

Delegated Report		Analysis sheet		Expiry Date:	02/04/2015
		N/A / attached		Consultation Expiry Date:	N/A
Officer			Application Number(s)		
John Nicholls			2015/0634/L		
Application Address			Drawing Numbers		
6 Lincoln's Inn Fields, London, WC2A 3BP			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Internal alterations at the ground, first and second floor levels.					
Recommendation(s):		<p>Recommendation 1: Grant Listed Building Consent</p> <p>Recommendation 2: 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.</p>			
Application Type:		Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	N/A					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

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.

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.

Relevant History

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 Saone'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 – Now closed.

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 was amended and re-served on 11th August 2014.

That Notice was appealed and since then the applicant's agents and Council officers have been in discussion to find the most appropriate solution for addressing the Council's concerns. This application represents an agreed scheme of works which both parties are happy with.

- 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: 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 Saone'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

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

Proposal

This scheme has been submitted as a follow up a consent granted in 2014 for the reinstatement of the panelling to the building (ref: 2013/6550/L) which was removed without consent. An enforcement notice was issued in conjunction with this which the applicant has appealed.

Unfortunately, there were inconsistencies on the approved plans which mean that whilst it was the intention to reinstate the panelling as it was before, even in implementing the approved scheme the interior would not be reinstated exactly as it was before.

Under this proposal, the applicant is proposing to reinstate the most notable features which were lost such as fireplaces, stepped chimney breasts and the ceiling to the first floor rear room, whilst keeping the remainder of the existing panelling. The cornice in the first floor rear room would not match the previous cornice; however, it is designed to match the original in the front room. It is not clear if the previous cornice was original as it matched the cornice in the ground floor rear room, it seems more likely that it would have matched the first floor front room.

In addition to these proposals, the 2nd floor rear room now has a chimney piece proposed which replicates the original which is an improvement over the previous approved 2013 scheme which did not include this feature.

Furthermore, the 2013 consent set the precedent that exact like for like reinstatement was not necessary. The existing panelling does not look out of place and the key details such as the stepped fireplaces and 1st floor rear ceiling which were the most noticeable changes have been rectified.

That said; 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 is recognised that the proposals represent all that can be reasonably done by the applicant to remedy the situation. Therefore, what is now proposed is the best level of reinstatement that could be reasonably expected.

Enforcement

Given the level of discussion with the applicant and their agent since the serving of the listed building enforcement notice on 11th August 2014 to come to an agreed solution, the as served enforcement notice will be withdrawn and a new notice served in its place with new requirements and new time limit to reflect the proposal hereby considered and to give sufficient time to carry out the works.

Recommendation 1: Grant listed building consent

Recommendation 2:

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 unauthorised removal and replacement of ceiling, panelling and cornices and alteration of chimney breasts in front and rear rooms at ground floor level (Rooms GF02 and GF03 as shown in plan A-67-LIN-PL-001 appendix 1) [Action]
2. The unauthorised removal and replacement of ceiling, panelling and cornices and alteration of chimney breasts in front and rear rooms at first floor level (Rooms FF02 and FF03 as shown in plan A-67-LIN-PL-003 appendix 2) [Action]
3. The unauthorised removal and replacement of ceiling, panelling and cornices and alteration of chimney breasts 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. Implement the alterations to the listed building approved in the listed building consent Ref: 2015/0634/L as shown on plan numbers (A-067-LIN-ELE-PRO-101 Rev P1, A-067-LIN-ELE-PRO-102 Rev R1, A-067-LIN-ELE-PRO-103 Rev P1, A-067-LIN-ELE-PRO-104 Rev R1, A-067-LIN-ELE-PRO-105 Rev P1 and A-067-LIN-ELE-PRO-106 Rev R1) in its entirety; or,
2. Reinstate the layout and detailing as shown on 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. (These plans were submitted with planning and listed building consents Refs: 2013/6568/P and 2013/6650/L).

PERIOD OF COMPLIANCE:

12 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.