

Address:	Land adjacent to 2b Briardale Gardens LONDON NW3 7PP		
Application Number:	2009/1017/P	Officer: Hannah Parker	
Ward:	Frognal & Fitzjohns		
Date Received:	19/02/2009		
Proposal: Erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking.			
Drawing Numbers: 285/50/00B; 01A; 02A; 03A; 04A; 10A; 11A ; 15A; 16A; 17A; 20A; 21A; 22A; 23A; site location plan 285/00/02. Arboricultural report, impact assessment & method; Drivesett Tegula Priora permeable block paving details; Design and access statement; email from agent indicating that Code for Sustainable homes level 3/4 is achievable.			
RECOMMENDATION SUMMARY: Grant subject to a Section 106 Legal Agreement			
Related Application Date of Application:	19/02/2009		
Application Number:	2009/1019/C		
Proposal: The demolition of the existing garage			
RECOMMENDATION SUMMARY: Grant Conservation Area Consent			
Applicant:		Agent:	
Dr Ralf Schoepfer 2B Briardale Gardens London NW3 7PP		Panter Hudspith Architects 4-8 Emerson Street LONDON SE1 9DU	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3	<i>Dwelling House ancillary garage</i>	<i>40 m²</i>
Proposed	C3	<i>Dwelling House</i>	<i>266 m²</i>
Residential Use Details:			
	Residential Type	No. of Habitable Rooms per Unit	

		1	2	3	4	5	6	7	8	9+
Existing	<i>Garages</i>	0								
Proposed	<i>House</i>			1						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	2	0
Proposed	1	0

OFFICERS' REPORT

Reason for Referral to Committee: The demolition of the former garage buildings within the conservation area [Clause 3 (iv)].

1. SITE

- 1.1 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.
- 1.2 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.
- 1.3 The site and surroundings are within the Redington/Frognaal Conservation Area [CA]. 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.

2. THE PROPOSAL

- 2.1 Erection of a new 3-storey and basement detached dwelling house including a balcony at rear and with forecourt car parking following demolition of existing garage.

3. RELEVANT HISTORY

3.1 Land adjacent to 2b Briardale Gardens

PWX0202594

Redevelopment of the site by the erection of a new 3-storey and basement detached dwelling house with forecourt car parking. Granted 08/03/2004

CWX0202595 Demolition of existing garage block. Granted 05/08/2003

2004/2447/P

Variation to planning permission granted on 08/03/2004 (ref: PWX0202594) for the erection of a 3 storey and basement detached dwelling house with forecourt car parking, relating to the provision of a semi-basement integral garage within the dwelling house. Refused 13/08/2004

3.2 No. 2b Briardale Gardens

2005/1281/P Replacement of existing flat roof extension with new pitched roof single-storey rear extension at ground floor level, plus minor amendments to existing rear bay window at 1st floor level and enlargement of existing window opening on the front elevation. Granted 16/05/2005

3.5 No. 3 Clorane Gardens

D4/9/8/11790: The erection of a five room dwelling house, with integral garage, at the rear of No.3 Clorane Gardens, N.W.3. Refused 28/10/1971

D4/9/8/12307 The erection of a detached dwelling house comprising three habitable rooms with integral garage at the rear of 3 Clorane Gardens N.W.3. Granted 20/01/1972

4. CONSULTATIONS

- 4.1 **English Heritage** - This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.2 **Conservation Area Advisory Committee**- Redington and Frognal CAAC. No objection.

4.3 Adjoining Occupiers

Original	
<i>Number of letters sent</i>	13
<i>Total number of responses received</i>	07
<i>Number of objections</i>	07

A site notice was displayed from 18/11/2009 until the 19/11/2009.

4.4 7 letters of objection were received. These included two flats within 41 Platts Lane and the Company Secretary for White Court Residents Association. Nos. 1, 3 and 5 Briardale Gardens and 1 Clorane Gardens also objected. In summary, the following points were raised:

- Object to design which is out of keeping with the conservation area and neighbouring buildings.
- Disproportionately wide, touching the flank walls of the 2 adjacent houses. Creating a terraced effect which detracts from the street.
- The massing and proportions of the existing street pattern do not correspond with the new design.
- Uncomfortable break in the rhythm of the existing street scene.
- Large floor to ceilings glazed section is inappropriate as it is a bedroom.
- Potential patio area facing the street at second floor level. Potential overlooking.
- Low level planting shown in the proposal creates a very open façade. This makes the building very exposed from the street.
- Works destroy off street parking.
- Works may harm trees.
- Street will become over populated.
- Object to the principle.
- Further confusion with street numbering.
- Off street parking forecourt looks substandard.
- Loss of several off-street parking bays which will cause more congestion.
- Disruption noise and dust.
- Owners are looking to sell the house with planning permission.
- Loss of the views of greenery.
- Loss of amenity.
- Letters were not sent to all those who objected last time.

5. **POLICIES**

5.1 **London Borough of Camden Replacement Unitary Development Plan 2006**

H1	New housing
H7	Lifetime homes and wheel chair housing
H8	Mix of units
B1	General design principles
B7	Character and appearance of conservation areas
N5	Biodiversity
N8	Ancient woodlands and trees
SD6	Neighbourhood Amenity
SD9	Resources and Energy
T3	Pedestrians and Cycling
T8	Car free and car capped housing
T9	Impact of parking

- T11 Alternative use of existing car parks
- T12 Works affecting the highway

5.2 **Camden Planning Guidance 2006**

5.3 **Redington/Frogna Conservation Area Statement**

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- **Principle of development**
- **Impact on host building and the conservation area**
- **Neighbourhood Amenity**
- **Trees**
- **Transport**
- **Sustainability**
- **Other issues**

6.2 **Principle of development**

6.3 The principle of development is considered acceptable, not least as an externally identical house was approved in 2004. The garage has no architectural or historic merit in itself and makes a negative contribution to the conservation area. The modern design and suburban style is out of character with the substantial historic buildings in this road. Although not specifically designated as an opportunity site in the Conservation Area Statement, it is considered that this area is a potential opportunity site for more appropriate redevelopment. No objection is raised to the loss of garages, as 2b already has sufficient space for parking on its forecourt. No objection is raised to the principle of creating a new dwelling house here; this has been accepted by previous planning permissions both here and on the two sites on either side.

6.4 In terms of the provision of new housing, the Council's policy H1 seeks the fullest use of underused sites and buildings for housing, provided that the accommodation reaches acceptable standards. This proposal would provide a single residential unit and as such complies with policy H1, increasing the amount of residential floorspace within the borough. The house will also provide family sized dwelling, of which the borough has a shortage. A large single family dwelling house is considered consistent with policy H8 in respect of 'mix of units'.

6.6 **Impact on host building and the conservation area**

6.7 This proposal is externally identical to a scheme approved in 2004, the planning permission for which is now time expired. The main differences are the internal lowering of the kitchen floor and an increase in the size of the basement to accommodate a cold store, and the updating of sustainability measures.

- 6.8 Since the 2004 approval the Character Appraisal of the Conservation Area has not been revised. The UDP adopted in 2006 does not introduce any new conservation guidance or policies which would initiate a reassessment of the proposal.
- 6.9 It is acknowledged that a number of objections have been submitted which refer to design aspects of this proposal. However, the Council has previously assessed this design against a 'preserve or enhance' policy and found it to be acceptable. The Council's approach has not changed since this analysis was completed; therefore the previous assessment and the recommendation for approval has not changed. The amount of glazing proposed has already been considered acceptable.
- 6.10 It is considered that the footprint, bulk and height of the new house are appropriate to its context. The use of the forecourt for one parking space and landscaping to one side is acceptable and complies with CPG guidelines. The new basement store and cellar will not be visible from the street.
- 6.11 The houses along Briardale Gardens are large. Objections have been received regarding the proportions of the new dwelling. A house as proposed would not appear out of character in terms of size and scale. It is acknowledged that the new dwelling will be larger than the footprint of the existing garage and nos. 2a and 2b Briardale Gardens. However, these are the exceptions. The smaller infill dwellings are of scale, proportions and design that are generally out of character with the rest of the street.
- 6.12 The objections also refer to a terraced house effect being created, which is at odds with the rhythm of the street pattern. Briardale Gardens is characterised mainly by large semi-detached houses which have small gaps in between. The current infill properties are again the exception, being detached. The new property is not in fact attached to the properties either side, but is located in close proximity, giving the appearance of a row of terraced housing. The proposed development is considered in keeping with the street pattern and is not considered detrimental to the street scene. As such, it is not considered to be detrimental to the conservation area.
- 6.13 The detailed design of the scheme is modern in its concept, but as an infill building this approach is considered acceptable in its context. The jettied 1st floor with 2 oriel windows projecting further at the front and the use of receding and projecting planes to the frontage are important elements of the design concept, and add articulation and interest as a modern interpretation of the gables and bay windows that exist on buildings elsewhere in the street. The glazed roof structure ensures that its potential visual dominance is minimised; whilst its pitched form to the rear reflects that of adjoining roofs. The simple façade design of large white rendered, glazed and red brick panels echoes the use of these materials on the larger houses elsewhere in the street. However, a condition will be required to reserve the precise details, in order to ensure that the details of these elevations and materials are satisfactory and result in a high quality building.
- 6.14 The works are considered consistent with policies B1 General Design Principle, B3 Additions and Extensions and B7 Conservation Areas.
- 6.15 **Neighbourhood Amenity**

- 6.16 The amenity issues have similarly previously been assessed in the context of the earlier scheme. A history search has been conducted, and the only new permission that has been granted in the immediate vicinity since the previous approval was at 2b Briardale Gardens. This was for the replacement of an existing flat roofed extension with a new pitched roof single-storey rear extension at ground floor level, plus minor amendments to existing rear bay window at 1st floor level and enlargement of existing window opening on the front elevation. This was granted on the 16/05/2005. This new permission does not change the previous assessment in amenity terms.
- 6.17 The scheme will not result in any serious loss of amenity to neighbours. The new windows at the rear will be at least 25m away from houses in Clorane Gardens and 16m away from their rear gardens, so no overlooking will occur. The front and rear flat roof will only be used for maintenance purposes and a condition will be attached to ensure that it is not used as a roof terrace. The rear facade will project 2.5m beyond that of no. 2a adjoining; however this respects the 45° angle on plan recommended to maintain daylight to the 2 habitable room windows on rear ground and 1st floors, and it will not adversely affect their outlook. The rear façade and increased height will have no impact on daylight/sunlight or outlook to no.2b on the other side or to properties behind and opposite.
- 6.18 Occupants of no. 41 Platt's Lane have objected to the scheme on grounds of overlooking, loss of privacy, loss of light and outlook. 41 Platt's Lane is located approximately 26m from the property and is not directly opposite the development. It is acknowledged that many of the windows will overlook the site; however, guidelines require new buildings to have a minimum distance of 18m between the windows of habitable rooms of different units that face each other. As the property at no. 41 Platt's Lane is over 18m away and is not directly opposite, it is considered that any overlooking/ loss of privacy will not be significant. As the property is a significant distance away, there will not be any loss of light.
- 6.19 Again the objections regarding the different view of the site are acknowledged. A 3-storey dwelling will appear larger and more bulky and there will be some loss of views of the sky. However, as illustrated in the principle of demolition statement, the garages are a negative feature of the area. The redevelopment of the site is encouraged.
- 6.20 It is considered that the proposed works will not adversely impact on the amenity of the adjacent properties with regard to access to sunlight, daylight, or outlook and thus is considered to be consistent with Policy SD6 of the UDP
- 6.21 **Trees**
- 6.22 The existing garage has an almost full-width crossover and concreted forecourt. The new scheme will replace this with one car parking space, which complies with CPG standards in size and location, and the remainder of the forecourt will be landscaped; details of which will be reserved by condition and this will ensure that a landscaped frontage with hedge is provided. This will enhance the character and appearance of this part of the conservation area. This condition also helps to

alleviate the concerns of the objectors who are concerned about the front boundary treatment. The new driveway will be on the right hand side of the site, and will necessitate a new crossover and relocation of a tree.

- 6.23 Arboricultural Services have been advised that the applicants should pay for the removal and replacement of the Silver Birch at a cost of £500. Any planning permission should be subject to a S.106 agreement for the payment of this sum.
- 6.24 A tree protection plan has been provided which satisfactorily sets out the protection measures for trees to be retained (T1 Pear and T3 Plane). No further details are required.
- 6.25 A planted area has been proposed at the front. Permeable paving (Tegula Priora permeable paving) has been proposed for the parking spaces. The design of the frontage is considered to add interest and variety. The change from concrete to the proposed permeable surface is welcomed.
- 6.26 **Transport**
- 6.27 There is existing vehicular access to the site which it is proposed to retain. The site has a Public Transport Accessibility Level (PTAL) of 3.

6.28 Cycle Parking

UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. Camden's Parking Standards for cycles (*Appendix 6 of the Unitary Development Plan*), states that 1 storage or parking space is required per residential unit. The proposal is for 1 residential dwellinghouse; therefore 1 cycle storage/parking space is required. The applicant has stated in the application that they have included provision for two cycle parking spaces in the basement, but these are not obvious on the plan. However, the proposals are for a large single dwelling house with level access from the street and a cycle can easily be stored within the building or provision made within the curtilage of the site; therefore Camden's parking standards for cycles has been met.

6.29 Off-street parking

The minimum standard for an off-street parking space is 2400mm wide by 4800mm long as laid out by Section 49 of Camden's Planning Guidance (Vehicle access to sites, car parking, and servicing). The proposed drawings show the parking space as being 3634mm wide by 4826mm. The space is acceptable as set out by Camden's Planning Guidance compliant with policy Camden's UDP Policy T9.

Impact on-street parking

- 6.30 Under UDP Policy T11, the Council will grant planning permission for the redevelopment of existing car parking for alternative uses provided that any parking removed is surplus to needs for residents' parking. Objections were received

concerning the impact on parking. As the residents of 2b Briardale Gardens use the existing garage spaces for storage and not for parking as confirmed by the agent, it is considered that the redevelopment of this site for housing will not reduce the supply of residents' parking and displace vehicles into the local area and it's Controlled Parking Zone (CPZ).

6.31 Car-capped Development

Given that The London Plan Consolidated with Alterations since 2004 (February 2008) should be taken into consideration (policies 3C.1, 3C.17 and 3C.23) as well as the UDP (policies T8 and T9) and to some extent Camden's Draft LDF Development Policies (draft policy DP18); car-capped should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. This redevelopment of an existing garage reduces the amount of parking on the location from 2 spaces to 1 space. However, it should be made certain that the amount of parking for this location is capped at one space. Therefore, this development should be made car-capped through a S.106 planning obligation for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 3 and is within a Controlled Parking Zone.
- Not making the development car-capped would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within.

6.31 Construction Management Plan (CMP)

UDP Policy T12 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via a S.106. A S.106 will be sought as the proposal involves a significant extension to the basement floor level which will require a large amount of earth excavation. These excavations will have to be done by machines, and will generate a large amount of excavated material. This will also increase the number of construction vehicles going to and from the site on a weekly basis.

6.32 Also, due the scale and kind of this development (which includes demolition) and the likely method of construction a CMP is required in order to mitigate any adverse impacts.

6.33 Any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as to not adversely affecting the safety or operation of the public highway.

6.34 Highways Works Immediately Surrounding the Site

In order to tie the development into the surrounding urban environment, a financial contribution should be required to repave the footway adjacent to the site and the

vehicular crossover. An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired.

- 6.35 All other things being acceptable this work and any other work that needs to be undertaken within the highway reservation would need to be secured through a S.106. The Council will undertake all works within the highway reservation, at the cost to the developer.
- 6.36 The S.106 obligation would also require plans demonstrating interface levels between development thresholds and the Public Highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate.
- 6.37 Sustainability
- 6.38 The scheme performs very well in terms of its sustainability. Policy SD9 of the Replacement Unitary Development Plan (2006) refers to resources and energy. This states that the Council will seek developments that conserve energy and resources through designs for energy efficient, renewable energy uses, optimising energy supply and the use of recycled materials. Sustainable design techniques have been proposed as part of the proposal in order to attempt to minimise the environmental impact of the development.
- 6.39 The orientation of the house takes advantage of its south westerly rear aspect. Solar thermal panels will be installed to provide preheating for domestic water.
- 6.40 A rainwater harvesting system will also be incorporated into the scheme with a tank beneath the rear garden. The rainwater will be used for toilet flushing and irrigation of the garden. Specially designed sanitary fittings will ensure further water savings.
- 6.41 A basement cold store is being created which will feed a ventilation riser which will run the full height of the house, feeding the bedrooms with cool air. The ventilation riser and cold store are clearly illustrated on the drawings and are fundamental to the design. The concrete structure is to be exposed to provide a high thermal mass, providing a store of heat in the winter and cooling in the summer.
- 6.42 In order to prevent solar gain electrically operated external blinds will be fitted on the rear elevation, to block the sun's rays whilst allowing air flows to be maintained.
- 6.43 The wall construction will comprise of high levels of insulation and all windows will be double glazed with a low emissivity coating.
- 6.44 In order to minimise the CO₂ emissions where concrete is used, cement substitutes (limestone, PFA or GGBS) will be included in the mix. This can reduce CO₂ emissions in the production of cement by 50%.

- 6.45 The applicants have detailed in their design and access that all building materials and waste will be recycled where possible. Reclaimed materials from the demolished garage will also be re-used where possible.
- 6.46 The agents have confirmed in writing that they are looking to achieve a Code for Sustainable Homes level 3/4 through implementing the sustainability measures outlined in the sustainability section of the design and access statement.
- 6.47 The landscaping of the front garden involves the use of permeable paving, a sustainable urban drainage system (SUDS) for driveways. The benefits of using this system include a reduction in the risks of flooding and pollution of the public sewer system in times of heavy rainfall. Details of the (SUDS) have been submitted and as they form part of the front boundary treatment the Council can ensure that they are introduced through the landscaping condition.
- 6.48 Due to the importance of the sustainability aspect to any new build scheme, the sustainability measures will form part of the legal agreement [with a post construction review] to ensure that these aspects of the proposal are implemented.
- 6.49 Removal of Permitted Development Rights
- 6.50 Due to the size of the proposed dwelling house and its relationship to the neighbouring properties, and the importance of the design approach, it is considered necessary to remove permitted development rights. This will ensure that any new proposed alterations or extensions to the new house will be subject to planning permission.
- 6.38 Other Issues
- 6.39 The majority of the objections are covered in the analysis above. The objections that were not are addressed below. It is not considered that with the conversion of the garage to a house will mean the street will become overpopulated. Both the London Plan and the RUDP encourage development on vacant and underused sites to make a full contribution to meeting the boroughs housing needs.
- 6.40 Although the property is larger than its immediate neighbours, the house is in proportion with the rest of the street. Whilst it is 3-storeys in height, the 3rd storey is considerably set back from the street frontage and this, together with the largely glass composition, means that it will read as a lightweight contemporary roof addition which will not be overly visible or dominant in views from the street.
- 6.41 The disruption that construction work involves is acknowledged, A Construction Management Plan is being required, which will minimise disruption, although it is inevitable that noise of construction will affect the immediate surroundings. An informative will also be placed on the permission advising the hours of construction in accordance with the Control of Pollution Act 1974.
- 6.42 The street numbering issue confusion is again acknowledged. However, confusion in street numbering cannot be used as a reason for refusal. An informative will be

placed on this permission to ensure that the correct street number should be displayed.

- 6.43 Whether the applicant chooses to sell the site after determination of a planning application is not a material planning consideration.
- 6.44 The garage at present occupies the whole of the site, and includes a hard surface that is in need of repair. The proposal includes landscaping which will bring visual interest to the street frontage. It is acknowledged that the trees in the back garden will be less visible. However, most trees in back gardens cannot be seen from the public realm.
- 6.45 It is acknowledged that the initial consultation did not include all those properties that should have been consulted. This was rectified and re-consultation took place. All those who were consulted or who objected to the last scheme were consulted for the current scheme.

7. CONCLUSION

- 7.1 The principle of the proposed development is considered to be acceptable, especially in the context of the previous approval for a nearly identical building. The only difference is that the conditions and Heads of Terms of the S.106 will vary slightly due to the progression of policy that pertains to certain aspects of the scheme.
- 7.2 Planning Permission and Conservation Area Consent are recommended subject to a S.106 Legal Agreement.

Heads of terms

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

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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