

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 22<sup>nd</sup> March 2010. For further information see

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

<b>Delegated Report</b> Members Briefing		<b>Analysis sheet</b>		<b>Expiry Date:</b>	23/03/2010
		N/A		<b>Consultation Expiry Date:</b>	15/03/2010
<b>Officer</b>			<b>Application Number</b>		
John Sheehy			2010/0557/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
8 Greenaway Gardens London NW3 7DJ			Refer to draft decision		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Alterations and additions to the existing dwelling to include excavation to create an enlarged basement area including swimming pool and sunken terrace as an amendment to application reference 2008/4718/P for "erection of a single storey rear extension including terrace at first floor level, garage extension to front elevation, extension to the existing basement, new front boundary treatment, new terrace to the rear and the felling and replacement of 4 trees" granted permission on 22/12/2008.					
<b>Recommendation:</b>		Grant conditional permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	11	No. of responses	0	No. of objections	0
			No. electronic	0		
Summary of consultation responses:	Site notice displayed from 22 <sup>nd</sup> February to 15 <sup>th</sup> of March.  No comments, objections or expressions of support received from neighbouring occupiers.					
CAAC/Local groups comments:	Redington Frognal CAAC: no response.  Heath & Hampstead Society: “The extent of the basement excavation is non-compliant with “emerging policy” DP27 of the LDF in that it is planned for too close to its site boundary. You will know that we have on more than one occasion drawn your Department’s attention to the legal necessity to take account of “emerging” policies, despite the fact that they have not yet been ratified by the minister. In at least one case we are likely to take further legal action on this issue. The new policy DP27 and its parallel DP23 are both good policies, responding to long-standing and vehement local opinion: use them. Meanwhile please refuse this application for this reason”.					

## Site Description

The site is located on the western side of Greenaway Gardens. The building on the site is a two-storey detached house with roof and basement accommodation and is located on a large plot. The building is six bays wide.

While not listed, the Redington / Frognal Conservation Area Statement identifies the properties 2-17 Greenaway Gardens as making a positive contribution to the Conservation Area.

## Relevant History

**May 1972** Planning permission granted for the erection of a side addition to improve access to the 1st and 2nd floor flats, ref. E5/13/2/12944.

**May 1972** Planning permission granted for addition of a glazed bay to be used as a conservatory to the rear basement room, ref E5/13/2/13117.

**September 2008** Planning permission granted for change of use of maisonette (comprising basement, ground floor and part of first floor) and self-contained flat (part first floor) to a single residential unit, ref. 2008/3825/P.

**December 2008** Planning permission granted for erection of single storey rear extension including terrace at first floor level, garage extension to front elevation, extension to the existing basement, new front boundary treatment, new terrace to the rear and the felling and replacement of 4 trees, ref. 2008/4718/P.

**June 2009** Planning permission granted for revision to planning permission 2008/4718/P dated 22/12/2008 (for a single storey rear extension) comprising the installation of four air condensing units to the North-West elevation of the approved extension of the existing single family dwellinghouse, ref. 2009/1051/P.

**December 2009** Planning permission granted for installation of projecting rooflight and access hatch to crown roof top and velux rooflight to north-west side roof slope of top floor flat (Class C3), ref. 2009/4392/P.

## Relevant policies

### London Borough of Camden Replacement UDP 2006

SD6 – Amenity for occupiers and neighbours  
B1 – General design principles  
B3 – Alterations and extensions  
B7 – Conservation Areas  
N8 – Trees  
T12 – Works affecting highways

### Camden Planning Guidance 2006

### Redington/ Frognal Conservation Area Statement

## Assessment

**Proposal:** planning permission was granted on 22/12/2008 (ref. 2008/4718/P) for the following works to the site:

*Erection of single storey rear extension including terrace at first floor level, garage extension to front elevation, extension to the existing basement, new front boundary treatment, new terrace to the rear and the felling and replacement of 4 trees.*

Under subsequent applications to amend the original permission the following revisions to the original scheme were granted permission:

- the installation of four air condensing units to the North-West elevation of the approved extension of the existing single family dwellinghouse;
- insertion of single leaf door in place of a double door at the centre of the rear ground floor level elevation;
- insertion of a window in place of a double door to the rear wall of the rear ground level “orangery” extension; and
- creation of basement access door and staircase at the northern corner of the rear elevation.

The following revisions to the original permission are proposed under the current application:

- further excavation to create an enlarged basement area including swimming pool and sunken terrace. The basement area would extend underneath the entire building and would extend underneath the rear terrace. The approved basement measures 132.8m<sup>2</sup> (14.6m x 9.1m); the proposal would add approximately 220m<sup>2</sup> of floorspace (total basement area 21.6m x 16.2m resulting in an overall area of 354.8m<sup>2</sup>). Floor to ceiling height at basement level would be 2.5m over the majority of the floor: the swimming pool would have a depth of 1.5m.

## Assessment

The principal considerations material to the determination of this application are:

- design of the proposal and its impact on the Conservation Area;
- impact on the amenity of neighbours;
- impact on trees; and
- transport.

### Design and Impact on the Conservation Area

The principal alterations proposed to the external appearance of the building are the enlargement of the sunken terrace at the rear of the property and the relocation of the stairs between the sunken terrace and the lawn. The materials and finish of the terrace and stairs would relate to the existing building and to previous approvals. The changes are considered to have minimal impact on the appearance of the building and would not harm the character of the Conservation Area given the secluded location at the rear of the property. It is considered that the proposal is acceptable in terms of design and would preserve the character of the Conservation Area.

### Impact on the amenity of neighbours

Given that there would be no increase in the external volume of the building, nor any new upper-level windows or terraces, it is considered that the proposal would have no impact on the amenity of neighbouring occupiers in terms of sunlight, daylight, outlook or privacy and is considered to be consistent with Policy SD6 of the UDP.

### Impact on trees

An Arboricultural report has been provided which identifies a number of trees that have been removed as a result of recent and previous consents (T1 Cypress, T3 Magnolia, T4 Purple Plum, T5 Crab Apple, T6 Crab Apple, T7 Sycamore). The Landscape proposals do not provide direct replacements for these however provide two groups of pleached Hornbeam on each flanking boundary within the rear garden.

The report also provides details of tree protection measures for trees in and adjacent to the rear garden to be retained. Camden's Landscape officer has advised that the details are satisfactory and no further details are required.

A landscape proposal has been submitted and this is also considered to be satisfactory.

### Transport

#### *Construction Management Plan (CMP)*

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 to the basement floor level which will require a large amount of earth excavation. However, as the ground floor is being retained, the existing house will have to be underpinned. The proposed excavations will have to be done by hand, and not machines; and the daily limit of material excavated will not be large. Therefore construction is likely to take a longer period of time, and hence the number of construction vehicles going to and from the site on a weekly basis will not be large. Given that the impact on the transport network would be spread over a long time, a construction management plan is not considered to be necessary.

Although some of the proposed basement extends past the footprint of the main house, it appears that the only access to the back garden is through the house, and therefore excavating machines will not be able to access the back garden. It is anticipated that the rear basement will be carried out by hand as well and the spoil will need to be removed via the house. The existence of the large circular driveway also allows the construction impacts of this excavation to be limited, as it will easily accommodate construction vehicles entering and exiting in a forward gear.

Any occupation of the highway, such as for hoarding, 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 affect

the safety or operation of the public highway.

The proposals are considered to be acceptable in terms of transport and no planning obligations or conditions are required in relation to transport matters.

No other transport issues are raised with the application.

#### Other issues

The Heath & Hampstead Society have stated that the extent of the basement excavation is 'non-compliant' with emerging policy DP27. This policy, which is entitled "Basements and Lightwells", is to be applied generally to basement applications: it outlines a number of grounds under which a basement excavation would not be acceptable including structural issues, design, conservation, impact on neighbour amenity, landscaping/ trees and protection of archaeological remains. Apart from stating that the excavation would be "too close to its site boundary" the Society has not identified in what specific way it believes the proposal is not compliant with this emerging policy.

Emerging policy DP23, which the Society also refers to in its comments, is entitled "Water" and is to be applied generally to development that may impact on water drainage or use of water. The loss of permeable surface area on the site as a result of the proposal would be minimal as the majority of the excavated area would be located underneath the existing building and approved hard-landscaped rear terrace. The proposal would retain a sizeable soft-landscaped rear garden and a medium-sized front garden, a large proportion of which would be permeable as existing. For these reasons the proposal is not considered to cause significant harm to water drainage on the site. Camden Planning Guidance states that "For larger proposals, or proposals with complex water cycle systems or likely flooding issues, the Council may require a Hydraulic assessment". It is not considered that the proposal would result in flooding or cause significant harm to water drainage on the site and a hydraulic assessment is not considered to be necessary in this instance.

The LDF Core Strategy and Development Policies documents were submitted to the Planning Inspectorate on 28<sup>th</sup> 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 light of the above considerations, it is not considered reasonable to refuse permission for this application on the grounds raised by the Society and it is recommended that planning permission be granted.

**Recommendation:** Grant conditional permission.