

DISCLAIMER

Decision route to be decided by nominated members on Monday 29th March 2010. For further information see

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

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| Delegated Report (Members Briefing) | | Analysis sheet | Expiry Date: | 14/12/2009 |
| | | N/A | Consultation Expiry Date: | 17/11/2009 |
| Officer | | | Application Number(s) | |
| Tania Skelli-Yaoz | | | 2009/3412/P | |
| Application Address | | | Drawing Numbers | |
| Flat 2 51 Belsize Park Gardens London NW3 4JL | | | See decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
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| Proposal(s) | | | | |
| Erection of a flat roof single storey rear extension and excavation of a basement under the rear garden of the existing lower ground floor flat. | | | | |
| Recommendation(s): | Grant planning permission | | | |
| Application Type: | Full Planning Permission | | | |

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| Conditions: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 37 | No. of responses No. Electronic | 09 06 | No. of objections | 09 |
| Summary of consultation responses: | <u>Flats 3, 4, 6, 7 at 51 Belsize Park Gardens, Garden Flat at 53 Belsize Park Gardens, unnumbered flat at 53 Belsize Park Gardens, Flat 3 at 49 Belsize Park Gardens, 4 England's Lane: object.</u> | | | | | |
| | <ul style="list-style-type: none">- restriction of views from flat 4, 51 BPG by double size ground floor extension- restriction of views from 53 BPG as a result of proposal- loss of light and privacy to garden flat at 53 BPG- out of keeping with area's architecture and character of CA- noise disturbance from plant; lack of details on proposed plant including a noise report- lack of notification to freeholders and landlords- area of excavation larger then previously approved in area and equivalent to a whole flat- increased density raises concern of parking stress- concerns over excavation resulting in insurance cover problems- concerns over market value of building- concerns over extent of consultation- proposal registered with inadequate information and intelligible plans- lack of Arboricultural report to address protection of trees on site- the proposal is contrary to the New Basement Development Guidance for the following reasons: 1) basement excavation contrary to guidance as below garden and not footprint of the building; 2) basement area covers full width and length of garden except where tree is located; 3) basement area cover more than 50% of garden area; 4) lack of means of escape from basement; 4) a drainage proposal has not been submitted; 5) concerns over the structural stability of the house and lack of supporting evidence; 6) lack of hydrology report; 7) Flood Risk Assessment not submitted; 8) Construction Management Plan should be secured; 9) lack of natural ventilation for future occupiers; 10) concerns over light pollution from skylights resulting in loss of amenity- the proposal in contrary to the emerging Local Development Framework, in particular Policy DP27 relating to Basements and Lightwells, in particular with regard to the submission of technical information. | | | | | |
| | Officers' comments: <ul style="list-style-type: none">- The enlargement of the ground floor extension by some 2+m is not considered to restrict the outlook from the adjoining properties.- No loss of privacy or light is considered likely to adjoining occupiers as a result of the proposed development.- impact on character of CA – pls see 'Assessment'. The extension is considered subordinate in style, bulk and appearance and not detrimental to the CA in this rear elevation- plant - this aspect has been deleted from the scheme. | | | | | |

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| | <ul style="list-style-type: none">- <i>The applicant has confirmed that all interested landowners have been notified as required.</i>- <i>Basement size is discussed in assessment below.</i>- <i>The basement area is to extend an existing accommodation to an existing household; therefore parking conditions cannot be controlled.</i>- <i>insurance issues and land values cannot be controlled by planning legislation</i>- <i>Consultation has been carried out according to Camden's standards including the display of a site notice.</i>- <i>The proposal benefits from adequate plans at scale 1:50 which illustrate the full proposal, including an Arboricultural report.</i>- <i>Concerns over the basement excavation are addressed in detail within the 'Assessment' below; it is noted that the 'New Basement Guidance Note' is not adopted and in acts as guidance in policy interpretation. It is also noted that, whilst means of escape have not been specifically identified, this is considered a matter to be covered by Building Control Regulations.</i> |
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**CAAC/Local groups
comments:**

Belsize Residents Association: Objection.

This badly presented and thoroughly misleading application is quite unacceptable. Without close examination and forming assumptions from other drawings, it is not at all clear that the proposal is for a basement extension; there is no basement floor plan – which surely means it is incomplete and should not have been registered? The applicant also says in his DAS that Belsize Park Gardens is not in a CA! The proposal, for a huge basement extending under most of the rear garden of this house, is totally unacceptable, and breaches many of the provisions of our policy and documents.

No garden area is shown on the roof the basement; is it to be assumed this would be paved? Or left as bare concrete? The garden would in fact be completely destroyed, and provide no leisure or green space for the remaining occupants of no. 51. There is no indication as to how this very large excavation could be carried-out i.e. no CMP. This would be essential in an area such as Belsize Park Gardens, already heavily congested with inadequate residents parking facilities. The effect of the work on the other residents of no. 51, and adjoining houses (all flats) is also not referred to. This is a naïve, misleading proposal very damaging to the house and its garden and the character of the CA. Please refuse.

Officers' Comments:

- *impact on character of CA – pls see 'Assessment';*
- *The proposal benefits from adequate plans at scale 1:50 which illustrate the full proposal, including an Arboricultural report.*
- *issues regarding the basement development and the requirement for a CMP are detailed in 'Assessment'*

Belsize CAAC: Object.

Excavation of rear garden will imperil existing trees, preclude possibility of planting trees in the future, provide sub standard accommodation, cause excessive disruption and loss of amenity to AOs, disproportionate to any gains. Furthermore, the enlargement of the existing extension, which is already, too close to the bay, will further degrade the appearance of the rear elevation.

Officers' comments: *issues regarding the extent of the rear extension, trees, standards of accommodation and protection of amenity are detailed in 'Assessment'.*

Site Description

The application site is a 4-storey (with loft accommodation) semi-detached period property on the northern side of Belsize Park Gardens. The property is converted into flats and the development relates to flat no. 2, which is sited at the rear area of the lower ground floor, facing onto the rear garden. Access to the flat and the garden is via a side passageway that is approximately 2m at its narrowest point. The rear garden is divided into two ownerships.

The property is not listed but lies within the Belsize CA. The CAS identifies the property as a positive contributor, as part of a group with nos. 1-79. The area is characterised as predominantly residential.

Relevant History

N/A

Relevant policies

Replacement Unitary Development Plan 2006

SD1 Quality of life, SD6 Amenity for neighbours and occupiers, SD7 Light, noise and vibration pollution, H1 New housing, B1 General design principles, B3 Alterations and extension, B7A character and appearance of Conservation Area, SD9B Resources and energy, N5 biodiversity, N8 Ancient woodlands and trees.

Camden Planning Guidance 2006 section 23, 40.

New Basement Development and Extensions to Existing Basement Accommodation - Guidance Note February 2009. (not adopted);

Belsize Conservation Area Statement

Assessment

Permission is sought for the enlargement of the existing ground floor rear extension and the excavation of a basement area under the rear garden area of the existing flat at rear lower ground floor level.

The application has been amended to omit a plant area proposed for the basement as well as a rooflight at the rear of the garden.

The main considerations are design and conservation, protection of amenity, protection of trees and transport, as follows:

Design and Conservation

Lower ground floor extension:

The existing lower ground floor extension projects 1.9m from the rear elevation; it is 3.1m wide and 2.8m high. The proposed rear lower ground floor extension is 4m deep, 3.7m wide and of identical height to the existing. A green roof is proposed to its flat surface. Attempts have been made to lower the height of the proposed extension so as to separate it more clearly from the first floor balcony. However, with an internal ceiling height of some 2.5m and the allowance for a green roof, the retention of the existing height is not considered unreasonable. The retention of the existing height is also not considered detrimental to the appearance of the building or the character and appearance of the CA.

The extension is to be rendered to match the existing and will have timber framed glass windows. The proximity of the extension to the adjoining bay window is maintained as existing, and the extended side does not project beyond the side elevation. Overall, the proposed extension is considered subordinate to the host building on this elevation and in keeping with the character and appearance of the CA. This is considered acceptable and complies with policies B1, B3 and B7.

Basement excavation:

The proposed basement is to be accessed internally via stairs leading from the rear lower ground floor extension discussed above. The basement is not within the footprint of the house, but entirely within the rear garden and has an area of 120sqm. Whilst it is acknowledged that the proposed area is large and extends beyond the footprint of the building, it is only one-storey deep. The extension is 3.4 deep - the guidance for basements recommends that an appropriate depth is generally not more than 3m deep. The additional depth is proposed in order to allow for the recommended 500mm top soil for the reinstatement of the garden and ductwork for mechanical ventilation. It is noted that ceiling heights are kept to the minimum requirement. Whilst the proposed depth exceeds the general design advice by 400mm, this depth is not considered detrimental in terms of the site-specific considerations of this property, and is acceptable on balance.

The basement is proposed under more than 50% of the garden area; however, the garden is to re-planted as discussed below and the proposed basement does not cover the entire garden, as the rearest part of the garden is in a different ownership and not included in this proposal. The garden above the basement, following

excavation and construction, will be returned to its former use, with planting as detailed below. The basement's only external manifestations are to be 3 rooflights, projecting 150mm, scattered between planting on the outer edges of the garden. The glazing is to be conditioned as obscured glazed.

In summary, the proposal is considered to be in compliance with the relevant policies and in general compliance with the guidelines set out in the Basement Guidance as no substantial amenity area is to be lost as a result of the new basement area and, as it is entirely underground, it is not considered to be detrimental to the character and appearance of the CA. It therefore complies with policies B1, B3, and B7.

Protection of amenity

Accommodation: the proposed basement accommodation is an extension to the existing rear lower ground flat and is to accommodate bedrooms and bathrooms. 10% of each habitable room is provided with glazing, which is openable to allow natural ventilation. Internal ceiling heights are 2.3m. This is in accordance with section 40 of CPG and acceptable.

Light pollution: as set out above, the rooflights are to be obscured glazed to ensure that they result in minimum light spillage, in accordance with policy SD7.

Amenity space: as set out above, the garden is to be re-instated and therefore no existing amenity space will be lost, in accordance with policy SD6 and the Basement Guidance.

Trees

An arboricultural report and tree protection method statement has been submitted. The basement has been set back to accommodate the root protection zone of the Oak tree on the rear boundary in the neighbouring property. Protection methods have been outlined. These are considered to be satisfactory. The protection methods for the Oak will also provide protection for other adjacent trees (a Robinia, 2 x Sweet Chestnuts and a Ginkgo). No further details are considered to be required.

As the basement does not extend to the whole length of the garden, there is sufficient space at the end of the garden for trees to grow in a way that is characteristic of the wider Conservation Area.

Sections show a soil depth of 500mm on top of the basement. This is sufficient for the proposed lawn and border planting and in accordance with the Basement Guidance.

It is recommended to condition any pp on the submission and approval of hard and soft landscape details including details of a SUDS scheme for the rear garden with the proviso that the approved details should be permanently retained and maintained to ensure that any future hard surfacing within the garden is limited (policies B1 and N5) and to mitigate possible flooding (to address policy SD9B).

Transport

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 S106. The proposal involves a significant extension which will require a large amount of earth excavation. The excavation phase of the proposal is likely to have the greatest impact in terms of the local transport network, due to the general intensity of vehicle movements required to remove spoil, so this is the primary consideration for a CMP in this case.

Following statements by the applicant regarding the construction arrangements, it is considered likely that a small digger to access the rear of the site via the stairs down the side of the building will be used for the excavation. The stairs are proposed to be temporarily converted to a ramp and then a conveyor belt will be used to transport spoil from the rear to the front of the site and then into a skip. As the side access via the stairs is only 2m wide; the size of diggers will be restricted to only small scale diggers. It is likely that a

maximum of a one skip's worth of spoil per day will be removed every day, meaning that only one skip delivery would be expected per day. This is considered realistic and reasonable. It is therefore considered not to have an impact large enough to warrant the requirement for a CMP.

In addition, Belsize Park Gardens is 9m wide (including the existing residents' bays); with the appropriate parking bay suspensions, vehicles will be able to pass stopped construction vehicles. Therefore, given the points listed above, a CMP is not considered to be necessary. Any occupation of the highway, such as for hoardings, 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.

Other issues

Structural stability: Any structural stability issues would be addressed under the Building Regulations. It should be noted that the proposal is not within the footprint of the existing building.

Ground Water and Flood Risk: The site is not within an area identified as being at risk from flooding from waterways by the Environment Agency. The site is within a street listed as a secondary location prone to Surface Water Flood Risk. However, given the size and location of the proposal and current policy guidance, it is not considered that either a Flood Risk Assessment or a Hydrological Report could be insisted upon.

Emerging Policies: The Local Development Framework Core Strategy and Development Policies documents were submitted to the Planning Inspectorate on 28th January 2010. The weight attached to them must remain limited until the documents have undergone an examination for 'soundness'. The submitted documents can form material considerations, but only alongside the current 2006 UDP and other relevant documents e.g. Camden Planning Guidance. The weight that officers can attach to the LDF documents will increase as they progress through the Examination process and finally to adoption when they will replace the UDP. In any case, it is not considered that the proposal would be contrary to Policy DP27 (Basements and Lightwells) of the emerging LDF.

Recommendation

Accordingly, the proposal complies with the relevant policies and guidance and approval is recommended subject to conditions.