

LDC Report	08/03/2013
Officer	Application Number
John Nicholls	2013/0293/P
Application Address	Recommendation
16 Upper Woburn Place London WC1H 0QP	Refuse Certificate and serve Enforcement Notice
1st Signature	2nd Signature (if refusal)
Proposal	
Replacement of non-original timber and glazed doors with glazed doors on Euston Road elevation of gym (Class D2)	
Assessment	
<p>The application relates to a corner site at the junction of Upper Woburn Place and Euston Road in the Bloomsbury Conservation Area. The site comprises a brick built commercial premises with basement, ground, 1st – 3rd floors a 4th floor mansard with dormers and above that a set back 5th floor.</p> <p>The application premise is accessed from the Euston Road. The site is not a listed building, but is within the Bloomsbury Conservation Area and is considered to be a positive contributor.</p> <p>The application relates to replacement doors on the Euston Road elevation which have been replaced without planning permission because the applicant considers that the replacement doors are not considered to be development as they do not materially affect the external appearance of the building.</p> <p>Applicant's Justification</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • X6 page cover letter explaining why the proposed changes are not considered to make a material alteration to the external appearance of the property. <p>The letters covers a site description, Section 55 of the The Town and Country Planning Act 1990 (as amended) relating to what development is and in particular S55 (2)(a)(ii) which specifically refers to "material to the external appearance of the building".</p> <p>The letter also covers what is considered to be the 'building' and quotes case law from Burroughs Day vs. Bristol City Council, "<i>that the degree to which the particular alteration affected external appearance, and the affect on external appearance, had to be judged in relation to the</i></p>	

building as a whole, and not by reference to a part taken in isolation”.

The letter also debates material effect on external appearance and suggests that the Burroughs Day case depended a great deal on the character and appearance of the building, and therefore because the entrance door was located at one end of the building and recessed into the elevation the visibility is limited to a narrow vantage point across a busy road, or immediately adjacent to the doors when stood on the pavement.

Therefore, the applicant contends that the argument is not just whether the ‘exterior’ was affected, but the ‘external appearance’ was affected, i.e. whether or not it is visible from a public vantage point / surroundings?

The summary of this letter is set out below:

“The relevant test is whether the replacement doors ‘materially affect’ the external appearance of the building. We have described the external appearance above, and it is clear that the existing consented glass doors play a significant role in the buildings appearance.

To understand this, the ‘building’ must be taken as being 16 upper Woburn Place / 163 Euston road including ground, first, second, third and fourth floors, and not take any particular part in isolation.

‘Materiality’ must, in every case take into account the nature of the particular building which it is proposed to alter.

The character and appearance of the ground floor is one which has modern, floor to ceiling glazed windows and entrance doors, along both frontages. The entrance doors to both the offices and also to Prezzo are glazed and set within white stucco pilasters. The appearance of the upper floors is brick with large sash windows.

There would be limited visibility, as the doors can only be seen from very narrow vantage points, due to the recessed nature of the doors. The insertion of glazed doors set within a recessed doorway, with limited degree of visibility is therefore, considered to not materially affect the external appearance of the building”.

The applicant has also submitted the following plans:

- A site location plan outlining the application site;
- A pre-existing elevation drawing showing the non-original doors;
- An existing elevation drawing showing the replaced glazed doors; and
- X3 A3 photographic sheets showing the both the pre-existing and replacement doors in context.

Planning History

2008/5558/P – Planning permission was granted on 15/01/2009 for the continued use of basement as storage ancillary to offices on first - fifth floors inclusive (Class B1) or as a student centre (Class D2) - 15/01/2009

2012/3732/P - Variation of condition 2 (D2 use restricted to that of a student centre) of planning permission dated 15/01/09 (ref.2008/5558/P) for continued use of the basement as storage ancillary to offices on first to fifth floors inclusive (Class B1) or as a student centre (Class D2), to enable use as a studio gym (Class D2), namely to permit use of the D2 floorspace as a gym –

Granted - 10/09/2012

2012/4368/A - Installation of 1 x internally illuminated fascia sign and 1 x externally illuminated hanging sign to Euston Road elevation of gym (Class D2) – Granted - 04/10/2012

No. 161 Euston Road – Prezzo

2003/3008/P - External alterations in connection with use of ground floor and basement of building as a restaurant (Granted under planning permission PSX0205059 dated 10th December 2003) – Granted - 06/01/2004

Assessment

This application has been submitted because the glazed doors which are the subject of this application were noted as requiring planning permission in the course of considering the advertisement application granted in October 2012 (Ref: 2012/4368/A). Furthermore, Council officer's stated at the time that they preferred to retain the timber and glazed doors because timber would have been the traditional material.

It is noted that emails have also been exchanged with the applicant's agent over whether removing part of the timber, i.e. the transoms, from the non-original doors could be considered non-material and what would be acceptable to the Council.

Despite the Council's advice that the doors required planning permission to be altered, these have been removed and replaced with completely glazed doors and this application now seeks to regularise the works. The applicant argues that the change does not affect the external appearance of the building.

The applicant's site description suggests the ground floor is characterised by large floor to ceiling windows which run along the Euston Road elevation and relate to the Prezzo unit. Also "a stucco fronted building at ground floor level with brick above" which the Council considers to be a better description for the building as a whole. The Council would also add to the description un particular that there is Palladian banding at ground floor level.

The applicant's description of the building's character emphasises the window openings.

In this context the applicant then seeks to suggest they are not making an alteration to the external appearance and merely effecting the 'exterior'.

The applicant states that the windows on the ground floor at Prezzo at 161 Euston Road were granted planning permission (Ref: 2003/3008/P). This application allowed the windows sills to be lowered and the corner window to have the sill removed and formed into a double door opening with completely glazed doors. Similarly the alterations to the doors which are the subject of this application require planning permission. They represent material changes to the external appearance of the building.

The building is on the corner of a busy thoroughfare, Euston Road and Upper Woburn Place, which is a busy route north and south and therefore the location is highly visible and passed by many people every day either on foot, or in some sort of vehicle whether it be bus, cycle, taxi or private car.

The character of the property is a red bricked building in a neo-Queen Anne style with white stucco and rustication at ground floor level. The door case itself is set within a projection defined

by quoins above and a door case which is defined further by way of cornice and dentils between ground and first floor level and is clearly significantly more ornate than the adjacent rustication. The replacement glazed doors are set within this context and are therefore considered in stark contrast to this background.

Recommendation 1: Refuse Certificate

Finally, the applicant states in the description of development that the previously existing door was not original. This is not disputed by the Council. However, the replacement doors are a material change to the external appearance and require planning permission. Therefore, the Lawful Development Certificate is recommended for refusal.

Recommendation 2:

The new fully glazed doors now sit awkwardly below these original features and the design is not considered to either preserve or enhance the character or appearance of the building and is also considered to harm the character and appearance of the Bloomsbury Conservation Area as a result.

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of unauthorised glazed door at ground floor level at the western end of the building fronting Euston Road, and to pursue any legal action necessary to secure compliance and 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 Notice shall allege the following breach of planning control:

The unauthorised removal of a set of partially timber and partially glazed entrance doors and their replacement with a completely glazed set of doors without the benefit of planning permission.

WHAT YOU ARE REQUIRED TO DO:

Remove the unauthorised glazed door and replace it with a door which matched the door previously in place and as shown on drawing labelled Non-original doors prior to replacement as shown in LDC application Ref: 2013/0293/P.

PERIOD OF COMPLIANCE

The Notice shall require that is removed within a period of one month of the Notice taking effect.

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

The unauthorised glazed door is considered to be visually harmful to the character and appearance of the building and the Bloomsbury Conservation Area. Therefore, the door is considered to be contrary to Policies DP24 and DP25 of Camden's Local Development Framework 2010

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