



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

HEARING

STATEMENT OF CASE

APPEAL SITE 7 Coptic Street, London, WC1A 1NH

APPELLANT Baljit Singh Kang

SUBJECT OF APPEAL

Appeal against an Enforcement Notice for change of roof form from valley to flat roof, installation of glazed balustrades to enclose roof terrace, and installation of two items of air conditioning plant to the roof.

COUNCIL REFERENCE: EN12/0780

PLANNING INSPECTORATE REFERENCE: APP/X5210/C/13/2198147

1.0 SITE AND SURROUNDINGS

- 1.1 The site is located on the western side of Coptic Street and is occupied by a four-storey brick-finished Georgian building which has an authorised use as a single dwelling house. The building is part of a terrace of Georgian properties which runs between 5 Coptic Street and the junction of Coptic Street and New Oxford Street to the south. The property is identified as making a positive contribution to the character and appearance of the Bloomsbury Conservation Area in which it is located.

2.0 RELEVANT PLANNING HISTORY

September 1985 Planning permission granted for erection of a single storey conservatory extension at the rear of the ground floor, ref. 8501202

3.0 PLANNING POLICY FRAMEWORK

Local Development Framework

- 3.1 The Council's Local Development Framework (LDF) was adopted on 8th November 2010. The LDF comprises Core Strategy and Development Policies documents. These documents have been through an Examination in Public, and the appointed Inspector found the documents to be sound. The relevant LDF policies as they relate to the reasons for serving the enforcement notice are listed below:

Core strategy

CS5 Managing the Impact of growth and development

CS14 Promoting high quality places and conserving our heritage

Development Policies

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and Vibration

- 3.2 The full text of each of the policies has been sent with the questionnaire documents.

Supplementary Guidance (Camden Planning Guidance)

- 3.3 The following Camden Planning Guidance is relevant:

CPG 1 Design

- Ch 2 Design Excellence

- Ch 5 Roofs, Terraces and Balconies

CPG 6 Amenity

- Ch4 Noise and vibration

The full text of this guidance has been sent with the questionnaire. These Supplementary Planning Documents were adopted following extensive public consultation after the LDF was adopted.

Bloomsbury Conservation Area Appraisal and Management Strategy April 2011

- 3.4 The Council will also refer to guidance in the Bloomsbury Conservation Area Statement. The statement was formally adopted in April 2011 after public consultation. In particular the Council refers to the text in Part 1 Section 3 (Summary of Special Interest (pp. 5-11)) and Section 5 Character Analysis: Sub Area 7 Museum Street/ Great Russell Street (pp.51-6); Part 2 Section 3 Maintaining Character (pp. 109-10) and Section 4 Management of change (pp.116-128). The Council also refers to appendix 3 Built Heritage Audit, in particular Sub Area 7 Museum Street/ Great Russell Street (pp. 138-9). A copy of the relevant sections was sent with the questionnaire.

Other policy documents

- 3.5 London Plan 2011
National Planning Policy Framework 2012

4.0 SUBMISSIONS

4.1 The Council issued an Enforcement Notice using Delegated Powers on 19th April 2013 for the following reasons:

- i) It appears to the Council that the breach has occurred within the last 4 years.
- ii) The roof works by reason of their location, size and detailed design, are a discordant and incongruous feature which have a detrimental impact on the integrity of the roof and the appearance of the building and the Conservation Area. As such, the works are contrary to policies CS14 (Promoting high Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy; and DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) and the London Borough of Camden Local Development Framework Development Policies.
- iii) The air conditioning units due to their location in close proximity to residential windows have the potential to have a detrimental impact on the residential amenity of occupiers due to noise and vibration. The works therefore fail to comply with Policy CS5 of the London Borough of Camden Core Strategy 2010 and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and Vibration) of the London Borough of Camden Local Development Framework 2010.

The Notice requires the following steps to be taken:

1. Complete removal of flat-roofed area including external flat roof surface and all balustrades.

2. Removal of all air-conditioning equipment from the roof of the building.
 3. Reinstatement of original slate butterfly roof to match the form and profile of the original roof.
- 4.2 The Notice was due to take effect on 31/05/2013, unless an Appeal was submitted by that date. Compliance with the notice was due on 30/11/2013.
- 4.3 The appellant has appealed on the following grounds:
- Ground C, that there has not been a breach of planning control;
 - Ground A, that planning permission should be granted;
 - Ground F, that the steps required to comply with the Enforcement Notice are excessive and lesser steps could overcome the objections.

Ground C

- 4.4 Development requires Planning Permission unless it is Permitted Development.
- 4.5 The General Permitted Development Order 2008 setting out Permitted Development for a dwelling house contains the following section:

Part A.1(i)

Development is not permitted if it would consist of or include either

- (i) the construction or provision of a veranda, balcony or raised platform,*
- (ii) the installation, alteration or replacement of a microwave antenna,*
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*

(iv) an alteration to any part of the roof of the dwelling house

- 4.6 The works to the property require planning permission on the basis of both (i) and (iv) of the above. In addition external air conditioning equipment has been added to the roof which in itself needs permission.

Ground A: Design/ Impact on Conservation Area

Site and Surroundings

- 4.7 The western side of the part of Coptic Street between New Oxford Street and Streatham Street, comprises a terrace of 4-storey properties. The corner properties at either end of the terrace, facing onto New Oxford St and Streatham Street rise to 5 storeys in height. Most of the properties within the terrace, including the subject property, have residential use on all floors.
- 4.8 On the eastern side of Coptic Street the buildings are of a similar scale, 4-5 storeys in height, however they are of a contrasting modern design and do not have the fine grain of the buildings on the western side of the street.

Policy Context

- 4.9 Development Policy DP24 states that the Council will grant permission for development that is designed to a high standard.
- 4.10 Policy DP24 includes criterion (a) which requires all development to be of a high standard of design and that the Council should consider the 'character, setting and context...' of alterations and extensions. Paragraphs 24.11 and 24.12 assist in understanding the approach to considering the characteristics of the site, features of local distinctiveness and the wider context. In this case the Council submits that the local distinctiveness is made up of the layout and scale of buildings and terraces and the high degree of continuity in materials, parapet lines and in the form and treatment of openings.

- 4.11 Criterion (b) of DP24 requires all development to consider “the character and proportions of the existing building where extensions and alterations are proposed”. Criterion (c) requires all development to consider the materials to be used.
- 4.12 Policy DP25 ‘Conserving Camden’s Heritage’ states in criterion (a) that the Council will take account of Conservation Area Statements and in criterion (b) that within Conservation Areas, the Council “will... only permit development that preserves and enhances the character and appearance of the Conservation Area” .
- 4.13 Camden's Supplementary Planning Guidance on Design with regard to roofs states that roof extensions and alterations should be of an appropriate scale and should not be excessively prominent. It states that the Council will consider whether the works are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form of the building and the established townscape. Detailed design including materials should be sympathetic to the character and appearance of the original building and the surrounding area.
- 4.14 CPG 1 on Design states that a roof alteration or addition is likely to be unacceptable where:

“Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions” (para. 5.8).

And goes on to state:

“Balconies and terraces should form an integral element in the design of elevations. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is...located”. (para 5.24).

- 4.15 This is supplemented by Bloomsbury Conservation Area Appraisal and Management Strategy which deals with the character and appearance in the Conservation Area in detail.
- 4.16 The paragraphs on the subject building and its neighbours in the terrace 5-10 Coptic Street describe it as a “relatively uniform 19th century terrace with simple yellow stock brick facades featuring rubbed brick heads to the windows and a strong parapet line...” (para 5.116).
- 4.17 The townhouse form, which the subject building adheres to, is one of the predominant forms in the Conservation Area and is described in the Appraisal and Management Strategy as follows: “the townhouses generally have basements and attic storeys. Roofs are commonly defined by parapets, giving strong and consistent roof lines. The most widespread roof forms are butterfly roofs behind parapets [and mansard roofs]...” (para 3.17).
- 4.18 The Appraisal and Management Strategy sets out a few notable views to landmarks within and outside the Conservation Area that assist orientation and navigation, “the main ones being:... Views north along Coptic Street, Museum Street and Bury Place” (para. 3.15)

Discussion

- 4.19 The terrace of buildings 5-10 Coptic Street is identified, due to the age and quality of the buildings, as contributing positively to the character and appearance of the Conservation Area.
- 4.20 The works that have been carried out are detrimental to the appearance of the positive contributor and fail to preserve the character and appearance of the Conservation Area for the following reasons:
- The works stretch across the full extent of the roof with small areas of the original butterfly roof retained at the front and the rear. By fundamentally altering the traditional butterfly roof form and replacing

this original roof with a form which is alien to the character of the subject building, the works are not sympathetic to the age and style of the building as a whole. They do not complement the building as required in order to comply with Camden's adopted policies and guidance but erode and overwhelm its existing character and appearance, failing to retain its integrity;

- As noted in the Bloomsbury Appraisal and Management Strategy, the roofline of the property and its neighbours contributes to the character and appearance of the Bloomsbury Conservation Area with strong parapet lines which are prominent over long views from within Coptic Street, Little Russell Street and New Oxford Street. While hidden from view from street level, the works have a detrimental impact on the appearance of the skyline of the property in numerous private views from neighbouring properties, detracting from the clean parapet lines, and failing to relate subordinately to the subject building;
- The use of the roof as a terrace may also result over time in additional paraphernalia associated with terraces such as planting, space heaters and screening which would reinforce its alien and incongruous nature and would detract from the architectural quality of the application building and the character and appearance of the Conservation Area.

4.21 The alterations that have been carried out change the appearance of the building to a large degree. They have a harmful impact on the architectural quality of the application buildings and the character and appearance of the wider Conservation Area.

Reason iii: Impact on neighbour amenity

4.22 Development Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity

4.23 The unauthorised roof terrace replicates the views from the windows on the front and rear elevations and has not opened up any new views into

neighbouring properties. Views to either side are severely restricted by the large chimney stacks. There has been no loss of privacy for neighbouring occupiers as a result of the breach of planning control.

- 4.24 Two air conditioning units have recently been installed at roof level on the northern side of the chimney stack which forms the side wall of the newly-created roof terrace. These do not benefit from planning permission and no information has been provided to the Council demonstrating that they operate within the required noise and vibration levels.
- 4.25 No information has been submitted demonstrating that the units meet the required noise and vibration levels. Due to their location in close proximity to residential windows the units have potential to have a detrimental impact on the residential amenity of occupiers due to noise and vibration. As such the Notice requires that the air conditioning units be removed. The onus is on the applicant to demonstrate that the works do not harm neighbour amenity. The Council will consider withdrawing this Reason if a suitable Noise Impact Assessment is provided demonstrating that there will be no harm to neighbour amenity.

Ground F

- 4.26 In terms of Ground (f) the Council submits that the steps required to comply with the requirements of the enforcement notice are reasonable and not excessive. Lesser steps would not overcome the planning objections to the unauthorised works.

6.0 COMMENTS ON THE GROUNDS OF APPEAL

Ground C

- 6.1 The appellant states that as the works are not visible from public vantage points planning permission is not required and there has been no breach of planning control, referring to Section 55 (2) of the 1990 Town and Country Planning Act.
- 6.2 However, as discussed above the works require planning permission as they involve the formation of a roof terrace and a fundamental change to the roof form. The General Permitted Development Order specifically identifies these works as not being permitted development and requiring planning permission.

Ground A

- 6.3 The appellant's agent has stated that he believes the works have been sensitively carried out in high quality materials, that the works retain part of the valley form and the parapet walls on all sides. However, as discussed above officers are of the view that the works are harmful to the appearance of the building and to the character and appearance of the Conservation Area.
- 6.4 With regard to the impact on amenity by noise disturbance the Appellant has stated that the Council's objection is "vague, failing to identify any particular residents whose amenities would be harmed". However this is a residential street so the impact of unauthorised air conditioning equipment is potentially wide ranging. When mechanical plant is proposed the onus is on the applicant or appellant to demonstrate, by means of an independent consultant's report, that the plant does not cause harm to neighbour amenity. The Report needs to identify the nearest noise sensitive window, provide results of noise surveys which have been carried out and assess the equipment in relation to the window. Such a survey has not been submitted, however officers note that in Paragraph 16 of the Grounds of Appeal the Appellant states that an Acoustic Report will be submitted. The Council will consider withdrawing this Reason if

a suitable Noise Impact Assessment is provided demonstrating that there will be no harm to neighbour amenity.

Ground F

- 6.5 The Council's view is that the breach cannot be rectified by reinstatement of the original slate valley roof above the flat-roofed area because the surface of the unauthorised flat roof is higher than the lowest part of the original valley roof. It would not be possible to reinstate the valley roof in an appropriate way while the unauthorised roof is retained because part of the unauthorised roof would protrude above the lowest point of the original valley roof. As a result the requirements of the Notice need to be complied with in full, namely "Complete removal of the flat-roofed area including external flat roof surface and all balustrades".

7.0 APPROPRIATE CONDITIONS

- 7.1 The works have already been carried out. Conditions cannot be attached which would control the development or mitigate the harm that has been caused.

Contact: John Sheehy 020 7974 5649

July 2013