

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		15/07/2020
		N/A		<b>Consultation Expiry Date:</b>		02/08/2020
<b>Officer</b>				<b>Application Number(s)</b>		
Nathaniel Young				1. 2020/2205/P 2. 2020/2907/L		
<b>Application Address</b>				<b>Drawing Numbers</b>		
Bull & Gate Public House 389 Kentish Town Road London NW5 2TJ				See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>						
1. Creation of new outdoor terrace with perimeter balustrading on 1st floor roof of front projection of public house and associated external alterations; installation of new plant equipment, bin store and fire access staircase to the rear.  2. Internal and external alterations in association with creation of new outdoor terrace with perimeter balustrading on 1st floor roof of front projection of public house; installation of new plant equipment, bin store and fire access staircase to the rear.						
<b>Recommendation(s):</b>		Refuse planning permission and listed building consent				
<b>Application Type:</b>		Full planning permission and listed building consent				
<b>Conditions or Reasons for Refusal:</b>		See Decision Notice				
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>		No. of responses	17	No. of objections	02	
<b>Summary of consultation responses:</b>		Press notice: displayed from 09/07/2020 Site notice: displayed from 03/07/2020  <u>Fifteen comments of support</u> were received from 3 Highgate Road, 121 Leighton Road, 7 Falkland Road, 12B Lady Somerset Road, 63 Chetwynd Road, and a number of unknown addresses, stating the following: <ul style="list-style-type: none"> <li>Outdoor terrace would be in keeping with character and appearance of host property.</li> <li>Recommend 40 seats rather than 50.</li> <li>Recommend no outdoor music, closing at 10pm and that terrace should be used for dining only – not for casual drinking.</li> </ul>				

	<p><u>Two objections</u> were received from Flats A and B of No. 1 Highgate Road, the immediate neighbouring property to the Bull &amp; Gate pub, raising the following concerns:</p> <ul style="list-style-type: none"> <li>• Loss of privacy - customers on new first floor terrace will be too close to habitable windows, no privacy screens or planters shown on plans.</li> <li>• Increased noise and disturbance – more customers, drinking outdoors, to the front of the building, at an elevated level, near neighbouring habitable windows.</li> </ul> <p><i>Officer response: See sections 3 (Design and heritage), 4 (Residential amenity) and 5 (Planning balance) of this report.</i></p>
<b>Kentish Town Neighbourhood Forum</b>	<p><u>Support.</u> Proposed roof terrace would enhance the pub's offer to the public. Terrace management statement would sufficiently address concerns regarding noise/impact to residential amenity. Cast iron balustrades would be an appropriate solution for a Grade II listed building and in keeping with the building's period style.</p> <p><i>Officer response: See sections 3 (Design and heritage) and 5 (Planning balance) of this report.</i></p>
<b>CAMRA (Campaign for real ale)</b>	<p><u>Support.</u> New terrace and railings will make a positive contribution and are sympathetic to the Grade II listed host building. The addition of the outdoor terrace will be an asset to the pub and will increase its long term viability. Terrace management policy will address noise and disturbance concerns raised by neighbours.</p> <p><i>Officer response: See sections 3 (Design and heritage), 4 (Residential amenity) and 5 (Planning balance) of this report.</i></p>
<b>LAMAS (London and Middlesex Archaeological society)</b>	<p><u>Support.</u> Front roof extension's roof was constructed for use as a terrace. Proposal would reinstate this use. Lack of outdoor space threatens economic viability of pub.</p> <p><i>Officer response: The Council does not agree that the roof of the front extension was originally constructed for use as a terrace. See sections 3 (Design and heritage), 4 (Residential amenity) and 5 (Planning balance) of this report for further detail.</i></p>

## Site Description

The site comprises a traditional 3 storey detached public house with ground floor flat-roofed wings at front and rear; the ground floor comprises the pub bar areas (with a function room within the rear wing); there are more function rooms and ancillary facilities at 1st floor and staff quarters at 2nd floor. There is small narrow rear alleyway and yard for storage and deliveries. The building is grade II listed, it is not within a Conservation Area but is located within the Kentish Town Neighbourhood Forum Area. The front projection with flat roof and parapet is a prominent feature in the streetscene.

## Relevant History

2013/4816/P: Erection of single-storey extension at rear ground floor level, including formation of new windows at rear ground floor level; installation of extraction duct at rear roof level, including air conditioning units at ground level north elevation to existing public house building (Use Class A4).

**Planning permission granted 16/07/2014.**

2013/4878/L: Demolition of existing derelict out-buildings plus extension and erection of single-storey extension at rear; internal and external alterations to existing building; including formation of new windows plus replacement windows and doors to front at ground floor level plus installation of extraction duct /plant to existing public house building (Use Class A4). **Listed building consent granted 16/07/2014.**

**Relevant policies**

**National Planning Policy Framework 2019**

**The London Plan March 2016**

**The London Plan intended to publish 2019**

**Camden Local Plan 2017**

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

**Kentish Town Neighbourhood Plan 2016**

D3 Design principles

**Camden Planning Guidance 2018-19**

CPG Amenity

CPG Design

### 1. Proposal

1.1 Planning permission and listed building consent is sought for the following:

#### Front

Creation of a roof terrace plus associated internal and external alterations, including internal subdivision of front 1st floor landing for fire lobbies, replacement of window by access door, and provision of fixed tables, seating, decking, planting troughs and perimeter balustrade on flat roof.

#### Rear

The installation of an external fire escape staircase with associated replacement of window by access door, a bin enclosure underneath and new/relocated condenser plant units.

### 2. Statutory provisions

2.1 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under sections 16 and 66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### 3. Design and heritage

3.1 Local Plan Policies D1 (Design) and D2 (Heritage), and Kentish Town Neighbourhood Plan Policy D3 (Design principles) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.2 An outdoor amenity space at first floor to the front of this listed building is considered to be harmful. It would result in an incongruous feature and atypical use in a very prominent position. This is harmful both to the visual character of the primary elevation and also to the plan form of the building (ie. how the onlooker understands it to have been used historically). The flat roof was not designed as a terrace and therefore it was never intended for people to congregate in this location. To compound the visual harm caused by this incongruous activity, there would be a railing built around the perimeter of the roof. Furthermore, the harm would likely to be exacerbated by paraphernalia typically associated with the roof terrace, such as parasols, awnings, patio heaters, potted shrubs etc, which would be desired with such outdoor seating. These temporary structures and the likely presence of standing customers would be difficult to effectively control and would create unwelcome visual clutter in this high level, exposed and prominent position which would harm the appearance of the listed building from street level.

3.3 The proposed first floor terrace to the front of the listed building would also harm the setting of the four Grade II listed terraced townhouses to its north (Nos. 1-7 Highgate Road). The setting of a listed building can include nearby development (or the lack thereof) that is visually experienced in the periphery when observing the subject building. When standing near the listed townhouses, looking south along Highgate Road, the pub appears in the background, framing the facade of the townhouses. The existing condition is purely architectural, with the pub as it now appears. Creating an incongruous roof terrace with additional perimeter balustrading, plus all the activity and equipment which would be associated with it, would provide a visually cluttered and active background to the detriment of enjoyment of the facades of the adjoining townhouses.

3.4 The proposal would also result in physical harm to the Grade II listed building. It would require the demolition and reconstruction of the roof to form the terrace, removal of a sash window, its apron and stallriser, to form the doorway, and removal of part of the firebreak upstand to allow access to the larger

part of the roof. The joists would have to be doubled with replacement of roof structure to support the new use; historic fabric would have to be lost, including brickwork and old glass, to create the access. Whilst it is accepted the doors have been designed sensitively to appear as sash windows, they would not appear as such when opened, especially as the doors are inevitably likely to be propped open sideways in hot weather. The proportions, due to the window extending down to the floor, also would not appear 'window-like'. The proposal would also generate consequential harmful secondary works internally, namely subdividing the 1st floor landing to create a fire lobby and alteration of the historic plan.

3.5 The precedents for roof terraces that have been referred to in the planning statement are of a smaller scale and are not on listed buildings. At some point in the past, the pub has lost the rear outdoor seating area at ground floor level that it was originally built with; it is not considered appropriate to compensate for this decision with harmful alterations to the façade. Although a revised design of the parapet balustrade has been presented to make it more traditional, it is considered that the parapet rail will look even heavier than originally proposed, revealed on the submitted townscape montages.

3.6 The rear yard has no architectural or historic merit. No objection is raised in design terms to the relocation of 4 condenser units and installation of a new large one, creation of a bin enclosure, and installation of a fire escape metal staircase and access bridge attached to the rear warehouse wall. The associated replacement of window by an access door on the rear elevation of the pub is considered on balance to be acceptable, as this is not a primary elevation and has a variety of fenestration types and utilitarian features.

3.7 Given the above, it is considered that the proposed alterations to create a first floor terrace to the façade of the Grade II listed building would result in a proliferation of harmful visual clutter which would be prominent and incongruous, resulting in harm to the special interest, appearance and fabric of the listed building, and also to the setting of the four Grade II listed terraced townhouses to its north (Nos. 1-7 Highgate Road) as well as the character and appearance of the wider townscape of Kentish Town. The associated internal works at 1<sup>st</sup> floor would also be harmful to the historic fabric and plan form of the listed building.

#### **4. Residential amenity**

4.1 The proposed roof terrace above the front extension of the property is not considered to result in an undue loss of amenity to neighbouring residents by virtue of loss of light, outlook or privacy, due to its setback position in relation to neighbouring habitable windows. Given the context of the pub facing a busy main road, it is unlikely that the terrace as an amenity area for drinking and eating will cause a nuisance to neighbours opposite or on either side in terms of noise and disturbance during the day and early evenings. However late night drinking on this high level exposed roof terrace may cause a nuisance to residential habitable room windows immediately adjoining to the north due to their proximity (Nos. 1-7 Highgate Road). However, if the application were to be approved, it is suggested that conditions could be imposed to control its hours of use, capacity and the type of use (ie. sit down dining) in addition to preventing the playing of music. It is noted that a 2014 appeal decision for a similar roof terrace at The Grafton PH in Prince of Wales Road, referred to in the Planning Statement (ref: 2012/6118/P), imposed a condition limiting use of the terrace until 9pm daily. One of these conditions would require adherence to an approved Operational Management Plan to ensure that customers do not use it beyond a specified time in late evenings and do not create anti-social behaviour or exceed a maximum capacity in numbers.

4.2 The bin enclosure and fire escape at the rear are not considered to cause any loss of amenity to neighbours given their siting in relation to neighbouring properties.

4.3 The condenser units at the rear are acceptable in principle and if they were to be approved, a condition would be attached to ensure compliance with Local Plan standards on noise levels, ie. noise levels from external plant shall at a point 1 metre external to sensitive facades be at least 10dB(A) less than the existing background measurement or where tonal at least 15dB(A) below.

## **5. Planning balance**

5.1 Local Plan Policies D1 and D2, and Kentish Town Neighbourhood Plan Policy D3, are consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF (2019) which seeks to preserve and enhance heritage assets, and do not permit the loss of or harm to a designated heritage asset, including conservation areas and Listed Buildings.

5.2 Para 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposals would result in 'less than substantial harm' to the special interest, character, appearance and fabric of the Grade II listed building. The applicant suggests in the planning statement that if the Council concludes that there is 'less than substantial' harm from the works, it is outweighed by public benefit. The applicant however does not clearly set out what the public benefits would be. The provision of an outdoor drinking space is not considered to be a public benefit in itself. The applicant later clarifies in additional correspondence that the outdoor drinking space could aid the building staying in its optimum viable use and could support retaining the pub as a community facility in the long term. However, there has been a lack of evidence presented to the Council that the pub is in financial difficulty and likely to close or that the proposal would result in the pub's survival.

5.3 Reference has also been made to the challenge that COVID-19 has presented. The proposal would provide some assistance to the pub during the pandemic, as they could increase capacity at least during summer months, but they would be a permanent solution to a temporary problem and they have been put forward without any due consideration to the alternative less harmful solutions which might be available. It does not follow that alterations to support businesses during the pandemic should automatically override the importance of protecting listed buildings.

5.4 As such, it is therefore considered on balance that the public benefit of an outdoor drinking space would not outweigh the 'less than substantial' harm to the Grade II listed building and also the harm caused to the setting of the four Grade II listed terraced townhouses to its north (Nos 1-7 Highgate Road).

5.5 The proposal would therefore fail to accord with policies D1 and D2 of the Camden Local Plan 2017, D3 of the Kentish Town Neighbourhood Plan and Section 16 of the NPPF (2019).

## **6. Recommendations**

6.1 Refuse planning permission on grounds of unacceptable design and harm to the appearance of the listed building and the character of the wider townscape.

6.2 Refuse listed building consent on grounds of unacceptable design of both internal and external alterations and harm to the special historic and architectural interest of the listed building and the setting of the nearby Grade II listed houses to its north.