

# Enforcement Delegated Report

Receipt Date:

10/04/2018

**Officer**

Raymond Yeung

**Enforcement Case Number(s)**

EN18/0277

**Breach Address**

11 York Way  
London  
N7 9QG

**Photo & Other Material**

Photographs below.

**PO 4**

**Area Team Signature**

**C&UD**

**Authorised Officer Signature**

**Date**



13<sup>th</sup> June 2018

**Alleged Breach**

1. Cement render to back and side elevations.
2. Installation of upvc windows to the side elevation at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels.
3. Second floor rear canopy structure and railings.

**Recommendation(s):**

Issue enforcement notice

**Priority:**

C

**Site Description**

The property is an end of a Georgian terrace 4 storey property within the Camden Square conservation area. It has a café on the ground floor and residential accommodation on the upper floors and benefits from existing rear extensions.

The terrace is built within brick and is characterised with commercial on ground floor and residential above which is typical within York Way.

The property is rendered on the side and rear elevations, upvc windows to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor side elevation with canopy with railings on the 1<sup>st</sup> and 2<sup>nd</sup> floor rear.

### **Relevant Planning History**

PEX0300146 Change of use of existing shop (vacant Use Class A1) to cafe (Use Class A3)  
Granted 08/07/2003

29128 The erection of a first floor rear extension to provide a W.C and shower. Granted  
26/10/1979

16132 Conversion of the upper two floors of 11 York Way, N7 into two self-contained flats,  
together with the construction of a rear extension to each of those floors, and the use of the  
ground and first floors for storage of textiles and carpets. Granted 11/09/1973

### **Relevant policies / GPDO Category**

Camden Local Plan 2017

Policy D1 – Design  
Policy D2 - Heritage  
Policy A1 – Amenity  
CPG1 Design

Camden Square Conservation Area Appraisal and Management Strategy

NPPF

### **Assessment**

As mentioned above the breaches are the following;

- Clement render to rear and side elevations.
- Installation of upvc windows to the side elevation at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors.
- Second floor rear, canopy structure and railings.

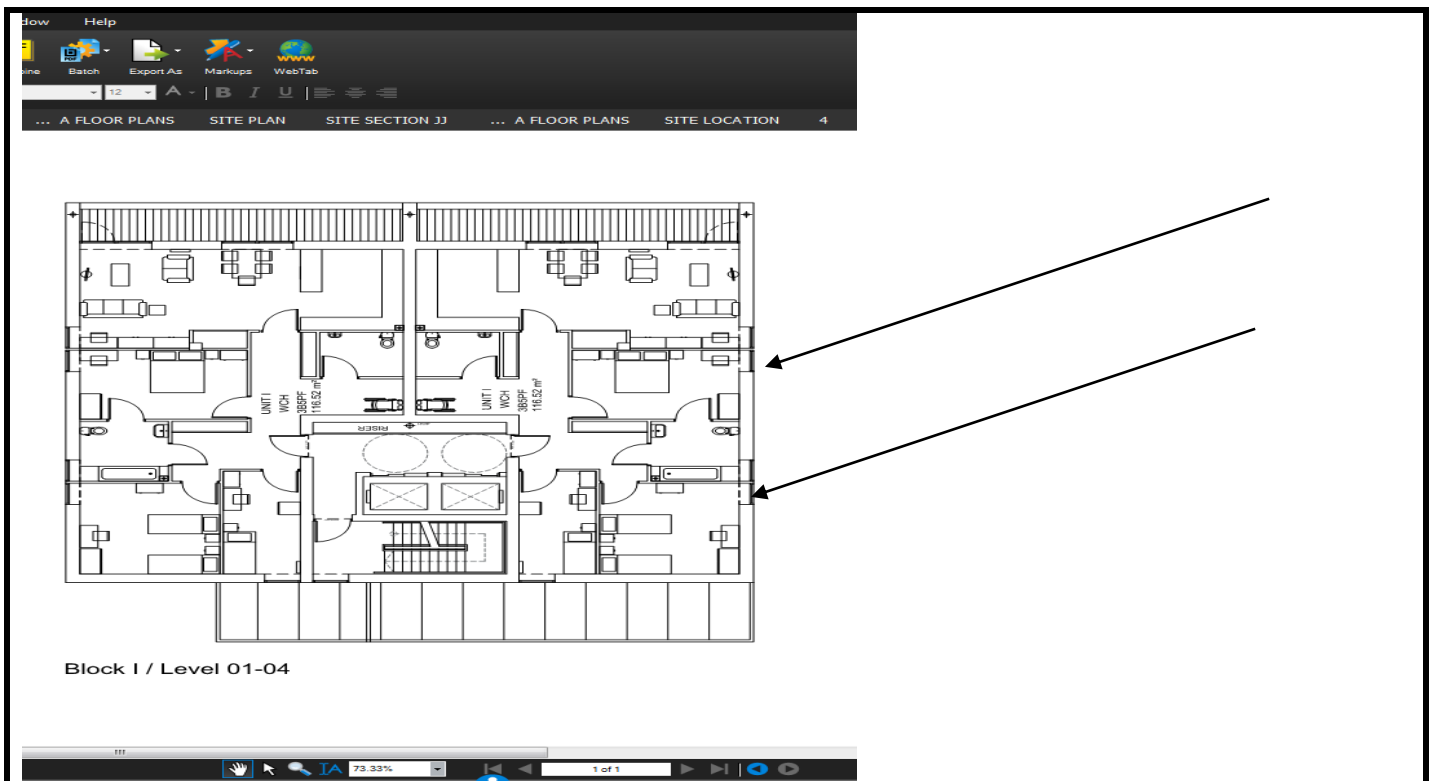
Such works above require planning permission.



Rear side/rear elevation with canopy and railings creation of roof terrace at second floor level.



Side elevation windows



The arrows above shows the typical residential habitable windows/rooms on block 9E York Way which would be overlooked from the roof terrace which is only 13 metres away.

Assessment.

Render

1. The terrace is typical of a York Way terrace being 4 storeys and brick built. The render to the side and rear elevation covers the original brickwork and more modern rear additions, it appears incongruous on this brick built, historic terrace which is exacerbated by its position as end of terrace making it visually prominent within the wider public realm. It is acknowledged that there are other rendered buildings within this area, however the rendered tower blocks on York Way are modern design and materials and not part of the Camden Square C.A., the public house on the corner is also a later building and was designed with render to appear like stone, two terraced properties in Agar Grove were rendered many years ago before the area became a C.A. and without planning permission. In any case these properties are not as prominent to the subject site in that the said enforcement site is yellow colour and has rendering on both rear and side elevations prominent within public viewpoints which would be contrary to policy D1 and D2 and detract from the visual amenity of the property, the terrace and Camden Square Conservation Area.

Windows

2. With regards to windows at first, second and third floors, to the side elevation of the main building, it is acknowledged that the existing building has upvc windows (which was not given permission previously), however it is not a justification to have such materials within the conservation area, on such a prominent elevation which would be contrary to policy D1 and D2.

## Rear canopy and railings

3. Furthermore, there is second floor level rear canopy structure and railings above the first floor flat roof area which effectively creates a usable roof terrace, this can be seen in the public realm and would not preserve and enhance the Camden Square Conservation area. There are no such structure on this terrace and would appear incongruous contrary to policy D1 and D2. Such roof terrace appears to overlook the 2<sup>nd</sup> and 3<sup>rd</sup> floor side elevation windows (facing Maiden Lane) habitable room windows on block 9E York Way which would be overlooked from the roof terrace which is only 13 metres away which would be contrary to policy A1.

Such proposals would be contrary to policies A1 (Amenity), D1 (Design) and D2 (Heritage) and detract from the visual amenity and historic character of the Camden Square Conservation Area.

### **Recommendation:**

That the Head of Legal Services issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, requiring the removal of cement render from the side and rear elevation, removal of the upvc windows from the side elevation and removal of railings and canopy from rear, second floor level and be authorised in the event of non-compliance to prosecute under section 179 and take direct action under section 178.

### **The notice shall allege the following breaches of planning control:**

#### **WHAT ARE YOU REQUIRED TO DO:**

1. Permanently remove the cement render of the rear and side elevation and make good the brick work.
2. Removal of the side elevation windows at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors, infill with matching brickwork and make good the wall.
3. Removal of the second floor, rear canopy structure and railings and make good any damage.

#### **PERIOD OF COMPLIANCE:**

3 months

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

Reasons for Issuing the Notice:

1. The cement render, second floor rear canopy & railings and side elevation windows are an incongruous addition, by reason of their detailed appearance, size and materials, that has a detrimental impact to the visual amenity and appearance of the host property, the wider terrace and the Camden Square Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

2. The windows in the side elevation and second floor canopy and railings that facilitate the use of the flat roof as a terrace area creates overlooking into windows of habitable rooms at 2<sup>nd</sup> and 3<sup>rd</sup> floor, side elevation on neighbouring residential accommodation contrary to policy A1 (Amenity) of the Camden Local Plan 2017.