

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	15/06/2023
		N/A		<b>Consultation Expiry Date:</b>	09/06/2023
<b>Officer</b>			<b>Application Number(s)</b>		
Ewan Campbell			2023/1649/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
14D Avenue Road London NW8 6BP			Please refer to draft 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>					
Excavation of new basement and three storey side extension with flat roof					
<b>Recommendation(s):</b>		Refuse Planning Permission			
<b>Application Type:</b>		Householder Application			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					
<b>Consultations</b>					
		No. of responses	<b>02</b>	No. of objections	<b>02</b>
<b>Neighbour Consultation</b>		<p>A site notice was put up on 16/05/2023 and expired on the 09/06/2023</p> <p>Two comments from neighbours . Concerns include:</p> <ul style="list-style-type: none"> <li>- Flat roof design not in line with prevailing development.</li> <li>- Parking Stress</li> <li>- Pressure on existing waste storage</li> <li>- Infrastructure for existing estate was just about manageable – this will mean it will not be able to cope</li> <li>- Consent for development is required through deed of covenant</li> </ul> <p>It is also important to add that Watertrade Limited have objected to the proposal. Their concerns include:</p> <ul style="list-style-type: none"> <li>- Flat roof design not in line with prevailing development.</li> <li>- Parking Stress</li> <li>- Pressure on existing waste storage</li> <li>- Infrastructure for existing estate was just about manageable – this</li> </ul>			

- will mean it will not be able to cope
- Consent for development is required through deed of covenant

*Officer Comments: Whilst it is appreciate that issues of parking and infrastructure stress, and pressure on waste storage are legitimate concerns these cannot be considered as part of the assessment of this application. Furthermore in relation to the covenant, this is a legal matter and not a planning consideration. Issues relating to design are discussed in section 3.*

## Site Description

The application site comprises a three-storey end-of-terrace property with existing single storey rear and side extensions on the north-eastern side of Avenue Road. The property is in use as a single dwellinghouse. The property is part of a private estate of 8 terraced properties (4 in each terrace) facing onto a shared paved forecourt containing parking spaces and garages at basement level. The rear garden of the property adjoins Avenue Road, and the site is accessed via a private road from Avenue Road. The property is not listed and is not situated within a conservation area.

## Relevant History

### Application site:

2011/1951/P – Erection of a single storey ground floor level side extension and retention of existing rear ground floor conservatory and glazed infill to first floor balcony at dwellinghouse (Class C3).

**Certificate of Lawfulness (Proposed) granted 13/05/2011**

2017/2347/P - Excavation of basement under footprint of existing house and part of rear garden

**Planning Permission granted 13/06/2018**

### Neighbouring sites:

#### *14F Avenue Road*

2015/2397/P – Creation of a basement extension including lightwell within rear garden, ground floor rear extension and part infill at first floor rear level .**Planning permission granted subject to a Section 106 Legal Agreement 26/02/2016**

#### *16 Avenue Road:*

2016/5375/P – Erection of a 2 storey (plus basement and loft), 7 bed dwellinghouse (C3) and associated relandscaping following the demolition of existing house. **Planning permission granted subject to a Section 106 Legal Agreement 05/06/2017**

2014/5265/P – Erection of a basement extension including lightwell within rear garden, ground floor rear extension and part infill at first floor rear level. **Planning permission granted 25/02/2015**

## National Planning Policy Framework 2021

### The London Plan 2021

### Camden Local Plan 2017

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Policy A5 Basements

Policy T4 (Sustainable movement of goods and materials)  
Policy DM1 (Delivery and monitoring)

### **Camden Planning Guidance (CPG)**

CPG Home Improvements (January 2021)

CPG Basements (January 2021)

CPG Biodiversity (March 2018)

CPG Amenity (January 2021)

## **Assessment**

### **1. PROPOSAL**

1.1. The applicant seeks the following:

- Erection of a new three storey part width rear infill extension adjoining this, measuring 8.8m in height, 3.4m in width and 9.3m in depth on the ground floor and 7.6m in depth on the first and second floors. The extension has a flat roof design and has matching materials to the host property.
- Excavation of basement measuring approximately 70sqm in GIA.

### **2. CONSIDERATIONS**

2.1. The material considerations for this application are as follows:

- Design and Heritage
- Basements
- Transport
- Amenity

### **3. ASSESSMENT**

#### Design and Heritage

- 3.1.1. The Local Plan policies D1 (Design) 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.
- 3.1.2. The supporting text for policy D1 (Design) states:
- 3.1.3. 7.2 The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider: • character, setting, context and the form and scale of neighbouring buildings; • the character and proportions of the existing building, where alterations and extensions are proposed; • the prevailing pattern, density and scale of surrounding development; • the impact on existing rhythms, symmetries and uniformities in the townscape; • the composition of elevations; its contribution to public realm and its impact on views and vistas; and • the wider historic environment and buildings, spaces and features of local historic value
- 3.1.4. 7.5 Design should respond creatively to its site and its context including the pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials.

- 3.1.5. In addition to the above, the Camden Home Improvement CPG contains the Council's guidance on side extensions and the following parts are considered to be particularly relevant:
- Be set back from the main front elevation;
  - Be secondary to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing;
  - Be built from materials that are sympathetic to the existing building wherever possible;
  - Respect the dimensions of the existing front porch, where applicable;
  - Respect and celebrate existing architectural features into new design, where they make a positive contribution to the character of the building or groups of buildings, such as projecting bays and porches.
- 3.1.6. The proposed side extension is located on the end of one of the housing blocks and attempts to mimic the design in attempts to be subordinate through its width and scale of fenestration and uses a flat roof. However, its three storey height means that it matches that of the main building and therefore fails to be read as subordinate. Furthermore the lack of setback on either elevation means that the extension would be flush with the front and rear building line meaning the scale of the extension matches that of the host building. As per the points above the extension should be set back and feel like a secondary building compared with the host building. The introduction of the flat roof is a contrived introduction and fails to fit in with the building in design terms. This roof is inappropriate in this location and will be visible due to its three storey nature meaning that it would impact views into the estate.
- 3.1.7. Whilst the materials used are considered acceptable, the result is an incongruous addition to this group of buildings disrupting the symmetry, the loss of which would detract from this building's character and appearance. Because of the prominent position and scale of the extension it means that the adverse impact to character and symmetry is compounded further. Overall, the addition appears awkward and is not supported. This position is supported by previous applications on the estate including the recently refused application at 14H (2021/4284/P).
- 3.1.8. Overall the three storey side extension is considered unacceptable due to its scale, impact on the estate's character and symmetry and its location in a prominent position
- 3.1.9. In terms of the basement, there will be limited external expression of this element and therefore would not impact on the character of the site or area.

### Basements

- 3.1.10. Policy A5 (Basements) requires proposals that include basement development to demonstrate that it would not cause harm to neighbouring properties, structural conditions, character of the area, architectural character of the building and significance of heritage assets. A Basement Impact Assessment, assessing its impact on drainage, flooding and structural stability is required to be submitted. There are also certain dimensional requirements for basements to ensure their impact is minimised.
- 3.1.11. Policy A5 contains the following criteria for basement development:

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. avoid the loss of garden space or trees of townscape or amenity value.

Exceptions to f. to k. above may be made on large comprehensively planned sites.

3.1.12. In response to points (f-m) the basement will not be one storey, not built under an existing basement, is less than 1.5 times the host building, won't extend into the garden further than 50%, is set back from gardens will be over 50% of the area of the garden and neighbouring properties and avoids loss of garden space and trees. Therefore the proposal complies with these points.

3.1.13. The basement extension does extend more than 1.5 times of the original footprint of the building however this is not a requirement under policy A5 and in line with the Council's planning guidance the footprint is taken just from the 'host building'.

3.1.14. In addition Policy A5 also requires the submission to demonstrate certain details in relation to the basement development. This includes:

The Council will require applicants to demonstrate that proposals for basements:

- n. do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';
- o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- p. avoid cumulative impacts;
- q. do not harm the amenity of neighbours;
- r. provide satisfactory landscaping, including adequate soil depth;
- s. do not harm the appearance or setting of the property or the established character of the surrounding area;
- t. protect important archaeological remains; and
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.

3.1.15. No Basement Impact Assessment (BIA) has been submitted and no details have been submitted to demonstrate that any of the points have been adhered to or considered.

3.1.16. Whilst the previously approved permission, includes a BIA, this basement has a different footprint and therefore these points remain crucial in ensuring that the excavation has no

harmful impact on local ground and hydrology conditions as well as stability of neighbouring properties. This proposal does not provide any information in relation to this and, in the absence of any BIA to demonstrate otherwise, the excavation is likely to harm local conditions and amenity and thus is contrary to policy A5 of the 2017 Local Plan.

### Transport

- 3.1.17. The previous application (2017/2347/P) was approved following the Council's Transport and Highways team assessing the application. Because of the nature of the works and excavation required, it is considered that, a Construction Management Plan (CMP) would be required for the proposed development. This is to ensure public safety and construction traffic does not add to the existing congestion and can be implemented without impacting on neighbouring amenity.
- 3.1.18. Therefore a CMP will need to be required and in the event of approval would be included as part of the s106 agreements. In the absence of the legal agreement this is listed as a reason for refusal.
- 3.1.19. The development may require the temporary suspension of parking bays (to enable deliveries and collections of materials, for example) and a hoarding license. As these are outside of the remit of planning and must be arranged with the Council's Highways and Licensing teams, an informative will added to the decision notice to remind the developer to do so.

### Amenity

- 3.1.20. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.
- 3.1.21. Due to the location and nature of the basement, the development is not considered to cause harm to neighbouring amenity in terms of privacy, outlook or daylight. Subject to the securing of a CMP as outlined in the previous section, the proposed basement development is not considered to lead to a significant impact upon the amenities of any neighbouring occupiers. The development is thus considered to be in accordance with planning policies A1 and A4.
- 3.1.22. In relation to the three storey side extension, whilst it does reduce the distance of the building line between the site and no. 16, the impact to amenities is limited. No.16 has benefitted from an implemented permission (2016/5375) for a two storey residential property. However all windows facing 14D are either for staircases, bathrooms, for non-habitable rooms or only secondary windows. Therefore this will actually not be really been seen at all from this neighbour.
- 3.1.23. In relation to the north east of the site, there are 14E and 14F Avenue Road however they are approximately 16.3m away from the extension meaning any issues of outlook, enclosure, daylight, or privacy are mitigated against. The extension would also only block oblique views due to its location.
- 3.1.24. In the event of an approval, amenity mitigation for the basement would be covered via the securing of an CMP
- 3.1.25. Therefore the proposal complies with policy A1 of the 2017 Camden Local Plan.

#### **4. RECOMMENDATION**

##### 4.1. Refuse Planning Permission for the following reason:

1. The proposed three storey side extension by virtue of its design, prominent location, scale and bulk, would result in an incongruous and dominant addition to the existing dwelling and the terrace. This would detract from its character and appearance and that of the wider area, contrary to policy D1 (Design) of Camden's Local Plan 2017.
2. The proposed basement extension, by reason the absence of an appropriate Basement Impact Assessment to demonstrate otherwise, would be likely to cause harm to neighbouring properties and the local hydrogeological environment, contrary to policy A5 (Basements) of the London Borough of Camden Local Plan 2017
3. The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.