

Application ref: 2023/4124/PRE
Contact: Ewan Campbell
Tel: 020 7974 5458
Email: Ewan.Campbell@camden.gov.uk
Date: 09/01/2024

Development Management
Regeneration and Planning
London Borough of Camden
old address

Phone: 020 7974 4444

planning@camden.gov.uk

www.planning@camden.gov.uk

Farrow Silverton Architects
6 Hale Lane
Mill Hill
London NW7 3NX

Dear Sir/Madam

Pre-application Minor Development Pre-application Advice Issued

Address:

34 Fitzjohn's Avenue
London
NW3 5NB

Proposal: Creation of an additional residential unit at basement level, erection of part single, part 2 storey rear extension at basement and ground floors, installation of new flank wall windows on basement level, addition of a platform lift and external lift to the side and relocation of front basement entrance door and replacement with window as original.

Site constraints

- Article 4 Direction Basement Development
- Fitzjohn's Netherhall Conservation Area
- Frognaal and Fitzjohns Construction Management Plan priority zone
- Underground development constraint – Slope Stability
- Underground development constraint – subterranean ground water flow

Relevant planning history

2016/4102/T - REAR GARDEN: 1x Weeping Ash - Reduce crown all round by 25-30%, 1x Oak - Reduce crown all round by 1-2m FRONT GARDEN: 1x Japanese Maple - Reduce crown by 25-30% (No Objection to Works to Tree(s) in CA 09-09-2016)

2016/3987/T - REAR GARDEN: 2x Black Poplar - Repollard to previous points (No Objection to Works to Tree(s) in CA 21-09-2016)

PW9702672 - Erection of a roof extension to provide a self-contained flat, as shown on drawing numbers; Two unnumbered A4 plans and 2299/SS/6/WL/992/A1. (Refuse Planning Permission 22-10-1997)

Planning history for nearby properties

32 Fitzjohns Avenue

PWX0202230 - The erection of a single storey pitched roof study/summer house within rear garden for ground floor flat. As shown on drawing numbers: 116/3a, b, c, d and 116/A, B, C with photograph Nos. 116/3g and h (Grant Full Planning Permission (conds) 21-05-2002)

30 Fitzjohns Avenue

CTP/G7/4/21/32565 - Change of use involving works of conversion to form two self-contained flats in the basement. (permission 09-09-1981)

TP/994/658 - The erection of a Single storey addition at first floor level at 30 Fitzjohn's Avenue, N.W.3. to form two bed-rooms. (conditional 28-02-1963)

28 Fitzjohns Avenue

2004/4218/P - The extension of the existing roof level flat by forming a larger flat roof component in the central valley and the erection of an extension to a side dormer, as a revision to planning permission ref PWX0002537R2, dated 11/12/2001 for alterations and extensions to the roof level flat. (Granted 08-12-2004)

Relevant policies and guidance

National Planning Policy Framework (NPPF) 2023

The London Plan 2021

Camden Local Plan (2017)

G1 Delivery and location of growth

A1 Managing the impact of development

A3 Biodiversity

A4 Noise and vibration

A5 Basements

D1 Design

D2 Heritage

H1 Maximising house supply

H3 Protecting existing homes

H6 Housing choice and mix

H7 Large and small homes

H8 Housing for older people, homeless people and vulnerable people

T1 Prioritising walking, cycling and public transport

T2 Parking and Car Free development

T4 Sustainable movement of goods and materials

CC1 Climate Change Mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC5 Waste
C6 Access for All

Camden Planning Guidance

CPG Design
CPG Amenity
CPG Housing
CPG Access for all
CPG Energy Efficiency and Adaptation
CPG Basements
CPG Biodiversity
CPG Trees
CPG Home Improvements
CPG Transport

Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan (December 2022)

Site and surroundings

The application site at 34 Fitzjohn's Avenue is located in the Fitzjohns Netherhall Conservation Area and is identified as a positive contributor, and the surrounding area is mainly residential. Fitzjohn's Avenue is one of the four parallel north-south, planned avenues with substantial areas comprising well-vegetated rear gardens. The road is lined with mature London Plane trees but private front gardens also contribute the area's verdant character. The semi-detached Victorian property has Gothic and Queen Anne revival influences with a gabled roof form, red brick construction with horizontal stucco banding, and modulated façades with multi-story bays. The dwelling is three-stories with a basement and raised ground floor with broad entrance steps and porches. The site is located immediately adjacent to the area covered by the Hampstead Neighbourhood Plan.

According to Council Tax records the property contains four flats.

ASSESSMENT

The principal planning considerations are the following:

- Land Use
- Design and Heritage Issues
- Basement
- Quality of Accommodation
- Neighbouring Amenity
- Transport
- Trees and Landscaping

1. Land Use

Policy H1 of the Local Plan aims to secure a sufficient supply of homes to meet the needs of existing and future households and will seek to exceed the target for additional homes in the borough by regarding self-contained housing as the priority land use of the Local Plan.

The application proposes an additional unit with separate access to the front at basement level to accommodate a carer for the residents of the main house who will be on site. The principle of the additional unit on site is accepted and the support of this, as per the Equality Act 2010 is also supported.

Provision of a new dwelling house

Housing is the priority land use of the Local Plan. In policy terms the proposal would comply with policy G1 and H1 of the 2017 Local Plan providing new residential units. Issues of trees, amenity, and standard of accommodation, efficiency, sustainability and transport need to be overcome and are attended to in the sections below.

In relation to the location, whilst within the Fitzjohns/Netherhall Conservation Area, the site and property is big enough to accommodate a small flat. Therefore the principle of the development is accepted.

Affordable Housing

Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution towards affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The proposal does not include an increase of floorspace of 100sqm and therefore a contribution is not required.

Housing Choice and Mix

Policy H7 of the Local Plan aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. The policy requires that all housing development, including conversion or extension of existing homes and non-residential properties contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT) (see below); and includes a mix of large (3 or more bedrooms) and small homes.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

Again, considering the site constraints a two bedroom market property falls in line with Council housing priorities. However further issues of design and standards are discussed below.

2. DESIGN AND HERITAGE ISSUES

The site is located in the Fitzjohn's/Netherhall Conservation Area which contains a mixture of architectural styles including neo-gothic, classical Italianate and Queen Anne amongst others. The area also contains numerous gradients and long views along avenues which create an imposing district. The contribution of the streetscape is also significant with large trees, vegetation and large private gardens.

Local Plan policies D1 (Design) and D2 (Heritage) 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; and 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 and listed buildings.

The significance of the subject building is derived from its detailed architectural treatment, verdant private gardens and group value with the other period properties along Fitzjohn's Avenue that collectively contribute to the established character and appearance of the Fitzjohns Netherhall Conservation Area.

Special attention need to be paid to the desirability of preserving or enhancing the character or appearance of the 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.

Basement level

A basement level extension may be acceptable given the surrounding immediate context of extensions (at No. 32 and 36). Whilst the full width nature is acceptable, at 5.6m deep the proposed extension appears excessive in scale. It is difficult to assess as the building lines of the neighbouring dwellings haven't been shown on the provided drawings. From the pre-app drawings provided it is recommended that the depth of the extension is reduced so it appears subordinate to the host property and rear elevation.

The large windows are not in keeping with the conservation area and smaller window and door openings are recommend to ensure there is not a excessive level of glazing.

The basement extension will however involve the loss of verdant garden space and mature vegetation. This loss will have to be sufficiently mitigated with green roofs and landscaping scheme with replacement planting detailed.

Ground Floor

The extension at ground floor level would not be considered appropriate or supportable from a design and heritage perspective. As shown, the extension would completely remove the rear bay of the dwelling which is a key architectural feature of the building and neighbouring buildings along this part of Fitzjohn's Avenue.

The Conservation Area Character Appraisal and Management Plan (CACAMP) for Fitzjohn Netherhall should be referenced, specifically, Section 6.4 which states:

Extensions should be no more than one story in height.

Extensions to existing buildings should be subservient in height, scale, massing and set-back.

Alterations and extensions to buildings should minimise impacts on historic fabric and avoid destruction of features of interest, including roof forms. This includes retention of original windows, chimneys and decorative features.

In terms of scale, the full width nature removes any articulation that the rear of the building possesses and creates a 'block' esque mass which is not subservient to the building. This element should be removed from the scheme.

Front Elevation

Further detail would need to be provided regarding the new basement unit entrance door and platform lift. The position of the lift appears as though it would be highly visible from the streetscape and is not a typical traditional feature that would align with the character of the area.

Lift

The internal lift is located to one side of the property and would connect the basement and ground floor level. This could be acceptable in principle but would need to be demonstrated that the proposed lift overrun will not extend or protrude through the main roof form of the dwelling and be visible from the public realm.

There is an external lift located on the alley way however this is not shown on the basement plan and it is not clear how this will look from the front and how visible it is.

Equality Act

The Equality Act 2010 (the Act) came into force in April 2011 and requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability and gender and foster good relations between different groups when discharging its functions.

Certainly the alterations to create a new residential unit on site and the works to provide a level access can be considered appropriate subject to design and amenity considerations. However; the upper ground floor extension, whilst increasing the floor area, also fails to preserve the character of the conservation area and should be amended to be more sympathetic and smaller in order to provide an acceptable balance.

Significant consideration has been given to the applicant's declining mobility and increased need for easy access to the ground floor, however, in this instance, there are alternative ways of achieving the development's aims and this benefit is not considered to justify the harm caused to this positive contributor to the conservation area.

3. BASEMENT

As per policy A5 (Basements) 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) and where appropriate, a Basement Construction Plan. The Council, along with the independent engineering auditors Campbell Reith, will need to be satisfied that the basement would not cause harm to neighbouring properties, amenities and structural conditions among other aspects. Advice given in the Council's Basements CPG and the relevant Council policies should also be strictly adhered to.

The principle of a basement/lower ground extension in this location is accepted; considering there is an existing basement on site, the principle of extending it is supported providing any basement works comply with policy A5 (f) to (m)

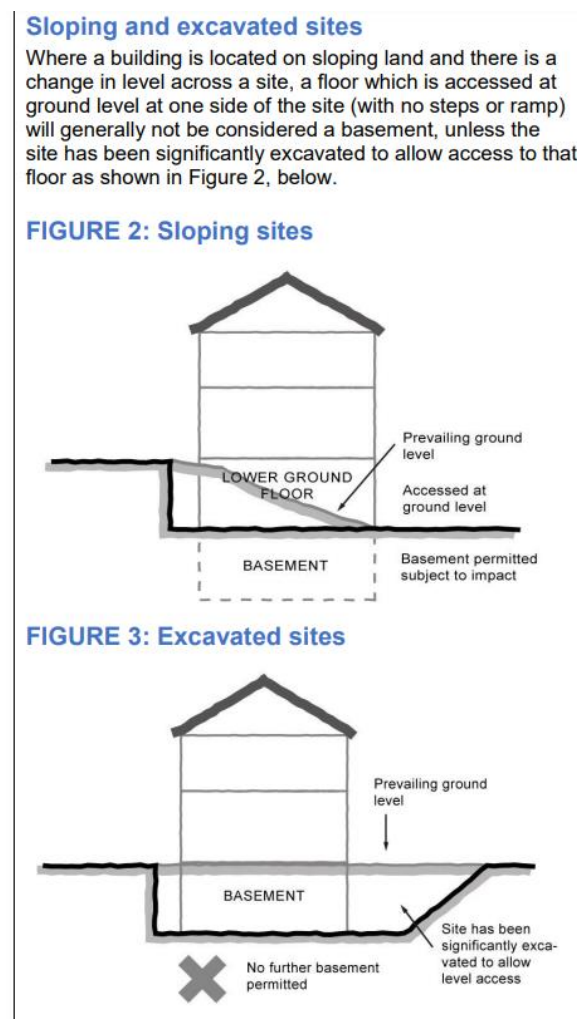
Camden Planning Guidance document for Basements (2021) stipulates when Basement Impact Assessments are required and whether development is considered as basement development. Paragraph 1.5 states:

A basement is a floor of a building which is partly or entirely below ground level. A ground or lower ground floor with a floor level partly below the ground level (for example on a steeply sloping site) will therefore generally be considered basement development. (Camden Local Plan paragraph 6.109)”

The section goes on to specifically mention sloping sites (which this site is) and states:

Where a building is located on sloping land and there is a change in level across a site, a storey which is accessed at ground level at one side of the site (with no steps or ramp) will generally not be considered a basement, unless the site has been excavated to allow access to that floor

The document reiterates this point in diagrams demonstrating that when a property is on a sloping site and where there is a partial lower ground floor a BIA is not required. figure 1 showing this is below:



Whilst this suggests a full BIA may not be required because the ground level slopes down from to the rear from street level, a scoping and screening assessment is required in this instance due to the level of works at lower ground and amount of excavation that is being proposed. Furthermore the area has slope stability and ground water issues and so any works at this level might cause ground water, structural or other amenity impacts for the site and neighbours. This should be submitted with any future full application.

4. NEIGHBOURING AMENITY

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight, and overshadowing; artificial lighting levels; noise and vibration; odour, fumes, and dust; and impacts of the construction phase, including the use of Construction Management Plans.

In relation to outlook and sense of enclosure, the new extension would be broadly in the same location as the neighbouring extensions meaning that any impact would be limited. This assessment would also apply to issues of daylight/sunlight, privacy and overlooking. The proposed unit to the front would not impact on the amenities of neighbours due to its small scale and basement location.

5. STANDARD OF ACCOMMODATION

CPG Housing & CPG Design highlights the importance of high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. The new unit is solely at basement level and measures approx. 68.5sqm and has two double bedrooms. The minimum GIA for a 2b4person unit is 70sqm and therefore it fails to meet this requirement. One option would be to utilise slightly more space in the basement or convert the unit to a 2b3person. Both bedrooms meet the minimum standards for double bedrooms.

In terms of the quality of spaces the unit is technically dual aspect with the windows to the front and a single window to the side which serves one of the bedrooms. However there are concerns about the amount of daylight/sunlight and outlook the new flat would have. The side windows open straight out into the alley way which has poor outlook and light and the windows to the front are at basement level meaning any daylight/sunlight or outlook could be limited. It appears there is an acceptable level of privacy but in any formal submission, these aspects needs to be tested.

One option could be to have the unit going from the front to the rear and which would mean a better outlook and level of accommodation; however, this would need to be tested before the standard of accommodation could be considered acceptable.

Lastly there is no amenity space for the unit which needs to be addressed. Ideally part of the garden would be sectioned off for the unit or the unit would have to contain a much more generous living area in order to overcome these concerns.

In terms of waste storage and collection, the following capacities should be incorporated into the residential elements:

Waste collection in Camden

- 8.10 The Council currently offers waste collection of the following minimum volumes per dwelling with three bedrooms or less, per week:
- 120 litres of bin, box or sack volume for general waste or 'refuse'
 - 140 litres of mixed dry recycling
 - 23 litres of food waste

The waste and bike storage need to be proposed as none are in these drawings.

6. TRANSPORT

Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport. All these measure are in place to ensure the Council meets their zero carbon targets.

Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. This will be done through not issuing par permits, resisting development of boundary treatments and using legal agreements to secure these actions.

In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For residential units with 2 or more bedrooms the requirement is for 2 spaces per unit. At present no cycle parking is shown on the submitted plans. If acceptable in terms of the conservation area status of the site, there may be scope to provide some cycle parking spaces in the front or rear garden area. If this is considered acceptable, then the provision of the cycle parking should be secured by condition.

In accordance with Policy T2 of the Camden Local Plan, the additional residential unit being created should be secured as on-street Residents parking permit (car) free by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.

Whilst the proposed rear extensions are relatively modest in scale, it is considered that given the location of the site in a predominantly residential area and the extent of basement excavation proposed, it is recommended that a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 be secured by means of the Section 106 Agreement. This will help ensure that the proposed development is carried out without unduly affecting neighbouring amenity, or the safe and efficient operation of the local highway network, in accordance with Policy A1 of the Camden Local Plan.

A highways contribution is not considered necessary for this development.

Given the distance of the rear basement extension from the public highway, it is considered that an Assessment in Principle will not be required.

7. TREES AND LANDSCAPING

Policy A3 (Biodiversity) of the Local Plan aims to protect and enhance sites of nature conservation and biodiversity. The Council will do this through the protection and

designation of conservation sites, by assessing developments against their ability to improve biodiversity, and through securing management plans where appropriate. This policy also states that the Council will seek to resist the loss of trees and vegetation of significant amenity, historic, ecological or cultural value and shall promote incorporating trees within any proposal. There is also an expectation, where developments are near trees, that relevant tree protection documents are provided with any planning application.

The scheme is located next to multiple trees at the rear potentially varying in condition and quality. As these trees are in a Conservation Area, they are all protected. These trees should be assessed by a qualified arboriculturalist and if any are to be removed or impacted as the result of the proposals an Arboricultural Impact Assessment (AIA) must be submitted with the planning application. It is considered highly likely that an AIA will be necessary for this application considering there will be excavation works proposed for an expanded basement level.

A key characteristic of the Fitzjohns/Netherhall Conservation Area is its verdant character. As part of the planning application package it is recommended that a landscaping scheme is provided demonstrating how this defining characteristic will be retained and enhanced, with a particular focus on the front garden.

CONCLUSION

It is considered the principle of the new extension at basement level could be supported however the current design, especially the extension at upper ground level is excessive and is not acceptable. More work is needed on the quality of the accommodation for the new unit.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable, nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

If you have any queries about the above letter or the attached document, please do not hesitate to contact **Ewan Campbell**.

Thank you for using Camden's pre-application advice service.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.

