

Enforcement Delegated Report

Receipt date:

20/01/2022

Officer

Gary Bakall

Enforcement Case

EN22/0030

Breach Address

4 John Street & 5-6 King's Mews, London, WC1N 2ES

Photos & Other material

See below

Authorised Officer Signature



11/07/2022

Alleged Breach

Non-compliance with condition 2 of planning permission 2017/3355/P requiring car port to be removed by 1st November 2019

Recommendation(s):

That the Borough Solicitor be instructed to issue a Beach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 (as amended) with regards to condition 2 of planning permission 2017/3355/P granted on 10/10/2017 and officers be authorised in the event of non-compliance to prosecute under that section.

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

Investigation History

The case was opened in January following complaints that despite the refusal of planning permission 2019/5502 the car port was still there. Time was allowed for the applicant to try and discuss with neighbours what would be best to replace car port in the mews.

Relevant policies / GPDO Category

National Planning Policy Framework 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)

CPG Amenity (2018)

CPG Transport (2019)

Bloomsbury Conservation Area Statement (2002)

Assessment

Planning 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 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.

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**

2019/5502/P – Retention of enclosure to existing car port fronting king's Mews (as a rear extension to 4 John Street) including garage doors and metal roof, for a temporary period of 2 years. – **Refused and warning of enforcement action**

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

Issues: There is planning permission (2004/4713/P) to build a house in King's Mews, this car port was only meant to be temporary before the new house was built. Two temporary permissions have been granted to retain this car port but the last planning application **2019/5502/P** to retain the car port for another temporary period of 2 years was refused in May 2020, the subsequent appeal against this refusal was dismissed.

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.'

In this case, 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.



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. 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.

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.

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.

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. 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.

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.

The applicant argues that the removal of the structure would only bring about more harm to the appearance of the streetscape and increase safety and security considerations by having an empty plot; 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 space. 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. Security fencing could make the site secure and it is proposed to allow the owners 6 months to remove the car port to allow work to start on the mews house.

Recommendation: That the Borough Solicitor be instructed to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 (as amended) with regards to condition 2 of planning permission 2017/3355/P granted on 10/10/2017 and officers be authorised in the event of non-compliance to prosecute under that section.

The breach of condition: The following condition has not been complied with

Condition 2

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

WHAT ARE YOU REQUIRED TO DO:

Permanently remove the enclosure to car port fronting King's Mews, as a rear extension to 4 John Street, including garage doors and metal roof.

PERIOD OF COMPLIANCE:

6 months from the date of this notice

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

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.