

Delegated Report		Analysis sheet	Expiry Date:	24/12/2019
		N/A / attached	Consultation Expiry Date:	23/12/2019
Officer			Application Number(s)	
Kristina Smith			2019/5502/P	
Application Address			Drawing Numbers	
4 John Street and 5-6 King's Mews London WC1N 2ES			<i>Refer to Draft Decision Notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of enclosure to existing car port fronting King's Mews (as a rear extension to 4 John St) including garage doors and metal roof, for a temporary period of 2 years				
Recommendation(s):		Refuse planning permission and warning of Enforcement Action		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<ul style="list-style-type: none"> • A site notice was displayed from 29/11/2019 (expired 23/12/2019) • A press advert was published on 27/02/2020 (expired 22/03/2020) <p>A local resident objected on the following grounds:</p> <ul style="list-style-type: none"> • All residents have filed previous comments on why parking area should be taken down • Previous decisions have acknowledged it is incompatible with the area. • Owner insists on keeping the parking as it is and the plan is to keep on applying for temporary permission endlessly. • New structure is a vast improvement but due to set backs there are still places to gather for anti social behaviour. • Assured that the last permission granted in 2017 was to be the final extension for the parking and that the council would ensure that the owners would either build a house or cease from using it as a parking area <p>Cllr Vincent (Ward Member) supported the resident's concerns and acknowledged the site as being a 'public nuisance' for many years. She added that there is no reason why an extension should be given.</p>			
CAAC response:	<i>No response received</i>			

Site Description

The application site refers to a Grade II listed mid-terrace building which fronts 4 John Street and an area to the rear which is accessed from King's Mews. The area is currently occupied by a timber car port on a temporary basis, which accommodates vehicles associated with the main house. The site forms the only gap in the built townscape along King's Mews.

The site is located within the Central London Area and the Bloomsbury Conservation Area.

Relevant History

2004/4713/P and 2004/4726/L - Change of use of 5 John Street from offices (Class B1) to residential (Class C3) to provide 2 bed self contained basement flat and 3 bed maisonette on upper floors and rear garden with enclosed pool at basement level including the erection of a 3 storey building to 7/8 Kings Mews to provide 2x 2 bed flats and garage following the demolition of the existing office building. **Granted subject to a Section 106 Legal Agreement 07/06/2005**

N.b. this permission has been part-implemented via the change of use and associated works to 4 John Street; however the 3 storey building fronting King's Mews remains unbuilt and could be completed.

2012/4360/P and 2012/4420/L - Retention of a timber structure for a temporary period until 31 October 2014 as an extension to the rear garden of the 4 John Street at and covering an area of parking at 5- 6 King's Mews. **Granted and warning of enforcement action**

2017/3355/P - Installation of enclosure to existing car port fronting King's Mews, as a rear extension to 4 John St, including garage doors and metal roof. **Granted 10/10/2017** with the condition that the structure shall be removed on or before 1st November 2019. The development is therefore in breach of condition.

2017/3780/L - Installation of enclosure to existing car port fronting King's Mews, as a rear extension to 4 John St, including garage doors and metal roof. **Granted 10/10/2017**

2018/2831/P, 2018/4655/P, 2019/1632/P, 2019/5391/P - Various permissions for temporary change of use from residential dwellinghouse (Use Class C3) to mixed use residential dwellinghouse and filming location (Use Class Sui Generis) between 29 October 2018 and 28 February 2020

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Intend to Publish London Plan 2019

Camden Local Plan 2017

G1 Delivery and location of growth

H1 Maximising housing supply

A1 Managing the impact of development

C5 Safety and security

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

Camden Planning Guidance

CPG Design (2019)

Bloomsbury Conservation Area Statement (2002)

Assessment

1 Proposal and background

1.1 The application seeks temporary planning permission and listed building consent for the retention of a timber carport for a further two years.

1.2 This is the third application for temporary planning permission and listed building consent relating to a carport and the second application for the same design of carport.

1.3 The previous temporary permission (ref. 2017/3355/P) was granted on the basis that it represented an improvement in terms of design and appearance to the previous structure. The application in question offers no enhancement compared to the previous situation as no changes are proposed. The Council cannot carry on granting temporary permissions in perpetuity for the retention of the carport on the promise that the mews house development will eventually come forward.

1.4 NPPG advice on temporary permissions is clear,

'...A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.'

1.5 In this scenario, the previous temporary permissions have been used to enable the site to be used as secure car parking prior to the longer-term proposal of the mews house coming forward. Permanent permission would never be given for the structure and this has been made clear on previous permissions. Condition 2 of planning permission ref. 2017/3355/P reads,

2. The structure hereby permitted is for a temporary period only and shall be removed on or before 1st November 2019.

Reason: The type of structure is not such as the local planning authority is prepared to approve, other than for a limited period, in view of its appearance and its impact on the character of the mews. The permanent retention of the structure would be contrary to the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

1.6 It now appears to be the case that the implemented permission is not coming forward in line with the originally anticipated timescales. In this case, there is no clear rationale to justify granting a second permission and it is quite possibly the case that granting a further temporary permission would hinder the longer term proposal for a residential dwelling house from coming forward. This is discussed in more detail in paragraphs 3.3-3.4.

2 Assessment

2.1 The main considerations in the determination of the application are:

- Land use
- Design and conservation
- Amenity
- Transport considerations

3 Land use

- 3.1 Policy G1 promotes the most efficient use of land and buildings in Camden by supporting development that makes the best use of its site and resisting inefficient use of land and buildings. The use of most of the site as a car parking area is not appropriate for this location and the optimal use of the land would be a residential mews development, as per the part-implemented permission (ref. 2004/4713/P). This is particularly the case given the site's location in highly accessible Central London where there is high demand for limited land.
- 3.2 Self-contained housing is the priority land use of the Local Plan and policy H1 resists alternative development of sites identified for housing through a current planning permission unless it is shown that the site is no longer developable for housing. As evident in the planning history section of the report, there is an extant permission for a residential mews building that could be implemented. The consented development provides a family sized 4-bed unit of good residential standard. There is no site-specific or policy related reason why the site could no longer be developed for housing.
- 3.3 The applicant claims that the mews house has not been constructed due to it being financially unviable. This may well be the case; however, the retention of the structure (and therefore the provision of a sheltered and secured car parking area) acts as a disincentive for the owner to redevelop, or sell the site for redevelopment. It is understood that the car parking is associated with the use of 4 John Street as a temporary filming location (see planning history) and so it is expected that the provision of associated car parking is a significant selling point of the building and as such a lucrative feature for the applicant. Were the structure to be removed, and secure and covered parking provision no longer possible, it is conceivable that the applicant may consider alternative uses for the site, for example selling this portion of the site for housing development.
- 3.4 It can be deduced, therefore, that the retention of the structure is preventing the site coming forward for housing, which is a more beneficial and efficient use of the site that would better accord with the objectives of the Council's development plan.

4 Design and conservation

- 4.1 The Council has resisted granting permanent planning permission on the grounds that the type of structure, in view of its appearance and its impact on the character of the mews. Policy D1 requires development to respect local context and character; comprise details and materials that are of high quality and complement local character; integrate well with surrounding streets and contribute positively to the street frontage; and designed to minimise crime and antisocial behaviour. Policy D2 requires development within conservation areas to preserve or where possible enhance the character or appearance of the area.
- 4.2 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.
- 4.3 The Bloomsbury Conservation Area Appraisal and Management Strategy (Bloomsbury CAAMS) further emphasises the need to preserve or enhance the conservation area and highlights the main factors where new development fails to do so. These include; the use of inappropriate materials or detailing; inappropriate scale, bulk, height and massing; and inappropriate relationship

to the street and neighbouring properties. When considered as a piece of townscape, the proposed structure fails to respond to the local context on all of these counts.

- 4.4 The timber structure is an anomaly in the streetscene which otherwise largely consists of brick mews buildings with a strong and consistent building line up to the street frontage and a fenestrated front façade providing an active street frontage. Whilst the design of the structure has been given some consideration, especially compared to previous iterations, the entirely timber elevation gives the impression of impermanence and flimsiness in comparison to its brick neighbours. It is also entirely solid with no openings that promote engagement with the street. The single storey structure sits significantly lower than the prevailing height of 2-3 storey, disrupting a near-consistent parapet height across the mews and exposing the unattractive flank walls of the mews buildings either side that are intentionally unadorned so as not to sterilise development opportunities at the application site.
- 4.5 Furthermore, by means of its recessed position in its plot, the structure weakens the otherwise strong building line along this side of Kings Mews. Policy C5 (Safety and security) requires developments to incorporate design principles which contribute to community safety and security. This policy goes on to say that this is particularly important in wards with high levels of crime, specifically referring to Bloomsbury as one of those wards. The set-back (approx. 0.5m) from the established building line, which only exists to allow cars to manoeuvre comfortably, creates a poorly surveilled space that is understood to attract anti-social behaviour.
- 4.6 The combined effect of the aforementioned factors results in a low quality, incongruous structure that has a harmful impact on the Kings Mews streetscape and the wider Bloomsbury Conservation Area.
- 4.7 By contrast, the consented mews building (the wider permission of which has been part implemented) proposed a two storey (plus recessed third storey) building. The parapet line of the building aligns with neighbouring buildings and the front elevation respects the established building line. The building is a contemporary interpretation of a mews building comprising a wide timber boarded opening for vehicles at ground floor level with a large picture window and recessed terrace area at first floor allowing for engagement with the street. It would be of London yellow stock brick construction with timber and glazed elements, altogether a more appropriate palette for the context.
- 4.8 The applicant argues that the removal of the structure would only bring about more harm to the appearance of the streetscape; however, the Council are of the view that by having an open forecourt, the relationship of the residential car parking to the main house would be more easily understood and would not create a negative obtrusive infill. As it stands, the solid high structure conceals what is behind and does not offer the street anything in the way of activity or indication of use.

5 Impact on the amenity of surrounding occupiers

- 5.1 The structure would not be in close proximity to windows of neighbouring properties and therefore there would not bring about loss of daylight/ sunlight, outlook or privacy.
- 5.2 It is noted above that the recessed nature of the structure provides opportunity for anti-social behaviour which results in fear of crime for neighbouring occupiers.

6 Transport considerations

- 6.1 The use of the area for car parking in association with the use of 4 John Street has been recognised in a previous planning decision as lawful (officer report associated with permission ref. 2012/4360/P).

6.2 In 2004, permission was granted for a change of use to convert the office use into residential use as well as the construction of a mews house. A section 106 agreement secured the development as car-free insofar that new residents of the development are not entitled to Residents Parking Permits or a contract to park in Council controlled, licensed or owner car parks. The parking provision on-site; however, remains lawful as it continues to be associated with the residential use of 4 John Street. As such, the provision of on-site car parking cannot be a reason for refusal.

7 Recommendations

7.1 Refuse Planning Permission

7.2 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the total removal of the carport structure, including garage doors and roof structure, and to pursue any legal action necessary to secure compliance and 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 breaches of planning control:

The retention of a carport structure without planning permission.

WHAT ARE YOU REQUIRED TO DO:

1. Totally remove the car port structure including garage doors and roof structure

PERIOD OF COMPLIANCE: 6 Months

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

- 1 The retention of the car port, by virtue of its scale, design, position and prominence, would have a detrimental visual impact on the Kings Mews streetscene and the Bloomsbury Conservation Area and would fail to contribute to community safety and security, contrary to policies D1 (Design), D2 (Heritage) and C5 (Safety and security) of the Camden Local Plan 2017.
- 2 The retention of the car port would fail to make efficient use of the site or contribute to the Borough's housing supply, contrary to policies G1 (Delivery and location of growth) and H1 (Maximising housing supply) of the Camden Local Plan 2017.

