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|---|--|--|-----------|----------------------------------|-----------|-------------------------------------|-----------|
| <b>Delegated Report</b>   |  | <b>Analysis sheet</b>  |           | <b>Expiry Date:</b>              |           | 01/01/2015                          |           |
|   |  | N/A / attached   |           | <b>Consultation Expiry Date:</b> |           | 28/11/2014                          |           |
| <b>Officer</b>  |  |  |           | <b>Application Number(s)</b>     |           |                                     |           |
| Nanayaa Ampoma  |  |  |           | 2014/4617/P                      |           |                                     |           |
| <b>Application Address</b>  |  |  |           | <b>Drawing Numbers</b>           |           |                                     |           |
| 9 Ellerdale Road<br>London<br>NW3 6BA   |  |  |           | See Draft Decision               |           |                                     |           |
| <b>PO 3/4</b>   |  | <b>Area Team Signature</b>   |           | <b>C&amp;UD</b>                  |           | <b>Authorised Officer Signature</b> |           |
|   |  |  |           |                                  |           |                                     |           |
| <b>Proposal(s)</b>  |  |  |           |                                  |           |                                     |           |
| Extension of existing basement and excavation of lightwells, in addition to new landscaping |  |  |           |                                  |           |                                     |           |
| <b>Recommendation(s):</b>   |  | Grant householder permission   |           |                                  |           |                                     |           |
| <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>04</b> | No. of responses                 | <b>00</b> | No. of objections                   | <b>00</b> |
|   |  |  |           | No. electronic                   | <b>00</b> |                                     |           |
| <b>Summary of consultation responses:</b>   |  | <p>The application was advertised in the Ham and High between the period of 07/08/2014 to 28/08/2014 and a Site Notice was displayed for a period of 21 days between 06/08/2014 to 27/08/2014 at the site.</p> <p>Affected neighbours were also notified via direct letters.</p> <p>No neighbour objections have been received</p> |           |                                  |           |                                     |           |
| <b>CAAC/Local groups* comments:</b><br><small>*Please Specify</small>                       |  | <p>Fitzjohns/Netherhall CAAC: The proposed extension does not seem to be beneficial accommodation. The basement should be lit by vertical windows. Object to possible light pollution. There is not sufficient detail of the proposed landscaping.</p> <p>Officer response: see paragraph 16.1.</p>                                |           |                                  |           |                                     |           |

## Site Description

The application site relates to a large dwelling house that is west of the borough near the junction of Ellerdale Road and Prince Arthur Road. The area is predominately residential in nature and characterised by large detached properties.

The property is not listed but does fall within the Fitzjohns and Netherhall Conservation Area. The conservation area statement notes that the property was among many built in the 1890s by Theodore Green (p:14). The property is considered a positive contributor with good views through the west of the site (p. 21)

The property currently benefits from a basement and has been the subject of previous building and development works. The garage area the subject of this application was given permission under planning reference 9401315 in 1994 (see relevant history section below for details).

## Relevant History

**2013/3793/P:** Erection of replacement conservatory extension and roof extensions to single dwelling house (Class C3). **Granted 23/8/2013**

**9460138:** Partial demolition of rear wall in connection with erection of rear extension as shown on drawing numbers 280 01 280 02 280 08 280 04 280 05 and 280 06.- **Granted 4/11/1994**

**9460137:** Partial demolition of boundary wall as shown on drawing numbers 280 07 280 08 280 09 and 280 10. – **Granted 4/11/1994**

**9401320:** Erection of a single storey rear extension to house as shown on drawing numbers 280 07 280 08 280 09 and 280 10. – **Granted 4/11/1994**

**9401315:** Erection of a double garage as shown on drawing numbers 280 07 280 08 280 09 and 280 10. – **Grant 4/11/1994**

**1855:** The conversion of a single family dwelling house at No. 9, Ellardele Road, Hampstead, into two self-contained maisonettes.- **Granted 6/5/1955**

## Relevant policies

### **LDF Core Strategy (2010)**

CS5 Managing the Impact of Growth and Development

CS11 Promoting Sustainable and Efficient Travel

CS13 Tackling Climate Change Through Promoting Higher Environmental Standards

CS14 Promoting High Quality Places and Conserving Our Heritage

### **LDF Development Policies (2010)**

DP20 Movement 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 Basements and Lightwells

DP28 Noise and Vibration

### **Supplementary Planning Policies (2011/2013)**

Fitzjohns and Netherhall Conservation Area Statement

NPPF 2012  
London Plan 2011

**Assessment**

**Proposal**

- 1.1 The application seeks planning permission for the development of the existing basement. The existing basement covers a partial area of the property's ground floor in an L-shaped design. The proposed basement addition would be built close to the property at no.18 Prince Arthur Road. The development would add an additional area of around 30% to the property's basement. The proposed area would allow for the creation of a larger dining and living area.
- 1.2 At its longest the added basement area would measure 8 metres from the rear wall of the existing front store area close to the boundary of no.18 Prince Arthur Road. The proposed width, at its widest would be around 6 metres. The floor to ceiling height of the existing basement would be increase from 1.9 metres to between 2.5 and 3.4 metres.
- 1.3 The application also proposed 4x skylights at the front of the property, a new staircase in the rear garden and a new door to the rear elevation.
- 1.4 The proposed new skylights would be of differing sizes and provide light to the basement during the day time. Landscaping is also proposed at the front of the property around the proposed skylights. This is in order to bring greater greenery to the front garden area and hide some of the skylights.

**Discussion**

- 2.1 The key planning concerns relate to the scale, size, design and structural stability of the development.
- 3.1 The below sections will be set out as follows:
- Design
  - Basement Impact Assessment
  - Amenity
  - Tree Impact

*Design*

- 4.1 The proposed basement would incorporate the existing garage area at lower ground floor and the resulting area would be used as dining/living area.
- 5.1 The position of the site and the property means that the development, including the skylights would be completely hidden from street view and any passersby. In order to view the skylights it is necessary to enter into the site. The skylights would also be hidden from view by the proposed landscaping to the front of the property. No period feature or building character would be harmed as a result of the development. Aside of the new steps and new door at the rear of the property the building would remain largely as existing.
- 6.1 Policies CS14 and DP25 require that all alterations in conservation areas respect and enhance

the character of the area and location. As such, the Council will only give permission to those developments that preserve or enhance the character and appearance of the area. This is further supported by policies CS5 of the Core Strategy and DP24 of the Development Policies which state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the character, sitting, context, form and scale to the existing building and the general area

- 7.1 Officers consider that the development is compliant with the above, owing to the relatively minor nature of the works and their location in respect of the building and wider context.

*Independent Basement Assessment*

- 8.1 Policy DP 27 requires that in determining basement and lightwell applications the scheme's impact on drainage, flooding, groundwater conditions and structural stability should be assessed. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability. For all major works a BIA and management plan for demolition and/or construction plan (if in a conservation area) should be submitted and the Council will seek to gain independent verification that the development is structurally stable and would not compromise the integrity of the existing building or neighbouring properties. DP27 requires that the following criteria be considered:

- a) maintain the structural stability of the building and neighbouring properties;
- b) avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- c) avoid cumulative impacts upon structural stability or the water environment in the local area.

- 9.1 An initial Basement Impact Assessment (July 2014) and Ground Movement Assessment Report (Oct 2014), were submitted as part of the supporting documents for the application. The assessment was completed by Geotechnical and Environmental Associates. The initial submitted BIA was independently verified by Geotechnical Consulting Group in August 2014. Their findings concluded that further details were required regarding a typographic error in the report and that:

*The submitted BIA documentation is comprehensive and addresses the majority of issues required, but fails to demonstrate that the structural stability of the neighbouring building will be maintained.*

*It is therefore considered that the submission is not compliant with CPG4 and the requirements of DP27 (a to c).*

*It is recommended that a ground movement assessment and associated damage assessment be provided by the applicant for the neighbouring 18 Prince Arthur Road; assuming that this demonstrates that structural stability will be maintained, the application would then be considered to be compliant with CPG4 and DP27.*

- 10.1 The applicant replied by submitting an addendum to the report dated October 2014, the Party Wall Agreement between the site and its neighbour at 18 Prince Arthur Road for the renovation of their basement, as well as an amended BIA with updated works. These demonstrated that during the works completed at the neighbouring property the required underpinning works were undertaken between the site and its neighbour and as a result already exist on site. The amended applicant BIA concluded as follows:

*The analysis has concluded that the predicted damage to the neighbouring properties would be either 'Negligible' or 'Very Slight'. On this basis, the damage that would inevitably occur as a result of such an excavation would fall within the acceptable limits.*

*The basement excavation will in practice be separated by a number of weeks during which time construction of ground and basement floor slabs and curing will take place. This will provide an opportunity for the ground movements during and immediately after excavation to be measured and the data acquired can be fed back into the design and compared with the predicted values. Such a comparison will allow the ground model to be reviewed and the predicted wall movements to be reassessed prior to the main excavation taking place so that propping arrangements can be adjusted if required.*

- 11.1 Having considered the additional details, the independent assessor agreed that the amended BIA together with the Party Wall details, plans and further works fully addressed all his concerns relating to the structural integrity of the development. Therefore, following the submission of the additional information during the course of the application, the structural stability of the host and neighbouring properties, the water environment and the cumulative impacts of both have been independently verified as being maintained. Hence, the applicant has comprehensively demonstrated that the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability.

#### *Amenity*

- 12.1 Under section 7 of supplementary planning guidance CPG 6 (Amenity), all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.
- 13.1 Policy DP26 looks to protect the amenity of neighbours from the effects of development by way of overlooking, enclosure, loss of privacy, noise, fumes and dust. However it should be noted that this policy looks at the more long term impact of a development rather than more immediate and what can be considered shorter term impacts such as building noise in the day time.
- 14.1 An officer visit to the site demonstrated that the proposed development is unlikely to impact the neighbouring properties in the ways described above in the long term. However in the short term it will create discomfort in terms of dust, noise and construction works. In assessing these concerns officers are required to balance the likely short term effects of the development with the development as a whole.
- 15.1 Having fully considered these issues officers are of the view that these short term impacts would only be an issue during construction and that they do not represent a significant reason to refuse the application on these grounds. All development in some way or another would create a similar issue. However although the property is within a conservation area much of the proposed basement is already present and much of the basement works would be constructed away from the main road. The Highways Officer has stated that given the position and size of the proposed basement works there are no significant impacts on the area envisaged and therefore no further construction management details are required to be submitted at a later stage.
- 16.1 The CAAC have objected to the development of the basement on the grounds that it is not necessary and does not represent "beneficial accommodation". However officers cannot dictate the use of the space being proposed in this particular case. The focus of the assessment is based on whether the development is structurally sound and acceptable rather than whether it would benefit the current occupiers. The CAAC have also highlight possible light pollution created by the basement which would have an impact on neighbour amenity. They have recommended vertical windows to be used. However the use of these windows would not be able to provide light to the front area of the basement. It is accepted that there is a likelihood

that the area could be used in the evenings and night time. Therefore there will always be greater light emanating from the property. However officers cannot agree that the increased light would create a significant amount of light pollution because any light would be contained within the property boundary. As stated above, the property is currently hidden by planting and is set away from the main road. Therefore there is unlikely to be any harmful light spillage that may compromise the current amenity experienced by neighbours. In light of the above, the proposed skylights have been considered acceptable.

#### *Trees*

- 17.1 The proposed basement would be predominately constructed on the opposite side of the existing trees on site. There is already a basement development near these trees that would remain. The submitted tree report concluded that all thirteen trees be retained on the site would be carefully protected during and after development. The methods described for their retention were considered acceptable by the Tree Officer. Also, that the development would not pose any threat to the health and safety of the trees to be retained.
- 18.1 The proposed landscaping would be built around the existing trees and increase the amount of soft landscaping on site. The Trees and Landscape Officer has confirmed that these details are acceptable and on the basis of the information submitted, it is not considered necessary for further details to be submitted via conditions pertaining to the protection of the thirteen trees during the construction phase.
- 19.1 Therefore officer are of the opinion that the existing protected trees would not be harmed during the construction of the basement.

#### **Conclusion**

- 20.1 The proposed basement development would not compromise the structural integrity of the building, nor have a harmful impact on the amenity of nearby neighbours. It would not be visible from the street scene or impact on the character of the property or the conservation area. The development therefore complies with the Camden LDF and should be approved.

**RECOMMENDATION: GRANT HOUSEHOLDER PERMISSION**

#### **DISCLAIMER**

**Decision route to be decided by nominated members on *[insert date here : eg Tuesday 2 April 2013]*. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'**