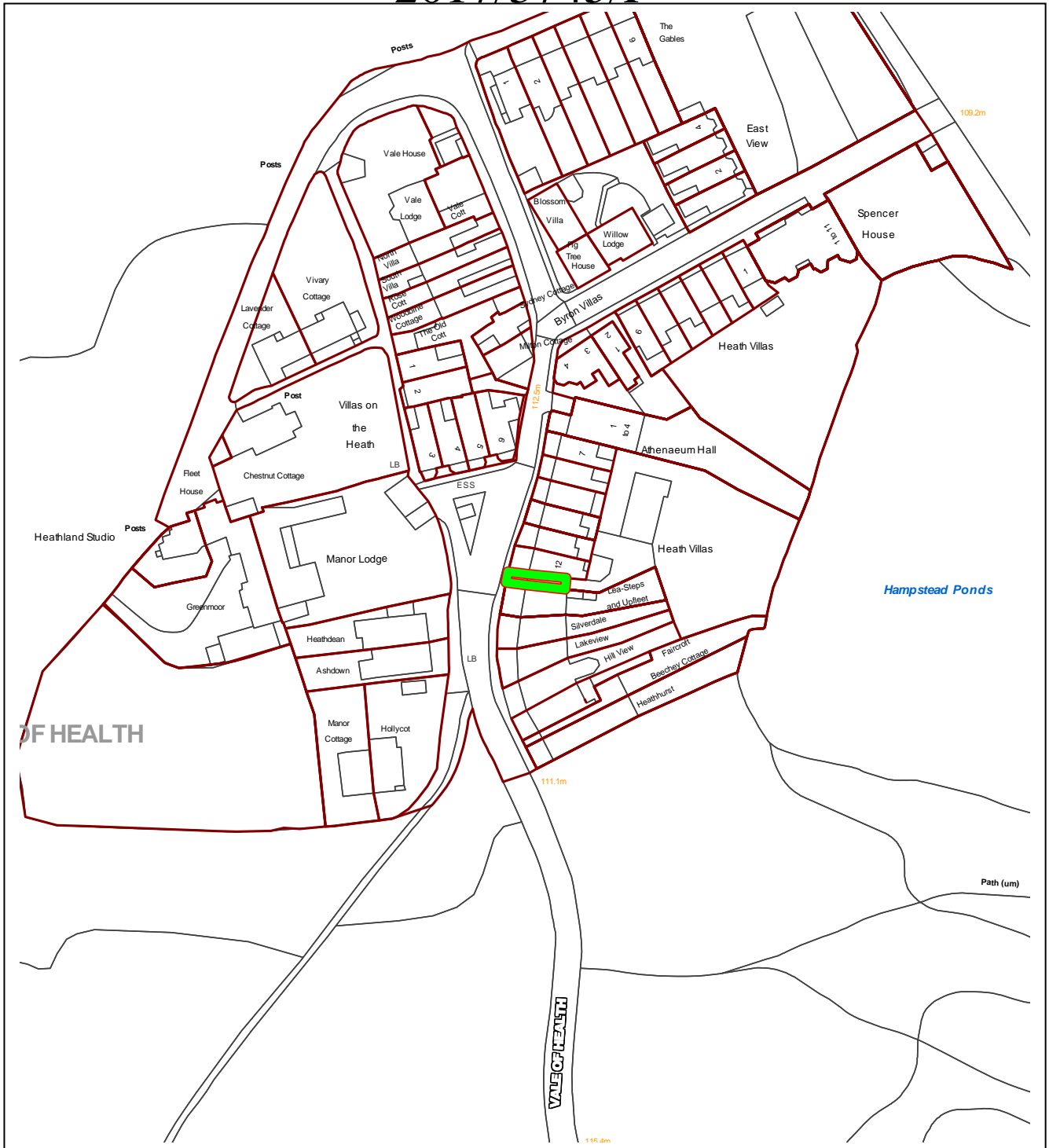


Garden House Vale of Health NW3 2017/3745/P



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— Indicates area of temporary removal and reinstatement



Delegated Report		Analysis sheet	Expiry Date:	25/08/2017
(Members Briefing)		N/A / attached	Consultation Expiry Date:	3.8.17
Officer			Application Number(s)	
Charles Thuaire			2017/3745/P	
Application Address			Drawing Numbers	
The Garden House Vale of Health London NW3 1AN			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Temporary removal and subsequent reinstatement of original archway and gate piers, in order to widen access and facilitate construction process for implementation of permissions for altering and extending the Garden House.				
Recommendation(s):		Grant permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	10	No. of objections	10
			No. Electronic	00		
Summary of consultation responses:	<p>Press advert and site notice expire 3.8.17</p> <p><u>Objections from</u> nos 9 (x2) and 12 (x2) Heath Villas, Faircroft (x2), 5 Villas on Heath, Lea Steps, Upfleet, freeholder (in Norfolk)-</p> <ul style="list-style-type: none"> - involves major structural work adjoining neighbour houses, no structural analysis or survey to assess damage, plans not clear as to what exactly is reinstated and restored; use of passageway may make use of adjacent properties above and on sides of archway unsafe; - concern that the space may be used as carparking, construction traffic and plant; need timeline and strict conditions on restoration; - plans contradictory as they show one gate pier to be permanently removed, not reinstated, which will allow carparking out of character with street; carparking will create fumes next to neighbour bedrooms and lose onstreet parking; - plans incorrect as gate pier is not 'non-original' and as archway currently protrudes by one brick course beyond no.12; - removal of one pier and changes to the archway will harm symmetry and architectural integrity of house and neighbours and harm Conservation Area; - legal issues of ownership and rights of access along entrance pathway and under archway which is owned by LeaSteps and Upfleet; freeholder has indicated she will only give agreement for works if certain conditions are met including structural survey, reinstatement timeframe and party wall awards; - plans do not show basement vents, structural piers and trunking within passageway; - request for resubmission of corrected plans and proof of agreement between House and owners of archway; - issues relating to construction nuisance and draft CMP; <p><i>(officer comment- plans since revised to show gate pier to be temporarily removed and reinstated, not permanently removed. There is no intention to create carparking here, which in any case is impossible due to narrowness of entranceway. Request for arch features and works to be shown on plans is not necessary as these do not require planning permission; however these are now shown on revised plans. Issues relating to land ownership and covenants and to draft CMP, which has been submitted for approval as part of S106 discharge, are not relevant to assessment of this case. See paras 2.1 and 2.3 regarding design and structural issues respectively)</i></p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Vale of Health Society</u> object- Concern that temporary removal of the arch might lead to a suggestion in future that the arch should be removed permanently; object to permanent removal of the brick pier at the front entrance which could have the effect of removing existing onstreet parking bays.</p> <p><i>(officer comment- plans revised to show gate pier to be temporarily removed and reinstated, not permanently removed. There is no intention to create carparking here, which in any case is impossible due to narrowness of entranceway.)</i></p>					

See paras 2.1 and 2.3 regarding design and structural issues respectively)

Site Description

Part 1 part 2 storey detached dwellinghouse within Vale of Health, set back behind the terraced houses facing the street and accessed via a narrow arched passageway under the oversailing adjoining property of Leasteps & Upfleet. The house is sited within a large garden bordering the Hampstead Ponds. The brick archway has a metal gate and is accessed via a pedestrian pathway between the 2 front gardens of 12 Heath Villas and Leasteps & Upfleet.

Located in Hampstead conservation area and not listed. Adjoins the Heath. Located on Metropolitan Open Land (MOL) and Private Open Space (POS).

Relevant History

2.1.13- (2011/6005/P) pp refused- Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; creation of front lightwell; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding to outhouse

30.10.13- appeal against above allowed.

10.10.16- (2016/2600/P) pp granted subject to S106- (effectively a renewal of the above appeal decision) Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding on outhouse.

31.03.14- (2014/1059/P) Certificate of Lawfulness for Proposed Development granted- Erection of 2 separate single storey rear extensions at ground and first floor levels to dwellinghouse.

Relevant policies

London Borough of Camden Local Plan 2017

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Supplementary Planning Policies

Camden Planning Guidance (CPG)

Hampstead Conservation Area Statement (CAS)

Other policies

National Planning Policy Framework (2012)

The London Plan (2016)

Assessment

1. Proposal-

1.1 Permission is sought for the temporary removal and subsequent reinstatement of the brick arch, damaged gate and brick pier at the entrance to the Garden House for the purposes of construction access, to facilitate the implementation of the recent permissions and certificates granted for extensions and alterations to the house (see history section above).

1.2 The works involve removing the two brick piers of the archway to widen the access to the full

width of the space between the two neighbouring properties. Also the projecting brick gate pier at the front boundary will be removed to allow unrestricted access. Whilst not required to facilitate construction, this widening will significantly expedite the process of refurbishing and restoring the Garden House, allowing improved access for an abbreviated construction period. Brick piers, brickwork and clay tiled arch will be dismantled by hand and sound original bricks and clay tiles retained and stored on site. The metal gate will be removed and stored. Timber gates will be hung to provide security to the site. Following completion of works, the piers and archway will be reconstructed to match original, using retained bricks and bricks to match existing. The gate will be re-hung. The existing non-original front garden wall pier will also be removed and later reinstated.

1.3 Revision. The scheme has been revised to show reinstatement, rather than permanent removal, of the right hand gate pier, following concerns expressed by neighbours.

2. Assessment-

2.1 The archway is a characterful feature of this terrace of buildings. However it is not original with the buildings above or on either side. The works involve careful removal of the arched entrance with its roof and piers to allow easier access for construction plant and materials through the wider enclosed passageway behind, and its reinstatement using the original bricks and tiles as far as possible. The scheme will match the existing situation in design and materials thus there will be no change to the character or appearance of the house and streetscene. On account of the temporary nature of the works, there will be no permanent harm caused to the character or appearance of the building and conservation area. Similarly the non-original gate pier which projects out at the front garden path entrance will be removed and later reinstated. The works are considered acceptable provided that the reinstated features use matching materials, brick bond and pointing, detailed design and finished appearance.

2.2 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.

2.3 In response to concerns raised about structural integrity of the archway and overhanging house above, the agents confirm that the archway feature is a decorative element which has been added later to the front of the original over-arching house and passageway, probably when the Garden House was built in the 1950s. Thus it is a non-structural element. The brick buttresses against the north wall within the passageway are not bonded to a party wall and are likely to be structural; these will be retained. The applicants have agreed that full surveys and structural investigations will be completed, as agreed with adjoining owners Leasteps & Upfleet. Meetings have been held with party wall surveyors in September 2017, and Leasteps & Upfleet have given an 'in-principle' agreement to the temporary removal and reinstatement of the archway and brick pier as described in the application. The applicants have assured that further structural investigations will only take place in the event that planning permission is granted. However as the building is not listed, matters of structural intervention and stability are not normally controlled by the planning process and remain the consideration of building control.

2.4 The scheme of removal and replacement of the archway and pier on a like-for-like basis will not cause any harm to neighbouring amenity or transport conditions.

3. Recommendation-

3.1 grant planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29th January 2018, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Steven Wilkinson
16a Crane Grove
London N7 8NN

Application Ref: **2017/3745/P**
Please ask for: **Charles Thuaire**
Telephone: 020 7974 **5867**

23 January 2018

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**The Garden House
Vale of Health
London NW3 1AN**

DECISION

Proposal:

Temporary removal and subsequent reinstatement of original archway and gate piers, in order to widen access and facilitate construction process for implementation of permissions for altering and extending the Garden House

Drawing Nos: Garden House Temporary Construction Access, Revision A 20.09.2017 by James Gorst architects; EN-EX-001A, EN-PR-001A, site plan

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 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).

Executive Director Supporting Communities



- 2 All new external work and works of re-instatement shall be carried out in the existing materials reclaimed during dismantling or in materials to match the existing in material, colour, texture and profile, and in particular the facing brickwork and tiling shall match the existing in terms of colour, texture, face-bond and pointing, 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans- Garden House Temporary Construction Access Revision A 20.09.2017 by James Gorst architects; EN-EX-001A, EN-PR-001A, site plan

Reason: For the avoidance of doubt and in the interest of proper planning.

DRAFT

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION