

Address:	Land at rear of 149 Abbey Road Fronting Abbots Place London NW6 4SS		
Application Number:	1) 2008/1581/P 2) 2008/1726/C	Officer: Aysegul Olcar-Chamberlin	
Ward:	Kilburn		
Date Received:	31/03/2008		
Proposal: <ol style="list-style-type: none"> 1) Erection of building comprising lower-ground and ground floor level with front and rear lightwells for use as a 2-bedroom single-family dwellinghouse. 2) Demolition of three existing garages. 			
Drawing Numbers: 0797/GA.00; GA.00 Rev. G; GA.01 Rev. A; GA.01 Rev. G; GA.02 Rev. G; GE.00; GE.00 Rev. G; GE.01; GE.01 Rev. G; GE.02; GE.02 Rev. G; GE.03.G; GS.00 Rev. G; GS.01 Rev. G; GS.02 Rev. G; GS.03 Rev. G; GS.04 Rev. G; GS.05 Rev. G and (3D) details of proposed front boundary wall, details of bicycle storage, details of refuse storage, details of solar panels, 'Internal Daylight Report' dated June 2009 by Drivers Jonas, E-mail from Mark Pender (the agent) dated 03rd July 2009 and 'Outline Statement with Regards to Environmental Objectives / Sustainability' by Claridge Architects Ltd (received on 26 th August 2009).			
RECOMMENDATION SUMMARY: 1) Grant Planning Permission subject to S106 2) Grant Conservation Area Consent			
Applicant:		Agent:	
Mr Sohail Sarsuland 4 Abbot's Place London NW6 4NP		Claridge Architects Limited Unit 11 2A The Tay Building Wrentham Avenue London NW10 3HA	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3	Domestic garage	40.29m ²
Proposed	C3	Dwelling House	96.51m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+

Existing	<i>Domestic garage</i>								
Proposed	<i>House</i>		<i>1</i>						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	<i>3</i>	<i>none</i>
Proposed	<i>none</i>	<i>none</i>

OFFICERS' REPORT

Reason for Referral to Committee: The proposal involves demolition of existing buildings [garages] within a conservation area [Clause 3(v)].

1.0 SITE

- 1.1 The application site is land at the rear of 149 Abbey Road, which has 3 x single storey garages fronting the north side of Abbots Place. The site is located within the Priory Road conservation area, and originally formed the rear garden of the large Victorian villa fronting Abbey Road (no. 149).
- 1.2 The adjoining sites on the west side of the application site are also occupied by single storey garages with a similar form and appearance to the existing garages on the application site. It is noted in the Priory Road Conservation Area Statement that this group of private garages (on the north side of Abbot's Place) harm the appearance and character of this conservation area. The adjoining site on the east side of the application site is occupied by a new single storey and attic residential dwellinghouse – see planning history below.
- 1.3 There are three pairs of Italianate semi-detached villas (nos. 1-7 Abbot's Place) on the south side of Abbot's Place (opposite the application site). These villas are considered to make a positive contribution to the special character and appearance of the conservation area in the Conservation Area Statement.

2. THE PROPOSAL

2.1 Original

Planning permission is sought for the erection of a building comprising lower-ground and ground floor level with front and rear lightwells for use as a 3-bedroom single-family dwellinghouse, following demolition of the existing garages.

2.2 Revision

- 2.2.1 The proposal has been amended since it was originally submitted. The habitable rooms on the basement level of the proposed house were considered to receive an inadequate level of daylight in accordance with the Council's standard in Camden Planning Guidance 2006. In terms of design, the proposed front elevation of the new house and the front boundary treatment (metal fencing) were also considered

to be inappropriate in relation to the appearance and character of the streetscene. The proposal is now for a 2-bedroom house with revised internal layout, fenestration details and front boundary treatment.

- 2.2.2 The dwelling would be finished in concrete with opaque sliding screens in front of the doubled glazed windows with timber frames and partial timber cladding on the front elevation. The new house would have a green roof with five rooflights and a solar panel.
- 2.2.3 The proposed front boundary treatment would consist of brick wall with random apertures with a metal gate in the middle. The front boundary wall would be nearly 2m high.
- 2.2.4 The rear wall of the house would have varying depths. The middle part of the rear wall which projects between 1.8m beyond the west side wall and 1.2m beyond the east side wall of the new house would form part of the rear boundary treatment. Additionally, there would be 1.5m high timber fencing around the rear lightwells which would join to the projection rear wall of the house and complete the rear boundary treatment.

3. RELEVANT HISTORY

3.1 Application Site

- 3.1.1 **8400523** – Planning permission was granted on 20/06/1984 for the erection of three garages to the rear of the property and the formation of a crossover including landscaping.
 - 3.1.2 **8501604** – Planning permission was refused on 21/11/1985 for the erection of two additional floors to the existing single-storey garage block to form 2 x 3-storey town houses with integral garages on the grounds the proposed scheme, for the reason that the size, siting and design would have been overdevelopment of the site and would have had adverse an effect on the residential amenities of the adjoining properties and the character and appearance of the Conservation Area.
 - 3.1.3 **PWX0002549** – Planning permission was refused on 17/10/2000 for the erection of a 2-storey dwelling with one parking space in the front garden on the grounds that the proposed building, by virtue of its design, bulk, massing and materials, would have been detrimental to the residential amenities of the adjoining properties and the character and appearance of the Conservation Area and would have resulted in the loss of private off-street parking and exacerbated the demand for on-street parking.
 - 3.1.4 **PWX0202347** – Planning application was withdrawn on 27/01/2004 for erection of a 2 x storey single dwellinghouse in place of 3 single storey garages.
- #### 3.2 Adjoining Site known as 11 Abbot's Place (rear of 147 Abbey Road)
- 3.2.1 Planning permission was refused on 25/06/2002 (ref: PWX0202104) for the erection of a 2-storey dwellinghouse with one forecourt parking space in rear

garden facing Abbots Place. The associated Conservation Area Consent (ref: CWX0202314) for demolition of boundary wall fronting Abbot's Place in association with erection of a new dwellinghouse was also refused on 25/06/2002. Appeal (ref: APP/X5210/E/02/1106404) was lodged against the refusal of those applications and dismissed on 03/07/2003. The Planning Inspectorate considered that, whilst the front boundary wall was not of any great intrinsic quality, it was prominent in views along Abbots Place and from Priory Road and had significant value as a characteristic unifying element within the surrounding area. Therefore, the demolition of this wall was considered to be harmful to the character and appearance of the Conservation Area.

- 3.2.2 Planning permission (ref: 2004/2141/P) was granted on 15/07/2004 for the erection of a single storey dwellinghouse with attic space. However, it appears that the existing house at no. 11 Abbot's Place has not been built entirely in accordance with the approved drawings. In particular, the front boundary wall was rebuilt with a different form and height to the approved front boundary wall. The existing front boundary of 11 Abbot's Place is formed of rendered brick work with railing inserts. This is currently being investigated by the Compliance and Enforcement team.

3.3 **10 Abbot's Place**

Planning permission (ref: 8905083) was refused on 26/04/1989 for formation of a vehicular means of access to the highway in connection with the formation of a hardstanding for parking purposes.

4. **CONSULTATIONS**

4.1 **English Heritage**

It is recommended that this application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.2 **Local Groups**

No response received.

4.3 **Adjoining Occupiers**

<i>Number of letters sent</i>	48
<i>Total number of responses received</i>	8
<i>Number of electronic responses</i>	1
<i>Number in support</i>	3
<i>Number of objections</i>	5

- 4.4 Objections were received from Garden Flat and Flat C (1st floor) at 147 Abbey Road, 153 Abbey Gardens and 11 Abbots Place and also an email from an unspecified address. The following issues were raised:

Design:

- The modern style of the new house will be keeping out with the character of this Conservation Area and would not enhance the Conservation Area.
- The house will not sit comfortably with 11 Abbot's Place and would be unsympathetic and too close to that property.
- There should be a minimum of 1m separation distance between the new house and 11 Abbot's Place.
- The new house would clutter the streetscene and set a precedent for further "terracing".
- The new house would be over development of the site.

Amenity:

- The new house would result overlooking to the surrounding residential properties which could detrimentally affect the privacy of the residential properties.
- The new house will result in loss of light through the glass block in side elevation of 11 Abbots Place and the rear garden of 153 Abbey Road.
- The flat roof of the new house could be used as a roof terrace which would raise overlooking issues resulting loss of privacy.
- The proposed lightwells and courtyards to front and rear of the new house would also act as balconies resulting further overlooking issues and loss of privacy.

Parking:

- The loss of off street parking caused by the demolition of the garages would further increase the congestion on the street.
- The new house would put a strain on parking in an already over crowded area.
- There are always at least 2-3 and sometimes 4 vehicles belonging to various employees parked off the street in the forecourt to the garages.
- The new house would not have any amenity space and provide poor living conditions for the future occupiers.

Landscape:

- The proposal would result in removal of ivy and other plants in the garden. This would harm the character of the Conservation Area.

Other:

- The proposed construction works would cause noise and disruption and would affect the safety of the adjoining sites.
- The construction works carried out on the adjoining site caused noise nuisance and mess in the area caused the tenants at the time to leave.
- The proposed construction works would reduce the rental value of the adjoining sites.
- The proposed basement excavation could potentially have a detrimental impact on the foundations and the structural stability of the adjoining house and the neighbouring trees.
- Redevelopment of site as a dwellinghouse was refused before.
- The occupiers of 11 Abbots Place did not receive a notification letter of this application. Following a Council's officer's advice, they sent an objection letter.

4.4 The occupiers of 90a and 93b Abbey Road and 2 Aberdare Gardens support the proposed development because:

- The existing garages are derelict and do not improve this Conservation Area.
- The new house will respect the current scale, height, massing and alignment and will improve the area.
- The new house will help the environment through solar power and green energy to power the house and dedicated spaces for people's bicycles.

5. **POLICIES**

5.1 **Replacement Unitary Development Plan 2006**

SD1 - Quality of Life

SD2 - Planning Obligations

SD6 - Amenity for occupiers and neighbours

SD8 - Disturbance

SD9 - Resources and energy

H1 - New Housing

H7 - Lifetime homes and wheelchair housing

B1 - General Design Principles

B7 - Conservation Areas

N8 - Ancient woodlands and trees

T3 - Pedestrians and cycling

T7 - Off-street parking, city car clubs and city bike schemes

T8 - Car free housing and car capped housing

T9 - Impact of parking

T12 - Works affecting Highways

5.2 **Supplementary Planning Policies: Camden Planning Guidance 2006**

Access for all

Car free and car capped housing

Conservation areas

Construction and demolition

Cycle access – parking and storage

Daylight and sunlight

Design

Designing safer environments

Energy and onsite renewable facilities

Landscaping and trees

Lifetime homes and wheelchair housing

Materials and resources

Overlooking and privacy

Planning obligations

Public open space

Residential development standards

Sustainable design and construction

Transport assessment

Vehicle access to sites.

5.3 **Other Relevant Planning Policies:**
Priory Road Conservation Area Statement

6. **ASSESSMENT**

The key issues that are relevant to the determination of this application are:

- Principle of providing a new dwellinghouse on this land;
- Principle of demolishing garages;
- Impact of the proposed development on the character and appearance of the conservation area;
- Impact on neighbour amenity;
- Impact on trees;
- Transport matters in relation to the construction process, work in the highway, and parking;
- Structural issues, including the impact of the proposed works on the structural integrity of the highway;
- Compliance with Lifetime Homes Standards;
- Refuse and recycle storage; and
- Other Issues.

6.1 **Land Use**

- 6.1.1 Policy H1 of the Unitary Development Plan (2006) states that planning permission will be granted for development that increases the amount of land and floorspace in residential use and provides additional residential accommodation as long as the accommodation reaches acceptable standards.
- 6.1.2 The new house would have two bedrooms with a floor area of 96.51m². As both of the bedrooms are over 11m², they are double bedrooms in accordance with the Council's threshold in the adopted Camden Planning Guidance, and thus the new house could potentially accommodate up to four persons in accordance with the Council's standards. The Council's minimum floor space requirement for a 4-person unit is 75m². The size and layout of the new house would provide flexibility such that it can be used by a range of household sizes including families.
- 6.1.3 The front of the new house would be south facing. The front boundary treatment would be of brick and would have perforations/apertures to allow natural lighting to the new house. The living area and kitchen would be on the ground floor level and would be lit by five small-to-medium sized rooflights and the largely glazed openings on the proposed front elevation. It is considered that the ground floor would be well lit by the natural light. However, the lower ground floor level would be 3m below the street level and would thus only receive restricted natural lighting.
- 6.1.4 All of the bedrooms in the new house would be on the lower ground floor level (basement) and would receive some daylight through the proposed front and rear lightwells. The rear fencing above the ground level and the rear retaining wall of the proposed courtyards on the basement level would block a significant amount of the daylight that could be received by the glazed doors at the rear of the basement

level. The agent submitted an 'internal daylight report' which was prepared in accordance with the formula in the Building Research Establishment's (BRE) guidelines for lighting for buildings. The report states that the minimum values of average daylight factor (ADF) for Bedroom 1 is 1.2% and for Bedroom 2 is 1.1%. Daylight to these bedrooms would meet the Building Research Establishment's guidance of minimum 1% ADF for bedrooms. The Council's guidance also requires the level of daylight to the habitable rooms of new dwellings to meet the minimum BRE's ADF standards.

- 6.1.5 Bedroom 1 would have a floor area of approximately 15 m² and would be served by the rooflight in the front yard and the glazed doors in the rear lightwell. The rear retaining wall and fencing would block a significant amount of daylight to Bedroom 1 but the rooflight would provide a window area of approximately 0.9 m². Although the proposed window area which allows natural light to Bedroom 1 would be below the Council's guidance for residential development standards (10% of the total area of habitable room), it would still meet the Council's minimum requirement for daylight level to bedrooms.
- 6.1.6 The adjoining house (11 Abbots Place), the proposed front boundary treatment and the retaining walls of the proposed front lightwell would block some of the daylight to the proposed front bedroom. Bedroom 2 would have a floor area of approximately 15m² and would be served by a window area of 0.85m². Although the proposed window area which allows natural light to Bedroom 2 would also be below the Council's guidance for residential development standards (10% of the total area of habitable room), it would still meet the Council's minimum requirement for daylight level to bedrooms.
- 6.1.7 The new house would have a small front yard and two small rear courts. They would not receive adequate daylight and would not be ideal outdoor spaces for private use. However, the application site is located within walking distance of Paddington Recreation Gardens and Queen's Park, and the new house on the adjoining site also only has a small amenity/garden space. Given the proximity of the application site to the nearby public open spaces, and the general pattern of development for this type of small sites in the area, the proposal is considered to be acceptable.
- 6.1.8 The site currently has no front boundary treatment and the front yard of the site is paved. The erection of a front boundary wall to a height of approximately 2 metres is also proposed. The proposed boundary wall would be of perforate brickwork which would allow daylight and sunlight to penetrate through and would match the appearance and height of the front boundary walls of the houses on Abbots Place which are considered to have a significant value as a characteristic unifying element to the appearance and character of the conservation area. Given that the proposed boundary wall would let natural light through to the front openings of the new house and would appear to continue the historic pattern of front boundary walls on Abbots Place, its design, size and function are considered to be acceptable in principle.

- 6.1.9 The proposed residential use in this location is acceptable in principle, as it would provide additional residential accommodation in this part of the borough. The new house would be spacious and its layout would provide a reasonable standard of living for the future occupiers. The design of the new house and the front boundary treatment are considered to improve the appearance of the area and would not compromise from the character and appearance of this conservation area.

6.2 Demolition of Garages

- 6.2.1 The existing brick built single storey garages were built during the late 20th Century and are of no architectural and historic interest. As long as the replacement building enhances the appearance of the conservation area, their demolition is considered to be acceptable.

6.3 Design and Appearance

- 6.3.1 The Conservation Area Statement states that new development should be seen as an opportunity to enhance the Conservation Area and should respect existing features such as building lines, rooflines, elevation design, architectural characteristics, detailing, profile, and materials of adjoining buildings.
- 6.3.2 The adjoining house (no. 11 Abbots Place) is constructed with a sunken ground floor level and attic level accommodation. It has a contemporary design with a gable end roof. Whilst the bulk and form of the adjoining house respects the adjacent development at no. 10 Abbots Place, the existing front wall with railing inserts fronting it is not built in accordance with the approved drawings. The existing wall with railings is considered to detract from the view that is formed by the high brick boundary walls along Abbots Place and Priory Road. The submitted drawing, GE.00 e.G. showing the front elevation of the proposed development in the streetscene context illustrates the front boundary wall of no. 11 Abbots Place as approved by the Council. This is the subject of an ongoing enforcement investigation.
- 6.3.3 The scheme on the application site (ref: PWX0002549) which was refused in 2000 was for a traditional style two-storey house (including mansard roof addition). The new house which this application proposes does not have an additional storey above the ground floor level and would be more keeping in appearance and character with the adjoining and adjacent buildings.
- 6.3.4 The design, height, bulk and mass of the proposed house as it sits above the existing ground level would be similar to the built form of the existing garages. In this regard, the new house would preserve the character and appearance of the immediately surrounding area and would respond to the scale and height of the built form on the north side of Abbots Place. The new house would have a neutral style and plain fenestration details. The front elevation would have large glazing panels, which would be mainly concealed by the tall brick wall on the front boundary.
- 6.3.5 The proposed house would have a basement level with lightwells. Although full basement levels with lightwells is not an established pattern of development on this

side of Abbots Place, the proposed front lightwells would be concealed by the proposed front boundary wall (2m high). The rear lightwells would also be concealed by the timber fencing (1.5m high) above the rear retaining walls of the new house.

- 6.3.6 The proposed front boundary wall would have a matching brick work to the approved boundary wall at no. 11 Abbots Place and the existing boundary wall at no. 10 Abbots Place on the Abbots Place street frontage, and would be acceptable in terms of design. The height and design of the proposed front boundary wall would respect the existing boundary walls which form that part of the streetscene and would make a positive contribution to the appearance and character of the conservation area.
- 6.3.7 The proposal includes elements of sustainable design such as installation of solar panels to heat water and the provision of a green roof. Both the proposed rooflight and the solar panels would not be visible from the public realm. The proposed rooflights would be flush with the roof slope. The proposed solar panels would be screened by the parapet walls.
- 6.3.8 No details of the green roof are submitted with this application. This should be addressed by the imposition of a condition.

6.4 Sustainability

- 6.4.1 As the development is only for a single residential unit on the site, there is no requirement for the applicant to submit an Ecohomes or Code for Sustainable Homes [CfSH] Report. Notwithstanding, the submitted statement for environmental objectives/sustainability states what methods and measurements would be incorporated in the new house to achieve level code 3 for Sustainable Homes.
- 6.4.2 The building would be formed with in-suite concrete, using 'Insulating Concrete Formwork' (ICF) which enables an accelerated construction programme, minimal labour and ability to achieve u-values of between 0.30-0.11 w/m²k. All glazing to the dwelling will be triple glazed argon filled units, with a solar control film and anti emissive finish. Where possible the internal finishes will be natural materials, with polished concrete floors and reclaimed timber used. All lighting would be low voltage certificated energy efficient fittings, including 75% low energy light fittings and using LED lighting where possible. All white goods would also have A+ energy efficiency rate.
- 6.4.3 The proposed roof structure would incorporate green roof system and solar cells. The green roof would provide a large thermal mass which will absorb excess heat during the day and release it during the night. The solar cells would heat water therefore it would minimize the reliance of the new house on the national grid for electricity. The proposed roof structure would harvest rainwater and provide an insulation to restrict the loss of heat. The wet system in the building would also incorporate under floor heating which would enhance the thermal performance of the building.

- 6.4.4 The Council promotes sustainable development and has a policy to promote use of renewable energy sources and considers use of solar panels to be suitable for developments in Camden. The incorporation of the solar cells and green roof to promote sustainable design and other methods to use energy efficiently in the proposal is appreciated in this respect.

6.5 **Amenity**

- 6.5.1 The new house would not be likely to raise significant amenity issues in terms of loss of daylight, outlook and privacy or increased sense of enclosure for adjoining properties.
- 6.5.2 The new house would have approximately the same height as the existing garages. The site coverage of the proposed house would be 6.35sqm more than the area covered by the existing garages.
- 6.5.3 The footprint of the proposed house would be slightly different at the rear and front than the existing garages on the ground floor level. The ground floor level of the proposed house would be set back by 1.3m from the rear wall of no. 11 Abbots Place immediately adjacent to the shared boundary with that property. The front of the ground floor level would be set back by 2.3m from the front wall of no. 11 Abbots Place.
- 6.5.4 The adjoining occupiers have concerns regarding loss of daylight through the glass blocks on the west side elevation of the adjoining house (no. 11 Abbot's Place). The proposed house would only project 1.7m beyond the existing garage and would not be likely to result in the loss of a significant amount of daylight to no. 11 Abbots Place. It is also noted the adjoining house is not built entirely in accordance with the approved scheme, and has more obscure glass blocks on its side elevation that faces onto the application site than the ones shown on the approved drawings (planning ref: 2004/2141/P). Although the new house would obscure some of the glass blocks on the side elevation of the adjoining property, the adjoining house has additional glass blocks that are not shown on the approved drawings, and which are not blocked by the proposed new house. The glass blocks are in themselves obscure glazing, and allow a restricted amount of daylight to the attic space of the adjoining property. The attic space is mainly served by a front dormer window which is south facing. The proposal would not be likely to significantly affect the daylight to the adjoining property, to an extent that could justify the refusal of this application. As such, the proposal is considered to be in accordance with policy SD6 of the adopted UDP.

6.6 **Trees**

- 6.6.1 The proposed works would be likely to have an impact on a Sycamore tree on the confined soft landscaped area on the side of adjacent garages on Abbot's Place (at the rear of no. 151 Abbey Road) and a Eucalyptus tree in the rear garden of no. 149 Abbey Road. The crown of the Sycamore tree overhangs the site and the proposed basement excavation would affect the root system of this tree. However, the Council's Tree officer considers that the Sycamore tree is of limited value to the area and therefore it would not meet the criteria for a TPO (Tree Preservation

Order). The Council's tree officer also considers the Eucalyptus tree not to have a significant amenity value which contributes to the local landscape and therefore it does not require specific protection.

- 6.6.2 Given that the trees that are likely to be affected by the proposed works are outside the application site and have a limited value to the area, a condition to require replacement of those trees would be unreasonable. The impact of the proposal on the Eucalyptus tree would be negligible and the proposed works would not be likely to result in harm to this tree. However, the proposal would have more significant impact on the root plate of Sycamore tree. The Sycamore tree is growing on a restricted raised area. The agent in his e-mail dated 3rd July 2009 confirmed that the Sycamore tree was likely to have weak fork junctions where the forks split and if this tree continues to grow, the canopy spread increases risk of stem failure therefore it would be prudent to remove the tree now. However, the agent has confirmed that the removal of this tree would not form part of this application. Hence the agent considered the proposed basement excavation would only affect a negligible number of roots within the hard-surfaced area on the application site.
- 6.6.3 Although the proposal would be likely to result in the loss of the Sycamore tree, the proposed green roof would provide some mitigation for the loss of the habitat resulting from the loss of that tree. A condition requiring the submission and approval of details of the construction, planting and management of the green roof is imposed. The Council's tree officer has no objection to the removal of the Sycamore tree and agrees with the agent's observation concerning the risk of stem failure. However, the Sycamore tree is not on the site own by the applicant. An informative to advise the applicant of the need to obtain permission from the owner of the adjoining site where the tree is located to remove it will be added.

6.7 Transportation Issues

- 6.7.1 There is no front boundary wall or barrier at the front of the house to prevent vehicle access to the front yard of the site. Although there is no existing cross over from Abbots Place to the front of the site, there are vehicles parked on the front yard. The development involves the demolition of 3 garages and the building of a single dwelling house. No objection is raised to the loss of garages on the site, providing that the proposed new house would preserve and enhance the character and appearance of the conservation area and would not worsen the existing transport conditions in the area.
- 6.7.2 Abbots Place is listed in the UDP as suffering from parking stress and the Controlled Parking Zone that the site is in (CA-K) is also stressed with a ratio of parking permits to available spaces of 1.07. The site has a Public Transport Accessibility Level (PTAL) of 6a.
- 6.7.3 Car-free housing:
The proposal does not include any car parking provision for the new house. Given that proposal would result in the loss of garages for cars in an area that suffers from on-street parking stress and is easily accessible by public transport, the new house should be made car-free through a S.106 planning obligation in accordance with policies T8 and T9 of the UDP and Camden Planning Guidance (Section 7 -

Car free housing and car capped housing). For car free housing and car capped housing, the Council will:

- not issue on-street residential parking permits;
- use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits; and
- not grant planning permission for development that incorporates car parking spaces, other than spaces designated for people with disabilities, and a limited number of spaces for car capped housing in accordance with Council's Parking Standards.

6.7.4 Cycle Parking:

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. The proposal is for 1 residential unit; therefore 1 cycle storage/parking space is required. The applicant has included a provision of one cycle rack in the front garden. The design and position of the cycle rack is considered to be acceptable. As there is ground floor access, a cycle could also easily be stored in the dwelling if required.

6.7.5 Work to the highway:

If the proposals were implemented then highways works would be required to repave the footway in front of the site, and extend the CPZ parking bays across the stretch of kerb in front of the development (as vehicles no longer need to cross the footway). This work and any other work that needs to be undertaken within the highway reservation will need to be secured through a S.106 Agreement with the Council. The Council will undertake all works within the highway reservation, at the cost to the developer. If the development is given planning permission (i.e. the loss of off-street parking is accepted), then an estimate of this cost will need to be calculated and provided by Highways Engineering.

6.7.6 A financial contribution is required to repave the footway in front of the site, and extend the CPZ parking bays across the stretch of kerb in front of the development (as vehicles no longer need to cross the footway).

6.7.7 Construction Management Plan (CMP):

The site fronts Abbots Place which is a narrow road with parking on both sides. Development involves basement excavation which extends right up to the edge of the public highway, therefore some construction work will have to take place from the highway. For these reasons a CMP is required.

A Construction Management Plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users.

This application for the proposed development has not provided adequate information regarding how this development will be constructed or serviced during construction. Therefore, a Construction Management Plan will need to be

submitted and approved before any works start on site, and approval should be secured via a S.106 Agreement.

6.7.8 Structural Integrity of the Highway:

The proposal includes the construction of a basement level courtyard that abuts the public highway. The highway must be properly supported to prevent it from collapsing, which is dangerous to both road users and the occupants of the development. Therefore, to ensure that the structural integrity of the highway is maintained; a condition is imposed to require the proposed plans and structural calculations showing that the highway will be properly supported to be submitted and approved by the Camden's highways structural engineers before construction begins on site, and approval should be reserved by condition.

6.8 Compliance with Lifetime Homes Standards

6.8.1 As the proposal is for a new building the approved Part M of the Building Regulations will apply to the proposed development. In addition, planning policy H7 encourages all new dwellings to be built to Lifetime Homes Standards and to be accessible to all. The submitted Design and Access Statement refers to all 16 Lifetime Homes Standards. Accordingly, the proposed house would have a level entrance from the street level, ground floor level toilet, doors with a minimum width of 800mm, adequate space for turning wheelchair, etc.

6.8.2 Overall, the proposed layout of the new house is considered to be suitable for wheelchair user. The provision and retention of the proposed layout should be secured by a S.106 legal agreement.

6.9 Refuse and recycle storage

6.9.1 A container to store refuse and recycled materials is proposed to be located in the front garden. No details of the capacity (volume) of the container and the sizes of the litter bin and recycle boxes are submitted. Therefore, a condition requiring full details of refuse storage and subsequent provision of the approved facility is imposed. The agent stated in his e-mail dated 03rd July 2009 that it would be possible to accommodate a 240lt wheelie bin on the site if necessary.

6.10 Other Issues (Permitted Development Rights)

6.10.1 As a single-family dwellinghouse the building would ordinarily benefit from permitted development rights. Given the site coverage of the new house, the new house would not have permitted development rights for extensions. It is considered necessary to remove the rights which would allow alterations to the property including installation of new windows and rooflights in order to prevent any adverse impact on the residential amenity and the appearance and character of the conservation area. It is not necessary to remove anything other than Class A and Class C from Part 1 of the General Permitted Development Order as amended in 2008 as by virtue of the constraints of the site and that it is on article 1(5) land [i.e. within a conservation area], the other rights which might harm neighbours or the design of the building cannot be utilised.

7. CONCLUSION

7.1 The proposal is considered to be acceptable, subject to a structural stability assessment of the highway, S106 Legal Agreement for the new house to be car-free, construction management plan and financial contribution to highway works.

7.2 Heads of Terms of S.106:

- Car Free Housing;
- Financial contribution to the works within the highway reservation (the amount to be confirmed by the Council's Highways Engineering);
- Construction Management Plan;
- Compliance with Lifetime Homes.

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.