

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>18/05/2015</b>	
		N/A		<b>Consultation Expiry Date:</b>		<b>16/04/2015</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Jonathan McClue				(i) 2015/1217/P (ii) 2015/1695/L			
<b>Application Address</b>				<b>Drawing Numbers</b>			
18 Grove Terrace London NW5 1PH				Refer to Decision Notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Excavation of single storey basement level rear extension, sunken rear courtyard, and associated internal and external alterations.							
<b>Recommendation(s):</b>		(i) Refuse Planning Permission (ii) Refuse Listed Building Consent					
<b>Application Type:</b>		(i) Householder Application (ii) Listed Building Consent					
<b>Conditions or Reasons for Refusal:</b>		Refer to Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>03</b>	No. of responses No. electronic	<b>19</b> <b>19</b>	No. of objections	<b>19</b>
<b>Summary of consultation responses:</b>		<p>(i) A Site Notice was displayed on 25/03/2015 and the application was advertised in the local press on 26/03/2015.</p> <p>(ii) A Site Notice was displayed on 17/04/2015 and the application was advertised in the local press on 23/04/2015.</p> <p>19 objections have been received from occupiers of 2, 4, 6, 11, 13, 14, 15, 16, 19, 23, 24, 26, 27 and 27A Grove Terrace. Their objections are summarised below:</p> <ul style="list-style-type: none"> <li>• Basement and sunken courtyard would be out of scale and proportion with the footprint of the house and the buildings on Grove Terrace</li> <li>• Basement and sunken courtyard would dominate the host and surrounding rear gardens</li> <li>• Damage to garden walls would result</li> <li>• Light pollution from roof light above basement extension</li> <li>• Green roof would be used as a terrace resulting in more intrusive visual elements and overlooking/loss of privacy</li> <li>• A green roof would be out of keeping with the terrace and poor maintenance would lead to an eyesore</li> </ul>					

	<ul style="list-style-type: none"> <li>• The Construction Management Plan is unacceptable. It does not consider the narrow terrace road and mews access. Project would cause major disruption to residents</li> <li>• Loss of outlook to neighbouring occupiers</li> <li>• The proposal is more harmful than the development at 19 Grove Terrace, which is unacceptable in its own right</li> <li>• Excavation works would damage the foundations of the adjacent buildings</li> <li>• Enlargement of front lightwell would be unacceptable and harmful to the terrace</li> <li>• The development would set a dangerous precedent for similar development within the terrace</li> </ul>
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<p><b>CAAC/Local groups comments:</b></p>	<p><i>Dartmouth CAAC was consulted on 23/03/2015 and no comments have been received.</i></p> <p><i>Grove Terrace Residents Association, objection:</i></p> <ul style="list-style-type: none"> <li>• Unclear whether excavation of front lightwell would be retained but this would be unacceptable</li> <li>• Depth and width of the rear basement extension is harmful to the listed building and the surrounding terrace. The scale is excessive</li> <li>• Sunken courtyard would cause further visual disruption and would be out of keeping with terrace</li> <li>• Proposal would be more harmful than the basement at 19 Grove Terrace as this would be full width. Notwithstanding this, the existing development is unacceptable and should not justify further harm. The cumulative impact of the existing and proposed basements would cause significant harm</li> <li>• The development would set a dangerous precedent for similar development to this terrace</li> <li>• The rear extension would have an adverse impact on the garden setting</li> <li>• Impact on stability of neighbouring buildings</li> <li>• Disruption during construction and spoil removal</li> <li>• Damage to garden walls would result</li> <li>• Light pollution from rooflight</li> <li>• Green roof would be out of keeping with terrace</li> <li>• Green roof would be used as a terrace resulting in more intrusive visual elements and overlooking/loss of privacy</li> </ul>
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**Site Description**

This application relates to a mid-terrace grade II\* listed building forming part of the Dartmouth Park Conservation Area. The property lies within a listed terrace (6-21 Grove Terrace) which was built between 1780 and 1793. Grove Terrace is a narrow road situated behind Highgate Road. To the rear of the application site is Grove Terrace Mews.

The host dwelling has 4 storeys (including a floor within the mansard) plus a basement that extends under the footprint of the main building with a front lightwell and vaults under the pavement. Internally the house is well preserved.

The properties on Grove Terrace have long rear gardens. The application site benefits from a 40m deep rear garden with a garage on the rear boundary. The open character of the rear gardens and minimal intrusions on the rear elevation are considered to be key features of the listed terrace and the character and appearance of this part of the Dartmouth Park Conservation Area.

## **Relevant History**

### **18 Grove Terrace (application site):**

**2015/7024/P and 2014/7203/L:** Planning permission and Listed Building Consent for rear basement extension, front lightwell enlargement and internal alterations to the building. Both applications were withdrawn on 04/02/2015 following objections from Officers.

**2015/2192/L:** Listed Building Consent for the internal alterations to the building that form part of the subject applications. The application is currently being determined as of 01/06/2015

### **19 Grove Terrace (adjacent site):**

**2008/1856/P and 2008/2026/L:** Planning permission and Listed Building Consent for a rear basement extension and internal alterations to the dwelling. Both applications were refused on 06/06/2008 by the Council due to the excessive projection into the rear garden being detrimental to the setting of the listed building and surrounding terrace. The refusals were subsequently allowed on appeal on 23/12/2008 under APP/X5210/E/08/2078808 and APP/X5210/A/08/2078806.

## **Relevant policies**

### **NPPF 2012**

**London Plan March 2015, consolidated with alterations since 2011**

**Local Development Framework 2010**

### **Core Strategy**

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

### **Development Policies**

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and Lightwells)

### **Camden Planning Guidance**

CPG1 (Design) 2014 - chapters 2, 3, and 4

CPG4 (Basements and Lightwells) 2013 – chapters 1 and 2

CPG6 (Amenity) 2011 – chapters 7 and 8

**Dartmouth Park Conservation Area Appraisal and Management Statement Adopted 22 January 2009**

## **Assessment**

### **1.0 Proposal**

1.1 Planning permission and listed building consent are sought for a rear extension to the basement; the creation of a sunken courtyard and internal and external alterations to the building.

1.2 The basement extension would extend to the rear by 9m (maximum); have a maximum width of 4.71m; a maximum height of 3.75m and a height of 1.35m above ground level. It would have a green roof and a rooflight.

1.3 The proposed sunken courtyard would include a lower courtyard, two sets of stairs and a middle courtyard with flowerbeds. It would have a length of 4.71m; a width of 2.8m and be 2.42m below garden level.

1.4 The associated external works include the tanking of the front vaults; the metal railing to the front would be repaired and painted; windows would be repaired and replaced with Optilam glazing (double glazing) as necessary and the mansard, dormers, parapet and chimneys would be repaired as necessary with matching materials.

1.5 The internal works include the removal of the stud partition walls, a new internal dividing wall and the blocking of a doorway to the first floor bathroom; an opaque glass wall would be installed on the second floor to divide the front bedroom and create a bathroom and repair works would take place over all the floors.

## **2.0 Design, Impact on the Listed Building and the Dartmouth Park Conservation Area**

2.1 Generally, a building's significance is derived from fabric and plan form, as well as the features and characteristics of special note to that individual building including its contribution to a group, if applicable, as is the case with this building at 18 Grove Terrace as part of a wider terrace within the Dartmouth Park Conservation Area. Alterations to listed buildings should be based on the principles of minimal intervention and reversibility, as well as an understanding of the designated heritage asset's significance. As cited in paragraph 132 of the National Planning Policy Framework (NPPF), heritage assets are irreplaceable and any harm or loss requires clear and convincing justification. It also states that great weight be given to the asset's conservation.

2.2 The proposal would fail to comply with Paragraph 131 (also 132 and 137) of the NPPF because it would not sustain and enhance the significance of the heritage assets, being the individual grade II\* listed building, the grade II\* listed terrace of which it forms part and the conservation area, nor would it make a positive contribution to local character and distinctiveness.

### Basement extension and sunken terrace

2.3 As a general design principle regardless of a building being listed, extensions must be subordinate in overall size, scale, proportion and design to the parent building. Paragraph 4.10 of CPG1(Design) states that rear extensions, among other things, must be secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing; respect and preserve the original design and proportions of the building, including its architectural period and style; respect and preserve existing architectural features; respect and preserve the historic pattern and established townscape of the surrounding area and retain the open character of existing natural landscaping and garden amenity proportionate to that of the surrounding area.

2.4 The proposed basement extension is more than the depth of the host building, matches its width and nearly doubles its footprint. This excessive extension eradicates the historic plan form with the new dominating the original and is over large in relation to the parent building.

2.5 Part of this listed building's special interest (and also that of the listed terrace) is the generous garden and its informal nature. This character would be compromised by the excessive size of the extension and the large hole created in the rear garden by the sunken courtyard along with its very formal and overly elaborate series of courtyards and hard landscaping. The large visual intrusion created would be incompatible with the group of listed buildings. The proposed development would undermine the setting of the listed building, which is a generous open and undeveloped garden, and that part of the building and the terrace's character.

2.6 While it is acknowledged that a rear extension has been built on the neighbouring property at 19 Grove Terrace, it is considered that this is a harmful development that demonstrates how damaging such a large and alien addition is to the individual terrace house and the group value of the entire back of the listed terrace. This development is excessive in terms of its scale in relation with the main building, and the protrusion of built form this far into the garden harms the existing consistent

relationship of built form to garden space along the terrace. Although the gardens are very long, this is a key aspect of the character of the terrace, which should be preserved so as to protect the setting of the buildings, and it is not considered that the length of the gardens should be a justification for longer extensions.

2.7 The historic pattern of development along the terrace is comprised of rear extensions of a shallow depth. The development at 19 exceeds the extensions in the terrace as would this proposal. It is considered that a basement extension of the depth proposed here would cause further harm to the terrace and that existing harm should not be used as justification. All cases must be considered on their own merit and the addition at 19 is a built example of how harmful this form of development can be.

#### Other external works

2.8 The proposal would replace existing glass with Optilam glazing where necessary for “safety and insulation”. This modern laminated glazing is a proprietary system (by Pilkington) that combines two or more sheets of glass with one or more plastic interlayers. Double glazed windows are not acceptable for listed buildings, and as such, this system is inappropriate in appearance and technology while not being in keeping with the appearance and craftsmanship of the grade II\* listed building.

#### Internal works

2.9 The first floor rear room is a bathroom that is divided with stud partition walls for cupboards. This proposal seeks to remove them and to create a formal division with a new partition wall across the middle of the room. Such a development would be resisted as it worsens the plan form over the cupboard positions.

2.10 The plan form is of high importance on the second floor with the generous space of the front room suggesting that it is of great value. Therefore, the division of it by introducing an en-suite bathroom, even with a glazed wall, highly compromises the space in overall area, volume and proportion. Furthermore, the glazed wall would be placed adjacent to the chimney breast which would further harm the room’s proportions as this feature is one of importance for defining the room’s plan.

2.11 Building against the chimney in the basement would harm the listed building as above. The chimney must remain fully expressed and visible.

2.12 The Heritage Statement and plans refer to general repairs, including damp proofing of the basement and tanking to cellars (the under pavement vaults). Tanking is an outdated and unacceptable way of addressing damp issues in historic buildings, regardless of it being proposed in the front under pavement vaults. These features are an integral part of the historic character and historic use of a London terrace house. Tanking them is irreversible and damaging, typically involving covering their masonry construction with a non-permeable and non-breathable coating that would only exacerbate a damp problem over the long-term and be the main culprit of deteriorating their fabric. The only acceptable method of managing damp in historic buildings that is both sensitive and sensible is a dry-lining system that also requires listed building consent.

2.13 In addition, the following works are not acceptable and Officers would require further information to make an assessment:

- Unknown method referring to “hacking off existing plaster”
- Repair of lath and plaster ceiling is desirable but would require a condition or more details to inform the proposed works
- On the ground floor - repair to ceiling due to water damage requires more detailed information including finding the source of water ingress

- On the second floor - the chimney in the front room may not be removed
- For all works to repair features including those mentioned in the condition reports for every floor, a schedule of works with method statement, relevant drawings and product information (as relevant) are required for all works including repair and/or replacement of features to ensure such works would not harm the listed building's special interest. This is especially true given the application is missing such information.

## Conclusion

2.14 The proposals for this grade II\* listed building would harm this designated heritage asset, the whole of the listed terrace, and the Dartmouth Park Conservation Area as they would cause inappropriate and non-reversible alterations and by doing so, would adversely affect their special architectural and historic interest. For these reasons the proposal would not sustain the significance of this designated heritage asset and the external extensions would neither preserve nor enhance the conservation area, being contrary to policies CS5, CS14, DP24, DP25 and DP27 of the Local Development Framework; Camden Planning Guidance (CPG) 1 – Design and CPG4 – Basements and Lightwells; Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990; paragraphs 56-68 and 126-141 of the NPPF 2012 and policies 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011.

## **3.0 Impact of Basement**

3.1 Policy DP27 states that the Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability. Applicants are required to demonstrate via methodologies that are appropriate to the site that a scheme would 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 impacts upon structural stability or the water environment in the local area. Where a basement development extends beyond the footprint of the original building the Council will require evidence, including geotechnical, structural engineering and hydrological investigations and modelling from applicants to ensure that basement developments do not harm the built and natural environment or local amenity. The level of information required will be commensurate with the scale and location of the scheme. In addition, schemes are expected to submit information which relates to any specific concerns for that particular scheme or location. This includes flooding, underground watercourses, proximity to water bodies and structural instability. Where hydrological and structural reports are required, they should be carried out by independent professionals such as Chartered Structural Engineers.

3.2 CPG4 states that the information required to demonstrate that a new basement or basement extension would be in accordance with the above should be submitted via a Basement Impact Assessment (BIA). The BIA is specific to the site and particular development. CPG4 also states that the Council will expect the independent verification of a BIA where a scheme requires applicants to proceed beyond the screening stage and where there are issues of surface water or groundwater flow. These circumstances apply here. The applicant has declined to have an independent review undertaken at their expense.

3.3 The proposed basement extension and sunken courtyard would have a maximum length of 12.31m to the rear and be excavated to a depth of 2.3m below the rear garden level. 17 Grove Terrace does not benefit from a rear extension and the rear basement extension at 19 Grove Terrace has a depth of 1.3m below the rear garden level. The site is subject to an underground development constraint for surface water flow and flooding. It is also within the York Rise Flood Risk Zone.

3.4 The applicant has submitted a BIA with a Site Investigation Report, a Screening/Scoping Report and a Site Investigation Report. The BIA was undertaken by Southern Testing, with the authors holding MSc CGeol and MSc qualifications. This is not in accordance with CPG4 which requires a

Chartered Engineer (CEng) or Chartered Water and Environmental Manager (C.WEM) for surface flow and flooding and a CEng; Member of the Institution of Civil Engineers (MICE) or a Chartered Member of the Institute of Structural Engineers for land stability.

3.5 The screening exercise of the BIA follows the surface flow and flooding, groundwater flow and slope stability screening charts within figures 1, 2 and 3 of CPG4. It concluded that a number of items need to be investigated further, including a geotechnical investigation to confirm the ground conditions underlying the site; desiccation of underlying soils; groundwater monitoring and a series of trial pits to establish party wall foundations.

3.6 Site investigation was undertaken in the form of 2 window sample boreholes drilled to a depth of 6m. Groundwater monitoring wells were installed. 4 test pits were hand excavated to establish foundation conditions to the boundary walls and rear of the building. This fieldwork was carried out on 23/09/2014. On-site tests and sampling methods were employed and geological laboratory tests were carried out on selected samples.

3.7 The resulting analysis of the investigation state that it is very unlikely that soil desiccation is present and it recommend that the basement construction be designed using NHBC High Volume Change precautions. Groundwater ingress is not expected to be a significant problem and resulting increases in groundwater levels within the area are considered likely to be negligible.

3.8 While the submitted BIA considers that the basement extension would be in accordance with policy DP27 and CPG4, no independent verification has been undertaken to provide the Council with certainty over the potential impacts of the proposed basement development. This process would normally be funded by the applicant and involve an independent body. In this instance an independent assessment of the BIA is required in accordance with CPG4. This is expected for all basement proposals that go beyond the scoping stage of a BIA and/or where the site is located in an area of concern (in this case surface water floor and flooding and a Flood Risk Zone). The basement impact verification exercise is considered to be essential in this instance given current Council guidelines in respect of basements. As the Applicant has refused to fund such a review, the Council cannot guarantee that the proposed basement extension would not cause harm to the built and natural environment and local amenity nor result in potential flooding or ground instability.

#### **4.0 Residential Amenity**

4.1 The proposed sections show that the roof of the proposed extension would be flush with the internal ground floor level. This area could be accessed from the existing French windows to the rear of the sitting room. Due to the depth of the basement extension and its height, with the top of the proposed roof being only 420mm below the boundary treatment, it is considered that a material level of overlooking would result into the rear windows and garden area of the surrounding properties with the greatest impact relating to 19 Grove Terrace as the extension runs along the shared boundary and could look into the basement extension which has glazed walls. While the proposed plans indicate that the extension would have a green roof, it is not demonstrated how existing and future occupiers would be prevented from using this space as a terrace and it is not considered that a planning condition would be a satisfactory level of protection. Therefore, it is considered that the proposed roof of the basement extension would lead to a material level of overlooking and a loss of privacy for surrounding occupiers.

4.2 Due to the height of the basement extension in relation to the ground and rear garden level of the surrounding properties, it is not considered that it would result in a significant loss of light or outlook for those occupiers.

4.3 Disruption to the amenity of the neighbouring residents during construction would be controlled by a Construction Management Plan (CMP). This would need to be secured through a Section 106 Legal Agreement (further consideration is below in paragraph 5.1).

#### **5.0 Transport Implications**

5.1 The application site is located on a narrow road and access for construction vehicles would be restricted. Policy DP20 states that CMPs should be secured to demonstrate how a development would minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Policy DP21 relates to how a development is connected to the highway network. For some development this may require control over how the development is implemented through a CMP. The proposal would require construction vehicle trips associated with the removal and delivery of materials and equipment. The proposal is therefore likely to have a significant impact on the local highway network (traffic congestion and road safety issues) and amenity (noise, vibration, air quality) due to the access restrictions. A Construction Method Statement has been submitted in support of the application, however, it provides little detail in terms of demonstrating that the impacts associated with the proposed works could be sufficiently mitigated. As the scheme is considered to be unacceptable in other aspects, the failure to secure a CMP as a Section 106 planning obligation constitutes a further reason for refusal.

5.2 Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. However, due to the location of the works, primarily to the rear of the site, the public footway directly adjacent to the site access on Grove Terrace is unlikely to be damaged as a direct result of the proposed works. As such a contribution is not considered to be necessary in this case.

## **6.0 Other Matters**

6.1 Any damage to the shared boundary walls during the construction of the development would be a civil matter. Notwithstanding this, the plans indicate that the existing walls would be supported and retained.

6.2 It is not considered that the amount of resulting light dispersed from the rooflight above the basement extension would lead to an undue level of light pollution.

6.3 The front lightwell would not be enlarged as part of the proposed development.

## **7.0 Recommendation**

7.1 Refuse Planning Permission

7.2 Refuse Listed Building Consent