

Delegated Report		Analysis sheet	Expiry Date:	01/04/2011
		N/A	Consultation Expiry Date:	18/03/2011
Officer			Application Number	
Jennifer Walsh			2011/0526/P	
Application Address			Drawing Numbers	
8 Pilgrim's Lane London NW3 1SL			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Excavation of basement extension with ground floor roof light, raising the ridge of the existing roofline to the south west elevation and erection of boundary wall and railings to front elevation as well as alterations to the fenestration and associated alterations to existing dwelling house (Class C3)				
Recommendations:	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	45	No. of responses	121	No. of objections	121
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 17/02/2011-10/03/2011 A petition against the developments been signed by 400 people. The petition was against:</p> <ul style="list-style-type: none"> - <i>The Change to the character of the building;</i> - <i>Displacement of Groundwater and Subsidence;</i> - <i>Major disruption;</i> <p>The objections were raised from neighbours from the following areas: Pilgrims Lane Carlingford Road Greenhill Willow Road Denning Road Lyndhurst Gardens Bracknell Gardens Downshire Hill Kemplay Road Holmefield Court Willoughby Road Kemplay Road Rudall Crescent Staverton, Cheltenham</p> <p>(The Council has full records on the file of the objections which were received): The issues mainly referred to in the objections are summarised as follows:</p> <ul style="list-style-type: none"> - No detail in respect to the underpinning; - The basement would be between 5.5-7.5m, not 4m as stated; - No details for reinforcements have been submitted after finding water at depths of 1.15m and 2.32m in 2 boreholes; - Size of the basement is much bigger than the footprint of the house; - No details of how excavating under neighbours walls will be carried out; - Very brief structure report; - There are existing water wells in both 10 and 8 Pilgrims Lane; - CJ Cowie site investigation report has not been updated since site investigation; - No hydrological modelling or drainage information has been submitted; - Affect of the proposal on the water table and stability of other houses; - No sustainable urban drainage methods have been detailed; - No boreholes have been carried out in the existing basement; - Possible increase in upstream water levels may occur; - There are potential leaks and foundation movements; - Would result in cut off of groundwater flow in this location; - Area is at risk of flooding; - Reduction in the garden space; - Light pollution from the large rooflight; - No pervious surfaces; - The trees are of visual merit and should not be removed; - Roof extension will be detrimental to the neighbouring properties; - Objection to a second car parking space; - Overdevelopment; - Exceeds the guidance set out in DP27; - The basement should be restricted to 3m depth; - Negative impact on the conservation area; - Construction Noise and Traffic as the lane is just too small; - Lack of competence from architects and 'experts'; - Loss of privacy; - Considerable harm to the character of the building; - Lowering the garden by 1.5m is wrong; - Removal of two trees; 					

	<ul style="list-style-type: none"> - Maids bedroom is below standards; - Plan to put in a luggage lift and remove internal walls will destroy the unique features; - The application still refers to old planning policy (UDP); - Inaccuracies in the submitted OS map – it is smaller than shown. - Damage and removal of historical lamppost; - Neighbours have not been consulted in relation to the CMP; - This is a monstrous development; - The boundary wall and railings are not acceptable in this location; - This will set a precedent; - Shame to be blocking up this amazing Arts and Craft House; - There will be noise from the plant room and the air conditioning units; - Permanent degradation of amenities and environment; - Reduction and loss of green space;
<p>CAAC/Local groups comments:</p>	<p>Heath and Hampstead Society object to the application on the following grounds:</p> <ul style="list-style-type: none"> - Architecturally, this is a carefully designed proposal - It is seriously deficient in its structural design, considered in terms of policy DP23 and DP27; - It points out that this ground instability could endanger adjoining properties if not carefully constructed. - Exceeds the recommended 3m depth of DP27; - The large cherry tree should be subject to a TPO; <p>The Hampstead CAAC object to the proposal on the following grounds:</p> <ul style="list-style-type: none"> - We can not condone this application but accept that it will likely be permitted. <p>The Environment Agency have no objection to the proposal</p>

Site Description

The application is a large Victorian building located to the east of Pilgrims Lane. There is an existing basement level located under the front element of the existing dwelling house. There is access to the rear of the site from Pilgrims Lane via the carport which sits underneath 10 Pilgrims Lane. The building is not a listed building, but it is located within the Hampstead Conservation Area. The site is a very interesting shape, with the main double fronted property facing Pilgrims Lane (facing north) with an additional element composing of 4 storeys facing onto the garden (facing eastwards)

Relevant History

2010/4644/P: Erection of two storey rear extension at basement and ground floor levels, a roof infill extension, erection of front boundary wall and railings and excavation at the rear to extend the existing basement to incorporate an internal swimming pool to existing dwelling house (Class C3). WITHDRAWN 11/11/2010

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change through providing higher environmental standards
CS14 Promoting high quality places and conserving our heritage.
CS15 protecting and improving our parks and open spaces and encouraging biodiversity
CS19 Delivering and monitoring the Core Strategy
DP16 The transport implications of development
DP18 Parking standards and the availability of car parking
DP19 Managing the impact of parking
DP20 Movement of Goods and Materials
DP21 Development connecting to the highway network
DP22 Promoting sustainable design and construction
DP23 Water
DP24 High quality design;
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 basements and light wells
DP28 Noise and vibration

Camden Planning Guidance

Hampstead Conservation Area Statement

Camden Guidance Note: New Basement Development and Extension to Existing Basement Accommodation (Draft 2009)

Assessment

Proposal

This application is a resubmission of a previous planning application which was withdrawn (2010/4644/P) after further information was requested by the Planning Officer. Such additional information was in relation to further details to be provided on the hydrology, construction management plan and alterations to the detailed design of the scheme.

Planning permission is sought for the following extension and alterations to the existing dwelling house:

- An extension to the existing basement to accommodate a swimming pool measuring 3.1m x 8m. Three sets of patio doors will open up onto a proposed patio area at lower ground level. The line of the proposed basement would project 3.8m from the deepest element of the existing footprint of the building (taken from the middle bay to the N.E elevation). Steps will then lead up to the existing garden level, with a large walk on rectangular rooflight being proposed to be set into the patio. An additional patio is proposed to serve the proposed family room which is to be situated in the existing basement level located under the footprint of the existing dwelling house. The existing basement level is to be lowered by approx. 0.6m to achieve habitable head heights within this space. The proposed basement level is to be built up against the party walls of No 6 Pilgrims Lane, Downshire Studios and No 10 Pilgrims Lane. The depth of the basement is stated to be 4.2m with the deepest part of the proposed swimming pool being located under the existing ballroom and raised terrace.
- Extension is also proposed at the centre of the roof to sit within the valley roof of the original element of the house which faces Pilgrims Lane. This is to allow a suitable internal head height.
- Three rooflights are proposed to be inserted into the south west elevation to the rear of the roof/building;
- To the front of the house the existing railings are to be removed and replaced with a low brick wall and black metal railings installed along the front elevation. The existing paving slabs are to be removed and replaced with planting to the front of the bay window.
- An area of additional hardstanding is proposed to be located to the rear of the existing car port to accommodate two cars on site.
- Alterations to the existing fenestration details to include, rebuilding the existing bay window with a larger window projecting 1m from the rear elevation, and alterations to include replacing an existing doorway with a window to match the upper levels are also included within the application.

Main Issues: The acceptability of the proposals in terms of the impact on the conservation area and host building, residential amenity, transport, the impact of the basement, harm to trees and landscaping and the amenity of neighbours are the main considerations.

Design, Scale and Appearance:

Front Elevation

The alterations to the front elevation are to involve the installation of railings on a brick plinth to form a boundary treatment to the front of the property. The building has low, modern railings to the front of the property which surround the existing lightwell. It is sought to extend the railings across the front of the property. Although the neighbouring property has a brick wall, due to the overhang of the projecting bay to the lightwell, a concern was raised to the reduction of daylight that would be received at basement level, and therefore railings which allow light into this level are considered acceptable in this location. It is considered that as the proposal extends the existing railings, and as there are a mix of front boundary treatments in the immediate area, railings will not have a detrimental impact on the character and appearance of the host property and wider conservation area.

Roof level

It is proposed to square off the pitched roof to the centre of the property to increase the internal head height. The existing pitched roof which sits at an angle of 30° is to be squared off to form a flat roof with a dormer window detailed design to the roof slope which faces 6 Pilgrims Lane. A rooflight is to be inserted to provide light into the proposed extended loft space. The proposed flat roof will not be any higher than the existing roof ridge, and is not considered that this particular element would be visible from the streetscene. The proposed alterations at roof level are considered acceptable in this location.

It is considered that as the building is not a listed building and it is a single dwelling house, the rooflights are permitted development. Whilst it is accepted that the area is covered by an Article 4 direction, this does not apply to a side elevation which does not face a highway and therefore the installation of the conservation rooflights do not require planning

permission in this instance.

Rear elevation

There are many alterations proposed to the rear of the property. To the north elevation, at lower ground floor level there is a single door is positioned within a small tiled porch addition. Within the proposal, this element is sought to be amended to incorporate a larger extension which is the same depth as the proposed bay window yet extended by 0.5m in width at lower ground floor level. Whilst the proposed frameless glass doors are not considered to be sympathetic to the host building, as the dwelling is a single family dwelling house, such alterations to the existing fenestration details as well as internal alterations are considered to be permitted development and therefore do not require planning consent. Whilst the extension to the width of the existing porch does require planning permission, due to the width of the doors respecting that of the proposed rebuilt bay window and not dominating the existing proportions, no objection is raised to this element of the scheme. Alterations to bricking up the door way to the east elevation are also considered to be covered under permitted development. The architectural details of the new window are welcomed in this location.

A large extent of the works are happening at lower ground floor level in respect to increasing the size of the basement. As such, it is proposed to create a 'pool patio' which has steps up into the garden and onto the existing terrace and ground floor level. The detailed design of the elevational treatment is to have three double doors opening up onto the patio with stone walling and balustrade above. The existing garden is currently accessed by steps leading from the ground floor patio. It is proposed to relocate such steps to the other side of the patio to provide access to the garden. The garden is then to be further excavated by 1.8m to provide the pool patio where steps will provide access to the elevated garden level. Through introducing a separate elevation 4.1m from the original building line, it is considered that the cumulative impact of the steps, the patio and the associated excavation would have a negative impact on the original proportions of the host property. Ideally, the basement elevation should protrude no further than the original building line. As such, the detailed design of the elevation should compliment that of the upper levels so it is not read as a separate entity. The proposed basement elevation pays little reference to the host building and the modern double doors are considered to be at odds with the ornate fenestration details of the host property. The existing proposal is not considered to compliment the upper levels of the rear elevation. The detailed design of the fenestration elements together with the proposed depth and patio steps creates an incongruous addition to the host property.

Basement Excavation

Many objections have been raised to the excavation of a basement and swimming pool in this location. A Ground Investigation Report (GIR) was carried out in February 2011. The site is identified to be situated within an area of concern for Slope Stability and Groundwater Flows. The GIR found that the Claygate Member was found to extend to a depth of 6.9m and the London Clay was proved to the full depth investigated of 19.0m. The drawings submitted only show the depth of the proposed swimming pool and do not show the detailed foundations or slabs which are to go below. Therefore it is questionable as to the precise depth of the proposed basement. The GIR states that the maximum depth of the basement will be 4.2m; however the Construction Management Plan states that the basement excavations to the rear will be 3.5m in depth with the pool excavation being 1.8m average depth thereby creating a basement of 5.3m in depth. Therefore, inconsistent information has been provided.

As the application concerns a basement occupying a large majority of the site and that is excavated more than one storey in depth for a substantial part of it, it is considered that a full Basement Impact Assessment is required in accordance with policy DP27 of the LDF. The Assessment would be expected to address each of the considerations a) to h) as set out in the policy. In the absence of such cohesive information and conclusions, the impact of the proposal on structural or hydrological conditions can not be properly assessed and the application should therefore be refused as contrary to policy DP27.

Planning Policies DP23 (Water) and DP27 (Basements are Lightwells) were introduced within the LDF which was adopted in November 2010, to secure necessary details when basements are proposed within an area of Groundwater concern. The GIR and the objections received state that there is groundwater in the area. Not only does the submitted report state this, but it is also reported that properties 8 and 10 have a water well which could confirm such. Groundwater was found at depths of 1.15m and 2.32m in boreholes 1 and 4 which are the two boreholes closest to the proposed basement development. Such shallow depths for recording groundwater are a cause for concern. Whilst it is accepted that groundwater flow can be accommodated during the construction period, the submitted information does not detail what methods could be used, potential mitigation measures or how such measures would be adopted in this instance. Such information is also considered to be lacking in the C J Cowie structural report dated August 2010. Whilst two diagrams have been provided, there are no details as to how the existing basement walls are to be underpinned nor the effects on the neighbouring properties. The structural report was not updated in light of the GIR and therefore the evidence provided is considered not to be conclusive nor coherent in its approach.

Camden's Planning Policies DP23 and DP27 are clearly specific on what information has to be proven and it is considered that such information has not been provided. The Council will only permit a basement that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. It is considered that the evidence submitted in respect to the application does not wholly satisfy the Council's concerns and is therefore unacceptable in this instance. Further detailed information regarding the waterproofing proposals, the details of footings and construction methods based on this etc should be provided. In addition a detailed assessment of horizontal and

vertical ground movement, details of maintaining the structural stability the building and neighbouring properties and details of sustainable urban drainage strategy is required to make a proper assessment. A method for monitoring the ground movement and any water flows is also required.

Concern is also made regarding the neighbouring property at no 10 Pilgrims Lane. Due to the site specifics the building occupies a flying freehold over the application site's car port. It is considered that there is a lack of information in relation to the party walls and inadequate consideration for the existing foundations of the neighbouring properties.

In relation to the design of the basement, it is also considered that the scheme does not seek to implement any permeable surfaces or SUDS into the scheme. The water efficient methods expected will help reduce the overall amount of waste water entering the combined storm water and sewer system. This can be reduced through the use of SUDS including pervious paving yet no such details have been provided in support of this application.

Currently, it is considered that the application is contrary to Policy DP23 and DP27 as the development could harm the host property and neighbouring buildings in terms of groundwater flow and structural stability. It is therefore considered that insufficient technical information has been submitted concerning local hydrology and structural stability as well as drainage details to allow the Council to recommend the proposal for approval.

Transport

Due to the scale of the proposed excavations, a Construction Management Plan (CMP) is required in accordance with policy DP20. Such a document has been updated since the previous application was withdrawn in November 2010. The width of Pilgrims Lane ranges between 7.04m at widest point (within the site boundary) and 4.7m at the lowest point and therefore it is considered that the road is large enough to accommodate the vehicles which are proposed to be used. Concern has been raised as to the details of the road blockage and the associated scaffolding which would be required on the site. Through the use of a section 106 legal agreement, a detailed CMP would be secured which would be required to have details regarding temporary licenses etc. which the contractor would need to obtain. Therefore, the preliminary construction management plan submitted is considered to be sufficient in this instance. Whilst it is accepted that the CMP only refers to concrete delivery lorries and skips, if it is considered that the developers need to use other vehicles, then they will have to submit track drawings within the detailed CMP to should that they can be accommodated close to the site.

A financial contribution to repave the footway in front of the site following completion of the development is also required in accordance with policy DP20. The estimated contribution for the footway repaving works is £12,100. Such a contribution would also include the removal, storage and reinstallation of the historic lamppost which is sought to be removed during the construction process as well as a temporary loading bay and changes to the TMO.

Included within the proposal is to extend the depth of the existing drive way underneath the car port to accommodate two car parking spaces. Whilst it is considered that the width of the driveway is very narrow, as the existing area is already concreted over there is no objection raised to this element in design terms. Although this element of the proposal offers more spaces than the policy states, it is considered that as this proposal seeks to formalise the existing situation, no objection is raised.

Both the CMP and the financial contribution would be secured by a S.106 legal agreement and the absence of this constitutes further reasons for refusal.

Trees

An Arboricultural report has been provided in support of the application. The report identifies two trees for removal; T3 a Purple Plum which is in a state of decline and T5 a Cherry which is dead. Space is limited for replanting however a multi stemmed Persian Ironwood is proposed at the eastern end of the garden as a replacement for T5. This is considered by the Councils Tree Officer to be a sufficient level of replacement.

It is proposed to retain another Cherry (T1) growing adjacent to the proposed basement works. This tree is visible from the public realm in glimpsed views through an arch at 10 Pilgrim's Lane. The tree also provides a screen between 10 Pilgrim's Lane and 3 Downshire Hill. The proposed basement construction involves localised construction within the root protection area of the tree however the proportions of the rooting area which will be affected by the construction of a section of the basement, steps into the garden and for the installation of services by the flank wall of Downshire Studios are not considered to be so great as to affect the health and vitality of the tree. The method statement provided for the protection of the tree is considered to be satisfactory.

In order to provide additional protection for the Cherry a Tree Protection Order has been served on the Cherry (T1) by the Councils Tree Officer.

Amenity

Due to the majority of the works being located underground, it is not considered that there would be significant harm to the amenities of neighbours in terms of loss or light or overlooking. The proposed basement with a patio opening up onto the garden will not result in any undue impact to the amenity of surrounding residential properties. Given the location at lower

ground level overlooking will be contained and the proposal will not have any implications with regard to loss of sunlight or daylight to neighbouring properties comparable to the existing situation. Associated plant to the swimming pool is to be located internally at basement level. As such an acoustic report is not required in this instance. If any external plant were to be proposed, then an acoustic report should be provided.

The proposed large walk on rooflight to be inserted into the patio of the application site has raised concern from neighbours in relation to light pollution. Number 10 Pilgrims Lane is very close to the application site. Due to the orientation of the site, the neighbouring property overlooks the patio of the application site with a distance of 6m between the proposed rooflight and rear windows overlooking the application site. However due to the size of the rooflight it is not considered that there will be a detrimental impact on the neighbouring property in relation to light pollution through the proposal.

Recommendation: Refuse Planning Permission

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613

Brod Wright Architects
75 Haverstock Hill
Belsize Park
London
NW3 4SL

Application Ref: **2011/0526/P**
Please ask for: **Jennifer Walsh**
Telephone: 020 7974 **3500**

1 April 2011

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 Refused

Address:
8 Pilgrim's Lane
London
NW3 1SL

Proposal:

Excavation of basement extension with ground floor roof light, raising the ridge of the existing roofline to the south west elevation and erection of boundary wall and railings to front elevation as well as alterations to the fenestration and associated alterations to existing dwelling house (Class C3)

Drawing Nos: Site Location Plan; 999/S01; 999/S02; 999/S03; 999/S04; 999/S05; 999/S06; 999/S07; 999/S08; 999/S09; 999-AP2-01; 999-AP2-02; 999-AP2-03; 999-AP2-04; 999-AP2-05; 999-AP2-06; 999-AP2-07; 999-AP2-08; 999-AP2-09; Structural Report of the Formation of the Basement and Pool, Dated August 2010; Preliminary Construction Management Plan - CMP2 dated 1st February 2010; Report on the impact on trees, Dated 1st November 2010; Ground Investigation Report J10228A February 2011; Appendix to Ground Investigation Report; Trail Pit information;

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal



- 1 In the absence of sufficient information the applicant has failed to demonstrate that the proposed basement excavation would not have significant adverse impacts on the structural stability of the application site and adjacent properties, drainage and the local water environment. As such, the scheme is contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The proposed basement, patios, steps and associated excavation by virtue of their size, depth, bulk, mass and detailed design would have a adverse impact on the original proportions of the host building to the detriment of the quality of the building, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) and DP27 (basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed development, in the absence of a legal agreement to secure contributions to ensure a highway contribution to mitigate against the impact of development, contrary to policy CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.
- 4 The proposed development, in the absence of a legal agreement to secure the provision of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users contrary to CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613