

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		13/10/2010	
		N/A / attached		Consultation Expiry Date:		a) 23/09/2010 b) 15/09/2010	
Officer				Application Number(s)			
Jonathan Markwell				a) 2010/3965/P b) 2010/3966/L			
Application Address				Drawing Numbers			
Beechwood House 43 Hampstead Lane London N6 4RT				Please see decision notices			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
a) Excavation of enlarged basement level to create indoor swimming pool with associated external access steps on south-east elevation; erection of external single storey gazebo and new replacement south-west external terrace area; associated external alterations to single family dwellinghouse (Class C3) b) Internal and external alterations in association with excavation of enlarged basement level to create indoor swimming pool, erection of single storey gazebo and new replacement south-west external terrace area to single family dwellinghouse							
Recommendation(s):		a) Grant Planning Permission subject to S106 Legal Agreement b) Grant Listed Building Consent					
Application Type:		a) Householder Application b) Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							

Consultations

Adjoining Occupiers (2010/3965/P only):	No. notified	43	No. of responses	01	No. of objections	00
			No. Electronic	01		
Summary of consultation responses:	<p>Site notices for both the planning and listed application were erected on 25/08/2010, expiring on 15/09/2010. One response was received from an occupier at 8 Fitzroy Park. This represents a comment concerning the route for vehicles entering and exiting the site to construct the proposed development, specifying that the Hampstead Lane entrance is used rather than that on Fitzroy Park (owing to Fitzroy Park being narrow, the entrance being on a bend and there being no pavements). It is concluded that "Subject to the above points, I have no particular objection to the application and indeed welcome any moves to refurbish the property".</p> <p><i>Officer response: It is highly likely that works will utilise Hampstead Lane only and not Fitzroy Park. A construction management plan is to be secured (see paragraph 6.1), which will detail such matters.</i></p>					
CAAC/Local groups* comments: *Please Specify	<p>Highgate CAAC objects "This would involve a large excavation more than 6 metres deep. Contrary to Camden guidelines there is no assessment of the impact on underground watercourses. The impact has not been properly assessed.</p> <p><i>Officer response: Supporting information in respect of these matters was received during the course of the application. Please see paragraph 3.3 and section 4 of the report.</i></p> <p>The Environment Agency has commented "We have no objection to the proposed development nor do we recommend any conditions imposed on any planning permission granted... Please note this opinion has been formed through consultation with technical specialists within the Environment Agency".</p> <p>English Heritage was formally consulted but has replied that "we do not consider that it is necessary for this application to be notified to English Heritage".</p> <p>English Heritage's Greater London Archaeology Advisory Service (GLAAS) has commented "The present proposals are not considered to have an affect on any historic assets of archaeological interest. The area of the proposed swimming pool has been previously terraced, which will have removed any archaeological remains present". It is therefore advised that any requirement for pre- or post-determination archaeological assessment/evaluation of this site in respect to the current application is not necessary.</p> <p>Thames Water has commented that informatives relating to non-return valves and emptying the pool into the public sewer are added to any decision notice and adhered to by the applicant.</p> <p>The London Borough of Haringey was formally consulted; no response has been received.</p> <p>The Highgate Society was formally consulted; no response has been received.</p>					

Site Description

The application site comprises an expansive grade II listed building by George Basevi, associated buildings and grounds dating from 1840. It has been extensively modified in the past with a variety of later additions and alterations. In short, the main building, to which this application relates, is stucco clad with slated roofs and stands two-storeys in height, with some additional accommodation at basement floor level.

The building is located within the Highgate Village Conservation Area. It is also located within designated Metropolitan Open Land (MOL), Private Open Space and an archaeological priority area. It is bounded by Hampstead Lane to the north (the borough boundary with LB Haringey) and Fitzroy Park to the south-east, with the main entrance on Hampstead Lane. The predominant character of the surrounding area is large-scale residential properties set in generous plots with an array of trees and vegetation. To the west of the application site is the boundary with Hampstead Heath.

Relevant History

8570273 - Internal alterations to parts of the ground and first floors. Granted Listed Building Consent 19/09/1985.

8903600 & 8970509 - The erection of a three-storey side extension to provide plant and storage at basement level formal reception room and enlarged bedroom accommodation at ground and first floors respectively together with minor alterations to the existing building for continued use as a single family dwelling house. Granted Planning Permission and Listed Building Consent 23/11/1989.

2009/3612/P & 2009/3627/L - Demolition of existing open air swimming pool and associated buildings and replacement with new enclosed swimming pool building within the footprint of existing pool structure and associated landscaping, to be used for ancillary purposes to existing dwelling (Class C3). Withdrawn 12/03/2010.

2010/3529/P & 2010/3542/L - Replacement of existing secondary access link with basement and ground floor side extension at south-east end of building, together with fenestration alterations on the south-east (side) and south-west (rear) elevations and associated works to single family dwellinghouse (Class C3). Granted 08/09/2010.

Relevant policies

PPG2 - Green belts (Published: 24th January 1995)

PPS 5 - Planning for the Historic Environment (Published: 23rd March 2010)

The London Plan Consolidated with Alterations since 2004 (February 2008)

Replacement Unitary Development Plan 2006

SD1 – Quality of Life

SD6 – Amenity for occupiers and neighbours

B1 – General design principles

B3 – Alterations and extensions

B6 – Listed buildings

B7 – Conservation areas

B8 – Archaeological sites and monuments

N1 – Metropolitan open land

N2a – Protecting open space – Development on public and private open space

N5 – Biodiversity

N8 – Ancient woodlands and trees

T12 – Works affecting highways

Camden Planning Guidance 2006

Highgate Village Conservation Area Statement

Camden Tree Strategy

Camden Biodiversity Action Plan

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

LDF Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

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

LDF Development Policies

DP20 – Movement of goods and materials

DP21 – Development connecting to the highway network

DP22 – Promoting sustainable design and construction

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basements and lightwells

DP29 – Improving access

DP31 – Provision of, and improvements to, open space, sport and recreation

Assessment

1. Introduction

1.1 Planning permission is sought for the excavation of an enlarged basement level to create an indoor swimming pool, spa facilities and an associated internal plant room. In addition, external access steps on south-east elevation are proposed as the only external alteration in association with the excavation. The proposals also incorporate the erection of external single storey gazebo to provide an external seating area and the replacement of the south-west external terrace area by a new one relocated to be more centrally positioned to the house frontage. It is also proposed to remove a number of trees and plant new trees and other landscaping works. All works are in association with the single family dwellinghouse (Class C3) at Beechwood House. Listed building consent is sought for the associated internal and external alterations to the listed building.

1.2 The proposed excavation to provide the swimming pool is approximately 35m wide (which amounts to around two-

thirds of the total width of the main part of Beechwood House) and extends out 7.3m from the main house beneath the existing/proposed external terrace area at ground floor level. Access will be from the existing basement level and a new external entrance. The depth of the excavation varies from 4.1m within the spa facilities room (floor to ceiling height of 3.35m) to 6.2m in depth to incorporate the swimming pool, which in itself is 21m in length, 5m in width and a maximum of 4.8m in floor to ceiling height. In addition, owing to the irregular floor to ceiling heights within the existing basement area, this is to be excavated by 1.25m to regularise this part of the building.

1.3 During the course of the application, the applicant has submitted a Hydrology Assessment, Archaeological Desk Based Assessment, a Structural Underpinning Methodology and drawings, a longitudinal section of the proposed basement, existing section plans and more information regarding the percentage increases of the proposed basement swimming pool.

2. Land use issues

2.1 The application site is located within designated Metropolitan Open Land (MOL). As such, the starting point in the consideration of the proposed works are tests in PPG2 (which is substantially repeated in policy CS15 of the LDF and policy N1 of the UDP) Furthermore, London Plan policy 3D.10 confirms that MOL has the same level of protection as Green Belt, and there is a presumption against inappropriate development. For clarification, LDF policy CS15 (in the supporting text of paragraph 15.7) denotes that the national and London Plan policies will be followed in applications of this nature.

2.2 In terms of PPG2, the first consideration is whether the proposal would be considered inappropriate development. In this respect the starting point is that the construction of new buildings on MOL is inappropriate, except for certain purposes. One of the specified exclusions is the "limited extension, alteration or replacement of existing dwellings". The proposed development would therefore be considered on the basis of a limited extension / alteration. Paragraph 3.6 of PPG2 denotes in this regard that any extension or alteration to an existing dwelling must "not result in disproportionate additions over and above the size of the original building". Whether the proposals are "disproportionate additions" is considered to be a matter for planning judgement. No advice has been given by the Government as to what constitutes a limited or disproportionate addition, nor has Camden published any guidance in its development plans.

2.3 Therefore the starting point for the judgement is based on footprint and floorspace statistics (see tables below). The applicant has provided a breakdown of the existing and proposed figures, which have duly been considered by the Council.

Footprint and Floorspace Figures

	Footprint (m ²)	Floorspace (m ²)
Proposed Basement	292	229
Existing Beechwood House building only	920	1767
All existing buildings within Beechwood House application site (as provided by applicant)	3479	4290
All existing buildings within Beechwood House application site (not taking into account the existing outdoor pool and pool house)	2221	3063

Footprint and Floorspace Percentage Increases as a result of the proposed basement

	Footprint (%)	Floor Area (%)
Beechwood House building only	31.7	13.0
All buildings within Beechwood House application site (as provided by the applicant)	8.4	5.3
All buildings within Beechwood House application site (not taking into account the existing outdoor pool and pool house)	13.1	7.5

2.4 If the proposed extension were to take account of Beechwood House on its own, the proposed basement would result in a 31.7% increase by footprint and 13% increase by floor area. However, case law suggests that buildings elsewhere within the application site can be taken into account. Within the application site there are a plethora of other buildings, namely: existing outdoor pool and pool house (1258m² footprint / 1227m² floor area); guest bungalow (295 / 255); Gate Lodge (65 / 100); Beechwood Cottage (96 / 161); Squash Court (89 / 88); Chiller room/store (27 / 23); Chauffeurs Lodge (156 / 194); Garage building (306 / 270); Stables (42 / 32); Tool store (stables) (31 / 23); Storehouse (9 / 6); External cloakroom (18 / 13); Garden House (28 / 22); Glass Houses (139 / 109). If these structures are taken into account, the proposed basement would result in an 8.4% increase by footprint and 5.3% increase by floor area.

2.5 However, it is considered that the existing open-air swimming pool cannot be counted as a "building" with volume and should therefore not be included in the statistics. If this is excluded from the figures, the proposed basement would result in a 13.1% increase by footprint and 7.5% increase by total floorspace on the site. Based on case law, such as the judgement at the Garden House in the Vale of Health (*R. (on application of Heath and Hampstead Society) v. Messrs Alex and Thalys Vlachos and Camden LBC*), it is considered that floorspace is the most relevant dimension in this case. The Garden House decision denoted that "in most cases floorspace will undoubtedly be the starting point, if indeed it is not the most important criterion".

2.6 It is therefore considered that, in the context of the application site and relevant case law, that the 7.5% increase in the total amount of built floorspace on the site would not result in a "disproportionate addition" to the dwelling in the context of PPG2. However even if one was to solely compare the increase to the floorspace of the dwellinghouse itself without the ancillary garden structures and cottages, the increase at 13% is also considered to be relatively limited and not disproportionate. In terms of footprint, there is no visible increase in built footprint with this application as the basement is entirely subterranean and under a rebuilt hard-surfaced terrace. Hence the proposal can be regarded as appropriate development on MOL in these terms.

2.7 Furthermore, it is worthy to point out that the application site is on private land of an existing residential property, which is not available to the public for general enjoyment and recreation. The contribution that this private garden makes to the MOL as a whole is not considered to change as a result of the proposed development, owing to its subterranean nature. The location of the proposed works also means that they will not be visible from the public realm. The works are also not considered to cause demonstrable harm to the existing openness or setting of the site and the surrounding land, or to the nature and form of development and land uses in the vicinity of the MOL. Thus in overall terms the proposal is considered to be appropriate against this policy backdrop.

2.8 The application site is also on Private Open Space (POS). Policy CS15 and supporting text in paragraph 15.6 denotes that the Council will not grant planning permission for the development of public or private open space unless it is for development ancillary to a use taking place on the land and for which there is a demonstrable need. The proposed extension to a residential building for residential purposes is considered to be appropriate in respect of the general thrust of this policy. As explained above, the extension being at basement level will not affect the openness of the private open space on the site itself as well as on adjoining sites, in accordance with policies on POS.

3. Design

3.1 The subterranean swimming pool is to be located beneath the existing/proposed terraced area to the south west of the main house. The swimming pool is to be constructed using contiguous bored pile walls to the pool enclosure so as to minimise risk of movement to the listed building and the pool will be structurally independent of the house. The only external expression of the pool will be a pair of double doors to access the pool plant room from the service yard area adjacent to the house. Once the swimming pool is created, the terrace will be reinstated to its current ground levels, with the existing random paving replaced with more traditional large stone slabs. The width of the terrace is to be truncated and shifted to one side so as to align better with the historic parts of the south west garden frontage, which it is considered would be an improvement over and above the existing expanse of hard landscaping.

3.2 The swimming pool will be accessed through a single point from the existing basement to the house. This is an area considered to be of low significance and no architectural or historic merit. The existing basement has a very low floor to ceiling height and it is proposed to excavate so as to create more logical and practical access to the new swimming pool. This will require underpinning of some walls in this area. The footprint of the existing basement will also be slightly enlarged and the plan form altered. The basement areas are regarded as utilitarian in character and largely beneath an early 20th century addition to the house.

3.3 During the course of the application the applicant has provided further details of the exact walls to be underpinned and further details of the methodology for the structural underpinning, in order to protect the stability of the listed building during the course of construction. The level of information submitted is considered to be sufficient for the purposes of this application; however, it is considered necessary for a condition to be added requesting a more comprehensive structural underpinning methodology to be submitted once a contractor has been appointed to carry out the works. This is owing to the existing methodology stating that the future contractor is to "prepare their own detailed sequence of construction and method statement for which they will be responsible for". Such a condition is considered to be reasonable and necessary in order to protect the setting of the listed building.

3.4 A new gazebo is proposed at the south east end of the terrace to provide a covered external seating area. This is to a Regency design with painted cast iron posts and canopy structure, stone seats and raised perimeter planting trough with a painted render finish. This is considered to be a modest garden structure which is offset from the main historic part of the south west garden elevation. Furthermore it is a lightweight and permeable structure, with the detailed design being of sufficient quality to ensure no further conditions are required. The overall works are considered to preserve the setting of the listed building and the character and appearance of this part of the conservation area.

4. Amenity

4.1 In terms of overlooking, outlook, sunlight/daylight and noise/disturbance issues, the proposed works are not

considered to result in any loss of amenity for any neighbouring occupiers. The majority of the works are subterranean and the proposed gazebo would not be visible from the public realm or neighbouring properties owing to its proposed location and the level of tree cover at the site. There are consequently no adverse amenity issues envisaged in these regards.

4.2 Turning to structural issues, the applicant has submitted a hydrology report, which is considered to be required owing to the basement not being below the main footprint of the house and extending down a maximum depth of 6.2m. The Environment Agency has been formally consulted on the application and raise no objections and furthermore consider no conditions to be necessary. The hydrology report demonstrates the known geology of the site, based on an on-site investigation, which comprises made ground, Claygate member and London clay. The onsite investigation found a slow seepage of groundwater at a depth of 13.5m within the London clay and within the Claygate member at between 2.3m and 3.5m in depth. The proposed basement will comprise a contiguous bored pile wall around the perimeter of the basement with a reinforced concrete substructure and pool roof slab, which means the pool will be structurally independent to the main house. Given the known conditions in the local area and distances of the application site from underground water courses and surface water features, and given the proposed careful construction and use of the condition recommended above in paragraph 3.3 above regarding the underpinning methodology, the proposed development is not considered likely to result in damage to the water environment or structural stability of the application site building or the wider area.

5. Trees and landscaping

5.1 The applicant has submitted a tree assessment in support of the proposals, which involve the removal of a total of 15 trees within the site. The removal of 4 mature Silver Birch trees are proposed to facilitate access to the site to enable the construction works on the north western corner of Beechwood House (T797, 800,801,802 on the tree schedule). None of these trees are visible from the public domain, nor are they considered to contribute to the setting of the listed building. The removal of these trees is therefore considered to be acceptable.

5.2 The remaining 11 trees proposed for removal are situated towards the south eastern corner of the site including Birch, Holly, Plum, Cherry, Lawson Cypress species. Again, none of these trees are visible from the public domain or contribute to the setting of the Listed building. It is proposed to replant this area of the garden with trees (Indian Bean Tree, Judas Tree or Laburnum), shrubs and herbaceous planting which are more closely associated with the Regency period of the building. This approach is considered to be appropriate in this instance. In addition, adjacent to the proposed gazebo it is proposed to reinstate the paved terrace at the rear of Beechwood House. In order to ensure that this and other planting proposals are appropriately executed a condition requiring further details of all hard and soft landscaping details is to be added.

5.3 It is considered that trees close to the building (T 759,760,796,797,798 and 803) will require protection during the construction period. Therefore, it is recommended that a condition seeking a method statement for the protection of trees implicated by the development is secured.

5.4 In addition, the Nature Conservation officer has sought biodiversity enhancement measures are put in place in order to mitigate the loss of those trees to be felled. As such, conditions to install bird and bat boxes and for logs from felled trees to be kept on site as log piles for invertebrates are recommended to be added.

6. Transport

6.1 In terms of transport matters, it is considered necessary for a Construction Management Plan (CMP) to be sought and secured via S106 Legal Agreement. This is owing to the nature and scale of the proposed development, which will involve significant excavation and therefore a number of vehicle movements to and from the site. These are likely to take place from Hampstead Lane, owing to the narrow width of the private road Fitzroy Park. The CMP will detail such matters and in overall terms will seek to protect the safety and operation of the highway network. This is considered to be necessary in this instance and the applicant has indicated a willingness to enter into the S106 Legal Agreement on this basis.

7. Other matters

7.1 During the course of the application the applicant submitted an Archaeological Desk Based Assessment. This has been considered by GLAAS and it is considered that there is no requirement for a pre- or post-determination archaeological assessment/evaluation to be secured in this instance.

8. Recommendations:

8.1 Grant Planning Permission subject to S106 Legal Agreement on CMP,

8.2 Grant Listed Building Consent

DISCLAIMER

Decision route to be decided by nominated members on Monday 18th October 2010. For further information see

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