

<b>Address:</b>	148 Fellows Road London NW3 3JH	
<b>Application Number:</b>	2007/2202/P	<b>Officer:</b> Cassie Plumridge
<b>Ward:</b>	Belsize	
<b>Date Received:</b>	02/05/2007	
<p><b>Proposal:</b> Erection of a 2-storey side extension, plus extension at basement level and replacement of existing garages to provide an additional single dwellinghouse at the end of the existing terrace; and the erection of a 2-storey rear extension to enlarge the existing flats within the existing building.</p>		
<p><b>Drawing Numbers:</b></p> <p>Site Location Plan 1148(PLA-OS); 1148(PLA_EXI)100; 1148(PLA_EXI)200, 201; 1148(PLA_EXI)202, 203; 1148(PLA_EXI)204, 205; 1148(PLA_PRO)100; 1148(PLA_LAY)101; 1148(PLA_PRO)102-RevA; 1148(PLA_PRO)200-RevA; 1148(PLA_PRO)201-RevA; 1148(PLA_PRO)202-RevA; 1148(PLA_PRO)203, 205; 1148(PLA_PRO)204, 206; 1148(PLA_PRO)300; 1148(PLA_PRO)301-RevA; 1148(PLA_PRO)302, 303; Arboricultural Report prepared by ACS Consulting dated 23/03/2007; Internal Daylight Report prepared by GIA dated 16/01/2006; addendum to Internal daylight report prepared by GIA dated 02/08/2007.</p>		
<p><b>RECOMMENDATION SUMMARY:</b> Grant Planning Permission subject to a Section 106 Agreement.</p>		
<b>Related Application Date of Application:</b>	02/05/2007	
<b>Application Number:</b>	2007/2203/C	
<p><b>Proposal:</b> Demolition of the garages to the rear.</p>		
<p><b>Drawing Numbers:</b></p> <p>Site Location Plan 1148(PLA-OS); 1148(PLA_EXI)100; 1148(PLA_EXI)200, 201; 1148(PLA_EXI)202, 203; 1148(PLA_EXI)204, 205; 1148(PLA_PRO)100; 1148(PLA_LAY)101-RevA; 1148(PLA_PRO)102-RevA; 1148(PLA_PRO)200-RevA; 1148(PLA_PRO)201-RevA; 1148(PLA_PRO)202-RevA; 1148(PLA_PRO)203, 205; 1148(PLA_PRO)204, 206; 1148(PLA_PRO)300; 1148(PLA_PRO)301-RevA; 1148(PLA_PRO)302, 303; Arboricultural Report prepared by ACS Consulting dated 23/03/2007; Internal Daylight Report prepared by GIA dated 16/01/2006; addendum to Internal daylight report prepared by GIA dated 02/08/2007.</p>		
<p><b>RECOMMENDATION SUMMARY:</b> Grant Conservation Area Consent</p>		
<b>Applicant:</b>	<b>Agent:</b>	
Leadhaven Ltd c/o Agent	Salisbury Jones Planning 33 Bassein Park Road LONDON W12 9RW	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3	<i>Dwelling House</i>	300m <sup>2</sup>
Proposed	C3	<i>Dwelling House</i>	871m <sup>2</sup> (increase of 571 m <sup>2</sup> )

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>									1

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

## OFFICERS' REPORT

**Reason for Referral to Committee: Reason for Referral to Committee: The proposed development entails the total demolition of a building within a conservation area [Clause 3(v)].**

### 1. SITE

- 1.1 The subject site falls within the Belsize Conservation Area and the main building is identified in the Conservation Area Statement as making a positive contribution to the Conservation Area.
- 1.2 The property forms the end-of-terrace of a group of imposing 5-storey buildings. It lies in a prominent exposed location, close to the junction between Fellows Road and Winchester Road and to its west is an open area, containing trees and mature planting, which aligns with the back gardens of houses further north along Winchester Road. It is understood that this area originally formed part of the back gardens of the adjacent houses on Winchester Road. The existing layout of the site maintains the established street pattern of long gardens and leafy spaces between buildings. The open area contributes to the spacious, leafy character of the area around the site, and provides an important break in development in this corner location.
- 1.3 Located to the rear of the site is a single storey structure which accommodates 4 garages; however, given the internal layout, they are not used to accommodate vehicles, but are used for storage. The applicant has advised that the garages to the rear are not used by the occupiers of 148 Fellows Road.

## 2. THE PROPOSAL

### Original

- 2.1 The application seeks planning permission and conservation area consent for the erection of a 2-storey side extension, plus extension at basement level and replacement of existing garages to provide an additional single dwellinghouse at the end of the existing terrace; and the erection of a 2-storey rear extension to enlarge the existing flats within the existing building.

### Revisions

- 2.2 The height of the fence was reduced, due to design and transport concerns.
- 2.3 The proposed internal layout of the existing property as related to the rear extension was included on the proposed plans.

## 3. RELEVANT HISTORY

- 3.1 **16/02/1996** planning permission was refused (ref: 9500874) for the erection of a single storey 3 bedroom dwelling house.
- 3.2 **18/03/1999** conservation area consent was granted (ref: CE98003000) for the demolition of garage building.
- 3.3 **12/07/1996** planning permission was refused (ref: P96015950) for the erection of 5 new garages.
- 3.4 **18/03/1999** planning permission was refused (ref: PE9800078R1) for the erection of a single storey extension and a 4-storey extension at the rear, the erection of a 5-storey extension at the side, and conversion of the property to accommodate five self-contained flats and two self-contained maisonettes.
- 3.5 **8/11/2001** planning permission was granted (ref: PEX0100267) for the erection of a 2-storey side extension to the existing building to create a self contained dwelling; the erection of a part 2-storey rear addition and the conversion of the rear garages to a gym, including the replacement of the flat roof with a pitch roof. The scheme was not implemented, and the permission expired five years later (08/11/2006).
- The 2-storey side extension to create the new residential unit, allowed as part of this permission, was set behind the front façade of the host building (1.5m from the front southwest corner), had a width of 5.5m and depth of 8.5m, being set in marginally from the rear wall of the host building. The 2-storey rear extension to the existing flats extended 3.6m to the rear, aligning with the rear projecting section of no. 144 Fellows Road, and had a limited width of 3.8m, and as such did not extend the full width of the existing building.
  - The scheme adopted a traditional design idiom, using facing brickwork to match the host building, a pitched slate roof with exposed eaves lines to match existing, a traditional window pattern on the front and rear elevations and a blank flank elevation. It is noted that the façade was all on the same plane,

whereas the subsequent application (PEX0200217) that was refused, utilised a bay feature on the front façade.

3.6 **14/05/2003** the Planning Inspectorate:

- Overturned the Councils refusal and granted planning permission (ref: PEX0200216) for a side and rear extension to the existing building and alterations to the existing garage block to create a new residential unit – this had previously been refused by the Council on 7/05/2002. This permission is still valid, expiring five years after the decision was issued i.e. 14/05/2008.
- Upheld the Councils decision to refuse an application for planning permission (ref: PEX0200217) for a side extension to the existing building and alterations to the existing garage block to create a new residential unit. This application was refused by Council on 7/05/2002.

3.7 The appeals in respect of both applications (ref: PEX0200216 and PEX0200217) were heard together by the Planning Inspectorate. The applications are described below:

- The approved scheme shown in application PEX0200216 maintained the width of the side extension, 5.5m, approved by the previous permission (ref: PEX0100267), and was also set behind the façade of the existing host building (again 1.5m from the southwest front corner of the host building). This scheme included a 2-storey rear extension, which extended beyond the rear building line of the existing building to have an overall depth of 12.2m, aligning with the rear projecting section of the adjoining building, no. 144 Fellows Road. The extension behind the existing building indented the rear elevation; having a depth of 3 metres. The scheme adopted a traditional design idiom, using facing brickwork to match the host building, a raised parapet around the perimeter of the roof with pitched slate roof behind, the pitched roof extended over the side extension and a flat roof for the rear extension; and on the side elevation a chimney breast was provided and, as approved in PEX0100267, openings were excluded from the flank elevation. Like the façade in PEX0100267, this scheme also used an unarticulated front elevation.
- The refused scheme shown in application PEX0200217 was wider than previously approved (ref: PEX0100267, which allowed 5.5m) having a width of 6.8m; however maintained the depth of the previous approval, 8.5m. This scheme had a 2-storey projecting bay on the front elevation, having a horizontal emphasis, which the Inspector considered to conflict with the established vertical rhythms along the front of the existing terrace. This scheme also adopted a traditional design idiom, using facing brickwork to match the host building, a raised parapet around the perimeter of the roof, with pitched slate roof sitting behind, a traditional window pattern for the rear elevation and a blank flank elevation.

3.8 It is noted that, in overturning the Councils refusal and allowing appeal (ref: PEX0200216) the Planning Inspectorate imposed the following condition: *'No development shall take place until full details of the revised internal arrangement to the existing lower and ground floor flats resulting from the development hereby approved has been submitted to and approved in writing by the Local Planning*

*Authority. Development shall be carried out in accordance with the approved details.'*

3.9 **25/09/2006** planning permission (ref: 2006/2994/P) was refused for the construction of a new part 1, part 2-storey plus basement extension adjacent to the existing building to provide a single dwellinghouse, rear 2-storey extension to provide additional accommodation to ground floor flat and associated car parking following demolition of existing garages. The application was refused on the following grounds:

- *The proposed development is likely to cause harm to the Conservation Area as a result of damage and loss of trees around the boundaries of the site and insufficient evidence has been provided regarding the extent of root growth into the site from the trees on the surrounding properties. Therefore the proposed development would be contrary to Policies B1 (General Design Principles), B7 (Conservation Areas), N5 (Biodiversity), N8 (Ancient Woodlands and Trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
- *The development fails to provide for on-site cycle storage, contrary to T1 (Sustainable Transport), T3 (Pedestrian and cycling) and Appendix 6 (Parking Standards) of the of the London Borough of Camden Replacement Unitary Development Plan 2006.*
- *The layout of the on-site car parking fails to provide sufficient visibility for entering and existing the site, contrary to T3 (Pedestrian and cycling) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Supplementary Planning Guidance.*
- *The provision of two car parking spaces on site is contrary to T1 (Sustainable Transport), T7 (Off-street parking, city car clubs and city bike schemes) and Appendix 6 (Parking Standards) of the of the London Borough of Camden Replacement Unitary Development Plan 2006.*
- *The proposed development, in the absence of a legal agreement for car-capped housing for the new residential unit, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policies T8 (Car free housing and car capped housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

3.10 **25/09/2006** the associated application for conservation area consent (ref: 2006/3483/C) for the demolition of the garages was refused on the following ground:

- *The demolition of the garages in the absence of an approved scheme for their replacement would be likely to result in harm to the character and appearance of the surrounding Conservation Area contrary to policy B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

#### 4. **CONSULTATIONS**

##### **Statutory Consultees**

#### 4.1 English Heritage

- 4.2 English Heritage advised that this application should be determined in accordance with national and local policy guidance, and on the basis of the Councils specialist conservation advice.

#### Conservation Area Advisory Committee

- 4.3 The **Belsize CAAC** raised the following concerns:

4.4 *Loss of trees*

Response: Please see the comments relating to trees and landscaping within the assessment section of the report (paragraphs 6.2-6.8).

4.5 *Overdevelopment of the site.*

Response: Please see the design comments within the assessment section of the report (paragraphs 6.19 – 6.33).

4.4 *Extension is not in keeping with the host building.*

Response: Please see the design comments within the assessment section of the report (paragraphs 6.19 – 6.33).

#### Local Groups

- 4.5 The **Belsize Residents Association** objected to the application, and in summary raised the following grounds:

4.6 *Over development of the site.*

Response: Please see the design comments within the assessment section of the report (paragraphs 6.19 – 6.33).

4.7 *Excavation of the site out of character with the surrounds and conservation area.*

Response: Please see the design comments within the assessment section of the report (paragraphs 6.19 – 6.33).

4.8 *Impact on trees.*

Response: Please see the comments relating to trees and landscaping within the assessment section of the report (paragraphs 6.2-6.8).

4.9 *Impact on the water table.*

Response: The introduction of the basement extension is not considered to unreasonably impact on the drainage of the surrounding area. It is noted that the basement has been designed to allow for landscaping which will assist in mitigating water runoff.

4.10 *Green roof not acceptable alternative.*

Response: Further details of the green roofs will be requested by condition including details of species, planting density and substrate in order to showing that adequate depth is available in terms of the construction and long-term viability of the green roof, and a programme for a scheme of maintenance; to be submitted to and approved by the Council prior to the commencement of works. The green roof is considered to provide good opportunities for planting on the site, and will maintain the garden character of the area. Please see further comments regarding trees and landscaping within the assessment section of the report (paragraphs 6.2-6.8).

4.11 *Noise and light pollution from perimeter lightwell.*

Response: Please see the comments regarding the amenity impacts of the proposal within the assessment section of the report (paragraphs 6.52 – 6.62).

4.12 *Impact of gymnasium structure in rear garden on amenity of neighbours.*

Response: Please see the design (paragraphs 6.19 – 6.33) and amenity impact (paragraphs 6.52 – 6.62) comments within the assessment section of the report.

4.13 The **Winchester and Fellow road Residents Action Group** raised the following objections to the application.

4.14 *Residential building in rear garden not acceptable.*

Response: Please see the comments regarding the design and siting of the structure in the rear garden within the assessment section of the report (paragraphs 6.19 – 6.33).

4.15 *Loss of right of access to the rear of the properties on Winchester Road from the driveway of No. 148.*

Response: It is understood that the driveway of the subject site has not been used by the adjoining properties to gain rear access and has not been established as a right of way. This is in any case a civil matter between the parties.

4.16 An objection was received from **Councillor Graves**, who in summary raised the following concerns.

4.17 *The reasons for refusal for the previous application have not been satisfied.*

Response: It is considered that the previous reasons for refusal have been satisfied. Please see the comments regarding the trees and landscaping (paragraphs 6.2-6.8) and transport issues (paragraph 6.9-6.18) in the assessment section of the report.

4.18 *A dwelling of this size is excessive.*

Response: Please see the comments relating to size of the proposed building within the assessment section of the report (paragraphs 6.19 – 6.33).

4.19 *The proposal will detract from the leafy green qualities of the street.*

Response: Please see the comments relating to trees and landscaping (paragraphs 6.2-6.8) and the siting of the proposed building (paragraphs 6.19 – 6.33) within the assessment section of the report.

#### **4.20 Adjoining Occupiers**

	<b>Original</b>
<i>Number of letters sent</i>	67
<i>Total number of responses received</i>	20
<i>Number of electronic responses</i>	10
<i>Number in support</i>	0
<i>Number of objections</i>	20

The following concerns were raised by local residents:

#### **4.21 *Impact on trees.***

Response: Please see the comments relating to trees and landscaping within the assessment section of the report (paragraphs 6.2-6.8).

#### **4.22 *Loss of green space.***

Response: The undeveloped land between 148 Fellows Road and the rear of properties fronting Winchester Road is considered to be an important gap in the Conservation Area, separating the terraces. The proposed development is considered to retain the significant gap, maintaining the spacious, leafy character of the area around the site. Please see the comments relating to siting, bulk and massing of the development within the assessment section of the report (paragraphs 6.19-6.33)

#### **4.23 *Green roof will not provide sufficient garden qualities.***

Response: Please see further comments regarding trees and landscaping within the assessment section of the report (paragraphs 6.2-6.8).

#### **4.24 *Increased parking stress.***

Response: Please see the comments relating to transport issues within the assessment section of the report (paragraphs 6.9 – 6.18).

#### **4.25 *Disruption during construction.***

Response: This is not a relevant consideration in the assessment for planning permission. It is noted that an informative will be placed the decision indicating the need to comply with the Council regulations regarding construction times.

#### **4.26 *Increased noise from new dwelling.***

Response: The proximity of the proposed building to the adjoining properties is not considered to result in adverse opportunities for noise pollution. Future residents of the site would be required to comply with the Council's Environmental Health Standards regarding noise pollution.

#### **4.27 *Loss of privacy***



Response: The proposal is not considered to provide for significant opportunities for overlooking into the surrounding properties. For further details, please see comments relating to amenity impacts within the assessment section of the report (paragraphs 6.52 – 6.62).

4.28 *Decrease in property values.*

Response: This is not a material planning consideration.

4.29 *The design of the extension is too modern, it should be traditional.*

Response: Please see comments relating to design of the extension within the assessment section of the report (paragraphs 6.19 – 6.33).

4.30 *Introduction of commercial gym.*

Response: The provision of the gym at the rear of the site is intended to be used as part of the dwelling, and is not for commercial use.

4.31 *Gym is not necessary as there is a public one near by.*

Response: This facility is provided as part of the dwelling house.

4.32 *The size of the dwelling is excessive.*

Response: Please see comments relating to design of the extension within the assessment section of the report (paragraphs 6.19 – 6.33).

4.33 *Location of accommodation below ground level is not good.*

Response: Please see comments relating to internal amenity within the assessment section of the report (paragraphs 6.26 – 6.51).

4.34 *Size of the gym structure in the rear garden.*

Response: Please see comments relating to design of the extension within the assessment section of the report (paragraphs 6.19 – 6.33).

4.35 *Impact on the internal layout of the existing flats in 148 Fellows Road.*

Response: Please see comments relating to internal amenity within the assessment section of the report (paragraphs 6.36 – 6.51).

## 5. **POLICIES**

### **Replacement Unitary Development Plan 2006**

- S1 & S2 – Strategic Policy on Sustainable Development
- SD1 – Quality of Life
- SD4 – Density of development
- SD6 – Amenity for Occupiers & Neighbours
- SD 7+8 – Light, noise + vibration pollution and disturbance
- SD9 - Resources and energy
- H7 – Lifetime homes and wheelchair housing
- B1 – General Design Principles

- B3 –Alterations and Additions
- B7 – Conservation Areas
- N5 - Biodiversity
- N8 – Ancient woodlands + Trees
- T1 – Sustainable transport
- T3 – Pedestrians and Cycling
- T8 – Car Free Housing and Car Capped Housing
- T7 – Off street parking, city car clubs + city bike schemes
- T9 – Impact of parking
- + relevant appendices

## **Camden Planning Guidance**

### **Belsize Conservation Area Statement**

#### **6. ASSESSMENT**

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

- Trees and landscaping.
- Traffic and car parking.
- The acceptability of the proposed development in this location, including the design, bulk, height and footprint.
- Appropriateness of demolition of the garages.
- Internal amenity for future residents of the site, including lifetime home and wheelchair housing
- Impacts on the amenity of the surrounding neighbours
- Sustainability.

It should be noted that the reasons for refused for the previously refused scheme (2006/2994/P) are addressed in the relevant sections of the report; namely issues relating to trees and landscaping, and transport.

##### **6.1 Trees and landscaping.**

6.2 The site is bordered with 2 trees which are the subject of a TPO. Both are Lime trees (T10 & T11) situated in the rear garden of 30 Winchester Road. The remaining trees which border the site as identified on the drawings and in the accompanying arboricultural report by ACS dated 24/11/05 are considered to make a positive contribution to the Conservation Area.

6.3 These are T1 Ash to the rear of 22 Winchester RD, T2 Plane & T3 Plane front of 146 Fellows Rd, T4 Ash, T5 Red Chestnut, T6 Lime, T7 Red Chestnut to the rear of No146 Fellows Rd, T8 Sycamore & T9 Sycamore to the rear of 69 Eton Road, T10 & T11 to the rear of 30 Winchester Road and T12 Ash to the rear of 28 Winchester Road.

- 6.4 Of these, T1 an Ash on the frontage of the site overhanging Fellows Road, has significant dieback in the crown indicating that the tree has a very limited safe useful life expectancy. It is proposed to fell this tree for that reason. This proposal is considered to be acceptable.
- 6.5 T4, another Ash at the rear of no. 146 Fellows Road, has a significant cavity and is considered to have a very limited safe useful life expectancy. Therefore this tree has not been accommodated in the layout of the basement of the building; this is again considered to be acceptable.
- 6.6 The previous application (2006/2994/P) was refused on a ground relating to the likely impact of the previously proposed development on the trees around the boundaries of the site. Concern was raised as insufficient evidence had been provided regarding the extent of root growth into the site from the trees on the surrounding properties to demonstrate that the proposal would not result in damage to or the loss of these trees.
- 6.7 The Arboricultural Report is considered to satisfactorily demonstrate that trees to be retained around the site can be satisfactorily protected during the construction of the proposed building. The layout of the underground area has been determined by the required root protection zones of trees to be retained on adjacent land. These root protection zones were determined on site by the Councils Senior Landscape Architect in conjunction with the Applicant's Arboricultural Consultants following trial holes dug on site to check the degree of root growth into the site from neighbouring trees.
- 6.8 Further details are to be required by condition including the submission and approval of hard and soft landscaping, with details for the green roof construction and planting. An informative will also be placed on the permission advising that a variety of planting is sought for the green roof, rather than solely turf planting, in order to contribute positively to the greenness and biodiversity of this space.
- 6.9 Traffic and car parking.**
- 6.10 Located to the rear of the site is a single storey structure which accommodates 4 garages. However, given the internal layout, are unable to be used to accommodate vehicles, and are used for storage. The applicant has advised that the garages to the rear are not used by the occupiers of 148 Fellows Road. It is noted that the loss of the garages has been allowed as part of the previous approvals on the site (PEX0100267 granted 08/11/2001; and PEX0200216 granted on 14/05/2003). Therefore no objection is raised to the loss of the garages on transport grounds, and the scheme is not considered to result in parking stress in this regard.
- 6.11 As noted above the previous scheme identified several areas of concern regarding transport issues:
- Cycle storage
  - Visibility splays for entering and exiting the site.
  - The number of off-street car parking spaces.
  - Increased pressure on on-street car parking provision.

- 6.12 Cycle Storage: The plans show cycle storage located at the front of the site adjacent to the vehicle accommodation area. A condition will be placed on the permission requiring further details be submitted and to ensure that they are provided and retained on site, in order to satisfy this concern.
- 6.13 Visibility for entering and exiting the site: The fence has been reduced in height to 1 metre, with the solid portion only reaching 500mm. The proposed front fence can now in itself be constructed as permitted development. The revised scheme shows that the proposed front fence allows acceptable levels of visibility for vehicles when entering and exiting the site. It is noted that the fence in the previously refused scheme (2006/2994/P) had a height of 1.8 metres and was proposed to be solid.
- 6.14 On-site car parking provision: Appendix 6 of the Replacement UDP contains the relevant parking standards, and specifies a maximum of 1 car parking space per residential dwelling. The application as previously proposed (2006/2994/P) included the 2 spaces on site. The current scheme now proposes only 1 car parking space, which is consistent with the requirements of the RUDP.
- 6.15 Increased pressure on on-street car parking provision: The Applicant has agreed to enter into a Section 106 Legal Agreement to ensure that the proposed development will be car-capped at one off-street car parking space. The site has a Public Transport Accessibility Level of (PTAL) of 6 (excellent) and is within a Controlled Parking Zone. Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) that the site is within. Belsize (CA-B) CPZ operates Mon-Fri 09:00 - 18:30, and Sat 09:30 – 13:30, and has a ratio of parking permits to available parking bays of 1.17. This means that more parking permits have been issued than spaces available. By the Applicant agreeing to enter into a Section 106 Legal Agreement to ensure that the proposed development will be car-capped at one off-street car parking space, the proposal is considered to satisfy policies T8 and T9.
- 6.16 Structural Integrity of the Highway: The proposal includes the construction of a basement floor and will involve earthworks excavation very near the boundary to the public footway. These excavations have the potential to negate the structural integrity of the public footway and there is the possibility of the footway collapsing into the area excavated. Therefore, all structural and engineering drawings located near the public footpath will need to be submitted to and approved by the Council's Structures Team before any works start on site. The Applicant has agreed to enter into a Section 106 Legal Agreement to ensure the provision of this information.
- 6.17 Construction Management Plan: The proposal includes the construction of a basement floor level and so will involve a large amount of earthworks to be undertaken. The removal of soil and earthworks material coupled with the transportation of building materials to the site will generate a large number of construction vehicle movements to and from the site. This will have an impact on the surrounding road network. 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. As this application for the proposed development has not provided adequate information regarding how this development will be constructed or serviced during construction, a Construction Management Plan will need to be submitted and approved before any works start on site. The Applicant has agreed to enter into a Section 106 Legal Agreement to ensure the provision of this information.

6.18 In summary in order to satisfy transport related concerns, the following conditions would need to be imposed and Heads of Terms included in the Legal Agreement:

- A condition requiring the provision for 1 cycle parking space and the ongoing retention of this facility, details of which will need to be submitted and approved.
- A Head of Term in the Section 106 agreement securing the property as car-capped at one off-street car parking space.
- A Section 106 agreement will require a Construction Management Plan. The Section 106 agreement shall state that the Construction Management Plan shall be approved prior to any works starting on site and the approved plan shall be followed, unless otherwise agreed with the Highway Authority concerned.
- The Section 106 Agreement will require all structural and engineering drawings for works located near the highway to be submitted to and approved by the Council's Structures Team before any works start on site.

**6.19 The acceptability of the proposed development in this location, including the design, bulk, height and footprint.**

6.20 The application site is located on the north side of Fellows Road close to the junction with Winchester Road. The site contains a red brick, 5-storey end-of-terrace Victorian Villa with small lower ground and ground floor side extension. To the west of the house is a large area of undeveloped land bounded by trees and vehicular access from Fellows Road servicing a row of single storey garages at the rear of the site. Due to the leafy gap and attractive Victorian Villa, the site is considered to make a positive contribution to the Belsize Conservation Area of which it forms a part.

6.21 Planning Permission and Conservation Area Consent is sought for the erection of a 2-storey side extension, plus extension at basement level and replacement of existing garages to provide an additional single dwellinghouse at the end of the existing terrace; and the erection of a 2-storey rear extension to expand the existing flats within the existing building.

6.22 As discussed previously, there are two permissions which are particularly relevant to the addition of built form on the subject site:

- Planning permission (ref: PEX0100267) granted on 08/11/2001: this permission is now time expired [the five years from the date of issue being 8/11/2006]. The permission approved the erection of a 2-storey side extension to the existing building to create a self-contained dwelling; the erection of a part 2-storey rear addition and the conversion of the rear garages to a gym, including the replacement of the flat roof with a pitched roof. It is noted that, when the most

recent application was refused (2006/2994/P) on 25/09/2006, this permission was still valid.

- Planning permission (ref: PEX0200216) granted by the Planning Inspectorate on 14/05/2003. The permission allows for a side extension to the existing building and alterations to the existing garage block to create a new residential unit. This permission is still valid, expiring five years from the date of the decision, on 14/05/2008.

- 6.23 The issues to consider when assessing the acceptability of the proposed development include the design, bulk, height and footprint are the potential impact the development would have on the character and appearance of this area (sub area three: The Eton Avenue Area) of Belsize Conservation Area, having particular regard for the gap in development and established vertical rhythms along the front elevation.
- 6.24 The principle of extending 148 Fellows Road has already been established by earlier planning permissions granted in November 2001 and on appeal in May 2003 (ref: PEX0100267 and PEX0200216). Both schemes were for the erection of a 2-storey side extension to create a self-contained dwelling; the erection of a part 2-storey rear addition to the existing building and the conversion of the rear four garages.
- 6.25 The undeveloped land between 148 Fellows Road and the rear of properties fronting Winchester Road is considered to be an important gap in the Conservation Area, separating the terraces. The proposed development would excavate this area to provide 'underground' accommodation with a green roof. It is considered that this would retain the significant gap, maintaining the spacious, leafy character of the area around the site. The development is considered to accord with Basement BE2 guidelines set out in Belsize Conservation Area Statement which states that works should contribute to the established character of the street scene.
- 6.26 The proposed dwellinghouse, which effectively comprises a 2-storey side extension to the existing building, would be set back from the existing front building line, have a frontage relative in width to the previous approvals and line through with the top of the porch of the existing building. This is considered to be subservient in relation to the height and bulk of the existing building and not encroach on the openness of the gap site. The fact of minimum development above ground level ensures that the proposal does not present as an overdevelopment of the site.
- 6.27 The design of the extension relates satisfactorily to the main building in terms of proportions – taking cues from the bay windows on the existing building. The materials palette uses brick and concrete. The brick would match the existing dwelling, whilst the grey concrete would be used to emphasise the modern extension. The limited colours are considered to correspond to the simple facades that already exist in the street.
- 6.28 The scheme respects the New Development guidelines BE19 and B20 set out in Belsize Conservation Area Statement, which encourage new development to respect the building lines, design, height and scale of existing development.

Detailed drawings and samples would be required by condition to ensure that the detailed design is appropriate.

- 6.29 It is acknowledged that in some instances the construction of sheds, stand alone green houses and other structures in rear gardens and other un-built areas, can impact upon the amenity and character of an area. In this instance, the proposed structure to the rear of the garden to accommodate (above ground level) the single storey cinema and gym is not considered to detract from the generally soft nature of garden and other open space given that it will replace an existing structure of similar height and building envelope, and will be substantially screened from surrounding properties by vegetation. The replacement garage building matches the footprint and form of previously approved development (ref: PEX0100267 and PEX0200216), and therefore is considered acceptable.
- 6.30 It is acknowledged that the scheme proposes a full width 2-storey extension at the rear of the main house to be built to match existing. The cumulative effect of the side and rear extension, although used for different functions, are considered to over dominate the existing building; however the Planning Inspectorate granted permission for a similar scheme in May 2003, which is still valid, and the Council has to have regard to this decision (PEX0200216).
- 6.31 The proposed front boundary includes wood panel with timber slats above, a portion of which at 1 metre in height can now in itself be constructed as permitted development. The remaining portion of the fence is considered to improve on the existing conditions.
- 6.32 In order to preserve the integrity of the design, it is considered necessary that permitted development rights relating to the enlargement, improvement or other alteration of a dwellinghouse (Class A) and alterations to the roof (Class C) be removed through a condition on the permission. It is noted that, as the site falls within a Conservation Area, the property will not have permitted development rights regarding enlargement to the dwellinghouse by alterations to the roof (Class B).
- 6.33 In conclusion, the proposed development would retain the important leafy gap between the Fellows Road terrace and the Winchester Road terrace, thus preserving the character of this part of the Conservation Area. The proposed extension would relate to the existing pattern of development and appear modest in scale from the street scene and, as such, the provision of the extensive basement is not considered to adversely impact on the Conservation Area. It is considered that the development would not harm the appearance of the existing building or the terrace as a whole subject to the appropriate detailing and materials. The scheme complies with policies B1, B3 and B7 of the replacement UDP; BE2, 19 and 20 Conservation Area Statement guidelines, and would preserve the character and appearance of the Conservation Area and is therefore considered acceptable.
- 6.34 Appropriateness of demolition of the garages.**
- 6.35 The garages are not considered to be of any architectural merit and, given the acceptability of the replacement scheme, their demolition is considered acceptable in this instance. It is noted that the loss of the garages has already been approved

as part of previous applications on the site (PEX0100267 granted 08/11/2001; and PEX0200216 granted on 14/05/2003).

#### **6.36 Internal amenity for future residents of the site.**

- 6.37 The application proposes a basement level within a large extent of the existing garden, and a 2-storey side and rear extension to the existing end-of-terrace building and a single storey building in the general location of the existing garages.
- 6.38 The basement level is proposed to accommodate four bedrooms all with en-suite bathrooms, an open plan dining, kitchen and family area, a utility room including a bathroom, a steam room, gym, and a swimming pool with bathroom attached. A lightwell runs along the western side boundary of the site (adjacent to the rear boundaries of properties facing Winchester Road), to serve the bedrooms. Internal lightwells are also provided. A large void area, extending into the 2-storey height above, is provided above the dining area.
- 6.39 At ground floor level, a single storey level is proposed at the rear of the site to accommodate a cinema room and play / gym room. The building is set in from the side boundaries, and is provided with glazing only on the internal elevation, facing the rear of the existing building. This building has a curved roof with the planted / turf finish.
- 6.40 A 2-storey building is provided adjacent to the side of the existing terrace building, accommodating at ground floor reception area, and at first floor a study for the new residential unit. These floors have modest floorspace, as approximately half of the two-storey building is dedicated to the void serving the dining area at basement level. Glazing on the side elevation is limited to the ground floor and is generally aligned with the void area, with the exception of the side window to the front bay which also aligns with the void. The rear elevation is fully glazed.
- 6.41 The RUDP and CPG do not raise in-principle objections to the provision of habitable accommodation below ground level. The principle of providing accommodation at basement level as discussed below is considered to provide an acceptable level of amenity.
- 6.42 In terms of layout and room sizes, the development is considered to provide the 4-bedroom dwelling with a functional layout that provides for good internal amenity.
- 6.43 The applicants have provided an Internal Daylight Report (prepared by GIA dated 16/01/2006) and addendum dated 02/08/2007. The addendum includes the following comments regarding the proposed basement (ADF = Average Daylight Factor):
- 6.44 *The BRE states that where a well day lit appearance within a room is required an ADF of 5% should be achieved. It also specifies a minimum ADF standard by room type with a 2% ADF considered appropriate for a kitchen, a 1.5% ADF considered appropriate for a living room and a 1% for a bedroom. Where space is considered as ancillary or circulation space, the BRE suggest that this need not be considered...*



- 6.45 *In relation then to the kitchen/dining room which is labelled room R1/10 on the attached drawing, it can be seen that the ADF within this room will be 3.41%; this being in excess of double the standard considered acceptable by the BRE and therefore BRE compliant. Bedrooms R2/10, R3/10, R4/10 and R5/10 for which a BRE compliant level will be 1%, all achieve substantially in excess of this with ADF's ranging from 2.07%, i.e. double the minimum standard, to 4.02% four times that minimum standard. In relation to the family room, labelled R1/11 ... this room will achieve an ADF of 5.25%, a level of daylight considered ideal for a day lit space.*
- 6.46 With regard to access to sunlight the addendum includes the following comments: *"given the constrained nature of many of the windows within this property, many of the windows will achieve a sunlight level (APSH level) which is consistent with a suburban location with values, ranging from 6% to 21% APSH against the minimum standard of 25% which the BRE suggest as ideal".* Given rooms at basement level will receive access to daylight well above the BRE guidelines, the proposed access to sunlight, while not BRE compliant is on balance considered to be acceptable in this instance.
- 6.47 It is noted that the majority of the accommodation is provided, at basement level, with rooms serviced by the 1.5 – 2 metre wide light courts or enclosed lightwells. As such, these rooms do not have a high level of amenity with regard to outlook. However, neither the RUDP nor the CPG explicitly identify the need to protect or provide a good outlook from windows of habitable rooms. As noted above, bedrooms will be provided with good access to daylight, which will assist in providing a reasonable level of amenity to these rooms. On balance, the proposal is considered acceptable in this regard.
- 6.48 A 2-storey rear extension is also proposed to the existing building on the site at lower ground and raised ground floor, providing additional accommodation for the existing flats. The ground floor flat's access to a dedicated garden space is also maintained. Whilst limited details have been provided regarding the internal layout of the building, given that the Council as planning authority has no control over the internal layout of the buildings, the level of information is considered to be acceptable in this instance.
- 6.49 Limited windows are provided on the flank elevation for the existing flats in the building; these being restricted to a modest 2-storey side extension which provides limited amenity with regard to outlook or daylight to the existing flats in the building. The removal of this 2-storey building and the associated windows was established as acceptable as part of the previous permissions (see above).
- 6.50 The applicant provided the following comments regarding the 16 lifetime home standards:
- a) *Where there is car parking adjacent to the home, it should be capable of enlargement to attain 3300mm width: The width of the proposed car parking space is 3600mm.***

- b) The distance from the car parking space to the home should be kept to a minimum and should be level or gently sloping:** The approach from the car parking space to the home is a level approach. The distance is 12 meters and where there is a path, this is 1200mm width.
- c) The approach to all entrances should be level or gently sloping:** The approach between the pedestrian gate and the main entrance has a gently slope of 10% in 7 meters, which is a lower slope than the permissible.
- d) All entrances should: (a) be illuminated; (b) have level access over the threshold and: (c) have a covered main entrance:** (a) All entrances will be illuminated. (b) All entrances have a level access over the threshold. (c) Main entrance is covered by a glass canopy.
- e) Communal stairs should provide easy access and (b) where homes are reached by a lift, it should be fully wheelchair accessible:** Not Applicable as there are no communal staircases and the home is not reached by a lift.
- f) The width of internal doorways and hallways should conform to Part M except where the approach is not head on and the corridor width is 900mm, where the clear opening width should be 900mm rather than 800mm. There should be 300mm to the side of the leading edge of the doors on the entrance level:** All corridor widths are greater than 1050 and doorway clear opening widths greater than 800, which are greater widths than the permissible.
- g) There should be space for turning a wheelchair in dining areas and living rooms and adequate circulation space for wheelchair users elsewhere:** Living room and dining room can accommodate a 1500x1500mm turning circle for wheelchair. All corridors are greater than 1000mm.
- h) The living room should be at entrance level:** The living room is at entrance level.
- i) In houses of two or more storeys, there should be space on the entrance level that could be used as a convenient bed space:** A convenient bed space can be provided in the Cinema Room, which is gently sloping (as definition and description provided in Standard 2) from entrance level.
- j) There should be: (a) a wheelchair accessible entrance level WC, with (b) drainage provision enabling a shower to be fitted in the future:** A wheelchair WC is provided in the adjacent room to the convenient beds pace. Drainage provision will be provided to allow a shower to be fitted in the future. The WC is gently sloping (as definition and description provided in Standard 2) from entrance level.
- k) Walls in bathrooms and toilets should be capable of taking adaptations such as handrails:** Walls will be capable of taking adaptations as the majority of the walls will be solid walls and when otherwise, wall reinforcements will be located between 300 and 1500mm from the floor.

- l) The design should incorporate: (a) provision for a future stair lift (b) a suitably identified space for a through the floor lift from the ground to the first floor, for example to a bedroom next to a bathroom:** (a) A stair lift will be provided for the one-flight staircase at the rear of the building. (b) A space has been identified for a through the floor lift, in ground floor is positioned adjacent to the entrance door and in basement floor adjacent to the bedrooms' corridor.
- m) The design should provide for a reasonable route for a potential hoist from a main bedroom to the bathroom:** A simple route from main bedroom to bathroom is provided without compromising fire walls/breaks.
- n) The bathroom should be designed to incorporate ease of access to the bath, WC and wash basin:** Main bathroom and rest of bathrooms provides a simple layout and ease of use.
- o) Living room window glazing should begin at 800mm or lower and windows should be easy to open/operate:** Living room and all other windows are full height, allowing people to see out of the window whilst seated. Wheelchair users can operate all windows as they are below 800mm. All window glazing will be toughened and will comply with Building Regulations.
- p) Switches, sockets, ventilation and service controls should be at a height usable by all (i. e. between 450 and 1200mm from the floor):** All switches, sockets, ventilation and service controls for all rooms including kitchen and bathrooms will be positioned at a height usable by all and according with Building Regulations.

6.51 The application is considered to have appropriate regard for the lifetime home standards. An informative will be placed on the permission advising that the Council expects all new homes to be built to lifetime home standards.

#### 6.52 **Impacts on the amenity of the surrounding neighbours**

6.53 It is considered that the proposal would not adversely impact on the adjacent properties with regard to privacy and overlooking, sunlight and daylight, adverse artificial light, or sense of enclosure, and thus is considered to be consistent with Policy SD6 of the Replacement UDP.

6.54 Privacy and Overlooking: The development would not adversely impact on the surrounding properties with regard to privacy and overlooking. As discussed above, the majority of the new residential unit is provided at basement level, and as such negates issues of potential overlooking into the adjoining properties. The proposed 2-storey building would be adjacent to the side of the existing terrace building, accommodating at ground floor level a reception area and at first floor level a study for the new residential unit. These levels have a modest floor space as approximately half of the 2-storey building is dedicated to the void servicing the dining area at basement level.

- 6.55 Glazing on the side elevation is limited to the ground floor and is generally aligned with the void area, with the exception of the side window to the bay, which also aligns with the void. It is noted that a landscaping screen is proposed along the western flank elevation, further restricting views from the ground floor. Given that the glazing on the flank elevation generally services the void to the dining area at basement level, there would be no opportunities for views from the new building to the west.
- 6.56 The rear elevation, which serves the reception area at ground floor and study at first floor, is provided with full length windows on the rear elevation. Whilst the windows would be afforded views of the rear portions of gardens of the surrounding properties, windows are not within 18 metres of habitable rooms, and as such are not considered to result in unreasonable views into these properties. The existing building on the site already has windows on the rear elevation, and the proposed windows are considered to not add significantly to the existing situation. It is noted that extensive vegetation along the boundaries would screen views to the rear.
- 6.57 Light Pollution: The proposal is not considered to result in adverse artificial light pollution to the surrounding properties, as development is located away from adjoining properties. Glazing on rear elevation is not considered to unreasonably impact on surrounding properties.
- 6.58 Access to Sunlight and Daylight: The development would not have an adverse impact on surrounding properties with regard to access to sunlight and daylight or sense of enclosure. As discussed previously, the side and rear extension follow the footprint of the previously approved schemes (PEX0100267 granted on 08/11/2001; and PEX0200216 granted on 14/05/2003), and the majority of the new unit is provided at ground level.
- 6.59 Outlook: As discussed previously, the proposed side extension and ground and first floor level will allow for sufficient open space to the side of the building to not adversely reduce the open character to the side of the existing building or disrupt the established pattern of development. The impact on no. 146 is comparable with the previously approved scheme and as such is considered acceptable in this instance (PEX0100267 granted on 08/11/2001; and PEX0200216 granted on 14/05/2003). The proposal would not encroach on the views of adjoining properties or adversely harm their outlook.
- 6.60 The replacement garage building matches the footprint and form as previously approved (ref: PEX0100267 and PEX0200216) and therefore is considered acceptable and does not adversely impact on the amenity of the surrounding properties.
- 6.61 Policy SD6 also identifies the need for adequate facilities for storage, recycling and disposal of waste; a condition shall request further details of facilities for storage, recycling and disposal of waste for future residents of the new dwelling, and for those flats already within No. 146.

- 6.62 It is noted that a condition is needed to remove permitted development rights [Part 1 (Classes A) of Schedule 2 of that Order], in order to protect the amenity of the surrounding properties.

### **6.63 Sustainability.**

- 6.64 The applicant provided the following comments regarding the sustainable design aspects of the proposal.

- a) Green Roof: *The green roof provides ecological, aesthetic, and financial benefits: Conserves energy; loses 30% less heat in the winter, will be cooler in the summer. Offers year-round sound insulation, reducing sound reflection and transmission. Thus providing natural thermal and sound insulation. Controls storm water runoff, erosion, and pollution. Improves water quality. Mitigates urban heat-island effects, cooling and cleaning the air. Doubles the service life of the roof, reducing both costs and landfill. Creates wildlife habitat. Aesthetically improves the environment.*
- b) Rainwater Harvesting: *The scheme will store and re-use rainwater for non-potable use such as toilet flushing, washing machines, vehicle washing and irrigation. This will result in reduced water consumption of up to 50% and lessen the impact on the environment.*
- c) Environmental friendly materials: *The scheme will use pre-cast concrete for most concrete elements. Although concrete does not involve the sustainability of natural resources, it consumes low energy in its process, transportation and its durability. The scheme will use bamboo as an eco alternative to hardwood. It grows so rapidly that crops can be harvested every four years.*
- d) Heat loss: *The scheme will maximize the use of Low-E and Argon gas Glazed Units. Which use gases such as argon between the glass surfaces, greatly improving thermal resistance, thus minimizing the consumption of electricity and gas.*

## **7. CONCLUSION**

- 7.1 The proposal is not considered to adversely impact on the health of the trees on the site and the surrounding properties.
- 7.2 The proposal is not considered to raise any transport concerns, subject to the applicant entering into a Section 106 Agreement.
- 7.3 The proposed building is appropriately proportioned to sit well within the street scene, maintaining the openness of the gap site; to complement the proportions of the host building; and to have appropriate regard for the previous permission on the site.
- 7.4 The proposal is considered to provide a good level of internal amenity for future occupants on the site, including appropriate regard for lifetime home standards, and to not adversely impact on the amenity of the surrounding properties.

7.5 The proposal is considered to appropriate regard for sustainability issues.

8. **LEGAL COMMENTS**

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