

Delegated Report		Analysis sheet		Expiry Date:	17/09/2010
		N/A		Consultation Expiry Date:	01/09/2010
Officer			Application Number		
Aysegul Olcar-Chamberlin			2010/3972/P		
Application Address			Drawing Numbers		
100A Fellows Road (Land Fronting King's College Road) London NW3 3JG			See draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Erection of a building comprising basement, lower ground and ground floor level for use as a single dwelling house (Class C3) fronting King's College Road.					
Recommendation:		Refuse permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	05	No. of responses	03	No. of objections	03
			No. electronic	02		
Summary of consultation responses:	<p>A site notice was displayed from 04/08/2010 to 25/08/2010.</p> <p>The occupiers of Flat D 53 Eton Avenue, Flat 1 100 Fellows Road and Flat 2, 102 Fellows Road have raised objection to the proposal. In summary, their concerns are:</p> <p><u>Design:</u></p> <ul style="list-style-type: none"> • Harm to setting of 53 Eton Avenue; • Impact on views and skylines; • Overdevelopment which would be out of keeping with the immediate surroundings of the site; • Proposal does not enhance the appearance of the area; <p><u>Amenity:</u></p> <ul style="list-style-type: none"> • Loss of outlook and views; • Impact of daylight and privacy; • Noise and dust from construction; • Overbearing impact on the garden of Flat 2 102 Fellows Road; • If permission is granted, a condition should be attached requiring the windows adjacent to the site boundary with 102 Fellows Road to be double glazed and permanently fixed shut. <p><u>Others:</u></p> <ul style="list-style-type: none"> • Loss of trees and greenery; and • Increased parking problems. 					
CAAC/Local groups comments:	<p>Belsize CAAC</p> <p>Strongly object to building over garden space in the conservation area. Irrespective of the design of the proposed building, its height, form, bulk, design or materials, the objections to building in this open area overwhelms other considerations.</p>					
Site Description						
<p>The application site is a long thin strip of unoccupied scrub land (198sqm), between Fellows Road and Eton Avenue in the Belsize Conservation Area. This site is formed from the rear section of the garden to 100A Fellows Road and has a narrow frontage onto Kings College Road.</p> <p>Fellows Road and Eton Avenue are long parallel roads, lined with large properties with spacious gardens. These roads are bisected by Kings College Road to the west and Merton Rise to the east. Two modest buildings are located opposite the application site on the west side of Kings College Road. These appear on the 1894 Ordnance Survey map and are likely to have been ancillary/service structures for the adjacent large houses. The immediate area is characterised by large trees, both on the street and in the back gardens of Eton Avenue and Fellows Road.</p>						
Relevant History						
<p><u>Application site:</u></p> <p>2009/3557/P An application was submitted for the erection of 2 storey over basement single family dwelling</p>						

house (Class C3) fronting King's College Road. The application was withdrawn on 25/09/09 following advice from officers that the proposed scheme was considered unacceptable by virtue of its height, scale, position on the site and overall design quality.

PEX0000852 Planning permission was refused on 21/08/201 for the erection of a freestanding single-storey glazed building adjacent to the rear boundary, installation of new gates to Kings College Road and associated vehicle crossing and hard standing. The reason for refusal was:

The proposed building would by reason of its design and materials appear incongruous, detracting from the appearance of this site and from the street scene at this point, thereby to the detriment of the visual amenities of neighbouring occupiers and the character and appearance of this part of the Belsize Conservation Area.

P9602228 Planning permission was refused on 24/09/96 for the erection of a garage and the formation of an associated crossover. The reason for refusal was:

- Building on unbuilt open space;
- Failing to preserve or enhance the conservation area; and
- Loss of or damage to, existing vegetation, which contributes to the character and appearance of the conservation area.

9401750 Planning permission was refused on 06/01/95 for the erection of a 2-storey single family dwelling house on land to the rear of Nos. 100 and 102 Fellows Road. An appeal was lodged. The inspectorate dismissed the appeal on 22/12/1995 on the following grounds:

- The relatively small building on this narrow site would appear out of scale with other buildings in the surrounding area.
- The forecourt parking would introduce a prominent and discordant feature to the street scene in Kings College Road.
- Damage to the trees bordering the site.
- The proposed development would neither preserve nor enhance the character and appearance of the Belsize Conservation Area.

Adjoining site

Land at the rear of 53 Eton Avenue Planning permission was granted subject to S106 legal agreement on 03/06/2010 for the erection of a two-storey residential dwelling house (Class C3) comprising upper and lower ground floors (ref: 2009/5483/P).

Planning permission was granted on 29/07/2011 for revisions including enlargement of basement, addition of pedestrian gate and widening of vehicle gates, to planning permission dated 03/06/10 (2009/5483/P) (as amended by planning permission dated 07/03/11- 2011/0203/P) for the erection of a two storey dwelling house (Class C3) (2011/2147/P)

Relevant policies

The London Plan 2011

LDF Core Strategy and Development Policies 2010

CS1 Distribution of growth

CS4 Areas of more limited change

CS5 Managing the impact of growth and development

CS6 Providing quality homes

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

CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's Capacity for housing

DP6 Lifetime homes and wheelchair homes

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the impact of parking

DP21 Development connecting to the highway network

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
DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities

Camden Planning Guidance 2011

Belsize Conservation Area Statement

Assessment

Proposal

Planning permission is sought for the erection of a detached single storey plus double basement self-contained dwelling house fronting onto King's College Road to the rear of 100A Fellows Road which would be completely separate from this property. There is no building on the existing plot. The building would be contemporary in design with a combination of brickwork, timber louvers, green walls and extensive areas of glazing on the rear elevation. It would provide approximately 234 sq. m of floorspace and would comprise three floors of habitable accommodation – the top storey would be at street level with two floors of accommodation below (4.5m below garden level of the adjoining properties). The top floor would comprise a living room and entrance hall, the upper basement level (described on the submitted drawings as the garden level) would comprise two bedrooms, a kitchen and bathroom and the lower basement level would comprise a bedroom, ensuite bathroom, cinema room, gym, changing room and utility room.

The street level floor of the building would be set back from King's College Road by approximately 6.7m. The front garden area would include a cycle store area for 2 bicycles and bin store area. The treatment of the front garden would include an area of grassed lawn, a paved area and strips of skylights on the north and south side boundaries and to the front of the building. There would be solar photovoltaic panels on the roof of the house and a sunken terrace at the rear lower basement level. The existing brick wall and gate would be retained on King's College Road elevation.

Revisions

During the course of the application the design and materials of the proposed house have been revised. The original curved roof form has been squared off and the roof material of the roof has been changed from copper to timber. The proposed new house would appear as a simple structure with timber detailing. The copper cladding that was proposed on the southern side elevation closest to no. 102 Fellows Road has been replaced with undulating timber cladding. This top floor level elevation would be set back from the boundary of no. 102 Fellows Road by between 0.8m and 1.7m. Details of the landscaping scheme for the front garden area, and boundary treatment details have also been submitted. Photovoltaics measuring approximately 26 sq. m have also been included within the flat roof.

The following documents have also been submitted in support of the application

- Revised Code for sustainable homes
- Hydrology and structural basement impact assessment report
- Daylight and sunlight assessment

Land Use

Policies DP2 and CS6 of the LDF state that housing is a priority use and that the Council will seek to maximise the supply of additional homes within the Borough. Policy CS4 seeks to ensure that development in areas of more limited change respects the character of its surroundings and conserves heritage and other important features. On this basis the use of the site for housing is considered to be acceptable in principle provided that the proposed house respects its surroundings and provides acceptable living conditions.

Standard of Accommodation and Lifetime Homes Standards

The proposal is for a three-bedroom single family dwellinghouse. Two of the bedrooms would be on the upper basement level and one of the bedrooms on the lower basement level. The living room would be on the ground floor level. The kitchen and dining area would be on the upper basement level overlooking the rear garden area. Gym, cinema and utility room would be located on the lower basement level. The proposed dwelling exceeds the internal minimum floorspace requirement for a three bedroom (6 person) self-contained unit of that size. The living room on the ground floor level, the kitchen and dining on the upper basement garden level and the bedroom at the rear of the lower basement would be spacious and served by largely glazed openings which would face onto the rear garden would allow good outlooks, natural light and ventilation. However the proposed bedrooms on the upper basement level would be served by very narrow strips of glazing on the ceiling and would not benefit from natural ventilation and/or outlook.

CPG2 states all habitable rooms must have an external window with an area of at least 1/10 of the floor area of the room and an area of 1/20 of the floor area of the room must be able to be opened to provide natural ventilation. The proposed skylights above the bedrooms would have an area of more than 1/10 of the floor areas of the bedrooms but they would not provide any outlook or natural ventilation. The applicant has submitted a Daylight and Sunlight assessment report to demonstrate that the proposal would result in adequate levels of daylight to the habitable rooms at the upper and lower basement levels. CPG2 requires the level of daylight to the habitable rooms of new dwellings to meet the minimum BRE's ADF standards. The bedrooms on the lower basement level lit by skylights would have Average Daylight Factor (ADF) values of between 2.32% and 2.8%. Daylight to these bedrooms would meet the Building Research Establishment's guidance of minimum 1% ADF for bedrooms. Although the report seems to indicate that lighting levels would meet minimum standards, the document provides only the results of the analysis and does not include the calculations which would allow officers to verify the results. Officers are sceptical given the nature of the glazed openings (long, narrow strips of glazing) at the edge of each room, that the rooms as a whole would appear well lit. Given the orientation of the building and its full width coverage across the site, it is more likely that the rooms would be dark and oppressive and would be required to be artificially illuminated for most of the day. The lack of outlook and light would be considered to provide poor living conditions for future occupiers and would cause significant harm to the amenity of the occupiers. These reasons alone are considered to be sufficient to justify refusal of the application.

The garden level and lower ground floor level of the building would be single aspect with large windows in the rear elevation overlooking the rear garden area. The internal layout of the building has been constrained and shaped foremost by the narrow width of the plot, and the need to reduce any overlooking or loss of privacy to neighbouring properties. The larger rooms in the house would be located at basement level and would be used as non-habitable rooms (cinema room, gym) with the smaller habitable rooms being internalised at garden level. The internal layout of the house would be quite contrived and would not be considered to provide a satisfactory internal layout in terms of living conditions for the future occupiers. The poor internal layout together with the lack of outlook and natural ventilation would be considered to result in poor living conditions for future occupiers and would be contrary to the aims of policies CS5, CS6 and DP26.

The proposed gym, cinema and utility room on the lower basement level would be served by skylights on the ceiling which would allow limited natural light and would not benefit from the natural ventilation. Given these rooms are not habitable rooms and would be used for ancillary leisure and storage purposes, they are considered to be acceptable.

In term of accessibility and lifetime homes standards, the proposed house would be designed to comply with all lifetime homes criteria as far as it is practically possible. Due to the topography of the site there would be a gentle sloping access from the front garden to the front door of the proposed house. The proposed house would accommodate wheelchair accessible WC on the entrance/ground floor level and its layout would be suitable for wheelchair users, potential stairlift and through floor lift. The proposal is considered to comply with the aims of policy DP6.

The occupiers of the new dwelling would also enjoy considerable outdoor amenity space at the rear (63sqm including the sunken garden).

Design and Appearance

The site slopes down from the King's College Road entrance towards the rear of 100A Fellows Road. The ground level of the site within 5m from the King's College Road entrance is approximately 2m lower than the entrance level. The proposed house would be set back 7m from the boundary with King's College Road and would be approximately 2m above the existing front boundary treatment on King's College Road. The new

house would have a modern style with fully subterranean basement levels at the front. Given the topography of the site only the lower basement level would be subterranean at the rear. The front and rear elevations of the proposed house would be largely glazed.

The modern design approach is considered acceptable and is supported by policy BE20 of the Belsize Conservation Area Statement which states that "Development which is overtly modern will not be resisted provided it respects the layout, height and scale of existing development within the Conservation Area."

The previous application established that the characteristics of the site and the surrounding area would accommodate the potential for modest development on the site. The setting to the rear of properties along Fellows Road and Eton Avenue is characterised by large mature rear gardens that contributes to the attractive spacious character of the area. Following extensive discussions with the Council the applicant has made modifications to the design of the new house. The proposed house would be single storey when viewed from Kings College Road. It would be no higher than the approved new house to the adjoining site at the rear of no. 53 Eton Avenue and would have timber cladding on its south side elevation facing onto the rear of 102 Eton Avenue. This element would be considered acceptable.

Due to the sloping topography of the site approximately 60% of the proposed house would be subterranean. The proposed basement levels below the street level would project up to the front and the south side boundaries of the plot and would be well beyond the ground floor footprint of the proposed house. Including the sunken garden it would cover approximately 70% of the entire site plot. However the visible manifestations of the proposed basement levels would be limited to the narrow strips of glazing in the front garden, the strips of glazing on the south side of the house within the roof of the lower basement level and the window openings in the rear elevation. Although the mass of the basement development would be significant it would have limited visual impact from the surrounding streets. Consequently the proposal would not be considered harmful to the streetscene and would preserve the character and appearance of the conservation area.

It must be noted that the approved house to the adjoining site has a basement element and has recently been granted permission for an enlarged basement (approximately 18 sq. m larger than the originally approved scheme). Although the approved basement level to the adjoining site has significantly less site coverage than the basement development proposed as part of this application it is still two storey's in height when viewed from the rear.

Basement

Policy DP27 states that the Council would only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. In terms of sizes of basement development CPG4 lists a number of factors that makes basement development contribute to overdevelopment of a site. In summary, these include:

- harm to any trees on or adjoining the site,
- where the development would restrict future planting and mature development of trees typical to the area,
- and any impact to the water environment.

The applicant has submitted a hydrological and structural basement impact assessment during the course of the application.

The ground movements are expected to result in negligible damage to the adjoining houses and very slight damage to the adjacent garden wall. According to the category of damage set out in CPG 4 very slight damage refers to fine cracks (less than 1mm) which could easily be treated during normal decoration.

In terms of construction the Basement Impact Assessment includes the following methods:

- The new basement would be constructed by the use of sheet piling, using Giken 'silent piling' methods to minimise the risk of vibration damage to adjoining properties.
- Props would be installed when around 1m of soil has been excavated.
- The part of the adjoining properties close to the proposed basement construction (eg garden wall and the highway) would be continually monitored during the substructure works using high accuracy measuring devices.
- Pile probing would be carried out with particular attention to the garden wall to the north of the site to check any changes in the foundation profile along its length.
- A trial excavation would be made to confirm the likely water flows into the site during excavation.

It is considered that the Basement Impact Assessment demonstrates the proposed basement development could be built without unacceptable impact on the ground stability, and the structural stability of the adjoining structures.

The site is not identified as lying within a flood risk area and neither Kings College Road nor Eton Avenue are identified in the list of streets at risk from flooding in CPG4. According to the screening results there is a presence of a former watercourse in close proximity of the site and therefore further measurements of ground water level were carried out. Within the upper strata of London Clay no groundwater flows were encountered on site. A site investigation was carried out that involved digging one 20m deep borehole, two windows sample boreholes and trial pits. The investigation revealed groundwater seepages in the deep borehole. As a result a standpipe was installed which would be the subject of return monitoring visits to determine groundwater levels. The proposed basement would not have a significant impact in runoff and would be considered acceptable

The surface permeability of the site would be reduced by the proposal as the hardstanding surfaces would be increased from 35% to 65%. No surface water would be discharged to ground as part of the site drainage. On completion of the development the surface water flows would be routed similarly to the existing condition, with rainwater run-off collected in a surface water drainage system and discharge to a combined sewer. SUDS measures including the use of a lined permeable paving system and rainwater collection and storage from the roof would be considered. If permission were granted the details of SUDS measures would be conditioned.

Camden Planning Guidance (reiterated in para 27.9 of the LDF) states that "Sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. These margins should be wide enough to sustain the growth and mature development of the characteristic tree species and vegetation of the area. The Council will seek to ensure that gardens maintain their biodiversity function for flora and fauna and that they are capable of continuing to contribute to the landscape character of an area so that this can be preserved and enhances."

The upper and lower basement levels would extend up to the back of the pavement fronting onto Kings College Road with the lower basement level extending across the entire width of the site. Given the extent of the proposed basement levels no planting strips would be left for hedge planting in the front garden. The size and design of the proposed basement levels would hinder the ability of the plot to sustain planting characteristic of the area. This would not be considered acceptable.

Neighbouring Amenity

Loss of garden space:

It is noted that the application site still forms part of the rear garden of 100A Fellows Road. A site visit confirmed that this section of the garden space had been neglected and did not have any vegetation with amenity value.

The separation of the application site from 100A Fellows Road would not affect the outdoors amenity of the occupiers of that property.

Loss of outlook: The loss of outlook can be taken into consideration if new development is overbearing. The proposed dwelling would be approximately 6.5m from the 102 Fellows Road and 1.7m higher than the existing boundary fencing with that property. There would be green walls to soften the side elevation of the proposed dwelling. When viewed from the rear of 53 Eton Avenue it would be mainly screened by the approved new house to the adjoining site.

It is considered that the erection of a structure which is the equivalent of a single storey high above the existing boundary line would not impede the outlook of residents of number 102 Fellows Road and 53 Eton Avenue to an unacceptable extent.

Loss of Daylight and sunlight: The proposed building line would be below the 25 degree line subtended from the side windows of 102 Fellows Road and the side windows of the approved new house to the adjoining site and therefore no significant loss of daylight would be likely to occur.

Loss of privacy: The proposed house would not have any windows and openings directly facing to the habitable windows of the adjacent properties.

Transport

Car Free Housing:

The site is to the east of Finchley Road town-centre and has a Public Transport Accessibility Level (PTAL) of 5 (very good). There is no vehicular access to the site and none is proposed. King's College Road is listed in Camden's Planning Guidance as suffering from parking stress. Policy DP18 states that within this area because it is easily accessible by public transport all new residential development should be secured as car-free. The intent of the policy is to promote sustainable development, reducing the reliance on private motor vehicles. The proposed development will result in additional one residential unit on the site, in accordance with policies CS11, DP18 and DP19 this should be secured via S.106 agreement to prevent the future occupiers obtaining parking permits for roads that Camden are the highway authority for (i.e. roads within the CA-G, Camden Town Outer, CPZ).

Construction Management Plan:

The proposal involves the construction of a single dwelling house with a ground floor and double basement levels, therefore there would be a large number of construction vehicle movements. Given the narrow shape of the site, it is likely that vehicles would have to stop on King's College Road. A Construction Management Plan (CMP) is needed to manage the impact of construction on the local transport network.

A CMP outlines how construction work would be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption, avoiding dangerous situations and minimising the impact on local amenity. A CMP should cover both the demolition and construction phases of development. A CMP would need to be submitted and approved before any works start on site, and approval should be secured via a S.106 Agreement.

Associated works affecting the Highway:

In the event that there would be any damage to the footway adjacent to the site as a result of the construction works any damage would be required to be repaired. A financial contribution would be required to repave the footway adjacent to the site. This would be secured by s106 agreement.

Cycle Parking:

Policy DP18 also seeks to secure adequate cycle parking facilities for new residential development. Appendix 2 states that 1 storage space is required per residential unit. The street level plan shows the location of a timber cycle storage to store two bicycles in the front garden. Further detail of cycle storage could be conditioned.

Trees & Biodiversity

An arboricultural report has been provided. The report satisfactorily demonstrates that the proposed development would not be damaging to three Sycamore trees adjacent to the site (rear of 53 Eton Avenue). The site is divided from land at the rear of 53 and 51 Eton Avenue by a high brick boundary wall. The wall contains the growth of the group of three Sycamore trees which grow along this boundary. There is also a significant difference in levels on either side of the wall. The application site is about 1.6m lower than the base of the Sycamore trees. According to the Basement Impact Assessment the trial pits close to the Sycamore trees on the site did not reveal evidence of desiccation, which is most likely because the large trees on the adjoining site have their root balls starting from a level approximately 1.5m above the site.

On the basis above, the basement excavations for the proposed house would not impact on roots from these Sycamore trees. Overhang from these trees into the site is limited and does not conflict with the proposals. There are some shrubs along the boundary which would need to be cut back. This is not considered to be significant.

A small existing tree at the rear of the site is shown as being retained and protected. These details are considered to be satisfactory.

Additional planting is shown at the rear, suitable species would contribute to the biodiversity value of the site and would enhance the appearance and character of the conservation area. There would be a lawn section/green roof above the basement on the front garden and green walls adjacent to the south side boundary. No details of any planting, green walls and green roof are submitted with the application. In the event of an acceptable scheme coming forward these details would be sought by a condition.

The floor plans show the location of a water storage tank under the rear garden immediately adjacent to a Sycamore tree in the rear garden of 51 Eton Avenue. No details of the water tank have been submitted with the application. The arboricultural report does not make any reference to the water tank or assess its impact on this Sycamore tree. Therefore the proposal in the absence of assessment for the impact of the water tank on the adjacent Sycamore tree including details of water tank and tree protection measures could harm the long term health and amenity value of this tree.

Sustainability

Policy DP22 requires new buildings to meet Code for Sustainable Homes Level 3 by 2010 and Code Level 4 by 2013. The submitted Code for Sustainable Homes Pre-Assessment demonstrates how the proposal would achieve code level 4. The proposed development is expected to achieve 61.2% credit from energy, 83% credit from water, and 50% credit from materials. This would be achieved by:

- 25% improvement in dwelling emission through efficient building fabric and systems and incorporation of 25sqm of photovoltaics on the roof.
- Using water efficient fittings and appliances and harvesting of rainwater to flush WCs.
- Maximizing daylight access through large areas of glazing to the garden façade and skylights.
- Attenuation of rainwater runoff in an underground tank, for re-use in WCs and for garden irrigation.
- Cycle storage.
- Compliance with Lifetime Homes Standards.

The Code for Sustainable Assessment adequately illustrates that the proposal would meet the sub category standards of energy, water and materials and would be considered acceptable in terms of meeting policy DP22 and its implementation would be secured by S106 agreement.

Refuse and recycle storage

A bin store behind the cycle store would be provided in the front garden. The storage capacity of the bin store is not clear. Further details of refuse storage and management could be conditioned.

Conclusion

The proposed house would have excessive basement therefore the significant proportion of the house would provide poor living conditions for the future occupiers and the layout is contrived and the level of outlook, light and natural ventilation is unacceptable. The extent of the basement excavation is unacceptable and would prohibit planting on a significant proportion of the site in particular adjacent to the street, which would be harmful to the character and appearance of the conservation area. In the absence of details of underground water tank in the rear garden and an arboricultural report to assess its impact on the adjacent tree on the adjoining site (51 Eton Avenue) the proposal could harm the long term health and amenity value of this tree.

In the absence of a S106 agreement for car free housing, Construction Management Plan and associated highways works together with the implementation of sustainability measures to achieve targeted Code for Sustainable Homes Level the proposal would be contrary to the Council's sustainability strategy and sustainable transport measures.

Recommendation: Refuse permission.

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