

Address:	5 Belsize Lane London NW3 5AD	
Application Number:	2011/4019/P	Officer: Jennifer Walsh
Ward:	Hampstead Town	
Date Received:	03/08/2011	
Proposal: Erection of a lower ground floor level curved, glazed extension attached to a new two-storey plus semi-basement side extension (following demolition of the existing ground and first floor side extension), to existing dwelling house (Class C3).		
Drawing Numbers: Site Location Plan; 1007-005 Rev B; 1007-006 Rev B; 1007-007 Rev B; 1007-008 Rev A; 1007-009; 1007-010; 1007-011 Rev P; 1007-012 Rev K; 1007-013 Rev N; 1007-014 Rev F; 1007-015 Rev N; 1007-016 Rev L; 1007-018 Rev F; 1007-019 Rev C; Structural Report dated May 2011; Impact Assessment, Method Statement for Protection of Trees and Tree Protection Plan dated 02 August 2011;		
RECOMMENDATION SUMMARY: Grant Subject to a Section 106 Legal Agreement		
Related Application		
Date of Application:	15/08/2011	
Application Number:	2011/4021/L	
Proposal: Erection of a lower ground floor level curved, glazed extension attached to a new two-storey plus semi-basement side extension (following demolition of the existing ground and first floor side extension), to existing dwelling house (Class C3).		
as shown on drawing numbers: 1007-005 Rev B; 1007-006 Rev B; 1007-007 Rev B; 1007-008 Rev A; 1007-009; 1007-010; 1007-011 Rev P; 1007-012 Rev K; 1007-013 Rev N; 1007-014 Rev F; 1007-015 Rev N; 1007-016 Rev L; 1007-018 Rev F; 1007-019 Rev C;		
RECOMMENDATION SUMMARY: Grant Listed Building Consent		
Applicant:	Agent:	
Mr Neil Cartwright 5 Belsize Lane London NW3 5AD	Mr Neil Cartwright 5 Belsize Lane London NW3 5AD	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		382m ²
Proposed	C3 Dwelling House		489m ²

Residential Use Details:		
	Residential Type	No. of Bedrooms per Unit

		1	2	3	4	5	6	7	8	9+
Existing	<i>Dwelling House</i>				1					
Proposed	<i>Dwelling House</i>				1					

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	3	-
Proposed	2	-

OFFICERS' REPORT

Reason for Referral to Committee: This application was deferred from the 24th November Development Control Committee through lack of time. The Director of Culture and Environment has referred the application following briefing Members (clause ix).

1. SITE

- 1.1 Grade II listed house, also known as Hunters Lodge is located within the Fitzjohns/Netherhall Conservation Area, built c1812, with significant Victorian and C20 extensions, and recent alterations and extensions including the installation of a partially glazed extension to the east, infilling a yard area. The original building faced south and now forms the triple bowed centre of the rear of the present building, facing onto the garden.

2. THE PROPOSAL

Original

- 2.1 Planning permission and listed building consent is sought for the demolition of the existing 1920s two storey extension which currently accommodates a garage and associated storage area, and the erection of a new structure in the same location as well as a glazed extension to accommodate a family room with access onto the lower terrace. There was access through to the main dwelling house accessed from both ground floor and first floor of the existing extension, yet this has been temporarily blocked up for a year. The existing garage which is accessed from the front of the property is to be removed and a formal dining area is to be accommodated within the proposed structure. Due to the existing land levels of the property, the existing garden level is lower to that of the existing street level. The application seeks to have a three storey building fronting the garden level, yet a two storey building fronting Belsize Lane. Therefore the proposal is to line up with the existing basement level of the host property, with the proposed building sitting approx 1.3m below the existing garden level to form the proposed ground level and garden terrace. Four steps are proposed to lead from the terrace up to the existing garden level.

- 2.2 Revisions have been received throughout the process of the application, to set the proposed roof back to a shallow pitched form (similar to that of the east wing) to minimise its impact from the street. The application also previously included drawings which showed works to the existing boundary wall. Such a drawing has since been removed and this application does not involve any proposals to the existing boundary wall which fronts Belsize Lane.
- 2.3 There have been a number of concerns about previous planning applications which have been implemented contrary to the planning permission which has been given. In response to such matters, the Council's Enforcement Team have been altered to such allegations and an enforcement file has been opened on the property.

3. RELEVANT HISTORY

- 3.1 **2007/5036/P and 2007/5038/L:** Erection of a garden level single storey extension to the side of the single dwellinghouse, following the demolition of an existing side extension. **REFUSED 21/12/2007**

EN07/0921: Stripping out of plaster - walls, ceilings together with cornices, fireplaces, skirtings, doors. Removal of part of staircase. No listed building consent. Previous application withdrawn. No new application made; (*investigation closed*)

2008/0123/P and 2008/0124/L: Erection of conservatory to side of dwellinghouse, alterations to steps leading from Belsize Lane into the garden and repairs / alterations to a door within the flank wall. **GRANTED 11/03/2008**

EN09/0011: Unauthorised fence built between adjoining properties. (*investigation closed*)

EN10/0258: Failure to follow agreed planning permission 2008/0123/P (*investigation closed*)

2010/5631/P and 2010/5631/L: Erection of a garage in connection with existing dwelling (Class C3). **GRANTED 21/12/2010**

EN11/0324: Excavation against the party wall of 9 Belsize Lane in association with works permitted under 2008/0124/L - possibly not in accordance with approved scheme. (*investigation closed*)

2011/0454/P and 2011/0477/L: Erection of single storey glass extension to rear elevation of dwellinghouse (Class C3) **REFUSED 29/03/2011**

EN11/0951: Breach of planning permission 2010/5631/P & 2010/5645/L, higher and wider (*Site visit conducted, investigation on-going*)

4. CONSULTATIONS

Statutory Consultees

4.1 English Heritage commented on the application as follows:

-This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Conservation Area Advisory Committee

4.2 Belsize Residents Association object to the application on the following grounds:

- The strategy adopted by this applicant, making a large number of applications for various additions and alterations to this extraordinarily important listed house, spaced out over a period of several years, verges on the devious.
- Decisions have had to be made piecemeal, without a proper assessment of their effect on the architecture and character of the house. This process has been damaging, and now presents great difficulties in assessing these proposals.
- The arguments now presented for the substantial extent of demolition and its replacement by a larger extension are persuasive; nevertheless, the overall architectural composition would be greatly changed, for the worse, when taken into account with the earlier extensions.
- The half-basement glazed conservatory would also be grossly out of character with the house; it is noteworthy that this is hardly mentioned in the Heritage Assessment. Its huge areas of glass, and curved plan form, would be incongruous, and very damaging to the architecture. This feature alone justifies refusal. It also incorporates a part-basement, for which no Basement Impact Assessment is presented.
- They are very unhappy with this proposal for this key listed building, perhaps the most iconic in our Conservation Area, and call for refusal.

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	4
<i>Total number of responses received</i>	7
<i>Number of electronic responses</i>	7
<i>Number in support</i>	1
<i>Number of objections</i>	6

A site notice was advertised from 19/08/2011-09/09/2011. A second site notice was advertised from 24/08/2011-14/09/2011;

A press notice was published on 25/08/2011-15/09/2011;

4.4 The following occupiers object to the scheme:

9 Belsize Court
9 Belsize Lane
2 Perceval Avenue
4 Perceval Avenue

17 Belsize Lane

The objections and issues raised are as follows:

- The extension will be a lot larger than the one it is to replace;
- The garage is bigger than approved as well as the party wall;
- The extension threatens the integrity of the listed building;
- Ground stability and flooding;
- No data has been submitted in relation to the Hydrology and soil conditions;
- The proposal is of excessive bulk;
- Extreme noise and disruption has been suffered for many years;
- The applicant has flouted all previous permissions which they have had;

Flat 3, 26 Belsize Lane supports the application.

5. **POLICIES**

5.1 **LDF Core Strategy and Development Policies**

CS1 (Distribution of growth)

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 and encouraging biodiversity)

DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011

Fitzjohns/Netherhall Conservation Area Statement

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Impact on the character and appearance of the listed building and the conservation area;
- Impact on amenity of neighbours;
- Impact on highways network and traffic;
- Impact on the trees on the application site;

Impact on the character and appearance of the listed building and the conservation area

6.2 The first element of the scheme is the demolition of the existing west wing to the building. This is a rendered structure with an unsympathetic garage and horizontal casement windows on all of the facades. According to the supporting documents

this structure dates from 1928. An internal inspection of this part of the building revealed nothing of historic or architectural interest and therefore it is considered that in respect to the impact on the listed building as well as the wider conservation area, there is no objection in principle to its demolition (irrespective of the replacement building).

- 6.3 The replacement side wing proposed covers a slightly larger footprint compared to the existing 1920's extension and incorporates a gable facing onto the garden. The proposal is to be approx 6.8m in width x 6.7m in depth x 11.1m in height (measured from its highest point). Due to its location on a corner the extension would be clearly visible from Belsize Lane. Although the footprint is slightly larger than the existing it is considered to be of a scale that would still be considered subservient to the host building. The extension is proposed to be set back behind the line of the three bowed bays and would be seen as very much subservient when viewed from the rear of the property. Architectural embellishments and detailing have been kept to a minimum to reinforce this subservience whilst maintaining a connection with the host Listed building. Such an architectural approach is considered acceptable.
- 6.4 Whilst a gable was previously incorporated into the design on the garden elevation to provide a link with the verticality of the turrets of the host building and to mirror the detailing on the east wing (which dates from the late 19th century) it was considered to be detrimental on the appearance of the building from the conservation area. In views from Belsize Lane the roof would have appeared as a steep mansard which is entirely incongruous on the building. On the rest of the building on the street frontage the parapet is seen as the terminating feature with little or no roof appearing above. Therefore revisions have been sought, to reduce the proposed roof significantly to a shallow pitched form which is coherent to the rest of the building, especially that of the east wing. It is therefore considered that as the pitched form has been pushed back to the middle of the proposed roof line the built form would be read in conjunction with the main house and would not be read as a detrimental addition to the listed building.
- 6.5 A single storey, predominantly glazed extension is proposed at the western end of the site. This would be curved, following the boundary wall and from the street, it is not considered to have an impact as it would be set below the height of the existing boundary wall. The main issue is therefore the impact in views from the garden on the Listed Building.
- 6.6 This glazed extension has been designed as a clearly modern addition in terms of its scale, form and materials. As it is only a single storey in height, a lightweight design and positioned peripherally from the original building, it would clearly be distinct and subservient to the grandeur of the host building. It will be seen as an ancillary structure to the enjoyment of the garden rather than a structure which competes with the host building. Although a conservatory was refused at the eastern end of the site in 2011 it had a much greater impact on the listed building as it projected out into the garden at a right angle from the building and competed with the three bowed bays of the original building. In contrast the proposed glazed garden room runs away from the building at the wider western end of the garden where its impact in relation to the original building and the sense of openness is

lesser. The dominance is also reduced through the proposals to set the building down by 1m so to line up internally with the existing lower ground floor level. Setting the proposal lower than the garden level reduces the dominance of the proposal and creates a room which is read as a separate, modern addition. Therefore, whilst it is a modern design it is not considered that the proposal competes or detracts from the integrity of the listed building and therefore, it is considered acceptable in design terms.

- 6.7 In relation to internal alterations proposed for the property, these are considered to be rather minor and just relate to the remodelling of an existing modern ensuite bathroom, as well as re-opening doorways into the new west wing (which are currently blocked). As such alterations are minor in form, and do not interrupt any architectural features, no objection is raised to such works.
- 6.8 Much concern has been raised in relation to a proposed basement included within this application. Whilst a Hydrogeological Assessment Summary has been submitted a full Basement Impact Assessment has not been submitted. However, it is considered that due to the different levels of the land, the application seeks to excavate to a depth of 1.3m, lower than the existing foundations of the 1928's extension to meet the depth of the existing semi basement level of the main dwelling house. As there is an existing semi basement level and due to the size of the proposed excavation, the proposed operation is considered to be relatively minor. It is therefore not considered that an additional depth of 1.3m to be in line with the existing land levels of the property would constitute a 'basement' development and therefore a BIA is not required in this instance. Concerns regarding issues of structural stability has been addressed through the submitted report by JD Consultants Limited and will be taken into account by Building Control when checking the design and construction under the Building Regulations 2000, under which permission would only be granted when deemed acceptable in this regard. It is noted that an informative will be placed the decision indicating the need to comply with the Building Regulations and the Party Wall Act 1996.

Impact on the amenity of neighbours and occupiers

- 6.9 Whilst it is accepted that the footprint of the proposed two storey extension is to be larger than the existing side element of the property which is to be rebuilt, it is not considered that the additional height and width would have a detrimental impact on the neighbouring properties due to the site location. The application site is situated on the corner of Belsize Lane. The neighbouring properties to the north of the site are located across the other side of Belsize Lane 21m away, and the neighbouring property to the south of the site is located approx 16m away. It is therefore not considered that the proposed extension and alterations would have a detrimental impact, in terms of amenity on the neighbouring properties.
- 6.10 In relation to the proposed garden room extension, it is not considered that this element of the scheme would have a negative impact on the amenity of the neighbouring properties as it is to sit below the existing boundary wall and not project any higher than the wall. It is also considered to be set well within the site and would not impact on the sunlight and daylight of the neighbouring properties.

- 6.11 The proposal is therefore considered acceptable as it is not considered in this instance, that they would have a detrimental impact on the host property nor the wider conservation area. In relation to concerns about noise and dust from construction traffic, such issues are controlled under the Environmental Pollution Act and an informative shall be added to any permission to ensure that the applicant is aware of the hours of construction.

Impact on highways network and traffic

- 6.12 In relation to the transport implications which are associated to the site, the property benefits from planning permission 2010/5631/P for a garage to replace a former garage in the south west corner of the site. The existing garage which forms part of the eastern extension is proposed to be replaced by habitable rooms. The new garage makes use of an existing crossover and has been built in this location. As the proposal includes the demolition and rebuild of the existing side extension and replacing the existing garage into habitable accommodation, the existing crossover will be redundant to the front of the property. The applicant is required to cover the cost of reinstating the footway to the north of the house once the garage has been removed. The contribution in respect to such works include a sum of £2,239. This should be secured by means of a Section 106 Agreement.
- 6.13 The proposed development involves considerable demolition and construction work. The site is located at the junction of Belsize Lane which experiences traffic congestion at peak times and may present difficulties of approach for larger construction vehicles. The works proposed require considerable demolition in relation to the works proposed and included within this application. DP20 in particular seeks to minimise such effects on local amenity while DP21 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. The factors relating to this application means that a Construction Management Plan (CMP) would need to be secured by S.106 legal agreement in order to minimise the impact on the transport network and local amenity. Amongst other details the CMP will need to provide details of the size of vehicles, their expected numbers and regularity etc, for agreement by the Council. The applicant is therefore required to provide a Construction Management Plan, which should also be secured via the S106 Agreement.

Impact on trees on the application site

- 6.14 Within the previous application for the construction of the garage, the bay tree was contained and retained on site during the development. As such a full British Standard 5837 Tree report was submitted in support of the previous application and a Impact assessment, Method Statement and Tree Protection Plan has also been submitted in support of this application. This application follows on from previous tree applications which granted permission for the removal of two large poplar trees and one acacia tree. The two larger trees have been replaced with two semi mature English oak trees either side of the vehicular entrance to the site.

- 6.15 The acacia tree is proposed to be replaced with a Cherry Tree which is to be positioned behind the garage yet within the lawned area. It is considered that this tree, once it has matured, will be visible from the public realm in longer views. It is advised that a condition should be added to any permission to ensure that the cherry tree is planted within 3 months from the date of planning permission. This is advised in order to secure the replacement planting of the Acacia tree.

7. CONCLUSION

- 7.1 In overall terms it is considered that the proposed scheme represents a high quality design and sensitive additions and alterations to an existing building. The proposed alterations and extensions to the building are considered to respect the host listed building whilst preserving the character and appearance of the conservation area. Neither the proposed garden room extension, nor the rebuilt side extension are considered to harm neighbour amenity or traffic conditions in terms of outlook, light, privacy, noise, traffic or parking. The proposals are therefore considered to be in line with planning policy in this instance.

- 7.1 The proposals are acceptable in all other respects subject to conditions and a S.106 legal agreement to secure the following Heads of Terms:

- Construction Management Plan
- Highways Contribution of £2,239

- 7.2 Planning Permission is recommended subject to a S106 Legal Agreement.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.