



**LOCATION: 148 FELLOWS ROAD, LONDON NW3**

**PROPOSAL: RENEWAL OF (1) PLANNING PERMISSION FOR CONSTRUCTION OF A TWO-STOREY SIDE AND TWO STOREY REAR EXTENSION TOGETHER WITH EXTENSION AT BASEMENT LEVEL TO PROVIDE A RESIDENTIAL UNIT AND REPLACEMENT OF GARAGES AT REAR WITH GYM AND INDOOR SWIMMING POOL AND (2) CONSERVATION AREA CONSENT TO DEMOLISH FOUR EXISTING GARAGES AT REAR - APPLICATION REF: 2007/2202/P and 2203/C**

**EXPLANATORY STATEMENT**

**INTRODUCTION AND RELEVANT BACKGROUND**

Planning permission was granted for the above development on 10 June 2008 following the completion of a S106 Agreement. The permission is subject to 10 Conditions, including one which stipulates a three year period for commencement of development.

Conservation Area Consent was also granted to demolish the existing four garages at the rear of the site on 14 September 2007 and conditional on a similar three year period; in addition a condition was imposed stipulating that the demolition should not be undertaken before a contract for the carrying out of the works for the redevelopment of the site has been made and full planning permission granted for the redevelopment for which the contract provides.

Since the grant of permission the prevailing economic climate has not been conducive to the implementation of the permission. Accordingly this application seeks to extend the life of the current permission by a further 3 year period.

The new provisions introduced by Central Government enabling such renewal was directed at making it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can be implemented more quickly when economic conditions improve.

## **SUMMARY OF THE APPROVED SCHEME**

The two-storey extension to 148 Fellows Road above ground will incorporate a reception room on the ground floor and a study area on part of the first floor, which is mostly "open volume". Access to the new below ground extension from the existing property will be available through this area.

The basement extension allows substantial extension to the property living space without affecting the above ground environment. The Officers Committee report at the time confirmed (para 6.1) that the RUDP and SPG do not raise in-principle objections to the provision of habitable accommodation below ground level. We deal with the Council Guidance Note on New Basement Development and Extensions to Existing Basement Accommodation (February 2009) in a subsequent section to this Statement

The principle of providing accommodation at basement level as discussed below is considered to provide an acceptable level of amenity. The extension incorporates innovative below ground development to extend living space, whilst introducing new green space to the local environment at ground floor level. The modern design includes a screened two-storey side extension above ground with a subterranean addition to the side and rear of the property replacing dilapidated garages.

The north part of the excavation will house the family area incorporating a lounge and play area, steam room and private gymnasium. Also at sub ground floor level will be a small swimming pool with internal patio area and changing rooms.

The private gymnasium would be situated to the rear of the site and constructed over two floors. Full soundproofing and a turfed roof will prevent any noise disturbance to neighbours. The gym is for the sole use of the owner and will not be open to general public.

The innovative use of excavation extending the living space below ground enables the development to offer a large area of garden to replace existing wasteland and garages.

The provision of accommodation below ground enables the formation of considerable additional floorspace without any adverse effect on the character and appearance of the Conservation Area or residential amenity.

The living space below ground will be well lit utilizing natural light. The proposal will enable better use of urban land and be "environmentally" friendly providing better insulation, reducing dust and carbon dioxide and retaining higher humidity levels.

The Officers Report at the time (para 6.1) stated:

*The undeveloped land between 148 Fellows Road and the rear of properties fronting Winchester Road is considered to be an important gap in the Conservation Area, separating the terraces. The proposed development would excavate this area to provide 'underground' accommodation with a green roof. It is considered that this would retain the significant gap, maintaining the spacious, leafy character of the area around the site. The development is considered to accord with Basement BE2 guidelines set out in Belsize Conservation Area Statement, which states that works should contribute to the established character of the street scene.*



There have been no material changes in circumstances which would justify a different conclusion in this regard.

The creation of an additional residential unit is in line with Central Government Guidance and the strategic policies of the UDP, which encourage more efficient use of urban land. We deal with the recent revision to PPS3 in a subsequent section of this statement

The additional unit can be accommodated by means of attractive extensions broadly in compliance with the Council's guidelines. The extant permission was granted subject to a S106 Agreement and the intention would be to provide a simple supplementary deed to link the obligation to the new permission.

### **RELEVANT NEW POLICY CONSIDERATIONS SINCE THE GRANT OF PERMISSION**

#### **Guidance Note on New Basement Development – February 2009**

Since the grant of planning permission and Conservation Area Consent the Council has adopted in February 2009 Guidance relating to New Basement Development and Extensions to Existing Basement Accommodation.

It is worth noting that the original planning application granted permission was accompanied by a considerable amount of supporting information/reports dealing with the issues subsequently formalised in this Guidance Note.

Accordingly the basement accommodation proposed as part of the approved scheme was tested, by specialist consultants, in terms of light penetration and found to be satisfactory in terms of natural light. Furthermore the provision of a green roof on top of the basement area will ensure that the "openness" of this part of the site (an important material consideration in relation to the character and appearance of the Conservation Area) will be maintained and overall the proposed development would enhance the current appearance of the site.

The scheme was modified to ensure that a number of trees on adjoining land (but close to the common boundary of the site) would not be adversely affected.

The extant S106 Planning Obligation incorporates clauses requiring the submission and approval of a Construction Management Plan as well as detailed drawings demonstrating that excavations in proximity to the public highway will have no structural implications for the public highway.

#### **Revisions to PPS3 – Housing – June 2010**

More recently the Coalition Government has issued revisions to PPS3-Housing in relation to the classification of what constitutes previously developed land.

The exclusion of garden land from the definition of previously developed land means that there is no longer a presumption in favour of its development in order to help meet the 60% Government target for brownfield land development.

However, this does not result in the ability of the Council to refuse all applications for new dwellings on garden land. Proposals for development of garden land sites need to be considered on their merits, having regard to planning policy and guidance, including that contained in the re-issued PPS3, as well as any other material considerations.

Garden land sites will continue to be brought to the Council for consideration and will continue to contribute to meeting housing need via windfall development. Such applications can be appropriately considered within the context of saved UDP policies and adopted Supplementary Planning Documents/Guidance.

The approved scheme was subject to extensive and detailed scrutiny by the Council at the time of consideration of the previous planning application. The location of the site within a Conservation Area and the inclusion of a large part of the accommodation being provided underground prompted considerable interest and a detailed evaluation and assessment of the proposal.

As mentioned earlier maintaining the open and green character of this part of the Conservation was a particularly important issue and the Council was satisfied the scheme would achieve this as well as having a beneficial effect on the general appearance of the site.

The PPS3 revisions therefore need to be considered in this context and that no garden land will be lost as the proposed green roof will replicate and in our opinion improve on the "open" part of the site as it exists at present as it will result in the removal of the access road leading to the four garages at the rear.

### **Conclusions**

On the basis of the above we conclude that:

- (a) there have been no material changes in circumstances which justify non-renewal of the extant permission, which remains an important material consideration in the determination of the present planning application.
- (b) there will be no conflict with the relevant UDP policies and it is respectfully requested that planning permission and conservation area consent be renewed for a further 3 year period.



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