

Delegated Report		Analysis sheet		Expiry Date:		01/11/2011	
		N/A / attached		Consultation Expiry Date:		13/10/2011	
Officer				Application Number(s)			
Conor McDonagh				2011/4382/P			
Application Address				Drawing Numbers			
64 Fellows Road London NW3 3LJ				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Retention of existing timber framed windows within the central bay at upper ground, first and second floor level associated with HMO use (Class C4).							
Recommendation(s):		Refuse Permission and Authorise Enforcement Action to be taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	33	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Site notice displayed 14/09/11 Local press advert 22/09/11 No responses					
CAAC/Local groups* comments: <small>*Please Specify</small>		Belsize CAAC - Objects <ul style="list-style-type: none"> The division of the windows to the front is not acceptable; the original format of windows should be reinstated in timber. 					

Site Description

The application site is located on the northern side of Fellows Road. The building on the site is 5-storey (including lower ground and roof level) house. The building comprises a HMO (House in Multiple Occupation) accommodation over the rest of the building. There are currently 22 HMO rooms in total.

The site is located within the Belsize Conservation Area. The building on the site is not listed, but is recognised as a positive contributor to the conservation area.

Relevant History

January 2009 Permission granted subject to a S.106 agreement for extensions and internal alterations to existing HMO (containing 20x letting rooms) and 1x self contained lower ground floor flat, including erection of single storey rear extension and 2-storey side extension, to provide 24x HMO letting units, ref. 2007/5503/P.

Enforcement

EN09/0629: The unauthorised installation of timber windows within the central bay at upper ground floor level, first floor level and second floor level on the front elevation. **Notice issued on 23/06/11.**

Refused Schemes

March 2008 Planning permission was refused for the erection of a single storey rear extension, a two storey side extension and a basement extension with a rear lightwell, together with internal alterations to increase the number of units from 20 units to 24 units within the existing H.M.O, ref.2008/0332/P. The application was refused on the following grounds:

1. *The proposed two HMO rooms at basement level are considered to be substandard accommodation, with regard to access to daylight, sunlight and outlook, contrary to policy SD6 (Amenity for Occupier and Neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006 and the Camden Planning Guidance.*
2. *The proposed development, in the absence of a legal agreement for free housing for the new HMO rooms, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policies T8 (Car free housing and car capped housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

It is noted that the following informatives were also included on the decision:

- *You advised that the Council's Environmental Health Department have raised concern regarding the internal layout, room sizes and facilities for some of the rooms within the property, both existing and proposed, you are reminded of the need to comply with standards for Houses in Multiple Occupation. The Environmental Health Department can be contact on 020 7974 2090, and more information is available on the Council's website (www.camden.gov.uk/environmentalhealth).*
- *You are advised that the second reason for refusal could be addressed in the context of a scheme that was in all other respects acceptable by entering into a legal agreement for car-free housing for the new HMO rooms.*

This application was essentially a revised version of the previously approved [subject to a legal agreement] scheme (**2007/5503/P**), and sought planning permission for the erection of a single storey rear extension, a 2-storey side extension **and a basement extension with a rear lightwell**, together with internal alterations to increase the number of units from 20 units to 24 units within the existing H.M.O. Whilst this introduces additional floorspace, the total number of proposed rooms was to remain the same – this is because the internal space is re-configured (at lower ground floor level), to make some of the rooms larger than was originally proposed.

May 2008 Planning permission was refused for erection of single-storey rear extension, two-storey side extension, excavation of basement extension with rear lightwell and internal reconfiguration in connection with the conversion of 20 non-self contained HMO letting rooms and 1 x self-contained flat to 26 non-self contained HMO letting rooms, ref. 2008/1705/P. The application was refused on the following grounds:

1. *The proposed two HMO rooms at basement level are considered to provide sub-standard accommodation, due to their lack of access to natural daylight, sunlight and outlook, contrary to policy SD6 (Amenity for Occupier and Neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006 and the Camden Planning Guidance 2006.*
2. *The proposed development, in the absence of a legal agreement for car-free housing for the 6 new HMO*

rooms, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policies T8 (Car free housing and car capped housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and the Camden Planning Guidance 2006.

The following informative was also included on the decision:

- You are advised that the second reason for refusal could be addressed, in the context of a scheme that was in all other respects acceptable, by entering into a legal agreement for car-free housing for the 6 new HMO rooms.

This application was essentially a revised version of the previously approved [subject to a legal agreement] scheme (2007/5503/P), and sought planning permission for the erection of a single storey rear extension, a 2-storey side extension and a basement extension with a rear lightwell, together with internal alterations to increase the number of units from 20 units to 26 units within the existing H.M.O.

Relevant policies

LDF Core Strategy and Development Policies

CS14 – Promoting high quality places and conserving our heritage

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

Camden Planning Guidance 2006

Belsize Conservation Area Statement

London Plan 2011

Assessment

Background

The property concerned is occupied as a House of Multiple Occupation (HMO). The property was granted planning permission for use as a HMO in 2009. However, the internal layout differs from the approved set of plans which preserved the structure of the bay windows. Although the internal layout differs from the approved plans upon visiting site on the 14/03/2011 none of the rooms appeared to be self contained and as the property is laid out as a HMO there is no breach of planning control with regard to the use of the building, or amenity.

Design and appearance

The unit layout approved under 2009 permission included internal 'dog leg' partitions that would be attached to the solid brick pillars of the front bay windows. This was a sensitive approach taken to ensure that the external features of the building would remain unaltered and the internal partitions would not be apparent from the street. This approach consequently preserved the character and appearance of the building that is recognised as a positive contributor to the Belsize Conservation Area.

This layout, however, was not constructed in accordance with the approved 2009 drawings. Instead the partitions attach themselves centrally to panes of the bay windows at upper ground, first and second floor level. This layout has necessitated the installation of large clumsy timber divides that appear visually intrusive from the street. This negative appearance is reinforced further given that the neighbouring buildings in the terrace all retain a single unaltered pane of glass to the front bays. As such the timber divides detract from the character and appearance of the building as a positive contributor, and the conservation area generally.

Enforcement

On site it was discovered that the lower ground bay window had also been divided, although not shown on the submitted drawings. It is considered that there is demonstrable harm to the host property and surrounding conservation area as a result of the window which have been installed at lower ground floor level of this property. It is noted that an enforcement notice has already been served on the windows which have been installed at upper ground, first and second floor levels and as similar windows have been installed at lower ground floor level it is also considered expedient to issue an enforcement notice for these windows. It is considered that single hung sliding sash windows should replace the existing windows.

Recommendation: Refuse full planning permission and Serve Enforcement Notice for lower ground window; Instruct the Head of Legal Services to issue an Enforcement Notice Under Section 172 of the Town & Country Planning Act 1990 as amended - and Officers to be authorised in the event of non-compliance, to prosecute under Section 179 or other appropriate power and/or take direct action.

The Notice shall allege the following breach of planning control: Unauthorised works to the basement

windows.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE: The timber window installed within the central bay at lower ground floor level by reason of its location and detailed design appears incongruous thus unbalancing the architectural composition of the window fenestration of the host building, detracting from its character and appearance and that of the Belsize Conservation Area, contrary to policies CS14 Promoting high quality places and conserving our heritage, DP24 Securing High Quality Design and DP25 Conserving Camden's heritage of the Camden Local Development Framework Core Strategy and Development Policies 2010, Camden Planning Guidance 2011 (CPG) and The Belsize Park Conservation Area Statement (CAS).

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