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| **Address:** | **4 Chamberlain Street**  **London**  **NW1 8XB** | | | | **6** | |
| **Application Number:** | 2015/4896/P | | **Officer: Nick Baxter** | |
| **Ward:** | Camden Town with Primrose Hill | |  | |
| **Date Received:** | **26/08/2015** | | | | | |
| **Proposal:** Replacement of glazed door in rear addition with timber double-glazed door. | | | | | | |
| **Background Papers, Supporting Documents and Drawing Numbers:**  Location plan, heritage statement v2, design & access statement v6, 7857 101A, 7857 102B, 7857 103B, 7857 105B, 7857 107A, 7857 108A, 7857 106D, 7857 108D, 7857 115A, IMG4833 | | | | | | |
| **RECOMMENDATION SUMMARY:** Grant conditional planning permission | | | | | | |
| **Date of Application:** | | **26/08/2015** | | |  | |
| **Application Number:** | | **2015/5813/L** | | | | **7** |
| **Proposal:** Various internal alterations and replacement of glazed door in rear addition with timber double-glazed door | | | | | | |
| **Background Papers, Supporting Documents and Drawing Numbers:**  Location plan, heritage statement v2, design & access statement v6, 7857 101A, 7857 102B, 7857 103B, 7857 105B, 7857 107A, 7857 108A, 7857 106D, 7857 108D, 7857 115A | | | | | | |
| **RECOMMENDATION SUMMARY:** Grant conditional listed building consent and the Borough Solicitor be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, and, in the event of non-compliance with the notice, the Borough Solicitor be authorised to pursue any legal action necessary to prosecute the owner under Section 43 of the Act and or other appropriate power and/or the Executive Director Supporting Communities be authorised to take direct action under Section 42 of the Act to secure compliance with the notice. | | | | | | |
| **Applicant:** | | | | **Agent:** | | |
| Mr Jonny Bucknell  16 St George’s Mews  London  NW1 8XE | | | | Mr Philippe Hornsby  Simon Levy Associates  49 Theobald Street  Borehamwood  Hertfordshire | | |

**OFFICERS’ REPORT**

**Reason for referral to Committee: (viii) scheme submitted by or on behalf of a member of the Council (or their spouse or partner) or any Council employee (or their spouse or partner)**

1. **SITE**

1.1 The application site is located on the south side of Chamberlain Street. It is one of a terrace of eight houses. The predominant character of the street is residential in nature. The site is grade II listed and located within the Primrose Hill Conservation Area.

1.2 The application building is a ground-floor flat and separate basement in a three-storey-plus-basement dwelling house built in the mid-19th century.

2. **BACKGROUND**

2.1 The application site is a listed building and is the subject of an environmental health improvement notice requiring various works outlined below (4.3). The applicant began this work without seeking listed building consent, damaging the historic plasterwork in the ground floor rear room of the listed building. The interior of a listed building benefits from the same level of protection as the exterior. Consequently, an enforcement investigation was opened and this application has been submitted to enable the works required by the Environmental Health Department and remediate the damage already caused to the listed building.

3. **THE PROPOSAL**

3.1 The application seeks planning permission and listed building consent for the following:

* The replacement of a timber rear door with single-glazed window with a timber door with double-glazed window.
* Repairs to existing historic windows and secondary glazing.
* The installation of a railing around the rear light well.
* The installation of a banister to the front area steps.
* Reinstatement and insulation of the basement ceiling.
* Repairs to internal plasterwork on damaged lath-and-plaster walls and ceilings, including like-for-like reinstatement of removed cornice.
* Installation of new kitchen and bathroom in existing positions, using existing pipework connections.
* Installation of a central heating system.
* Fire protection works.

**Revisions**

3.2 Revised drawings were requested during the course of the application to provide more details on the proposed work to enable officers to make a full assessment of the likely impacts of the proposed works.

4. **RELEVANT HISTORY**

4.1 **9003297**: Erection of a first floor rear extension to accommodate a new bathroom to the existing dwelling house as shown on drawing nos. 1-4. Granted 10/9/1990

4.2 **LEX0200387/L and PEX0200386/P/P** Replacement of rear 1st floor sash windows with a timber and glass door, and installation of a balustrade and partition over the existing rear extension in order to create a roof terrace. Granted 17/2/2004

4.3 **EN16/0450** - Enforcement investigation was opened on the 16/05/2016 in relation to works within the rear ground-floor room including the removal of original lath and plaster to large areas of the walls and to the entirety of the ceiling; partial removal of decorative cornice. An Environmental health improvement notice was served on the property to bring it up to a habitable standard, requiring works to improve the gas pipework, install a central heating system, overhaul and secondary glaze the windows, insulate the bathroom and install a double-glazed door, insulate the basement ceiling, install a new kitchen and bathroom, install fire and smoke protection equipment and fit railings to the front area steps and the rear light well. The works were undertaken without the necessary consents being in place. Enforcement officers were notified that the works were under way and visited the site. The works ceased, and discussions took place between the owner’s agent, enforcement officer and conservation and design officers which resulted in the current application to reinstate the elements that were removed.

5. **CONSULTATIONS**

**Conservation Area Advisory Committee**

5.1 The Primrose Hill CAAC was consulted but did not comment

**Historic England**

5.2 In line with Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 came into force on 15 April 2015 – Historic England did not require notification of the applications.

**Adjoining Occupiers**

5.3 A site notice was displayed from 20/1/16 until 10/2/16 and a public notice was published in the Ham & High on 20/1/16.

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| *Number of letters sent* | 12 |
| *Number in support* | 0 |
| *Number of objections* | 0 |

6. **POLICIES**

6.1 **National and London wide policies and guidance**

Planning (listed building and conservation area) Act 1990 as amended

Enterprise and Regulatory Reform Act (ERR) 2013.

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

London Plan 2015

6.2 **LDF Core Strategy and Development Policies**

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS14 (Promoting high-quality places and conserving our heritage)

DP2 (Making full use of Camden’s capacity for housing)

DP24 (Securing high-quality design)

DP25 (Conserving Camden’s heritage)

6.3 **Other Planning Policies / Guidance**

Camden Planning Guidance (CPG) 2015 – CPG 1, 2, 3, 4, 8

Camden Planning Guidance (CPG) 2011 – CPG 6 and 7

Primrose Hill Conservation Area statement (2000)

7. **ASSESSMENT**

7.1 The principal consideration material to the determination of this application are summarised as follows:

* Impact on the significance of heritage assets (listed buildings and conservation area)

**Impact on the Heritage Assets**

Legislative background - Planning (Listed Buildings and Conservation Areas) Act 1990

*Listed buildings*

7.2 In considering developments that affect a listed building or its setting, Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.3 In this case, the primary issue relates to preserving the special interest of the grade-II-listed host building as well as the setting of the adjoining listed buildings.

*Conservation Area*

7.4 In considering developments affecting a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.5 The application site forms part of the Primrose Hill Conservation Area.

7.6 In line with the above statutory duties and recent case law, considerable importance and weight has to be attached the impact of the heritage assets and their setting. It should also be noted that the duties imposed by section 66 and 72 of the Act are in addition to the duty imposed by section 3(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

7.7 The NPPF requires its own exercise to be undertaken as set out in its chapter 12, Conserving and enhancing the historic environment. Paragraph 129 requires Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraphs 132-134 and 138 require consideration as to the impact of a proposed development on the significance of a designated heritage asset and assessment of the identification of any harm.

Significance

7.8 The application site is a grade-II-listed building and is therefore considered to be a building of national historic and architectural importance. The application site forms part of a terrace (1 to 8) of listed buildings which includes the front railings. As a listed building, the site is considered to be a positive contributor to the conservation area. DP25 Conserving Camden’s heritage states that the Council will only grant alterations and extension to listed buildings which do not cause harm and not permit development which harms the setting of listed building or harms the character and appearance of conservation areas.

Impact of the proposed work on the significance of the listed building

*Internal works*

7.9 As parts of the interior have been destroyed, the pre-existing condition of the ground floor room is not known. However, it is clear that lath and plasterwork and decorative cornices were demolished. The replacement of the kitchen and bathroom facilities, as outlined at 4.3, have a neutral effect on the special interest of the building because they replace existing facilities in the existing positions using the existing pipework. The replacement of the basement ceiling and repairs to the damaged plasterwork represent an improvement on the current state of the building. The drawings indicate that this reinstatement work will be carried out like for like by an appropriate craftsman. A section of cornice survives to be copied, and a condition is recommended to ensure the works are implemented in accord with this detailing. Repair and the addition of secondary glazing is the preferred method of upgrading the windows of a listed building, so this part of the proposal is acceptable.

*External works*

7.10 Double glazing would not normally be considered appropriate in a listed building but, in this case, the replacement door to the rear is in a non-original aperture (i.e. in a non-original rear extension), so it is acceptable in this instance. The banisters in the front area will not be visible, while the railings around the rear light well will also be concealed from public view. In neither case will the work harm the special interest of the listed building.

7.11 The works are either internal or of so minor a nature as to have no effect on the character and appearance of the conservation area or the setting of the adjoining listed buildings.

Conclusion

7.12 As set out in paragraph 4.3, works were required as a result of an environmental health improvement notice and a planning enforcement investigation. The application has been submitted as a result of discussions with planning enforcement and conservation and design officers.

7.13 In respect to the Planning Act it is considered that the proposal would preserve as well as enhance the special architectural and historic interest of the grade-II-listed house. The proposal is also considered to preserve the character and appearance of the Primrose Hill Conservation Area and the setting of the adjoining listed buildings. No harm would be caused to the listed building, its character and appearance or significance. The proposals overall would enhance the condition of the listed building, thereby ensuring its future health.

7.14 The scheme has been assessed against the NPPF and would not result in any harm to any heritage assets. Finally the scheme has been considered against the Development Plan policies and guidance and is found to comply with the relevant polices.

8. **CONCLUSION**

8.1 The proposal is considered to be acceptable in design, conservation and heritage terms and there would be no adverse impact on the residential amenity of neighbouring properties. The development would be appropriate and in accordance with relevant National and Regional Policy, Core Strategy and Development policies and Camden

**Recommendation**

8.2 Grant conditional planning permission

8.3 Grant conditional listed building consent; and

The Borough Solicitor be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, and, in the event of non-compliance with the notice, the Borough Solicitor be authorised to pursue any legal action necessary to prosecute the owner under Section 43 of the Act and or other appropriate power and/or the Executive Director Supporting Communities be authorised to take direct action under Section 42 of the Act to secure compliance with the notice.

8.3 **The notice shall allege the following breach of listed building control:**

The notice shall allege that, without listed building consent, the following works were carried out:

* + Within the rear ground floor room, removal of original lath and plaster to large areas of the walls and to the entirety of the ceiling; partial removal of decorative cornice;

**Requirements:** The notice shall require within a period of 6 months of the Notice taking effect:

1. Completely repair and reinstate the original plaster wall, ceiling and decorative cornicing to match the original, as shown in photo IMG4833: or
2. Restore and reinstate the plaster wall and ceiling treatment and the decorative cornices in accordance with the approved drawing 7857 106D.

**Reason why the Council considers it expedient to issue the notice:** The unauthorised internal works, including the alterations to original walls, ceilings and decorative plasterwork are detrimental to the special architectural and historic interest of the building and contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

9. **LEGAL COMMENTS**

9.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s): **2015/4896/P**

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| 1 | The development hereby permitted must be begun not later than the end of three years from the date of this permission.  Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended). |
| 2 | All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.  Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies. |
| 3 | The development hereby permitted shall be carried out in accordance with the following approved plans Location plan, heritage statement v2, design & access statement v6, 7857 101A, 7857 102B, 7857 103B, 7857 105B, 7857 107A, 7857 108A, 7857 106D, 7857 108D, 7857 115A, IMG4833.  Reason: For the avoidance of doubt and in the interest of proper planning. |

Informative(s):

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|  | Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941). |
|  | You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent. |
|  | Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above. |
|  | The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.  The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.  http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil  We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.  Please send CIL related documents or correspondence to CIL@Camden.gov.uk |

Conditions And Reasons: **2015/5813/L**

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| 1 | The works hereby permitted shall be begun not later than the end of three years from the date of this consent.  Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990. |
| 2 | All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.  Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies. |
| 3 | The works hereby approved are only those specifically indicated on the drawing(s) referred to above.  Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies. |
| 4 | The reinstated cornice shall match in design and composition that surviving in the corner of the room and shown in photograph IMG 4833.  Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies. |

Informative(s):

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|  | Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, 2nd Floor, 5 Pancras Square, London N1C 4AG, (tel: 020-7974 6941). |
|  | You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent. |