

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>10/10/2011</b>
		N/A		<b>Consultation Expiry Date:</b>	15/09/2011
<b>Officer</b>			<b>Application Number(s)</b>		
Jennifer Walsh			2011/4019/P 2011/4021/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
5 Belsize Lane London NW3 5AD			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Erection of a lower ground floor level curved, glazed extension attached to a new two-storey plus semi-basement side extension (following demolition of the existing ground and first floor side extension), alterations front elevation including changes to convert the garage into living space and the insertion of two windows to replace the existing garage door to existing dwelling house (Class C3).					
<b>Recommendation:</b>		Grant Planning Permission subject to a section 106 agreement Grant Listed Building Consent			
<b>Application Type:</b>		Householder Application Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	04	No. of responses	07	No. of objections	06
			No. Electronic	00		
Summary of consultation responses:	<b>9 Belsize Court objects to the application on the following grounds:</b> <ul style="list-style-type: none"><li>- The proposed extension is considerably larger than the extension it will replace;</li><li>- There is a possibility that the proposed extension would be larger than the building for which permission is being sought;</li><li>- The garage is already larger than what was approved and the boundary wall is already higher;</li><li>- The proposed extension threatens the integrity of an important listed building;</li></ul> <i>(Officers response: Please refer to section 3.0)</i>					
	<b>9 Belsize Lane objects to the proposal on the following grounds:</b> <ul style="list-style-type: none"><li>- They have already suffered three years of noise and disturbance from the constant building works;</li><li>- They were not informed about the application;</li><li>- Ground stability and flooding;</li><li>- The street is already known for the large quantities of water which rush downhill after it rains; This suggest that the ground conditions need to be properly investigated for the suitability of any basement or semi basement excavations;</li><li>- There is no proper data supplied with the application about ground and soil conditions;</li><li>- They are worried about ground changes due to excavations which may impact on their house;</li><li>- The owner has previously gone against Listed Building consent and removed listed features from his Grade II House;</li><li>- The owner has built a garage which is larger and higher than the approved application which appears to be a living room with a bathroom with a glazed front and appears not to be intended for Car use.</li></ul> <i>(Officers response: Please refer to section 3.0. This application does not involve a full basement. The existing land level is to be lowered by approx 1.3m to level of the existing situation and therefore it is not considered that the ground and soil conditions need to be examined within this proposal. In relation to the existing built garage, such an issue has been passed to our enforcement team).</i>					
	<b>2 Perceval Avenue objects to the application on the following grounds:</b> <ul style="list-style-type: none"><li>- This is the third extension to this already large property and seems excessive in relation to the original building and grounds, especially now a large free standing garage has been built;</li><li>- Whilst the existing old garage is not particularly attractive it does none the less allow a clear "reading" of the original house. The proposed mock Gothic building will confuse the reading. However that being said, we would not object to it being rebuilt on the same foot print. The application is for it to be wider, higher and with a semi basement;</li><li>- The application for a semi basement and large glass extension seems excessive in bulk and out of keeping with a Conservation area and the host building.</li><li>- Scant regard has been paid to Planning and Listed Building permissions in the past and this is likely to happen again. This has occurred with each and every extension or new addition to date;</li><li>- The most extreme violation required an Enforcement Order in December 2007. (Ref EN07/0921) when nearly all the original features were illegally removed. Unfortunately even with Camden's subsequent interest in this matter a listed building was gutted. Whilst this may be deemed "history" in relation to this particular applicant it demonstrates a worrying pattern;</li><li>- The "conservatory" REF 2008/0123P was built contrary to Planning Permission and broke a Party Wall agreement. Retrospective permission was granted presumably as the financial implications for Camden to do otherwise were too great;</li><li>- The new garage recently completed is in clear Contravention of Planning granted. It is higher with a different profile and extra internal floor and two velux windows in the roof that are not on any plans. There is also probably a "change of use" issue. We hope that this blatant contravention is being looked into.</li><li>- Although we have been advised that the extreme noise and disruption suffered by all the neighbours for over three years is not a Planning issue we believe that there should be an</li></ul>					

equitable balance between building development and the legal concept of a resident's right to the "quiet enjoyment" of their property;

**4 Perceval Avenue objects to the application on the following grounds:**

- The proposal is for the "erection of a semi-basement...." yet on looking at the plans there is reference made to a 'Rooflight with pond over new basement below' although no detailed sectional drawing is provided for this. In fact it is rather carefully avoided.
- They are concerned that a much more extensive basement is envisaged than the plans allude to, especially as they have seen major drilling and pile-driving works going on there. - A full basement has implications for land stability and drainage as well as vastly increasing the amount of excavation, general building and noise.
- As neighbours, they have already experienced approximately three years of noise and disruption due to building works at this particular property and we feel it is unreasonable to endure further disturbance, during another major building operation. Is the council prepared to take such concerns into consideration?

*(Officers response: Please refer to section 3.0. This application does not involve a full basement. The existing land level is to be lowered by approx 1.3m to level of the existing situation and therefore it is not considered that the ground and soil conditions need to be examined within this proposal).*

**17 Belsize Lane objects to the application on the following grounds:**

- They are extremely concerned about the implications this new application might have for geotechnical and hydrological conditions for all the houses on Belsize Lane to the south and downhill of Hunters Lodge;
- The immediate area is close to the Claygate/B and D layer boundary, so it is extremely unsuitable for basements and requires serious and intensive surveying for springs and also unstable ground. A tributary of the Tyburn River is also known to run underground nearby. Percival Avenue, immediately parallel to this section of Belsize Lane is known to have a lot of subsidence caused by basement work in the area. Camden should insist that a full BIA (Basement Impact Assessment) is made.
- This planning application also claims they are to have a ground source heat pump: the space and depth required for its installation will further impact on ground conditions.
- The existing topography of this section of Belsize Lane is that after heavy rains, extra surface water surges downhill to Ornan Road. Several of the houses in Ornan Road have been flooded in the past, and Ornan Rd itself is listed officially as being subject to flooding;
- Previously the same applicant flouted Listed Building rules and ripped out protected features from Hunters Lodge. Camden Planning had to take out an Enforcement Order (case no REF EN07/0921) and the owners were cautioned in line with the code contained in the Criminal Evidence Act 1984;
- He refused to comply with a Party Wall agreement and built something that was at variance with the agreement;

*(Officers response: Please refer to section 3.0. This application does not involve a full basement. The existing land level is to be lowered by approx 1.3m to level of the existing situation and therefore it is not considered that the ground and soil conditions need to be examined within this proposal. Party wall agreements are a Civil Matter and are controlled under the Party Wall Act 1996 and are not a material planning consideration in this instance).*

**Another neighbour for whom no address was given endorses the objection made by 17 Belsize Lane.**

**Flat 3, 26 Belsize Lane supports the proposal on the following grounds:**

- They state that the new gable on the rebuilt west addition will interfere with their outlook – and that the new flat roof and roof glazing of the family garden room will be visible from their windows - but these have been designed with such sensitivity both for Hunters Lodge and the surrounding area, that these matters are minor and are not detrimental in any way - rather the opposite.
- In addition, they are aware that the part of the proposal scheme at garden level, i.e. about 2m lower than footway level - has been described as a 'deep' basement and has caused great concern. This is a semi-basement and is at garden (i.e. grade) level on the south side. The drawing refers to a pool/spa in the deck area, and our understanding is that this is an open-air 'hot tub', and not a rooflight to a future basement.
- They fully support this proposal, as being fully appropriate for this listed building and the local conservation area.

**CAAC/Local groups  
comments:**

**Fitzjohns and Netherhall CAAC have no objection to the proposal.**

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

- The strategy adopted by this applicant, making a large number of applications for various additions and alterations to this extraordinarily important listed house, spaced out over a period of several years, verges on the devious.
  - Decisions have had to be made piecemeal, without a proper assessment of their effect on the architecture and character of the house. This process has been damaging, and now presents great difficulties in assessing these proposals.
  - The arguments now presented for the substantial extent of demolition and its replacement by a larger extension are persuasive; nevertheless, the overall architectural composition would be greatly changed, for the worse, when taken into account with the earlier extensions.
  - The half-basement glazed conservatory would also be grossly out of character with the house; it is noteworthy that this is hardly mentioned in the Heritage Assessment. Its huge areas of glass, and curved plan form, would be incongruous, and very damaging to the architecture. This feature alone justifies refusal. It also incorporates a part-basement, for which no Basement Impact Assessment is presented.
  - They are very unhappy with this proposal for this key listed building, perhaps the most iconic in our Conservation Area, and call for refusal.
- (Officers response: Please refer to section 3.0. This application does not involve a full basement. The existing land level is to be lowered by approx 1.3m to level of the existing situation and therefore it is not considered that the ground and soil conditions need to be examined within this proposal).*

**English Heritage commented on the application as follows:**

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

## Site Description

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

## Relevant History

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

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

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

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

## Relevant policies

### LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP21 (Development connecting to the highway network)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

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

DP27 (Basements and lightwells)

**Camden Planning Guidance 2011**

**Fitzjohns/Netherhall Conservation Area Statement**

## Assessment

### 1.0 Proposal

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

1.2 Revisions have been received throughout the process of the application, to set the proposed roof back to a shallow pitched form (similar to that of the east wing) to minimise its impact from the street. The application also previously included drawings which showed works to the existing boundary wall. Such a drawing has since been removed and this application does not involve any proposals to the existing boundary wall which fronts Belsize Lane.

1.3 There have been a number of concerns about previous planning applications which have been built contrary to the planning permission which has been given. In response to such matters, the Council's Enforcement Team have been altered to such facts and an enforcement file has been opened on the property.

### 2.0 Main Considerations

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

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

3.1 The first element of the scheme is the demolition of the existing west wing to the building. This is a rendered structure with an unsympathetic garage and horizontal casement windows on all of the facades. According to the supporting documents this structure dates from 1928. An internal inspection of this part of the building revealed nothing of historic or architectural interest and therefore it is considered that in respect to the impact on the listed building as well as the wider conservation area, there is no objection in principle to its demolition (irrespective of the replacement building).

3.2 The replacement side wing proposed covers a slightly larger footprint to that what is existing and incorporates a gable facing onto the garden. The proposal is to be approx 6.8m in width x 6.7m in depth x 11.1m in height (measured from its highest point). Due to its location on a corner the extension would be clearly visible from Belsize Lane. Although the footprint is slightly larger than the existing it is considered to be of a scale that it would still be considered subservient to the host building. In terms of its width it is approximately half the width of the original building and is set back behind of the line of the three bowed bays and would be seen as very much subservient when viewed from the rear of the property. Architectural embellishments and detailing have been kept to a minimum to reinforce this subservience whilst maintaining a connection with the host Listed building. Such an architectural approach is considered acceptable.

3.3 Whilst a gable was previously incorporated into the design on the garden elevation to provide a link with the verticality of the turrets of the host building and to mirror the detailing on the east wing (which dates from the late 19th century) it was considered to be detrimental on the appearance of the building from the conservation area. In views from the Belsize Lane the roof would have appeared as a steep mansard which is entirely incongruous on the building. On the rest of the building on the street frontage the parapet is seen as the terminating feature with little or no roof appearing above. Therefore revisions have been sought, to reduce the proposed roof significantly to a shallow pitched form which is coherent to the rest of the building, especially that of the east wing. It is therefore considered that as the pitched form has been pushed back to the middle of the proposed roof line the built form would be read in conjunction with the main house and would not be read as a detrimental addition to the listed building.

3.4 A single storey, predominantly glazed extension is proposed at the western end of the site. This would be curved, following the boundary wall and from the street, it is not considered to have an impact as it would be set below the height of the existing boundary wall. The main issue is therefore the impact in views from the garden on the Listed Building.

3.5 This glazed extension has been designed as a clearly modern addition in terms of its scale, form and materials. As it is only a single storey in height, a lightweight design and positioned peripherally from the original building would clearly be distinct and subservient to the grandeur of the host building. It will be seen as an ancillary structure to the enjoyment of

the garden rather than a structure which competes with the host building. Although a conservatory was refused at the eastern end of the site in 2011 it had a much greater impact on the listed building as if projected out into the garden at a right angle from the building and competed with the three bowed bays of the original building. In contrast the proposed glazed garden room runs away from the building at the wider western end of the garden where its impact in relation to the original building and the sense of openness is lesser. The dominance is also reduced through the proposals to set the building down by 1m so to line up internally with the existing lower ground floor level. Setting the proposal lower than the garden level reduces the dominance of the proposal and creates a room which is read as a separate, modern addition. Therefore, whilst it is a modern design it is not considered that the proposal competes or detracts from the integrity of the listed building and therefore, it is considered acceptable in design terms.

3.6 In relation to internal alterations proposed for the property, these are considered to be rather minor and just relate to the remodelling an existing modern ensuite bathroom, as well as re-opening doorways into the new west wing (which are currently blocked). As such alterations are minor in form, and do not interrupt any architectural features, no objection is raised to such works.

3.7 Much concern has been raised in relation to a proposed basement included within this application. Whilst a Hydrogeological Assessment Summary has been submitted a full Basement Impact Assessment has not been submitted. However, it is considered that due to the different levels of the land, the application seeks to excavate to a depth of 1.3m, lower than the existing foundations of the 1928's extension to meet the depth of the existing semi basement level of the main dwelling house. As there is an existing semi basement level and due to the size of the proposed excavation, the proposed operation is considered to be relatively minor. It is therefore not considered that an additional depth of 1.3m to be in line with the existing land levels of the property would constitute in a 'basement' development and therefore a BIA is not required in this instance. Concerns regarding issues of structural stability has been addressed through the submitted report by JD Consultants Limited and will be taken into account by Building Control when checking the design and construction under the Building Regulations 2000, under which permission would only be granted when deemed acceptable in this regard. It is noted that an informative will be placed the decision indicating the need to comply with the Building Regulations and the Party Wall Act 1996.

#### **4.0 Impact on the amenity of neighbours and occupiers**

4.1 Whilst it is accepted that the footprint of the proposed two storey extension is to be larger than the existing side element of the property which is to be rebuilt, it is not considered that the additional height and width would have a detrimental impact on the neighbouring properties due to the site location. The application site is situated on the corner of Belsize Lane. The neighbouring properties to the north of the site are located across the other side of Belsize Lane 21m away, and the neighbouring property to the south of the site is located approx 16m away. It is therefore not considered that the proposed extension and alterations would have a detrimental impact, in terms of amenity on the neighbouring properties.

4.2 In relation to the proposed garden room extension, it is not considered that this element of the scheme would have a negative impact on the amenity of the neighbouring properties as it is to sit below the existing boundary wall and not project any higher than the wall. It is also considered to be set well within the site and would not impact on the sunlight and daylight of the neighbouring properties.

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

#### **5.0 Impact on highways network and traffic**

5.1 In relation to the transport implications which are associated to the site, the property benefits from planning permission 2010/5631/P for a garage to replace a former garage in the south west corner of the site. The existing garage which forms part of the eastern extension is proposed to be converted to habitable rooms. The new garage makes use of an existing crossover and has been built in this location. As the proposal includes the demolition and rebuild of the existing side extension and converting the existing garage into habitable accommodation, the existing crossover will be redundant to the front of the property. The applicant is required to cover the cost of reinstating the footway to the north of the house once the garage has been removed. The contribution in respect to such works include a sum of **£2,239**. This should be secured by means of a Section 106 Agreement.

5.2 The proposed development involves considerable demolition and construction work. The site is located at the junction of Belsize Lane of which experiences traffic congestion at peak times and may present difficulties of approach for larger construction vehicles. The works proposed require considerable demolition in relation to the works proposed and included within this application. DP20 in particular seeks to minimise such effects on local amenity while DP21 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. The factors relating to this application means that a Construction Management Plan (CMP) would need to be secured by S.106 legal agreement in order to minimise the impact on the transport network and local amenity. Amongst other details the CMP will need to provide details of the size of vehicles, their expected numbers and regularity etc, for agreement by

the Council. The applicant is therefore required to provide a Construction Management Plan, which should also be secured via the S106 Agreement.

## **6.0 Impact on trees on the application site**

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

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

**Recommendation: Grant Listed Building Consent and Grant Planning Permission subject to a section 106 agreement with the following heads of terms:**

- ***Construction Management Plan***
- ***Financial contribution to repave the existing cross over for a sum of £2,239***