

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>12/10/2016</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>15.9.16</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Gary Bakall			2016/3473/P, 2016/4570/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
47 Great Russell Street London WC1B 3PB			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
<p>P- Creation of roof terrace on existing single-storey rear extension, including installation of perimeter trellis screens around terrace, replacement glazed timber skylights on roof and railings on existing access bridge (retrospective).</p> <p>L- Installation of perimeter trellis screens around roof of rear extension, replacement glazed timber skylights on roof and railings on existing access bridge, in association with creation of roof terrace on existing single-storey rear extension (retrospective).</p>				
<b>Recommendation(s):</b>		<b>Refuse planning permission and enforce;</b> <b>Refuse listed building consent</b>		
<b>Application Type:</b>		<b>Full Planning Permission</b>		

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>10</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>Two adjoining neighbours at 3 Museum St and 46 Great Russell St have complained about the roof terrace and the owner's willingness to undertake unauthorised work; one of these has also complained about the change of use of the ground floor from retail to residential and the large planters on the front forecourt.</p> <p>The neighbour at 3 Museum Street has specifically complained that the trellis blocks light to his property and the failure of the owner to gain party wall awards.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	<p>The local ward Councillor Vincent has also expressed concerns about the change of use of the ground floor and the large planters in the front.</p>					

## Site Description

The application site comprises a four-storey building with a basement level which is grade II listed and forms part of a significant row of terraced buildings (No's 43–48 Great Russell Street) dating from 1855-64. The properties in this section of terrace are all listed as are the adjacent terrace in Museum Street. The site is located on the southern side of Great Russell Street, close to the junction with Museum Street (to the east). Adjoining to the west are similar properties with ground floor retail, to the east are the rear of properties fronting Museum Street and to the north, beyond Great Russell Street, is the British Museum. The property is located within the Bloomsbury conservation area.

The upper floors and the ground floor rear and basement are in lawful residential use whilst the ground floor front authorised use is retail, although it has not been used as such for some time.

## Relevant History

N14/28/8/18582 - The change of use of the ground floor at 47, Great Russell Street, WC1 from shop to offices. Refused 14/06/1974.

Reasons for refusal: 1. The proposed development involves an increase in office accommodation contrary to the Council's policy of restricting the growth of such space in Central London, as expressed in the Written Statement of the Initial Development Plan. 2. The proposed change of use involves the loss of a retail unit which the Council considers desirable in this location.

2011/2850/P - Change of use and works of conversion from offices (Class B1) to dwelling house (Class C3) including removal of pitched roof to create roof terrace with stair enclosure, balcony at rear first floor level, removal of roof to rear extension to create walled garden and installation of railings to front lightwell. Withdrawn 12/09/2012.

2011/2851/L - Internal and external alterations including removal of pitched roof to create roof terrace

with stair enclosure, balcony at rear first floor level, removal of modern roof to rear extension to create walled garden and installation of railings to front lightwell in connection with change of use from offices (Class B1) to single dwelling house (Class C3). Withdrawn 12/09/2011.

2011/5134/P - Change of use from office (Class B1) to residential (Class C3) at basement, first, second and third floor levels and change of use of the ground floor (rear proportion and hallway) from part shop (Class A1) and office (Class B1) to residential (Class C3) with the front proportion of the ground floor to remain as a shop use. The proposed C3 use would create a 2 bedroom residential dwelling and would incorporate alterations to the internal fabric and fenestration, a new rear terrace at first floor level, a rear terrace at roof level and removal of the roof to existing rear building to create walled garden. Granted following completion of S106 Legal Agreement 09/12/2011.

2011/5135/L - Internal and external alterations including installation of a rear roof terrace at first floor level, installation of internal stair and removal of modern roof to rear extension to create walled garden in connection with change of use from part offices (Class B1) and shop (Class A1) to single dwelling house (Class C3). Granted 07/12/2011.

2012/1356/P - Change of use of front portion of ground floor level from shop (Class A1) to additional residential accommodation (Class C3). Refused 24<sup>th</sup> April 2012. Appeal dismissed 15<sup>th</sup> March 2013.

2012/1360/NEW - Internal alterations to include the addition of a WC and sound proofing to the flooring in connection with the change of use from part shop (Class A1) to residential (Class C3) at ground floor (front proportion). Submitted 27/02/2012 withdrawn 06/03/2012.

2013/3219/NEW - Change of use of 34.5m<sup>2</sup> of ground floor from art gallery (Class D1) to residential (Class C3). Appeal for non-determination dismissed 21/02/2014.

2013/3439/NEW - Change of use of 34.5m<sup>2</sup> of ground floor from art gallery (Class D1) to residential (Class C3). Submitted 24/05/2013, withdrawn 11/06/2013.

## **Relevant policies**

### **Camden Local Plan (Adopted June 2017)**

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

Policy D3 – Shopfronts

Policy TC2 – Protecting and enhancing Camden's centres and other shopping areas

Policy TC5 – Small and Independent Shops

### **Camden Planning Guidance**

CPG1 (Design) 2015 – chapters 2 (Design excellence) and 3 (Heritage).

CPG5 (Town Centres, Retail and Employment). – Museum Street special area

CPG6 (Amenity) 2013 – chapter 7 (privacy and outlook)

**Bloomsbury Conservation Area Statement – (adopted 18<sup>th</sup> April 2011) – Sub area 7: Museum Street/Great Russell Street**

**National Planning Policy Framework 2012**

**The London Plan March 2016**

## Assessment

### 1. Proposal

1.1 The applications seek to regularise unauthorised works already carried out as follows-

- formation of a roof terrace with timber decking at the rear 1<sup>st</sup> floor level over the rear extension;
- associated garden trellis screens over a metre in height around its perimeter;
- metal railings on an access bridge to the roof terrace from the main house;
- 2 replacement 'replica' roof lanterns on terrace.

1.2 The main planning considerations are design, impact on the special character of the listed building and surrounding conservation area, and amenity to neighbouring residential occupiers from the use of the roof terrace.

1.3 Although not forming part of the submitted planning and LB applications, this report will also examine the use of the ground floor frontage, where it appears an unauthorised change of use to residential (C3) from retail (A1) has occurred, and the installation of two very large planters on the front forecourt.

### 2. Design of roof terrace

2.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings. It advises that "all developments, including alterations and extensions to existing buildings, to be of the highest standard of design", and expects all development to specifically consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations.

2.2 Local Plan policy D2 (Heritage) establishes that the Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, and states;

(e) that the Council will require that developments within conservation areas preserve or, where possible, enhances the character or appearance of the area; and

(j) resist proposals for change of use or alteration and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building.

2.3 The new roof terrace is located at rear 1<sup>st</sup> floor level on the roof of a modern single storey extension. Planning permission and Listed building consent were granted in 2012 to remove the roof of this extension to create a walled garden at ground floor level. The applicant did not remove this roof and instead created amenity space at first floor level. To ensure privacy and safety he has erected large garden trellis screens around the boundary of the terrace. He has also replaced two asbestos skylights with glass and lead replica roof lanterns and improved a small iron bridge to the roof terrace through the installation of replica metal spindles and handrail. Timber decking has also been laid on the roof terrace although it does not specifically form part of this application.

2.4 The roof terrace is surrounded to the west the rear of other properties in Great Russell Street and to the east the rear of properties fronting Museum Street. Nearly the entire rear yard areas of these surrounding properties in Museum, Great Russell, Little Russell and Coptic Streets have been built over with single storey structures; they are all unsympathetic modern additions similar to the one at 47, many with prominent raised glass roofs. No. 47 is the only one with a terrace at this level.

2.5 It is considered that these large garden-type trellis screens are an incongruous addition at this

level and, in this built-up context, not found on any other rear extension here. They are considered to detract from the special character of the property and fail to enhance the surrounding Bloomsbury conservation area.

2.6 The rooflights are considered to be acceptable, given the existence of numerous other larger glazed roofs to lanterns and conservatories on neighbouring properties. The timber and glass 'period' style rooflights are an improvement in design terms on the two glass-fibre domed skylights previously located there. Likewise, the 'period' style spindles and handrail to the small bridge crossing to this 1<sup>st</sup> floor flat roof area from the main house are considered acceptable in design terms themselves and are an improvement on the crude type of handrail used before. Also the decking in itself does not cause any harm to the character and appearance of the host building and conservation area. However the railings and decking are unacceptable in that they enable access to and use of the roof for an amenity terrace which creates problems of loss of amenity- see below.

2.7 Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### **3. Amenity**

3.1 Local Plan policy A1 (Managing the impact of development) seeks to ensure the amenity of neighbours is protected and factors to consider include overlooking and noise; CPG6-Amenity recognises that roof terraces need to be carefully designed to avoid overlooking.

3.2 The rear 1<sup>st</sup> floor terrace is surrounded by and in close proximity of the rear elevations of many other properties, many of which at this level are residential. Overlooking to all surrounding properties is unavoidable with a terrace in this location, although properties further south and west are too far away to be directly affected. In particular direct overlooking is possible to rear upper floor windows of nos. 29-34 Museum St and more angled views are possible back into rear windows of no.45-47 Gt Russell St. Although privacy screens have been erected, they do not mitigate the harm caused as upwards views to upper level windows are still possible. The terrace area is also very large and able to accommodate large gatherings and parties of people and thus could cause disturbance through noise to neighbouring residential occupiers. The decking and bridge access is considered to facilitate this use of the flat roof as a terrace and as such is not acceptable and an enforcement notice should be issued to have these elements removed.

3.3 It is considered that this outdoor amenity space directly outside neighbouring residential properties has the potential to reduce amenity for these neighbours from noise pollution and loss of privacy from the use of the terrace, contrary to policy A1.

3.4 Although the rear yard area of these listed buildings has many modern additions that add nothing to the special architectural and historic character of the area, these are not a justification for unsympathetic development especially as the rear of the properties mostly still contain their period features like timber sash windows. It is considered that the large, modern, garden trellis panels that have been erected along the northern and western boundary of the roof terrace and the use of the terrace at this level with the associated garden furniture detract from the special architectural and historic character of this grade II listed building and the surrounding Bloomsbury conservation area. It is also considered that the use of the terrace can unacceptably reduce the amenity of directly adjoining residential neighbours through overlooking and disturbance through noise. It is thus considered that enforcement action should be taken to remove these features.

### **4. Use of Ground Floor Shop Unit**

4.1 At ground floor level the front two rooms are supposed to be in use as Class A1 retail. The owner

has previously applied to change the whole property into C3 residential but this has been refused and dismissed on appeal (2013/3439/NEW). The owner claims to be running an art salesroom/gallery here but there is no signage or advertisement to this use, the front door is always locked shut, there is no evidence of any retail use inside, business rates stopped being paid in 2015 and a single Council Tax is now being paid for the whole property. It is considered that this space is being used as part of his dwelling on upper floors.

4.2 Local Plan Policy TC2 (Protecting and enhancing Camden's centres and other shopping areas) states that the Council will-

(a) seek to protect and enhance the role and unique character of each of Camden's centres ensuring that new development is of an appropriate scale and character for the centre in which it is located;

(b) provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;

(d) support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops;

e) pursue the individual planning objective for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres, retail and employment.

4.3 Also the policy states that the Council will only allow the conversion from retail to housing in protected frontages where it does not harm the role and character of the centre.

4.4 Camden Planning Guidance 5 (CPG5) shows 47 Great Russell Street as part of the Museum Street Specialist Shopping Area due to the concentration of specialist retail uses dealing in collectible items such as antiquarian books, prints and coins, which contribute significantly to the character of this area. CPG5 is unequivocal in stating that, 'We will not permit the loss of A1 retail uses in designated Frontages.'

4.5 Para 9.20 of the Local Plan specifically states that the most significant way the Council can protect the function of centres is by ensuring that ground floor premises remain in retail or other town centre uses.

4.6 This loss of shop premises and creation of a residential use at ground floor level in this specialist shopping area is considered unacceptable, as it harms the character, function, viability and vibrancy of the area and as such is contrary to policy TC2 and guidance in CPG5.

## **5. Large planters on front forecourt**

5.1 Two large planters containing small trees have been placed on the front forecourt. Although these planters are not fixed to the ground, they are not readily moveable because of their great weight, they have been in position for approximately 6 months and as such should be considered as permanent fixtures that require planning permission. The property is listed and does not benefit from permitted development rights.

5.2 These planters are not typical in the area and are an incongruous element in the commercial streetscape that detracts from the character of the Bloomsbury conservation area and the special character of the listed building.

## **6. Conclusion**

6.1 It is considered that the roof terrace at rear first floor level detracts from the special historic and architectural character of this listed building and can cause nuisance to neighbouring residential occupiers through noise and overlooking from its use as a terrace. This harm cannot be completely alleviated by the use of privacy screens, which are in themselves unacceptable in heritage terms.

6.2 Although the roof lights are acceptable, the trellis screens are not acceptable on design and heritage grounds and the use of the terrace (enabled by decking and access bridge) is not acceptable. As such the whole planning application must be refused with a recommendation that the trellis screens, railings and hardwood decking be removed from the roof terrace by means of enforcement action.

6.3 The change of use of the ground floor from A1 retail to C3 residential is unacceptable in landuse policy terms and the planters from the front forecourt are unacceptable in townscape terms. Enforcement action is recommended to remove both aspects.

## **7. Recommendations**

### **Recommendation 1.**

**a) Refuse planning permission and listed building consent**

**b) Authorise enforcement action**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended 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 breach of planning control:**

The unauthorised installation of trellis screens and hardwood decking on the roof of outbuildings at rear 1<sup>st</sup> floor level, and the unauthorised installation of railings on the access bridge, in connection with the creation of a roof terrace;

#### **The Notice shall require within a period of 2 calendar months of the Notice taking effect:**

Remove permanently the unauthorised trellis screens and hardwood decking from rear 1<sup>st</sup> floor flat roof area and the unauthorised railings from the associated access bridge and make good any damage.

#### **REASONS WHY THE COUNCIL CONSIDERS IT EXPEDIENT TO ISSUE THE NOTICE.**

- i) The use of the rear 1<sup>st</sup> floor flat roof area as a roof terrace with associated perimeter screens, decking and access railings, by reason of overlooking, noise and disturbance, results in an unacceptable loss of amenity to neighbouring residential occupiers in Great Russell Street and Museum Street. This is contrary to policy A1 (Managing the Impact of Development) of the London Borough of Camden Local Plan 2017.
- ii) The trellis screens, by virtue of their size, location and detailed design, are considered to be incongruous additions at the rear of the property and have a detrimental impact on the character and appearance of the host building, the setting of the host and adjacent listed buildings, and the character and appearance of the wider Bloomsbury conservation area. This is contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

### **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 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 breach of planning control:**

The unauthorised change of use of the front two rooms at ground floor level from Class A1 retail to Class C3 residential accommodation

**The Notice shall require within a period of 3 calendar months of the Notice taking effect:**

Permanently cease the use as residential accommodation;

**REASONS WHY THE COUNCIL CONSIDERS IT EXPEDIENT TO ISSUE THE NOTICE.**

- i) The change of use of the front two rooms of the ground floor from Class A1 retail use to Class C3 residential accommodation, by reason of the loss of a retail unit within a designated frontage, harms the character, function, viability and vibrancy of the specialist shopping area of Museum Street. This is contrary to policy TC2 (Protecting and enhancing Camden's centres and other shopping areas) of the London Borough of Camden Local Plan.

**Recommendation 3.**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended 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 breach of planning control:**

The unauthorised installation of two large concrete planters on the front forecourt.

**The Notice shall require within a period of 1 calendar months of the Notice taking effect:**

Permanently remove the two concrete planters from the front forecourt.

**REASONS WHY THE COUNCIL CONSIDERS IT EXPEDIENT TO ISSUE THE NOTICE.**

The two concrete planters, by reason of their location, size, detailed design and materials, harm the character, setting and special interest of this listed building and harm the character and appearance of the streetscape and wider Bloomsbury conservation area. This is contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.