

DISCLAIMER

Decision route to be decided by nominated members on Monday 07th June 2010. For further information see

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

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	10/06/2010
		N/A / attached	Consultation Expiry Date:	08/06/2010
Officer			Application Number(s)	
Katrina Christoforou			2010/1604/P	
Application Address			Drawing Numbers	
19 East Heath Road London NW3 1AJ			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
An increase in the depth of the basement by a maximum of 0.9m, plus alterations to landscaping, elevations and materials as amendments to planning permission 2008/5101/P granted subject to a section 106 legal agreement 22/10/2009 for the 'Erection of a single-family dwelling house at ground floor and lower ground floor level following the demolition of existing single storey garages at the rear of the site'.				
Recommendation(s):		Grant planning permission subject to a deed of variation of section 106		
Application Type:		Full Planning Permission		
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice		
Informatives:				
Consultations				

Adjoining Occupiers:	No. notified 40	No. of responses 04 No. Electronic 01	No. of objections 04
Summary of consultation responses:	<p>A site notice was erected on the 21/05/2010 and neighbours and relevant local groups were consulted on 27/04/2010. During the course of the application the description of development was altered and additional information submitted. Following this neighbours were re-consulted on 18/05/2010 and a further 14 days to make comments was provided (please see the history section for more information). Objections were received from neighbours at 11 & 13 Cannon Place and 18 and 19 East Heath Road (main building)</p> <p>Summary objections relating to the first round of consultations:</p> <ul style="list-style-type: none"> - Object to the garage being turned into a dwelling. - Dwelling would destroy the character of the gardens. - Works may affect the water table and in turn damage trees in the area. - Garden grab by developers - Permission to go higher has been denied time after time. - An increase in height would affect views. - Will affect structure of neighbouring properties in an area with subsidence problems. <p>Summary of objections relating to the amended proposal (post 18/05/2010):</p> <ul style="list-style-type: none"> - The basement is deep enough. - Excavations will affect stability of neighbouring dwellings. - The green roof will be difficult to maintain and the character of the area will be changed. - Disruption from building works. - Mature trees will be damaged. 		
CAAC/Local groups* comments: <small>*Please Specify</small>	<p><u>Hampstead CAAC: Objection</u></p> <ul style="list-style-type: none"> - The proposal is contrary to the Council's emerging policy on basements. - It will increase activity and bring more noise and visual pollution. - Increased frequency of the access which has limited visibility onto East Heath Rd. <p><u>Heath & Hampstead Society: Objection</u></p> <ul style="list-style-type: none"> - Backland development and loss of garden space in an area characterised by large houses and grounds. - The garden will be used as a car park. - Pollution from cars. - The hydrology report is inadequate. - Further investigation including boreholes should be required. - The basement depth has been increased to 5m. - We comment separately on trees. 		

Site Description

The site is located on the south side of East Heath Road in a predominantly residential area opposite Hampstead Heath. The site is developed with a sizable detached 4 storey property dating from the 19th Century and contains 5 residential flats. The application relates the to rear garden space of the property which contains a detached single storey garage building. The remaining rear garden space is largely hard surfaced and used for informal car parking. There is a vehicular access running along the west side of the main house

providing access to the rear garden. Planning permission was granted on 22/10/09 for the demolition of the garage and rebuild with a two storey dwelling (see history section).

The site is within the Hampstead Conservation Area and the main building is identified as making a positive contribution to the character and appearance of the conservation area. The site is also located within an Archaeological Priority Area.

Relevant History

2004/4769/P and 2004/4772/C (Granted)

Planning permission was granted on the 10/06/2005 for the demolition of the existing garage block at the rear of the site, and erection of a single family dwelling house at ground floor and lower ground floor levels with associated landscaping and car parking. This permission is still valid and capable of being implemented until 10/06/2010.

2006/0036/P (Granted)

Planning permission was granted on the 10/03/2006 for revisions to the approved scheme (granted on 10/6/05, ref nos. 2004/4769/P and 2004/4772/C) for the erection of a single family dwelling house at ground floor and lower ground floor levels with associated landscaping and car parking. The revisions allowed for an increase to the footprint at ground floor level towards the rear building line of No. 19 East Heath Road.

2006/2958/P (Granted)

Planning permission granted on the 29/08/2006 for a further revision to planning permission granted on 10/6/05 (2004/4769/P and 2004/4772/C), and dated 10/3/06 (2006/0036/P), to include demolition and replacement of existing bridge/terrace adjacent to No.19; the removal of proposed external stair to lower ground floor entrance of new dwelling, and minor external changes to the fenestration and rooflights.

2008/2639/P and 2008/3042/C (Withdrawn)

Applications were submitted in May 2008 for a revised demolition and rebuild scheme. Following advice from officer's the applications were withdrawn.

2008/5101/P & 2008/5255/C (Granted)

Planning permission and conservation area consent granted subject to a section 106 legal agreement on the 26/03/2009 for the erection of a single-family dwellinghouse at ground floor and lower ground floor level with associated landscaping and car park, following the demolition of existing single storey garages at the rear of the site.

2009/4168/P & 2009/4172/C (Withdrawn)

Applications for planning permission and conservation area consent for the erection of a two storey single family dwellinghouse (Class C3) at ground and lower ground floor levels with associated car park and landscaping, following demolition of existing single storey garages. This application proposed alterations to the proposed dwelling from that previously approved including alterations to the landscaping, bringing the screen closer to the main house and additional excavations at basement level. Following officer's advice regarding the proposals the applications were withdrawn on the 04/11/2009.

The current application 2010/1604/P

The current application was originally submitted as an entirely new demolition and rebuild scheme and was accompanied by an application for conservation area consent, reference 2010/1609/C. However, the scheme proposed was very similar to existing planning permission and conservation area consent 2008/5101/P & 2008/5255/C, with no proposed change to the overall proposed height, bulk or position. It was therefore considered that the principle of the development had been established and that it was the proposed alterations that required assessment. The application was consequently treated as an amendment to the previous

permission rather than an entirely new application and further information was submitted to clarify the differences now proposed from the previous approval. The description of development was changed and the relevant parties were re-consulted. The associated conservation area consent application was withdrawn as it is not required for an amendment scheme.

Relevant policies

Replacement Unitary Development Plan 2006

SD1- Quality of life
SD6- Amenity for occupiers and neighbours
B1- General design principles
B3- Alterations and extensions
B7- Conservation Areas
N8- Ancient woodland and trees

Supplementary planning guidance

Camden Planning Guidance 2006

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
CS14- Promoting high quality places and conserving our heritage
CS15- Protecting and improving our parks and open spaces & encouraging biodiversity
CS17- Making Camden a safer place
DP23- Water
DP24- Securing high quality design
DP25- Conserving Camden's Heritage
DP26- Managing the impact of development on occupiers and neighbours
DP27- Basements and lightwells

Assessment

The principle of the development of the site for a basement and ground floor dwelling has already been established. The current application seeks amendments to this permission including the following:

- Excavations of an additional 0.9m of depth at basement level.
- An enlarged bin store.
- Amendments to materials of the privacy screen from white concrete portal frame with vertical wires to enable climber/vine planting to vertical glass fins and corten beam.
- Alterations to facing materials from brickwork and translucent glazing to a largely clear triple glazed façade and of inner courtyard boundary wall from white concrete to facing brickwork.
- Changes to the layout of the forecourt and private courtyard
- Extended area of pavement lights.
- Alterations to internal layout at basement level.
- Enlargement of green roof area with slight alteration to parapet.
- Alteration to flue at roof level.
- Creation of a recessed slot in the west courtyard wall.

Proposed additional excavations

The area of the proposed basement would remain as approved. The only difference would be an increase in the depth of the single storey basement by up to 0.9m. The excavations are intended to extend the internal head height at basement level to 3m. The height and form of the building above ground would remain as approved. Emerging LDF policies DP23- Water and DP27- Basements and lightwells must be taken into

account. These policies are new and were not material considerations at the time of the approval of the original scheme (2008/5101/P, dated 26/03/2009). The principle of a basement of this area has already been established and assessment should only therefore relate to any additional harm caused by the proposed increase in depth.

The site is not identified in the LDF as being in an area of particular flood risk, although it is noted that the site is in close proximity to Hampstead Heath and surrounding areas have been affected by surface water issues in the past. A Hydrology Report and Drainage Strategy were submitted with the original application and these have both been amended in light of the proposed increase in depth of the basement. The Hydrology Report, covers the topography, geology and hydrological conditions in the area and reaches the same conclusion as with the original planning application: the construction of the basement is not expected to cause adverse changes to groundwater conditions. The drainage strategy covers local drainage arrangements, flood risk and the proposed drainage strategy and reaches the same conclusion as with the original planning application; the site is within an area of low flood risk, there is a combined public sewer running along East Heath Road and a preliminary drainage calculation has indicated that a holding tank system with a capacity of 21m³ would be required for the proposed development to attenuate a 1-hour peak storm event, including additional capacity to feed the proposed rainwater harvesting system. It is proposed to retain the approved grasscrete surface of the forecourt area which should provide some additional capacity for surface water absorption. It is worth noting that the existing surface is roughly paved for parking and is not a permeable surface.

The proposed increase in depth of the single storey basement by 0.9m is considered unlikely to result in any additional issues with flooding and drainage and the measures proposed are considered to be appropriate.

The site is within an archaeological priority area. English Heritage GLAAS were consulted on the application and advised that remains of archaeological importance may be anticipated due to the vicinity of the site to prehistoric finds known from the heath and the Vale of Health, as well as Roman burials to the east. GLAAS have therefore recommended that a the condition attached to the original permission 2008/5101/P, requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a submitted written scheme of investigation that shall be approved by the Council, remains valid.

Other alterations

The proposed alterations to the layout, materials and other features outlined above are not considered to significantly alter the proposals. The design would still be contemporary in appearance and the proposed external alterations are considered to preserve the character and appearance of the site and the conservation area. As the form and height would remain unchanged and the increased area of glazing would be concealed behind the screen, the proposals are not considered to have any implications for the residential amenity of neighbours.

Trees

The proposed excavations are not considered to have any further implications for the trees on and around the site and it is recommended that all conditions attached to the original application still apply.

Transport

The proposals would not alter the transport arrangements from those previously approved as part of application 2008/5101/P. However, this approval was subject to a Section 106 Agreement including a head of terms relating to the submission and approval of a Construction Management Plan and the carrying out of the works in accordance with the approved CMP. This was due to the constrained access arrangements for the site and the scope of the excavation works. As further excavation is now proposed this is likely to increase the number of vehicle movements required which would have a bearing on the site and its surroundings. It is therefore recommended that any permission be subject to a Deed of Variation requiring an updated version of the CMP to be submitted to the Council, approved and adhered to. As part of the original approval the Planning

Committee had requested the submission and approval of the CMP prior to the determination of the application. This was to ensure that it was possible to construct the development safely and without unreasonable levels disruption. This was confirmed at the time of the previous application and as the nature of the proposed additional excavations are not extensive it is considered acceptable for the revised CMP to follow.

Recommendation:

Grant planning permission for amendment subject to the original conditions attached to 2008/5101/P and a deed of variation of the section 106 relating to the CMP.