

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	04/09/2014
		N/A		<b>Consultation Expiry Date:</b>	28/08/2014
<b>Officer</b>			<b>Application Number(s)</b>		
Angela Ryan			2014/4514/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
11A Primrose Hill Road London NW3 3DG			Please see decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a three storey plus basement single family dwelling house and associated landscaping works (Class C3)					
<b>Recommendation(s):</b>		Refuse Planning Permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	17	No. of responses	7	No. of objections	2
			No. electronic	7		
Summary of consultation responses:	<p>A site notice was displayed on 23/07/2014, expiring on 13/08/2014.</p> <p>3 Letters of objection were received from the occupiers of 60 King Henry's Road, and nos. 12 and 13 Primrose Hill Road. A summary of the objections are as follows:</p> <p><u>Design:</u></p> <ul style="list-style-type: none"> <li>- The building coming forward of the existing building line</li> <li>- Development would be detrimental to the established building line on King Henry's and to the established character and appearance of the townscape and adjacent Elsworthy conservation area</li> </ul> <p><u>Amenity:</u></p> <ul style="list-style-type: none"> <li>- Loss of light</li> <li>- Overlooking and the loss of privacy</li> <li>- Exacerbate existing congested parking situation</li> <li>- Loss of outlook and would significantly conflict with viws of the grade II listed Church of St. Mary the Virgin</li> <li>- Noise from construction works</li> </ul> <p><u>Other:</u></p> <ul style="list-style-type: none"> <li>- Negative impact on the existing vegetation in the communal garden because of the loss of light</li> </ul> <p>4 letters commenting on the application were received from the occupiers of nos. 10, 12, 15 and 23 Primrose Hill Road. A summary of these comments are as follows:</p> <ul style="list-style-type: none"> <li>- Strong objection would be raised if the tow mature trees are lost in front of the site.</li> <li>- Existing difficult and congested parking would be exacerbated by further development of the terrace</li> <li>- Concerned about overlooking and the loss of privacy</li> </ul> <p>If the development were to go ahead;</p> <ul style="list-style-type: none"> <li>- Would only be in favour if the building opened into King Henry's Road and not Primrose Hill Road, where it would overlook the building opposite, and if it were provided with its own off-street parking;</li> <li>- Require reinstatement of the garage serving 11 Primrose Hill Road; and</li> <li>- Require provision for off-street parking for 2 vehicles for the proposed development which can be achieved by the use of a car stacker on the rear patio of the development, with access from King Henry's Road.</li> <li>-</li> </ul>					

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**Thames Water:**

**Water**

Raises no objection in respect of the impact of the development on water infrastructure capacity, but have advised that in the event that the application were to be approved that an informative is attached to the decision notice informing of the minimum pressure that will be provided to the water flow.

**Wastewater:**

Advised that there is an inability of the existing wastewater infrastructure to accommodate the needs the proposal and that in the event that the application were to be approved that a 'grampian style' condition is attached to the decision notice to ensure that the development is not commenced until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker.

It is also advised that the applicant should incorporate protection to the property by installing for example, a 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.

Advised that where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.

Advised that should the proposed building work fall within 3 metres of pipes connected to a public sewer it is recommended that the applicant contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is going to be required.

The proposed development is located on a site situated above a Network Rail tunnel. To ensure the integrity of the tunnel and safety of the operational railway Network Rail's requests that if the application is approved, the following condition is attached to the planning permission.

**Network Rail:**

Advised that if planning permission is granted that Network Rail's Engineer is to approve details of any development works within 15m of the Network Rail tunnel.

Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel.

Network Rail strongly recommends that the applicant contacts its Asset Protection Anglia team Anglia team and submit a development questionnaire.

**Chalcots Estate Limited:**

**CAAC/Local groups\*  
comments:**

\*Please Specify

Raised no objections to the proposal but wished to clarify points made in the Design and Access Statement as follows:

- Para 1.3- claims that Primrose Hill Road has parking on either side of the road. The stub of Primrose Hill Road from numbers 11 to 17 is only two car widths wide and therefore, with the exception of the closed end adjacent to number 11, does not support parking on either side of the road.
- Para 1.8- All the immediate neighbours were consulted by hand-delivered letters, and in addition, the Chalcots Estate and the Quickwood Residents Association (QRA) were consulted and made some initial comments which have been acknowledged and incorporated into the proposals. The above is incorrect. As of the 17th of December 2013, there has been no formal or informal contact with CEL or its Managing Agent. No comments have been made by CEL and neither have any permissions been granted.
- Para 2.1- All of the houses on this terrace (Nos.11 - 37, odd) have had their garages converted into habitable rooms. This is incorrect. Numbers 13, 15, 17, 19 and 23 Primrose Hill Road all have active garages and require vehicular access to them.
- Para 3.1 The overall development objective is to create a self-contained dwelling unit, similar in design to the other houses in the terrace that front Primrose Hill Road. The Scheme of Management of the Estate states that “Neither the Enfranchised Property nor any part thereof shall be used for any purpose other than as and for a private residential dwelling house in one occupation only.” The proposed additional self-contained dwelling unit in the garden of the existing house would be in breach of this restriction
- Para 4.4- There is no change to the pedestrian access to this scheme.... This is incorrect. There is no footpath serving the proposed development. The frontage of the site is garden forming part of the common parts of the Estate.
- Para 5.3.1- A private car parking space will be provided for the new dwelling within the grounds of the Estate without any impact to the on-street parking situation. This is incorrect. Given the restricted width of the private road adjacent to numbers 11 to 17 and the required vehicular access to the active garages, parking will not be permitted on the private roads of the Estate.

## Site Description

The site is located in the side garden of no. 11 Primrose Hill Road. It runs along the north side of King Henry's Road (the south side of which falls within the Elsworthy Road Conservation Area). It is located close to the north-west corner of the junction of King Henry's Road and Primrose Hill Road. Immediately opposite, on the south-west corner of King Henry's Road and Primrose Hill Road lies a grade II listed Church of St Mary the Virgin, which is a red brick structure adhering to an Early Gothic style dating from 1871-2.

The site is not listed neither does it lie within a designated conservation area, also as noted above it lies opposite the Elsworthy Conservation Area on the southern side of King Henry's Road and is also within the vicinity of a grade II listed building situated opposite the site.

## Relevant History

Refused for the erection of a new 3-storey single family dwelling house, on the side garden of no. 11 Primrose Hill Road

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core strategy:

- CS1- Distribution and growth
- CS5- Managing the impact of growth and development
- CS6 – Providing quality homes
- CS10- Supporting community facilities
- CS11- Promoting sustainable and efficient travel
- CS13- Tackling climate change through higher environmental standards
- CS14 – Promoting high quality places and conserving our heritage
- CS15- Protecting and improving our parks and open spaces & encouraging biodiversity
- CS19- Delivering and monitoring the Core Strategy

#### Development policies:

- DP2- Making full use of Camden's capacity for housing
- DP5- Homes of different sizes
- DP6- Lifetime homes and wheelchair homes
- DP17-Walking, cycling and public transport
- DP18- Parking standards and limiting the availability of car parking
- DP20- Movement of goods and materials
- 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- Basement and lightwells
- DP29- Improving access

#### Camden planning guidance 2013:

- CPG1 (Design)- Chapters: 1; 2; and 6
- CPG2 (Housing) – Chapters: 4 and 5
- CPG3 (sustainability)
- CPG4 (Basements)
- CPG6 (Amenity)- chapters 6 & 7

CPG7 (Transport) – Chapters 7 and 9  
CPG8 (Planning obligations)- Chapters 3, 4, 7, 10 and 11

**London Plan 2011:**

Policies 3.3, 3.4, 3.5, 5.3, 5.18, 6.9, 6.10, 6.13, 7.4, 7.6, 8.2

**NPPF 2012**

**Assessment**

1.0 Proposal:

1.1 The proposal is for the erection of an end of terrace basement plus three-storey single family dwelling house and associated landscaping works. A similar scheme at the application site was refused in 2005. This current scheme differs from the previously refused scheme in that it includes a new basement, which did not form part of the consideration for the 2005 application.

1.2 The new building will adjoin no. 11 Primrose Hill Road and will essentially be located in the side private garden that currently serves no. 11 Primrose Hill Road. 11 Primrose Hill Road is a typical terraced town house forming the southern-most house along the row of buildings fronting Primrose Hill Road. It is set back from the street behind planting and a service road. The existing property on the site dates back C1968 and forms an integral part of the housing estate developed by the Eton Estate. The new house would be constructed to match the existing houses in terms of dimension, detailed design, and the use of the materials and finishes. Landscaping works will include an extension of the paved area on the front elevation to form a new access into the building.

1.3 The key issues to consider are:

- The principle of the development
- The impact on the general area, the setting of the Elsworthy Conservation area and grade II listed building
- Quality of residential accommodation and lifetime homes
- Amenity
- Sustainability
- Transport
- Other

**2.0 The principle of the development:**

2.1 Policies CS6 and DP2 seek to make full use of Camden's capacity for housing, by maximising the supply of additional housing within the borough. Although housing is considered to be a priority land-use, commentary in paragraph 2.8 in DP2 stipulates that it should be considered with the need to respect the characteristics of the area and the site or property.

2.2 The site is considered to be in a prominent and sensitive location by virtue of its closeness to a road junction and located adjacent to a designated conservation area and a Grade II listed building. The site can be seen in long views along Primrose Hill Road from the north and from the south although this is to a lesser degree by virtue of the positioning of the existing church. The site is also visible from the east and west along King Henry's Road. The site forms part of a green connection

which aligns the north of King Henry's Road west of Primrose Hill junction. This is made up of front and side gardens to the existing houses on the estate, which represents a well-defined perimeter characterised by reasonably mature planting. The two storey houses located immediately to the west of the site follows a clear building line, which is further set back from the road than that of the footprint of the proposed building.

2.3 In the past the estate has undergone minor alterations and it is considered that a new house by virtue of its location would set an unacceptable precedent and is therefore considered to be unacceptable in principle.

### **3.0 The impact on the general area, the setting of the Elsworthy Conservation area and grade II listed building:**

3.1 The housing estate was carefully laid out in the late 1960's by the Eton Estate to enable a fine balance between the built and unbuilt space. The spaces located between the terraces are generously planted, which is considered to give the vicinity a distinct character. The building line is considered to be an established feature of the existing townscape. Even though the site is not located in a conservation area, the proposal to build beyond the established building line is considered to impact negatively on the existing townscape. Notwithstanding the fact that the established building line along King Henry's Walk is not consistently aligned, the new building would project at least a further 0.5m than all the other buildings along this side of King Henry's Road. It is noted that the existing building at no. 11 Primrose Hill Road comes forward of the building line when compared to the properties immediately opposite to the west, but this is not to any significant degree that would render the building being construed as being out of place. The detailed design of the building is not considered to be contentious when viewed in isolation of wider urban design matters given that the building in terms of its design is in keeping with the existing streetscape.

3.2 The open space located to the south side of the existing terrace creates a green gap, which is characteristic of all of the Chalcot Estate dwellings along King Henry's Road. The estate building line along King Henry's Road is staggered, due to the angled layout of the streets leading off to the north, and as such, the size of the gap between the building and the back edge of the pavement varies to some degree. However, these gaps are of a notable depth, and serve to provide a sense of openness within the streetscene, which echoes and is balanced by the gardens of the C19 buildings located on the south side of the road.

3.3 The formation of an additional building within this gap would see the end elevation of the new building positioned very close to King Henry's Road, and would significantly erode this sense of openness. This arrangement would be contrary to the general pattern of development in this part of the estate and within this part of King Henry's Road, and is considered to be harmful to the streetscene, local character and local distinctiveness. The slim gap which would be retained between the gable end of the new building and the site boundary would not in the Council's view be significant enough to retain this sense of openness and relief from the built edge, nor would the installation of a living wall help to mitigate the loss of the gap to any notable degree.

3.4 The proposal to build a new house on land constituting a side garden to no. 11 Primrose Hill Road is considered to be unacceptable. The site is not considered to be appropriate for development of an independent dwelling, since the combination of height, bulk, mass and footprint would harm the setting, with particular reference to unbalancing the ratio of built to unbuilt space within the vicinity, damaging the views in and out of the adjacent conservation area, thus harming its character and appearance.

3.5 In connection with the above, the new building will be located in the side garden of no. 11 Primrose Hill Road, which is the main source of private amenity space for the property. Although some amenity space is afforded to the rear of the site in the form of a small patio area and garden, the



garden area is significant shared open space available within the estate. Therefore it is considered that the loss of the garden space serving no. 11 Primrose Hill is contrary to policy CS15 of Camden's LDF.

3.6 It is considered that the harm demonstrated to the setting and views of the listed church in as far as the views that would be lost would be difficult to defend in the event of an appeal although the loss of these views is considered to be unfortunate. As such this issue will not form part of the reasons for refusal of the application.

#### **4.0 Quality of residential accommodation:**

4.1 In accordance with policy DP26h-k, the new dwelling house is considered to provide a satisfactory level of residential amenity, in terms of its overall floorspace and bedroom sizes and therefore the development complies with the requirements of CPG2-residential development standards and London Plan standards.

4.2 The new basement to be created will be totally subsumed and will measure proximately 50.6m<sup>2</sup>. It is proposed to accommodate a gym and cinema room.

4.3 The floor to ceiling heights are considered to be acceptable at 2.5m high on all floor levels. The rooms are also considered large enough to provide dedicated storage space. The new house is proposed to be dual aspect with views out to the front and rear, thus providing some outlook. All habitable rooms have access to natural light and ventilation.

4.4 In terms of lifetime home requirements the applicant has submitted a lifetime homes assessment. The proposal would not meet the requirements of criterion 3- approach to all entrances; 4- entrances; 10- accessible WC's and 14-accessible bathroom. In terms of criteria 3 and 4 there is a stepped entrance on the front door and the proposed patio area. In relation to criteria 10 the entrance level WC is considered to be insufficient in size, and in relation to criteria 14 the main bedroom en-suite does not appear large enough to accommodate the required transfer spaces. Given that the scheme constitutes a 'new build' the Council would expect all the lifetime home requirements to be met. If the Council were in the position to support the scheme, it is considered that this aspect would have been able to be dealt with via an appropriate condition and therefore it is considered that this particular aspect should not be a basis for refusal in this instance.

#### **5.0 Amenity:**

5.1 The proposed new building would not impact on the current levels of natural daylight/sunlight or significantly impact on the loss of privacy or an increase in noise levels and is therefore considered to comply with policies CS5 and DP26 of Camden's LDF. In terms of shadowing, the light study submitted in support of the application confirms that the rear garden of no. 11 Primrose Hill Road is currently below the recommended target prior to the new house being constructed. It appears that a shadow assessment was not undertaken in order to ascertain the potential impact on shadowing once the building has been erected.

#### **Basement:**

5.2 The basement is proposed to be 3m deep below existing ground level, providing an overall floorspace of 50.6m<sup>2</sup> and will accommodate a gym and cinema room. The basement will be totally subsumed and will not be visible above ground floor level.

#### **Land stability:**

5.3 The B.I.A as submitted confirms that the site is:

- Within 5m of a highway or pedestrian right of way (no assessment has been carried out to gauge the likely impacts)
- That the proposed basement will significantly increase the differential depth of foundations relative to neighbouring properties (no assessment has been carried out to gauge the likely impacts)
- That the site is over (or within) the exclusion Zone of tunnels (no assessment has been undertaken to gauge the likely impacts)
- The B.I.A has also answered “unknown” in respect to whether the London Clay is the shallowest stratum at the site, whether any trees are proposed to be felled or whether there is a history of shrinkage/swelling subsidence to the local area and or evidence such effects at the site.

5.4 The B.I.A confirms that the site will be affected although no site specific ground investigation has been carried out in order to reach the conclusion contained in the B.I.A that the risk to ground stability from the development should be low. The screening and scoping report confirms that the underground tunnels may be within influencing distance and therefore ground and water conditions should be ascertained. It also confirms that the relevant ground movement analysis should be undertaken to address both the impact of the development on neighbouring properties and the underlying tunnel.

#### Surface water:

5.5 The report concludes that the impacts to surface water flows and related flooding will be low. The report also confirms that the site lies within an area known to be at risk from surface water flooding or may be at risk from flooding. However, it is confirmed that the site itself is considered to be at a moderate risk of surface water flooding according to the Environment Agency (2014). The report confirms that the proposed development will not alter the area of hard standing at the site (although it should be noted that the existing footpath on the front elevation of the site is to be extended to allow level access) therefore there is unlikely to be any impact to surface water flows in the surrounding area. As such it has been concluded that there is unlikely to be any impact to flood risk in the local area, although the report recommends that precautions should be taken against surface water flooding at the location.

#### Ground water:

5.6 The report concludes that the impacts to ground water flows and related flooding will be low. Groundwater may be present below the site within the London Clay, based on one observation borehole to the south of the site, however, the report confirms that it is not known if ground water is present at the site as no site specific test was carried out. The proposed basement would not extend beneath the water table at the depth measured by this borehole. Should groundwater be present at the site, it is likely to be in low volumes and the magnitude of any flow is likely to be very low given the nature of the underlying geology. In respect to ground water, the Council would normally expect a trial involving a minimum of 3 boreholes to be undertaken in accordance with the advice outlined in chapter 7 of the Camden geological, hydrogeological and hydrological study, guidance for subterranean development dated Nov 2010. The boreholes are also required to be monitored over a period of time. This exercise has not been undertaken.

#### Trees:

5.7 The arboricultural report confirms that the development would have no major impact on existing trees. Due to the proximity of the new building to some of the tree root zones, tree root protection methods may be necessary. The report also confirms that a category 3 low quality tree (referred to as

T3) is to be removed as a result of the development. Contrary to this, the screening and scoping report confirms that it is not known if any trees will be removed as a result of the new basement level.

5.8 Notwithstanding the above current guidance in CPG4(Basements and lightwells), in paragraph 2.33 stipulates that in order to provide the Council with greater certainty over the potential impacts of proposed basement development, an independent verification of Basement Impact Assessments will be expected, to be funded by the applicant in the following situations:

- Where a scheme requires applicants to proceed beyond the Screening stage of the Basement Impact Assessment (i.e. where a matter of concern has been identified which requires the preparation of a full Basement Impact Assessment)

5.9 Policy DP27 is quite clear that the Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. As such, information in this regard is required at planning application stage prior to a decision being made by the Council. Such matters are unable to be adequately controlled via planning condition.

5.10 In this instance an independent assessment of the BIA and accompanying information is required in accordance with CPG4. This is expected for **all** basement proposals that go beyond the scoping stage of a BIA where the site is located in an area of concern (in this case hydrological constraints- surface water flow, ground water flow and slope stability). The basement impact verification exercise is considered to be essential in this instance given current Council guidelines in respect of basements. On the above basis it means that the Council cannot guarantee that potential hydrogeological impacts would not occur to future occupiers or that the development would not impact on neighbouring buildings.

5.11 In the absence of the submission of a detailed Basement Impact Assessment this forms a further reason for refusal of the application.

## **6.0 Sustainability:**

6.1 The applicant has submitted a Code for Sustainable Homes (CfSH) pre-assessment which demonstrates that the proposed development is likely to achieve an overall Level 4\* excellent rating (total score 71.43), as required in CPG3. Furthermore the targeted (50%) credits in the energy, water and materials categories are all anticipated to be met with 62% in energy, 65% in water and 75% in materials. This is considered to meet the required policies and the CfSH design stage. A variety of measures are proposed by the applicant to demonstrate how carbon dioxide emissions will be reduced in line with the energy hierarchy. The measures proposed include 100% rain water run-off, A+ rated appliances, the mandatory requirement for energy efficient light fittings will be achieved, and materials to be responsibly sourced.

6.2 In terms of waste refuse storage is proposed on the front elevation in the area proposed for the raised front planting bed. The housing unit is considered to be of a sufficient size to allow for the accommodation of storage for domestic waste and recycling.

6.3 If the Council were able to support this scheme, a post-construction review would have been required to be secured via a S106 Legal Agreement to ensure that the required standards are met when the scheme is more fully designed and implemented. In the absence of a S106 agreement to secure energy and sustainability plans these form further reasons for refusal.

## **7.0 Transport:**

7.1 The site has a PTAL rating of 3, which indicates that the site has moderate links to the public transport network. It is served by bus routes C11 and 31 and within close proximity to the Chalk Farm

station. As the site is located on a private street, where parking is agreed via the Chalcot Estate. As such the Council has no jurisdiction over the private street. However, given that the development is for new build, the Council would normally expect a car-free development in accordance with policy DP18 of Camden's LDF. If the scheme was considered to be acceptable in all other respects a car-free development would have been secured via a S106 legal agreement. In the absence of a S106 agreement to secure car-free housing this forms a further reason for refusal of the application.

Cycle parking:

7.2 No cycle parking has been proposed. Current policy requires cycle storage space to accommodate at least two cycle parking spaces in order to encourage walking and cycling and the use of other modes of transport other than the private car. If the scheme was considered to be acceptable in all other respects the Council would have expected cycle storage to be provided for this 'new-build' development. If the Council were able to support this scheme then this issue could have been overcome by attaching an appropriate condition on the decision notice.

Construction Management Plan:

7.3 A construction management plan has not been submitted in respect to the potential construction impacts as well as issues relating to the occupation of the highway, such as parking bay suspensions, hoardings, skips or storage of materials as these are likely to be constrained. As the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application.

**8.0 Other:**

CIL:

8.3 As the proposal relates to the creation of a new residential unit it will be CIL liable. Based on the floor area of approximately 203.4m<sup>2</sup> the CIL payment that will be required is £1, 0170.

**Recommendation: Refuse planning permission**