



Appeal Decision

Site visit made on 31 August 2022

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/X5210/F/22/3295909

Land at: 53-54 Carey Street, London WC2A 2JB

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as amended.
 - The appeal is made by Mr Nathan Silver of Roxy Beaujolais Limited against a listed building enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice was issued on 17 February 2022.
 - The contravention of listed building control alleged in the notice is without listed building consent: the following works have been carried out:
 - Installation of two awnings
 - Installation of one green blind
 - Installation of LED uplighters
 - Installation of pavement heaters
 - Installation of associated conduit.
 - The requirements of the notice are:
 1. To remove the awnings, blind, uplighters, pavement heaters and conduit;
 2. To make good the site and building following the above works.
 - The period for compliance with the requirements is three months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be corrected by:
 - The deletion of "uplighters" and the substitution of "downlighters" in section 3. The Contravention Alleged and section 5. What You Are Required To Do;
 - The deletion of "- Installation of one green blind" in section 3. The Contravention Alleged;
 - The deletion of "blind," in section 5. What You Are Required To Do.
2. Subject to those corrections, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Preliminary Matters

3. The listed building is described in the listed building enforcement notice as being 53-54 Carey Street, London WC2A 2JB as shown outlined in black on the plan attached to the notice. However, the Council have acknowledged that some of the works have taken place on the former Wig Box at Thomas More Chambers, 51-52 Carey Street. That address is outside the area shown on the

plan attached to the notice. Thomas More Chambers are listed separately from 53-34 Carey Street.

4. The Council indicate that the listed building enforcement notice relates to the works to Thomas More Chambers as well as 53-54 Carey Street. However, taking account of the description of the listed building and plan attached to the enforcement notice, I consider Thomas More Chambers is outside the area to which the notice relates.
5. The notice refers to a green blind located on Thomas More Chambers. I note that there are also lights and pavement heaters attached to that building. I have considered whether the plan attached to the notice and address given in the notice could be corrected to include Thomas More Chambers. However, this would include a separate listed building and the appellant may wish to appeal on other grounds to any notice issued. Consequently, such a correction is likely to cause injustice to the appellant.
6. As a result, I will remove reference to the green blind from the listed building enforcement notice as it is on the building neighbouring that to which the notice relates. The Council could issue another notice relating to the works to that building if they consider it expedient to do so.
7. The allegation in the listed building enforcement notice refers to LED uplighters. However, these have been installed to face down. Consequently, I will use my powers at section 41(1) of the Act to correct the notice to refer to downlighters for clarity. It is clear what the Council sought to achieve, so this will not cause injustice to the appellant.

The Appeal on Ground (e)

8. An appeal on this ground is that listed building consent ought to be granted for the works. The case of the appellant indicates that this relates to the awnings rather than lights, pavement heaters and associated conduit. Nevertheless, I need to consider the works alleged in the enforcement notice as a whole under this ground of appeal. The main issue is whether the development preserves the Grade II listed building known as 53-54 Carey Street or any features of special architectural and historic interest (or significance) which it possesses.
9. In coming to my decision, as the work involves a listed building and within a conservation area, I have had special regard to sections 16(2) and 72(1) of the Act.
10. 53-54 Carey Street comprises the Seven Stars Public House. It appears to have seventeenth century origins, dated 1602, but has later alterations and additions. The building pre-dates much of the surrounding development, including neighbouring listed buildings. It is a simple painted brick building with slate roof and a projecting jetty at the right end. The ground floor comprises a nineteenth century frontage to the public house with signage above. Internally, the bars and fireplace date to the nineteenth century with a narrow stair to the upper floor behind the main bar. The significance of the building derives from its use as a public house and associated features, both internally and externally.
11. Thomas More Chambers neighbours the public house and was constructed as legal chambers and dated 1888. It is also listed Grade II. To the ground floor are shopfronts; that at the right of the elevation facing Carey Street comprising the former Wig Box business that has now been incorporated into the Seven

Stars Public House. The ground floor is constructed in stone, elaborately decorated particularly above the windows. The remainder of the building is brick with stone detailing and statue of Sir Thomas More with a plaque over the corner door. The significance of the building externally derives from the elaborate decoration of the stonework, particularly at ground floor level.

12. Over Carey Street from the public house is the rear of the Royal Courts of Justice that are listed Grade I. It is a substantial building acknowledged as one of the foremost examples of High Victorian Gothic Revival design. The rear elevation is constructed in Portland stone and is near-symmetrical, with the wide and tall central bay with doorway facing down Serle Street. The section opposite the Seven Stars Public House is a lower range linking to a further gabled section, taller and significantly more ornate than the public house. Its significance derives from the importance of its architecture and ornate detailing.
13. In close proximity to the rear of the Seven Stars Public House is New Square, a terrace of buildings that are grade II* listed. This is a well preserved set of early legal chambers and one of the most complete surviving seventeenth century set pieces in London, although the top storey was added in the eighteenth century. The buildings are significantly taller than the public house and they provide a backdrop to the two storey public house. Their significance derives largely from their interiors and front elevations, but also their scale as they dominate the smaller buildings of Carey Street including the public house.
14. The Seven Stars Public House is also within the Bloomsbury Conservation Area, Carey Street forming the boundary of that conservation area and The Strand Conservation Area. Bloomsbury Conservation Area is part of London's expansion northwards through the Stuart, Georgian and Regency periods from around 1660 to 1840 following the Black Death and Great Fire of London. It has a consistent form of terraced townhouses on a formal grid pattern of streets and private spaces. The area around the public house contains uses mostly linked to the Royal Courts of Justice, with legal chambers around New Square to the rear. The public house contributes to those uses as it serves the occupants, as illustrated by the signatures on the submitted petition including judges, barristers, solicitors and journalists. Apart from Thomas More Chambers, most buildings facing Carey Street are utilitarian. The significance of the area arises predominantly from the historic grid pattern of streets and squares and the legal and associated uses in the area closest to the Royal Courts of Justice.
15. The Strand Conservation Area is dominated by large scale public buildings, such as the Royal Courts of Justice, and contains more commercial development including other public houses, some also with awnings. As such, it contrasts with the character and appearance of the smaller scale development of Bloomsbury. Development at the Seven Stars Public House could affect the setting of The Strand Conservation Area. It is the large scale and commercial nature of the area that comprises its significance.
16. The Seven Stars Public House is appreciated in the context of those heritage assets. However, it is smaller scale and of a simpler appearance than most of that surrounding development.
17. The lighting, heating and conduit add clutter to the area around the public house signage, although are hidden from view to a large extent when the awnings are open. The fixings necessary to secure the lighting, heating and conduit will have caused some limited harm to the historic fabric of the building.

They appear incongruous on the building frontage, harming the special architectural and historic interest, and hence significance, of the Seven Stars Public House and the character, appearance and settings of the conservation areas.

18. The awnings are enclosed by a black painted timber housing when closed. They are located above the public house signage. They are simple boxes that reflect the historic appearance of the building. They are fixed to the front of the building such that they have also had some limited impact on the historic fabric of the building. Considered in addition to the lighting, heating and conduit, they add to the clutter on the front elevation of the building.
19. When open, the awnings are brightly coloured and attract attention along the street. For that reason, they cause this otherwise fairly simple building to compete for attention with nearby more ornate buildings, such as Thomas More Chambers and the Royal Courts of Justice. Given their proximity to Thomas More Chambers, they obscure the view of that listed building along the street. They also obscure views of the historic front elevation, particularly at ground floor level, of the Seven Stars Public House. These factors result in harm to the historic and architectural interest of the listed building, the character and appearance of Bloomsbury Conservation Area and setting of neighbouring listed buildings and The Strand Conservation Area.
20. Nevertheless, the awnings have a functional benefit enabling the use of the pavement to the front in wet or particularly sunny weather for additional seating. As a result, they support the continued use of the building that is an important part of its significance as a heritage asset. They are of a simple, traditional design and the bright colours enliven the street scene and reflect the use. Their width, alignment and colours seek to reflect the appearance of distinct parts of the building. They have been designed to allow the plant containers to be retained. However, on balance I consider that these factors do not outweigh the harms I have found to the heritage assets.
21. My attention has been drawn to the substantial eaves of a building further along Carey Street, but that has a different effect on the street scene than the awnings. That building is also not listed. There is an awning on the jewellers along Carey Street that is similar to those installed at the public house. However, it appears to have been fixed to that building for some time, is not attached to a listed building and has a more remote relationship to nearby listed buildings. As such, it has a different relationship to surrounding heritage assets.
22. I note that awnings have been located on the building in the past but were removed. These appear to have been much smaller awnings, over parts of the pub frontage rather than the larger and more substantial awnings now attached to the building. As such, they had a different effect on the significance of the heritage assets. I note that awnings have been historically provided on buildings, such as Regent Street in 1915 but, again, that has limited relevance to the provision of these awnings on this building.
23. Examples of other awnings have been provided on listed buildings elsewhere in London and beyond. Some of these have been carefully incorporated into the frontage, whereas others, such as those on the former church in Preston, appear to obscure details on the buildings to which they are attached. It is unclear the circumstances of any Listed Building Consent or if such consent was needed or has been granted.

24. For these reasons, I conclude that the awnings, lighting, heating and conduit do not preserve the Grade II listed building and features of special architectural and historic interest it possesses. In addition, they affect the setting of Thomas More Chambers, the Royal Courts of Justice and New Square, and do not preserve or enhance the character or appearance of Bloomsbury Conservation Area or setting of The Strand Conservation Area. As such, the works result in harm to the significance of the listed buildings and conservation area as heritage assets, albeit that harm is less than substantial.
25. The works do not comply with Policy D2 and paragraphs 194-200 of the National Planning Policy Framework (the Framework). These seek to preserve and, where appropriate, enhance heritage assets and their settings and resist less than substantial harm to the significance of designated heritage assets unless there are public benefits that convincingly outweigh that harm.
26. Paragraph 202 of the Framework establishes that, where works or development result in a less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the works or development, including securing their optimum viable use. I note that the works took place to enable the public house to operate during the pandemic. However, pandemic related restrictions have now been removed. Whilst some people may continue to avoid crowded spaces such as a public house, this carries modest weight. The works may contribute to the viability of the public house, although there is no suggestion that it would be unviable without them such that this carries limited weight. As a result, the public benefits of the works do not outweigh the harm to the significance of the heritage assets in this instance.
27. For these reasons, I conclude that the appeal under ground (e) should fail.

Conclusion

28. Subject to corrections and for the reasons given above I conclude that the appeal should fail.

AJ Steen

INSPECTOR