

Delegated Report		Analysis sheet	Expiry Date:	23/10/2012
		N/A	Consultation Expiry Date:	11/10/2012
Officer			Application Number(s)	
Jenna Litherland			2012/3841/P	
Application Address			Drawing Numbers	
107 West End Lane London NW6 4SY			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Excavation to create basement and erection of single-storey rear ground floor level extension with front and rear lightwells in connection with reconfiguration of existing HMO (Sui Generis).				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	16	No. of responses	04	No. of objections	05
			No. electronic	00		
Summary of consultation responses:	<p>16 neighbours were notified by letter. A site notice was displayed from 12/09/2012 until 03/10/2012. Advertised in the Ham and High 20/09/2012.</p> <p>4 letters of objection have been received from occupiers of 105 and 109 West End Lane and Flat A, 90 Messina Avenue on the following grounds:</p> <ul style="list-style-type: none">• The application site and neighbouring properties already suffer from subsidence and there are substantial cracks in the properties;• The proposed basement would weekend the structural integrity of the neighbouring properties;• The proposed would result in unacceptable levels of noise and dust;• The road is busy and dangerous given the bend in the road and the bus stop, the pavement is also narrow;• The construction impacts of the development would be exasperated by the busy road which is a route used for emergency services and that there is little space surrounding the site for storage and loading of materials;• The property is a small terraced house;• The back gardens are small and dark;• The rear extension would reduce light to no. 109 West End Lane;• None of the properties in this terrace 103-109 have basements;• The depth of the front garden is inaccurately shown on the plans and the proposed lightwell is too small to accommodated access stairs. There will not be sufficient room left for bin storage;• The front and rear lightwell would be out of keeping within the Conservation Area;• Levels of light to the basement rooms would be unacceptable;• The proposed basement would only gain the property 1 bedroom and a utility room, is this worth the disruption it would cause;• The proposal would unacceptably add to population density putting strain on local facilities;• Loss of the green rear garden;• The high concentration of people using the kitchen would harm neighbour amenity in terms of noise, cooking odours, and light pollution;• The property would essentially become as hostel and would not be kept in a good state of repair due to the nature of the its transient occupiers;• The plans are not available on the website. (this has been checked by the case officer and the plan are available on the website.) <p><i>The majority of the comments made were also made on the previous applications (ref: 2010/6697/P and 2011/4742/P). Any new comments and concerns are addressed in the main body of the report.</i></p>					
CAAC/Local groups comments:	N/A					

Site Description

The application site comprises a three Victorian storey terraced property on the west side of West End Lane. The building is currently vacant and is in a poor state of repair. The permitted use for the building is as an HMO. The building is not listed but is located in the South Hampstead Conservation area.

Relevant History

2011/4742/P: Planning permission refused by the Council 23 November 2011 for excavation of basement with front and rear lightwells, erection of rear ground floor level extension to facilitate reconfiguration of existing House in Multiple Occupation to provide 11-bedrooms (Sui Generis).

Reasons for refusal:

1. The proposed residential accommodation at basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers.
2. The proposed development, by reason of the proposed introduction of habitable accommodation at basement level in an area at risk of surface water flooding, would be detrimental to the safety of future occupiers of the development.
3. The submitted information fails to demonstrate that the proposed development would maintain the structural stability of neighboring properties and would not adversely impact upon the local water environment and drainage.
4. The proposed development, in the absence of a Section 106 Legal Agreement securing an acceptable Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety and residential amenity.
5. The proposed development, in the absence of a Section 106 legal agreement to secure the new HMO units as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.
6. The proposed front boundary wall, by reason of its inappropriate detailed design, would be detrimental to the character and appearance of the conservation area.

2010/6697/P: Planning permission refused by the Council 14 March 2011 and the decision upheld on appeal on 12 December 2011 for alterations and extensions including the excavation of a basement extension with front lightwell and erection of a single storey rear extension, to facilitate the creation of two additional bedsitting units, in association with the reconfiguration of the existing House in Multiple Occupation.

The Council's reasons for refusal:

1. The proposed residential accommodation at basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers.
 - **This reason was upheld on appeal.**
2. The proposed development, in the absence of a Section 106 Legal Agreement securing an acceptable Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety and residential amenity.
 - **The Inspector agreed that a CMP was necessary to ensure the proposal would not harm highway safety of users the adjacent highway.**
3. The proposed development, in the absence of a legal agreement to secure the new HMO units as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.
 - **The inspector agreed the development should be car-free to ensure the proposal would not lead to increased demand for off street parking.**
4. The proposed development, by reason of the proposed introduction of habitable accommodation at basement level in an area at risk of surface water flooding, would be detrimental to the safety of future occupiers of the development.
 - **This reason was upheld on appeal.**

5. The submitted information fails to demonstrate that the proposed development would maintain the structural stability of neighbouring properties and would not adversely impact upon the local water environment and drainage.
 - **This reason was upheld on appeal.**
6. The proposed front boundary wall, by reason of its inappropriate height and detailed design, would be detrimental to the character and appearance of the conservation area.
 - **An amended design for the front boundary wall was submitted during the course of the appeal which was considered acceptable to the Council and the Inspector.**

2009/4126/P: Planning permission refused on 21-10-2009 (and dismissed appeal on 15-09-2010) for alterations to existing House in Multiple Occupation (HMO) including single storey rear extension, excavation of the basement and creation of light-well to the front in association with the use of the basement as a one bedroom self-contained flat.

Reasons for refusal:

- 1. The proposed front lightwell and associated railings and stairs by reason of their size and design would have an adverse effect on the appearance of the host building, the consistency of the row of terraced houses of which it forms part and the character and appearance of the conservation area.*
- 2. The proposed residential accommodation at front basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers.*
- 3. The proposed development, in the absence of a legal agreement to secure the provision of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users.*
- 4. The proposed development, in the absence of a legal agreement to secure the new residential unit as car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.*

2004/2743/P: Planning permission refused on 06-09-2004 for the erection of a single storey rear extension and a single storey side/rear extension at rear ground floor level to enlarge a one bedroom flat.

Reason for refusal:

The proposed side/rear extension adjoining the southern side boundary, due to its size, depth and siting would be harmful to the amenity of the occupiers of the ground floor studio flat at this property and of the neighbouring flat at no. 105 West End Lane, as it would result in loss of outlook, sunlight and daylight, contrary to policies RE2, EN1 and EN19 of the London Borough of Camden Unitary Development Plan 2000.

Planning enforcement history

The site has been subject to a number of planning enforcement investigations, the most recent being for the unauthorised self-containment of bedsits (EN05/1074). The property has also been subject to investigation by Camden's Private Sector House team due to the standards of accommodation provided in the property. It is understood that the application being considered in this report is related to works to bring the standard of HMO accommodation in the premises up to an acceptable standard.

Neighbouring properties

99 West End Lane

9500148: Planning permission granted on 06-07-1995 for the self-containment of an existing bedsit at rear ground floor level to provide a studio flat and the self -containment and extension into the basement of an existing bedsit at front ground floor level including the retention of a new window and

lightwell at front basement level to provide a one bedroom marionette.

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2011)

LDF Core Strategy and Development Policies (2010)

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

DP2 Making full use of Camden's capacity for housing

DP6 Lifetime homes and wheelchair homes

DP9 Student housing, bedsits and other housing with shared facilities

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of parking

DP19 Managing the impact of parking

DP20 Movement of goods and vehicles

DP21 Development connecting to the highway network

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

Camden Planning Guidance (2011)

CPG1 – Design (Chapter 4)

CPG2 – Housing (Chapter 4)

CPG3 – Sustainability (Chapter 11)

CPG4 – Basements and lightwells (whole doc relevant)

South Hampstead Conservation Area Appraisal and Management Plan

Assessment

This application seeks planning permission for the following works:

- the excavation of a basement, in order to create one additional bedsit unit along with a utility/laundry room;
- associated creation of a lightwell to the front and a sunken courtyard to the side of the rear closet wing;
- a single storey (ground floor) rear extension.

The property is currently in use as a HMO (*sui generis*) and the proposal would increase the number of bedrooms at the HMO from 9 bedrooms to 10 bedrooms. All occupants would have access to the shared kitchen at ground floor level and the shared utility room at basement level.

The proposed works are similar to the applications refused under planning application reference 2010/6697/P and 2011/4742/P (see *Relevant History*).

The current proposal differs from the previously refused scheme in that the basement would now accommodate 1 bedroom and a utility room whilst the previously proposed basement was to

accommodated 2 bedrooms and a TV room, and amendments to the front boundary have been excluded from this application.

The proposed front lightwell and single storey rear extension remain the same as the previously refused schemes. These aspects of the proposal were considered acceptable previously and there has been no change in circumstance or policy which would alter acceptability of these aspects of the proposal.

The following additional information has also been submitted in support of the application:

- Hydro-geological Assessment and Flooding Risk Report by London Basements dated 15 May 2012.
- Interior Daylight Analysis prepared by Jessop Associates dated 12 June 2012.
- Construction Traffic Management Plan by London Basements dated 19 July 2012.
- Method Statement – New Basement Construction dated 13 July 2012.
- Design Philosophy by MMP Design – revised July 2012.

This report will consider whether the amendments to the layout and the additional information submitted overcome the previous reasons for refusal of applications 2010/6697/P and 2011/4742/P. This report therefore considers:

- Residential development standards
- Structural stability and impact on the local surface and ground water environment
- Hydrology and flood risk
- Transport

Residential Development Standards

The previous application was refused on the grounds that the proposed residential accommodation at basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers.

Front basement room

The Planning Inspector commented on the previous scheme that the proposed front living room at basement level would receive a limited level of natural lighting with on effective outlook. This living room has been removed from the proposal and has been replaced by a utility/laundry room. As this is not a habitable room there is no requirement for natural daylight or outlook. As such, the proposal addresses the concerns of the Inspector in this regard.

Rear basement room - bedroom

On the previous proposal the Planning Inspector raised issue in relation to privacy, daylight and outlook to the two rear basement bedrooms. The current proposal only includes one bedroom at basement level which would have sole access to the rear courtyard. This addressed concerns raised by the Council and the Planning Inspector with regard to privacy.

It is considered that due to the communal nature of HMO accommodation there should be a greater emphasis placed on providing a high quality of amenity to bedrooms which provide occupants with their only *private* living quarters within the building. It is considered that an Average Daylight Factor (ADF) 2% would be a preferable minimum value for bedrooms where they are located within HMO accommodation. The application is accompanied by a revised daylight assessment. This confirms that the bedroom would have an Average Daylight Factor of 1.5 % which, whilst meeting the BRE standards, is considered low for a room which is to provide occupants with their only *private* living quarters within the building.

The BRE Guidelines October 2011 state that a Vertical Sky Component (VSC) of 27% would allow for reasonable level of daylight to a habitable room. The proposed sole window to the bedroom at basement level would have a VSC of 5% BRE guidelines state that where a VSC is between 5-15% it is very difficult to provide adequate daylight unless very large windows are used and that for a VSC of less than 5% it is

often impossible to achieve reasonable daylight, even if the whole wall is glazed. The window would have a height of 2 metres and a width of 2.4 metres. It is considered that given the low VSC and the size of the window coupled with the low ADF the proposed bedroom would not receive adequate levels of daylight.

Furthermore, the outlook of the window be a brick wall at a distance of less than 2 metres away. This is considered to be poor outlook given that occupant of this room would not have access to any other habitable room with good outlook. The only other habitable room they would have access to is the kitchen. However, the kitchen is a functional room which contains 3 small windows which would also have limited outlook.

The future occupier of this room, which would be the only private area available to them, would experience a poor quality of lighting and outlook to the detriment of their amenity.

Summary

The additional information provided is not considered to overcome the Council's concerns regarding poor quality of outlook and unacceptable levels of daylight, as expressed in the reason for refusal, and therefore this application is also recommended for refusal.

Structural stability and impact on the local surface and ground water environment

The previous applications were also refused on the grounds that the submitted information failed to demonstrate that the proposed development would maintain the structural stability of neighbouring properties and would not adversely impact upon the local water environment and drainage.

In order to overcome this reason for refusal the applicant has submitted a revised structural design philosophy, a site investigation report, a method statement and a revised hydro-geological assessment and flooding risk report.

Camden's Planning Guidance adopted in April 2011 sets out the process for preparing Basement Impact Assessments (BIAs). A BIA is a process for examining the development site for risks associated with structural stability and impact on the local surface and ground water environment. The submitted reports were not prepared in the context of this guidance.

Surface water flow

The hydro-geological assessment and flooding risk report acknowledges that the site is located in an area identified as being at risk of surface water flooding and is located on a street which flooded in 2002. The report discusses this flood and measures taken by Thames Water and Camden Council to alleviate risk of a future flood.

The report proposes to install the following measures to reduce risk of flooding at the development site:

- Installation of anti flood loop to the drainage system;
- Provision of a water butt for collection of rainwater;
- Low level up-stands formed around the lightwell;
- External hardstanding will be set to fall away from the property;
- Storm drains installed;
- Basement spaces to be drained by vertical inlets to stumps fitted with 'dual' pumps with alarms to warn of pump failure.

Details of the size of chamber of the anti-flooding loop or water butt for the collection of rainwater have not been provided. Nor have calculations been undertaken to establish how surface water run off would be reduced by 50% across the site in accordance with CPG3 – Sustainability. As such the information provided does not satisfactorily demonstrate that the proposal would not result in increase pressure on the sewer network or would result surface water run-off. Therefore, the proposal is considered to be contrary to policies DP23 and DP27.

Ground water

The hydrological and flooding risk report does identify very limited risk of harm to local groundwater conditions, based on the local soil conditions. The report confirms that the proposal would not encounter significant ground water and would not form an obstruction to regional flow. Site investigations have been carried out which found water at a minimum depth of 9.7 metres below ground level, well below the depth of the proposed basement (2.9 metres). The report confirms that the proposal would have no discernable impact on local hydrology. However, it is not possible to verify the acceptability of the findings as the BIA has not followed the prescribed methodology in failing to apply the requisite flowchart for the screening stage.

Structural Stability

The desk top study and site investigations found that the ground comprises fine, sandy, silty clay up to a depth of 150m covered by 0.5 metres of made ground. The Design Philosophy report states that the underpinning process and sequence used would keep ground movement to a minimum and that heave of the clay is unlikely to have any discernable effect outside the site boundaries.

The proposal may result in some localised settlement of the party walls which may result in cracks forming at the junctions of the walls. However, the report confirms that this would be minimal as it would generally be suppressed by the stiffness of the structure above ground and those adjoining. It is anticipated that damage to neighbouring properties would be Category 0 –negligible (hairline cracks of less than 0.1 mm) of the Category of Damage Chart, CIRA C580. However, it is not possible to verify the acceptability of the findings as the BIA has not followed the prescribed methodology in failing to apply the requisite flowchart for the screening stage and failing to provide a conceptual engineering model.

Summary

Based on the information available the report seeks to demonstrate that the proposal would maintain the structural stability of the building and neighbouring properties and would have no impact on ground water flow. However, as the screening and scoping exercises of the BIA (as set out in DP27 and CPG4) have not been undertaken it is not possible for the submitted information to demonstrate that all matters of concern in relation to the basement proposal have been identified. This should be the starting point of the BIA. CPG4 states that all basement proposals should be subject to the screening stage of the BIA to identify matters relevant to the assessment of local flooding and/or neighbour amenity and structural risk.

As such, it is considered that the application has failed to demonstrate *“by methodologies appropriate to the site that schemes: a) maintain the structural stability of the building and neighbouring properties”*. The submitted reports have been prepared in a fragmented fashion with no regard to the methodology provided within the CPG and not overarching document which provides a narrative. Insufficient evidence has been provided on which to determine that the development would *“not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability”*. Therefore, the application should be refused on this basis.

Hydrology and flood risk

The previous applications were also refused on the grounds that the proposed development, by reason of the proposed introduction of habitable accommodation at basement level in an area at risk of surface water flooding, would be detrimental to the safety of future occupiers of the development. The Planning Inspector stated that the flood risk assessment previously submitted did not adequately address surface water flooding and that the proposal would conflict with policy DP27, which states that the Council will not permit basement schemes in area prone to flooding which include habitable rooms.

The applicant has submitted hydro-geological assessment and flooding risk report which seeks to overcome this reason for refusal. This report has been discussed above and it is considered that the proposal does not satisfactorily demonstrate that the proposal would not result in increase pressure on the sewer network or address the risk of surface water run-off.

The report does confirm that the front lightwell grille is to have an easily open-able section with fixed escape ladder in order to provide a secondary means of escape from basement level.

The rear bedroom in the basement would be the main living space for the future occupant. The proposal provides two means of escape, one through the existing property and the other through the front lightwell. It is considered that the provision of two means of escape could be acceptable if the applicant can demonstrate that measures have been put in place to reduce the risk of flooding. However, it is considered that the vulnerability of the site to possible flooding have not been adequately addressed by the submitted report. The principal issue of providing self contained accommodation within the basement on a street identified as having suffered flooding within the past 10 years is not overcome by the submitted hydro-geological and flooding risk report. Therefore the proposal is unacceptable as it proposed habitable rooms without sufficient means of escape at basement level.

Transport

The site is located on West End Lane south of West Hampstead town-centre. There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent).

Cycle parking and car free development

Under Camden's Parking Standards for cycles (Appendix 6 of the Unitary Development Plan and Appendix 2 of the LDF Development Policies), 1 storage or parking space is normally required per additional residential unit. However, the proposed additional HMO bedrooms within the basement would be accessed via steps and it is therefore considered onerous to insist on cycle parking in this location. Therefore, the absence of cycle parking is considered to be acceptable given the constraints of the site.

One of the reasons for refusal for the previous applications was the absence of a S106 legal agreement securing that the additional units within the HMO would be car free. Again, given the excellent PTAL of the site, were the application considered to be acceptable in all other respects Camden would seek a S106 agreement to secure the additional HMO units as car free housing, in accordance policies DP18 and DP19.

Construction Management Plan

One of the reasons for refusal of the previous applications was the absence of a Construction Management Plan alongside the application. The current proposal would similarly involve a significant extension which will require a large amount of earth excavation. There is no vehicular access to the site and loading provision on West End Lane is limited by the existing bus stop. The developer would need to work with TfL-buses to agree any required temporary changes to the location of the bus stop to enable loading during construction. The applicant has submitted an initial Construction Traffic Management Plan. This should form the starting point for agreeing a final Construction Management Plan which if the application were to be approved would be secure by a S106 legal agreement in order to comply with Core Strategy policy CS11 and Development Policies DP16, DP20 and DP21.

Conclusion

The application is considered unacceptable for the following reasons:

- Poor standard of accommodation provided at basement level in relation to light and outlook;
- Failure to demonstrate the acceptability of the proposals in relation to structural stability and hydrology and surface water flow;
- The proposed development, by reason of the proposed introduction of habitable accommodation at basement level in an area at risk of surface water flooding, would be detrimental to the safety of future occupiers of the development.
- In the absence of a legal agreement to secure a construction management plan to demonstrate how the impact of the construction process would be managed; and
- In the absence of a legal agreement to ensure that the new bedsit units would be car free.

Recommendation: Refuse permission

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