

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	12/08/2010
		N/A / attached		Consultation Expiry Date:	21/07/2010
Officer			Application Number(s)		
Aysegul Olcar-Chamberlin			2010/3123/P		
Application Address			Drawing Numbers		
Trinity Walk Land to the rear of 106 Finchley Road London NW3 5JN			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Alterations to fenestrations, additional half storey at rear and lowering basement level to add one additional storey and second floor balcony at rear as revisions to planning permission granted on 13/07/2010 (ref: 2009/4045/P) for erection of a new 2 storey, plus basement single dwelling house to the rear of 106 Finchley Rd (Class C3).					
Recommendation:		Grant planning permission subject to deed variation to s106.			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	05	No. of responses	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 25/06/2010 to 16/07/2010.</p> <p>No response from the adjoining occupiers has been received.</p>					
CAAC/Local groups* comments: *Please Specify	<p>The Heath & Hampstead Society objected to the proposal. In summary, the grounds of their objection are:</p> <ul style="list-style-type: none"> The site is not capable of development, due to its location. There is no road access to the site and access to the site during construction would cause obstruction and public nuisance, especially to the school opposite, children, parents and carers. The proposed double basement would require massive quantities of excavation spoil and involve heavy reinforced concrete construction. A considerable size window would be located directly overlooking the playground of the Primary/Infants School at a distance of less than 6 metres at first floor level. This application should be refused. <p><i>Response: Please refer to the assessment part of the report.</i></p> <p>Thames Water made the following comments and recommendations:</p> <ul style="list-style-type: none"> Incorporation of a non-return valve or other suitable device to avoid the risk of backflow at a latter date. Provision for a drainage to ground, water courses or a suitable sewer. Ensuring that storm flows are attenuated or regulated into the receiving public network through on or off site storage. In the case of connecting to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Discharge to a public sewer requires prior approval from Thames Water Developer Services. They can be contacted on 0845 850 2777. <p><i>Response: An informative is in the decision notice.</i></p> <p>Fitzjohns/Netherhall CAAC raised no objection to the proposal.</p>					
Site Description						
<p>The application site is land at the rear of 106 Finchley Road and faces onto Trinity Walk in Finchley Road town-centre. Trinity Walk is a steep pedestrian passage which runs up uphill from Finchley Road to Maresfield Gardens. The application site was originally a back garden of 106 Finchley Road.</p> <p>Although the site is not in a conservation area the east side of it is bounded to the immediate east and south by Fitzjohns/Netherhall Conservation Area.</p>						
Relevant History						
<p>2009/4045/P – Planning permission was granted on 13/07/2010 subject to s106 agreement for the erection of a new 2 storey, plus basement single dwelling house to the rear of 106 Finchley Rd. This planning permission has not been implemented.</p> <p>2009/2941/P – Planning application was withdrawn on 20/08/2009 for the erection of three storey plus basement single family dwellinghouse to rear of 106 Finchley Rd.</p>						

Relevant policies

Replacement Unitary Development Plan 2006

- SD1 - Quality of life
- SD2 - Planning obligations
- SD6 - Amenity for occupiers and neighbours
- SD7B – Noise/vibration pollution
- SD8 - Disturbance
- SD9 - Resources and energy
- H1 - New Housing
- H7 - Lifetime homes and wheelchair housing
- B1 - General design principles
- B3 – Alterations and extensions
- B7 – Conservation Area
- N5 - Biodiversity
- N8 - Ancient woodlands and trees
- T3 - Pedestrians and cycling
- T7 - Off-street parking, city car clubs and city bike schemes
- T8 - Car free housing and car capped housing
- T9 - Impact of parking
- T12 - Works affecting highways
- Appendix 1 - Noise and vibration thresholds

Camden Planning Guidance 2006

- Access for all
- Car free and car capped housing
- Conservation areas
- Construction and demolition
- Cycle access – parking and storage
- Daylight and sunlight
- Design
- Designing safer environments
- Energy and onsite renewable facilities
- Landscaping and trees
- Lifetime homes and wheelchair housing
- Materials and resources
- Overlooking and privacy
- Planning obligations
- Public open space
- Residential development standards
- Sustainable design and construction
- Transport assessment
- Vehicle access to sites.

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration

- CS1 – Distribution of growth
- 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
- CS15 – Protecting and improving our parks and open spaces & encouraging biodiversity
- CS16 – Improving Camden's health and well-being
- CS19 – Delivering and monitoring the Core Strategy
- DP2 – Making full use of Camden's capacity for housing

DP6 – Lifetime Homes and wheelchair homes
DP17 – Walking, cycling and public transport
DP19 – Managing the impact of parking
DP21 – Development connecting to the highway network
DP24 – Securing high quality design
DP26 - Managing the impact of development on occupiers and neighbours
DP28 – Noise and vibration

Assessment

Proposal:

This application seeks permission for some minor alterations and additions to the new house which was granted planning permission on 13/07/2010. The following aspects of the approved house have been revised:

- The height of the proposed house was increased by 1.6m at the rear and 10cm at the front and the approved basement level was lowered by approximately 1m in order to create an additional (mezzanine) floor.
- Second floor balcony with obscure glass screening to replace the recessed first floor terrace on the rear elevation is proposed.
- One solar panel and additional glazed section are added to the roof.
- Minor alterations associated with above to the fenestration detailing of the approved house.

The proposed house would still be a modern infill building with a simple box-like form immediately adjacent to the high wall on the south side of 106 Finchley Road and to the shared boundary with 5 Maresfield Gardens. The proposed alterations would not change the footprint of the approved house.

The basement level would be approximately 4m below ground level and excavated below the full plot size. The ground floor level would be immediately adjacent to the highway boundary (with the exception of the recessed entrance) and set back by 2.7m from the rear boundary wall to provide a terrace/private garden space (approximately 14sqm). The first floor level would be set back by between 0.7m and 1.2m from the front wall on the ground floor level. The proposed second floor balcony would be 8.5sqm and would project 1.9m beyond the rear wall of the new house. The east side of the balcony would have a 1.8m obscure glass screening. The new house would have a slightly different roof profile with sedum roof and glazing due to the additional mezzanine floor.

Living Standards

The approved house would have a floor area of approximately 172sqm with three bedrooms on the first floor level and open plan lower ground and ground floor levels. It was considered to provide flexibility such that it could be used by a range of household sizes including families and to provide good living standards for the future occupiers.

The proposed house would have a floor area of approximately 200sqm. It would have four bedrooms and similar layout arrangements on the lower ground floor (basement) and ground floor levels to the approved scheme.

The proposed glazed sections of the new house would provide adequate daylight to the habitable rooms on the ground, first and second floor levels. The proposed basement level would not receive adequate natural light in accordance with the Council's standards (minimum external window area in access of 10% of the floor area of the room) but it would be similarly intended to accommodate a gym and cinema (non habitable rooms) to the approved basement level. Overall, the new house by reason of its open plan design and largely glazed sections is considered to provide good living standards for the future occupiers.

The Council requires 9m² of open space to be provided per person. However this is difficult to achieve in densely populated urban areas. The ground floor level terrace area and second floor balcony at the rear which would provide similar outdoor amenity space to the approved house (22sqm) would be 14sqm below the Council's standards due to the additional bedroom. Given the rear ground floor terrace would be accessible via the side passage from the street and would be adequate to provide some outdoor sitting area and refuse storage it is considered that the proposed arrangement for outdoor amenity for the future occupiers is satisfactory.

Policy SD7 of the UDP states the Council will not grant planning permission for development sensitive to noise/vibration pollution unless appropriate attenuation measures are available. PPG24 (Planning and Noise) also identifies residential developments as sensitive to noise/vibration levels. The application site is located within 27m from Finchley Road which carry high volume of traffic. It is also noted there are a/c units and plant on the roof of the rear addition at 106 Finchley Road. Provided that the measurements that are secured by condition 5 (noise mitigation measures) of the original planning permission are taken it is considered that the proposal is acceptable.

Lifetime homes:

Policy H7 encourages all new dwellings to be designed to Lifetime Homes Standards. Additionally, the approved Part M of the Building Regulations will apply to the proposed development. The submitted floor plans of the proposed house show that the proposed alterations have been detailed with Lifetime Homes Standards in mind. Unfortunately, the new house would have a step at the entrance due to its location on a steep sloping path (with gradient exceeding 1:15). The rest of the standards such as covered and illuminated entrance, adequate space for turning wheelchairs inside the houses, ground floor level toilets which are capable of turning into disabled toilets, staircase compatible with lift, lift shaft on all levels etc. have been achieved.

Overall, it is considered the applicant has sought to comply with the requirements as far as practicable in the context of the site, and the proposal complies with policy H7.

Design and Appearance:

Policy B1 sets general design criteria to consider when assessing development proposals. The main considerations in that respect would be the size, height, bulk and setting of the new development in the context of established development pattern, topography and plot sizes in the surrounding area.

In views along Trinity Walk (north eastwards) the proposed building would still appear appropriately scaled. The proposed alterations would not significantly change the approved Trinity Walk elevation. The elevation faces Trinity Walk would still be two storey with similar fenestration detailing then it would step up half a story towards the rear.

The excavation of a slightly deeper basement and the rearrangement of the massing of the building to the rear would make the rear elevation four storeys in height with a small projecting balcony. This has been achieved by lowering the basement level and staggering the rear floor levels at the half landing level in relation to the front floor levels. The additional height (of approximately 1.6 metres) and bulk (in comparison with the approved scheme) would be solely at the rear of the property. Furthermore, the proposed ground floor and basement levels would be screened by high boundary walls and the new deeper (by approximately 1 metre) basement will have no visual impact on the surrounding area.

From Trinity Walk and Finchley Road the extra height and bulk would not be readily visible as it is well set back from the front of the building and would be screened from views by neighbouring buildings and trees. The front elevation would appear largely unaltered. From the rear the extra height and bulk is not considered harmful. The additional bulk to the west and east elevations would not be significant to affect the views from the rear garden of 5 Maresfield Garden and public vintage points as the additional half storey rise is set back by 6m from the street. As such the proposed revisions to the approved scheme are considered to be acceptable in design terms and comply with the aims of policies B1 and B3 of the adopted UDP.

Condition 2 (samples of materials) of the original planning permission would also ensure the design and appearance of the house is of high quality.

Amenity:

Policy SD6 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy. The revised scheme is considered not to raise additional material amenity concerns in terms of loss of daylight, privacy and outlook to the nearby residential properties subject to a safeguarding condition for a privacy screening to the proposed second floor balcony.

The BRE guidelines recommend distances of 18-35m between residential windows which directly face each other, to ensure privacy is maintained. Such distances are generally unachievable in a central urban location such as this. However, Policy SD6 of the RUDP does seek to ensure that privacy is maintained, and overlooking is not of an unacceptable level.

The west side of the application site faces onto the rear of commercial properties within 18meters. The closest residential property (5 Maresfield Gardens) is located on the east side of the application site. The proposed second floor balcony would be within 10m from the rear windows of 5 Mansfield Gardens. As the proposed second balcony would have a 1.8m obscure glass screen which would satisfactorily prevent overlooking to the rear windows of 5 Maresfield Gardens. A new condition to ensure the maintenance of that privacy would be attached to any decision notice.

Initial concerns regarding overlooking from the proposed (first floor) front windows to the school playground is raised. The proposed first floor windows would not be any different in terms of size, form and detailing than the approved windows at the front of the house. The proposed first floor windows are also proposed to be obscure glazed. A condition to ensure that windows to be kept obscured is not considered to be necessary in this instance because they will form a street frontage. It is not unusual in dense urban areas to have windows within close proximity to the opposite sites on street frontages. Furthermore, there is an existing overlooking from the upper floor flank and rear windows of the adjacent properties (a-c 106 and 104 Finchley Road) on the west side of the primary school to the playground within close proximity. Therefore it is considered that the proposed front windows would not raise material amenity issues in terms of unacceptable overlooking.

Trees and Biodiversity:

Camden Planning Guidance advises that vegetation which contributes to the amenity of the surrounding area should not be removed.

There is no vegetation which has any amenity value on the application site therefore excavation of 1m deeper basement is considered not to raise additional tree or biodiversity issues. The submitted tree survey shows the location of the trees and high hedges on the adjoining and opposite sites. The eastern most edge of the site is bounded with the rear garden of 5 Maresfield Gardens which is in the Fitzroy/Netherhall conservation area. This boundary has a Leyland cypress hedge c.6m in height along this boundary. The hedge currently overhangs the site and would require being pruned back to the boundary. This row of trees has poor growth on the garden side. It is possible that the loss of growth covering the site may result in the loss of these trees. However the Council's tree officer considered their value to the character of the conservation area to be limited due to past management and their current position. It is therefore not considered appropriate to seek to provide further protection for these trees.

The site is currently a small brown field site with regenerating vegetation and trees and as such provides reasonable wildlife habitat. Although the proposed development would result in removal of that vegetation, the new house would have a green roof. Subject to condition 3 (full details of green roof) of the original planning permission it is considered that the proposed green roof with bio-diversity of planting would compensate the bio diversity value of the site.

Sustainability and energy efficiency

The proposed development is only for a single residential unit, therefore there is no requirement for the applicant to submit an Ecohomes or Code for Sustainable Homes [CfSH] Report. However, the general requirement of policy SD9 is to seek to ensure that all new development is designed with sustainability in mind. Notwithstanding, the submitted Design and Access Statement includes the same sustainability methods and measurements to the approved scheme. These include incorporation of high level insulation, solar energy for heating water, energy efficient boilers, natural ventilation, a surface water management, green roof which would absorb rain water, materials with minimal long-term environmental impact, etc. will be incorporated into the design. Therefore it is considered that the revised scheme would also be capable of achieving Code for Sustainable Homes code level 4 (excellent).

It is considered that the applicant has shown a commitment towards achieving an energy efficient building.

Transport Issues:

The proposed house would be car free capable of accommodating a bicycle and the additional basement excavation would be small in scale. Therefore, the proposed scheme would not raise additional transport concerns and provided that the new house is car free, the transport section considers the proposal acceptable.

The construction of the proposed development of this size is considered to affect the highway and transport conditions. Subject to the implementation of the submitted Construction Management Plan (attached to Design and Access Statement for the approved scheme as well as the revised scheme) which outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users the proposal would be in accordance with policy T12. Summary of the Construction Management Plan:

- During the construction period the north half of the Trinity Walk will be suspended and hoardings will be erected around the suspended area. The south half of Trinity Walk will be retained for on-going

pedestrians routes up and down.

- At top end of junction with Maresfield Gardens will provide space for delivery vehicles.
- Banksmen will be used to ensure safe vehicle movement to and from the delivery area.
- Delivery times will not interfere with local school traffic.
- Staff and storage facilities and safety equipment will be installed within the hoarded site.
- The building will be built with a combination of steel beams and pre-cast concrete slabs which will be assembled in-situ on site.
- A site water and electricity connection will be provided by the NatWest bank.
- The construction will take place 8am to 4:30pm Monday to Friday and 9:00am to 1:00pm on Saturday mornings unless otherwise instructed.

If the proposed development were implemented then highways works would be required to repave half of the footway of Trinity Walk (the northern side, adjacent to the property). The Council will undertake all works within the highway reservation, at the cost to the developer in order to mitigate the impact of the increase in trips this development will generate, and to tie the development into the surrounding urban environment. The Council's Highways Engineering estimated the amount of cost to be £19,000. The estimated amount for the approved scheme was £18,668.87.

The Council's transport section considered the proposal acceptable subject to S106 for the car free housing, implementation of the submitted Construction Management Plan and financial contribution of £19,000 towards the cost of repaving the footway adjacent to the site on Trinity Walk.

Refuse management and collection:

The revised scheme would also include similar arrangements for the refuse storage (1.53m x 6.75m x 1.26m) on the rear ground floor terrace to the approved scheme. Condition 6 (provision of proposed refuse and recycling storage facilities) of the original planning permission would be adequate to ensure that the proposed arrangement for refuse storage is provided and retained in perpetuity.

Other Issues:

The new house would ordinarily benefit from permitted development rights. It is considered necessary to remove the rights which would allow extensions and alterations to the house in order to prevent any adverse impact on the residential amenity and the appearance and character of the area (Class A, Class B and Class C from Part 1 of the General Permitted Development Order as amended in 2008). Condition 4 of the original planning permission would ensure that.

Conclusion:

The revised scheme is appropriately designed in terms of size, accessibility and access to facilities such as refuse and cycle storage. The proposed development has been designed with sustainability in mind and incorporates low carbon and renewable energy technologies. During the design of the proposed development, sufficient consideration has been given to the impact of the proposed development on the character of the area and the amenities of the neighbours in terms of impact and on their daylight/sunlight and privacy. Thus, the proposed development complies with the aims of the Council's relevant policies.

Recommendation: Subject to deed variation of S.106 agreement to include revised drawing numbers and the increased amount of financial contribution towards the cost of paving Trinity Walk (£19,000) permission is recommended to be granted.

DISCLAIMER

Decision route to be decided by nominated members on Monday 23rd August 2010. For further information see

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