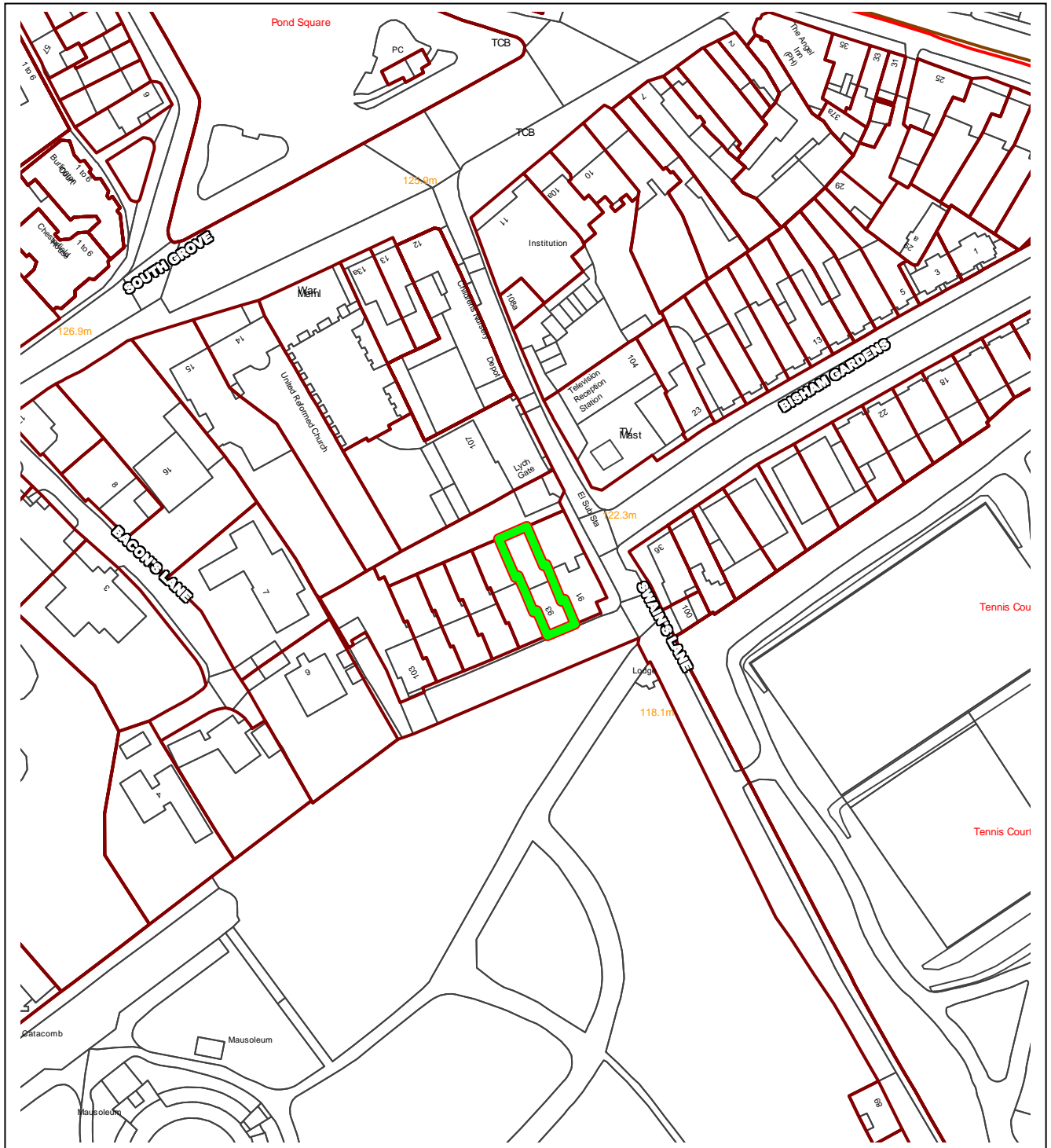


2023/3475/P

93 Swain's Lane



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2023/3475/P - 93 Swain's Lane

Photos and Plans

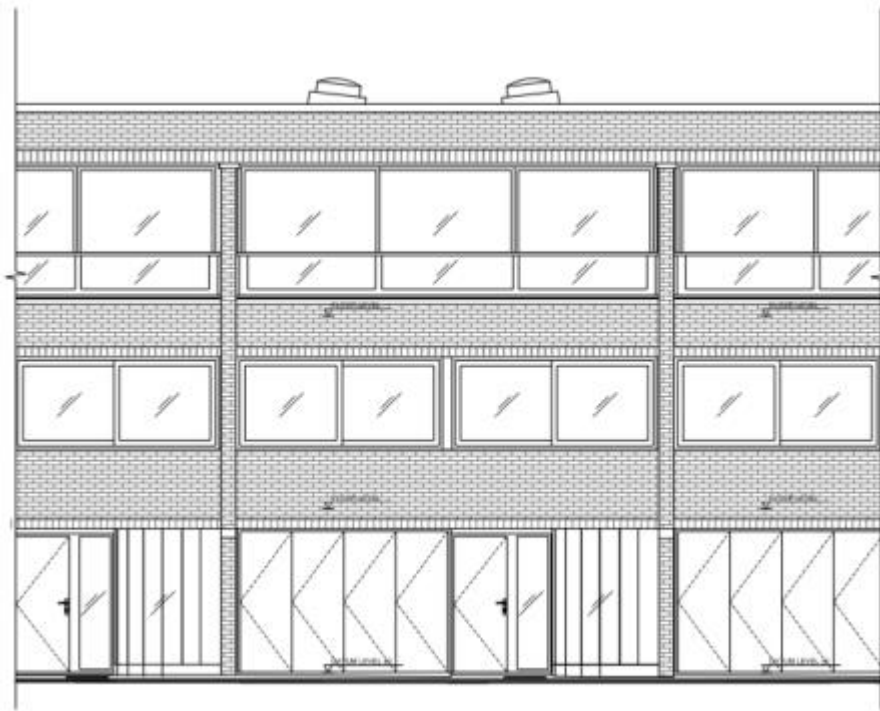


Fig 1. Existing front elevation

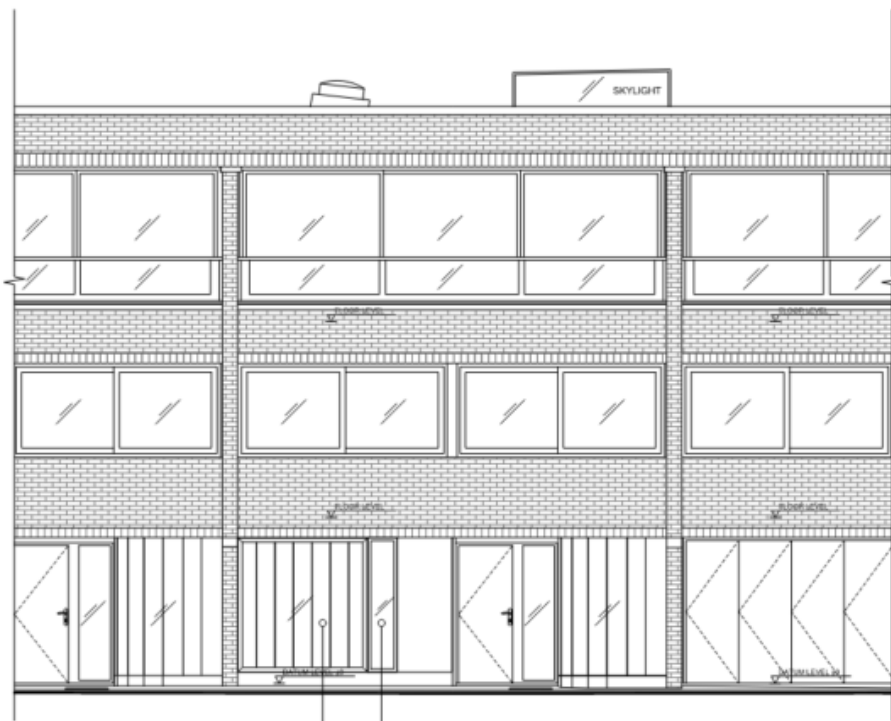


Fig 2. Proposed front elevation

2023/3475/P - 93 Swain's Lane

Photos and Plans



Fig 3. Proposed front elevation 3D rendering



Fig 4. Existing front elevation photo

2023/3475/P - 93 Swain's Lane

Photos and Plans

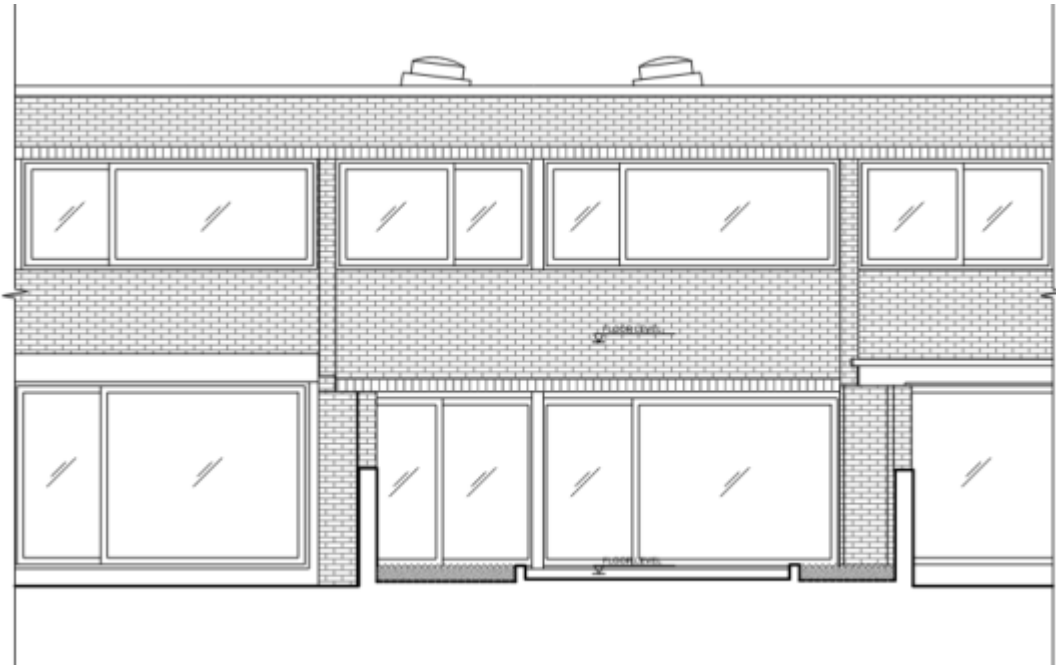


Fig 5. Existing rear elevation

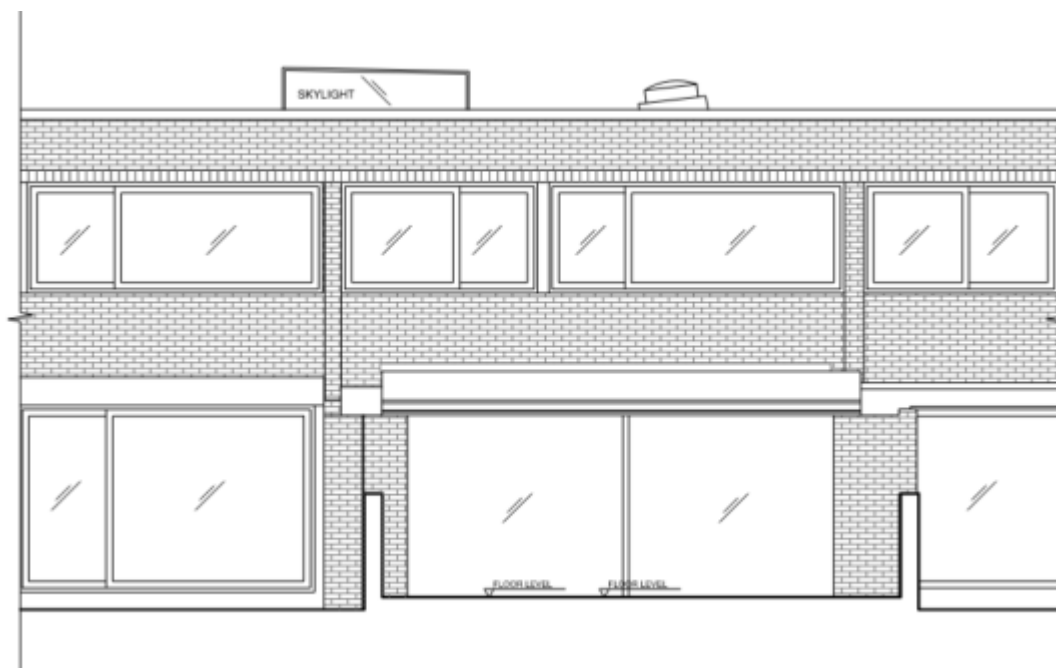


Fig 6. Proposed rear elevation

2023/3475/P - 93 Swain's Lane

Photos and Plans



Fig 7. Proposed rear elevation 3D rendering



Fig 8. Existing rear elevation photo

2023/3475/P - 93 Swain's Lane

Photos and Plans

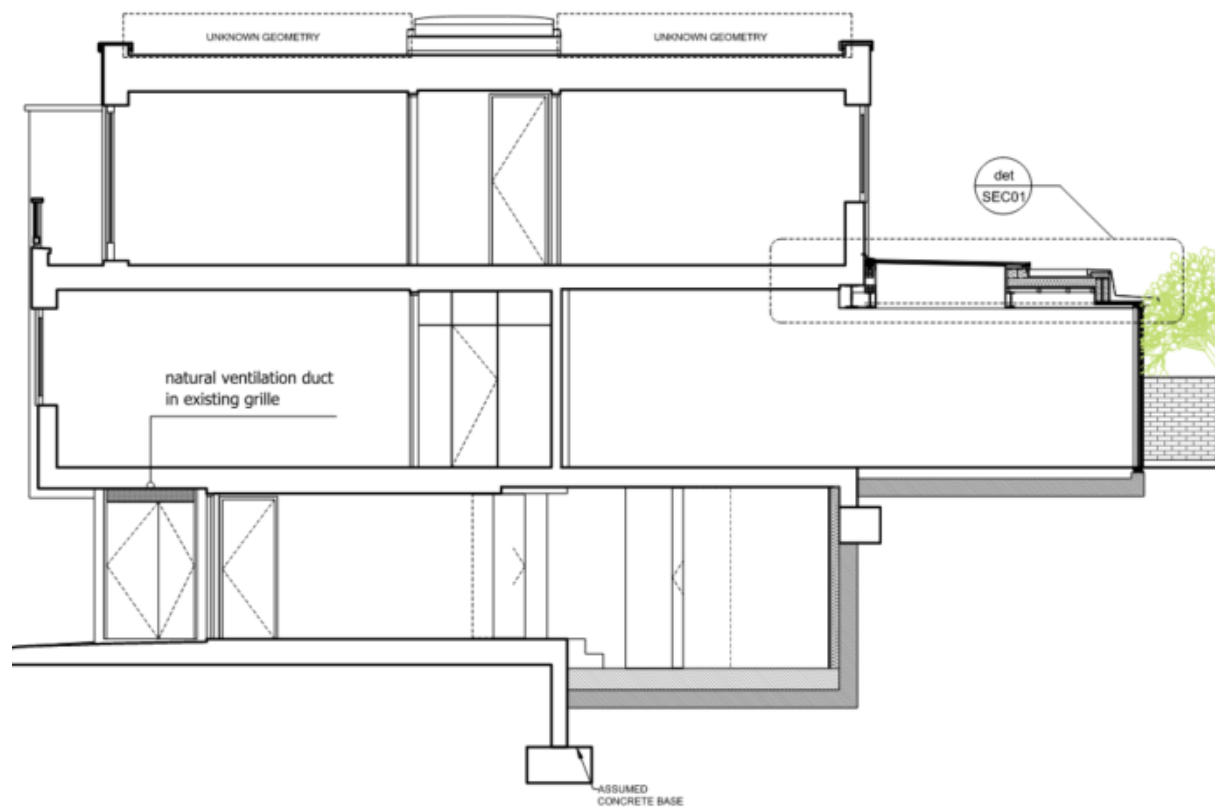


Fig 9. Proposed section

Delegated Report (Members Briefing)		Analysis sheet N/A / attached		Expiry Date: 18/10/2023	
				Consultation Expiry Date: 08/10/2023	
Officer			Application Number(s)		
Daren Zuk			2023/3475/P		
Application Address			Drawing Numbers		
93 Swain's Lane London N6 6PJ			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Single storey rear extension at lower ground floor level (excavation into hillside); upper ground floor rear extension (above ground); new rooflights on proposed single storey rear extension; new projecting rooflight on main roof; replacement of existing garage doors with glazing.					
Recommendation(s):		Grant householder planning permission			
Application Type:		Householder Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections
					01
Summary of consultation responses (Officer's responses) in italics		Site Notice: displayed from 13/09/2023 – 07/10/2023 Press Notice: displayed from 14/09/2023 – 08/10/2023 One response was received objecting to the proposed works. Their comments are summarised as follows: 1. The bore hole tests were initially undertaken on June 12 and 13 of 2023 and there was monitoring later in June and July. Although the standpipe showed no signs of water at 6m we remain concerned that these tests were carried out during an extremely dry spell – there had been only 6 days of rain in May and there was a well reported drought in June/July. With climate change going in one direction, we are worried that heavy rainfall in the future might lead to higher underground water levels and because of the proposed new structure that this could lead to water being redirected towards adjacent properties.			

	<p><i>The submitted basement impact assessment, which was reviewed and confirmed acceptable by a third party auditor (Campbell Reith), found that the proposed basement (and rear extension) would not have a material impact on the hydrology of the immediate area.</i></p> <p>2. On the plans it shows an additional bedroom/office, utility room and a bathroom. Arising from this we are concerned that there are no details in the plans to indicate how the basement will be ventilated or heated. We would like clarification on whether there is to be any form of air pump or air conditioning. We would object if there was any noise pollution as a result of this.</p> <p><i>The proposal does not include any provision for new plant facilities. Any new plant facilities would require planning permission, assessed against Council policy and guidance.</i></p> <p>3. We are concerned that with the increase in hardstanding – 1.8 sqm- that the plans to how this water will drain away are vague and insufficient. Small scale SUDS measures like leaky water butts feel insufficient. Particularly as the property is in a CDA and London is prone to water surges in a storm event.</p> <p><i>Given the small scale of the proposal, it is not anticipated that the development will result in any increase in water run off to neighbouring properties. Sufficient rear garden permeable area remains.</i></p> <p>4. We are concerned that the ground floor extension will extend 1.5 m beyond the existing extension to No.95. The architect for 95 's extension John Winter didn't extend further as he recognised the limit of the permitted footprint. We are also concerned that the 15 cm increase in height -over the existing extension at No.95 will result in some blockage of light.</p> <p><i>The design of the proposed rear extension is discussed in Section 3 (Design and Conservation) of this report. Impacts on neighbouring amenity are discussed in Section 4 (Amenity).</i></p>
<p>Highgate CAAC</p> <p><i>(Officer's responses) in italics)</i></p>	<p>The Highgate CAAC provided comments objecting to the proposal, outlined below:</p> <p>The Highgate Conservation Area Advisory Committee oppose this application. The applicant's own DAS says, 'The HCAAAMP describes each sub-area within the conservation area in detail. The application site is within Sub-area 1: 'Highgate Village', which is the historic core of the conservation area. The HCAAAMP notes that Nos. 91-103 Swain's Lane are a terrace of 1970's three-storey brick houses set at right angles to the street, with continuous first floor glazing and second-floor balconies, taking advantage of southerly views over Highgate West Cemetery and beyond. They were</p>

	<p>designed by Haxworth and Kasabov. That continuous character uniting the whole terrace, also manifests on the ground floor with a repeating pattern of entrance, curved glass, brick pillar and block colour.</p> <p>The proposal appears to replace a block of colour with glass, which would totally destroy the continuity of the terrace. The front elevation of the whole terrace must be maintained as it is. This is an important 20th century development, one of many in Highgate in Camden and Haringey. The curved internal lobby to the left, references the external curved glass to the right of the entrance and should be retained.</p> <p>There is no assessment of the impact of a basement, on the hydrology of the area. We would like to see a greater use of SUDS, an assessment of the environmental impact including a plan to maintain or increase biodiversity in the rear garden, and a plan to minimise energy use and approach neutral carbon.</p> <p><i>Officer's Response:</i></p> <ul style="list-style-type: none"> <i>The proposed works along the ground floor front elevation are identical to those approved under ref. 2021/4768/P (dated 10/11/2021). The works are considered to be a sensitive alteration to the unique design of the group of terraces and are thus acceptable on design grounds.</i> <i>A basement impact assessment (BIA) has been reviewed and confirmed acceptable by a third-party auditor (Campbell Reith).</i> <i>Given the small scale of the rear extension, the inclusion of SUDS measures are not considered necessary in this instance.</i>
<p>The Highgate Society</p> <p><i>(Officer's responses) in italics)</i></p>	<p>The Highgate Society provided comments objecting to the proposal, outlined below:</p> <ul style="list-style-type: none"> It should be noted that the site is in an Archaeological Priority Area. There appears no mention of measures to address this within the submission. <p><i>Given the small scale and scope of the proposed works, there is no requirement for archaeological study in this instance.</i></p> <ul style="list-style-type: none"> Potential harm to the integrity of the elevation has already been caused by the unimplemented planning approval 2021/4768/P for the conversion of the garage into a ground floor room. In this, the current application duplicates the previous application. However, the society feels it is worth readdressing this for the following reasons. This application is for the creation of a ground floor room, variously described as a bedroom, home office or playroom. This is an entirely unsuitable location for any form of habitable room in that it opens directly onto the public domain without any defensible space, thus putting the occupants at risk. Although not such an issue with a home office, there is no legislation that will prevent its use as a playroom or bedroom. Within the application there are no details as to how this

room will be ventilated as no opening windows are shown (and if so, these will present a security risk) and the only other option is unsustainable artificial ventilation which will require ducted air and extensive plant, which is not shown. Therefore, the Society believes this element of the application is not suitable for use as a habitable room.

The interior use of the converted ground floor front room is not a material planning consideration. The application does not propose any new plant facilities. If any plant facilities were to be proposed in the future, a planning application would be required and subsequently assessed against Council policy and guidance.

- The proposal also looks at effectively forming a new the basement to the rear by extending the access level to the rear. There are a couple of issues with this. The first is that by doing so, the basement wall will extend beyond those of the adjoining properties and, as such, result in ground water being diverted to the neighbouring properties where they will remain potentially constrained. This is a steep hillside leading down to the historic Highgate Cemetery. Highgate is notorious for hydrology problems and the investigations to date do seem to have only been carried out in a period of extended dry weather. Secondly, the extended access level will form a full basement to the rear without access to light or air and will require ventilating and thus plant, as mentioned in no 3 above.

A basement impact assessment (BIA) has been submitted, reviewed, and confirmed acceptable by a third-party auditor (Campbell Reith). The BIA included an assessment of the area's hydrology, which was not raised as a concern. The application does not propose any new plant facilities. If any plant facilities were to be proposed in the future, a planning application would be required and subsequently assessed against Council policy and guidance.

- The new ground floor extension extends beyond the two adjoining approved extensions. Any proposals should be examined in conjunction with adjoining properties to ensure the protection of the architectural integrity of the block. Any new rear extension should respect the emerging building line and should not extend beyond this either in depth or height.

The design of the rear extension is discussed in Section 3 (Design and Conservation).

- Finally, it has been mentioned that this expansion is to meet the needs of the current owners. This proposal will result in, what was designed as a relatively modest 4-bedroom house, turning into what will become a much larger 6-bedroom house. Highgate has a considerable number of large houses but few smaller one which meet the needs of downsizers and smaller families. This does therefore

	<p>beg the question as to why the owners do look to a larger home more suited to their needs rather than expanding this house beyond its original design intention.</p>
--	---

This is not a material planning consideration which can be taken into account for the assessment of this application.

Site Description

The application comprises one of a group of seven terraces located at nos. 91-103 Swain's Lane, located on a private road south of the junction with Bisham Gardens. The terraces, which date from the 1970s, were designed by architects Haxworth and Kasabov. Each feature three-stories, continuous first-floor glazing, and second-floor balconies taking advantage of southerly views over Highgate West Cemetery. The strong collective architectural style contributes positively to the character and appearance of the streetscape and thus that of the wider Conservation Area. It is noted that multiple of the terraces feature rear extensions including at nos. 91, 95, and 99.

The site is located within the Highgate Conservation Area, and although not listed, is considered to positively contribute to the character and appearance of the Conservation Area.

Relevant History

93 Swain's Lane (Subject Site)

2021/1821/PRE – Option 1: Erection of a lower ground floor rear extension with a rear garden lightwell, garage conversion, and creation of a new roof terrace at 2nd floor level enclosed by balustrades. Option 2: Erection of a lower ground floor rear extension with a rear garden lightwell and single storey upper ground floor extension above at garden level; garage conversion; erection of roof extension at 2nd floor level to Nos. 93-103 Swain's Lane. **Advice Issued 01/07/2021**

2021/4637/PRE – Follow up pre-app to 2021/1821/PRE. Option 1: Roof terrace; Option 2: Single storey roof extension and roof terrace; Option 3: Single storey roof extension

2021/4768/P – Replacement of existing garage doors with glazing. **Granted 10/11/2021**

97 Swain's Lane

2021/4766/P – Replacement of existing garage doors with glazing. **Granted 09/11/2021**

99 Swain's Lane

2020/4833/P – Erection of single-storey rear ground floor extension. **Granted 08/01/2021**

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A5 Basements
- D1 Design
- D2 Heritage

Camden Planning Guidance

- Amenity (2021)
- Design (2021)
- Basements (2021)
- Home Improvements (2021)

Highgate Neighbourhood Plan (2017)

- DH2 Development Proposals in Highgate's Conservation Areas
- DH3 Rear Extensions
- DH7 Basements
- DH10 Garden land and Backland Development

Highgate Conservation Area Statement (2007)

Assessment

1. Proposal

1.1. The proposal includes:

- Single-storey rear extension at ground floor level (excavation into hillside);
- Erection of a single-storey upper ground floor rear extension (above ground);
- Installation of rooflights to proposed rear extension;
- New rooflights to main roof; and
- Replacement of existing garage doors with glazing.

2. Assessment

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

- Design and Conservation
- Amenity
- Trees
- Basement Impact

3. Design and Conservation

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan Document is supported by Supplementary Planning Guidance CPG (Design).
- 3.2. Local Plan Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. To comply with Policy D2, extensions to historic properties should integrate with and enhance the host building and not be dominant or obtrusive.
- 3.3. The proposed ground floor rear extension, although deeper than neighbouring rear extensions, is considered subordinate and respecting of the prevailing pattern of development of the terrace. Sufficient rear garden space will be retained, thus protecting the amenity of current and future occupiers (see Fig 1 below). The use of brick to match the existing terrace is welcomed and given its low siting and location to the rear, the use of aluminium is considered acceptable and help differential it as a modern addition. Full height fenestration is a characteristic of the terrace and thus considered acceptable.

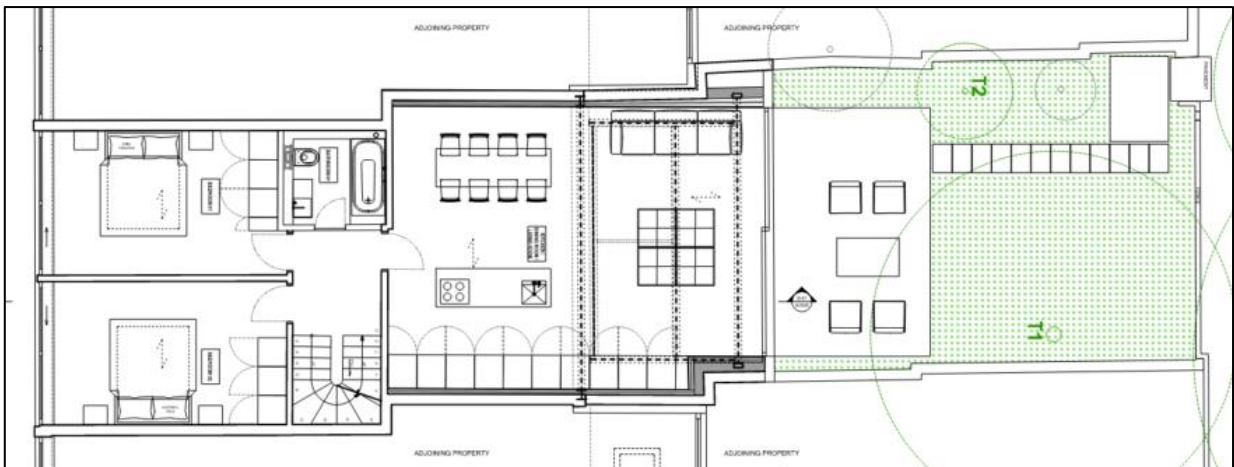


Fig 1. Proposed ground floor plan, with rear garden

- 3.4. The installation of rooflights on the proposed rear extension and to the main roof are considered acceptable in form and scale and will not impact the character of the host building or wider terrace.
- 3.5. Works to the ground floor front elevation, which include replacement of the existing garage doors with Pilkington Profilit glazing to match existing, are identical to those approved under ref. 2021/4768/P dated 10/11/2021. As with the previous application the loss of the garage doors and their replacement with glazing is considered to be acceptable on the basis that the change would not affect the form and shape of the ground floor and would not affect the sense of rhythm along the wider terrace.

- 3.6. Therefore, the rear extension and associated works would not result in undue harm to the character, appearance, or architectural interest of the property. By reason of the extension's siting to the rear, it would not be immediately visible in public views, and would not impact on the character and appearance of the streetscene or the wider Conservation Area.
- 3.7. Special regard has been attached to the desirability of preserving or enhancing the Highgate Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.8. As such, the proposed development would preserve the significance of the positive contributing building and the character or appearance of the Highgate Conservation Area, complying with policies D1 and D2 of the Camden Local Plan and policies DH2, DH3, and DH10 of the Highgate Neighbourhood Plan (2017).

4. Amenity

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 4.2. The proposed rear extension's depth will be built within the footprint of the existing brick boundary walls and will project an additional 0.5m on top of the 2.3m high walls. Given its modest depth, height of the existing boundary walls, and that both neighbouring properties feature existing rear extensions of a similar depth and height, it is not considered that the proposals would lead to any new impacts on neighbouring amenity with regards to daylight/sunlight, outlook, or privacy.
- 4.3. It is not considered that the addition of rooflights to the proposed rear extension, replacement rooflights on the main roof, or works to the front elevation would result in any amenity impacts to neighbouring residential occupiers.
- 4.4. The Council's Transport Officer was consulted to assess the requirement for a Construction Management Plan (CMP) and associated Impact Bond. Based on the relatively small size and scale of the works, and that the basement will involve a small area of excavation into the hillside, a CMP and associated Impact Bond was considered unnecessary in this instance.
- 4.5. Overall, the works would not have any negative impact on the amenity currently enjoyed by neighbouring residents and would therefore comply with Policy A1 of the Camden Local Plan 2017 and policy DH7 of the Highgate Neighbourhood Plan (2017).

5. Trees

- 5.1. No trees are proposed to be removed to facilitate the development. It is noted that there are trees close to the footprint of the development, thus, to ensure they are protected a condition requesting details and installation of tree protection has been attached.

6. Basement Impact

6.1. 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. A number of criteria is set out in the policy which advise that basements 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.*

6.2. The proposed basement complies with all points in relation to the policy requirements. It comprises of one storey fully underneath the proposed rear extension, does not exceed 50% of the rear garden, is less than 1.5 times the footprint of the host building, and avoids the loss of garden space or trees of townscape or amenity value.

6.3. Furthermore, the application is supported by a Basement Impact Assessment (BIA). This was subjected to an independent audit by Campbell Reith (CR). Following their assessment, CR confirmed that the proposed basement complies with Policy A5 and the CPG Basements document. Compliance to the approved BIA will be secured by condition.

7. Conclusion and Recommendations

7.1. In conclusion, the proposed works would preserve the character and setting of the host building and the character and appearance of this part of the Highgate Conservation Area. As such, the proposals are considered to accord with the requirements of Policies A1, A5, D1, and D2 of the Camden Local Plan 2017 and Policies DH2, DH3, DH7, and DH10 of the Highgate Neighbourhood Plan (2017). It is therefore recommended that planning permission be granted subject to relevant conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25th March 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: 2023/3475/P
Contact: Daren Zuk
Tel: 020 7974 3368
Email: Daren.Zuk@camden.gov.uk
Date: 7 March 2024

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

LBMVarchitects
72 Haverstock Hill
Ground floor shop
London
NW3 2BE

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
93 Swain's Lane
London
N6 6PJ

Proposal:

Single storey rear extension at lower ground floor level (excavation into hillside); upper ground floor rear extension (above ground); new rooflights on proposed single storey rear extension; new projecting rooflight on main roof; replacement of existing garage doors with glazing.

Drawing Nos: A1000, A1001, A1002, A1003, A1004, A1005, A1006, A1007, A1008, A1009, A2000, A2001, A2002, A2003, A2004, A2005, A2006, A2007, A2008, A2009, A2010, A2011, Design and Access Statement, Heritage Statement, Basement Impact Assessment Report v2

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:

A1000, A1001, A1002, A1003, A1004, A1005, A1006, A1007, A1008, A1009, A2000, A2001, A2002, A2003, A2004, A2005, A2006, A2007, A2008, A2009, A2010, A2011, Design and Access Statement, Heritage Statement, Basement Impact Assessment Report v2

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 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.

- 5 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment Report V2 (Campbell Reith BIA Audit Report dated February 2024) 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.

- 6 The roofs of the extension hereby permitted shall not be used as balconies, terraces, or for any other ancillary residential purposes.

Reason: In the interests of the amenity of surrounding occupiers in accordance with Policy A1 of the Camden Local Plan 2017.

- 7 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 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 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 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.
- 4 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.

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-householder-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

DRAFT

DECISION