

Delegated Report (Revised April 2015)		Analysis sheet		Expiry Date:	02/06/2014
(Members Briefing)		N/A		Consultation Expiry Date:	29/04/2014
Officer			Application Number		
Michael Cassidy			2014/2060/P		
Application Address			Drawing Numbers		
85 Greencroft Gardens London NW6 3LJ			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Extension of existing single storey rear addition, installation of door opening with associated steps in place of existing window, installation of set of bi-fold doors instead of French doors and raising of existing decking to rear by 0.4m with associated railing.					
Recommendation:		Grant conditional permission			
Application Type:		Full Planning Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	33	No. of responses	0	No. of objections	6
Summary of consultation responses:	<p>Site Notice: Displayed from 11/04/2014 to 02/05/2014. Press Notice: Advertised in the Ham & High from 17/04/14 to 08/05/2014.</p> <p>6 objections received from neighbouring occupiers. Adjoining owner/occupiers: Flats 3, 4, 5, 6 of 83 Greencroft Gardens, 31 Aberdare Gardens, CRASH: Combined Residents Association of South Hampstead</p> <p><u>Potential Damage to Neighbouring properties</u></p> <ul style="list-style-type: none"> • There is no evidence to ensure that there is no risk of structural damage to the semi-detached property of number 83 Greencroft Gardens. The opinion of the report submitted is of “negligible or very slight damage”, which is not stipulated or backed up by any evidence. • The geological report submitted by the applicant states that the site is underlain by London Clay, which is a highly plastic material susceptible to volume changes as a result of changes in its moisture content. There may be damage to number 83 created by the proposed excavation due to moisture deposit or redirection, as only one of No. 83's walls will be underpinned, whereas all walls of number 85 will be underpinned. • The proliferation of basements in the area causes extreme concern for surrounding properties. Huge concerns are had over the increased flood risk and property damage associated with multiple basements in such close proximity. • There are trees within a few metres of the proposed structure whose roots may be affected, causing damage to the trees and/or the trees may be caused to extract a greater amount of moisture from land belonging to number 83. • There is no evidence of a commitment on the applicant's part to take responsibility for the consequences of any structural damage to number 83 or any increase in insurance premiums for this property caused by this excavation. Furthermore, there is no undertaking as to their financial solvency to undertake this responsibility of recompensing the lessees at number 83 for both the damage and with dealing with any potential claim. Assurances need to be provided in this respect. <p><i><u>Officer's response paragraph 1.4 of main report</u></i></p> <p><u>Noise and disturbance:</u></p> <ul style="list-style-type: none"> • Surrounding flats are currently rented out, and tenants should not be subjected to ongoing construction work in the neighbouring building. • The noise and disruption associated with the works are likely to take place over a year, are likely to affect both the rental and resale potential of surrounding properties. <p><i><u>Officer's response paragraph 5.1 of main report</u></i></p> <p><u>Design:</u></p> <ul style="list-style-type: none"> • The style and material of the new aluminium windows to the lightwell do not appear to be consistent with the guidelines for the South Hampstead Conservation Area. <p><i><u>Officer's response paragraphs 2.1 – 2.2 of main report</u></i></p>					

Traffic and Parking:

- The development is likely to cause traffic disruptions and add a strain on parking availability in the area.

Officer's response paragraphs 4.1 – 4.3 of main report

Land Ownership Issues:

- It is not clear that the applicant has the legal title of the land to undertake the proposed development.
- There is no evidence to suggest that the work to be carried out is part of the demise of 85 Greencroft Gardens.
- The freehold company articles of 85 Greencroft Gardens have a restrictive covenant stating "nothing shall be done which should be a nuisance or cause damage to....the occupiers of any property in the neighbourhood". The neighbours of this proposed excavation will suffer from noise and disruption during the proposed works which are likely to last at least a year, given the size of the proposed development.

Officer's response paragraphs 6.1 – 6.2 of main report

Increase in Insurance Premiums/ Potential depreciation in property values:

- No evidence was provided of any commitment on the applicant's part to shoulder the consequences of any structural damage to No.83 and any increase in insurance premiums.
- The noise and disruption are likely to affect both the rental and resale potential of surrounding properties.

Officer's response paragraphs 6.1 – 6.2 of main report

CAAC/Local groups comments:

Combined Residents Association of South Hampstead (CRASH), objection submitted by Peter Symonds, Chairman of Association.

- Every basement extension permitted by Camden in recent years has resulted in damage of some kind to neighbouring properties.
- Results from the drilling of trial holes and boreholes are not considered to be accurate or reliable.
- Variations in ground conditions remain unrecorded.
- Ground water and pressure vary seasonally and the only means of accurate gauge this is to repeat tests over a period of several months.
- Failure to undertake the above has created flooding and de-stabilisation problems for local residents who live close to basement developments.
- The Flood Risk Assessment undertaken acknowledges that the watercourse locations which have been taken into consideration may not be accurate.
- The Northern tributaries of the Westbourne River lie beneath this part of Greencroft Gardens.
- Flooding has historically always a problem in South Hampstead.

Officer's response paragraph 1.4 of main report

Site Description

The application site is a 3-storey semi-detached building converted into flats on the ground, first, second and third floors. A part four, part single storey addition leading onto raised decking exists to the rear, whilst a terrace exists to the flat roof at first floor level. A 23sq.m reduced height cellar exists to basement level. The building is on the south side of Greencroft Gardens and lies within the South Hampstead Conservation Area for which it is listed as a positive contributor.

Relevant History

85 Greencroft Gardens:

- 8803801: PP Granted for "Construction of a rear first floor roof terrace and the installation of a first floor window in the side elevation". Decision Date: 12/10/1988.
- 8601558: PA Refused for "Erection of a conservatory extension to the rear at roof level". Decision Date: 18/12/1986.
- 8401326: PP Granted for "Construction of a roof extension to provide two additional self-contained flats and works of conversion to self-contain a flat on the east side of the second floor including the formation of a terrace to the rear". Decision Date: 16/10/1984.
- CTP/H5/8/8/5490: PP Granted for "The formation of a means of access to the highway". Decision Date: 31/07/1968.
- TP2671/24249: PP Granted for "Construction of a sun lounge at the rear". Decision Date: 02/04/1959.

83 Greencroft Gardens:

- 2004/0382/P: PP Granted for "The retention of 2 enlarged rear ground floor windows and of timber decking and boundary fencing to the rear garden". Decision Date: 23/04/2004.
- P9601301: PA Refused for Erection of single ground floor rear extension. Decision Date: 26/06/1996
- CTP/H5/8/5/22907(R): PP Granted for "Change of use into five self-contained dwelling units, including works of conversion". Decision Date: 08/12/1976.
- H5/8/5/34202(R2): PP Granted for "Change of use and works of conversion to create seven self-contained flats including the erection of a three storey rear extension and roof extension". Decision Date: 15/03/1982
- H5/8/5/33333: PP Refused for "Change of use and works of use and works of conversion including rear and roof extensions to create nine self-contained units". Decision Date: 15/03/1982.
- H5/8/5/665: PP Granted "To form a new means of access to the highway and the use of the forecourt for parking". Decision Date: 24/04/1969.

87 Greencroft Gardens:

- 2010/4680/P: PP Granted for "Alterations to the layout and second and third floor level from 1x1bed unit and 1x4bed maisonette into 2x3bed maisonettes and the installation of two rooflights as amendments to planning permission 2010/0641/P": Decision Date: 26/10/2014.
- 2010/0641/P: PP Granted for "Alterations at roof level including four dormers to front, two French doors and balconies to rear in connection with enlargement of existing 2 bed flat to provide a 4 bed maisonette". Decision Date: 13/05/2010.
- 2009/4751/P: PP Granted for "Alterations and extensions including the erection of single storey rear extension to ground floor flat with associated decking; replacement of first floor windows with French doors in association with existing roof terrace to flat 3; creation of terrace for flat 2 at first floor level with access via new French doors; alterations to openings at ground floor of western elevation and rear first floor". Decision Date: 22/12/2009.
- H5/8/25/8770: PP Granted for "Construction and retention of flat roof and balcony to single storey rear addition and raising height of existing rear addition by 0.61m. Decision Date: 24/06/1970.
- H5/8/25/6781: PP Granted for "Conversion of 87 Greencroft Gardens, Camden into 5 self-contained flats; the rebuilding of Existing rear extension and the erection of conservatory at rear of ground floor flat". Decision Date: 22/05/1969.

Relevant policies

LDF Core Strategy and Development Policies 2010

- CS5 – Managing the impact of growth and development
- CS14 - Promoting high quality places and conserving our heritage
- DP22 - Promoting sustainable design and construction
- DP24 – Securing High Quality Design
- DP25 – Conserving Camden’s Heritage
- DP26 – Managing the impact of development on occupiers and neighbours
- DP28 – Noise and Vibration

Camden Planning Guidance (revised 2013)

- CPG1 – Design
- CPG6 – Amenity

South Hampstead Conservation Area Appraisal (2011)

National Planning Policy Framework 2012

London Plan 2015, consolidated with alterations since 2011

Assessment

1.0 Proposal

- 1.1 Planning permission is being sought for the extension of the existing single storey rear addition, installation of a door opening with associated steps in place of an existing window, installation of a set of bi-fold doors instead of French doors and the raising of the existing decking area to the rear by 0.4m with associated railing.
- 1.2 The existing single storey addition to the rear is to be part demolished and extended. The addition currently comprises of three inter-joining sections (with separate rooflines) and the extension and alterations proposed will integrate the three sections to contain one continuous roofline. The extension will extend the overall depth of the addition by 0.3m and will extend the space towards the eastern flank of the addition by virtue of squaring off the existing series of three insteps and forming one continuous roofline. The roof height will remain the same however the overall parapet height is to be slightly reduced by 0.3m. A set of timber French doors would be formed to the rear of the extension onto an area of raised decking (6sq.m in floor area, 1m off garden ground level).
- 1.3 A door opening with an associated set of steps down to the garden would be formed in place of an existing window opening to the inside of the extended single storey addition. The new opening would comprise of powder coated aluminium door to replace an existing sash window. A set of bi-fold doors and three consecutive high level windows would be formed in place of the existing set of French doors inside the mutual boundary with No.83. The existing decking forms somewhat of an oblong shape running away from the mutual boundary with No.83, and would be squared off (floor area slightly reduced) and raised by 0.4m and a 1.1m high railing with safety glazed balustrade formed around as part of the works.
- 1.4 The application was originally reported to Member’s Briefing at the end of June 2014 where members agreed a resolution to grant planning permission subject to the conditions set out in the original report and a S106 legal agreement securing a Construction Management Plan, Construction Management Strategy and Highways contribution to cover the protection of the footway and roadway and to ensure that if any damage occurred the footway/roadway would be restored in a swift manner. Since the application was reported, the proposal has been amended to remove the originally proposed basement under the footprint of the existing dwelling and the associated side with rear lightwells. In all other respects, the proposal is identical to that originally reported. In light of this amendment, Section 2 – ‘Basements’ of the original report has been omitted from this amended report. The removal of this part of the proposal addresses the basement related construction concerns raised in the ‘Potential Damage to Neighbouring properties’ section of the ‘Summary of consultation responses’ section above.

Considerations

2.0 Design

- 2.1 Policy DP24 requires new development to meet a high standard of design which respects the setting, context, proportions and character of the existing building and Policy DP25 which requires new development to both preserve and enhance the character and appearance of Conservation Areas.
- 2.2 As the works are to the rear, it is not considered that they will adversely affect the character and appearance of the host property, those adjoining or the surrounding South Hampstead Conservation Area. The alterations to the rear, namely an aluminium door instead of a sash window and a set of bi-fold doors (with high level windows overhead instead of a set of French doors to the rear) and an extension of the depth of the existing single storey back addition by 0.3m, will not distort the overall character and appearance of the host property or the surrounding Conservation Area. Taking into account that the alterations involve modest changes at ground floor level, not visible from the public realm and not discordant with the streetscene, it is considered that they will integrate appropriately with their surroundings and are considered to be acceptable in design terms.

3.0 Residential Amenity

- 3.1 On assessment of privacy impacts, given that new openings introduced would all be at ground level, no additional harm to any neighbouring occupiers would be identified. Again taking into consideration that all works are contained at ground level and the scale and design of the extension and alterations proposed there would be no adverse impact on daylight/sunlight and outlook to neighbouring residential occupiers.

4.0 Construction Access

- 4.1 Policy DP20 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106.
- 4.2 Although it is acknowledged that there may be a greater level of disruption to the surrounding street during the construction phase, following consultation with Highways, it is not considered that access to the street will be specifically blocked during the construction phase. Should any lengthy blockages of the street occur to the detriment of local residents; highways legislation is available to affected parties. For the avoidance of doubt, any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as to not adversely affecting the safety or operation of the public highway.
- 4.3 In light of the application being amended to remove the basement element of the proposal and the proposal now comprising a modest single storey rear addition with associated changes to the existing fenestration and decking area, a Section 106 legal agreement securing a Construction Management Plan, Construction Management Strategy, including agreement on the placement of skips, the management of waste and other matters during construction, and a financial contribution for the protection of the footway and roadway is no longer considered necessary.

5.0 Noise and disturbance

- 5.1 In response to concerns from neighbouring occupiers relating to excessive noise and disturbance during construction, an informative has been placed on the consent limiting hours of operation. Any excessive noise during the agreed hours of operation is regarded as an environmental services matter and is covered by relevant environmental health legislation.

6.0 Other Matters

- 6.1 Concerns have been raised regarding landownership issues between the application site and neighbouring properties. For the purposes of clarification, land ownership issues are civil matters and not planning matters, therefore not material considerations in the decision making process.
- 6.2 Concerns regarding the increase in potential depreciation in property values or the increase in insurance premiums for neighbouring properties are not planning matters and therefore not material considerations in the decision making process either.

7.0 Community Infrastructure Levy (CIL)

7.1 The proposal will not be liable for either the Mayor of London's CIL or Camden's CIL as the additional floorspace does not exceed 100sqm GIA and no additional residential units are proposed.

Recommendation: Grant conditional permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday 30th June. For further information please go to www.camden.gov.uk and search for 'members briefing'