



Date: 22nd April 2015
PINS Ref: APP/X5210/W/15/3004790
Our Refs: 2014/2037/P
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Neale Oliver
The Planning Inspectorate
Room 3/05
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Neale Oliver,

Town and Country Planning Act 1990
Appeal by KAS Architecture and Interior Design Ltd
Site at 22 Lancaster Grove, London, NW3 4PB

1.0 Summary

1.1 This appeal relates to the refusal of an application for the erection of a two storey building plus basement to provide 4 x dwellinghouses following the demolition of an existing dwellinghouse (reference 2014/2037/P).

1.2 The site is located in the Belsize Conservation Area. The existing house is a 4-bedroom, detached house located on the south side of Lancaster Grove constructed in the 1980's. There is a large parking area in front of the site, sufficient space for 5 parked cars and the house has a garage which lies forward of the existing building line of the house. At the rear of the site is a single storey rear addition with a large garden that extends 19metres. Numbers 18-20 Lancaster Grove (to the west of the site) is currently being redeveloped following various approvals for two new dwellings on the site (references 2014/2811/P and

2010/3134/P). Number 24 Lancaster Grove (east of the site) is a two storey brick dwellinghouse with single storey garage adjacent to the appeal site boundary.

1.3 The north and south sides of Lancaster Grove are characterised by different features. The south side of Lancaster Grove contains 2-storey detached Arts and Crafts houses with gables, dormers, asymmetrical facades and footprints, red bricks and tiles. The north side of Lancaster Grove is much more uniform; characterised by robust 2-3 storey mid-Victorian terraces and semis with gables, bay windows, dormers, fine decorative features, red bricks, stucco dressings and asymmetrical facades. The houses have front gardens with boundary walls defining the edge of the properties along the street.

1.4 A planning application was submitted on 20th March 2014 for the "*Erection of a two-storey building plus basement following the demolition of existing building to provide four dwellinghouses (4 x 5-bed).*" After careful consideration of the application, including extensive negotiations with the applicant (now appellant) during the course of the application officers were minded, in an on balance recommendation, to grant planning permission subject to conditions and the completion of a S106 Legal Agreement. The application was duly taken forward for further consideration by the Council's Development Control Committee on 2nd October 2014 with a positive recommendation. At the Development Control Committee meeting members raised concerns with the design of the proposed scheme and the impact of the proposals on the amenity of neighbouring occupiers. The minutes from the meeting are enclosed within Appendix C.

1.5 It was subsequently resolved that planning permission be refused with 7 votes against the officer recommendation to grant planning permission subject to a S106 legal agreement, 3 in favour of the recommendation and 3 abstentions.

1.6 The Council issued a decision letter dated 3rd October 2014 which refused planning permission. The substantive reasons for refusal are:

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.

1.7 The decision notice and original DCC report have been sent with the questionnaire, as have copies of the relevant LDF policies and accompanying Camden Planning Guidance and the Conservation Area Appraisal for the Belsize Conservation Area. The planning application case officer recommended approval to the committee. As a result this appeal statement sets out the Council's justification for the reasons for refusal following the Development Control Committee meeting.

1.8 I would be pleased if the Inspector would consider the various matters set out below.

2.0 Status of Policies and Guidance

2.1 The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are set out in the delegated report and decision notice. The full text of the relevant policies was sent with the questionnaire documents. In particular, it must be highlighted that policy DP25 states that the Council will: "only permit development within conservations areas that preserve and enhances the character and appearance of the area".

2.2 The Council also refers to supporting guidance documents CPG1: Design and CPG6: Amenity. Both documents of Camden Planning Guidance have been subject to public consultation and CPG1 was approved by the Council in 2014 and CPG6 was approved in 2011.

2.3 The Council's policies and decision is in line with The London Plan March 2015, consolidated with alterations since 2011. Policy 7.4 states that "Development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings". Policy 7.6 states that buildings should "not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings"

2.4 With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date and fully accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should therefore be given full weight in the decision of this appeal. The National Planning Policy Framework was adopted in April 2012 and states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the council's policies and the NPPF in relation to this appeal.

3.0 The Council's case

3.1 Planning permission reason for refusal 1 states:

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.

3.2 The main point made by the Council member leading the discussion about the application at the committee meeting was concerns about the scale of the scheme and the bulk. It was felt that the proposed building "did not add anything"

to the Belsize Conservation Area and was an overdevelopment of the site. This is considered to be the salient design point for which the scheme was refused and simplistically described in the reason for the refusal set out above.

3.3 The Council places considerable weight on quality of design. Design incorporates height, scale, mass as well as detailed design. The Camden adopted LDF policy DP25 required development to preserve **and** enhance prior to the NPPF doing the same and the first supporting paragraph of Policy DP24 is clear in that “The Council is committed to design excellence and a key strategic objective of the borough is to promote high quality, sustainable design.” (paragraph 24.4). This is consistent with a common thread running through the NPPF, with paragraph 56 stating, “The Government attaches great importance to the design of the built environment.”

3.4 The site is located in the Belsize Conservation Area. The guidelines within Belsize Conservation Area Statement say that “Consent will not be granted for demolition unless a redevelopment scheme has been approved which will preserve or enhance the Conservation area” (ref BE4). It goes onto say that “new development should be seen as an opportunity to enhance the Conservation Area” (ref BE19). The Council considers that the redevelopment scheme does not preserve and enhance the character and appearance of the Belsize Conservation Area. Inappropriate scale/bulk/massing are highlighted as being key issues for sites which have been redeveloped within the Conservation Area in recent years. Paragraph 25.8 of the Development Policies Document states that “When a building makes little or no contribution to the character and appearance of a conservation area, any replacement building should enhance the conservation area to an appreciably greater extent than the existing building.”

3.5 This statement will now take each element of reason for refusal 1 in turn:

Bulk and Mass

3.6 The proposed scheme is significantly larger than the existing dwelling on the site. The cumulative impact of its height and width is considered to result in overdevelopment of the site compared with existing. It is considered to be a combination of the overall height, coupled with the width of the building would result in a development which is incongruous and excessive in its compared with the existing building on the site.

Overdevelopment

3.7 With regard to overdevelopment of the site, the Council is of the view that that the proposed site coverage would unacceptably reduce the amount of rear garden and project beyond the existing front and rear building line.

3.8 Policy DP25 of the LDF Development Policies seeks to protect garden space. Supporting paragraph 25.5 states “The value of existing gardens, trees and landscaping to the character of the borough is described in policy DP24 (Securing High Quality Design), and they make a particular contribution to conservation areas. Development will not be permitted which causes the loss of trees and/or garden space where this is important to the character and appearance of a conservation area.”

3.9 It is the Councils view that the front and rear garden lost to the appeal scheme are important to the character and appearance of the conservation area in terms of the value they afford to the character of the immediate area. The loss would be harmful to the character and appearance of the conservation area as a whole. It is acknowledged that the harm caused would constitute less than substantial harm to the character and appearance of the conservation area as a whole. NPPF policy paragraph 134 states that, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.” In this instance the Council does not consider that sufficient public benefit is gained from the creation of the family

homes proposed to outweigh the harm caused to the character and appearance of the Conservation Area.

3.10 The proposed replacement scheme takes a relatively traditional form. The front elevation is of two storeys, with a pitched roof and two gable ends containing a third storey of accommodation. The rear of the building would appear as a two storey building with rooms in the roof. The proposed basement/lower ground floor level would be exposed from the street with just lightwells to the rear. The proposed new building would increase the scale and footprint compared to the existing building. In this regard the Council does not believe that the highest architectural standards have been achieved and the proposals do not preserve the character and appearance of the Conservation Area. Whilst the replacement seeks to reflect the characteristics of the predominant building form within this sub area of the conservation area, the Council considers that it does not preserve or enhance its character and appearance to an appreciably greater degree than the existing building.

3.11 The proposed development would project 4metres further forward of the existing front building line on the left front gable side of the building, increasing its prominence in the streetscene. Whilst the proposals have been designed as one building, it would create four new dwellinghouses. The proposed building would be 24metres wide at ground floor level as opposed to just 17metres wide of the existing house (not including the front single storey garage addition). At the rear of the existing building there is currently 19metres from the main building (not including the single storey rear addition) to the rear boundary line. The proposed building would be just 13metres from ground floor level to the rear boundary line leading to a reduction in the amount of front and rear amenity space.

3.12 The ground floor plan of the existing house has an area of 215sqm compared to the ground floor plan of the proposed building 399sqm. This is an increase in the internal footprint of 184sqm which clearly highlights that the proposals would be an overdevelopment of the site. As such the proposal fails to

satisfy the requirements of the NPPF and policies CS14, DP24 and DP25 of the Camden Local Development Framework.

3.13 Reason for refusal 2 states:

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.

3.14 The key issue raised by Councillors on the Development Control Committee was in relation to daylight and sunlight impact concerns, particularly in relation to the neighbouring property at number 24 Lancaster Grove. Also affected by the proposals would be 18-20 Lancaster Grove. The windows in the breakfast room and dining room of 24 Lancaster Grove were considered to be the most affected rooms by the proposals with side windows of the proposed new development at 18-20 Lancaster Grove being affected. The proposed new dwellings at the appeal site would be closer to the boundary than the existing building and extend further into the garden at first floor level. The Council considers that the proposals would have an unreasonable impact on the amenity of adjoining occupiers.

3.15 Policy DP26 seeks to ensure that the Council protects the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The relevant factors from this policy considered in relation to this application are a) sunlight and daylight and b) overshadowing and outlook. Camden Planning Guidance 6 (Amenity) states that “A daylight and sunlight report should assess the impact of the development following the methodology set out in the most recent version of Building Research Establishment’s (BRE) “Site layout planning for daylight and sunlight: A guide to good practice”.”

3.16 The Appellant has submitted a further daylight and sunlight study carried out by Point 2. This shows that the development would have an unacceptable impact on the breakfast room and dining room of number 24 Lancaster Grove as these would fail the Daylight Distribution Analysis. The increased bulk of the proposed building compared to the existing building would heighten the sense of enclosure for the occupiers of number 24 Lancaster Grove and reduce their outlook to the south and southwest. Number 24 Lancaster Grove is a triangular shaped site that tapers towards the rear of the garden. The existing two storey building at 24 Lancaster Grove is of a more limited size and would be dwarfed as a result of the proposed development at the appeal site to the detriment of the amenity of the existing occupiers.

3.17 The Point 2 Surveyors report reviews the originally submitted daylight and sunlight report by Syntegra. The Point 2 study uses a laser scanned measured site survey which differs from the methodology of the Syntegra study however conclude with the same results. Both reports conclude that rooms at 18-20 Lancaster Grove and 24 Lancaster Grove fail the recommended levels as set out by BRE.

3.18 The BRE guidance recommends the level of daylight at the window face to be at least 27%VSC and the methodology permits up to 20% change in VSC tests. The surveys show that two ground floor rooms at 24 Lancaster Grove would fail the test as the reduction of light would be less than 27%VSC. The breakfast room would also fail the sunlight analysis test. The rooms on the ground floor of 24 Lancaster Grove are used for a breakfast room (Point 2 ref W4/10) and dining room (Point 2 ref W3/10) which are considered as habitable rooms. The proposed new building would be built just 1metre from the boundary line and extend to two storeys. In terms of the impact on the neighbouring building of number 18-20 Lancaster Grove, the three of the side facing windows of the proposed redeveloped scheme would be below the levels set out in the BRE guidance. The proposed affected windows to the rooms at 18-20 Lancaster Grove would be a bedroom at first floor level and a sitting room and living room

at ground floor level on the side elevation. The Council considers that the loss of light to these rooms is unacceptable. The proposals would heighten the sense of enclosure and reduce outlook for occupiers of 22 Lancaster Grove and lead to a loss of light for occupiers of both 22 and 18-20 Lancaster Grove. As such the Council stands by its second reason for refusal in terms of an unacceptable impact on the amenity of neighbouring properties.

S106 requirements

3.19 Paragraph 2 of the NPPF states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.” Whilst Officers considered that the application was acceptable, this was subject to a number of conditions and S106 clauses. Members at Development Control Committee considered that there was insufficient evidence and soundness in the application submission in order to approve the application.

3.20 During the course of the application, heads of terms for a S106 legal agreement were negotiated and agreed by the Appellant for the following Heads of Terms:

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

3.21 Planning obligations are either agreements negotiated in the context of planning applications between local planning authorities and persons with an interest in a piece of land or a unilateral undertaking made by a landowner. Their purpose is to make acceptable development which would otherwise be unacceptable in planning terms. Government guidance on planning obligations is contained within the Community Infrastructure Levy (CIL) Regulations 2010 (122 and 123) which came into effect on 6 April 2010 and the National Planning Policy Framework 2012 (particularly paragraphs 203-206). The CIL regulations

limit the use of planning obligations so that a planning obligation must only be sought where it meets all of the following tests:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

3.22 The Council considers that the four obligations set out above would meet the tests within the CIL regulations for the following reasons:

Affordable housing contribution

i) The justification for the affordable housing contribution is set out in paragraph 6.10 of the Council's committee report. 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. The Council considers it imperative for this to be dealt within the S106 legal agreement in order to make the development acceptable in planning terms. The appellant confirms in paragraph 10.10 of the statement of case that the "proposal will deliver a policy compliant financial contribution towards affordable housing" and the amount specified is directly related to the development and reasonably related in scale to the development and policy DP3 of the LDF Development Policies.

Car-capped

ii) The Council considers that the new dwellings should be car-capped. Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary car parking provision. The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport. The appeal site is located an area with a moderate level of public transport accessibility (PTAL score of 3). This site is also located within the Belsize Controlled Parking Zone (CPZ) which suffers from high levels of parking stress. The existing site has space for five off-street vehicles together with a parking permit for an on-street parking space. The proposed scheme includes

provision of four off-street parking spaces. The Applicant has agreed that the development should be car capped by the means of a Section 106 legal agreement. A planning obligation is considered the most appropriate mechanism for securing the development as car capped as it relates to controls that are outside of the development site and the policy requirement of the development to be car capped. The level of control is considered to go beyond the remit of a planning condition.

Basement Construction Impact Plan

iii) The Basement Construction Impact Plan should be secured via a S106 to ensure that the excavation works are carried out by qualified professionals and would allow further detailed information to be submitted which relates to the excavation and construction of the development. It would also provide a programme of detailed mitigating measures to be undertaken and put in place. The S106 would involve a plan to be designed with the objective of containing the impact of the development on the structural stability of the neighbouring properties and ensuring that the works provided by the main contractor and on-site engineer are covered within the Construction Impact Plan. The draft S106 can be found in Appendix D.

Construction Management Plan

iv) The proposed scheme involves demolition and excavation of a basement, it is therefore considered that there could be a cumulative impact of construction. This will result in a number of construction vehicle movements to and from the site, which will doubtless have a significant impact on the local transport network. This is of concern as there are four schools within 0.2miles of the site (Hereward House School, The Hall School, Sarum Hall School and Trevor Roberts School).

In cases such as this where the construction impact is particularly significant Camden will seek to ensure that impact is properly managed by the developer through a Construction Management Plan ("CMP"). This is in accordance with

policies CS5, CS11, CS19, DP20, DP21 and DP26 specifically paragraph 26.10, and CPG7 – Transport.

A planning obligation is considered to be the most appropriate mechanism for securing a CMP in this case simply because to a considerable extent much of the activity during construction that could cause conflict with other road users or be detrimental to the amenity of the area will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed demolition/construction works which should be controlled by a CMP include traffic generation from removal and delivery of materials and deliveries to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users.

3.23 The appellant has agreed to all the Heads of Terms in the S106 and has ticked the box on the Appeal application form that says they intend to submit a planning obligation with the appeal. The Council will ensure that the legal agreement will be signed as soon as possible and an update will be provided for the Inspector at the 9-week stage.

4.0 Comments on appellants' grounds of appeal

4.1 The appellant's grounds of appeal are summarised below in italics and addressed beneath:

A Heritage Assessment by Beacon Planning has been submitted that considers that the design of the proposed development is of a high quality and the proposals will enhance the character and appearance of the conservation area. The Heritage Assessment considers that: "The replacement building has been carefully designed to respond to the prevailing characteristics of the conservation area to ensure that it both preserves and enhances its character and appearance". The submitted Heritage Assessment by Beacon Planning states that "The proposed architectural style of the replacement building consciously borrows from forms found in this sub-area of the conservation area."

4.2 It is recognised that the design of the scheme has attempted to respond to the existing characteristics of the conservation area however the bulk, massing and enlarged footprint of the scheme are considered to be excessive for the site leading to the conclusion of an overdevelopment of the site.

4.3 The proposals involve the demolition of the existing dwellinghouse. It is acknowledged that the existing house does not make a positive contribution to the Conservation Area and as such there is no objection to the demolition of the building. However the replacement building is not considered to be an appropriate replacement for the existing building. The existing building contains a single family dwellinghouse which covers approximately 21% of the site. The proposed building would cover 33% of the site and would contain four dwellinghouses. The Council considers that this constitutes an overdevelopment of the site.

The appellant contends that “the height of the proposed building is similar to the predominant scale of buildings in the local area such that it will not be overly dominant in the streetscene. The proposed development is a two storey building with attic (and basement), which is entirely consistent with the scale of houses on the south side of Lancaster Grove as well as those opposite on the northern side”

4.4 Whilst Officers considered that the height of number 24 Lancaster Grove should not set the parameters for development in the area, Members of the Development Control Committee considered that the overall bulk and mass of the proposals were excessive and would harm the appearance of the streetscene and the conservation area. The proposals involve moving the main building line forward with the eastern gable protruding forward by 2.1m to the canted bay. The existing garage extends close to the front boundary but this is at ground floor level only. The proposed projecting gable would rise to second floor level and appear more obtrusive in the streetscene. The height of the building would be increased by 700mm and the width and depth of the building would be unacceptably increased compared to the existing building.

The Appellant considers that the BRE guidelines are not mandatory and breaches of the BRE guidelines are not uncommon and simply something that the LPA should balance. The breach in daylight experienced by 24 Lancaster Grove is considered reasonable.

4.5 The appellant acknowledges that there is a breach of the BRE guidelines. The Council does indeed need to make a judgement whether a proposal is considered acceptable and the decision was made at Development Control Committee that the breaches of the BRE guidelines are unacceptable to existing and future occupiers and contrary to policy CS5 and DP26 as well as guidance in CPG6. Further examination of this can be found in section 3 above.

The Appellant considers that the outlook of number 24 Lancaster Grove will not be materially affected by the proposals and any further reduction in outlook from these windows would not materially affect the outlook or increase the sense of enclosure for the property as a whole.

4.6 The proposed increase in the height, bulk and massing of the building is considered to have a harmful effect on the surrounding environment. Occupiers of number 24 Lancaster Grove currently enjoy outlook from the windows of their dining room and breakfast room. Whilst there is currently a brick boundary wall along the boundary line, the occupiers of number 24 Lancaster Grove are still able to see out across the wall to the trees beyond. The proposals would mean the building would be just 1metre from the boundary with number 24 Lancaster Grove. The existing building is 3.9metres from the boundary wall with number 24 Lancaster Grove. The proposals would block the outlook currently enjoyed by occupiers of 24 Lancaster Grove and lead to an unacceptable sense of enclosure contrary to policy DP26 and guidance within Camden Planning Guidance 6. Outlook is the visual amenity enjoyed by occupants when looking out their windows. The proposed new building would mean that the occupiers of 24 Lancaster Grove would look out at a brick wall from their dining room and

breakfast room, above the view of the existing boundary wall. The bulk of the proposed building would be overbearing and unduly oppressive in the outlook from the ground floor windows of number 24 Lancaster Grove. Photographs of the existing views from 24 Lancaster Grove can be found in Appendix B.

4.9 As such the development would conflict with Core Strategy policy CS5 and Development Policy DP26 of the Local Development Framework both of which seek to protect the amenity of residents.

5.0 Conclusion

5.1 In conclusion, the Council maintains that the proposed development would not meet the aims of policies CS5, CS14, DP24, DP25 and DP26 that seek to provide a high standard of design, seek to preserve and enhance the character and appearance of the Belsize Conservation Area and minimise the impact on and neighbouring occupiers.

5.2 I ask the Inspector to uphold the Council's policies, guidance and the advice contained in NPPF and dismiss this appeal. However, in the event of the appeal being allowed, the Inspector is requested to impose conditions set out in Appendix A.

If you would like to discuss this matter further please contact Rachel English on 020 7974 1343.

Yours sincerely

Rachel English

Senior Planning Officer

Appendices

A – Suggested conditions

B – Photographs including Birdseye views of 22 Lancaster Grove and photographs from neighbour at 24 Lancaster Grove

C – Development Control Committee minutes 2nd October 2014

D - Draft S106 legal agreement (see separate document)

Appendix A - Suggested Conditions

- 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 policies 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 policies DP24 and DP25 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: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 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.

Appendix B – photographs of the site

1. Front façade



2. Front façade



3. Birdseye view

Appeal site



4. Birdseye view

Appeal site



5. Rear elevation



6. View of site from breakfast room of neighbour at 24 Lancaster Grove



7. View of site from dining room of neighbour at 24 Lancaster Grove



8. View of site from garden of 24 Lancaster Grove



APPENDIX C– DCC minutes from 2nd October 2014

22 Lancaster Grove, London, NW3 4PB

Application No: 2014/2037/P

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

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.