

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>A) 19/03/2009</b> <b>B) 19/03/2009</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>A) 13/03/09</b> <b>B) 13/03/09</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Jonathan Markwell			A) 2009/0630/P B) 2009/0632/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
7 Birkenhead Street London WC1H 8BA			Please see decision notices		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
A) Reinstatement of roof to existing House in Multiple Occupation (sui generis). B) Reinstatement of roof to existing House in Multiple Occupation (sui generis).					
<b>Recommendation(s):</b>		<b>A) Grant Planning Permission</b> <b>B) Grant Listed Building Consent</b>			
<b>Application Type:</b>		<b>A) Full Planning Permission</b> <b>B) Listed Building Consent</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers (2009/0630/P only):	No. notified	<b>46</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. Electronic	<b>00</b>		
Summary of consultation responses:	<p>In addition, a site notice was displayed from 20/02/2009, expiring on 13/03/2009, in relation to both the planning and listed building applications.</p> <p>One objection has been received from the occupier of <b>Flat 8, Zenith House, 8/9 St Chad's Street</b>. This is on the basis that the reinstatement of the roof would reduce the amount of light to a bedroom window at this flat.</p> <p><b>Officer Response:</b> Please see paragraph 3.2 of the assessment section of this report for details.</p>					
CAAC/Local groups* comments: *Please Specify	<p><b>King's Cross CAAC</b> were formally consulted on the planning application but have not provided a response.</p>					
<b>Site Description</b>						
<p>The application site comprises a three storey and basement end of terrace property located on the east side of Birkenhead Street. The building includes a ground and first floor rear extension and is split into 14 bedsit units and 2 studio units as an HMO. The host building is one of a terrace of seven Georgian houses, which are all Grade II listed and date from C1827-32. This application relates solely to the roof of the building, which currently comprises a flat roof with a small asphalt clad wooden box addition comprising a water tank. The previously erected pitched roof feature has been removed and enforcement action by the council is currently on-going (please see relevant history section of this report for further details). Along this terrace of listed buildings, there are existing mansard roof extensions at No's 1-4 Birkenhead Street and smaller roof extensions at No's 5 &amp; 6.</p> <p>In addition to being a Grade II listed building, the application site is located in King's Cross Conservation Area.</p>						

## Relevant History

### Planning Applications

**8401160** - Change of use from residential (house in multiple occupation) to a hotel. Refused 01/08/1984; Appeal Lodged; Appeal Dismissed 16/10/1985.

**PSX0304233** - Excavation of lower ground floor to create additional studio flat, erection of second floor rear extension and mansard roof extension to provide 3 additional studio flats. Invalid application expired and withdrawn by Council 03/12/2003.

**2004/1099/P & 2004/2261/L** - The erection of a second floor rear extension and mansard roof extension to provide 3 additional residential studios. Withdrawn 15/07/2004.

**2004/4676/P & 2004/4677/L** - The erection of a mansard roof extension to provide 3 x additional bedsits to an existing house in multiple occupancy. Refused 22/03/2005.

#### Planning permission reason for refusal:

The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area

#### Listed Building consent reason for refusal:

The proposal would, by reason of the loss of the original form, structure, pitch, and cladding of the roof, be detrimental to the special architectural and historic interest of the listed building.

**2006/4332/P & 2006/4333/L** - The erection of a mansard roof extension to provide 3 x additional bedsits (non-selfcontained) to an existing house in multiple occupancy (sui generis). Refused 15/12/2006.

#### Planning permission reason for refusal:

The proposed residential development would, by failure to include car and cycle parking spaces to the required standard, give rise to undue pressure to park in the surrounding Clear Zone Region and discourage sustainable forms of transport.

#### Listed building reasons for refusal:

1. The proposed mansard roof by reason of it resulting in the loss of the original roof form, structure, pitch, and cladding of the roof would be detrimental to the special architectural and historic interest of the building.
2. The proposed mansard roof, by reason of its height, design and appearance would be detrimental to the special architectural and historic interest of the building.

**2008/5016/P & 2008/5021/L** - Erection of a pitched roof structure to the existing House in Multiple Occupation. Refused 16/12/2008.

#### Planning permission reason for refusal:

The proposed pitched roof, by reason of its form, size and detailed design, would be detrimental to the character of the listed building, the setting of the adjoining terrace of buildings at 1-6 Birkenhead Street and the character and appearance of the conservation area, contrary to policies B1 (General design principles), B3 (Alterations and extensions), B6 (listed buildings) and B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

#### Listed building consent reason for refusal:

The proposed pitched roof, by reason of its form, size and detailed design, would be detrimental to the special architectural and historical interest of the grade II listed building and to the setting of the adjoining terrace row of properties at 1-6 Birkenhead Street, contrary to policy B6 (Listed Buildings) of the London Borough of Camden Replacement Unitary Development Plan 2006.

## Enforcement History

A planning enforcement case (EN06/0726) and listed building enforcement case (EN07/0945) are currently open on the application property in relation to the unauthorised removal of a pitched roof and erection of an asphalt clad wooden box housing. A listed building enforcement notice was served on 20/12/2007. The notice required that that within a period of six calendar months of the Notice taking effect (31/01/2008) that:

- 1) The asphalt clad wooden box housing shall be completely and permanently removed from the roof of this building, and all resultant debris removed from the land.
- 2) Make repairs to any damage made to the building as a result of the erection of the wooden box housing. Any repairs carried out shall be finished to match the existing materials.
- 3) A hipped roof to the left hand half of the roof with central ridge that runs parallel with the front façade.
- 4) The roof shall be constructed using timber ridge board, rafters, purlins and joists
- 5) The pitch of the roof shall follow the 'ghost' line present on the party wall upstand between no. 6 Birkenhead Street and include a hipped slope running down towards the centre of the building as shown on aerial photograph ref #.
- 6) The roof covering shall be natural welsh slate with lead flashing and guttering.
- 7) A parapet gutter shall be constructed on the front and rear roof slopes
- 8) The roof hatch shall be constructed from timber with lead apron flashing
- 9) A lead 'flat' roof shall be reinstated to the right hand half of the roof as shown on aerial photograph ref: # and Officers be authorised in the event of non-compliance, to prosecute under Section 43 or other appropriate power and/or take direct action under Section 42 in order to secure the cessation of the breach of listed building control. (Ref: EN07/0945).

The trial into the case is due to take place at Wood Green Crown Court on 04/05/2009.

#### **Relevant policies**

##### London Borough of Camden Replacement Unitary Development Plan 2006

S1/2 – Sustainable development

SD6 – Amenity for occupiers and neighbours

B1 – General design principles

B3 – Alterations and extensions

B6 – Listed buildings

B7 – Conservation areas

##### Camden Planning Guidance 2006

##### King's Cross Conservation Area Statement

##### PPG15 – Planning and the Historic Environment

##### English Heritage (1996) - London Terraced Houses 1660 – 1860

## Assessment

### 1. Introduction

1.1 Planning permission and listed building consent is sought for the reinstatement of a roof to the existing house in multiple occupancy (sui generis). The original roof at the property (prior to it being demolished) consisted of a hipped roof on the left (north side – adjacent to No. 6 Birkenhead Street) hand side of the building and a lead ‘flat’ roof on the right (south side – in the direction of No. 8 St Chad’s Street). The proposed roof is identical to that which was previously demolished at the site.

### 2. Design

2.1 The most recent refusal at the application site was refused owing to the proposed roof varying from the original roof form at the site (see relevant history section above). The revised proposals, subject of these planning permission and listed building consent applications, are as a result of a number of amendments requested by the Council.

2.2 The revised design is considered to accurately replicate the design, height, form, pitch, location materials and construction technique of the original hipped roof with a lead covered flat roof on the remaining section of roof to match the original. The height and pitch of the proposed hipped roof follows the ‘ghost’ line present on the party wall upstand between the host property and No. 6 Birkenhead Street. The new roof will include lead lined parapet gutters to the front and rear as well as the reusing the existing retained central gutter running front to back. The roof covering would be welsh slate. The new timber roof is to be constructing using timber ridge board, rafters, purlins and joists in a design typical of buildings of this age.

2.3 As such, the proposed design is considered to reinstate an historically accurate roof form which would preserve the special architectural and historic interest of the grade II listed terrace. Notwithstanding the unauthorised removal of the original roof and pending legal action the proposal is considered to comply with policies B1, B3, B6, B7, PPG15 guidance and EH guidance on London Terrace houses. There are consequently no issues raised in relation to the design of the roof.

### 3. Amenity

3.1 There are not considered to be any amenity issues that arise from the reinstated roof that warrant the refusal of the application. There are no privacy or overlooking issues owing to there being no windows proposed on the reinstated roof. However, a condition is recommended which states that the area of flat roof on the south side of the building is not used as a roof terrace in order to protect residential amenity.

3.2 With regard to sunlight and daylight impacts, it is acknowledged that the reinstated roof may lead to a slight decrease in amount of light to the neighbouring occupiers at top floor level of Zenith House, to the south of the application site. However, it is important to acknowledge that the roof is to be positioned on the north side of the building and its highest point will be 2m above parapet level. As such, it is considered that the reinstated roof will not lead to a sufficient loss of light to neighbouring occupiers to warrant the refusal of the applications on this basis. Regarding the amenity of existing occupiers of the house in multiple occupation, the proposed works are at roof level and will in no way impinge on residential amenity.

**Recommendation:** Grant Planning Permission and Grant Listed Building Consent.

### **Disclaimer**

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