

Delegated Report		Analysis sheet		Expiry Date:	01/07/2010
		N/A / attached		Consultation Expiry Date:	01/07/2010
Officer			Application Number(s)		
Gavin Sexton			1. 2010/2456/P 2. 2010/2457/C		
Application Address			Drawing Numbers		
29A Frognal London NW3 6AR			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
1. Planning Application: Erection of a new residential dwelling (class C3), following the demolition of existing. 2. Conservation Area Consent: Demolition of residential dwelling (class C3).					
Recommendation(s):		Refuse Planning permission. Refuse Conservation Area Consent.			
Application Type:		Full Planning Permission			

Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	52	No. of responses No. electronic	10 00	No. of objections	10
Summary of consultation responses:	Responses received from 25a, 27, 29, and 42 [x3 different names] Frognal and 20, Flat 7@ 27, 27b and 30 Arkwright Road.					
	<ul style="list-style-type: none">Proposed house too large and design/materials completely out of keeping with neighbouring properties and is in conflict with the 3 other houses in the terraceWill detract from visual amenity of areaMass of proposal is out of keeping with neighbouring propertiesAny encroachment on building lines on either street frontage or increase in height would be detrimental to neighbouring properties and would provide precedentConcerned about very substantial basement, may divert water flow with adverse structural consequences for neighbouring propertiesIs cycle space actually just a second car space?Modern building would overlook 27 Arkwright RoadRoof terrace will cause problems of noise, light pollution and lack of privacyLoss of treesLoss of garden spaceLogistical problems during period of building contract <p>Detailed objections from 29 Frognal as follows:</p> <p>Ambiguous Design and Access statement</p> <ul style="list-style-type: none">Conservation Area Statement contains reference to 2-storey properties at 27, 29 & 29A which detract from character of the CA. This is incorrect and significant improvements have been made to properties including addition of a storey to each, which should be acknowledged. Building no longer detracts from CA.Drawings only show immediate neighbour and not implications for the terrace of the proposals29A is part of ‘four-dwelling terraced building’ and therefore demolition of 29A is only partial demolition of a building and should be considered in context of remainder of terrace. Removal of part would unbalance one-two-one format of the terrace. <p>Impact on water flows</p> <p>Arkwright/Frognal is well known for downhill watercourses. Terrace is built on two hills on unstable clay base. Excavation of basement might cause localised and unpredictable flooding</p> <p>Mha structural report cannot therefore be relied upon for following reasons:</p> <ul style="list-style-type: none">It is undated and unsigned,proposed basement drawings are insufficiently detailed to enable comprehensive structural engineering report to be prepared.Document contains no analysis of site and development specific technical issues.Report refers to basement being slightly bigger than footprint of ground floor – but it appears to be 50% larger.Report is desktop study only relying on 30 year old bore holes details from 350m away and much further down hillDetailed borehole analysis must be carried out at site and analysed by					

Hydrologist not structural engineers

Structural issues:

- No detailed technical justification for 'minor' assessment of impact of piling adjacent to adjoining dwelling. Does not comply with CAS para RF21 (excavation).

Environmental issues

- Excess of glass without any indication of solar shading. Resulting heat will require air conditioning.
- Energy cost of replacing perfectly good, solid, well built house with new one using new materials is excessive
- House will have fewer bedrooms than other properties on terrace despite being larger.
- Application requires unnecessary use of resources
- Retention of car space is unnecessary in location well served by public transport

Garden space

- Proposal significantly reduces open space of plot
- Must be considered in context of policy RF1 (rear gardens)
- Respect for site and setting
- No consideration demonstrated in Design and Access Statement for context of terrace. Proposals suggest new dwelling will read as separate building suggesting no existing harmony with other dwellings in terrace.
- DAS incorrectly states ground floor not visible from street.
- DAS incorrectly states back wall line of existing house is maintained

Roof terrace

- Very large terrace would be source of excessive noise and light pollution in close proximity to neighbours bedrooms.
- Will be invasive to privacy in neighbouring 29. Trellises are undetailed and location may be able to change at will.
- Need to consider CAS para RF30 (roof gardens)

Disruption

- No information provides about duration of works and other construction and traffic considerations.

Other

- Absence Applicant states that CAAC and English Heritage have been consulted but no indication of their response is given.
- Absence of daylight sunlight study is flaw in application

**CAAC/Local groups
comments:**

Redington/Frogna CAAC: No response received

Heath and Hampstead Society - object

- Design's obtrusive and strident nature is completely alien to character and appearance of the CA.
- Encroachment over building line, excessive height, use of materials and disruptive architectural form would be damaging to CA.
- Truly awful copper roof tiles are most prominent feature leading to objection
- Form and design of basement is potential hazard to adjacent properties arising from disruption to known underground watercourses
- Structural report is unconvincing as desk top study only with little evidence of realistic assessment of sites characteristics
- Area has been prone to flood and subsidence for some time from underground streams which is not addressed properly in submission
- Claim for need to underpin exposed party wall of 29 would have unacceptable impact on neighbouring property.

Arkwright Road Residents Committee - object

- Design and materials are totally out of keeping
- There will be a loss of green space
- Basement will cause problems for adjacent properties
- Frogna/Arkwright are built on London clay and on top of underground water courses
- 29 Arkwright already suffers from basement flooding.
- Underpinning of 29 Frogna would be required which would be an unfair cost of this development

English Heritage

"Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice."

Site Description

The site is located within the Redington/Frogna CA at a prominent crossroads between Frogna and Arkwright Road.

The area is predominantly characterised by substantial late C19 and early C20 red brick domestic revival properties set in a suburban pattern of detached and semi-detached houses within garden settings. Properties sit close to each other and present a fairly consistent front building line behind generous front gardens. No. 28 Arkwright Road, opposite the site, is listed Grade II and is a good example of the red brick and terracotta domestic revival style.

No. 29A Frogna forms part of a short terrace of 4 x 2-storey yellow brick 1950s houses.

Relevant History

2009/0555/P: Application was withdrawn for erection of a building comprising basement (with front lightwell), ground, first floor and part second floor level leading onto rear roof terrace for use as a 4-bedroom single-family dwellinghouse (Class C3) with off-street car parking.

Relevant policies

Replacement Unitary Development Plan 2006

SD1D Quality of life (Community Safety)

SD2 Planning obligations

SD6 Amenity for Occupiers and Neighbours

SD7 Light, Noise and Vibration Pollution

SD9 Resources and Energy

H1 New Housing

- H3 Protecting Existing Housing
- B1 General Design Principles
- B7 Conservation Areas
- T1 Sustainable Transport Space
- T3 Pedestrian and Cycling
- T8 Car-free housing and car capped housing
- T9 Impact of Parking
- T12 Works Affecting Highways
- N8 Ancient Woodlands and Trees

PPS5 Planning for the historic environment

PPG14 Development on unstable land

PPG25 Development and Flood risk

Camden Planning Guidance 2006

New basement development and extension to existing basement accommodation (Feb 2009)

Redington/Frogna CA Statement 2004

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.

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS6 - Providing quality homes

CS14 - Promoting high quality places and conserving our heritage

CS11 - Promoting sustainable and efficient travel

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

CS13 - Tackling climate change through promoting higher environmental standards

CS16 - Improving Camden's health and well-being

CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity

CS16 Improving Camden's health and well-being

CS17 Making Camden a safer place

CS19 Delivering and monitoring the Core Strategy

DP2 - Making full use of Camden's capacity for housing

DP17 - Walking, cycling and public transport

DP18 - Parking standards and the availability of car parking

DP19 - Managing the impact of parking

DP21 - Development connecting to the highway network

DP22 - Promoting sustainable design and construction

DP23 - Water

DP25 - Conserving Camden's heritage

DP24 - Securing high quality design

DP26 - Managing the impact of development on occupiers and neighbours

DP27 – Basements and lightwells

DP28 - Noise and vibration

DP29 Improving access

DP32 - Air quality and Camden's Clear Zone -

Assessment

The principle issues for consideration in this assessment are: land use, principle of demolition and design of replacement building, impact on transport, amenity and trees/biodiversity, basement construction and sustainability.

Land Use

The expansion of residential floorspace in the borough is supported by policy H1 of the UDP, subject to appropriate standards of accommodation. The amenity of occupiers and neighbours is assessed

below.

Principle of demolition

The CA Statement sets out the character of the area which recognises that this sub area (number 8) is varied as a result of sporadic development; however there is clearly a strong and harmonious theme running through the many positive contributors and listed buildings. At the core of this theme is a typical late C19 set of domestic architectural principles manifesting itself in domestic revival, Queen Anne and Arts and Crafts suburban forms, detailing and materials. Buildings are often weighty in their lower levels with many having heavily landscaped roof forms; are highly composed with much modulation and detailed interest; and are of natural earthy materials.

No. 29A Frognal forms part of a short terrace of 4 x 2-storey yellow brick 1950s houses (some of which have attic accommodation) described in the Conservation Area Statement as buildings which detract from the character of the area and would benefit from enhancement. However, the terrace is in good condition, is fairly well constructed and as a terrace of four dwellings it creates some self referencing group value. It has a typical look of late C20 infill and in many situations it would be considered reasonable and neutral. It is therefore considered that its detracting rather than neutral status is in part due to the very high standard and exceptional design quality of the late C19 architecture which surrounds it. However, it is mostly the failure of their design to respond specifically to the language and character of the conservation area and its resultant incongruity which gives some weight to the identification as detractors. Demolition is therefore considered acceptable in principle subject to an appropriate new design.

Design of replacement

The proposal is attached to the host terrace at ground and first floor, effectively continuing the terrace, but with different form and material and, in this sense, it is considered an extension to the terrace. Therefore it is considered that any new building which departs from the character of the existing should appear to stand independently as a detached house.

The properties on both Arkwright Road and Frognal have fairly constant front building lines as they approach the junction. The set back from the street behind front gardens and the uninterrupted views of front gardens along the streets is a key feature of the area. At junctions properties are set back from both roads. The footprint of the existing property reflects this characteristic. The proposal seeks to move the footprint closer to Arkwright Road by approx 1.5m proud of the building line of neighbouring properties to the west, into the front garden buffer zone (although there seems to be some ambiguity on dwg 200, where the setback line projects from the bay rather than the front wall of 27B and the ground floor). Overall, the footprint of the building should not project its main front wall to Arkwright Road past that of neighbouring 27B, although an acceptable approach may include a projecting bay or secondary element, such as on neighbouring properties and on the existing dwelling. The proposal has a higher eaves line and shallower pitch, resulting in a bulkier form which is not relieved through further modulation and a softening or modelling of the abrupt acute corner would be needed to retain a sense of openness across this corner.

The design is not successful in responding to the character and appearance of the positive buildings in the Conservation Area in a conventional sense of rhythms, proportions and forms. Many of the materials and/or their application are not characteristic, particularly the copper and the expansive use of glass on the gable end. The underlying principles and language of the contextual architecture outlined above and in the CAS does not come through in the design. There is a blurring of roof and façade forms and a mix of flat and rear roofs presented on the main elevation which results in a confused form. Although there are a range of materials, they are applied to a flat form, with the front elevation forming a single plane without modulation or addition, and with the end elevation presented as if truncated. The extruded and unresponsive gable end of the existing building is its most negative aspect. The proposal replaces it with a similar unresponsive gable, but larger, with a more incongruous and bulkier shallow pitched profile and without the soft textural, tonal qualities given by the bricks.

The detailing is unclear, particularly in relation to footplates running across the large glazed areas on

both street elevations which are not clearly represented in the elevation drawings.

In summary the proposal would be incongruous to the character and appearance of the Conservation Area as defined by the positive contributors; however it would also be an incongruous addition to the host terrace to which it would be connected. The design is therefore unacceptable, and is contrary to policies B1 and B7.

In particular with regard to policy B1 the proposals fail in respect of criteria a) respect its site and setting and g) seek to improve the attractiveness of an area and not harm its appearance or amenity. Furthermore the design of a development has failed acceptably address the following principles of policy B1:

- h) building lines and plot sizes in the surrounding area;
- j) the height, bulk and scale of neighbouring buildings;
- l) the design of neighbouring buildings;
- m) the quality and appropriateness of detailing and materials used and
- n) the provision of visually interesting frontages at street level.

PPS5 (HE9.5) sets out that "Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the ... Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping". Furthermore policy HE7.5 states "Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use."

Supporting this view the guidance (paras 80) states "Policies HE7.5, HE9.5 ... require attention to the extent to which the design of new development contributes positively to the character, distinctiveness and significance of the historic environment. A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:

1. The significance of nearby assets and the contribution of their setting.
2. The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
3. Landmarks and other features that are key to a sense of place.
4. The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.
5. The topography.
6. Views into and from the site and its surroundings.
7. Green landscaping.

For the reasons set out above it is considered that the application fails significantly to respond in an acceptable manner in respect of 1, 2, 4, 6 and 7 of the above.

Amenity for occupiers and neighbours

The accommodation provided by the proposals would be of an acceptable standard. Recycling and waste storage facilities would be provided within and without the building.

The applicant has submitted a Lifetime Homes statement with the application which indicates that all of the criteria would either be met or are not relevant. Policy H7 is considered to be met.

The plans and accompanying DAS refer to an exterior air source heat pump on the boundary with no. 27b Arkwright. No further information has been provided on this noise generating piece of plant and no information on its impact on the amenity of neighbours has been submitted. It is considered that this element has the potential to have a detrimental impact on the amenity of neighbours in terms of noise and vibration and is therefore contrary to policies SD6 and SD7.

The large roof terrace adjacent to the exposed flank wall of no. 29 Frognaal contributes to the overall discordant impact of the design of the dwelling. However, it is unlikely to present any new opportunities for overlooking into habitable rooms of neighbouring dwellings on Frognaal by virtue of its

location. By virtue of considerable size, it would however be likely to significantly intensify the opportunities for overlooking into no. 27b Arkwright which has facing windows approx 9m away. The proposed 1.3m trellis, of unspecified materials and opacity, would not be of sufficient height to ensure that the privacy of neighbouring occupiers is protected and is considered unacceptable in terms of policy SD6. A screen of approx 1.8m of a suitable design, secured by condition, would suffice to address this issue as part of an acceptable overall solution.

Transport

Camden's parking standards (UDP Appendix 6) set out a minimum requirement of one cycle space and a maximum of 1 space per dwelling. A location for cycle parking has been indicated on plan; however no details have been provided of how these would be secure and covered, in order to meet policy T3. In the event that permission were granted for an acceptable scheme a condition would be added requiring details of the secure and covered cycle spaces to be submitted for approval. The plans indicate a single car parking space which would be an acceptable reduction on the existing hard standing which accommodates two vehicles.

The site is on the corner of Frognal and Arkwright Road. This is a busy junction, with considerable traffic stresses experienced at peak hours of the day. The demolition of the existing building, excavation of basement and construction of new dwelling would require considerable local construction traffic movements and arrangements. Furthermore following the excavation of the basement footprint there would be limited clear site space remaining for storage of materials and other construction related activities. It is therefore considered that a Construction Management Plan (CMP) would be required to be secured by S106 legal agreement in order to ensure that disruption to the local transport network is minimised for the duration of the works. In the absence of such an agreement the impact of the works would be contrary to policy T12. The CMP would need to cover the criteria below – many of which relate to off-site activities and controls.

- a) A brief description of the site, surrounding area and development proposals for which the CMP applies.
- b) Start and end dates for each phase of construction.
- c) The proposed hours within which vehicles will arrive and depart.
- d) The access arrangements for vehicles.
- e) Proposed routes for vehicles between the site and the Transport for London Road Network (TLRN). Consideration should also be given to weight restrictions, low bridges and cumulative affects of construction on the highway. A map of the TLRN can be downloaded from here: ["http://www.tfl.gov.uk/assets/downloads/TFL_Base_Map_Master.pdf"](http://www.tfl.gov.uk/assets/downloads/TFL_Base_Map_Master.pdf)
- f) Sizes of all vehicles and the frequency and times of day when they will need access to the site, for each phase of construction.
- g) Swept path drawings for any tight manoeuvres on vehicle routes to the site.
- h) Details (including accurate scaled drawings) of any highway works necessary to enable construction to take place.
- i) Parking and Loading arrangement of vehicles and delivery of materials and plant to the site.
- j) Details of proposed parking bays suspensions and temporary traffic management orders.
- k) Proposed overhang of the public highway (scaffolding, cranes etc.)
- l) Details of hoarding required or any other occupation of the public highway
- m) Details of how pedestrian and cyclist safety will be maintained, including any proposed alternative routes (if necessary), and any Banksman arrangements.
- n) Details of how traffic associated with the development will be managed in order to reduce congestion.
- o) Details of any other measures designed to reduce the impact of associated traffic (such as the use of construction material consolidation centres).
- p) Details of how any significant amounts of dirt or dust that may be spread onto the public highway will be cleaned or prevented.
- q) Evidence and details of consultation on a draft CMP with local residents, businesses, local groups (e.g. residents/tenants and business associations) and Ward Councillors. Details should include who was consulted, how the consultation was conducted and the comments received in response to the consultation. In response to the comments received, the CMP

should then be amended where appropriate and where not appropriate a reason why will need to be provided. The revised CMP should also include a list of all the comments received. You are advised to check your proposed approach to consultation with the Council before carrying it out.

- r) Details of any Construction Working Group that will be set up, addressing the concerns of surrounding residents, as well as contact details for the person responsible for community liaison on behalf of the developer, and how these contact details will be advertised to the community.
- s) Details of any schemes such as the "Considerate Contractors Scheme" (www.considerateconstructorsscheme.org.uk) that the project will be signed up to. Contractors will also be required to follow the "Guide for Contractors Working in Camden" also referred to as "Camden's Considerate Contractor's Manual"
- t) Amelioration and monitoring measures over construction traffic including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any).
- u) Details of other construction sites in the local area and how your CMP takes into consideration the cumulative effects of construction local to your site.
- v) Any other relevant information with regard to traffic and transport.
- w) The CMP should also include the following statement:
"The agreed contents of the CMP must be complied with unless otherwise agreed with the Council. The person responsible for implementing the CMP shall work with the Council to review this CMP if problems arise in relation to the construction of the development. Any future revised plan must be approved by the Council and complied with thereafter."

Furthermore the works involve the relocation of an existing crossover. A financial contribution required to restore the footway adjacent to the site, relocate the vehicular crossover and associated modifications to the road markings. This could be secured through a S.106 Legal Agreement or by way of Grampian condition attached to any future permission but is not considered to be sufficient in itself as a reason for refusal.

Proposed Basement

The proposed basement would extend beyond the footprint of the proposed building by between 1.5 and 3m. It would be approx 3.5m deep, 12m wide and 16m at its longest edge, which would appear to be approx 50% larger than the ground floor footprint. A 3m x 3m void of unspecified finish would form a lightwell on the Frognal elevation. It is not clear how this void would be protected (horizontal grille or vertical balustrade) and due to its proximity to the footpath on Frognal has the potential to be a highly visible manifestation of the basement. Further details of this element would be required by condition in the event of an acceptable design coming forward.

Whilst significantly larger than the footprint of the existing building, the basement would retain significant margins of deep soil along the Arkwright and Frognal boundaries where mature tree and shrub planting could continue to be supported. It is therefore considered that although a sizeable below ground increase on the existing ground floor footprint the scale of the basement is not over-development and is acceptable.

The basement would adjoin the neighbouring terraced property, no. 29. Frognal is not identified as either a primary or secondary flood risk location in Appendix 3 to the Basement SPG; however Arkwright Road is identified as a primary location and this is borne out by consultation responses. Camden's basement guidance identifies the need for a full Flood Risk Assessment, in accordance with PPG25, to be secured prior to commencement of basement development in an area of primary flood risk. It is considered that the submitted structural note on the feasibility of the proposed basement, which is based on a desktop survey, does not meet the PPG25 Appendix F guidance on preparation of a Flood Risk Assessment (FRA). In the event that a future acceptable design were formulated, a PPG25 compliant FRA would be required by condition and should preferably form part of the submission of the planning application.

The overall conclusions of the structural note that a basement construction is feasible are not necessarily contested; however the report is deficient in presentation of site specific evidence. In this respect further detailed assessment of the site, with accompanying recommendations on flood risk and subsidence mitigating measures would be required prior to commencement of any work. Such information would need to be consistent with the findings of the FRA above and should potentially deal with such measures for Sustainable Urban Drainage as may be required for this excavation at the junction of two hills. It is likely that the borehole data submitted which relates to a distant site may have limited direct relevance to specific underground watercourse conditions at the application site.

Trees

A protected tree was present on site which was removed as it was shown to be implicated in damage to the foundations of the property. It is unclear whether this tree has yet been replaced. In the event that an acceptable design of dwelling were to be forthcoming, a condition would be required seeking details of the replacement tree and further details of all hard and soft landscape details including changes to any boundary treatment. A tree protection plan and method statement would also be required for existing trees.

The encroachment of the new building on the front garden would have a negative impact on the open character of the prominent corner location and the potential to have a detrimental impact on the biodiversity of the site. However, the impact on the latter is not considered to be sufficient reason for refusal in itself.

Sustainability

The energy statement identifies carbon reductions through energy efficient measures of approx 8.6% to be supplemented by on-site renewables in the form of an air source heat pump which would bring the overall carbon reduction to approx 21%. The energy efficiency measures would be consistent with existing food practice and it appears that the dwelling may reach Code of Sustainable Homes level 3 grading. It is considered that for an 'innovative' new build dwelling the applicants should be reaching for higher grading and should seek to pursue Code level 4. However this failing is insufficient in itself as a reason for refusal.

Conclusion

The replacement of the existing dwelling with a new dwelling is acceptable in principle. However the proposed replacement design is unacceptable in terms of its detailed design, footprint, bulk and massing. The proposals fail to demonstrate how the scheme would incorporate acceptable measures to limit the impact on the amenity of neighbours in terms of noise from outdoor plant and from increased opportunities for overlooking. In addition, the failure to secure a S106 legal agreement to secure a Construction Management Plan would likely result in unacceptable impact on the local transport network.

In the event that a suitable design approach was proposed which overcame all of the above issues, the Council would seek to secure the following by S.106 agreement:

- A Construction Management Plan.

Furthermore a financial contribution would be required to pay for repaving the footway adjacent to the site and for relocating the vehicular crossover and any associated on-street road markings.

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