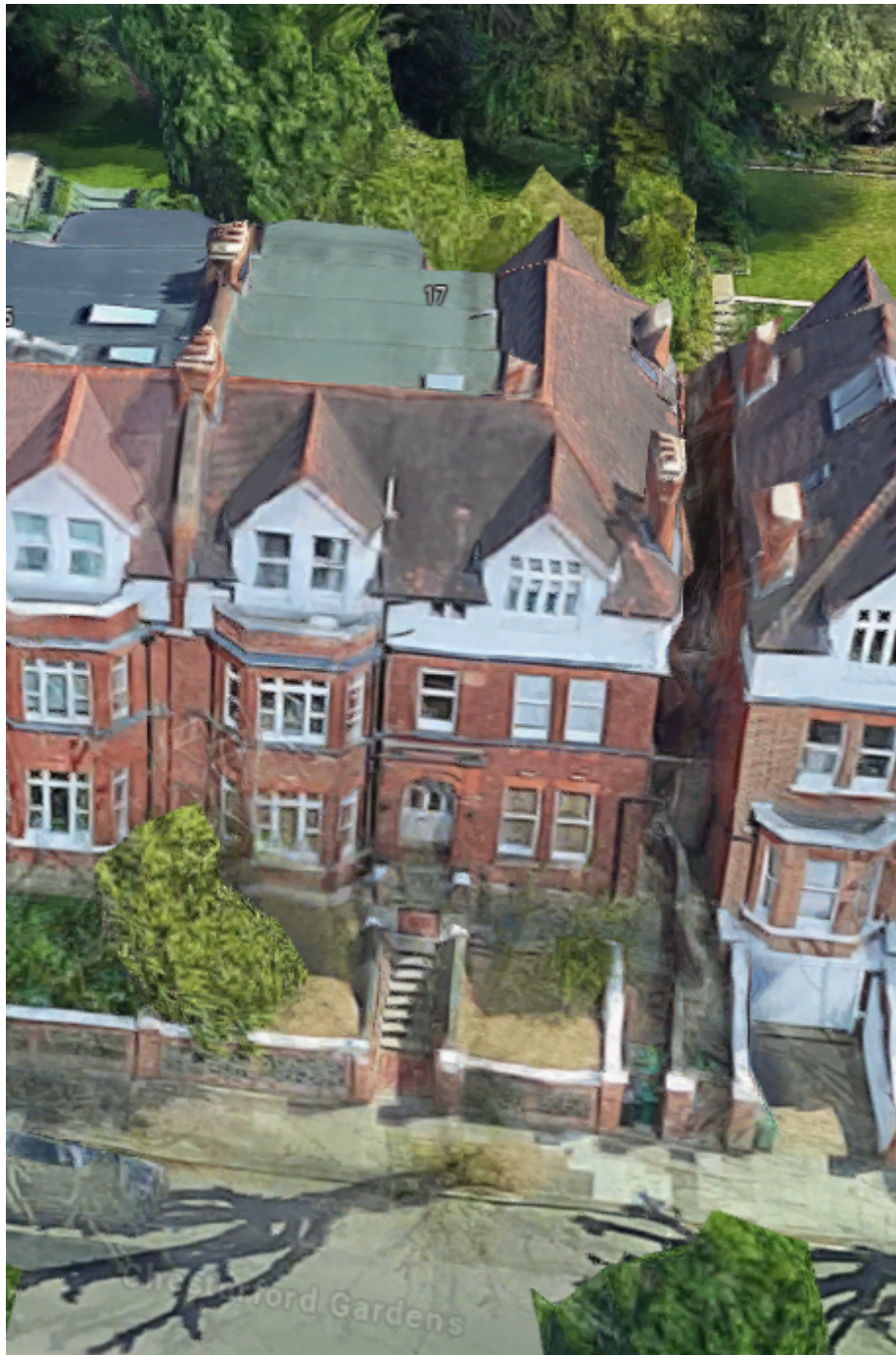


17 Chesterford Gardens, NW3 7DD



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

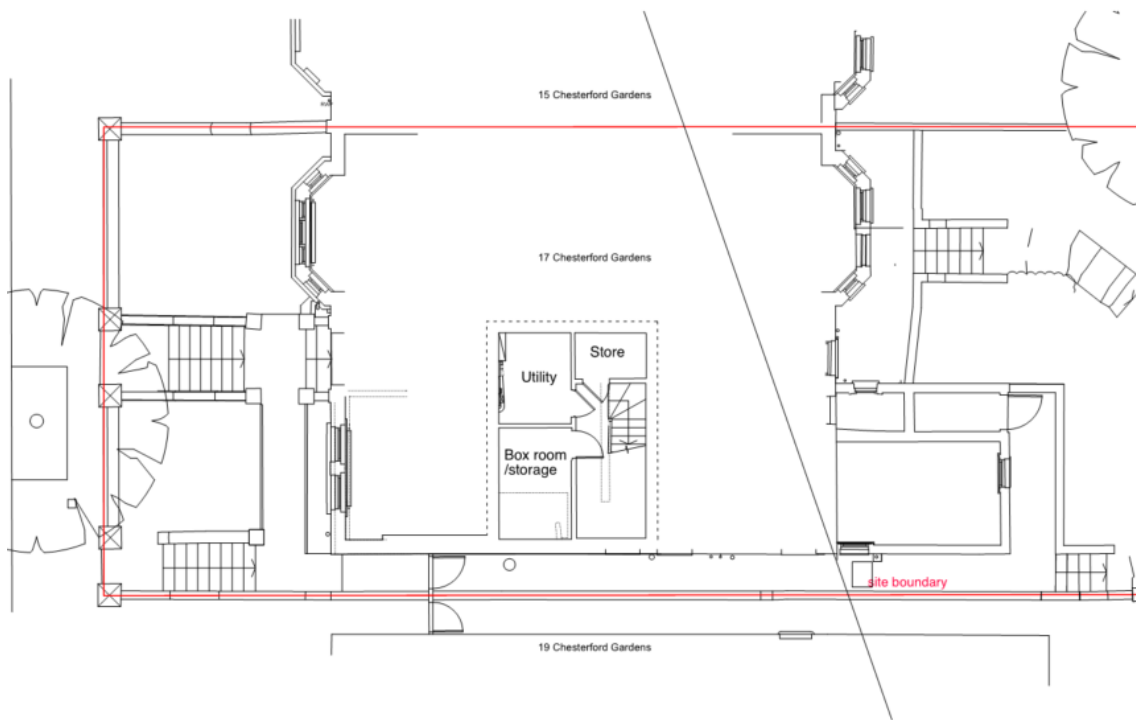
Site Photos:



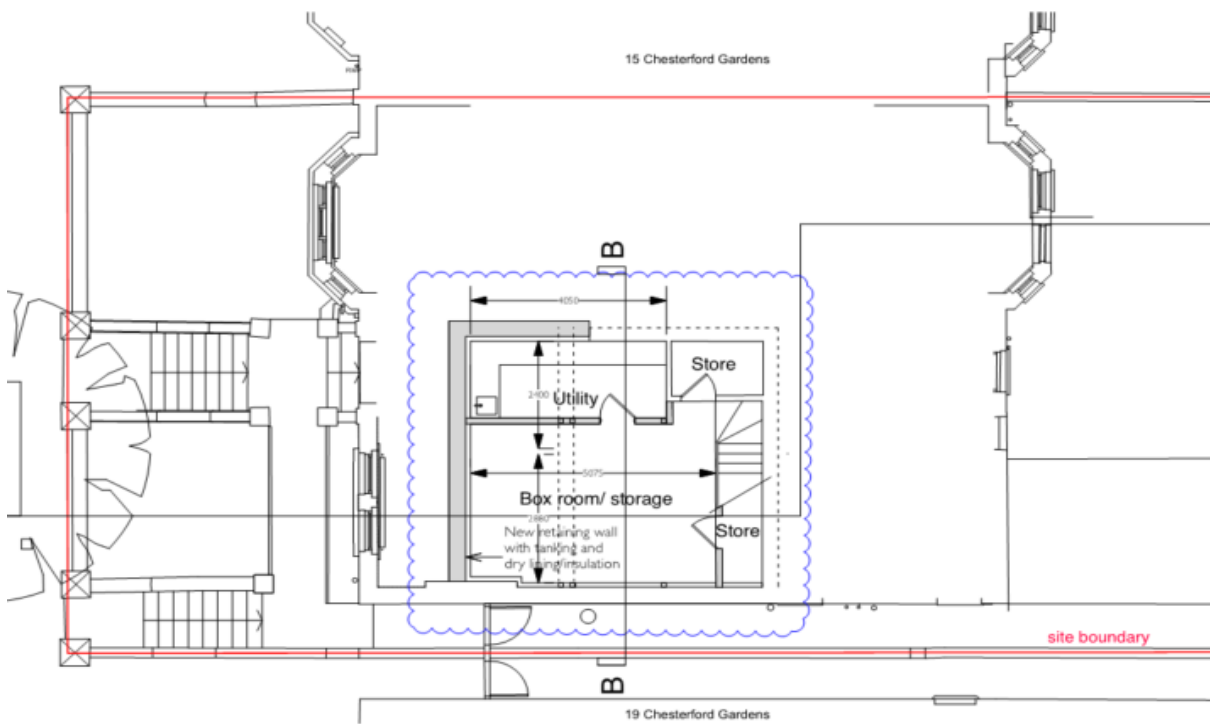
1. Aerial photo



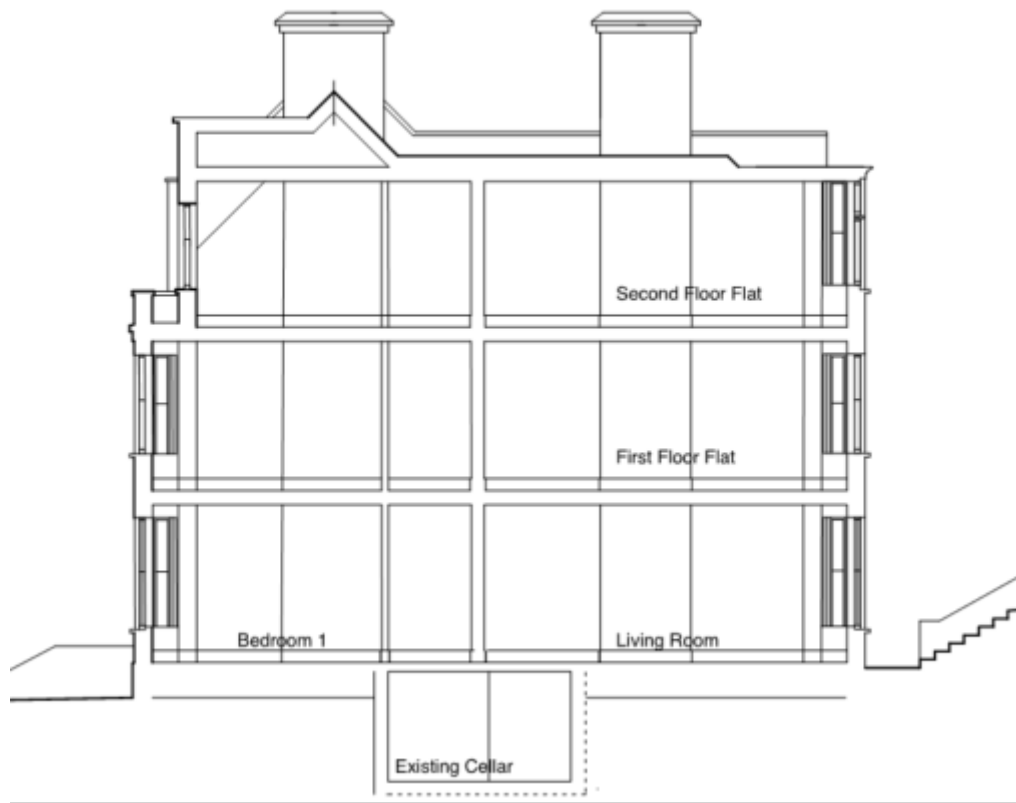
2. Streetview



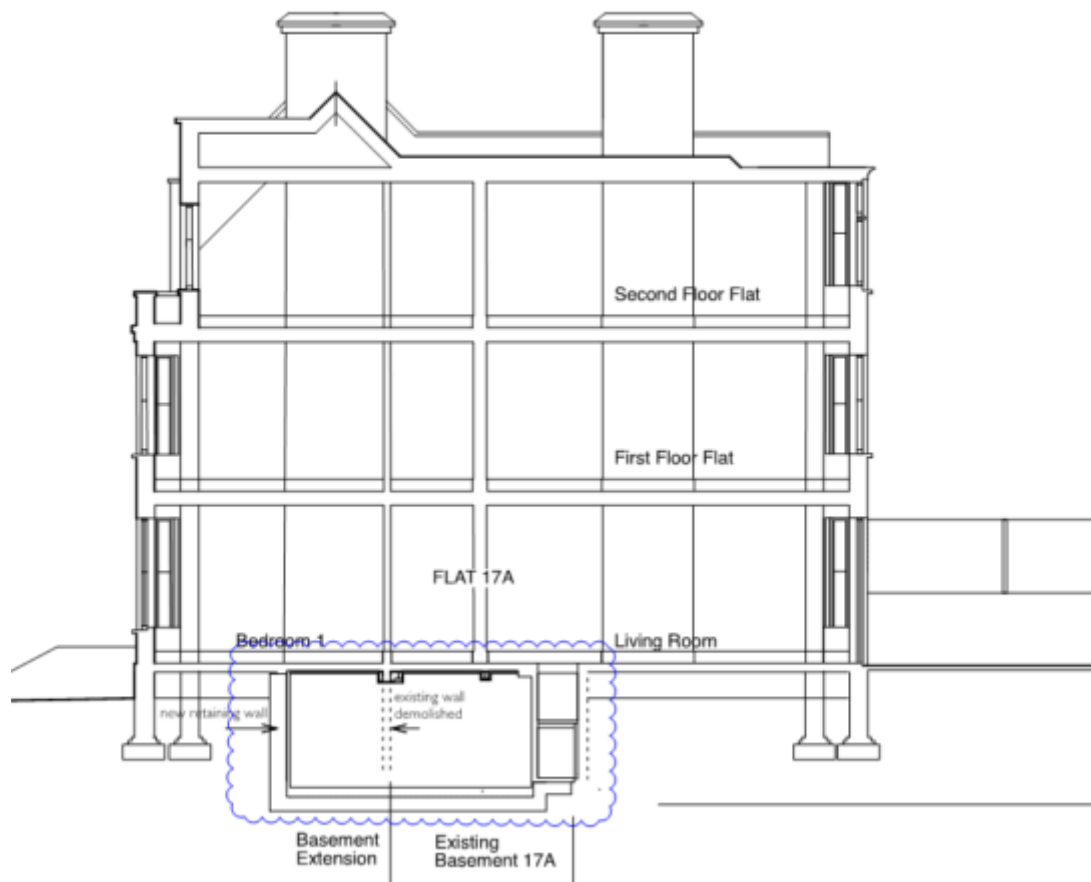
3. Existing basement plan



4. Proposed basement plan



5. Existing section



6. Proposed section

Delegated Report		Analysis sheet		Expiry Date:	04/01/2023
(Members Briefing)		N/A / attached		Consultation Expiry Date:	18/12/2022
Officer			Application Number(s)		
Edward Hodgson			2022/4911/P		
Application Address			Drawing Numbers		
Flat A 17 Chesterford Gardens London NW3 7DD			Please refer to draft DN		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Extension of existing basement					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	04	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed on 18/22/2022 (consultation expiry date 12/12/2022)</p> <p>A notice was placed in the local press on 24/11/2022 (consultation expiry date 18/12/2022).</p> <p>4 responses have been received from neighbouring properties (17 B and C, 19 and 15 Chesterford Gardens) summarised as follows:</p> <ul style="list-style-type: none">Concerns over the history of subsidence and previous underpinning of the building and general structural impactsDisruption to neighbours' lives for little benefitDrawings were not uploaded to the portal <p><u>Officer response:</u></p> <ul style="list-style-type: none"><i>The Basement Impact Assessment (BIA) has been independently audited by Campbell Reith who are satisfied that that there should be no impact upon the host and neighbouring properties with regards to movement or structural impacts (please see "Basement" in the officer's report below).</i><i>Amenity is material planning consideration as is discussed in section 5 of the report below.</i><i>The drawings and relevant documents were available to view on the Council's website during the consultation period</i>					
Redington Frogna Neighbourhood Forum and CAAC	No comments were received					

Site Description

The application site is a semi-detached period property constructed with red brick which has been divided into flats. It has an existing basement, measuring approx. 21.3sqm. The application relates to Flat A, which occupies the ground and basement level.

The site is located within the Redington Frogna Conservation Area and Neighbourhood Plan Area. It is regarded as making a positive contribution to the CA, although it is not statutorily listed. Chesterford Gardens is a historically flooded street.

Relevant History

5158 - The conversion of 17, Chesterford Gardens, Hampstead, into 3 self-contained flats, subject to the work being commenced within twelve months and completed within twenty-four months from the first day of June, 1946, failing which this consent shall become null and void. **Granted – 09/03/1949**

2015/3767/P - Replacement of two central existing sash windows with doors and installation of Juliette balconies on the rear elevation at first floor level. **Granted - 27/10/2015**

2022/0071/P - Erection of a new ground floor single storey rear extension, enlargement of door opening in the rear bay window and installation of new refuse bin store adjacent to the front boundary. **Granted - 28/06/2022**

Relevant policies

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan (2017)

A1 Managing the impact of development

A5 Basements

D1 Design

D2 Heritage

CC3 Water and flooding

Redington Frogna Neighbourhood Plan (2021)

SD1 Refurbishment of Existing Building Stock

SD2 Redington Frogna Conservation Area

SD4 Redington Frogna Character

SD5 Dwellings: Extensions and Garden Development

UD1 Underground Development

UD2 Development Impacts

Camden Planning Guidance

Amenity (2021)

Basements (2021)

Design (2021)

Water and flooding (2019)

Redington Frogna Conservation Area Appraisal (2022)

1. The proposal

1.1. Planning permission is sought for the following:

- Excavation to extend the existing basement by approx. 12sqm from 21.3sqm to 33.1sqm. No external works are proposed.

1.2. The proposed basement would measure up to 6m long, 2.4m deep and 5.4m wide and would be used for storage and utility purposes.

2. Revisions

2.1. The following revision was made to the proposed plans during the course of the application:

- Omission of low-level window on south (side) elevation.

3. Planning considerations

3.1. The key considerations material to the determination of this application are as follows:

- Heritage and Design
- Amenity
- Basement
- Water and Flooding

4. Heritage and Design

4.1. The application site is located within the Redington Frognal Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4.2. Policy D1 of the Camden Local Plan seeks to secure high quality design which respects local context and character and which preserves or enhances the historic environment and heritage assets in accordance with Policy D2. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

4.3. Policy SD2 of the Redington and Frognal Neighbourhood Plan states that new development must preserve or enhance the green garden suburb character and appearance of the conservation area. Policy SD4 states that development should complement the distinctive character of the Redington Frognal area and the immediate site context.

4.4. The proposal would extend an existing basement which would be within the footprint of the existing building. No external works, such as front and rear lightwells are proposed. The originally proposed low-level window on the side elevation has now been removed from the plans. The changes to the basement would be imperceptible from the public realm and as such, the proposal is considered not to impact on the character and appearance of the conservation area.

4.5. The proposal is considered to preserve the character and appearance of the conservation area. 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

5. Amenity

- 5.1. Policy A1 of the Local Plan ensures that development does not impact adversely on neighbouring occupiers in terms of loss of daylight, sunlight, overlooking, outlook and light pollution. Policy SD4 of the Neighbourhood Plan states that development should cause no significant detriment through loss of light or increased shading to neighbouring properties and gardens. Policy A5 states that the Council will generally require Construction Management Plans for basement development.
- 5.2. The basement extension, by virtue of its nature and location, is not considered to impact on the light, outlook or privacy of any neighbouring occupier.
- 5.3. Given the relatively minor nature of the extension, it is considered that a Construction Management Plan is not required in this instance. An informative is attached to the decision notice reminding the applicant that works must be carried out in accordance with the Council's minimum standards for construction. A condition is attached to ensure that the development is carried out by a fully qualified basement engineer and in accordance with the details of the approved Basement Impact Assessment.

6. Basement

- 6.1. Policy A5 of the Local Plan relates specifically to basement development and ensures that underground development will not harm neighbouring properties, structural, ground or water conditions of the area, the character and amenity of the area, the architectural character of the building and the significance of heritage assets. Policy UD1 of the Neighbourhood Plan states that underground development should have no significant adverse impact on garden spaces, trees, and neighbouring properties. Policy A5 sets out criteria against which to assess basements, as follows:

- 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.*

- 6.2. The proposed extension would result in a basement that is a single storey in height and would remain within the footprint of the host building. As such, the extension would not result in the loss of any garden space nor impact upon trees or biodiversity. The extension would therefore comply with points f) to m) in the criteria.
- 6.3. The policy goes on to note that, in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA).
- 6.4. The following underground development constraints apply at the application site: hydrological constraints layer; subterranean (groundwater) flow; slope stability.
- 6.5. The application is accompanied by a Basement Impact Assessment (BIA), which has been amended during the course of the application and independently audited by Campbell Reith, in

line with the requirements of CPG Basements. Campbell Reith have noted that the proposed scheme will not impact upon the local and wider hydrogeological or hydrological environments, nor impact structurally on the host and neighbouring buildings. The audit states that the potential damage to both nos. 17 & 19 Chesterford Gardens has been considered, and the BIA predicts that damage can be limited to no worse than Burland Category 1, which is considered to be in line with Camden planning policy and guidance.

6.6. Overall, the proposed basement extension is considered to be acceptable. Conditions are suggested to require that the works are carried out in accordance with the methods outlined in the BIA and to ensure that a suitably qualified engineer oversees the works.

7. Water and Flooding

7.1. Policy CC3 of the Local Plan seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible and will avoid locating vulnerable development in flood-prone areas. Policy UD1 of the Neighbourhood Plan states that underground development will not contribute to localised groundwater flooding.

7.2. The policy is supported by CPG Water and Flooding which states that the Council will ask for applications for basements in flood risk areas to be accompanied by an assessment of the scheme's impact on drainage, flooding and ground water. In addition, the Council will not allow habitable rooms and other sensitive uses for self-contained flats and other underground structures in areas at risk of flooding.

7.3. As the extension would be within the footprint of the host building, it is considered that the basement would not adversely impact on drainage or water movement and as such would not increase flood risk.

7.4. During the course of the application, Council officers were concerned about the potential use of the basement for habitable accommodation or as a self-contained basement flat which would therefore deem the use to be vulnerable. The scheme was therefore amended to remove the low-level window, in order to prevent water ingress. In addition, this would prevent natural light from entering the basement thus discouraging its use as a habitable room. The basement is proposed as a storage and utility room which is considered to be non-habitable and the basement has internal egress to the ground floor which is within the same flat. In addition, the proposal would mitigate against the ingress of any surface water by fitting non-return valves to the foul and surface water system to prevent any sewage surcharge into the dwelling. The proposal therefore would not pose a health and safety risk to occupiers nor constitute a vulnerable development.

8. Conclusion

The proposed basement extension is considered to be acceptable in design, amenity, basement and flooding terms.

Recommendation: Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 27th November 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/4911/P
Contact: Edward Hodgson
Tel: 020 7974 8186
Email: Edward.Hodgson@camden.gov.uk
Date: 20 November 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444
planning@camden.gov.uk
www.camden.gov.uk

Edward Rutherford Architect
23 Highgate Spinney
Crescent Road
N8 8AR

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat A

17 Chesterford Gardens

London

NW3 7DD

DECISION

Proposal:

Extension of existing basement

Drawing Nos: Site Location Plan CFG PL 100, CFG PL 01, CFG PL 09, CFG PL 07, CFG PL 04, CFG PL 90A, CFG PL 91A, CFG PL 94A, CFG PL 97A, Basement Impact Assessment Rev B (Cooper Associates July 2023), CA6669 1/B, CA6669/B01 rev A, Flood Risk Assessment (Cooper Associates dated August 2023)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Site Location Plan CFG PL 100, CFG PL 01, CFG PL 09, CFG PL 07, CFG PL 04, CFG PL 90A, CFG PL 91A, CFG PL 94A, CFG PL 97A, Basement Impact Assessment Rev B (Cooper Associates July 2023), CA6669 1/B, CA6669/B01 rev A, Flood Risk Assessment (Cooper Associates dated August 2023)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 4 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a

requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

DRAFT

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

Chief Planning Officer

DECISION