The Planning Inspectorate

# Appeal Decision

Site visit made on 21 March 2017

**by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20th April 2017**

**Appeal Ref: APP/X5210/Y/16/3162435**
**30, Flat 3rd Floor, Hampstead High Street, London NW3 1QA**

- 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 S Sterling, Royston Properties, against the decision of the Council of the London Borough of Camden.
- The application Ref 2016/4376/L, dated 5 August 2016, was refused by notice dated 26 October 2016.
- The works proposed are internal alterations only to remove part of the ceiling within the living area.

## Decision

1. The appeal is allowed and listed building consent is granted for internal alterations only to remove part of the ceiling within the living area at 30, Flat 3rd Floor, Hampstead High Street, London NW3 1QA in accordance with the terms of the application Ref 2016/4376/L dated 5 August 2016 and the plans submitted with it subject to the following conditions:

    1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

    2) Notwithstanding the hereby approved plans, details of cornice detail shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. The relevant part of the works shall be carried out in accordance with the details thus approved and thereafter maintained as such.

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

## Main Issue

2. This is whether the proposed works would preserve the Grade II listed building known as No. 30 Hampstead High Street or any features of special architectural interest that it possesses.

## Reasons

*Special interest and significance*

3. Neither the appellant nor the Council offer any meaningful further understanding of the special interest or significance of the listed building above that afforded by the list description. This description, which again neither party

question, offers a date of 'late C18' with a re-fronting in the early C19 and the addition of a replacement shopfront in the C20.

4. This assessment does not include consideration of the interior of the building, though if it had it might have offered different conclusions. The stair within has a swept rail and turned balusters more characteristic if the earlier or mid C18, whilst the section of panelling on the third floor on the south party wall, with its regular square section format, suggests an earlier date still, not implausible given the survival of known C17 fabric in other buildings in the vicinity, that is if it is not a piece architectural import or salvage. These details don't necessarily help us with a definitive dating of the roof storey, though the surviving joists at this level (above the installed modern ceiling) are of robust proportion and have mortices cut along their length, suggesting now lost transverse sub-joists carrying a former reed or lath and plaster ceiling at this level at some time in the past. Taken together they may more convincingly suggest and early/mid C18 date consistent with the fabrication of the stair.

5. Beyond these features and notwithstanding any of the masonry or carpentry structure concealed below, much of the interior of the third floor appears to be modern. This includes the entrance hall and the two bedrooms, where the historic ceiling levels appear also to have been removed and the volume of these spaces significantly reconfigured. The principal space of the flat, the living room/kitchen, has similar modern finishes, including the reinstated ceiling which is located on or just below the soffit faces of the concealed ceiling joists (as the drawings also indicate).

6. Access to the ground, first and second floors was not available so any consideration of these spaces as a basis for assessing the third floor in relation to the building as a whole was not possible, and again the parties offer no insight into the contribution they make to the special interest of the building. That said, it is reasonable to conclude that the special interest and significance of the building is most readily expressed in its front elevation of symmetric proportions and window openings and carpentry, and stock brick finish. In addition, a significant contributor to that special interest is also the aforementioned stair, elements of surviving panelling and previously identified interior structural carpentry at the upper floor.

*The proposed works*

7. The proposals seek the removal of the greater part of the third floor ceiling though a slightly higher section above the kitchen area is indicated as being retained. It is also proposed to install what is described as a 'cornice' on the line of the existing ceiling to define its former plane. This is a fitting of box construction approximately 100mm deep and might more accurately be described as a lateral nib.

*Effect on special interest and significance*

8. The removal of the present section of ceiling would in effect open-up this section of the roof to the inner face of the hipped single pitched roof space above, revealing the modern finishes and pairs of rooflights here and the morticed ceiling joists running from the front to rear of the building.

9. I can understand the Council's point that the resultant space created would not replicate one that you would readily associate with a building of this type and

age. However, the key question here is whether the removal of this section of ceiling would fail to preserve the special architectural interest of the building, or put another way, as by the Council in their reason for refusal, whether it would preserve the 'spatial hierarchy of the third floor'.

10. The meaning of this phrase remains unclear to me but I assume it seeks a comparison of the scale and proportion of these attic rooms with those below, anticipating a hierarchy of architectural and social importance to each floor in accordance with the understanding of their function within the London terraced house of the C18 and C19s. Whilst this is a generally accepted principle, the Council do not evidence such a hierarchy in the case of this building. This is necessary here as its potential early origins, relatively modest status and the lack of any evident neo-classical architectural hierarchy in the façade, all lead one to question whether any such graduation in status was ever intended or indeed applied in the use of the building in this regard.

11. Moreover, the space created would not challenge those below in terms of its architectural status. The utility of the attic would still, such as it is, be expressed in the plain form of the roof, the ceiling joists and the general proportions of the spaces that make up the third floor. It is also right to consider the removal of this section of ceiling in the context of the third floor as a whole. The Council make no reference to the configuration of the other spaces that make up the flat but it is clear that in all other areas the profile of what might be considered the historic line of the former ceilings have been lost. In respect of the bedrooms, the full height of the roof void, in part, has been incorporated into these spaces. This handling, in conjunction with the modern finishes and fittings of all of the rooms, render the interior essentially a contemporary set of spaces.

12. There also has to be a question of whether the existing ceiling is in fact performing the purpose for which it was intended, that is, does it actually serve to indicate the historic plane of any former ceiling? The presence of the mortices in the existing joists may suggest the soffits of these were expressed, with plaster in between. If not, the historic ceiling may have been set at a level a little above where the present plasterboard installation is now set, bearing directly off the soffits of the joists.

13. Whilst I understand the Council's approach, in my judgement the present ceiling does not serve to meaningfully define the historic character of this much altered and essentially modern living space. Moreover, in its removal the character of the room created would be no more than consistent with those others in the flat, where roof volumes have been incorporated into those spaces without material harm to the special interest of the building. Furthermore, the introduction of the 'cornice' or lateral nib on the approximate line of the removed modern ceiling will provide a clear and legible register of its former plane, so perhaps assuaging the Council's concerns in this regard.

14. In conclusion therefore I consider that the removal of this section of ceiling, in the particular circumstances of this case, can be undertaken whilst preserving the special architectural interest of the building, the desirability of which I fully acknowledge is a matter of considerable importance and weight, as the Courts have directed. For the same reasons I conclude the proposed works would accord with paragraph 132 of the National Planning Policy Framework, which anticipates that great weight be given to the conservation of designated

heritage assets. For the same reasons I further conclude they would accord with the aims of local development plan policy that seek to underpin these national statutory and policy objectives.

**Conditions**

15. The appeal being allowed I attach conditions requiring that details of the proposed cornice be submitted to the local planning authority for approval and that all works of making good match existing work, both to safeguard the special architectural interest of the building.

16. For the reasons given above and having considered all matters raised in evidence, I conclude that the appeal should succeed.

*David Morgan*

**Inspector**