

Delegated Report		Analysis sheet		Expiry Date:	1) 03/02/2015 2) 03/02/2015
		N/A		Consultation Expiry Date:	1) 08/01/2015 2) 08/01/2015
Officer			Application Number(s)		
Nanayaa Ampoma			1) 2014/7441/P 2) 2014/7506/L		
Application Address			Drawing Numbers		
48 Mornington Terrace London NW1 7RT			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
1) & 2) Erection of full width rear extension at lower and ground floors (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	21	No. of responses	13	No. of objections	05
			No. electronic	00	No. of support	08
Summary of consultation responses:	<p>The application was publicised in the Ham and High newspaper between 18/12/2014 to the 08/01/2015 and a Site Notice was displayed at the site for a period of 21 days between 12/12/2014 to 02/01/2015.</p> <p>Neighbouring properties were also notified via direct letters. Neighbour objections have been were received from:</p> <ul style="list-style-type: none"> • 13 Prince of Wales Terrace (support) • 4 The Gables, Cavendish Road (support) • 14 Monnery Road, Turfnell Park (support) • 2 Ashchurch Park, Villas (support) • 66 Queen Gardens (support) • 6 Regents Part Road (support) • Howards, Coombe Park (support) • 33 Swanley Crescent (support) • Flat 1, Basement 49 Mornington Crescent (object) • UK Real Estate, Unit 404 Metropolitan Wharf Building (object) • 46 Mornington Terrace (object) • Walk Farm Cottage, Chipping Norton (object) • 118 Highgate Road (object) <p>These comments can be summarised as follows:</p> <p><i>Support –</i></p> <ul style="list-style-type: none"> • What a vast improvement over the existing • I would welcome the development. I feel more space of this nature should be allowed in the borough. • The garden room is inventive and interesting • This will enhance the ambience • Knowing the architectural team who have worked on this design I know the quality of the finish will be of 'gold-award' quality and a design that everyone should be proud of. • Development would be respectful of surrounding area • I know the architect Luke for many years and the proposal would be integrated and sympathetic to the area. • We feel the scheme is soft, in keeping, engages and balances the house and garden. • The extension and garden room are sympathetic and architecturally elegant and refined. • This is a great use of space and is tasteful • The green roofs should be applauded for all the good it will do local wild life and to reduce pressure on the city drainage system <p><i>Objections-</i></p>					

- Noise from works
- May cause subsidence
- Current basement may not have permission and neighbour need to be assured that the works are structural sound.
- Structural survey is required for the works done at basement
- Works to rear of property are completely out of keeping with the Victorian architecture.
- Materials used of the construction are totally out of keeping
- 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.
- Development is an intrusion into the green space
- Development would lead to future granny flats.

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 extension, the existing rear garden room and basement works cannot be considered as part of this application. In relation to noise, the development has already been completed, so noise from the development cannot retrospectively be considered. Much of the basement works were given permission previously. Therefore it is not required that the development demonstrates that it is structurally sound.

CAAC/Local groups* comments:
*Please Specify

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. Proposal is out of character; would set a precedent to other properties on the road; object to unlawful alterations; not information has been submitted; although the application is retrospective the plans are inconsistent with what is currently at site.

Site Description

The application site relates to a Grade II listed building that forms part of a terrace of 19thC. listed buildings. The site falls within the Camden Conservation Area.

The property has four floors with a basement and originally a partial width lower ground and ground floors rear extension and LG patio adjoining. It should be noted that in addition to the current proposed scheme, there are many internal works that have been completed without planning permission or listed building consent. These issues are currently being investigated by the Council's Enforcement Team.

Relevant History

2014/7412/P, 2014/7447/L: Part retrospective applications for erection of a garden room in the rear of the garden. - **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**

HB2891(R1): The change of use of the basement to a self-contained dwelling unit, including works of conversion. – **Granted 17/09/1984**

34063(R1): The change of use of the basement to a self-contained dwelling unit, including works of conversion. – **Granted 17/09/1984**

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 rear outrigger and build a new rear extension at ground and basement levels.

The 2014 approved scheme involved an enclosure of the lower ground patio area next to the outrigger to create an enlarged lower ground extension with glazed roof plus small patio to its rear. This basement has been completed, but not in accordance with the approved scheme. The main difference is that the currently proposed and now built basement has a higher ceiling height and is reduced in length, plus there is now no basement patio behind it; it also does not have a glazed roof as it is now under solid decking at ground level. The approved scheme had a basement with the ceiling height of between 2.2 and 2.4 metres, and a length of 16metres. However what is now built and is currently under consideration is a basement with a height of between 2.3 and 2.7 metres and a length of 14metres. The basement exceeds garden level and has high level glazing at the rear facing the garden. Therefore the current application hopes to legitimise what was built.

The proposed rear extension as built is partly open and partly enclosed. It measures 3.4 metres in height and 4.9 metres deep as measured from the original house rear wall to the end of the rear extension. Although the extension is considered to be full width, it actually comprises a half-width solid extension to the house and adjoining it a raised deck with glazed roof and solid party wall so that it is enclosed on 3 sides plus the roof. This deck replaces the previously approved glazed roof to the LG floor. The previously existing rear outrigger of the property measured 8.1 metres in depth, thus the newly built replacement extension has been reduced in depth.

The proposed extension is finished as a black painted steel structure, with partly clear and partial black obscured glazed windows and green roof to the solid element. The proposed roof covering to the deck is finished in a scalloped bottom design and uses the same glazing as the rear extension.

The applicant has argued that the proposal is only a half width extension as the 'garden room' on the side decked area is open. However although the proposed 'garden room' is not completely fully enclosed, it has three walls and a roof. The whole structure also reads as a full width extension rather than a half extension. Officers have taken the view that this open sided structure constitutes an enclosure and therefore an extension.

The main areas for consideration are:

- Design
- Impact on Grade II Listed building
- Amenity

Design

In considering proposed development 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 listed buildings respect and enhance the character of the area and location. The Council will only give permission to those developments that preserve or enhance the character and appearance of the area. This is further supported by policies CS5 and DP24 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, sitting, context, form and scale to the existing building and the general area.

The principle, size and design of the basement extension has already been considered under the previous applications 2013/6742/L and 2013/6592/P and deemed to be acceptable. The proposed increase in height is not considered significant and does not affect the size and bulk of extensions at

ground level above which remain the same as the previously existing extension here. In addition, the structural stability has already been considered under the previous applications and the slight increase in depth is not seen to be large enough to warrant a whole new Basement Impact Assessment and independent verification. In itself, it is acceptable in bulk and design, apart from the new high level skylights that look towards the rear garden- the latter are unacceptable in their use of materials.

The proposed full width ground floor extension is considered unacceptable in size and design. Although the size, depth and height of the solid half-width element in itself is acceptable, the overall size of the whole structure with full-width roofing is considered overly bulky and prominent for this building and area. This is exacerbated by the presence of the raised basement floor which has visible high-level skylights, thus contributing to the overall bulk and size of the whole extension as viewed from the rear garden. The whole 2 storey extension, as viewed above garden level, ignores the historic L-shaped building design as well as its historic character in terms of size, form and materials. Instead, what is being proposed are materials that are uncharacteristic for the listed building's period, character and design. It results in a heavy and dominant structure that completely obstructs views of the rear composition of the listed building, detracting from its architectural qualities. The applicant has stated that the inspiration for the materials has been taken from the nearby railway track and the industrial era. However the property is not a railway station and given the already historic significance of the building, it would be more suitable for inspiration to have been taken from the domestic listed buildings themselves in this road or the architectural influence of the conservation area. By taking inspiration from an unrelated structure, the proposal appears as an alien structure in what is otherwise a very Victorian residential development. The development therefore fails to relate to its context and does not preserve or enhance the character or appearance of the conservation area and is unsympathetic to the appearance of the house.

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 rear extension has been designed in complete disregard for the special qualities of the listed building or the character of the conservation area. The proposed form and materials compete rather than relate or match the structure and create an incongruous element in the rear elevation of this terrace. The structure substantially harms the listed building and therefore fails to comply with national or local guidance for development that affects listed buildings.

Amenity

Policies CS5 and DP26 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.

Given the position of the rear extension in comparison to the previously existing rear wing, it would not alter the existing privacy, light or outlook to nearby properties.

Neighbours have commented that the development has resulted in additional light pollution because the glazed materials used. Whilst this is likely to be the case, the increase in lighting is not considered significant enough to refuse the rear extension on these grounds. The rear of this terrace of buildings has several conservatories which are likely to result in similar levels of light pollution; moreover the proposed/built extension and decking, unlike the previously approved lower ground floor extension, do not have any rooflights which shine upwards. Therefore it is considered that there is no further harm to amenities of neighbouring properties.

Conclusion

The proposed basement in size and design is acceptable. However the proposed rear extension with its partially enclosed and roofed decking is considered unacceptable in design, form and size; it does not respect the special interest, setting and appearance of the listed building and character and appearance of the conservation area. The proposed extension 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.

There are other alterations that have taken place internally to the main house which are also unauthorised and considered unacceptable, for which enforcement action is proposed.

Recommendations-

1. Refuse planning permission and listed building consent.
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.