

Delegated Report (Members briefing)		Analysis sheet		Expiry Date:	07/12/2012
		N/A		Consultation Expiry Date:	21/11/12
Officer			Application Number(s)		
Tania Skelli-Yaoz			2012/5492/P		
Application Address			Drawing Numbers		
1A Frognal London NW3 6AL			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Erection of building comprising lower ground and ground floor level to provide 2 x 2-bedroom dwellings (Class C3) (following the demolition of existing garages).					
Recommendation(s):		Grant conditional planning permission subject to s.106			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	179	No. of responses	11	No. of objections	10
			No. electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 31/10/2012 until 21/11/2012.</p> <p>Objections were received from occupants of flats in 3E (garden flat) Frognal, flats 1-4 at 1 Frognal, 108A Finchley Road, 168-172 Finchley Road & business occupiers at 1-2 Hampstead Gate, 4 Hampstead Gate, unit 5 Hampstead Gate, 7 Hampstead Gate on the following grounds:</p> <ul style="list-style-type: none"> - loss of sunlight - loss of privacy and light reduction into gardens - health and safety concerns during construction due to narrow access (for both vehicular and pedestrian users) - damage to access roads from construction works - access road should be widened for better access - current garages too tight for manoeuvring - lease of 1 Frognal linked to garages, restricting use to 1 Frognal or nearby properties - current designation of garages for use as intended (and permitted) not enforced - new units will add to parking stress - loss of valuable off street parking - obstruction of access to Hampstead Gate offices - potential unauthorised parking on site - noise and pollution during construction resulting in harm to offices users - site should be retained as green open space - damage to trees during construction - further potential damage to trees by future residents - sewage overflow from additional units (experienced in the past) - land stability concerns - flooding and drainage problems in area - additional waste disposal by future occupiers - proposal setting precedent for future development in rear gardens <p><i>See officers report for responses to above issues</i></p>					
CAAC/Local groups comments:	n/a					
Site Description						
<p>The site is located to the rear of no. 1 Frognal and currently accommodated 5 garages on an area of hard standing. The site is in dilapidated state and only preserves its surroundings by providing an area of 'green space'. To the rear of the garages is an area of vegetation and along the front boundary of the site are two lime trees (T1 & T2), which benefit from TPOs.</p> <p>To the northwest of the site is a modern office development and to the southeast are the rear gardens of nos. 1 & 3 Frognal. It is accessed from a road running between the side of No 1 and the rear of properties on Finchley Road that leads to the commercial development of Hampstead Gate. The site forms part of a sizeable backland area bounded by tall buildings on Frognal, Finchley Road and Hampstead Gate. This backland area contains a number of gardens with mature trees, providing a valuable open aspect for the surrounding buildings.</p> <p>The site is located on the boundary with Finchley Road/Swiss Cottage town Centre and visible is from the Redington/Frognal CA (sub-area 8).</p>						

Relevant History

03/11/2011 Pre-application advice:

Following the previous council refusal and dismissal of appeal, the Council (on receipt of a new drawings similar to those currently considered) has advised that *'whilst a pair of semi-detached dwellings was dismissed on appeal in April 2002, the site is considered to offer a great opportunity for a well conceived modernist design of residential development... opportunity for modernist development which has a minimal impact on the openness of the area. The bulk, massing and scale of proposed development will therefore be important and it is recommended that the proposal does not represent an increase in height of 2m above the existing garages and has a marginal increase in the existing floorplate.'* It also advised that *'As stated in your letter and emails your client is considering the possibility of submitting a Certificate of Lawful Use to establish that the garages have not been used for parking for 10 years. Given the shift in policy within recent years towards development which is car-free within highly accessible areas, the LB Camden do not object to the loss of car parking on the site and the submission of CLU therefore is not recommended.'*

PWX0102049 Planning permission was REFUSED on 29/06/2001 for the Demolition of existing garages and erection of two semi-detached two bedroom, two storey houses with 2 open car parking spaces. An appeal (APP/X5210/A/01/1077768) was **dismissed** 30/04/2002. The appeal was dismissed on grounds of harm to the 'green' outlook from r/o Finchley Road, its height and impact on trees, extent of hardsurfacing and loss of parking.

9005439 Planning permission was GRANTED on 16/07/1991 for the Erection of five garages for residential use.

Relevant policies

LDF Core Strategy and Development Policies

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 standard
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity
CS18 Dealing with our waste and recycling
DP2 Making full use of Camden's capacity for housing
DP6 Lifetime Homes and wheelchair homes
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
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

The London Plan 2011

Other Relevant Planning Policies and Guidance

- **NPPF**
- **Camden Planning Guidance 2011 - CPG 1, 3, 4 and 7**

Assessment

Background-

The proposal follows pre-application advice given by officers in 2011 which was generally in support of such a development. This is despite an appeal being dismissed in 2002 on refused application PWX0102049 for the erection of a two dwellings. However, these dwellings were of a greater height and comprised a greater area of hardsurfacing on the site than the current proposal, therefore detracting from the character and appearance of the surrounding area and upon views of the open aspect from the surrounding buildings.

Proposal-

Permission is sought for the erection of a pair of semi-detached houses (single -storey plus basement), c.164sqm in floorspace, fronting the rear of 1 Frognal, which will be completely separate from 1 Frognal and accessed via a vehicular way which leads to the existing garages, office complex to its rear (Hampstead Gate) and the rear of flats on Finchley Road. The development is proposed roughly over a similar footprint and orientation to the existing garages. It would have a width of 12.8 metres, a depth of 7.2 metres and a maximum height of 4 metres. The proposed development also comprises soft and hard landscaping to its front with refuse and cycle storage provisions, a green roof and no parking provision.

The main considerations for this proposal are the land use considerations, design/ impact on CA, basement assessment, standards of accommodation, residential amenity, sustainability, trees/landscaping, and transport. As follows:

Principle of Development / Land use-

The application site is located within an area of the borough whereby the principle of residential development is regarded to be acceptable. Policy DP2 seeks the fullest possible use of underused sites for housing provided that the accommodation reaches acceptable standards. This proposal would provide two residential units which complies with this policy.

Design and impact on CA-

It should be noted that the existing row of garages will be demolished to make way for the proposed development, but no consents are necessary for this work as the site is just outside the Redington-Frognal Conservation Area. The proposed demolition of the garages is considered acceptable.

The current proposal comprises two storeys, a basement level and a ground floor. This means that the building will read as a low-lying one storey building in its environment and will therefore not cause a negative visual impact on the surrounding gardens and buildings. It should be noted that the basements will only be evident visually on the south side of the development where modestly sized lightwells will be positioned for each dwelling, both of which will be set away and will be sufficiently screened from the access road. The building has also been designed so it is not more than 2m above the existing garages, in accordance with the pre-app advice.

The architectural approach for the development is low-key, both in terms of form and modelling and detailing/use of materials. The flat roof treatment is unassuming and allows the development to be subordinate in height, bulk, mass and scale to the taller surrounding buildings and the mature trees. The scheme is also almost completely single-aspect, with the majority of glazing being on the south side. The choice of materials is both contemporary and contextual, comprising a palette of materials including white render, timber, glass and steel. The surrounding area boasts a wide range of building materials, and the choice of materials will blend with the leafy and green immediate surroundings of this backland site. In addition, it is reassuring that the construction and materials reach a high level of sustainability. All facing and fenestration materials, plus boundary treatment materials, should be conditioned to ensure they are architecturally harmonious and respect the character of the surrounding area.

The proposal is considered acceptable in principle in line with LB Camden LDF policies CS5, CS14 and DP24 subject to standard conditions to include detailed materials and drawings and details of landscaping.

Basement assessment-

The proposed basement has an approximate maximum depth of 2.7 metres. A Basement Impact Assessment (BIA) report has been submitted to examine groundwater conditions, soil conditions, land stability and flood risk. The report complies with CPG4 which sets the criteria for the preparation and contents of such a report.

The guidance requires that further, 'scoping' assessment is required where the answers to any of the questions

in the CPG4 flowcharts are either 'yes' or 'unknown' AND are regarded as "matters of concern". Paragraph 2.15 requires that 'further investigation' is normally required in case of 'yes' or 'unknown' answers to questions in the screening exercise.

The investigations on the groundwater and flood risk conditions do not raise issues. With regards to the investigation on land stability, the BIA confirms that although the London Clay strata is present at a shallow depth, this is not considered to be a matter of concern with regard to the proposed depth of foundations to the proposed development. The matter has been investigated further, and sets out advice concerning the most appropriate means of excavation and construction with regard to the access road through to Hampstead Gate, the electrical substation to the rear of the site, the nearby trees and the underlying London Clay strata.

The BIA's advice confirms that the most appropriate techniques with respect to the various site limitations involve the use of piling, either steel sheet or in-situ concrete bored contiguous piles; although the latter is preferred in order to minimise the effects of vibration on the integrity of the electrical substation. Therefore, it is considered that the report appropriately considers and reviews the potential impacts of the 'matters of concern' already identified and suggests ways in which these can be properly dealt with through the construction of the proposed development.

The Design and Access Statement also confirms that the intended method of construction would involve *"installing a contiguously piled retaining structure completely avoiding the tree root protection area and maintaining a separation from the sub-station and party wall along the north-east boundary allowing the installation of piled foundations whilst safeguarding these structures (see fig. 1.1)"* (paragraph 1.1).

The only works within the tree protection zones will be hard and soft landscaping and the proposed cycle store, already referred to in the tree report accompanying this application or discussed since with the Council's tree officer. The answer to question 6 in the slope stability screening report relates only to the trees or specimens on the development site (immediately adjacent to the existing garages), and it is not proposed to build the basement accommodation within the tree protection zone of any adjacent mature specimens/protected trees.

Accordingly, it is considered that the BIA has address the relevant issues and includes recommendations to appropriately address the potential risks during construction and thereafter, in accordance with CPG4 and policy DP27.

Standards of accommodation-

LB Camden's planning guidance for new housing, CPG2 (Housing), states that new units of accommodation should satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

Number of persons	1	2	3	4	5	6
Minimum floorspace (m ²)	32	48	61	75	84	93

The guidance requires first and double bedrooms to measure a minimum of 11m² and other bedrooms to measure a minimum of 6.5m². The proposal should also aim to provide high levels of daylight/sunlight for habitable rooms and outdoor amenity space and be accompanied by a Lifetime Homes Assessment.

The proposal is for a pair of semi-detached single dwelling houses; each with two bedrooms. Both bedrooms in each of the dwellings would be on the lower ground floor with general living and kitchen space on the upper ground floor. The proposed accommodation exceeds the internal minimum floorspace requirement for a self-contained unit, as set in the CPG.

The dwellings do not provide level access to the raised ground floor due to the nature of the site set on a slope. Submitted details indicate that the proposal would comply with lifetime homes criteria in most other aspects, in accordance with policy DP6. Criteria 4 is the only one that is not met, other than 1 and 2 which are not relevant (parking).

Good levels of natural daylight are achieved to most parts of the dwelling, in particular due to the site facing part-south and the substantial glazing to its main room. Moreover, the bedrooms at the lower part of the dwellings can be describes more accurately as at lower ground level than complete basement level; they have good glazing areas and direct access to outdoor space. Clerestory lights are proposed to the most of the bathroom and one of the kitchens. Responding to concerns about the overshadowing to the dwellings from the existing trees, it is considered that the majority of habitable rooms within the building will benefit from good

quality access to daylight and sunlight and that the reduced amenity due to the trees is insufficient reason to refuse the application.

The occupiers of the new dwelling would enjoy acceptable outdoor amenity space including a patio to the lower level and some garden space to the front/south.

Amenity considerations-

The subject site is tight and closely surrounded by different uses including residential flats and businesses. It is considered that the proposed layout ensures the proposed development does not have a detrimental impact on the amenity of the occupiers of neighbouring properties in terms of overlooking, noise, loss of outlook or daylight.

It is also considered that the proposal protects the privacy of the future occupiers of the development from the neighbouring residents and the commercial site to the rear.

Loss of outlook onto open 'green' space:

The CPG states that views from individual private properties cannot be protected but the loss of outlook can be taken into consideration if new development is overbearing. The current site is already occupied by a row of garages (and previously occupied by sheds and similar structures for commercial use since the 1950s) and the remainder covered with hardsurfacing. It is noted that a larger section of the original rear garden of no. 1 Frognal still forms a garden. The amenity quality of the lost garden space is therefore long lost and what remains is the open character and the presence of the nearby trees. Given the measures proposed (and to be conditioned) to protect the trees on site and the revised proposal comprising more soft landscaping to the front and includes a green roof, compounded by the reduction in height and bulk of the dwellings from the previously refused scheme it is considered that the open 'green' character of the site will be preserved and somewhat enhanced.

Daylight and sunlight assessment: The proposed development lies to the north-west of no. 1 & 3 Frognal. An accompanying letter concludes that the new building line is below the 25 degree line subtended from the rear windows of no. 1 Frognal and therefore no significant loss of daylight is likely to occur.

Loss of privacy: Concerns are also raised over loss of privacy and overlooking to occupiers of three surrounding properties, to the south and to the east's garden area. The addition of raised boundary fences on the boundaries to the east and south will perform the same function by providing a visual barrier to a height of 1.8m above the ground floor level of the dwelling. A condition would be added requiring further details of screening and the erection and retention of all privacy screening measures prior to occupation of the dwelling. The use of timber fencing erected above the existing boundaries would be an approach which is consistent with local boundary treatments and would not detract from the character of the locality.

Accordingly, it is considered that the proposal complies with Policy DP26 on the above issues.

Trees/landscaping-

There are two existing trees with TPO's at the front of the site (T2 & T3). Given the positive impact on the visual appearance of the area which these trees, including branches and roots, provide - they are to be protected during , demolition, construction and thereafter. In general the siting of the building has been designed to accommodate the root protection zones of trees adjacent to the site.

The arboricultural report demonstrates that trees to be retained can be sufficiently protected during the building works. The Tree Care Proposals submitted with the application are considered to be acceptable as they demonstrate how the trees will be protected in line with BS5837:2012 Trees in relation to Demolition, design and construction. It is recommended that a condition is added to any approval requiring that the applicants demonstrate that the tree protection is implemented prior to the commencement of works.

The existing landscaping is almost entirely non-permeable in appearance. The drawings and design and access statement indicate a welcome net increase in soft landscaping particularly if the proposed green roof is taken into account. The amount of detail of the landscaping and green roof is considered to be insufficient. It is recommended that further details are conditioned on any approval of the site to ensure that these elements of the proposal are sustainable.

Overall the proposals are acceptable and comply with policies DP22 and DP23.

Sustainability-

CPG3 (Sustainability) and Policy DP22 of the LDF require all new build residential developments to be accompanied by a full BREEAM assessment and as a minimum meet Level 3 of the Code for Sustainable Homes. The submitted sustainability assessments estimate the development to meet Code Level 4 (68.71%) and a 50% minimum is reached on each of the water, energy and materials categories. This complies with policy DP22 and CPG3.

The proposal includes the provision of green roofs, potential solar panels, soft landscaping, rainwater harvesting, environmental friendly materials and heat loss minimisation measures. There is no statutory requirement to submit a Code for Sustainable Homes Assessment as the proposals are only for two additional dwelling. Nevertheless the proposed measures are considered welcome. The details of the sustainability measures and a post-construction review to ensure the current proposed levels of sustainability are implemented and maintained are recommended to be tied into a legal agreement with the planning permission.

Transport-

The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent) and is within a Controlled Parking Zone. The site is in close proximity of the Finchley Road/Swiss Cottage town Centre. There is currently a vehicular crossover and access to the site associated with providing car parking for the flats at 3 Frognal (by legal agreement; although not exercised) and local residents and businesses. The crossover is proposed to be removed and the site bounded with hard landscaping to ensure that no vehicular access is enabled onto the site.

Cycle storage: Camden's Parking Standards for cycles, states that 1 covered and secure storage space is required per residential unit. The proposal illustrates 1 such provision per unit. Camden's parking standards for cycles are therefore met in line with policy DP17.

Car parking: Camden's parking standards, allow for a maximum of 1 space per residential unit. However, given the excellent proximity to public transport and the local parking stress conditions this cannot be justified in this instance. The applicant has therefore agreed to enter into a legal agreement for car-free housing in order to comply with policy DP18 and DP19.

Parking loss and displacement: on site, some cars were parked on the hardstanding in front of the garages. Two garages are sign posted as belonging/used by the (Site-) owner's business, which lies on Finchley Road. It has however, been confirmed that the garages are not actually used, mainly due to their small size. The proposal would therefore result in loss of off-street parking to local businesses. Nevertheless, the current parking situation may be considered as unauthorised parking and is considered to encourage commuter parking, which cannot be justified in accordance with policy DP18. Accordingly, the Council has previously advised the developer that due to shifts in policy the loss of parking on-site is acceptable and the site made car-free encouraged.

It is therefore considered unlikely that any residential parking is occurring on site and the displacement of business-related car parking is likely to encourage travel by green transport methods such as walking or use of public transport. Therefore, the development is not considered to result in parking being displaced on-street as there is no evidence that it is being used by residents

Demolition and Construction Management Plan (DMP and CMP): The proposals involve the construction of two houses with an excavated lower ground floor. Access to the site is via a narrow vehicular way which leads to both residential and business units. Therefore a CMP to include a demolition plan is required and the applicant has agreed to providing this by way of s106 legal agreement. A CMP (and DMP) outlines how construction work will be carried out and how this work will be serviced, with the objective of minimising traffic disruption, avoiding dangerous situations and minimising the impact on local amenity. The CMP and DMP would need to be submitted and approved before any works start on site. Details of the CMP and DMP will relate to the scale, kind and location of the development and they should assess the impact on transport and on local amenity including road user amenity.

Highways works: The condition of the pedestrian footway adjoining the property is likely to require repairs following the heavy use of it during demolition and construction. Therefore, it is recommended to require the costs of highway works to cover these to be included in a legal agreement.

Summary-

The dwelling has been modified from the previously unacceptable height and massing to a lower and more

subdued design with additional improvements to hard and soft landscaping. The resulting design is mindful of the outlook of neighbouring dwellings and while in close proximity to them is also sufficiently restrained in height and design to avoid having a significant impact on the openness and 'greenness' of the area.

The bespoke appearance of the dwelling is an important feature of its suitability for the location. In addition the considerable constraints of the site with respect to neighbour amenity mean that it is appropriate to consider removing some permitted development rights. It is considered appropriate to remove permitted developments afforded under Class A (enlargement, improvement or other alteration to a dwellinghouse) and Class E (provision of buildings or enclosures within the curtilage of the dwellinghouse) so that such potential future additions would require detailed consideration of their impact by planning officers as part of a planning application.

Other matters-

Issues regarding to health and safety cannot be addressed under planning legislation but should partly be addressed by the recommended DMP and CMP.

CIL-

The development is CIL liable.

Recommendation: Grant conditional planning permission subject to s.106

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