



Date: 26th June 2014
PINS Refs: APP/X5210/F/14/2218363
Our Ref: EN13/0486
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The Planning Inspectorate
Room 3/12A
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Craig Maxwell,

Site at Flat 4, 55 Fitzjohn's Avenue, London, NW3 6PH

Planning Appeals by The Governor and Company of the Bank of Ireland against Enforcement Notice served on 3rd April 2014 for installation of internal partitions in ground floor flat.

The Council's case for this appeal is largely set out within the officer's report dated 18th 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 flat located within a Grade II listed detached house, which is subdivided into 10 flats. The property is located on the western side of Fitzjohn's Avenue towards the northern end almost directly opposite the junction with Lyndhurst Road to the east.
- 1.2 The house is located within the Fitzjohn's / Netherhall Conservation Area. The property was listed in 1999. It dates from 1880-1, in Gothic Baronial style. The works concerned are located entirely within the flat and involve the addition of internal partitions fitted into a former grand internal entrance hallway to form a room within a room.

- 1.3 The enforcement investigation was opened on the back of the 2012 planning and listed building applications for the formation of a new entrance door and associated internal alterations, which were refused in May 2013.
- 1.4 The mirrored partitioning fitted in the main entrance hall to form a new room was picked up during this application and noted in the officer's report as not having listed building consent.
- 1.5 The partitioning to form the new room is inappropriate to the central ground floor hallway and has a detrimental impact on the special architectural and historic interest of the listed building. It is therefore contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy 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:

CS14 – Promoting high quality places and conserving our heritage

Development Policies:

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 5 (Roofs, terraces and balconies) 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 Council's 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 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.

- 2.4 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

- 3.2 Ground C – that those matters (if they occurred) do not constitute such a contravention

Reason: This is not something which the appellant can determine at this stage.

- 3.3 Ground E – that listed building consent ought to be granted for the works.

Reason: On further inspection the appellant may wish to argue that it is appropriate for listed building consent to be granted for retention in full or in part of the works.

- 3.4 Ground H – that the period specified in the Notice for compliance is too short.

Reason: The appellant cannot seek to comply with or otherwise respond to the enforcement notice until it has enforced its security and taken control of the property.

- 3.5 *The appellants are a bank, who have a financial and legal interest in the property, but who don't live in it. Furthermore, they do not have access to the flat concerned but hope to as of June 2014 once the matter has been to court and they can gain access.*

The Councils Response to the Appellants Grounds of Appeal

- 3.6 The Council appreciates that the appellant does not have immediate access to the property and therefore no evidence has been submitted to substantiate the grounds of appeal. Therefore, the Council has addressed the Grounds of Appeal as follows:

Ground C - that those matters (if they occurred) do not constitute such a contravention (i.e. listed building consent is not needed)

- 3.7 The Council refers the Inspector to the delegated report and in particular to the Investigation History section, where it quotes various passages from the 2012 conservation officer's report (Refs: 2012/6675/P and 2012/6676/) where it states that:

"It appears that the mirrored partitioning which has been installed within the main hallway to create an internal room does not benefit from listed building consent. This is not shown on the submitted drawings and is not being considered under this LBC application. Listed building consent is required for the retention of this structure. It is recommended that the planning enforcement team is notified".

- 3.8 Therefore, the Council stands by its consideration that listed building consent is required for the internal alterations to the property.

Ground E – that listed building consent ought to be granted for the works.

- 3.9 The Council would refer the Inspector to the Assessment section of the delegated report where it sets out its argument for why the works are not acceptable and why listed building consent would not be granted. The report takes into consideration the owner's (not the appellants) heritage statement and considers the following:

"The installation of partitioning to form a room within this hallway compromises its appearance and the original plan form of the building. Its scale, uncomfortable position adjacent to the doors leading into the principal room, and mirrored appearance are at odds with the character of the hall, and are considered to diminish its character. It is not considered that the supporting information provides sufficient justification for the retention of the room, and it is therefore very unlikely that a retrospective LBC application for its retention would be successful."

- 3.10 Therefore, the Council considers that listed building consent would be refused should an application be submitted and assessed for the retention of the room created by the internal partitioning.

Ground H – that the period specified in the Notice for compliance is too short.

- 3.11 The Council cannot understand that the removal of the partitions would take very much time to undertake because they are believed to have minimal fixings and scribed around existing fabric. Therefore, the physical removal of them would not take long and two months is considered to be sufficient time to undertake the works.

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
Culture and Environment Directorate