

Enforcement Delegated Report

Receipt date:

17/08/2023

Officer

Miles Peterson

Enforcement Case

EN23/0295

Breach Address

Ground Floor Commercial Unit
57 Belsize Road
London
NW6 4BE

Photos & Other material



PO 3/4

Area Team Signature

C&UD

Authorised Officer Signature

17/08/2023

Elizabeth Beaumont
Appeals and Enforcement Manager

Alleged Breach

Without planning permission, the erection of a wooden deck on the pavement outside the premises.

Recommendation(s):

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended for the removal of the large outbuilding from the rear garden and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control

Priority:

P3

Site Description

The site consists of a five-storey building with commercial use at ground floor (class E) and residential on the upper floors (class C3). It is finished in render at upper levels with metal framed shopfront windows and awnings on the ground floor. It is located on the junction of Loudon Road and Belsize Road, and is a prominent building on a corner plot.

The building lies outside of, but adjacent to the South Hampstead Conservation Area and is visible from the conservation area.

Investigation History

14/04/2023- Complaint received
30/05/2023- Warning Letter sent

Relevant policies / GPDO Category

National Planning Policy Framework 2021

London Plan 2021- Policy D4 (Delivering Good Design)

Camden Local Plan 2017:

A1 Managing the Impact of Development

D1 (Design)

D2 (Heritage)

Camden Planning Guidance 2021:

CPG- Design (2021)- Chapters:1, 2, 3

CPG – Amenity (2021)

Assessment

Planning history:

2021/5480/PVL- Pavement Licence

2006/4250/P- Full Planning Permission- Redevelopment of the site by the erection of a basement plus 3 - 6 storey building to provide a ground floor commercial unit (136.5 sq.m of floorspace) for uses within either Classes A3, B1 or D1, and 54 selfcontained flats on basement - 5th floors for affordable housing

Issues:

The decking is out of character with the host building, immediate area, and neighbouring South Hampstead Conservation area and detracts from the appearance of the premises as a whole. The decking consists of a wooden base elevated from street level with several wooden planters and tables and chairs atop the base. The timber materials used to construct the deck are not in keeping with the character of the surrounding area.

While a table and chairs license is in place for this area, the hard barrier of the decking restricts pedestrian movement in this area more so than tables and chairs.

Policy D1 (Design) of Camden's Local Plan 2017 seeks a high standard of design and requires new development to (a) respect local character and context, (b) preserve or enhance heritage assets, (c) is sustainable in design and construction, (e) comprise details and materials that are high quality and complement local character, (f) integrates well with surrounding streets and open space and (j) responds to natural features and preserves gardens. Policy D2 (Heritage) advocates for the preservation and where appropriate, enhancement of Camden's rich and diverse heritage assets, and their settings, including conservation areas. The property lies adjacent to the South Hampstead Conservation Area. Due to the close proximity of the shed to the South Hampstead conservation area, it is considered to detract from the special character of the conservation area.

Paragraph 202 in the NPPF 2021, says "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". As the decking is not necessary for providing tables and chairs in this area, the Council can see

no public benefit in terms of the development that has occurred at the site and therefore it does not outweigh the less than substantial harm caused.

The unauthorised deck, by reason of its siting and design is considered an incongruous addition which has a detrimental impact on the character and appearance of the host building, the wider streetscene and the adjacent South Hampstead Conservation Area contrary to policies D1 (Design), D2 (Heritage) of the London Borough of Camden Local Plan 2017.

Recommendation:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended for the removal of the timber deck that has been installed at outside the commercial premises at 57 Belsize Road, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Without permission, the installation of a timber deck outside the shop premises.

WHAT ARE YOU REQUIRED TO DO:

1. Totally remove the timber deck that has been installed outside the shop premises; and
2. Make good any damage caused as a result of the above works

PERIOD OF COMPLIANCE: One Month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

1. It appears that the breach of planning control has occurred within the last 4 years.
2. The timber decking that has been erected outside the ground floor of the property by reason of its poor detailed design and materials is considered to detract from the appearance of the host building and the character and appearance of the wider streetscape and the adjacent South Hampstead Conservation Area, and is thereby contrary to policies D1 (Design), D2 (Heritage) of the London Borough of Camden Local Plan 2017.