

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	14/03/2011
		N/A / attached	<b>Consultation Expiry Date:</b>	17/02/2011
<b>Officer</b>			<b>Application Number(s)</b>	
Rob Willis			2010/6697/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
107 West End Lane London NW6 4SY			See 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>				
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.				
<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	<b>17</b>	No. of responses	<b>05</b>	No. of objections	<b>05</b>
			No. electronic	<b>03</b>		
Summary of consultation responses:	<p>Objections received from three separate residents and the owner/ housing cooperative manager of 105 West End Lane; and from the occupier of 109 West End Lane. Objections made on the following grounds:</p> <ul style="list-style-type: none"> <li>• Structural stability relating to basement. There are already subsidence issues in the area, including at 109 and 111 West End Lane and 90 Messina Avenue</li> <li>• Visual impact of proposed alterations to the front elevation of the building. Proposed lightwell would harm the character and appearance of the conservation area. It would be easily visible from the street and views would not be blocked by conifers at the front of the property, as indicated in the drawings provided</li> <li>• Lightwell would be easily visible from the adjacent bus stop, and would leave insufficient space for storage of waste to the front of the property</li> <li>• Poor quality of life for residents of the basement bedsits</li> <li>• Increased pressure on parking in already crowded roads</li> <li>• Loss of daylight, sunlight and privacy to neighbouring properties</li> <li>• Noise and light nuisance from rear extension</li> <li>• Non-compliance with Camden's internal standards for HMOs, including the number of people permitted to share a kitchen</li> <li>• Inadequate garden space left in the host property. 21 people using this limited garden space would cause unacceptable harm to the amenity of neighbouring properties</li> <li>• Loss of use of bus stop during the construction of the basement</li> <li>• Nuisance of building lorries parking on West End Lane</li> <li>• Concern that residents are being forced to object to proposed works at the property for a third time.</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify	None received.					

## 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 Swiss Cottage Conservation area.

## Relevant History

**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.*

**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.*

## 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 (enforcement reference 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

### 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 SPD

Swiss Cottage conservation area appraisal

## Assessment

The 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 those refused under planning application reference 2009/4126/P (see *Relevant history* above). The main differences between the current proposals and the previous, refused scheme are that:

- The proposed basement is associated with the creation of two additional HMO bedrooms and a communal TV room, rather than the introduction of a new self-contained flat, as sought under application ref. 2009/4126/P)
- The proposed front lightwell is now proposed to be enclosed by a horizontal grate (rather than vertical railings as sought in the previous scheme).

The proposed HMO floorspace includes the provision of shared kitchen/ dining facilities and a communal TV room for the residents.

The main considerations to be assessed are:

- Impact on host building and the conservation area
- Residential standards
- Structural issues, flooding and hydrology (basement)
- Neighbourhood Amenity
- Transport

### Impact on host building and the conservation area

#### Front lightwell

The basement lightwell located on the front elevation would have the greatest impact on the character and appearance of the host building and the conservation area, as it would be visible from the street (West End Lane). The row of terraced houses concerned is largely unaltered with the exception of a small lightwell to the on the front elevation of numbers 101 and 99, which was approved in 1995.

The existing front garden tapers outwards, measuring between 4.5 and 6 metres in length. The proposed front lightwell would measure 2.25 m in length: this would equate to just under half the size of the front garden. The provision of a horizontal grate (rather than railings used under the previous application) would help to minimise the visual impact of the proposed lightwell. The previous, refused application (2009/4126/P) included more prominent railings and lightwell steps. The lightwell currently proposed would not dominate the front façade, and given the existence of other (albeit more shallow) lightwells elsewhere in the street, would not cause sufficient harm to the street scene and the wider conservation area to warrant refusal.

The front elevation to the proposed basement would match the design of the corresponding features at ground floor level, with matching bay window, brick walls and timber sash windows. This is considered to be appropriate.

The extent of the lightwell is such that it could affect existing trees that line the front boundary of the site. Were this application considered to be acceptable, further information would be requested from the applicant regarding its potential impact on these trees.

#### Alterations to the front boundary wall

The area around the application site is characterised by low brick boundary walls. The existing front boundary site 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 application seeks to replace the existing wall with a new brick built wall with iron railings above. The wall/ railings would measure 1.8 metres in height, which is higher than surrounding boundary treatments. The introduction of ornate iron railings at the height proposed would be uncharacteristic of the area, and is therefore considered to be unacceptable.

#### Rear extension and sunken terrace

The scale and design of the proposed single storey (ground floor) rear extension is identical to that of the extension that was considered to be acceptable (in design terms) under refused planning application reference 2009/4126/P. The extension itself is only single storey and due to its modest proportions is considered to be acceptable. The rear elevations of these properties are already staggered and the additional length of the rear closet wing at ground floor level is not considered to detract significantly from the character of the property or its surroundings. It is also noted that the doors and windows would match the existing arrangement at ground floor level of closet wing: this is considered to be appropriate.

A sunken terrace/ large lightwell would be provided adjacent to the existing closet wing, providing daylight to the proposed basement rooms to the rear. It would measure 2m in width by 7m in length. Although large, it is considered to be acceptable in visual terms due to its discrete location, which would minimise any potential visual impact.

#### **Residential development standards**

Camden Local Development Framework Development Policy DP26 sets out a range of issues that will be considered in protecting the amenity of future occupiers and neighbours, including sunlight and daylight, and overshadowing and outlook.

The previous application (2009/4126/P) was found to be unacceptable on amenity grounds because of the poor outlook and daylight and sunlight to the self-contained flat at basement level. The Inspector's Report into planning appeal for application 2009/4126/P also concluded that the proposals were unacceptable in relation to natural light and outlook, both for the front and rear basement rooms. This conclusion is considered to remain relevant to the habitable rooms proposed under the current application (bedsit units to the rear and T.V room to the front).

Both the glazed door to the proposed south facing rear bedsit unit, and the front basement window (facing the proposed communal TV room) would receive limited natural light. To the rear, the proposed south facing bedsit unit (under the rear closet wing) would be enclosed by the side wall to the sunken terrace, and by the two storey closet wing of the adjacent property (no.105 West End Lane) behind. To the front, the proposed T.V. room would be enclosed by a lightwell. It is the Council's view that, given the positioning of the affected rooms and the height of surrounding structures, it is unlikely that sufficient natural light would be provided for occupiers. The applicant has failed to provide any information to demonstrate the acceptability of the proposals in relation to sunlight and daylight, which would be required under the relevant provision of the Camden

Planning Guidance SPD (see Section 14).

It is also considered that there would not be adequate outlook from the habitable rooms in the proposed basement. To the rear, the south facing window to the bedsit unit located under the existing closet wing would be just 2 metres from the wall to the sunken terrace, and four metres from side wall of the two storey closet wing behind. To the front, the only window serving the communal TV room would be just 2.25 metres from the front wall of the lightwell.

The Council's Private Sector Housing team has also raised concerns regarding the standards of accommodation in the basement in relation to natural light. Concern has also been raised that the proposed new bedrooms at basement level do not include any windows (only folding doors), meaning that future occupiers may not be able to achieve adequate ventilation.

### **Structural issues and hydrology**

The proposed introduction of a basement would involve excavation of an additional storey below the existing building. Under Development Policy DP27, Camden will only permit development that does not harm the built and natural environment and local amenity. Policy DP27 states that Camden will require developers to demonstrate that schemes will maintain the structural stability of the building and neighbouring properties, and do not adversely affect drainage and run-off or cause other damage to the water environment, as well as avoiding cumulative impacts.

At the time of the site visit, it was noted that an existing basement at 111 West End Lane (granted planning permission in 1995 – see planning history above) may be suffering from structural issues, as it appears that the front elevation is currently being held up by wooden slats.

The applicant has failed to provide an assessment of the proposed basement in relation to structural stability and hydrology. The applicant has therefore failed to adequately demonstrate that the basement would be acceptable in terms of Development Policy DP27.

West End Lane is identified as being a street that is an area of surface water flood risk (see Camden's guidance note on *New Basement Development and Extensions to Existing Basement Accommodation*, 2009). Development Policy DP27 states that Camden will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. As such, the application would introduce a vulnerable use in a location that is at risk of surface water flooding, conflicting with Development Policy DP27 is not acceptable.

### **Neighbourhood Amenity**

The council concluded in 2009 that the proposed introduction of a basement, sunken terrace and ground floor rear extension under planning application 2009/4126/P did not raise any significant concerns in relation to the amenity of neighbours, including in relation to daylight and sunlight and privacy and overlooking. This conclusion was supported by the Planning Inspector, and is considered to remain applicable to the current application.

Objections have been raised regarding the intensification of use of the garden as the proposal would allow access from all rooms in the main HMO. The Councils recognises the importance of outside space and it is not considered that the proposals would result in excessive noise or a loss of amenity to neighbours.

### **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.

Given the excellent PTAL of the site, were the application considered to be acceptable Camden would have sought a Section106 agreement to secure the additional HMO units as car free housing, in accordance policies

DP18 and DP19 of the Camden Development Policies DPD.

### 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 proposals similarly involve a significant extension to the basement floor level 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. The Planning Inspector for application 2009/4126/P agreed with this view, and stated that a construction management plan would be necessary at the planning application stage given the potential impacts of the construction works.

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 unacceptable due to:

- Inappropriate height and design of the proposed replacement boundary wall;
- 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; and
- The absence of a construction management plan to demonstrate how the impact of the construction process would be managed;
- Absence of a car free agreement to ensure that the new bedsit units would be car free.

### **Recommendation: refuse planning permission**

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