

Delegated Report		Analysis sheet		Expiry Date:	1) 23/02/2015 2) 23/02/2015
		N/A		Consultation Expiry Date:	1) 01/01/2015 2) 01/01/2015
Officer			Application Number(s)		
Nanayaa Ampoma			1) 2014/7412/P 2) 2014/7447/L		
Application Address			Drawing Numbers		
48 Mornington Terrace London Camden NW1 7RT			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
1&2- erection of a garden room in the rear garden (retrospective)					
Recommendation(s):		1) Refuse planning permission 2) Refuse Listed Building consent			
Application Type:		1) Householder Application 2) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	28	No. of responses	18	No. of objections	12
			No. electronic	00	No. of support	03
Summary of consultation responses:	<p>The application was publicised in the Ham and High newspaper between 11/12/2014 to the 01/01/2015 and a Site Notice was displayed at the site for a period of 21 days between 05/12/2014 to 26/12/2014.</p> <p>Neighbouring properties were also notified via direct letters. Neighbour objections have been were received from:</p> <ul style="list-style-type: none"> • Flat 2, 57 Hampstead High Street (support) • 33 Swanley Crescent (support) • 58 Highgate Hill (Support) • UK Real Estate, Unit 404 Metropolitan Wharf Building (object) • 5 Mornington Place (object) • 31 Mornington Terrace (object) • 36 Mornington Terrace (object) • 37 Mornington Terrace (object) • 39 Mornington Terrace (object) • 41A Mornington Terrace (object) • 42 Mornington Terrace (object) • 45 Mornington Terrace (object) • 46 Mornington Terrace (object) • 69 Albert Street (object) • 87 Albert Street (object) • 89 Albert Street (object) • 91 Albert Street (object) • Flat 5, Nash House 18-20 Park Village East (objected) <p>These comments can be summarised as follows:</p> <p><i>Support –</i></p> <ul style="list-style-type: none"> • The proposed development is invisible to neighbours because of the green roof. • It is well designed • There are far worse in the area • The design is low profile, simple and non-intrusive • I'm an admirer of architect Luke Chandresighe's beautiful work, which is always tasteful, contemporary, sympathetic to their surroundings and eco-friendly. This application has all of these qualities and more. <p><i>Objections-</i></p> <ul style="list-style-type: none"> • Noise and disruption from works • This is not a <i>simple</i> garden room • May cause subsidence • Plans are unbelievably inaccurate • The applicant is trying to obtain planning permission and listed 					

building consent through fraud

- The permission of the top floors was not implemented correctly and now what remains are two windows that are too close together.
- The current basement may not have permission and neighbours need to be assured that the works are structural sound.
- Structural survey is required for the works done to the basement
- Works in basement have erased the original plan form.
- The development of the garden room without seeking permission shows a total disregard for the historic and elegant Victorian architecture in the conservation area
- Development is unacceptable in scale, size and use of materials
- This ugly aberration creates a dangerous precedent
- Development represents a *violation* of the beautiful terrace
- Development does not preserve or enhance the area
- Works to rear of property are completely out of keeping with the Victorian architecture.
- Development has created light pollution to the rear properties.
- Applicant has made nonsense of the planning system
- The owner has breached both planning and listed building regulations.
- The use of the ground floor as an office is a change of use that they require permission for and have not sought.
- The application is an attempt to pressure the Council
- Any approval of the development would make it difficult to resist future schemes of this kind and this would damage the physical quality of the fine terrace and also change the use of the location from residential to office.
- The “garden room” may be used for commercial purposes
- Development is an intrusion into the green space of the garden
- Structure takes up 1/3 of garden space
- Development would ruin the rhythm of the terrace/garden/trees/ garden as originally intended

Officer response: Please see sections titled Design and Impact on Listed Building for an officer response to design comments. As the current application only relates to the rear garden room, it cannot consider works done at basement level, the rear extension (which is the subject of another application) or the change of use of the lower ground floor from residential to office use without permission. However these elements are currently being investigated by the Planning Enforcement Team. In relation to noise, the development has already been completed and thus noise from construction of the development cannot retrospectively be considered.

**CAAC/Local groups*
comments:**
*Please Specify

Camden Town CAAC: Strongly object - We are shocked at the extent and gravity of the demolition of parts of the Listed Building and the unlawful changes made to its original construction.

The failure of the owner to apply for planning permission before construction has prevented neighbours and other interested people from commenting on the proposed design. We have now seen the building and are horrified by its size - it takes up a third of the garden space and its full width- and its height is some 1 metre 40 above the brick garden walls. It is also not an attractive 'simple garden' building. It has concrete block side walls that remain in an unfinished state with an ugly black band acting as a cornice. Its plate glass facade will create light pollution at night as, clearly, the building is intended for office or study use. This lighting will be seen by neighbours in Mornington Terrace. The building also has a chimney. The rear gardens of Mornington Terrace, Albert Street and Delancey Street are much shorter than those behind the east side of Albert Street so this garden building is far more conspicuous. In our opinion it is not a building worthy of our Conservation Area.

One of the supporting comments comes from an Estelle Musso at The Studio, 6 Regents Park Road which address is the same as Undercover Architecture according to the Architect's Registration Board records. The website for Undercover Architecture notes Luke and Estelle Chandresinghe as the firm's Design and Art Directors respectively and the Land register notes them as owners of the application property.

Site Description

The application site relates to a Grade II listed building that forms part of a terrace. The property is built over four floors with a basement. The site falls within the Camden Conservation Area.

The site is currently the subject of an enforcement case for unauthorised works.

Relevant History

2014/7506/L, 2014/7441/P: One and half storey rear extension at lower ground floor and upper ground floor with associated alterations – **Currently under consideration**

2013/6742/L: External and internal alterations for erection of single storey rear extension on basement level, new rear lightwell with balustrade and replacement of rear ground floor windows of rear extension to dwellinghouse and associated internal alterations (Class C3). – **Granted 08/04/2014**

2013/6592/P: Erection of single storey rear extension on basement level, new rear lightwell with balustrade and alterations to rear ground floor windows of rear extension to dwellinghouse (Class C3). – **Granted 08/04/2014**

2013/4379/L: Erection of rear extension at lower ground floor level of existing dwelling (Class C3), associated landscaping and internal alterations. – **Refuse 02/09/2013**

2013/4286/P: Erection of rear extension at lower ground floor level of existing dwelling (Class C3) and associated landscaping. – **Refuse 02/09/2013**

2013/2343/L: Erection of basement and ground floor rear extension with first floor rear extension above, new rear lightwell with associated landscaping, glass canopy over front lightwell and internal

alterations to existing dwelling (Class C3). – **Refuse 13/06/2013**

2013/2239/P: Erection of basement and ground floor rear extension with first floor rear extension above, new rear lightwell with associated landscaping and glass canopy over front lightwell to existing dwelling (Class C3). – **Refused 13/06/2013**

2008/3295/L: Mass concrete underpinning to the single storey rear extension. – **Granted 09/10/2008**

L9603004: Approval of details of brick sample pursuant to condition 2 of the listed building consent L9601081R1 for the rebuilding of part of rear wall to match existing. – **Grant 03/12/1996**

L9601081R1: Rebuilding of part of the rear wall to match the existing work, as shown on drawing no. 557/1 as amended by agent's letter of 13.6.96. – **Grant 02/08/1996**

L9601081: Removal of chimney and rebuilding part rear wall below parapet level without replacing attached flue below parapet level, plans submitted. – **Withdrawn 17/06/1996**

Relevant policies

National Planning Policy Framework [2012]

London Plan [2015] consolidated with alterations since 2011

LDF Core Strategy and Development Policies

Core Strategy (2010)

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

Development Policies (2010)

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Supplementary Planning Policies

Camden Town Conservation Appraisal (2007)

CPG 1 Design (2014)

CPG 6 Amenity (2011)

Assessment

Proposal

The application seeks retrospective planning permission and listed building consent to demolish the previous shed and development a full width garden room at the rear of the garden. The proposed garden room measures 4.9 metres in width, 4.1 metres in depth and 4.5 metres in height. It covers an area of more than 19.5sq metres. The proposed garden room is finished in a black steel roof and frame with a green roof. It replaced a very small garden shed in the rear left hand corner of the garden.

However, although the garden room has already been built hence any decision will be retrospective, the existing garden room does not comply with the plans submitted as it has been further altered and extended by including steps to a ground floor level which is lower than shown on the plans and an extractor duct on the roof. These elements are not subject to assessment here, as this report only considers the application as submitted. These additional unauthorised elements will be assessed and considered in a separate enforcement report.

The main areas for consideration are:

- Design
- Impact on Grade II listed building and conservation area
- Amenity

Design

In considering proposed developments affecting a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to pay special attention to the desirability of preserving or enhancing the area's character or appearance.

Policies CS14 and DP25 require that all alterations in conservation areas and to listed buildings respect and enhance the character of the area, location and architectural composition. The Council will only give permission to those developments that preserve or enhance the character and appearance of the local. This is further supported by policies CS5 of the Core Strategy and DP24 of the Development Policies which state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the character, setting, context, form and scale to the existing building and the general area.

The proposed outbuilding fails to comply with these objectives. The size of the garden room is much larger than other structures in the area, including the previous small shed here. The external structures in neighbouring gardens have a smaller footprint, are built on a smaller scale in height and footprint, use materials such as wood and white frames, and do not take up as much garden space. As such, the proposed black steel structure looks out of keeping and does not relate to other neighbouring extensions and conservatories. Its size at 20sqm (compared to the previous shed of 2sqm) is excessive and takes up about a third of the garden area. Its height at 4.5m is excessive and is above the surrounding approx. 3.5m high walls with trellises. The built form and design is considered overly bulky and prominent in the context of the surrounding rear garden landscape. However officers consider that a smaller structure of appropriate discreet design and size may be acceptable here.

The overall design of the outbuilding is thus unacceptable as it fails to relate to its context and does not preserve or enhance the character or appearance of the conservation area.

Impact on Grade II Listed building

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special attention has been paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest of the listed building.

National policy guidance set out in the NPPF also confirms that great weight should be attached in favour of the conservation of any 'designated heritage assets', such as conservation areas and/or listed buildings. The particular significance of any heritage assets likely to be affected by a development proposal should be identified and assessed, including any contribution made by their setting. Any harm should require clear and convincing justification. It also states that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within conservation areas and within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset.

Furthermore the Barnwell Manor judgment (Mordue v. Secretary of State for Communities and Local Government [2015] EWHC 539 2015,) has re-affirmed that less than substantial harm does not equate to a less than substantial objection. The judgment is clear that in the case of harm to the setting of a listed building or to the character or appearance of a conservation area, the 'strong presumption' against the grant of planning permission, identified by previous judgments as the correct application of Sections 66 and 72 of the Act, continues to apply. Therefore the onus is on the applicant to demonstrate that the development would not harm the designated heritage asset.

In line with these considerations, paragraph 3.22 of supplementary guidance CPG 1 (Design) states that when considering a proposal to a listed building the Council will consider the:

- original and historic materials and architectural features;
- original layout of rooms;
- structural integrity; and
- character and appearance.

The proposed outbuilding through its use of materials and overall scale fails to enhance or better reveal the significance of the heritage asset. Instead it detracts from the setting of the listed building and dominates the rear garden area. There is no indication, through the use of materials or otherwise, that thought has been given to its context or its historic importance. No element of its design is reflected from the original property, no historic materials are employed, no character is respected and no architectural features better revealed. Given the garden area, a development of an appropriate nature is not objected to in principle and officers consider that a much smaller structure would be more suitable. However at present the currently proposed scheme has substantially harmed the setting of the listed building and the development should be refused on these grounds.

Amenity

Under section 7 of CPG 6 (Amenity), all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include privacy, outlook, sunlight, daylight and artificial light levels.

The proposed garden room would not create any additional loss of privacy. It is also not high enough to have any impact on overshadowing the gardens to either side of it. As such it would not alter the existing amenity arrangements in the area.

Conclusion

The proposed outbuilding fails to adhere to any national or local guidance relating to listed buildings or conservation areas and is considered unacceptable in terms of its scale, size and design. As a result, it should be refused and enforcement action taken.

Recommendations-

- 1. Refuse planning permission and listed building consent for scheme as shown on plans**
- 2. Warning of enforcement action to be taken against the structure as built.**

A separate enforcement report will assess the scheme as built and recommend the steps to be taken for enforcement action.

(The enforcement reference number is EN14/0974).