

Delegated Report		Analysis sheet	Expiry Date:	17/02/2015
		N/A	Consultation Expiry Date:	04/02/2015
Officer			Application Number(s)	
Jonathan McClue			2014/7856/P	
Application Address			Drawing Numbers	
11A Primrose Hill Road London NW3 3DG			Please see decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a 3-storey dwelling house & associated landscaping works (Class C3).				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	17	No. of responses	6	No. of objections	6
Summary of consultation responses:	<p>A site notice was displayed on 14/01/2015, expiring on 04/02/2015.</p> <p>6 objections have been received from neighbouring residents on Primrose Hill Road, King Henry's Road and Quickswood.</p> <p>A summary of the objections are as follows:</p> <p><u>Design and Heritage:</u></p> <ul style="list-style-type: none"> - Development would be detrimental to the established building line on King Henry's and to the established character and appearance of the townscape and adjacent Elsworthy conservation area - The proposed building would impact on the northern aspect of the Church of St. Mary the Virgin (grade II listed building) resulting in a loss of views and harm to its setting <p><u>Amenity:</u></p> <ul style="list-style-type: none"> - Loss of light - Overlooking and the loss of privacy - Exacerbate existing congested parking situation - Noise and transport issues from construction works <p><u>Transport and Parking:</u></p> <ul style="list-style-type: none"> - A further unit would exacerbate parking congestion within the private roads of the Estate <p><u>Other:</u></p> <ul style="list-style-type: none"> - Negative impact on the existing vegetation in the communal garden because of the loss of light - Loss of trees would be harmful to visual amenity - The owner of the land has no rights of access to the site to construct over communal land and to gain a provision for parking 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p><u>Thames Water:</u></p> <p><u>Water</u></p> <p>Raises no objection in respect of the impact of the development on water infrastructure capacity. Advised that if the application were to be approved that an informative should be attached informing of the minimum pressure that will be provided to the water flow.</p> <p><u>Wastewater:</u></p> <p>Advised that there is an inability of the existing wastewater infrastructure to accommodate the proposal and in the event of an approval a 'grampian style' condition is recommended to ensure that the development is not commenced until a drainage strategy detailing any on and/or off site drainage works has been submitted.</p>					

Other guidance regarding non-return valves, discharge permits and work near public sewers is provided.

Network Rail:

Network Rail object to the proposal due to its impact on their railway infrastructure. The works would take place on a Network Rail tunnel and the submitted details do not satisfy them that the tunnel would remain safe during construction and as a permanent arrangement.

Network Rail have requested a risk assessment and method statement for all construction works on site; details of excavation and earthworks; drainage arrangements and piling works.

Chalcots Estate Limited:

The proposal would be contrary to the Scheme of Management of the Estate by creating an additional dwelling house; extending into the communal garden and changes to parking arrangements. The Estate has not been informed of the development by the applicant and they would need to gain their permission.

Site Description

The site is located in the side garden of 11 Primrose Hill Road and runs along the north side of King Henry's Road. It is located close to the north-west corner of the junction of King Henry's Road and Primrose Hill Road. Immediately opposite the site on the south-west corner of King Henry's Road and Primrose Hill Road lies a grade II listed building known as the Church of St Mary the Virgin. This building is a red brick structure adhering to an Early Gothic style dating from 1871-2.

The site is not listed nor does it lie within a designated conservation area, however, it lies opposite the Elsworthy Conservation Area on the southern side of King Henry's Road and is also within the vicinity of a grade II listed building situated opposite the site.

Relevant History

2005/0353/P: Planning permission was refused for a 3 storey dwelling on 11/04/2005. The reason for refusal was due to the design, siting, height and bulk of the proposal harming the character and appearance of the surrounding area and the adjacent Elsworthy Conservation Area

2013/7112/P: A full planning application for a 3 storey dwelling was withdrawn on 21/03/2014.

2014/4514/P: Planning permission was refused for a 3 storey dwelling with a basement on 05/09/2014. The reasons for refusal included the design, siting, height and bulk of the proposal harming the character and appearance of the surrounding area and the adjacent Elsworthy Conservation Area; the basement impact assessment failing to demonstrate that the basement excavation would not harm the built and natural environment in addition to neighbouring amenity and due to the absence of legal agreements to secure a car-free development, a Construction Management Plan and sustainability review.

Relevant policies

LDF Core Strategy and Development Policies

Core strategy:

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

Development policies:

- DP2- Making full use of Camden's capacity for housing
- DP5- Homes of different sizes
- DP6- Lifetime homes and wheelchair homes
- DP17-Walking, cycling and public transport
- DP18- Parking standards and limiting the availability of car parking
- DP20- Movement of goods and materials
- DP22- Promoting sustainable design and construction
- DP23- Water
- DP24- Securing high quality design
- DP25 – (Conserving Camden's Heritage)
- DP26- Managing the impact of development on occupiers and neighbours
- DP27- Basement and lightwells
- DP29- Improving access

Camden planning guidance 2013:

CPG1 (Design)- Chapters: 1; 2; and 6

CPG2 (Housing) – Chapters: 4 and 5

CPG3 (sustainability)

CPG4 (Basements)

CPG6 (Amenity)- chapters 6 & 7

CPG7 (Transport) –Chapters 7 and 9

CPG8 (Planning obligations)- Chapters 3, 4, 7, 10 and 11

The London Plan March 2015, consolidated with alterations since 2011

Policies 3.3, 3.4, 3.5, 5.3, 5.18, 6.9, 6.10, 6.13, 7.4,7,6, 8.2

NPPF 2012

Assessment

1.0 Proposal

1.1 Planning permission is sought for the erection of an end of terrace three storey single family dwelling house and associated landscaping works. A similar scheme at the application site was refused as it was considered unacceptable in principle under 2014/4514/P. The main difference with the current proposal is the omission of the basement which was considered to be inappropriate.

1.2 The new building would adjoin 11 Primrose Hill Road and be constructed within its private side garden. 11 Primrose Hill Road is the southern- most house along a terrace of buildings fronting Primrose Hill Road (no.s 11 to 37). The existing property was built in 1968 and forms an integral part of the housing estate developed by the Eton Estate. The appearance of the new house would be similar to the existing buildings within the terrace in terms of dimensions, details and the use of the materials. Landscaping works include an extension of the paved area on the front elevation to form a new access into the building.

1.3 The proposed dwelling would have a width of 5.78m; a depth of 10.36m; a height of 8.6m to the parapet and include stock bricks, painted timber slats, PVC or aluminium framed windows, electric louvres and a living/green wall on the blank side elevation. The dwelling would have 3 bedrooms, a first floor balcony, boundary treatment, a side and rear garden and external cycle parking spaces.

2.0 Principle of Development

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

2.2 The site is considered to be in a prominent and sensitive location by virtue of its closeness to a road junction, its proximity to the adjacent Elsworthy Conservation Area and a grade II listed building (Church of St Mary the Virgin). Furthermore, the site can be seen in long views along Primrose Hill Road from the north and south and from the east and west along King Henry's Road. It also forms part of a green connection which runs along the north of King Henry's Road to the west of Primrose Hill junction. The green connection is made up of front and side gardens to the existing houses on the estate, which represents a well-defined perimeter characterised by reasonably mature planting. The two storey houses located immediately to the west of the site follow a clear building line, which is set further back from the road than that of the footprint of the proposed building.

2.3 It is considered that a new house by virtue of its location on a prominent corner site would set an unacceptable precedent and be unacceptable in principle. The new building would extend towards King Henry's Road over the open space to the south side of the existing terrace and remove the green gap, harming the openness of the site and being out of keeping with the character and appearance of the prevailing pattern of development. Further considerations are noted below in

section 3.0.

3.0 Impact on Character and Appearance of the Locality, the Adjacent Elsworthy Conservation Area and the Grade II Listed Building

3.1 The housing estate was carefully laid out in the late 1960's by the Eton Estate to enable a fine balance between built and unbuilt space. The spaces located between the terraces are generously planted, which is considered to give the vicinity a distinct character. The building line is considered to be an established feature of the area. The proposal to build beyond the established building line would significantly harm the character and appearance of the surrounding area by projecting further than the other buildings along this side of King Henry's Road. The existing building at 11 Primrose Hill Road already projects forward of the building line compared to the properties immediately to the west, but not to a significant degree that is considered to harm the street scene, and the proposal would result in it extending substantially beyond them.

3.2 The open space located to the south side of the existing terrace creates a green gap, which is characteristic of the Chalcot Estate dwellings along King Henry's Road. The estate building line along King Henry's Road provides a sense of openness within the street scene by providing gaps between the buildings and the road. This is balanced by the gardens of the buildings on the opposite (southern) side of the road. The formation of an additional building within this gap would see the end elevation of the new building positioned very close to King Henry's Road, and would significantly erode this sense of openness. This arrangement would be contrary to the general pattern of development in this part of the estate and within this part of King Henry's Road, and is considered to be harmful to the street scene, local character and local distinctiveness. The slim gap which would be retained between the gable end of the new building and the site boundary would not in the Council's view be significant enough to retain this sense of openness and relief from the built edge, nor would the installation of a living wall help to mitigate the loss of the gap to any notable degree.

3.4 The proposal to build a new house on land constituting a side garden to 11 Primrose Hill Road is considered to be unacceptable. The site is not considered to be appropriate for development of an independent dwelling, since the combination of height, bulk, mass and footprint would harm the setting, with particular reference to unbalancing the ratio of built to unbuilt space within the vicinity, damaging the views in and out of the adjacent conservation area, thus harming its character and appearance.

3.5 In connection with the above, the new building would be located in the side garden of 11 Primrose Hill Road, which is the main source of private amenity space for the property. Although some amenity space is afforded to the rear of the site in the form of a small patio area and garden, the garden area is significant shared open space available within the estate. Therefore it is considered that the loss of the garden space serving 11 Primrose Hill is contrary to policy CS15 of Camden's LDF.

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

3.7 The detailed design of the building is largely consistent with the terrace it would be attached to, however, as a new structure would be unacceptable in principle, these details would not outweigh the concerns raised.

4.0 Quality of residential accommodation

4.1 The proposed dwelling is considered to provide a satisfactory standard of living accommodation for its future occupiers. The overall floorspace and room sizes would be well in excess of the requirements of CPG2 and the London Plan; floor to ceiling heights are considered to be acceptable at 2.5m high on all floor levels; adequate dedicated storage space would be available; the house would be dual aspect with an outlook to the front and rear and all habitable rooms have access to

natural light and ventilation. External amenity space would be provided by the side and rear garden and first floor balcony.

4.4 The applicant has submitted a lifetime homes assessment which confirms that the entire criterion has been met.

5.0 Amenity

5.1 The proposed new building would not be likely to negatively impact on the current levels of natural daylight/sunlight or result in a loss of privacy or an increase in noise levels to neighbouring occupiers. It is therefore considered to comply with policies CS5 and DP26 of Camden's LDF.

6.0 Trees and Landscaping

6.1 The affected sycamore tree on site has already been removed which was within the applicant's rights as the property is not within a Conservation Area and the tree was not subject to a Tree Preservation Order (TPO).

6.2 There are lime trees on site which are subject to a TPO. They have recently been reduced in size as part of a separate tree works application.

6.3 As a result, the proposed fells and pruning as part of the application have already been carried out lawfully.

7.0 Sustainability

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

7.2 In terms of waste refuse storage the housing unit is considered to be of a sufficient size to allow for the accommodation of storage for domestic waste and recycling.

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

8.0 Transport

8.1 The site has a PTAL rating of 3, which indicates that the site has moderate links to the public transport network. It is served by bus routes C11 and 31 and within close proximity to the Chalk Farm station. As the site is located on a private street, where parking is agreed via the Chalcot Estate, the Council has no jurisdiction over parking on the private street. However, given that the development is for new build, the Council would normally expect a car-free development in accordance with policy DP18 of Camden's LDF. If the scheme was considered to be acceptable in all other respects a car-free development would have been secured via a S106 legal agreement. In the absence of a S106 agreement to secure car-free housing this forms a further reason for refusal of the application.

Cycle parking

8.2 Cycle parking has been proposed within the curtilage of the dwelling. If the Council were able to

support this scheme further details would be required by attaching an appropriate condition on the decision notice.

Construction Management Plan

8.3 A draft construction management plan has been submitted in respect to the potential construction impacts as well as issues relating to the occupation of the highway, such as parking bay suspensions, hoardings, skips or storage of materials as these are likely to be constrained. Highways Officers have confirmed that given the scale, nature and location of the development that a construction management plan would need to be secured via a Section 106 Legal Agreement. As the scheme is considered to be unacceptable in other aspects, the failure to secure this through legal agreement constitutes a further reason for refusal of the application.

9.0 Network Rail

9.1 The proposed development would take place on a Network Rail tunnel and an objection has been raised by Network Rail as details have not been provided with the application to demonstrate that the tunnel would remain safe during construction and as a permanent arrangement.

9.2 Network Rail have requested a risk assessment and method statement for all construction works on site; details of excavation and earthworks; drainage arrangements and piling works. Network Rail have stated that these details should be submitted prior to determination of the application rather than by condition. The applicant was made aware of this objection. However given the application is considered unacceptable in principle for the reasons outlined in sections 2 and 3 of this report, this further information was not requested.

10.0 CIL

10.1 As the proposal relates to the creation of a new residential unit it would be CIL liable if it were to be approved. From the 1st of April proposals will be liable to Mayoral and Camden CIL.

Recommendation: Refuse planning permission