

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		11/05/2010	
		N/A / attached		Consultation Expiry Date:		15/4/2010	
Officer				Application Number(s)			
Hugh Miller				2010/1158/P			
Application Address				Drawing Numbers			
The Lodge 10 Ladywell Court 22 East Heath Road London NW3 1AH				See Decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of additional storey at first floor level with shallow pitched roof incorporating 2 rooflights in the roof and 4 windows in the rear elevation.							
Recommendation(s):		Grant					
Application Type:		Renewal of Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	13	No. of responses	07	No. of objections	08
				No. Electronic	03		
Summary of consultation responses:		<p><u>Support</u> x 1: Application is merely an extension of the time given by an existing planning application without any changes proposed.</p> <p><u>Objections</u> were received from:</p> <ul style="list-style-type: none"> ○ 6 Ladywell Court [22 East Heath Road] ○ Flat 5, Ladywell Court [22 East Heath Road] ○ 1 Ladywell Court [22 East Heath Road] ○ 6 Holford Road ○ 22A East Heath Road ○ Ladywell Lodge, 22b East Heath Road x 2 <p>The concerns expressed are as follows:</p> <ul style="list-style-type: none"> ▪ Basement excavation would damage historic well and water table; ▪ Damage to an historic site and to an historic well; ▪ Right to light/ historic views; ▪ Loss of privacy / overlooking; 					

	<ul style="list-style-type: none"> ▪ Density & bulk / loss of daylight/sunlight; ▪ Design is out of keeping with other properties; ▪ Structural stability; ▪ Extra height is aesthetically objectionable - gives courtyard undesirable 'closed in' feeling; ▪ Rubbish generated by increase in size of unit; ▪ Access for construction
CAAC/Local groups* comments: <small>*Please Specify</small>	<u>Hampstead CAAC:</u> No response <u>The Heath & Hampstead Society:</u> The proposal may or may not be acceptable- but there is no way of knowing without drawings of which there are none. OFFICER NOTE: As per Article 10B(b) of the Town and Country Planning (General Development Procedure) Order 1995 as amended there is no requirement for plans, drawings or a design and access statement to be submitted with a renewal application.

Site Description

The Lodge, 10 Ladywell Court is a single-storey building comprising part flat and part pitched roof with integral garages on its western side. The Lodge is directly surrounded by several buildings, the garages to the rear of building, separating it from the driveway which runs along the western boundary of the site, the two storey plus mansard level Ladywell Lodge (22B East Heath Road), and other flats of Ladywell Lodge facing onto the court yard.

The Lodge forms part of a wider complex, including Lady Heath House (No. 22 East Heath Road), Ladywell Court flats 1-10 (No. 22 East Heath Road), Ladywell Lodge (No. 22B East Heath Road), Lady Cottage (No. 22C East Heath Road) and Well Cottage House (No. 22D East Heath Road). It has been advised that while the surrounding properties are of later origin, The Lodge and Ladywell Court of which it forms part, is a later development, approximately 1950's, which was an infill development following bomb damage.

The site is located in the Hampstead Conservation Area; however the Conservation Area Statement identifies the building as making a neutral contribution to the Conservation Area.

Relevant History

- April 2007 – PP granted - Erection of additional storey at first floor level with shallow pitched roof incorporating 2 rooflights in the roof and 4 windows in the rear elevation; ref. 2007/0589/P. The scheme differs from the refused scheme in the following ways:
 - the overall height of the previously approved scheme measured 4.35 metres to the ridge of the pitched roof (as measured from the ground level of the courtyard); the refused application had an overall proposed height of the building was 5.4 metres;
 - the wall height (as presented to the courtyard) of the extension would increase the height of the wall to 4 metres (an increase of 410mm on top of the existing wall height, 3.625m); the refused application had an proposed height of 5.2m; and
 - the roof terrace was deleted and replaced with planters.
- September 2006 - PP refused - Erection of additional storey at first floor level with pitched roof containing 2 roof lights and 4 windows in rear elevation, and creation of terrace at first floor level all in connection with existing single-family dwellinghouse (Class C3); ref. 2006/3649/P.

Relevant policies

RUDP 2006:

S1 & S2 – Strategic Policy on Sustainable Development

SD6 – Amenity for occupiers and neighbours

SD7A – Light pollution

B1 – General design principles

B3 – Alterations and extensions

B7 – Conservation areas

CPG 2006:

Hampstead Conservation Area Statement

Draft LDF Core Strategy

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

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS14 – Promoting high quality places and conserving heritage / conservation areas

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage / conservation areas

DP26 - Managing the impact of development on occupiers and neighbours

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.

Assessment

1.0 Proposal

1.1 In April 2007 planning permission was granted for the erection of an additional storey at first floor level with shallow pitched roof incorporating 2 rooflights and 4 windows in the rear elevation; to an existing single-storey building. This permission expired on 17 April 2010. The applicant consequently submitted this application on 19 February 2010 for an extension of the time limit for implementing the planning permission. The scheme is exactly the same as that proposed in 2007, the development has not yet commenced on site and at the date the application was made the relevant time limit had not expired.

3.0 Assessment

3.1 The key issue is, since the grant of planning permission- has there being any change to planning policy or other material considerations since the original permission was granted in April 2007. Whilst it is accepted that in the past three years, the economic climate has continued to shape the development landscape in terms of the implementation of planning approvals, the substantive planning policies under which the previous application was assessed have not changed. The status of the associated Council policies (SD1 – Quality of Life; SD6 – Amenity for occupiers and neighbours; B1 – General Design Principles; B3 –Alterations and Additions and B7 – Conservation Areas) remains unchanged and they carry the identical weight they were given initially and as current. Likewise, there are no material changes in the associated supportive documents of the Hampstead Conservation Area Statement and the Camden Planning Guidance.

3.3 An objector raises the issue of basement excavation and states that Camden practices have changed as consideration is now being given to the potential damage that basements can bring to the water table. Whilst it is true that there is a specific policy on basements in the emerging LDF, limited weight should be attached to LDF policies 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. In addition the lowering of the floor level by approximately 1m in line with the adjacent garages is not thought to constitute basement excavation.

3.4 The written representations received raise similar concerns regarding the proposed extensions' impact on occupiers' amenities (overlooking, loss of privacy, outlook –see summary above). Currently, there are no on-site changes to neighbouring buildings to suggest that the amenity concerns raised would be worsened by the grant/renewal of the planning permission in this instance. Suffice to say, that the amenity concerns were previously assessed against the proposal and the grant of planning permission was based on an acceptance that the first floor addition would not have cause any significant additional material harm to neighbouring occupiers.

3.5 The current occupiers of Flat 5, Ladywell Court unlike their predecessors, raised concerns about the impact of the additional storey on their amenity. However, as noted above, a thorough assessment was carried out to clearly identify what if any, impact the first floor addition would have on neighbouring occupiers amenities and officers conclusion was that no significant additional material harm would occur. Flat 5, Ladywell Court, lies due south of the host building flank wall with windows

orientated due north and separated by a narrow gap (approx. 2.0mm). As noted above, the overall height (4.35m) of the proposed building was considered to be satisfactory; parapet increase in height by 410mm. The roof profile and height was considered to be acceptable with no additional material harm caused. As the building height remains as previously approved officers are satisfied that the proposed renewed scheme is acceptable and it would not harm their amenity.

4.0 Conclusion

4.1 The proposal granted approval in 2007 was in compliance with the above policies and they remain as the principal policies under which this proposed renewal is assessed. As there are no material planning changes in circumstances or policy context it is recommended that an extension of time for the implementation of the planning permission is granted with the issuing of a new permission.

Recommendation- Grant renewal of Planning Permission.

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