

DISCLAIMER

Decision route to be decided by nominated members on Monday 05th October 2009. For further information see <http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	29/05/2009
		N/A / attached	Consultation Expiry Date:	29/04/2009
Officer			Application Number	
Max Smith			2009/0603/P	
Application Address			Drawing Numbers	
18 Frognal Way London NW3 6XE			See decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Excavation of basement level below existing dwellinghouse and approved extension to enlarge the basement for additional ancillary residential accommodation.				
Recommendation(s):	Grant permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>Immediate neighbours have been consulted by letter and a notice placed near the site. 3 of letters of objection have been received raising the following concerns.</p> <ol style="list-style-type: none">1. No consideration in submitted material of the likely impact of proposal on neighbouring properties.2. Development would extend beyond ‘permitted footprint’ of building.3. Noise and pollution during excavation works.4. Construction of a swimming pool in clay and sand may result in subsidence.5. Proposed demolition of front façade of house, which is its most elegant feature.6. Demolition is more extensive than necessary. And not supported by independent structural advice.7. Applicant should entre into agreement with Council over construction management issues.8. Risk that extent of excavation and demolition may result in loss of existing building.9. Land stability and groundwater may be affected.10. The application should be referred to the development control committee. <p>English Heritage: Archaeological works have already been carried out on the site in relation to a previous application. No significant remains were observed at the time and as such there is no need for further work.</p>					
CAAC/Local groups comments:	<p>The Heath and Hampstead Society object on the following grounds:</p> <ol style="list-style-type: none">1. The basement would exceed the preferred size given in supplementary planning guidance and emerging policy.2. The proposal is unsuited to the site conditions.3. Land stability and groundwater may be affected.4. The extent of demolition is more than is recommended for structural reasons.5. Risk that extent of excavation and demolition may result in loss of existing building.6. The applicant should enter into a S.106 agreement for a construction management plan.7. The application should be reported to Committee. <p>Hampstead CAAC commented that the basement would be difficult to build.</p>					

Site Description

The site is located within the Hampstead Conservation Area. The existing building on the site is an unlisted building and is identified as making a positive contribution to the Conservation Area in the Hampstead Conservation Area Statement. Last in use as a single dwelling house, the property is now derelict and in a state of disrepair.

The building occupies a prominent site on Frognal Way. There are unrestricted views into the site from Frognal Way, and an area of unbuilt land directly to the south west.

Relevant History

2009/1489/P: Details of samples of materials for external surfaces, doors and window, screen wall and fencing to protect trees pursuant to condition 2, 3 and 4 attached to Appeal Decisions dated 18 March 2008 (ref: APP/X5210/A/07/2062658) for erection of extensions and alterations at rear and sides including single storey extensions at lower ground floor and the creation of balconies at ground floor level on both flank elevations and rear elevation. Granted 31/07/2009.

2009/0137/P: Details pursuant to Condition 6 (archaeology) of planning permission granted at appeal on 18/03/08 (ref: 2007/4764/P) for erection of extensions and alterations at rear and sides including single storey extensions at lower ground floor and the creation of balconies at ground floor level on both flank elevations and rear elevation. Granted 10/03/2009.

2008/5127/C: Demolition of the external brick supporting walls above roof line and chimney stacks, removal of the entire roof coverings and roof timbers and erection to match original line and level. Demolition and erection of part of the front elevation to cill level.

2008/3583/P: Excavation of basement level below existing dwellinghouse for additional ancillary residential accommodation (storage spaces and plant room) and erection of a screening wall above existing west side boundary wall. Refused on grounds of the lack of a S.106 agreement for a Construction Management Plan. Allowed on appeal subject to conditions, 8th September 2009.

2007/6389/P. Extensions and alterations to dwellinghouse, including single-storey side extensions at lower ground floor level and a full-width balcony at raised rear ground floor level. Allowed on appeal.

2007/4764/P Erection of extensions and alterations at rear and sides including single storey extensions at lower ground floor and the creation of balconies at ground floor level on both flank elevations and rear elevation. Granted on appeal.

Relevant policies

Replacement UDP 2006

- SD1 – Quality of Life
- SD6 – Amenity for Occupiers & Neighbours
- B1 – General Design Principles
- B3 – Alterations and Additions
- B7 – Conservation Areas
- N8 – Trees
- T12 - Works affecting highways

Camden Planning Guidance 2006

Hampstead Conservation Area Statement

Assessment

Proposal:

The application seeks planning permission for the excavation of a basement level below the existing dwellinghouse, the erection of rear and side extensions.

Permission has been granted for the rear and side extensions (with associated balconies) in an appeal on the previous application 2007/4764/P. A basement extension was the subject to planning application 2008/3583/P, which was also granted on appeal on 9th September 2009.

The main differences between the approved schemes and the proposed are as follows:

1. The basement would extend further under the garden by approximately 1m.
2. An external stairway from a ground floor terrace at the west of the site to garden level has been deleted from the scheme. An external stairway would be constructed from a terrace to the garden level at the eastern end of the site instead.

Revisions:

It was originally proposed to demolish much of the front elevation of the building and the original chimneys due to structural problems. However, a means of 'stitching' a crack on the front elevation has been devised whilst the internal walls supporting the chimneys and the chimneys themselves would be maintained throughout the works.

Main Issues: Whether the proposed changes would have an adverse impact on residential amenity, highway safety, trees of the character of the conservation area when compared with the works to the building already approved on appeal.

Design

The works to the side and rear reflect those previously been approved in terms of design and scale. It is not considered that the marginal increase in the size of the basement would have any significant impact in terms of design. The transferring of the garden stairway does not raise any design issues.

As originally submitted the proposal involved the substantial demolition of much of the original fabric of the building, thereby requiring Conservation Area Consent. However, the plans have now been amended so that much more of the original building would be retained, including the visually significant front elevation and chimneys. The efforts of the applicant to retain as much as possible of the original fabric of this structurally compromised building are welcome and it is not now considered that Conservation Area Consent is required.

Samples of materials have recently been approved in discharge of a condition on a previous application at the site, and the applicant wishes to use these materials in the current proposal. A condition is therefore recommended to ensure that this would be the case. The proposal is therefore considered to be in accordance with Policy B7 of the UDP.

Amenity

The proposed development would be very similar in terms of its amenity impacts to the previously approved scheme. Terraces would be created on the new single storey extensions to the side elevations. Cedar privacy screens installed on these terraces would prevent overlooking into neighbouring properties and the maintenance of these would be secured by condition.

The proposal would comply with Policy SD6 in terms of visual bulk, sense of enclosure, privacy or loss of light to neighbours.

Transport

Planning application 2008/3583/P, also for a basement extension at the property, was recently the subject of a public inquiry which turned on the issue of whether a Construction Management Plan was required in order to implement the scheme. The Inspector ruled that a CMP was not required, citing the fact that Frogna Way is a private road over which the applicant had some control. Instead, a series of conditions were imposed by the Inspector relating to various highways matters. Given that the issues are almost identical on the two schemes, it is recommended that the Inspector's conditions are replicated on the current application. There are no other transport issues of relevance.

Trees

The site and neighbouring properties contain a number of trees of interest and amenity value. The applicant has submitted a Tree Survey and Method Statement indicating that the best of these would be preserved throughout construction. These details are considered acceptable and in accordance with Policy N8.

Objector's Concerns

The concerns of objectors relating to harm to the existing building and highways issues are noted. However, the works proposed in the current proposal are not significantly different to that already granted permission in two separate appeals.

It is considered that the amended plans successfully address concerns regarding harm to the original fabric of the building.

RECOMMENDATION: Grant planning permission.