

Delegated Report		Analysis sheet		Expiry Date:		20/03/2009	
		N/A		Consultation Expiry Date:		18/03/2009	
Officer				Application Number			
John Sheehy				2009/0659/P			
Application Address				Drawing Numbers			
The Garden Flat 14 Kidderpore Gardens London NW3 7SR				Refer to draft decision			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal							
Excavation to create enlarged basement area for use as habitable accommodation attached to the ground floor flat including two lightwells to the front and alterations to the rear including creation of a sunken patio and insertion of a window and 2 French doors on the rear elevation at lower ground floor level.							
Recommendation:		Grant conditional permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	16	No. of responses	1	No. of objections	1
				No. electronic	0		
Summary of consultation responses:		<p>Site notice displayed from 25th February to 18th March.</p> <p>The occupier of 19 Kidderpore Gardens objected to the proposal and raised concerns about the potential noise and disturbance as a result of the construction works. The objector stated that there has been a lot of disturbance as a result of similar construction works at 16, 17 and 21 Kidderpore Gardens.</p>					
CAAC/Local groups comments:		Redington/ Frognaal CAAC: no objection.					

Site Description

The site is located on the eastern side of Kidderpore Gardens. The building on the site is a semi-detached property, three storeys in height with basement and roof accommodation. The building is divided into 3 self-contained flats. The street is gently sloping and is predominantly made up of similar semi-detached properties.

The site is located within the Redington/Frogna Conservation Area. The building on the site is not listed. The properties at nos. 2-18 Kidderpore Gardens are identified in the Conservation Area statement as making a positive contribution to the Conservation Area

Relevant History

Application site

None

Other sites

November 2008, 16 Kidderpore Gardens: Planning permission granted for change of use of the ground and lower ground maisonette into two self-contained flats, together with the excavation of two lightwells to the front and new windows and excavated area to the rear, ref. PWX0302338.

January 2005, 8 Kidderpore Gardens: Planning permission granted for enlargement of basement to provide new lower ground floor habitable space to the ground floor flat, with associated excavation of two lightwells at front and 2 patios at rear, and installation of new french doors and raised ground floor balcony and staircase at rear, and installation of 2 replacement windows at front, ref. 2004/5207/P.

Relevant policies

Camden Unitary Development Plan 2006

S1, S2 Sustainable Development

SD6 Protection of Amenity for Occupiers and Neighbours

B1 General Design Principles

B3 Alterations and Extensions

B7 Conservation Areas

Camden Planning Guidance 2006

Redington/ Frogna Conservation Area Statement

Assessment

Proposal: works associated with lowering the basement cellar to create additional habitable floorspace under the whole property for the ground floor flat.

To the front, the externally visible works comprise the excavation of two lightwells.

To the rear the externally visible works are as follows:

- excavation of a section of the garden to provide a new lower ground floor patio;
- replacement of the garden stairs by a shallow balcony with side staircase;
- insertion of a window on the side elevation (south) of the original extension at ground floor level;
- additional of French doors underneath the existing projecting bay; and
- insertion of a window and French doors at lower ground floor to the original extension.

Assessment

The principle consideration material to the determination of this application is the design of the proposal and its impact on the Conservation Area.

Design and impact on the Conservation Area

Policy B1 states that the Council will grant permission for development that is designed to a high standard; Policy B3 states that the Council will not grant permission for alterations that it considers to cause harm to the architectural quality of the existing building; and Policy B7 states that the Council will only grant planning permission for development in a Conservation Area that preserves or enhances the special character and appearance of the area.

Works to the front

The front lightwells would both be 2.9m deep and would be 2.05m and 2.8m wide respectively. They would have a glazed covering. Given their size and design, and the fact that the existing 2.0m hedge around the hard-landscaped front garden would be retained, these lightwells would have minimal impact visually and they are considered to be acceptable in terms of design and their impact on the Conservation Area. Furthermore, a precedent has been set by the grant of planning permission for the insertion of glass-covered front lightwells at nos. 8 and 16 (see relevant history section).

Works to the rear

The ground floor of the property is raised above garden level and the proposed excavations would only lower the rear facade by 1.0m. The proposed alteration to the rear elevation would have minimal impact on the overall bulk and appearance of the house and would not harm the character of the Conservation Area given its secluded position at the rear of the property. The detailed design with new timber-framed french doors, windows, and metal/ glass balcony and stairs is also considered to be acceptable.

The development is considered to be acceptable in terms of design and to preserve the character and appearance of the Conservation Area and to be consistent with policies B1, B3 and B7.

Amenity

As the proposal does not involve the addition of any built space above basement level the proposal would not result in a loss of sunlight or daylight to neighbouring occupiers.

There would be no impact on neighbour amenity as the landing to the stairs would be too shallow (1.0m) to be used as a balcony. The proposed window on the side elevation (south) of the original

extension at ground floor level would not allow views to the original rear extension of 12 Kidderpore Gardens which has a north-facing flank window as the proposed window would be obscure glazed and fixed shut to a height of 1.70m internally. The proposal is not considered to result in a loss of privacy to neighbours.

The proposal is considered to be consistent with policy SD6.

Other issues

Camden's Transport Planning advisor has confirmed that a Construction Management Plan would not be required as the building would have to be underpinned as the excavation progresses. The excavation would have to be done by hand and possibly a small digger. This would make the work slow and the frequency of trips to and from the site would be light. On-street skips, bay suspension, storage of materials on the highway and temporary crossovers will all be subject to highways licences. This should be sufficient to ensure the works are carried out in an orderly fashion and do not cause undue disturbance to surrounding occupiers.

Objectors to the proposal state that the proposal would result in extra noise which would disturb the living conditions of neighbouring occupiers. However, since the proposed use of the basement would be residential, the proposal is not considered to have the potential for increased noise disturbance. The impact of construction noise on nearby residents is not a material planning consideration and is not covered by planning legislation but is subject to control under Environmental Health legislation, namely the Control of Pollution Act 1974 which sets out the approved hours of construction for works that can be heard at the boundary of a site. As this issue is not a material planning consideration it cannot be used to justify refusal of a planning application or the imposition of conditions on a planning permission limiting the hours of construction. An informative is attached to the decision notice informing the applicant of the permitted hours of construction and demolition.

The proposed front lightwells would allow a reduced amount of light to the habitable rooms at the front of the basement. This may be inadequate if the basement was to provide main habitable rooms or independent residential accommodation as there would be insufficient daylight/sunlight penetrating to these rooms. However, the habitable accommodation located in the basement would be attached to the ground floor flat which is dual aspect, has access to the rear garden, and which provides a high standard of residential accommodation, therefore it is of lesser importance that the front basement rooms meet these standards. The habitable rooms to the rear of the basement would have a window and French doors to the rear. They would therefore receive adequate daylight and ventilation as required under Camden Planning Guidance.

Recommendation: Grant conditional permission

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