

Delegated Report		Analysis sheet		Expiry Date:		13/10/2011	
		N/A		Consultation Expiry Date:		20/10/2011	
Officer				Application Number(s)			
Jenna Litherland				2011/4122/P			
Application Address				Drawing Numbers			
2b Briardale Gardens London NW3 7PP				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Variation condition 9 of planning permission 2009/1017/P granted on 09/07/2010 and amended on 08/12/2010 by permission 2010/5086/P for erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking (Class C3). Variation includes the removal of the external staircase from forecourt to basement, installation of car lift and pit in the front forecourt to provide 1 no. underground parking space, recessing of ground floor front elevation by 0.8m from first floor front façade.							
Recommendation(s):		Refuse permission					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	15	No. of responses	01	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		<p>Site notice displayed form 01/09/2011 until 22/09/2011. Advertised in the Ham and High on 08/09/2011.</p> <p>One letter of objection received however the objections mainly related to the previous variation to the permission (ref: 2010/5086/P):</p> <ul style="list-style-type: none"> increasing the width of the house will make the house too large for the site and make it look overly large and out of proportion with the lay out of the street and other houses in it, both large and small replacing brick with zinc will not be in keeping with the style and look of the other houses in the road and could be an eyesore. 					
CAAC/Local groups* comments: *Please Specify		<p>Redington/Frognaal CAAC: Object.</p> <p>We are not convinced by the proposal and can not see how the planting will survive. We maintain are previous objections.</p> <p><i>See the main body of the report for the case officers response.</i></p>					

Site Description

The application site contains a traditional double garage in brick with pitched roof and 2 black painted doors, which is currently vacant. It forms part of the larger site of 2b Briardale Gardens, which contains a 2-storey dwelling house adjoining the garage and which formerly used the garage for car parking and storage. The house is a modern 1980s design of no architectural merit, which has been extended at the rear by a large conservatory. The whole site originally formed part of the rear gardens of nos. 1-3 Clorane Gardens, and probably originally contained garages for the use of these properties fronting onto Briardale Gardens; the garage subject to this application may have been the original garage for no.3 Clorane Gardens.

The garage adjoins on its other side a small dwelling house at no. 2a Briardale Gardens, which is 2-storeys high with gabled mansard roof shape. This cottage was also built in the 1980's as a side extension to no.2. Nos. 2-4, along with other properties in this road, are substantial 2-storey semi-detached dwelling houses with large attic spaces and steep tiled roofs and rendered front gables; they date from 1890 and were designed by Quennell in a vernacular Arts and Crafts style, but are unlisted. Because of their size and design with narrow gaps between the buildings, they form a characteristic terrace of buildings to this street. The properties to the rear and side in Clorane Gardens and Platt's Lane are also 3-4 storey late C19th semi-detached houses.

The site and surroundings are within the Redington/Frognaal Conservation Area. The site i.e. both the house at no. 2b Briardale Gardens and its adjacent garages, is classified in the Conservation Area Statement [CAS] as detracting from the character and appearance of the CA.

Relevant History

2009/1019/C – Conservation Area consent for the demolition of existing garage block was granted on 19/03/2010.

2009/1017/P – Planning permission (subject to S106 agreement) was granted on 09/07/2010 for the erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking. This permission has not been implemented yet and expires on 09/07/2013.

2010/5086/P – Permission subject to deed variation to S106 was granted on 08/12/2010 for the variation of condition 9 of planning permission 2009/1017/P granted (subject to S106) on 9th July 2010 to allow for a minor material amendment involving:

- increasing height of the second floor flat roof by 200mm;
- reducing width of the approved house immediately adjacent to 2B Briardale Gardens by 500mm;
- extending basement (by approximately 13sqm) to match the ground floor footprint of the property;
- inserting new door to the basement on the front elevation; and excavation of new external staircase from forecourt to basement which would be covered by hinged steel gratings.

2011/1738/P - Variation of condition 9 of planning permission granted 09/07/10 (2009/1017/P) for the erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking as amended by planning permission granted 09/07/10 (2010/5086/P) namely, to remove the external stair and replacement of forecourt parking with car lift and pit. **Application withdrawn 03/06/2011**

2011/4516/P – Application currently under consideration for details pursuant to conditions 3 (elevations and facing materials) and 4 (hard and soft landscaping) of planning permission granted 09/07/10 (2009/1017/P) for the erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

CS5 - Managing the impact of growth and development

CS6 – Providing quality homes

CS11 – Promoting sustainable and sufficient travel

CS13 – Tackling climate change through promoting higher environmental standards

CS14 - Promoting high quality places and conserving our heritage

CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity

CS19 – Delivering and Monitoring the Core Strategy

Development Policies

DP2 – Making full use of Camden's capacity for housing
DP6 – Lifetime homes and wheelchair homes
DP17 – Walking, cycling and public transport
DP18 – Parking standards and the availability of car parking
DP19 – Managing the impact of parking
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
DP28 – Noise and vibration

Redington/Frogna Conservation Area Statement

Camden Planning Guidance (CPG 1) - Design (2011)
Camden Planning Guidance (CPG 2) – Housing (2011)
Camden Planning Guidance (CPG 3) – Sustainability (2011)
Camden Planning Guidance (CPG 4) – Basements (2011)

Assessment

Proposal

It is proposed to install a single car lift and pit in the approved forecourt parking area as amendments to the originally approved scheme for a 3 bed house (ref: 2009/1017/P). The proposed drawings submitted with this application show the amendments which were approved on 08/12/2010 (ref: 2010/5086/P). This proposal would involve the removal of the approved external stairs to the basement level bicycle storage as an amendment to the original scheme.

The front building line of the kitchen on the ground floor level would be recessed by 0.5m in order to fit the proposed car lift. The proposed car pit would involve further basement excavation of 14.5 sqm.

Minor material Amendment

This application has been made as a minor-material amendment under s.73 of the Act (Town and Country Planning Act 1990, as amended) and is essentially seeking to vary condition 1 of permission 2010/5086/P and condition 9 of permission 2009/1017/P both of which list the approved drawings of the permission. Circular 04/2008 states that a Local Planning Authority may decline to accept an application under s.73 if the actual or potential impact of varying the relevant conditions would more properly be the subject on an entirely fresh application for full planning permission. There is no statutory definition of what constitutes a minor material amendment however guidance from the Department for Communities and Local Government agreement with WYG Planning and Design's definition which is as follows, 'A minor material amendment is one whose scale and nature results in development which is not substantially different from the one which has been approved.'

In this case the alterations are quite extensive including removal of external stairs to basement level, partial recession of the front elevation, a new basement excavation to the front of the premises and installation of a car lift with landscaping above. The new basement area and the car lift are considered to be on the cusp of substantially altering the overall proposal. Therefore, whether the application should be processed as a minor material amendment is negotiable.

Design and Appearance

The proposed car lift would only be visible when it is in use. When it is in use it would appear alien and obtrusive within its setting and would detract from the character and appearance of the streetscene and the conservation area. However, when the car lift is not in use it will be hidden from view at basement level. In order to ensure that the car lift does result in an unacceptable level of harm the appearance of the conservation area a condition could be imposed to ensure the car lift remains at basement level whilst it is not in use.

The area over the car pit will be paved with a planter located at the front and rear. The planters have been included to overcome issues that were raised by the case officer for the previous application for a car lift which

was withdrawn (ref: 2011/4122/P) . Concerns were raised that the car lift would allow two cars to park at the site. One within the lift and the other over the car pit. This would exceed the Council parking standards which allow for a maximum of 1 car parking space per dwelling in this location.

It is considered that provided that the planters are maintained they would ensure that that one car could park at the site, however, the landscaping over the car pit does not integrate into the landscaping of the front garden (which is indicatively shown on the submitted plans). The landscaping of the front garden is considered to be integral to the proposal and it is therefore not possible to assess the landscaping over the car pit without assessment the landscaping of the front garden as a whole.

The paved area over the car pit is excessive in the absence of landscaping details for the remaining parts of the front garden. The proposal would detract from the green character and appearance of the streetscene to the detriment of the appearance of the host and neighbouring properties and the wider conservation area contrary to policies CS15 and DP27.

Basement Extension

It is proposed to excavate a further basement to the front of the property to accommodate an underground parking. The basement would be 14.5 sqm. Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

A Basement Impact Assessment has been submitted which includes a Geotechnical Report and Assessment and a structural basement plan. The report provides the outcomes from a desk study and ground investigation works. Soil investigations have been carried out which show that the subsoil is Claygate Beds grading to London Clay and there is groundwater present at 4 metres below ground level. The report sets out how the basement should be constructed in order to ensure there will be no significant detrimental impact on soils, structural stability and hydrology.

The additional basement excavation would be unlikely to raise issues in terms of structural stability, adversely affects on drainage and run-off or damage to the water environment. Therefore overall, it is considered that the proposal complies with the aims of policy DP27.

Transport

There is existing vehicular access to the site which would be retained. The site has a Public Transport Accessibility Level (PTAL) of 3. The approved scheme is not car free and has one on site car parking provision. The Council's Transport Section considered that the car-free/car-capped housing would not be justified in this case as there is no evidence of parking stress in the area.

Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary parking provision and development should not exceed the maximum standard. According to the Council's parking standards there should be maximum 1 car parking space per dwelling. The proposed car pit would enable 1 car to park at the premises and is therefore in accordance with policy DP18. If permission were to be granted it would be subject to a condition which ensures that the landscaping over the car pit which prevents the parking of a second vehicle over should be retained and maintained in perpetuity.

No construction works has started yet. The Construction Management Plan, which is required by S106 agreement of the original planning permission, has not been submitted to the Council as yet. Therefore no additional S106 obligations or conditions are required in relation to transport matters.

Others:

- The approved is aiming to achieve a Code for Sustainable Homes level 3-4. The proposal would not affect the sustainability measures (eg solar thermal panels, a rainwater harvesting system, external blinds, basement cellar, high level insulation and use of recycled materials and sustainable urban drainage system) of the approved scheme which were agreed to secure their implementation by the S106 agreement.
- The proposed houses in the revised scheme would still meet the 'Lifetime Homes' standards and would therefore have a good level of accessibility in compliance with policy DP6.

Recommendation: Refuse planning permission.

The Section 106 Planning Obligation would still relate to the following heads of terms:

- Construction Management Plan
- Payment to Arboricultural Services for removal and replacement of Silver Birch (£500)
- Highways works/ contribution (£4,794)
- Implementation of the Sustainability measures set out within the design and access statement, and a post-construction review to ensure that this is achieved.

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