

PLANNING STATEMENT

45 ELSWORTHY ROAD
LONDON
NW3 3BS



October 2024

TABLE OF CONTENTS

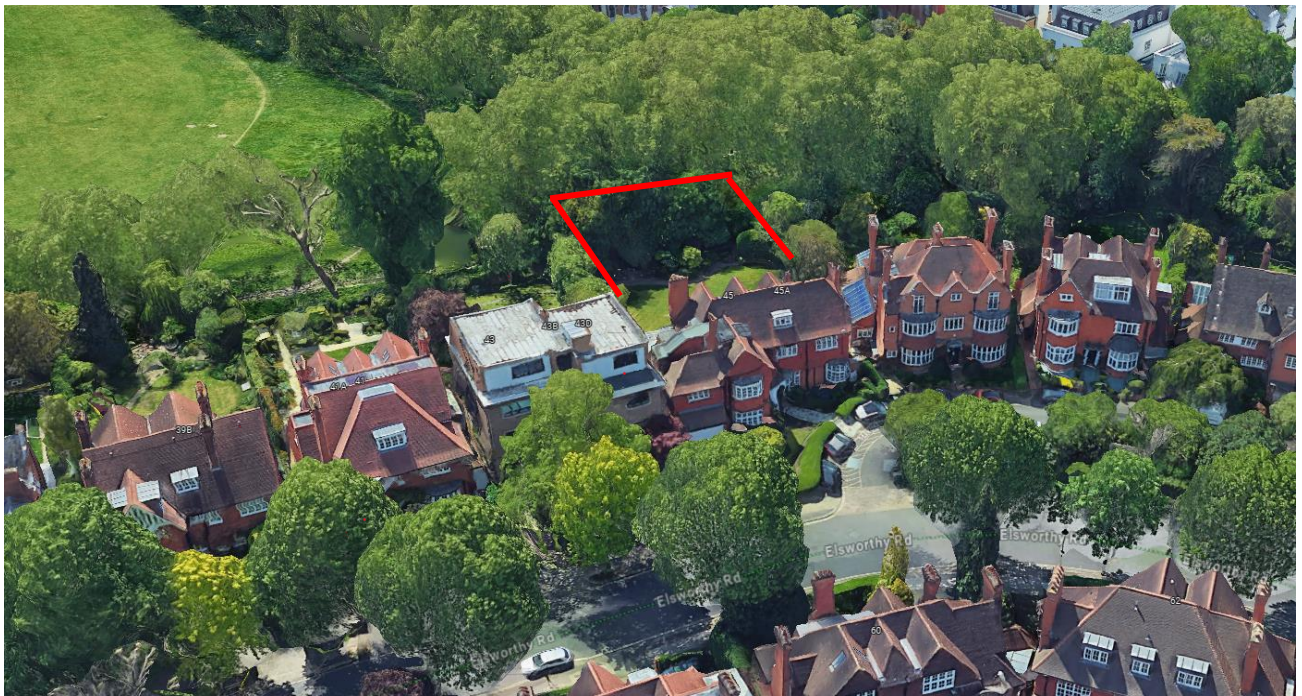
1	Introduction
2	Site & Surrounding Context
3	Pre-Application Engagement
4	Planning History
5	The Proposed Development
6	Planning Policy Context
7	Planning Assessment
8	Summary and Conclusions

1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by SM Planning in support of an application for full planning permission for a proposed basement extension at the existing property at No. 45 Elsworthy Road, London, NW3 3BS (the site).
- 1.2 This statement sets out the planning justification for the proposed development and assesses the proposal against national planning policy and the development plan. The document should be read in conjunction with all other supporting documentation.
- 1.3 The supporting documentation submitted with the application includes the following;
 - Set of existing and proposed plans
 - Basement Impact Assessment
 - Trees and Construction Assessment and Method Statement
 - Construction Method Statement
 - Flood Risk Assessment and Drainage Strategy

2. SITE & SURROUNDING CONTEXT

- 2.1 In terms of context the site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The site is located within the administrative ward of Primrose Hill.
- 2.2 The site lies just to the north of the boundary between the administrative area of the London Borough of Camden and the Westminster City Council. To the immediate south of the property is Primrose Hill.



- 2.3 The site is located on the southern side of Elsworthy Road and is accessed via a small access road that curves off the main road, with a section of open space provided to the front.
- 2.4 The site is occupied by a two-storey detached dwelling (as shown above) with accommodation in the roof space, set in spacious grounds with parking areas to the front, an integral garage and a large, verdant garden to the rear.
- 2.5 The site is accessible by public transport and is within walking distance of multiple bus stops, multiple tube stations and overground rail lines. The site has a Public Transport Accessibility Level (PTAL) Rating of 2. The street and surrounding area are well served with footpaths provides an environment that it conducive to walking and cycling.
- 2.6 The site is located within Flood Risk Zone 1 as defined by the Environment Agency and therefore has a minimal risk of flooding.

Conservation Area

- 2.7 The site is located within the Elsworthy Conservation Area which covers the area from Primrose Hill in the south-east to Avenue Road in the west and forms the boundary between the City of Westminster and the London Borough of Camden. The area was developed between 1840 to 1912 with a large amount of speculative residential development of an affluent nature, this character, as a wealthy residential suburb, has remained to the present day.
- 2.8 The Elsworthy Road Conservation Area Appraisal and Management Strategy sets out the spatial qualities of the conservation area and states '*The area's spatial character derives from the spacious leafy streets and generously laid out plot sizes, complemented by areas of semi-private communal amenity space. Terraced development is predominantly of four storeys in the Conservation Area and two to three storeys where detached houses and semi-detached villas predominate. Buildings are setback from the street and the original boundary treatments of small walls, privet hedging, and wooden gates and gateposts were designed to increase the green, leafy environment of the quiet residential streets*'.
- 2.9 There are no statutorily protected buildings on the application site. There are no statutorily listed buildings on the street. The existing building at No. 45 Elsworthy Road is highlighted as making a positive contribution to the character and appearance of the Elsworthy Road Conservation Area.
- 2.10 The surrounding area comprises similar development, large residential properties set within their own gardens and representing good examples of spacious leafy streets and generously laid out plot sizes. There have been numerous schemes to extend and improve the dwellings in the street, which are outlined in greater detail in the planning history section below. The resulting character of the area, and Elsworth Road in particular, is of a green, verdant environment and a quiet residential street.

3. PRE-APPLICATION ENGAGEMENT

- 3.1 The NPPF states that '*early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community*'.
- 3.2 The Applicant consulted with the local planning authority through the drafting of this application in order to inform, identify and, where appropriate, address any issues or concerns throughout the pre-application period, through to the submission of a full application (which was withdrawn), before finalising the scheme subject to this application.
- 3.3 This engagement has been managed through a targeted pre-application advice meeting with The London Borough of Camden. Following the pre-application engagement, the scheme was amended to address the issues raised within the LPA's

pre-application responses, however the LPA considered the changes did not address their concerns and the application was subsequently withdrawn. This application is now considered to address all the LPAs previous concerns. A summary of the applicant's programme of pre-application engagement is provided below:

Camden Pre-Application Service

- 3.4 The Applicant submitted a request for formal pre-application advice in December 2023 which sought advice on the principle of demolition of the existing rear extensions and their replacement with more sensitively designed additions, as well as the extension and alteration of the building to the rear, a basement extension and alterations to the front façade and roof.
- 3.5 A site meeting was undertaken on 23rd of January with a planner and conservation officer from Camden Council, where the existing building was viewed, and the proposals discussed. Following the site meeting, there has been subsequent email correspondence with the case officer, who has provided a range of comments on the merits of the scheme and the key aspects to those responses can be summarised as follows;
- Works to the frontage are largely acceptable, some concern in relation to the front lightwell and further justification (including assessment of local precedents) would need to be provided with any application.
 - Works to the existing roof, comprising the removal of a number of un-sympathetic additions (catslide roof) is considered appropriate.
 - The removal of the existing rear extensions at ground floor level is acceptable.
 - The basement extension is likely to be considered acceptable, subject to meeting relevant basement policies.
 - In terms of the proposed rear extension, the extension should not project further than the existing conservatories, massing should be modulated through setbacks to break up presentation, a contemporary style may be used however the elevation should also introduce solid elements and not be curtain glazed. Consideration will need to be given to any outrigger extension, with justification provided.
 - With regards to the two-storey rear extension and associated roof extension, concern was raised in relation the bulk, design, massing and scale, as it was not considered subservient to the main dwelling. Further regard will need to be given to the additional bulk and massing, impact on views from Primrose Hill, and wider conservation area.
 - No significant concerns raised in relation to neighbouring amenity, subject to ensuring privacy, outlook and daylight are all protected.
 - Further information is required in relation to the car stacker and how it would present to the public realm when closed.
 - Reference was made to CAA guidance, specifically policies 12.5-12.8.
- 3.6 Subsequently a planning application for a basement and ground floor extensions was submitted to the Council, which was withdrawn. This current application comprises a re-submission for only the basement extension, which has taken into account previous

comments made by the LPA during the application process, specifically the removal of the ground floor rear element and the front basement lightwell. As a result, this revised scheme is considered to have addressed the Council's previous concerns and comments, which have directly influenced the design of the proposals.

4. PLANNING HISTORY

The Site:

- 4.1 In October 2024, a planning application (2024/1352/P) for 'Alterations and extensions to the existing dwelling including the demolition of the existing front garage projection, rear extensions, roof alterations, existing basement, and the erection of a ground floor rear extension, first floor side extension, roof alterations, a new basement level, installation of a front lightwell and associated landscaping and ancillary works' was withdrawn, following ongoing concerns from the Council in relation to the proposed ground floor extension and front basement lightwell.
- 4.2 In January 2024, a Certificate of Lawfulness (Proposed) was granted for the amalgamation of the existing two self-contained flats into one single dwelling house. (Council reference: 2023/4971/P)
- 4.3 In March 1959, planning permission was granted for the conversion of the dwelling house into self-contained maisonette on the ground and first floors and a self-contained flat on the second floor (Council reference: J8/4/18/24236).

The Surrounding Area:

- 4.4 31 Elsworthy Road (2021/1527/P) – New basement extension to include pool and rear lightwell, alteration and retention of balconies at second floor rear, alterations to window openings to side elevation, new garage doors and changes to the rear elevation, all to dwelling. Approved.
- 4.5 42 Elsworthy Road (2019/0149/P) – Erection of a two-storey side extension following demolition of existing structure, basement excavation, alterations to existing eastern side extension and new steps into the rear garden and front side access; alterations to fenestration, front boundary wall, landscaping and provision of cycle storage. Approved.
- 4.6 40 Elsworthy Road (2016/6979/P) – Loft conversion including the erection of a rear dormer and side dormer with rear roof terrace, plus installation of one roof light to the front roof slope. Approved.
- 4.7 70 Elsworthy Road (2015/4684/P) - Erection of a two storey, 7-bedroom dwellinghouse with basement and accommodation in the roof space, following demolition of the main dwellinghouse, extension of new basement under existing mews dwelling, alterations

to fenestration and rear elevation of mews dwelling, associated landscaping works. Approved.

- 4.8 55 Elsworthy Road (2015/2039/P) – Erection of first and second storey extension including alterations to the roof and amendments to the front boundary treatment and side entrance at ground floor level to enable installation of lift and stairwell following demolition of a single storey eastern extension. Approved.
- 4.9 35 Elsworthy Road (2014/5463/P) – Conversion from 2 flats in single family dwelling house including excavation of basement under footprint of house and rear garden with side and rear lightwells, erection of a two-storey curved bay to rear to replace existing 1 storey angled bay and demolition of side addition. Approved.
- 4.10 56 Elsworthy Road (2013/5073/P) - Excavation of basement with side lightwell and rear rooflights, erection of two-storey rear extension (following demolition of single storey extension), removal of existing side extension, alterations to roof and fenestration all in connection with change of use from three flats to two flats. Approved.

5. THE PROPOSED DEVELOPMENT

- 5.1 Planning permission is sought for the alterations and extensions of the dwelling house, comprising enlargement and extension of the existing basement, to create a footprint commensurate with the ground floor footprint, including swimming pool. There are no external changes to the existing elevations and with the entire basement fully contained under the existing dwelling.

6. PLANNING POLICY CONTEXT

- 6.1 This Section provides an overview of national and local planning policy relevant to the determination of the planning and listed building consent applications, as well as any other relevant national or local planning guidance.

LEGISLATION

Planning and Compulsory Purchase Act 2004

- 6.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 6.3 Section 66 states *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses'*.
- 6.4 Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2021)

- 6.5 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development which incorporates three specific strands – economic, environmental and social. The following sections are relevant to the consideration of this application; Section 12 (achieving well designed places) and Section 16 (conserving and enhancing the historic environment).
- 6.6 Section 12 refers to well-designed places. Paragraph 130(a) states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development whilst paragraph 130(b) states that developments should be *visually attractive as a result of good architecture, layout and appropriate and effective landscaping*. Further, paragraph 130(c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.7 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 6.8 Section 16 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of heritage assets (in this case the conservation area) and where proposals preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 212).

LOCAL PLANNING POLICY

6.9 For the purposes of this application, the adopted Development Plan for the London Borough of Camden comprises the London Plan (2021), the Local Plan (2017), the Camden Planning Guidance Documents and the Elsworthy Conservation Area Appraisal and Management Strategy (2009).

London Plan 2021

6.10 The London Plan is the spatial development strategy for London, that sets out London wide policies for development and growth. Of relevance to this scheme are:

- Policy D4: Delivering Good Design
- Policy D10: Basement development
- Policy HC1: Heritage conservation and growth

Camden Local Plan 2017

6.11 The Camden Local Plan sets out the Council's planning policies used for the determination of planning applications for development in the borough and provides the overarching local policy framework for delivering sustainable development and covers the period from 2016-2031.

6.12 Policy A1 aims to manage the impact of development in terms of residential amenity, transport impact and general community impacts. This covers a wide range of matters including visual privacy and outlook; sunlight, daylight and overshadowing; noise and vibration levels, odour impact, contaminated land etc.

6.13 Policy A5 states that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area; and the significance of heritage assets.

6.14 Policy D1 seeks to ensure high quality design in all development and requires development to respect local character and the historic environment amongst a number of other criteria.

6.15 Policy D2 refers to heritage and states that the Council will preserve and, where appropriate, enhance Camden's heritage assets and their settings, including conservation areas.

6.16 Camden Planning Guidance (CPG) provides advice and information on how the Council will apply planning policies. The documents are largely linked to policies in the Local Plan and the following are relevant to the consideration of this application:

- Amenity CPG
- Basements CPG
- Design CPG
- Home Improvements CPG

- 6.17 Elsworthy Conservation Area Appraisal and Management Strategy (2009) defines the special interest of the conservation area and management strategies to ensure it can be protected and enhanced.

7. PLANNING ASSESSMENT

- 7.1 Planning Law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

- 7.2 This section assesses the proposed development against the development plan, together with any other relevant material considerations. The key considerations in assessing the proposed development are as follows:

- Principle of development
- Basement impact
- Impact on the character and appearance of the area
- Impact on significance of heritage assets
- Residential amenity
- Trees and Landscaping

7.3 PRINCIPLE OF DEVELOPMENT

- 7.3.1 The lawful residential use of the site has been confirmed and accepted. The application site is located in a well-established residential neighbourhood, characterised by large, detached dwelling houses, many of which have been significantly extended or are currently undergoing development. There are numerous examples of basement development within the street, and the dwelling itself already benefits from a basement (albeit smaller). The proposed basement extension to the dwelling house, is therefore considered acceptable in principle.

7.4 BASEMENT IMPACT

- 7.4.1 Full assessment of the basement against relevant basement policies is set out below. The floor space of the basement is commensurate with the floor space of the ground floor level, with limited projection into the rear or front garden spaces, ensuring that the surrounding garden area remains unaffected.

- 7.4.2 Camden Local Plan Policy A5 and the Camden Basement CPD (2021) defines what is acceptable in terms of basement development and requires an assessment of the schemes impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA). In addition, it provides a set of specific criteria (criteria f-m) which needs to be met (as set out below). The application is accompanied by a Basement Impact Assessment,

- 7.4.3 Taken from CLP Policy A5, the policy states that basements should:

f. not comprise of more than one storey

Passes – the basement will not comprise more than one storey. A proportion of the basement is deeper although this is acceptable and complies with Camden policy requirements to allow for the development of a swimming pool.

g. not be built under an existing basement

Passes – the site does benefit from an existing basement; however, the proposal is to replace this area as part of the basement extension, not to extend below it.

h. not exceed 50% of each garden within the property;

Passes – The proposed basement is predominantly located underneath the footprint of the existing property, the projection into the front and rear gardens does not exceed 50% of either garden.

i. be less than 1.5 times the footprint of the host building in area;

Passes – The proposed basement is located predominantly underneath the footprint of the existing property and the basement works does not exceed 1.5 times the footprint of the dwelling.

j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;

Passes – The proposed basement will not exceed 50% of the depth of the host building.

k. not extend into or underneath the garden further than 50% of the depth of the garden;

Passes – The proposed basement is located predominantly underneath the footprint of the existing property and the basement works does not exceed 50% of the garden.

l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;

Passes – The basement footprint follows the side elevations of the dwelling and is no closer to the side boundaries than the existing building.

m. Avoid the loss of garden space or trees of townscape or amenity value.

Passes - The proposed basement does not lose any garden space, or trees of any townscape or amenity value.

7.4.4 As the proposed basement meets the above criteria, the principle of the proposed basement is therefore considered acceptable and in accordance with policy A5 of the Local Plan.

7.4.5 The Council's Basement Planning Guidance also provides additional detailing and guidance in relation to basement schemes. The proposal is considered to meet the requirements set out in this document, large areas of the garden to the front and rear of the property remain with limited impact on trees and the scheme is accompanied by a Basement Impact Assessment.

- 7.4.6 Of note is the omission of the front lightwell. Despite several examples in the street and the wider Conservation area, as set out in the previously submitted lightwell study, the conservation officer raised concerns over this element of the previous scheme. Therefore, to address the Council's concerns, the proposed front lightwell has been removed from this scheme. The basement is proposed without any external changes and will remain completely hidden from view once built.
- 7.4.7 It is therefore considered that the proposed basement is an acceptable addition to the dwelling house, is well contained within the plot, and ensures the garden and areas of planting are retained around the dwelling. The basement extension will not have a detrimental impact on the architectural merit of the scheme, or the wider conservation area.

7.5 IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

- 7.5.1 Camden Local Plan (CLP) Policy D1 requires development to be of the highest architectural and urban design quality and have particular regard to design and visual impact and to the context within which it is placed, and the contribution it makes to the landscape qualities of the area. The aim of this policy is reflected in London Plan Policy D4 (Good Design). Specific guidance in relation to extensions to existing properties and achieving good design is further provided in the 'Home Improvements' and 'Design' Camden Planning Guidance (CPG).
- 7.5.2 CLP 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. These aims are further reflected in London Plan Policy CH1 (Heritage Conservation and Growth).
- 7.5.3 Camden's Home Improvement SPG sets out guidance and details in terms of good practice and basic principles for residential extensions.
- 7.5.4 The proposed basement will have no visibility above ground level, it has been completely designed to sit within the ground, with no external openings, lightwells or roof lights and as such will have no impact at all on the character and appearance of the dwelling, the street or the area.
- 7.5.5 In terms of the existing garden space, the basement is modest in terms of footprint and encroachment into the rear garden, and as result, the verdant, landscaped and undeveloped character of the rear garden will be preserved.
- 7.5.6 In summary, the proposed basement extension represents a high-quality design which will have no impact at all on the character and appearance of the existing building or the wider Conservation Area. It is considered that the proposed works will enhance the quality of accommodation of the host dwelling. The proposed development is therefore considered to accord with the principles of the development plan and national planning policy guidance.

7.6 IMPACT ON SIGNIFICANCE OF HERITAGE ASSETS

- 7.6.1 Section 16 of the NPPF refers to conserving and enhancing the historic environment and requires a consideration to whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset.
- 7.6.2 Policy D2 of the Camden Local Plan requires that the Council will preserve heritage assets and their settings, which includes conservation areas. In particular the Council will require that developments preserve or enhances the character and appearance of the area, resist total or substantial demolition and ensure that trees and green spaces are preserved.
- 7.6.3 In this instance, the heritage asset is the Elsworth Conservation Area, within which development is guided by the Elsworth Conservation Area Appraisal and Management Strategy (2009). The strategy defines the special interest of the conservation area and management strategies to ensure it can be protected and enhanced. Of particular importance to this scheme are sections 12.5 -12.8.
- 7.6.4 The basement is contained wholly within the site, beneath the existing built form with no visibility from the public realm or surrounding gardens. As such, the proposed basement extension will not harm the special interest of the conservation area and by improving the quality of the dwelling, will serve to sustain its character and the appearance overall. The development would therefore comply with relevant national and local heritage related planning policy.

7.7 RESIDENTIAL AMENITY

- 7.7.1 CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Further guidance is provided in CPG Amenity which sets specific standards of development with regard to amenity.
- 7.7.2 By virtue of the size, scale and relationship to neighbouring properties, the proposed basement extension will not have an adverse impact on neighbouring amenity.
- 7.7.3 The scheme would be consented with an agreed Construction Management Plan, that would outline how the development will be managed in terms of construction hours/ traffic/waste/dust. The build period of the development would be commensurate with similar developments and every effort would be taken to ensure minimal disturbance to surrounding residents. The basement itself, once constructed would not give rise to any impact on neighbouring amenity given its location and lack of external opening and as such the scheme is considered compliant with CLP Policy A1.

7.8 TREES AND LANDSCAPING

- 7.8.1 In general terms, soft landscaping, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. In site specific terms, soft landscaping is an integral part of the application site and wider surroundings. As a result, there are various policies, both locally and nationally, that aim to protect and/or encourage the provision of landscaping/trees.
- 7.8.2 CLP Policy A3 states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. It further requires trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development. This is echoed in the guidance contained in the Trees CPG.
- 7.8.3 The quality of the proposed development and the extent of planting proposals ensure that the development would not only preserve but enhance the garden space and the wider heritage asset of the conservation area. The accompanying Arboricultural information provides a comprehensive methodology for the protection of the trees which will be retained. Appropriate Arboricultural conditions to secure tree protection can be attached to any permission granted where necessary. For full details, please refer to the supporting Arboricultural reports.

8. SUMMARY & CONCLUSION

- 8.1.1 The proposed basement extension constitutes high-quality design that reflects the positive components of original building and that are found in the wider locality. The proposal conforms to the established character of Elsworthy Road and preserves the contribution the site makes to the special interest of the Elsworthy Conservation Area, by way of remaining completely obscured from view and contained completely within the site.
- 8.1.2 The proposal seeks to retain the mature landscaping within the site, maintaining its verdant character.
- 8.1.3 In summary, the proposed development complies with the relevant adopted policies of the London Plan, Camden's Local Plan and the relevant supplementary planning documents.
- 8.1.4 This Planning Statement should be read alongside the other supporting documentation and drawings which have been submitted as part of the Full Planning Application.