

<b>LDC Report</b> (Member's Briefing)		26/01/2012
<b>Officer</b> Ben Le Mare		<b>Application Number</b> 2011/6239/P
<b>Application Address</b> 2 Clorane Gardens London NW3 7PR		<b>Drawing Numbers</b> Refer to draft decision notice
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b> Excavation of basement in connection with existing dwellinghouse (Class C3).		
<b>Recommendation: Grant Lawful Development Certificate</b>		
<b>Assessment</b>		
<p><u>The Site and Planning History</u></p> <p>The property is a 2-storey semi-detached dwellinghouse with a small conservatory on the side of the rear wing. The property is located within the Redington/Frognaal Conservation Area and but is not a listed building. Planning history records show that a garage extension was approved at the front of the property in 1938.</p> <p><u>Consultation Responses</u></p> <p>The Heath and Hampstead Society have objected towards the proposal on the basis that the application should be accompanied by a Basement Impact Assessment as the structural stability of the host building and neighbouring properties needs to be assured.</p> <p><i>Officer's comment</i></p> <p>This is a legal determination of whether the proposal is considered to be Permitted Development or not; no account can be taken of policy or guidance within the Council's LDF or the planning merits of the scheme in terms of issues such as its impact on hydrogeology, neighbour amenity, conservation area character or transport conditions for example. Therefore, a Basement Impact Assessment is not required to accompany the submission of this application.</p> <p><u>The Proposal</u></p> <p>This application seeks to demonstrate the lawfulness of the creation of a basement under the dwelling house. The proposed floor plans were revised during the period of determination of this application to ensure that the basement would correspond to the footprint of the original property and would not involve excavation under the existing conservatory extension. The excavation would have no external manifestations.</p> <p><u>Assessment</u></p> <p>The proposal is assessed against the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. This is interpreted as covering basement</p>		

extensions. Basement lightwells, on the other hand, being classed as an engineering operation rather than the enlargement of a dwellinghouse, do not benefit from “permitted development” rights. No basement lightwells are proposed in this case, only an internal glass walkway and viewing gallery.

Development is not permitted by Class A (A.1) (the enlargement, improvement or other alteration of a dwellinghouse) if:

- As a result of the works, the total area of ground covered by buildings within the curtilage exceeds 50% - *Complies*;
- The height of the part of the dwellinghouse enlarged or improved exceeds the highest part of the roof of the existing dwellinghouse – *Complies*;
- The height of the eaves of the part of the dwellinghouse enlarged or improved exceeds the height of the eaves of the existing dwellinghouse – *Complies*;
- The enlarged part of the dwellinghouse extends beyond a wall which fronts a highway and forms the principal or side elevation of the original dwellinghouse – *Complies*;
- The enlarged part of the dwellinghouse is single storey and extends beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse or exceeds 4 metres in height – *Complies*;
- The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres – *Complies*;
- The enlarged part of the dwellinghouse is within 2m of the boundary and the height of the eaves exceeds 3 metres – *Complies*;
- The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, exceed 4 metres in height and have more than one storey or have a width greater than half the width of the original dwellinghouse – *Complies*;
- It would consist of or include the construction of a (i) veranda, balcony or raised platform; (ii) the installation, alteration or replacement of a microwave antennae; (iii) an alteration to any part of the roof of the dwellinghouse – *Complies*.

Conditions: None of the conditions are relevant to the basement enlargement as there are no windows/lightwells or exterior works.

The proposed basement extension is permitted development under Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

**Recommendation:** Grant Certificate of Lawful Development.

## DISCLAIMER

Decision route to be decided by nominated members on Monday 23<sup>rd</sup> January 2012.

**For further information see**

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