

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	06/12/2012
		N/A		Consultation Expiry Date:	14/02/2013
Officer			Application Number(s)		
Seonaid Carr			2012/5448/P 2012/5479/C		
Application Address			Drawing Numbers		
Land off Netherhall Gardens to rear of 132-142 Finchley Road London NW3 5HS			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single-family dwelling house comprising basement, ground and two upper floors (Class C3) (following demolition of existing garden walls).					
Recommendation(s):		Grant conditional permission subject to Section 106 agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	87	No. of responses	03	No. of objections	03
			No. Electronic	01		
Summary of consultation responses:	<p>A press notice was published on 01 November 2012 (expired 22 November 2012) and a site notice was displayed on 24 October 2012 until 14 November 2012.</p> <p>Due to amendments sought during the application a re-consultation was undertaken which expired 14 February 2013.</p> <p>Three letters of objection have been received from local residents, one of these was written on behalf of properties adjacent to the application site.</p> <ul style="list-style-type: none"> • Concern development would prohibit future development of neighbouring properties as development would make adjoining site land locked removing access at the rear of the site; • The building activities will result in significant noise nuisances for a sustained period of time, all sleeping rooms are located to the back of the flats on Finchley Road therefore impacting the amenity of these neighbours both when in their homes and gardens; • Loss of sunlight to garden and rear rooms of properties along Finchley Road; • Loss of privacy to garden; • Loss of access to rear garden which is used to take bicycles from the road into the rear garden; • Development is likely to destroy the tree line separating the view from our home westwards on to what are currently gardens; • The size of the house will destroy the view from our home; • The presence of parked cars effectively in our gardens is undesirable; • Concern the works will destroy the trees and their roots adjacent to the boundary of neighbouring properties as well as endanger the collapse of a high retaining wall separating out properties due to a substantial difference in the levels of the land; • The design is at odds with the aspect of Netherhall Gardens; • It is a disastrous backland development which will inevitably destroy out enjoyment of our home and seriously adversely affect its value; • Development will clearly prejudicially effect our enjoyment of the view from our property, which from high above will look upon a parked car and a flat roof of a modern building instead of green gardens; and • It is a terrible and inappropriate development. 					
CAAC comments:	Fitzjohns/Netherhall CAAC were consulted on the proposal and raise no objection.					

Site Description

The application site is located on the land to the rear of 132-142 Finchley Road and constitutes a backland development in what was formerly private rear gardens. The Victorian terraces at 132-142 Finchley Road date from the late 19th century, built with shops at ground level and with 3 residential floors above, with an additional floor in the roof of the Dutch gables.

By virtue of the grain of development in the area, the site also adjoins the rear of properties which front Netherhall Gardens, namely numbers 1 and 1a Netherhall Gardens. The site can be accessed via a public staircase along Finchley Road east that leads up to the walkway of Netherhall Gardens.

The site presents a 15 metre frontage to the Netherhall Gardens streetscape and is situated adjacent to the "The Cottage". This 2 storey plus pitched roof building is identified in the Fitzjohns/ Netherhall Conservation Area statement as a building which makes a positive contribution to the character and appearance of the area. Moreover, in the immediate vicinity of the application site, 130-150 Finchley Road and numbers 1, 1a, 3-7, 2, 2a and 4 Netherhall Gardens are also positive contributors in the area. Diagonally opposite the site is the 1882 Batterbury and Huxley building at 6 Netherhall Gardens which is Grade II listed. The distinct quality of the conservation area is that it largely retains its homogenous mid-late 19th century architectural character.

Relevant History

2012/4211/P & 2012/4874/C - Erection of single-family dwelling house comprising basement, ground and two upper floors (Class C3). Applications withdrawn October 2012.

2011/2539/P & 2011/2537/C - Renewal of permission ref: 2007/6108/P allowed following appeal decision dated 10/12/2008 for the erection of a two-storey residential house with front and rear roof terraces, hardstanding to provide 1 off-street car parking space, creation of new vehicular access off Netherhall Gardens and installation of new gates and boundary brick wall onto Netherhall Gardens. Planning permission and conservation area consent granted December 2011.

2007/6108/P & 2008/0316/C - Erection of two-storey residential house with front and rear roof terraces, hardstanding to provide 2 off-street car parking spaces, creation of new vehicular access off Netherhall Gardens and installation of new gates and boundary brick wall onto Netherhall Gardens. Applications refused by the Council in March 2008 these were subsequently granted planning permission via informal hearing in December 2008.

Relevant policies

The National Planning Policy Framework (2012)

The London Plan (2011)

LDF Core Strategy and Development Policies (2010)

- CS1 (Distribution of growth)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change though promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
- CS16 (Improving Camden's health and well-being)
- CS18 (Dealing with our waste and encouraging recycling)
- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Housing size mix)
- DP6 (Lifetime homes and wheelchair homes)
- DP16 (The Transport Implications of Development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting the availability of car parking)
- DP19 (Managing the impact of parking)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)
DP27 (Basements and lightwells)
DP28 (Noise and vibration)

Camden Planning Guidance (2011)

CPG1 Design
CPG2 Housing
CPG3 Sustainability
CPG4 Basements
CPG6 Amenity
CPG7 Transport
CPG8 Planning obligations

Fitzjohns and Netherhall Conservation Area Appraisal and Management Strategy (2001)

Assessment

Proposal

Planning permission is sought for the erection of single-family dwelling house with basement, ground and first floor levels. The proposed dwelling would sit approximately 18m back from the pavement of Netherhall Gardens, 2m from the boundary with the properties along Finchley Road, 1.8m from the boundary with the neighbouring property 'The Cottage' and 13.8m from the rear boundary of the site which bounds the rear of No.144 Finchley Road. Together with planning permission conservation area consent is sought for the demolition of the existing garden walls.

The proposed development would provide a four bedroom single family dwelling. To the basement would be a 'service' bedroom which would be en suite with access to the rear lightwell this could potentially be used by a nanny or someone working at the property, media room/hobby room, storage rooms and garage with room for one car, to the ground floor would be the living areas together with kitchen and office and to the first floor would be four en-suite bedrooms. There would be a small internal atrium running through all floors terminating with the rooflight. The roof would be covered in a green room together with PV panels.

The dwelling would have a floorspace of 127sq m at basement level, 124.5sq m at ground level and 118sq m at first floor level. The building would measure 11.3m wide and up to 15.7m in depth and would rise 6-7.4m above natural ground level, due to the slope in the ground. The basement level works would excavate up to 3.2m below natural ground level.

The development would include the re-landscaping of the site, including the provision of a driveway with one off street car parking space and planting of five trees to the front of the site. To the side and rear of the building would be soft landscaping to provide garden space, together with a decked area to the rear at ground floor level.

Principle of the Development

The principle of using this backland site for the erection of a single dwelling has previously been established within prior planning permissions (Refs: 2007/6108/P and 2011/2539/P). Since the most recently approved application (2011/2539/P) there has not been a material change to the Council's policy and as such the principle of such works on site continues to be considered acceptable.

Conservation and Design

Policies CS14 and DP24 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings. Furthermore Policy DP25 seeks to preserve and enhance the character and appearance of Conservation Areas.

Conservation area consent is sought for the demolition of existing garden walls. As with the previous applications no objection is raised to this aspect of the development and conservation area consent is recommended for approval.

Within the previous planning application (Ref:2007/6108/P) the Council objected to the development on design grounds, considering the proposal to harm the character and appearance of the surrounding conservation area. However this objection was dismissed at appeal, the Inspector considered the development to be well thought

out and architecturally coherent, stating that it would not detract from neighbouring buildings, or from the surrounding townscape.

The current design is largely akin to the bulk, massing and design of the previously approved development. There are alterations to the fenestration proposed, however this does not raise concern as it would follow a similar contemporary feel. There is a slight increase in height of the dwelling by 0.2m, however given the sizable set back from Netherhall Gardens (approximately 18m), this increase is not considered significant. The revised application proposes glazed privacy screens to surround the balconies; these aren't considered to harm the design and are in keeping with the overall aesthetic.

The main difference between the current application and the previously approved is the inclusion of the basement level. The previous proposal saw the dwelling sited on stilts, whereas the current scheme is proposing to excavate below ground to provide a basement level. The proposed basement would only be expressed via a garage door to the front elevation and small lightwell to the rear elevation. As such it is considered it would not cause harm to the character and appearance of the surrounding conservation area and no objection is raised in design terms.

Basement

The current application is seeking permission for excavation works to create a basement level, such development did not form part of the previous applications. Policy DP27 states that the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater condition and structural stability, where appropriate. Developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

The applicant has provided a Desk study & Ground Investigation Report produced by Geotechnical & Environmental Associates Limited dated July 2012. The BIA elements of the work have been carried out by a Chartered Engineer the assessment has been made by a Chartered Geologist. Both meet the qualification requirements set out in CPG4.

A full ground investigation and desk study has been undertaken for the proposed development. In regard to surface flow and flooding the study has confirmed the development is not on a site at risk of flooding and Netherhall Gardens is not listed as being at risk from surface water flooding by the Environment Agency. The development is located on an area of land previously in use as garden land, a small building was constructed onsite during the early 20th Century but the land has remained undeveloped since and the surrounding area has essentially remained unchanged throughout the 20th Century until the present day, the largest development within proximity to the site would be the western side of Finchley Road where the railway sidings were redeveloped with a shopping centre between 1996 and 2006.

With regard to ground water flow, the ground investigation indicated that beneath a surface covering of hardstanding and a made ground of 1.5m deep, the site is underlain by London Clay formation. In addition the drilling of the borehole to a depth of 6m has indicated no ground water flow, as such the development would not impact on ground water flows.

In respect of land stability, the proposed basement extension would involve excavating between 3m and 3.2m below natural ground level and sited 2m from the neighbouring property to the north east 'The Cottage' and 8.6m from the neighbouring properties within Finchley Road.

With regard to the flow charts set out in CPG4, the BIA has demonstrated that the development would respond 'No' to all questions except for Nos.4 and 5 of the Slope stability screening flowchart, these have been taken through to the scoping stage. No.4 reads 'Is the site within a wider hillside setting in which the general slope is greater than 7 degrees'. Although the surrounding slope setting is greater than 7 degrees, the site is located in a shallower part of the hillside which is already well developed and vegetated. Furthermore the proposed development would not alter existing or create new slopes of such angles. Therefore the BIA concludes that the 4m deep basement should not affect the stability of the slope and a slope stability analysis should not be required. No.5 reads 'Is the London Clay the shallowest strata at this site?'. Natural and manmade slopes within the London Clay have indicated that slopes of 7 degrees or greater are susceptible to slope instability, particularly if modified de-vegetating. The proposed development would not modify the slope such that angles of greater than 7 degrees will be created therefore as for question 4, the development will not impact on slope stability such that a slope stability analysis should not be required.

It is considered necessary to attach a condition to any permission requiring a suitability qualified structural engineer to oversee the temporary and permanent works with the intention of safeguarding the appearance and the structural stability of neighbouring buildings.

In light of the above it is considered that the proposed basement excavation would not have any adverse impacts on the adjacent properties, would not affect drainage and would not cause damage to the water environment, as such the development would accord with Policy DP27 and CPG4.

Neighbour Amenity

Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.

With regard to the impact on the neighbouring property to the north east, 'The Cottage', the proposed dwelling would have the same relationship in terms of distance and siting as the approved development, the only difference would be the slight increase in height of 0.2m, it is considered this increase would not result in harm to the amenity enjoyed by the occupiers of the neighbouring properties in respect of daylight, sunlight, outlook and sense of enclosure.

With regard to the neighbouring properties to the south west, along Finchley Road, the proposed dwelling would be sited 8.6m from the rear elevations of these properties which is further than the previous application which was some 7m from the neighbouring properties. Therefore the revised application would have less of an impact on these adjoining neighbours, even when the slight increase in height is considered, than the previously approved development and as such no objection is raised.

In respect of privacy, the current application does include the provision of front and rear terraces at first floor level. The previous application included a terrace to the front and rear elevations, a condition was secured in the appeal decision for the installation of privacy screening to safeguard neighbouring amenity. The current application is proposing one front and two rear terraces which would be a first floor level and surrounded by obscure glass privacy screen, the details of which will be secured via condition.

In respect of the windows to the side elevations a condition will be used to secure these windows as obscure glazed and those at the upper levels to the fixed shut unless the opening section is higher than 1.7m from the internal finished floor to safeguard the amenity of the neighbouring residents.

Standard of Proposed Accommodation

Policy CS6 aims to make full use of Camden's capacity for housing, which is linked to DP2 which also has the same objective. Policy DP26 seeks to secure development which provides an acceptable standard of accommodation with respect of internal arrangements, rooms sizes and amenity space.

The proposed dwelling would have a floorspace of 370.25sq m and would meet the space standards required within CPG2. It is considered that the proposed development would provide an acceptable standard of accommodation. All rooms would be of a generous size and exceed the Council's requirements. In addition it is considered there is ample storage and circulation space and the unit is laid out in an appropriate manner that would ensure adequate daylight and sunlight to all habitable rooms.

In terms of internal head heights, in accordance with CPG2, the Council requires all habitable rooms to have an internal head height of 2.3m. It is noted that the suitability of floor to ceiling height is considered in relation to the context of the building. With regard to the application property, the ground and first floor levels would exceed the 2.3m required with the basement level coming in just below at 2.2m, it is considered this shortfall would not significantly impact on the amenity of the future occupiers of the property.

With regard to the outlook and sense of enclosure, the proposed dwelling is dual aspect and would be afforded good levels of outlook to both front and rear elevations. There are openings within the side elevation however these serve non-habitable rooms and areas. In terms of privacy for the future occupiers of the unit, given the siting of the dwelling in the context of neighbouring properties it is considered future occupiers would experience a good level of privacy.

In general terms, it is expected that all new dwellings provide access to some form of private outdoor amenity space. The proposed development would provide a sizeable rear garden together with amenity space to the

front of the property, therefore no objection is raised on these grounds.

The Council encourages all new homes to be built to Lifetime Homes standards. The applicant has submitted details to demonstrate how they intend to meet the lifetime homes standards, implementation of this would be secured via condition.

Transport

Policy DP16 seeks to ensure that development is properly integrated with the transport network. The application site has a Public Transport Accessibility Level of 6b (excellent) and is highly accessible by public transport and is located with Control parking zone CAB.

The development is proposing the provision of one off street car parking space within the garage. The previous application 2007/6108/P and the more recent renewal of this application (Ref:2011/2539/P) allowed for one off street car parking space, this was agreed during the appeal process. Although there was a change in policy between the initial application and the renewal, the provision of one off street car parking space was considered acceptable. Given there has been no change in policy since 2011, the proposal of one off street car parking space continues to be acceptable, and the situation is fundamentally the same as was granted permission previously.

It is demonstrated on the proposed plans that there is a distance of approximately 6m between the garage and the bin storage area, therefore there would not be enough room for a car to be parked in the forecourt area and allow another vehicle to enter/exit the garage. Therefore the development would only provide one off street car parking space with access to manoeuvre in and out of the garage.

To ensure the development would not add strain to the surrounding transport network in respect of car parking a S106 agreement is sought to ensure the development would be car capped so future occupiers will not be able to attain parking permits for the surrounding CPZ, to ensure a neutral impact on the surrounding transport network.

Policy DP17 requires development to make provisions for cyclists including cycle parking. Appendix 2 states that 1 space should be provided per new unit. Therefore there is a requirement on the applicant to show adequate cycle storage for 1 bicycle. It has been annotated on the proposed plans that cycle storage would be provided within the garage area which would be covered and secured; as such no objection is raised in this respect.

The development would result in the following works to the adjacent highway; repaving the existing tarmac crossover with artificial stone paving, provide dropped kerbs either side of the turning head and the crossover to the adjacent property known as 'the Cottage'. As such works are outside the application site, it is necessary to secure the financial contribution for the works via a Section 106. It is estimated such works would cost £7,050.

Given the nature of the proposed works including the excavation that would be involved it is considered necessary to secure the Construction Management Plan via a Section 106.

Trees

Policy CS15 seeks to protect trees and promote the provision of new trees and vegetation. Paragraph 15.21 of the supporting text, states that trees are important for their aesthetic value, as habitat, in shading, cooling and filtering the air. Policy DP24 expects all development to consider existing natural features such as trees, in particular paragraph 24.21 states that development will not be permitted which fails to preserve or is likely to damage trees on a site which makes a significant contribution to the character and amenity of an area.

The development is seeking to retain the two Sycamore trees to the rear of the application site and remove the two Sycamores to the front of the site with the planting of five new trees to the front of the site. No objection is raised to the removal of the two Sycamore trees to the front of the application site, given the development includes the planting of five new trees it is considered the loss of the two trees would be mitigated by the planting of five new trees. To ensure adequate replacement trees are planted a landscaping condition will be utilised.

The development also includes the provision of a green roof which would enhance the ecological aspect of the development in accordance with the relevant policy. Full details of the green roof will be secured via condition.

Waste

Policy CS18, seeks to ensure development includes facilities for the storage and collection of waste and recycling. Given this is a single unit, it is likely waste would be stored internally, given the internally layout, the dwelling would be able to comfortably accommodate waste internally. Which could then be transferred to the external storage which has been annotated on the proposed plans. An informative for refuse storage and collection in accordance with the Council's standards will be on the decision notice.

Sustainability

Policy DP22, seeks to ensure development incorporates sustainable design and construction with development demonstrating how sustainable development principles have been incorporated into the design together with the incorporation of green or brown roofs where suitable. The Council expects new build housing to meet Code for Sustainable Homes Level 3 by 2010 and Code Level 4 by 2013.

The applicant has submitted a Code for Sustainable Homes Pre-Assessment within which it is demonstrated that the development would meet Code Level 3. It is important to note that during the course of the application an amendment to the design was sought which included the provision of a green roof which would make the development more sustainable and likely increase its rating towards Level 4. It is important to note that since the application was submitted that the standard required by policy DP22 has increased from level 3 to level 4. However, given what has been granted planning permission previously, and that the application was submitted when the standard was lower the measures proposed are considered acceptable. It is considered necessary to secure a Sustainability plan via a Section 106.

CIL

Given the proposed development would result in a new dwelling it would be liable to pay the Mayoral Community Infrastructure Levy. Within Camden this is set at £50 per square metre. As such this development would result in a contribution of £18,500 (370sq. m x £50), a standard informative will be placed on the decision notice drawing the applicants attention to this.

Conclusion

In conclusion it is considered that the proposed works would be an acceptable form of development, although the Council have previously refused a similar development which was subsequently allowed at appeal it is considered the differences between the previous scheme and the current application would not warrant a refusal of planning permission.

Recommendation: Grant conditional permission subjection to Section 106

DISCLAIMER

Decision route to be decided by nominated members on Monday 11th March 2013. For further information please click [here](#).