

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		11/10/2013	
		N/A / attached		Consultation Expiry Date:		29/09/2013	
Officer				Application Number(s)			
Eimear Heavey				2013/5234/P			
Application Address				Drawing Numbers			
Flat A, 44 Ferncroft Avenue London NW3 7PE				Refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Alteration and conversion of the existing ground floor flat, excavation of the existing basement and incorporation of lightwells to the front and sunken terrace to the rear, alterations and extensions to the front and rear including new front entrance door to the existing side extension, to provide 2 self-contained units comprising a 5 bedroom flat and a 1 bedroom maisonette.							
Recommendation(s):		Grant planning permission subject to conditions and S106 agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	20	No. of responses	12	No. of objections	08
				No. electronic	00		
Summary of consultation responses:		<p>A <i>site notice</i> was displayed from 30/08/2013 until 20/09/2013 and a <i>press notice</i> ran in the Ham and High from 05/09/2013 until 29/09/2013.</p> <p>8 objections and 4 letters of support were received from neighbouring properties. Letter of support were received from the occupants of 17 and 37 Redington Garden and 18 Heath Drive.</p> <p>The main concerns can be summarised as follows:</p> <p>Basement concerns</p> <ul style="list-style-type: none"> • Unsure as to whether the BIA adequately addresses impact the proposed works will have on our home; • Very real risk of damage to our property as a result of the substantial excavations; • Property is several decades old and already has cracks in the walls due to movement; • The BIA is flawed and the schemes impact on flooding and drainage has not 					

been addressed;

- Conisbee who undertook the BIA did not inspect our cellar;
- The basement area will increase by 100%;
- Flood potential and impact on outdoor cellar;
- The contractors removed a tree from the boundary with our property which post dates the BIA;
- No consideration given in the report to the effect the removal of the tree will have;
- Subterranean rivers beneath Heath Drive and Ferncroft Avenue;
- No study done on how the scheme will impact on the other properties on the street;

Officer comment:

The dwellinghouse is detached and the excavation will be largely within the footprint of the dwellinghouse. Furthermore, as the property will be supported by underpinning during construction, the structural stability of neighbouring properties are not considered to be at risk in this instance. The BIA has been undertaken in accordance with CPG4 and the risk of flooding has also been addressed and mitigation measures proposed.

Trees

- Biodiversity of the area is affected by the removal of this tree;
- Tree outside 44A is decaying and these works could affect the roots;
- The proposal will impact on the several large mature trees on land adjacent to the site;

Officer comment:

The removal of a Cypress (conifer) tree in the rear garden was approved by the Councils tree officer in 2011. The proposed development will not require the removal of any trees.

Design concerns

- The lightwells will impact on the garden area;
- The lightwells and windows at basement level will be unsightly and affect the overall vista of the property;
- Overdevelopment of the site;
- The side extension was never a separate residential unit and was previously a garage;

Officer comment:

The scheme differs from the previously withdrawn scheme in that the lightwells to the front and rear of the property have been significantly reduced in size and are similar in size to lightwells in other properties along this street. A condition has been placed on the permission requesting that planting be undertaken to the front railings.

Amenity concerns

- The proposal is of a scale entirely inappropriate for a multi-occupancy property;
- Noise and disruption from construction;
- Impact on residents will be substantial;
- Disruption to the local area in terms of parking and construction vehicles abandoned;

Officer comment:

There are numerous examples of basement excavations along this street, such as at 34, 36 and 38 Ferncroft and hence a precedent has been set. The fact that the excavation will be largely contained within the confines of the main dwellinghouse

will minimise disruption to neighbouring properties. Hours of construction and noise related to construction are covered under building regulations.

Other issues

- We live in the property and have not given permission for this development to take place;
- Lightwells are a hazard to children and as there is a girls school nearby, this could be a problem;
- Properties will be unrentable for a very lengthy period of time during construction resulting in a loss to the freeholders;
- Dispute over the fact that the applicant actually owns the freehold to the land beneath the property and we are unaware of any agreement granting demise of that to the lease of flat A;
- No measurements on the drawings;
- No time limit given as to how long the works would take place for;

Officer comment:

The applicant has signed the application form and declared that everyone with a freehold interest in the property has been consulted. The fact that a property may be unlettable during construction works is not a material planning consideration. The drawings are to scale and it is possible to scale measurements from them. It is unlikely that the lightwells will pose a risk to schoolchildren as they will be covered and only visible from the front garden area.

Redington/Frognaal CAAC – objection received 11/09/2013

- We object to the rear garden take up for the basement terrace and think this should be achieved within the existing basement outline.
- At the front the replacement of or diminishing of the green garden for basement lightwells is to be deplored.
- We do not see a hydro-geo report, noting that this house is much lower than the high ground nearby.

Officer comment:

The basement terrace will be located on the site of the existing hardstanding area where the rear extension is currently located (it will be removed as part of this proposal), hence the garden area will remain largely untouched as a result of this proposal.

Lightwells have become a character of this street with similar examples at 32, 34, 36 and 38 Ferncroft Avenue. The front lightwells proposed in this instance project no more than 1.5m and are not considered to erode the character of the garden.

The BIA has addressed the relevant issues such as ground water flow, surface water flow/flooding and structural stability.

Heath and Hampstead society – objection received 13/09/2013

- The drawings are incoherent not easy to read. However it is clear that the general design and alterations is poor and not worthy of this good house, with is a positive contributor to the conservation area;
- We are especially concerned about the disregard shown for the occupants at 1st and 2nd floors as the upper part of the house is not even shown on the drawings;
- The BIA contains not one word about the structural safety and security of the upper part of the house, Burland scale measurements should be given;
- Stringent conditions should be applied in relation to construction activity on site;

CAAC/Local groups* comments:

*Please Specify

Officer comment:

The drawings are clear in indicating what is proposed and as the scheme relates to the lower ground and ground floor only it is not necessary to show upper floor plans.

The BIA contains the relevant flowcharts for structural stability and it does not indicate that any issue will arise. A structural report has also been submitted which outlines how the excavation will be undertaken. It is also noted that the property is detached and the basement excavation will be more or less contained underneath the footprint of the building.

Site Description

The application site comprises a three storey plus part basement property and associated side extension situated on the northern side of Ferncroft Avenue, close to its junction with Heath Drive. The side extension was originally built as a garage but was replaced with a side extension in 2001 and the space created is related to the ground floor flat and accessed via the main ground floor entrance.

The site is located within the Redington/Froggnal conservation area and has been identified in the conservation area appraisal and management strategy as a positive contributor to the conservation area.

Relevant History

2013/2225/P – Application for alteration and conversion of the existing ground floor flat, excavation of the existing basement and incorporation of lightwells to the front and sunken terrace to the rear, alterations and extensions to the front and rear including new front entrance door to the existing side extension, to provide 2 self-contained units comprising a 5 bedroom and a 1 bedroom maisonette was withdrawn on 14/06/2013.

2011/1868/T – Application for the felling of Cypress tree in rear garden was granted on 17/05/2011

PWX002899 – Application for the replacement of an existing garage with a single storey side extension and the enlargement of an existing single storey rear extension was granted on 29/05/2001

Relevant policies

National Planning Policy Framework (NPPF)

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS13 Tackling climate change through providing higher environmental standards

CS14 Promoting high quality places and conserving our heritage.

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP2 Making full use of Camden's capacity for housing

DP20 Movement of Goods and Materials

DP21 Development connecting to the highway network

DP22 Promoting sustainable design and construction

DP23 Water

DP24 High quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and light wells

DP28 Noise and vibration

Camden Planning Guidance (CPG 1) - Design (revised 2013)

Camden Planning Guidance (CPG 2) - Housing (revised 2013)

Camden Planning Guidance (CPG 4) - Basements (revised 2013)

Mayor of London SPG November 2012

Redington/Froggnal Conservation Area Statement

Assessment

Proposal

Planning permission is sought for the following:

- Excavation to create enlarged basement for use as a media room, playroom, study and guest bedrooms;
- Addition of lightwells to front and rear of property;
- Alterations and excavation of existing side extension to create a self contained flat with new entrance door at front of property ;

Background

A previous application for a similar scheme was withdrawn in June 2013 because the BIA was considered to be insufficient in addressing potential flooding issues and the front and rear lightwells were considered to be excessively large.

This application includes a flood risk assessment and the lightwells have been reduced in size to mirror those of neighbouring properties along Ferncroft Avenue.

Main Planning Considerations

- Land use;
- Impact of the proposal on the host building and on the character and appearance of the conservation area;
- Impact of the proposed basement development;
- Trees and landscaping;
- Impact of the proposal on the amenity of neighbouring properties;
- Other issues.

Land Use

The proposed introduction of a studio flat is welcomed in terms of Camden's priority for additional homes in the Borough. The proposed studio flat will be formed from joining the existing side extension to a lower ground floor level which will be excavated at the same time as the excavation beneath the main dwellinghouse. The front façade will be rebuilt to be more in keeping with the main dwellinghouse and to incorporate larger windows.

The new flat will be approximately 40sqm in size, will be single aspect, with south facing windows. The bedroom will be at ground floor level and the main living area at lower ground floor level. Over half of the living area at lower will be a double height space, and along with the introduction of rooflights and lightwells to the front, will result in sufficient light and ventilation entering the flat.

The studio will also have direct access to the rear garden which is welcomed as it results in an escape route to the front and the rear. As the flat is being created from an existing side extension it is not possible to meet the lifetime homes criteria but this is not considered to be reason enough to refuse the application.

The flat will be car free and this will be secured via a S106 legal agreement. The unit is considered to be acceptable in land use terms and its size exceeds the minimum space standards set out in the Mayor of London SPG 2012.

Design

To the front of the building, the works will be apparent as a result of the new basement lightwells and creation of a new lower ground floor elevation. Metal railings would surround the lightwells. The house is setback off Ferncroft Avenue behind the front garden area and a wall at the front of the property would largely screen the alterations from the street. It is also understood that the applicant intends to plant a low hedge to the front of the lightwell (as indicated on the plans) which would completely screen the lightwell from any view from the street, details of which are proposed to be secured by condition.

Visible lightwells are part of the prevailing character of the street and in the vicinity- lightwells of similar design (and some of larger size) are to be found at neighbouring properties at no's 32, 34, 36 and 38 (a number of others are to be found on nearby streets, such as Kidderpore Gardens). The lightwells would be set back from the public realm and would take considerably less than the maximum of 50% of front garden area mentioned in Camden Planning Guidance. The proposed lightwells to the front of the property would thus be discreet in this

location and are therefore considered to be acceptable.

The new elevation to the front lower ground floor would match the fenestration of the floors above and is thus considered to be appropriate to the appearance of the property in the conservation area.

In addition to the work to the main dwellinghouse, it is proposed to demolish the front façade of the existing side addition and replace it with a façade more in keeping with the main dwellinghouse. This is to be welcomed and as the fenestration will mirror that of the main dwellinghouse, the overall impact on the conservation area will be positive.

In terms of the rear elevation, the existing rear addition will be removed and this resulting area of hardstanding excavated to form an external terrace for the new lower ground floor level. The terrace will be approximately 4m in length and will then step up towards the garden level.

The fact that the terrace will be excavated on the hardstanding area where the rear extension was located is welcomed as it will not result in encroachment on to the garden, (apart from the steps, which will be cut into the garden). The visibility of the rear lower ground floor terrace would be significantly reduced by the existing high boundary treatments and it is noted that there are many examples of ground floor glazed extensions in the rear gardens of neighbouring properties which would be more prominent than what is proposed in this instance. The topography of the site also lends itself well to a development of this type as there is a natural slope upwards towards the garden.

The existing rear bay window will be demolished and rebuilt in facsimile 2metres forward of the existing building line, in order to facilitate more space in the kitchen/dining area. This is considered to be acceptable as the extension will be built on existing hardstanding.

The proposed development will not adversely affect the rear of the surrounding group of houses as the rear line has been broken several times and there is no constant theme to the rear appearance. In light of this the proposed alterations are considered to be sympathetic to the host property and to the character and appearance of the conservation area.

Basement development

It is proposed to enlarge the existing basement by excavating beneath the entire footprint of the property, including beneath the side extension. Furthermore and as discussed above, the hardstanding area to the rear, where the rear extension was located, will also be excavated to create a sunken terrace. The configuration of the basement accommodation has been amended in this scheme and will include a media room, playroom, study along with 2 guest bedrooms, whilst in the studio flat, the kitchen/living area will be located at basement level incorporating a double height space.

It is noted that the main dwellinghouse is detached but that the side addition shares a boundary with the garage of 16 Heath Drive.

The applicants have submitted a Basement Impact Assessment – Screening and Scoping report by Conisbee Structural and Civil engineers. This document has been prepared in accordance with policies DP27, DP23 and CPG4. The applicant has submitted information in respect of the basement excavation and the anticipated impacts on drainage, flooding, groundwater conditions and structural stability.

The screening undertaken on the proposed development highlights issues with regards to the site being within 5m of a public highway, within 100m of a watercourse, the basement increasing differential depths of foundations relative to neighbouring properties and surface water flooding. The report addresses each of these items and outlines that no significant impacts will arise.

The proposed front lightwell will be located 4.5metres from the edge of the footpath on Ferncroft Avenue and almost 8metres from the edge of the highway. The structural report submitted with the application notes that the property is detached and that the load bearing elements of the existing structure will be picked up and the perimeter walls underpinned with a reinforced concrete liner wall. This wall will pick up lateral loads and new vertical walls and will act as a retaining wall whilst the internal walls will be propped until the ground floor slabs are constructed. Hence there should be no load bearing impacts on the highway.

The fact that the dwellinghouse shares only one boundary with the garage of a neighbouring property and is largely detached significantly reduces any potential impact on structural integrity of neighbouring properties and as such the difference in foundation depths is not considered to be an issue.

The site is located a street at risk of surface water flooding. The proposal does not include self-contained living at basement level and therefore flood risk assessment is not required however following pre-app advice, one has been submitted in this instance. The report states that if sewers were to be overwhelmed the surface water would be discharged into the road and as the contours indicate that there is a fall along Ferncroft Avenue towards Heath Drive, the surface water would flow downstream and away from the site. Furthermore, given that the road benefits from a 100mm kerb upstand along with a 1:40 crossfall along the footpath the surface water would be further retained within the extents of the public highway and would not impact detrimentally on the basement development.

Mitigation measures include porous pavement for the driveway which will act as a barrier and protect the site against water ingress from the public highway along with attenuating surface water run-off from the site and release it at a slower pace.

The Basement Impact Assessment concludes that there are no negative impacts anticipated in this basement proposal on the hydro-geological and hydrological conditions of the local environment.

In overall terms it is considered that the level of information provided for the scale and nature of the proposed basement is sufficient to accord with the relevant LDF policies and accompanying CPG4 2011. Based on the information provided and the size of the proposed basement, it is considered necessary for a condition denoting that a chartered surveyor shall supervise the works to be added in this instance.

Trees and landscaping

The proposed excavation will not result in the removal of any trees and the area to be excavated does not extend close enough to any off site trees to be likely to have any impact on them. Although the basement will extend beyond the existing footprint to the front and rear, the areas concerned are mostly hard landscaping and as such the impact on the biodiversity of the area is not considered to be significant.

Amenity Issues

The existing dwellinghouse is divided into 5 flats on the 1st to 3rd floors. It is considered that the proposed introduction of a lower ground floor flat will not result in any intensification of overlooking or loss of privacy or outlook issues to the existing flats. Furthermore the proposed additional unit will not impact on neighbouring amenity due to its orientation and the fact that no additional windows or extensions above ground are proposed.

Some residents have raised objections with regards to noise and disturbance during construction. It is accepted that excavating works can be disruptive but given that the excavation works will be mainly contained within the footprint of the dwellinghouse, and the works of demolition/rebuild relate to ground floor levels, the disruption to the flats on the 1st -3rd floor levels should be minimised. Furthermore, the hours of construction are controlled under building regulations.

Other Issues

The proposed introduction of one additional unit of accommodation will result in the scheme triggering a payment to the Mayor of London's CIL. However as the side extension was previously in use as residential the CIL payment will only be necessary for the new lower ground floor extension. This will mean a payment of £50 per sqm i.e. £50 x 26sqm = £1,250.

Given the scale of works proposed, the extent of the site and the fact that the excavation will be largely contained within the footprint of the dwellinghouse it is not considered necessary to secure a Construction Management Plan (CMP) through S106 legal agreement.

Conclusion

The proposed development is considered to be sympathetic to the host property and in no way detrimental to the character and appearance of the conservation area. It will not impact negatively on neighbouring amenity

and with regards to the new unit, it meets space standards and will be car free.

Recommendation: Grant planning permission subject to conditions and S106 legal agreement.