

<b>Delegated Report</b> (Members Briefing)		<b>Analysis sheet</b> N/A		<b>Expiry Date:</b> 28/01/2015		<b>Consultation Expiry Date:</b> 29/12/2014	
<b>Officer</b> Rachel English				<b>Application Number(s)</b> 2014/1977/P			
<b>Application Address</b> 29 Prince of Wales Road London NW5 3LH				<b>Drawing Numbers</b> 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>							
Excavation of single storey basement extension and creation of rear garden lightwell.							
<b>Recommendation(s):</b>		Grant conditional approval					
<b>Application Type:</b>		Householder Application					
<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>15</b>	No. of responses No. electronic	<b>04</b> <b>00</b>	No. of objections	<b>04</b>
<b>Summary of consultation responses:</b>		<p>15 consultation letters were sent to neighbouring properties when the application was first submitted. On 3<sup>rd</sup> December 2014 the Applicant submitted a revised application form showing that Certificate B had been signed therefore notice had been served on numbers 27 and 31 Prince of Wales Road. A further round of consultation was carried out following revision of the application form with letters sent on 8<sup>th</sup> December 2014.</p> <p>Following the first consultation, letters of objection were received from No. 27 (Flats A &amp; C) Prince of Wales Road with the following comments:</p> <ol style="list-style-type: none"> <li>1) The extension is more than double the size of the current property. Too invasive for adjoining properties and the surrounding neighbourhood. Inappropriate in terms of conservation of the Prince of Wales area.</li> <li>2) The Design and Access Statement contains errors relating to the appearance of numbers 29 and 31</li> <li>3) The work could lead to dangerous subsidence or alter underground watercourses that could lead to flooding, as it has happened in other instances in the Camden area.</li> <li>4) The BIA responds "no" to question 2 of the underground constraints screening exercise. The site is 90metres from lost River Fleet.</li> <li>5) Site is within 70m of Kentish Town Baths where there are three capped deep bored wells including British Geological Survey borehole TQ28SE24, and to a house in Alma Street where there was</li> </ol>					

	<p>water ingress when a basement was constructed.</p> <ol style="list-style-type: none"> <li>6) The report fails to discuss flood risk although there was flooding in Kentish Town High Street in 1975.</li> <li>7) In this area flooding of basements is usually not due to groundwater ingress, as the Geotechnical report implies, but to inundation by flash flooding from sewers because of its proximity to the river courses.</li> <li>8) The lightwell design makes no allowance for flooding by surface water.</li> <li>9) The heave identified by the expert authors of the report could cause damage to party walls and foundations of No.27. Drilling and excavation operations could be as close as 1-2m to the kitchen and dining room and access through the passage between 25 and 27 might be required in an emergency.</li> <li>10) There will be prolonged noise and inconvenience to neighbours during basement excavation and construction.</li> <li>11) First-class gyms and leisure facilities have recently been installed at Kentish Town Baths 70m away. Reviving the addition of an additional floor with a mansard roof, already approved without opposition in application 2013/1305/P, would give the owners more floor space than the proposed basement, ample headroom and a magnificent view.</li> </ol> <p><u>Officer response</u></p> <ol style="list-style-type: none"> <li>1) See design section 4 below</li> <li>2) Noted. These are very minor inaccuracies in the wording within the Design and Access Statement.</li> <li>3) – 10) See Basement Impact section 2 below</li> <li>10) See section 3.2 below.</li> <li>11) Noted</li> </ol> <p>Following the second consultation and revised BIA letters of objection were received from Nos. 27 (Flats A &amp; B) and 33 Prince of Wales Road with the following comments:</p> <ol style="list-style-type: none"> <li>1) Excavation has started on the property according to the earlier flawed report which has led to cracks at number 27 which indicates party wall subsidence.</li> <li>2) There should be no more work done to the basement until party wall subsidence has been resolved.</li> <li>3) Parking spaces are being blocked by the works.</li> <li>4) There is noise and dust being created by the development.</li> </ol> <p><u>Officer response</u></p> <ol style="list-style-type: none"> <li>1) The works being implemented relate to the basement excavation granted a lawful development certificate (ref: 2013/7537/P).</li> <li>2) The involvement of a party wall matters are civil matters between those with a legal interest in the land.</li> <li>3) See transport section 5 below.</li> <li>4) This is not a valid reason to refuse the application. Construction is for a temporary period. Hours of construction are controlled via Environmental Health legislation and the applicant will be advised of this through an informative.</li> </ol>
<p>CAAC/Local groups comments:</p>	<p>N/A</p>

## Site Description

The site contains a 3-storey, semi-detached property located on the south side of Prince of Wales Road, west of the junction with Castlehaven Road and south of Grafton Road. The building is currently vacant however was previously used as a single family dwellinghouse.

The site is not located in a conservation area (article 1(5) land) and is not listed.

## Relevant History

### Application Site

2013/1305/P - Erection of a mansard roof extension to existing dwelling house (Class C3). Approved on 01/05/2013

2013/7537/P - Excavation of single storey basement extension under the footprint of existing dwelling house. Certificate of lawfulness granted on 20/01/2014

2013/7680/P - Erection of a 3 storey side extension including installation of 3x sash windows to front elevation and erection of roof extension including dormer windows at front and rear. Approved on 17/02/2014

2013/7684/P - Erection of a 2 storey rear extension. Approved on 04/03/2014

2013/7775/P - Single storey rear extension. Certificate of lawfulness granted on 29/01/2014

2013/7949/P - Single storey ground floor rear extension (3.5metres maximum height with 3.3metres to eaves level x 6 metres from rear wall of original dwellinghouse). Prior Approval not required 20/01/2014

## Relevant policies

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

### **London Plan 2011**

### **LDF Core Strategy and Development Policies**

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

CS17 (Making Camden a safer place)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

DP28 (Noise and vibration)

### **Camden Planning Guidance**

CPG1 (Design) 2013

CPG4 (Basements and lightwells) 2013

CPG6 (Amenity) 2011

## Assessment

### 1. Proposal

1.1. Permission is sought for the erection of a single storey basement underneath part of the dwellinghouse and extending into the garden with a depth of 3.3metres and a floor area of 65sqm. The basement would have a width of 5.1m-6.3m and extend 8.2metres from the rear wall of the building into the garden. The proposed lightwell would have dimensions 8.2m (D) x 1.4m (W) x 3.3m (H).

1.2. A certificate of lawfulness was granted on 29/01/2014 for the erection of a basement under the dwellinghouse under permitted development and work has already started on site. The basement granted a certificate of lawfulness had an area of 51sqm. As such the proposal would result in a 27% increase in the size of the basement currently under construction.

1.3. This application is assessed in terms of:

- Basement impact
- Impact on the amenity of the surrounding occupiers
- Impact on the appearance of the host building and surrounding area
- Transport

### 2. Basement impact

2.1. The Applicant submitted a Basement Impact Assessment in accordance with policy DP27 and the guidance set out in CPG4. Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes for basements 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.

2.2. The Basement Impact Assessment and related documentation submitted by the applicant has been subject to independent verification. This is owing to three main factors, as detailed within CPG4. First, it is owing to the nature of the proposals (the BIA submitted goes beyond the screening stage). Secondly, the location of the application site is located within an area of hydrological constraint (surface water flow and flooding) and thirdly the Council received a technical objection from a third party (concerns listed above). In such instances the Council requires all information (subsidised by the applicant) to be independently verified.

2.3. The submitted BIA was independently verified by LBH Wembley. They agreed that the submitted BIA was carried out by suitably qualified assessors. The report concluded that the BIA reflects the processes and procedures set out in DP27 and CPG4 however the design had not been progressed sufficiently to demonstrate sufficient detail and certainty to fully accord with DP27. The report stated that the following further information was required in order to comply with DP27.

- A detailed assessment of the extent of the possible ground movements and damage to be expected during and after the works.
- A specific construction sequence and methodology, prepared by a qualified Structural Engineer, indicating in detail how the host building and neighbouring structures are to be protected
- A detailed monitoring and contingency plan
- A detailed assessment of the existing and proposed surface water drainage measures

2.4. A neighbouring occupier has questioned the BIA as it states that the site is 90metres from the course of the eastern branch of the lost River Fleet and is close to the western branch. LBH

Wembley have commented on this by saying that “*it might be shown that the tributary to the East ran significantly closer to the site perhaps nearer 50metres than 120metres however the natural soils reported by the investigation are not indicative of any alluvial tract within the immediate vicinity of the site and in the apparent absence of groundwater the issue is arguably not of concern*”.

- 2.5. Concerns have been raised from a neighbouring property about subsidence or impact on underground watercourses that could lead to flooding, as it has happened in other instances in the Camden area. There are concerns that insufficient information has been received regarding flood risk as there was flooding in Kentish Town High Street in 1975 and there could be an inundation by flash flooding from sewers because of the proximity of the site to the river courses. There is also concern that there is no allowance for flooding by surface water that could reach the rear between numbers 25 and 27. The response from the Applicant is that Camden flood map does not show any evidence of surface water flooding at 29 Prince of Wales Road in 1975 and 2002. The Applicant proposes the lightwell design use concrete up-stands to prevent surface water ingress.
- 2.6. Concerns have been raised about damage to party walls and foundations of No.27 and cracks are already visible in adjacent properties. Some basement excavation works have already taken place under permitted development. LBH Wembley has confirmed that these did not follow the methodology set out in the BIA with some unsupervised digs being executed. LBH Wembley do consider that provided the condition of the completed underpinning is acceptable then the risks associated with the remaining works would be significantly less than the risks associated with the remaining works proposed. In response to this GEA has advised that ground movement analysis for No 29 Prince of Wales Road has predicted that the damage to the adjoining and nearby structures would generally be Category 0 (negligible) to Category 2 (slight) damage and the damage that would inevitably occur as a result of such an excavation would fall within the acceptable limits as set out in paragraph 2.31 of CPG4. It is recommended that a condition is added to ensure that the basement works are monitored by a qualified engineer (Council’s standard basement condition).
- 2.7. In response to the above, the Applicant submitted a revised BIA submitting the further information requested by LBH Wembley. This was again reviewed by LBH Wembley who considered that the additional information was sufficient to approve the application. They considered that “the additional information has been provided and it is now concluded the submission meets the requirements of DP27.”

### **3. Impact on the amenity of the surrounding occupiers**

- 3.1. Given that the proposal is accommodated wholly below existing ground level it is not considered that the proposal would have an unacceptable impact on the amenity of adjoining or nearby occupiers by way of loss of light, sense of enclosure or loss of outlook.
- 3.2. Any noise and disturbance caused by the building works are not considered to be a reason to refuse the application. An informative is added to the draft decision that highlights that under the Control of Pollution Act 1974 building work should not be heard at the boundary of the site outside 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturday and not at all on Sundays and Public Holidays.

### **4. Impact on the appearance of the host building and surrounding area**

- 4.1. Concerns have been raised from neighbouring properties about the extent of the proposed basement being more than double the size of the current property and the impact in terms of conservation for the Prince of Wales Road area. The site is not located in a conservation area and the basement would not be visible from the street. It would be largely located underneath the house and the existing garden with just a stairwell lightwell at the rear. It is considered that

there would be minimal external change to the appearance of the site.

## **5. Transport**

5.1. Concerns have been raised from neighbouring occupiers about the construction impact. Owing to the location of the building on Prince of Wales Road and the level of works associated with the excavation of the basement, it is considered necessary for a construction management statement (CMS) be secured. The purpose of the CMS is to minimise, as far as possible, the impacts of construction on neighbouring occupiers, and the highway. It is recommended that a CMS be secured via condition.

## **6. Recommendation**

6.1. It is recommended that conditional permission is granted.