

Delegated Report		Analysis sheet		Expiry Date:		11/08/2023	
		N/A		Consultation Expiry Date:		14/08/2023	
Officer				Application Numbers			
Fast Track GG				2023/2521/P			
Application Address				Drawing Numbers			
The Lock Tavern 35 Chalk Farm Road London NW1 8AJ				Refer to Draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Retrospective application for two parasols/jumbrellas to existing first floor terrace.							
Recommendation:		Refused					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		One site notice was displayed directly outside the site on Chalk Farm Road on 21 st July 2023 (expiring on 14 th August 2023).					
CAAC/Local groups* comments: *Please Specify		None					

Site Description

The application relates to a three-storey building known as the Lock Tavern public house. It was built as a public house in Victorian times. It is not listed nor located within a Conservation Area. It is however adjoining the Harmood Street and Regent's Canal Conservation Areas.

Relevant History

Application Site

AC2060/P1 - A double-sided projecting sign, lettered "RAILWAY TAVERN" in yellow on a green ground and "TOBY ALE" in ruby with a representation of a "Toby Jug" in natural colours, all on a green ground and internally illuminated, to be erected on the Chalk Farm Road frontage. Height 2'0", length 3'0", projection 3'8" and overall height 15'0".

Permission 08/08/1962.

CA1639/AD2363 - The display of an externally illuminated pictorial hanging sign on the Chalk Farm Road frontage.

Permission 23/08/1981.

PE9800202 - Alterations to reinstate windows and corner entrance, provision of new gates to rear and fire escape to rear, erection of replacement outbuilding for use as servery.

Granted 08/05/1998.

2003/0098/P - The retention of an aluminium framed canopy over the existing roof terrace at first floor level at the front of the public house.

Refused and Warning of Enforcement Action to be Taken 10/05/2004. Enforcement Notice (EN030066) issued 02/06/2004. Appeal Dismissed and Notice Upheld 08/02/2005. Notice complied with 13/05/2005.

Figure 1 – Canopy subject to application 2003/0098/P and enforcement notice EN030066



EN06/0052 - The unauthorised erection of an umbrella and its associated fixtures and fittings (including metal sleeve, metal base and concrete slabs) to the first floor flat roof area of the Lock Tavern Public House. **Enforcement Notice issued 08/08/2006. Notice complied with 22/11/2006.**

EN20/0128 - Without planning permission: The installation of a retractable canopy at 1st floor level on the flat roof of the single-storey front projection of the pub building, together with a timber enclosure installed around the fire pit on the existing roof terrace at first floor level. **Enforcement Notice issued 10/03/2023.**

The reasons for issuing the notice are:

- a) *The development has occurred within the last 4 years*
- b) *The canopy and associated frame by virtue of its size, location, design and materials which adds bulk to the building, obscuring the elevation of the upper floors on the front façade, thus having a detrimental impact on the character and appearance of the host building, and the visual amenity of the existing street scene and the wider public realm and is therefore considered to be contrary to policy D1 (Design) of Camden's Local Plan 2017; and*
- c) *The canopy and associated frame by virtue of its size, location, design and materials and prominence from the wider public realm is considered to have a negative impact on the setting of the nearby listed wall enclosing Stables Market and the setting of the Regent's Canal Conservation Area and is thereby considered to be contrary to policy D2 (Design) of Camden's Local Plan 2017.*

Nearby Site

Site at 2-12 Harmood Street and 34 Chalk Farm Road, NW1 8DJ

2008/2981/P - Erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings). **Granted Subject to a Section 106 Legal Agreement 23/09/2008.**

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Supplementary Planning Guidance

CPG Design 2021 Chapters 1 (Introduction), 2 (Design Excellence), 3 (Heritage)

CPG Amenity

Assessment

1 Proposal

1.1 The proposal involves the retrospective erection of two parasols/jumbrellas to the existing first floor terrace.

1.2 The proposal has been amended during the course of the application to take into account the two parasols/jumbrellas (3m x 3m) as the original submission indicated one parasol/jumbrella only (4m x 4m).

2 Assessment

2.1 The principal material considerations to the determination of this application are summarised as follows:

- Design Conservation;
- Amenity

3 Design

3.1 The Council's design policies are aimed at achieving the highest standard of design in all development. The following considerations are contained within policy D1 and are relevant to the application: development should consider the character, setting, context and the form and scale of the neighbouring building, and the quality of materials to be used. Within Conservation Area or adjacent to one, it is considered development should reinforce those elements which contribute to and create the character, in line with policy D2.

3.2 The site lies on Chalk Farm Road to the northwest of Camden High Street. It is located on the north side of the road. The building is a three-storey building with a single storey flat roof projection at the front. The flat roof area is used as a roof terrace and the parasols/jumbrellas have been installed on this first-floor terrace.

Figure 2 – Photograph of the parasols/jumbrellas from September 2022 (Google Maps)

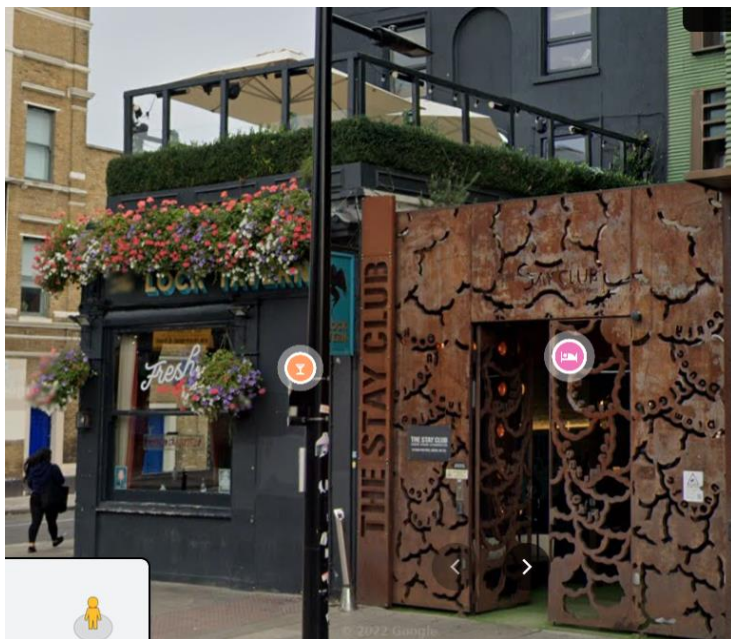


Figure 3 – Photograph provided by the applicant showing how one parasol/jumbrella is fixed



3.3 It has been previously confirmed that the use of the first-floor terrace is lawful. According to the appellant's submission, the existing parasols/jumbrellas are 3m square canvas parasols that can be collapsed when not in use (as can be seen on the Figure 3 above).

3.4 An enforcement notice was issued on 10th March 2023 (EN20/0128) for "*the installation of a retractable canopy at 1st floor level on the flat roof of the single-storey front projection of the pub building, together with a timber enclosure installed around the fire pit on the existing roof terrace at first floor level.*" Although described at the time as "a retractable canopy", the enforcement notice is in relation to one parasol. Therefore, for the sake of accuracy, only the words "jumbrellas" and "parasols" have been used as part of this current application as they described best what is currently there.

3.5 An enforcement notice (EN06/0052) was issued on 8th August 2006 for the unauthorised erection of an umbrella structure and its associated fixtures and fittings (including metal sleeve, metal base and concrete slabs) to the first floor flat roof area (see relevant history above). The notice was complied with on 22nd November 2006. The reasons for issuing this notice were that "*the umbrella structure (together with its associated fixtures and fittings), by virtue of its size, scale, bulk, location and design, causes visual harm to the character and appearance of the site, the adjacent property, and the wider street scene, and the adjacent Regent's Canal Conservation Area, and also affects the setting of listed buildings. The retention of the umbrella would also set an unwelcome precedent to the erection of similar developments at or about the first floor level.*"

3.6 An appeal was dismissed and the enforcement notice (EN030066) upheld on 8th February 2005 for the erection of an aluminium framed canopy over the existing roof terrace at the first floor level of the premises (see relevant history above). The Inspector considered that the canopy "*detracts from the Victorian appearance of the building.*" They went on saying that "*the canopy appears as a very bulky addition to the front of the building. Its shape (...) stands out as an alien addition to the rugged, four-square form of the original building. Its materials, the fabric cover and the aluminium framing, which are entirely foreign to the Victorian building, emphasize the incongruous appearance of the structure.*"

3.7 It is acknowledged that the two existing parasols/jumbrellas combined (3m x 3m each) are about the same size as the then retention canopy (7m) as detailed in paragraph 3.6 above, and therefore the points made by the Inspector in 2005 in relation to the size of the canopy also stand in this

case, as do the location and bulky appearance. The reasons for issuing the notice in relation to the umbrella in 2006 are also very much relevant to the assessment of the current application. The parasols/jumbrellas are collapsible, however, even in their closed position they appear out of context with the character and appearance of the Victorian building (see figures 3 and 4). The size, scale, bulk, location and design of the parasols/jumbrellas cause visual harm to the character and appearance of the host building, the wider street scene, the adjacent Conservation Areas and listed wall of Stables Market opposite the application site.

Figure 4 – Photograph provided by the applicant showing one jumbrella in a closed position



3.8 As previously mentioned in paragraph 3.5, the enforcement notice issued in 2006 recognized that *“the umbrella structure (together with its associated fixtures and fittings), by virtue of its size, scale, bulk, location and design, causes visual harm to the character and appearance of the site, the adjacent property, and the wider street scene, and the adjacent Regent’s Canal Conservation Area, and also affects the setting of listed buildings.”* As mentioned in paragraph 3.4, an enforcement notice was issued on 10th March 2023 (EN20/0128) for *“the installation of a retractable canopy at 1st floor level on the flat roof of the single-storey front projection of the pub building, together with a timber enclosure installed around the fire pit on the existing roof terrace at first floor level.”* The reasons for issuing the notice are detailed above under “relevant history”.

3.9 With regard to the street scene and the dismissed appeal from 2005 in relation to the canopy, the Inspector carried on by stating that *“the canopy itself is very conspicuous because of its considerable size and bulk, because of its elevated position at first floor level on the front of the building and because its shape and materials stand out as alien to the parent building.”* Finally, the Inspector found *“that the presence of the appeal canopy is harmful to the setting of the boundary wall listed building”*, wall situated opposite the site.

3.10 Although the current proposal is smaller in scale than that subject of application 2003/0098/P and that the street scene has changed since 2005 and notably the *“erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing*

buildings)” at No. 34 Chalk Farm Road and 2-12 Harmood Street (next door to 35 Chalk farm Road), which was given planning permission subject to a S106 Legal Agreement on 23rd September 2008 (2008/2981/P), the parasols/jumbrellas are still very much visible from Chalk Farm Road. There are some trees on Chalk Farm Road that obscure views of the building in the summer months however for the rest of the year, the parasols/jumbrellas can be clearly seen. This is therefore considered to create an adverse effect on the visual amenity of the surrounding area.

4 Amenity

4.1 Camden Local Plan policy A1 seeks to protect the amenity of Camden’s residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

4.2 The use of the terrace has already been established and it is considered that the inclusion of the parasols/jumbrellas would not have an adverse impact on neighbours in terms of privacy, outlook, noise and daylight.

5 Recommendation

Refuse planning permission.

Reason for refusal:

- a) The parasols/jumbrellas, by virtue of their size, location, design and materials which add bulk to the building, obscuring the elevation of the upper floors on the front façade, have a detrimental impact on the character and appearance of the host building, and the visual amenity of the existing street scene and the wider public realm. The proposals are therefore considered to be contrary to policy D1 (Design) of Camden’s Local Plan 2017; and
- b) The parasols/jumbrellas, by virtue of their size, location, design and materials and prominence from the wider public realm are considered to have a negative impact on the setting of the nearby listed wall enclosing Stables Market and the character and appearance of the Regent’s Canal Conservation Area. The proposals are therefore considered to be contrary to policy D2 (Design) of Camden’s Local Plan 2017.

Refer to Planning Enforcement to serve an Enforcement Notice.