

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	15/09/2015
	N/A	Consultation Expiry Date:	27/08/2015
Officer		Application Number	
Rachel English		2015/4179/P	
Application Address		Drawing Numbers	
8 Pilgrim's Lane London NW3 1SL		See draft decision	
Proposal(s)			
Erection of roof extension within existing valley roof and 3 new rooflights; installation of new front boundary wall and perimeter railings; replacement of existing driveway gates and wall to rear of building.			
Recommendation(s):	Grant conditional planning permission		
Application Type:	Full planning permission		

Consultations						
Adjoining Occupiers:	No. notified	10	No. of responses	9	No. of objections	9
Summary of consultation responses:	<p>Site notice displayed from 31/07/2015 and press notice displayed from 06/08/2015</p> <p>Objections from local residents (4, 6, 9, 10, 11, 12 Pilgrims Lane, 44A Denning Road, plus address in Bicester) with the following comments:</p> <ol style="list-style-type: none"> 1) This application should be delayed to wait for the outcome of the outstanding appeal (ref 2012/5825/P). 2) The application comprises an overdevelopment of the site 3) The application does not comply with Camden policies and guidance 4) The scale of excavation proposed will result in settlement problems, structural issues and cracks appearing in the adjacent homes as well as water diversion and flood risk 5) A basement impact assessment should be submitted 6) The proposal will cause underground water to be diverted around the proposed basement and be directed to neighbouring properties 7) No information has been provided about load bearing and other structural information and analysis which could impact on the flying freehold of number 10 Pilgrims Lane 8) A construction management plan and traffic management plan should be submitted as the road is so narrow and the proposals could contribute to unacceptable traffic disruption and pedestrian hazard 9) The proposed extension at roof level will result in the infill of an existing window which will result in overshadowing, loss of light to the attic room and bedrooms of number 6. 10) The new rooflights on the western roof will result in a loss of privacy and light pollution to number 6 11) The number and size of the proposed rooflights is incompatible with the character of the conservation area 12) Insufficient detail on the lightwell. 13) The lower windows which directly look into our kitchen are currently opaque and the proposals suggest they will be transparent. 14) The planter at the front of the house is shown to be removed which would harm the appearance of the conservation area 15) Construction hours should be limited to 9am to midday and 2pm to 5.30pm Monday to Fridays and no time on Saturdays. 16) The new wall at the base of the driveway will act as a dam and a result cause flooding to the adjoining properties. No suitable drainage has been proposed. <p>Officer response</p> <ol style="list-style-type: none"> 1) This is noted; however the application can and should be determined on its own merits. 2) See assessment section 2 below 3) See assessment sections 2 and 3 below 4) 5) 6) and 7) This application does not involve any excavation to the basement 8) The proposal involves a relatively modest roof extension and minor 					

- external alterations. There is no requirement for submission of a construction management plan or traffic management plan.
- 9) and 10) See amenity section 3 below.
- 11) See section 2 below
- 12) There are no external works proposed to the lightwell.
- 13) The drawings show the windows in the lightwell at first floor level to be obscurely glazed.
- 14) See section 2
- 15) The hours of construction work are covered under separate legislation through the Control of Pollution Act. An informative is added, reminding the applicant of the hours.
- 16) See section 3 below

Councillor Tom Currie objects to the application on the following grounds:

“Several residents have already written to you regarding the above applications, but I would like to echo their points. The applicant has applied for three certificates of lawfulness as a crude and blatant attempt to circumvent the democratic decision making process of Camden’s Development Control Committee.

These three applications are entirely similar, in all but the smallest details, to an application which was refused at DCC in April 2014 (2012/5825/P). This application failed on policies CS5; CS11; CS13; CS14; CS15; CS19; DP17; DP20; DP21; DP23; DP24; DP25; DP26; and DP27 – and yet the applicant outrageously believes that these same plans should warrant being granted permission as permitted development.

I understand that all PD applications are being placed on hold (whether the applications warrant PD status or not) until the ruling on Quadrant Grove. However, I would urge that as soon as the opportunity arises, these three applications for certificates of lawfulness be dismissed outright. An approval would do nothing but make a mockery of Camden’s decision making process.”

Officer comment

See above responses.

Pilgrims to Willoughby Residents Association object on the following grounds:

- 1) The application fails to address the shortcomings of the previous application (2012/5825/P) which was deemed by DCC to pose potential damage to both neighbouring properties and the neighbourhood at large
- 2) We do not see how these proposals could be considered permitted development.

Officer comment

This application is for planning permission and not permitted development. These points are noted and addressed below in the assessment section.

Site Description

The application relates to a large Arts and Crafts single family dwellinghouse dating from the 1880's. It is located on the east side of Pilgrims Lane.

At the front, the house is double fronted and two storeys high with a lightwell to an existing basement. It is constructed in red brick and white render with hanging tiles at first floor level and a ship's figurehead and plaque commemorating William Johnson Cory at ground floor level. At the rear the house contains three storeys, with a terrace leading down to the garden. Due to the topography of the site, which slopes down in a south west direction, the garden is approximately 3m lower than street level. The site is L-shaped, so rather than being behind the house, the garden extends to the north east in between the rear gardens of nos. 10 Pilgrim's Lane and 3 Downshire Hill.

The building lies within sub-area 3 of the Hampstead Conservation Area and is identified as making a positive contribution to the character and appearance of the Conservation Area. The site is subject to an Article 4 direction.

Relevant History

2015/4053/P - Certificate for Lawfulness application- Lowering floor level of existing basement to front of property and associated internal layout changes, but with no external alterations. Formation of a new basement to the rear of the property entirely within footprint of existing building and with no external alterations. Decision pending

2015/4157/P – Certificate for Lawfulness application- Alterations to rear and side windows, installation of rooflights to rear roofslope and alterations to rear garden terrace, stairs and balustrade. Decision pending

2012/5825/P – planning application- Excavation to create new basement level at rear with ground floor rooflight, erection of a roof extension, installation of 3x rooflights to rear roofslope, and alterations to fenestration, railings and front boundary walls of dwelling house. Refused on 08/04/2014, subject of current appeal. Public Inquiry likely to be held early 2016. Reasons for refusal are as follows:

- 1. In the absence of sufficient information the applicant has failed to demonstrate that the proposed basement excavations would not have significant adverse impacts on the structural stability of the application site and adjacent properties. As such, the scheme is contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 2. The removal of the TPO tree would be harmful to the visual amenity it provides and harmful to the character and appearance of the conservation area, contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP25 (conserving Camden's Heritage) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 3. The proposed basement, patios, steps and associated excavation by virtue of their size, depth, bulk, mass and detailed design would have an adverse impact on the original proportions of the*

host building to the detriment of the quality of the building, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) and DP27 (basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

4. The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and hazards for pedestrians, cyclists and other road users and would be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policy CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
6. The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Impact Plan, could have significant adverse impacts on the structural stability of the application site and adjacent properties contrary to policies 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) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

2011/0526/P planning application- Excavation of basement extension with ground floor roof light, raising the ridge of the existing roofline to the south west elevation and erection of boundary wall and railings to front elevation as well as alterations to the fenestration and associated alterations to existing dwelling house (Class C3). Refused 01/04/2011

2010/4644/P planning application- Erection of two storey rear extension at basement and ground floor levels, a roof infill extension, erection of front boundary wall and railings and excavation at the rear to extend the existing basement to incorporate an internal swimming pool to existing dwelling house (Class C3). Withdrawn 11/11/2010

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage.

DP23 Water

DP24 High quality design

DP25 Conserving Camden's heritage

Camden Planning Guidance

CPG1 Design 2015

CPG6 Amenity 2011

Hampstead Conservation Area Statement (adopted October 2001)

National Planning Policy Framework 2012

London Plan 2015, consolidated with alterations since 2011

Assessment

1.0 Proposal

1.1 This application seeks planning permission for the following alterations:

- Erection of a lead roof and tile-clad roof extension with rooflight within existing valley roof linking the front roof and rear roof, plus insertion of three rooflights to west elevation of rear roofslope.
- The reinstatement of glazing and door details to front elevation to include new leaded glass to front door and top pane of front bay window and insertion of replacement 6-pane, top sash at basement level. (These are considered 'de minimus' and permitted development and do not require permission)
- Alterations to front garden boundary wall and insertion of black painted cast iron railing and finials with a new low brick wall and gate piers. The piers would be a maximum 1.5metres high and railings and brick wall at a maximum height of 1.4metres as the site is located on small incline.
- Replacement of existing gates at rear of driveway with black painted metal railings and a dwarf brick wall

1.2 Planning permission was refused on 08/04/2014 (ref 2012/5825/P) for "excavation of basement extension with ground floor roof light, raising the ridge of the existing roofline to the south west elevation and erection of boundary wall and railings to front elevation as well as alterations to the fenestration and associated alterations to existing dwelling house". This is subject to an appeal which will be likely to be heard at a public inquiry in 2016. The proposals within this current planning application formed part of the previously refused application but they did not form part of the reasons for refusal- as noted in the history above, the issues of contention on this case related to the new basement, tree removal and external excavation works.

1.3 This application is assessed in terms of its impact on the character and appearance on the host building and the wider conservation area and the impact on amenity.

2.0 Design and impact on host building and Hampstead Conservation Area

2.1 The proposed roof extension and rooflights were part of the previously refused scheme 2012/5825/P; however they did not form part of the refusal reasons. The roof has an unusual form with the rear section of the roof 2.1metres higher than the front roof. The front roof is pitched intersected by a gable end whereas the rear roof is more of a mansard design. The proposed extension would involve a new link between the rear and front parts of the house. It would be subordinate to the existing roof and would not be visible from streetscene and barely visible from any other surrounding properties, as it would be virtually hidden from all sides by the existing roof form. The extension would be lower than the front roof ridge. The three proposed rooflights would be located on the west roofslope and again would not be visible from the street and would have no harmful impact on the character and appearance of the host building or the conservation area.

2.2 The proposed alterations at the front involve insertion of new glass on the front door and above the existing front bay window and installation of new railings and a dwarf wall. These were also part of the previous planning application and did not form part of any of the reasons for refusal. This new boundary treatment would be repeated on both sides of the front door with brick piers formalising the entrance to the house. Railings are considered an appropriate boundary treatment for the house and appropriate for the streetscene.

2.3 The proposed replacement of existing gates at rear of the covered driveway with black painted metal railings and a dwarf brick wall would have limited visibility from the streetscene and would not harm the appearance of the building.

2.4 Concerns from neighbouring properties have been raised that the proposals are an overdevelopment of the site and the number and size of the proposed rooflights is incompatible with the character of the conservation area. Concerns have also been raised about the loss of the planter outside the front door of the building and replacement with the simple iron railings. The proposals formed part of the previous scheme 2012/5825/P and were considered acceptable at that time. The proposals are considered to be modest additions to a large dwellinghouse and are appropriate in design, location and size terms to the house, streetscene and conservation area.

2.5. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. It is considered that the proposals are acceptable in design terms and would not harm the character and appearance of the host building or the Hampstead Conservation Area.

3.0 Impact on the amenity of adjoining occupiers.

3.1 The proposed rooflights would be adjacent to the roofslope of no. 6 Pilgrim's Lane which has no windows in it. The parapet would prevent any views into the windows on the side elevation of no. 6; the top of the highest window to the rear elevation of no. 6 would be 4metres below the cill of the proposed rooflight. As such there is not considered to be any loss of privacy to no. 6 from the proposed rooflights. Concerns have been raised from neighbouring properties about the proposed extension at roof level and potential overshadowing, light pollution and loss of light to the attic room and bedrooms of number 6. The proposed roof extension would be located away from the party wall with number 6, and constitute an internal infill level with or below the existing ridges of the front and rear roofs, therefore would not give rise to any adverse impact on the occupiers of number 6.

3.2 Concerns have been raised from a neighbouring property about the risk of flooding to surrounding properties as a result of the new low brick wall at the rear of the driveway. Adjacent to the low wall is proposed a gate which will allow any runoff that builds up from Pilgrims Lane. The Applicant has submitted a revised drawing confirming that there is a level threshold at the proposed gate which will allow run-off from the driveway down into the rear garden. The brick wall is also shown to have channel drains to allow for further drainage.

4.0 Conclusion

4.1 The proposed alterations and extensions to the house are considered modest additions and would not harm its character or appearance or that of the conservation area. The proposed works would not give rise to any adverse impact on the amenity of adjoining occupiers.

5.0 Recommendation:

5.1 Grant conditional planning permission