

Enforcement Delegated Report

Receipt Date:

Officer

Jennifer Watson

Enforcement Case Number(s)

EN19/0315

Breach Address

4 Copperbeech Cl
London
NW3 5RB

Photo & Other Material



Authorised Officer Signature Date

10/10/2022

Alleged Breach

The erection of an extension at the rear of the property

Recommendation:

Issue enforcement notice

Priority:

C

Site Description

The site comprises a two storey semi-detached property located on the western side of Akenside Road. The breach of planning control relates to the erection of a brick extension for use as a kitchen. The property is not listed but is located in the Fitzjohns and Netherhall Conservation Area.

Relevant Planning History

No relevant planning history.

Investigation History

First warning letters sent to the freeholder, leaseholder and occupier: No response received.
Second warning letters sent to the freeholder, leaseholder and occupier: No response
First letter of intended entry: No response received.
Second letter of intended entry: Response received and site visit carried out

Relevant policies

National Planning Policy Framework 2018

London Borough of Camden Local Plan (2017)

A1 – Managing the Impact of Development

D1 – Design

D2 - Heritage

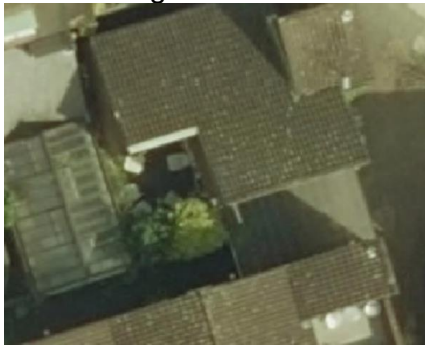
Camden Planning Guidance: Design (2019)

The Fitzjohns/Netherhall Conservation Area statement (March 2001)

Breaches:

A brick extension has been erected at the rear of the property, for use as a kitchen. Planning permission has not been granted for the extension. A complaint was received in 2019 in relation to the extension, shown in construction below.

Pre-existing:



After



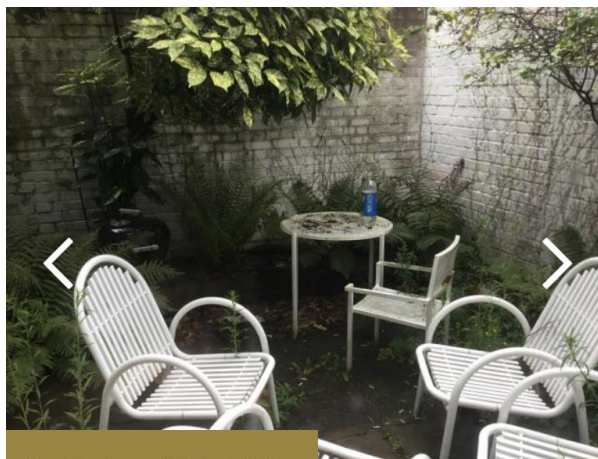
Assessment:

The principal considerations material to the determination of this recommendation to issue an enforcement notice relate to the over-development of the site, these and additional issues are summarised as follows:

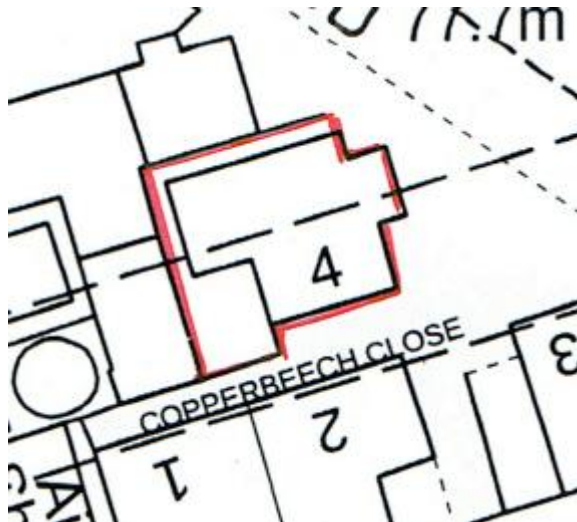
Design and heritage

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area

Despite the owner's claims of a pre-existing extension, the site plan does not this, nor do the estate agents photos (shown below dated XXXX) show an extension. The site plan (shown below) is therefore considered accurate.



Sold for £891,000



An extension, for use as a kitchen, has been erected at ground floor level. It measures approximately 5 metres long by 5 metres wide and occupies the entire rear garden, extending its full depth and width, up to the rear boundary.

Camden CPG Home Improvements advises that rear extensions should:

- a) Be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing;
- b) Be built from materials that are sympathetic to the existing building wherever possible;
- c) Respect and preserve the original design and proportions of the building, including its architectural period and style;
- d) Respect and preserve existing architectural features, such as projecting bays, decorative balconies, cornices and chimney stacks;
- e) Be carefully scaled in terms of its height, width and depth;
- f) Allow for the retention of a reasonably sized garden;

The extension has a negative impact on the appearance of the property due to its size and scale, which is considered excessive in both depth and width, especially in relation to the size of the garden. It is not be read as a subservient addition to the property which respects the building being

extended and has resulted in the complete loss of any garden space.. As a consequence, the amenity value of the garden to future occupants has also been removed in its entirety.

Special regard has been given to the desirability of preserving or enhancing the character and appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The development would constitute less-than-substantial harm to the designated heritage asset, as per paragraph 196 of the NPPF. There are no demonstrable public benefits to the proposal to consider that would outweigh the harm.

The extension would fail to preserve or enhance the character and appearance of the host property, or the wider conservation area. It would be contrary to guidance CPG Design and CPG Home improvements, and also the Fitzjohns/Netherhall Conservation Area. The proposal is therefore unacceptable in design and conservation terms.

Residential Amenity

The rear extension as built would measure approximately 3m in height at the boundary with no.32. Given that there is an existing single storey extension parallel to this side boundary, it is not considered that the extension as built would result in significantly more harm than what has been established. No new views would be afforded beyond what has been established into neighbouring habitable windows. The proposal is therefore acceptable in residential amenity terms.

Conclusion

It is considered that the extension is unacceptable on design and conservation grounds, owing to its size and scale, which leads to overdevelopment of the site, which would have a negative impact on the appearance of the host property and the wider conservation area. As such, the service of an enforcement notice is recommended.

Recommendation:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended to secure the removal of the unauthorised works and to pursue any legal action necessary to secure compliance. Officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Enforcement Notice shall allege the following breaches of planning control:

The erection of a single storey extension at the rear of the property.

The Notice shall require the following:

The Enforcement Notice shall require that within a period of three calendar months of the Notice taking effect;

1. Completely remove the single storey rear extension;
2. Make good the exposed elevations in materials to match the pre-existing situation; and
3. Remove any resultant debris from the premises as a result of the above works.

Reasons why the Council considers it expedient to issue the Enforcement Notice:

- g) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- h) The rear extension, by reason of its location and scale, resulting in the complete loss of the garden has a detrimental impact on the character and appearance of the host building and wider conservation area, contrary to policies D1 and D2 of the Councils Local Plan adopted (2017).