

OFFICERS' REPORT

1. SITE

- 1.1 Semi-detached, double fronted property on the north west side of Canfield Gardens, near its junction with Broadhurst Gardens. The building comprises basement, ground floor, first floor and attic and is used as a house in multiple occupation (12 units).
- 1.2 The site is within the Swiss Cottage Conservation Area.

2. THE PROPOSAL

- 2.1 The retention of a stainless steel insulated gas flue, sited on one side of the front elevation of the building and extending from basement to above eaves level.

3. RELEVANT HISTORY

- 3.1 In 1989 planning permission was refused for the change of use and works of conversion of a house in multiple occupation (HMO) to ten self-contained units.
- 3.2 On 1.3.99 it was reported to the Enforcement team that "an ugly metal flue" had been erected on the front elevation of the building. Several letters were sent to the owner asking for a planning application to be submitted for the unauthorised works. A planning application for the retention of the flue was eventually submitted on 14.5.01. This was originally considered to be incomplete, but was finally registered on 10.10.01.

4. CONSULTATIONS

Conservation Area Advisory Committee

- 4.1 There is no CAAC for the Swiss Cottage Conservation Area.
- 4.2 ~~Adjoining Occupiers~~

	Original
<i>Number of Letters Sent</i>	69
<i>Number of responses Received</i>	0

- 4.3 The breach was reported by a neighbour who stated that both a boiler house in the front light well and a flue were erected earlier that year. He did not comment further following the Council's consultation letter.

5. POLICIES

Camden Unitary Development Plan 2000

- 5.1 Relevant policies are EN1 on general environmental protection and improvement, EN6, on disturbance from plant and machinery, EN14(d) on the setting of new development, and EN31 on protecting the character and appearance of conservation areas.

Supplementary Planning Guidance

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5.2 Chapter 4 – Non-residential development, Section D, contains advice on the installation of satellite dishes in conservation areas

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows: a) the visual impact of the flue on the appearance of the building and the character and appearance of the conservation area, and b) any adverse effect the flue may have in terms of noise pollution.

6.2 The applicant claims a) that the boiler house was already in place when K.F.Properties purchased the property in 1991 and b) that the flue was erected to conform to Gas Safety Regulations so that a Gas Safety Certificate could be issued.

6.3 The neighbour who reported the breach claims that the boiler house was erected together with the flue contrary to the applicant's claim; however, he has not submitted any evidence to confirm his claim. There is no evidence on file to prove the claims either way. If the boiler has been in fact been in existence since 1991 then this is now immune from enforcement action.

6.4 With regard to the Gas Safety Certificate, it is not clear whether this was issued or not, following the installation of the flue. Although this is not a planning consideration, it is of concern that the applicant has not cleared this installation with the Council's Building Control team, although, it is understood that Building Regulations would have been taken into account for the issuing of the Certificate. The concern stems from the fact that the flue would appear to be closer to the top window of the adjoining property than the new standards, in operation since this April, would allow. If the Sub-Committee were not to agree the recommendation for this application, an informative should be added to the decision to alert the owner to the above.

6.5 In terms of its appearance the flue is totally unacceptable. It is located on a very prominent position on the front elevation of the building. Its stainless steel finish increases its prominence. It is understood that this cannot, for technical reasons, be toned down by applying colour. The flue also adds to the existing clutter created by an assortment of pipes, which have been installed over the years on the front elevation of this building and all of which, with the exception of rain water pipes, would normally be expected to be located at the rear of the property.

6.6 To add further to the clutter, a satellite dish, also unauthorised, was installed near the gas flue at ground floor level, on a very prominent position on the building. The dish is white and approximately 70cm in diameter. The installation of the dish does not comply with Council's guidelines for the installation of such apparatus on buildings in conservation areas.

6.7 It is considered that the flue seriously detracts from the appearance of the building and the character and appearance of this part of the conservation area and is therefore unacceptable. Refusal is recommended on account of its visual impact and enforcement action for its removal. A four-month period is recommended before enforcement action takes effect to give the opportunity to

the owner to consider alternative suitable locations of the flue or a different method of providing heating to the building.

- 6.8 Also enforcement action is recommended for the removal of the unauthorised satellite dish.
- 6.9 It is unlikely that the flue will give rise to noise problems, as the boiler to which it is attached does not have the potential to generate significant noise.

7. CONCLUSION

- 7.1 The unauthorised stainless steel flue and satellite dish are harmful to the appearance of the building and the character and appearance of the conservation area and it is recommended that these should be removed.

8. LEGAL COMMENTS

Members are referred to the note from the Legal Division at the start of the Agenda

9. RECOMMENDATION:

Refuse and Enforce

A. Reason for Refusal

1. The stainless steel flue, by reason of its appearance, prominent position on the building and material, is considered harmful to the appearance of the building and the character and appearance of the conservation area. Its retention is contrary to policies EN1, EN14(d) and EN31 of the Council's Unitary Development Plan 2000.
- B. That the Borough Solicitor be instructed to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 as amended and officers be authorised in the event of non-compliance, to prosecute under Section 179 or appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breaches of planning control.

The Notice shall allege the following breaches of planning control:

1. **The unauthorised erection of a stainless steel gas boiler flue on the south-west corner of the building; and**
2. **The unauthorised installation of a satellite dish near the flue at ground level.**

Part 1 of the Notice shall require that, within a period of 4 months from the Notice taking effect, the flue shall be removed permanently and any damage to the building as a result of its installation shall be made good.

Part 2 of the Notice shall require that, within a period of 1 month from the Notice taking effect, the satellite dish and associated brackets shall be removed and any damage to the building as a result of the installation shall be made good.

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The Notice shall state that the Council considers it expedient to issue the notice for the following reasons:

1. The stainless steel flue, by reason of its appearance, prominent position on the building and material, is considered harmful to the appearance of the building and the character and appearance of the conservation area Its retention is contrary to policies EN1, EN14(d) and EN31 of the Council's Unitary Development Plan 2000.
2. The satellite dish, installed in a visually prominent position detracts from the appearance of the building and the character and appearance of the conservation area contrary to policies EN1 and EN31 of the Council's Unitary Development Plan and advice contained in the Supplementary Planning Guidance for the installation of satellite dishes.

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