

Delegated Report		Analysis sheet		Expiry Date:		14/01/2016	
		N/A		Consultation Expiry Date:		26/01/2016	
Officer				Application Numbers			
Samir Benmbarek				2015/6702/P 2015/7130/L			
Application Address				Drawing Numbers			
50 Maple Street London W1T 6HJ				OS Extract; Unnumbered Existing Plans and Rear Elevation; 01-032			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of rear single storey rear extension and associated works to ground floor/basement flat (retrospective)							
Recommendation:		Refuse Planning Permission and Enforcement Action to be Taken Refuse Listed Building Consent and Enforcement Action to be Taken					
Application Type:		Full Planning Permission Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		A site notice was displayed from 24/12/2015 (expiring 14/01/2015) and a public notice was displayed in the local press (Ham & High) from 22/12/2015 (expiring on 12/01/2016). To date no representations have been received.					
CAAC/ National Amenity Society comments:		<u>Historic England</u> This application should be determined in accordance with national and local policy guidance and on the bases of the Council's specialist conservation advice. <u>Charlotte Street Conservation Area Advisory Committee</u> The Charlotte Street CAAC was formally consulted. No response has been received to date.					

Site Description

The application site relates to the basement and ground floor flat of the four storey building located on the northern side of Maple Street. The property is Grade II Listed and is located within the Charlotte Street Conservation Area. It was built in c. 1840 and was Listed in 1999 as a pair with No. 40.

Relevant History

No. 50 Maple Street (Application Site):

Planning Application History

(Ref 2003/0608/INVALID and 2003/0611/INVALID)- Planning and Listed Building applications invalidated and subsequently withdrawn on 28 April 2005 for the retention of a rear single storey rear extension and associated works to ground floor/basement flat.

Invalid as no documentation submitted.

(Ref 2003/2059/INVALID and 2003/2249/INVALID)- Planning and Listed Building Consent invalidated and subsequently withdrawn on 28 April 2005 for the rear extension at basement level to form one additional bedroom.

Invalid as no documentation submitted or fee paid.

(Ref 2006/2443/P and 2006/2446/L) - Planning permission and Listed Building Consent withdrawn on 24 August 2006 for the erection of a rear extension at basement level to provide an additional bedroom for the basement/ground floor flat and associated works.

Enforcement History

Ref EN14/0406-

- 1) The removal of a small timber door from the vaults accessed from the front basement area and its replacement with a white uPVC window.
- 2) The removal of a timber front door and door frame from the front basement area and its replacement with white uPVC front door and door frame.
- 3) The painting of the front elevation yellow
- 4) The removal of a timber sliding sash window from the rear elevation at ground floor level and its replacement with white uPVC French doors.
- 5) The installation of a wooden veranda at rear ground floor level with timber steps descending from the veranda into the rear basement yard.
- 6) The creation of a single storey timber addition at rear basement level.

Following an enforcement investigation (EN14/04006), it was found that the creation of a single storey timber addition at rear basement level had been done along with the other unauthorised development above. This application is the result of the enforcement investigation and seeks to regularise this matter.

Ref EN030174

Unauthorised rear extension.

Withdrawn/Complete 06 March 2007

Ref 980180 Unauthorised rear extension.

Withdrawn/Complete 18 April 2000.

No. 52 Maple Street

No relevant planning application history.

No. 48 Maple Street

No relevant planning application history.

Relevant policies

National Planning Policy Framework, 2012

The London Plan 2016

Policy 7.6 (Architecture)

Policy 7.8 (Heritage assets and archaeology)

LDF Core Strategy, 2010

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)
CS19 (Delivering and monitoring the Core Strategy)

Camden Development Policies, 2010

DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)

Camden Local Plan, Draft 2015

A1 (Managing the impact of development)
D1 (Design)
D2 (Heritage)

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

Camden Supplementary Planning Guidance

CGP1 (Design), 2015 – Section 4

Charlotte Street Conservation Area Appraisal and Management Plan July 2008

Section 12.3 Alterations to Existing Buildings

Assessment

1. Proposal

1.1 Planning Permission and Listed Building Consent is sought for the retention of a rear single storey extension at lower ground floor level.

1.2 The rear extension is constructed of timber plywood panelling with a felt roof, 1x uPVC door and a set of wooden steps for access into the rear courtyard. The extension facilitates a bathroom but is now the only means of access from the dwelling into the rear courtyard as it has been developed from the existing rear door. Other works include tiling over the existing white render, the installation of uPVC windows at lower ground floor level at the rear elevation and the installation of boiler. The rear courtyard is for the outdoor amenity use of the ground floor/basement flat only and is not communal.

1.3 The main issue for consideration is:

- The impact of the proposal upon the character or appearance of the Listed Building and surrounding conservation area and;
- The impact the proposal may have upon the amenity of the occupiers of the neighbouring properties

2. Assessment of Impact on Host Building and Surrounding Area

2.1 The host building (No. 50) is a four storey building located along the northern side of Maple Street. At the rear of the building is a small courtyard that can be looked into from the rear windows of buildings along Conway Street and Cleveland Street. Within this courtyard an extension has been erected to facilitate a bathroom to the ground floor/basement flat which has to be traversed through to access the courtyard.

2.2 In regards to LDF policies, respecting the local character is an intrinsic aim. In particular DP24 and DP25 require careful consideration of the characteristics of the site, features of local distinctiveness, and the wider context to be demonstrated in order to achieve high quality development which integrates into its surroundings. Within areas of distinctive character, it is considered development should reinforce those elements which create the character.

2.3 With reference to guidance forming the Charlotte Street Conservation Area Appraisal and Management Plan, the council will expect original architectural features and detailing to be retained, protected, refurbished in the appropriate manner, and only replaced where it can be demonstrated that they are beyond repair.

2.4 In considering the proposal against CPG1 (Design), rear extensions should be designed to:

- Be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions

and detailing;

- Respect and preserve the original design and proportions of the building, including its architectural period and style;
- Respect and preserve existing architectural features such as projecting bays, decorative balconies or chimney stacks.

2.5 Within the above policy context, the principle and scale of the rear extension is considered to be acceptable, principally due to its modest projection, small footprint and location within an enclosed courtyard at lower ground level.

2.6 However, the detailed design of the proposal is considered inappropriate and unsympathetic to the special historic and architectural fabric of the host building. The extension has been constructed of timber boarding and roofing panels which are considered an inappropriate choice of materials in relation to the Listed Building which is constructed of London stock brick with white render to the rear elevation at lower ground floor level. Upon inspection, the construction appears to be of very poor quality which is amplified with the installation of a wooden set of stairs to facilitate access from the extension into the courtyard.

2.7 Alongside the rear extension, other external changes that have occurred are the installation of beige coloured blockwork tiles over the existing white render, This is considered to have a detrimental impact upon the appearance of the rear elevation of the Listed Building at lower ground floor level and the installation of the tiles has caused a loss of the special historic fabric of the building and is therefore considered unacceptable.

2.8 This situation is further exacerbated by the installation of uPVC windows to the rear elevation at lower ground floor level and the installation of a boiler and cupboard upon the rear elevation. CPG1 (paragraph 4.7) states uPVC windows are not acceptable for both aesthetical and environmental reasons. This includes their relatively short life span and their inability to biodegrade. Furthermore, although not within public views, the poor quality of the uPVC material has resulted in the character, appearance and special interest of the Grade II Listed Building being diminished which on its own merit is a reason for refusal.

2.9 The form and fabric of the building is an integral part of the host building and fundamental to an understanding of its architectural and historic significance. Therefore the retention of the brickwork is important in preserving the building's significance and the choice of timber for the rear extension and the blockwork rear elevation treatment is not acceptable.

2.10 Overall, this would be contrary to policy CS14 of the London Borough of Camden LDF Core Strategy and policy DP25 of the London Borough of Camden LDF Development Policies. There are no public benefits identified by the proposals that would outweigh the harm to the designated heritage asset (the host building), as required by paragraph 134 of the National Planning Policy Framework. Therefore, the proposal cannot be supported by the Council.

3. Amenity

3.1 It is considered negligible harm would be caused in regard to the amenity of the adjoining residential properties by virtue of its position at lower ground level within the host building's courtyard .

4. Recommendation

- a) Refuse Planning Permission and Listed Building Consent
- b) Authorise enforcement action

Enforcement Recommendation (1)

That the Borough Solicitor be instructed to issue a **Listed Building Enforcement Notice** under Section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and officers be authorised in the event of non-compliance with the notice to prosecute under section 42 of the said Act, or appropriate power and/or direct action under section 178 in order to secure cessation of the breach

The notice shall allege the following breaches of planning control:

The unauthorised erection of a single storey rear extension and associated works including facing tiling, uPVC windows and external boiler and cupboard

The Notice shall require that the following steps be taken within a period of 3 months of the Notice taking effect:

1. Completely remove the single storey rear extension and reinstate the rear elevation to its previous form and

restore any resulting damage; reinstating the rear elevation to its previous form.

2. Completely remove the facing tiling and restore any resulting damage, reinstating the rear elevation to its previous form
3. Completely remove the uPVC windows and reinstate single glazed timber sash windows, reinstating the rear elevation to its previous form.
4. Completely remove the external boiler and cupboard and restore any resulting damage, reinstating the rear elevation to its previous form.
5. Remove all associated debris from the land.

PERIOD OF COMPLIANCE: 3 months

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

The proposed single storey lower ground floor rear extension and associated alterations, by reason of its detailed design, materials and loss of historic fabric and form, are considered to have a detrimental impact on the special architectural and historic interest of the host building, and if allowed, would be harmful and set an unwelcome precedent for alterations to listed buildings contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan Draft Policies.**Enforcement Recommendation (2)**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the unauthorised single storey rear extension and associated works to the rear elevation at basement level, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

The unauthorised erection of a single storey rear extension and associated works including facing tiling, uPVC windows and external boiler and cupboard

WHAT ARE YOU REQUIRED TO DO:

1. Completely remove the single storey rear extensions and reinstate the rear elevation to its previous form and restore and resulting damage; reinstating the rear elevation to its previous form.
2. Completely remove the facing tiling and restore and resulting damage, reinstating the rear elevation to its previous form.
3. Completely remove the uPVC windows and reinstate single glazed timber sash windows reinstating the rear elevation to its previous form.
4. Completely remove the external boiler and cupboard and restore any resulting damage, reinstating the rear elevation to its previous form.
5. Remove all associated debris from the land.

PERIOD OF COMPLIANCE:

3 months from the date when the notice takes effect

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

The proposed single storey lower ground floor rear extension and associated alterations, by reason of its detailed design, materials, would be detrimental to the character and appearance of the of the host building which is listed and the wider Charlotte Street conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan Draft Policies.

