

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>18/06/2014</b>	
		N/A		<b>Consultation Expiry Date:</b>		<b>03/06/2014</b>	
<b>Officer</b>				<b>Application Number</b>			
Alex McDougall				2014/2285/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
65 Compayne Gardens London NW6 3DB				See draft decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>		<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>			
<b>Proposal</b>							
Conversion of existing basement storage area to 2 bed flat including excavation to provide front light wells and rear courtyards, alterations and additions to openings on side and rear elevations, new cycle store, installation of gate to front boundary and associated landscaping.							
<b>Recommendation:</b>		Grant Planning Permission subject to s106 agreement					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>12</b>	No. of responses No. electronic	<b>02</b> <b>02</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>		Site Notice: 01/05/14 - 22/05/14. Press Notice: 01/05/14 - 22/05/14  The occupiers of Nos. 45 and 67 Compayne Gardens objected to the proposal. In summary, the grounds of objection are as follows: <ul style="list-style-type: none"> <li>The proposed front garden wall, railings and gate are not in keeping with the character of the area (<b>Officer Comment: The large front railings and gates have been removed</b>).</li> <li>The proposed front lightwells will result in the loss of landscaping and as such would not be in keeping with the character of the area.</li> <li>The proposal would result in traffic and parking issues.</li> <li>The proposal would result in the loss of daylight, sunlight and privacy to adjoining properties.</li> <li>The proposal would result in a noise nuisance.</li> </ul>					
<b>CAAC/Local groups comments:</b>		There is no CAAC for South Hampstead Conservation Area. No responses received from any local groups.					

## Site Description

The application site is a 4-storey plus semi-basement detached 1920s mansion block built on the south side of Compayne Gardens in the South Hampstead Conservation Area (formerly known as Swiss Cottage). The building is identified as a positive contributor to the appearance and character of the conservation area. The building is currently in use as 7 residential units. Part of the basement level is occupied by a bedroom of a ground floor and basement maisonette. The rest of the basement is used as a storage space ancillary to the existing flats in the building.

## Relevant History

### **65 Compayne Gardens (subject site)**

**2012/1667/P** - Change of use of basement level to 3 studio flats and reconfiguration and enlargement of existing basement/ground floor flat, installation of two front basement lightwells, alterations to windows on side elevation at basement level, replacement of windows with doors at rear basement level and excavation at rear to form new basement level patio. Refused 27/06/2012. Appeal dismissed 22/02/2013. Reasons for refusal:

- 1) The proposed studio units, by reason of inadequate levels of sunlight, daylight and outlook would provide substandard habitable accommodation and an unacceptable level of residential amenity for future occupiers.
- 2) The proposed balustrades associated with the proposed front lightwells by reason of their size, design and location would harm the appearance and character of the host building, street scene and South Hampstead Conservation Area.
- 3) The proposed development, by virtue of its failure to provide an appropriate mix of homes, would fail to contribute to the creation of mixed and inclusive communities.
- 4) The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area
- 5) The proposed development, in the absence of adequate cycle parking and storage facilities would fail to provide sustainable means of transport.

**2011/0834/P** – Conversion of existing basement level to provide four self contained 1-bedroom flats including two lightwells and installation of new doors to the front elevation, excavation at rear to form a garden patio and retrospective application for the installation of three windows to the side elevation of existing residential dwelling (Class C3). Withdrawn 13/10/2011. The agent withdrew the application following the case officer's concerns over the standard of proposed accommodation in terms of space, daylight and outlook, the proposed mix of units and design of the proposed front lightwells and loss of significant proportion of front garden space.

**9401865** – Extension of Flat 1A into basement to form a one bedroom maisonette including installation of patio doors and terrace at the rear. Granted 16/02/1995.

**9400409** - Conversion of basement into a self contained 2 bedroom flat and provision of a forecourt hardstanding for one car including means of access from the highway. Refused 20/05/1994. Reasons for refusal:

- 1) The proposed forecourt hardstanding would result in the loss of part of the front garden and its associated landscaping and boundary wall, to the detriment of the character and appearance of the Swiss Cottage Conservation Area.
- 2) The proposed development would involve over subdivision of the property and an excessive number of dwellings.

**9300414** – Creation of new doorway on rear patio to provide access for rear garden from Flat No.2.

Refused 11/06/1993. Reason for refusal: The proposal would be likely to result in unreasonable overlooking of the adjacent property's habitable room.

## **Relevant policies**

### **National Planning Policy Framework 2012**

National Planning Practice Guidance

### **London Plan 2011 (as amended)**

London Housing SPG

### **Camden LDF Core Strategy 2010**

CS1 Distribution of growth

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS18 Dealing with our waste and encouraging recycling

### **Camden Development Policies 2010**

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the impact of parking

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

DP28 Noise and vibration

DP29 Improving access

### **Camden Planning Guidance (updated 2013)**

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG4 Basements and Lightwells

CPG6 Amenity

CPG7 Transport

CPG8 Planning Obligations

### **South Hampstead Conservation Area Appraisal**

## **Assessment**

### **Detailed Description of Proposal**

The proposal is detailed as follows:

- Conversion of the basement storage area into a 2 bed flat. The flat would be approximately 132sqm in size.
- Excavation to front to create two lightwells, including installation of doors on front elevation at basement level. Each of the proposed front lightwells would measure 3m in width and 1.75m in length and would be approximately 2.2m deep below the garden level. The proposed lightwells would be secured by approximately 1.1m iron railings.
- Excavation to rear to create terraces, including installation of doors and windows on rear elevation at lower ground floor level. The terraces would require approximately 0.6m of excavation. The terraces would be secured with a wall and landscaping.
- Installation of windows to side elevation comprised of new high level windows, enlargement of existing windows and reinstatement of blocked high level window to the basement level.
- New iron gate to front boundary (side entry). The gate would be 1.1m in height.

During the course of assessment the large front railings and gates were removed and the floor layout of the flat was slightly amended to provide a separate entrance hall in response to concerns raised by Council Officers.

## **Principle**

Conversion of the existing basement level to residential accommodation complies in principle with policies CS1 and DP2. The proposal would result in an additional 2 bedroom market unit. According to “Dwelling Size Priorities” Table of policy DP5 there is a high need for supplying two bedroom units in private developments. As such the proposal is considered to be acceptable in principle subject to the following considerations:

- a) Design
- b) Basement Impact
- c) Neighbouring Residential Amenity
- d) Standard of Accommodation
- e) Landscaping
- f) Transport
- g) Waste
- h) Sustainability

## **Design**

### *Front Lightwells*

The front lightwells are considered to have an acceptable impact on the appearance of the building and the character of the conservation area for the following reasons:

- It is considered that the lightwells are modestly sized and maintain a reasonably sized front garden.
- The lightwells would be secured with iron railings which are in keeping with the appearance of the building. It is noted that the existing front windows are secured with similar railings.
- The proposed openings within the front lightwells align with, and are the same width as, the windows above which is considered to be in keeping with the appearance of the building.
- The existing hedges to the front windows would be transplanted to the front of the lightwells, providing screening of the lightwells, and ensuring the landscaped character of the front garden is adequately maintained. A condition is recommended to ensure that this will be included.

### *Rear Elevation and Terraces*

The alterations and additions to the rear elevation and the provision of terraces are considered to have an acceptable impact on the appearance of the building and the character of the conservation area for the following reasons:

- The proposed new windows and doors on the rear elevation would match the detailing of the windows in the upper floors of the building.
- The proposed openings are in keeping with the alignment and solid to void ratio of windows on the existing buildings.
- The terraces would be secured by dwarf walls and hedges, in keeping with the landscaped character of the area. A condition is recommended requiring that details be provided prior to construction.

#### *New Windows*

The proposed alterations to the side elevations would be minimal and the proposed side windows would not be visible from the street scenes. They are considered to be acceptable in design terms.

#### *New Front Gate*

The proposal includes a new front gate to the side of the existing front wall to secure the walkway to the side of the building which will access the new unit and cycle store. The front gate is low in height and made of iron, in keeping with other gates in the vicinity of the site, and is thus considered to be acceptable.

#### **Basement Impact**

Canfield Garden which runs parallel to Compayne Gardens is identified as at risk of surface water flooding but Compayne Gardens was not affected by the 1975 or 2002 floods. There are also no water courses running through the site.

Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that developments maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

A Basement Impact Assessment submitted with the application confirms that water flows would not be materially altered by the proposal and there would not be an increased risk of flooding or ground instability by the proposal. In terms of construction details the report states that the proposed excavation would not be significantly below the level of footings of the existing property and a simple dig to form the required level and laying reinforced concrete floorplate would be cast in situ. It is considered that the screening exercise was carried out in accordance with the recommendations of CPG4 and the proposal complies with the aims of policy DP27.

#### **Neighbouring Residential Amenity**

The proposal would not result in any extension to the bulk of the building and as such would not have an adverse impact on the amenity of the adjoining properties in terms of loss of privacy, outlook, daylight or overshadowing.

The proposed terraces to the rear are set into the ground. As such they would not overlook any adjoining or nearby units. Given the residential nature of the site, and the level of the terraces, their

use is not considered likely to result in unacceptable noise impacts on adjoining or nearby properties.

Although the proposal would include the opening up of high level windows in the side elevations to serve the basement, these windows, by reason of their location and sizes, would not create any additional overlooking of adjoining properties.

For the reasons listed above the proposal is considered to be in accordance with Development Policy DP26 of the London Borough of Camden's Local Development Framework.

## **Standard of Accommodation**

### *Size*

The new unit would measure 132sqm and as such would be well in excess of the minimum size requirements in CPG2 and the London Housing SPG.

### *Layout*

The unit would be accessed via the side setback area to an entrance on the rear elevation of the building. While this is not ideal, as the path is quite narrow, the existing internal basement access has been subsumed into an existing ground floor unit to make a maisonette. As such this is not considered to be reason to refuse the application.

The entrance to the unit opens up into an entrance foyer and corridor off of which the dining/kitchen/living room and bedrooms are located and as such is considered to be in keeping with the requirements of the London Housing SPG.

### *Daylight / sunlight and Outlook to proposed flat*

The Applicant has submitted a daylight and sunlight report for the proposed flat which demonstrates that while the front bedroom would not satisfy the requirements of the BRE standards, the living and kitchen areas would be well lit. Similarly the front bedroom would receive poor outlook, but the living and kitchen rooms would have a good outlook. As bedrooms are areas where people tend to spend less waking time, this is considered to be acceptable.

The addition of a lightwell to the basement level of the maisonette would improve the daylight to the basement level.

### *Lifetime Homes*

Policy DP6 requires all new housing developments to comply with Lifetime Homes criteria as far as reasonably possible. The Applicant has submitted an assessment detailing that the proposal will meet most of the internal requirements. Given the constraints associated with a conversion to a historical building it would not be reasonable to expect all criteria to be met. As such the proposal is considered acceptable in terms of lifetime homes standards.

### *Open Space – Private*

The proposed unit would have two areas of open space directly to the rear of the building. Subject to details of walls and planting, these areas will provide adequate privacy from the communal open

space to the rear.

### *Open Space - Communal*

The proposal would retain adequate communal open space in the rear garden and would not significantly affect the amenity value of the space. The communal open space is accessed via a side door in the building off of the ground floor foyer. The existing proposal would not affect this arrangement.

## **Landscaping**

### *Front garden*

The proposed front lightwells would impinge on existing hedges and a magnolia tree in the front garden area of the property. The plans demonstrate that the hedges and tree will be maintained and moved slightly forward. It is considered that the hedges and tree will help to screen the lightwells and adequately maintain the character of the conservation area. A condition will be included requiring details of how the trees and hedges will be protected and maintained.

### *Rear garden*

The proposal includes two private open space areas adjacent to the rear of the building at lower ground floor level to provide defensible space for the new unit. Beyond this space will be the communal open space for all of the building's occupants. In order to protect the privacy of the new flat a dwarf wall and landscaping are proposed. Subject to details of the plantings and wall this is considered to be an appropriate solution.

## **Transport**

The subject site has no off-street parking and none is proposed. The site is in an area with a Public Transport Accessibility Level of 6a (excellent). The London Plan 2011 and Camden's LDF Development Policies (policy DP18) identify that car-free and car-capped development should be sought in areas of high public transport accessibility. Given the highly accessible location of the site it is considered that a car-free agreement should be secured via section 106 agreement. Subject to a s106 legal agreement it is considered that the proposal will not have an unacceptable impact on the traffic network or parking in the vicinity of the site.

DP18 requires development to sufficiently provide for the needs of cyclists. The London Plan requires that 1 space be provided for 2 bedroom dwellings. The proposal includes indicative cycle storage in the rear garden for 10 spaces. No elevations of the cycle store are proposed. As such a condition is recommended requiring that details of the cycle store be provided prior to construction.

No construction management plan has been submitted with the application. Given the small scale of the excavation works proposed and the space on site for materials it is not considered necessary to secure a Construction Management Plan.

## **Waste**

The documentation submitted with the application suggests that the proposed unit would make use of existing waste storage facilities on site. No details of these facilities have been provided. Notwithstanding it is considered that that unit is large enough for waste to be stored internally prior to collection.

### **Community Infrastructure Levy**

As the proposal results in a new dwelling it is liable for the Mayor's Community Infrastructure Levy (CIL). The contribution for developments within Camden is set at £50 per square metre. However, the proposal may be allowed a concession for existing floor space currently in use. A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

### **Recommendation**

Grant planning permission subject to s106 agreement for 'car-free' housing.