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| <b>Location</b>   | <b>Temple Fortune House Finchley Road London NW11 6XH</b>                        |  |
| <b>Reference:</b> | <b>19/0068/LBC</b>   | Received: 4th January 2019<br>Accepted: 4th January 2019 |
| Ward:             | Garden Suburb  | Expiry 1st March 2019                                    |
| Applicant:        | Mr CHRIS HALL  |  |
| Proposal:         | Re-roofing and re-tiling to roof area facing Hampstead Way [AMENDED DESCRIPTION] |  |

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 This work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

3452B LP01

3452B RP01

Design and Access Statement (reference AW/AW/3452B RevA) prepared by hughes jau & panter ltd

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 3 a) Before the development hereby permitted commences, details of the replacement tiles (including a sample and photograph comparing the proposed tile with existing tiles) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in full accordance with the details as approved under this condition

Reason: To protect the significance of the statutory listed building and the Hampstead Garden Suburb Conservation Area in accordance with Policy DM06 of the Adopted Barnet Development Management Policies DPD (2012) and the NPPF (2019).

- 4 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the eastern side of Finchley Road, on the northern junction with Hampstead Way, within Area 2 of the Hampstead Garden Suburb Conservation Area.

The existing building on site known as Temple Fortune House is a statutory listed building, first listed 18 March 1965.

It has retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

The listing text states:

"1. FINCHLEY ROAD 5004            NW11

Nos 802 to 818 (even) (Temple Fortune House) (Formerly listed under Temple Fortune)  
TQ 2488 25/7 18.3.65  
II

2. Two storey ranges, by Porter and Union with projecting 3 storey gabled ends. These gabled ends are carried over the pavement as a pair of arcades supported on stone piers. The general construction is brick with mock timber-frame above the shops. Above the recessed centre are hipped dormers. The gables are half-hipped and they overhang.  
Listing NGR: TQ2486988651"

## **2. Site History**

Reference: C02131  
Decision: Refused  
Decision Date: 07.11.1968  
Description: ground floor extensions at the front of the existing shops.

Reference: C02131AK  
Decision: Approved  
Decision Date: 29.05.1998  
Description: General refurbishment including repairs/renewal of windows, rainwater goods, repointing brickwork and retiling pitched roofs.

Reference: C02131AW/02  
Decision: Approved  
Decision Date: 28.02.2002  
Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights.

Reference: C02131BE/05  
Decision: Approved  
Decision Date: 25.04.2005  
Description: Internal alterations.

Reference: 16/3388/FUL  
Decision: Approved subject to conditions  
Decision date: 17.11.2016  
Description: New timber frame double doors at porch of main entrance and to balcony terrace. New intercom. [Amended description]

Reference: TCF/0011/17  
Decision: Trees 6 weeks expired  
Decision Date: 20.02.2017  
Description: 1 x Deodar cedar, 1 x Lime and 1 x Hawthorn (applicant's ref. T1, T2 and T4) - Fell

Reference: TCF/0397/17  
Decision: Trees 6 weeks expired  
Decision Date: 18.07.2017  
Description: 1 x Plum (applicant's ref. T3) - Remove

Reference: TCM/0721/17

Decision: Trees 6 weeks expired

Decision Date: 20.11.2017

Description: 2 x Cherry Plum (applicant's ref. T5, T7) - Fell

Reference: TCF/0544/18

Decision: Trees 6 weeks expired

Decision Date: 18.09.2018

Description: 1 x Yew (situated close to boundary wall with car park of Marks and Spencer)  
- Fell

### **3. Proposal**

The submitted planning application seeks consent for the re-roofing and re-tiling of a roof area fronting Hampstead Way, situated to the south-east side of the site (outlined on plan 3452B RP01 and 3452B LP01).

The block currently has loose, missing and slipped tiles across this roofslope, and as such the proposal seeks to replace the entire area of roofing with new tiles to match existing. Tiles which are removed which are in good condition will be re-salvaged and used across other slopes across the block. These re-salvaged roof tiles will be used to maintain visual impact of the principal roof slopes.

### **4. Public Consultation**

A site notice was erected 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

A press notice was published 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

The Hampstead Garden Suburb Conservation Area Advisory Committee were consulted at a meeting on 20 February 2019. They recommended approve subject to detail.

Historic England stated: we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Heritage Officer at the local authority has raised no objection upon amendments.

152 consultation letters were sent to neighbouring properties (for the full planning application).

1 response has been received for the full planning application and 10 responses have been received for the listed building consent, comprising 11 letters of objection.

The letters received can be summarised as follows:

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- This application was submitted to Barnet Planning Consultation despite the applicant knowing that the proposed external major works were in dispute in the First-Tier Tribunal and before a decision has been reached on this matter by the FTT. The submission is premature and a waste of resources since reasonably any decision by Barnet Planning Consultation should take into account (and have waited for) the conclusion reached by the FTT who are looking closely at evidence brought by residents on this very matter as provided by a surveyor retained for this purpose.

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.

- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.

- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.

- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.

- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company

- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.
- In a couple of flats under the roof, the only leaks they had, were from the water tanks.
- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character of the building.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM06

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

#### Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the proposals will preserve and/or enhance the character or appearance of the conservation area
- Whether the proposals would affect the statutory listed building, its significance and/or its special architectural or historic interest

### **5.3 Preamble**

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation



Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

#### **5.4 Policy and assessment of proposals**

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Significance can be harmed or lost through alteration of a heritage asset.

Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy DM01 of Barnet's Development Management Policies Document (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM06 of Barnet's Development Management Policies Document (2012) states that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. It also states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The property is a designated grade II listed building and is located within a designated conservation area.

For clarity the applicant has submitted a roof plan with the cross-hatched area where the proposed works will be focussed (Drawing No. 3451B RP01).

The agent has stated in writing via email (dated 29 January 2019): "The roof is reaching the end of its life span. The freeholder is taking a phased approach over a period of time. The principal is to re-salvage tiles from the area to be reroofed. These re-salvaged tiles will be used on the principal elevation, and in particular the front elevation to maintain the appearance for as long as possible. The justification for the start of this approach is that tiles have fallen onto the public highway." The tiles will be stored on the scaffold, which will be erected. The method to re-use salvaged tiles on other slopes of the building in order to minimise works is deemed acceptable. A pre-commencement condition has been attached to secure details of the proposed roof tiles to ensure they match the existing, to agreement of the agent in accordance with Section 100ZA of the Town and Country Planning Act 1990.

In conclusion, it is considered that the proposed works will preserve the character and appearance of the designated conservation area. The works will preserve the building and its special architectural and historic interest. No harm to the significance of the heritage assets would arise.

As such, the proposals are found compliant with the abovementioned planning policies.

#### **5.4 Response to Public Consultation**

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- This application was submitted to Barnet Planning Consultation despite the applicant knowing that the proposed external major works were in dispute in the First-Tier Tribunal and before a decision has been reached on this matter by the FTT. The submission is premature and a waste of resources since reasonably any decision by Barnet Planning Consultation should take into account (and have waited for) the conclusion reached by the FTT who are looking closely at evidence brought by residents on this very matter as provided by a surveyor retained for this purpose.

This is not a planning matter. The planning application has been assessed on its merits in accordance with development plan policy.

Notwithstanding this, the Planning Officer has been in receipt of the Tribunal decision (decision date 28 January 2019). The decision was in regards to the liability to pay and reasonableness of service charges between the lessees (i.e. those objecting to this planning application) and the applicant. The decision found that the services charges are 'fair and reasonable', and was found in favour of the applicant. It did not discuss or determine matters relating to the planning application(s).

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.

The agent representing the applicant has explained the reasoning for this method and it has been found acceptable on planning grounds.

- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.

The quality of workmanship is not a planning matter.

- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.

The applicant has applied on the basis of part of the roof (as specified on the plans) being replaced. This partial replacement has been deemed acceptable on planning grounds. It is not for the local planning authority to withhold consent until the whole roof will require replacement.

- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

The method has been deemed acceptable on planning grounds.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.

The application proposes to replace tiles on the part of the roof specified on the plans. This has been deemed acceptable. The applicant has sufficiently set out the steps and method for the works. No further conditions are required in regards to method of works.

- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company

Quality of workmanship and/or supervision is not a planning matter.

- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

The proposals would not increase the height of the building.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.
- In a couple of flats under the roof, the only leaks they had, were from the water tanks.
- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character

These matters have been addressed and/or are not planning matters.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having regards to the above, no material harm to the designated heritage assets has been identified and therefore consent should be granted in accordance with Policy DM06 of Barnet's Development Management Policies document (2012). Due regard has been given to the provisions of sections 16(2) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (2019) in this assessment.

