

Miss Jenna Litherland
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London WC1H 8ND

Our Ref: JC/SAU/10518

Date: 9 August 2014

Dear Miss Litherland

Planning Application 22 Lancaster Grove

Planning Reference 2014/2037/P

I am instructed by Dr. Oliver Samuel, the owner occupier of 24 Lancaster Grove and therefore, the immediate neighbour to the proposed development at 22 Lancaster Grove.

I am instructed to comment upon the daylight, sunlight and overshadowing report provided by Syntegra Consulting in support of a planning application and dated April 2014. I regularly report to Camden, as the local planning authority, on daylight, sunlight and overshadowing and I attach herewith my credentials in confirmation of my expertise.

Time prevents a full and detailed review of all aspects of Syntegra's report. That would require the applicant's agreement to forwarding all survey and architectural information of existing and proposed conditions, in a DWG format that would allow BVP to build a 3D model and interrogate this with our own software. However I have visited site and I have reviewed Syntegra's report, and comment as follows.

1. **Generally**

1.1 Whilst I can agree with the references to the guidance document being the Building Research Establishment report "Site layout planning for daylight and sunlight: A guide to good practice" second edition 2011, I cannot concur with item 3 - Planning Policy. This states there are "*no national or local policies specifically relating to daylight, sunlight and overshadowing*".

1.2 Whilst there are no national policies, Camden's local policies should be referred to as they are of the utmost importance.

Policy CS5 - Managing the impact of growth and development.

Extract - "the council will protect the amenity of Camden's residents and those working in and visiting the borough by:

- (e) *Making sure the impact of developments on their occupiers and neighbours is fully considered*".

Policy DP26 - Managing the impact of development on occupiers and neighbours.

"The council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- (a) Visual privacy and overlooking.*
- (b) Overshadowing and outlook.*
- (c) Sunlight, daylight and artificial light levels.*

Although not part of my brief, I notice that Syntegra's report does not consider daylight and sunlight to proposed accommodation, both of which are specifically referred to in the policies outlined above and within the Mayor's London Plan, specifically the Supplementary Housing Design Guide. The London Plan is also an integral part of Camden's planning policy framework.

- (f) The model does not appear to reflect the proposed building. I draw your attention to the proposed site plan, drawing No. 22LG-P1-(10)-001.C. This defines a sideways 1m wide and a setback of similar scale, for the rear half of the house at first and second floor levels. The latter is not detailed on the model and the sideways is considerably more than 1m. This distorts all the readings and means they cannot be relied upon.
- (g) Similarly the modelling of my client's house suggests that the breakfast room, with its angled wall is parallel to and stands very approximately 1m from the boundary. In fact the angled wall coincides with the boundary and again the daylight and sunlight readings will not reflect the true situation.
- (h) Trees have been included in the model. This is not in accordance with BRE guidance. The inclusion of trees does not extend to all my clients' boundaries and inevitably the question rises as to what their inclusion was seeking to accomplish.
- (i) Substantial buildings to the rear and fronting Eton Avenue are, I acknowledge, at some distance. However they have been included in the model in a truncated form. Either they are relevant and their complete mass should be defined or, it should be shown why they are irrelevant.

2. **Daylight**

- 2.1 Table 2 on page 13 defines VSC (daylight at the face of a window) in the existing and proposed condition. I have already explained why these readings need to be revised, because the juxtaposition of 22 and 24 Lancaster Grove is not accurately defined. Had the variation been small, I would have accepted that as being of little relevance but the gap in the model, between 24 and the proposed 22 is significantly different to the planning drawings, as is the factual location of No. 24 in relation to the boundary.
- 2.2 In any case the right hand column of Table 2, headed "Result" concludes that any variation between existing and proposed is in all cases "negligible".
- 2.3 Page 12 of the report defines "*criteria for assessing daylight, sunlight and overshadowing effects*". In relation to the term "negligible" it confirms that VSC must be above 27% or have a reduction of 0.8 of the base line (existing) value. Why therefore, in relation to surface 9 and surface 10 where the ratios are as low as 0.63 and 0.66 is the result still negligible when it should read, by Syntegra's own definition, "moderate adverse".
- 2.4 I also take this opportunity of confirming that these criteria are not given specific definitions by BRE. They are referred to in Appendix I of the BRE guidance but only in relation to environmental impact assessments, and without fixed values.

3. **Sunlight**

- 3.1 Because of my concerns with regard to the location and relationship between existing, proposed and neighbouring buildings, together with the introduction of some but not all trees into the model, I am unable to accept the accuracy of the readings that have been given.

4. **Overshadowing**

- 4.1 For similar reasons, with regard to the location of buildings within the model and the inclusion of trees (further complicated by the fact that it is some trees not all trees) I am unable to accept that the report defines the true situation.

5. **Sense of Enclosure**

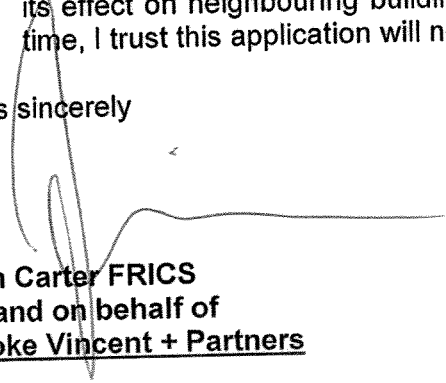
- 5.1 During my site visit I was convinced the proposed development would create a significant sense of enclosure. This was not reflected in the daylight readings. Now, having commented on the inaccuracy of the model, I know why.

6. **Summary**

When I made my site inspection I was surprised by some of the results. I accept that even an experienced eye is still working within a degree of tolerance, but these concerns have been confirmed. The juxtaposition of the existing and proposed buildings with my client's neighbouring property is incorrectly defined. Some but not all trees have been included and the use of impact criteria, more normally reserved for environment and impact assessments, has not always been used in an appropriate manner.

It is therefore unreasonable to expect consultation to continue until the daylight, sunlight and overshadowing report provides a more accurate representation of the proposal and its effect on neighbouring buildings, sense of enclosure and amenity areas. Until that time, I trust this application will not proceed to committee.

Yours sincerely


John Carter FRICS
For and on behalf of
Brooke Vincent + Partners

email: john.carter@brooke-vincent.co.uk

c.c. Dr. Oliver Samuel
Barrie Tankel

A Founding Partner of Brooke Vincent + Partners in 1974, a Director from May 2007 and a Fellow of the Royal Institution of Chartered Surveyors since 1981.

Professional experience covers most aspects of a Chartered Building Surveyor's workload. Now almost exclusively Rights to Light and Daylighting but occasionally Party Wall legislation, boundary disputes and building surveys of a wide variety of building styles and ages.

Past Chairman of the Pyramus & Thisbe Club (a club for surveyors advising on boundary related disciplines) and Honorary Secretary from 2000 to 2007. Previously a member of two of the Institution's skills panels (residential surveys and geodetics) and a consulting member to the boundaries panel.

Whilst with the residential survey panel, co-opted onto the working party responsible for revising and extending the RICS Good Practice Note for Residential Building Surveys and thereafter scripting and presenting an educational tape on the same subject.

For many years an independent assessor of candidates undertaking their RICS Assessment of Professional Competence. In 1999, received CEDR accreditation as a mediator and became a member of the RICS panel of mediators (both now lapsed).

Previously a frequent speaker on Party Wall issues and building surveys but now speaking almost exclusively on Right of Light, Daylight and related topics. During the last few years, providing the knowledge based background to the production of new software that has now gained widespread acceptance for the analysis of natural light in the built environment.



BROOKE VINCENT + PARTNERS

CHARTERED BUILDING SURVEYORS, ENTERPRISE HOUSE, THE CREST, LONDON NW4 2HN
www.brooke-vincent.co.uk Tel 020 8202 1013

Miss Jenna Litherland
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London WC1H 8ND

Our Ref: JC/FR/10518

Date: 3 September 2014

Dear Miss Litherland

Planning Application 22 Lancaster Grove

Planning Reference 2014/2037/P

In response to my letter of 9 August 2014, in which I expressed my concerns regarding the daylight, sunlight and sense of enclosure aspects of this Planning Application on 24 Lancaster Grove, I have been forwarded Syntegra Consulting's response, which I now refer to. Syntegra's letter helpfully uses the same annotation as my letter of 9 August 2014 and I shall continue in the same vein.

1. **Generally**

- 1.1 I trust it can be accepted that as my letter quotes from Camden's Policies CS5 and DP26, the content of those policies cannot be refuted. Syntegra conclude that their report is wholly in accordance with the London Borough of Camden's expectations, despite reference only to neighbouring buildings, not proposed accommodation. This cannot be the case, as DP26 clearly states "*The Council will protect the quality of life of **occupiers** and neighbours by only granting permission for development that does not cause harm to amenity*". The policy then goes on to define factors that are to be considered in relation to sunlight and daylight. In other words, the daylight and sunlight of proposed accommodation should be considered as part of the Planning Application. It is a local policy and it is something that I am expected to provide when submitting Daylight & Sunlight Reports to the London Borough of Camden, unless there is a specific agreement to the contrary. I do not believe that four townhouses can be considered worthy of an exclusion.



Directors: John Carter FRICS David Sirman MRICS Andrew Cornick BSc(Hons) MRICS
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Registered in England and Wales No. 6009355. Registered address as above

- (f) Syntegra have confirmed their model is not in accordance with the architect's drawings. I can understand the argument that shortcuts are taken where architectural detailing is not relevant to outcome. That is both sensible and appropriate, but I do not accept the case in this location.

I attach drawings of the proposed ground floor and Section A-A. See **Appendix 1**. Whilst the internal floor to ceiling height of the ground floor is not intended to rise above the boundary wall, the flat roof structure would, and this would have a small effect on daylight readings where the rear (south east corner) of the ground floor will stand independently of the higher walls that rise behind the 1m setback. However, more significant is the fact that the front half of the building, with no upper floor setback, has also been excluded from the model and this would have a more noticeable effect on the readings to the flank window of the dining room which, lest it be forgotten, is the larger and primary window serving this space.

In numerical terms, this means the average Vertical Sky Component (VSC), which is 19.4% in the existing condition, reducing to 13.75% in the proposed condition as presently measured by Syntegra, would further reduce. The present figures already show the proposed value to be 71% of the existing, which BRE define as an adverse effect, but I conclude is worse than that stated.

Continuing with the dining room windows. Even the revised graphics for the second window to this room show a window that is significantly larger than the window in situ and I attach a photograph to confirm this. See **Appendix 2**.

- (g) I remain unconvinced the model has been revised to reflect the true location of the breakfast room serving 24 Lancaster Grove. The graphics on pages 4, 6 and 7 all show a gap between this room and the boundary wall. This does not exist, as confirmed by the attached Photograph 2, **Appendix 2**. In consequence, it is difficult to accept the window is correctly located in relation to the existing built environment and proposed built environment. The revised figures confirm a reduction from existing VSC to proposed VSC of 27% to 21.25%, a ratio of 80%. This is touching on an adverse impact and for the reasons I have outlined in items (f) and (g), could in fact be an adverse impact.

- (h) I am grateful to Syntegra for explaining their inclusion of trees, which can be a very difficult aspect of reporting. However, there remains the problem that Syntegra correctly quote from BRE in relation to a "*dense belt of evergreen trees*" but then go on to say the aerial photograph confirms the presence of "*a dense belt of high trees*". Whilst this is a difficult area to deal with in a rational manner, it would be helpful if you were able to confirm Camden's attitude in this matter. Are the trees simply there to define overshadowing or are they also there to be considered in relation to daylight and sunlight readings? Unfortunately Syntegra's response does not explain whether the bank of trees is included or excluded from daylight and sunlight. In my opinion, inclusion or exclusion will create an enormous variation in readings and it was therefore perfectly appropriate for me to raise the question, as the trees are a significant element of sky obstruction.

Revised Daylight Study

I have already commented on the revised study to windows S3, S5 and S14 and now take this opportunity of commenting on other matters referred to in Syntegra's response.

At the bottom of page 6 they refer to the living room and dining room of 24 Lancaster Grove being a single room. It is conventional to view these as two separate spaces and in that respect, Window S1 is an irrelevance.

At the bottom of page 7, Syntegra seek to exclude a breakfast room as being relevant to daylight guidelines. Syntegra correctly quote BRE item 2.2.2, which states, "*The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, store rooms, circulation areas and garages need not be analysed*". The suggestion that the list of habitable rooms by BRE as kitchen, living/dining room and bedrooms is exclusive to those rooms alone, is incorrect. The reference is to "*including living rooms, kitchens and bedrooms*", it is not an exclusive list, and it is noticeable that Syntegra refer to living/dining room when BRE do not. This confirms Syntegra's view also that the list is not exclusive. Indeed it cannot be, as nearly every block of flats is built with large open space living, with the main room being a combined kitchen, living and dining room. You cannot cut out the

dining space, it is properly accepted as part of the living space. The Code for Sustainable Homes refers to studies, now more commonly called home offices, and these are undoubtedly a habitable room but are not a living room, kitchen or bedroom. There can be no suggestion that a breakfast room is anything other than a habitable room. The comments I made in my original letter are both correct and appropriate.

- (i) I agree most of the surrounding buildings are irrelevant in terms of daylight/sunlight/overshadowing, but I would have expected those to the south to have had a small effect in relation to daylight. Having defined the buildings, it is appropriate that they should be fully modelled.

2. Daylight

I acknowledge and accept Syntegra's explanation with regard to windows S7 to S10 inclusive, although I still find the table misleading. The impact on windows S9 and S10 is not negligible. There is an adverse impact. It is the impact on the rooms they serve that is negligible in the circumstances of this case.

I note that my commentary on the use of impact criteria is refuted. I attach herewith the relevant page from BRE Guidance on Impact Assessment. See **Appendix 3**. This refers to the reduction factors that Syntegra reference but only in relation to environmental impact assessment. That is not to say they are unknown to me. I use them myself when undertaking an Environmental Impact Assessment for a major Planning Application and an Environmental Statement has to be submitted. However, that is to help the reader of the Statement, whether it be the Local Planning Authority or a lay person, understand the degree of impact on a wide variety of locations, or a significant variation to the existing built environment. It is clear from BRE's Guidance that this system is not to be used where consideration is being given to a conventional application. In those circumstances we are bound to refer to any loss up to 20% as being negligible but thereafter, it is to be defined as an adverse effect. I know from having had my own work peer-reviewed by BRE that if there is an adverse effect, consideration has to be given to how frequently this occurs, the relevance of the room - bedroom, living room etc - and other factors specific to the case. To do otherwise is to rewrite BRE's Guidance.

3 + 4 **Sunlight and Overshadowing**

I am unable to make further comment, as I still do not understand the manner in which these have been assessed. Are the deciduous trees included or excluded, assuming a full year's tree canopy?

5. **Sense of Enclosure**

The more I consider this matter, the more important I believe the sense of enclosure to be. It is an inevitable consequence of a councillor's workload that they cannot read every word of every report that is submitted and they cannot independently assess each and every aspect of those reports. However, it is reasonable to assume that a councillor may pick up the Daylight & Sunlight Report and consider the modelling. This gives the impression of a distance between No. 24 and the proposed building at No. 22 that would simply not exist. If all parts of the building adjacent to the boundary were built, it would give a very different impression, and the sense of enclosure would be manifest. This sense cannot be appreciated by looking at the architect's plans alone. See **Appendix 1**. Section A-A is of no help, as the immediately neighbouring elements of No. 24 are not included. What is more misleading is the drawing of the proposed front elevation. See **Appendix 4**. This seems to have been drawn parallel to the front elevation of No. 22, not parallel to the street. If, as one would expect, the elevation is taken parallel to the street, to give the proper street scene, then it would be shown how the rearward extension of this proposal would enclose upon 24 Lancaster Grove and not remain hidden behind the front elevation, constantly at the same distance from No. 24.

The rear elevation creates an even greater distortion. This again suggests the two buildings stand parallel to one another, but the location plan shows they do not. Photograph 3 clearly shows the boundary line cuts across the face of the breakfast room window, whereas the drawing of the rear elevation suggests the boundary and the proposed building, both stand well clear of this window.

From the moment I arrived on site, I was convinced there would be a significant sense of enclosure. My previous letter remarked upon how the incomplete modelling failed to give this impression as well as giving incorrect daylight and sunlight readings. I should also have added that the architect's drawings give an entirely wrong impression and it is important the councillors visit site and enter the rear garden of No. 24 to understand just how significant this sense of enclosure would be.

Summary

Despite the entirely appropriate nature of the concerns expressed in my detailed correspondence, I understand this matter is set for the September Committee date, with a recommendation for approval.

This letter explains why I consider this is inappropriate. Whilst BRE guidelines and the manner in which numerical values have been defined can always be discussed between experts, I am absolutely convinced beyond doubt that this proposal would be the cause of an unacceptable sense of enclosure to 24 Lancaster Grove. No. 24 does not stand parallel to the boundary between the two buildings. At the rear, it faces towards the boundary. Whilst the forward extension of the proposed building beyond the apparent building line came as a surprise, it is not entirely relevant to the purpose of my report. The rearward extension of the proposal is unacceptable and anybody who stands in the rooms on the west side of 24 Lancaster Grove or within the rear garden, can only conclude that the sense of enclosure is unacceptable. I continue to believe this is overdevelopment of the site and should not proceed to Committee with a recommendation to approve. If it is to go to Committee, then it is important that the councillors are given the opportunity to make an inspection from within 24 Lancaster Grove.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Carter', followed by a small 'pp' or similar mark.

John Carter FRICS
For and on behalf of
Brooke Vincent + Partners

email: john.carter@brooke-vincent.co.uk

cc: Dr. Oliver Samuel
Barrie Tankel

APPENDIX 1

NOTES:

1. ALL DIMENSIONS ARE IN METERS.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.



DATE: 2013-05-22

BY: [Signature]

FOR: [Signature]

PROJECT: 2013-05-22

SCALE: 1:100 (A3) 1:200 (A4)

PROJECT: 2013-05-22

SCALE: 1:100 (A3) 1:200 (A4)

PROJECT: 2013-05-22

SCALE: 1:100 (A3) 1:200 (A4)

PROJECT: 2013-05-22

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PROJECT: 2013-05-22

SCALE: 1:100 (A3) 1:200 (A4)

PROJECT: 2013-05-22

SCALE: 1:100 (A3) 1:200 (A4)

KAS

ARCHITECTURE AND INTERIOR DESIGN
10111 STREET, LONDON, UK
020 7461 1111

22 LANCASTER GROVE

PLANNING

PROPOSED GROUND
AND BASEMENT

2013-05-22

2013-05-22

2013-05-22

2013-05-22

2013-05-22

2013-05-22

2013-05-22

2013-05-22

2013-05-22

2013-05-22

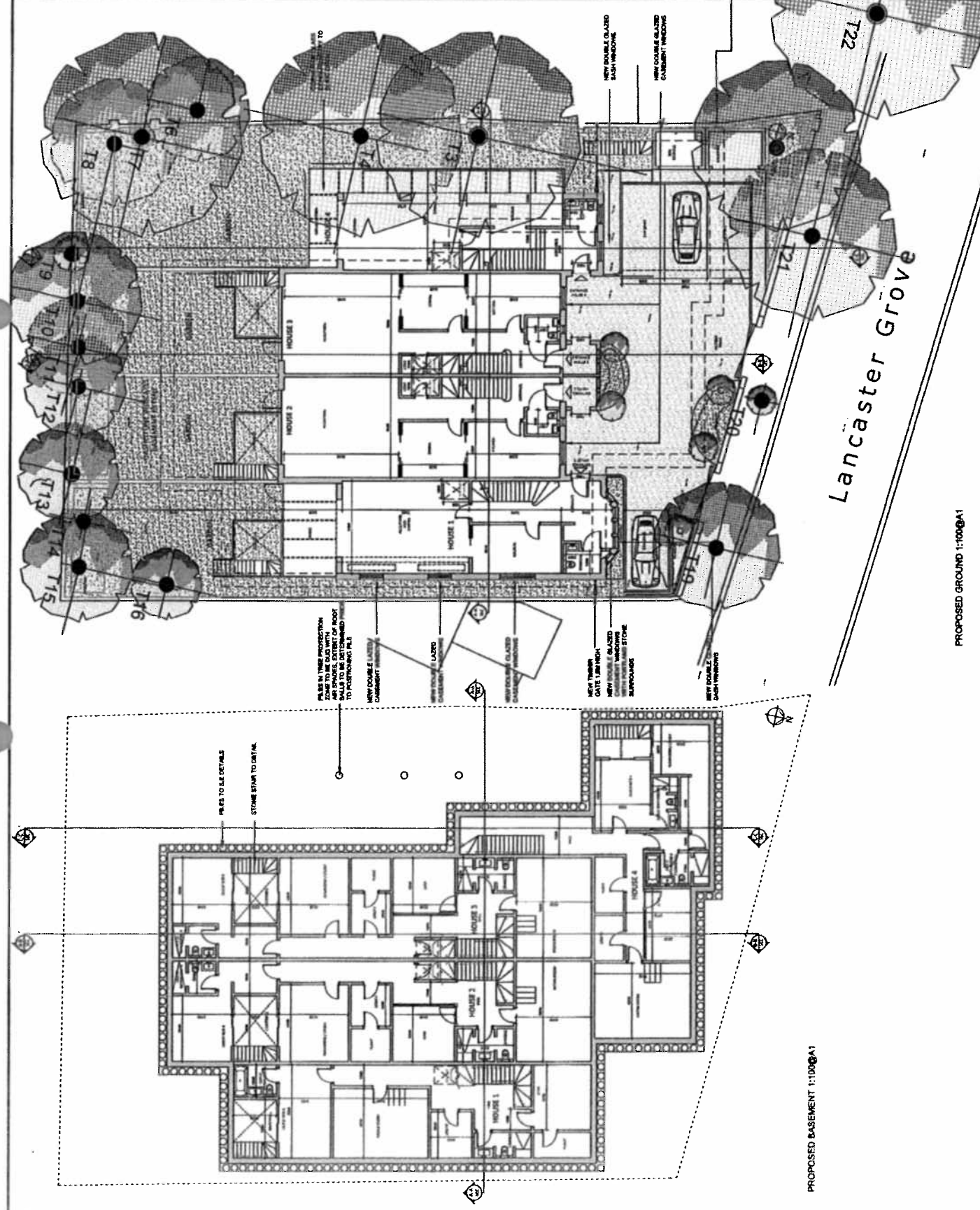
2013-05-22

2013-05-22

2013-05-22

PROPOSED BASEMENT 1:100 @ A1

PROPOSED GROUND 1:100 @ A1



All dimensions and loads are to checked on site for the main contractor prior to commencing pile driving works. Any discrepancy is to be reported back to the Designer for confirmation.

MS	Module #	DATE	Per. Appr.
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REV C	BUILDING REDUCED IN HEIGHT, INCREASED GROUND
REV B	NO TIES ADDED
REV A	NO TIES ADDED

22 LANCASTER GROVE

DRAWING STATUS:

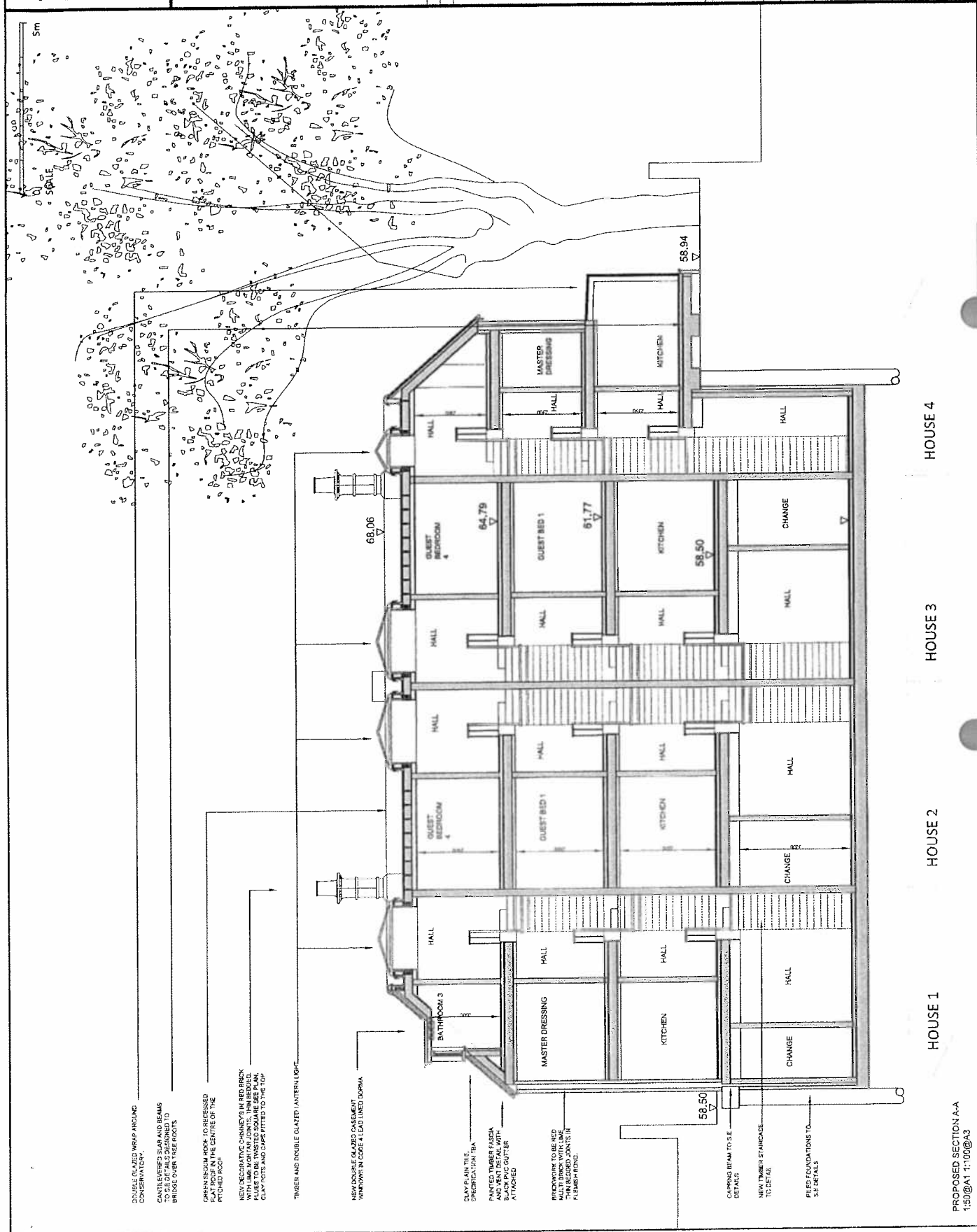
PROPOSED SECTION A-A

LOCALS:	1:50 (A1); 1:100(A3)	DATE:	2013-03-22	APPROVED:		DATE:	2013-03-22
JOB NUMBER:	22LG	DATE:	22LG-P1-11-10	DATE:		DATE:	

KAS

ARCHITECTURE AND INTERIOR DESIGN
BATH STREET, LONDON, E.C.1V

PROPOSED SECTION A-A
1:50 @ A1 1:100 @ A3



APPENDIX 2

Photo 1



Photo 2

Photo 3.



APPENDIX 3

APPENDIX I

ENVIRONMENTAL IMPACT ASSESSMENT

11 The guidelines in this book may be used as the basis for environmental impact assessment, where the skylight and sunlight impact of a new development on its surroundings are taken into account.

12 Where a new development affects a number of existing buildings or open spaces, the clearest approach is usually to assess the impact on each one separately. It is also clearer to assess skylight and sunlight impacts separately.

13 Adverse impacts occur when there is a significant decrease in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space.

14 The assessment of impact will depend on a combination of factors, and there is no simple rule of thumb that can be applied.

15 Where the loss of skylight or sunlight fully meets the guidelines in this book, the impact is assessed as negligible or minor adverse. Where the loss of light is well within the guidelines, or only a small number of windows or limited area of open space lose light (within the guidelines), a classification of negligible impact is more appropriate. Where the loss of light is only just within the guidelines, and a larger number of windows or open space area are affected, a minor adverse impact would be more appropriate, especially if there is a particularly strong requirement for daylight and sunlight in the affected building or open space.

16 Where the loss of skylight or sunlight does not meet the guidelines in this book, the impact is assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include:

- only a small number of windows or limited area of open space are affected
- the loss of light is only marginally outside the guidelines
- an affected room has other sources of skylight or sunlight

- the affected building or open space only has a low level requirement for skylight or sunlight
- there are particular reasons why an alternative, less stringent, guideline should be applied (see Appendix F).

17 Factors tending towards a major adverse impact include:

- a large number of windows or large area of open space are affected
- the loss of light is substantially outside the guidelines
- all the windows in a particular property are affected
- the affected indoor or outdoor spaces have a particularly strong requirement for skylight or sunlight, eg a living room in a dwelling or a children's playground.

18 Beneficial impacts occur when there is a significant increase in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space. Beneficial impacts should be worked out using the same principles as adverse impacts. Thus a tiny increase in light would be classified as a negligible impact, not a minor beneficial impact.

19 An adverse impact on one property cannot be balanced against negligible or beneficial impacts on other properties. In these situations it is more appropriate to quote a range of impacts.

110 The provision of new dwellings, or commercial or industrial buildings, or private gardens that meet the skylight or sunlight guidance in this book should not be classified as a beneficial daylight or sunlight impact on the local environment. However, the provision of community buildings or public open spaces with good skylight and/or sunlight could be classed as a beneficial impact.

APPENDIX 4

All dimensions in millimeters.

MLB	Revisions	DATE	Des	Appr'd
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HPV C	BUILDING RELIABLE IN HEIGHT, RESOURCES STONE
HPV B	24 BOUNDARY ADJUSTED
HPV A	HOTTER ACTIVITY

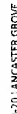
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PROJECT TITLE: PROPOSED FRONT AND REAR

SCALE:	1:50 (A1); 1:100(A3)	DATE:	2013-03-22	DESIGNED BY:	APPROVED:	DATE:
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ARCHITECTURE AND INTERIOR DESIGN
BATH STREET, LONDON EC1A 3DF
TEL: 020 7460 4000 FAX: 020 7460 4001

PROPOSED FRONT (NORTH FACING) ELEVATION



PROPOSED REAR (SOUTH FACING) ELEVATION

Core Document 10



22 Lancaster Grove London NW3 4PB

Objection to Amended Planning Application (1 May 14)
Application Ref 2014/2037/P

1. Background

We live in the southern part of Lancaster Grove, on the North side of the street, 30 metres from the site of No 22 that is located on the South side of the street. One of the special things about Lancaster Grove is that the architecture on the southern length is so different to the northern side of the street.

The Belsize Park Conservation Area Statement mentions this on page 27...

*"Along Lancaster Grove the rear of Belsize Fire Station can be seen on the southern side of Lancaster Grove. The development along this side of the street is of a different character to the northern side of the street being set back behind large frontage walls. Mature trees are planted in the pavement along the frontage. Vegetation predominates and gives a **more spacious feel** to the southern side of the road."*

Lancaster Grove is an integral part of the Belsize "Conservation Area". Protecting our Conservation Area is essential. It is *"an area of special architectural interest, the character or appearance of which it is desirable to preserve or enhance"*.

To sustain the character and appearance of our road **any** redevelopment of No 22 must be consistent with that protection.

Disturbingly, the proposed development not only meets none of the criteria, but it is also seriously destructive to the street and neighbours. If they achieve their ambition then...

- 4 Tall narrow town houses will project **3 metres forwards to the street, in front of No 24, and 14 metres back into the garden, behind No 18/20**. Considerable damage would affect to these properties.
- The building, with its **huge gable ends**, will cover the entire width of the site
- The building will be 1.30 metres higher than other buildings, towering above the adjacent properties.
- It will overshadow No's 18/20 and 24, destroying their sunlight
- The garden will be devastated by the deep house
- It will be a gross overdevelopment of this site.

22 Lancaster Grove London NW3 4PB

Objection to Amended Planning Application (1 May 14) Application Ref 2014/2037/P

Any new development should blend with its surroundings and compliment the area with **particular** care given to:

- Appropriate scaling and detailing of buildings
- Height and scale
- Form and layout
- Landscape

The proposed form of this building **FAILS** on all of these criteria.

2. The Proposal

KAS, the architects, has applied for permission to build 4 Town Houses on 4 floors: from Basement through to 2nd floor.

- The overall building would be in excess of **16,000 square feet** and **1.30 metres higher** than the existing and adjacent buildings. This proposal has a massive floor plate, it is extremely high and very close to the road.
- The garden depth would be **greatly** reduced from 19.5 metres to 12.5 metres and divided into 4 small plots approximately 5.5 metres wide.

The Front Elevation

KAS has based the elevation on the permission granted for No 18/20 at appeal that was refused by Camden Council.

The Architect for No 18/20 is Adam Architecture. They have told me that the site at 18/20 was recently sold to new owners and they have redesigned the elevations, removing their gable ends. Their pre-application submission states:

*9.4 Generally, the new proposal for No's 18-20 Lancaster Grove is considered to be of a **subtler design and form to that of the current approval**, whilst maintaining a design of suitable quality and architectural detail befitting of the site and surrounding context with the use of classic proportions and simple detailing. The design as a whole is a carefully considered composition of the highest quality that **will enhance and contribute to the character of the Belsize Conservation Area and it's future architectural heritage.***

We agree with this statement as it is a vastly improved design without the gable ends.

22 Lancaster Grove London NW3 4PB

Objection to Amended Planning Application (1 May 14) Application Ref 2014/2037/P

Camden responded in a pre-application letter, dated 24/03/2014:

- i. *The southern side of Lancaster Grove is characterised by 2-storey detached Arts and Craft houses...*
- ii. *The proposed building would have a different architectural composition than the approved building...*
- iii. *The proposed house would be symmetrical and constructed using red brick, stone and reclaimed slate. **It would have a simpler and more subtle design than the approved building and would relate better to the simple detailing of the neighbouring properties.***

Camden clearly support this revised architecture. The design for No 22 should match this design, as the current design is totally out of keeping.

The Problems with the Front Elevation of No 22

There are 3 major problems with this submission; The Gable Ends, the Height and the architects' drawings.

1. The 2 Gable ends will destroy the view down Lancaster Grove.
 - i. The front elevation of House 1 projects 3 metres in front of No 24, is 9 metres high, and just 4 metres away from the street (Appendix 10).
 - ii. The front elevation of House No 4 is also 9 metres high;
 - iii. The impact on the street, caused by the proximity of these Gables to the street, will be compounded by the height of the building.
 - iv. Pedestrians and traffic approaching the site will see a mass of brickwork.
 2. A building that is 1.3 metres above other buildings on the southern side will disrupt the skyline and overpower from every perspective. This height would be in sharp contrast to the principles of Conservation Area criteria, which states that particular care should be given to *Height and Scale* of new developments.
 3. The architect has not articulated the impact of the new building on the adjacent buildings. The drawings suggest a large space between the proposed and existing, but that is not the case. There is an angled relationship to No 24, and there is in fact only a small gap between the two!
- Additionally, the proposed Design is out of keeping with the simple Arts and Crafts style of the southern side.

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Objection to Amended Planning Application (1 May 14) Application Ref 2014/2037/P

3. The Size

Floor area

The floor area for No 18/20 is 9,053 ft². Planning permission was only achieved after a public inquiry when the Inspector also removed development rights.

The floor area of the proposed development at No 22 is 16,060 ft². (Equivalent of 16 apartments!). No 22 would therefore be **77% larger** than 18/20.

Louise Crosby, the Planning Inspector for the Planning Appeal at No 18/20 stated in her **Conclusions...**(App 1)

32. I have also removed permitted development rights. Whilst I am aware that this should only be done in exceptional circumstances, I consider that given the sensitivity of the site, the size of the proposed dwelling and the fact that the dwelling has been so cohesively designed that it is warranted in this case.

As the Inspector found that 9,053 ft² should not be increased at No 18/20 then a building that is 77% larger should definitely not be permitted at No 22. No 22 should also be restricted to 9,053 ft², the same size as No 18/20.

Accommodation

The attached schedule (App 2) lists the bedroom accommodation, comprising 20 double bedrooms and 5 single bedrooms. This schedule is important as it defines occupancy and required size of gardens.

There is absolutely no difference between a "Playroom" and a "Bedroom" as they would both utilise the same light well. (*Purchasers will not necessarily have children when they purchase these houses, so won't need a playroom!*)

In order to calculate the occupancy potential I have used the published figures for Single and Double Bedrooms...

- Double Bedrooms 11.20 m² - Single Bedrooms 8.4 m²

Using this information...

- House 1; 5 Double bedrooms – accommodates 10 people
- House 2; 5 Doubles and 2 Single Bedrooms – accommodates 12 people
- House 3; 5 Doubles and 2 Single Bedrooms – accommodates 12 people
- House 4; 5 Doubles and 1 Single bedrooms – accommodates 11 people

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45 people could live on a site where just one family now reside. That is certainly not in the spirit of this Lancaster Grove Belsize Conservation Area!

The living accommodation is inadequate for this number of occupants. For example the dining area in Houses 2 & 3 is 132 ft².

4. Gardens

The existing house on the site of No 22 received planning permission in August 1984. The planning drawing shows that the rear garden is 19.6 metres deep and that the house is located 4.5 metres away from the garage at the side of No 24 Lancaster Grove. (App 3).

- KAS states that *"Each property will benefit from a good sized private rear garden approximately 12.5m in length; they will be separated by the installation of a new brick wall on the boundary of each property 1.8m high with stone coping on top."*
 - The garden walls, with copings, will be 2m high. These gardens will be just 5.5m wide and the walls will create huge afternoon shadows, inhibiting the growth and development of the gardens.
- KAS also states on Page 9, *"In accessing the level of amenity available to each house it is worth referring to Camden's requirements for outside amenity, each property has a rear garden of approximately 12.5m long x 6m wide, this equates to 75 sq m of space per unit, assuming that each bedroom is inhabited this would equate to 6 people per house. Camden CPG6 requires 9 sq m per person. The proposed development allows for 12.5 sq m which is above the level required."*

KAS occupancy calculation is wrong. Each house can accommodate 10 to 12 people, so, using their formula, each garden should be between 90 and 108 sq m to meet Camden's CPG6. This emphasises the overdevelopment.

- The rear garden of No 18/20 will be 23.50 metres deep. The rear wall of the No 22 building would project nearly **14.0 metres** beyond the rear of 18/20. So KAS have shown no sympathy towards the level of the amenity to 18/20. Their proposals are simply unacceptable..

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Objection to Amended Planning Application (1 May 14)

Application Ref 2014/2037/P

5. Daylight and Sunlight

The Design and Access statement; Item 6.06 states *the rear of the building faces South so the rooms on the rear elevation receive excellent daylight and sunlight.* Whilst KAS wants excellent sunlight for No 22 they are prepared to destroy the benefit of sunlight to No 24 and No 18/20. They show no consideration whatsoever to the neighbours. This approach must be rejected by Camden. Syntegra Consulting (SC) has produced a detailed daylight and sunlight report. SC described the impact on adjacent properties as **NEGLIGABLE!** They also stated, in the Executive Summary on Page 6, "*Sunlight, none of the surrounding buildings (18/20 and 24 Lancaster Grove) will be adversely impacted...*" **These statements are blatantly untrue** (see SC figures below).

Summary of Comments on the Sunlight report (App 4 Rev1)

- i. All information/diagrams & images used are calculated at the 21st March.
The results will be far worse in the summer months.
- ii. Page 44/45 Surface 3
Direct Sunlight would seriously depreciate from 4pm
 - a. At 4pm
 - i. January from 50% down to 11.0%
 - ii. May from 100% down to 3.5%
 - iii. June from 100% down to 47.6%
 - iv. July from 100% down to 20.0%
 - v. October down from 59.4% to ZERO
- iii. Page 48/49 Surface 5
Direct Sunlight would seriously depreciate from 3pm
 - a. At 3pm
 - i. January from 37.7% to 12.9%
 - ii. February from 14.5% to ZERO
 - iii. March from 100% to ZERO
 - iv. April from 100% down to 49%
 - v. August 100% down to 63.9%
 - vi. September from 99.9% to ZERO
 - vii. November from 69.1% to ZERO

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Objection to Amended Planning Application (1 May 14) Application Ref 2014/2037/P

- viii. December from 55.3% to 10%
- b. At 4pm reduces
 - i. January 24.2% to ZERO
 - ii. June from 100% to 43.7%
 - iii. July from 98.6% to 16.2%
 - iv. August 30.6% to ZERO
- iv. Page 66/67 Surface 14
 - Direct Sunlight would seriously depreciate from 1pm
 - a. From 1pm
 - i. October from 100% to 56.7%
 - b. From 2pm
 - i. February from 100% to ZERO
 - ii. September from 100% to 14.4%
 - iii. October from 99.5% to ZERO
 - c. From 3pm
 - i. January from 36.1% to ZERO
 - ii. March from 46.5% to ZERO
 - iii. April from 100% to 2.5%
 - iv. August down from 100% to 9.8%
 - d. From 4pm
 - i. June down from 57.7% to 0.9%
 - ii. July down from 12.3% to ZERO

The Garden

The garden walls, dividing the narrow gardens, will cause shadows, seriously reducing the direct sunlight onto the gardens, which must impede grass and plant growth.

The building should be reduced in depth and moved away from the boundaries, so that the garden is retained and the property does not impinge on sunlight.

The Diagram in Syntegra's report, on P 81, emphasises the extent of site coverage and the overpowering impact it has on the adjacent properties. (App 5)

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Objection to Amended Planning Application (1 May 14) Application Ref 2014/2037/P

6. Impact of proposed development on No 24

Dr Oliver Samuel, the owner of No 24, currently enjoys unencumbered views and sunlight particularly from his Breakfast Room and Dining Room. These are the only/main windows to these rooms.

He has produced a montage (App 6) showing the damage that the proposed development would cause to his home, blocking sunlight and his views.

No development should be permitted with such devastating impact on his home. The rear wall of the development must be set well back, to conserve the quality of his environment. The front wall should also be moved back, to the line of No 24.

- The front of No 24 is parallel to the street but situated on a triangular site that narrows considerably at the rear.
- The problem with the design of No 22 is that the property would be located parallel to the East Boundary, which is set at an angle to No 24. This means that the gap between the two properties substantially diminishes at the rear, creating a sense of enclosure and a serious reduction of the sunlight. (App 7)

7. Objection

We OBJECT to this planning application...BECAUSE

- i. A building of 16,000 square feet is totally inappropriate.
- ii. The height, the scale, the elevation design and the enormous frontage of this development will negate the spacious feel of the southern side of LG.
- iii. It will destroy the distinct style of the southern side of Lancaster Grove, which currently has mainly two storey small properties. (App 8)
- iv. The destruction of this garden will lower the environmental standards and will impact on the character of the conservation area.
- v. 4 Town houses is overdevelopment of this site.
- vi. It would destroy the amenity enjoyed by its neighbours.
- vii. The proposals contravene Camden's relevant policies, supplementary planning guidance and their Belsize Conservation Statement.

Camden must ensure that the opinions of the occupiers and neighbours to the development, are fully considered in making any decision.

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Objection to Amended Planning Application (1 May 14) Application Ref 2014/2037/P

8. Suggested Solutions (App 9)

- Replace the building with 1 or 2 detached houses retaining the more spacious feel of the street and allowing the street to *breath...*
- Maximum developed area should be limited to 9,000 ft², as No 18/20 consent
- Reduce the height 1.3 metres down to match roofline of adjacent buildings.
- Redesign all gable ends (*such poor architecture*) and replace with hip ends to reduce the impact on the street.
- Revise the elevations to match the new design for 18/20 LG.
- Line up the front of the property with the front of adjacent houses and eliminate any projection in front of No 24.
- Move the end walls away from the adjacent buildings so their sunlight and views remain unaffected.
- Redesign property to take account of the shape of the site and its relationship to its neighbours; avoid any impingement on the quality of their life and the impact on the street.
- Any new development should reinforce local distinctiveness.

If this development were approved then it would make a mockery of Camden's Belsize Conservation Area objectives.

I wish to be advised if the application is heard before the planning committee, as I want to speak at the meeting.

Barrie Tankel

Appendices

- App 1 - Inspector's statement (page 3)
- App 2 - Schedule of bedrooms (page 4)
- App 3 - 1984 Site Plan (page 5)
- App 4R - Data on sunlight report (page 6 Revised)
- App 5 - Massive site coverage (page 7)
- App 6 - Dr Samuel photos as seen from 24 (Page 8)
- App 7 - Impact on 24 LG (page 8)
- App 8 - Elevation impact on LG (page 8)
- App 9 - Suggested solutions (page 9)
- App 10 - Impact on Street (page 3)

Barrie Tankel 43a Lancaster Grove London NW3 4HB

and the fact that the dwelling has been so cohesively designed that it is warranted in this case.

33. In order to deal with concerns regarding the potential damage to trees shown as retained on the proposed plans, whilst building works are being carried out, I have attached a condition which requires them to be protected during any works. Additionally, I have attached a condition that requires a detailed landscaping scheme to be submitted and implemented.
34. Finally, in terms of the demolition of the existing dwelling, I have imposed a condition that prevents its demolition until a contract has been let for the new dwelling. This will prevent the site becoming an unsightly, vacant site within the Conservation Area.
35. To conclude, I find that the existing dwelling makes no more than a little contribution to the Belsize Conservation Area. The proposed dwelling, which in my opinion has been well designed, would enhance the character and appearance of Belsize Conservation Area in accordance with relevant local and national policy guidance, subject to the conditions that I have set out below.
36. I have had regard to all other matters before me but for the reasons given above I conclude that the appeal should be allowed.

Louise Crosby

Inspector

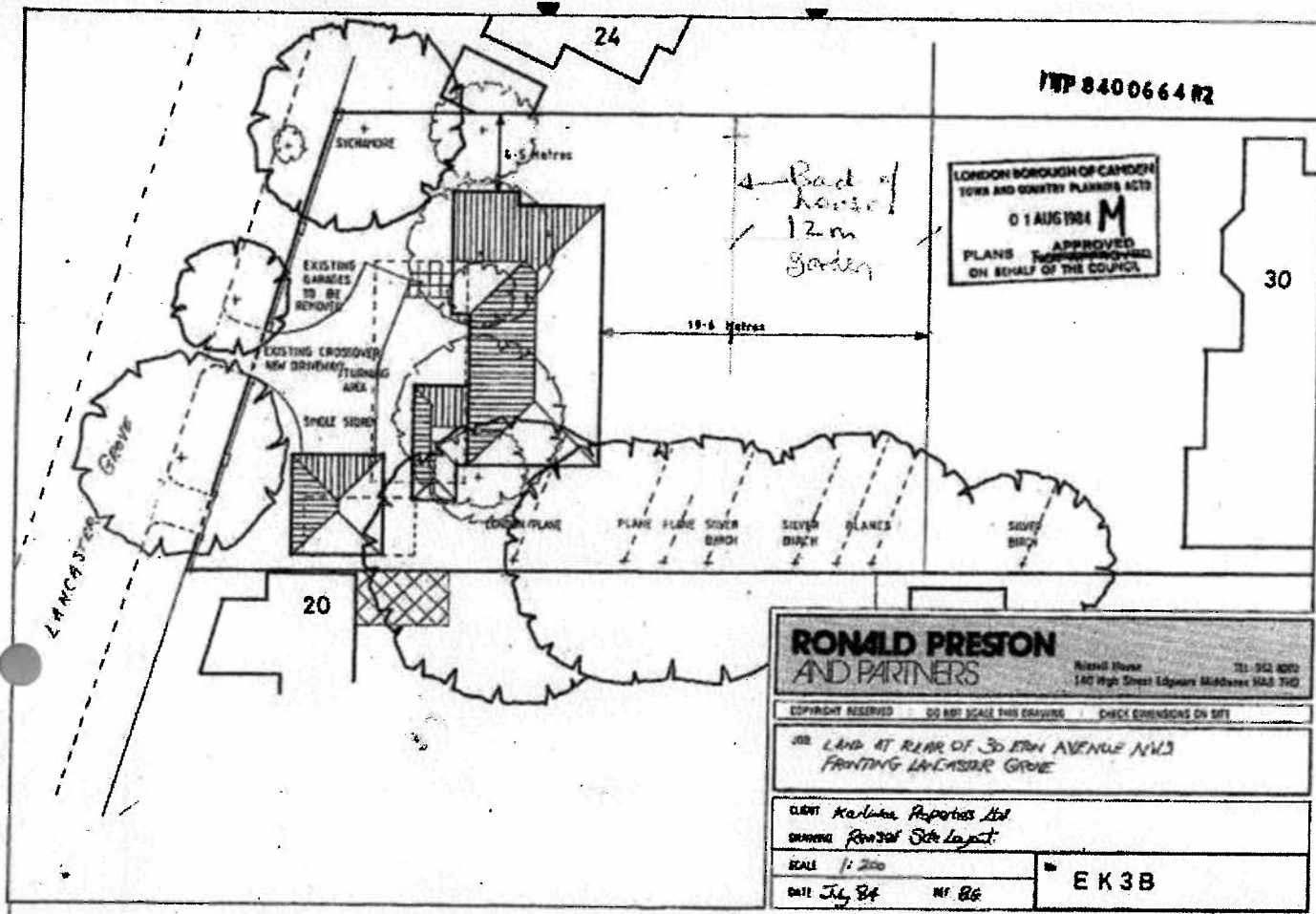
the attractiveness of an area and not harm its appearance or amenity. In addition, I consider that the proposal would accord with UDP Policy B7(A) which seeks to ensure that new development in a conservation area preserves or enhances the special character or appearance of the area. Similarly, the proposal would I consider accord with the advice set out in paragraphs 4.17 and 4.27 of PPG15.

Other Matters

26. With regards to the matter of living conditions, the new dwelling would be slightly closer to the side of 16 Lancaster Grove. However, this elevation of No 16 contains only secondary windows. The proposed dwelling would project beyond No 16 at the rear but there would be a gap between the two properties and there is also mature planting in place along the boundary.
27. I consider that a condition requiring frosted glass in the first and second floor windows on the western elevation of the proposed dwelling, and that their lower sections be fixed to prevent them being opened, would protect the occupiers of No 16 from overlooking. Whilst the rear bay window nearest to No 16 would have a small window in the side, I consider that given the size of the window and the distance to No 16 no harmful overlooking would occur from this.
28. I am aware that the windows at the rear of the proposed dwelling would project further into the garden than the existing but I consider that given the mature planting along the boundary and the distance between the dwellings that overlooking would not occur to a harmful degree.
29. Turning to the matter of dominance and loss of light to the windows at No 16, again I consider that there is sufficient distance between the two properties to prevent any oppressive feeling within the garden or rooms at the rear of No 16. Finally, in terms of the loss of light, I consider that this would be minimal given the distance apart and the fact that the rear of No 16 faces south.
30. I conclude on this point, that subject to the conditions that I have imposed, the proposed dwelling would not have an adverse effect on living conditions at No 16.
31. In terms of car parking, provision has been made for the off street parking of at least two cars in front of the dwelling. I note there are no objections from the Council's Highway Department. I am also mindful of the guidance set out in Planning Policy Guidance Note 13: *Transport*, which advocates the use of maximum parking standards and encourages the use of sustainable modes of transport. The site is within walking distance of a range of public transport facilities and therefore I consider that the parking provision proposed within the site is sufficient.

Conclusions

32. I have imposed a condition that will give the Council control over the brick and stone bonding. I have also removed permitted development rights. Whilst I am aware that this should only be done in exceptional circumstances, I consider that given the sensitivity of the site, the size of the proposed dwelling



Appendix 3

[REDACTED]

1 August 2014

Jenna Litherland

Camden Senior Planning Officer – West team

Dear Jenna

Planning application No 2014/2037/P 22 Lancaster Grove NW3

Thank you for the copy response (undated) from Syntegra Consulting (SC). I consider that their response is defective in several respects.

1. SC state that their assessment is undertaken in accordance with "BRE 209 Digest: Site Layout Planning for Daylight and Sunlight – **A Guide to Good Practice**". This document is simply a guide. It has been created from the data of a great many properties, which are unlikely to bear any resemblance to the layout of this particular site.
2. The aim of the BRE Trust, through its research, is to achieve
 - A higher quality built environment
 - A high level of innovative practice.

Their Guide gives advice on site layout planning to achieve good sunlight and daylight both within buildings and in the open space between them. They state (quote directly from the Guide)...

- i. *"Guidance is given on site layout for good sun lighting and day lighting; safeguarding of daylight and sunlight within existing buildings nearby"*
- ii. *The guide is purely advisory and the numerical target values within it **may be varied** to meet the needs of the development and its location".*

Variation of the criteria is exactly what must be done here.

Neither the design prepared by the Architect nor the data provided by SC does anything to recognise this guidance nor *the needs of the development and its location* in relation to Dr Samuel's home.

3. This site at No 22 is an irregular shape and by no means your average site.
 - a. The proposed building at No 22 is set at an angle to the road.
 - b. No 24 is perpendicular to the road

If No 22 were designed as perpendicular to the road, the resulting impact on No 24 would be very different.

[REDACTED]

[REDACTED]

The Architect has not addressed the implication of this layout on daylight and sunlight to No 24. The BRE guide clearly states that target values may be varied according to the circumstances of a particular site.

4. Windows in No 24

Dining area (Appendix 2/4 and 3/4)

There are 2 windows in this location, S3 and S5. SC has *incorrectly* identified surface S3 as the **main window**.

- S3 window.
 - Window is 1.20m x 1.16m high and has a surface area of 1.39 m².
 - This window is partly obstructed from sunlight by the projecting wall on the left hand side
- S5 window.
 - Window is 1.79m x 1.16m high and has a surface area of 2.08 m².
 - This window is **50% larger** in total surface area than S3.
 - The dining table is used in a position that is parallel to the window because it is the main source of light to the table
 - The Appendix 3/4 shows the significant reduction in sunlight on this window caused by the proposed building.

In this instance window S5 is clearly the **main window**. Since this window will have a proposed APSH of 14.74%, this is substantially below the 25% criteria and this window will be adversely impacted by the proposed scheme. It will not achieve the adequate levels of sunlight (total APSH=25%<14.74%). The window is oriented to face towards the sun and has been in place for over 50 years.

Direct sunlight enables the use of this space for more hours during the day and more days during the year. It is certainly energy efficient from the sun penetration into this space and requires less energy for heating and lighting than it would do if the window were blocked from the sunlight, as proposed by the developer. This in itself would increase the costs of power and reduce the comfort level for Dr Samuel.

[REDACTED]

[REDACTED]

Breakfast area (Appendix 4/4)

This irregular shaped room is 2.55m x 4.10m deep; approximately 12m² in area.

The single window is 1.10m x 1.00m high with a total surface area of 1.10 m².

A wall to the left hand side obstructs morning sunlight to this window and it currently receives sunlight, according to the data provided by SC, between 10.00am and 4.00pm.

If the development is completed in its present form then there will be no sunlight after 3pm. The other significant reductions will be...

- *At 1.00pm*
 - In October from 100 to 56%
- *At 2.00pm*
 - In February 100% to zero
 - In March 100% to 70%
 - In September 100% to 14.4%
 - In October from 99% to zero.
- *At 3.00pm*
 - In January from 36% to zero
 - In March from 46% to zero
 - In April from 100% to just above zero
 - In May from 100% to 82%
 - In August down from 100% to 9%
- *At 4.00pm* – the existing sunlight is 57.7% in June
 - In June from 57.7% to zero
 - In July from 12.3% to zero

It is not rocket science to see that the proposal will cause significant reductions in sunlight to the breakfast room. These reductions are substantially greater than the 25% reduction suggested by SC. This impact must be addressed by reducing the length of the development. The Scheme would have a dominant and overbearing effect on the breakfast room and dining room of No 24 detracting unreasonably from the living conditions enjoyed by Dr Oliver Samuel in conflict with CCS Policy CS5 and CDP Policy DP26.

There is no public benefit in the Scheme that could outweigh the harm in the Belsize Conservation Area.

[REDACTED]



5. Other matters we have discussed

- *Gardens*

I have previously commented that the gardens are too small for these properties. Camden's Development Policy 24.20 clearly states, "*Gardens help shape the local area, provide a setting for buildings and can be important visually. Therefore they can be an important element in the character and identity of an area (its 'sense of place'). We will resist development that occupies an excessive part of a garden, and where there is a loss of garden space, which contributes to the character of the townscape.*"

Camden must abide by these criteria to avoid causing irreparable damage to the area.

- *Architecture*

Policy 24.7 includes these statements. "*Development should consider:*


- *The character and constraints of the site*
- *The prevailing pattern, density and scale of surrounding development*
- *The impact on existing rhythms, symmetries and uniformities in the townscape*
- *The composition of elevations."*

This scheme does not meet the above criteria. We have suggested it is reduced in size to accommodate No 24 and that the gable ends are changed to hip ends to reduce the impact on the street.

- *DP26. Managing the impact of development on occupiers and neighbours*

This policy states *The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include: (I have only repeated certain items)*

- a. *Visual privacy*
- b. *Overshadowing and outlook*
- c. *Sunlight, daylight and artificial light levels*

- DP26.3 particularly states in respect to a developments impact "*We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours."*
- 

[REDACTED]

In order to accomplish these objectives you must insist on changes to the design to take account of the impact on adjoining properties and the street.

Please telephone me if you wish to discuss any aspect further.

Yours sincerely

Barrie Tankel FRICS

[REDACTED]

[REDACTED]

APPENDIX 2

Address:	22 Lancaster Grove London NW3 4PB		6
Application Number:	2014/2037/P	Officer: Peter Higginbottom	
Ward:	Belsize		
Date Received:	20/03/2014		
Proposal: Erection of a two-storey building plus basement following the demolition of existing building to provide four dwellinghouses (4 x 5-bed).			
Drawing Numbers: 22LG-P1-A-(00)-000; Demolition Plan 22LG-P1-(15)-001; Existing Plans 22LG-P1-(00)-002, 22LG-P1-(00)-10, 22LG-P1-(00)-11; Proposed Plans 22LG-P1-(10)-001 Rev C, 22LG-P1-(10)-002 Rev C, 22LG-P1-(10)-003 Rev C, 22LG-P1-(50)-SK100, 22LG-P1-(50)-SK101, 22LG-P1-(10)-10 Rev C, 22LG-P1-(10)-11 Rev C, 22LG-P1-(10)-12 Rev C, 22LG-P1-(11)-10 Rev C, 22LG-P1-(11)-11 Rev C, 22LG-P1-(11)-12 Rev C. Documents: Arboricultural Impact Assessment Ref JKK8117, Tree Constraints Plan JKK8117_Figure 01.01, Tree Protection Plan JKK8117_Figure 03.01, Tree Retention and Removals Plan JKK8117_Figure 02.01, Design and Access & Planning Policy Statement, Basement Impact Assessment Ref BIA4193, Extended Phase 1 Habitat and Bat Survey Grid Ref TQ 271 845, Chemical Interpretive Report Ref CHEM/4193, Construction Management Plan by Stoneforce Ltd, Desk Top Study Report Ref DTS/4193, Energy Strategy Report by Syntegra Consulting dated 21/02/14, Factual Report Ref FACT/4193, Geotechnical Interpretive Report Ref GEO/4193, Noise Impact Assessment Ref: 10952.NIA.01, Structural Engineering Planning Report by Constructure Ltd dated Feb 2014, Ecology Baseline and Code for Sustainable Homes Assessment Report by Syntegra Consulting dated Feb 2014, Daylight, Sunlight & Overshadowing Report Rev A by Syntegra Consulting dated April 2014, Lifetime Homes Letter from KSA dated 20/04/14.			
RECOMMENDATION SUMMARY: Granted Subject to a Section 106 Legal Agreement			
Applicant: Miss Katherine Somers Flat 7 4 Bath Street London EC1v 9LB		Agent: KAS Flat 7 4 Bath Street London EC1V9LB	

ANALYSIS INFORMATION

Land Use Details:			
	Use	Use Description	Floorspace

	Class	
Existing	<i>C3 Dwelling House</i>	326m ²
Proposed	<i>C3 Dwelling House</i>	1,492m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Dwelling House</i>					1				
Proposed	<i>Dwelling House</i>					4				

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	6	0
Proposed	4	0

OFFICERS' REPORT

Reason for Referral to Committee: This application is reported to Committee because it is a development involving the demolition of the existing dwelling which is in a conservation area [clause 3(v)]

1. SITE

1.1 The application site is located to the southern side of Lancaster Grove which is a predominantly residential area. The road curves at the application site. The immediate surrounding area comprises of large detached dwellings. The site is occupied by a detached post-war building, which comprises a half-timber house of two storeys plus attic storey. The building includes a projecting double garage at the front and to the right hand side of the building. The site is in use as a single dwelling. The property is set within generous grounds of 0.11 hectares and benefits from a large rear garden and area to the front forecourt with space for 5 cars. The site contains separate in and out vehicle access gates.

1.2 The site is located within the Belsize Park Conservation Area. The Conservation Area Statement describes the area as being of predominately late Victorian housing with some Edwardian pockets. The area is notable for the varied styles and elevational treatment of properties but with consistent materials of generally red brick and red clay tiled roofs.

1.3 The site has a Public Transport Accessibility Level (PTAL) of 3 (moderate).

2. THE PROPOSAL

Original

2.1 The application proposes the demolition of the existing 5-bed dwelling and erection of a three storey building plus basement to provide four 5-bed dwellinghouses plus parking for four cars at the front of the property and associated landscaping.

Revisions

2.2 The following revisions have been secured during the assessment of the application:

- Overall height of building reduced by 600mm
- Front entrance to houses 2&3 revised
- Bay removed from house 4
- Reduction in the amount of stone on front and rear elevations
- House 1 pulled away from no.24 by 1m at first and roof level as advised by daylight and sunlight consultant.
- Internal layout updated to show future lift position, minor changes to plans to meet lifetime homes.

3. RELEVANT HISTORY

Application site

3.1 None

18-20 Lancaster Grove

- 3.2 2007/0923/P - The erection of a new two-storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. Allowed on appeal on 28/05/2008 (Ref: APP/X5210/A/07/2048016)
- 3.3 2007/0925/C – Demolition of 2 existing dwellinghouses. Allowed on appeal 28/05/2008 (Ref: APP/X5210/A/07/2048015)
- 3.4 2010/3134/P and 2010/3135/C – renewal of permissions 2007/0923/P and 2007/0925/C Respectively.
- 3.5 2013/5072/P - Confirmation that works undertaken at 18-20 Lancaster Grove constitute commencement of development of planning permission 2010/3134/P. Granted 04/10/2013.

4. CONSULTATIONS

Statutory Consultees

- 4.1 **Thames Water** - Following initial investigation, Thames Water has identified an inability of the existing wastewater infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence 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. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Water Comments - no objection

Non-statutory Consultees/local groups

- 4.2 **Belsize Conservation Area Advisory Committee** – object on grounds of gross-overdevelopment

Adjoining Occupiers

Original

	and R1
<i>Number of letters sent</i>	39
<i>Total number of responses received</i>	56
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	52

4.3 A notice was erected on site and a press notice was published with an expiry date of 24 April 2014.

4.4 Objections received raised the following issues:

- Will overshadow and block daylight to breakfast room of no 24
- Also block light to dining room of no. 24
- Basement excavations risk damage to my house as they are close to party wall
- So many new houses would be out of character with the street
- Scale of proposed building is far in excess of the residential setting
- Would dwarf the adjacent houses
- Lead to increased occupancy
- Destroy the character of an area with oversized dwellings
- Each house will be about 2m higher than the existing and adjacent houses
- Total of 25 bedrooms could lead to 40 people occupying a site leading to more cars and traffic
- Dwellings will have tiny gardens
- Traffic burden on road
- Lancaster Grove is a tranquilising street
- Do not delegate the decision
- Severely affect the surrounding houses and sympathetic to the architecture of the street.
- Proposal will destroy such a visually beautiful neighbourhood which has historical interest
- Four homes on the land is ridiculous
- Building is too big and consequently out of proportion to its immediate neighbours
- Site can only accommodate two dwellings
- Ground level of the site means the development will look out of place
- Application is 2 storeys but it is clearly 3 with rooms in the roof
- Height is out of proportion with the street
- Increase in floor area of 350%
- Removal of trees is unacceptable
- Development sets a precedent
- Hardly any garden space left
- Design is dreary, imitation "old" style
- Proposed is completely different from the current house
- Diabolical attempt to destroy the conservation area
- Sheer bulk of the proposed building
- Ridge line is unnecessarily high

- Traditional sash windows would be appropriate
- Conservatory should be traditional
- PV cells are unsightly
- Multi-family dwelling will swamp the vista of the street
- It does not enhance the area, it detracts from it
- Concern that the excavation of basements would be dangerous for stability of surrounding ground and effect on drainage
- Windows will lead to overlooking and light pollution
- Will set a precedent
- Starting point of 18-20 is not correct as this development reflected the site
- Loss of amenity to conservation area
- Not possible to work under canopy of existing trees
- Terrible idea to tear down a perfectly fine house
- Will block light in to neighbouring garden
- Create chaos in the street
- Potential for an extra 10 cars parking in Lancaster Grove

An objection was received from Cllr Tom Simon on grounds that the proposal is a massive overdevelopment of the site and in a style out of keeping with the area. The proposal will have a negative impact on the conservation area. The proposal would be very imposing and domineering. It will also impact on number 24 in terms of overshadowing.

5. POLICIES

- 5.1 Set out below are the LDF policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

LDF Core Strategy and Development Policies adopted 8th November 2010

CS4 Areas of more limited growth
 CS5 Managing the impact of growth and development
 CS6 Providing quality homes
 CS8 Promoting a successful and inclusive Camden economy
 CS11 Promoting sustainable and efficient travel
 CS13 Tackling climate change through promoting higher environmental standards
 CS14 Promoting high quality places and conserving our heritage
 CS17 Making Camden a safer place
 CS18 Dealing with waste and encouraging recycling
 CS19 Delivering and monitoring the Core Strategy
 DP2 Making full use of Camden's capacity for housing
 DP5 Homes of different sizes
 DP6 Lifetime homes and wheelchair housing
 DP16 Transport implications of development
 DP17 Walking, cycling and public transport
 DP18 Parking standards and limiting the availability of car parking
 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
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 Basements and lightwells
DP28 Noise and vibration
DP29 Improving access

5.2 Supplementary Planning Policies

5.3 Camden Planning Guidance (CPG) 2011

- CPG 1 Design 2013
- CPG 2 Housing 2013
- CPG4 Basements 2013
- CPG 6 Amenity 2011
- CPG 7 Transport 2011
- CPG 8 Planning obligations 2011

5.4 Belsize Conservation Area Statement (April 2003)

5.5 London Housing SPG

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application and summarised as follows:

- Land use and density
- Residential mix and quality of accommodation
- Design and conservation
- Residential amenity
- Basement
- Sustainability
- Transport
- Planning obligations
- Community Infrastructure Levy

6.2 Land use and density

6.2.1 The site is currently occupied by a five bedroom single family dwelling and therefore the continued use of the site for residential development is considered to be acceptable in principle.

6.2.2 The proposed development comprises of 4 dwellings and will have a total of 43 habitable rooms. Given the site area of 0.11 hectares the proposed development will have a density of 391 habitable rooms and 36 dwellings per hectare. The sustainable residential quality density matrix in the London Plan states that the density for sites with a PTAL of 2-3 in an urban context should be between 200-450 habitable rooms and 45 to 120 units per

hectare. The proposed development is therefore considered to be of an appropriate density and acceptable with regards to Policy 3.5 of the London Plan and Policy DP2.

6.3 Residential mix and quality of accommodation

- 6.3.1 Policy DP5 states that the Council will expect a mix of large and small homes in all residential developments and will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The proposal includes the provision of four 5-bed dwellings which are regarded as being of a medium need relative to supply. While the proposal does not provide any 2-bed dwellings (highest priority) good quality family accommodation is identified as being needed in the borough and therefore acceptable with regards to Policy DP5.
- 6.3.2 The proposed residential units all exceed the minimum space standards as set out in CPG2 and the London Housing SPG. These units will also meet the Lifetime Homes standard as required by Policies CS6 and DP6. This will be secured through condition.
- 6.3.3 The residential units will all have private gardens at the rear measuring 75sqm which are considered acceptable areas of private amenity space to meet the requirements set out in Guidance CPG2.

6.4 Design and conservation

- 6.4.1 The Belsize Conservation Area Statement (BCAS) which was published in April 2003 defines six separate sub-areas. The site falls within Sub Area three, which contains buildings of varying age and style. This is particularly so within Lancaster Grove, where there are distinct differences between the houses on the north and south side of the road.
- 6.4.2 The north side is more unified, containing rows of tall, red brick Victorian villas, built much closer to the road. Many of these contain fine moulded detailing and stone dressings and have imposing gabled front elevations.
- 6.4.3 The development along the south side of the street is of a different character to the northern side of the street. The dwellings vary enormously in age, size, style and also to some degree the distance that they are set back from the road. The properties between Strathray Gardens and Eton Avenue (of which the subject site forms a part) tend to be of two or three storeys and, all but no. 24, include projecting front gables. The predominant building materials here is red brick, terracotta and clay tiles and the dwellings have some characteristics of an 'Arts and Crafts' style house, of which there are other examples in the sub-area, particularly in Eton Avenue.
- 6.4.4 This section of road on the south side also contains a consistent and distinctive brick boundary wall to the road, except outside the subject site where, the wall has been replaced with modern railings.

Existing building

- 6.4.5 The existing building is not listed and not highlighted as making a positive contribution to the character and appearance of the Belsize Park Conservation Area.
- 6.4.6 The building is a mock Tudor half-timber house dating from the late 20th Century and given the materials and detailing is considered to be at odds with the predominant character and appearance of the area. It includes uncharacteristic metal railings to the front boundary and is considered to make little or no contribution to the sub area of the Belsize Park Conservation Area or stretch of dwellings on the south side of Lancaster Grove.
- 6.4.7 Its removal and replacement would not harm the character and appearance of the conservation area subject to the design of the new building.

The proposed building

- 6.4.8 Where buildings do not make a positive contribution to the character or appearance of a conservation area the Council will view the development as an opportunity to enhance an area and secure the optimum viable use of the site.
- 6.4.9 Policies CS14 and DP24 and CPG1 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings. Furthermore Policy DP25 seeks to preserve and enhance the character and appearance of Conservation Areas.
- 6.4.10 With regard to design, developments should have respect for their context, as part of the wider area which has a well-established character and appearance of its own.
- 6.4.11 The proposed building has been sympathetically designed, to enhance the traditional arts and crafts character of the area. The building would comprise a detached two storeys plus attic development with projecting gables, consistent with the buildings on the south side of the street.
- 6.4.12 Proposed materials include handmade bricks. The roof would be tiled and decorative detail would be added throughout with Portland stone window dressings and quoins. The materials are considered to be acceptable in principle but full details together with samples will be secured through condition.
- 6.4.13 The design cleverly incorporates four dwellings into a building which appears as a single family dwelling thereby preserving the character of this side of the street as well as making best use of the land for family housing. The distance from adjoining boundaries would also be more consistent with the other properties on the south side of the street and the position and layout of the design has also managed to cleverly mediate between the building lines of properties curving away from the site. This has meant a slight projection to the front gable adjoining no.24 but this is consistent with all projecting gables along the length of the road as it bends. This allows the development to carefully knit

the townscape together to reinforce the better qualities of the existing townscape and thus enhance character and appearance of the area.

- 6.4.14 The footprint and the massing of the proposed dwelling is larger than the existing by approximately 185sqm, however the building does not feel oversized and the footprint with a site coverage of 33% (ratio of 1:4) is consistent with the built development to plot ratio in the area. A plot ration analysis of the surrounding area has been submitted which shows a number of other sites with a similar coverage and ratios.
- 6.4.15 The ridgeline is higher than the immediately adjacent no.24 Lancaster Grove but it is not higher most other neighbour properties in the Conservation Area. The height of no.24 Lancaster Grove is in fact an anomaly in the local context as in fact is the buildings built form and character. Although an immediate neighbour this should not set parameters for development in the area. This should be led by historic properties which define the character and appearance of the conservation area.
- 6.4.16 The increase in mass would be most noticeable when travelling along the street in a westerly direction due to the projecting gables. However this is a common streetscape characteristic which already exists as you travel westerly from Eton Avenue. In this regard the change in view would preserve the appearance of the area and would not be harmful to the streetscene or to the character or appearance of the Conservation Area, particularly given the quality of the proposed dwelling.
- 6.4.17 The existing front boundary railing would be replaced with a brick boundary wall which matches the existing adjoining original boundary wall. This would significantly enhance the character of the streetscene.
- 6.4.18 The new building would assimilate with its surroundings enhance the character and appearance of this part of the Belsize Park Conservation Area and its design justifies the increase in scale from the poor quality architecture of the existing dwelling
- 6.4.19 The proposal would accord with LDF policy DP24 which seeks to ensure that, among other things, that development is of a high standard and that it respects its site and setting and seeks to improve the attractiveness of an area and not harm its appearance or amenity. In addition, it is considered that the proposal would accord with policy DP25 which seeks to ensure that new development in a conservation area preserves and enhances the special character or appearance of the area. Similarly, the proposal would accord with the advice set out in the NPPF paragraph 137 that states "proposals preserve those elements of the setting of the Conservation Area and make a positive contribution to or better reveal the significance of the asset should be treated favourably."
- 6.4.20 The proposal is a high quality, imaginative design which would be a welcome addition to the area once complete.

6.4.21 It should also be noted that Nos. 18-20 Lancaster Grove (adjoining site to the right hand side facing front) are identified within the BCAS as being unlisted buildings that make a positive contribution to the Conservation Area. Consent was granted May 2008 on appeal for their replacement with a dwelling of similar design and scale to the proposed scheme. This permission was renewed in August 2010 and confirmed as having commenced in October 2013.

6.5 Residential amenity

Background

- 6.5.1 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Factors considered will include visual privacy and overlooking, overshadowing and outlook, and sunlight, daylight and artificial light levels. These elements should be considered at design stage while the standards recommended in the BRE Site Layout Planning for Daylight and Sunlight good practice guide will be taken into account in the assessment of applications.
- 6.5.2 In addition CPG 6 on Amenity states that all buildings should receive adequate daylight and sunlight and daylight sunlight reports will be required where there is a potential impact upon existing levels of daylight and sunlight.
- 6.5.3 Given that the proposed development is larger than the existing dwelling and owing to the proximity of the neighbouring properties, the applicant submitted a Daylight, Sunlight and Overshadowing assessment with the planning application which concluded that the proposed development was largely in accordance with the BRE guidance.

24 Lancaster Grove

- 6.5.4 While the applicant's daylight report concluded that the proposed development was acceptable, concerns were raised during consultation. The occupier of number 24 appointed a building surveyor (BVP) to review the submitted report and raised the following key issues:
- The model does not appear to reflect the proposed building
 - Trees have been included in the model which is not on accordance with BRE guidance
 - Surface 9 and 10 will have received a moderate adverse impact on daylight received.
 - Concern regarding location and relationship between existing and proposed buildings together with inclusion of trees, accuracy of readings cannot be relied upon with regards to sunlight.
 - Unable to comment on overshadowing
 - Convinced that the proposed development will lead to a sense of enclosure
- 6.5.5 The applicant's daylight consultant (Syntegra Consulting) submitted a response to the comments submitted by BVP (19 August 2014). The response explains

the approach to their modelling and confirms the removal of the trees from their modelling.

- 6.5.6 This response sets out that while there is a reduction in daylight to window S5 of the neighbour's dining room, this is part of an open plan room and sufficient light will be received from the other windows of S1 and S3.
- 6.5.7 The proposed development will result in loss of light to the existing breakfast room of number 24. However the breakfast room is connected to the kitchen through an arch and not considered to be a habitable room in its own right. Given that the kitchen will not be adversely impacted by the development, the proposed impact on the breakfast room is considered acceptable.
- 6.5.8 The response submitted by the applicant's daylight consultant is considered to have addressed the concerns raised by the neighbouring occupiers. This information states that the development will result in a reduction of daylight to the side facing window however as this is a secondary window to breakfast room, the impact is considered negligible and therefore acceptable. The council accepts this position.

18-20 Lancaster Grove

- 6.5.9 Concern has also been raised by the impact on the neighbouring property of number 18-20 Lancaster Grove. It is noted that the loss of daylight to the side facing windows S9 and S10 of 18-20 Lancaster Grove will be below the levels stipulated in the BRE guidance however as these are secondary windows to these rooms, with the primary windows of S7 and S8 not affected by the development, the impact on S9 and S10 is considered negligible. The proposed impact on the daylight and sunlight of 18-20 Lancaster Grove is therefore considered acceptable.

Overlooking

- 6.5.10 The proposed development features side facing windows to the first floor west elevation however as these windows serve bathrooms and feature obscure glazing there will be no overlooking issues. Side windows are also proposed to the east and west elevations at third floor level. However these dormer windows, facing the roofs of the neighbouring properties are not considered to give rise to additional overlooking of the neighbouring properties above which exists from the existing property and therefore acceptable.
- 6.5.11 The proposed development is not considered to cause significant harm to the residential amenities of the occupiers of neighbouring properties and therefore acceptable with regards to Policy DP26 and CPG6.

6.6 Basement

- 6.6.1 The proposal includes single storey basements for each of the four dwellings situated under the footprint of the ground floor and to the front of the site. The applicant has submitted a basement impact assessment to assess the potential

impact on land stability and groundwater flow. The BIA was reviewed by an independent consultant who requested additional information and calculations. The applicant has since submitted additional information.

6.6.2 The Basement Impact Assessment together with the addendum does not suggest that there will be any issues with the implementation of the proposed basement scheme. The BIA and addendum have been reviewed by the independent consultant who has confirmed the findings of the assessment as being sound. A Basement Construction Plan will be secured through Section 106 to ensure the basement is implemented to a satisfactory standard.

6.6.3 The proposed basement is considered acceptable with regards to Policy DP27.

6.7 Trees

6.7.1 The proposed development will result in the removal of 6 trees on the site (T1, T2, T5, T14, T17 and T18) with all but one being classed as category C. T5 is classed as a category B tree, however as it is to the rear of the site and given that the majority of the trees are to be retained as part of the development the loss is considered acceptable. The submitted Arboricultural assessment which includes tree protection measures is considered acceptable.

6.8 Sustainability

6.8.1 The application is accompanied by a Sustainability Report which demonstrates that the development will achieve Level 4 of the Code for Sustainable Homes. While the development falls below the threshold to require the submission of either a Code for Sustainable Homes Pre-Assessment the sustainable measures are welcomed and considered in accordance with Policy DP22.

6.9 Transport

6.9.1 Policy DP16 states that the Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links while Policy DP18 will seek to ensure that developments provide the minimum necessary car parking provision. Developments within areas of controlled parking zones (such as the application site) should be car free however where the council accepts the need for car parking provision, development should not exceed the maximum standard for the area. On-site parking should be limited to spaces designated for the occupiers of development.

6.9.2 The proposed development includes the provision of four off-street parking spaces to the front of the property with one space dedicated for each dwelling. The existing dwelling has off-street provision for five vehicles together with a parking permit for a further vehicle on-street within the Controlled Parking Zone therefore equating to six spaces. While the council will not normally encourage off-street parking provision, the applicant has agreed to secure a car capped development thereby removing the right to any on-street parking provision while the proposal will include four spaces. This therefore will comprise a net

reduction of two parking spaces. Given that the site is located within an area of moderate public transport provision (PTAL 3) and as the proposal will result in a net loss of parking provision, the proposed level of off-street parking is considered acceptable with regards to Policy DP18.

6.10 Planning Obligations

6.10.1 The proposed development involves the net creation of over 1000sqm of residential floorspace. Therefore, in accordance with Policy DP3 a contribution towards the supply of affordable housing is required.

6.10.2 Policy DP3 states that on-site affordable housing is preferred except where it is determined that this is not appropriate or viable then a financial payment in-lieu will be required. Given the net increase of floorspace being 1200sqm, the required on-site affordable housing would equate to 12%. As the proposal is for four units it is not possible to provide a single unit for affordable housing. Furthermore, an alternative scheme may only provide a single onsite unit and a Registered Provider would be unlikely to take ownership of a single unit owing to issues of separate access, management and cost. Consequently, on-site affordable housing is not considered appropriate in this instance and therefore the applicant is required to make a financial contribution in-lieu of on-site provision. Based on the calculation in CPG8, a contribution of £ 378,738 is required which the applicant has agreed to. The contribution will be secured through Section 106 Agreement.

6.11 Community Infrastructure Levy

6.11.1 This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as it includes the addition of residential units. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme, should it be approved would likely be £63,000 (£50 x 1260sqm). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

7. CONCLUSION

7.1.1 The proposed

7.1.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Financial contribution towards affordable housing (£378,738)
- Car capped development
- Basement Construction Management Plan
- Construction Management Plan

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Conditions

See draft decision notice

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 22LG-P1-A-(00)-000; Demolition Plan 22LG-P1-(15)-001; Existing Plans 22LG-P1-(00)-002, 22LG-P1-(00)-10, 22LG-P1-(00)-11; Proposed Plans 22LG-P1-(10)-001 Rev C, 22LG-P1-(10)-002 Rev C, 22LG-P1-(10)-003 Rev C, 22LG-P1-(50)-SK100, 22LG-P1-(50)-SK101, 22LG-P1-(10)-10 Rev C, 22LG-P1-(10)-11 Rev C, 22LG-P1-(10)-12 Rev C, 22LG-P1-(11)-10 Rev C, 22LG-P1-(11)-11 Rev C, 22LG-P1-(11)-12 Rev C.

Documents: Arboricultural Impact Assessment Ref JKK8117, Tree Constraints Plan JKK8117_Figure 01.01, Tree Protection Plan JKK8117_Figure 03.01, Tree Retention and Removals Plan JKK8117_Figure 02.01, Design and Access & Planning Policy Statement, Basement Impact Assessment Ref BIA4193, Extended Phase 1 Habitat and Bat Survey Grid Ref TQ 271 845, Chemical Interpretive Report Ref CHEM/4193, Construction Management Plan by Stoneforce Ltd, Desk Top Study Report Ref DTS/4193, Energy Strategy Report by Syntegra Consulting dated 21/02/14, Factual Report Ref FACT/4193, Geotechnical Interpretive Report Ref GEO/4193, Noise Impact Assessment Ref: 10952.NIA.01, Structural Engineering Planning Report by Constructure Ltd dated Feb 2014, Ecology Baseline and Code for Sustainable Homes Assessment Report by Syntegra Consulting dated Feb 2014, Daylight, Sunlight & Overshadowing Report Rev A by Syntegra Consulting dated April 2014, Lifetime Homes Letter from KSA dated 20/04/14.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Prior to the relevant part of the works taking place detailed drawings and/or samples of materials as appropriate, in respect of the following, have been submitted to and approved in writing by the local planning authority:
 - a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.
 - b) Typical details at a scale of 1:10 or 1:1, samples where appropriate and

manufacturer's details of new facing materials including but not limited to brickwork, windows and door frames, glazing, balconies, balustrades, metal panels.

A sample panel of brickwork of no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond, pointing, expansion joints and vertical and horizontal banding, shall be erected on site for inspection for the local planning authority.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies

- 4 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: To protect the visual amenity of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 8 The flank windows on the east and west elevations serving the bathrooms at first and second floor levels as shown on approved plans ... shall be of obscure glazing and fixed shut up to 1.7m above finished floor level unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure no overlooking of neighbouring properties.

- 9 Development shall not commence 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. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this

CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.


<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

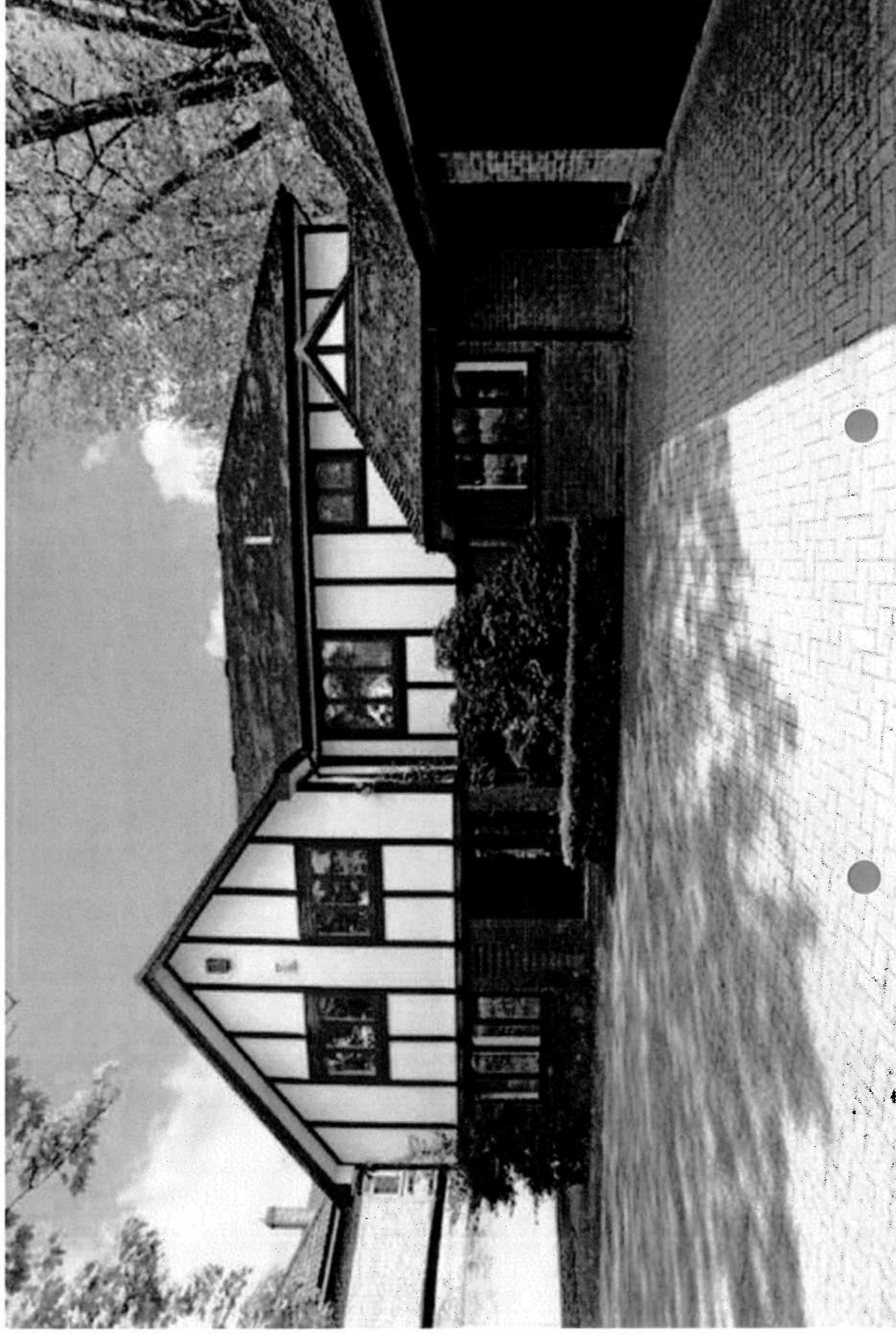


	<p>Application No: 2014/2037/P</p> <p>22 Lancaster Grove</p> <p><input type="checkbox"/> London</p> <p><input type="checkbox"/> NW3 4PB</p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</small></p>	<p>Scale: 1:1250</p> <p>Date: 18-Sep-14</p>	<p>N</p> 
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22 Lancaster Grove



Existing



Aerial view



Street view

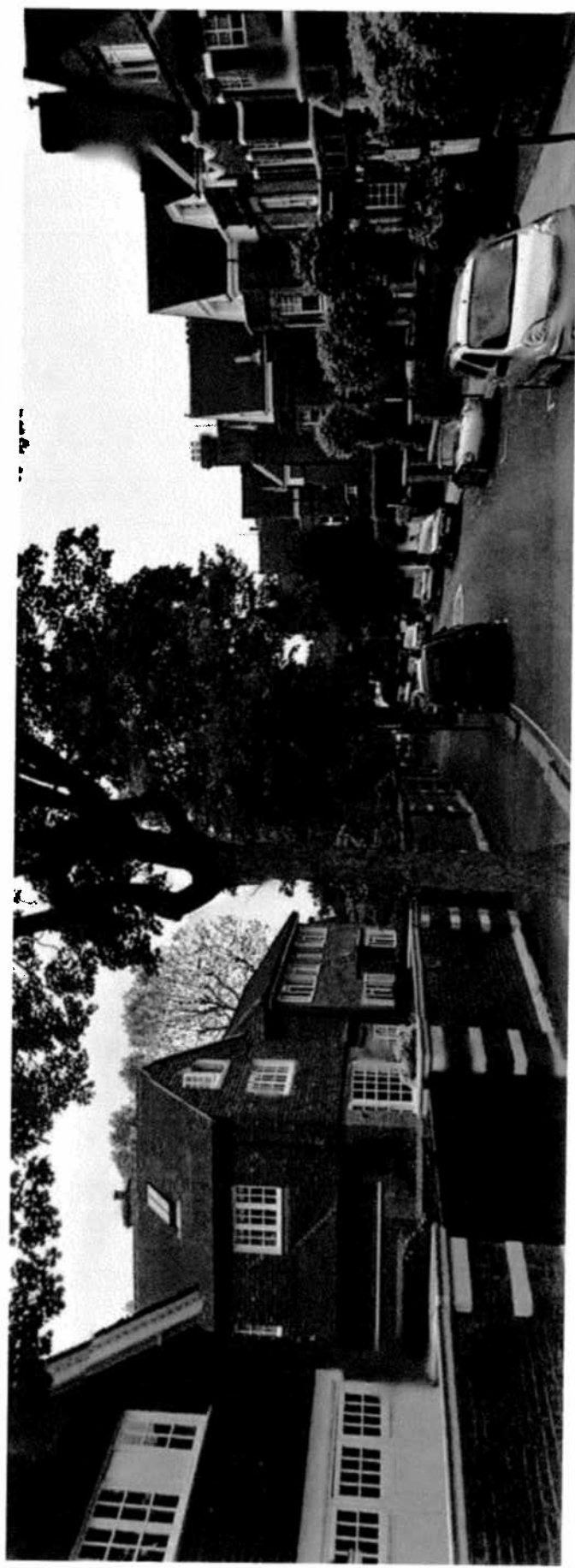


Front

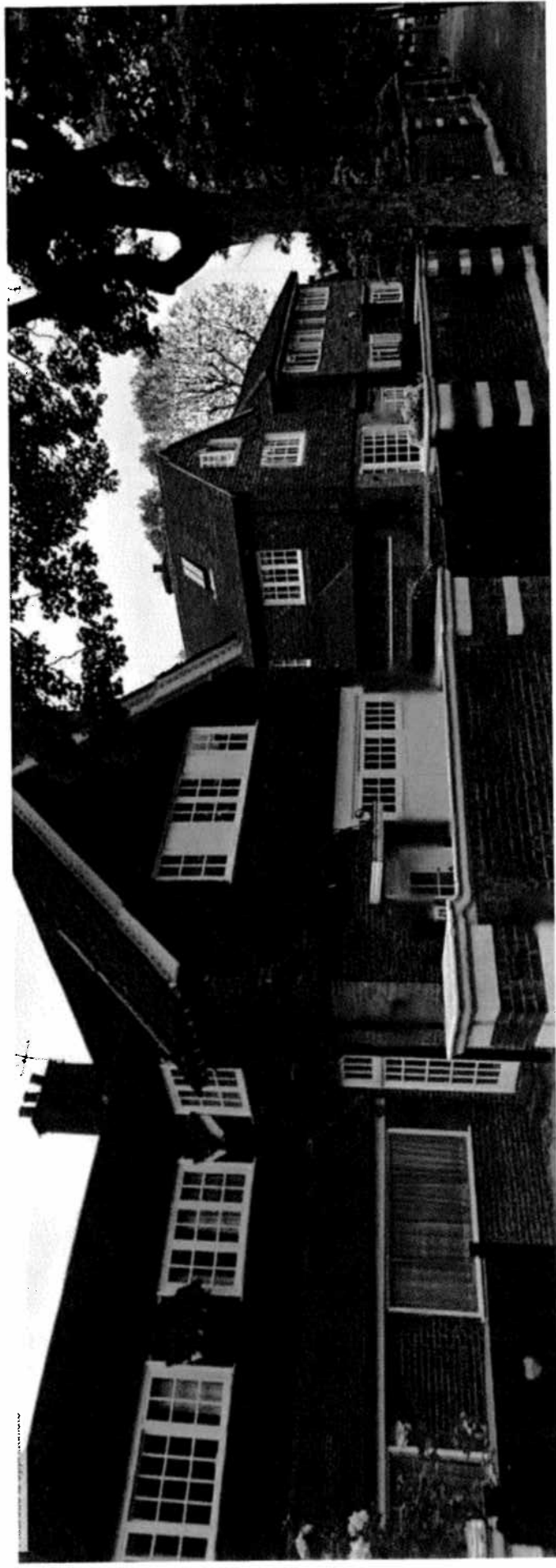


Rear

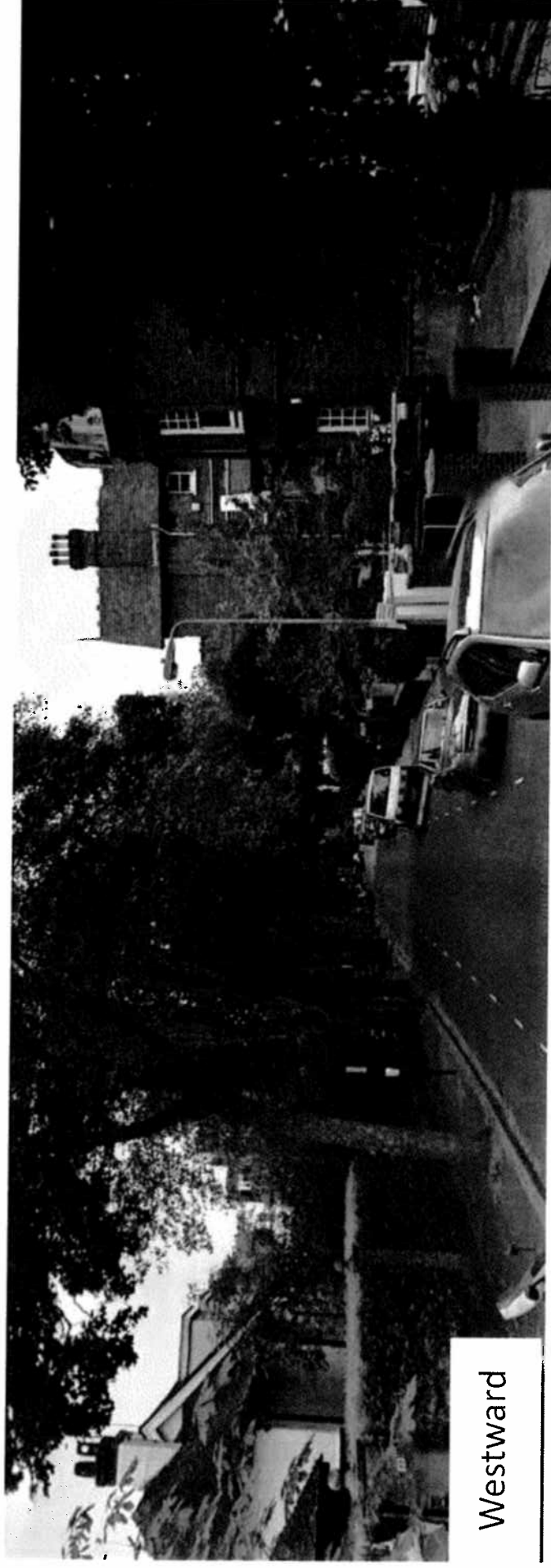
● Street View ●



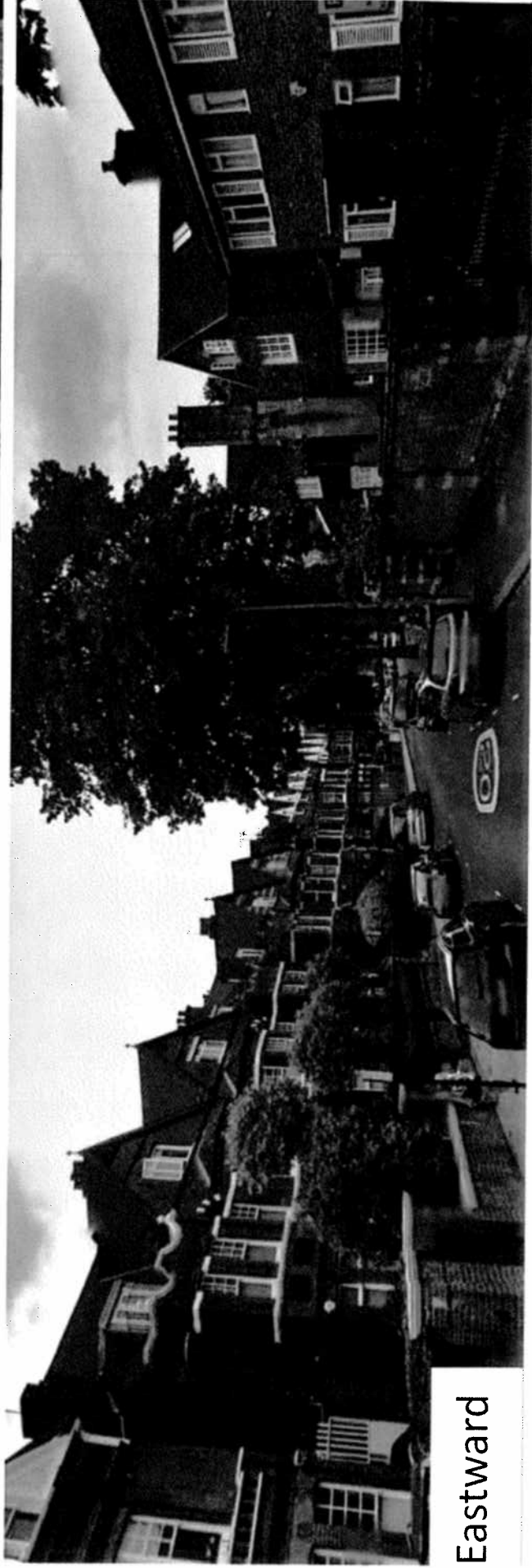
28-24 Lancaster Grove



Views

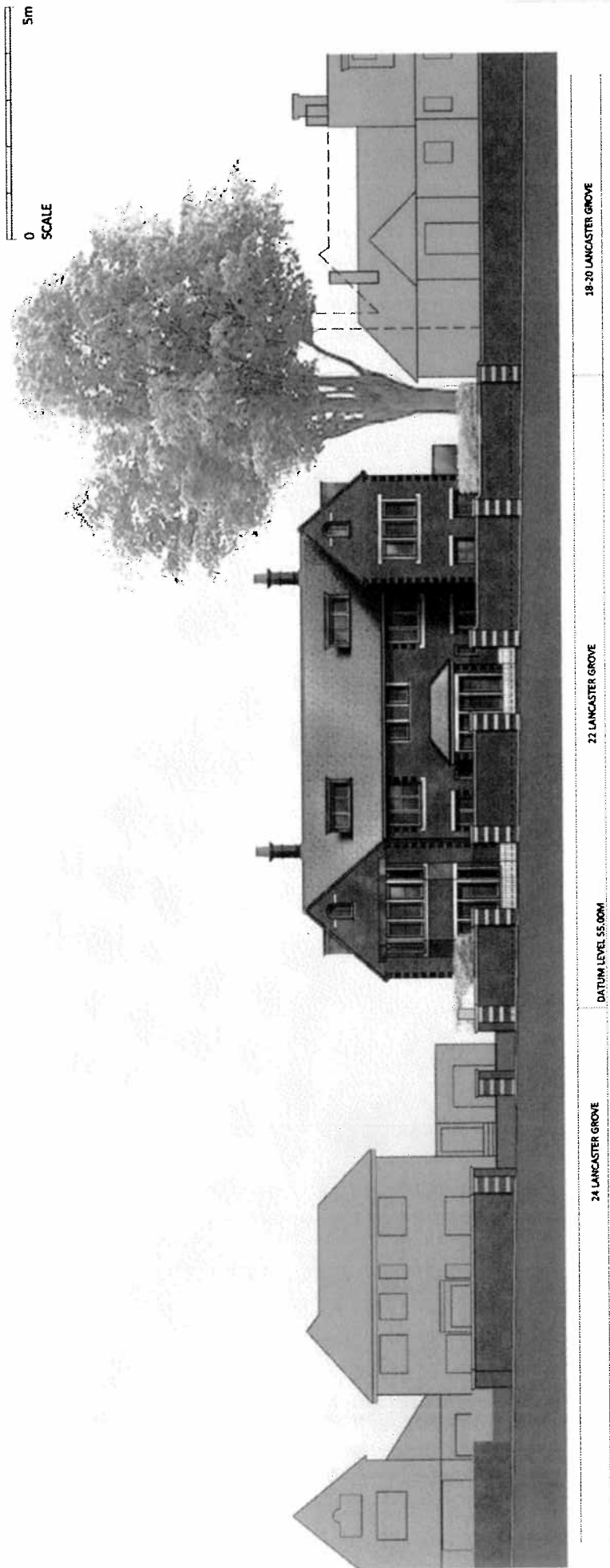


Westward



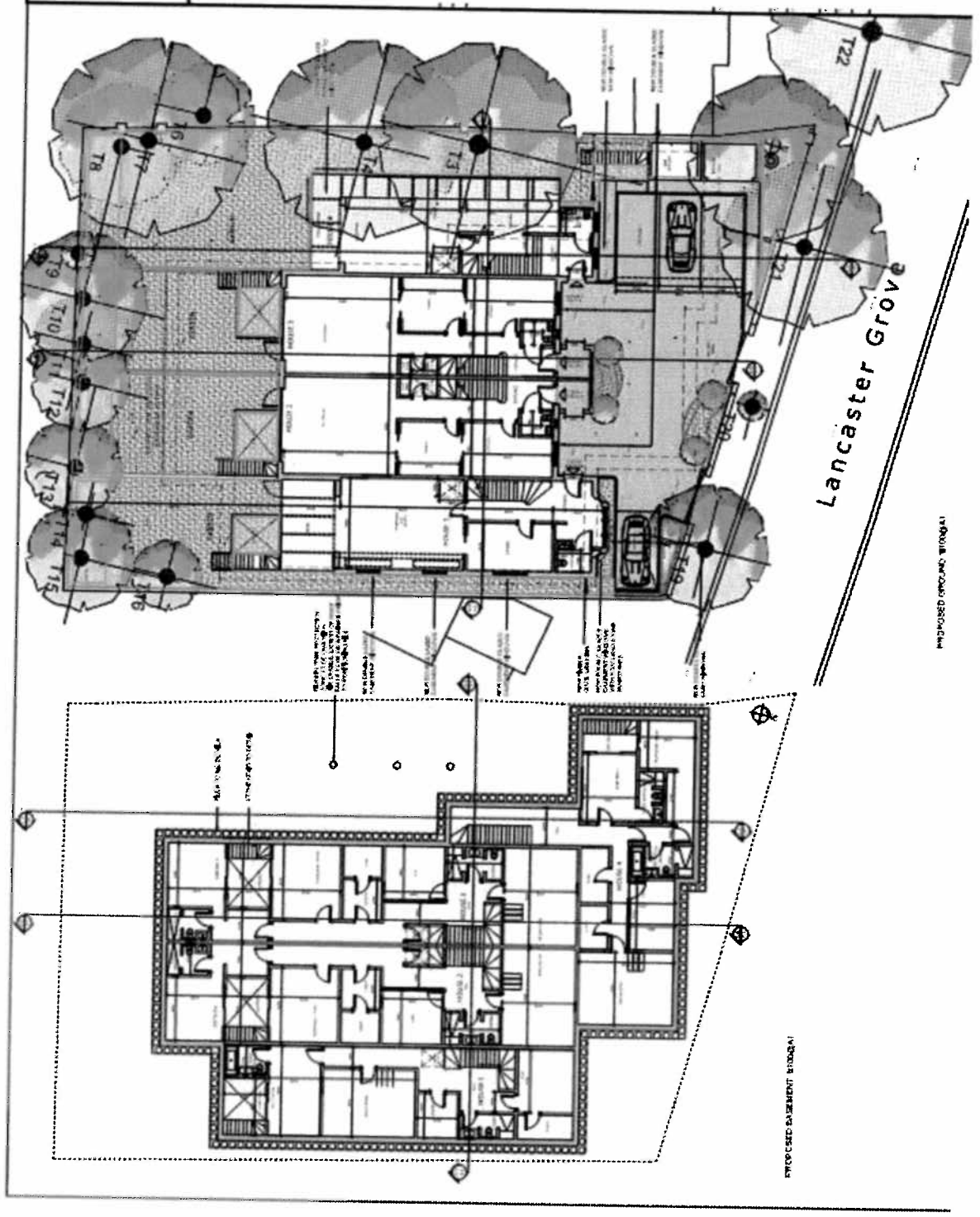
Eastward

Proposal



Proposed lower ground floor

Proposed ground floor



Architectural floor plan of the proposed test building. The plan shows two main sections of the building, each containing multiple rooms and corridors. Key areas labeled include:

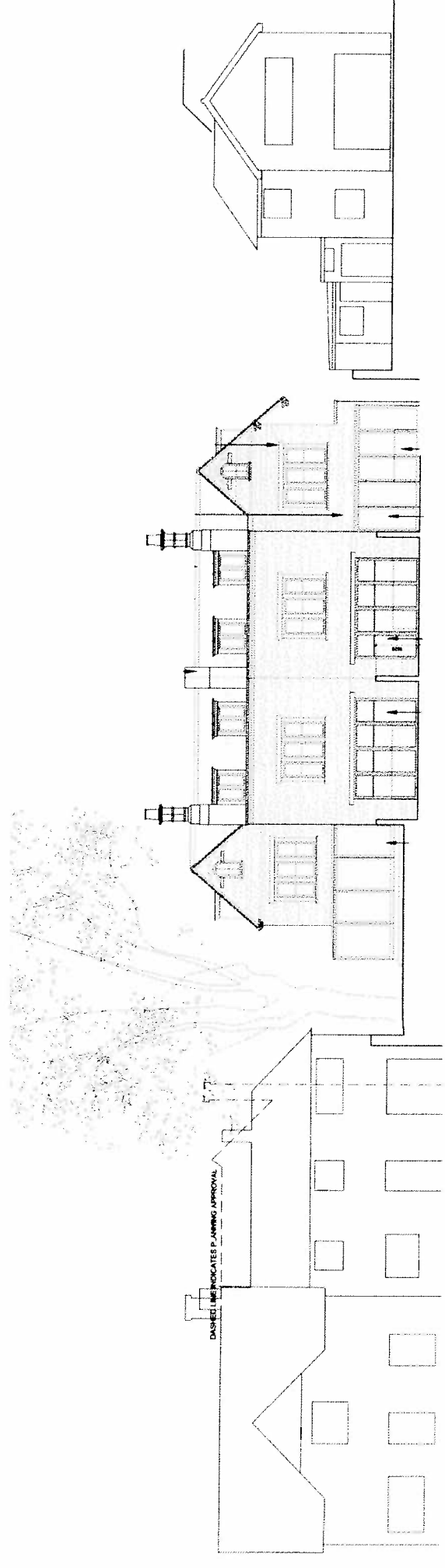
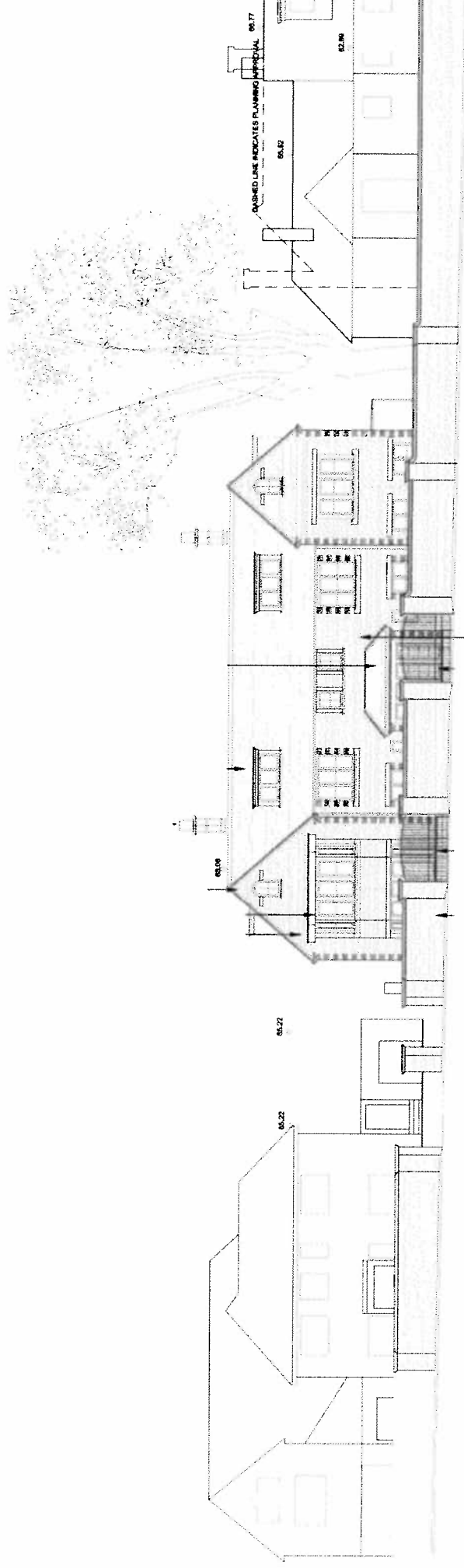
- Left Section:** LABORATORY, STORAGE, CORRIDOR, OFFICE, and various smaller rooms.
- Right Section:** LABORATORY, STORAGE, CORRIDOR, OFFICE, and various smaller rooms.

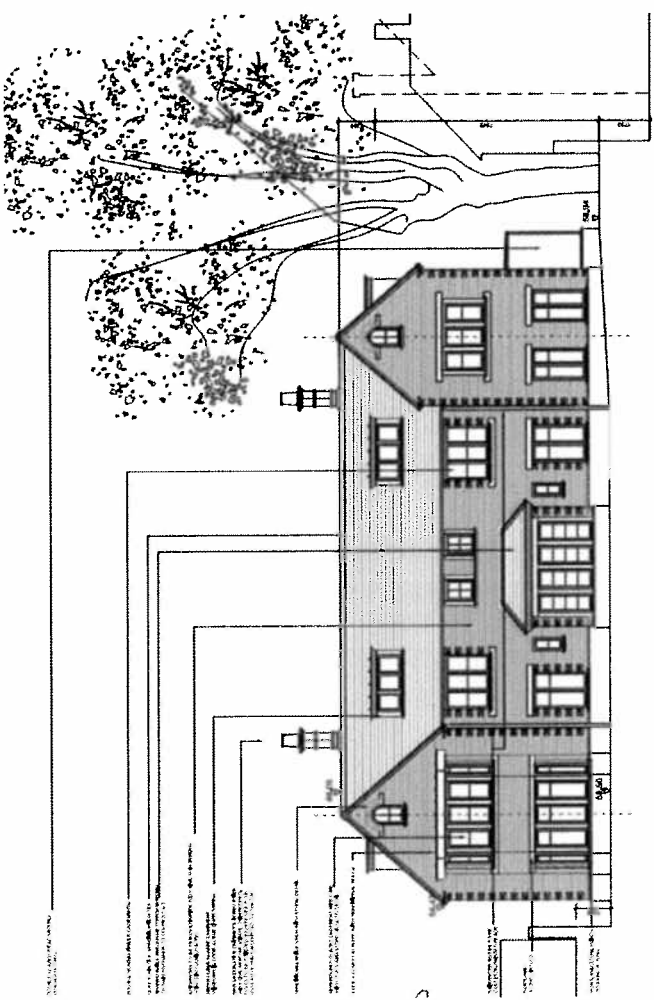
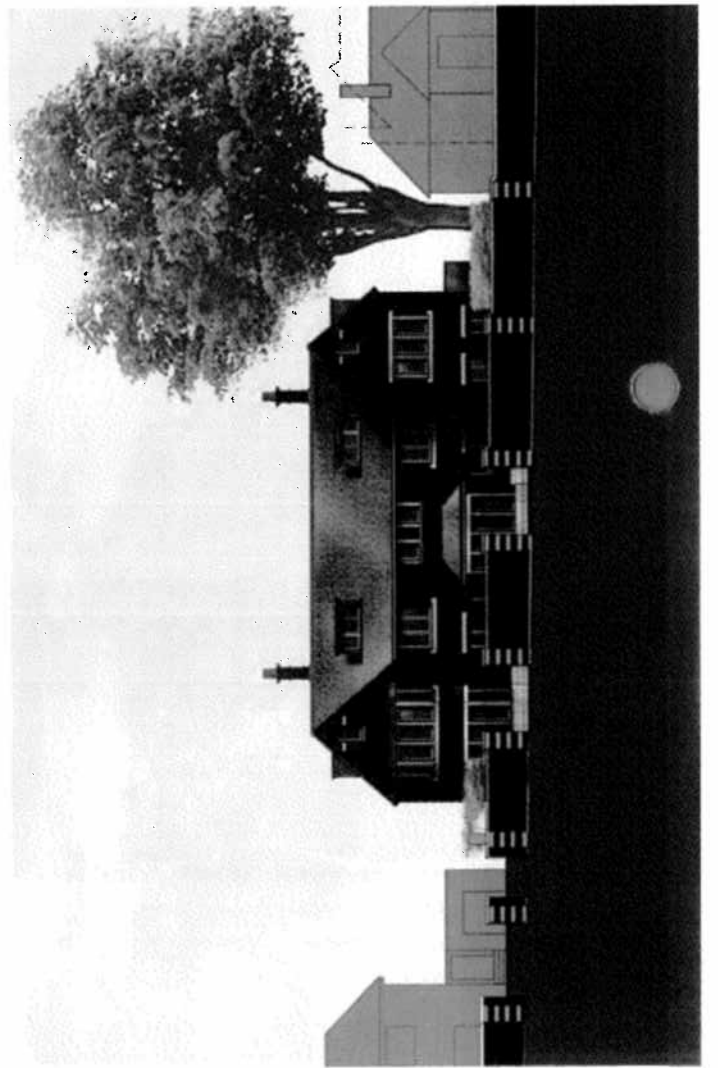
The plan includes a compass rose indicating North (N) and a scale bar. Numerous lines connect specific rooms and areas to descriptive text labels, providing detailed information about the building's layout and intended use.

PROCESSED THAT ENDORSE

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110

Proposed Front/Rear Elevations

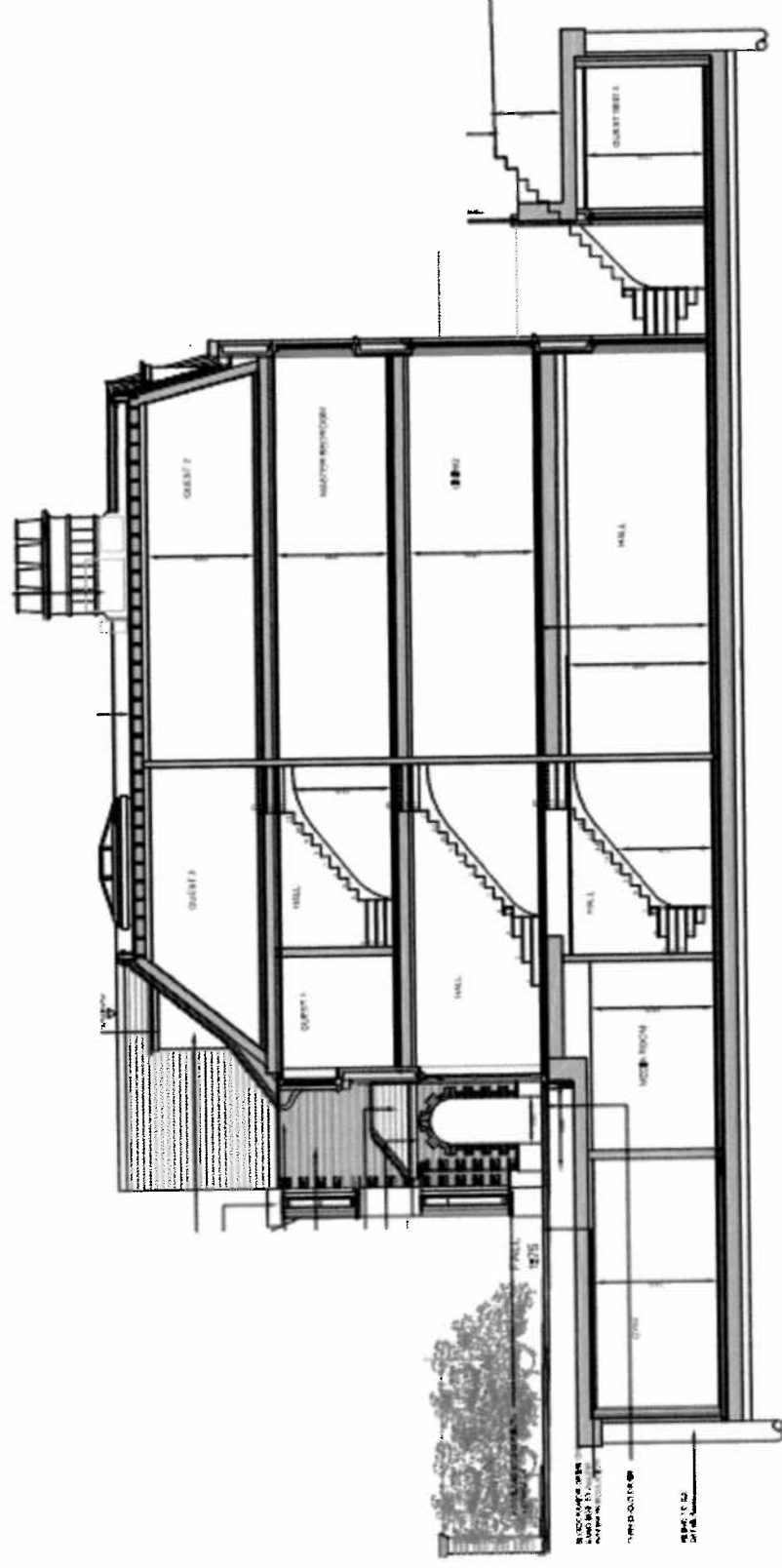




Proposed East/West Elevations



Proposed Section



Proposed site coverage/footprint



APPENDIX 3



22 Lancaster Grove, London, NW3 4PB: Committee Meeting Minutes

<http://democracy.camden.gov.uk/mgAi.aspx?ID=18684>

Application No: 2014/2037/P **Officer:** Peter Higginbottom

Proposal: Erection of a two-storey building plus basement following the demolition of existing building to provide four dwellinghouses (4 x 5-bed).

RECOMMENDATION: Grant planning permission subject to a Section 106 legal agreement.

Minutes:

Consideration was given to the supplementary information, written submissions and deputation requests as referred to in Item 4 above.

The Planning Officer highlighted the key aspects of the report and informed the Committee that the daylight and sunlight assessments carried out on the Windows to 18-20 Lancaster Grove, were in fact blind windows, therefore the impact of loss of daylight and sunlight was none.

Cllr Leila Roy addressed the Committee as ward Councillor for Belsize in objection to the application.

Discussion took place in relation to daylight and sunlight impact concerns, particularly in relation to the neighbouring property. The Committee sought clarification on the thresholds for acceptable levels of daylight and sunlight, what measures needed to be taken into account when considering daylight and sunlight impact, and, whether consideration had been given to the objectors own sunlight and daylight report.

In response the Planning Officer stated that a room which had a good level of daylight would have a VSC of 27%, however, lots of windows had less than 27% especially in London where buildings were closer together. The BRE guidelines, which were nationally used to assess the impact of daylight, stated that, if a development were to reduce the VSC by more than 20% or to a ratio less than 0.8 of the former figure, if the VSC were less than 27% then the impact would be noticeable to the occupants and could justify refusal of a scheme. In relation to sunlight, it was assessed at the annual probable sunlight hours i.e. annually, rather than on a particular day. A good level of sunlight was 25% of sunlight hours, the same ratio applied when considering how much loss of sunlight was acceptable. There would still be an impact but it was not as great as to warrant refusal of the scheme. The Planning Officer went on to describe the impact on the properties either side of the development using the table of figures as set out in the supplementary agenda. 18-20 Lancaster Grove would not be impacted as only blind windows were facing onto the development. In relation to 24 Lancaster Grove, there would be a loss of sunlight to the dining room window, beyond BRE guidelines to a ratio of 0.71 in terms of VSC, 0.65 in terms of annual probable sunlight hours. However, what the BRE guidelines also took into consideration was other factors such as how it affected the room and the use of the room, not just the impact of that one window. If the room had more than one window which continued to receive good sunlight and daylight, there would not be justification to refuse the scheme. The breakfast room, did not have a loss of daylight exceeding the BRE guidelines, and after taking everything in account it had been judged that the daylight and sunlight levels were acceptable.

The Planning Officer remarked that the objectors' report that had been written by John Carter did not refer to light, but about a sense of enclosure which was a different issue. The developers had made changes to the scheme to minimise the impact of the development such as pulling it back from boundary and setting back the roof level.

Discussion took place in relation to the deputies images included in the supplementary agenda. In response the Planning Officer stated that they could not verify the accuracy of the images and expressed concern that the photographs were taken to illustrate daylight and sunlight impact so as to give a false impression.

Further discussion took place in relation to outlook of the neighbouring properties. In response the Planning Officer clarified that all applications were given a thorough site inspection which included looking at it from the neighbouring properties. Private views were not a reason for refusal of an application. The windows in the breakfast room and dining room of 24 Lancaster Grove faced towards the development which was taken into consideration.

In response to questions about a previous scheme that had been refused from a neighbouring site and then later granted by the planning inspector on appeal, the Planning Officer remarked that, it was not unusual for permitted development rights to be removed from new developments. By the planning inspector removing the permitted development rights of the scheme meant the Council retained control on what was built. It was further noted that the planning inspector found that the scale of the development was acceptable for the plot and location.

The Committee raised further concerns about the schemes scale and bulkiness. It was felt that the proposed building did not add anything to the area. Concerns in relation to the loss of trees were also expressed. In response the Planning Officer stated that there was one tree which was of moderate quality, the Tree Officer agreed to its removal as there were two quality specimens either side of it.

A detailed discussion took place in relation to the technical aspects of the basement excavation and the impact it would have on neighbouring properties.

Some Members of the Committee raised questions and concerns regarding the character of the streetscape, the distance from the front gable to the boundary. In response the Conservation Officer stated that there was consistency along the street as indicated on pages 248 and 249 of the agenda. There was character and a streetscape rhythm therefore the proposed development would be in keeping with the character of the streetscape. The distance between the existing flank and boundary wall was just over three metres, the proposed was two metres at the point it was set back.

The Planning Officer stated that when assessing the proposal all the images were looked at as a suit of images, ensuring it was assessed comprehensively in context. The officer's view was that the proposal was not uncharacteristic of the area.

On being put to the vote, with 3 in favour, 7 against and 3 abstentions, it was

RESOLVED –

THAT planning permission be refused for the following reasons:

1. The proposed development by virtue of its bulk, mass and extent of site coverage would result in overdevelopment of the site to the detriment of the character and appearance of the conservation area contrary to policy CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24 and DP25.
2. The proposed development by virtue of its bulk, mass and proximity to neighbouring properties would have an unacceptable impact on residential amenity by virtue of a combination of reduction of light, outlook and a heightened sense of enclosure contrary to policy CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26.

APPENDIX 4



Appeal Decisions

Inquiry held on 8 and 9 April 2008

Site visit made on 9 April 2008

by **Louise Crosby MA MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
28 May 2008

Appeal A: APP/X5210/A/07/2048015

18-20 Lancaster Grove, London, NW3 4PB

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Nicolae Ratiu against the decision of the Council of the London Borough of Camden.
- The application Ref: 2007/0925/C, dated 20 February 2007, was refused by notice dated 15 May 2007.
- The demolition proposed is of two self-contained dwellings.

Appeal B: APP/X5210/A/07/2048016

18-20 Lancaster Grove, London, NW3 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Nicolae Ratiu against the decision of the Council of the London Borough of Camden.
- The application Ref: 2007/0923/P, dated 20 February 2007, was refused by notice dated 15 May 2007.
- The development proposed is demolition of two self-contained dwellings and erection of a new single family dwellinghouse.

Decisions

Appeal A

1. I allow the appeal, and grant conservation area consent for the demolition of two self-contained dwellings at 18-20 Lancaster Grove, London, NW3 4PB in accordance with the terms of the application Ref: 2007/0925/C, dated 20 February 2007 and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal B

2. I allow the appeal, and grant planning permission for the demolition of two self-contained dwellings and erection of a new single family dwellinghouse at 18-20 Lancaster Grove, London, NW3 4PB in accordance with the terms of the application, Ref: 2007/0923/P, dated 20 February 2007, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

3. There is a difference in opinion between third parties and the appellant regarding the floor space of the existing and proposed dwelling and thus the
-

percentage increase. However, it was agreed that the submitted plans are to scale and are accurate and these are what I shall base my decision on.

Main Issues

4. The main issues are:

- i) whether the existing dwellings make a positive contribution to the character or appearance of the Belsize Conservation Area; and
- ii) whether the proposed dwelling would preserve or enhance the character or appearance of the Belsize Conservation Area, with particular regard to its bulk and massing and whether it is of sufficient quality to justify the demolition of the existing dwellings.

Reasons

Demolition of Existing Dwelling

5. Paragraph 4.27 of Planning Policy Guidance Note 15: *Planning and the Historic Environment* (PPG15) advises that there should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. It also advises that the assessment should follow the same broad criteria as proposals to demolish listed buildings. It then goes on to explain that "in less clear-cut cases - for instance, where a building makes little or no such contribution - that the local planning authority will need to have full information about what is proposed for the site after demolition".
6. Similarly, Policy B7(B) of the Camden Replacement Unitary Development Plan 2006 (UDP), seeks to prevent the demolition of unlisted buildings within conservation areas that make a positive contribution to its character or appearance, unless exceptional circumstances are shown that outweigh the case for retention.
7. The Belsize Conservation Area Statement (BCAS) which was published in April 2003 defines six separate sub-areas. The site falls within Sub Area three, which contains buildings of varying age and style. I saw that is particularly so within Lancaster Grove, where there are distinct differences between the houses on the north and south side of the road.
8. The dwellings are identified within the BCAS as being unlisted buildings that make a positive contribution to the Conservation Area. I understand that the dwellings have not been altered since the Council included them on the list. However, in my opinion, a much more thorough examination of the history and quality of the dwellings has been undertaken by the parties, in connection with this proposal, than would have been likely when a substantial number of buildings were surveyed for the purpose of the BCAS.
9. The appeal site lies on the south side of the road, where the dwellings vary enormously in age, size, style, use of materials and also to some degree the distance that they are set back from the road. The north side is more unified, containing rows of tall, red brick Victorian villas, built much closer to the road. Many of these contain fine moulded detailing and stone dressings and have imposing gabled front elevations.

10. The existing dwellings on the appeal site were built in the 1920's. They were originally built as stables, garaging and servant's accommodation for use in connection with a large dwelling to the rear, known as 30 Eton Avenue. This link was severed in 1948, when the building was converted into three self contained flats. At that time many alterations to the building were carried out, including changes to door and window openings and also the part rendered/part brickwork exterior was 'Snowcemmed' white.
11. The building is currently split into two independent dwellings and over time many other alterations have taken place. Two flat roofed dormers have been inserted into the front roof plane. A flat roofed garage and porch have been attached at the front. Although the garage and porch are behind the tall brick front boundary wall, they are still readily visible through the driveway opening, when passing the site.
12. At the rear, a barrel roofed uPVC conservatory has been added to No 18 and the majority of the windows in the dwellings are replacement timber casements. Whilst there are a number of properties in the area that are rendered, I saw no other examples of 'Snowcemmed' buildings.
13. The dwellings have some characteristics of an 'Arts and Crafts' style house, of which there are other examples in the area, particularly in Eton Avenue. However, in my opinion these characteristics and the general aesthetic quality of the dwellings have been significantly diluted by the numerous unsympathetic alterations.
14. Moreover, I consider that the dwellings are of little historic significance locally, since they have long since been severed from 30 Eton Avenue. Whilst they do reflect the piecemeal way in which this side of Lancaster Grove has been developed, this in my opinion is not in itself a good reason to retain them. I have also given significant weight to the fact that English Heritage did not raise any objections to the proposed demolition of the dwellings.
15. For the foregoing reasons, I conclude on this point that the dwellings make no more than a little contribution to the Conservation Area. Accordingly, the proposal falls to be considered, in light of the quality of the proposed dwelling and its suitability for this particular site, having regard to the site's location within the Belsize Conservation Area in accordance with UDP Policy B7(B) and the advice set out in PPG15.

The Proposed Dwelling

16. Paragraph 4.17 of PPG15 states that, where buildings do not make a positive contribution to the character or appearance of a conservation area; "their replacement should be a stimulus to imaginative high quality design, and seen as an opportunity to enhance an area. What is important is not that the new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own."
17. The proposed dwelling has been symmetrically designed, on a roughly H-shaped footprint, with two projecting gables and a projecting semi-octagonal stone bay between. The dwelling would be located centrally within the plot, providing more space adjacent to the eastern boundary than at present. It

would be constructed from hand made bricks with Portland stone window dressings and quoins.

18. The footprint and the massing of the proposed dwelling is larger than the existing, however the increase in massing has been kept to a minimum by the introduction of cross-wings into the design. The building would be two storeys in height with additional accommodation in the basement and a small section of the roof space.
19. The ridgeline although higher than the existing eastern portion would be set further back from the road than at present, thus helping to reduce the overall mass. I saw on site that the increase in mass would be most noticeable when travelling along the street in a westerly direction.
20. This is as a result of the pitched cross-wings and the fact that No 20 is set back from the road further than many other properties. The main view that would be lost when looking west would be the upper rear part of a property on Strathmore Gardens which contains a large modern dormer. I do not consider that this would be unduly harmful to the streetscene or to the character or appearance of the Conservation Area, particularly given the quality of the proposed dwelling and the relief that would be provided on the eastern elevation of the dwelling.
21. The proposed dwelling has been designed, incorporating some typical 'Arts and Crafts' features such as the proposed materials and the use of traditionally designed elements. It would also contain a number of architectural features found close by within the Belsize Conservation Area. In particular, the proposed gables are a common feature on the north side of Lancaster Grove with a few examples also in existence on the south side. The introduction of the carved stone panels would also reflect many other examples in the area.
22. The octagonal bay would be unique to the area, however, given the diversity of design in the area, this well designed and relatively small element of the overall dwelling would, I consider, add interest to the dwelling and the surrounding area rather than detract from it. In my opinion, the dwelling would incorporate some of the best examples of architectural design and detailing within this part of the Belsize Conservation Area.
23. I consider that, rather than conflicting with the style of the existing dwellings on the southern side of Lancaster Grove it would add to the existing eclectic mix. The existing front boundary wall which is specifically mentioned in the BCAS would be retained as part of the proposal and in my opinion this would help to assimilate the new dwelling into its surroundings.
24. In my opinion, the proposed dwelling would enhance the character and appearance of this part of the Belsize Conservation Area and its design justifies the demolition of the existing dwellings, which I have found, make no more than a little contribution to the character and appearance of Belsize Conservation Area. As such I consider that there would be no conflict with UDP Policy B7(B).
25. I conclude therefore on this point that the proposal would accord with UDP Policy B1, which seeks to ensure that, among other things, that development is of a high standard and that it respects its site and setting and seeks to improve

the attractiveness of an area and not harm its appearance or amenity. In addition, I consider that the proposal would accord with UDP Policy B7(A) which seeks to ensure that new development in a conservation area preserves or enhances the special character or appearance of the area. Similarly, the proposal would I consider accord with the advice set out in paragraphs 4.17 and 4.27 of PPG15.

Other Matters

26. With regards to the matter of living conditions, the new dwelling would be slightly closer to the side of 16 Lancaster Grove. However, this elevation of No 16 contains only secondary windows. The proposed dwelling would project beyond No 16 at the rear but there would be a gap between the two properties and there is also mature planting in place along the boundary.
27. I consider that a condition requiring frosted glass in the first and second floor windows on the western elevation of the proposed dwelling, and that their lower sections be fixed to prevent them being opened, would protect the occupiers of No 16 from overlooking. Whilst the rear bay window nearest to No 16 would have a small window in the side, I consider that given the size of the window and the distance to No 16 no harmful overlooking would occur from this.
28. I am aware that the windows at the rear of the proposed dwelling would project further into the garden than the existing but I consider that given the mature planting along the boundary and the distance between the dwellings that overlooking would not occur to a harmful degree.
29. Turning to the matter of dominance and loss of light to the windows at No 16, again I consider that there is sufficient distance between the two properties to prevent any oppressive feeling within the garden or rooms at the rear of No 16. Finally, in terms of the loss of light, I consider that this would be minimal given the distance apart and the fact that the rear of No 16 faces south.
30. I conclude on this point, that subject to the conditions that I have imposed, the proposed dwelling would not have an adverse effect on living conditions at No 16.
31. In terms of car parking, provision has been made for the off street parking of at least two cars in front of the dwelling. I note there are no objections from the Council's Highway Department. I am also mindful of the guidance set out in Planning Policy Guidance Note 13: *Transport*, which advocates the use of maximum parking standards and encourages the use of sustainable modes of transport. The site is within walking distance of a range of public transport facilities and therefore I consider that the parking provision proposed within the site is sufficient.

Conclusions

32. I have imposed a condition that will give the Council control over the brick and stone bonding. I have also removed permitted development rights. Whilst I am aware that this should only be done in exceptional circumstances, I consider that given the sensitivity of the site, the size of the proposed dwelling

and the fact that the dwelling has been so cohesively designed that it is warranted in this case.

33. In order to deal with concerns regarding the potential damage to trees shown as retained on the proposed plans, whilst building works are being carried out, I have attached a condition which requires them to be protected during any works. Additionally, I have attached a condition that requires a detailed landscaping scheme to be submitted and implemented.
34. Finally, in terms of the demolition of the existing dwelling, I have imposed a condition that prevents its demolition until a contract has been let for the new dwelling. This will prevent the site becoming an unsightly, vacant site within the Conservation Area.
35. To conclude, I find that the existing dwelling makes no more than a little contribution to the Belsize Conservation Area. The proposed dwelling, which in my opinion has been well designed, would enhance the character and appearance of Belsize Conservation Area in accordance with relevant local and national policy guidance, subject to the conditions that I have set out below.
36. I have had regard to all other matters before me but for the reasons given above I conclude that the appeal should be allowed.

Louise Crosby

Inspector

Schedule of Conditions

Appeal A Ref: APP/X5210/A/07/2048015 Conditions

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made.

Appeal B Ref: APP/X5210/A/07/2048016 Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) A sample panel of the facing brickwork and stonework detailing the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the Local Planning Authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure.
- 4) All hard and soft landscaping works shall be carried out in accordance with the approved details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonable possible and, in any case, by not later than the end of the following planting season, with others of similar size or species.
- 5) The erection of fencing for the protection of any tree shown as retained on the approved scheme and any parts of trees overhanging from adjacent sites shall be undertaken in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed fencing shall be erected prior to any equipment, machinery or materials being brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and within Part 2 (Classes A-C) of Schedule 2 of that Order

shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

- 7) The first floor and second floor windows on the western elevation, adjacent to 16 Lancaster Grove, shall be fitted with obscure glazing and fixed shut to a height of 1.8 metres above the internal finished floor level, prior to the first occupation of the dwelling house, and shall be retained and maintained in that condition thereafter.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Anne Williams	Of Counsel, instructed by the London Borough of Camden.
She called Councillor David Abrahams	Camden Town Hall, Judd Street, London, WC1
Councillor Felicity Rea	As above
Victoria Fowlis	Conservation Officer, London Borough of Camden

FOR THE APPELLANT:

Robert Walton	Of Counsel, instructed by Montagu Evans.
He called Joanne McAuley	Montagu Evans, Clarges House, 6-12 Clarges Street, W1J 8HB
George Saumarez Smith	Robert Adam Architects, 9 Upper High Street, Winchester, SO23 8UT
Nick Sharpe	Montagu Evans, Clarges House, 6-12 Clarges Street, W1J 8HB

INTERESTED PERSONS:

Barrie Tankel	43a Lancaster Grove, London, NW3 4HB
Councillor Arthur Graves	Camden Town Hall, Judd Street, London, WC1

DOCUMENTS

- 1 Attendance List
- 2 Statement of Common Ground
- 3 Opening submission by the Council
- 4 Summary of Mr Tankel's statement to the Inquiry
- 5 Letter of support from Gary Bernadout

- 6 Review of floor area discrepancies by Mr Tankel
- 7 Closing submissions on behalf of the Council
- 8 Copy of a memo from Montagu Evans dated 9 April 2008
- 9 Fulford v. The Secretary of State for the Environment Richlone Limited London Borough of Camden
- 10 Closing submissions on behalf of the appellant

PLANS

- A Coloured A3 front elevation Ref: 5115/5
- B 'Streetscene' perspective drawing

APPENDIX 5

