

Address:	34 Kingstown Street London NW1 8JP		
Application Number:	2008/3674/P	Officer: Jenny Fisher	
Ward:	Camden Town with Primrose Hill		
Date Received:	18/07/2008		
Proposal: The erection of a new single dwellinghouse on basement, lower ground, ground and first floors.			
Drawing Numbers: 087-sk-100; sk- 101; letter dated 26/08/2008; structural executive summary 7174/001 P1; /101 P1; /102 P1; /103 P1; /104 P1; /105 P1; /200 P1 087-100-P; 101 - P rev. A; 102-P rev. A; 103 - P; 104 - P; 105-P rev. A; 106 -P; 107 - P rev. A; 108 - P rev. A 109-P rev. A; 110-P; 111 - P; 112 -P 200 -P rev. A; 201 -P rev. A; 202 - P rev. A; 203 - P rev. A; 204- P; 300-P rev. A; 301-P rev. A; 302 - P rev. A; 303 - P rev. A; 400 - P; 401- P rev. A 402 -P ; 403 - P; 900 - P			
RECOMMENDATION SUMMARY: Grant planning permission with conditions and a S.106 Agreement			
Related Application	2008/3827/C		
Date of Application:			
Application Number:	18/07/2008		
Proposal: Demolition of the existing two storey dwellinghouse.			
as shown on drawing numbers: 087-101-P Rev. A; -102-P rev. A			
RECOMMENDATION SUMMARY: Grant conservation area consent with conditions			
Applicant:		Agent:	
Mr Patrik Zeigherman 34 Kingstown Street London NW1 8JP		MSA First Floor 70 Hatton Garden London EC1N 8JT	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3	Dwelling House	180m ²

Proposed	C3	<i>Dwelling House</i>	310m ²
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Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>				1					
Proposed	<i>Flat/Maisonette</i>				1					

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	1	0
Proposed	1	0

OFFICERS' REPORT

Reason for Referral to Committee: The proposed development involves the demolition of a building in a conservation area [Clause 3(v)] and the making of a S.106 planning obligation for a matter [Construction Management Plan] that is outside the scheme of delegation [Clause 3 (vi)].

1. SITE

- 1.1 Kingstown Street is divided by the Auden Place residential development that includes a children's nursery. The west section runs off Fitzroy Road and includes the application site. The east section of the street joins Princess Road. The west section of Kingstown Street turns sharply before the Auden Place development; the road then becomes Manley Street which joins Chalcot Road to the north.
- 1.2 The existing building is 2-storey in height and is in use as a single dwellinghouse. It is on the north side of Kingstown Street. The property includes a small courtyard to the rear at ground floor level, with a high level timber fence forming a boundary between the courtyard and Kingstown Street. A flight of external steps provides access from the courtyard to the first floor terrace. A single garage accessed from Kingstown Street with a small area of open space behind, abuts the rear boundary of 34 Kingstown Street. The garage and area of open space are not in the applicant's ownership.
- 1.3 There is lay-by in the front of the application premises. Access into the building and to the integral garage is from the lay-by. Two adjacent garages, also accessed from the lay-by, back onto the flank wall of one of the Primrose Hill Studios properties, which are also not in applicant's ownership.
- 1.4 Kingstown Street is characterised by a mix of architectural styles; nos. 1 - 5 (located in the east section) are designated positive contributors. Immediately to the north of the site, Primrose Hill Studios comprise twelve Grade II Listed buildings that cluster around a central courtyard accessed from Fitzroy Road via Fitzroy Yard. The buildings are Arts and Crafts in style, and a maximum of 2-storeys in height. The rear/flank walls of nos. 1 and 2 are parallel with the flank wall of the application site.
- 1.5 The site lies within the Primrose Hill Conservation Area.

2. THE PROPOSAL

- 2.1 The demolition of the existing 2-storey single dwellinghouse.
- 2.2 The erection of a new single dwellinghouse. Additional living accommodation would be provided by the excavation of a lower ground and basement beneath ground and first floors.
- 2.3 At lower ground floor level a dining room, kitchen and lounge would be accommodated, opening onto an external courtyard. A cinema, gym, storage, utility and boiler rooms would be installed in the basement. The existing integral garage

would be retained on the ground floor, and bicycle storage would be introduced. The remainder of the area at this level would form a master bedroom and bathroom. On the first floor, three bedrooms would be provided as existing, but each one would be larger than existing. A first floor terrace would be provided, to replace an existing terrace at this level.

- 2.4 The replacement building would be same height and cover the same footprint as the existing house.
The north elevation parallel with Primrose Hill Studios would be replaced, essentially as existing.
The east elevation (main entrance and access to the garage) would include a single openable double glazed first floor window replacing smaller windows at this level in the existing dwelling. A frameless double obscure glazed entrance door would be installed, together with a metal door to the garage and bin store.
The south elevation (directly fronting Kingstown Street). A translucent glazed screen at ground floor level would extend along the whole of this elevation. At first floor level a pre cast concrete rainscreen (cladding) would be applied, without fenestration. The rain screen would give a translucent glazed appearance at ground floor level, an internal automatically driven integrated blind system would be fitted.
The west elevation: facing the rear of properties fronting Fitzroy Road. This would be similar to the existing west elevation. Replacing brickwork would be a painted render finish. At first floor level, a timber screen enclosing a terrace (in the same position as existing) would be replaced with a screen of horizontal hardwood timber slats.
The roof: a vent for chimneys is indicated to a maximum of 600mm above the roof parapet. Two roof lights would be installed. Existing external amenity space provided by a ground floor courtyard and a first floor terrace would be replaced in the new scheme. A new ornamental tree and green wall would form new landscape features within the courtyard, replacing an existing ornamental specimen.
- 2.5 The substructure of the new house would comprise either a contiguous or secant bored pile perimeter retaining wall [depending on the ground water regime], with piled foundations supporting vertical loads. The piled wall would be designed to limit the potential for movement in the adjacent structures to acceptable values. Temporary shoring would be installed to control movement during excavation until the basement, lower ground and ground floor slabs have been cast.
3. **RELEVANT HISTORY**
- 3.1 27/03/2001 PEX0001048 Planning permission refused for external alterations to existing property including the erection of an extension at roof level.
- 3.2 Land to the rear of 58 Regents Park Road, fronting Kingstown Street
12/02/2001 PEX0000664 Planning permission granted for the erection of a 2-storey detached single dwellinghouse with integral garage.

- 3.3 55 Kingstown Street
20/04/2007 (2007/0839/P) Planning permission granted for demolition and rebuilding of existing front elevation to dwellinghouse including 2-storey entrance lobby with glazed canopy over door to front of property.

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 English Heritage (consulted in relation to demolition within a conservation area). Do not wish to comment on the application for planning permission. The application for conservation area consent should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Conservation Area Advisory Committee

- 4.2 Primrose Hill Conservation Area object strongly.

1. The Committee was pleased to be consulted at pre-application stage on this scheme, and members of the Advisory Committee were grateful for a site visit to inspect the interior as well as the exterior spaces of the current property on 2nd April 2008. A response - explicitly not conclusions – was sent to the applicant's agent, and copied to the Council.
2. In pre-application comments we noted our concerns as being primarily on the design, the relationship to the adjoining Listed buildings, and the conservation area, and on the proposed double-level basement.
3. We are aware of the very considerable local opposition to this scheme, and the grounds for that opposition.
4. We emphasise that we have no objection to the proposed design approach, noting that we welcomed the same architects' design for no. 45 Kingstown Street. However, given that we stated in our pre-application advice that the design approach required that "materials, colours and external finishes" should be identified at this stage, and not treated as reserved matters, it is very disappointing that drawings only refer to "painted render finish", "pre-cast concrete", "profiled metal" and "frameless double glazing" with none of the details we agreed were essential at this stage. In our view the design as proposed is, consequently, not sufficient to justify the demolition of a building in the conservation area. Application 2008/3827/C should therefore be refused.
5. Further, and on the issue of conservation area consent, we are very uneasy about the demolition of the existing house in terms of sustainability (UDP S3). We do not think it appropriate to waste the resources represented by the existing house as demolition would do. Those environmental benefits identified do not outweigh the harm in sustainability terms: significant sustainability benefits could be achieved without demolition.
6. A major concern remains the provision of the two-level basement. We are aware that Camden's policy on basements is developing, and that it is currently widely regarded as inadequate. We note that other London boroughs seem to have effective policies.

7. Our primary planning concern over the proposed basement is its impact on the building as a dwelling. The Council has undertaken to ensure the provision of a mix of housing types (UDP S6 + 2.56). The current house is on a modest scale for a family house, meeting a known need in the area. Its proposed re-development would destroy this valuable component of the local housing mix. Further, by intensifying development on the site through the provision of the basements, the proposal would create an immodest dwelling - boasting features like a private cinema – effectively neutralising the site's contribution to solving known housing need in Camden.
8. We are aware of local concerns over the impact of the proposed basement on groundwater and the water table. We are not in a position to offer advice on these questions, but we would very strongly urge that they are fully investigated in terms of both this application and the possible wider impact of any consent as a precedent for other applications in the area. The results of investigations should be made public before any decision is made on this application.
9. While the Committee is fully aware that issues of construction process are not normally material planning considerations, we note that the site is directly adjacent to a group of Listed buildings, Primrose Hill Studios, and that access to the site is unusually restricted: Kingstown Street was a mews-type street and footways for pedestrian access are very narrow. Given that the street provides access to family housing in Auden Place, with its housing association accommodation, this is of the greatest local concern. Under these circumstances, should an acceptable scheme be developed and proposed, we advise that UDP S3 requires that any consent be made conditional on the agreement of a method statement for the execution of the work, acceptable to all interested parties, including the Advisory Committee.

4.3 **Adjoining Occupiers**

	Original
<i>Number of letters sent</i>	77
<i>Total number of responses received</i>	80
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	80

A site notice was displayed.

- 4.4 **Councillor Callaghan** has written in support of local residents:
 Recently residents have had to endure the upheaval of having a building plot where there was a single basement excavation approximately 20 yards from the application site. Then surely:
- a) this would be a safety hazard to remove more substructure which underpins the foundations of Kingstown Street, within such a limited area and further more it's proximity to the densely built up zone of Auden Place/ Fitzroy Road and Chalcot Road and,
 - b) if planners give permission for this gross overdevelopment it will set a dangerous precedent for this conservation area, where flooding is seen when heavy rainfall occurs.

Please refuse and ask the applicant to come up with a more sympathetic and viable plan.

4.5 A circular letter has been received from residents in the following streets:

<u>No of letters</u>	<u>Street name</u>
22	Auden Place
05	Manley Street
02	Kingston Street
05	Fitzroy Road
04	Regents Park Road
02	Chalcot Road

A letter has been received from Chalcot Road (no. 9). The occupant has confirmed by e-mail that she had not written or signed the letter. She has no views either way on the subject since she does not live in Kingstown Street and does not feel strongly about any application within it. She expressed concern that her name and address had been used by another.

05	Regal Lane
03	Albert Terrace
03	Albert Terrace Mews
06	Princess Road
04	Primrose Hill Studios

The circular letter has also been received from:

111 Gloucester Avenue; 128 Cranley Gardens; 6 Chamberlain Street; 11 St. Mark's Square; 56 Myddleton Avenue; 21 Ainger Road

The letter raises concern about the depth of excavation required for a double basement and overdevelopment of small streets. Applications dealt with on a case-by-case basis without concern for the immediate environment. Refers to incidence of subsidence in the area and the large numbers of heavy vehicles that would need to back out of the street creating a risk of accident, injury and damage to parked cars and the fabric of the street; blocked drains. Would set an undesirable precedent.

4.6 Comments have also been received from the following:

47 Kingstown Street x 2; 68 Regent's Park Road; 66 Auden Place; 57 Fitzroy Road x 2; 39 Kingstown Street; 78 Auden Place; 12 Chalcot Road; 53 Kingstown Street; 10 St Mark's Square (owner of garage that abuts 34 Kingstown Street); 42 Kingstown Street; The Lodge, Primrose Hill Studios

In addition to the circular letter another from 77 Auden Place.

4.7 Objectors raise the following concerns:

- deep excavation proposed and effects on properties in the immediate vicinity;
- fourth major building project in Kingstown Street in a short period of time, harmful to health and fabric of the street;
- concern for safety of children of the Auden Place Nursery who would have to walk past the excavation for a couple of years;
- one objector is under the impression that occupants of Primrose Hill studios Nos. 1 and 2 have not been consulted, another states that he has not seen

a site notice.

Officer comment Letters of consultation were sent 22/09/2008 to Primrose Hill Studios and other properties in the immediate vicinity. A total of 77 letters were sent. A site notice was displayed 18/09/2008.

- the increase in size of the house would change the nature of the mews (each building is relatively small proportionate to its site) and overdevelop the site;
- question the survival of a replacement tree proposed and affect on a large sycamore;
- no engineer's report, a basement has already been excavated at 55 only 20m. from 34; impact on water table/impact on local drainage;
- impact of works on road, heard access to Manley Street to be opened up to create a circular route for lorries;
- do not want precedent set for double basements;
- if allowed request restricted working hours, no excavated material allowed to block the thoroughfare;
- principle concern is that this being a conservation area and site adjacent to listed buildings, no assessment of how inevitable noise, disruption and traffic matters are to be resolved, recent experience of works to a basement has not been good;
- this project goes beyond what local residents can be expected to tolerate, one of the objectors (has a job that starts very early, therefore needs an afternoon rest) is extremely concerned about how works proposed will affect his life.

5. POLICIES

Replacement Unitary Development Plan 2006

5.1 S1/S2/S3/S4/S7/S8/S9 (strategic policies)

SD1 (quality of life)

SD2 (planning obligations)

SD6 (amenity for occupiers and neighbours)

SD9 (resource and energy)

SD10 (hazards)

B1 (general design principles)

B2 (design and layout of developments large enough to change their context)

B3 (alterations and extensions)

B7 (conservation areas)

H1 (new housing)

H3 (protecting existing housing)

H7 (lifetime homes)

N5 (biodiversity)

N8 (ancient woodlands and trees)

T3 (pedestrian and cycling)

T8 (car free housing)

T9 (impact of parking)

appendix 6 (parking standards)

Camden Planning Guidance 2006

- 5.2 Access, biodiversity, car free, conservation areas, construction and demolition, cycle access, daylight, design, designing safer environments, energy, extensions, landscaping and trees, lifetime homes, overlooking, parking stress, residential development standards, sustainable design

Planning Policy Guidance (PPG) 15 Planning and the Historic Environment

- 5.3 The preservation and enhancement of conservation areas.

Primrose Hill Conservation Area Statement

6. ASSESSMENT

- 6.1 The principal consideration material to the determination of this application and summarised as follows:

- Demolition
- Land use
- Residential development standards
- Access and Lifetime Homes
- Design
- Trees and biodiversity
- Parking and access
- Sustainability
- Impact on local amenity
- Response to objections not covered elsewhere in the assessment

Demolition

- 6.2 The complete demolition of the existing building is proposed. It is within a conservation area but has not been designated a positive contributor.
- 6.3 Relevant to this proposal is advice given in PPG 15 that requires the preservation or enhancement of conservation areas. Para. 4.16 states that whilst this is a major consideration, it cannot realistically take the form of preventing all new development. However, should conservation area consent be given, replacement buildings should be designed with respect for their context, and views in and out of the area.
- 6.4 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved by development that makes a positive contribution to an area's character or appearance, or by development which leaves the character and appearance unharmed. It is considered that the principle of the demolition of the existing building is acceptable; it does not possess any particular architectural merit or make a positive contribution to the character and appearance of the conservation area. Furthermore, the applicant has submitted detailed plans for re-development

that would enhance the character and appearance of the conservation area. The scheme is therefore in line with PPG15 guidance.

- 6.5 The applicant has submitted a structural survey which states that a detailed geotechnical investigation will be commissioned to determine the actual ground conditions, ground water regime and the geotechnical parameters for foundation design. The Council would need to be satisfied that any actual or potential instability can be overcome and thus that there would be no risk to adjoining land and local amenities in line with policy SD10. Should the applications be approved, it is recommended that approval should be on condition that details of the result of the investigation are submitted to the Council for written approval.

Land Use

- 6.6 The aim of UDP policy H1 is to encourage development that makes a full contribution to meeting housing needs in the borough. In this case the replacement of the existing single dwellinghouse is proposed; therefore no additional units of accommodation can be provided. There would be no loss of residential floor space or units; therefore the scheme also complies with policy H3.

Residential development standards

- 6.7 Room sizes meet the Council's standards for residential development. The lower horizontal band of obscure glazing that would form part of the south façade would allow natural light into habitable rooms.

Access and Lifetime Homes

- 6.8 Access to the existing property is via two steps leading to the front door. The entrance would be improved by the introduction of a level threshold. The existing integral garage would be retained and enlarged for compliance with Lifetime Home guidelines.
- 6.9 Lifetime Homes The new building has been designed to facilitate future adaption to fulfil Lifetime Homes criteria, including expandable parking (the internal wall would be non load-bearing to allow for widening if required), location of bathroom facilities on the ground floor, space within which a lift could be installed, and corridors and doors with appropriate turning circles for wheelchair users all in compliance with part M and part K of Building Regulations. The ground floor would have the potential for future adaption for compatibility with wheelchair users. An area that could be used for the installation of a lift is identified on the applicant's proposed ground floor plan.

Design

- 6.10 Above ground floor level the new building would not exceed the bulk and massing of the existing building.
- 6.11 Primrose Hill Studios buildings are not visible from Kingstown Street, and since the height and massing proposed would be as existing, the setting of the Grade II listed buildings would not be affected by the proposed development. The new building would be structurally independent of adjacent properties as existing. There is an existing gap between the rear wall of the Primrose Hill Studios properties that back

onto the site and the north elevation of the application premises; this would be retained in the proposed redevelopment.

- 6.12 The existing building is predominantly brick and render; the external fabric is generally low quality with poor detailing. Proposed is a more contemporary approach with an innovative use of good quality modern materials and detailing; clerestory lights provide added interest. The translucent resin rain screen should provide a distortion, depth, texture and matt effect unachievable with glass and complementary to the pre-cast concrete above. Overall the design approach is considered an improvement, achieving a greater level of expression and form while maintaining scale relationships i.e. the visual distinction between ground and first floor.
- 6.13 It is considered that the new building would preserve the mews scale of the street, and enhance the quality of the contribution that the site makes to the streetscape. It is also considered that the replacement of the existing building with what is considered to be a more architecturally distinguished dwellinghouse would enhance the character and appearance of the conservation area.
- 6.14 Given the sensitive conservation area location and the importance of maintaining the detailed design in its approved form, in particular with regard to the parts of the building visible from street level, it is considered necessary to control future alterations and extensions to the building by withdrawing permitted development rights relating to extensions and other external alterations. A condition to this effect has been included in the decision notice.

Trees and biodiversity

- 6.15 There is an ornamental Japanese cherry tree growing in the courtyard of the application site; this would be removed and replaced with a suitable ornamental species in the lower ground floor courtyard. The Council's Tree Officer raises no objection to this; should approval be granted, a condition is recommended to ensure that the replacement tree is planted.
- 6.16 The other tree that would be affected by the proposal is growing to the rear of the site; this and the garage in front of the tree are not in applicant's ownership. Nevertheless it is referred to in the Tree Survey and Protection Report that has been submitted. The applicant's survey describes the tree as being in reasonable condition and offering good screening for the rear garden of no. 55 Fitzroy Road, as well as the applicant's first floor terrace. The survey states that the tree can be retained with little or no detriment to its future health through careful management. Having carried out a survey on behalf of the applicant, the arboriculturist suggested that for the future health and management of the tree the removal of a limb may be necessary. This would not be as a necessary result of the proposed development, but is a general observation following the detailed examination. The Council's Tree Officer is concerned about the suggestion that one of the tree's limbs would be removed and has suggesting bracing instead. Should planning permission be granted, a condition is recommended requiring the submission of details of tree protection during and following proposed development. An informative is also recommended reminding the applicant that any tree works would require permission.

- 6.17 In addition to a replacement tree, the courtyard proposed would include a green wall. If the applications are approved, the standard landscape condition will require details of the replacement tree and species that would create the green wall, and their provision as part of the development.

Parking and access

- 6.18 The applicant has included provision for a single bicycle storage locker in the building. This satisfies the Council's requirement for one secure bicycle storage space for each residential unit.
- 6.19 The proposal includes provision for one car parking space which also complies with Camden's Parking Standards of a maximum of one space per residential unit.
- 6.20 Kingstown Street is extremely narrow; measuring 4.3m at its narrowest point with only 2.4m of operational carriageway width when taking into account on-street car parking; therefore parking bay suspensions will most likely be needed during the implementation of the development. There is a lay-by area for construction vehicles to stop in front of the site; however this may conflict with the use of garages to adjacent properties. At the end of Kingstown Street, there is room for vehicles to turn around. Only smaller vehicles would be able to achieve this manoeuvre, and they should be the only ones permitted to service the development. In addition, there is no footway down Kingstown Street, therefore construction vehicles may have the potential to conflict with pedestrians. All of these issues will need to be managed through a Construction Management Plan (CMP). 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 would be secured by a S.106 legal agreement.

Sustainability

- 6.21 A Code for Sustainable Homes assessment is not mandatory for a development of this size. However, the applicant has submitted details of sustainable measures that would be applied. The applicant has also confirmed (letter dated 5th March 2009) that he would be happy to undertake a post construction Sustainable Homes review that would be secured by a S.106.
- 6.22 The building has been designed to include passive ventilation strategies utilising the large double-height volume and opening rooflight over the stairway to draw air up through the building and thus reduce the requirement for mechanical ventilation. There would be good natural light penetration into all habitable rooms reducing the need for artificial light.
- 6.23 The scheme includes, at ground floor level, secure, weather-proof storage for cycles and an area at lower ground floor level has been allocated for a home office. Rainwater would be collected from with the sunken courtyard, roof terrace and main roof and stored in a basement storage tank for watering. Exposed internal concrete soffits would ensure that the building incorporates a high thermal mass, reducing heating requirements and energy consumption. The amount of timber on site would be minimal. A translucent glazed screen at ground floor level would

extend along the whole of the south elevation, replacing an existing timber fence. Hardwood timber slats would be used to enclose the first floor terrace. The applicant would be required to declare the source of the timber that would be used. Details of material to be used for courtyard would also be required; porous material would be required. The applicant has submitted a structural survey and geological information from an adjacent site (45 Kingstown Street): no water was encountered on the adjacent site, which will probably be the case on this site. The proposed development would not lead to a net increase in rain water discharge into the mains system/storm drains, as the roof area and courtyard hard surfaces would be the same as existing. The rainwater collection system would act as a buffer to rain water discharge. An internal bin storage area would be provided at ground floor level with sufficient space for separate bins for recyclable materials.

- 6.24 The re-use of existing materials has been discussed with the applicant's architect who explains that it is unlikely that existing materials could be re-used within the new construction. This is due to low quality of existing materials that would be replaced. The intention is to explore the use of cement replacements/supplements during detailed design. Waste generated through demolition would be removed from the site, crushed and recycled for re-use as appropriate.

Impact on local amenity

- 6.25 The height and bulk of the proposed development above ground would be as existing. Daylight/sunlight to adjoining properties would not be affected by the replacement building proposed.
- 6.26 The north elevation would be as existing; the wall would be parallel with the rear wall of Primrose Hill Studios, and windows would not be installed. The east elevation (main entrance and access to the garage) would include a single openable double glazed first floor window replacing smaller windows at this level in the existing dwellinghouse. The window would face the lay-by in front of the house and the Auden Place development more than 25m away. The position of the window in relation to properties on the other side of Kingstown Street would not allow direct overlooking.
- 6.27 The south elevation directly fronts Kingstown Street. Currently there are three windows at ground floor level and one at first floor level. The external boundary of the courtyard is formed by a 2m high timber fence. A translucent glazed screen at ground floor level would replace the three windows in the brick built elevation and the timber fence. There is currently a window at first floor level; proposed at first floor level is a pre-cast concrete rainscreen (cladding) without fenestration. The applicant has submitted details of the rain screen that would give a translucent glazed appearance at ground floor level with an internal automatically driven integrated blind system, and solid appearance at first floor level.
- 6.28 In the west elevation, windows would be in the same position as existing. Sliding glazed doors would open onto the terrace and a window would be installed over the courtyard. The first floor terrace would be in the same position as existing and enclosed with a trellis as existing but in place of the existing open weave design there would be horizontal hardwood slats. The windows would directly face properties to the rear of Fitzroy Road more than 25m away. Privacy of the

occupants of Fitzroy Road properties would be protected by the provision and retention of a screen to the terrace, and a mature tree.

- 6.29 The proposed development would not have an adverse impact on adjoining occupiers by reason of overlooking and lack of privacy.

Response to objections

- 6.30 Issues raised by objectors (most of which have been discussed above) include concern about the impact of the proposed excavation. The applicant has submitted a structural survey and geological information from an adjacent site (No. 45 Kingstown Street) that indicates that the site is likely to comprise 0.75-1.5m of fill over London Clay. No water was encountered on the adjacent site. The applicant has stated that a detailed geological investigation will be commissioned to determine the actual ground conditions, ground water regime and the geotechnical parameters for foundation design. Should conservation area consent and planning permission be granted, it would be on condition that prior to the commencement of works, the geological investigation is submitted to the council for written approval.
- 6.31 The inconvenience of construction to neighbours in terms of noise, dirt and other matters of this kind is not, within the context of a development such as this, a material planning consideration. However, should planning permission be granted, the Construction Management Plan and the requirements of the Control of Pollution Act should resolve any problems that may ensue.

7. CONCLUSION

- 7.1 Although the proposed works are extensive, the effect on the character and appearance of the conservation area when viewed from the public realm would be minor. It is considered that the detailed design and the use of the traditional and complementary materials proposed would complement the architectural style of the buildings in the immediate vicinity. The proposed development would preserve the character and appearance of the conservation area. No adverse amenity issues would arise, and the development would achieve a higher standard of residential accommodation, built to Lifetime Homes standards. The scheme has been designed to reduce carbon emissions and other environmental measures have been applied.
- 7.2 Planning Permission is recommended subject to a S.106 Legal Agreement covering the following Heads of Terms:-
- Construction Management Plan
 - Code for Sustainable Homes post construction review

8. LEGAL COMMENTS

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