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# Planning Statement

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70 Elsworthy Road, NW3 3BP





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## 1. Introduction

- 1.1. This Planning Statement has been prepared on behalf of the applicant, Mr. R Beecham and is submitted in support of an application for full planning permission for the following development:

*'Demolition of existing two storey single dwelling house and erection of replacement single dwelling house, comprising of single level basement, ground, first and second floor (in roof,) alterations to the existing ancillary mews property and associated landscaping of the site'*

- 1.2. This statement provides the background information relating to the site and a detailed assessment of the proposals in relation to relevant planning policy. Specifically, it sets out that the proposals will result in a development that responds appropriately to the specific characteristics of the site context and the Development Plan.

- 1.3. This document is divided into the following sections:

- **Section 2** describes the existing site and surrounding area;
- **Section 3** outlines the planning history of the site and pre-application discussions;
- **Section 4** provides a description of the proposed development;
- **Section 5** outlines the relevant Planning Policy Framework;
- **Section 6** analyses the main planning and design considerations in the determination of the application; and
- **Section 7** draws together our conclusions in respect of the overall proposals.

## 2. Site and Surroundings

- 2.1. 70 Elsworthy Road is a 6-bedroomed single dwelling house set within a secluded yet generous and spacious plot.
- 2.2. The site also contains an ancillary mews property which faces onto the highway within Elsworthy Road which provides for car parking and staff/visitor accommodation. This mews property is one half of a semi-detached pair.
- 2.3. Pedestrian and vehicle access to the site from Elsworthy Road (behind a large panel gate), with a paved drive passing the mews building and running the full length of the site to where the main dwelling house sits at the rear of its plot.
- 2.4. The main body of the principal dwelling house is set approximately 50m back into the site from Elsworthy Road.
- 2.5. The main house is rendered with timber framed sash windows and a clay tiled roof with parapets to circular bays. The frontage to Elsworthy Road has a tripartite arrangement with two semi-circular bays flanking a central glazed element with a balcony above. The rear elevation includes the main entrance door at ground floor level with timber framed sash windows.
- 2.6. There is also a single storey element with parapet roof housing a swimming pool. This element is significant in scale and fully occupies the site in the north western corner of the site. It fully abuts the rear boundaries to properties adjoining the site in Avenue Road, creating built form hard to the boundary.
- 2.7. The ground floor contains the main reception spaces with bedrooms at first floor level. The master bedroom overlooks the main garden area to the south as well as the approach road to the main house with an external balcony set between semi-circular bays.
- 2.8. Although the existing property adopts a relatively traditional design the main dwelling house was constructed in 1990. As such, it is not a historic or heritage building and, whilst not unattractive, does not have any specific or designated or notable architectural merit.
- 2.9. To the rear of the property is an enclosed hard surfaced driveway / turning circle space which leads to the main dwelling entrance which is positioned within the rear elevation.

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Figure 1 - The existing dwellinghouse



Figure 2 - The site viewed from Elsworthy Road.  
The main dwellinghouse cannot be seen from the public highway



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- 2.10. The mews house is brick faced with timber framed sash windows and a clay tiled roof. The principal elevation has three windows to the first floor and a full width garage to the ground floor reflecting its original use.



Figure 3 - The ancillary mews building, at the boundary with Elsworthy Road



Figure 4 - The area housing the swimming pool, hard up against the boundary with properties on Avenue Road

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- 2.11. The existing site is effectively isolated from the street and is not visible from the public realm. Set within its own generous plot with the main garden located between the principal dwelling and the smaller mews house to the south, the site is surrounded by the neighbouring houses and gardens in Elsworthy Road, Avenue Road and Harley Road.
- 2.12. Significant evergreen boundary planting, a high brick wall and mature trees form effective divisions between the site and neighbouring properties. As a result, the site is hidden from the existing urban context providing a high-level of privacy to building occupiers and essentially no public views of the main dwelling house.



Figure 5 - Significant mature planting at the boundary of the site

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Figure 6 - The hard surfaced area to the rear of the existing dwellinghouse

- 2.13. In terms of the surrounding area, Avenue Road is marked by grand single family dwellings in traditional styles, with neo-Georgian and neo-classical buildings in proximity to the site. Arts and Crafts style properties also front the street and are the predominant style to Elsworthy Road.
- 2.14. The development is not within a conservation area. It is, however, located adjacent to the Elsworthy Road Conservation Area (immediately to the east of the site boundary) and therefore any development must have regard to the setting of the Conservation Area.



Figure 7 - The existing property is located to the rear of the plot, accessed by a long driveway



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- 2.15. With reference to the relevant *Conservation Area Appraisal and Management Strategy* (July 2009), the main characteristics of the area are noted as:
- *A wealthy residential suburb with no real ingress of commercial activities;*
  - *A 'garden suburb' building pattern with spacious and leafy surroundings;*
  - *A predominance of large detached houses; and*
  - *Houses set back from the street with a range of leafy boundary treatments that reflect the green and relatively open environment of the public streets.*
- 2.16. More specifically, that part of the Conservation Area immediately adjacent to the site sits within "*Sub-Area 3: Willett Development*". This sub-area (focused around Wadham Gardens) is noted for wide, tree-lined streets and generous garden areas.
- 2.17. There are no listed buildings within the vicinity of the site.
- 2.18. The immediate surrounding area is residential in nature and made up predominantly of large, standalone single dwelling houses. To the north is the Swiss Cottage School and the retail, community, transport and leisure facilities in Swiss Cottage itself.
- 2.19. The site enjoys a good level of public transport accessibility, achieving a 'good' PTAL rating of 4 due to access to a number of bus services, the Underground at Swiss Cottage and the Overground at South Hampstead.

## 3. Planning History and Pre-Application Discussions

### Planning History

- 3.1. A review of the Council's online planning history records has highlighted the following previous application's on this site:

<b>Reference</b>	<b>Description</b>	<b>Date of Decision</b>	<b>Decision</b>
PEX0000682	Erection of single storey front extension, as shown on drawing numbers: 001E, 010E, 040, 030B and 003B	03/10/2000	Approved
9005337	The erection of a two storey twelve room (six bedroom) house as shown on drawings nos. 1257 101A 102A 103A 100A as revised by letter dated 05.09.90	05/12/1990	Approved
9005323	Conversion of ground floor of outbuilding from parking to residential use including small addition and external alterations	07/06/1990	Withdrawn

- 3.2. Of most relevance to this current proposal is the permission granted in 1990 for the erection of the current dwelling on the site. This confirms that the existing building is only a relatively recent construction and not a historic or traditional property.
- 3.3. The additional extension granted planning permission in 2000 was also constructed. The current form of the building therefore reflects the appearance of the building as it was amended at that time.

### Pre-Application Discussions

- 3.4. Pre-Application discussions took place with planning officer in early 2015 (Ref: 2015/1370/PRE). A formal written response was issued on 2 June 2015 and stated the following:
- *There is no objection in principle to the demolition of the existing dwellinghouse;*
  - *There is no objection in principle to the development of a subterranean level below the house and garden;*
  - *The relocation of the footprint of the main building to nearer the centre of the plot will improve the relationship of the building to the neighbouring properties at 62 and 64 Avenue Road;*
  - *The overall size of the proposed building, in terms of both footprint and height, is excessive relative to the size of the plot;*
  - *The extension of the ancillary mews building would not be subordinate to the existing property and as such would be excessive development;*
  - *Potential for overlooking to neighbouring properties could arise from the proposed first floor terrace;*

- *Appropriate landscaping of the site should be proposed as part of any planning application; and*
- *Confirmation that in light of recent changes in national policy guidance, it is no longer necessary for the new dwelling to meet the full requirements of the Code for Sustainable Homes with only a limited range of sustainability measures needing to be met instead.*

3.5. The development as submitted as been amended in response to the comments received during the pre-application discussions. Specifically:

- *The overall ridge line of the roof has been lowered;*
- *The proposal for an extension to the front (garden) elevation of the main dwellinghouse has been removed and thus the overall footprint of the new dwelling is also reduced;*
- *The proposed extension to the existing mews building has been removed;*
- *The total area of the basement level has been reduced by pulling it back from the front line of the site and instead providing a linkway to the mews building only;*
- *Elements to minimise the potential for overlooking from the first floor level have been introduced; and.*
- *The overall design treatment of the property has been quietened with the removal of some of the embellishments previously proposed removed.*

3.6. It is therefore considered that the proposal has been appropriately altered in order to reflect the advice given by officers to further enhance the development.

## 4. The Proposed Development

- 4.1. It is proposed to demolish the existing dwelling house on the site and erect a replacement single dwelling house, including a new basement level.
- 4.2. The replacement dwelling would provide three levels of accommodation above ground level in the form of two full storeys and a single level of accommodation within the roof form. A total of seven bedrooms will be provided.
- 4.3. A single basement level will be provided below the new dwelling house and the garden area, set in from the boundaries of the site. This level will also be accessible from the ancillary mews building that sits on the street frontage of the site.
- 4.4. The existing ancillary mews property will be maintained, providing enclosed car parking for two vehicles with staff/visitor accommodation above.
- 4.5. The basement level will contain ancillary facilities to support the use of the property as a single family dwellinghouse. Relevant plant equipment and machinery will also be accommodated within a small mezzanine area situated above the main subterranean level but below the main dwellinghouse.
- 4.6. The accommodation on each level breaks down as follows:
  - *Subterranean Level: Ancillary leisure facilities including swimming pool, games room, gymnasium and cinema room;*
  - *Partial Mezzanine: Plant Equipment*
  - *Ground Floor: Main reception spaces including sitting room, dining room and family kitchen;*
  - *First Floor: Main bedrooms, including master suite; and*
  - *Second Floor (within Roof Form): Further bedrooms.*
- 4.7. The area of the existing dwellinghouse is 694 sq m GEA.
- 4.8. The proposed new dwellinghouse will be 2,190 sq m GEA, an overall increase of 1,496 sq m GEA relative to the existing building. The existing mews property will be maintained at 130 sq m GEA.
- 4.9. The increase in floorspace at ground and first floor levels is comparatively limited, meaning the overall increase in the footprint of the building is modest. Instead, additional floorspace is created within the additional storey within the roof structure and also the basement level which is not visible from neighbouring properties.
- 4.10. The overall design is intended to increase the amount of accommodation provided without leading to a consequential increase in the overall appearance of the property within its existing plot.



- 4.11. Although the new property utilises a slightly altered position within the plot (a general shift away from the western boundary to a more central position) and also proposes additional floorspace overall as noted above, there is only a small increase in the overall footprint of the dwelling.
- 4.12. The replacement dwelling provides a more coherent layout than the existing building with the main living spaces concentrated on the above ground levels and ancillary facilities contained within the subterranean level. This enhances the overall design on the site and replaces the extensions on the existing property.
- 4.13. The overall architectural style of the proposed building is in-keeping with both the existing property and also neighbouring properties. In this way, the property is in-keeping with the prevailing architectural style of the immediate surrounding area both inside and outside of the Elsworthy Conservation Area. Given the secluded nature of the application site (and the lack of a public-facing elevation), the building is designed to be more modest in appearance than the more grander dwellings on to the public highway in Avenue Road and Elsworthy Road.
- 4.14. Across the site as a whole, the proposed landscaping scheme ensures that the amount of soft landscaping is actually increased marginally. Additional soft landscaping is introduced to the north of the dwelling by removing the existing hard landscaping from this area – this will enhance the new property's position as a dwelling within the existing plot.
- 4.15. This landscaping proposal is also intended to minimise any perception of the subterranean level to ensure that the main property continues to stand alone within the plot as a dwelling house of appropriate scale in the context of the site. No lightwells or other physical manifestations of the subterranean areas are proposed at ground floor level.
- 4.16. The main garden area of the site (between the main dwelling house and the ancillary mews building) will be landscaped to ensure that it continues to function as usable garden space to serve the occupants. Existing trees at the boundaries of the site will be maintained and supplemented by further new planting as part of the additional landscaping. The existing relationship between large garden areas, the long driveway and the positioning of the dwelling to the rear of the site will be maintained with the front elevation of the building almost forty-five metres from the front boundary of the site in Elsworthy Road itself.
- 4.17. Photovoltaic panels will be provided on the flat roof of the property to enhance the sustainability credentials of the house.

## 5. Planning Policy Framework

- 5.1. The 2004 *Planning & Compulsory Purchase Act* requires that determination of any planning application must be in accordance with the development plan unless material considerations indicate otherwise.
- 5.2. In this case the development plan comprises;
- *The London Plan (March 2015, consolidated with alterations since July 2011); and*
  - *The London Borough of Camden Core Strategy and Development Policies (both adopted November 2010).*
- 5.3. Other documents of relevance to the application are:
- *The National Planning Policy Framework, adopted March 2012;*
  - *The National Planning Practice Guidance, first published March 2014; and*
  - *Various Camden Planning Guidance documents which offer more detailed advice with regard to specific aspects of development in the Borough.*

### The National Planning Policy Framework

- 5.4. The development that is the subject of this application has been considered in light of the National Planning Policy Framework (*NPPF*), which provides a direction for planning on a national scale and the expectation that all local planning documents will be in general conformity with the *NPPF*.
- 5.5. One of the most important aspects of the *NPPF* is the 'golden thread' of a presumption in favour of sustainable development that runs through all of the policies contained within.
- 5.6. In particular, paragraph 7 of the *NPPF* indicates that there are three dimensions to sustainable development: economic, social and environmental, and that these dimensions give rise to the need for the planning system to perform a number of roles:

*'an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*

*an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.’*

5.7. Having regard also to paragraph 14 of the *NPPF*, the second half of this paragraph refers specifically to how the presumption in favour of sustainable development should be seen as a ‘golden thread’ running through decision-taking. Specifically it refers to:

- *‘approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - a. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - b. *specific policies in this Framework indicate development should be restricted.’*

5.8. With regard to the relationship between the *NPPF* and existing local planning policies, paragraph 215 of the *NPPF* set out that where local policies have been adopted since 2004:

*‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework [the NPPF] (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’*

5.9. Although Camden’s Local Plan documents were adopted prior to the publication of the *NPPF*, it is considered that policies relevant to this application are predominantly in accordance with the key principles laid down with the *NPPF*. As such, considerable weight should still be given to these policies in determining this application.

5.10. It is acknowledged that a draft replacement Camden Local Plan was published for consultation in early 2015. However, given the early stage in assessment of this replacement policy document it is not considered necessary to give weight to this at the current time.

## 6. Planning Considerations

6.1. Consideration and assessment of the proposed development with regard to local and national planning policies and guidance is set out under the following headings:

**1. Design and Heritage**

- a. *Principle of Demolition*
- b. *Principle of a Replacement Dwelling*
- c. *Proposed Design*
- d. *Impact upon the Adjacent Conservation Area*
- e. *Accessibility*

**2. Residential Amenity**

- a. *Daylight/Sunlight*
- b. *Impact of Noise*
- c. *Privacy and Overlooking*
- d. *Managing Construction Impacts*

**3. Car Parking, Cycle Parking and Servicing**

**4. Landscaping and Trees**

**5. Subterranean Development**

- a. *Basement Impact Assessment*
- b. *SUDS*

**6. Sustainability**

**7. Affordable Housing**

**8. Community Infrastructure Levy**

**9. S106 Obligation**

6.2. Further information on a number of these matters is provided within the various supporting documents that are also submitted as part of this application. Due reference is given to relevant supporting documents and these should be considered for a more detailed assessment of relevant matters.



## 1. Design and Heritage

6.3. As noted previously, the existing building is a relatively modern property constructed in the early 1990s. It is not a traditional building and is not subject to any specific designations in terms of heritage, although it is acknowledged that the site is immediately adjacent to the Elsworthy Conservation Area.

6.4. A more detailed assessment of all design matters is provided within the Design & Access Statement prepared by Wolff Architects which forms part of this submission, in addition to those key matters discussed below.

### a) Principle of Demolition

6.5. To allow for the construction of the proposed new dwelling, the existing property on the site will be demolished in its entirety.

6.6. The existing property was constructed in the early 1990s, with a further extension (the current swimming pool that abuts the western boundary of the site) added in the early 2000s. As such, this is not a historic property and does not contain any intrinsic heritage value. It is not situated within a conservation area and is not noted as having any other form of heritage status such as being an unlisted building of merit.

6.7. As previously noted, the existing dwelling house is entirely hidden from view from the public realm. As such, the removal and replacement of the building will have no impact upon views in and around the local streetscene.

6.8. The principle of demolition was discussed as part of the pre-application process. In their formal written response, officers noted that:

*'The building has not been identified as a candidate for the local list and is thus not considered to be a non-designated heritage asset that is worthy of preservation. Consequently there is no objection 'in principle' to its demolition'*

6.9. Given the above, it is considered that the principle of demolition of the existing building is acceptable and that there would be no harm to the character of the immediate local area if this building was to be replaced.

### b) Principle of a Replacement Dwelling

6.10. With reference to Policies CS6 and DP2, it is noted that the Council seeks to increase the amount of housing within the borough and thus will protect existing residential uses.

6.11. In this case, there is no loss of residential accommodation proposed – it is a like-for-like replacement of the existing single dwelling with another comparable unit.

6.12. The replacement unit is much enhanced in terms of facilities and amenity relative to that of the existing building, therefore this proposal will also contribute towards policy expectations to improve the overall quality of the supply of housing.

6.13. This principle of replacing the existing dwelling house with a new property was confirmed in pre-application discussions with officers.

*c) Proposed Design*

6.14. *Core Strategy* Policy CS14 states that the Council will require development of the highest standard of design that respects local context and character; and preservation and enhancement of Camden's rich and diverse heritage assets and their settings, including conservation areas.

6.15. This is supported by *Development Policy* DP24 which requires all developments to be of the highest standard of design and will expect developments to consider the character, setting, context and the form and scale of neighbouring buildings; the character and proportions of the existing building and the quality of materials to be used.

6.16. The implications of this policy should be considered in the context of Section 7 of the National Planning Policy Framework (NPPF). This sets out national guidance on the relevance of design in achieving good planning outcomes.

6.17. Of greatest relevance here are Paragraphs 59 and 60 of the NPPF which states that:

*Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.*

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

6.18. The key therefore is not to limit the appearance of a building to a specific design but instead to ensure that it responds, reflects and contributes to the overall character and form of any existing built form and streetscene.

6.19. The proposed building adopts a 'Regency' Style with rendered facades and detailing in stone. In taking this form, it reflects a building style that is predominant for immediately neighbouring properties and most particularly those adjacent on Avenue Road.

6.20. In response to pre-application discussions with officers, the overall height and footprint of the building has been reduced compared to the previously proposed new dwelling.

6.21. This reduction in the overall scale of the new dwelling ensures that the new property will continue to sit comfortably within the enclosed site and will not appear out of scale with the existing plot. Indeed, the overall repositioning of the property more centrally within the plot, will result in an improved relationship between the house and the garden.

- 6.22. The proposed detailing of the building has been simplified from that which was previously presented for discussion with officers. Specifically, ornamental plasterwork and quoins have been omitted in order to simplify the overall tableaux of the building and its palette of materials.
- 6.23. This more simple treatment with less adornment is considered to be more in-keeping with the more secluded character of the application site as opposed to the grander setting of those properties facing onto the public highway, most particularly in Avenue Road.
- 6.24. This proposed design therefore now offers an appearance that is both in-keeping with the general design aesthetic of the local area but also responds to the more secluded nature of this specific site.
- 6.25. Finally, it is not proposed to alter the appearance of the mews property. As such, the existing relationship with the 'partner' building to which it is associated is unaffected by these proposals.
- 6.26. Given this, the proposed design meets the expectations of both local policy and the NPPF to present a design that is of high quality and reflects the appropriate design aesthetic but also reflect the specific circumstances of the site on which it sits.
- 6.27. Greater detail of the proposed design and the process of design evolution that has led to the final proposal now presented are set out within the Design & Access Statement that forms part of this submission.

*d) Impact upon the Adjacent Conservation Area*

- 6.28. Policy DP25 makes clear that any development which has the potential to impact upon a heritage asset must take into account the quality, character and value of that asset when considering the design of a new building.
- 6.29. As previously noted, although the application site is not within a designated conservation area, it does immediately adjoin the western boundary of the Elsworthy Road Conservation Area. As such, in assessing the overall impact of the proposed development it is necessary to consider the development within the context of the setting of the adjacent Conservation Area.
- 6.30. Paragraph 128 of the National Planning Policy Framework (NPPF) states (in part) that:

*'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted'*

- 6.31. At this location, the site is only adjacent to the Conservation Area and is not subject to any other heritage designation, a review of the relevant 'historic environment record' is an appropriate assessment of the significance of the heritage asset.
- 6.32. In this case, the appropriate historic record is the *Elsworthy Road Conservation Area Appraisal and Management Strategy* (July 2009). As noted earlier, the main characteristics of the conservation area are noted as:

- *A wealthy residential suburb with no real ingress of commercial activities;*
- *A 'garden suburb' building pattern with spacious and leafy surroundings;*
- *A predominance of large detached houses; and*
- *Houses set back from the street with a range of leafy boundary treatments that reflect the green and relatively open environment of the public streets.*

6.33. More specifically, that part of the Conservation Area immediately adjacent to the site sits within "Sub-Area 3: Willett Development". This sub-area (focused around Wadham Gardens) is noted for wide, tree-lined streets and generous garden areas.

6.34. As noted, the application site is enclosed on all sides by considerable boundary treatments. This includes the eastern boundary of the site which demarcates the edge of the Elsworthy Road Conservation Area.

6.35. Given the seclusion of the site, views of this area and the property within it are extremely limited. This includes views to and from the Conservation Area. The property will not be visible in views from the public realm, either within the Conservation Area or those parts of Elsworthy Road that sit just outside of the Conservation Area.

6.36. The only views of the site into, out of or through the Conservation Area are from private viewpoints. As discussed above, the proposed design of the building is entirely in-keeping with the local vernacular and therefore will be a positive contribution where limited private views are possible. By pulling the building further from the site boundary relative to the existing house, this creates a better relationship between the building and its plots which will enhance the setting of the Conservation Area.

6.37. As such, the proposed development will be entirely in-keeping with the character of the adjacent conservation area and will actually enhance the relationship between the two given the improved design of the new dwelling relative to the existing building.

6.38. This therefore responds positively to the requirements of both Policy DP25 and the NPPF to maintain the quality of the Conservation Area as set out within the Conservation Area statement.

*e) Accessibility*

6.39. Policy DP6 sets out that all housing development should meet Lifetime Homes standards.

6.40. A full assessment of the proposed development against the Lifetime Homes criteria is included within the Design & Access Statement submitted as part of this application. This confirms that the proposed development will meet all of the relevant criteria.

6.41. As such, the proposed development ensures accessibility for potential occupants with a range of different access and mobility requirements and therefore accords with the requirements of Policy DP6.



## 2. Residential Amenity

6.42. *Development Policy DP26* states that the Council will only grant permission for development which does not cause harm to amenity. Factors it will consider are privacy and overlooking, sunlight and daylight and noise, with reference to both the residents of both the proposed development and also those within existing neighbouring buildings. Each of these matters have been considered and appropriate technical reports completed where required.

### a) *Daylight/Sunlight*

6.43. As previously noted, the application site is secluded and features significant mature planting and solid boundary treatments where it adjoins neighbouring properties.

6.44. There is a substantial dwelling house at the site in its existing state. The application does not, in any way seek to significantly increase the above ground massing, height or form over and above the existing situation.

6.45. In addition, this application proposes a change in the position of the dwelling house to a point nearer to the centre of the plot (east to west) when compared to the existing building which is hard against the western boundary of the site.

6.46. The existing situation therefore is one of considerable separation between single dwelling houses with high boundary treatments and considerable mature planting along most boundaries. The opportunities for each property to impact upon other in terms of daylight/sunlight matters are therefore limited.

6.47. When assessing the impact of new development upon existing neighbouring properties in terms of daylight and sunlight matters, reference is normally made to the Building Research Establishment's guidance *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)*. This provides non-mandatory guidelines to assess the impact of new development upon existing neighbouring properties.

6.48. A Daylight / Sunlight assessment has been undertaken by Point 2 Surveyors and is submitted as part of this application.

6.49. This confirms that all windows on neighbouring properties will continue to meet all of the relevant BRE standards in terms of the amount of daylight and sunlight that will still be received if the proposed dwelling was constructed.

6.50. As such, the development will ensure appropriate amenity to all properties in terms of daylight/sunlight matters. On this basis it is clear that no given that no possible harm could arise to the amenity of neighbouring properties by way of any possible loss of daylight and sunlight. Therefore, the application fully complies with Policy DP26

### b) *Impact of Noise*

6.51. Policy DP28 sets out the Council will control development to ensure that it does not lead to inappropriate levels of noise to either new or existing residents. Maximum noise levels are provided and all new development will be assessed against these.

- 6.52. This application does not propose any form of noisy development. This will be a replacement residential use in an area that is predominantly residential in character. As such, the overall proposal is entirely appropriate for this site with a like-for-like development maintaining the existing character of the site.
- 6.53. This development will require a range of plant machinery to support the facilities within the building. It is proposed to locate these on a small mezzanine level above the subterranean level (that is, just below ground level). This location responds to advice set out within *CPG6 Amenity* to separate noise producing sources from main habitable areas and use attenuation (including the form of the proposed building) to reduce any noise effects.
- 6.54. A full acoustic assessment has been undertaken by Hann Tucker Associates with reference to the existing measured background noise levels on the site. This assessment confirms that, subject to appropriate attenuation methods (as specified), the proposed plant equipment can be operated whilst also maintaining an appropriate level of background noise for both residents within this building and also neighbouring properties, in full compliance with the standard LPA conditions. As such, this development will not lead to harm to residential amenity in terms of noise.
- 6.55. The effects of noise during demolition and construction phases can also be managed to minimise disturbance to neighbouring residents. Relevant safeguards can be incorporated into a Construction Management Plan which will manage the construction process (as discussed in more detail below).
- 6.56. Further information is provided within the acoustic assessment submitted as part of this application.

### *c) Privacy and Overlooking*

- 6.57. The property sits within a secluded and enclosed site with considerable obscuring boundary treatments on all sides that adjoin neighbouring properties. As such, the potential for any loss of privacy or overlooking between neighbouring properties is immediately reduced.
- 6.58. The main outlook from the property is as per the existing building, that is down the length of the garden area towards the mews property. The relationship between the main dwelling house and adjacent properties (including the mews property in separate ownership that immediately adjoins the mews property on the application site) is not materially altered.
- 6.59. With reference to specific distances, there is approximately 34 metres along the length of the garden between facing windows on the existing building and the neighbouring mews property. There is no direct line of site to any other neighbouring properties. The new dwelling proposes some reduction this distance, to approximately 25 metres at ground level and 29 metres at first floor level.
- 6.60. Both of these distances are considerably greater than the 18 metres noted within *Camden Planning Guidance 6 – Amenity* as being the minimum distance between the closest points of residential buildings to ensure appropriate privacy to all habitable rooms. It is also greater than the 18-21 metres noted within the *Mayor of London's Housing Supplementary Guidance (2012)*. Therefore, there are no concerns with regard to maintaining appropriate amenity to and from the main elevation of the new dwelling.

- 6.61. In terms of overlooking to properties to the east and west of the site, it was noted within the written pre-application response that the movement of the new dwelling to a footprint nearer the centre of the plot will immediately improve the relationship with Nos. 62 and 64 Avenue Road by increasing the distance between the nearest flanks of these buildings
- 6.62. When this is added to the considerable boundary treatments between the sites, the overall impact upon neighbouring buildings to the east and west is improved relative to the existing situation.
- 6.63. A comment was made in the pre-application response with regard to the terrace proposed at first floor level and the potential for overlooking from this area. In response, the proposal has been amended to reduced the width of the terrace through the introduction of balustrades on both sides of the flat roof. Further planting is also proposed on this roof to remove any possibility of any demonstrable ability to overlook to or from this area.
- 6.64. In terms of the very limited fenestration proposed to the western elevation, these windows serve only a bathroom facility. Therefore, if necessary this can be provided with opaque glazing to further minimise any potential for overlooking at this level.
- 6.65. Taken together, the minimal changes in the relationship between the proposed new dwelling house and neighbouring properties relative to the existing building and also the other measures proposed to be introduced ensure that the privacy of all residents will be more than sufficiently protected as a result of the proposed development to ensure appropriate amenity for all occupants.

#### *d) Managing Construction Impacts*

- 6.66. The applicant is conscious of the importance of ensuring that all effects of the proposed construction programme are properly managed and minimised wherever possible.
- 6.67. As recommended within *CPG6 Amenity*, given that this development proposes subterranean development then a draft Construction Management Plan has been prepared. This is intended to provide details of how the construction programme will be managed in a range of factors including the movement of vehicles to and from the site, minimising and attenuating noise and other emissions including dust that may arise from demolition and also the general operation of the site.
- 6.68. In drafting the Construction Management Plan, full reference has been made to the Council's minimum requirements. The draft submitted demonstrates that the effects on construction can be managed to ensure that impacts upon neighbouring residents during this time can be kept to a minimum.
- 6.69. It is assumed that the completion of a final Construction Management Plan will be secured through the use of an appropriately worded planning obligation with a finalised Plan approved prior to the commencement of works on-site.

### 3. Car Parking and Cycle Parking

- 6.70. In common with the existing dwelling, the proposed dwelling will maintain a long driveway and a paved area adjacent to the house where vehicles may be parked. Additionally, the enclosed car parking spaces within the existing mews building will also be maintained. An additional car parking space will be provided through the installation of a car stacker below the existing mews building.
- 6.71. Given the existing internal car parking space and long driveway, there will be no material change in the capacity for occupants to park their cars when compared to the existing site conditions. As such, the overall impacts of the development with regard to car parking is unchanged.
- 6.72. It is noted that under the terms of Policy DP18, it is expected that new residential development would be 'car-capped' and thus occupiers would not be eligible to apply for on-street car parking permits. It is arguable that this policy is not applicable in this case since there is no net uplift in the number of residential units on the site (one single dwelling replacing another).
- 6.73. Nonetheless, the applicant is not opposed to agreeing such a limitation. This matter is discussed further later in this statement in the context of the wider requirements for S106 obligations.
- 6.74. With regard to cycle parking, dedicated storage space for two cycles will be provided within the basement level of the property. This provisions accords with the requirements set out under both Policy DP18 and the London Plan (2015).

### 4. Landscaping and Trees

- 6.75. Policy DP24 sets out that in considering the design of new development, it is necessary to assess the provision for protecting existing natural features, such as trees, and also encouraging the provision of appropriate hard and soft landscaping and boundary treatments.
- 6.76. To support this, a full landscaping proposal has been prepared by Green Square Design and is submitted as part of this application.
- 6.77. The new proposal will result in a **reduction** in the area of hard landscaping on the site compared to the existing layout (from 500 sq m down to 471 sq m), balanced by a commensurate **increase** in soft landscaping (from 625 sq m up to 647 sq m).
- 6.78. The greatest gain in soft landscaping is found through the removal of the existing car parking area to the rear of the existing building. This allows for an enhancement of the planting and soft landscaping on the northern boundary of the site, enhancing the separation between the sites. This therefore both improves the relationship between neighbouring properties when compared to the current situation but also enhances the setting of the proposed dwelling with landscaped areas on all sides for an enhanced outlook.
- 6.79. In response to comments received from officers during pre-application discussions, the interface between the hard surfacing of the driveway and the wider landscaped areas has been softened to further enhance the soft landscaping.

- 6.80. In terms of soil above the proposed subterranean level (as discussed in further detail below), the depth of this will be considerably in excess of the 0.5 metre minimum depth that is noted under Policy DP27. This will ensure the continued health and usability of the main garden area moving forwards.
- 6.81. With regard to trees, an assessment of existing trees on-site and in neighbouring sites has been prepared by Arbol EuroConsulting and is submitted as a part of this application. This assessment has confirmed that where a small number of trees needs to be removed to allow for this development to take place, such trees are of limited quality and their removal will not be harmful to the overall arboricultural contribution of the site.
- 6.82. It should also be noted that significant new planting to the site is proposed, details of which are set out within Green Square Design's report.
- 6.83. The arboricultural impact assessment has also set out details of the protection methods that should be put in place to protect retained trees during the construction period. These methods have been incorporated into the draft Construction Management Plan and will be respected in full during any construction period.
- 6.84. Overall, the appearance of the main garden will be an enhanced version of the existing garden with a main lawn area in front of the main dwelling house being supplemented by additional planting in order to improve the range of vegetation on the site. By maintaining the considerable mature planting that already exists at the site's boundaries, the natural screening between the property and its neighbours will be retained.

## 5. Subterranean Development

- 6.85. Any proposal for subterranean development must be considered in the context of Policy DP27 and CPG4 and specifically for the provision of an assessment of any such development's impact upon drainage, groundwater conditions and structural stability.
- 6.86. To this end, a Basement Impact Assessment and a Ground Movement Assessment have been prepared by Geotechnical & Environmental Associates (GEA) and have been submitted as part of this application. The BIA assesses all of the key requirements of Policy DP27 and CPG4. The reports conclude that:
- *The formation level for the proposed basement is likely to be within the London Clay. Significant ground water inflows are not anticipated in the basement excavation.*
  - *The proposed basement is unlikely to result in any specific land or slope stability issues; and*
  - *The predicted damage to the neighbouring properties would generally be "negligible", with some areas of "Very Slight" on the walls of some neighbouring properties;*
- 6.87. In terms of the overall design of the subterranean level, the proposed basement has been set in from the boundaries of the application site on all sides. In doing this, any subterranean development is also set away from the existing mature trees found on the boundaries of the site. These trees will therefore be protected from development, as discussed further above.
- 6.88. In addition, the containment of the basement level away from existing boundaries will also minimise any impact of the new development upon existing neighbouring properties.

- 6.89. No rooflights or lightwells are proposed as part of the basement level, which serves recreational facilities for the dwelling and as such does not provide the main habitable accommodation. Therefore there will be no material manifestation of the basement at ground. The scale of the property's above ground levels will not be impacted or affected by the subterranean level below in any way.
- 6.90. It should also be noted that the provision of a subterranean level of accommodation has been approved at several nearby properties in Elsworthy Road, Avenue Road, Wadham Gardens and Radlett Place in recent years. This includes a series of approvals since both the initial adoption of CPG4 in April 2011 and then also after the adoption of the revised version of CPG4 in September 2013. A fuller list of these sites, together with a map plotting the location of these basements, is provided within the Design & Access Statement that forms part of this submission.
- 6.91. As such, the proposed subterranean level is an appropriate form of development in the context of both the surrounding area and the proposed new replacement dwelling house. The BIA confirms that all relevant geotechnical and structural matters will be achieved to ensure the protection of drainage, groundwater and stability matters in accordance with the requirements of Policy DP27 and CPG4.

## 6. Sustainability

- 6.92. *Core Strategy* Policy CS13 seeks to tackle climate change by requiring development to take measures to minimise the effects of, and adapt to, climate change and encourage all development to meet the highest feasible environmental standards. Carbon emissions should be minimised by implementing in order the energy hierarchy: using less energy; making use of energy from efficient sources; and generating renewable energy on site. This hierarchy follows that found in the London Plan which requires development to be lean: use less energy; be clean: supply energy efficiently; and be green: use renewable energy.
- 6.93. *Development Policy* DP22 requires all new development to incorporate sustainable construction and design methods.
- 6.94. Following the publication by the Government of new technical standards in light of the Deregulation Act taking effect in March 2015, it is no longer a requirement to undertake a full Code for Sustainable Homes Assessment as part of a planning application. This position was confirmed by planning officers in their written pre-application response.
- 6.95. Instead, it has been confirmed that new residential developments need to meet only the following:
- *With regard to water use, new residential development will be required to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day, with an additional 5 litres person/day for external water use.*
  - *With regard to energy, the Council will continue to apply policies which require compliance with energy performance standards until the Planning and Energy Act 2008 has been amended (likely late 2016). The Code Level 4 equivalent in carbon dioxide emissions reduction below part L Building Regulations 2013 is 20%. New residential dwellings will be required to demonstrate how this has been met by following the energy hierarchy in an energy statement.*



- 6.96. A sustainability assessment has been prepared by XCO2. As a part of enhancing the sustainable delivery of the property, it is proposed to place photo-voltaic panels on the roof of the building.
- 6.97. The development will therefore meet the expectations of Policy DP22, and the new nationally revised standards relating to Part L of the Building Regulations.

## 7. Affordable Housing

- 6.98. Given the floor area of the proposed new dwelling, it is acknowledged that in accordance with policy DP3 there would be a requirement for this development to make a contribution towards provision of affordable housing.
- 6.99. With only a single dwelling house proposed and that the applicant is a private owner / occupier , it is clear that a financial contribution is the appropriate proposal for this site.
- 6.100. Policy DP3 sets out that a contribution towards affordable housing is required when 1,000 sq m GEA or more of additional residential floorspace is proposed.
- 6.101. Above this threshold, the required contribution towards affordable housing is calculated based upon a 'sliding scale', where 10% of additional residential floorspace is required to be affordable where 1,000 sq m GEA is proposed and 50% of additional floorspace is proposed.
- 6.102. Paragraph 3.17 of the Development Polices states:
- "The Council will take a flexible approach to provision of off-site affordable housing for schemes close to the affordable housing threshold, that is between 1,000 sq m (gross) and approximately 3,500 sq m (gross) of additional housing".*
- 6.103. In this case, the amount of additional floorspace being proposed is 1,496 sq m GEA (when the equivalent of the existing floorspace, which is not liable for an affordable housing contribution, is excluded). This is above the 1000sqm threshold at which a contribution will be sought.
- 6.104. As such, the contribution towards affordable housing will be approximately 15% of the additional floorspace, equating to 224 sq m.
- 6.105. Given that only a single dwelling is being proposed within a secluded site that is home to an existing single dwelling, it is most appropriate that the relevant contribution towards affordable housing is provided in the form of a financial contribution.
- 6.106. With reference to the guidance within CPG8 Planning Obligations, an affordable housing financial contribution is calculated on the basis of £2650 per sq m. In this case, with an affordable housing contribution of approximately 224 sq m, the payment in lieu of on-site provision would be in the region of £593,000.
- 6.107. The applicant is able to meet the contribution towards affordable housing in this way and thus can meet the policy and financial expectations of Policy DP3.

6.108. It is assumed that formal calculation of the appropriate contribution will form part of the assessment of the application and that these can then be secured through an appropriately worded S106 Legal Agreement.

## **8. Community Infrastructure Levy**

6.109. Following the adoption of Camden's local Community Infrastructure Levy in April 2015, this development will be liable for both this and the Greater London Mayoral CIL. In accordance with the relevant regulations, in the event that planning permission is granted then CIL would be liable to be paid upon implementation of that permission.

6.110. When assessing the total contribution towards CIL that any development is required to make, as set out within the *Community Infrastructure Levy Regulations 2010* (as amended) it is possible to discount the existing floorspace on a site in some circumstances. Of most relevance in this case is that where existing floorspace has been in continuous use for a period of six months in the thirty-six months preceding the grant of planning permission then the equivalent of this floorspace can be excluded from the liable floorspace within the new development. Effectively, the area of floorspace that is liable for CIL is the net uplift in floorspace from the existing to the proposed buildings.

6.111. In this case, the property has been continuously occupied for residential use since it was constructed in the early 1990s and this occupation will continue until at least the date upon which any planning permission would be granted. As a result, in accordance with the CIL Regulations it is assumed that only the 'uplift' in floorspace will be used to calculate the appropriate CIL contributions in this case.

## **9. S106 Obligations**

6.112. Given the adoption of a local CIL, it is not expected that any further financial contributions will be requested through S106 legal obligations other than the contribution towards the provision of affordable housing discussed above.

6.113. As noted within the pre-application response received, it is normal practice that a legal agreement will be required in order to remove any entitlement to on-street car parking permits and also secure the delivery of a completed Construction Management Plan prior to the commencement of development.

6.114. The applicant is not averse to accepting these obligations and it is proposed that an appropriate legal agreement is prepared in the event that a recommendation to grant planning permission for the proposed development is forthcoming.

## 7. Conclusions

- 7.1. This development proposes to replace the existing single dwellinghouse on the site with an alternative family-sized property. The proposed replacement dwelling is of broadly comparable mass than the existing property but also better responds to the size of immediately neighbouring dwellings.
- 7.2. The proposed replacement dwelling is designed to respond to the broad architectural themes of properties in the immediate local area. It is a traditional design that sits comfortably with its immediate neighbours and the existing site, and adopts a detail, scale and form that responds to this secluded location.
- 7.3. By moving the main dwelling away from the existing site boundaries, the proposed development will enhance the relationship between neighbouring properties. Existing boundary treatments, particularly the extensive mature trees, will be maintained to re-confirm the separation between the development and neighbouring properties.
- 7.4. Furthermore the relationship to the adjacent properties will be maintained such that the proposed development will have no material impact upon neighbouring properties in terms of amenities matters. All proposed will maintain more than appropriate levels of daylight/sunlight and privacy. The development will not lead to harm to any residents in terms of noise or preventing overlooking between properties.
- 7.5. This is as equally applicable to residents within the new dwelling as to those living within the existing surrounding properties. This development will provide a high quality dwelling to support a family to live within the Borough.
- 7.6. There is little material change in terms of public views in and around the site given that there are only very limited public views of the property. Like the existing dwelling, this development would be retained within an enclosed site. This therefore ensures an appropriate contribution to the appearance of the adjacent Elsworthy Road Conservation Area which immediately adjoins the application site.
- 7.7. This development will therefore sit comfortably within its context and provide an enhanced dwelling house within a residential location. It is a respectful and sympathetic new dwelling that responds positively to both its immediate setting and the characteristics of the surrounding area and responds to all relevant development standards and Local Plan policies.