
Appeal Decisions

Site visit made on 25 October 2022

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal A Ref: APP/X5210/W/21/3284632

32A Chalcot Square, London NW1 8YA

- 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 Ms H Tindale against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/1650/P, dated 6 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is the replacement of existing basement front window with French doors and re-configuration of internal layout.
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Appeal B Ref: APP/X5210/Y/21/3284633

32A Chalcot Square, London NW1 8YA

- 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 Ms H Tindale against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/2254/L, dated 6 April 2021, was refused by notice dated 7 July 2021.
 - The works proposed are the replacement of existing basement front window with French doors and re-configuration of internal layout.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The drawing submitted with the application(s) does not accurately depict the existing window (Elevation A). Not only are the number and proportions of the glazing panes incorrectly shown, the relationship of the window to the external staircase is also incorrect. The latter equally applies to the drawing for the proposed new window (Elevation B) and to the floorplans. I also have reservations about the accuracy of the drawings depicting the internal layout.

5. It is imperative that drawings are accurate to avoid uncertainty about what is proposed. This is particularly important given the listed status of the building and its location within a conservation area. Had I been minded to allow the appeals, this is a matter on which I would have reverted to the parties. However, as I am dismissing the appeals, it has not been necessary for me to consider the accuracy of the plans any further. I have therefore based my assessment on the observations made at the site visit.

Main Issues

6. The main issues are whether the proposal would preserve a Grade II listed building, and any of the features of special architectural or historic interest that it possesses and whether it would preserve or enhance the character or appearance of the Primrose Hill Conservation Area.

Reasons

7. The proposal is in a conservation area and relates to a listed building. I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Special interest and significance: the listed building

8. The appeal property forms part of a terrace of six buildings on the north side of Chalcot Square, numbers 29-33 and 33A, dating to 1855-60. The buildings were originally constructed as houses, and are described as such on the listing description, but I understand that the appeal property was converted into three self-contained flats in or around 1958. The listing description for the terrace of buildings cites only external features at ground, first and second floor levels and, where present, the attic storey¹.
9. The listing description does refer to basement levels but no specific mention is made there of external features at that level. The listing description specifically states that the interiors were not inspected. However, whilst the interiors of the buildings are not in the listing description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
10. The special interest and significance of the listed building, insofar as relevant to this proposal, are largely derived from its illustration of mid-19th century domestic architecture; its pleasing architectural style; and the contribution it makes to the composition and historic value of the wider planned square. In these respects, the listed building makes important contributions by reason of its surviving historic fabric and the legibility of its historic plan-form.
11. In relation to the appeal property, No. 32A Chalcot Square, entry to basement level is still affected via the door beneath the main entrance, as is traditional. While the date of the basement window has not been confirmed, the size of the opening and the form, style and material of the window are respectful of the age and style of the listed building and in these respects contribute to its special interest, albeit to a modest extent.

¹ Statutory address: Numbers 29-33 and 33A and attached railings, 29-33 and 33A, Chalcot Square. List Entry Number: 1258099

Special interest and significance: the conservation area

12. The special interest and significance of the Primrose Hill Conservation Area as a whole derives, in part, from the development of the area for housing in the mid-19th century and the variety of high-quality buildings that it contains. The Primrose Hill Conservation Area Statement (PHCA statement) explains that Chalcot Square is a significant feature of the conservation area. The PHCA statement goes on to explain that Chalcot Square is enclosed on its north, east and west sides by mid-19th century listed terrace houses, which form an almost symmetrical composition. The PHCA statement explains that these houses are similar in elevational design to the buildings on the south side of the square, but have a more intimate character, as they are separated from the public space by only a small front lightwell surrounded by railings and a narrow highway.
13. The significance of the conservation area, insofar as relevant to this proposal, is that the terraced houses that enclose the square are both individually and collectively illustrative of the development of the area during the mid-nineteenth century. That significance includes the form and layout of those properties, which is evident from the location of the secondary means of access at basement level beneath the principal entrance at street level. The traditional layout of the houses is therefore readily apparent from the public space due to the more intimate character of the small front lightwells, which facilitates views of secondary access at basement level and therefore allows an appreciation of its relationship to the principal entrance above. Great description of significance. In these respects, the listed building makes a positive contribution to the significance of the Primrose Hill Conservation Area as a designated heritage asset.

Effects of the proposal: listed building

14. Paragraph 199 of the National Planning Policy Framework (Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. The paragraph goes on to explain that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
15. The proposal includes the replacement of the window in the front elevation of the lower ground floor flat with French doors. The window to be replaced is a sash window. It is therefore a design appropriate to the period in which the original house was constructed, at which time entrance to the ancillary accommodation in the basement would have been affected by the door beneath the main entrance. An entrance in the position occupied by this window was not a feature of original design of the house. The proposal would therefore replace the window with a form and style of fenestration which is not appropriate to the listed building.
16. There is also a further consideration in this respect. Whilst it is likely that the replacement of the window with French doors would not result in the loss of historic fabric in terms of the window, I cannot be certain of that on the information before me. There is a notation on the plans (Elevation B) to the

effect that the size of the structural opening for the French doors is to be confirmed. That is not acceptable: I need to know the full details of the proposal to understand the potential effects. It would not be appropriate to leave this detail to be controlled by conditions.

17. The proposed internal works would not result in the loss of any features of special architectural or historic interest. However, the creation of an opening in this position would result in the loss of historic fabric in the spine wall. There would also be consequences for the original layout of the accommodation at basement level, specifically the creation of open plan space, change in access and flow through the property and the insertion of the bathroom pod in one of the rooms. Individually and cumulatively, these would severely weaken the legibility of the historic plan form within this part of the listed building. Furthermore, no structural details have been provided and no details of any additional plumbing and/or ventilation for the relocated bathroom have been submitted. The absence of this information compounds concerns about the harmful effects of the scheme: for example, the potential further loss of historic fabric and how the ventilation might affect the external appearance of the building.
18. The appellant has drawn my attention to other properties in Chalcot Square where French doors have been inserted at basement level. I noted these during my site visit. However, I do not have the full details of the circumstances that led to these proposals being accepted, if indeed they were, and so cannot be sure that they represent a direct parallel to the proposal before me. I can therefore give only limited weight to those examples as a material consideration that weighs in favour of the proposal.
19. Furthermore, the fact that so many of the other properties in Chalcot Square have been altered at basement level makes it all the more important that the historic integrity of the appeal property is not compromised but is retained. That is a material consideration to which I attach significant weight.

Effects of the proposal: conservation area

20. The proposed internal alterations would have no direct effect on the character or appearance of the conservation area. However, for the reasons set out above, the proposal would diminish the identified special interest and significance of a listed building which makes an important contribution to the historic townscape within the Primrose Hill Conservation Area. Whilst the proposed changes would be fairly modest, their harmful effects would be highly obvious when viewed from adjacent public highway and would incrementally undermine character and appearance of the conservation area as a whole and in turn its significance as a designated heritage asset.

Conclusion on the effect on the heritage assets

21. In view of the above, I find that the proposal would fail to preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses, and would not preserve or enhance the character or appearance of the Primrose Hill Conservation Area. It would therefore harm the significance of these designated heritage assets. I give this harm considerable importance and weight in the planning balance of these appeals. That harm is intrinsic within the proposals and could not overcome or mitigated through the imposition of conditions.

22. I have found that the proposal would cause harm to the special architectural or historic interest and the significance of the appeal building. This harm would not result in a total loss of the significance of the building and would be primarily limited to the basement of the appeal building. As such, this harm would be less than substantial in terms of the Framework.
23. The degree of harm to the character and appearance of the conservation area, and, consequently, its significance, would primarily be to the legibility of the relationship between the access arrangements at basement level and the main entrance at street level. Other features that contribute to the significance of the conservation area, such as the distinctive the use of pastel paint colours on the stucco facades of the buildings and the symmetrical composition of the houses that enclose Chalcot Square, would not be affected by the proposal. Consequently, the harm would also be less than substantial in terms of the Framework.
24. I have found that the harm would be less than substantial in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing of the optimal viable use of listed buildings. The appellant maintains that the proposed works would enhance the standard of accommodation provided by No 32A Chalcot Square through improved natural ventilation as well as improved thermal and energy efficiency. To that extent, the proposals would assist in securing of the optimal viable use of the listed building, albeit I have no evidence before me to suggest that dismissing these appeals would result in the cessation of that optimal use. Moreover, the appellant has not quantified the anticipated improvements in those respects, including in relation to lifetime home principles.
25. In any event, any benefits that may arise in that respect are largely private benefits as opposed to public benefits. I acknowledge these will nevertheless be of benefit and that they in weigh in favour of the proposal but, in my view, those benefits only attract limited weight. Consequently, those benefits would not outweigh the harm that would result from the proposals.
26. I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the Primrose Hill Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 199 of the Framework and, in relation to Appeal A, would conflict with Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017. These policies seek, among other things, to preserve and where appropriate enhance Camden's rich and diverse heritage assets; and achieve high quality design.
27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the proposal in Appeal A conflicts with the development plan. However, I have not been advised of any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan and, indeed, there are material considerations that point in the other direction.

28. I note that the appellant would accept a split decision in respect of the Listed Building Consent in the event that, for example, I concluded that the internal alterations could not be granted. However, I have found find that the proposal as a whole would fail to preserve the Grade II listed building and would harm the significance of this designated heritage asset. For that reason, a split decision is not an option that is open to me.

Conclusion

29. For the above reasons, I conclude that both the appeals should be dismissed.

Paul Freer
INSPECTOR