

Delegated Report		Analysis sheet		Expiry Date: 16/12/2022		
		N/A / attached		Consultation Expiry Date: 19/11/2022		
Officer			Application Number(s)			
Sofie Fieldsend			2022/2529/P			
Application Address			Drawing Numbers			
71 Avenue Road London NW8 6HP			See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Erection of a two storey, single family dwellinghouse (Class C3) with basement and accommodation in the roof space, following the demolition of existing						
Recommendation:		Refuse planning permission				
Application Type:		Full Planning Permission				
Conditions or Reasons for Refusal:		Refer to Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	2	No. of objections	2
			No. electronic	00	No. of comments	00
Summary of consultation responses:		<p>Site notices were displayed on the 26/10/2022 and the consultation period expired on the 19/11/2022.</p> <p>2 objections were received from neighbouring properties and their objections are summarised as follows:</p> <ul style="list-style-type: none"> Heritage: Harm to setting of the Elsworthy Conservation Area and the St Johns Wood Conservation Area, as well as harm to character of Avenue Road. 				

	<ul style="list-style-type: none"> • Garden space: Loss of garden space which contributes to the character of the townscape. • Amenity: <ul style="list-style-type: none"> - sense of enclosure to No.69 Avenue Road; - Concerns about noise from plant proposed; - proposed rear patio will intrude into the privacy of No.69 Avenue Road's garden unless effectively screened; - Needs for CMP and air quality risk to be undertaken. • Sustainability: <ul style="list-style-type: none"> - insufficient justification for demolition and concerns about carbon emissions. Contrary to Policy CC1. - Swimming pool contrary to Council's sustainability and climate change policies • Basement: Need for BIA to comply with Policy A5 • Missing documents do not allow for a full assessment including: Heritage assessment, acoustic report, whole life carbon assessment, air quality assessment and proposed side elevation (side boundary with No.69 Avenue Road) <p>Officer response: The applicant did provide the outstanding documents and an updated BIA was received that now complies with Policy A5. The heritage assessment is included in the updated design and access statement.</p>
CAAC and other community groups	n/a

Site Description

The site is a two storey property located on the south side of Avenue Road. The site is not listed nor located within a conservation area. It is, however, adjacent to the Elsworthy Conservation Area. It is within a historically flooded street.

The site benefits from a deep side garden and a garage which is accessed via a crossover on Queens Grove. The front of the property is served by a carriage driveway.

Relevant History

Application site

8401986- The erection of extensions at ground first and second floor levels on the south-west wing of the house (amendment to planning permission (Regd.No.31020(R1) dated 13th January 1981)-
Granted 06/02/1985

9005089 - The erection of extensions at ground first and second floor levels of the south west wing of the existing residential house to provide additional habitable floorspace – **Granted 08/01/1991**

No.69 Avenue Road:

2020/2330/P- Demolition of existing side extension and erection of a single storey side and rear extension; erection of a two storey rear extension with roof extension and 3x replacement rear dormer windows; excavation of a basement and small lightwell and associated works. – **Granted 15/09/2021**

Relevant policies**National Planning Policy Framework (Dec 2023)****London Plan (2021)**

Specifically, policy SI7 - Reducing waste and supporting the circular economy

Camden's Local Plan (2017)

- G1 - Delivery and location of growth
- H1 - Maximising housing supply
- H4 - Maximising the supply of affordable housing
- H6 - Housing choice and mix
- H7 - Large and small homes
- C1 - Health and well-being
- C5 - Safety and security
- C6 – Access for all
- A1 - Managing the impact of development
- A2 - Open space
- A3 - Biodiversity
- A4 - Noise and vibration
- A5 - Basements
- D1 - Design
- CC1 - Climate change mitigation
- CC2 - Adapting to climate change
- CC3 - Water and flooding
- CC4 - Air quality
- CC5 - Waste
- T1 - Prioritising walking, cycling and public transport
- T2 - Parking and car-free development
- T3 - Transport infrastructure
- T4 – Sustainable movement of goods and materials
- DM1 - Delivery and monitoring

Supplementary Guidance (2018/2019/ 2021)

- CPG Home Improvements
- CPG Design
- CPG Amenity
- CPG Basements
- CPG Biodiversity
- CPG Developer contributions
- CPG Energy efficiency and adaption
- CPG Housing
- CPG Transport
- CPG Trees

- CPG Water and flooding
- LPG Circular Economy Statements

Elsworthy conservation area appraisal and management strategy (2009)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the following:

Erection of a two storey, single family dwellinghouse (Class C3) with basement and accommodation in the roof space, following the demolition of existing. The front boundary wall and gates will be replaced with a higher wall boundary and gates. The side boundary on Queen's Grove will be altered to remove the vehicle crossover and include two pedestrian gates.

1.2 Revisions:

- Flood mitigation measures included around lightwells and removal of bedrooms within the basement
- Removal of proposed vehicle gate (and additional parking spaces) on Queen's Grove and replacement with a pedestrian gate
- Removal of timber pavilion in rear garden

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land Use
- Design and Impact on the setting of adjacent Elsworthy conservation area
- Quality of Accommodation
- Impact on the amenity of neighbouring occupiers
- Basement Impact
- Transport
- Trees and biodiversity
- Sustainability

3.0 Land Use

3.1 Housing represents the priority land use of the adopted Local Plan and, in order to meet (and exceed) the objectively assessed needs of the Borough, the Council seeks to maximise the delivery of new housing. This is supported by policies H1 (Maximising housing supply) and G1 (Delivery and location of growth). On this basis, housing is generally supported here in principle in what is a predominantly residential environment.

4.0 Design and Heritage

4.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments 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 and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance Design and Home Improvements are also relevant.

4.2 The site is not within a conservation area and is not in close proximity to any listed buildings. An objection was received concerning the developments impact on the setting of the Elsworthy Conservation Area and the St Johns Wood Conservation Area. In this instance the setting of the Elsworthy Conservation will be taken into consideration as the property is directly adjacent. However, there is a greater distance to the St Johns Wood Conservation Area and it does not abut the site, so there would be no harm to its setting.

4.3 The existing single dwelling on the site will be demolished and replaced with a two storey detached dwelling with a basement. The design of the replacement house is very similar to the existing dwelling but it will have a larger roof with and dormers. The proposed front elevation is similar to the existing but without the bay windows and the single storey north east element would be replaced by a two storey structure. Front lightwells are proposed in the location of the existing bay windows. The front lightwells would be 1.6m in depth (measured from the front elevation to the front of the lightwell). The principal rear elevation at ground and first floor would be rebuilt 6m further into the rear garden. The existing garage will be replaced by a two storey structure.

4.4 Avenue Road is characterised by large dwellings in big plots. It is noted that No.69 Avenue Road has a single storey element containing a garage which adjoins the application site (party wall) and projects 4.8m beyond the application site's rear building line. The new dwelling would match this existing building line on this side but project out an additional 7.2m on the side closest to Queen's Grove. It is also noted that No. 69 Avenue Road has had a larger two storey rear extension approved in 2021 under ref. 2020/2330/P to extend their ground floor closest to the application site. The massing and footprint proposed for the new dwelling would not appear out of character and would be acceptable.

4.5 In terms of materials the building will be red brick with timber fenestration, the roof will be Welsh Slate with lead dormers. While not in a conservation area it is adjacent the Elsworthy Conservation Area which is largely characterised in an arts and crafts style, and it is considered that the overall design including the use of traditional materials would not detract from this character of its setting and would complement it.

4.6 The low brick front boundary will be increased in height to 1.9m tall (2.1m high for the columns) with matching vehicle gates over the existing carriage driveway. Its height and detailed design would reflect the character of Avenue Road and it would not be considered harmful in this context. The site has an existing crossover and garage accessed from Queen's Grove, this vehicle access and existing pedestrian gate will be replaced with two pedestrian gates which is welcomed and seen as an enhancement to this street elevation.

4.7 Within the rear garden close to the proposed side pedestrian gate facing Queens Grove, two stores are proposed for refuse and cycles. The bike store would be timber with a modest footprint, but no elevations have been provided. However, it is considered that this could be conditioned if the development was acceptable, and it is likely that it would sit below the existing boundary with limited visibility of it. The use of timber would be acceptable within the garden setting.

4.8 The bin store will be constructed of brick to match the existing boundary wall it sits behind and it will have a black metal canopy roof. The bin store will incorporate a green roof which is welcomed and if the development was acceptable a condition would be attached securing details and its installation. It would modestly project above the existing side boundary by 0.2m, this height incorporates the green roof to promote biodiversity and sustainability and its height and detailed design would not be considered harmful in this location.

4.9 Overall, the proposed new dwelling and curtilage alterations when compared to the existing house and context of the area are relatively minor and would not harm the appearance of the streetscene and the surrounding area. It is also considered the development could be achieved through extensions rather than a complete demolition and rebuild for a single family dwellinghouse.

4.10 If the development were acceptable a condition would be attached securing further detailed drawings and samples of the materials proposed in the dwelling and brick boundary wall.

5.0 Quality of Accommodation

5.1 Overall, the standard of living accommodation for the prospective occupiers is acceptable in terms of light, outlook, privacy and amenity for the new dwelling. The floorspace proposed would exceed the minimum floorspace standards.

6.0 Impact on neighbouring Amenity

6.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.

6.2 Concerns were raised about the development creating a sense of enclosure to No.69 Avenue Road. Image 1 shows the existing rear relationship between No.69 and the application site. At ground floor, the rear building line closest to this property will now match the No. 69's rear building line on this site. It is then staggered 9m away from the shared boundary (characterised by mature trees) to project an additional 7.2m deep on the side closest to Queen's Grove which has a similar depth and relationship to the existing garage on the application site. At first floor No.69 has a significant set back off the boundary with the application site of 13.9m with the only side window serving a staircase. From a recent application ref. 2020/2330/P for No.69 it appears that the side dormer facing this application serves closet/storage space, and this use is proposed as retained under their recent approval. Given the context set out above and the significant separate distances, the development would not create a sense of enclosure to this property.



Image 1: View from application site's rear garden towards rear garage extension at 69 Avenue Road

6.3 No.69 Avenue road also raised concerns about the proposed rear patio impacting on the privacy to their garden unless effectively screened. The rear patio is located at ground/garden level and is raised 0.38m high. It is noted that within the garden of No.69 the side boundary it is heavily screened by mature trees as shown in Image 2. Nonetheless details of the final boundary treatment to ensure the raised patio does not impact their privacy could be secured by condition if the development were acceptable.

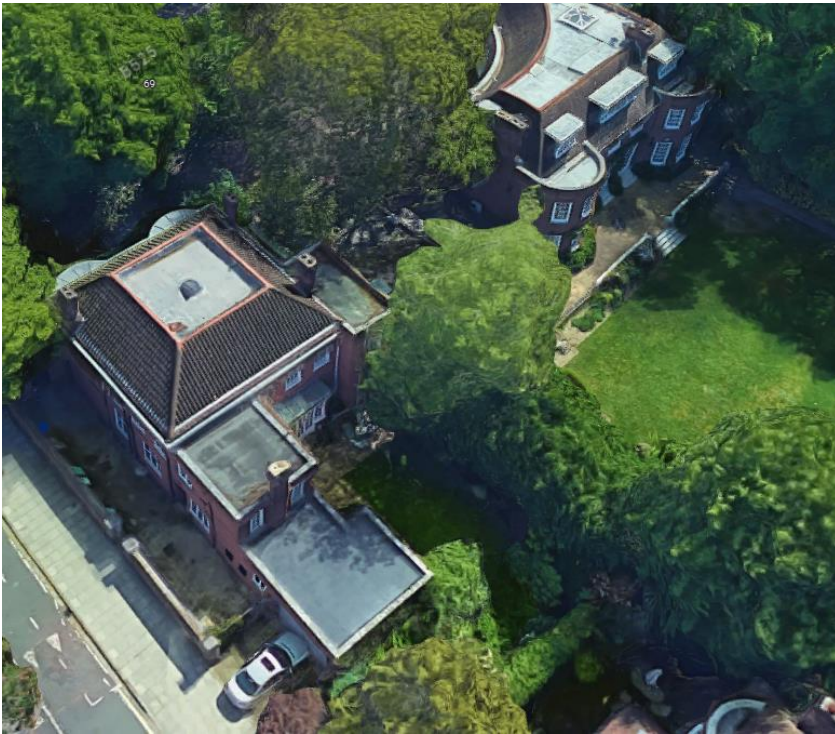


Image 2: Aerial view showing existing boundary between application site and No.69 Avenue Road.

6.4 Given the existing context raised above and as No.69 Avenue Road is located East of the site, the additional mass of the new dwelling is not considered to have a harmful impact on light to the neighbouring property at No.69 Avenue Road.

6.5 Concerns were raised by No.69 Avenue Road about noise from plant proposed at basement level and the lack of a noise assessment. An acoustic report and a revised basement plan were received showing more detail about the M&E room. The report was reviewed by the Council's Noise officer who found it to comply with policies A1 and A4 subject to conditions. If the development were acceptable conditions ensuring noise compliance and installation of anti-vibration mitigation would be attached. If the unit is required to be relocated to ensure it is energy efficient (see sustainability section), then a revised noise report would be secured by condition.

7.0 Basement Impact

7.1 Policy A5 requires basements, by way of their siting, location, scale and design, to have minimal impact on and be subordinate to a host property.

7.2 A number of criteria is set out in the policy:

- 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.

7.3 A Basement Impact Assessment (BIA) was submitted. A separate sustainable drainage report was also provided.

7.4 The basement will have a front lightwell and occupy the entirety of the ground floor footprint and project to the rear. While large, the basement is considered to be proportionate in relation to the proposed new dwelling and the site. It would comply with the criteria above.

7.5 The application is supported by a Basement Impact Assessment (BIA). This was subjected to an independent audit by Campbell Reith. They raised further queries about land stability and hydrogeology in their audit, further basement information was provided to address these outstanding concerns and therefore the basement is considered to comply with Policy A5 and CPG Basements.

8.0 Flood Risk

8.1 The site is located on a historically flooded street. A flood risk assessment and a sustainable drainage assessment were submitted. These set out that there would be 300mm thresholds around any lightwells and entrances into the basement and all basement drainage would have non-return

valves to mitigate the risk of sewer flooding. However, while barriers are proposed it is considered that these should be solid and not demountable as shown to ensure that they offer sufficient protection in the event of a flood. Therefore, if the development was acceptable a condition would be required showing the details of the final flood mitigation barrier. A demountable barrier especially at ground level around the lightwell's would not provide sufficient protection for a 1 in 1000 year flood level.

9.0 Air Quality

9.1 An objection was raised about the lack of an air quality assessment, which has since been submitted. No mitigation measures have been identified as being required for future occupiers. The energy strategy for the proposed development involves ASHP and therefore no combustion emissions are proposed on the site, which will not negatively impact on the local air quality. A Construction management plan (CMP) would have secured via a S106 if the development was acceptable.

10.0 Transport

10.1 Cycle parking is proposed in a dedicated secure timber store within the side garden close to the pedestrian gate facing Queens Road. It could accommodate up to 4 cycles. This complies with policy. If the development was acceptable the cycle parking would be secured by condition and details would be secured of its final design including elevations.

10.2 In line with Policy T2 new development would usually need to be secured as car free through a S106 legal agreement. However, the applicant has indicated that they will remain in the property following completion of the development so in this instance car-free development does not need to be secured. Furthermore, whilst the proposed home would be a new unit of occupation, it would not represent an increased impact in terms of car parking and parking stress which accords with the overall aims of Local Plan Policy T2.

10.3 Concerns were raised that a Construction Management Plan (CMP) should be required. The Council's transport team agree that this would be necessary, a full CMP would need to be secured by a section 106 legal agreement together with an Implementation Support Contribution of £3,920, if permission were to be granted.

10.4 A Highways Contribution would also need to be secured by means of a section 106 in order to construct a like for like replacement of the footway and 2 crossovers on Avenue Road as a result of damage caused by basement excavation, demolition and construction works and remove the crossover on Queen's Grove and reinstate with pavement and kerb. The Council's engineering team estimate the works to cost £31,200.

10.5 Given the proximity of the proposed light wells to the public highway it will be necessary to secure an Assessment in Principle (AIP) and corresponding fee of £1,938.83 by means of the Section 106 Agreement. This will help ensure that the structural integrity of the footway is maintained throughout the construction process.

10.6 As the application is being refused, the failure to enter into a legal agreement and secure a CMP (with contributions), AIP (and monitoring fee) and Highways Contribution would all form reasons for refusal.

11.0 Trees and Biodiversity

11.1 A Tree Survey and Arboricultural Method Statement and Tree protection plan were submitted and were reviewed by the Council's Tree Team who found it satisfactory. No trees are proposed to be removed to facilitate the development and if the development was acceptable a condition would secure the installation of tree protection measures.

11.2 The new bin store does propose a green roof which is welcomed, if the development were acceptable its installation and details would be secured. However, the new dwelling itself does not incorporate a green roof and the Council would consider there to be scope to further improve biodiversity and flood risk on site.

11.3 Concerns were raised about loss of green space. Although the replacement dwelling does have a larger footprint and incorporates a larger patio, additional soft landscaping is proposed at the front and side of the house so it considered that sufficient soft landscaping and green space will be retained on site. Final landscaping details would be secured by condition if the development were acceptable.

12.0 Sustainability

12.1 Local Plan policy CC1 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policies CC2 and CC3 are also relevant with regards to sustainability and climate change. This echoes the commitment to a low carbon future set out in the NPPF published this month.

12.2 Policy CC1 of the Camden Local Plan promotes zero carbon development and requires the steps in the energy hierarchy to be followed. It also requires all proposals involving substantial demolition to demonstrate that it is not possible to retain or improve the existing building and expects all development to optimise resource efficiency. Policy CC2 ensures development will be resilient to climate change, including measures to reduce the impact of urban and dwelling overheating, including the application of the cooling hierarchy, and encourages the incorporation of green roofs. Active cooling will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all the measures in the cooling hierarchy have been followed.

12.3 Regarding the principle of demolition, CPG on Energy and efficiency suggests a condition and feasibility study of the existing building outlining the condition of the existing structure should be provided. There should be exploration of development options: renovation and extension; and new framed construction. Considering reuse, retrofit, partial retention and refurbishment, and partial disassembly are important steps to consider and echoed in the London Planning Guidance for Circular Economy. The applicant has submitted a structural assessment and whole life carbon assessment. It should be noted that the structural assessment is very limited and it sets out it focuses solely on the condition of the external brickwork and does not include other aspects of the existing structure. The report simply sets out that paint was removed from the external bricks which may leave bricks more porous.

12.4 Without a detailed and complete feasibility study it has been difficult to ascertain whether the existing condition of the building would allow it to be retained and improved or retained and extended or with replacement being the only end result. This is crucial in ensuring the efficient use of resources, and in minimising release of embodied carbon in order to move to a low carbon economy. This

hierarchy and decision flow is set out within the [London Plan Circular Economy guidance](#) – and summarised in Figure 4 of the guidance. The information provided in support of the application does not clearly demonstrate or justify why it is not possible to retrofit the existing building through a whole house holistic approach. There is no evidence to support an assertion that this building cannot be retained and improved like other homes of its age. Given this, officers consider a case for demolition has not been demonstrated to the Council’s satisfaction and therefore would not support demolition of the existing dwelling.

12.5 As a result, there is insufficient information to support the demolition of the existing building justification for the demolition of the existing building, contrary to Local Plan policy CC1 and London Plan policy SI7.

12.6 Furthermore, the applicants have gone on to provide a whole life carbon assessment (WLC) to justify a replacement building.

	Sequestered Carbon	Module A1 – A5	Module B1 – B5	Module B6 – B7	Module C1 – C4	Module D	TOTAL*
Assessment 1 – New Build Scheme (including module B6)							
TOTAL kg CO ₂ e	-105,741	1,514,584	95,385	114,479	367,452	-23,897	1,871,680
TOTAL kg CO ₂ e GIA	-88	1,263	80	95	306	-20	1,561
Assessment 2 – Refurbished Scheme (including module B6)							
TOTAL kg CO ₂ e	-88,791	396,652	28,566	72,301	131,697	5,675	468,123
TOTAL kg CO ₂ e GIA	-224	999	72	182	332	14	1,179

**Total excluding module D*

Table 1: Estimated Embodied and Operational Carbon Emissions (taken from the whole life carbon assessment comparative study submitted by the applicant).

12.7 It is noted that the operational carbon is not considered in the GLA WLC benchmarks as this is considered separately. The new build option (assessment 1) does not meet the GLA benchmark of 1200 kgCO₂e/m² GIA. Also, it is noted that the results provided in the assessment do indicate that refurb would have had a significantly lower impact than a rebuild scheme. Additionally, the finding set out when operational energy emissions are included within the modelling, it is demonstrated that the new build scheme has total carbon emissions higher than that of the refurbished option over a predicted 60-year lifespan.

12.8 Therefore, the applicant has demonstrated through the submitted information that the proposed replacement building performs worst for embodied carbon when considering whole life carbon. The development would fail to contribute to a low carbon future through efficient use of resources and by minimising embodied carbon through sustainable design decisions. This would therefore form a reason for refusal as it is contrary to Policy CC1 of the Local Plan and Policy SI7 of the London Plan.

12.9 The new dwelling incorporates additional soft landscaping, a green roof on the bin store, sustainable materials and water saving fittings and appliances shall be installed and it is proposed to target a maximum water consumption of 105 litres per person per day which are welcomed. Details of this would be secured by condition if the scheme was acceptable.

12.10 The sustainability statement outlines that an Air Source Heat Pump (ASHP) is proposed, which will 'contribute an additional estimated reduction of 65.4% of regulated CO2 emissions over the be clean emissions'. This unit is located internally within the building at basement level and it is confusingly labelled as an air con unit but the manufacturers specifications conclude it is a ASHP. It should also be noted that ASHP need to be exposed to the air and if it were proposed outside the acoustic report would need to be updated for its noise impact and details of its siting, scale and detailed design would need to be provided for assessment. A condition would also be attached ensuring it could not be used for cooling only heating in line with policies CC1 and CC2.

12.11 The sustainability statement outlines that reduce water consumption to less than 105 litres per person per day, which would be policy compliant (Policy CC3). If the development were considered acceptable this would be conditioned.

13.0 Waste

13.1 A dedicated bin store is proposed within the side garden close to the pedestrian gate facing Queens Road. This would be appropriate location and sufficient space is proposed for the refuse.

14.0 Heads of terms

14.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. The obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought if permission were to be granted:

- Construction Management Plan and associated Implementation Support Contribution of £3,920
- Construction Impact Bond of £7,500
- Approval in Principle fee of £1,938.83
- Highways contribution of £31,200

15.0 Community Infrastructure Levy

15.1 This site would be subject to CiL payments as the development would create 415sqm of additional floorspace.

16.0 Conclusion

16.1 The failure to propose a sustainable development that contributes to a low carbon future, by optimising resource efficiency and minimising carbon, means that the development is in conflict with the development plan overall. The impacts in terms of climate and sustainability are given significant weight, and any public benefits of the proposal (like renewal and economic activity associated with construction) do not outweigh those negative impacts.

17.0 Recommendation

17.1 Refuse Planning permission for the following substantive reasons:

The proposed development, through insufficient evidence to justify the demolition of the existing building, would result in an unsustainable development that fails to contribute to a low carbon future through efficient use of resources, contrary to policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023.

The proposed development, fails to achieve sufficient carbon savings by minimising embodied carbon through sustainable design decisions, resulting in an unsustainable development contrary to policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023.