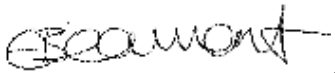


Enforcement Delegated Report		Receipt date:	02/05/2012
Officer		Enforcement Case	
John Nicholls		EN12/0375	
Breach Address		Photos & Other material	
6 Lincoln's Inn Fields, London, WC2A 3BP		See file.	
Authorised Officer Signature			
 8.8.14			
Alleged Breach			
Internal alterations to the building without listed building consent.			
Recommendation(s):		That the Head of Legal Services be instructed to issue a Listed Building Enforcement Notice Under Section 38 of the Planning (Listed Building and Conservation Area) Act 1990 as amended, requiring the removal of the unauthorised works to the listed building, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 43 and or appropriate power and/or take direct action under section 42 respectively, in order to secure the cessation of the breach of planning control	
Priority:		P3	
Site Description			
<p>The site is located on the north side of Lincoln's Inn Fields and comprises a four storey plus basement accommodation. The building is a Grade II Listed building within the Bloomsbury Conservation Area.</p> <p>The site is bounded by Lincoln's Inn Fields to the south and Whetstone Park to the north. Adjacent to the site is the Lincoln's Inn Field's public open space which has been designated as a Garden of Special Historic Interest by English Heritage. Adjoining the site to the east is no. 7 Lincoln's Inn Fields that is part of a row of three buildings that are Grade II listed buildings (nos. 6, 7 and 8 Lincoln's Inn Fields) and to the west is no. 5 this is a four-storey building with basement and is Grade II listed building.</p>			
Investigation History			
<ul style="list-style-type: none"> Planning permission and listed building consent were granted in March and June 2010 for the change of use from offices (B1) to single family dwelling (C3) involving the demolition of existing two storey rear extension and replacement with part two storey and part three storey extension (Ref's: 2009/0373/P & 2009/0376/L and 2009/5461/P & 2009/5479/L respectively). The only difference between the schemes was the omission of a gable end on the proposed two storey rear extension and replacing this with a hipped roof sat behind the parapet. These approvals did not include wholesale removal of the interior of the original property but allowed local repairs where considered appropriate. Following these approvals, works were started on site, however: EN10/0903 - A complaint was received in September 2010 relating to unauthorised works to the property: <i>A skip on the North side of Lincoln's Inn Fields, adjacent to number 7, and only a few</i> 			

houses away from the Sir John Soane's Museum, we retrieved hand rails and balustrades dating from the late 1600's together a mahogany handrail and soft wood spindles dating from 1820. The treads and risers were not in the skip, although parts of the decoration to the stringers were.

- There were ongoing visits to the property and discussions with the owners about works to the building.
- Subsequent planning and listed building applications were submitted for works to the buildings. The enforcement investigation was kept open to monitor the ongoing works.
- Following the submission of the 2012 planning and listed building consent applications it became clear that further unauthorised works had been undertaken to the ceilings, walls and detailing in the main rooms within the building. It was clear that substantial original fabric had been removed without consent.
- **EN12/0375** – A breach of planning was reported on 02/05/2012 regarding the installation of the air conditioning units on the roof without permission.
- In addition some elements of the proposal were not in accordance with the approved scheme.
- Further negotiations took place to understand the extent of the works that had been undertaken and as a result of the ongoing enforcement investigation an application was submitted in an attempt to resolve the unauthorised works.

Relevant policies / GPDO Category

National Planning Policy Framework 2012
London Plan 2011

LDF Core Strategy and Development Policies
Core Strategy

CS14 (Promoting high quality places and conserving our heritage)

Development Policies

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

Camden Planning Guidance 2013

CPG1 (Design)

CPG6 (Amenity)

Planning (Listed buildings and conservation areas) Act 1990

English Heritage's Guidance – London Terrace Houses 1660-1860

Assessment

Planning history:

8800253 & 8870100 – Planning and listed building consent granted on 19/07/1988 for Internal alterations and refurbishment works including the installation of a glazed rooflight at ground floor level over an internal well area to provide additional ancillary office accommodation in the basement.

9301106 & 9370179 – Planning and listed building consent granted on 17/06/1994 for the installation of cast iron railings in front of building.

PS9704115 – Planning permission granted on 17/04/1997 for installation of 1 x 90 cm satellite dish.

2008/1475/P – Planning permission granted on 27/06/2008 for change of use from office use (Class B1) to residential use (Class C3) to provide a single family dwelling.

2009/0373/P & 2009/0376/L – Planning permission and listed building consent granted on 12/03/2010 for change of use from offices (B1) to single family dwelling (C3) involving the demolition of existing

two storey rear extension and replacement with part two storey and part three storey extension.

2009/5461/P & 2009/5479/L – Planning permission and listed building consent granted on 03/06/2010 for change of use from offices (B1) to single family dwelling (C3) involving the demolition of existing two storey rear extension and replacement with part two storey and part three storey extension.

EN10/0903 - A complaint was received in September 2010 relating to unauthorised works to the property: *A skip on the North side of Lincoln's Inn Fields, adjacent to number 7, and only a few houses away from the Sir John Soane's Museum, we retrieved hand rails and balustrades dating from the late 1600's together a mahogany handrail and soft wood spindles dating from 1820. The treads and risers were not in the skip, although parts of the decoration to the stringers were* - Ongoing

2011/6316/L – Listed building consent granted on 10/02/2012 for alterations to replace window to rear ground floor internal atrium of existing house (Class C3).

2012/6578/P & 2012/0130/L – Planning permission and listed building consent withdrawn on 04/04/2013 for retention of 3x air conditioning units and sound attenuation enclosures on the roof of existing dwelling house (Class C3).

2012/1566/P – Certificate of Lawfulness granted on 24/04/2012 for removal of glass screen to dwelling house (Class C3)

EN12/0375 – A breach of planning was reported on 02/05/2012 regarding the unauthorised alterations to the listed building including the installation of the air conditioning units on the roof without permission.

2012/1983/L – Listed building consent granted on 06/06/2012 for internal alterations including the reinstatement of the main staircase, replacement of existing glass balustrade at ground floor level with glazed and timber screen, and removal of partition at basement level.

2013/6568/P and 2013/6650/L - Installation of 3 x AC units (retrospective) and new acoustic enclosures on roof and internal alterations including re-instating panelling, mouldings and ceilings at ground to second floor levels of dwelling house (Class C3) – Granted - 17/04/2014

A Listed Building Enforcement Notice was served on the 20th June 2014. This was withdrawn due to a drafting error in the text of the report. This is an amended report to the original delegated report dated 29th May 2014.

Issues: Original panelling (which includes the skirting), ceilings and cornices at all levels of the building were removed and replaced without listed building consent. These unauthorised works have destroyed the historic fabric, the special interest of which cannot be restored and is considered detrimental to the special and historical character of the listed building. Listed building consent would not have been granted for these works had it been sought initially.

These unauthorised works involved the loss of extensive historic fabric (which can never be replicated in terms of its authenticity). Following the ongoing enforcement investigation into the unauthorised works, planning permission and listed building consent (2013/6568/P and 2013/6650/L) were granted for internal alterations which involve reinstating panelling, mouldings and ceilings at ground to second floor levels.

The exact nature of the unauthorised works included the replacement of ceilings which had been dropped and therefore are lower than the originals. Further to this, the associated wall panelling had been re-designed to proportionally fit the lowered ceiling heights, along with unauthorised corning

which was also not suitable in terms of scale and design. These works were considered to have a detrimental impact on the special character of the listed building. In addition, three air conditioning units were also installed on the roof of the property without planning permission. Their associated fixtures and fittings on each floor level have been re-designed to be reversible and easily removed from the side of the chimneybreasts within each room, rather than the built in versions fitted without consent.

In the assessment of these applications, it was acknowledged by the Planning Officer, that whilst the reinstatement of the panelling will not resolve the issue of the loss of extensive historic fabric (which can never be replicated in terms of its authenticity) it was recognised that the proposals represent all that can be reasonably done by the applicant to remedy the situation. The proposed works were considered to generally be a good replica for the original. If these works are implemented they would therefore address the Council's concerns with the unauthorised works.

Other works to the building have been implemented as part of earlier consents for the reinstatement of the original stair balustrade and bannister and the ground floor rear window which had been changed to a bi-folding door and glass balcony overlooking the basement atrium space in the rear extension and were subject to their own enforcement investigation

In order to ensure the current breaches are resolved in a timely and satisfactory manner, it is now considered necessary to serve a listed building enforcement notice to ensure that the recent planning and listed building permissions are implemented in line with the approved plans or the property returned to its original architectural state.

There is no time limit to issue a Listed Building Enforcement Notice, and they can include the following steps, restoring the building to its former state (section 38(2)(a); carrying out further specified works to alleviate the effect of the unauthorised works (section 38(2)(b); bringing the building to the state it would have been in had the terms and conditions of any listed building consent been complied with (section 38(2)(c). Although the unauthorised works have destroyed the historic fabric, the special interest of which cannot be restored by enforcement, the Council has tried to alleviate as much of this as possible. The majority of the works are considered to be inappropriate in the context of the special character of the listed building; the Council has therefore tried to seek appropriate measures to reverse the harm caused. This has ensured that the enforcement action is proportionate to the breach.

Recommendation:

That the Director, Culture and Environment instruct the Head of Legal Services to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requiring the removal of the unauthorised works to the listed building, and Officers be authorised in the event of non-compliance, to prosecute under Section 43 or other appropriate power and/or take direct action in order to secure the cessation of the breaches of planning control.

The notice shall allege the following breaches of planning control:

1. The removal and replacement of ceiling, panelling and cornices in front and rear rooms at ground floor level (RoomsGF02 and GF03 as shown in plan A-67-LIN-PL-001 appendix 1) [Action]
2. The removal and replacement of ceiling, panelling and cornices in the front and rear rooms at first floor level (RoomsFF02 and FF03 as shown in plan A-67-LIN-PL-003 appendix 2) [Action]
3. The removal and replacement of ceiling, panelling and cornices in front and rear rooms at second floor level (Rooms SF02 and SF03 as shown in plan A-67-LIN-PL-004 appendix 3)

[Action]

WHAT ARE YOU REQUIRED TO DO:

1. Remove the replacement ceilings, panelling and cornices in the front and rear rooms at ground floor, first and second floor levels and either:
2. Install replacement ceilings, panelling and cornices at ground floor, first and second floor levels which match the requirements approved 17/04/2014 ref: 2013/6568/P and 2013/6650/L; or
3. Replace with a facsimile of the original as shown drawings (A-067-LIN-ELE-ORI-) 200; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223 (A-067-LIN-DE-) 100; 101; 102; 103 of consents 2013/6568/P and 2013/6650/L.

PERIOD OF COMPLIANCE:

Six months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

Reasons for Issuing the Notice:

1. The work outlined above has been carried out to this Grade II listed building without the benefit of Listed Building Consent
2. The unauthorised works to this property are considered to have a detrimental impact on the special architectural and historic interest of the listed building, 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.