

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	05/11/2014
		N/A / attached		Consultation Expiry Date:	23/10/2014
Officer			Application Number(s)		
Olivier Nelson			2014/5725/P		
Application Address			Drawing Numbers		
April House 45 Maresfield Gardens London NW3 5TE			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Extension of existing basement level (retrospective).					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	31	No. of responses	18	No. of objections	14
			No. Electronic	00		
Summary of consultation responses:	Site notice – 26/09/2014 – 17/10/2014 Press notice – 02/10/2014 – 23/10/2014					
	The objections were as follows:					
	<ul style="list-style-type: none">• The works include a deepening of the basement. Particularly concerned that the excavation works would affect the structural stability of our own building.• No confidence in the existing excavation works.• The work has been carried out without planning permission• There have been documented issues with Health and Safety on site which begs the question may put others at risk. (<i>Noted, this is an issue of the particular site and is not considered to be a planning issue</i>)• No investigatory works have taken place on ground movement and the water courses• The basement works proposed are at risk of impacting on the existing mature trees (<i>the conclusions of the BIA suggested that the trees would not be impacted by the proposal which was agreed by the Independent Verifiers</i>)• No confidence in the construction methods undertaken• Not received satisfactory information that the excavation of the basement is acceptable• Concern over the affect the basement will have on the foundation of neighbouring buildings.• The proposal may lead to a security risk in that there is a stable platform from which someone can stand and reach a neighbours window.					
	<u>Officer response:</u> <i>There has been a lot of communication with neighbours in the immediate area regarding this development especially given the fact that the works have been undertaken without planning permission. The basement does not extend beyond the footprint of the property but is 0.4m deeper than the original vaults/basement in the property.</i>					
	<i>The BIA relating to the previous application was updated and was independently by Geotechnical Environmental Associates (GEA) and was found to be sound.</i>					
	4 letters of supports were received commenting as follows;					
	<ul style="list-style-type: none">• The basement extension does not exceed the footprint of the current building.• The basement would not be visible from the front of the property as it does not have any lightwells. It is not considered to impact on the streetscene or the character of the Conservation area.					

**The Heath &
Hampstead Society**

Objection

- We strongly deprecate the applicants' intention to by-pass Camden's very well-known policies on basement development, with the dubious excuse that they thought it was permitted development.
- The BIA is inadequate in that a suitable qualified engineer has not been named.
- No site specific data on ground conditions has been provided, especially borehole investigations.
- No assessment of consequential damage to adjoining properties has been provided. Adjoining neighbour could be in danger from excavations.

Officer response

Following the number of objections the BIA was updated and has been independently verified by Geotechnical Environmental Associates (GEA) and found to be sound.

A qualified engineer produced the updated document with details provided, it has provided information on ground conditions which were considered acceptable at the time of works by the Independent verifier and also assessed whether neighbouring properties would be damaged.

Site Description

The building is known as April House and is divided into two flats, being flats A and B, which form part of 45 Maresfield Gardens, which was originally a very substantial house and is on a slope and is higher than the neighbour at no. 43. The application property is the flat occupying the lower ground, ground and first floor. The application site is located on the western side of Maresfield Gardens. Works have been ongoing on site and parts of the previously consented schemes have been implemented. The site has no previous industrial land use. The property lies within the Fitzjohns/Netherhall Conservation Area and is considered to make a positive contribution to the Conservation area.

Relevant History

8600254- Change of use and works of conversion to form four flats on the ground floor and lower ground floor as shown on drawings No.0585A/06 and 07. **Granted 23/04/1986.**

9201060- Erection of a rear extension at first floor level to the existing flat including new entrance canopy on the ground level front elevation. **Granted 04/02/1993.**

2013/1071/P- Conversion of two existing flats into one single family dwelling (Class C3) and associated alterations. **Granted 22/07/2013.**

2014/1394/P- Alterations to replace windows and doors on front elevation at ground floor level with 2 windows and 3 doors, including installation of glazed canopy over entrance. **Granted 05/06/2014.**

2014/1956/P- Erection of a side extension at second floor level. Pending determination with recommendation for refusal.

2014/5724/P- Erection of a side extension at 1st floor level, including rear alterations (retrospective). **Withdrawn.**

(ENFORCEMENT) EN14/0713 – Excavation of basement and the approved scheme 2013/1071/P has not been implemented. As a result the current application was submitted (2014/5725/P)

Relevant policies

National Planning Policy Framework 2012

London Plan 2011

Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the impact of parking

DP20 Movement of goods and materials

DP21 Development connecting to the highway network

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

DP27 Basements and lightwells

DP28 Noise and vibration

Camden Planning Guidance (updated 2013)

Fitzjohns and Netherhall Conservation Area Statement 2001.

Assessment

1. Proposed Development

1.1 Planning permission was granted for a three storey extension as part of the application to convert two flats to one (2013/1071/P), this has not been realised as the site is still 2 flats. The application relates to the flat at lower ground, ground and first floor level. However work commenced on the site and some works which were approved under the initial permission were undertaken. A lateral extension of the existing semi-basement commenced at the same time as the other works. The existing basement had an area of 44sqm.

1.2 The basement extends 3.43m below the original ground floor level, there was an existing lower ground floor level and this has been finished to 0.4m below the original level. The application seeks retrospective planning permission for a basement area below the ground floor level. The basement area is 138 sqm and does not extend beyond the footprint of the property. The area would be home to a bedroom located towards the rear garden, entertainment area and a gym.

1.3 The Basement should accord with Policy DP27 guidance:

- It doesn't extend beyond the footprint of the original building; the basement is a lateral extension to the existing semi-basement.
- The basement does not intrude upon either the rear or front garden areas. The extent of planted areas is largely to remain the same.
- The basement would not effect upon the potential to sustain growth and trees.

1.4 The purpose of the BIA is to demonstrate that the proposals will comply with detailed criteria set out in CPG4 and will:

- Maintain the structural stability of the building and neighbouring properties
- Avoid adversely affecting the drainage and run-off or causing other damage to the water environment.
- Avoid cumulative impacts upon structural stability or the water environment in the local area.

2. Design

2.1 The basement area would house plant rooms, bathrooms, bedrooms, entertainment area and a gym. A stair case would lead down from ground floor area. The basement would have no roof lights although there would be fenestration at lower ground floor level which leads out onto the sunken garden area. The basement would not be visible from street level, this helps to protect the character of the Fitzjohn's Netherall Conservation Area.

2.2 The semi-basement which existed lead onto a sunken rear garden which has been maintained as part of this proposal. This area and the upper garden would be used by the occupiers of the dwelling at 1st floor level and below. The basement would not impact on the potential to sustain vegetation growth and trees.

2.3 The Fitzjohn and Netherall Conservation Area appraisal and management plan notes that basement extensions may be acceptable providing they do not involve harm to the character of the building or its setting. F/N25 states Basements will be acceptable where they are contained within the footprint of the existing building. As such the basement works are considered to be an acceptable addition, albeit without undergoing the correct channels for planning permission.

3. Basement information / Residential Amenity

- 3.1 Policy DP27 and planning guidance CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area. Local residents have raised concern in relation to the impact the basement would have on the structural stability of neighbouring properties and impacts on groundwater.
- 3.2 The application is accompanied by a Basement Impact Assessment (BIA) which has been prepared in accordance with policy DP27 and planning guidance CPG4 – Basements and lightwells. The Basement Impact Assessment was independently verified by Geotechnical Environmental Associates (GEA). Within the screening report Part 4A considered surface water and flooding issues and there were no significant issues raised with regard to the development. Part 4b which covers subterranean ground water flow which was assessed in greater detail within the BIA. Part 4C looked at slope stability and although the basement is retrospective this was looked into to ensure the stability of the basement and adjacent property.
- 3.3 Boreholes were undertaken after the Basement Impact Assessment was initially submitted although the information which was found was considered to be acceptable and in line with DP27 by the Independent Verifiers. The basement formation is expected to be above the water table, and with that it's acknowledged that groundwater level can be subject to seasonal and other changes. The proposal has not seen an increase in man-made impermeable areas so the quality of surface water run-off will not be affected by the development. The modelling changes within the groundwater level are likely to impact on the basement extension in a minor way. The site is near a potential spring line, flow to any spring or watercourse is not going to be interrupted because the effect of the basement extension is only very local to the site. Groundwater is below ground level and is unlikely to cause emergence at a new location.
- 3.4 The ground movement assessment for the Basement report has been based on the construction of the basement extension which has taken place. There has been no increase in man-made impermeable areas so the amount, timing and quality of surface run water run-off is unlikely to be affected by the development. A rise in groundwater level is expected up-gradient of the new basement. Although this is not expected to exceed 15cm adjacent to the uphill basement (at no. 45). The water table is expected to remain beneath the basement slab at no. 45 and this small change is not noted as being a risk factor which has been agreed by the GEA. The sub-surface flow conclusions are considered to be robust and in accordance with DP27.
- 3.5 The basement has been designed to have a wall to accommodate the loadings of adjacent structures. The walls were constructed using underpinning techniques which prevent the adjacent land of neighbouring properties being destabilised. The design has been done to ensure no party walls have been undermined as part of the basement works. The underpinning works were completed at the time of the analysis and as such no further guidance on the control of ground movements has been received. The next important assessment was on the impact on structural stability and damage of neighbouring properties. The basement at the application site does not extend below the basement of the downslope side at no. 43, as such no damage category assessment is relevant for no. 43. The boundary on the upslope side with 45a and 45 Maresfield Gardens had damage calculations taken at the front and rear walls of no. 45. These points are considered to be the greatest differences in excavation. Calculations at both positions have found a predicted damage of Burland Category 1 'very slight' which suggests any damage caused is minimal and the basement is in line with CPG 4 and DP27
- 3.6 If the application was not retrospective, this would be subject to a section 106 legal agreement

requesting a construction management plan as it is within a Conservation Area. Due to the basement being substantially completed it is considered that the negative impacts as part of the proposal have been overcome.

3.7 It is considered that basement would preserve the character of the Fitzjohns/Netherall Conservation Area. For the reasons listed above the proposal is considered to be in accordance with Development Policy DP26 and DP27 of the London Borough of Camden's Local Development Framework.

4. Landscaping

4.1 DP27 states that the council will consider whether basement proposals will provide satisfactory landscaping and adequate soil depth (a minimum of 0.5 metres) in order to enable garden planting. The original rear garden was mainly grassed with a sunken garden which was paved that lead to the basement level. The applicant would need to ensure that 500m of soil is provided above the basement works, in this case as only the sunken garden area is being changed this is considered acceptable. The front garden area currently consists of impervious block paving and this would be replaced permeable block paving full details of this paving would be needed. As such a condition would be added requesting proposed hard and soft landscaping details to be provided for the front and rear gardens. A condition relating to the Sustainable Urban Drainage System has been recommended in order to manage surface water at the site. This is considered necessary in order to preserve the character of the Fitzjohns/Netherall Conservation Area.

5. CIL

5.1 The proposal would not be CIL liable as the increase in the habitable floor space is less than 100 square metres.

6. Recommendation

Grant conditional planning permission