

Address:	6 Nutley Terrace London NW3 5BX	
Application Number:	2012/2632/P	Officer: Aysegul Olcar-Chamberlin
Ward:	Frognal & Fitzjohns	
Date Received:	08/05/2012	
Proposal: Erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated landscaping (following demolition of existing dwellinghouse).		
Drawing Numbers: NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; and 031.		
Supporting Documents: Heritage Appraisal by KM Heritage; Arboricultural Impact Assessment Report by Landmark Trees dated 20 th October 2011. Transport Statement by TTP Consulting dated February 2012; Basement Impact Assessment by Elliottwood (Rev.P1) dated January 2012; Basement Impact Assessment Appendices continued (Rev. P1) by Elliottwood dated January 2012; Groundwater Impact Assessment by Chord Environmental Ltd dated November 2011; Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment by HOARE LEA (revised) dated October 2012; Daylight and Sunlight Report in respect of 6 Nutley Terrace by GL Hearn Property Consultant dated 19 th January 2012; Planning Statement by Geoffrey Searle; Lifetime Homes Standards by KSR Architects dated May 2012; e-mail from KSR Architects dated 07 th September 2012; and e-mail from KSR Architects dated 02 nd October 2012.		
RECOMMENDATION SUMMARY: Grant conditional permission subject to S106 Legal Agreement		
Related Application:	Conservation Area Consent	
Date of Application:	23/05/2012	
Application Number:	2012/2710/C	
Proposal: Demolition of existing dwellinghouse (Class C3).		
Drawings Numbers: NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031; and Heritage Appraisal by KM Heritage.		
RECOMMENDATION SUMMARY: Grant conditional conservation area consent		
Applicant:	Agent:	
Mr Omar Shafi Flat-4 Oakhill House Oakhill Park London NW3 7LP	KSR Architects 14 Greenland Street London NW1 0ND	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House	x 1	313.7 m ²
Proposed	C3 Dwelling House	x 2	1112.7 m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Single Dwelling House	-	-	-	-	-	-	1	-	-
Proposed	Single dwelling House	-	-	-	-	-	-	2	-	-

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	2	0
Proposed	2	0

OFFICERS' REPORT

Reason for Referral to Committee: The proposal involves demolition of existing buildings within a conservation area [Clause 3(v)].

1.0 SITE

1.1 The application site is a two storey dwellinghouse set in a large plot on the south side of Nutley Terrace in the Fitzjohns/Netherhall Conservation Area. The application property has been significantly altered and contributes neutrally to the character and appearance of the conservation area. In particular, a significant proportion of the front garden has been lost to car parking spaces.

1.3 The surrounding area has a residential character.

2.0 THE PROPOSAL

2.1 Original

The application seeks conservation area consent for demolition of the existing building and planning permission for the erection of two new houses. Each of the proposed houses would have three storeys (including attic level) and a basement level of accommodation. The proposal would result in the provision of an additional 799sqm of residential floorspace.

The existing crossover would serve the proposed house 6B and a new crossover is proposed to serve the proposed house 6A.

2.2 Revisions

The proposed scheme has been amended since it was originally submitted and additional information has also been submitted:

- Alterations to canopy/door hood of the proposed house 6A to match with the circular detailing of the doors hood of the proposed house 6B;
- Omission of the proposed condensers in the rear gardens of each of the proposed houses;
- Internal alterations to incorporate Lifetime Homes Standards such as accessible main entrances, WCs and bathrooms, stair lift and lift through floor levels; and
- Revisions were made to the Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment.

3.0 RELEVANT HISTORY

3.1 Application property

8703163: Planning permission was granted on 21/07/1988 for the partial development by the erection of a three storey extension and change of use of the existing building including works of conversion, external alterations and installation of dormer windows to form 5 no. flats and the provision of four parking spaces in the forecourt. This permission was not implemented.

8770407: Conservation Area consent was granted on 21/07/1988 for the partial demolition of the existing house in association with the above application but it was not implemented.

8703164: Planning permission was refused on 28/04/1988 for the development to provide five flats with a basement car park by way of partial demolition change of use and extension on four floors to the side rear and front. The associated conservation area was also refused on 28/04/1988.

2011/3679/T: Notification was given on 25/08/2011 for the removal of Copper Beech tree which had a TPO. The Council's tree specialist considered this tree to be in severe decline without an apparent cause and recommend a Sweet Chestnut as its replacement.

2011/4576/T: No objection raised to the removal of the Ash tree located in the rear/side garden on 14/11/2011. The Council's tree specialist observed a sudden decaying condition of this tree without an apparent cause and recommended a small leaved Lime (*Tilia cordata*) as a replacement.

3.2 Opposite site (Garages at rear of Fitzjohn's Avenue)

2007/6230/P: Planning permission was granted on 19/11/2008 for the redevelopment of the site by the erection of a part 3 and part 4 storey building with

basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages.

2007/6231/C: Conservation area consent in connection with the above application was granted on 19/11/2008 for the demolition of a single storey block of 6 garages.

2012/0659/P: Planning permission was granted on 10/08/2012 for an amendment to planning permission granted 19/11/08 (ref: 2007/6230/P), namely enlargement of basement area.

2012/1691/P: Planning permission was granted on 25/05/2012 for alterations during the course of construction to planning permission granted 18/11/08 (ref: 2007/6230/P), namely, erection of louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning.

2012/2793/P: Planning permission was granted on 25/07/2012 for alterations during the course of construction to planning permission granted 19/11/08 (ref: 2007/6230/P), namely, changing House A garage 1 to an office ancillary to Unit A, replacement of glazed roof of House A to a green roof, erection of a louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning and addition of overhead lift on the roof of each house, and alterations to rear façade treatment at rear third floor level.

4.0 **CONSULTATIONS**

4.1 **English Heritage**

Recommend that the applications should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.2 **Fitzjohns/Netherhall Conservation Area Advisory Committee**

No objection.

4.3 **Environment Agency**

The main issues identified are the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. The following is recommended:

- The surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.
- Surface water runoff rates and volumes from the site must be managed in accordance with the [London Plan](#) (July 2011) - which sets higher standards than NPPF for the control of surface water run-off. Policy 5.13 - Sustainable drainage (page 155) of the London Plan states that "development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons

for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible" in line with the drainage hierarchy.

4.4 Thames Water

No objection subject to the following:

- Developer should make proposed provision for drainage to ground, water courses or suitable sewer.
- In respect of surface water the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 845 850 2777.
- Informative: Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9litres/minute at the point where it leaves Thames Water pipes. The developer should take into account of this minimum pressure in the design of the proposed development.

4.5 Adjoining Occupiers

	Original
Number of letters sent	55
Total number of responses received	11
Number of electronic responses	6
Number in support	4
Number of objections	7

A site notice was displayed from 29/05/2012 to 19/06/2012 and the application was also advertised in the Ham and High on 07/06/2012.

Objections were received from the occupants of Lower Basement Flat (4), Ground Floor Flat, First Floor Flat (2) and Top Floor Flat 44 Fitzjohns Avenue, Flat 2 3 Nutley Terrace and a family interested in 44 Fitzjohns Avenue and an interested purchaser of Flat 2 44 Fitzjohns Avenue.

4.6 The following issues were raised:

Demolition:

- The proposal would be contrary to Camden's conservation policy which tries to avoid unnecessary demolition of the buildings.

Design:

- The new buildings would be set back by a metre or two from the front consistent line, pushing the whole development further south.
- The proposed mansard roof would be heavily accented dormer window and would clash with the conservation area roofscape.

- The proposal would significantly increase the built up area beyond the current footprint.

Basement:

- Any excavation involving London clay would impact upon neighbouring foundations.
- The Basement Assessment fails to identify the concurrent basement planning across the road at 5 Nutley Terrace, to address the multiple drain-off features of this total loss of green space, to mention sewage overload experience and to address the extensive subsidence at 1 and 3 Nutley Terrace. Both the sewage overload and subsidence have recently been resolved.
- A serious flooding incident occurred in Nutley Terrace 18 months ago.

Amenity:

- There would be noise nuisance from the new building.
- The proposed houses would be a massive and unneighbourly intrusion into the amenities of the top floor occupants.
- The analysis did not take into consideration the impact on Nutley Cottage and 44 Fitzjohns Avenue.
The proposed houses would have four storeys and would reduce the privacy, daylight and outlook to the neighbouring properties.

Others:

- It is not clear why a beautiful copper beech tree was removed from the rear garden of 6 Nutley Terrace.
- The arboricultural report refers to hazard trees removed in 2011 but they are not specified.
- The two trees which were already removed have not been replaced.
- A map of the location in Arboricultural report is not accurate. 3 Nutley Terrace fronts the green space which is the garden of the property, with views to Tavistock Clinic.
- It is very difficult to park in Nutley Terrace.
- There could be asbestos in the building structure which could be released into the air during the demolition. There should be checks for asbestos prior to demolition.

4.7 The occupiers of 29 Daleham Gardens supported the application except for the rear extension which extends the property into the current garden area. They considered that aspect of the proposal to degrade view from the top two floors.

4.8 The occupiers of Flats 4 and Flat 5, 36 Fitzjohns Avenue and 38 Fitzjohns Avenue supported the proposed development.

5.0 **POLICIES**

5.1 **National Planning Policy Framework (NPPF) (2012)**

On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning

applications. The NPPF replaces a number of national planning policy documents (listed at Annex 3 of the NPPF).

5.2 **The London Plan (2011)**

5.3 **LDF Core Strategy and Development Policies (2010)**

Camden Core Strategy

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 through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

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

CS18 – Dealing with our waste and encouraging recycling

CS19 – Delivering and monitoring the Core Strategy

Camden Development Policies

DP2 – Making full use of Camden's capacity for housing

DP5 – Homes of different sizes

DP6 – Lifetime homes and wheelchair housing

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP 20 – Movement of goods and materials

DP21 – Development connecting to the highway network

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

DP32 – Air quality and Camden's Clear Zone

5.4 **Supplementary Planning Policies**

Camden Planning Guidance 2011

CPG1 – Design (Section 2)

CPG 2 – Housing (Section 4)

CPG 3 – Sustainability (Section 9)

CPG 4 - Basements and lightwells (Section 2)

CPG 6 – Amenity (Section 6 and Section 7)

CPG 7 – Transport (Section 5, Section 6 and Section 9)

Fitzjohns/Netherhall Conservation Area Statement (2001)

6.0 ASSESSMENT

6.1 The principal consideration material to the determination of this application are summarised as follows:

- Land Use;
- Demolition;
- Design and Appearance;
- Trees and Landscaping;
- Basement Impact;
- Mix and standards of accommodation;
- Lifetime Homes;
- Amenity;
- Sustainability;
- Transport; and
- Other Issues.

6.2 Land Use

6.2.1 Policy DP2 encourages development proposals to make full use of Camden's capacity for the provision of new housing. Whilst policy CS6 promotes different types of housing that are needed this policy also draws attention to the other considerations that are covered by other policies. These considerations are good design and layout, contribution to neighbourhood and residential amenity etc.

6.2.2 The application site is almost double the plot sizes of the rest of the houses in the area and has the capacity to accommodate two separate dwellings. Provided that the proposed houses provide acceptable living conditions for the future occupiers without compromising the neighbouring amenity and the character of the conservation area the proposal is considered to be acceptable in principle. This is explored further below.

6.3 Demolition

6.3.1 Policy CS14 seeks to ensure preservation and enhancement of Camden's heritage assets and their settings. In that respect policy DP25 aims to prevent the total or substantial demolition of buildings that make a positive contribution to the character and appearance of a conservation area.

6.3.2 The existing house is not a particularly good example of an inter-war villa and it has been altered in a number of respects. It has discernibly less architectural quality and character than its older neighbours to the east and west, and is plain and blocky without having any notable 'moderne' quality. The building is not identified in the Conservation Area Statement as making a positive contribution to its character and appearance. Given the lack of heritage significance of the existing building its demolition is considered to be acceptable subject to a suitable replacement scheme. The details and suitability of the proposed scheme is explored below.

6.4 Design and Appearance

- 6.4.1 Policy DP25 states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. In addition to that this policy also acknowledges that the Council will take into account conservation area statements, appraisals and management plans when assessing applications within conservation areas. In terms of characteristic features the Conservation Area Statement considers trees, original boundary walls (in particular brick walls facing onto street) and gaps between properties and in rear gardens to contribute significantly to the appearance and character of the conservation area. Many of the properties including the application property on Nutley Terrace are detached properties.
- 6.4.2 Scale of proposed development: The existing plot would be divided into two and each of the plots would accommodate a detached dwelling house covering roughly one third of the plot size.
- 6.4.3 The proposed scheme does not result in over development and the proposed houses would occupy only a modest portion of their plots and do not seek to encroach on garden space. The site is large enough to accommodate two houses comfortably within the scale and urban grain of Nutley Terrace without appearing cramped, and the design succeeds in creating two dwellings that appear appropriately massed and positioned on their site. The proposed height would also be consistent with the parapet height of the adjoining property at 4 Nutley Terrace. The height and scale of the development would not look out of place in the street scene.
- 6.4.4 Streetscene: The scheme draws upon the underlying classicism of the residential architecture of the older houses in the area, such as 1, 3 and 4 Nutley Terrace and houses in Fitzjohns Avenue and Daleham Gardens. The two buildings are similarly proportioned and of a consistent palette of materials however each has an individually detailed cast stone front portico with imposing hardwood front door and principal ground floor window to give subtle distinction.
- 6.4.5 The new facades follow the established proportions and rhythm found along the street. The relationship of parapet line, windows / dormer windows proportions and entrance porch also take their references from No.4. The scheme takes the opportunity to enhance the conservation area with a new development that is of greater architectural quality than the existing house at 6 Nutley Terrace.
- 6.4.6 It is noted that that side of Nutley Terrace is characterised by a continuation of high front boundary walls. A few gates have already been inserted into the small sections of the boundary walls. The existing high brick wall on the front boundary of the application property would be mainly retained. Only a small section of it would be demolished to insert a new gate where the new crossover would be located. A new gate would also be inserted where the existing crossover is located. The principle alterations to the front boundary treatment are considered to be acceptable.

- 6.4.7 The proposed front lightwells which would serve the proposed basement levels would be modestly scaled and secured by railings. The front lightwell to the house 6A would be mainly screened by the high front boundary wall. The proposed lightwell to the House 6B would be behind the existing crossover and therefore would be more noticeable on the streetscene. Given its scale and positioning it would not harm the appearance and character of the streetscene and the wider conservation area.
- 6.4.8 Materials: The materials reflect the characteristic palette of the Fitzjohn's Netherhall Conservation Area consisting of rubbed red brickwork and incorporating traditional details including gauged brick flat arches, cornice, expressed brick quoins, stone porticos and bottle balustrades. Windows are typically traditional timber framed double glazed sash windows to give enhanced environmental performance. The traditional slate roof is a prominent feature of the houses and includes appropriately proportioned lead clad dormer windows.
- 6.4.9 Conclusion: The proposed houses have been designed to sit comfortably in the streetscene. The proposal would result in a modern sympathetic design which responds positively to the character and appearance of the conservation area. Overall the proposed scheme complies with the relevant policies outlined above. Conditions should be used to secure further details of the windows, door, gate and materials.

6.5 Trees and Landscaping

- 6.5.1 Policy CS14 promotes high quality landscaping. In addition to that policy DP25 aims to preserve trees and garden spaces which contribute to the character of the conservation area and which provide a setting for Camden's architectural heritage. Policy CS15 aims to protect and improve biodiversity value by protecting trees and promoting the provision of new trees and vegetation.
- 6.5.2 The submitted Arboricultural Impact Assessment includes a tree survey and tree work implications. The assessment is considered to demonstrate trees to be retained would not be harmed by the proposed development. A number of trees on the site are considered to provide a high level of visual amenity and to contribute to the character of the conservation area. A method statement and tree protection plan conforming to BS:5837 2012 (Trees in relation to design, demolition and construction) can be secured by condition to ensure trees are protected during demolition and construction works.
- 6.5.3 It is not clear from the submitted tree survey whether replacement trees for recently removed trees were planted in accordance with the recommendations of the Council's tree specialist. The tree survey shows only one recently planted new tree (*Castanea Salvia/ Sweet Chestnut*) on the north east corner of the front garden. However, another replacement tree (*Tilia cordata/ small leaved Lime*) was also recommended.
- 6.5.4 Some landscaping details were submitted with the application. The location of the existing and the proposed trees are shown on the proposed site plan but the trees shown on the proposed landscape master plan does not correspond to the trees on

the proposed site plan. Further details of the proposed planting including new trees (particularly the small leaved lime requested by the tree officer when the Ash was removed in 2011) and surfacing materials are required. Given the amount of excavation works the proposed landscaping details should indicate changes in the ground levels. Therefore a condition for details of hard and soft landscaping is recommended.

6.6 **Basement Impact**

- 6.6.1 The existing building is a two storey detached house without a basement level. The existing rear garden slopes down from the rear of the existing house towards the rear boundary of the site. The angle of the slope is 3° – 4°. The existing building footprint is proposed to be increased from 175 m² to 390 m². The existing hardstanding would be increased from 180 m² to 270 m² (including the proposed terraced patio areas to the rear). Each of the proposed houses would have a basement level extending a maximum of 4.2m depth below ground level and set back by approximately 1.5m from the shared boundaries on either side. In total the proposed basement levels would have a floor area of 376m². The proposed basement levels would be served by front lightwells and sunken gardens at the rear. The proposal would require approximately 1950 m³ excavation works.
- 6.6.2 Given the proposal would involve total demolition of the existing dwelling the main considerations for the basement excavation are the impact on the structural stability of the neighbouring properties, ground stability, ground water conditions and surface water flow.
- 6.6.3 The application site is not located within a Flood Zone identified by the Environment Agency and Nutley Terrace is not identified as at risk of surface flooding in CPG4 but the proposed development involves large amounts of basement excavations. In line with policies DP23 and DP27 the applicant has provided a report for Basement Impact Assessment (BIA) presented by Elliott Wood Partnership. Elliott Wood Partnership commissioned Geotechnical and Environment Associates (GEA) to carry out a desk study and ground investigation.
- 6.6.4 A site investigation showed that the underlying ground appears to be a silty clay overlaid by a thin layer of made ground (maximum depth of 1.2m), the ground water is probably at two thirds of the basement depth and the Belsize Network Rail Tunnel runs under the road on Nutley Terrace at around 23m below ground. A weathered zone of soil to firm silty sandy clay extend to depths of between 4.75m and 5.50m (bgl).
- 6.6.5 The proposed basement would be constructed by forming a secant piled wall from a series of reinforced concrete piles. This wall would be designed to safely support the ground, water and surcharge loads and would be installed around the footprint of the basements to enable safe excavation and construction of the basement levels. The foundation of the basement would be a reinforced concrete raft supported on a series of concrete piles.
- 6.6.6 The Land Stability Impact Assessment prepared by GEA Ltd concludes that the proposed development would be unlikely to result in any specific land or slope

stability issues as the proposed basement excavation would be 6m from the highway and the foundations of the proposed basement levels would not immediately abut the adjacent properties' foundations. This assessment also confirms that the proposed basement excavation could be managed using standard engineering solutions to ensure the stability of the adjacent foundation.

- 6.6.7 The Groundwater Impact Assessment carried by Chard Environmental Ltd was also included in the report and confirms that the proposed development would be unlikely to result in significant changes to the ground water regime beneath the site. The monitoring standpipes installed during the site investigation showed that groundwater within the London Clay to be more than 5m below the ground level during October 2011. The results reflect the very low permeability of the London clay, groundwater entered very slowly after completion of the borehole (between August and October). The report states that these are considered to be true groundwater levels but states that it would be expected that the level rises in winter conditions. The Tyburn flows 50m to the east of the site. The Tyburn is culverted and acts as a surface water sewer for the area. The London Clay does not support ground water flows to the Tyburne and is hydraulically isolated from it. Although ground water as discrete pockets of water would likely to be encountered within the depth of the proposed basement excavation these low volume pockets of water would not pose a significant risk in terms of flooding and they could be dealt by sump pumping. Consequently, the report confirms that the risk of the site being affected by groundwater flooding is low.
- 6.6.8 The Surface Water Assessment part of the report states that the site has a negligible risk of surface water flooding. The application site is under 1 ha in area and within Flood Zone 1 which is identified as having a low probability of fluvial and tidal flooding. Other sources of surface water flooding pose a negligible risk in this part of the Borough. As the proposed development increases the amount of hard-standing on the site it is considered that it could increase surface run-off therefore a SUDS is recommended, this would capture runoff and attenuate peak flow from the site to prevent surface flooding.

6.7 **Mix and Standards of Accommodation**

- 6.7.1 Policy DP5 states that the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes. It goes on to state that the Council will expect a mix of large and small homes in all residential developments. In addition to this, the dwelling size Priority Table places a 'very high priority' on 2 bedroom units and a 'medium priority' on large homes (3 bedroom or more). This policy also acknowledges that it will not be appropriate for every development to meet the Priority Table.
- 6.7.2 The proposed scheme is for two very large dwellings with seven bedrooms each in an area where large dwelling houses form part of the character. The proposed houses were designed to continue that pattern and would benefit from generously sized gardens. Given this the provision of large house in this location is considered to be acceptable.

6.7.3 Proposed House A would have a floor area of 567.5m² and House B would have a floor area of 545.2m². Both of the houses are acceptable in terms of size and exceed the recommended space standards set out in Camden Planning Guidance 2 (Housing). All of the bedrooms also meet the recommended space sizes and will benefit from adequate storage space.

6.7.4 All the habitable rooms (except the bedrooms at basement level) would also be well lit and ventilated. The bedrooms at basement level would be served by front lightwells (approx. 1.6m in depth x 3m in width each) and therefore would receive less daylight than the rest of the habitable rooms. Given the rest of the houses would provide good living standards the lower level of light is considered to be acceptable. Both houses benefit from private amenity space.

6.8 Lifetime Homes

6.8.1 In line with Policy DP6, a lifetime Homes assessment was submitted as part of the application and it outlined those measures of the Lifetime Homes criteria which would be met. Most of the lifetime homes criteria would be met. For example:

- There would be a low step at the new entrances which would allow a 1:17 gradient ramp. This would be a gentle slope and suitable for wheelchair users.
- The proposed car parking spaces would be suitable for disabled users.
- There would be accessible WC and shower rooms on the ground floor levels.
- The staircases would be suitable for incorporation of a stair lift.
- Locations of potential lifts through floors are shown on the proposed plans.

6.8.2 It is considered that the applicant has sought to comply with the requirements as far as practicable in the context of the site, and the proposal complies with policy DP6.

6.9 Amenity

6.9.1 Policy DP26 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.

6.9.2 The proposed houses would project further towards the rear garden than the existing house and would be approximately 1.6m higher than the existing house. The proposed House 6A would also be closer to 4 Nutley Terrace than the existing house. There is a separation distance of 8.5m between the existing house and No. 4. The proposal would reduce this distance by 1.5m. The separation distance between the House 6A and the original flank wall of no 4 would be approximately 7m. The proposed house 6A would project approximately 4m beyond the side extension of no 4. The single storey rear element of the proposed house 6B would project approximately 9m beyond the rear building line of the existing house. The projecting rear part of House 6B would be set back by approximately 5m from the shared boundary with Nutley Cottage and 44 Fitzroy Avenue. The side building line of the House 6B would be in line with the side building line of the existing building. The separation distance between the House 6B and the rear of 44 Fitzjohn's Avenue would be nearly 18m.

Outlook:

- 6.9.3 The mature trees, shrubs and tall fencing along the shared boundary with Nutley Cottage and 44 Fitzroy Square limits the outlook from these properties to the garden of the application property. Given the relationship of these properties to the proposed houses and the existing mature vegetation the proposal is not considered to cause a significant loss of outlook and sense of enclosure to their properties.

Privacy:

- 6.9.4 The existing high boundary treatments protect overlooking from the application property to the neighbouring properties at ground floor and garden levels. There are existing windows on the west side elevation of the existing building which directly face onto the rear dormer window of Nutley Cottage within approximately 8m. The proposed dormer window on the west side elevation of House B would be obscure glass and therefore would not worsen the existing overlooking (this should be secured by condition). There would not be direct overlooking from the proposed balcony at rear first floor level on House 6B towards Nutley Cottage. The separation distance between this balcony and the rear windows of 44 Fitzjohn's Avenue would be more than 18 metres. Considering the existing conditions and taking into account the relationship between the proposed House B and its neighbours, the proposal is not considered to cause significant loss of privacy to these neighbouring properties.
- 6.9.5 There is existing overlooking from the first floor terrace and windows of the existing building on the east side elevation to the flank windows of 4 Nutley Terrace within approximately 14m. The proposed House 6A would have windows on its east side elevation which would directly face to the flank windows of No. 4 within approximately 7m. All the windows on the proposed west side elevation of House 6A would be obscure glass (this should be secured by condition). That would be adequate to protect the privacy of no 4. There would also be oblique overlooking from the proposed first floor balcony on the rear elevation of House A to the rear windows and garden of no 4 within close proximity.
- 6.9.6 The proposal subject to safeguarding conditions for the provision and retention of the obscure glazing is not considered to harm the privacy of the neighbouring properties.

Daylight:

- 6.9.7 The applicant has submitted a report for the assessment of the impact on daylight/sunlight to the neighbouring properties in accordance with the BRE standards which form the basis of daylight impact assessment and in accordance with the guidance in CPG6.
- 6.9.8 According to BRE guidance if windows achieve more than 27% of VSC values they are considered to receive a good level of daylight. Where a window is impacted on by a proposed development if the window continues to receive a VSC of 27% or no less than 80% of its former value then the loss of daylight would not be noticeable. Similarly, if a window receives 25% of Annual Probable Sunlight hours and at least 5% within window months then it would be considered to be well lit and any

reduction in these levels would not be noticeable so long as it was at least 80% of its former value.

6.9.9 The daylight/sunlight report includes an assessment for Nutley Cottage, 3 Nutley Terrace, 4 Nutley Terrace, 44 Fitzjohn's Avenue and 48 Fitzjohn's Avenue. The report concludes that the impact on all properties with the exception of Nutley Cottage would be within BRE guidelines, there would be no loss of daylight or sunlight in excess of BRE guidelines. The exception to this is Nutley Cottage; all the windows with the exception of one ground floor window serving the living room would continue to receive VSC and APS within BRE guidelines. The affected window would achieve 0.79 of its existing values, in view of the very marginal adverse impact of the development it is not considered that this would be sufficient to warrant refusal of the development.

6.9.10 Noise:

As part of the sustainability measure air source heat pumps (ASHPs) are proposed to be located in the rear garden of the each of the proposed houses. These pumps would be located at least 20m from the closest neighbouring property. No details or acoustic/noise assessment submitted for ASHPs. A condition is recommended for the details of the ASHPs and their noise assessment.

6.9.11 Consequently, it is considered that the proposed development would comply with policies CS5 and DP26.

6.10 **Sustainability**

6.10.1 The applicant submitted Code for Sustainable Homes Assessment and Energy Statement in support of the development and in order to address Policies CS13, DP22 and DP23.

6.10.2 According to the Code for Sustainable Homes Assessment the proposed development would achieve Code Level 4 with 65.48% credit from Energy, 66.66% credit from water and 50% credit from materials. This accords with the requirements of current planning policies.

6.10.3 The energy statement indicates that the applicant intends to reduce CO2 emissions by 50% for the proposed development. This reduction would be achieved by enhancing building performance (improved U-values and air tightness), use of energy efficient equipment and fixings, use of renewable energy technologies such as solar panels, and low carbon technologies such as air source heat pumps. These measures are welcomed.

6.10.4 It is recommended that the Energy Statement and Code for Sustainable Homes (including a design and post construction review) should be secured via S106 legal agreement.

6.11 **Transport**

6.11.1 The site has a PTAL score of 6a, which indicates that it has an excellent level of accessibility by public transport. The Transport Statement submitted with the

application states that the PTAL score is 4, however it would appear from the TfL's recently updated website that a number of additional bus services are now being run which accounts for the discrepancy. The nearest station is Finchley Road, located to the southwest of the site, whilst Belsize Park is located to the east and Finchley Road & Frognal is located to the west. The nearest bus stops are located on Fitzjohn's Avenue and additional bus services are available from Finchley Road, to the east of the site. Belsize Tunnel, which is used by Thameslink and Midland Main Line services, runs beneath Nutley Terrace.

- 6.11.2 The site is located within Controlled Parking Zone CA-B, which operates between 9am and 6.30pm Monday to Friday and between 9.30am and 1.30pm on Saturdays. The site currently has a garage and an area of hardstanding at the front of the property which is used for parking. It is proposed that 1 off-street parking space be provided for each property. The proposed house 6a would be accessed from the existing crossover, whilst the proposed house 6b would require the formation of a new crossover. This would require the loss of a resident's parking bay and an amendment to the existing Traffic Management Order.
- 6.11.3 Development Policy DP19 seeks to resist the loss of residents parking, whilst DP18 promotes car free development in areas within Controlled Parking Zones which are easily accessible by public transport. Camden Planning Guidance 7: Transport defines highly accessible areas as those which have a PTAL score of 4 and above. The development site is located within an area in which we would expect car free development, i.e. no of-street parking would be provided and the occupants would be unable to obtain parking permits from the Council. The proposed parking is thus in contravention of policy. Given the level of existing parking on site and that the applicants are willing to surrender their parking permits via S106 agreement the proposed development is considered to be acceptable in this case.
- 6.11.4 In addition to that, a survey of occupancy rates carried out earlier this year found that only 29 of the 53 resident bays on Nutley Terrace were occupied, which gives an occupancy rate of 55%, in view of this it is considered that the loss of a parking bay would not have a detrimental impact on parking conditions in Nutley Terrace.
- 6.11.5 The new crossover would require works to the footway and an amendment to the Traffic Management Order, which would need to be paid for by the applicant if the application were to be approved. As the proposal involves the complete demolition of the existing building and its replacement with 2 new dwellings we would also seek to repave the existing crossover and the footway adjacent to the site on Nutley Terrace. The highway works should be secured by means of a Section 106 contribution.
- 6.11.6 DP18 requires development to sufficiently provide for the needs of cyclists, the standards are contained in Appendix 2 of the Development Policies document. The London Plan also provides guidance on cycle parking standards these are outlined in Table 6.3 of The London Plan 2011. Camden's Parking Standards for cycles state that one storage or parking space is required per residential unit, however for larger residential units (3+ beds), the London Plan requires two cycle parking spaces per unit. The submitted plans show that cycles can be stored down the side path of each house, but does not include details of this facility. Given that the

site has adequate capacity to provide secured cycle parking facilities a condition is recommended to secure further details of cycle storage/parking.

6.11.7 The proposed development comprises demolition and excavation works to an extent that could affect the local transport network in the area therefore a Construction management Plan is required prior to work commencing on site. A Construction Management Plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users is recommended to be secured via a S106 agreement.

6.11.8 The proposal is considered to be acceptable in transport terms subject to S106 agreement for car-capped housing, Construction Management Plan and financial contribution towards highway works and a condition for details of cycle storage/parking.

6.12 Other Issues

6.12.1 CIL: You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm GIA and one unit. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £39,950. This does not include any surcharges or indexation which may be applied to a CIL payment.

6.12.2 Affordable housing contribution is considered not to be applicable in this case as the additional residential floor space would be below 1000 and given the nature of the proposed development the proposal would not have the capacity to accommodate 10 additional dwelling on the site.

6.12.3 Refuse Storage and Management: Refuse and recycling storage facilities would be located within the front garden and residents will take the bins to the back of the pavement on collection day. In accordance with the Council's standards residential developments of fewer than 6 dwellings could be serviced by a kerbside waste and recyclables collections, whereby sacks are left on kerbside on collection days.

6.12.4 Permitted Development Rights: The proposed dwellinghouses would benefit from permitted development rights for rear extensions and alterations. Further alterations and extension to the proposed houses could compromise the overall architectural composition of the proposed development and may harm the amenities of the neighbouring properties therefore a condition for the removal of permitted development right is recommended.

7.0 CONCLUSION

7.1 The proposed development is considered to be acceptable in principle, as it would relate much more appropriately to the traditional development pattern of the surrounding properties, which are positive contributors to the character and appearance of the area, in terms of design, materials, size and bulk than the existing building.

7.2 The proposed residential units are appropriately designed in terms of size, accessibility and access to facilities such as refuse and cycle storage. The proposed development has been designed with sustainability in mind and incorporates low carbon and renewable energy technologies. During the design of the proposed development, sufficient consideration has been given to the impact of the proposed development on the character of the area and the amenities of the neighbours in terms of impact and on their daylight/sunlight and privacy.

7.3 Subject to conditions and a S.106 agreement with the terms that are listed below planning permission and conservation area consent are recommended to be granted.

- Car-capped housing;
- Construction Management Plan;
- Associated highway works; and
- Sustainability measures: Design and post construction review of Code for Sustainable Homes and Energy Statement.

8.0 **LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.