

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		27/11/2012	
		N/A / attached		Consultation Expiry Date:		15/11/2012	
Officer				Application Number(s)			
Rob Tulloch				2012/5235/P			
Application Address				Drawing Numbers			
19 CHRISTCHURCH HILL LONDON NW3 1JY				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Alterations to the rear boundary walls adjoining 17 & 21 Christchurch Hill and rear footpath (Class C3).							
Recommendation(s):		Grant Planning Permission and Warning of Enforcement Action					
Application Type:		Householder Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	09	No. of responses	08	No. of objections	08
Summary of consultation responses:		Site notice 24/04/2012 – 15/05/2012 and press advert 03/05/2012-24/05/2012. Objections were received as follows:					
		<p><u>11 Christchurch Hill</u></p> <ul style="list-style-type: none"> The proposal will support the retention of the terrace which is too high and too large <p><u>17 Christchurch Hill</u></p> <ul style="list-style-type: none"> Height, materials and detailed design are harmful to the character and appearance of the host building and conservation area The wall would be detrimental to the amenity of no. 17 in terms of outlook and privacy The proposal should refer to a retrospective erection of garden walls rather than alterations to rear garden boundary walls The terrace has been built significantly higher and deeper than approved, the proposal should not be considered in isolation from the terrace The height and position of the balustrade is unacceptable as it relates to an unauthorised terrace structure which harms the amenity and privacy of the neighbours The height and appearance of the new garden wall will continue to have an unacceptable impact on the amenity of neighbours and the appearance of the conservation area The brickwork does not match the brickwork used for the existing house and will harm the appearance of the conservation area Render or brick slips are not acceptable in terms of amenity and its 					

	<p>impact on the appearance of the conservation area</p> <p><u>21 Christchurch Hill</u></p> <ul style="list-style-type: none"> • Are satisfied with the alterations to the boundary wall with no. 21 as long as the plans are followed precisely • The size of the door to the rear wall is inaccurate on the plans • The rear wall is out of keeping in terms of size and materials • Consider that the proposal will impact on no. 17 visually and in terms of overlooking and request that consideration is given to their views <p><u>25 Christchurch Hill</u></p> <ul style="list-style-type: none"> • Out of keeping with the area • Would set a precedent • Height of balcony is intrusive for the neighbours <p><u>29 Christchurch Hill</u></p> <ul style="list-style-type: none"> • Plans are inaccurate showing original boundary wall to be higher than it was • There was no rear brick wall originally • The proposed walls are too high • The proposed wall is largely breeze block which is out of keeping with the area <p><u>33 Christchurch Hill</u></p> <ul style="list-style-type: none"> • Wall is too tall • Breeze blocks are inappropriate for the conservation area • Glass balustrading is harmful <p><u>35 Christchurch Hill</u></p> <ul style="list-style-type: none"> • The wall is too dominant • The brick is mis-specified • The breeze blocks are out of character • It would set a precedent <p><u>37 Christchurch Hill</u></p> <ul style="list-style-type: none"> • Intrusive of neighbour's privacy • Ugly and inappropriate materials are out of character with this part of the conservation area <p>Officer comment: It is proposed to reduce the height of the garden walls and replace louvres with trellising so that they would be similar, in terms of height and design, to what existed prior to any works taking place, and similar to the approved scheme. The blockwork, not breeze blocks, is proposed to be rendered or faced with brick slips. An Enforcement Officer has measured the extension of no. 19 and has concluded that its height and that of the terrace above it are in accordance with the approved plans. See section 2 Design.</p>
CAAC/Local group comments:	Hampstead CAAC raise no objection.

Site Description

The application site comprises a mid-terrace five storey (lower ground floor, ground, first, second and roof level third floor accommodation) building located on the south-west side of Christchurch Hill. The building is not listed, but is within the Hampstead Conservation Area and identified within the Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

Relevant History

2012/1911/P Alterations to the boundary wall adjoining 17 Christchurch Hill (Class C3). Refused 21/06/2012

2010/3059/P Excavation of front basement extension and new stairs to front entrance within front garden, erection of rear basement level extension incorporating terrace at upper ground floor level, replacement and enlargement of windows to rear elevation, refurbishment of existing glazed first floor rear terrace enclosure, enlargement of existing rear roof dormer, and replacement of windows in existing front roof dormer, all in association with the conversion of two existing flats to a single dwelling house (Class C3)

Enforcement

EN11/0640 Rear extension and boundary wall has been built much higher the approved planning drawings resulting in overlooking and loss of privacy. This is a current case opened on 01/08/2011

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Hampstead Conservation Area Statement

NPPF 2012

Assessment

1 Proposal

- 1.1 The proposal is for alterations to the rear garden walls between the application site and nos. 19 and 23 Christchurch Hill, and to the rear boundary wall.
- 1.2 Planning permission was granted for works of alteration and extension to no. 19 Christchurch Hill, including a rear extension with terrace, on 02/08/2010 (ref. 2010/3059/P). The permission has been implemented, but not fully in accordance with the approved plans. The areas of dispute being the height and location of the balustrading to the terrace above it, and the height and materials of the garden wall, part of which is the flank wall of the extension.
- 1.3 Although the extension is linked to the garden wall, the application for consideration deals only with the garden wall and part of the balustrading to the terrace, and therefore must be assessed separately from the extension and the dispute surrounding it. A previous application for alterations to the boundary wall was refused (ref. 2012/1911/P) on amenity and design grounds.
- 1.4 The main issues for consideration are:
 - design
 - neighbour amenity
 - enforcement

2 Design

- 2.1 Prior to construction of the rear extension, the application site had a brick wall at its boundary with no. 17 Christchurch Hill, approximately 2.5m high when measured from the sunken patio directly in front of the rear elevation of no. 17. It had close boarded timber fencing on top giving a total height of approximately 5m. The wall extended from the house for approximately 6m with the close boarded timber fencing on top. After this it was between approximately 1.7m and 2m in height, including 700mm high trellising separated by brick piers. The wall and trellising remained relatively level despite the slope of the garden. On the other side, the boundary treatment with no. 21 was a close boarded timber fence with trellising on top and a consistent height of

approximately 2.2m.

Approved scheme

- 2.2 The approved scheme included a rear extension with terrace on top and the rebuilding of the boundary walls, but only for a length of 6m from the rear elevation of the house. The approved plans had no elevations of the boundary walls as they extended further into the garden and the approved floor plans referred to the garden landscaping and boundary wall as not being part of the application. The flank walls of the extension were included and on the side facing no. 17 would have resulted in an increase in the amount of brickwork and a reduction in the timber fencing above it. The overall height would have remained approximately the same. A condition required all new external work to be carried out in materials that resemble as closely as possible, in colour and texture, those of the existing building.

Built scheme

- 2.3 The extension has been built with a terrace on top and associated glass balustrading, the boundary walls to the sides and rear have also been replaced. Whilst it is considered that the extension has been built to the correct height, the flank wall facing no. 17 has not been built in accordance with the approved plans. At the point closest to the rear elevation of no. 17 the brickwork extends to height of 4.5m, the approved scheme had brickwork up to 4m. The approved flank wall also sloped downwards by 1m whereas the built wall remains relatively level only stepping down by 200mm. The approved scheme also featured 1.1m high glass balustrading on the inside of the parapet behind downwards sloping close boarded timber fencing, whereas the built scheme has glass balustrading measuring 1.6m high with no timber fencing.
- 2.4 Objections have been raised that the extension, and by extent, the boundary walls as far as they were shown on the approved plans, have not been built in accordance with the approved plans. The objections are that the extension has been built higher than approved, the terrace is deeper, and the brickwork does not match the existing building.
- 2.5 These objections have been investigated by the Council's Enforcement Team and their conclusions are that the extension has not been built higher than the approved plans, however the difference in levels between the two properties lead to an inaccurate survey which placed the patio level of no. 17 500mm higher than it actually was, therefore the flank wall of the extension as built is higher when viewed from no. 17, but the extension itself when measured at the application site is correct. There is a discrepancy in the approved plans as the floor plans due to a drafting error show more glass and less decking, however the section shows the terrace to be 3.2m.
- 2.6 In terms of materials, the flank walls of the extension have been constructed in blockwork and lighter brickwork than the existing house. The reason given for the blockwork, was that this section of the wall is the side of the built extension and was agreed with the neighbours who had permission for their own extension and would have built up against this area. It is accepted that the brickwork does not match the existing building exactly, although London Stocks have been used and the house is built from London Stocks, but it is the opinion of the Council that the colour is acceptable and will darken with age, as such its current appearance is not considered to be harmful to the character or appearance of the conservation area and does not warrant enforcement action.
- 2.7 Further into the garden the wall has been built up to a height of between 2m and 2.8m, including 1m high timber louvres separated by brick piers. The rear garden wall has been built up to a height of between 2m and 2.5m.

Refused scheme

- 2.8 The applicants acknowledge that the scheme as built does not comply with the approved plans

and sought to redress the problems with alterations to the boundary wall with no. 17. The submitted application did not refer to the extension, but solely with the wall for its entire length of the garden. The application sought to retain the height of flank wall and the glass balustrading and add timber fencing on top of the wall closest to the house with additional fencing cut into the wall. The blockwork would have been rendered or faced with brick slips, and the piers and louvres to the garden wall would have been partially reduced in height.

- 2.9 The proposal was considered unacceptable in design terms by reason of its height, materials and detailed design. The proposal was also considered unacceptable in terms of its impact on the amenity of the occupiers of no. 17 in terms of outlook and privacy.

Proposed scheme

- 2.10 The proposed scheme results from discussions between the applicant and the Council's Planning Enforcement team. The scheme is now similar in appearance to the approved scheme and differs from the refused scheme in that.

- The brick wall forming the side of the extension facing no. 17 is to be reduced in height by 200mm,
- the timber fencing would be the same height and profile as originally existed,
- the glass balustrading would be reduced in height from 1.6m to 1.1m and positioned at terrace level,
- the boundary wall with no. 17 in the garden would be reduced in height,
- the louvres on both sides would be replaced with timber trellising.

- 2.11 One of the reasons for refusal of the previous scheme was that the height, materials and detailed design of the proposed wall were considered to be harmful to the character and appearance of the host building and conservation area. The proposed wall in the garden would have a height of between 1.7m and 2.6m, and be up to 700mm lower than the existing wall towards the rear. It would no longer step up and the open nature of the trellising would further reduce its visual impact.

- 2.12 It is also proposed to retain the existing brickwork, whilst it is acknowledged as being lighter, it is not considered that the difference in colour is harmful to the character or appearance of the host building or conservation area and in light of the overall improvements to the revised scheme, the colour of the brickwork is acceptable in this instance. Similar coloured brick can be seen in the garden of no. 15 Christchurch Hill.

- 2.13 Objections have also been received about the proposal to render the blockwork, but it is considered that render is an appropriate treatment for sections of boundary wall. The lower sections of the garden retaining walls of the application site are rendered and painted white, as is the southern wall to no. 17. There is concern that the occupiers of no. 17 Christchurch Hill may refuse the applicants access to carry out the rendering, however no. 17 has planning permission for a rear extension which appears to be under construction. Excavation has begun and details were submitted for Building Regulations approval at the start of November. When built, it would cover most of the blockwork that forms the flank of the extension to no.19.

- 2.14 The garden level of no. 17 is higher than the excavated patio of no. 19 and blockwork has also been used for the retaining wall between nos. 17 and 19. On the application side it has been rendered, but on the side of no. 17 it was mainly below the level of the garden. As the occupiers of no. 17 are currently excavating their garden more blockwork will be exposed. If the extension to no. 17 is built in accordance with the approved plans an area of blockwork exposed under the boundary wall could be up to 5m in length and between 100m and 800m high. It would not be possible to require this blockwork to be rendered as it was largely underground when the application was submitted and the applicants are not responsible for the excavation revealing it, and any such condition would be unenforceable because the occupiers of no. 17 could prevent access. Furthermore, the proposal only seeks permission for the wall as it stood above ground

at the time of the application, not for any parts of the wall that may later be revealed.

- 2.15 Notwithstanding the above, the appearance of the wall does need to be considered. On balance, due to the location of the blockwork at the base of the wall and its visibility limited to no. 17 Christchurch Hill and the upper floors of properties to the south, it is not considered to cause demonstrable harm to the character or appearance of the conservation area and is considered to be acceptable in this instance.
- 2.16 It is proposed to slightly reduce the height of the boundary wall with no. 21 and replace the louvres with trellising which is welcomed. At the rear of the garden a wall has been erected approximately 2.5m in height when measured from the garden. It is proposed to reduce this in height so that it will be 2m in height when measured from the passage way outside and step down to follow the slope of the land. The wall has a door measuring 980mm x 2060mm as shown on the plans, it is proposed to reduce this in height to approximately 1.9m in height.
- 2.17 The proposed alterations, insofar as they relate to the flank wall of the extension are now similar in terms of height and design to the approved scheme. The overall height of the proposed walls, including the garden section, and the design and materials, are not significantly different from the wall before any work was carried out. The main difference being the use of render to cover up the blockwork, but this will be largely obscured when no. 17 construct their extension.

3 Amenity

- 3.1 The previously refused scheme was considered harmful to the amenity of no. 17 in terms of outlook and privacy. The proposed scheme would result in the brick wall closest to the house being lowered by 200mm, and the glass balustrading reduced in height by 500mm. Furthermore, when the extension to no. 17 is constructed impact on outlook will be reduced as the extension to no. 17 will abut the existing extension at no. 19.
- 3.2 The proposed balustrading will be the same height and location as the approved scheme and is therefore not considered to permit overlooking to a greater extent than the approved scheme.

4 Enforcement

- 4.1 The flank wall of the extension to no. 19 has been built higher than approved and with more brickwork and higher balustrading. This is considered to be harmful to the character and appearance of the house and the conservation area. The walls further into the garden, by virtue of their height and use of timber louvres are also considered harmful to the character and appearance of the conservation area. As the built structure is considered to be unacceptable, enforcement action is necessary to secure its removal or the necessary alterations.

5 Recommendation: Grant Planning Permission and Warning of Enforcement Action to be taken.

- 5.1 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 the unauthorised parapet wall 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.

5.2 The Notice shall allege the following breach of planning control:

The unauthorised erection of:

- garden walls with timber louvres at the boundaries with nos. 17 and 21 Christchurch Hill;
- glass balustrading at the boundaries with nos. 17 and 21 Christchurch Hill;
- garden wall at the rear of the garden.

5.3 What you are required to do:

The notice shall require that within a period of 3 calendar months of the notice taking effect either (i) the unauthorised walls, louvres and balustrading be removed, or (ii) planning permission ref: 2012/5235/P be implemented.

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

The unauthorised wall, balustrading and louvres by reason of their height and design are detrimental to the character and appearance of the host building and conservation area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design), and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

DISCLAIMER

Decision route to be decided by nominated members on Monday 26th November 2012.
For further information please click [here](#).