

4 Flask Walk London NW3 1HE

Statement

1. On 13 January 2017 the London Borough of Camden served a listed building enforcement notice on my client Mr Keith Fawkes-Underwood in respect of 4 Flask Walk London NW3 1HE alleging erection of a roof extension following the removal of the roof and the replacement of timber sliding sash windows with plastic windows on front and rear elevations without listed building consent.
2. The appeal which accompanies this statement is on two grounds namely (e) That listed building consent ought to be granted for the works, and (h) That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.
3. It is the applicant's intention to put in a new application for permission as described in the attached letter to Camden dated 18 January 2017 (Annexe 1). Part of the letter deals with 1-3 Flask Walk, which is an unrelated issue.
4. **Ground (e) Listed building consent ought to be granted for the works that have been undertaken.** The building comprises basement, ground, first, second and third floors. Basement and ground are let as a single commercial unit to Hampstead Barbers. The upper floors are let as a single residential unit with access from the rear, where Bird in Hand Yard serves properties on the east side of Flask Walk and properties in Hampstead High Street. Flask Walk is in every sense the more important frontage. It is an attractive pedestrian street in the heart of Hampstead which contributes greatly to the conservation area. By contrast Bird in Hand Yard is very much a rear access. It is a cul-de-sac serving few properties, and dominated by the backs of buildings.
5. The notice requires (1) the removal of the new roof form and reinstatement of the original roof in terms of design profile and materials as shown in photographs attached at appendix 1 to the notice; (2) the removal of uPVC sliding sash windows and replacement with timber sliding sash windows to match those at no 2 Flask Walk.
6. The interrelationship of buildings in the immediate area is complex. Nos 2 and 4 are listed. The plan below at Fig 1 which is taken from Camden's helpful website shows listed buildings in the area.

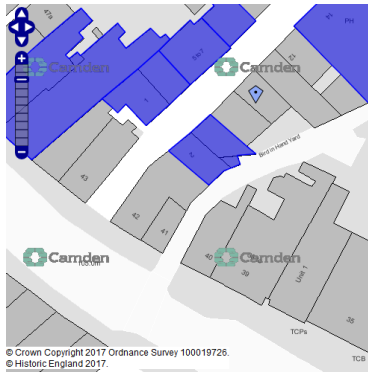


Fig 1 Listed buildings in the area

7. The listing citation for 2 and 4 Flask Walk, which records that they were first listed on 14 May 1974, is as follows:

*TQ2685NW FLASK WALK 798-1/26/460 (South side) 14/05/74 Nos.2 AND 4
GV II*

Pair of terraced shops with accommodation over. Early C19. Yellow stock brick. No.2: 3 storeys 2 windows. Reproduction C19 shopfront with small panes and panelled risers; fascia flanked by later C19 enriched consoles. Upper floors with gauged brick cambered arches to recessed hornless sashes. V-shaped parapet. No.4: 2 storeys 1 window. Wooden shopfront with pilasters supporting a C20 fascia with one (right hand) enriched console. Plate glass windows with continuous top strip of small rectangular panes. Upper floors with gauged brick cambered arches to recessed hornless sashes. Parapet. INTERIORS: not inspected.

8. 4 Flask Walk has a traditional shopfront with two storeys of single windows above, and a parapet above this. At the front the extension is behind the parapet and set in from the party walls where the parapets are not raised. It is tiled and the building below parapet level is finished in stock brick.
9. The adjoining property at no 42 Hampstead High Street is not listed, but is much taller. No 2 has a v-shaped roof parapet which indicate that originally a valley gutter lay behind. See Fig 2



Fig 2 Flask Walk East side from north showing nos 6-12 (beyond the Flask pub), no 4 with tiled cheek of roof extension and no 2 with V parapet



Fig 3 Nos 4 and 6 Flask Walk from North - Closer view

10. The terrace comprising 6-12 Flask Walk has two storey fronts with roof extensions which go straight up vertically at the rear. See Fig 4 below. It will be seen that these are at the same height as that at no 4, and that they terminate, not in a raised parapet, which is the normal detail to prevent spread of fire, but rather in a tile hung gable behind the parapet at no 6, and this detail was copied when the roof extension at no 4 was erected without consent.



Fig 4 Rear of nos 2,4,6 and 8 Flask Walk taken from staircase at rear of no 42 Hampstead high Street

11. A number of relevant permissions have been granted in the past. On 1 July 2002 permission was granted for the staircase at the rear of no 4 (ref E6/15/11 PWX0103586/2). And on 27 June 1979 (ref E6/15/6/27413) and on 27 June 1984 (ref TP 8401030) permissions were granted for roof extensions at no 2 (at higher level).
12. **Internal accommodation** The roof extension that has been constructed allows for much improved accommodation on floors above the ground floor and has enabled provision of an excellent two bedroom flat which has been let on an assured short term lease until 18 September 2018. The lease is attached at Annexe 2. It would clearly be better from a housing perspective if this unit could remain capable of occupation. This would be possible if the windows had to be replaced, but not with the removal of the roof.
13. **Windows** The Council is particularly concerned with the materials and detailed design of the uPVC windows. The windows that have been installed are made of uPVC, which means that they perform better than traditional timber from the perspective of insulation. They look well, and unlike earlier models of uPVC windows, appear to operate properly as sliding sashes and to have the correct sections. However they are wrongly detailed in terms of the pattern of glazing bars and the addition of ears on the upper sash in each case. It is suggested that this incorrect detail of the windows is minor and that they ought to be accepted as they are.
14. However it is also certainly possible that the sliding sashes could be remade to omit the ears and have the correct pattern of glazing bars, and this could be an alternative and entirely acceptable solution if the Inspector were minded to accept it.
15. **Roof.** The Council's concerns are with inappropriate scale, bulk, detailed design and materials of the roof extension. The form of the roof that has been constructed is in essence a traditional mansard, and its appearance from Flask Walk is not exceptionable. From Bird in Hand Yard it is more visible, but this is largely because it is clad in tiles which appear rather new, but will weather down. The details are otherwise traditional with lead flashing. The original roof was tiled, and the tiles removed were re-used. The scale and bulk are very similar to the roofs of surrounding buildings, and the use of tiles is not inappropriate.
16. **Conclusion with respect to the principle of the notice.** It is suggested that the uPVC windows are acceptable, not least because the setbacks are appropriate, but that if exception is taken to the pattern of the glazing bars or the addition of ears this could be altered.
17. It is also suggested that the principle of a mansard roof extension in this location is acceptable and that it is appropriate for it to be lit by a dormer at the front and a velux type rooflight at the back. It is also suggested that once weathered, tiles would not be a wrong covering.

18. Timing of Notice coming into effect. The present position is not unexpected, given interchange with the Council over recent months, but the appellant has been unwilling to begin the expense of applying for the alterations to the roof which may be required. Now however he has begun the process. The building has been CAD surveyed and an application for an alternative roof form will be submitted. What is clear is that if permission were to be granted for this alternative roof form it would take time both to gain vacant possession so works can be undertaken and to carry through the necessary party wall negotiations with neighbours so works can be undertaken. It will make no sense to start such negotiations prior to any permission, and it is likely that they will take some months to complete, particularly with the background of enforcement. Accordingly it is suggested that if the notice is upheld a period longer than six months for compliance with the roof element of the notice would be appropriate, and a year is suggested. However if the windows element of the notice is upheld, the required works could be undertaken more quickly.