

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:	05/10/2006
		N/A		Consultation Expiry Date:	12/09/2006
Officer			Application Number(s)		
Bethany Arbery			2006/3059/P		
Application Address			Drawing Numbers		
59 Maresfield Gardens London NW3 5TE			Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	Date:	
Proposal(s) Excavation of basement (one level), creation of deeper front basement lightwell with bridge link over and balustrading as an amendment to planning permission dated 13/03/06 (ref: 2006/0492/P) for the erection of a rear dormer window, a single storey rear extension, a single storey side rear extension with roof terrace and privacy screens above, plus enlargement of the existing side extension, erection of a single storey front extension and excavation beneath the existing driveway to provide additional accommodation for the single-family dwellinghouse (Class C3).					
Recommendation(s):		Grant conditional permission.			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	23	No. of responses	03	No. of objections	02
Summary of consultation responses:	A site notice was displayed from 22/08/06 to 12/09/06.					
	Adjoining Owners/Occupiers The occupiers of 55/57 Maresfield Gardens and 40 Netherhall Gardens have raised objection to the proposal on the following grounds:					
	Amenity Issues <ul style="list-style-type: none">• Increase in overlooking and loss of privacy (55/57);• Excavation and construction of lightwell will prevent use of the front paved area as communal amenity space; <i>Response: The works for which this application seeks permission for do not raise any concerns with regard to overlooking. All new works are confined to basement level with the exception of the bridge link which raises no concern in respect of overlooking. The front paved area belongs to 59 Maresfield Garden as indicated on the site location plan submitted.</i>					
	Design Issues <ul style="list-style-type: none">• The original building was never intended to have a basement;• The lightwell affects the architectural integrity of the building and the terrace. It is out of character and will make the terrace look ugly;• Design, mass and bulk inconsistent with the terrace and inappropriate with the conservation area;• The privacy screen facing the rear garden of 40 Netherhall Gardens is an eyesore; <i>Response: The original building does not have a basement, whether or not the excavation of a basement is acceptable is dependent on its impact on the appearance of the building, the street and the conservation area. In this instance the only external manifestation of the basement is a lightwell which is 1.4m deeper than approved by the scheme granted in March 2006. Visibility of the lightwell is quite restricted due to the sunken nature of the site. It is not considered that this will have a harmful impact on the character and appearance of the building, the street scene or the conservation area. This application does not seek planning permission for the privacy screen, this already has approval.</i>					
	Other Issues <ul style="list-style-type: none">• Impact on the roots of trees in the front and rear garden and those in neighbouring gardens; <i>Response: The proposed excavation whilst deeper comes no closer to the tree than previously approved, measures of protection of the tree have already been given consideration and are shown on the submitted drawings. The permission is subject to the same conditions as imposed previously which included one requiring the replacement of any trees adversely affected by the development.</i> <ul style="list-style-type: none">• Construction is ambitious and will take a long time resulting in noise and dirt; <i>Response: Noise and disturbance from construction is controlled by The Control of Pollution Act 1974 and is not a material planning consideration.</i> <ul style="list-style-type: none">• The area will be overpopulated leading to overcrowding; <i>Response: There is no reason why the works should result in overpopulation of the site.</i> <ul style="list-style-type: none">• The excavation works in isolation without the rest of the terrace will devalue Nos. 55 and 57; <i>Response: The market value of this and neighbouring properties as a result of the works is not a material planning consideration.</i> <ul style="list-style-type: none">• The plans do not provide for additional car parking; and					

	<p><u>Response:</u> The works which this application seeks approval for are not likely to increase demand for car parking.</p> <ul style="list-style-type: none"> • Excavation on a hill is likely to cause subsidence damage to neighbouring properties. <p><u>Response:</u> Issues of subsidence are not dealt with by the Planning Legislation.</p> <p>Thames Water</p> <p>Request that the applicant incorporate within their proposal protection to the property by, for example, non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. With regard to water infrastructure there is no objection to application.</p> <p><u>Response:</u> An informative is to be attached to the decision notice to this effect.</p>
<p>CAAC/Local group comments:</p>	<p>Heath and Hampstead Society</p> <p>We were dismayed when the original application for this proposed home was given permission, in view of its pathetically poor design. This basement addition would make a disastrous situation worse. Excavation and construction of such a basement under a narrow front terrace house, on a steep slope would have dreadful consequences on neighbouring properties and we ask for a comprehensive refusal to this profoundly anti-social proposal.</p> <p><u>Response:</u> The only works under consideration are the new basement. This is only visible to the front of the building. The previously approved lightwell is to increased in depth by 1.4m. It is considered that this would not impact on the amenity of neighbouring properties, the character and appearance of the building or the conservation area.</p> <p>Hampstead CAAC</p> <p>As this proposal does not appear to obtrude on the surrounding we do not object. We are, however, concerned that a careful geological/hydrological survey be taken to ensure no adverse affects on subterranean waters.</p> <p><u>Response:</u> No reason to suspect that a development of this size and nature would adversely affect subterranean waters.</p>

Site Description

The application site is 59 Maresfield Gardens which is located on the western side of the street close to its junction with Netherhall Gardens. The property is a mid 1950s two-storey single-family dwellinghouse (Class C3). The building is not listed, but is situated within the Fitzjohn and Netherhall Conservation Area. The conservation area statement refers to this building as having little relationship with the surrounding area.

Relevant History

2006/0492/P

Planning permission was granted on 31/03/06 for the erection of a rear dormer window, a single storey rear extension, a single storey side rear extension with roof terrace and privacy screens above, plus enlargement of the existing side extension, erection of a single storey front extension and excavation beneath existing driveway to provide additional accommodation to the single-family dwellinghouse.

2006/0971/P & 2006/1043/P

Planning permission and conservation area consent were granted on 04/05/06 for demolition of existing end of terrace two storey dwelling and erection of a new three storey plus basement and attic building comprising two maisonettes, including excavations to front and rear gardens to create sunken courtyards and provision of roof terrace at rear second floor level.

2006/2362/C & 2006/2363/P

Applications for planning permission and conservation area consent were submitted on 23/05/06 for demolition of the existing two storey dwellinghouse and erection of a replacement two storey building comprising two maisonettes (with extensions and alterations as approved under application 2006/0492/P), plus additional basement and sub-basement with sunken courtyard to front and rear. the applications are due to be reported to the DC Committee with a recommendation for approval. A committee date has not yet been confirmed.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

London Borough of Camden adopted Unitary Development Plan (2006)

S1/S2 Sustainable development

SD1 Quality of life

SD6 Amenity for occupiers and neighbours

B1 General design principles

B3 Alterations and extensions

B7 Conservation areas

N8 Ancient Woodlands and Trees

Supplementary Planning Guidance (2002) and 2006)

Section 2.7 Alterations and extensions.

Fitzjohns/Netherhall Conservation Area Statement

Assessment

Planning permission was granted on the 13/03/06 for the following works to the property:

- the erection of a rear dormer window;
- a single storey rear extension;
- a single storey side rear extension with roof terrace and privacy screens above;
- enlargement of the existing side extension; and
- erection of a single storey front extension and excavation beneath the existing driveway.

The current application seeks to amend the unimplemented permission. The only change between the approved and proposed scheme is the excavation of a basement and consequently the creation of a deeper lightwell in front of the dwellinghouse. A bridge link with glass balustrading is proposed to provide access over the lightwell to the front door and glass balustrading to enclose the edge of the lightwell.

Amenity

The proposed basement manifests itself externally to the front of the building, resulting in a lightwell that is 1.4m deeper than previously approved. It is considered that the proposed works will not impact on the amenity of the neighbouring properties.

Standard of Accommodation

The basement will be used to provide a cinema, gym, sauna and changing facilities, WC and family room. The family room and gym are illuminated by windows which face into a front basement lightwell. The window to the gym is set below the link bridge to the front door and therefore receives less light. The amount of natural light that will enter the basement level accommodation is not considered to be adequate. However, given the manner in which it is intended to use the proposed space, and the fact that the building is in use as a single-family dwellinghouse and the rest of building is adequately illuminated, it is considered to be acceptable on the grounds of proportionality.

Design

The proposed basement does not manifest itself to the rear of the property. It does become visible to the front of the property in the form of a lightwell. The principle of the lightwell was approved as part of the earlier scheme. The current proposal results in it being 1.4m deeper than approved. It is, however, no deeper than the excavation approved as part of the redevelopment scheme granted approval in May 2006. Views of the lightwell are limited by virtue of the sunken nature of the site. It is considered that the increased excavation will not have an adverse impact on the character and appearance of the building, the street scene or the conservation area. It is necessary to install a link bridge over the lightwell to allow access to the entrance door. The link bridge is to be constructed of glass and will be set within the lightwell. The property is a mid twentieth century property and therefore the installation of a modern addition like this is considered to be acceptable.

Trees

There is one tree located within the front garden. The proposed works of excavation come no closer to this tree than previously approved. The tree is subject to protection approved as part of the earlier scheme and also a condition requiring replacement in the event that the tree were to be damaged.

Recommendation: Grant conditional permission.

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