

Delegated Report		Analysis sheet		Expiry Date:	16/07/2014
		N/A / attached		Consultation Expiry Date:	26/06/2014
Officer			Application Number(s)		
Jonathan Markwell			a) 2014/2644/P b) 2014/2805/L		
Application Address			Drawing Numbers		
Haines House 21 John Street London WC1N 2BF			Please see decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
a) Use of part of 3rd floor flat roof and part of roof level flat roof as terraces, and associated installation of door and gate for access, enclosure of terraces and landscaping (part retrospective) b) Alterations in connection with use of part of 3rd floor flat roof and part of roof level flat roof as terraces, and associated installation of door and gate for access, enclosure of terraces and landscaping (part retrospective)					
Recommendation(s):		a) Grant Planning Permission b) Grant Listed Building Consent			
Application Type:		a) Full Planning Permission b) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	37	No. of responses	03	No. of objections	02
			No. electronic	03		
Summary of consultation responses:	<p>A site notice was erected on 30/05/2014, expiring on 20/06/2014. A press notice was published on 05/06/2014, expiring on 26/06/2014.</p> <p>2 responses have been received from an occupier along Roger Street, objecting to the proposals. A summary of the issues raised are:</p> <ol style="list-style-type: none"> 1. Building is commercial in nature, not residential. Roofs are designed as commercial roofs, not balconies or terraces. 2. Security risk as possible to get from one roof to another (e.g. Roger Street) 3. Works have already taken place (decking / trellis) (photographs provided in separate submission) 4. Concern that use of the terrace will invite future complaints about commercial extraction equipment serving the pub on Roger Street <p>An objection has also been received from an occupier along Doughty Mews. A summary of the issues raised are:</p> <ol style="list-style-type: none"> 5. Did not receive notification about the application and no notification on Roger Street / Doughty Mews. 6. Overlooking from the terrace to residential properties on Doughty Mews <p>Officer response: 1. Planning permission was granted in 2013 for the use of a number of floors for residential purposes (see history below). 2. It is not considered that the security threat will be exacerbated by the proposal. 3. The officer site visit on 09/07/2014 confirmed that some of the works proposed have already taken place (see assessment below). 4. This is a hypothetical situation and therefore not valid in the consideration of this application, which must be considered on its own merits. 5. The consultation undertaken accords with the minimum requirements required for an application of this nature. 6. Please see amenity section below. Further details have been submitted during the course of the application to clarify the extent of the third floor terrace.</p>					
CAAC/Local groups* comments: *Please Specify	Bloomsbury CAAC comment that they have no comment on the proposals.					
Site Description						
The application site comprises Haines House (21 John Street), The Duke of York Public House (7 Roger Street) and flat nos. 1-4 Mytre Court (John's Mews). It is therefore located at the northernmost end of the block bound by John Street (to the east), Roger Street (to the north) and John's Mews (to the west).						

The application site buildings are grade II listed, under a single listing entry dating from 17/09/2010. The listing description denotes the application site to comprise offices, flats and the Duke (of York) Public House, designed in 1937 by Denis Edmund Harrington and completed by 1938.

The listing description continues by first detailing Haines House, the eight-storey and basement office block (the site visit on 09/07/2014 clarified that the upper floor conversion to residential granted in 2013 – see history below – has been implemented) situated on the corner of John Street and Roger Street. This is a steel-framed building with artificial stone facing to the ground and first floor, red brick above, and metal casement windows. The third floor is accentuated by stone banding which forms a continuous sill and lintel to the windows which are separated by panels of fluted brickwork. The set-back top storey has banded rustication in the brickwork between the windows and an artificial stone cornice. The set-back is particularly deep on the John Street elevation and here the cornice forms a projecting canopy, inset with glass blocks. The offices are entered from John Street where the original glazed hardwood door is flanked by two tall, engaged pylons with sculpted tops. Each depicts a woman, in the stylised fashion of the 1930s and reminiscent of the work of Eric Gill. In keeping with the scale of the back streets and mews, the building height drops to three storeys half way along Roger Street. The elevations are treated in the same way as the office block, with the ground and first floor in artificial stone and the third floor in brick. Internally the listing description acknowledges that the office floorplates include features and fixtures that are recent in date. It is however also noted that the entrance lobby has fluted pilasters, a slender decorative frieze and a coved cornice to the ceiling, which has stepped shallow mouldings and that the fire escape stairs and doors are original.

The Duke of York Public House is located on the canted corner of the building between Roger Street and John Mews. The building at this point is three storeys and basement, with a flat associated with the pub located on the upper floors. The pub windows have marginal glazing bars and painted lettering giving the name of the brewery IND COOPE. The pub's double entrance doors are original as is the restaurant door (on John's Mews) with its surround of tiles laid end-on. The interior of the public house has a strong period character and it is very likely that most of its fabric is original.

Also facing John's Mews is the four-storey block of flats (known as Flats 1-4 Mytre Court). The frontage is symmetrical with curved brick balconies with concrete bases and coping either side of a canted bay window. The ground floor has banded brick rustication and a central door under a concrete canopy. The flat roof is bounded by iron railings.

As outlined above, the application site was listed in 2010. The listing description outlines that this was owing to the following principal reasons:

- architectural: a stylish design characteristic of the 1930s, which responds in scale and materials to the existing streetscape of Georgian
- Bloomsbury sculptural embellishment: two engaged pylons with sculpted tops flanking the main entrance
- materials and detailing: good brickwork and careful detailing on the pub and flats
- intactness: an unusual degree of surviving original fabric in the Duke of York public house
- planning interest: a mixed use development combining commercial offices with a block of flats and a public house, and therefore particularly forward-looking for its time

The application site is also located within Bloomsbury Conservation Area, the Central London Area, a Clear Zone Region and the Blackheath Point to St Paul's Cathedral viewing corridor. The site also has a Public Transport Accessibility Level of 6a (excellent) and is located within a Controlled Parking Zone.

The application site is surrounded by a variety of buildings and types of uses. To the north beyond Roger Street are the buildings located on the south-west side of Doughty Street. This terrace of 19 buildings (No's 1-19 consecutive) is Grade II listed and predominantly in residential use. No. 1 opposite the application site comprises a number of self-contained flats and office uses within the outrigger fronting onto Roger Street. To the east is the junction of Roger Street with Doughty Street (to the north-east) and John Street (to the east and south-east). The east side of John Street contains a terrace of 11 Grade II listed terrace houses, which comprise a mix of residential and commercial uses. To the south is the unlisted 21a John Street, a basement and five storey office building known as Bedford House which also fronts onto John's Mews. To the west of the site is St George The Martyr CE Primary School. To the north-west is the under-construction (nearing completion based on site visit on 09/07/2014) 1a Doughty Mews (three storey single dwellinghouse).

Relevant History

2012/0277/P - Change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works. Appeal under non-determination made by the applicant on 18/09/2012. Appeal subsequently withdrawn.

2012/0309/L - Internal and external alterations in association with the change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works. Appeal under non-determination made by the applicant on 18/09/2012. Appeal subsequently withdrawn.

2012/5486/P - Change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works. Granted following completion of s106 legal agreement 14/01/2013.

2012/5504/L - Internal and external alterations in association with the change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works. Granted 14/01/2013.

2014/2192/L - Details of cleaning method statement (condition 5) in relation to listed building consent (2012/5504/L) dated 14/01/2013 for the change of use of 2nd to 7th floors from offices to 8 self-contained residential units. Granted 06/05/2014.

Relevant policies

LDF Core Strategy and Development Policies

CS1 Distribution of growth

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development

CS9 Achieving a successful Central London

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces & encouraging biodiversity
DP22 Promoting sustainable design and construction
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011/2013
Bloomsbury Conservation Area Appraisal and Management Strategy (Adopted 18/04/2011)
London Plan 2011
National Planning Policy Framework (Adopted 27/03/2012)

Assessment

Introduction

Planning permission and listed building consent is sought for:

- Use of part of 3rd floor flat roof as a terrace, with associated installation of door to provide access to the terrace from the 3rd floor flat, and enclosure to the terrace. Associated landscaping is also shown to be proposed above the parapet. The area not proposed for use as a terrace comprises lightweight recycled blue rubber chipping
- Use of part of the roof level flat roof area as a terrace, with associated installation of gate from external staircase serving the 7th floor flat. Also proposed is associated landscaping above the parapet and surrounding the area of terrace proposed.

During the officer site visit on 09/07/14 it was ascertained that the majority of the works proposed (the proposed external door at third floor level and gate leading up to the roof level terrace, decking for both terraces, various free standing elements of landscaping and uprights within the decking) had already been implemented. As such, this application is part retrospective. The elements not implemented, as proposed, related to the trough planting affixed to the parapets, the blue rubber landscape chipping in the areas not proposed for the terrace and the enclosure of the terraces themselves.

Moreover, the decking at third floor level did not align with the footprint shown on the proposed plan. As such, following the site visit, revised / additional information was sought and received in respect of:

- Revised plans showing the revised location of the proposed terrace at 3rd floor level.
- Elevation plans the boundary treatment surrounding the 3rd floor terrace (clear glazed balustrade 1.3m in height)
- Details of the proposed uprights serving the proposed terrace areas were shown.

Assessment

Design

It is considered that the new door at third floor level and external gate leading to the roof level terrace have been design to be in keeping with the age and style of the building. Both are provided in order to access the terraces proposed. It was seen on site that such elements have already been implemented. In terms of the door at third floor level it was noted that the pointing had not been completed particularly sensitively in comparison with the existing pointing at this part of the listed building. Therefore an informative is recommended to be added to the listed building consent to advise the applicant to alter this to align with more closely with the existing pointing, to preserve the character and appearance of the listed building at this point.

In addition, the terraces themselves are set in from the public vantage points to prevent them being

unduly conspicuous. The proposed enclosure of the terrace area at third floor level, comprising simple glazing and balustrade, will not significantly protrude above the parapet level and will therefore not be noticeably visible from street level. As such, the proposed works in overall terms are considered to preserve the character and appearance of the listed building and the wider character and appearance of this part of the conservation area. The standard conditions are sought to be incorporated on the listed building consent.

Amenity

It is recognised that condition 7 of planning permission 2012/5486/P at the site states:

Only the area specifically shown on the plans hereby approved as an external terrace shall be used for such purposes; and no other flat roofed areas shall be used as a roof terrace, and any access out onto these areas shall be for maintenance purposes only.

This condition was added owing to the relatively open nature of the flat roof spaces, meaning it was considered necessary at the time to denote a condition specifying these areas of flat roof would not be permitted to be used as roof terraces and any access to these areas would be for maintenance purposes only. This was order to prevent any possible detrimental impacts of overlooking and/or noise and disturbance of the neighbouring / nearby premises.

In this proposal, the extent of the roof terrace proposed at third floor level (with the exception of the narrow access walkway) is set back over 2m or more from the edge of the building line. On the elevation facing Roger Street the distance is 2.1m. On the corner of the building facing towards Roger Street / Doughty Mews the distance is 3.9m. On the John's Mews elevation the distance is 2.3m. These setbacks mean that the distance from the terrace to the rear elevation of No. 1 Doughty Street, which includes windows in residential use, is 12.5m. However, the orientation of the windows on the rear elevation of this building are such that they face the proposed terrace at an acute angle, downplaying the harmful impacts of overlooking at this point. Hence, although the distance involved is below the standard 18m separation distance, the orientation of the windows means that this shortfall is not considered to give rise to such a harmful loss of amenity to warrant refusal of the application on this basis. In terms of the impact on the near to completion No. 1a Doughty Mews, the 3.9m setback at the corner junction of the proposed terrace means that the distance of the terrace to this property is 18m. This is considered to be a sufficient distance to mean that no harmful instances of overlooking or loss of privacy would occur. The applicant has denoted on the proposed plans that the set back areas (i.e. those not proposed to be used as a terrace, as enclosed by 1.3m high balustrades) will not be used as a terrace and any access will be for maintenance purposes only. This will be secured via condition to ensure it occurs in practice.

The exception is the walkway from the proposed door access to the main terrace space, which is adjacent to the Roger Street building line. As such, the distance to directly facing windows on the side elevation of 1 Doughty Street (elevation facing Roger Street) is 10m. However, in this space the limited depth of the terrace (1.7m) means that it is unlikely that future occupiers would use such a space for sitting out, meaning that instances of overlooking at this point are anticipated to be limited.

In terms of the roof level roof terrace, the height of the building in comparison with others in the locality means that no harmful instances of overlooking are expected from this terrace area.

With the above in mind, the proposed terrace is not considered to result in overlooking or loss of privacy of a nature which warrants the refusal of the application on this basis.

In terms of outlook, day/sunlight and overshadowing, the proposed works are not anticipated to have any impact on any neighbouring or nearby occupiers. In terms of light pollution, it was seen during the

officer site visit that small uplights have been installed within the decking. Given the limited size of such lights, these are not envisaged to cause noise disturbance to nearby occupiers.

In terms of noise and disturbance, the terrace at third floor is of a size whereby harmful noise and disturbance to nearby occupiers would not be considered to occur. The roof level location of the other terrace proposed downplays potential for noise and disturbance at this point.

With regard to the future amenity of the third and seventh floor flats which will have access to the proposed terraces, the provision of external amenity space will improve the quality of accommodation for future occupiers.

Sustainability

In terms of the landscaping proposed, the majority of that shown is within freestanding structures, which in themselves do not require planning permission. The containers affixed to the inside of the parapet are modest in nature and no further details are considered to be required in relation to this element of the proposals.

It is recognised that condition 3 of planning permission 2012/5486/P at the site states:

Prior to the first occupation of any of the new residential units a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

The green roof was shown in the position shown to now be proposed as a roof terrace. The applicant has submitted supporting evidence which suggests that construction of a green roof would potentially compromise the roof structure of the listed building at this point. As such, it is suggested that a green roof is not feasible at this point. The applicant also confirms that the non-provision of a green roof has no adverse impact on the sustainability credentials of the building. In such instances, an assessment of the various competing demands of the provision of green roofs versus the provision of outdoor amenity space must be made. In this instance, owing to the context demonstrated by the applicant, it is considered that the benefits of providing outdoor amenity space outweigh the negative consequences of the non-provision of a green roof. On this basis, an informative is recommended to be added to the decision notice advising the applicant to submit a removal of condition application in relation to condition 3 of planning permission 2012/5486/P. This is in order to regularise the position now in operation at the site.

Recommendation

Grant Planning Permission
Grant Listed Building Consent