

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	04/11/2011
		N/A		<b>Consultation Expiry Date:</b>	20/10/2011
<b>Officer</b>			<b>Application Number(s)</b>		
Jenna Litherland			2011/4584/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
2 Maresfield Gardens London NW3 5SU			Refer to draft decision		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Amendments to planning permission granted 12/03/09 (2008/2288/P) as amended on 25/08/10 (2010/2772/P) and 12/07/11 (2011/2206/P) for change of use from original 5 flats to proposed 4 flats, including erection of a basement extension with lightwell to the front and rear and a rear internal courtyard, erection of single-storey ground floor extension on the front elevation, erection of a lower ground and ground floor rear extension, addition of rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden, namely to revise the internal layout and reduce the number of flats from proposed 4 to 3. (overall reduction in 2 flats from original 5).					
<b>Recommendation(s):</b>		Refuse planning permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	38	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>Site Notice displayed from 21/09/2011 until 12/10/2011. Advertised in the Ham and High 29/09/2011.</p> <p>No representations received.</p>					
CAAC/Local groups* comments: *Please Specify	<p>Fitzjohns/Netherhall CAAC: No response received at time of drafting</p> <p>The Heath and Hampstead Society:</p> <p>This application seems on first sight to be minor, and of limited importance. However, on examination of our records, it appears that the existing permission, evidently 2010/2772/P, was itself a variation of an earlier permission 2008/2288/P.</p> <p>In either case, both 2008 and 2010 were prior to the adoption of the LDF; in particular Policies DP23 and 27 relating to basement construction.</p> <p>The current proposal includes a large basement under most of the footprint of the house, to a depth of 3 metres or more.</p> <p>It seems likely (unless you can correct us) that no hydrogeological information has been submitted. If this is the case, then we call for a full report and records of subsoil investigations, in order to ensure compliance with DP23/27; no decision on the application can be made until such information has been provided and found compliant.</p> <p>If no such information is submitted, we ask for refusal.</p> <p><b><i>Case officer's response: The application proposes no changes to the approved basement therefore it would be unreasonable to request further information on the basement construction given that approval for the basement has already been granted and that permission has not expired.</i></b></p>					

## Site Description

The existing building at 2 Maresfield Gardens is recognised in the Fitzjohn/Netherhall Conservation Area Statement as making a positive contribution to the character and appearance of the Conservation Area. The property is read in the context of similar properties along Maresfield Gardens, all with a high level of original features and unity. The properties were built around the 1870's with eclectic domestic styling overlaid onto solid geometric red brick massed forms. Although many properties in the street are semi-detached, no. 2 is a stand alone villa, and one of the few not to have an original basement level. The site is the subject of 4x Tree Preservation Order (TPO) Robinias at the front of the property (Ref: H20). The building is currently divided into 5 flats with shared common parts.

## Relevant History

### Planning applications

**2008/2288/P** Planning permission **granted** subject to a S.106 on 12 March 2009 for change of use from 5 to 6 flats, including erection of a basement extension with lightwell to the front and rear and a rear internal courtyard, erection of single-storey ground floor extension on the front elevation, erection of a lower ground and ground floor rear extension. This is presently under construction.

**2010/2772/P** Planning permission **granted** subject to a s106 on 25/08/2010 for amendment to planning permission granted on 12 March 2009 (ref 2008/2288/P) including revision of internal layouts to provide vertically arranged duplex apartments, extension at lower ground floor level, addition of rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden.

**2011/2206/P** Planning permission **granted** on 12/07/2011 for amendments including change of use to 4 self-contained flats, amalgamation of the two internal courtyards into one, of planning permission granted 12/03/09 (2008/2288/P) as amended on 25/08/10 for change of use from 5 to 6 flats, basement extension with lightwell to front and rear and a rear internal courtyard, erection of single-storey ground floor extension on front elevation, erection of lower ground and ground floor rear extension, rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden.

### Approval of details applications relating to original planning permission

**2010/5246/P** Submission of details relating to condition 3 **discharged** on 11/11/2010 (Full details of plant and an acoustic report) pursuant to planning permission (Ref: 2010/2772/P) granted on 25/08/2010 for "revision of internal layouts to provide vertically arranged duplex apartments, extension at lower ground floor level, addition of rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden."

**2010/6230/P** Submission of details of hard and soft landscaping, green roof and tree protection pursuant to conditions 2, 5 and 6 of planning permission 2008/2288/P dated 12 March 2009 for change of use from 5 to 6 flats including extensions and works of alteration **discharged** on 06/01/2011.

## Relevant policies

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

CS1 Distribution of growth  
CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
CS14 Promoting high quality places and conserving our heritage  
DP2 Making full use of Camden's capacity for housing  
DP5 Housing size mix  
DP24 Securing high quality design  
DP23 Water  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and lightwells

### **Supplementary Planning Guidance**

Camden Planning Guidance 2011  
CPG1 Design, CPG2 Housing

## **Assessment**

### **Overview**

This application seeks amendments to the previously approved scheme (see planning history). The only change this application proposed is the reduction in the number of proposed residential units from 4 (as approved under application 2011/2206/P) to 3 units by combining the residential accommodation at first and second floor level. No external alterations area proposed.

The changes sought would include proposed alterations to provide a total of three flats. This is a reduction of two flats when compared to the existing premises (five flats). The amendments results in the loss of a two bed flat at first floor level and a three bedroom flat at second floor level. These units will be replaced by 1 four bed flat over the first and second floor level of the building.

The flat at ground floor and lower ground floor level and the unit in the Coach House remain unaltered. There would be no changes to the massing, elevations or building envelope.

### **Assessment**

The main considerations for assessment are:

- Loss of residential units
- Standard of accommodation
- Impact on amenity of adjoining residents
- Basement
- Car free housing

### **Loss of residential units**

The original planning permission proposed six self-contained flats (three flats in the main house and three flats in the Coach House wing). Planning permission ref: 2011/2206/P proposed a reduction from six flats to four flats comprising 2 x 2 bed flats, 1 x 3 bed flat and 1 x 4 bed flat, which was accepted as only one flat was lost against the original 5. The current application proposes to reduce the overall number of flats to 3 comprising of 1 x 2 bed flat and 2x 4 bed flats, which would be 2 flats against the original 5.

Core Strategy policy CS6 indicates that the Council seeks to maximise the supply of homes and minimise their loss, with housing regarded as the priority land-use of the Camden Local Development Framework. Policy DP2 of the Local Development Framework states that the Council will not grant planning permission for a development that would involve the net loss of two or more residential units. In this instance, the proposal would result in the net loss of two self-contained flats in comparison to the existing premises that comprises five self-contained units, and is therefore contrary to Policy DP2.

### **Standard of accommodation**

Residential development standards are outlined in CPG2 Housing (2011). It requires two bedroom flats (4 person) to have a minimum floor space of 75 sq. m and four bedroom flats (6 person) of 93 sq. m. The flats would meet and in fact exceed the minimum floor space standards and would be considered acceptable.

### **Impact on amenity of adjoining residents**

The proposed internal reconfigurations to the building would not change the overall uses of the rooms from the previously approved scheme. There would therefore be no additional overlooking or loss of privacy as a result of the proposal. Given that there are no external alterations to the building the proposal would not result in any adverse impact on the daylight or sunlight or outlook of the adjoining properties and would be considered acceptable.

### **Basement**

The application proposes no changes to the approved basement, which ahs already been fully assessed and accepted under policy DP23 and DP27.

### **Car free housing**

The previously approved scheme was subject to a car-free agreement for the additional unit through a S. 106 planning obligation. Given that the proposal would result in the net loss of two self-contained residential units from five existing self-contained flats to three self-contained flats it would not be necessary to make the proposal car-free. The most recent planning permission for an amendment to the scheme (see planning history) did not require the development to be car capped therefore it would be unreasonable to insist on this as

part of the application if permission were to be granted.

### **Conclusion**

The proposed change of use from five self contained flats to three self contained flats would result in the net loss of two residential units, undermining the strategic objective to increase the supply of housing and contrary to Policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP2 (Making full use of Camden's capacity for housing) of the London Borough of Camden Local Development Framework Development Policies.

**Recommendation: Refuse planning permission**

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