

Delegated Report Members Briefing		Analysis sheet		Expiry Date:		28/05/2012	
		N/A / attached		Consultation Expiry Date:		17/05/2012	
Officer				Application Number(s)			
Gavin Sexton				2011/5653/P			
Application Address				Drawing Numbers			
11 Netherhall Gardens London NW3 5RN				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Amendments to planning permission granted 27/03/12 (2011/3471/P) [for erection of building comprising basement, ground and first to third floor plus roof to provide 1 x 1-bedroom, 3 x 2-bedroom and 5 x 3-bedroom self-contained flats (following demolition of the existing building except party wall to 9 Netherhall Gardens)] : namely alterations to the rear in association with replacement of leisure suite with habitable accommodation and enlargement of basement towards front elevation.							
Recommendation(s):		Grant planning permission subject to s106					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	09	No. of responses No. electronic	00 00	No. of objections	00
Summary of consultation responses:		Site notice placed 17 th April for three weeks. Press notice placed 26 th April for three weeks. No responses.					
CAAC/Local groups* comments: <small>*Please Specify</small>		Fitzjohns/Netherhall CAAC – object Note previous consent for substantial garden take-up now partly removed but dislike south-side basement patio Hard landscaping must be permeable.					
Site Description							
The property is situated on the west side of Netherhall Gardens, within the Fitzjohns/Netherhall Conservation Area and is recognised in the conservation area statement as making a positive contribution to the Conservation Area. The property is set in generous grounds with mature trees and planting, and shares a front building line with many other properties in the street. The house is two storeys high plus roof with dormers and gable. Originally double-fronted, the house was substantially extended in the early 20 th Century with a full depth, full height side addition to the North and a narrower two-storey side extension to the South. The current width of the property is twice that of the original house and occupies nearly the full width of the plot.							

Relevant History

May 2012: Approval granted (2012/0824/p) for *“Details pursuant to conditions 3 (tree protection), 6 (contaminated land), 10 (appointment of engineer to monitor basement construction) and 13 (sustainable urban drainage system) of planning permission granted 27/03/12 (2011/3471/P) for “erection of building comprising basement, ground and first to third floor plus roof following demolition of the existing building except party wall to 9 Netherhall Gardens” (abbreviated) and condition 3 (schedule of retained architectural features) of Conservation Area Consent granted on 27/03/2012 (2011/3477/C) for “Demolition of existing building (with the exception of the party wall with 9 Netherhall Gardens)”.*

In March 2012 approval was granted (ref 2011/3471/P) subject to s106 for *“Erection of building comprising basement, ground and first to third floor plus roof to provide 1 x 1-bedroom, 3 x 2-bedroom and 5 x 3-bedroom self-contained flats (following demolition of the existing building except party wall to 9 Netherhall Gardens).”*

Relevant policies

LDF Core Strategy and Development Policies

- CS5 (Managing the impact of growth and development)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
- 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)

Assessment

The application seeks to alter the basement and ground floor layout from the consented scheme. The key issues for consideration relate to the design and amenity impact of the proposals

The proposals are dealt with separately as follows:

Basement:

- Replace the leisure suite (swimming pool etc) with additional habitable space as part of consented flat 1. This would reduce the basement encroachment into the rear garden by c.3.8m as a result.
- Enlarge the consented basement by an area of approx 13m x 5m towards the front of the consented new building. The new area of basement would be non-habitable space providing general/cycle- storage areas. No new lightwells would be added to the front as a result. It would be excavated to the same basement slab level as the rest of the consented single storey basement.
- Due to the presence of the Belsize Tunnels the basement excavation would be reduced by an area of 18m x 5m on the north side towards neighbouring 13 Netherhall Gardens. Overall there would be a reduction of c.25sqm of excavated basement area.

During the course of the assessment the following additional supporting information was provided:

- Basement risk assessment in support of the alterations to the basement, incorporating Basement-CPG screening flowchart responses. This document is an update on the original Basement Risk Assessment for the site and responds to the screening flowchart outputs with further details in respect of :
 - the influence of the proximity of the Belsize Tunnels on the basement design
 - measures taken within the structural design to protect the garages in 13 Netherhall Gardens which are the closest structure to the site and
 - further structural details and drawings in respect of the foundations and piling.

The enlargement of the basement towards the front would not go beyond the front elevation of the consented building following the total demolition of the existing property. The enlarged area of basement would not provide additional habitable space nor additional car parking. The submitted Basement Risk Assessment provides sufficient assurances that the basement works would not have a significantly greater impact than the previously approved scheme and that the necessary measures to deal with the enlargement have been incorporated into the structural proposals.

Overall it is considered that the basement alterations, which would reduce the extent of its projection beyond the building footprint to the rear, would reduce the overall extent of excavation and would contain its enlargement within the footprint to the front, would not result in harm to the water environment, structural stability or amenity of neighbours or have a detrimental impact on the conservation area and is acceptable in terms of policy DP27.

As is evident from the site history the applicant has concurrently received Council approval for the details of the chartered structural engineering company who have acknowledged that they will undertake the works.

Alterations to rear:

To the rear of the property the applicant proposes to remove most of the projecting garden level/basement leisure suite and replace it with habitable accommodation. The arrangements would

add 58sqm of habitable space at garden level to split level flat 1.

The addition of a new direct access route from within the main building lobby to the rear garden, previously sought by officers but not secured due to the difficulties of routing it past the leisure suite, would result the loss of 16sqm of flat 1 at ground floor and 6sqm of flat 3. The net impact on flat 1 would be an increase of 36sqm. The loss of 6sqm to flat 3 would not be significant.

The previously proposed lightwells into the basement would be replaced by patio areas for the re-configured flat 1. The scheme was amended on officer advice to replace the sunken patio approach on the boundary with 9 Netherhall Gardens with a graded landscape approach. This would mean less green space lost to hard landscaping and structures and less intrusive built form at garden level.

An informative would be added urging the applicant to incorporate permeable paving into all areas of hard landscaping when submitting the hard and soft landscape details under condition 4.

The consented scheme secures measures through the s106 to ensure that future sub-division or significant enlargement of the building which would result in the total net additional floorspace on site passing the affordable housing threshold would mean a contribution to affordable housing would be required. The scale of the increase in floorspace (36sqm) hereby proposed is not sufficient to trigger that requirement.

Summary:

The proposals would increase the size of the basement for purposes ancillary to the residential uses on site, with controlled and limited impact beyond the boundaries of the proposed building footprint. A direct access point would be provided from the lobby to encourage use of the garden and this is welcome. The rear alterations to the habitable accommodation would result in a small increase of 36sqm of habitable space accompanied by less encroachment into the garden, all of which is acceptable.

As work has not yet commenced on site a deed of variation would be required to secure the changes to the consented scheme.

Mayor of London CIL: It is likely that the implementation of this permission will attract a Mayoral CIL charge.

Recommend: Approve subject to s106 legal agreement.

DISCLAIMER

Decision route to be decided by nominated members on Monday 28th May 2012. For further information please click [here](#).