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|--|----------------------------|--|--|----------------------------------|--------------|
| <b>Delegated Report</b>  |                            | <b>Analysis sheet</b>  |  | <b>Expiry Date:</b>              | 12/12/2006   |
|  |                            | N/A  |  | <b>Consultation Expiry Date:</b> | 20/11/2006   |
| <b>Officer</b>   |                            |  | <b>Application Number(s)</b>           |                                  |              |
| Cassie Plumridge   |                            |  | (1) 2006/3998/P<br><br>(2) 2006/4000/L |                                  |              |
| <b>Application Address</b>   |                            |  | <b>Drawing Numbers</b>                 |                                  |              |
| Apartment 9<br>Inverforth House<br>North End Way<br>London<br>NW3 7EU  |                            |  | Refer to draft decision notice.        |                                  |              |
| <b>PO 3/4</b>  | <b>Area Team Signature</b> | <b>C&amp;UD</b>  | <b>Authorised Officer Signature</b>    |                                  | <b>Date:</b> |
|  |                            |  |  |                                  |              |
| <b>Proposal(s)</b>   |                            |  |  |                                  |              |
| (1) Retention of two sun canopies on rear balconies at roof level in connection with Apartment 9 (second floor level) (Class C3).<br><br>(2) Retention of two sun canopies on rear balconies at roof level in connection with Apartment 9 (second floor level) (Class C3). |                            |  |  |                                  |              |
| <b>Recommendation(s):</b>  |                            | Refuse permission and listed building consent<br>Issue enforcement notices |  |                                  |              |
| <b>Application Type:</b>   |                            | Full Planning Permission and Listed Building Consent                       |  |                                  |              |

|   |  |           |                  |           |                   |           |
|---|--|-----------|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal:  | Refer to Draft Decision Notice   |           |                  |           |                   |           |
| Informatives:   |  |           |                  |           |                   |           |
| <b>Consultations</b>  |  |           |                  |           |                   |           |
| Adjoining Occupiers:  | No. notified   | <b>09</b> | No. of responses | <b>05</b> | No. of objections | <b>04</b> |
| Summary of consultation responses:  | <p>A site notice was displayed from 30/1/06 to 20/11/06.</p> <p>Objections were received from the occupiers of neighbouring properties on the following grounds:</p> <p><b>Apartment 4 Inverforth House, North End Way</b><br/>In order to ensure that the white canopies do not look shabby, they will need to be cleaned/replaced as appropriate.</p> <p><b>Apartment 8 Inverforth House, North End Way</b></p> <ul style="list-style-type: none"> <li><i>Incompatible with the style of building.</i></li> <li><i>The modern materials clash with the conventional building materials.</i></li> <li><i>Is highly visible from the public surrounds.</i></li> </ul> <p><b>Esskay Management Services</b> (the managing agents of Inverforth House):</p> <ul style="list-style-type: none"> <li><i>It is not a temporary structure.</i></li> <li><i>It is not in keeping with this grade II listed building.</i></li> <li><i>May hinder fire escape routes.</i></li> <li><i>It would make it difficult to carry out maintenance to the roof.</i></li> </ul> |           |                  |           |                   |           |
| CAAC/Local groups comments:   | <p><b>Hampstead CAAC</b></p> <ul style="list-style-type: none"> <li><i>It will destroy the symmetry on this building. Both the materials and structural form proposed are particularly incongruous.</i></li> </ul> <p><b>The Heath and Hampstead Society</b></p> <ul style="list-style-type: none"> <li><i>A conspicuous and discordant feature on one of the main elevations. It is completely out of character with the architecture.</i></li> </ul>   |           |                  |           |                   |           |
| <b>Site Description</b>   |  |           |                  |           |                   |           |
| <p>The subject site falls within the Hampstead Conservation Area. This Grade II listed building originally dates from 1807, but was successively rebuilt and modified by WH Lever, Viscount Leverhulme between 1904 and 1925. The house is neo-Georgian in design, with Queen Anne style wings to the garden front, and is constructed of red brick with steeply pitched tiled roofs.</p>   |  |           |                  |           |                   |           |
| <b>Relevant History</b>   |  |           |                  |           |                   |           |
| <p>As noted previously, the application is seeking planning permission and listed building consent for retrospective works. These application are the result of an enforcement investigation (EN06/0576) opened on 17/07/06.</p>  |  |           |                  |           |                   |           |
| <b>Relevant policies</b>  |  |           |                  |           |                   |           |
| <p>Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan <u>taken as a whole</u> together with other material considerations.</p> <p><b>London Borough of Camden's Unitary Development Plan 2006:</b></p> <ul style="list-style-type: none"> <li>S1 &amp; S2 - Strategic Policy on Sustainable Development</li> <li>SD6 - Amenity of Occupiers and Neighbours</li> </ul> |  |           |                  |           |                   |           |

- B1 - General Design Principles
- B3 - Alterations & Extensions
- B6 – Listed Buildings
- B7 - Conservation Areas

## **Supplementary Planning Guidance (adopted 2002) (consultation draft 2006):**

Alterations and Extensions

## **Hampstead Conservation Area Statement**

### **Assessment**

#### **Proposal:**

This application is for the retention of two sun canopies which have been installed on the existing rear balconies at 2<sup>nd</sup> floor level. These consist of a metal structure with fabric sails.

#### **Assessment:**

- The Conservation Area Statement in point HR8 states *“In locations that are visible from the Heath and other open spaces, any proposals for development including alterations or extension to the roofs of existing building will be expected to safeguard the established and traditional rooflines and roof spaces in the area. Within these locations, the Council will also give special consideration to the design of rear elevations and alterations to the rear of existing buildings.”*
- The Conservation Area Statement in regard to roof extensions also comments in statement H31 *“Roof extensions are unlikely to be acceptable where: it would be detrimental to the form and character of the existing building; the property forms part of a symmetrical composition, the balance of which would be upset; and, the roof is prominent, particularly in long views.”*
- This application is for the retention of two sun canopies on the rear balconies at 2<sup>nd</sup> floor level. These consist of a metal structure with fabric sails. Given their high level position, and the unobstructed views from the rear formal garden, the sun canopies are extremely prominent.
- As a result of their size and design, the canopies appear as incongruous features which relate poorly to the form of the building and its traditional palette of materials. Other areas of the roof are enclosed, however this is with a traditional, classically styled stone balustrade. The canopies are visually intrusive and unbalance and undermine the appearance of the garden front of the building.
- Furthermore, the sun canopies are also readily visible from the publicly accessible listed pergola that runs along the western boundary of the site. The canopies can also be seen in some limited views of the garden elevation of the building from Hampstead Heath.
- The sun canopies are unacceptable as a result of their high level, prominent position on the building. The design, materials and location of the canopies are incongruous and visually intrusive and are considered to harm the special historic and architectural interest of the listed building and the character and appearance of the conservation area.
- It is noted that the canopies are located away from other adjoining residential units and are not considered to adversely impact on the amenity of these properties.
- Given that the works are retrospective, enforcement action will need to be taken to ensure the sun canopies are removed. It is noted that an informative will be placed on the refusal for planning permission and listed building consent advising that the Council will be taking enforcement action to secure the removal of the unauthorised canopies. The file will be passed to enforcement for investigation.

**Recommendation:** Refuse Planning Permission for the following reason.

The sun canopies would be detrimental to the special historic and architectural interest of the Listed Building 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 and the Hampstead Conservation Area Statement.

**Recommendation:** Refuse Listed Building Consent for the following reason.

The sun canopies would be detrimental to the special historic and architectural interest of the Listed Building contrary to Policy B6 (Listed Buildings) of Camden Replacement Unitary Development Plan 2006.

**ENFORCEMENT NOTICE:**

That the Acting Director of Law and Administration be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, to remove the sun canopies from land at Inverforth House, North End Way, outlined in red, 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 Enforcement Notice shall allege the following breaches of planning control:**

- a) The unauthorised installation of 2 x sun canopies on rear balconies at roof level in connection with Apartment 9, Inverforth House, North End Way, London, NW3 7EU.

**The Enforcement Notice shall require that:**

Within a period of two months of the notice taking effect the 2 x sun canopies to rear balconies at roof level shall be removed, and the building made good in order to restore it to the original state before the unauthorised works were carried out.

**Reasons why the Council considers it expedient to issue the Enforcement Notice:**

Given the high level position of the canopies and the unobstructed views from the rear formal garden, the sun canopies are extremely prominent. As a result of their size and design, the canopies appear as incongruous features which relate poorly to the form of the building and its traditional palette of materials. Other areas of the roof are enclosed, however this is with a traditional, classically styled stone balustrade. The canopies are visually intrusive and unbalance and undermine the appearance of the garden front of the building. Furthermore, the sun canopies are also readily visible from the publicly accessible listed pergola that runs along the western boundary of the site. The canopies can also be seen in some limited views of the garden elevation of the building from Hampstead Heath. The sun canopies are unacceptable as a result of their high level, prominent position on the building. The design, materials and location of the canopies are incongruous and visually intrusive and are considered to harm the special historic and architectural interest of the listed building and the character and appearance of the conservation area. The development is considered to be contrary to Policies B6 (Listed Buildings) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006 and the Hampstead Conservation Area Statement. The retention of the structures could also set an unwelcome precedent for similar structures to be erected.

**LISTED BUILDING ENFORCEMENT NOTICE:**

That the Acting Director of Law & Administration be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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 and the original fabric made good to match the existing.

**The Listed Building Enforcement Notice shall allege the following breach of planning control:**

- a) The unauthorised installation of 2 x sun canopies on rear balconies at roof level in connection with Apartment 9, Inverforth House, North End Way, London, NW3 7EU.

**The Listed Building Enforcement Notice shall require that:**

Within a period of two months of the notice taking effect the 2 x sun canopies to rear balconies at roof level shall be removed, and the building made good in order to restore it to the original state before the unauthorised works were carried out.

**Reasons why the Council considers it expedient to issue the Listed Building Enforcement Notice:**

Given the high level position of the canopies and the unobstructed views from the rear formal garden, the sun canopies are extremely prominent. As a result of their size and design, the canopies appear as incongruous features which relate poorly to the form of the building and its traditional palette of materials. Other areas of the roof are enclosed, however this is with a traditional, classically styled stone balustrade. The canopies are visually intrusive and unbalance and undermine the appearance of the garden front of the building. Furthermore, the sun canopies are also readily visible from the publicly accessible listed pergola that runs along the western boundary of the site. The canopies can also be seen in some limited views of the garden elevation of the building from Hampstead Heath. The sun canopies are unacceptable as a result of their high level, prominent position on the building. The design, materials and location of the canopies are incongruous and visually intrusive and are considered to harm the special historic and architectural interest of the listed building and the character and appearance of the conservation area. The development is considered to be contrary to Policy B6 (Listed Buildings) of the London Borough of Camden Replacement Unitary Development Plan 2006. The retention of the structures could also set an unwelcome precedent for similar structures to be erected.

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