

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>19/08/2011</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>11/08/2011</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Elaine Quigley				2011/3325/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat 1 10 Lindfield Gardens London NW3 6PU				See 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(s)</b>							
Excavation of basement and creation of two lightwells to the rear and one to the side elevation (north-west elevation); installation of window at basement level on side elevation (north-west elevation) and replacement of rear ground floor level window with French doors all in connection with existing residential flat (Class C3).							
<b>Recommendation(s):</b>		<b>Grant planning permission subject to conditions</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>19</b>	No. of responses No. Electronic	<b>02 00</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>		Site notice displayed from 20/7/11 to 10/8/11.  1 letter received from 41 Frognal raising the following concerns: <ul style="list-style-type: none"> <li>Excavation of basements is detrimental to land around this area</li> </ul>					
<b>CAAC/Local groups comments:</b>		Redington/Frognal CAAC – <b>no objection</b>  Heath and Hampstead Society – <b>objects</b> <ul style="list-style-type: none"> <li>Application is carelessly presented with no site plan or indication of adjoining properties</li> <li>No Basement Risk Assessment produced</li> <li>Adjoining neighbours could be endangered by badly-conceived substructure design. The site is on a quite steep gradient in an area known for subsoil instability. Why was such an incomplete application validated?</li> </ul>					
<b>Site Description</b>							
The application relates to a two-storey plus semi-basement level detached late Victorian property on the north-east side of Lindfield Gardens in the Redington/Frognal Conservation Area. The property has been divided into flats. The front garden of the property is characterised by a soft landscaped semi-circular island which is behind the front garden wall. There are two existing crossovers and driveways on either side of the semi-circular island in the front garden.							
The existing basement level is located towards the front of the building that includes a garage, boiler room, corridor and internal staircase from the basement to the ground floor level. It measures 24.19 sq. m and is 2.6m in depth.							

The property is identified as a positive contributor to the appearance and the character of the conservation area in the Redington/Frogna Conservation Area Statement.

## Relevant History

**2010/6901/P** - Planning permission was **refused** on 16/02/2011 for additions and alterations to include basement extension with two associated rear light wells and one side light well, replacement of rear ground floor window with new doors, insertion of windows to lower ground floor side elevation, works to driveway and replacement of existing entrance stairs to front elevation of three residential, self-contained flats (Class C3) (2010/6901/P). The application was refused on the grounds that:

*The proposed works to the front garden, by reason of their formality and enlarged areas of prominent parking, would detract from the setting of the existing building and would harm the appearance and character of the Redington/Frogna Conservation Area*

All other matters were considered acceptable subject to conditions. The applicant has lodged an appeal on 08/07/2011, which is still pending.

**2009/3436/P** – Planning permission was **refused** on 06/10/2009 for the additions and alterations to include basement extension, creation of lightwell to rear, reconfiguration of the window fenestration to the front elevation at ground floor level, refurbishment of driveway and new external stone steps to front elevation of three residential, self-contained flats (Class C3). The applicants lodged an appeal. The inspector dismissed the appeal on 14/06/2010 and upheld the Council's decisions. Reasons for refusal:

- 1) *The proposed new windows on the front elevation at basement level by reason of their location, proportions and detailed design would have a detrimental impact on the appearance of the application building and the character and appearance of the Redington/Frogna Conservation Area.*
- 2) *The proposed areas of parking and increased openings to the front of the building due to the extent of hardstanding and the prominence of the proposed works within the streetscene would have a detrimental impact on the character and appearance of the building and Redington/Frogna Conservation Area.*
- 3) *The applicants have failed to demonstrate that the proposed development would not result in a detrimental impact on the long term health and amenity value of the Yew Tree located in the front garden of 10 Lindfield Gardens, which is considered to have visual amenity value.*

### 6 Lindfield Gardens:

**2005/0149/P** - Planning permission was granted on 24/03/2005 for the excavations in the front garden in connection with the erection of a front basement extension for additional habitable accommodation and enlargement of the existing garage and formation of access at ground floor level, including erection of a new front boundary wall plus a stepped wall to the front garden with associated railings at upper ground floor level.

**2008/0249/P** – Planning permission was granted on 04/03/2008 for the erection of a front basement extension for additional accommodation and enlargement of the existing garage, formation of access and ground floor level including erection of a new front boundary wall to the front garden with associated railings and upper floor level.

## Relevant policies

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

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

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)

DP28 (Noise and vibration)

**Camden Planning Guidance 2011:** CPG1 (Design); CPG4 (Basements and lightwells)

**Redington/Frogna Conservation Area Statement**

**London Plan 2011**

## Assessment

### Background

- The previously refused 2009 proposal included a slightly larger basement to that now proposed. None of the 3 refusal reasons (see history) related to the impact of the proposed basement extension. Moreover, following the subsequent appeal, the inspectorate did not add any additional refusal reasons.
- In 2010 a further application was submitted overcome the 2009 application refusal reasons. Only reasons 1 and 3 were resolved. Reason 2, which related to the driveway works, was not satisfied and consequently the application was refused by the Council. However, in context of the basement extension it is important to note that this 2010 application was fully considered against the new Local Development Framework, and in particular policy DP27. The proposed basement extension, was smaller in size to the 2009 proposal, and was considered acceptable against the new basement policy DP27.
- The current 2011 submission is the same as the 2010 application in all respects, including basement size. The only difference relates to the omission of the front driveway works to overcome the single outstanding reason for refusal

### Proposal

Planning permission is again sought for excavation of basement and creation of two lightwells to the rear and one to the side elevation (north-west elevation); installation of window at basement level on side elevation (north-west elevation) and replacement of rear ground floor level window with French doors all in connection with existing residential flat (Class C3).

Similar to the application considered earlier this year, the proposal would extend the existing basement within the footprint of the building to provide an additional floor space of approximately 50sqm to the ground floor flat. The basement would provide a gymnasium, sauna, WC/shower room, plant/store room, music room, library, utility room, wine store and lobby.

The proposed basement would follow the front and south side of the building lines and would not project beyond the original footprint of the building. The depth of the basement would be the same as the existing basement level.

The previously refused schemes in 2009 and 2010 included alterations to the driveway. These were considered unacceptable due to the prominent appearance of a harder and more formal frontage area to the application property. The proposal has been revised to try to overcome the reasons for refusal relating to the previous scheme by proposing no alterations to the front garden. A 'dummy' garage door would be retained as a feature on the front elevation.

### Basement impact

The principle of the basement extension has already been considered acceptable against policy DP27 in the previous 2010 application. Moreover, the basement excavation is the same size as that previously considered acceptable by the Council, which is an enlargement of existing basement that would be single storey in height, contained under only part of the building's footprint and located away from party walls with neighbouring buildings.

However, as this is a new application the applicant has again submitted a structural design brief prepared by a Chartered Engineer and a Flood Risk Assessment based on site borehole data from 2008 in support of the basement extension. The brief and assessment indicate that no heightened risks are associated with the works and are considered satisfactory for the planning consideration of this matter. However for further comfort, it is recommended that a condition be attached to require a suitably qualified chartered engineer with membership of the appropriate professional body to be appointed to supervise the construction works throughout their duration.

### Design and Appearance

#### Basement excavation and lightwells

The extended basement would be expressed externally by the introduction of three shallow lightwells to the rear and side elevations which would be largely screened from the surrounding area due to the adjacent retaining wall and uphill slope of the rear garden. These alterations associated with the basement are sympathetic to the appearance and character of the existing building and would not harm the streetscene.

#### Alterations to fenestrations:

No alterations would be proposed to the front elevation. A dummy garage door would be retained on the front elevation at basement level to ensure that there would be no changes when viewed from the street. This would be considered acceptable.

On the rear elevation an existing ground floor window would be replaced by a new glazed door. This would be similar in size, width and detailed design as the existing doors within the ground floor bay window. This would be considered acceptable.

The rear garden of the property slopes down from the rear boundary of the site to the rear wall of the building. The proposed rear lightwells would project approximately 1m from the rear wall of the building and would be enclosed by walkable grilles that would be flush with the ground. The proposed new timber doors at the rear on the basement level would be screened by the retaining wall of the proposed lightwell. The proposed alterations to the rear elevation would be minimal and would be screened from views from the adjoining sites. A lightwell would also be installed in the side elevation of the building. It would be 1.1m (length) by 0.7m (width) by 2.6m (depth). The lightwell would also be enclosed by a walkable grille. It would be located 9.1m from the front elevation of the building and would be screened from views from the street by the existing ground levels of the side passageway. The proposed lightwells by reason of its size and location and the sloping of the rear garden would not detract from the amenity value of the existing garden.

#### **Amenity**

The proposal does not raise any amenity issues in terms of loss of daylight, outlook or privacy to the properties on the adjoining sites. Thus, the proposal would be in accordance with policies CS5 and DP26.

Although the BRE guidelines do not have guidance for the proposed music room and library at basement level, the applicants have nonetheless submitted a Sunlight and Daylight Assessment in support of the application. The assessment confirms that the proposed lightwells and door openings would allow a good level of daylight to these rooms, which is welcomed.

#### **Trees**

There is a protected Yew tree in the front garden and a number of trees in the rear garden, including a protected false acacia. The Council's Tree Officer has advised that the proposal would not have a direct impact on any of the trees as the works fall outside the root protection areas. However a condition would be attached requiring the trees to be protected with fencing in line with BS:5837 2005 to prevent storage of materials/spoil that could harm their health.

#### **Transport**

The site is located on Lindfield Road, which runs parallel to Finchley Road near Finchley Road and Frognal Overground Station. There is vehicular access to the site and this will remain unchanged. The site has a Public Transport Accessibility Level (PTAL) of 5 (very good). The existing site consists of three residential flats and it is proposed to remain as three residential units.

Given the moderate scale of proposed works, the unconstrained nature of the site, and the availability of storage space surrounding the detached building it is not necessary to secure a construction management plan. Moreover, this was not sought in the previous submissions.

#### **Other issues**

The Heath and Hampstead Society states that the application was submitted without a site location plan or indication of adjoining properties. A site location plan was submitted as part of the proposed drawings (drawing no: 10/054-25 sheet 2 of 4). There is no requirement for the application drawings to illustrate the locations of adjoining properties.

**Recommendation:** Grant planning permission subject to conditions

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 31<sup>st</sup> October 2011.**

**For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

