

Delegated Report		Analysis sheet	Expiry Date:	27/06/2012
		N/A / attached	Consultation Expiry Date:	07/06/2012
Officer			Application Number	
Aysegul Olcar-Chamberlin			2012/1667/P	
Application Address			Drawing Numbers	
65 COMPAYNE GARDENS LONDON NW6 3DB			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Change of use of basement level to 3 studio flats and reconfiguration and enlargement of existing basement/ground floor flat, installation of two front basement lightwells, alterations to windows on side elevation at basement level, replacement of windows with doors at rear basement level and excavation at rear to form new basement level patio.				
Recommendation:		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	22	No. of responses	00	No. of objections	02
			No. electronic	00		

Summary of consultation responses:	<p>A site notice was displayed from 08/05/2012 to 29/05/2012. A press notice was advertised on 17/05/2012 and expired on 07/06/2012.</p> <p>The occupiers of 92a and 92b Priory Road objected to the proposal. In summary, the grounds of their objection are:</p> <ul style="list-style-type: none"> • The proposal would be an overdevelopment of the site and spoil the original and distinct character of the area. • The proposed basement excavation would increase the risk of subsidence and potential flooding in the area. • Loss of garden space would adversely affect the local ecology, biodiversity and air quality. • The proposed excavation works would create noise and dust pollution. • More flats would add the parking and traffic congestion in the area. <p>The occupiers of Flat 5 65 Compayne Gardens were concerned with the following aspects of the proposed development:</p> <ul style="list-style-type: none"> • The implementation period of the proposed works and working hours; • Preservation of Magnolia tree; • Loss of storage space on the basement level; • Impact on the external appearance of the house; • Loss of front garden; • Loss of use of the communal garden by the all tenants; and • Lack of parking space
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CAAC/Local groups comments:	There is no CAAC for South Hampstead Conservation Area. However no responses received from any local groups.
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Site Description

The application site is a 4-storey plus semi-basement detached mansion block built on the 1920s on the south side of Compayne Gardens in South Hampstead Conservation Area (formerly known as Swiss Cottage). The property has been divided into seven flats and is identified as a positive contributor to the appearance and character of the conservation area.

The part of the basement level accommodates bedroom of the maisonette on the ground floor and basement levels. The rest of the basement is used as a storage space ancillary to the existing flats in the building.

Relevant History

Application property:

2011/0834/P – Planning application was withdrawn on 13/10/2011 for the conversion of existing basement level to provide four self contained 1-bedroom flats including two lightwells and installation of new doors to the front elevation, excavation at rear to form a garden patio and retrospective

application for the installation of three windows to the side elevation of existing residential dwelling (Class C3). The agent withdrew the application following the case officer's concerns over the standard of proposed accommodation in terms of space, daylight and outlook, the proposed mix of units and design of the proposed frontlightwells and loss of significant proportion of front garden space.

9401865 – Planning permission was granted on 16/02/1995 for the extension of Flat 1A into basement to form a one bedroom maisonette including installation of patio doors and terrace at the rear.

9400409 - Planning permission was refused on 20/05/1994 for the conversion of basement into a self contained 2 bedroom flat and provision of a forecourt hardstanding for one car including means of access from the highway. Reasons for refusal:

- 1) The proposed forecourt hardstanding would result in the loss of part of the front garden and its associated landscaping and boundary wall, to the detriment of the character and appearance of the Swiss Cottage Conservation Area.
- 2) The proposed development would involve over subdivision of the property and an excessive number of dwellings.

9300414 – Permission was refused on 11/06/1993 for the creation of new doorway on rear patio to provide access for rear garden from Flat No.2 on the grounds that the proposal would be likely to result in unreasonable overlooking of the adjacent property's habitable room.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

CS18 – Dealing with our waste and encouraging recycling

CS19 - Delivering and monitoring the Core Strategy

Development Policies

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

DP5- Homes of different sizes

DP6 – Lifetimes homes and wheelchair homes

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basement and lightwells

DP29 – Improving Access

Camden Planning Guidance 2011

CPG 1 – Design (Section 5)

CPG 2 – Housing (Section 4)

CPG 4 - Basements and lightwells (Section 2)

CPG 6 – Amenity (Section 6 and Section 7)

South Hampstead Conservation Area Appraisal

Assessment

Proposal

This application is a resubmission of the previously withdrawn application. It seeks permission for the conversion of basement level to 3 studio flats and reconfiguration and enlargement of existing basement/ground floor flat including installation of two front basement lightwells, alterations to windows on side elevation at basement level, replacement of windows with doors at rear basement level and excavation at rear to form new basement level patio.

Each of the proposed front lightwells would measure 3m in width and 1.75m in length and would be approximately 1.8m deep below the garden level. The proposed lightwells would be secured by approximately 0.9m high glass balustrade. The front lightwells would serve to the proposed new doors on the front basement elevation.

The proposed alterations to the east side elevation would include reinstatement of blocked high level window to the basement level.

The proposed alterations to the west side elevation would include insertion of two new high level windows and enlargement of existing two high level windows to the basement.

The rear garden of the property would be excavated by 0.6m within 2.5m and 3.5m from the rear wall of the existing property. These excavation works would allow creation of a rear patio area for the proposed flats and replacement of the existing rear basement windows with doors.

Difference between the withdrawn scheme and the proposed scheme:

- Reducing sizes of the front lightwells and changing style of the balustrading around the front lightwells;
- Reducing size of the excavation works to the rear garden;
- Changing style of the new openings on the rear basement elevation; and
- Reducing number of the proposed studio flats from 4 to 3.

Land Use

Conversion of the existing basement level to residential accommodation in principle complies with policies CS1 and DP2. However more detailed consideration needs to be given to mix of the proposed flats, the living standards and accessibility of the proposed flats, impact of the proposed alterations and excavation works on the appearance and character of the existing building and the conservation area and the impact on the amenities of the neighbouring properties.

Mix of units

The existing building has a mix of 1 x 3 bed, 4 x 2 bed and 2 x 1 bed flats. As the proposal is for the provision of 3 additional studio flats the proposed mix of the flats in the building would be 3 x 3 studio, 2 x 1 bed, 4 x 2 bed and 1 x 3 bed. The proposal increases the percentage of the small units (one bed or studio) in the building from 29% to 50% and reduces the percentage of 2 bed units from 57% to 40%.

Policy DP5 sets the Councils priorities for homes of different sizes. According to "Dwelling Size Priorities" Table of policy DP5 there is a high need for supplying three and two bedroom flats in private developments (page 38 of LDF Development Policies). The table gives the lowest priority to one bedroom or studio flats. Given the existing building is on a predominantly residential road and there is a scope for providing a 2 or 3 bedroom unit the provision of only studio units in this location is contrary to policy DP5.

Standard of accommodation

Size and Layout

The new units would measure 36sqm, 39sqm and 41sqm. The minimum unit size as set out in the CPG2 is 32sqm. All the proposed studio flats would be above this threshold.

The reconfiguration of the maisonette on the ground floor and basement levels is considered to be acceptable and would improve the daylight to the basement level.

Daylight and sunlight

The adjoining properties within close proximity to the application property (approximately 1m separation gap) that include two and three storey flank elevations and high boundary walls block daylight to the basement level.

According to CPG2 the window area that allow daylight without overshadowing to a habitable room should be greater than 10% of the floor area. In that respect the proposed window area of the proposed front studio flat would be less than that as they would be over shadowed by the proposed retaining walls. Although the proposed windows areas of the rear studio flats comply with this guidance the bedrooms in these flats would be quite further away from the rear windows and doors.

A daylight assessment submitted with this application includes the ADF (average daylight factors) values to the proposed habitable rooms. According to section 6 of CPG6 a minimum for dwellings the ADF figures should be 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

The proposed front studio flat would be north facing and would have an ADF value of 1.4%. Given the living and kitchen area of this flat would be in one room the acceptable minimum ADF value is taken as 2% in accordance with the guidance. The ADF value would be below that threshold value and the proposed front studio flat would receive inadequate daylight.

The proposed rear studio flats would be south facing. The ADF value for the rear studio flat immediately adjacent to no 67 would be 1.3%. The ADF value for the rear studio flat immediately adjacent to no 63 would be 1.8%. Only the ADF value of the proposed flat immediately adjacent to no 63 would be acceptable as the shortfall is small.

Overall it is considered that the proposed front studio flat and the proposed rear studio flat immediately adjacent to no 67 would not receive adequate daylight.

Outlook

The proposed studio flat at the front of the basement would not have any outlook for the future occupiers as there would also be no direct view to the sky from this flat. The flat would be mainly served by new doors facing to the proposed front lightwell. Although there would be two small side windows to serve this flat the windows would be high level and face the shared boundary wall with no 63.

The proposed studio flats at the rear of the basement would be well served by the proposed windows and doors on the rear elevation allowing them to have a good outlook and access to the rear garden.

The proposed front studio flat would have the worse accommodation standard as it would not have any outlook and receive inadequate daylight. The proposed rear flat immediately adjacent to no 67 would also receive inadequate daylight. Both of these flats would provide poor standard of habitable accommodation and would be contrary to policies CS6 and DP26.

Lifetime Homes

Policy DP6 requires all new housing developments to comply with Lifetime Homes criteria as far as reasonably possible. Although no Lifetime Homes assessment has been submitted with the application, it would be unreasonable to expect compliance of all 16 lifetime homes criteria. There is no level entrance to the existing building. The basement level is accessed via the communal hall and internal steps. Given the constraints associated with a conversion scheme it would not be possible to meet all of the criteria and the proposal would be considered acceptable in terms of lifetime homes standards.

Design

The proposal would include the creation of modestly sized two lightwells to the front of the property retaining reasonable size front garden. It would appear from the drawings that the proposed lightwells would be secured by glass balustrade above the retaining walls associated with the lightwells. The proposed balustrades would be unsympathetic addition cluttering the front façade and would detract from the appearance and character of the existing building and fail to preserve or enhance the character and appearance of the conservation area.

It must be noted that surrounding properties appear to have a variety of front garden treatments with some properties having front lightwells that are covered with glass panels. The introduction of lightwells with glass balustrade does not appear to be a common characteristic of the street as the majority of the properties have largely consistent unaltered street frontage. The grill covers above the proposed lightwells would have been a more appropriate treatment.

It is also proposed to excavate the ground level at the rear of the building to provide an extended patio area to the new basement flats. The retaining walls around the patio area would be small in height.

The proposed doors on the front basement level would have similar style to the windows above and would not be readily visible from the street views. They are considered to be acceptable in design terms. Similarly the proposed alterations to the side elevations would be minimal and the proposed side windows would not be visible from the street scenes.

The proposed new windows and doors on the rear elevation would match the detailing of the windows in the upper floors of the building. Given the height of the building and its pattern of large vertical window openings the proposal would not be considered to harm the character or appearance of the rear elevation of the building.

Neighbouring Residential amenity

The proposal would not result in any extensions to the property and would not have an adverse impact on the amenity of the adjoining properties in terms of loss of privacy, daylight and sunlight or outlook. Although the proposal would include the opening up of high level windows in the side elevations to serve the basement level these windows by reason of their location and sizes would not create any additional overlooking to the adjoining properties.

The proposal would still retain adequate communal garden space at the rear and would not significantly affect the amenity value of the communal garden space. The current arrangement is that there is communal access to the garden for all the flats either direct from the rear, via the central external staircase or from the door in the eastern elevation of the property. These would remain unchanged by the current proposals.

Basement Impact

Canfield Garden which runs parallel to Compayne Gardens is identified as at risk of surface water flooding but Compayne Gardens was not affected by the 1975 or 2002 floods. There are also no water courses running through the site.

Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that developments maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

The neighbours have concerned with the risk of subsidence and flooding. A Basement Impact Assessment submitted with the application confirms that water flows would not be materially altered by the proposal and there would not be increase risk of flooding and ground instability by the proposal. In terms of construction details the report states that the proposed excavation would not be significantly below the level of footings of the existing property and a simple dig to form the required

level and laying reinforced concrete floorplate would be cast in situ. It is considered that the screening exercise was carried out in accordance with the recommendations of CPG4 and the proposal complies with the aims of policy DP27.

Biodiversity

The proposed frontlightwells would result in loss of a magnolia tree in the front garden area of the property. The planning, design and access statement confirms the loss of this tree and proposes an additional planting to compensate the loss of the tree and other vegetation with amenity value (eg hedges). This could be rectified by way of a condition for landscaping details of the front garden.

Transport

DP18 requires development to sufficiently provide for the needs of cyclists, which are contained in Appendix 2 of the Development Policies document. Camden's Parking Standards for cycles states that one storage or parking space is required per residential unit. As the proposal would result in additional three units, provision of three cycle parking is required. No details of cycle storage and parking are submitted with the application. In the absence of these details the proposal would be contrary to policies CS11, DP17 and DP18.

The London Plan 2011 and Camden's LDF Development Policies (policy DP18) identify that car-free and car-capped development should be sought for in areas of high public transport accessibility. Given the highly accessible location of the application site the proposed studio flats should be car-free and this needs to be secured via section 106 agreement. In the absence of s106 for car free development the proposal would be contrary to policies CS11, CS19, DP18 and DP19.

No construction management plan is submitted with the application. Given the small scale of the excavation works proposed, it is not considered necessary to secure a Construction Management Plan (CMP) via S106 legal agreement.

Others

No details of refuse and recycle storage is submitted with the application. There is a scope for on-site provision for refuse and recycle storage therefore this could be rectified by way of a condition.

Conclusion

The proposed front studio flat by reason of lack of adequate daylight/ natural light and outlook to that flat and the proposed rear studio flat immediately adjacent to no 67 by reason of lack of adequate daylight/ natural light that flat would provide poor living standards of accommodation for the future occupiers.

The proposed mix of units by reason of lack of two or three bedroom flats would be incapable of supplying appropriate mix that is needed within the Borough.

The proposed balustrades are considered to be inappropriate treatment for the existing building and street scene and therefore it would be unacceptable in design terms.

The proposal would be unacceptable in terms of transport due to the lack of cycle parking provision and the absence of S106 agreement for car-free housing.

Recommendation: Refuse planning permission.

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