming as it did the foundation of the building above, it must be concluded that the brickwork in question was at least as old as the 1740s building it supported. It therefore can be said that it was around 280 years old and its evidential value was high.

3.5 At 6.9, the appellant states that the conversion of the site from a stable to a house eroded its value. This is not accepted as a justification. While a significant degree of change had occurred, this does not justify additional harm, especially of the magnitude seen here.

3.6 As for the site's value in archaeological terms, which the appellant deprecates, this will never be known, because whatever was in the ground/filling the cellar, was removed without investigation or recording (the building dates from the reign of George II). These actions are being investigated as part of the enforcement investigation and potential prosecution procedures.

3.7 At 6.10, the appellant notes that the cellar was a basic space used for storage that provided little evidential value. This shows surprisingly little appreciation of how the conservation system approaches historic buildings. It appears to suggest that the appellant believes that unless there was, say, oak panelling present, the space

is worthless. In fact, it is entirely the utilitarian nature of the space that tells the story of its development and use, and therein lies its interest and hence some of its value.

- 3.8 At 6.11, the appellant refers to the timber floor. It is not disputed that the 18th-century stable was unlikely to have had a raised timber floor. But, had consent been sought to remove the floor through the correct process, the age of the floor could at least have been assessed, along with other factors such as the effect of its removal and repositioning on the interior of the house. It is not the case that any part of a listed building that the appellant deems to be “not historic” is able to be removed without consent. The controlled removal of the floor would have allowed for the observation and recording of any pre-existing fittings from the previous floor, which could in turn have informed the new floor.
- 3.9 At 6.15, the appellant argues that the Smithsons’ work had damaged the character of the house. This is arguably true and for this reason the appellant was granted consent to alter some parts of the building already altered, while providing the heritage benefits attached to the consented scheme, such as reinstating stable doors and traditional windows.
- 3.10 At 6.17, the appellant repeats that the cellar has no historic value and does not relate specifically to the stable or provide evidence of its former use or history. Yet clearly, if we accept that the cellar originally existed, we must also accept that it was part of the stable as built, formed part of its array of functions and was therefore as valuable as any other component. It is unusual to find cellars underneath accommodation for horses, presumably because of their weight and the urine problem, so, if this cellar was a pre-existing feature, it was all the more interesting and valuable in its as-built form. To argue that a cellar underneath a stable “does not relate to” that stable is nonsensical; it would be more correct to say that the connection between the cellar and the stable is not yet understood. Sadly, because all trace of the interior has been destroyed, the link never will be understood. Clues as to what fittings might have been present, and therefore what its function could have been, or even where the stairs might have been, are lost beneath the concrete.
- 3.11 At 6.18, the value of the timber floor is again discussed. Conservation theory states that all periods of a building’s history form part of its story, so later accretions have differing levels of, but not necessarily no, significance. As part of a grade-II*-listed building, this ought to have been assessed on a national level by Historic England. From the evidence we have of the space being formed with original brickwork we consider that this element was significant and should have been retained.
- 3.12 At 6.20, the appellant states that the aesthetic value of the house has been diminished by change. Again, this is not denied, but does not mean that it has no value and can be radically altered.
- 3.13 At 6.22, the appellant explains that, because the cellar was of low status, it lacks aesthetic or architectural value. The absence of a vaulted ceiling is mentioned. As has already been said, having been completely and permanently

obscured with concrete, we will now never know what kind of roof this space might have had, as all evidence of notches, pockets, etc, is permanently and irreversibly lost.

- 3.14 The apparent crudeness of the brickwork is another curious factor. It seems unlikely that any brickwork intended to be seen regularly, even if only by grooms and stable boys, would have been quite as roughly pointed as that shown in the pictures selected by the appellant for his document. What we do know is that the brickwork existed in that form, was part of a highly graded listed building, and has now been lost forever. Given the value of the materials, the brickwork should have been retained in some format.
- 3.15 The appellant's brick expert Professor Campbell appears to miss the point of some aspects of modern conservation; the fact that the brickwork was of low quality tells a story. By way of analogy, at any National Trust property, up to a third of the rooms on display are functional, low-status spaces, showing as it were the engine room driving the grand spaces above. If the creator of this Georgian building felt that it was appropriate to finish this interior in this way, then that is of interest to people who are interested in buildings. The appellant goes on to note that no one had seen this brickwork for 70 years, as if that somehow diminishes its special interest.
- 3.16 The fact that the brickwork was not visible from inside the building or from outside and was therefore disposable is a specious argument often encountered. Just like the joints and pegs in the beams of an ancient roof, or the framing beneath the render of a timber-framed cottage, all parts of a listed building are important in some measure. This brickwork has now been permanently lost.
- 3.17 The appellant goes on to attempt to confuse the alleged heritage benefits of altering the floor with the undoubted harm caused to the underfloor structure. However, any benefits springing from replacing the floor in a lower position, did not require the creation of a basement or the concreting over of the cellar walls.
- 3.18 At 6.24, the appellant repeats his criticisms of the quality of the listed building and its timber floor, and states that only the façade, hayloft and single-cell plan form are of significance. That might be the opinion of the appellant, but it is not that of the Council. All aspects of a listed building can be of some interest, even brick cellars.
- 3.19 The appellant fails to note that the addition of a substantial, full-height, fully habitable concrete basement beneath the site, where once there had been a humble, brick-lined chamber, seriously alters the grade-II*-listed building's plan form and one's consequent ability to understand it, and harms its historic character.
- 3.20 In sections 7 and 8, the appellant moves on to the details of the works themselves.
- 3.21 At 8.4, the appellant states that the cellar is of comparatively minor importance relative to the whole site. This will never now be known but, even if it is true, that

is not to say that the cellar is of *no* importance. Furthermore, the new basement is of such incongruity below a stable that it produces a harmful contrast between what was and what is.

- 3.22 From 8.5, the appellant argues that the listed building as a whole has benefitted from the addition of the basement in terms of structural stability. Yet other less harmful ways could have been used to stabilise this building. The Council's experts Campbell Reith have approached this issue in detail and concluded that other less-harmful methods could have achieved the stability of the house (Please see Appendix A CR).
- 3.23 Again, the decisions of the appellant's structural engineers mentioned at 8.10 will be more properly discussed by Campbell Reith. Yet it must be asked whether a less harmful alternative could have been possible, and why the Council was not consulted.
- 3.24 The appellant points out at 8.17, that Campbell Reith did not have the benefit of examining the site before it was damaged. Clearly they should have been provided with this opportunity; however they have been able to make their assessment based on the information provided and consider that such substantial work was not required and less invasive methods could have been used by the appellant. Given that the structural benefits could have been achieved without the complete loss of historic fabric, no public benefit should be apportioned on the basis of the structural stability provided by the works.
- 3.25 At paragraph 8.19, the appellant states that Campbell Reith did not assess the significance of the cellar before giving their recommendations. That is because that is not their job. Their job is to state whether any less harmful intervention could have achieved the stability of the house. It is their opinion that it could.
- 3.26 At 8.22, the appellant notes that the two less harmful interventions suggested by Campbell Reith would in fact have been "more harmful", by dint of introducing steel or concrete. However, these interventions would have left the brickwork substantially expressed and the underground space in its original dimensions. They would not, however, have provided additional floorspace.
- 3.27 At 8.23, the appellant repeats that the proposed alternatives to building a basement would also have introduced harmful modern materials. This is true, but they would have caused less harm than the introduction of fully concreted walls and floors, dry lined with a sump, and they would have allowed the continued visibility of the brickwork.
- 3.28 Paragraph 8.24 (the second of two) states that the application of concrete to the entirety of the walls and floors of the underground space is not harmful and therefore principles of reversibility do not apply. This is not accepted. Every aspect of what appears to have been an early-Georgian cellar, from its materiality, to its dimensions, to its character has been altered out of all recognition. Given this harm, the question of reversibility *does* apply.

- 3.29 Again, Professor Campbell is cited. He is quoted as saying that he considers the conservation of features which were “never intended to be seen” to be “plainly ridiculous” and the opinion of anyone who differs worthy of “contempt”. Yet, if this structure was a cellar, clearly it was intended to be seen, if mainly by servants. Either it was not a cellar, in which case it should not now be a concrete basement, or it was, in which case it was a historic room, and should not have been treated in this way.
- 3.30 Paragraph 8.27 notes that the less-invasive work proposed by Campbell Reith would also have been irreversible. This is possibly true, but as outlined it would have left the brickwork substantially expressed and addressed the structural concerns. They would not have introduced a substantial room underneath the grade-II*-listed building.
- 3.31 From 8.28, the appellant quotes Professor Campbell extensively in his assertion that the site definitely was a cellar. Here it might be noted that Professor Campbell has no more information at his fingertips than Campbell Reith, whose opinion about the underpinning the appellant decried at 8.19. The Council has nonetheless accepted that the depth of the brickwork appears likely to suggest the existence of some form of cellarage. But no proof is supplied as to the depth of this cellar or its extent.
- 3.32 From 8.33, the appellant turns his attention back to the brickwork. He first asserts that bricks of different types and colours are visible. This simply appears to indicate the presence of what are known as “honest repairs” of the type carried out through a building’s history before it becomes valued. They add considerable historic value, as opposed to justifying the total and irreversible occlusion of the walls. Covering the walls with concrete has clearly harmed them, insofar as their ability to be examined or experienced has been permanently removed.
- 3.33 At 8.34, the appellant attempts to use the fact that the brickwork cannot now be assessed as a defence for having made it so. Yet this was demonstrably 1740s brickwork forming part of a grade-II*-listed building, and so certainly was of significance.
- 3.34 At 8.35, the appellant states that the delegated report lacks analysis of the contribution made by the brickwork. Unfortunately, due to the fact these works are retrospective, these actions have rendered detailed analysis impossible. The fundamental point is that a large amount of 18th-century fabric has been permanently harmed, and a substantial alien feature introduced below a listed building.
- 3.35 At 8.36, the appellant states that the cellar had no clear purpose or link to the stables above and that this diminishes the significance of its fabric. Yet it was argued at 8.32, “the lost part of the cellar is a usable volume again and returned closer to its original form”. So is the cellar significant or not? If its form is significant, then so is its fabric. And neither its form nor its fabric have been conserved.
- 3.36 Regarding the basement’s connectivity with the house, it was stated on the site visit that a knock-out had been left in the floor, at the southern end, which will in

due course allow connection with the house above. Enforcement action is likely to be necessary to ensure that this knock-out is removed.

- 3.37 At 8.37, the appellant repeats his assertion that features of a listed building that are not visible from outside are not of value and the cellar is not connected to the listed building by circulation. It is accessible space which, while it requires (at this time) a ladder to be used to gain access, it could still easily be used as additional accommodation.
- 3.38 At 8.38, the appellant finds himself in the position of having to argue that the cellar is an historic (and therefore valuable) feature (and not an unauthorised basement), and yet should be allowed to be entirely clad in concrete and dry lined.
- 3.39 At 8.39, the appellant again argues that the status of the brickwork affects its value in conservation terms. As has already been explained, the very roughness of some of this brickwork (and the photos we are shown have been selected by the appellant) is surprising and would have told a strange story, had it been allowed to remain visible. Professor Campbell opines that the roughness of the brickwork means that it was intended to be plastered. If this room is supposed to be plastered, it cannot be the humble, not-intended-to-be-seen volume argued elsewhere in the appeal statement. Already, one's interest in the history of this room is aroused -- which is to some extent the point of conservation -- yet the space has been permanently shrouded in concrete, completely and irreversibly changing its character and how the space is appreciated.
- 3.40 The appellant asks at paragraph 8.40 why Professor Campbell's views were not given greater weight. Yet his views are at variance with current urban conservation practice; he openly states that the idea that hidden or low-status features of listed buildings contribute to their special interest "is plainly ridiculous and should be treated with the contempt it deserves". On the other hand, Camden takes a SPAB-based view which is substantially protective of fabric and workmanship (or lack of), and the evidence they provide, whether externally visible or not. The Council has therefore given the professor's views the correct degree of weight.
- 3.41 At 8.41, the appellant quotes the delegated report in an attempt to suggest that it is the Council's opinion that the quoted element indicates the entire extent of the special interest of the listed building. This is obviously not the case.
- 3.42 At 8.42, the appellant repeats erroneously that the low status of the workmanship and, consequently, of the room equates to low significance.
- 3.43 Finally, he concludes that all of the foregoing means that the cellar makes a minor contribution to the special interest of the listed building. It is not argued that this cellar is the most important thing about the listed building; rather, it is argued that it is a component of it, and so should have been conserved as far as possible, as opposed to being clad in concrete and turned into a modern basement room. The Council's evidence demonstrates that the method and consequent extent of loss were not necessary and other more sensitive methods could have been used.

- 3.44 At 8.44, the appellant moves on to the allocation of harm.
- 3.45 Professor Campbell is again quoted. But as explained above, the professor's views about the conservation of historic fabric do not coincide with those of Camden. The appellant goes on to repeat his belief that Professor Campbell's views should be taken as proof that there has been no harm. For the reason given above, this is not accepted. The Council stands by its view that the walls have been irreversibly harmed.
- 3.46 At 8.47, many aspects of listed buildings that are not designed to be seen are nonetheless protected. An analogy could be that of a lath-and-plaster wall which internally contains king posts and braces. The argument that the posts and braces are worthless because unseen is patently an absurd one.
- 3.47 At 8.48, the appellant argues that, because the brickwork still exists, albeit under a thick layer of concrete, it has not been harmed. This is not accepted; it has been irreversibly lost and it will not be possible at any point to remove the concrete whilst maintaining the brickwork. For this reason, a listed building enforcement notice was not served in relation to these works; it is not possible to mitigate the harm caused.
- 3.48 From 8.49, the appellant describes the unauthorised works to the ground floor, which have resulted in level access from the front yard, which he presents as a heritage benefit. However, there is no doubt that a level floor could have been achieved, had one been considered desirable, through other means than the construction of a concrete basement. Therefore limited weight should be attached to this as a benefit of the works.
- 3.49 It is notable that, at 8.56, the appellant states that unauthorised excavation means that the "spatial quality of the whole cellar has been revealed". It is stated: "Thus, the works have enhanced the character of the listed building by reinstating a void beneath it". This suggests that the appellant considers that the cellar has historic value. Yet at 8.36 and 8.37, it was argued that the cellar had no value, being an undistinguished secondary space not connected to the listed building.
- 3.50 That was the line the appellant had to take when defending the concreting over of the historic brickwork. Now to defend the creation of the basement, this has been reversed. Paragraphs 8.36 and 8.37, and paragraph 8.56 cannot easily be read in conjunction with one another.
- 3.51 At 8.57, the appellant explains what has been done to the walls and, at 8.58 repeats the professor's opinion that the room would originally have been plastered. This raises several issues: firstly, it is false to suggest equivalence between the space, plastered or not, that we have now, and the original space. The original space would have had a stone ceiling (as the appellant insists when justifying the demolition of the floor above) and an earth floor (as the appellant suggests at 8.60). It would not have been dry lined. At some point, the appellant presumes the plasterwork was lost, so it would have had brick surfaces. Its dimensions will now never be known, but such photos as have been supplied do not appear to show the current floor-to-ceiling height.

- 3.52 At 8.58, the appellant confesses to having made an opening in a listed wall. Given the overall scale of the harm elsewhere, this seems insignificant but, under normal circumstances, the creation of openings in listed early-Georgian walls is given a great deal of consideration.
- 3.53 At 8.60, only the appellant knows what kind of floor there was before he carried out his works, but whether it was brick, stone or, as suggested, earth, it was nothing like the concrete floor that has been built. The nature of the floor would have been dictated by the use the cellar was put to, but now we will never know.
- 3.54 The appellant mentions at 8.61 that the delegated report says that the underground space might have been a drain or storage vault. This simply indicates the Council's acceptance that the brickwork is more than foundations, but its continuing uncertainty about the exact scale, nature and use of this feature.
- 3.55 The full basement now present is, as described above, nothing like the humble storage area it once was. It is now a dry, fully habitable space, ready to be accessed through the knock-out panel from the floor above, as evidenced by the large items stored in there.
- 3.56 At 8.63, the appellant repeats that the new basement is not accessible from the house. It remains to be seen how long that will be the case, given the ease with which the two might be connected, due to the known existence of the knock-out in the floor at the southern end of the house. Whilst enforcement action will be necessary to ensure this knock-out is removed, given the space has been dry-lined it is clearly intended to use this space as additional accommodation.
- 3.57 But, more importantly, as has been mentioned several times, something doesn't have to be visible to be significant to special interest. Any future user of this building will be objectively aware that s/he is standing in a three-storey structure, above a large, newly built, habitable room, whatever use that space eventually finds. And should the basement be found acceptable at this appeal, it is not unlikely that applications for a connecting staircase and rear light wells will follow.
- 3.58 From 8.68, the appellant refers to "numerous" other cases which support this appeal. Three are provided. But this appeal relates solely to this building which, for the specific grounds given, has been harmed. The other buildings will have had individual circumstances that justified their consents. And, on inspection, all three of them relate to the dry lining of pavement vaults, which is not comparable in scale or lack of reversibility to this basement or the unique history of this particular listed building.
- 3.59 At 8.69, the appellant approaches the planning balance. It is asserted that the irreversible coating of the historic brickwork with concrete and the creation of the basement secured and stabilised the listed building. However, it is the Council's view and that of its experts that this could have been achieved in a less harmful way and that irreversible harm has been needlessly caused to the plan form and historic fabric of this highly graded listed building. As outlined above, little weight should be apportioned to the structural benefits of the work.

- 3.60 At 8.74, the appellant states that the Council's assessment of the harm to the cellar is "subjective". For the reasons outlined above, the Council has demonstrated a) that harm has occurred and b) the harm was not necessary to keep the building standing.
- 3.61 From 8.75 to 8.78, the appellant states that the floor had to be pulled up to dig trial pits to investigate the cellar and create the basement and that therefore the new floor stems from the creation of the basement and so is a heritage benefit. In fact, the unauthorised alteration to the floor is not relevant to the harm caused. The appellant was not required to set the new floor at a lower level than the previous one as a result of digging out the basement. Therefore the level floor is not a heritage benefit springing from it.
- 3.62 The appellant was apparently investigating subsidence and would have installed this floor whether or not a cellar was found. Given that this work was under way, and the house would have needed a new floor, with or without an unauthorised basement beneath it, this is not a consequence of that basement so is not a benefit.
- 3.63 At 8.82, the appellant argues that the fabric remains present and has therefore not been harmed. This principle is often termed "encapsulation". However, an important feature of encapsulation is that it is reversible, as when plasterboard is put over one side of a currently unwanted doorway. Here, the works done to this brickwork are irreversible and therefore amount to its destruction. The appellant did not consult statutory consultees and did not record the brickwork or the material excavated. The loss is thus worsened.
- 3.64 In spite of the appellant's argument at 8.83, the appeal works have harmed the special interest of the listed building, both in plan form and historic fabric, contrary to policy D2 Heritage of the Camden Local Plan.
- 3.65 The requirements of the NPPF are not met, for the reasons given above. No public benefit springs from the creation of the basement, incorporating the harm to the brickwork. The basement is presented as incidental to underpinning works but, as has been shown, other less harmful methods were available. The lowering of the floor is not a result of digging the basement. Even if it were, it does not outweigh the harm caused by the covering of the 18th-century brickwork and the creation of the unauthorised basement.
- 3.66 Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 3.67 It has been shown that the opinion of the appellant's brick expert is not in line with conservation practice and it is not accepted. It has been demonstrated that the pre-existing condition of the cellar and its brickwork had significance. Therefore harm has occurred.

3.68 Paragraph 197 of the NPPF states that local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

3.69 The opinion of the appellant's structural expert is contradicted by that of the council's own. The works as carried out were not necessary to be carried out in the wholesale manner that they were, resulting in the total loss of expression of the brickwork and the creation of a habitable basement. The safety of the building could have been ensured by less harmful means and the achievement of that safety by means of installing a basement is therefore not a public benefit.

3.70 When considering potential impacts, paragraph 199 states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less-than-substantial harm to its significance. Para 202 states that "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".

3.71 The Council refused this scheme given the presence of the harm outlined, the fact the extent of harm was not necessary and the lack of public benefit.

3.72 The Council considers that the significance of the building lies throughout it, in different measures. It is not the case that its significance lies solely in its above-ground features; that is simply the only part of it hitherto known to exist. When unknown parts of a listed building are revealed, they become part of its special interest. Here an unknown cellar was surprisingly discovered underneath an 18th-century stable – a notable enough event. However, instead of seeking heritage advice, the appellant carried out harmful unauthorised works resulting in a valuable basement.

4. Conclusion

The site is a grade-II*-listed building. The Council has a statutory duty under s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Based on the information set out above, and having taken account of the appellant's arguments and additional information submitted, the Council maintains that the proposal is considered to be contrary to policy D2 of the London Borough of Camden Local Plan 2017. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The unauthorised works have harmed the special interest of the grade-II*-listed building. This fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 196 of the Framework and conflicts with policy D2 of the Local Plan which seeks to ensure that all development preserves heritage assets and that public benefits convincingly outweigh any less-than-substantial harm when the special interest of a heritage asset cannot be preserved. The proposal is not considered to present any public benefits that would outweigh the harm identified.

For these reasons the Inspector is respectfully requested to dismiss the appeal.

Should the Inspector be minded to allow the appeal, since the works have already been carried out, no conditions are proposed. Formal enforcement action would be taken to require the reinstatement of the knock out in the ground floor.

If any further clarification of the appeal submission is required please do not hesitate to contact Nick Baxter on the above direct dial number or email address.

Yours sincerely,

Nick Baxter MSc
Senior Conservation Officer
Regeneration and Planning
Supporting Communities

Please refer to
Appendix A