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The Planning Inspectorate
Room 3/12A
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Dear Craig Maxwell,

**Re: Site at Haverstock Arms, 154 Haverstock Hill, London, NW3 2AY
Planning Appeal by Mr Aaron Lawee against an Enforcement Notice
served on 24th March 2014 for the unauthorised erection of a
conservatory like structure on the frontage at ground floor level**

The Council's case for this appeal is largely set out within the officer's report dated 12th March 2014. This details the site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector would take into account the following information and comments before deciding the appeal.

1.0 Summary

- 1.1 The appeal relates to a ground floor restaurant area located within the premises. The property as a whole consists of ground, first and second floors, which were in use as a pub with bed and breakfast above, but is now converted into an hotel. The front elevation was built in a Georgian style with yellow London stocks and white painted decorative window surrounds on the upper floors and white painted render at ground floor level. The flank elevation has recently had windows and decorative detailing added as part of the implementation of planning approval to add these and a basement and first floor rear extension. The property is located on the eastern side of Haverstock Hill on the junction with Upper Park Road.

- 1.2 The property is located within the Parkhill and Upper Park Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

The structure is located on the northern flank wall (facing Upper Park Road) of the ground floor unit. It comprises a light brown powder coated metal frame structure with plastic “glazing” panels between the support posts. It is similar in look to a domestic conservatory and attached to the building just below ground floor fascia level.

- 1.3 The reason for serving the enforcement notice is as follows:

The unauthorised works to the flank elevation of this property are considered to have a detrimental impact on the character and appearance of the Parkhill and Upper Park Conservation Area and to the setting of a listed telephone kiosk, and therefore contrary to policy CS5 (Managing the impact of growth and development) 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.

2.0 Development Plan Policies

- 2.1 ‘The Development Plan’ for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 is The Camden Core Strategy and Camden Development Policies of the Local Development Framework (adopted November 2010 following a full consultation procedure). The relevant LDF policies as they relate to each reason for refusal 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

Camden Planning Guidance 2011 - adopted 6th April 2011 (following a full consultation procedure). The relevant section is located in Chapter 1 (Extensions, alterations and conservatories) within CPG1: Design.

NPPF

- 2.2 The Council’s policies are recent, up to date and should be given full weight in accordance with paragraphs 214- 216 of the NPPF (March 2012). There is no material difference between the NPPF and the

Councils design policies in relation to this appeal. The refusal of both permissions is in accordance with paragraphs 57 and 58 of the NPPF.

Summary of relevant Policies and Design Guidance

- 2.3 Policy CS5 of the Council's Core Strategy states that the Council will manage the impact of growth and development in Camden. This includes protecting and enhancing the environment and heritage and the amenity and quality of life of local communities, and making sure the impact of development on occupiers and neighbours is fully considered.
- 2.4 Policy CS14 of the Council's Core Strategy states that the Council will require development to be of a high standard of design that respects local context and character.
- 2.5 Policy DP24 of the Council's LDF states that the Council will require all development to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings, as well as the character and proportions of the existing building, where alterations are proposed
- 2.6 Policy DP25 of the Council's LDF states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area and where development would not cause harm to the special interest of a listed building.

3.0 Comments on the Appellant's Grounds of Appeal

- 3.1 The appellant's grounds of appeal can be summarised below as set out in italics. These are subsequently addressed beneath.

Summary of Appellants Grounds of Appeal

Ground A – that planning permission should be granted for what is alleged in the Notice

- 3.2 *The structure to which the enforcement notice refers to is in place as a temporary structure to provide summer weather protection within the property boundary. This is not a permanent structure as stated in the notice; it is also not believed to be substantial in size or impact. For these reasons we do not believe enforcement action is appropriate or necessary.*

Ground C – that there has not been a breach of planning control

- 3.3 *We believe the Ground C of s174 of the 1990 Act also stands as relevant reasons to appeal in that the structure does not amount to 'development' as defined under s55 of the Act, i.e. it is not an alteration to the existing building and is not permanent (as there are no foundations or permanent*

fixings, with elements referred to in the enforcement notice temporary in nature and use).

The Councils Response to the Appellants Grounds of Appeal

Ground A – that planning permission should be granted for what is alleged in the Notice

- 3.4 The Council disagree with the appellant's assertions that the structure which is subject to enforcement action is neither temporary, nor for summer protection. It is considered to be of a substantial size and measures 2m deep and approximately 6m wide, and between 2.6m and 3.5m in height.
- 3.5 The structure was first erected and reported to the Council in December 2013 as can be seen below in photograph 1. Clearly it would be difficult to describe it as, a summer weather protection device.



Photograph 1: Structure erected in December 2013 – note Christmas decoration on wall adjacent to red telephone kiosk

- 3.6 Secondly, the solid decked base and solid fixings of the structure into the wall are not considered to be temporary in nature that could be taken in every evening after business. The deck is 150mm high and the metal support posts are fixed to the ground and the building; as can be seen in photographs 2 and 3 below.



Photograph 2: The deck is 150mm high and is fixed to the frame which in turn is fixed to the floor.



Photograph 3: The frame is clearly fixed into the wall and therefore not easily removable or able to be taken in overnight.

3.7 As mentioned above, the structure measures approximately 6m wide which is nearly half the length of the overall flank elevation of this elevation. It also stands just under the fascia level at 3.5m in height

where it meets the building. Therefore, is considered to be substantial enough size to warrant a material change to the external appearance of the building, which would require planning permission.

- 3.8 Finally, in terms of its impact, the structure is considered to harm the character and appearance of the conservation area by introducing an alien feature into the street thereby causing visual harm. Cutting through the rendered piers on the flank elevation at ground floor level to fit the frame flat against the wall, as seen in photographs 1 and 3, has also caused physical harm to the parent building, and is even more apparent when comparing these with the as approved drawing of the flank below in Drawing 1, thereby causing harm to the character and appearance of the property.



Drawing 1: As approved flank elevation showing the approved double doors and shopfront

Ground C – that there has not been a breach of planning control

- 3.10 The appellants consider that the temporary structure by virtue of s55 of the Planning Acts, that by its very nature the structure is not development requiring planning permission because it is not permanent because there are no foundations or permanent fixings.
- 3.11 However, Section 55 of The Town and Country Planning Act 1990 (as amended) relating to what development is and in particular S55 (2)(a)(ii) specifically refers to “alterations which materially affect the external appearance of the building”; and that these constitute development.
- 3.12 Applying this to the case in point, if the frame of the structure is not physically fixed to the flank wall of the property, then how is it standing

up? As can be seen in photographs 1 and 3 above, there do not seem to be any internal support poles holding the structure up and therefore, the building must be holding the structure up. At present this structure has been temporarily in place for 8 months, and therefore, taking into account the length of time it has been in place and the fixings into the building, the Council considers that this is not a temporary structure. Therefore, even though the structure may not have foundations, it can still constitute development requiring planning permission.

3.13 Therefore, in the Council's opinion the structure is development and is not a temporary structure and ground C should be dismissed.

4.0 Other Matters

- 4.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.
- 4.2 The Council do not consider that conditions would overcome their concerns and therefore have not included any.
- 4.3 If any further clarification of the appeal submissions are required please do not hesitate to contact John Nicholls on the above direct dial number or email address.

Yours sincerely

John Nicholls
Planning Enforcement Officer
Development Management
Culture and Environment Directorate