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| Address: | Site at 38 Redington Road London NW3 7RT | | |
| Application Number: | 2009/5829/P | Officer: Hannah Parker | |
| Ward: | Frognal & Fitzjohns | | |
| Date Received: | 15/12/2009 | | |
| Proposal: Erection of a 3-storey single dwelling house (Class C3) with a two storey basement including green roof, green wall, swimming pool, front and rear light wells, ancillary single storey garage building and the demolition and rebuilding of a terrace of garages adjoining the site. | | | |
| Drawing Numbers: RD2-P-001A; 010revA; 100; 101; 102revA; 103; 104; 105; 106revA; 110revB; 200; 201; 202; 203; 301; 303revA; 305: G-1;G-2; G-4; G-5; R0723 rev 1; R0724 rev0; RD2-P-102.1; Velux Solar Hot Water Systems; Green Wall Panels; Bauder Maintenance Procedure; Bauder Sedum Blankets; Sedum Blanket with SDF Mat detail; Bauder technical data sheet; A.M Lane Method Statement; Arboricultural Planning Integration Report; Design and Access Statement Sustainability Section: XFG-1/3/7/9; XFg4-1/3/6; XFL1-1/3; Hydrology Report; | | | |
| RECOMMENDATION SUMMARY: Grant subject to a S.106 Legal Agreement | | | |
| Related Application Date of Application: | 15/12/2009 | | |
| Application Number: | 2010/0563/C | | |
| Proposal: Retrospective Conservation Area Consent for the demolition of a single family dwelling house and demolition of 6 garages | | | |
| Drawing Numbers: See above. | | | |
| RECOMMENDATION SUMMARY: Grant Conservation Area Consent | | | |
| Applicant: | | Agent: | |
| LINT (Redington) LTD Wycliffe House, 245-247 Cranbrook Rd Ilford Essex 1G1 4TD | | Studio Mark Ruthven 92 Prince of Wales Road London NW5 3NE | |

ANALYSIS INFORMATION

| Land Use Details: | | | |
|-------------------|-----------|---|--------------------|
| | Use Class | Use Description | Floorspace |
| Existing | C3 | <i>Dwelling House (demolished)/ garages</i> | 97 m ² |
| Proposed | C3 | <i>Dwelling House</i> | 846 m ² |

| Residential Use Details: | | | | | | | | | | |
|--------------------------|-----------------------|--------------------------|---|---|---|---|---|---|---|----|
| | Residential Type | No. of Bedrooms per Unit | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ |
| Existing (demolished) | <i>Dwelling House</i> | | | 1 | | | | | | |
| Proposed | <i>Dwelling House</i> | | | | | 1 | | | | |

| Parking Details: | | |
|------------------|--------------------------|---------------------------|
| | Parking Spaces (General) | Parking Spaces (Disabled) |
| Existing | 6 | 0 |
| Proposed | 6 | 0 |

OFFICERS' REPORT

Reason for Referral to Committee: The application proposes the complete demolition of an existing building within a conservation area [Clause 3 (iv)].

1. SITE

- 1.1. The site is currently a vacant plot in a mainly residential area on the eastern side of Redington Road, and is within the Redington/Frogna Conservation Area. The site was previously occupied by one of a pair of modest 2-storey brick buildings (nos. 36 & 38) dating back to the 1950s, which was demolished subsequent to the grant of conservation area consent 2003/2686/C.
- 1.2. A row of six garages to the north of the vacant plot, sharing the access onto Redington Road, are also included in the application site. There is an additional garage and an electricity substation which lies directly behind the garages but are not included in the site.

2. THE PROPOSAL

- 2.2. The erection of a 3-storey single dwelling house with a 2-storey basement including green roof, green wall, swimming pool and lightwells to the front and rear. The house would be approximately 9.2 m in height above ground. The depth of the basement would be approximately 7.5m and its width approximately 13.5m. It would be completed in contemporary design, with facing brick and a copper roof.
- 2.3. **Revision**
- 2.4. Revisions have included the reduction in the amount of off-street parking spaces associated with the proposed house from 2 spaces to 1 to comply with Camden's Guidance.

3. RELEVANT HISTORY

- 3.1. 9120/88/1 The erection of 2 semi-detached houses and 2 private garages and the formation of a new means of access to the highway at Plot 2, 42 Redington Road
Granted 18/03/1955
- 3.2. 2003/2685/P & 2003/2686/C: The demolition of the existing semi-detached single dwellinghouse, and the erection of a new 3-storey plus basement single dwellinghouse, semi-detached at ground floor level, plus integral garage. Granted 25/03/2004.
- 3.3. 2006/1733/P: The erection of a new 3-storey dwellinghouse with a basement and a sub-basement including front and rear lightwells. Granted 02/06/2006
- 3.4. EN10/0134: In breach of conservation area consent 2003/2686/C. House demolished and not rebuilt.

4. CONSULTATIONS

4.1. Statutory Consultees:

- 4.2. English Heritage: Waiver of Archaeological Requirement. The present proposals are not considered to have an affect on any significant archaeological remains. The advice is that any requirement for pre- or post- determination archaeological assessment/ evaluation of this site in respect to the current application could be waived.

- 4.3. Thames Water:
Waste comments: Thames Water would advise that with regard to sewerage infrastructure they would not have any objection to the planning application.
Water comments: On the basis of information provided, Thames Water would advise that with regard to water infrastructure they would not have any objection.

4.4. Conservation Area Advisory Committee

- 4.5. Redington and Frognal CAAC: No response to date

4.6. Local Groups

Heath and Hampstead Society: Object to the scheme.

Unfortunately the letter has been mislaid, so officers cannot detail the grounds of objection and set out a response to them. It has also not been possible to secure a copy of the letter. Officers will continue to seek this from the Heath and Hampstead Society. If obtained, it will be circulated on the Supplementary Agenda with an officer response.

Adjoining Occupiers

| | Original |
|---|-----------------|
| <i>Number of letters sent</i> | 23 |
| <i>Total number of responses received</i> | 4 |

| | |
|-----------------------------|---|
| <i>Number of objections</i> | 4 |
|-----------------------------|---|

4.7. Immediate neighbours were consulted by letter and a site notice was displayed from 23/12/09 for three weeks. Four letters of objection were received from the following addresses: 2 Templewood Avenue, 36 Redington Road, 51 Redington Road, 7 Redington Gardens. The points raised are summarised below;

1. The house is too big for the plot.
2. The house is out of proportion
3. Site is situated in a conservation area so not an appropriate design.
4. Overdevelopment of the site
5. Loss of trees and shrubs in former garden have not been replaced
6. Issues with deep digging will have on the surrounding hydrology
7. Light would be affected to no.2 Templewood Avenue
8. Impact on light from the projecting of the front towards no.36
9. Parking problems
10. Does the Council know who owns the garages?
11. Disruption from the building and excavation works
12. Stress caused by the works
13. No.36 has not been left weather tight since the previous house was demolished

5. **POLICIES**

5.1. **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/Frognaal Conservation Area Statement**

5.4 **Local Development Framework Policies**

5.5 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, particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot

override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies, and Members should always seek specific officer advice before considering voting for refusals on this basis.

5.6. Core Strategy:

CS6 Providing quality homes

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

CS11 Promoting sustainable and efficient travel

CS13 Tackling Climate change through promoting higher environmental standards

5.7. Development Plan Policies

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair housing

DP22 Promoting sustainable design and construction

DP23 Water

DP29 Improving access

DP17 Walking, cycling and public transport

DP21 Development connecting to the highway network

DP27 Basements and lightwells

6. **ASSESSMENT**

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

- Principle of scheme
- Visual appearance
- Neighbourhood Amenity
- Hydrology
- Sustainability
- Structural issues
- Removal of Permitted Development Rights
- Transport
- Trees
- Other Issues

6.2 **Principle of scheme**

6.3 Planning permission for the demolition of the house previously occupying the site and its replacement with a new dwelling, which included a 2-storey basement, was granted in 2004 (planning permission 2003/2865/P and conservation area consent 2003/2686/C). There have been no material changes in planning terms since 2003 that would make the construction of a new dwelling on the site unacceptable.

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 and 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. There is no loss of residential accommodation and a family-sized unit is maintained. A large single family dwelling house is considered consistent with policy H8 (Mix of units).

- 6.5 The replacement house approved under 2003/2865/P was never built, in breach of a condition attached to the conservation area consent and leaving a vacant site detracting from the character and appearance of the conservation area. These applications therefore seek to regularise the use of the site through an alternative replacement dwelling which would enhance the area while protecting the amenity of the surrounding occupiers.
- 6.6 The demolition of six garages is also part of this scheme. The garages at present are “tired” in appearance and are not considered to contribute to the character and appearance of the conservation area. The demolition and rebuilding of these garages is considered acceptable in principle on this basis.
- 6.7 **Visual Impact**
- 6.8 The replacement building would be of a scale and proportions that are in keeping with the style that predominates within this part of Redington Road. The area is characterised by large houses of 3-storeys. The houses are usually set behind large front gardens, and the mature trees and hedges contribute positively to the verdant character of the area. Whilst the proposed building would be larger than the adjoining property, no.36 is out of keeping with the general scale of the area and a larger building would be appropriate in its setting.
- 6.9 The principle of a new dwelling in a contemporary style is considered acceptable. The predominant scale in the context of Redington Road and its environs is of two main storeys with a pitched roof / attic storey. The buildings in the area, historic and contemporary infill, are well detailed and incorporate modulation and relief which breaks up their scale and perceived bulk, and brings visual interest to the elevations and at roof level.
- 6.10 The building will be 3-storeys above ground. However, the top storey would be set back behind a parapet upstand, in order that it would read as a recessive attic or roof storey. The dwelling house will largely be constructed in red brick with pre-patinated copper. The design is considered to be in the spirit of the existing architecture and pre-patinated copper is appropriate in terms of the character and appearance of the conservation area, as it will give a high quality finish, the colour will work well with the red brickwork in the wider area, and it will weather well. The double glazed metal windows sit comfortably within the contemporary designed house.
- 6.11 The building in terms of scale and bulk is appropriate and it sits comfortably within the streetscene. Objections have been received regarding the size of the dwelling being out of proportion with the plot and that it would constitute redevelopment. Although larger than the previous house does respect the size of the plot and the wider scale of the dwelling along Redington Road. A house of similar proportions (not design) was approved on the plot in 2006.

- 6.12 The use of copper at roof level will bring in a visual distinction between this and the principal floors below, again helping to ensure that the upper storey is read as a separate element.
- 6.13 The treatment of the side elevations, particularly the southern elevation, employs brick and copper with the copper element set behind brick piers, wrapping around at roof level. The introduction of a set back element and the use of copper will bring some visual interest to this elevation and again breaks up the perceived mass. The set back copper element at first and second floor level gives the existing adjacent building some breathing space.
- 6.14 The northern side elevation introduces a green wall. This breaks up the amount of proposed brickwork on this elevation adding visual interest and increased biodiversity to the building. This concept then continues at roof level with the roof of the house and the roof of the garages being green.
- 6.15 The introduction of the lightwell to the front of the property, due to its secluded position behind the reinstated holly hedge, is acceptable. The lightwell/ courtyard garden measures 5.5m by 6m and will largely be hidden from the public realm. Due to its proportions the lightwell will act as a courtyard garden area. This will allow the maximum amount of light to the basement level. Planters will be used as a barrier to prevent people falling into the courtyard also increases the landscaped nature of the scheme. Due to the contemporary nature of the building a lightwell/ courtyard garden will not appear out of place. A similar lightwell was approved under the 2006 application which also approved a basement and sub basement level.
- 6.16 The rear lightwell/ courtyard is shielded from the public realm. It is incorporated into the design of the overall proposal. It is not considered to detract from the appearance of the conservation area.
- 6.17 A 2-storey basement was previously approved under 2006/1733/p. The overall size of the basement has been reduced by 60 sqm to safeguard the adjoining trees. Internal basement space has also been given over to external courtyard areas. Since the 2006 approval, the Character Appraisal of the Conservation Area has not been revised. The UDP adopted later in 2006 does not introduce any new conservation guidance or policies which would require a reassessment of the basement in design terms. It is largely hidden from the public realm and much of the basement is located beneath the proposed house.
- 6.18 The incorporation of the garages into the scheme is considered acceptable. The materials follow the design of the main building as such will preserve the character and appearance of the conservation area.
- 6.19 A pedestrian gate and a vehicular gate are proposed on the boundary with Redington Road. There are many examples of different boundary treatments along the Road. The power coated steel gate is considered acceptable and will complement the window materials. The impact of the gates is minimised due to the existing and reinstated Holly hedge.
- 6.20 The proposal is considered to be in keeping with the character of Redington Road, as a contemporary reinterpretation of the large, red brick houses of the

conservation area. The revised detail and materials are now considered to preserve the character and appearance of the conservation area and meet B1 and B7.

6.21 **Neighbourhood Amenity**

6.22 Loss of light/overshadowing: A 'solar massing' study was undertaken. This showed the relationship the proposed building would have with no. 36 and the amount of overshadowing that would occur. No. 36, the adjoining property, lies to the south of no.38 therefore any over shadowing would be minimal. See agenda inserts for the results of the study.

6.23 The front wall would project approximately 2m beyond that of no.36. The 45 degree angle on plan which is recommended to maintain daylight, only clips the very edge of the building. Considering the shadow studies which have taken place and that no.36 is to the southern side of no. 38, it considered that any loss of daylight will not be to a significant enough degree to warrant a refusal. The proposed rear elevation will project 1.6m beyond the rear of no. 36. Again considering the southerly position of no.36 any loss of light will be marginal.

6.24 Privacy/Overlooking: An element of the ground floor level continues to project further by approximately 1.3m. This section set in by 1m from the boundary of no.36. This enables the roof of this section to be used as a balcony. The 1m distance that the balcony is set in from the boundary ensures that there is no direct overlooking into no.36, meaning that no privacy screening is required.

6.25 There are no windows directly overlooking any of the adjoining properties within 18m, which is the minimum distance recommended by SPG guidelines.

6.26 Scale: Regarding the potential overbearing aspect of the new property, both no.36 and the vacant no.38 are fairly large plots. No.36 has a large front, side and back garden. Although the new house would be much larger than the previous property it should be acknowledged that the original house was small for its plot. No.36 has large garden spaces on its three sides which would reduce the visual impact of no.38 considerably. The set back 3rd floor also reduces the impact of no.38 on no.36.

6.27 No.2 Templewood Avenue has objected on amenity grounds. However, this property is located over 50m from the proposed redevelopment. This is considered a sufficient distance that there will not be any adverse impact on the amenity of the occupants of no. 2 Templewood Avenue.

6.28 **Hydrology**

6.29 Due to the double storey nature of the basement it was considered necessary for a Hydrology Report to be submitted to demonstrate that the works do not adversely impact on groundwater. The short term impact of the proposed construction of the basement is that the works may have a small effect on the perched water table in Claygate member. There would be no effect upon the water levels in the London Clay. The long term impact of the construction of the basement is that it would not affect the hydrology of the area. The Environment Agency was consulted, and has not objected to the proposal.

6.30 **Sustainability**

- 6.31 The applicants stated their aim is to create a sustainable and high energy performing dwelling and intend to create at least a Sustainable Home Code 3 level building. The building has been designed to minimise the use of active cooling. The vertical stair and lift shaft are used to create a stack effect, drawing hot air up and out through the roof light. Shallow room depths allow natural ventilation through openable full height windows. The openable roof light above garden level allows for the release of warm air and the circulation of cool air into the basement.
- 6.32 A ground source heat pump is also proposed. The boreholes will be used to heat and cool the swimming pool and the house. Under-floor heating and cooling supplied by ground source heat pump keeps the building at a constant comfortable temperature. Solar panels are also proposed on the roof which will help provide hot water for the house.
- 6.33 Due to the importance of the sustainability aspect of any new build scheme, the sustainability measures will form part of the S.106 legal agreement [with a post construction review] to ensure that these aspects of the proposal are implemented.

6.34 **Structural Issues**

- 6.35 Due to the close proximity of no.36 to the proposed basement excavation, the applicants have submitted their draft Party Wall Award, which has been agreed in principle between no.36 and no.38. The draft award includes structural and construction details of how the works will be conducted in conjunction with the adjoining property. A series of drawings has also been submitted which demonstrate the structural design including the piling layout and plans at ground, basement and sub-basement level. These are considered sufficient for planning purposes. However, it should be noted that the details will be subject to control under the Building Regulations.

6.36 **Removal of Permitted Development Rights**

- 6.37 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 **Transport**

- 6.39 There is vehicular access to the site which also provides access to 6 garages. The site has a Public Transport Accessibility Level (PTAL) of 1b (poor).
- 6.40 Cycling: 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; however for larger residential units (3+ beds), the London Plan requires 2 cycle parking spaces per unit. The proposal is for 1 residential unit with

5 bedrooms; therefore 2 cycle storage/parking spaces are required. The applicant has included provision for the required amount of cycle storage/parking in the proposed design and this is acceptable.

- 6.41 Car-parking: The proposal involves the demolition of 6 existing garage spaces and the construction of 5 larger garage spaces in their place. However, 1 other parking space is now being created on the site in front of the proposed residential unit. In total there will now be 6 off street parking spaces, meaning there will be no net increase.
- 6.42 It is not appropriate to require this development to be car-free or car-capped given the poor PTAL rating and the fact that this area is not considered to suffer from on-street parking stress. Objections have received about pressures on parking. The new dwelling is not considered to add any significant additional parking stress on the area.
- 6.43 Construction Management Plan: The proposal involves the construction of a 3-storey building with a 2 level basement, and would involve a large number of construction vehicles accessing the site. Therefore there will be a significant impact on the local transport network. Furthermore, one of the existing garages is proposed to remain (outside the curtilage of the site) and there is also a substation to be retained. Access to these is via the driveway/accessway shared with the proposed garages and access will need to be maintained throughout construction. For all of the above reasons, a Construction Management Plan is required in accordance with Policy T12 of the UDP.
- 6.44 Objections have been received regarding the disruption and stress that the proposed works would cause. The construction management plan would mitigate some of the problems that construction on this scale brings. The applicants will be advised by informative of the hours of construction, although, it is acknowledged that some disruption will be inevitable.
- 6.45 Highways Works Immediately Surrounding the Site: A financial contribution required to repave the vehicular crossover leading to the garages at the rear of the site, directly opposite 51 Redington Rd in order to tie the development to the surrounding area. 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.
- 6.46 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.
- 6.47 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.

6.48 Trees and landscaping

- 6.49 A holly hedge, which was an important feature of the townscape and character and appearance of the conservation area, was removed in previous works on the site. The current scheme proposes the reinstatement of the holly hedge along the front boundary, restoring the former character of the streetscape. A condition will be placed on the permission to ensure the reinstatement of the Holly hedge.
- 6.50 The green roofs and walls are a welcome feature and will help enhance the ecological value of the site as well as aiding sustainable drainage of the site. Details have been provided and a condition has been attached to ensure that the work is carried out, to the hereby approved details.
- 6.51 The tree protection measures proposed are considered acceptable and will ensure trees are retained and protected throughout the development. The development should be carried out in conjunction with the tree protection plan and method statement prepared by A.M Lane. A condition will be place on this permission in order that the measures proposed are adhered to.
- 6.52 There have been objections regarding the past removal of trees and hedges from the site. The Council does not endorse the unlawful removal of vegetation that makes a positive contribution to the area. In order to make this scheme acceptable replanting of the holly hedge and suitable landscaping details will be required.

6.53 Other Issues

- 6.54 The objection regarding who owns the garages is noted. However, this does not need to be established in order for planning permission to be granted.
- 6.55 The Council acknowledges that no.36 has gone through much disruption, and the contention that this property may not have not been left weather proof. However, the completion of the development by the erection of the new house should solve this issue, and it would appear from the draft Party Wall award that these matters are capable of, and close to, a satisfactory resolution. Notwithstanding, the details of this are essentially a civil matter between the two parties.

7. CONCLUSION

- 7.1 The proposal would result in a family-sized residential unit with parking and improved and garage development. The works are considered to preserve the character and appearance of the conservation area and would preserve the amenity of adjoining occupiers.
- 7.2 Planning Permission is recommended subject to a S.106 Legal Agreement.

8. LEGAL COMMENTS

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

- 1) Construction Management Plan
- 2) Highways works contribution
- 3) Implementation of the sustainability measures set out within the design and access statement, and a post-construction review to ensure that this is achieved.