

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>15/03/2019</b>	
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>21/02/2019</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Matthew Dempsey			2018/6369/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
31 Belsize Park Gardens, London. NW3 4JH.			Site Location Plan, EX10, PR10.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Alterations to front garden, including installation of brick paving to forecourt and steps to entrance portico and to steps to side passage towards rear garden (Retrospective).					
<b>Recommendation(s):</b>		Refuse permission and warning of enforcement action to be taken			
<b>Application Type:</b>		Full Planning Permission			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					
<b>Consultations</b>					
<b>Adjoining Occupiers:</b>		No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>		A site notice was displayed from 28/01/2019 which expired 21/02/2019, a press notice was published from which expired.  A local resident objected on the grounds that the installed brickwork is out of keeping with the surrounding area.			
<b>CAAC/Local groups* comments:</b> *Please Specify		The <u>Belsize Conservation Area Advisory Committee</u> (CAAC) object. The CAAC stated regret at the loss of mosaic and of the more modern paving that was nevertheless more in keeping with the character of the house and wider Belsize Park Gardens.			

## Site Description

The application site is a semi-detached Victorian town house over 5 floors including lower ground floor and converted loft space. The front of the building faces North-east.

It is a brick building with white stucco render to the front elevation and neo-classical detailing at the entrance portico and around the fenestration treatments. The immediate vicinity of the property is characterised by similarly styled Italianate residential properties.

The property benefits from a decorative white render boundary wall to the front and sides enclosing a front garden space. To the South-eastern side of the property, there are steps down from the front garden to the side access way. To the rear is a private garden used as outdoor amenity space.

The site is within the Belsize Conservation Area. The property is not a listed building, but it is identified as making a positive contribution in the Conservation Area statement.

## Relevant History

**2008/1819/P** - Change of use from a of house in multiple occupation and two self contained flats to a single family dwellinghouse (use class C3). **Refused 13/08/2008.**

**2009/5310/P** - Change of use from a house in multiple occupation and three self contained flats to a single family dwellinghouse (C3). **Granted subject to a Section 106 Legal Agreement 13/09/2010.**

**2011/3704/P** - Excavation to create basement with rear lightwell and rooflight, lowering of lower ground floor level, enlargement of dormer window with terrace in front roofslope, installation of dormer window with terrace in rear roofslope, installation of glazed lantern to side roofslope, alterations to windows and doors at front and rear lower ground floor level and ground floor level on side elevation, and creation of terraces at rear ground and first floor level all in connection with existing dwelling (Class C3). **Granted 21/10/2011.**

**2012/1866/P** - Amendments to planning permission granted on 21/10/11 (ref: 2011/3704/P) for the excavation to create basement with rear lightwell and rooflight, lowering of lower ground floor level, enlargement of dormer window with terrace in front roofslope, installation of dormer window with terrace in rear roofslope, installation of glazed lantern to side roofslope, alterations to windows and doors at front and rear lower ground floor level and ground floor level on side elevation, and creation of terraces at rear ground and first floor level all in connection with existing dwelling (Class C3), namely moving the rooflight in the side roof slope closer to the ridge and relocation of the 2 rooflights on the front and rear roofslope to the side roofslope. **Granted 27/04/2012.**

**2012/2656/P** - Installation of balustrading above entrance porch and replacement of window with door at front first floor level in connection with creation of a terrace in connection with the existing dwelling (Class C3). **Granted 24/07/2012**

**2014/1603/P** - Installation of two light fixtures to front elevation at first floor level (Retrospective). **Granted 09/04/2014.**

**2014/3491/P** - Alteration of front garden landscaping and rebuilding garden wall between no.29 and no.31. **Granted 02/07/2014.**

**2018/4044/INVALID** - Installation of brick steps to front entrance (retrospective). **Withdrawn 16/10/2018.**

**2018/4045/P** - Installation of cast ironwork; lower ground floor side passage gate, railings to upper floor terraces and along walled front steps to entrance portico, and re-painting all ironwork throughout in dark charcoal grey (Retrospective). **Granted 16/01/2019.**

## **Enforcement history-**

**EN18/0555** - Landscaping (red/brown bricks) of entrance area linking street and front door. **Under investigation.**

## **Relevant policies**

### **National Planning Policy Framework 2019**

### **London Plan 2016**

### **Camden Local Plan 2017**

A1 Managing the impact of development

C6 Access for all

D1 Design

D2 Heritage

### **Camden Planning Guidance**

CPG1 Design (2015) – sections: 2 Design Excellence, 3 Heritage, 4 Landscape and Public Realm

CPG Access for all (2018) - sections: 1, 2, 3, 4, 5, 6 & 7.

### **Belsize Conservation Area Statement (2003)**

page 14, page 15, page 33, page 42

## **Assessment**

### **1.0 Proposal:**

1.1 Retrospective planning permission is sought for the installation of brick paving to the front forecourt, path and steps up to main entrance door and steps down to side passage.

### **2.0 Considerations:**

2.1 the main planning considerations in relation to the proposed scheme are;

- Design and Heritage
- Amenity

### **3.0 Design and Heritage:**

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

3.2 CPG1 Design guidance in its key messages states that all schemes should consider the context of the surrounding area, the host building itself, using good quality sustainable materials, and; opportunities for improving the character and quality of the area.

3.3 Paragraph 2.11 of CPG1 states that "good design should respond appropriately to the existing context by:

- ensuring the scale of the proposal overall integrates well with the surrounding area,
- carefully responding to the scale, massing and height of adjoining buildings, the general

pattern of heights in the surrounding area,

- positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in conservation areas”.

3.4 Paragraph 3.9 of CPG1 states that “The Council will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and where possible enhances the character and appearance of the area in line with Local Plan policy D2 and the NPPF.

3.5 The Belsize Conservation Area Statement confirms that works to frontages and within the public realm are an important constituent of maintaining the character and appearance of the conservation area. An Article 4 Direction exists which takes away permitted development rights for any works to the frontages of houses within this Conservation area, including forecourt and path surfacing.

3.6 The proposal to install brick paving as described by this application is not considered to be acceptable. The previous surface treatment, visible via historic imagery, shows that in June 2015 the property had a more traditional entrance pathway and steps in paving (either York stone or concrete paviors) and probably the original decorative mosaic on the top step adjoining the entrance door. The previous surface treatments are considered to have been a more appropriate use of materials, which in their simplicity and style of form, colour and texture suited the context of the building and surrounding conservation area in terms of heritage.

3.7 In contrast, the new materials are considered to be inappropriate in historic and townscape terms- they involve rustic handmade brownish brick laid to the entire surfacing and steps which looks fussy and more appropriate to a rural cottage setting than to a classical townhouse. The materials’ form, colour and texture look out context in this street of Italianate villas that are characterised by having black and white tiles and/or simple grey paviors. They result in harm to the character and appearance of the host building which is a positive contributor, streetscene and conservation area. Although it causes ‘less than substantial’ harm to heritage assets, this is not outweighed by any public benefits, using the balancing test required by NPPF guidance. Special attention has been paid to the desirability of preserving or enhancing the character and 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.

3.8 The works to the front garden path and entrance steps are thus unacceptable and should be removed due to their inappropriate design and a harmful impact on the host building and conservation area. However it is considered that the brickwork on the steps down the side of the front entrance and along the side passage itself is acceptable, as these areas are not visible in the public realm or hidden behind the side gate and have limited impact on the appearance of the house and none on the streetscape. Indeed the side passage paving is permitted development as it is behind the front building line.

#### **4.0 Amenity:**

4.1 Policy C6 seeks to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.

4.2 The key factor in this case is accessibility from the public pavement onto a private property.

4.3 The bricks imposed on the previous surfaces has resulted in a new step being introduced from the public pavement threshold. Also, higher up towards the front door, an existing step has been changed in its riser height so that it creates an unequal run of steps. The historic photo view, from June 2015, shows that the previous surface treatment was flush with the highway presenting no barrier to access. The introduction of an additional barrier is not acceptable. The Council’s

Access Officer advises that the external steps do not meet the requirements of Approved Document Part M 4 category 1 or the requirements of AD part K. They will also impact the fire egress and whether the steps meet AD part B. The access has been made worse, predominantly due to the changing tread lengths. The lack of step nosing and handrails further adds to the issues.

4.4 It is acknowledged that the previous surface treatment did include steps to access the house, but not to access the site in general. Therefore the proposed installation is considered to make accessibility worse. The Council's Access Officer has provided a response to the consultation outlining the specific requirements, which have not been met by this proposal.

4.5 The new and reconfigured steps are thus unacceptable and should be removed due to their harmful impact in terms of preventing access for all. There are no other amenity issues regarding the steps in terms of loss of light or outlook.

## **5.0 Recommendations:**

5.1 Refuse Planning Permission.

5.2 Serve an enforcement notice as follows-

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended to secure the removal of the unauthorised works and to pursue any legal action necessary to secure compliance. 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:

Installation of brick paving to front garden and steps up to entrance portico; installation of brick paving to steps down to side passage.

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

1. Remove entirely the brick paving to front garden forecourt, path and steps up to entrance portico;
2. Restore and make good the path and steps to their previous levels, condition and materials by using stone paviors and (on the top step) mosaic tiles.

The Notice shall specify the reasons why the Council considers it expedient to issue the notice:

1. The installation of brick paving on the front garden path and steps up to entrance portico, by reason of its design, materials and location and resulting loss of traditional paviors and mosaic tiling, is considered to result in incongruous and unsympathetic features that harm the character and appearance of the host building, streetscene and Belsize Park conservation area. This is contrary to policies D1 (design) and D2 (heritage) of the London Borough of Camden Local Plan 2017.
2. The introduction of an entrance step between the front path and the public pavement, by reason of its form and location and resulting loss of a step-free access, is considered to create a barrier to easy access to the property. This is contrary to policy C6 (access for all) of the London Borough of Camden Local Plan 2017.