

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	01/03/2012
		N/A / attached	<b>Consultation Expiry Date:</b>	16/02/2012
<b>Officer</b>		<b>Application Number(s)</b>		
Richard Black		2011/5717/P 2012/0028/C		
<b>Application Address</b>		<b>Drawing Numbers</b>		
Garages Adjacent to 56 Fitzjohn's Avenue London NW3 5LT		Site Location Plan; Drawing No(S) 1 TO 12		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of two-storey dwellinghouse with basement (following demolition of existing single-storey garage) (Class C3)				
<b>Recommendation(s):</b>		Refuse planning permission and conservation area consent		
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>26</b>	No. of responses	<b>02</b>	No. of objections	<b>00</b>
			No. electronic	<b>01</b>		
<b>Summary of consultation responses:</b>	<p>Site notice displayed from 17/01/2012 until 07/02/2012 and a press notice advertised on the 26/01/2012.</p> <p>English Heritage does not consider that they should be notified in respects to this proposal.</p> <p>26 Neighbouring properties were consulted with 2 letters of representation received from flats 2 &amp; 3, 56 Fitzjohn's Avenue, raising objections in respect of the following:</p> <ul style="list-style-type: none"> <li>- Parking area in front of the building will be affected;</li> <li>- Inappropriate to have a dwellinghouse at the site suggested;</li> <li>- The proposed dwelling if erected will create adverse privacy issues;</li> <li>- There will be no access to the boiler room if built;</li> <li>- Front projection will impact bay window of Flat 3; and</li> <li>- Front projection will seriously affect character and appearance of existing property.</li> </ul> <p>Response: see assessment.</p>					
<b>CAAC/Local groups comments:</b>	<p>The Fitzjohns/Netherhall CAAC strongly object to the proposal. In particular they state:</p> <ul style="list-style-type: none"> <li>- Width is insufficient for habitable space</li> <li>- Existing space between houses is important and should be maintained.</li> </ul>					

## Site Description

The site is located on the eastern side of Fitzjohn's Avenue, a long sloping residential street to the east of Finchley Road.

The property is a large semi-detached three-storey house with roof and basement accommodation. It dates from the late 19<sup>th</sup> century and is constructed mainly in brown brick. The building is divided into 9 self-contained flats.

The development site relates to an existing garage site, between 56 & 58 Fitzjohn's Avenue, which has an approximate width of 2.6m.

The site is located in Fitzjohns/Netherhall Conservation Area. The building on the site is not listed but is noted as making a positive contribution to the Conservation Area. The Conservation Area Statement does note that the entrance canopy addition is an unattractive feature within the Conservation Area.

## Relevant History

### Subject site

2010/5786/P - Erection of a new hipped roof and dormer window above the existing second floor rear flat roof of residential flats (Class C3) and associated dormer windows to the side and rear elevations of the existing roof. Granted - 20/12/2010.

### 58 Fitzjohn's Avenue

2009/0825/P - Erection of a conservatory extension and retention of associated sunken patio to the rear of the garden flat. Granted - 21/07/2009.

### 54 Fitzjohn's Avenue

8702709 - Two-storey side extension to existing residential unit. Granted - 03/11/1987.

## Relevant policies

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

CS5 (Managing the impact of growth and development)

CS6 (providing quality homes)

CS14 (Promoting high quality places and conserving our heritage)

DP5 (Homes of different sizes)

DP18 (Parking standards and limiting the availability of car parking)

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)

### **Camden Planning Guidance 2011**

### **London Plan (2011)**

### **Interim London Housing Design Guide (2010)**

## Assessment

### Proposal:

The proposal is to demolish the existing garage and construct a 2-storey residential dwelling with basement. The proposed development is 16m in depth, 2.5m in width and will have a maximum height of 8.3m from basement level and 6.0m from ground level. The development would be built within the gap between the flank wall of No.56 and the flank wall of the garage at No.58. The development would project into the front forecourt and would extend to the edge of the rear façade of No.56. A single storey basement is proposed beneath the footprint of the existing garage and this basement will be formed at the same level as the existing basement beneath the main house.

At basement level would be an open plan living / kitchen area with a w.c at the front. At ground floor would be a bedroom and bathroom and the 2<sup>nd</sup> floor comprises of the master bedroom.

### Principle:

The application site comprises a single privately owned garage to the side of a semi detached property fronting onto Fitzjohns Avenue. The garage is currently unutilised.

It is evident from the planning history that the Council has previously accepted the loss of similar garages along this road to be acceptable. The application therefore involves the loss of a garage which is not used for off street parking for any nearby residents and as such it is considered that its loss will not contribute to on street parking congestion.

The proposed redevelopment of the site to incorporate new residential development which is encouraged by the LDF policy DP2. In light of this, the proposal which will introduce a new residential dwelling, is considered acceptable in principle and there is no objection against the development in land use terms.

### Design:

The proposed development would fill in the gap between the host building and its neighbour up to the first-floor window cill level, impacting visually on the Conservation Area. At basement level, there would be no immediate impact on the streetscape as the development would be completely below ground and as such no objection to the basement design is raised.

The main issue is further infill development in the gap between this property and its neighbour at No 58. Although there are side extensions, built at different times, infilling the full width of the gap between Nos 56 and 58 Fitzjohn's Avenue, both these extensions have been in place for a number of decades and predate current guidance and policy, and would not be allowed in planning terms today. There are also infill extensions up to two storeys on the south side of No 56, in the gap shared with No 54, but these date from the 1980s and therefore are not viable precedents in terms of height, bulk, footprint and detailed design, as they predate current guidance. These examples are therefore not a viable precedent for further development in the gap in question.

Given, that the proposed development is a storey higher than the existing garage, this is considered more of a reason for its inappropriateness, as its extra height and bulk will block valuable views at this level between the buildings. Furthermore, other than the examples between Nos 54 and 56, there are no such infill extensions on other buildings on either the east or the west side of the street in this stretch of Fitzjohn's Avenue.

In addition to this, the proposed structure will extend forward of the principal elevation of No.56, this adds to the proposal's prominence and will appear awkward and alien in this position, given that it will sit forward of the adjacent single storey side extension at No.58 and forward of the nearest bay window at No.56.

It should be noted that there is no objection to the removal of the garage which is likely to date from the mid 20<sup>th</sup> century and which is considered to detract from the overall composition of the Victorian house. However, any replacement structure should be an improvement on its design and should therefore be an enhancement. It is not considered that the current proposal is an improvement due to the added height and bulk.

The current proposal is unacceptable due the projection forward of the principal elevation and the added height and bulk which will infill the existing gap between the host building and its immediate neighbour to the north, thereby harming the character and appearance of the Fitzjohn's and Netherhall Conservation Area.

### **Impact on amenity:**

#### Outlook and access to light:

The living area would face partially into the rear retaining wall and partially into the rear shared garden, the outlook from this area as such would not be ideal and, as such, this outlook from the unit would not be of a good quality. In combination with other substandard living conditions, the proposal fails to provide a satisfactory standard of accommodation.

In respects to daylight within the proposed basement living area, it is considered this room will receive adequate daylight as the rear retaining wall does not intersect a 25 degree line starting 2m above ground level, in compliance with the CPG6 standard, and it is therefore considered that adequate day lighting can penetrate within the interior of the building. The living area is a long narrow space, however a proposed rooflight will provide additional natural light into this area.

#### Impacts on neighbours:

The proposal will result in additional height and bulk at the side of No.56, (over and beyond the existing single storey garage), built up to the boundary with No.58. The ground and first floor will have a restricted depth of 6.3m, so as to maintain light access for the side elevation windows of the existing flats at No.56. A side window is visible on the flank elevation of No.58 facing the subject development, however, given the obscure angle and distance between windows no significant adverse privacy issues are considered to arise.

The front projection will sit slightly forward of the bay windowing servicing Flat 3, however this will be of a minimal amount and the principal windows which provide the main outlook and access to light facing Fitzjohn's Avenue will not be adversely affected. As such, this projection is not considered to give rise to a loss of outlook, daylight/sunlight that would warrant refusal.

In light of the above, it is not considered that the proposal would result in unacceptable levels of overshadowing or loss of daylight to those properties most likely to be affected.

#### Quality of accommodation:

The proposed dwelling is a 2-bedroom, 2 person flat. However, in accordance with Council and London Plan guidance the minimum occupancy for a 2 bedroom unit is 3 people (as Council could not monitor and enforce that the property was only occupied by maximum of two residents). In light of this, given the 3 person occupancy, the minimum floor area required is 61m<sup>2</sup>, the proposal is 57m<sup>2</sup>, and therefore fails to comply with this standard. In addition, the second bedroom at ground floor level is 5.5m<sup>2</sup>, whereby the guidance requires a minimum area of 6.5m<sup>2</sup>. Given these shortfalls, the proposal is not considered to provide an acceptable level of accommodation, as the floor areas are not adequate for there intended use.

The combined living/kitchen/dining area is located at basement level and complies with room size standards, however the area's functionality is hindered due to the slim, restricted width which is a

maximum of approximately 2.25m. Narrow living areas are not usually useful, enjoyable or flexible. To allow sufficient space for circulation around furniture, and allow people to sit or play as a group, the London Plan guidance recommends that the width of the principal sitting space is at least 2.8m in dwellings for those with fewer than four occupants. In this instance the proposal is over 0.5m under this minimum requirement and as such, the proposal will not provide an acceptable living space to the detriment of future residents.

It is therefore not considered that the proposal provides high quality living accommodation and would be contrary to the aims and objectives of Camden Policy Guidance (CPG2) and the London Plan which states that all units and rooms should be of acceptable dimensions and a sufficient floor area to provide acceptable living environment for future occupants.

### **Structural and groundwater considerations:**

It is intended that the basement excavation to be occupied by the living area and the excavation will extend beneath the existing garage, the hardstanding to the side of the dwelling and the front driveway. The excavation will extend below existing ground level to a depth of approximately 3.0m. The site is not located within a street known as at risk from surface water flooding.

The information submitted includes a Basement Impact Assessment, Screening Report, prepared by Card Geotechnics Limited. These documents have been prepared in accordance 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.

With respects to subterranean (ground water) flow, the screening report notes that the site is located within the impermeable London Clay and as such only limited groundwater may be present. The Screening Report notes *“however, should Claygates Beds be encountered beneath the site with subordinate horizons of uniform sands, these may be water bearing and may potentially be impact the design and construction of the basement. A basement impact assessment should consider the location and potential impact of the River Tyburn on the site”*.

Regarding slope/land stability the site is located in the Claygate Beds/London Clay and it is anticipated that heave movements/long term settlement will occur during construction and over the long term. The Screening Report concludes: *“A basement impact assessment is recommended to investigate the magnitude of ground movements around the basement perimeter. This should include retaining wall installation effects and deflections. The results of the ground movement analysis should be used to assess potential damage categories developed in adjacent structures. It is noted that the River Tyburn appears to run beneath Fitzjohn’s Avenue to the west and as such groundwater may need to be taken into account”*.

Given that the screening report concludes a full Basement Impact Assessment is required, the application is recommended for refusal, as 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.

### **Landscaping & Trees:**

The proposal will not result in any significant change in the permeable surface, as the site area is currently occupied by a garage and some hardstanding to the rear. Therefore the proposal will not significantly reduce the plan area within the property that is currently unpaved ground, and hence not reduce the area available for infiltration of rainwater into the ground.

The Arboricultural report identifies three trees for removal, a Sycamore, a Lime and a Tree of Heaven. The Sycamore and Lime require removal to implement the development. The loss of these trees is not considered to be harmful to the character of the streetscape/conservation area due to the presence of many other trees of more significant stature. The green backdrop and views between buildings will not

be affected detrimentally.

The Tree of Heaven is growing between the house and a large Horse Chestnut in the front garden. The tree leans towards the house as it has been suppressed by the Horse Chestnut. Again, the removal of this tree will not have a detrimental affect as the Horse Chestnut is a more mature specimen providing a high level of visual amenity.

Providing the recommendations set out in the Arboricultural report are followed the development will not have a detrimental effect on trees to be retained, however, a full tree protection plan and method statement is recommended to be secured through condition, should planning permission be granted.

### **Sustainability and Lifetime Homes:**

Details with respects to how the proposal will comply with Lifetime Homes have been submitted with the application.

No BREEAM pre-assessment has been submitted with the application. As this proposal is for a new build residential unit, Development Policy DP22 requires that this type of development meet compliance with Code for Sustainable Homes Level 3.

As such, the applicant has failed to demonstrate that the proposed new build would achieve compliance with Council sustainability policies, which ensure improvements in environmental sustainable performance in line with the government's timetable towards zero carbon housing. The proposal is recommended for refusal on this basis.

### **Transport and Access Issues:**

The site is located on the east side of Fitzjohn's Avenue within the Belsize controlled parking zone (CPZ). The site has a Public Transport Accessibility Level (PTAL) score of 4 (good) which indicates that it has a high level of accessibility by public transport. The nearest station is Finchley Road and Frognal Rail Station (overground), located to the west of the site. As such the site has good access to facilities, services and public transport.

Should planning permission be granted, the development should be made car free and this can be secured by means of a legal agreement. No provision has been made for cycle storage. Should planning permission be granted, a condition will be attached to require details of secure cycle storage to be submitted.

### **Conclusion:**

The proposal is considered to introduce an unacceptable structure infilling the gap between No.56 & 58, and due to its design, height and bulk, creating an intrusive form of development which will be harmful to the character of the Conservation Area.

The proposal is not considered to provide an acceptable level of accommodation for future residents, this is due to the narrow width of the living area which is not sufficient to allow for its proper functioning. In addition, the proposal does not provide an acceptable amount of floor area for a two bedroom unit or for the ground floor bedroom.

Insufficient details have been submitted to illustrate the proposal would not have a significant adverse impact on the structural stability of the application site and adjacent properties, drainage and the local water environment. In addition, the applicant has failed to demonstrate how the proposal will comply with relevant sustainability standards.

The application is therefore considered unacceptable in its current form, contrary to policy.

**Recommendation:**

Refuse planning permission.

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