

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>06/06/2012</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>08/05/2012</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Hugh Miller			2012/1621/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Flat 2 New End House London NW3 1HT			Refer to draft decision		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Excavation to extend existing ground floor flat and create 1 x 1 bed self-contained flat at lower ground level including the creation of 2 x rear lightwells and 1 x front lightwell with railings, erection of 2 storey rear extension and installation of windows to front elevation at lower ground floor level to residential building Class C3.					
<b>Recommendation(s):</b>		Grant planning subject to s106 legal agreement			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. of responses	03	No. of objections	03
			No. Electronic	03		
Summary of consultation responses:	Advertised in Ham & High 26/4/2012, expires 17/5/2012					
	Site Notice displayed 17/4/2012, expires 8/5/2012.					
	<u>30 New End</u> – Objection – Concerns as follows:					
	<ul style="list-style-type: none"><li>the additional living spaces would cause further increased density to an already very dense area.</li><li>Parking is at a minimum for the current residents.</li><li>the proposed excavation would have an adverse affect on our home, a 1704, Grade 2 listed Queen Anne structure. A few years ago No 28 excavated, only 1/2 level down, and caused structural damage to our home which went on for some time. This proposal is much deeper and more extensive than that of No 28. Queen Anne houses are built with only a few bricks as foundation support. This, and the proximity to the Fleet River which flows beneath the house, are major concerns for a house over 300 years old.</li></ul>					
	<b>Officer Comments:</b> Please refer to paras. 2.0-2.7 (new residential accommodation); paras. 5.0-5.4 (transport); paras. 3.6-3.8 (basement).					
	<u>Leasholder of Flat 5, New End House</u> Objection					
	Concerns are raised as follows:					
	1.- New end house will suffer an immense loss of its charming Victorian appearance within the building ensemble including New Cottage House, The nursery, school etc...with regard to the new building plans in this lovely conservation area.					
	2. - a big hole appeared in the ground in the back garden a few years ago while building works at a new building close by was build. I'm concerned that while building works are happening in New End House that unexpected incident like this is likely to be happening again and will damage the structure of New End House which would result in a catastrophic financial and substantial situation of the building. Who will take the response for this? the owner or Camden council? This is an old wells area and we don't know what's in the ground underneath the house. Fact is it is a very fragile area and the risk is high. How can you be 100 % be sure that there is no risk? I'm a qualified Art conservator for historic architecture and wall paintings (holding an international degree, FH- Diploma from the University of Applied science in Potsdam, Germany) and I'm working closely together with English Heritage, Churches Conservation Trust, SPAB and IIC (International Institute for conservation). I know about all historic materials and I'm very concerned the applicant won't use appropriate material which I will check very conscientious in each step in order to protect New End House and to check there are no mistakes from Camden council and the applicant happening.					
	3.- I'm concerned that due to the noise and dirt during the building period that I will lose my right of joy living in my new flat (see leasehold).					

4- I am planning to rent out my flat in autumn and I'm concerned that I will lose money during the building works.

5-I'm also concerned that insurance and building maintenance charges will increase

6- I'm concerned that building works will take more than 9 month and make it hard/ impossible to find new tenants or they want to reduce the rent and I'm depend on the income of flat 5.

I have been in contact with the other owners of leaseholders from flat 6 and 3. I fully share their concerns and their views which you have received, too.

I hope there are ways to stop the building plans and that my point above will be taken upon consideration.

**Officer Comments:** Please refer to paras. 2.0-2.7 (new residential accommodation); paras. 5.0-5.4 (transport); paras. 3.6-3.8 (basement).

*The financial value of the property is not a material consideration in the assessment of the proposal.*

*Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. Noise nuisance from building works are therefore covered under separate legislation and are thus not relevant to the determination of this planning application. An informative will remind the applicant of this.*

Leasehold owner of Flat 6 – Objection

#### **1. History of New End House.**

- New End House is purpose built bloc of 6 one bedroom flats.
- A 3 bedroom basement is out of scale. Increasing the bedrooms in the house from 6 to 9 is a 50% increase. The extension is out of keeping with the original house and we should keep its integrity.

#### **2. Visual and Aesthetic**

- The railings and window at the front would alter the original design. *If approved there should at least be insistence upon the same style of window and railings. The new right hand side should mirror the original left hand side. The applicant should pay for repainting to the front of the house to ensure the damage done to the wall to create the new window blends in. ; also remedial works to the inside communal hallway to return it to its original state after the works.*
- The 2 story extension at the rear will completely change and spoil the appearance of the original building. The rear elevation is visible to all who use Streatley Place and live nearby. It is a charming Victorian brick construction with an attractive fire escape stairway winding up to the roof. The 3 bedroom extension is out of scale with the rest of the building which comprises only 1 bedroom flats. It will look “ stuck-on”.
- The extra accommodation will impose additional strain on the facilities in the house such as water and sewerage. There will be more wear and tear and use of the common parts, plus further demand on parking in an already congested street.
- The extension will be seen from my flat as well as other flats in the house which currently look out onto a small garden. Our view will be obstructed and spoilt.

- The extension will be very close to New End Cottage and the area is already densely populated with little space around each dwelling. This will further reduce the space.
- The rear of New End House faces the old Hospital which was the subject of much careful planning approval when developers wanted to create flats. Camden took much care to ensure the facades and chimneys were preserved and after all that it would be a shame to spoil this area with an inappropriate new construction.
- New End House is well known. It has been used as a film location and was chosen as the best remaining property of its type.
- The excavation and works involved with this project could cause damage to the building which could irreparably harm and spoil it for ever.

### **3. Damage to my property.**

- I am concerned to preserve the capital value of my property. The works will involve extensive excavation and I am anxious could cause damage to the structure of the building, due to subsidence or other unbalancing of the structure.
- You will be aware that about 6 years ago a huge hole appeared overnight in the cobbled road just at the rear of New End House in Streetly Place leading to Back Passage. I think this demonstrates how delicate the ground is in this area.
- if permission is granted I think at Phase 2 it will be vital that a full survey is undertaken to ensure the ground is able to support the works and the building will not suffer damage. The contractors should have adequate third party liability insurance and a good credit rating. The applicant, who is the freeholder, should notify current insurers and pay for the increase in premiums for the period of the works and the increase due in relation to the increase in the size of the building. The share of the buildings maintenance costs should also be adjusted to take account of the new accommodation so it bears its fair share for the future.

### **4. Reduction in rental value during the works.**

- I currently rely on the rental income from my flat which is under tenancy. It is undoubtedly the case that a tenant will demand some reduction in rent as a result of the noise, dirt and visual detriment to their way of life. My tenant could give notice to leave and it may prove difficult to attract another tenant during the period of the works.
- I am aware of Camden bye-laws setting out some restriction on times for noisy works, but there appears to be no provision for requiring the applicant to protect the building and residents from the negative effects of the project.
- The extension of the property will undoubtedly be of financial benefit to the applicant but there are no provisions for the applicant to provide compensation to those like me, who have a financial interest in the property and are very likely to suffer a detriment.

Any advice you can offer on the above would be appreciated. Meanwhile thank you for taking whatever comments are relevant into consideration.

**Officer Comments:** Please refer to paras. 2.0-2.7 (new residential accommodation); paras. 3.0-3.4 + 3.9 (design); paras. 3.6-3.8 (basement).

*The financial value of the property is not a material consideration in the assessment of the proposal.*

*Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. Noise nuisance from building works are*

	<i>therefore covered under separate legislation and are thus not relevant to the determination of this planning application. An informative will remind the applicant of this.</i>
<b>CAAC/Local groups* comments:</b> *Please Specify	<u>Hampstead CAAC</u> : No Objection.

## Site Description

The property is a 3 storey end of terrace building with a semi basement at the front part of the building with balconies at first and second floor levels at the rear. It is located at the junction of Streatley Place and New End and north of Boades Mews. The building has access at the front and rear and a small garden area to the rear. At the front there is one existing opened lightwell on the south side linked to the part, basement floor. At the end of the rear garden lies no.30 New End Cottage a detached 2-storey dwelling (Grade II listed); with its principal entrance door and windows which provide views of the rear of the host building. No.30 has access via the rear garden from Streatley Place. The application site is within the Hampstead Conservation Area. The Hampstead Conservation Area Statement identifies the host building as making a positive contribution to the special character and appearance of the Conservation Area.

## Relevant History

December 2008 - Withdrawn Application - Removal and bricking in of side balcony door belonging to flat 3, on balcony at first floor level shared by flats 3 & 4; ref. 2008/2020/P.

## Relevant policies

### Core Strategy

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)

CS19 (Delivering and monitoring the Core Strategy)

### Camden Development Policies

DP2 (Making full use of Camden's capacity for housing)

DP3 (Contributions to the supply of affordable housing)

DP5 (Homes of different sizes)

DP6 (Lifetimes homes and wheelchair housing)

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 (Proposals detrimental to conservation area)

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)

### CPG 2010

CPG1: Section 4: Extensions, alterations and conservatories

CPG2: Section 4 – Residential space standards

Section 5 - Lifetimes Homes

CPG4: Section 2 – Basements & lightwells

## Hampstead Conservation Area Appraisal Management Strategy

### NPPF 2012

## Assessment

### 1.0 Proposal

**1.1** The applicant seeks permission for excavation to extend the existing ground floor flat and create 1 x 1 bedroom flat at basement floor level; the creation of 2 x rear lightwells and 1 x front lightwell with railings, erection of 2 storey rear extension and installation of 3 x new windows to front elevation at lower ground floor level, installation of 3 x windows to front bay windows and erection of rear bin store at ground floor level.

**1.2** The proposal was amended during the course of the assessment and **1]** the studio unit has been enlarged to 1 bedroom flat, **2]** Flat 2, size reduced and loss of one bedroom from 3 to 2 bedrooms; **3]** the conservatory extension depth reduced; **4]** rear lightwells depth reduced in size; **5]** windows to south flank wall removed; **6]** revised BIA study document to fully accord with CPG requirements.

**1.3** The key issues raised are as follows:

- Principle of extending existing self-contained flat and provision of a new self-contained flat;
- Residential development standards;
- Design and appearance;
- Basement impact
- Amenity;
- Transport.

### 2.0 Principle of residential use

**2.1** The property has 6 existing self-contained flats. The ground floor is currently arranged as two flats (flats 1 and 2). Flat no.2 at ground floor level has a basement room located at the front of the building. The proposal is to create 1 x 1 bedroom unit and enlarge Flat 2 to a two bedroom unit and provision of a separate kitchen dining room and sitting room.

**2.2** LDF policy DP2 (f) seeks to maximise the supply of additional homes in the Borough. This application proposes no loss of residential accommodation only the enlargement of an existing unit plus the creation of an additional new unit and is therefore in accordance with this policy.

**2.3** Policy DP5 states the Council expects a mix of large and small homes in all residential developments and will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table. The Dwelling Size Priorities Table indicates that market housing with 2- bedroom units are the highest priority and most sought after unit size. Therefore on balance there would be no objection in principle to the mix proposed in this instance.

### Residential development standards

**2.5** Under LDF Development Policy DP6, all new housing should be built to Lifetime Homes standards. The applicant has submitted a revised Lifetime Homes assessment alongside the application. This indicates that as a basement proposal the approaches to entrance criteria cannot be met. It also indicates that it is likely that the fitting of hoists and bedroom / bathroom could be implemented. The remainder of the criteria would be compliant with policy and CPG (Internal doorways and hallways; Circulation Space; Entrance level living space; Glazing and window handle heights level living space; Potential for entrance level bed-space; Entrance level WC and shower drainage; Bathrooms; Glazing and window handle heights). As a basement accommodation, it is considered that the lifetimes Homes criteria broadly reflects DP6 and is acceptable.

**2.6** Development Policy DP26 (h) states that we will require developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space.

**2.7** One bedroom flats are generally considered to be aimed for use by one person. Under Camden's residential space standards (as set out in the Camden Planning Guidance SPD), a minimum of 32 m<sup>2</sup> should be provided for a one person unit, with a minimum first bedroom size of 11 m<sup>2</sup>. The plans indicate that the proposed unit would be in excess of the minimum 32 m<sup>2</sup> size for a one person unit,

i.e. measuring approximately 45.0m<sup>2</sup>. Although the bedroom measure approx. 9.36sqm which is slightly below standards, the overall size of the accommodation provides sufficient flexibility to provide an acceptable standard of accommodation for one person.

**2.8** Policy CS6 (Providing quality homes) seeks to secure sufficient housing of the right type and quality. CPG2 (Housing) includes advice on residential standards and access (including lifetime homes). Policy DP27 states the Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. The CPG recommends that new basement should have headroom height of 2.3m (proposed 2.3m) and that adequate natural light is provided to habitable rooms. Notwithstanding, this scheme does include bedrooms and a sitting/ dining room at the basement level; the bedrooms are located at the front and rear plus the dining room to access sun/day light. The proposed lightwells are to the front and rear of the property rather than enclosed by the building so in that sense the accommodation would be dual-aspect. Both the new and enlarged flats would have the benefit of dual aspect from these. Together with the tall glazed doors the lightwells would provide sufficient daylight to the new basement floorspace, which is considered satisfactory; besides, the new accommodation would benefit from well-aired habitable rooms and is considered acceptable. The internal headroom height and floor size would be compliant to CPG guidelines and would be satisfactory. Moreover, given that New End Cottage has not been designated as a “street at risk of surface water flooding” it is considered that the bedrooms are acceptable here.

### **3.0 Basement & Lightwells**

**3.1** LDF policy DP27 states Policy DP27 states “In determining applications for lightwells, the Council will consider whether:

- i) the architectural character of the building is protected;
- j) the character and appearance of the surrounding area is harmed; and
- k) the development results in the loss of more than 50% of the front garden or amenity area”.

**3.2** The Hampstead CA Statement states “The creation of new front basement areas will generally be resisted for traffic and design reasons. Excavation works can have a detrimental effect on the character and appearance of a building and the Conservation Area. Extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting”.

**3.3** It further states that, the Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. The supporting justification paragraph 27.2 states “Although basement developments can help to make efficient use of the borough’s limited land it is important that this is done in a way that does not cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas or the natural environment”.

**3.4** New lightwells are proposed at the front and rear elevations. A new single front lightwell with dimensions of 2.9m x 1.1m x 2.5m depth would occupy the small paved area of the front garden and abut the rear of the pavement with matching railings. Like the existing, the new front lightwell would be open and be similar to neighbouring ones (nos.22-30) and would be visible from the pavement. The new lightwell, railings and added fenestration would be designed to match that existing on the opposite side of the front elevation.

**3.5** The rear lightwells would have dimensions of 3.6m x 1.0m and 3.1 x 1.0m at 2.5m depth. They would be obscured by the high rear boundary walls plus glazed balustrade on stone upstand. A new retaining wall divides the lightwells which would be associated with the new and existing flats. The rear lightwells would be of a relatively small size and the space they occupy would not diminish the quality and amenity value of existing garden space. The rear lightwells would not be visible from the public realm due to their location. They would be obscured by the high rear brick boundary wall and provide screening from the public domain, minimising their overall visual impact on the appearance of the host building and the streetscape. It is therefore not considered that they would impact on the streetscape or detract from the character and appearance of the Hampstead C.A.



#### **4.0 Structural stability and hydrology New Basement floor level**

**4.1** Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

**4.2** The application is accompanied by a Basement Impact Assessment (BIA) undertaken by a CEng MICE MIStructE; to be read in conjunction with basement structural design and method statement drawing 1043-1000 and KF Geotechnical report G/051201/001 dated 24th May 2012. The report confirms that a screening exercise was carried out in accordance with the recommendations of CPG4 (Basements) in respect of surface flow and flooding, ground water flow and slope stability. Soil investigations have been carried out which show that the subsoil is Bagshot Beds, Claygate Beds (London Clay). The Basement Impact Assessment identifies that the ground conditions are such that there would be no significant impact on soils, land use, water quality and hydrology. In terms of hydrology the host building lies above the ponds on Hampstead Heath approximately 600m to the east. Borehole investigations were carried out and recorded groundwater between 2.1m and 3.4m below ground level. The proposed basement will extend 2.5m below ground level. However, it is clear that there is no underground watercourse in the vicinity of this property and therefore, the water encountered during the borehole investigation will be ground water as opposed to the water table. This is water which is lying on top of the more impermeable underlying clay and it is unlikely to be a permanent feature and will be dependent on prevailing precipitation. Whilst the presence of water in the ground at the depth encountered might cause some difficulty with the construction, it is considered unlikely that there will be any adverse effect within the overall water regime due to the construction of this basement especially as there is already an existing basement to the property and the proposed basement, excluding the lightwells is principally below the footprint of the building. Moreover, New End House is not a site listed as a "street at risk of surface water flooding". It is therefore considered that the proposed basement is in compliance with Policies DP23 and DP27.

#### **5.0 Rear extension**

**5.1** At the rear ground floor level, the host building has a north and south wings with recessed patio in between and balconies at the 1<sup>st</sup> & 2<sup>nd</sup> floor levels above. The north wing has a shallow depth when compared with the larger southern wing. A single-storey infill extension is proposed within the recessed patio space and incorporating the new basement floor as part of the extension to Flat 2. The dimensions at ground floor level would be 3.8m width x 1.7m depth x 2.3m height. It would have part frameless glazed and solid walls and part solid felt finish roof including frameless panels, plus aluminium framed sliding rear doors on both floor levels. At the ground level a stainless steel mesh Juliette type balcony would be erected in front of the glazed doors. The extensions' depth would recess behind the larger southern rear wing whilst set back from the 2.0m high common boundary on the north side.

**5.2** The revised rear extension would be largely glazed of small scale and proportions and of light-weight appearance. The contrasting contemporary design would allow the existing established fabric to be easily read and appreciated. Consequently, it would be subordinate and would neither dominate nor conceal the building; and would not impact adversely on the appearance of the host building or cause harm to the character and appearance of the Hampstead Conservation Area.

#### **6.0 Neighbour Amenity**

##### **Basement enlargement**

**6.1** The proposed basement floor would not pose any amenity issues on occupiers of the host building on the upper floors or the adjacent dwellinghouses. It would not result in any significant additional loss of amenity for neighbours in terms of loss of day/sunlight, outlook / privacy; and with the rear lightwells being screened neither would they cause significant additional light pollution nor impact detrimentally on the streetscape at the front.

##### **Rear extension**

**6.2** At the rear ground floor level, there are windows orientated due west and set back approx. 7.5m & 8.5m from the east/ front elevation of no.30 New End Cottage, which is access only from Streatley Place via the rear garden of the host building. The proposed extensions' glazed doors (at ground floor level) would be approx. 1.8m closer to the occupiers' no.30 New End Cottage; with the overall distance between the two buildings being negligible. Given the largely unchanged distance between the two buildings it is considered that the proposed glazed doors above the balustrade would not cause any significant harm in terms of overlooking, loss of privacy or cause an increase in light pollution. Similarly, there would be no significant additional harm caused through light pollution from the part glazed roof because the area of the glazed roof lies largely within the extent of the 1<sup>st</sup> floor balcony above.

**6.3** Notwithstanding the new rear lightwells the rear garden amenity space would not be unduly harmed in terms of loss of garden space. As such, the proposal is considered to be in accordance with policies CS5 & DP26.

## **7.0 Highways/Transport**

### **Cycle Parking**

**7.1** Camden's Parking Standards states that one cycle parking space should be provided per residential unit. However, given the site constraints (lack of space at the ground floor level) and lack of available space within the site, it is considered that this requirement can be waived in this particular instance.

**7.2** The LDF policy DP18 states that car-free should not only be sought for housing but also for developments in general and in particular areas of high public transport accessibility. The site is within a Controlled Parking Zone. It has bus, trains and underground public transport links within short walking/ cycling distance.

**7.3** The application site has a Public Transport Accessibility Level (PTAL) of 3 and below PTAL 4 or above which are identified as 'highly accessible areas' as noted in CPG7 paragraphs 5.7-5.8. Furthermore the surrounding streets are not considered to be suffering from parking stress as defined by the ratio of parking permits currently issued to the total number of on-street car parking spaces available. Therefore although the proposal is for the provision of an additional residential unit, it would be considered unjustified to seek to have the new flat designated as car-free housing.

**7.4** The anticipated level of construction associated with this development, and constrained situation in terms of the relationship with adjoining properties, it is considered that a Construction Management Plan would be required. The applicant will be required to submit a Construction Management Strategy prior to commencement of works on the site. This will need to be secured by means of the Section 106 legal agreement to which the applicant representative has verbally agreed.

## **8.0 Other matters**

### **Community Infrastructure Levy/ Mayor's CIL**

This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) as it involves an additional unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be **£2250** (£50 x **45sqm**). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index. An informative will be added to the decision advising the applicant accordingly.

**Recommendation** Grant planning permission subject to s106 legal agreement for a construction management plan.