



Appeal Decision

Site visit made on 27 October 2011

by **D R Cullingford BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 November 2011

Appeal Refs: APP/X5210/D/11/2161462

60 Regents Park Road, London, NW1 7SX

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mr J Morris against the decision of the Camden London Borough Council.
 - The application (ref: 2011/1242/P and dated 21 February 2011) was refused by notice dated 4 July 2011.
 - The development is described as the 'erection of rear extension at lower ground, ground, first and second floor levels including extension of rear roof slope and installation of three roof-lights to rear, enlargement of existing side extension at lower ground and ground floor levels and excavation to create a basement floor under rear garden of dwelling (Class C3)'.
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Decision

1. For the reasons given below, I allow this appeal and grant planning permission for the erection of a rear extension at lower ground, ground, first and second floor levels, including an extension of the rear roof slope and the installation of 3 roof-lights to the rear, enlargement of an existing side extension at lower ground and ground floor levels and the excavation to create a basement floor under the rear garden of the dwelling (Class C3) at 60 Regents Park Road, London in accordance with the terms of the application (ref: 2011/1242/P) dated 21 February 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans prefixed by 1849/ and numbered PE-101; PE-101A; PP-101; PP-102; PP-103; PP-104 or PP-104B; PS-101; PS-102; PS-103; ES-101; ES-102; EE-101; EP-101; EP-102; EP-103; AE-101; AP-102; AS-102; and with the details and measures submitted in the documents entitled the 'Structural Design and Philosophy', the 'Contractors Method Statement and Credentials' and the 'Phase 1 Desk Study'.
 - 3) The existing bricks and windows of the rear elevation shall be re-used and existing detailing shall be replicated as far as possible, unless agreed otherwise with the Local Planning Authority in writing.
 - 4) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building, unless otherwise specified in the approved application.
 - 5) Full details in respect of the landscaping of the area of garden above the basement structure shall be submitted to and approved by the Local Planning Authority before the relevant part of the development commences. This should include details of planting and a scheme of irrigation. The basement shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.
 - 6) Prior to commencement of the development, hereby permitted, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority and such system shall be implemented as part of the development and thereafter retained and maintained.
 - 7) All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage. Details, to be set out in

a 'Method Statement' shall be submitted to and approved by the Local Planning Authority before the works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 'Trees in Relation to Construction'.

- 8) Details of the proposed balustrade at the rear of the terrace at ground floor level and the balustrade surrounding the light well, including elevations and sections, shall be submitted to, and approved by, the Local Planning Authority. No balustrade shall be erected unless in accordance with the approved details.

Reasons

2. The appeal property is a fine semi-detached Italianate villa of 3-storeys above a semi-basement. It was undergoing extensive alteration at the time of my site visit. It faces Regents Park, stands within the Primrose Hill Conservation Area and has been identified in the Conservation Area Statement as making a positive contribution to the appearance and character of this place; it certainly does. An Article 4 Direction restricts permitted development rights and controls extensions as well as alterations to external surfaces and boundary treatments.
3. The proposal would involve 3 main elements; a rear extension to all the upper floors, a side extension to the semi-basement and the ground floor and the creation of an extensive new basement beneath much of the rear garden. Previous permissions granted in 2007 and 2008 approved extensions to the semi-basement and ground floor as well as to the first and second floors; the latter was renewed in 2010. However, and in spite of a recommendation to the contrary, the Council have refused permission for the current proposal because they consider that the cumulative impact of the extensions would constitute overdevelopment and impair amenity. They are particularly concerned that the size and extent of the basement would, in the absence of an appropriate construction management plan and sufficient information, lead to flooding or to ground instability and thereby harm the residential amenity of those nearby. Such defects would be contrary to policies CS5 and CS13 of the Core Strategy and policies DP20, DP23, DP26 and DP27 of the Development Policies DPD. Those are the issues on which this appeal turns.

The side and rear extensions

4. The planning officer carefully explains that much of the rear extension currently proposed would be similar to the rear extensions previously approved. The lower ground and ground floors would have the same footprint and, on the first and second floors, the same footprint and same design would be utilised. It is suggested that the alterations intended would be minor, so that the character and appearance of the host building would be maintained, the Conservation Area preserved and the amenity of neighbours protected. Indeed, the alterations at the rear would entail little more than a rear terrace extending over the full depth of the roof below, together with the installation of a balustrade (the detailed design of which could be controlled by condition); the provision of a glazed 3-panel sliding door in the rear elevation of the lower ground floor; and, the insertion of 3 modest roof-lights in the rear roof slope at a high level to prevent overlooking. The alterations at the side would increase the depth of the existing side extension, projecting some 4.2m towards the front elevation. But the new façade would still be set back by about 2.8m and be below the height of the existing porch, thus remaining subordinate to the host dwelling. Also, a gap between adjacent buildings would still be evident and no significant view would be blocked (given the presence of the existing side extension). Hence, I agree with the planning officer's assessment. I think

that the alterations would be minor, preserving the character and appearance of the host building and the Conservation Area without harming the amenity of neighbouring residents.

The basement

5. The proposed basement would be one storey below the existing lower ground floor, though the bulk of it would be beneath the rear garden set in from all boundaries by at least 0.3m and by 2.6m for much of the boundary with the adjacent property at No.58. As the Council point out, policy DP27 requires demonstrable evidence that proposals involving basements or light-wells would maintain structural stability and avoid damage to the water environment. A report has been submitted by a professionally qualified civil and structural engineer and a comprehensive desktop 'flood risk assessment' undertaken which, together, confirm that the structural stability of the appeal building and neighbouring properties would be maintained and that damage to the water environment would be avoided; the risk of flooding would be minimal and no issues relating to hydrology and ground water would be raised, given the thickness of the London Clay here. The scheme would require the installation of a sustainable urban drainage system, but that could be required by a suitable condition.
6. The policy also requires consideration to be given to the amenity of nearby residents, the loss of open space or significant trees, the provision of satisfactory landscaping and the potential harm to the appearance or setting of the surrounding area. In this case margins would remain beside each boundary that would be sufficient to sustain suitable vegetation and, in the north east corner, larger trees. Moreover, turf would be laid over 0.6m of soil above the basement to create a lawn. And, of course, details of planting above the basement structure could be controlled by a condition. The submitted arboricultural report demonstrates that a *Bay* in the neighbouring garden to the rear (at No.47 Kingstown Street) and an adjacent *Malus* (at No.58) would not be detrimentally affected; suitable protection for those trees could be controlled by imposing a requirement to submit a 'method statement'. As for the 2 light-wells, spiral staircase and roof-light proposed, their position relative to the property boundaries and limited projection above the garden level would limit their visibility to the upper storeys of neighbouring properties. It is hard to see how such features would appear intrusive or damaging to the character and appearance of the Conservation Area.
7. Hence, I consider that the proposed basement would largely comply with the requirements of policy DP27.

Other matters and conclusion

8. I note that originally a bedroom was shown as part of the basement but, owing to the limited natural light likely to be achieved through the light-well (and thus the failure to comply with the Council's guidance concerning 'residential development standards'), that the case officer has negotiated its removal. However, I doubt that, given the size of this property, together with the number and choice of rooms available, such a restriction would be necessary. In any case, I think that the glazed area would be quite close to the minimum normally sought. I shall not, therefore, impose the condition suggested.
9. On the other hand, I agree that the excavation and construction of this basement could well impinge on the amenity of local residents. Although not

normally required for schemes of this scale a 'Construction Method Statement' has been submitted setting out much that might otherwise be expected in a 'construction management plan'. I shall require the measures set out in that 'statement' to be followed.

10. I have found that this scheme would preserve the character and appearance of the host building and the Conservation Area without seriously harming the amenity of neighbouring residents; it would also largely comply with the requirements of policy DP27 relating specifically to 'basements'. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out above. Most of those conditions, as explained above, are intended to ensure that the proposals would be implemented as intended and without impinging unacceptably on those nearby; my conclusion rests on that assumption.



INSPECTOR