Delegated Report	Analysis sheet	Expiry Date:	23/11/2011
	N/A	Consultation Expiry Date:	03/11/2011

Officer	Application Number(s)
Jenna Litherland	2011/4742/P
Application Address	**Drawing Numbers**
107 West End Lane London NW6 4SY	Refer to draft decision notice.

PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature

Proposal(s)

Excavation of basement with front and rear lightwells, erection of rear ground floor level extension to facilitate reconfiguration of existing House in Multiple Occupation to provide 11-bedrooms (Sui Generis).

Recommendation(s):	**Refuse permission**
Application Type:	**Full Planning Permission**

Conditions or Reasons for Refusal:	**Refer to Draft Decision Notice**
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	**17**	No. of responses No. electronic	**06** **04**	No. of objections	**06**

Summary of consultation responses:	Site notice displayed from 05/10/2011 until 26/10/2011. Advertised in the Ham and High 13/10/2011. Objections and comments (from the owners/occupiers of 90A Messina Avenue, 105 & 109 West End Lane) are as follows: • Concerned that the applicant has removed the trees in the front garden to allow light into the front lightwell. However, the submitted plans show the trees as an integral part of the development. • Concerned that whilst the trees were being removed a removal lorry parked outside the property illegally for 30 to 40 minutes causing traffic congestion. This would be worse during construction of a basement. • Light to the basement units would be unacceptable. • Concerned about subsidence at the neighbouring properties. • Disturbance along West End Lane. • There would be too many people living in the property sharing one kitchen. • Noise resulting from the number of people living at the property. • Loss of privacy to the occupiers of no. 105. The proposed kitchen would overlook the garden and rear windows. • Loss of natural light to the neighbouring properties through erection of the rear extension. • Light pollution from the lightwells. • Odour pollution from the kitchen and extractor fan. • Concerned about the structural stability of the neighbouring properties • The front and rear lightwell would be out of keeping within the South Hampstead Conservation Area. • There will not be adequate space to store bins in the front garden for the number of people living at the property. • The kitchen does not meet the required size standard for an HMO. • There is a bus stop outside the house and the pavement is narrow, works at the site would make this worse. • None of the properties in this terrace have basements. ***The majority of the comments made were also made on the previous application (ref: 2010/6697/P). Any new comments and concerns are addressed in the main body of the report.***
CAAC/Local groups comments:	N/A

Site Description

The application site comprises a three Victorian storey terraced property on the west side of west end lane. The building is currently vacant and is in a poor state of repair. The permitted use for the building is as an HMO. The building is not listed but is located in the South Hampstead Conservation area.

Relevant History

2010/6697/P: Planning permission refused on 14 March 2011 (appeal lodged) for alterations and extensions including the excavation of a basement extension with front lightwell and erection of a single storey rear extension, to facilitate the creation of two additional bedsitting units, in association with the reconfiguration of the existing House in Multiple Occupation.

Reasons for refusal:

1. The proposed residential accommodation at basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers
2. The proposed development, in the absence of a Section 106 Legal Agreement securing an acceptable Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety and residential amenity.
3. The proposed development, in the absence of a legal agreement to secure the new HMO units as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area
4. The proposed development, by reason of the proposed introduction of habitable accommodation at basement level in an area at risk of surface water flooding, would be detrimental to the safety of future occupiers of the development.
5. The submitted information fails to demonstrate that the proposed development would maintain the structural stability of neighbouring properties and would not adversely impact upon the local water environment and drainage
6. The proposed front boundary wall, by reason of its inappropriate height and detailed design, would be detrimental to the character and appearance of the conservation area.

2009/4126/P: Planning permission refused on 21-10-2009 (and dismissed appeal on 15-09-2010) for alterations to existing House in Multiple Occupation (HMO) including single storey rear extension, excavation of the basement and creation of light-well to the front in association with the use of the basement as a one bedroom self-contained flat.

Reasons for refusal:

1. The proposed front lightwell and associated railings and stairs by reason of their size and design would have an adverse effect on the appearance of the host building, the consistency of the row of terraced houses of which it forms part and the character and appearance of the conservation area.

2. The proposed residential accommodation at front basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers.

3. The proposed development, in the absence of a legal agreement to secure the provision of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users.

4. The proposed development, in the absence of a legal agreement to secure the new residential unit as car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.

2004/2743/P: Planning permission refused on 06-09-2004 for the erection of a single storey rear

extension and a single storey side/rear extension at rear ground floor level to enlarge a one bedroom flat.

Reason for refusal:
The proposed side/rear extension adjoining the southern side boundary, due to its size, depth and siting would be harmful to the amenity of the occupiers of the ground floor studio flat at this property and of the neighbouring flat at no. 105 West End Lane, as it would result in loss of outlook, sunlight and daylight, contrary to policies RE2, EN1 and EN19 of the London Borough of Camden Unitary Development Plan 2000.

Planning enforcement history

The site has been subject to a number of planning enforcement investigations, the most recent being for the unauthorised self-containment of bedsits (EN05/1074). The property has also been subject to investigation by Camden's Private Sector House team due to the standards of accommodation provided in the property. It is understood that the application being considered in this report is related to works to bring the standard of HMO accommodation in the premises up to an acceptable standard.

Neighbouring properties

99 West End Lane

9500148: Planning permission granted on 06-07-1995 for the self-containment of an existing bedsit at rear ground floor level to provide a studio flat and the self -containment and extension into the basement of an existing bedsit at front ground floor level including the retention of a new window and lightwell at front basement level to provide a one bedroom maisonette

Relevant policies

The London Plan (2011)

LDF Core Strategy and Development Policies

LDF Core Strategy and Development Policies
CS5 Managing the impact of growth and development
CS6 Providing quality homes
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change through promoting higher environmental standards
CS14 Promoting high quality places and conserving our heritage

DP2 Making full use of Camden's capacity for housing
DP6 Lifetime homes and wheelchair homes
DP9 Student housing, bedsits and other housing with shared facilities
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of parking
DP19 Managing the impact of parking
DP20 Movement of goods and vehicles
DP21 Development connecting to the highway network
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

Camden Planning Guidance 2011

CPG1 – Design
CPG2 – Housing

South Hampstead Conservation Area Appraisal and Management Plan

Assessment

This application seeks planning permission for the following works:

- the excavation of a basement, in order to create two additional bedsitting units along with a TV room;
- associated creation of a lightwell to the front and a sunken courtyard to the side of the rear closet wing;
- a single storey (ground floor) rear extension; and
- alterations to the front boundary wall.

The proposed works are similar to the application refused under planning application reference 2010/6697/P (see *Relevant History*). The only physical difference between the current scheme and the proposed scheme is the height and design of the front boundary wall. The applicant has submitted additional supporting information including documents:

- 'A Factual Report on the Site Investigation' prepared by Chelmer Site Investigation Laboratories Ltd dated 19th August 2011
- Structural Design Philosophy prepared by Design Structural Engineers
- Hydrological and Flooding Risk Report prepared by London Basements dated 26th August 2011.
- Interior Daylight Analysis prepared by Jessop Associates dated 20th September 2011.

This report will consider whether the amendments to the front boundary wall and the additional information submitted overcome the previous reasons for refusal of application 2010/6697/P. This report therefore considers:

- Alterations to the front boundary wall
- Residential development standards
- Structural stability and impact on the local surface and ground water environment
- Hydrology and flood risk
- Trees
- Transport

Alterations to the front boundary wall
The area around the application site is characterised by low brick boundary walls. The existing front boundary to the site is brick built with horizontal wooden slats to the top. The wall is approximately 1.2 metres in height, and reflects the height and character of surrounding boundary treatments. The previous application sought to replace the existing wall with a new brick built wall with iron railings above. The wall/ railings would have measured 1.8 metres in height, higher than surrounding boundary treatments. The introduction of ornate iron railings at the height proposed was considered to be uncharacteristic of the area, and was therefore considered to be unacceptable. The current application proposes to retain the existing boundary wall and to install iron railings above to a height of 1.4 metres. This reduction in height is welcomed and is more in keeping with the area; however, the proposal still includes an ornate railing the detailed design of which is out of keeping in this area.

Residential Development Standards
The previous application was refused on the grounds that the proposed residential accommodation at basement level would be substandard in terms of outlook and daylight, to the detriment of the amenity of future residential occupiers.

The submitted Interior Daylight Analysis seeks to overcome the above reason for refusal. The documents states (para. 3.07) that the average daylight factor value preference for rooms that are to be used as bedrooms and/or dining/living rooms should be 1–1.5%. It is considered that due to the communal nature of HMO accommodation there should be a greater emphasis placed on providing a high quality of amenity to bedrooms which provide occupants with their only *private* living quarters within the building. It is considered that 2% would be a preferable minimum value for bedrooms where they are located within HMO accommodation.

Basement Room 1 -In the appendices of the report the calculations for basement room R1 use a figure of 2.0m for the window head height above floor level 'H', however it should be 2.5m as shown on the drawings. The resulting figure for the maximum room depth 'L' would therefore be 4m and not 5.4m as stated. The room dimensions themselves have also been simplified by the calculations which identify the room depth as 3.34m which is incorrect. The projecting bay contributes significantly to the overall area and usable space within the room and give the room a true depth of *at least* 4.4m from the wall of the central bay window to the partition wall with next door's ensuite.

The submitted drawings clearly demonstrate further external obstructions to daylight entering the room as follows:

- Drawing 2100 rev D shows a number of substantial conifers which would be retained at a distance of less than 4m from the bay window. It has been noted during a site visit that these trees have been removed, however if this application were to be approved the reinstatement of trees on the front boundary would be required, as shown in the submitted plans. The BRE document '*Site layout planning for daylight and sunlight a good practice guide' 1995 edition* – hereafter referred to as the 'BRE Guidance') states in the fifth paragraph of chapter 2 (Light from the Sky) that "*all obstructing buildings will have an effect [on VSC calculations] not just those on the same site. For calculation purposes trees may be ignored unless they form dense continuous belts*." It is considered that trees on the front boundary are likely to form a dense continuous belt for the purposes of calculating daylight access into the proposed front basement. This has not been accounted for in the report.

- Drawing 2000 Rev C shows the use of a metal grate with upstand above the lightwell for safety reasons and the positioning of refuse storage immediately in front of the lightwell. It is considered that these obstructions would form a significant impediment to daylight directly entering the basement windows and would therefore alter the ADF values in the Appendix to the report. In particular the value of T ('diffuse variable transmittance of glazing') would need to be amended to take account of the diffusing or obstructing impact of the metal grate on the light passing through it. Further details of the refuse storage has not been provided but if positioned as indicated it would be likely to have a significant impact on light entering the windows.

Finally the daylight distribution for the room shows that much of the room would be beyond the no-sky line point and according to appendix D of the BRE guidance it would therefore be 'gloomy'.

Basement Rooms 2 and 3 - In the appendix the submitted Interior Daylight Analysis the value of L for room 3 (6.5m) is incorrectly given, using the report's own figures. It should be 5.68 (or 5.7 rounded up). It is considered that minor mistakes such as this significantly undermine the veracity of the reports figures and conclusions.

In the same section of the report the value of the 'equivalent theta' does not take any account of the three storey closet wing which directly faces the proposed lightwell and room R3 to the rear. The boundary wall is identified as the only obstruction to light entering the room but this is not the case. This is evident from a site visit and from drawing 2100 rev D where an extrapolation of the location of the ridge/eaves of the neighbouring closet wing shows it would have considerably greater impact on both the no-sky line in room R3 but also on the angles used to calculate the VSC and equivalent theta in the appendices.

Finally, the areas of glazing for the two rooms would face into a shared courtyard at basement level. It is considered that the occupants of these two rooms would be required to screen their windows in some form

in order to maintain their privacy from being overlooked by the occupant of the other room. Alternatively an external screen could be put in place to provide the same privacy function. In any event, the occupants of these two separate 'households' would suffer reduced daylight into their windows as a result of either *necessary* internal or external screening, with significant consequent impact on the values of ADF and VSC.

Summary -The VSC figures that have been calculated (14.5%, 13% and 11% for the three rooms R1 to R3 respectively) indicate very low levels of VSC.

Appendix C to the BRE guidance states that *each* of ADF, Room Depth and the position of the no-sky line need to be satisfied if the relevant rooms are to receive adequate daylight. It is clear for the reasons set out above that this is not the case. Overall it is considered that the Daylight Interior Analysis uses incorrect assumptions which ignore the presence of significant obstructions to light both within and outside of the site and which makes basic errors in its calculations. Therefore it is considered that the proposals would provide substandard levels of accommodation for the occupants in terms of natural daylight.

The additional information provided is not considered to overcome the Council's concerns regarding poor quality of outlook and unacceptable levels of daylight, as expressed in the reason for refusal, and therefore this application is recommended for refusal.

Structural stability and impact on the local surface and ground water environment
The previous application was also refused on the grounds that the submitted information failed to demonstrate that the proposed development would maintain the structural stability of neighbouring properties and would not adversely impact upon the local water environment and drainage.

In order to overcome this reason for refusal the applicant has submitted a structural design philosophy, a site investigation report and a hydrological and flooding risk report.

Camden's Planning Guidance adopted in April 2011 sets out the process for preparing Basement Impact Assessments (BIAs). A BIA is a process for examining the development site for risks associated with structural stability and impact on the local surface and ground water environment. The submitted reports were not prepared in the context of this guidance.

The hydrological and flooding risk report does identify very limited risk of harm to local groundwater conditions, based on the local soil conditions (section 5.2). The report further acknowledges some potential risk to future occupants from surface water flooding but does not quantify the level of risk or provide any significant details on the mitigation measures. LDF policy DP23 states that *"The Council will require developments to reduce their water consumption, the pressure on the combined sewer network and the risk of flooding by:… c) reducing the pressure placed on the combined storm water and sewer network from foul water and surface water run-off and ensuring developments in the areas identified by the North London Strategic Flood Risk Assessment and shown on Map 2 as being at risk of surface water flooding are designed to cope with the potential flooding"*. The site is in an area which has suffered such problems in the past and therefore the scoping stage (as set out in CPG4) of the BIA should identify suitable measures for reducing the pressure on the sewer network by proposing additional details in the form of Sustainable Urban Drainage schemes or similar mechanisms. Such details have not accompanied the proposals, contrary to policy DP23 and DP27.

The structural design philosophy, examines structural stability. The report acknowledges (section entitled 'Soil conditions and foundations') that no site specific investigation has been undertaken and therefore the assessment is based entirely on textbook parameters. This approach is not acceptable, as the aim of policy DP27 is to ensure that the risks associated with specific sites are identified prior to a planning decision being made and not subsequently.

The report identifies various risks associated with the works to excavate the basement but these appear to be solely related to site safety. They do not address the fundamental issue identified in DP27 as to whether the developer has demonstrated *"by methodologies appropriate to the site that*

schemes: a) maintain the structural stability of the building and neighbouring properties". There is no mention of the stability of adjoining buildings nor is there any attempt to quantify the risk or possible degree of harm caused to them. It is considered that this entirely desk based approach to addressing DP27, which has no regard to the methodology provided within the CPG, is insufficient evidence on which to determine that the development would *"not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability"*. Therefore, the application should be refused on this basis.

Hydrology and flood risk

The previous application was also refused on the grounds that the proposed development, by reason of the proposed introduction of habitable accommodation at basement level in an area at risk of surface water flooding, would be detrimental to the safety of future occupiers of the development.

The applicant has submitted hydrological and flooding risk report which seeks to overcome this reason for refusal. However, the report does not include evidence from the Council's CPG4 (Basements and lightwells) which identifies West End Lane as being one of the Boroughs 'streets at risk of surface water flooding', based on evidence of inundation in 2002. LDF policy DP27 is clear that "*The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding*." Text supporting the policy states (para 27.6) that *"Government Planning Policy Statement (PPS) 25 - Development and Flood Risk states that inappropriate development should be avoided in areas at risk of flooding and categorises basement dwellings as "highly vulnerable" to flooding. The Council will not allow habitable rooms and other sensitive uses for self contained basement flats and other underground structures in areas at risk of flooding."*

The text goes on to acknowledge that *"No parts of the borough are currently identified by the Environment Agency as being prone to flooding from waterways although some areas are subject no localised surface water flooding, as identified in the North London Strategic Flood Risk Assessment."* The hydrological and flooding risk report states that the area is not identified as being at risk of flooding (page 2) this is incorrect.

Furthermore the report states (section 2.2 page 3) that "*the property is a family dwelling and the additional space is intended to be solely habitable as a self contained dwelling*". This is inaccurate and misleading. The basement level is proposed to provide three primary habitable rooms for occupants which would not be part of the same household. The only means of escape from the basement in the event of a flooding occurrence would be through the centrally located stairwell. The rear enclosed courtyard would provide no secondary means of escape and the front lightwell would be covered with a metal grille which would inhibit any emergency egress. Furthermore, the stated provision of inlet sumps of undefined capacity with warning alarms would likely do little to mitigate the harm caused to primary habitable spaces caused by flooding.

It is considered that the vulnerability of the site to possible flooding have not been adequately addressed by the submitted report. The principal issue of providing self contained accommodation within the basement on a street identified as having suffered flooding within the past 10 years is not overcome by the submitted hydrological and flooding risk report. Therefore the proposal is unacceptable as it proposed habitable rooms without sufficient means of escape at basement level.

Trees

A site visit established that the trees in the front garden of the property have been removed. This has also been commented on in representations received during the consultation period. The trees were not considered to have significant amenity value. However, were this application considered to be acceptable details of replacement trees would be required in order to create some visual screening of the proposed front lightwell. This planting could be secured by condition in the event that the proposal were acceptable in all other respects.

Transport

The site is located on West End Lane south of West Hampstead town-centre. There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent).

Cycle parking and car free development
Under Camden's Parking Standards for cycles (Appendix 6 of the Unitary Development Plan and Appendix 2 of the LDF Development Policies), 1 storage or parking space is normally required per additional residential unit. However, the proposed additional HMO bedrooms within the basement would be accessed via steps and it is therefore considered onerous to insist on cycle parking in this location. Therefore, the absence of cycle parking is considered to be acceptable given the constraints of the site.

One of the reasons for refusal for the previous application was the absence of a S106 legal agreement securing that the additional units within the HMO would be car free. Again, given the excellent PTAL of the site, were the application considered to be acceptable in all other respects Camden would seek a S106 agreement to secure the additional HMO units as car free housing, in accordance policies DP18 and DP19.

Construction Management Plan
One of the reasons for refusal for planning application 2009/4126/P was the absence of a Construction Management Plan alongside the application. The current proposal would similarly involve a significant extension which will require a large amount of earth excavation. There is no vehicular access to the site and loading provision on West End Lane is limited by the existing bus stop. The developer would need to work with TfL-buses to agree any required temporary changes to the location of the bus stop to enable loading during construction. It is therefore considered that a construction management plan would be required at the planning application stage in order to demonstrate that the proposed works could be carried out in such a way as to avoid causing unacceptable harm to transport conditions.

In the absence of a construction management plan alongside the application, the proposal would fail to satisfy Core Strategy policy CS11 and Development Policies DP16, DP20 and DP21.

Conclusion

The application is considered unacceptable for the following reasons:
- Poor standard of accommodation provided at basement level in relation to light and outlook;
- Failure to demonstrate the acceptability of the proposals in relation to structural stability and hydrology;
- Potential harm to the safety of future occupiers through proposed introduction of habitable accommodation at basement level in an area prone to surface water flooding;
- The absence of a construction management plan to demonstrate how the impact of the construction process would be managed; and
- Absence of a car free agreement to ensure that the new bedsit units would be car free.

Recommendation: Refuse permission