

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

GARDEN FLAT, 56 ABERDARE GARDENS, LONDON NW6 3DQ

**The provision of a front light well with a basement level
door and windows**

PLANNING, DESIGN AND ACCESS STATEMENT

December 2006

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1. SITE AND SURROUNDINGS

- 1.1. 56 Aberdare Gardens lies on the south side of Aberdare Gardens. It comprises an Edwardian 3-storey, terraced dwellinghouse converted into three flats. At ground floor level, the front of the building is provided with two projecting bays, one semi-circular, the other flat fronted. The ground floor or garden flat is provided with a basement with just 1.45 metre headroom with no windows at all. The property has a front garden between 5 metres and 3 metres long and is separated from the public highway by a brick garden wall approximately 1 metre high.
- 1.2. Both sides of Aberdare Gardens accommodate terraced dwellings of similar design. In many instances, but not at the appeal site, front garden walls have been removed and vehicular hard standings laid down.
- 1.3. To the east, Aberdare Gardens runs into Fairhazel Gardens that accommodates terraced houses of a similar design except that they were built with elevated ground floors and habitable basements with projecting bay windows.
- 1.4. No. 56 Aberdare Gardens lies within the designated Swiss Cottage Conservation Area but is not included in the Statutory List.

2. THE PROPOSAL

- 2.1. Following a grant of planning permission by the Planning Inspectorate on 24th November 2006 (Appendix 2), the basement of 56 Aberdare Gardens is to be excavated to provide additional accommodation for the ground floor garden flat with the provision of front and rear light wells and new doors and windows. The new front light well will be beneath the semi-circular ground floor bay window.
- 2.2. Application is now made for planning permission to provide a further front light well, a door and windows beneath the ground floor of the flat fronted bay window.

3. MATERIAL PLANNING HISTORY

- 3.1. 24th June 2005, the Council granted planning permission for the construction of a front light well beneath the flat fronted ground floor bay window at No. 48 Aberdare Gardens. (Appendix 3). This was in the same position as now proposed at No.56.

3.2. On 23rd December 2005, the Council refused planning permission for the excavation of a new basement floor to No. 56 Aberdare Gardens provide to additional accommodation for the ground floor flat including the provision of light wells to front and rear and new windows and doors. The concerns were twofold:

- 1 *The proposed basement would fail to receive adequate daylight and sunlight.*
- 2 *The proposed light well and basement bay in the front garden, by reason of its size, design and location, would harm the appearance of the building and the character and appearance of the streetscape and this part of the conservation area not characterised by front basement light wells.*

3.3. An appeal against the Council's decision was allowed by the Planning Inspector who in his letter of 24th November 2006 (Appendix 2) that granted planning permission for the development found:

"In the present case, I consider that a combination of factors lends support to the scheme. The new windows themselves would be difficult to see, being set behind a retaining wall; the excavated area of the garden would be capped with mild steel railings which would continue the line of the existing ground level up to the main wall of the house; and the existing attractive boundary wall and other landscape features afford some softening of the overall impact. In any event, while "harder" frontage elements may not have featured strongly in the original approach to the design or the street, there seems no reason in principle why this should not be acceptable within the conservation area, if designed with care - even if it took up the majority of the garden (which is not the case here)." (Paragraph 5)

"I do not take the view that evidence of a basement (from escaping artificial light) is itself harmful, as the Council additionally suggest. Overall, therefore, I consider that the scheme as designed would, subject to the use of appropriate materials, at least preserve the character and appearance of the conservation area." (Paragraph 6)

"So far as the second issue is concerned, the Council say that the amount of natural light reaching the enlarged basement would fail to meet their standards, but they do not explain in any detail why this is the case. On the basis of what I have read I am not convinced the basement (whether strictly a "new" one or not) would be unable to function satisfactorily as accommodation for the existing dwelling." (Paragraph 7)

4. THE CASE IN FAVOUR OF THE DEVELOPMENT

Natural light

- 4.1. The proposed light well and new windows would provide additional light to a proposed room within the permitted excavated basement. It has already been determined by the Planning Inspectorate that the enlarged basement would be able to function satisfactorily in terms of natural light. The additional windows now proposed would clearly improve those conditions.

Design: Impact on the appearance of the building, streetscape and the character and appearance of the Swiss Cottage Conservation Area

- 4.2. The additional light well has been professionally designed by LAB Architects, the designers of the scheme permitted by the Planning Inspectorate. The design has been specifically produced to co-ordinate both with the permitted scheme and the design of the original dwellinghouse. Again the proposed new windows would be difficult to see from the street, being set behind the retaining front garden wall. The excavated area of the garden would again be capped with mild steel railings that would continue the line of the existing ground level up to the main wall of the house. As confirmed by the Inspector; the existing boundary wall and other landscape features would soften the overall impact and the end result would be a development that would do no harm to the streetscape and would preserve the character and appearance of the Swiss Cottage Conservation Area.

The Replacement Camden Unitary Development Plan 2006

- 4.3. Since the Council's decisions of 2004 and 2005 concerning Nos. 48 and 56 Aberdare Gardens, in June 2006 the Council adopted its Replacement Unitary Development Plan. The proposal accords with the following policies of Chapter 3 'Built Environment' of the new UDP:

Policy B1 - General design principles

- 4.4. Policy B1 confirms that the Council will grant planning permission for development that, as proposed, is designed to a high standard. The development would respect its

site and setting; not adversely effect the garden space around the building nor materially harm its appearance or amenity.

Policy B3 - Alterations and extensions

- 4.5. Again as confirmed by the Planning Inspectorate, the provision of an appropriately designed light well would cause no harm to the architectural integrity of the existing building or to the surrounding area. In particular, the development would respect the form, proportions and character of the building and its setting including the garden. High quality materials that match or complement existing materials of the original house would be used and approval of these could be conditioned.

Policy B7 - Conservation areas

- 4.6. The Inspector's decision of November 2006, confirms that the development would preserve the character and appearance of the conservation area as required by policy B7.

Access

- 4.7. The proposed development does not affect existing access arrangements to No. 56 Aberdare Gardens. There is level access from the public highway with a single step threshold to the shared hallway that can be negotiated by wheelchair users.

APPENDIX 1

Photograph of front elevation of 56 Aberdare Gardens



APPENDIX 2

Planning Inspectorate Appeal Decision 24th November 2006



Appeal Decision

Site visit made on 13 November 2006

by David Kaiserman BA DipTP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail:
enquiries@planning-
inspectorate.gsi.gov.uk
Date 24 November 2006

Appeal Ref: APP/X5210/A/06/2012711

Site address: Garden Flat, 56 Aberdare Gardens, London NW6 3QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Craig against the decision of the London Borough of Camden Council.
- The application, ref: 2005/4465/P, dated 20 October 2005, was refused by notice dated 23 December 2005.
- The development proposed is the excavation of a new basement floor to provide additional accommodation for ground floor flat, including provision of lightwells to front and rear, and new windows/dormers.

Decision

1. I allow the appeal, and grant planning permission for the excavation of a new basement floor to provide additional accommodation for ground floor flat, including provision of lightwells to front and rear and new windows/dormers, at Garden Flat, 56 Aberdare Gardens, London NW6 3QD, in accordance with the terms of the application ref: 2005/4465/P, dated 20 October 2005, and the plans submitted therewith, subject to the following conditions:

- (i) the development hereby permitted shall be begun before the expiration of three years from the date of this decision;
- (ii) before the development is commenced, full details of the materials to be used in the external elevations of the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

2. The Council are concerned about the effect the alterations would have on the street-scene in this residential road, which lies within the Swiss Cottage Conservation Area. They also consider that the new accommodation would have inadequate natural light.

3. As to the first point, I agree that front basement lightwells are not a feature of this part of the conservation area. Poorly handled, such alterations to the traditional frontages could be damaging – in much the same way as the removal or insensitive replacement of boundary walls or the creation of hardstandings for parked cars (evidence of which can be seen immediately next door, at no 58). I also accept that approval of such schemes could make it more difficult for

the Council to resist pressure for similar alterations, which could result in cumulative harm over a wider area.

4. However, I do not interpret either adopted Unitary Development Plan Policy EN27 or paragraph 3.36 of the Revised Deposit Draft as constituting an absolute ban on basement excavation. It seems to me that much would depend on the design and a careful and sensitive assessment of the individual site characteristics.

5. In the present case, I consider that a combination of factors lends support to the scheme: the new windows themselves would be difficult to see, being set behind a retaining wall; the excavated area of the garden would be capped with mild steel railings which would continue the line of the existing ground level up to the main wall of the house; and the existing attractive boundary wall and other landscape features afford some softening of the overall impact. In any event, while "harder" frontage elements may not have featured strongly in the original approach to the design of the street, there seems no reason in principle why this should not be acceptable within the conservation area, if designed with care – even if it took up the majority of the garden (which is not the case here).

6. I do not take the view that *evidence* of a basement (from escaping artificial light) is itself harmful, as the Council additionally suggest. Overall, therefore, I consider that the scheme as designed would, subject to the use of appropriate materials, at least preserve the character and appearance of the conservation area.

7. So far as the second issue is concerned, the Council say that the amount of natural light reaching the enlarged basement would fail to meet their standards, but they do not explain in any detail why this is the case. On the basis of what I have read, I am not convinced the basement (whether strictly a "new" one or not) would be unable to function satisfactorily as additional accommodation for the existing dwelling.

David Kaiserman

INSPECTOR

APPENDIX 3

Planning permission 48 Aberdare Gardens 24th June 2005

RECEIVED 27 JUN 2005

Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 020 7278 4444
Fax 020 7974 1975
Textlink 020 7974 6866

env.devcon@camden.gov.uk
www.camden.gov.uk/planning

Jon Evans/6983
Metropolitan
Consultancy Ltd
66 Bickenhall Mansions
Bickenhall Street
London
W1U 6BX

Development

Application Ref: 2005/1487/P
Please ask for: **Mary Samuel**
Telephone: 020 7974 2516

24 June 2005

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
48 Aberdare Gardens
London
NW6 3QA

Proposal:

Change of use including works of conversion from flats into a single family dwelling house, plus erection of single storey conservatory extension and external alterations including a front lightwell to the basement room.

Drawing Nos: Site Location Plan; 6983/02 RevB; 6983/03; Site Photos x2

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The works hereby permitted shall be begun not later than the end of five years from the date of this consent.



INVESTOR IN PEOPLE

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 or any Order revoking and re-enacting that Order, no development within Part 1 (Class C, D and F) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area by controlling proposed alterations in order to ensure compliance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000.

Informative(s):

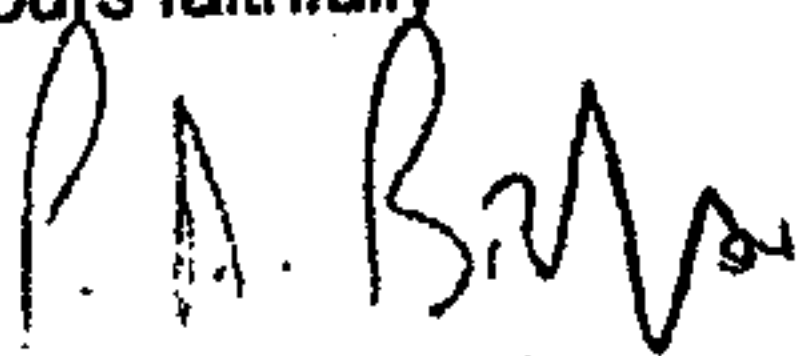
- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the adopted London Borough of Camden Unitary Development Plan 2000, with particular regard to policies EN1, EN13, EN19, EN21, EN22, EN27, EN31, TR13, HG19. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. The penalty for contractors undertaking noisy works outside permitted hours is a maximum fine of £5000 per offence. You are advised to consult the Council's Environmental Health Division, Camden Town Hall, Argyle Street, WC1H (Tel. No. 020 7974 4444) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. A. Brown', with a stylized flourish at the end.

Environment Department
(Duly authorised by the Council to sign this document)