

Address:	Vine Cottage Gayton Road London NW3 1TX	
Application Number:	2009/1622/P	Officer: Paul Wood
Ward:	Hampstead Town	
Date Received:	21/04/2009	
Proposal: Erection of a 2 storey single family dwelling house with basement, following the demolition of existing 2 storey cottage.		
Drawing Numbers: 100A; 102B; 103B; 104B;105C; 105.1C; 106C; 107C; 108C; 110D; 111E; 112E; 113F; 114F; 115G; 116G; 117G; 118D; 119F; 120D; 121C; 112A; 201B; Structural Planning Report prepared by Lyons O'Neill dated March 2009; Arboricultural Report prepared by Simon Pryce dated September 2007; Energy Statement and Code for Sustainable Homes Energy Summary prepared by XCO2 Energy dated March 2009.		
RECOMMENDATION SUMMARY: Grant Planning Permission subject to a Section 106 Agreement and serve an Enforcement Notice		
Application Number:	2009/1757/C	
Proposal: Demolition of existing 2 storey cottage.		
Drawing Numbers: 100A; 102B; 103B; 104B;105C; 105.1C; 106C; 107C; 108C; Structural Planning Report prepared by Lyons O'Neill dated March 2009; Arboricultural Report prepared by Simon Pryce dated September 2007.		
RECOMMENDATION SUMMARY: Grant Conservation Area Consent		
Applicant:	Agent:	
Mrs Shirley McCormick Risby Ltd (Gibraltar) Europort Gibraltar	Block Architecture Ltd Davis House 83A Geffrye Street London E2 8HX	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		76m ²
Proposed	C3 Dwelling House		153.83m ²

Residential Use Details:		
	Residential Type	No. of Bedrooms per Unit

		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>		1							
Proposed	<i>Flat/Maisonette</i>			1						

OFFICERS' REPORT

Reason for Referral to Committee: Clause 3(v) involving the demolition of any building in a conservation area; Clause 3(vi) involving the making of any planning obligation under Section 106 of the Town and Country Planning Act 1990; and, Clause 1 involving the authorisation of the issuing of notices relating to breaches of planning and conservation area control.

1. SITE

- 1.1 The site contains a single storey building with a partly constructed roof extension to the main building and a partly constructed side extension and is laid out in an 'L' shape form, with a small courtyard to the front of the site. The most current works started on the property in late 2000 and ceased in 2001 and the building has sat in an abandoned state ever since.
- 1.2 The site is located within the Hampstead Conservation Area which has an exceptional combination of characteristics which make it one of the most important and valued historic places in the London Borough of Camden. Of great significance, and rarity in London, is the area's ability to demonstrate its historic development, with the 18th century village still very much evident.
- 1.3 The site as developed is almost fully occupied by an existing building called Vine Cottage. This building is the most westerly property on the north side of Gayton Road, close to the junction with Hampstead High Street in the historic core of the Conservation Area. As built, and prior to the later construction of Gayton Road, the building sat at the rear of the garden of 23 & 24 Hampstead High Street, which are both circa. 17th century houses listed at grade II. This relationship is visible on the 1st edition OS map of 1866. By the time of the 2nd edition of 1894, Gayton Road had been constructed and Vine Cottage had established its current context with its flank elevation fronting onto the road.
- 1.4 The building is typical of a small ancillary building at the end of a plot and has a historic functional and contextual relationship with the listed High Street frontage buildings. The building is neutral in relation to its own architectural contribution to the character of the Conservation Area.
- 1.5 On the eastern boundary of the site and continuing down Gayton Road on both sides are late Victorian town houses in yellow brick with brick or stucco surrounds.

2. THE PROPOSAL

- 2.1 The scheme seeks conservation area consent for the demolition of the existing building on the site, and for planning permission to erect a new part one, part two storey dwellinghouse with basement level. The scheme provides an inset roof terrace to the rear of the asymmetrical pitched roof.

3. **RELEVANT HISTORY**

- 3.1 The site has a long and complex planning and enforcement history. The following sets out the planning and enforcement history relevant to the site:
- 3.1.1 January 2000 - Works commenced on rebuilding a side extension. It was subsequently confirmed that the extension was permitted development and did not require planning permission. However, works ceased before the completion of this extension.
- 3.1.2 Also, in January 2000 – (CW9903025 & PW9903024) A Conservation Area Consent application for the demolition of the existing building and a Planning Application for its replacement with a three storey and basement building was submitted. Both applications were subsequently refused; the Planning Permission on grounds of loss of a tree on site, loss of visual privacy and loss of an important gap in the townscape which would not be in keeping with the character and appearance of the Conservation Area. The Conservation Area Consent application was refused for the reason that the demolition of the building would result in the loss of a building that makes a positive contribution to the history, character and appearance of the area and the proposed building would not be of more or equal benefit to the Conservation Area.
- 3.1.3 November 2000 – Works began to demolish the partly constructed extension and excavate a basement below the position of the extension, works also started on the alterations to the roof, increasing the height of the ridge by 1.0 metre. The excavation works were endangering the stability of the surrounding area and therefore the Council's Building Control Service took direct action to have the excavation filled in, and this was completed in December 2000. Works on site ceased.
- 3.1.4 December 2000 – A planning application was submitted (PWX0002663) for the erection of a roof extension to accommodate an enlarged bedroom and bathroom at first floor level. This was subsequently refused in January 2002 (See below) for the reason that the proposed roof extension, by reason of its crude form and design, would be harmful to the character and appearance of the building and the townscape of the surrounding area and fails to preserve or enhance the character or appearance of this part of the Hampstead Conservation Area.
- 3.1.5 Early 2001 – Works recommenced, although they subsequently ceased. No further works have taken place since.
- 3.1.6 January 2002 – The Development Control Sub-Committee authorised the refusal of the planning application submitted in December 2000 (as above),

and the issue of an Enforcement Notice to secure the removal of the roof alterations and restore the building to the condition prior to January 2000. The Development Control Sub-Committee also authorised a Section 215 Notice to secure the site with a suitable fence to its perimeter with Gayton Road and remove all the rubbish from the site. The reason for issuing the Notice was that the poor quality of finish was harmful to the character and appearance of the surrounding area.

- 3.1.7 February 2002 – Both Notices were subsequently drafted and pinned on the site. Both Notices took effect on the 26th March 2002: the Enforcement Notice had a compliance period of 6 months and the Section 215 Notice had a compliance period of one month. No works were undertaken to either the property or the site, and therefore the Council took direct action in May 2002, in respect of the Section 215 Notice. The site was cleared of rubbish and secured with a boundary fence.
- 3.1.8 The owner subsequently put forward a payment of £3,000 for the works carried out by Building Control to fill in the hole excavated in November 2000. No payment has yet been made for the clearing of the site and securing it with a boundary fence.
- 3.1.9 December 2003 – (2003/3425/P) – Planning Application received for the retention of a single storey extension in the courtyard and a first floor extension on the front of the house, including alterations to the roof and the installation of two dormers. The application was to complete the works that have already taken place to the property and to bring it back into a habitable condition. The scheme was approved on 18 March 2004 subject conditions requiring the materials matching the original property.
- 3.1.10 February 2004 – Council notified of a tree felled without consent within the curtilage of the site. Negotiations have been ongoing to require the owner to plant a replacement tree on the site. The timeframe in which to require this tree to be replaced has now lapsed and no direct action can be taken to require a replacement.
- 3.1.11 26 August 2005 – Planning Permission refused (2005/2389/P) for the erection of a two-storey gable-ended side extension in courtyard, erection of additional first floor on main house incorporating raised ridge height and three dormer windows and elevational alterations involving the insertion of new windows for the reason that the proposed two storey gabled side extension, by reason of its height, bulk, form and location, is considered to be detrimental to the appearance of the building and the character and appearance of the Hampstead Conservation Area
- 3.1.12 No works took place to comply with the Enforcement Notice issued in 2002. No works have taken place to complete the retention works that were granted on 18 March 2003 – these issues are still subject to ongoing enforcement investigation.

- 3.1.13 January 2008 – Conservation Area Consent and Planning Permission (ref 20075108/C and 2007/5113/P) refused for the demolition of the existing building and the erection of a three storeys plus basement single family dwelling. The application for Planning Permission was refused for reasons of excessive height and bulk on both the main building and side extension; inappropriate design in terms of materials and size and distribution of fenestration; loss of any garden space in which to plant a replacement tree for that previously felled without consent and the resulting impact on the health and future survival of an existing neighbouring tree; and, unreasonable overlooking and loss of privacy to 23-24 Hampstead High Street as a result of the 2nd floor roof terrace. Conservation Area Consent was refused in the absence of an approved scheme for its replacement and resulting harm to the character and appearance of the surrounding Conservation Area.
- 3.1.14 An appeal was lodged by the applicants following the refusal of these two applications and was heard on 18th December 2008. Both appeals relating to the Planning Permission and the Conservation Area Consent were dismissed by the Planning Inspectorate in a letter dated 15th January 2009.
- 3.1.15 May 2009 - Conservation Area Consent and Planning Permission (ref 2007/5108/C and 2007/5113/P) refused for the demolition of the existing building and erection of a two storey plus 2 basement level single-family dwellinghouse with sunken terrace. The application for Planning Permission was refused for reasons of excessive height, bulk and detailed design; likely harm to the survival of a street tree, and in the absence of planning obligation for a CMP. Conservation Area Consent was refused in the absence of an approved scheme for its replacement and resulting harm to the character and appearance of the surrounding Conservation Area.
- 3.1.16 Ongoing design discussions have taken place between the applicants architect and Council Officers following the appeal decision of 15th January 2009. The design revisions have culminated in the submission this current application.

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 English Heritage – Greater London Archaeological Advisory Service (GLAAS)
GLAAS have advised in writing that whilst the site lies within an Archaeological Priority Area as defined in the Borough UDP, the present proposals are not considered to have an affect on any significant archaeological remains and therefore the requirement for a pre- or post-determination archaeological assessment/evaluation of this site in respect to this application could be waived.
- 4.2 English Heritage
No response received with regard to the current application.

Conservation Area Advisory Committee

- 4.3 Hampstead Conservation Area Advisory Committee (HCAAC) - object
HCAAC object to the proposed basement, not in principle, but on account of its likely effect on the Ginko Tree. The HCAAC consider the design acceptable however have reservations about the projecting features in the brickwork insofar as it relates to its weathering qualities and for possible use as a climbing frame by local youths.

Local Groups

- 4.4 Heath and Hampstead Society - object
The Heath and Hampstead Society note that they like the architecture of the new house as it would be visible from the street, however object to the application on grounds of possible structural and hydrological issues as a result of the extent of excavation, as well as possible harm to the survival of the Ginko Tree.
- 4.5 Gayton Road Residents Association -object
The residents association consider the scheme to be an improvement on the previous proposals. They are however concerned that the extent of excavation will cause harm to the survival of the Ginko Tree; that the facing materials will facilitate climbing by youths and may present a danger to anyone who accidentally bumps into the wall, and make reference to an illegally felled tree on the grounds of the site for which the residents association seek replacement.

Adjoining Occupiers

- 4.5 A site notice was displayed from 11/05/2009 to 01/06/2009. In addition, consultation letters were sent to adjoining occupiers (outlined in the table below). This is followed by a summary of the representations received.

<i>Number of letters sent</i>	37
<i>Total number of responses received</i>	2
<i>Number of electronic responses</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	2

- 4.6 38A Gayton Road - object
In general the respondents are glad to see that the design of the building is in keeping with the surrounding area and is now appropriately proportioned to the street scene context. They are however concerned with regard to the basement development insofar as it would be likely to exacerbate localised flooding and increase subsidence problems, and the basement development is likely to cause harm to the survival of the Ginko Tree. Further, the respondents make reference to an illegally felled tree on the grounds of the site for which they seek replacement.
- 4.7 29 Gayton Road - object
Concerned that the excavation of a basement will interfere with underground water flows. The respondent questions why the applicants can't build a three storey dwelling instead to match the neighbouring property.

5. **POLICIES**

5.1 **London Borough of Camden Replacement Unitary Development Plan 2006**

SD1	Quality of life
SD2	Planning obligations
SD6	Amenity for occupiers and neighbours
SD9	Resources and energy
H1	New housing
H7	Lifetime homes and wheelchair housing
B1	General design principles
B3	Alterations and extensions
B6	Listed Buildings
B7	Conservation areas
N5	Biodiversity
N8	Ancient Woodlands and trees
T3	Pedestrians and cycling
T8	Car free housing and car capped housing
T9	Impact of parking
T12	Works affecting highways

5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2006

Hampstead Conservation Area Statement

Planning Policy Guidance 15: Planning and the Historic Environment (PPG15)

6. **ASSESSMENT**

Context

- 6.1 The site is located just within the boundary of the Heath Street/Hampstead High Street Sub Area One of the Hampstead Conservation Area. Beyond, the rest of Gayton Road is located within Willoughby Road/Downshire Hill Sub Area Three. Whilst the character of Gayton Road in Sub Area Three is of late Victorian town houses, Sub Area One defines a much earlier, 18th century, pattern of settlement. This 18th Century village core is still clearly evident and is one of the most important characteristics of Hampstead Conservation Area. As such, the significance of the site's historic scale and pattern of development, and past fictional relationships with neighbouring buildings is high.
- 6.2 The existing Vine Cottage maintains a subordinate relationship to the frontage buildings of 23 and 24 Hampstead High Street, which are both circa. 17th century houses listed at grade II. The building is typical of a small ancillary building at the end of a plot and has a historic functional and contextual relationship with the listed buildings. Whilst recent works to Vine Cottage have resulted in some of the diminutive cottage character being lost, it still reads as a secondary, ancillary structure.
- 6.3 The cottage site creates a break between the consistent Victorian domestic character and form of Gayton Road and that of the more historic High Street. This

break offers views of the sky and the rears of the High Street properties, and separates two distinct stages in Hampstead's development. As well as providing relief and interest, this break serves as a reminder of the gradual development of the 18th Century linear village which stretched out along the High Street.

- 6.4 Vine Cottage, as existing, consists of a two storey gable ended rectangular structure with a single storey square extension. They combine to form an L-shaped plan set tight within a square curtilage. The main structure runs perpendicular to the street, with the single storey element set to the back of the plot behind a small garden area. There is a limited view of this lower element from the street, which allows the cottage to be appreciated as a modest, secondary, ancillary structure detached from the high street frontage properties. The second floor of the main structure is set partially within the roof space, behind small half dormers, which add to the modest, secondary character.
- 6.5 The proposed replacement building generally retains the footprint and height of the existing cottage. The existing main structure is 6.7m high at the ridge. It is 7.2m high on the proposed however has a clean roof slope (i.e. no dormer projections) which reduces the visible volume at roof level. The existing lower element is 4.25m high. It is 4.35m high on the proposed.

Demolition

- 6.6 The existing building does not make a positive contribution to the Hampstead Conservation Area. PPG 15 states in 4.27 "*consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area*". No objections are raised to the building's demolition subject to a satisfactory replacement being granted permission. This was upheld in the previous appeal decision, whereby the Planning Inspector noted that "... *the existing building in its current condition does not make a positive contribution to the Hampstead Conservation Area. Nevertheless the structure forms part of the historic record of development of Hampstead village core and as such contributes to the historical character of the Conservation Area ... it still reads as a secondary ancillary structure in the street scene*".

Setting of the Listed Buildings: Height and bulk of development

- 6.7 PPG15 states in 2.16 that "*Section 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function*".
- 6.8 In PPG 15, 2.17, the advice is given that "*The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them*".

- 6.9 The UDP states within Policy B6 Listed Buildings “*The Council will not grant planning permission for development that it considers would cause harm to the setting of a listed building*”.
- 6.10 The height of the new building does increase the height of the original building, however only by approximately 0.5m. The scheme would provide for a simple roof slope in the key view from the High Street which would not unreasonably compromise its historic context with the listed High Street properties. This architectural design now enables the building to retain its ‘cottage’ relationship to these listed buildings and thus is clearly subordinate in relationship to the neighbouring buildings and is therefore considered acceptable.

Character and Appearance of the Conservation Area: Detailed Design

- 6.11 The development would be formed with one basement level (effectively a depth of 4.5m below Gayton Road including all foundation work) and two express levels above ground. The views of the dwelling from the conservation area would be limited to those above ground. There is a small open area to the front of the site covered by a roof light to provide light for the basement, however this would be screened from view by a boundary treatment formed of a high vegetative screen. This screen would also act as visual marker of the typical garden layout, a more modernist form to define the separation between built form and the traditional garden that once formed part of the site. Additional comments on landscaping will be discussed in the “Trees and landscaping” section of this assessment below.
- 6.12 The design of the proposal draws on the positive characteristics of a subordinate outhouse building and enhances the appearance of the conservation area. It uses a small palette of good quality neutral materials imaginatively. Bricks are laid in a traditional Flemish bond of alternate header and stretcher and enriched with sections of proud headers and void headers. This adds texture, fine scale and interest. There is a light touch to the detailing of the roof and windows, and seamless approach to junctions and interfaces. Windows are bespoke with light and elegant metal frames and the roof is flush with the gable parapet and has concealed gutters thus reducing bulk and clutter. The building balances robustness with elegance and has an appropriate simplicity derived from a refinement of detailing and a rich textural quality through the brickwork. Specific details of materials will be required by condition, however, overall the scheme is considered to enhance the character of the Conservation Area to an appreciably greater level than the existing building.
- 6.13 Given the poor state of the existing building and the long and complex enforcement history, it is considered expedient to require that the development is implemented within one year of the grant of any permission, in order to bring the site back to a condition that would not be harmful to the character and appearance of the conservation area. To this regard it is recommended that the standard condition requiring the development be implemented within three years, be amended such that the development be implemented within one year of the date of permission. In addition, it is also considered necessary to include a head of term within the Section 106 Agreement requiring completion of the development within 18 months of implementation, to ensure that the site is brought back to a state that would not harm the character and appearance of the conservation area.

Residential Amenity

- 6.14 Whilst the previous scheme (ref. 2007/5113/P) was not refused for any amenity reasons, it is noted that the appeal scheme was refused on grounds of loss of privacy to the neighbouring property at No. 24 Hampstead High Street. The constrained nature of the site therefore requires particular attention to be paid to matters of amenity. No significant amenity issues to neighbouring properties are considered to result through the implementation of this scheme.
- 6.15 The design of the development has sought to achieve some external amenity space in the form of a roof terrace to the rear of the site at roof level. The terrace is inset within the pitched roof, and given its positioning against the flank wall of No. 1 Gayton Road, the only views available are to the rear of commercial properties behind, notably a large external staircase. The scheme has also incorporated a new terrace on the front elevation of the secondary element, however this would only allow views over the street and thus does not present any privacy concerns. All windows have been orientated so that they either do not face any neighbouring property, or are at high level and would not afford any direct views into neighbouring windows.
- 6.16 The proposed dwelling itself would afford a high level of internal amenity for future occupiers, with rooms receiving sufficient natural light and ventilation. The layout provides for good circulation and appropriately sized floorspace for a family unit of this size and all bedroom sizes accord with CPG guidelines. The scheme has been designed to achieve lifetime home standards where practicable and makes sufficient provision for the storage of refuse and recyclables.
- 6.17 As the site would be formed of a new single-family dwellinghouse which is in close proximity to neighbouring residential buildings and on a small parcel of land, it is considered necessary to restrict permitted development rights associated with extensions and alterations in order prevent overdevelopment of the site and to allow the Council control over future development.

Sustainability

- 6.18 The scheme performs very well in terms of its sustainability. A Code for Sustainable Homes pre-assessment has been undertaken and the scheme is shown to achieve 'code level 4' and the dwelling will also provide a 12.8% reduction in CO2 emissions through renewable technology which includes solar thermal panels and solar PV.

Landscaping and trees

- 6.19 The appeal scheme which was refused included a reason relating to landscaping and trees which read "*The proposal, due to the large extent of the basement lightwell, would involve the loss of any garden space in which to plant a replacement tree for that previously felled without consent and would impact on the health and future survival of an existing neighbouring tree, which would be detrimental to the character and appearance of the conservation area*". The following analysis sets out the justification for this reason for refusal and how the current scheme has sought to overcome this issue:

- 6.20 As per the history section above, there is a long outstanding issue regarding the unauthorised removal of an Ash tree that was located in the small garden and was considered to enhance the character and appearance of the conservation area. The Ash was removed without prior notification to the Council for works to a tree in a Conservation Area. Under Section 213 of the Town and Country Planning Act 1990 (as amended), the owner is under a duty to plant another tree. This has not occurred. The Council is bound by time requirements in which to enforce the replacement of the tree. The Council is however now outside of the time in which to issue a notice and require a replacement tree to be planted. Notwithstanding, there is still a requirement that a suitable landscaping scheme be included with the proposal.
- 6.21 Garden spaces and trees make an important contribution to the setting of a building, the character of the streetscape and conservation area. The existing small garden area to the front of the site forms part of the historic garden setting of the adjacent listed buildings, as well as providing a green visual relief between the side extension of the existing cottage and Gayton Road. While the scheme proposes the loss of this garden area similar to the refused scheme, it does propose a planted green boundary wall to mitigate against the loss of this garden area. This green wall runs the length of the garden and provides a contemporary visual approach to the traditional garden setting. It is now considered that the green screen creates a well proportioned modern take on the traditional front garden setting and satisfies part of the previous reason for refusal.
- 6.22 An Arboricultural Report has also been provided which assesses the impact of the proposals on a Ginkgo growing within the pavement at a distance of 1.8m from the frontage of the proposed development. The report acknowledges that the tree offers a moderate degree of amenity to the street scene. The root protection area (RPA) is identified as having a radial distance from the tree of 4.2 metres. Trail pits were dug on the site boundary and approximately 4.2m from the tree. A low density of roots from the tree was found at 4.2m, therefore construction at this distance would be unlikely to be damaging to the tree. It is noted that the two most recent applications which were refused proposed the removal of this tree.
- 6.23 The current scheme proposes to retain the street tree and has therefore set back the basement level excavation to take account of the RPA. The setback of the basement is considered acceptable, and subject to conditions regarding further details of tree protection measures should see the long term protection of this tree. It is now considered that the proposed scheme has overcome all previous concerns regarding trees and landscaping and the scheme is now acceptable.

Basement

- 6.24 The scheme proposes the provision of one level of habitable basement accommodation, to a depth of approximately 4.5m below street level. The basement would cover the majority of the site's small footprint (minus the area of root protection for the existing street tree) and is sought in order to make viable the redevelopment of the site, and in order to provide additional habitable floorspace to accommodate a family sized dwelling. The scheme has been submitted with a structural planning report covering such issues as the site's geology, ground conditions, ground water, and detailed analysis of the construction sequence.

- 6.25 With regard to ground conditions and geology, bore holes were dug to depths of 5m and ground water seepages were noted at depths varying between 3 and 3.5m. The report notes that these seepages are likely to represent perched groundwater entries from the more permeable soil horizons. While there is some level of water seepage within the area of the basement excavation, it is not considered that given the scale of the proposed basement development that this will result in displacement of underground water in such a way that would be harmful to area.
- 6.26 The submitted information on construction methodology outlines the process of construction, particularly as it relates to the excavation. This is considered adequate in terms of preventing damage to neighbouring properties. These matters are however covered under the Party Wall Act and therefore sufficient control mechanisms exist under separate legislation to prevent harm to these neighbouring properties. Accordingly, the proposed basement is unlikely to cause harm to groundwater conditions or structural stability and is considered acceptable. It must also be noted that both of the recently refused schemes contained basement development to a similar or greater level and the excavation, insofar as it related to matters of stability or displacement of groundwater, did not form part of the reasons for refusal.

Transport and access

- 6.27 The proposed scheme does not provide any off-street parking and it is noted that the existing dwelling did not either. The existing dwelling does however have access to on-street parking and it is therefore considered that there would be no justification to make the development car free.
- 6.28 To comply with policy T3 of the UPD, 1 cycle parking space is required for each new unit. The scheme provides sufficient space within the building footprint to securely accommodate 1 cycle which is considered acceptable in this instance.
- 6.29 The construction of the development may also cause damage to the footway. Therefore a financial contribution would be required to repave the footway adjacent to the site following the completion of works. This would also be secured by Section 106 Agreement.
- 6.30 There is also concern that given the amount of excavation and its proximity next to the High Street that a Construction Management Plan would need to be secured to detail how this development will be constructed and serviced during construction. Therefore, a Construction Management Plan would need to be submitted and approved before any works start on site, and approval would need to be secured by Section 106 Agreement.

7. CONCLUSION

- 7.1 The proposed demolition and redevelopment of Vine Cottage would result in a new dwelling that both relates well to its historical setting within the rear garden of the listed buildings which front the High Street, and would enhance the character and appearance of the conservation area above and beyond that of the existing

building. The scheme is the result of long negotiations to secure the redevelopment of a site with a long and complex planning and enforcement history and provides a well thought out replacement dwelling that will complement the character of the area.

- 7.2 Conservation area Consent is recommended for approval.
- 7.3 Planning Permission is recommended subject to a S106 Legal Agreement for a Construction Management Plan; works to the Highway including a contribution to repave the footway; and a requirement to complete the development within 18 months of the date of implementation.
- 7.4 In light of the enforcement history, particularly the extant enforcement notice (see history), it is considered that expedient to issue a revised Enforcement Notice as set out below.
- 7.5 That the Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.
- 7.6 **The Notice shall allege the following breach of planning control:** the construction of a single storey side extension and a roof extension.
- 7.7 The Notice shall require that within a period of 6 months of the Notice taking effect that either the building shall be returned to its appearance before the works were commenced, that is its appearance before January 2000, or that the following works are carried out to complete the works undertaken:
- (a) Trimming of roof joists and addition of eaves and barge boards to the flat roof of the side extension and the pitched roof of the main building;
 - (b) Covering of the main pitched roof with dark brown clay tiles with lead sheet covering to the roof and cheeks of the half-dormers, and asphalt or a similar covering to the flat roof of the side extension;
 - (c) Installation of rainwater goods to the building with connections to the drainage system;
 - (d) Installation of glazing to the existing windows and installation of timber entrance door to the existing opening to the side extension;
 - (e) Application of painted pebble dash render covering to all external walls;
 - (f) Construction of front boundary wall to height, design and finish of the previous boundary wall, or

That within a period of 1 year of the Notice taking effect that the scheme approved under reference 2009/1622/P be implemented.

- 7.8 **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

1. The partly completed works that have been carried out, by reason of their poor quality of finish, are harmful to the character and appearance of the building and the surrounding area, and would be contrary to policies B1, B3, B6 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

7.9 There is an outstanding Enforcement Notice which is subject to compliance requirements and it is therefore expedient to pursue enforcement action, and the approval of the current scheme varies the requirements of this Notice therefore an updated Enforcement Notice should be issued.

8. **LEGAL COMMENTS**

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