

APCAR SMITH PLANNING

Chartered Town Planning Consultants

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P Gardiner Esq.,
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
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19 November 2013

Dear Mr Gardiner

2 Oakhill Avenue, London, NW3 7RE

We act on behalf of Mrs Helen Hort, owner/occupier of the immediately adjoining property – 2C Oakhill Avenue. Our client has asked us to submit representations on her behalf objecting to the planning application for the basement excavation and extensions to the loft, rear and side of the property in connection with the conversion of the existing single family dwelling into to 2 x 3 bedroom maisonettes. Our client's concerns relate to the following:

- Harm to visual amenities and the character and appearance of the Conservation Area within which the site is situated.
- Harm to residential amenities.
- Insufficient off-street parking.
- The impact of the proposed basement construction.

Site Description

The application premises form part of a terrace of three properties – largely identical at the time of original construction. No.2 is one of the end terrace units and sits slightly further forward of 2C – the centre terrace property. 2B is the other end of the terrace.

The properties as originally constructed contained accommodation over three floors. From the street the top floor (second floor) appears to be in a steeply sloping pitched roof. Above this, but only visible in long views, is a false shallow pitch. On

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the rear elevation the second floors are a continuation of the vertical line of the ground and first floors (not pitched at all) but tile hung.

Subsequent to the original construction 2B has been significantly extended by way of the construction of an additional floor. On the front elevation this presents itself as a pitched roof (having an angle of approximately 45 degrees) with a projecting dormer window and a flat fronted flat roof element flush with the front elevation. At the rear this additional floor is in the form of a very steeply sloping pitched roof with two windows which follow the vertical alignment of the windows below.

The application site slopes down away from the road. Oakhill Avenue also slopes downhill from north-east to south-west. As a result at the rear the proposed basement (where it extends beyond the rear elevation) will present itself as a single storey rear extension.

Planning History

From the planning history on the Council's website we note that the original terrace of three houses was constructed pursuant to a planning permission granted in 1970.

There have been a number of applications in respect of the additional floor at 2B. It appears, from the Council's website, that the development as constructed is in accordance with planning permission Ref: 8905456 (approved in January 1990).

We have also noticed that in January 1989 planning permission was refused (Ref: PL/8804124) for the rebuilding at No.2, including a new flank wall and an extra storey at third floor level. The reasons for refusal referred to the proposed roof extension and general proportion of the building having an adverse effect on the appearance and visual amenity, being contrary to the Council's policies for the control of additions at roof level within the Conservation Area; the proposed rebuilding resulting in an unnatural jump in roof lines and a large overbearing flank wall which would increase the prominence of the building and make no positive contribution to the Conservation Area; the total floor space being excessive in relation to the size and the character of the area generally; and the development resulting in a density in excess of that considered appropriate.

As can be seen from the then proposed plans there was already an additional floor at 2B at that time, slightly different to that currently existing..

Current Proposals

It is noted that the current application for 2 Oakhill Avenue is even larger than that for which planning permission was refused in 1988, extending to the side and to the rear and also incorporating the proposed new basement. Furthermore as can be seen from comparing the side elevation of the current application with the side elevation of the previous proposal, it is now proposed that the pitch at the front be

even more steeply sloping than that previously proposed. We note that Drwg No. 05GA06 (proposed Section AA) refers to the raised roof matching that at 2B Oakhill Avenue. However from inspection it seems to be significantly steeper than that at 2B.

Impact on Visual Amenities and Conservation Area

The lower ground level of the detached property adjacent to the application premises (4 Oakhill Avenue) means that the proposed additional floor will have a jarring and unsatisfactory relationship with that property. It will also result in an unsatisfactory appearance to the group of three properties that comprise the terrace by sandwiching the centre terrace property (our client's) between two higher properties. This will be compounded by the fact that the proposed additional floor at No.2 differs to that existing at 2B.

It is also considered that the excavation at the front of the property, ramping down to the proposed basement, will result in another feature out of keeping with the terrace and the area generally.

Drwg No. 05GA07 quite clearly shows how the two aspects of the proposals that impact on the street scene (the additional floor above and the visible basement below) will completely unbalance the terrace. This is compounded by the proposed replacement windows differing to the other in the terrace at all floors.

As can be seen from Drwg No. 05GA08 the proposed rear elevation is also starkly different to the other two properties in the terrace in terms of position and proportion of fenestration and materials. The proposals completely lose the existing vertical alignment of rear windows and pay absolutely no regard to the host building.

In this respect we would point out that whilst the host building itself is of no particular character, a design that is wholly at odds with the host building would only tend to draw more attention to it by way of its jarring nature. Given that this group of three buildings is of no merit in the Conservation Area, such a form of design, drawing significant attention to the terrace, will unfortunately be extremely detrimental to the overall character and appearance of this part of the Conservation Area.

The proposals incorporate a rear extension at basement level and at existing ground floor level. The proposed basement will extend approximately 7.5m beyond the rear elevation. The ground floor extension extends just over 1m. It is not considered that the ground floor extension on its own would be unacceptable as this brings the ground floor in-line with the rear of 2C (as referred to above 2B and 2C are set slightly further back). However the substantial extension to the proposed basement – all of which will be visible at the rear due to the changing ground levels, will appear over dominant and entirely out of keeping with the terrace. This is exacerbated by the extent of glazing, design and detail including materials.

Residential Amenities

The large basement extension, all of which will project above garden level of No.2C, will result in the garden of 2C suffering from a loss of sun on the ground and sense of enclosure. The sense of enclosure is compounded by the fact that the rear garden to 2C is narrow.

The other impact on our client's residential amenities are from the proposed terrace at roof level. The proposed glass balustrading around this will do nothing to prevent overlooking of all of our client's rear garden.

Impact and Basement Construction

As well as concerns in respect of the visual appearance of the proposed basement there are also concerns in respect of the impact of its construction on ground water in the area. It is noted, from the Basement Impact Assessment, that ground water has been found only approximately 1m below the level of the proposed basement. The site is above an aquifer and within 100m of a water course. The Basement Impact Assessment acknowledges that the construction may affect ground water flow and may cause new springs to form or the reactivation of old springs. It also notes local instability within the site and adjoining sites may occur. In respect of our client's property it also acknowledges that the excavation to form the basement may result in structural damage.

We are not qualified to comment on the analysis within the Basement Impact Assessment. Given the acknowledged issues that the analysis shows, we trust that the Local Authority will be requiring a wholly independent assessment.

We note that one of the recommendations of the BIA is that ground water monitoring should be continued to establish equilibrium levels and to determine the extent of any seasonal fluctuations (Page 22 of the GEA Report comments). Section 10 of the GEA Report identifies areas where further work is required to assess the impact. Whilst we are not experts in this field it does not seem appropriate to grant planning permission for a development where the full impact is unknown.

Car Parking

As regards car parking there are currently two parking spaces on the application site – one in the existing side garage and another in front of the garage and ground floor window. The proposals, however, result in the loss of the garage. Off-street parking is therefore reduced from two to one car spaces. This is considered wholly unacceptable given that the proposals increase the number of dwelling units on the site from one to two.

The Design and Access Statement submitted on behalf of the Applicant seeks to suggest that this parking arrangement is acceptable as the upper maisonette will have a residents on-street car parking permit (as apparently is currently held by the current occupier). However there would be nothing preventing occupiers of the lower maisonette also seeking a residents parking permit.

Both proposed units are substantial sized 3 bedroom/6 person maisonettes. The existing dwelling is 2 bedrooms/4 persons. Thus the proposed development is likely to result in a quadrupling of parking requirements (given that at the same time off-street parking is reduced from two to one space).

The Design and Access Statement suggests that the existing garage is too small to be used. This might be the case for a large car but would not be the case for a smaller car. The Statement also suggests that the site is not on a street with parking stress. However the road is heavily parked, particularly in the evenings.

If the Council is minded to grant planning permission for the proposed development (despite the numerous other concerns that have been raised) then it is believed it should only be if subject to a "car free" Legal Agreement, removing the rights of all residents to obtain parking permits.

Planning Policies and Supplementary Guidance

It is considered that for the reasons discussed above the proposals fail to comply with the following policies of the Council's Core Strategy:

- Policy CS5 – in particular the proposals fail to comply with Criterion (d) as they do not protect the environment and heritage and also Criterion (e) given the unacceptable impact on neighbouring occupiers (our client at 2C Oakhill Avenue).
- Policy CS14 – in particular Criterion (b) as the proposals neither preserve or enhance the Conservation Area (the designated heritage asset).

As regards the Council's Development Policies it is considered that the proposals fail to comply with the following:

- Policy DP19 – in particular Criterion (c) as the proposed development, in the absence of a "car free" Legal Agreement, would add to on-street parking demand, harming existing parking conditions.
- Policy DP24 – The proposals are of poor design which fail to respect the character, setting, context and form and scale of neighbouring buildings in conflict with Criterion (a). Furthermore, contrary to the requirements of Criteria (b) and (c) the proposals do not reflect the character and proportions of the existing building.
- Policy DP25 – For the reasons discussed below the proposals do not take account of the Conservation Area Statement. The development is therefore contrary to the requirement of Criterion (a). The development will not preserve or enhance the character and appearance of the Conservation Area and therefore does not comply with Criterion (b).

- Policy DP26 – The proposals will result in overlooking and loss of privacy affecting our client's enjoyment of her garden. This is contrary to Criterion (a). The proposals also result in overshadowing and outlook of her rear garden contrary to Criterion (b).
- Policy DP27 – It has not been demonstrated that the proposed development will maintain the structural stability of the building and neighbouring properties. This is discussed further below in the context of CPG4. The proposed development is therefore contrary to Criterion (a).

The Reddington/Frognaal Conservation Area Statement contains a number of guidelines which it is considered the proposals fail to comply with:

- Guideline RF2 – This states that extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting. In this case it is considered that the high visibility of the proposed basement from the street will harm its character. Furthermore visual inspection of the surrounding area makes it clear that there are no similar basement constructions visible from the street.
- Guideline RF13 – This refers to traditional materials and original detailing. The proposals introduce new materials out of keeping with the terrace.
- Guideline RF19 – The architectural design does not respect or reflect its context. The architects have failed to comply with that part of the Guideline that requires a demonstration of how the proposals respect and reflect the context in terms of scale, height, massing and relationship to the street.
- Guideline RF23 – This acknowledges that even rear extensions can alter the balance and harmony of a group of properties. It acknowledges that some rear extensions, although not widely visible, so adversely affect architectural integrity that they prejudice the character of the Conservation Area as a whole. It is considered that the large scale single storey side and rear extensions fall within this category.
- Guideline RF25 – This specifically states that rear extensions will not be acceptable where they would spoil a uniform rear elevation of an unspoilt terrace. The proposals conflict with this. There have been no other rear extensions to this terrace.
- Guideline RF27 – The roof extension fails to comply with the requirements of this Guideline introducing a new roof form to both the front and rear.
- Guideline RF30 – The proposed terrace at the rear fails to comply with this Guideline which quite clearly states that the provision of outdoor space at roof level will be resisted.

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As regards the various Camden Planning Guidance SPD's we do not believe that the Applicant has demonstrated that the proposals comply with the CPG 4 – Basement and Lightwells. We note that Para 2.33 requires an Applicant to fund an independent verification of the BIA where the proposed basement development is located within an area of concern regarding slope stability, surface water or ground water flow. The BIA submitted on behalf of the Applicant does highlight a concern in respect of ground water flow and hence this is a case where CPG4 requires an independent verification.

Para 2.64 of CPG4 requires basement windows to relate to the façade above. This does not occur on the rear elevation.

Conclusions

For these numerous and varied reasons it is therefore hoped that the Local Authority will be refusing planning permission for this wholly unacceptable development. We would be grateful if you could please keep us notified of the progress with the application. If any amended plans or additional supporting documents are submitted can you please ensure that we are advised. Please also notify us if the application is to be reported to Committee and, if so when.

Yours faithfully



Carolyn Apcar

c.c. Mrs H Hort
L Middleweek Esq., Clintons