

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	17/02/2012
		N/A / attached		<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Richard Black			a) 2011/6227/P b) 2011/6460/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
13 Prince Albert Road LONDON NW1 7SR			Please see decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
<p>Enlargement of lower ground floor under front garden and excavation of basement including creation of front lightwell, erection to rear extension at lower ground and ground floor level to accommodate lift, and associated alterations to front and rear elevations to dwelling house (Class C3).</p>					
<b>Recommendation(s):</b>		a) Grant Planning Permission subject to Section 106 Legal Agreement b) Grant Listed Building Consent			
<b>Application Type:</b>		a) Householder Application b) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	11	No. of responses	04	No. of objections	04
			No. Electronic	01		
Summary of consultation responses:	<p>Neighbours were consulted by letter, a site notice was placed outside the property on the 12<sup>th</sup> January 2012 for three weeks and a press notice was published on the 6<sup>th</sup> January 2012. A total of <b>three objections</b> were received from the following residential addresses: No's 12 and 14 Prince Albert Road and 23 Regents Park Road. A summary of the issues raised are as follows:</p> <ol style="list-style-type: none"><li>1) Concern about unauthorised works that have already taken place at the property. The objectors consider that the applicant would be unlikely to correctly implement the development, on account of the enforcement history;</li><li>2) The proposed underground basement is an unsuitable development for a listed building as it carries too greater risk to adjoining property and damage due to changes in the water table;</li><li>3) The proposed works would seriously disturb the character and architecture of this Grade II listed building;</li><li>4) The under ground extension in this location could have a substantial impact, in terms of disturbance;</li><li>5) Could be potentially significant in terms of townscape and neighbour amenity issues;</li><li>6) The widening of the closet sideways on the ground floor is out of keeping with the building; and</li><li>7) This development will set a precedent for adjacent houses.</li></ol> <p>Response: 1) <i>the concerns raised about previous alterations are subject to Enforcement action by the Council, any permission would impose strict conditions requiring works to be undertaken as per the approved plans; 2)-6) Please see assessment below; 7) a previous planning permission has allowed a basement and extensions at the adjoining property No.12 (2008/4473/P).</i></p>					
CAAC/Local groups comments:	<p>The Primrose Hill CAAC have the strongest possible objections on the following grounds:</p> <ol style="list-style-type: none"><li>1. The proposed basement would be seriously harmful to the plan form of the building by embedding the original plan within an alien construction which would destroy the sense of enclosure of the basement.</li><li>2. The extent of the basement is ecologically harmful. The gardens of these houses are a key element in their historical and architectural character, with mature trees which appear to be in danger. This proposal would essentially turn this garden into a roof terrace.</li></ol> <p>Response: <i>Please see assessment below.</i></p>					

## Site Description

Nos.1-15 (consecutive) is a group of related detached and semi-detached stucco villas dating from the mid 19<sup>th</sup> century. All are Grade II listed and form part of the Crown Estate. They are aligned on the north side, at the eastern end, of Prince Albert Road within the Primrose Hill Conservation Area.

The site is roughly rectangular in shape, measuring approximately 30 m by 15 m. It is occupied by a semidetached villa of five storeys, including a lower ground level. The house is centrally positioned on the site with a hard covered driveway to the front and garden at the rear. The rear garden is at lower ground floor level and is accessed by steps on the western side of the house and comprises a central lawn with bushes along the northern and western boundaries, a paved path runs along the back of the house and a small patio area is present in the east of the garden. There are two semi-mature silver birch trees located on the southern boundary of the site.

## Relevant History

### Subject site

2010/5962/P and 2010/5966/L - Repositioning of existing gate post to widen entrance way to dwelling (Class C3). **Refused** - 04/01/2011.

2010/5966/L - Removal of internal chimney breast at second floor level to dwelling (Class C3). **Refused** – 04/01/2011

2011/0035/P & 2011/0040/L - Creation of basement under the existing lower ground floor level and front garden to accommodate plant room, swimming pool, gym, sauna and games room with lightwells at front and rear, erection of lift shaft extension to rear roof slope and associated external alterations to dwelling (Class C3). **Refused** – 08/04/2011

2011/0042/P & 2011/0040/P - Erection of a 3 storey side extension at 1st, 2nd and roof level with dormers to front and rear roof slope to dwelling (Class C3). **Refused** – 22/03/2011. this application was refused for the following reasons:

- 1. The proposed basement excavation, on account of the scale, design and position of the proposed lightwells, would be overly apparent in views of the front and rear of the building, detracting from its special interest and setting and harming the character and appearance of the Primrose Hill Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP24 (High quality design) and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*
- 2. Insufficient information has been submitted to demonstrate that the proposed basement excavation would not have a significant adverse impact on the structural stability of the application site and adjacent properties, drainage and the local water environment. As such, the scheme is contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 3. The proposed basement, on account of its size, would be likely to have a significant adverse impact on landscaping and trees on and adjacent to the site, to the detriment of the verdant quality of the locality and the character and appearance of the Primrose Hill Conservation Area, contrary to policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Promoting and protecting our parks and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 4. The proposed lift shaft overrun, on account of its scale, design and position, would be an incongruous feature on the rear roof slope of the building, unbalancing the pair of listed properties, detracting from their special interest and setting and would be harmful to the character and appearance of the Primrose Hill Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of London Borough of*

5. *The proposed development, in the absence of a section 106 agreement securing a Construction Management Plan and highways works adjacent to the site, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to DP20 (Movement of goods and materials) and DP26 (Impact on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

2011/1924/P & 2011/1948/P - The retention of a relocated gate post to widen entrance way to dwellinghouse and replacement wooden electric sliding gate (Class C3). **Granted** -23/06/2011.

2011/4500/P & 2011/4530/P - Excavation of basement with front and rear lightwells, enlargement of lower ground floor under front garden, extension at rear lower ground and ground floor level all in connection with existing dwelling (Class C3). **Withdrawn**. The application was withdrawn by the applicant to address concerns of Council officers.

#### **Adjacent site – 12 Prince Albert**

2008/4473/P and 2008/4560/L - Alterations and extensions including erection of a two storey side extension (ground floor and basement floor), excavation to extend the existing basement level to create additional accommodation and swimming pool and installation of new condensing unit in the rear garden to single family dwellinghouse. **Granted** - 03/11/2009.

Enforcement cases were opened in respects to various alleged alterations to the property without planning permission. The gate at the entrance to the subject site has been altered and in consultation with Planning Enforcement Department the applicant has now made alterations to the gate to the satisfaction of the Council.

### **Relevant policies**

#### **National Policy Framework**

Planning Policy Statement 5: Planning for the Historic Environment

#### **LDF Core Strategy and Development Policies**

CS5 Managing the impact of growth and development

CS13 Tackling climate change through providing higher environmental standards

CS14 Promoting high quality places and conserving our heritage.

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP20 Movement of Goods and Materials

DP21 Development connecting to the highway network

DP22 Promoting sustainable design and construction

DP23 Water

DP24 High quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and light wells

DP28 Noise and vibration

#### **Camden Planning Guidance**

#### **Primrose Hill Conservation Area Statement**

## Assessment

### Proposal

The following works are proposed:

1. A sub-basement, including a pool, games room, gym and cinema, occupying the footprint of the existing house, a large portion of the front courtyard, and smaller rear and side projections is proposed. In addition, it is proposed to increase the depth of the existing lightwell at the front of the house to provide light to the sub-basement;
2. It is proposed to establish a lift within the existing rear closet wing which will form the lift shaft. Currently the closet wing houses two WCs and a cupboard, which would be removed. An over-run is not proposed, as the existing height of the closet wing will allow the lift to travel up to the second floor;
3. An extension at ground floor level to the closet wing which will house a WC;
4. Various internal alterations which include, at ground floor level to reinstate the wall nibs within the back hall and at first floor level the chimney breast is to be reinstated and the head heights of two doorways is to be raised. The stairs outside of the proposed lift are to be altered and the windows within the existing rear projection are to be blocked.

**Main Issues:** The acceptability of the proposals in terms of the impact on the conservation area and listed building, residential amenity, transport, the impact of the basement and harm to trees and landscaping are the main considerations.

### Impact on listed building and conservation area

A variety of works are proposed both internally and externally, which must be considered on the basis of the impact on the setting of the host listed building, neighbouring listed buildings and the character and appearance of the conservation area. Each element of the proposal is considered in turn:

#### Basement

Despite the building being listed in 1974, the property was extensively altered in the 1980s with the creation of a swimming pool at basement level, which was later infilled, the installation of florid fireplaces, cornices and new partitions, alterations to the historic plan form at every level of the building and all of the walls were replastered. As a result, there is very little historic fabric remaining within the dwelling and its historic character and apparent visual hierarchy has been significantly eroded.

As a result of the alterations to the property, and except for the decrease in floor to ceiling heights, there is no evident hierarchy remaining within the building. The basement is not visible internally from ground floor level and is only evidenced by a staircase (altered) accessed beneath the principal staircase which leads to the basement. The basement level no longer retains any character or layout representative of its original use as a subservient servants quarters. Instead it has a very modern character and once in the basement there is no apparent visual connection with the grand villa above.

The creation of an additional level below an original basement level is generally unacceptable in listed buildings as a result of the harmful impact on the planned hierarchy within the building. In this instance, at No.13 only, the hierarchy and historic character of the dwelling house has been so significantly altered that the special interest of this dwelling lies solely with its external appearance and group value. The new basement would only be accessed from a staircase beneath the existing, modern lower ground staircase. The new basement would not be visible externally and would thereby not harm its external appearance or its setting.

The Council remains convinced that the principle of excavating a basement beneath an existing basement in listed buildings which retain their historic character and apparent hierarchy is unacceptable. However, in this exceptional case it is considered that the hierarchy and historic character of the property has been so altered that the creation of the new basement would not harm the special interest of the building which is derived almost solely from its external appearance and group value.

Primrose Hill CAAC has objected to the proposal on the grounds that the basement would seriously alter the original plan form of the building by embedding an alien construction. The introduction of an additional floor, in this case at lower basement level, is not considered to harm the integrity of the house as it will not be seen from the public realm. Furthermore given that the listings details of the property relate to the external façade, the proposed basement is thus not considered to have a harmful effect on the special interest of the listed building.

#### Lift and internal alterations

Internally the house has undergone fairly radical alteration and refurbishment mainly during the 1930's and

again in the 1980's. No original joinery, other than at the upper stair level is apparent. The walls have been replastered and only the stairs appear to be original. All flooring is new. The interior of the listed building has been altered through the unauthorised removal of the ground floor wall between the hall and the rear room which has resulted in the loss of the original plan form. The proposed wall nibs would help reinstate the plan form to some degree at ground floor level and help provide some 'enclosure' which that room now lacks.

The installation of a lift will be within the existing brick shaft, originally a modest closet wing and which currently houses the WC. No changes are proposed to the masonry structure and in principal this is considered acceptable. The existing windows in the closet wing will have inserted frosted glass and will be blocked up internally and the existing openings to the WCs and cupboard will be retained for the lift doors.

The changes required to the stairs to form a lift landing on the second floor do not involve any destructive works to the historic stair joinery. What is being proposed is the slight realignment of three steps. This involves the planting on of a modest triangular section in order to bring the winding section tighter together.

The chimney breast on the east wall of the first floor front room is to be reinstated. This will enable the historic plan form to be restored and provide an exposed period feature within this room which is considered acceptable.

The proposal includes raising the head height of two door ways at first floor level, these existing doors are relatively domestic in scale. As the existing fabric, including skirting, doors and architraves, dates from the later part of the 20<sup>th</sup> century these changes are not considered contentious. The existing architraves to the doors are well detailed. The Council's Conservation Architect confirms that all new joinery will require details to be submitted to the planning authority for approval and that typical sections at 1:1 would be required.

#### Single storey rear addition

The applicant has confirmed that all work will be done to match existing exactly in brick, mortar and pointing style. The back elevation of No 13 and its attached pair, No 12, are no longer symmetrical. Both houses have a tall closet stack which rises up to just under the eaves. In addition to which No 12 has a shallow 19<sup>th</sup> century addition at basement and ground. The introduction of a modest extension to accommodate new WC is likely to be acceptable however the brickwork will need to be very carefully detailed to match the existing masonry exactly. The Council's Conservation Architect has confirmed that a sample panel will need to be secured by condition for approval on site.

#### **Residential amenity**

Due to the location of the works underground, there would be no significant harm to the amenities of neighbours in terms of loss or light or overlooking. An acoustic report has been submitted, which has been reviewed by an environmental health officer, which demonstrates that the proposed plant servicing the development would operate without disturbance to neighbouring properties.

#### **Transport**

Owing to the size and scale of development, it is considered that a construction management plan (CMP) is required in order to demonstrate the precise ways in which the proposed development would be implemented. This would be secured via S106 Legal Agreement and seek to minimise the disturbance to neighbouring occupiers, maintain highway safety and ensure the proposed development is carried out in a managed way.

Another reason why a CMP is considered to be required is owing to other building works being likely to take place elsewhere in the vicinity in the near future, meaning there may be a cumulative impact in the local area. The CMP will thus seek to manage this possible eventuality in order to minimise disruption. The applicant has agreed to the principle of entering into a S106 Legal Agreement on this basis. A financial contribution to repave the footway in front of the site following completion of the development is also required in accordance with policy DP20, which is also to be secured through S106 Legal Agreement.

No other transport related works, such as cycle parking or car free housing for example are considered to be necessary or appropriate in respect of this householder application where there is no increase in number of residential units at the site.

#### **Basement excavation**

As the application concerns a listed building and the development would consist of a sub-basement to a depth of 3m below the existing lower ground floor level and a swimming pool constructed from basement level. The underside of the pool excavation will extend to a depth of 4.5m below the existing lower ground floor level. The proposed basement will extend beneath the existing house and the front driveway.

The information submitted includes a BIA Screening Report prepared by Geotechnical and Environmental Associates Limited and a Structural Stability Report was carried out by Richard Tant Associates Structural and Civil Engineers. In line with policies DP27, DP23 and CPG4 the applicants have submitted information in respect of the basement excavation and the anticipated impacts on drainage, flooding, groundwater conditions and structural stability.

Site investigations were carried out at the property in November 2011 and included a borehole to a depth of 20m at the front of the site along with two window sampler boreholes which extended to a maximum depth of 6.0m. The boreholes encountered the expected ground conditions in that beneath a moderate thickness of made ground, which extended to depths of between 0.5 m and 1.8 m, London Clay was encountered. The Regent's Canal lies in a relatively steep sided cutting roughly 30 m to the south of the site. Seepage of groundwater was recorded at a depth of 4.0 m in one of the window sampler boreholes excavated from lower ground floor level.

The screening study identified five potential impacts and the desk study and ground investigation information has been used below to review the potential impacts, to assess the likelihood of them occurring and the scope for reasonable engineering mitigation.

#### Groundwater level

The recent investigation recorded seepage of groundwater in the London Clay at a depth of 4.0 m below lower ground floor level. The proposed excavation for the swimming pool will extend to a depth of 4.5 m below lower ground floor level and as such groundwater may be encountered. The seepage of groundwater at one location may be attributable to perched groundwater associated with a claystone or pocket of sand and as such may not represent a true groundwater level. Monitoring of the standpipe should therefore be continued to determine the equilibrium water level. If the monitoring indicates a shallow groundwater table protection from groundwater inflows may be required in the basement excavation although any inflows from within the London Clay would be expected at a very slow rate which could be suitably controlled by sump pumping.

#### Regent's Canal

The canal is situated in a relatively deep cutting 30 m to the south of the site. The canal is a manmade feature, and is unlikely to have any impact, or be influenced by, the surrounding groundwater level. The exact water level of the canal is not known but evidence suggests that it is significantly lower than the site level, and will be below the proposed basement excavation.

#### Seasonal Shrink-Swell

The proposed development involves deepening the foundations to below what would be expected as a depth of influence of tree roots on the basis of the trees present on the site. If any trees are removed consideration would need to be given to the effects of clay swelling, but similarly the foundations are to be placed at depths that should not be affected. Subject to inspection of foundation excavations in the normal way to ensure that there is not significant unexpectedly deep root growth, it is not considered that the occurrence of shrink-swell issues in the local area has any bearing on the proposed development.

#### Location of public highway

The application states that retaining walls have been designed to maintain the stability of the adjacent road and associated infrastructure. The BIA states that there is nothing unusual or exceptional in the proposed development that gives rise to any concerns with regard to stability over and above any development of this nature.

#### Founding depths relative to neighbours

It is proposed to utilise mass concrete underpins to support the party wall between the two semidetached houses. The excavations can be readily managed using standard engineering solutions to ensure that the stability of the adjacent foundations is maintained. These solutions include preventing excavation within a zone that would lead to instability, and constructing retaining walls in limited panel widths to ensure that no more general stability problems arise.

The applicant has also outlined that there is in overall terms a negligible risk of damage to neighbouring properties, which would fall in categories 0-1 as outlined in CPG4 Basements and Lightwells (0 being negligible and 1 being 'very slight' – in accordance with the Burland categories). Paragraph 2.30 of CPG4 states that where the neighbouring property damage is identified as being greater than the Burland category of 'slight' or category 2 ...this could be damaging to neighbours amenity. Thus, based on the information provided, it is not considered that there would be damage to neighbouring amenity.

In overall terms it is considered that the level of information provided for the scale and nature of the proposed

basement is sufficient to accord with the relevant LDF policies and accompanying CPG4 2011. Based on the information provided and the size of the proposed basement, it is considered necessary for a condition denoting that a chartered surveyor shall supervise the works to be added in this instance.

### **Trees and landscaping**

The properties along Prince Albert Road are characterised by being well planted at the front with large and medium sized trees and shrubs and hedges giving a generally verdant character to the street scene and complementing the character of the adjacent Regents Park. The frontage contributes to this character with a 3m high Yew hedge along the front and flanking boundaries of the property. It is noted that Primrose Hill CAAC have objected to the proposal on the grounds that it is ecologically harmful.

An arboricultural report has been submitted which addresses the impact on the two Birch trees at No.12, the Council's Tree Officer agrees with the recommendation of this report. In addition to this, two semi mature trees have been planted to the right of the front gate (looking from the pavement) and in the left hand corner of the frontage adjacent to No.14. These trees have the potential to make a significant contribution to the character of the site and street scene. The basement area has been reduced from that previously proposed and it is now considered that sufficient margins around the site to sustain trees and vegetation growth is provided. A landscaping condition is to be imposed which will require retention of these trees. The rear gardens in the area are also characterised by large and medium sized trees and the sub-basement has been reduced in scale from that previously proposed and therefore new tree planting can be adequately accommodated on-site.

At present the front forecourt of the property is taken up with an inhospitable and historically inappropriate hard standing. Due to the basement construction works much of this will need to be removed to make way for the new development. As a form of mitigation, a condition is to be imposed requiring that this area is not returned to hardstanding and is to be landscaped in an appropriate pervious surface along with an acceptable planting scheme to be agreed with the Council. This would help mitigate the overall impact of the basement at the front of the site and help in some way to restore the site's street appeal.

### **Recommendation:**

- a) Grant Planning Permission subject to conditions and a Section 106 Legal Agreement to secure a Construction Management Plan (CMP)
- b) Grant Listed Building Consent subject to conditions.

### **DISCLAIMER**

**Decision route to be decided by nominated members on Tuesday 10<sup>th</sup> April 2012. For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>