

Delegated Report		Analysis sheet	Expiry Date:	15/12/2017
		N/A / attached	Consultation Expiry Date:	07/12/2017
Officer			Application Number(s)	
Alyce Keen			2017/5938/P	
Application Address			Drawing Numbers	
40B Rossllyn Hill London NW3 1NH			Location Plan; Floor Plan; Elevation Design & Access Statement	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of three wooden structures to rear terrace.				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed close to the site on the 15/11/2017 (consultation expiry date 06/12/2017). A press notice was published on the 16/11/2017 (consultation expiry date 07/12/2017).</p> <p>Comments summarised:</p> <ul style="list-style-type: none"> • inappropriate architecturally and visually detrimental • the existing roof terrace was always for 40B Rosslyn Hill • the staircase that allows access to it from 3 Pilgrim's Lane was always there as a fire exit only • the Council had the structure removed previously as it was clearly not mobile, yet the application now claims it can "easily be relocated" • I would object even more strongly to the division of the roof terrace to 40B into two terraces as we have now had to live with the increased noise and levels of overlooking. <p>These comments made by these local residents have been taken into consideration in assessing this proposal.</p>					
CAAC/Local groups comments:	<p>Comments were received by the Hampstead Conservation Area Advisory Committee, which are summarised below.</p> <ul style="list-style-type: none"> • Prime Facie it appears to be an unwelcome addition to whatever is the rear roofscape, offering a temporary arrangement to divide the roofs to form one or two terraces. • We note the considerable extent of the flat roofs and the unwelcome potential of their use as terraces, potential for noise and overlooking. • Proposals are normally for permanent installations, such proposed temporary arrangements being potentially uncontrolled. • Highly likely adverse impact likely to lead to refusal, which due to the above we would be likely to support. 					

Site Description

The application site dates from circa 1895-6 and was built as a bank which incorporated 2 terraced houses in the same development. The ground and basement floors are still in use as a bank and the site relates to a maisonette on the upper floors which historically had its own entrance directly from Rosslyn Hill. The building is Grade II* listed and lies within Hampstead Conservation Area.

Relevant History

Planning history:

2014/2517/P- Installation of metal balustrade and timber screen to create rear roof terrace, alterations to window to create an access door and installing steps to terrace. Granted

2012/6535/P & 2012/6538/L- Addition of roof terrace at second floor level over existing and recently approved rear extensions and alterations to window to create door to the new terrace to existing dwelling (Class C3). Refused. Appeal dismissed

2011/5238/P & 2011/5248/L- Erection of single storey extension at rear first floor level to flat (Class C3). Granted

PWX0002246 & LWX0002247 (2000)- Replacement of two windows with French doors to the rear elevation of the existing rear extension at first floor level. Granted

HB2304 (1980) Erection of a single storey extension at the rear. Granted

26256 (1978)- Erection of a one-storey rear extension to ground floor bank branch to provide additional office. Refused. Appeal allowed

45602/11481 (1953)- Conversion of the Bank House, No. 40A, Rosslyn Hill, Hampstead, into three self contained flats. Granted

Enforcement history:

EN15/0364 - The unauthorised erection of three (3) wooden structures dividing the rear roof terrace located on the flat roof of the rear extension at first floor level. Enforcement notice issued for the removal of the structures.

Appeal history:

APP/X5210/C/16/3155324 and 3155325

The appeals were made against the enforcement notice.

The inspector concluded that, 'the wooden structures are indeed 'buildings', 'erections' or 'structures' and that they constitute development as defined in section 55 of the Act. With no planning permission in place (either express or permitted) it follows that Appeals A and B must fail on ground (c).'

The inspector also concluded that, 'whilst accepting that they have been designed to also store garden furniture and barbeque equipment, their overall appearance is harmful to the listed building and its setting. The effect of this 'timber wall' also detracts markedly from the other special and architectural and historic features and layout of the buildings. It is clear that the Council would not have granted planning permission in the first instance and, having had regard to section 66 (1), I do not consider that the building, its setting and its features of architectural and historic interest have been preserved by this inappropriate and ungainly wall of 'timber cabinets'. There can be no justification, therefore, to grant planning permission for the retention of such a barrier at this appeal stage. Appeals A and B therefore fail on ground (a).'

Appeals A and B are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

APP/X5210/F/16/3155328

The appeal was made against the listed building enforcement notice.

The inspector concluded that, 'listed building consent is not required for such a building if the works carried out are not physically affixed (for instance by bolts, other fixings or materials) to a part of the listed building or if they were constructed after 1 July 1948. The appeal structures are not connected physically to any part of the listed building, albeit they are held in place by their own weight. Thus, although they form the equivalent of a fence, wall or other enclosure, they do not, in my view, require listed building consent.'

In Appeal C, the listed building enforcement notice was quashed.

Relevant policies**LDF Core Strategy and Development Policies****Camden Local Plan 2017**

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

CPG1 Design (2015) Ch. 2, 3 & 5

CPG6 Amenity (2013) Ch. 7

Hampstead Conservation Area Statement 2001

Hampstead Neighbourhood Area and Forum – no guiding adopted policies

Assessment

Proposal

The proposal is for the installation of joinery units to the rear terrace.

The three wooden structures (which have the appearance of planters with fencing attached) have wheels and can be interlinked, or used separately to form a screen, fence, partition or enclosure between the two parts of the flat roof. They have been positioned on the terrace, on the flat roof of the rear extension, at first floor level, where the property at No 40b abuts the rear boundary of No 3 Pilgrim Lane. They separate the roof terrace of the former property from that of the latter with the two properties sharing the terrace. There is a hinged timber gate attached to the easternmost unit. Thus, the sub-divided rear roof terrace is used by the occupiers of both 40b Rosslyn Hill and No 3 Pilgrim's Lane and a fire escape staircase allows the occupants of 3 Pilgrim's Lane to access the roof terrace. The Lane lies to the south east of No 40b and the two buildings form an 'L-shape' linking Rosslyn Hill to the Lane with the former bank in between, which wraps around the corner junction of the two roads. The wooden structures are located where the two properties meet at their rear extremities.

This application is applying for the similarly designed structure which was issued an enforcement notice and dismissed at appeal. The applicant has not applied for Listed Building Consent as Council agrees with the Inspector's finding that it would not be required as the structures are not physically attached to the listed building (see relevant history).

Design & Character

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. The Local Plan policy D1 (Design) requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area. Camden's Local Plan Document is supported by CPG1 (Design). Policy D2 (Heritage) requires development to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 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 [ERR] 2013.

Council considers that the addition of these wooden structures on the rear roof terrace results in a bulky and prominent feature that is incongruous to the context of the architectural style and detailing of the existing building. The structures in terms of their scale, position and design and the choice of material cause significant harm to the character, appearance and architectural integrity of the listed building and the wider conservation area as it is open to view from the surrounding buildings.

It is considered that the structures have a detrimental impact on the character and appearance of the host building and wider conservation and cause harm to the special architectural and historic interest of the listed building and the conservation area in which it is located, contrary to the objectives of policies D1 and D2 of the Camden Local Plan 2017.

This is further supported by the Inspectors decision that found, 'due to their height, bulk and construction they are perceived as bulky, incongruous and visually harmful erections or structures. When looking down from the upper floor of No 40b they are seen as a separating timber wall. And when viewed from the terrace itself they are noticeably close to the rear wall of No 40b which affects

the character and setting of the property as well as the character and setting of the main bank building. Whilst accepting that they have been designed to also store garden furniture and barbeque equipment, their overall appearance is harmful to the listed building and its setting. The effect of this 'timber wall' also detracts markedly from the other special and architectural and historic features and layout of the buildings.'

In conclusion the Inspector does not 'consider that the building, its setting and its features of architectural and historic interest have been preserved by this inappropriate and ungainly wall of 'timber cabinets'".

Amenity

Policy A1 of the Local Plan seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight. Camden's Local Plan Document is supported by CPG6 (Amenity).

In terms of amenity the three wooden structures are not considered to result in adverse impacts in relation to privacy, outlook, noise and impact on daylight and sunlight. The three wooden structures are intended to subdivide the use of the terrace for 40B Rossllyn Hill and 3 Pilgrim's Lane however there is no alleged intensification of the lawful residential use.

The enforcement notice did not raise issues around amenity and therefore the Inspector did not comment on amenity.

Conclusion

The wooden structures, by reason of their scale, design and location on the building will be visually prominent and appear as an incongruous and inappropriate addition which would harm the special architectural and historic interest of the listed building and the character and appearance of the Hampstead Conservation Area, contrary to policies D1 and D2 of the Camden Local Plan 2017.

Recommendation: Refuse planning permission.