

<b>Address:</b>	<b>Flat Basement And Ground Floor 97 South Hill Park London NW3 2SP</b>	
<b>Application Number:</b>	2010/6491/P	<b>Officer: Elizabeth Beaumont</b>
<b>Ward:</b>	Hampstead Town	
<b>Date Received:</b>	29/11/2010	
<b>Proposal: Erection of two storey side and rear extension to existing lower ground floor and ground floor level with re-grading of the rear garden, raising the front side path, new timber fence and associated alterations to lower ground and ground floor maisonette (Class C3).</b>		
<b>Drawing Numbers:</b> Site location plan; SH97A-EX-GA-02; SH97A-EX-GA-03; SH97A-EX-GA-04; SH97A-EX-GA-05; SH97A-EX-GA-06; SH97A-EX-GA-09A; SH97A-EX-10; SH97A-PL-01B; SH97A-PL-02B; SH97A-PL-04D; SH97A-PL-05C; SH97A-PL-06C; SH97A-PL-GA-11; ESI Hydrological Assessment Ref 60461R2; Response to planning issues document dated September 2011; Basement Impact Assessment; Site Investigation Report dated 24/05/2011; Structural Statement ref 4989/RF dated 30 March 2011.		
<b>RECOMMENDATION SUMMARY: Grant planning permission</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Paul Kanareck and Cherry Freeman Flat Basement And Ground Floor 97 South Hill Park London, NW3 2SP	Martin Evans Architects 18 Charlotte Road London EC2A 3PB	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		130m <sup>2</sup>
Proposed	C3 Dwelling House		214m <sup>2</sup>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette			1						
Proposed	Flat/Maisonette				1					

## OFFICERS' REPORT

**Reason for Referral to Committee:** The Director of Culture and Environment has referred the application for consideration after briefing members [Clause 3 (ix)].

## **1. SITE**

- 1.1 The site is located on the north east side of South Hill Park and the top of the looped road. The rear of the site backs on to the Heath, which is designated as public open space.
- 1.2 The site comprises a semi-detached three storey property with lower ground floor level subdivided into flats. This application concerns only the basement and ground floor maisonette. The garden of the property forms part of the 'Heath-Edge Gardens', designated private open space that comprises the gardens of properties adjacent to the southern margins of Hampstead Heath.
- 1.3 The building is not listed but is located within the South Hill Park Conservation Area and is identified as a positive contributor in the Conservation Area Statement. The surrounding area is predominantly residential in character, comprising buildings similar in nature to the application site building.

## **2. THE PROPOSAL**

### **Original**

- 2.1 Permission is sought for the erection of a two storey side extension at lower ground and ground floor level which wraps around part of the rear elevation of the host building. The extension would form additional accommodation for the maisonette flat.
- 2.2 The part of the extension which wraps around the rear elevation of the building would project into the rear garden by 4.7m and involves re-grading the rear garden. The extension would be exposed on all but one side. A patio area is proposed at garden level with a landscaped path to the rear of the garden. A green roof is proposed on the roof of the extension. The proposed materials comprise timber cladding, copper panelling, aluminium framed sliding doors and windows, and render along the lower ground floor level.
- 2.3 To clarify there is an existing lower ground floor level beneath the footprint of the entire building which accommodates existing living accommodation. The level is exposed along the front elevation with an existing light well, the entire side elevation and the majority of the rear. The proposal is to extend the building at this level and at ground floor level to the side and rear. This will involve excavation of an additional 1m from the existing lower ground floor level for the foundations. The proposal will involve the removal of 125m<sup>3</sup> of soil for the extension and the re-grading of the garden level.
- 2.4 Beyond the proposed rear extension at lower ground floor level there is a patio area leading to the rear garden. Above the proposed ground floor extension there is a green roof.

- 2.5 A new entrance is proposed to the side of the property with level access from street level involving the reconfiguration of the steps towards the front of the property and the erection of a timber fence on the boundary with no. 95.
- 2.6 This application is a resubmission following the withdrawal of a previous scheme (2010/3447/P) due to concerns with the depth of the side element of the extension. This element has been revised in the current scheme to be set back from the front elevation in line with the neighbouring extension.
- 2.7 During the course of the application more information has been provided by the applicant in respect of the proposed lower ground floor extension and the methodology during construction. This includes a BIA Screening Report with the involvement of Concept Engineering Consultants, ESI International and Richard Fryer BSC (Structural Engineer) and Danso Surveying Ltd, Land, Building and hydrological surveyors set out in accordance with CPG4 (in addition to the information already provided when this application was first submitted). Information was also submitted in response to the consultation response submission of behalf of neighbouring occupiers by First Steps and De Eldred Geotechnics Ltd (see adjoining occupiers consultation response section below for details). In addition a further statement by structural engineers Richard Fryer BSC (Structural Engineer) including an engineering solution and method statement has been submitted.

## **Revisions**

- 2.8 A number of revisions have been made during the course of the application including the reduction of the parapet height of the side extension, enlargement of the window to the rear to decrease the extension of timber cladding and a revision to the fenestration from the front extension. A green roof was also added to the ground floor side and rear extension. Subsequent revisions to the scheme included the removal of the storage element of the extension and the submission of additional supporting information in the form of a Basement Impact Assessment (BIA) and additional structural information.

## **3. RELEVANT HISTORY**

- 3.1 23/08/2004 – p.p. refused (2004/2601/P) for the erection of a rear extension at 3rd floor level.
- 3.2 13/04/2010 – p.p. refused (2010/1051/P) for the Erection of second floor rear extension and installation of two rooflights to front and side roofslopes to self-contained Flat A & B (C3).
- 3.3 22/09/2010 – planning application withdrawn (2010/3447/P) for the Erection of side and rear extension at basement and ground floor level with partial excavation of garden level and associated alterations including installation of rooflight and new windows and doors to basement and ground floor flat (Class C3).

## **4. CONSULTATIONS**

### **Statutory Consultees**

4.1 The Environment Agency has been formally consulted on the application and has commented as follows “We (The Environment Agency) have assessed this application and have no comments to make based on the information sent to us”.

4.2 **Heath and Hampstead Society** – Response received to initial consultation period - object for the following reasons;

- The design and architecture of the basement and rear extension are out of character with the rear aspect of these houses. The design has little or no relationship to other extension in the area, and is of mediocre architectural quality. (refer to 3-3.11)
- The hydrological report is of little value. It is not accompanied by any soil survey work and does not address the area known problems of ground and hydrological instability. Adjoining houses could be hazarded. (refer to 4-4.8)
- Proposal does not comply with policy DP27, which together with the Arup hydrological etc. report requires the developer to provide Camden with a Basement Impact Assessment (“BIA”). (refer to 4-4.8)
- The information must be appropriate to the scale of the development and the site. While this does not propose a substantial excavation, the immediate vicinity is a Conservation Area and is, in terms of groundwater and ground conditions, an extremely sensitive one with a record of secondary flooding and terrible damage to neighbouring property from uncontrolled basement excavation. The closest example of this is the current and ongoing damage to No 92 from the poorly controlled excavation at No 94 South Hill Park. Camden should therefore insist in this case that the four stages of a BIA are presented. (refer to 4-4.8)
- *Additional comments received on the 24/01/2011 – object as follows;*
- Issues are how and on what evidence the local authority can and should decide one what the appropriate level of site investigation is. The criteria must include the depth of excavation, whether it is within the footprint of the house, how much of the garden it extends below, the hydrological and geotechnical ground conditions, structural conditions of the property. A leading hydrologist has pointed out that the sort of groundwater conditions found on the site lead to ground instability and that on site boreholes are needed.
- The Council must insist that the applicant submits a formal case including all the information listed above to show whether the applicant can proceed,
- What legal power is given for the Council to rely on the Environmental Agency? What professional expertise do these agencies have?

*No response received to the amended scheme.*

4.3 Cllr Roberts & Cllr Knight object to the scheme for the following reasons;

- 97a South Hill Park is sited directly next to Hampstead Heath and immediately at the base of Kite Hill and directly behind the bench in the centre is the application site, Kit Hill also slopes from left to right therefore near surface and surface water hits the application site from both directions. A new drain interceptor and a very recently installed new drain which is situated under the blacktop line, to the left of the blacktop is a pebble filled soak away which has also been placed there to divert the near surface and surface water away from the rear of the properties in South

Hill Park and into Hampstead Heath Pond. There is a trench in which the near surface water and surface water is diverted. There is another land drain from which radiates porous aquifers which attempt to gather near surface water and again direct it into Hampstead Heath Pond 2. This drainage work is simple evidence of the amount of near surface water and surface water that exist in the area.

- The Architects report implies that this application is not a basement or a deep excavation, it most certainly is and should be the subject of a full and complete BIA and should contain a risk assessment of damage to neighbouring properties rather than the muddled attempt contained within the report.
- Concerned with the impact of the development on the structural stability of the neighbouring properties.
- the view through to the Heath is essential and must be retained extensive mention is made of there importance in the South Hill Park Conservation Area Statement we accept that 95 has a side extension but that was built in the 1920's this application would close the gap and clearly would not Enhance or Preserve the Conservation Area and would clearly contravene DP26 on overlooking.

### **Conservation Area Advisory Committee**

#### **4.4 South Hill Park CAAC – Object for the following reasons;**

- Loss of a view between the buildings resulting from the height of the proposed two storey extension and impact on views from the Heath. (refer to 3-3.11)

*No response received to the amended scheme.*

### **Local Groups**

#### **4.5 South End Green Residents Association – We note that this is a carefully considered scheme but has some negative issues that we wish to be addressed;**

- The language of the materials is garish and alien. The height of the two storey extension is excessive and the projection at lower ground floor level is excessive.
- There is concern of the digging into the garden. The Hydrological report is inappropriate. Boreholes must be taken from within the location demise of the actual application.
- It is regrettable to lose sight of the street-side glimpse of the Heath.

*No response received to the amended scheme.*

### **Adjoining Occupiers**

	<b>Original</b>	<b>R1</b>
<i>Number of letters sent</i>	11	34
<i>Total number of responses received</i>	15	11
<i>Number of electronic responses</i>	0	0
<i>Number in support</i>	5	2
<i>Number of objections</i>	10*	9

*\* The above figures do not include the petitions signed by a total of 66 people objecting to the application (see full details below).*

4.6 A press notice was published on 09/12/2010, expiring on 30/12/2010. A site notice was erected on 08/12/2010, expiring on 29/12/2010.

4.7 *A total of five letters of support were received from the occupiers at 89, 93, 101 and 103 South Hill Park, supporting the application for the following reasons;*

4.8 Design

- The visual impact is in keeping with surrounding properties. There are many other examples of side extensions. The resubmission is a considerable improvement to the previous scheme and takes into consideration previous concerns. The 'dead' area to the side of the property will be utilised in a much more clean and tidy way.
- Front door of the property is to be moved up to the ground floor level and a gate added at street level this is similar to what many properties have done for privacy and security.

4.9 Basement

- As the proposal involves minimal excavation (back garden area only) the environmental impacts are less than other local schemes. It is considered that the plan for excavation to the rear of the property is not a 'dig-out'.

4.10 Other issues

- The proposed development will provide a viable family unit by utilising dead space
- A petition that has been going round objecting to the planning application on the grounds was based on an incorrect assessment of the proposal. It would be unfair for such a petition to influence the outcome of the planning process since many of the signatories will not have reviewed the plans or even live near the property.

4.11 *A total of ten letters of objection from individual responses were received from the following addresses: 84, basement flat 95; 95A, 1<sup>st</sup> Floor Flat 97, Leaseholder 97, Leaseholder of 97A, Leaseholder of 2<sup>nd</sup> floor flat 97A; 99a, Freeholder of 99 South Hill Park and 19 South Hill Park Gardens. Additionally A summary of the issues raised are as follows:*

4.12 Design/ Impact on Conservation Area

- The proposal does not preserve or enhance the conservation area. Does not preserve the garden spaces or take into consideration the sensitive to location adjacent to the Heath and would not protect the views from or to the Heath.
- Overall design, appearance and materials to not match the style of the house or wider area. Languages of the new materials are garish and alien to the building and conservation area and result in an unattractive modern design.

4.13 Scale/Bulk

- Inappropriate increase in scale, bulk and floorspace.
- The development impacts on views from and the setting of the Heath.
- It will encroach on the open space.

#### 4.14 Amenity

- Loss of sunlight/daylight/outlook/privacy
- Noise from the terrace
- construction and vibrations from excavation - Structural changes would require upper flats to vacate during construction

#### 4.15 Hydrology/geology

- The basement is contrary to Camden's policy. The hydrological assessment does not calculate where the displaced water flows will go. No assessment of the local geotechnical conditions at the site. Report is based on historical boreholes wholly irrelevant to this location
- Concerned where the water currently in that area will go when the extension and foundations are built. Does not take into consideration the record of flooding in the area.
- First Step report states that the concern is the shallow water travelling within a metre or so below ground level. The near-surface hydrology is a feature that warrants greater detail. The excavation is not large by comparison to some but it is on a shill and will intersect near-surface water-bearing ground. Ground water and ground strength are no separate entities but are related.
- First Step report is concerned with the excavation into the hillside. There is in the order of a 3m change between the ground of the heath side of the garden.

#### 4.16 Structural issues

- Concerns with structural issues
- A Construction Management Plan is required given the scale of the works.
- First Step report states that the impact on the foundations of no. 95 is unaddressed.

#### 4.17 Other issues

- Blocking the side elevation will prevent emergency access
- Extension will allow people easy access to the floors above.

#### 4.18 In addition, two petitions were submitted with a total of 66 signatures objecting to the proposed development. The petition states the main concerns are;

- The basement will involve digging the footprint of the house into the garden and 3.5m below garden level.
- Concerns with subsidence and the impact on underground water flows in the area.
- The proposal backs onto the Heath. The extension will be clearly visible from the Heath and is contrary to Camden's Planning Guidance.

#### 4.19 Following an additional consultation period following revisions to the basement and the submission of a Basement Impact Assessment (BIA) an additional 21 day consultation period was undertaken. The following letters were received;

4.20 *2 letters of support from the 3<sup>rd</sup> floor flat of no. 97 – supporting the application as the development will tidy up an unsightly area at the side of the house and the condition of the overall property will be improved. The works will not prevent people from living in the building.*

4.21 *9 letters of objection from nos. 1, 9a, 77, 95, upper flat 97A, 96a, 1 x free holder of 99, 99a and 1 x no address given. Including 2 x reports commissioned by neighbours including Eldreds Report and First Steps Report. Additional issues raised;*

#### 4.22 Basement Impact Assessment

- Additional structural and geotechnical information is not of sufficient quality of detail.
- Issues of surface water and shallow groundwater flooring, Potential for shallow-slope instability, Lack of a report predicting ground response
- Both these houses are built on shallow foundations, so the issue of ground surface movement and water flow is critically important. The gardens become waterlogged in winter and there is a stream not 50m away. There is also a drainage ditch immediately outside the back of the house to catch the water flow from the Heath.
- There was flooding at 85 when a new basement was dug next door. Yet none of this is recorded and no surface water is examined by the new Basement Impact Survey. We are simply told conditions are good. So we still have no idea of the likely movement on the surface when excavations are made.
- The Eldred Report states that the architect's implies the extension is not two storeys and is not a basement extension which is untrue. It is stated that no part of the building will be lower than the water table. That cannot be said with any confidence. Groundwater monitoring records in the report started three weeks after the boreholes were made and a week later water levels had risen by at least 0.5m. Three weeks after excavation, a water level rise of this amount in one week in "London Clay" is significant and there is nothing about it to say that water levels would not continue to rise. The BIA process expects a preliminary walk over inspection of the site and its surrounding area, and a geological desk study to consider local instances of instability as well. There is no report of any such work in the application, or indeed of any consideration of geology at all in the stability context.
- The Eldred Report states that the BIA within the application is inadequate for the purposes of DP27 in that it disregards some potential risks for the proposed development that could affect its stability and have a secondary impact upon the stability of No.95. It also fails totally to consider the potential risks of instability and damage to No.95 that would exist as a direct consequence of the proposal in any meaningful way.

#### 4.23 Structural issues

- Agent states that the extension will not alter the structure of the existing property. But they are removing the major NE corner of the house which they will replace with a steel support. So four stories will now depend on a new support. The engineers report fails to show how they will address the underpinning of this. Yet it



is likely to have an effect on the neighbouring structures on both sides of the building.

- The Eldred Report states that there is no evidence in the application to confirm that the development will not significantly increase the differential depth of foundations relative to neighbouring properties. The excavation for the floor would extend almost to the base of the party wall footing and the footing's projection into No.97 would have to be removed to accommodate the new floor construction thickness. Apart from the Structural Engineer's sparing comment that steel beams would be used there is nothing in the application to show how it is intended to support the four storeys above when the northeast corner of No.97 is removed from the basement. The definition of significant differential foundation depth thus depends on particular circumstances. The BIA process requires that they be addressed sufficiently at planning stage to reassure all interested parties that they can and will be so controlled. Stating that the applicants' advisers have done it all before and so everything will be alright is not enough. Neither is it sufficient for the applicants to assume that neighbours need no meaningful engineering information about the scheme and its risk of harming their property until they are served with a party wall notice

#### 4.24 Other issues

- Building work will affect the health of neighbouring occupiers
- Revisions do not address initial objections
- The applicants now claim that this is not a 'basement' development

#### 4.25 *A letter was also submitted by the applicant from Tim Chapman, Director of ARUP (led the ARUP team that designed the guide for the BIA process for the Council) dated 18/10/2011 commenting on the proposal as follows –*

- Confirm that the BIA has been reviewed.
- Consider that the site is very marginal in requiring a BIA, given that it is essential any above ground extension with some re-grading of the slope in the garden, and retaining soil effectively on only one of its faces.
- Consider that the extent of proposed development is very minor compared to the scale of issues that the BIA process was intended to expose.
- Consider the proposed development is highly unlikely to have any effects on the surface or subterranean hydrological flows.
- Provided that it is properly built, it should not create any structural effects on neighbouring properties.
- Once completed it should have no detrimental effect on the stability of any slope.

## 5. **POLICIES**

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

#### Core Strategy

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 & encouraging biodiversity)

Development Policies

DP20 (Movement of goods and materials)

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)

**5.2 Supplementary Planning Policies**

Camden Planning Guidance 2011

South Hill Park Conservation Area Statement

**6. ASSESSMENT**

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

- Land use
- Design – scale, bulk and detailed design
- Basement Issues
- Impact on neighbouring amenity
- Impact on open space
- Transport issues

Land use

6.2 The rear gardens of the properties along this side of South Hill Park are on the edge of the Heath and designated as Private Open Space. LDF Policy CS15 seeks to protect areas of designated open space, and states that the Council will not grant planning permission for the development of public or private open space unless it is for development ancillary to a use taking place on the land for which there is a demonstrable need that cannot be reasonably satisfied elsewhere; furthermore, development should be small in scale and not detract from the wholeness, appearance or setting, or harm public enjoyment of the open space.

6.3 In this instance the proposals involve a two side and rear extension which in the context of the building as a whole is considered to be reasonably related in scale. Furthermore it would be ancillary to an existing residential use on the site and, given its location at basement and ground floor level will not impact on the open character of the heath. It is acknowledged that the top of the extension would be visible from the Heath to the rear however it is considered that given the limited visibility of the extension the addition would not harm the appearance or setting of the neighbouring open space.

6.4 In addition a significantly sized rear garden (22m in length and between 2.8m (between boundary wall and the extension) and 11m in width, with the other 15m in length closest to the rear elevation of the extension) when compared with the

existing garden 251sqm in total (22m in length and between 8.55m and 13m in width). The existing garden has 65.8sqmsqm of hard landscaping (including side yard) with 185sqm of soft. Given the proposed inclusion of the green roof the proposed areas of hard landscaping will be reduced to 44.5sqm with an increase in soft landscaping to 206sqm. The reduction in size of the soft landscaped garden is therefore 4.25m in length and 7.55m in width, which would leave over half the area of the garden unaffected. Therefore the proposed works are considered to comply with the requirements of this policy.

#### Side extension

- 6.5 In accordance with Camden Planning Guidance (CPG) 2011 the height of the side extension is set below the level of the front porch and is set back from the front building line, in line with the existing two storey extension at no. 95. From the front elevation the extension will appear as a single storey addition. In the context of the four storey pairs of buildings the two storey extension is considered subordinate to the host building in terms of bulk and scale. The extension would be no higher than the ground floor level of the property. The front parapet wall of the extension will be set slightly below the neighbouring extension in order to replicate the variation in levels between the two properties. The height of the remainder of the extension would be set lower than this parapet wall. The front elevation of the side extension will be constructed from brick to match the existing building with a timber framed window which replicates the shape of the existing fenestration on the neighbouring extension. It is considered that these materials are appropriate and would not detract from the character and appearance of the host building or the wider conservation area.
- 6.6 The proposal would infill part of the gap between the building and the side extension to the neighbouring building at ground floor level. This gap allows a glimpse view through to the rear garden of the application and to the large trees in the Heath to the rear. This extent of this view has already been reduced by the extension to no. 95. This view is restricted to a short section of South Hill Park directly outside the property due to the flank walls of the buildings and the existing two storey side extension at no. 95. The Conservation Area Statement specifies that 'there are many incidental and panoramic views into the Conservation Area' and that 'generally two storey extensions will not be acceptable'. CPG 2011 specifies that side extensions should be designed to retain gaps between buildings above ground floor levels. The extension would be no higher than ground floor level in accordance with these guidelines. It is considered that the prominent element of the view is the trees from the Heath rather than the bush at the bottom of the garden of the application site. The resulting view would retain the visibility of the large trees above ground floor level ensuring the position and relationship between South Hill Park and the Heath is maintained.
- 6.7 It is therefore considered that due to the limited 'glimpse' view through from street level and as views above ground floor level would be retained it is considered that the loss of the ground floor section of the view through the Heath would not harm the character and appearance of the wider conservation area. It is considered that as views above ground floor level would be retained allowing the presence of the

Heath to be appreciated the impact of the addition would not be sufficient to sustain a reason for refusal on these grounds.

### Rear Extension

- 6.8 The side extension would wrap around the corner of the building across half of the rear elevation of the host building. The Conservation Area Statement specifies that 'the acceptability of larger extensions depends on the particular site and circumstances. In this case the extension would be no higher than ground floor level, set below the height of the first floor window and would mirror the pattern of a number of rear extensions within the street. The CPG 2011 states that the width of rear extensions should respect the design of the original building. The proposed lower ground floor extension would have a curved exposed elevation which slopes to meet the garden level. The garden would be landscaped to slope up towards the new extension. It is considered that as the extension is set down at lower ground and ground floor level it would not dominate the original building in terms of scale or bulk. The scale of the extension was amended during the course of the application to reduce the bulk of the addition. In the context of the large rear garden and the scale of the host building the proposed two storey extension is considered to be appropriate. The proposal would retain a reasonable sized garden in accordance with the CPG 2011.
- 6.9 The proposed materials for the rear extension comprise timber cladding, a copper panel above the aluminium framed sliding doors along the rear elevation and windows on the side elevation at ground floor level. The proposal was revised during the course of the application in order to increase the scale of the glazing across the rear and side elevation which reduces the visual bulk of the addition. The prevalence of glazing within the structure creates the appearance of a more lightweight structure. The use of natural materials with timber panelling is considered appropriate in the context of the proximity to the Heath. The exposed lower ground elevation would be constructed from rendered brick and aluminium windows with a copper surround. It is acknowledged that these materials would not directly relate to the host building but allow the addition to be read as a contemporary addition. It is considered that as the extension would be set at basement level the proposed materials would be appropriate and not detract from the character and appearance of the host building.
- 6.10 The extension is set apart from the host building as a contemporary addition which would not detract from the character and appearance of the host building or the wider area. The rear extension is considered to be a modern contemporary addition which raises no specific design concerns, being subordinate to the building and preserving the character and appearance of the host building. In order to ensure the detailed design of the extension is of a high standard a condition is recommended requiring the submission of details of all the proposed materials and fenestration.
- 6.11 The rear of the application site backs onto the Heath. From the Heath itself it is considered that only the top of the extension would be readily visible; this would increase further away from the site given the sloped ground level. The visibility of the lower ground floor level would be limited due to the existing boundary fence. It

is considered that given the limited visibility of the extension and as the extension would be similar in depth to the existing neighbouring extension at no. 95, the impact of the proposal on the views from the Heath would be limited.

- 6.12 The gap between the application site and its neighbour, no. 95 allows a view from the Heath towards the property on the other side of the street. Given the existing side extension at no. 95 this view is predominantly above ground floor level. It is considered that height of the proposed extension the existing view would not be substantially altered and would retain a gap above ground floor level.
- 6.13 The proposed metal railings along the rear of the terrace at ground floor level are considered acceptable and would not detract from the appearance of the host building.
- 6.14 A condition is recommended to require the submission of details of the proposed hard and soft landscaping in the rear garden to ensure the use of permeable hard-landscaping for any new paving around the new structure to ensure the proposal the external space is completed to a high standard which respects the character and appearance of the conservation area.

### **Basement issues**

- 6.15 As outlined previously the proposed scheme seeks to extend an existing lower ground floor level to provide additional useable residential accommodation. It is important to first note that there is an existing basement level which is predominately exposed on all elevations so the proposed scheme is not for the excavation of an entirely new basement level; instead it is seeking to excavate foundations for the proposed extensions and removal soil from the existing garden level to allow the extension into the garden.
- 6.16 Given the concerns raised with the proposal and the initial desk-top study the applicant has provided more information in respect of the implications of the basement during the course of the application. This included a Basement Impact Assessment (BIA) prepared with the involvement of Concept Engineering Consultants, ESI International and Richard Fryer BSC (Structural Engineer) and Danso Surveying Ltd, Land, Building and hydrological surveyors, in addition to the Desk-top Report prepared by ESI. The Site Investigation Report was based on two no hand augured boreholes to a maximum depth of 5m, three no hand excavated trial pits to a maximum depth of 0.65m, geotechnical and chemical laboratory testing and groundwater monitoring.
- 6.17 In terms of groundwork investigations, fieldwork was carried out on the 14<sup>th</sup> April 2011 with two boreholes (one to the side and one to the rear of the property) and also three hand excavated trial pits (to the side of the property). The investigation confirmed that the site is underlain by a stiff London Clay. No groundwater was recorded during drilling (i.e. the borehole was dry). Water that had been later found was due to pore water pressures. As the extension will involve the excavation of 1m to the side and to the rear removal of 2.5m of soil, with a further 1m excavation. On this basis, it is considered that the proposed basement can be constructed without a detrimental effect to the groundwater regime. To mitigate any shallow

groundwater a land drain will be run around the extension which will run off to an existing yard gulley.

- 6.18 In terms of slope stability, alongside the ground investigation for subterranean flow information was collected showing the composition of the land. It was seen that the site is underlain by London Clay. The boundary between claygate beds and the London clay is located approximately 100m to the north east of the site. The contact lies along the +90m AOD contour which is at least 5m above the ground surface of the site. The ground investigation has confirmed that Claygate Beds are not present at this site. The deep chalk aquifer is noted to be at approximately 110m below the base of the site. London Clay is a highly plastic clay of low permeability. The information provided shows the slope at the site to be between no more than 6 degrees, within the 10 degree “safe” slope angle outlined in the BIA. Given the ground conditions encountered, the lower permeability and that subterranean flows are not encountered with the slope at the site it is considered that the applicant has demonstrated sufficiently that the stability of the soil will ensure that the structural stability of adjoining properties will not be put at significant risk as a result of the proposals.
- 6.19 A Structural Engineer provided a report to assess the lower ground floor extension. The proposal will involve the partial removal of a loading bearing structure to the rear, the insertion of new steel beams in order to support the retained structure above. No underpinning of the property is proposed as the internal floor levels are not being lowered and it is only the external levels which are being lowered to match the existing lower ground floor level.
- 6.20 In terms of surface flow and flooding, the applicant has confirmed that surface water flows will not be materially changed from the existing route and the green roof will result in a small reduction in run-off and improve the flood storage capacity of the Hampstead Pond chains. The proposal results in an increase in soft landscaping from approximately 185sqm to 206sqm. Furthermore the development will not result in a change on the proportion of hard surfaces or paved area in comparison to the existing situation. The use of a green roof on the side extension will improve the existing situation given the hard landscaping. The proposed construction of the green roof will cause an approximate 0.00017% reduction in runoff to the Hampstead Ponds catchment. The consequence of the green roof is that short rainfall events will no longer produce any runoff. The proposed development is going to lead to lower flows overall and an increase in the amount of green space will lead to a small additional amount of flood storage and any water that reaches the pond chains is likely to be of an improved water quality due to the green roof.
- 6.21 South Hill Park is not listed as an “area(s) with higher flood risk” within policy DP23. The street suffered flooding as a consequence of torrential rainstorms in 2002 however the site is located at one of the highest points of the hill and the development would not detrimentally impact surface water flows.
- 6.22 In overall terms it is now considered that sufficient information has now been submitted by the applicant, including the additional information submitted during the course of the application, to demonstrate that the proposed development would be

unlikely to cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. However, given the particular context of the application (with there being separate flats within the same building and No. 97 being a pair with No. 99) it is considered necessary in this instance to add a condition denoting that details of the chartered engineer to supervise the construction works throughout their duration has been provided in writing to the Council prior to the commencement of development. The condition will also specify that any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works. This will also seek to protect the residential amenity of neighbouring and nearby occupiers.

#### Impact on amenity of neighbouring occupiers

- 6.23 Concerns have been raised with the proposed terrace and walkway above the basement extension and potential overlooking to the garden and conservatory of no. 95. The garden level of no. 95 is set below the level of the garden of the application site. The proposed patio area projecting beyond the ground floor extension would only be marginally higher than the existing garden level. The walkway would then slope down to the existing garden level. It is therefore considered that this element of the proposal would not have a detrimental impact on the levels of overlooking or privacy of the neighbouring occupier in comparison to the existing situation.
- 6.24 The two storey element of the extension would not project any further than the neighbouring raised conservatory extension. The neighbouring conservatory at no. 95 has a partly glazed side elevation which would be blocked by the proposed extension. Although this part of the conservatory would be obscured by the extension the remainder of the glazed structure would be unaffected, therefore it is considered that that the extension not would result a detrimental loss of sunlight/daylight in comparison to the existing situation.
- 6.25 Concerns were raised with the possible loss of sunlight/daylight to the conservatory at basement level on the neighbouring property at no. 99 and possible overlooking and loss of privacy. Given the distance of the extension away from the boundary with no. 99 it is considered that the proposed extension would not have any significant detrimental impact on the levels of sunlight/daylight in comparison to the existing situation. The windows on the side elevation of the extension would be positioned above the height of the lower ground floor conservatory extension at no. 95. It is considered that any views into the conservatory would be extremely limited with oblique views through the roof of the glazed addition. It is considered that the addition would not harm the amenity of these occupiers.
- 6.26 Concerns were raised with the impact of the extension on views from the conservatory at no. 95. The planning system cannot protect views from individual private properties, but it can take into account outlook in terms of the effect of buildings that have an overbearing appearance or impact on neighbouring properties. Given that the remainder of the conservatory is glazed it is considered that the extension would not unduly enclosure or restricts the outlook of the neighbouring residents.

- 6.27 The occupants of the neighbouring basement flat at no. 95 raised concerns with the raised level of the footpath to the front of the property and the timber boundary fence in terms of loss of sunlight/daylight and overlooking. The window on the side elevation of the neighbouring building serves a kitchen. It is considered that the current levels of sunlight/daylight would already be affected by the flank wall of no. 97. It is therefore considered that the addition of the timber fence would not detrimentally reduce the levels of sunlight/daylight in comparison to the existing situation. The existing outlook from this window is towards the flank wall of the neighbouring property and the existing boundary wall. The proposed outlook would be towards the timber fence and the existing boundary wall with the flank wall behind. It is therefore considered that the impact on outlook would not be significantly detrimental in comparison to the existing situation.

### **Construction Management Plan**

- 6.28 Owing to the domestic scale and kind of development, in addition to the likely method of construction, a Construction Management Plan (CMP) is not considered necessary in order to mitigate any adverse impacts on the highway network or neighbouring occupiers during construction. Any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as to not adversely affecting the safety or operation of the public highway. The conditions noted above regarding the drainage plan will assist in mitigating potential impacts for the neighbours and the local area.

### **Trees**

- 6.29 There are no trees within the close proximity to the site that would be detrimentally affected by the proposed extension or the removal of the soil within the garden.

### **Crime/Safety**

- 6.30 Concerns have been raised with the impact of the extension on the security of the upper flats. Access to the upper floors would require any potential burglars to scale the ground floor level of the extension. It is therefore considered that the proposed would not have a detrimental impact on the levels of or perceptions of crime in comparison to the existing situation.

## **7. CONCLUSION**

- 7.1 The proposed development seeks to create additional residential accommodation to the existing lower ground floor level part of the maisonette at lower ground and basement floor level. This involves an extension to the side and rear involving excavating 1m to form foundations and the removal of approximately 125m<sup>3</sup> of soil from the rear garden. Sufficient information has been submitted with respect of the basement excavation by the applicant to demonstrate that it could be constructed without significant harm to the built and natural environment and neighbouring residents. It is considered that the extensions would not impact on the open



character of the heath and are satisfactory in respect of design/conservation area considerations.

**8. LEGAL COMMENTS**

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