

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		27/01/2015	
		N/A / attached		Consultation Expiry Date:		01/01/2015	
Officer				Application Number(s)			
Rob Tulloch				2014/7389/P			
Application Address				Drawing Numbers			
5 Kemplay Road London NW3 1TA				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Variation of condition 2 (approved plans) of planning permission 2013/7906/P dated 23/10/2014 (for the erection of a 2 storey plus basement dwelling, following the demolition of the existing dwelling), namely enlargement of basement and addition of rear lightwell and ground floor rooflight.							
Recommendation(s):		Grant Variation of Condition 2 Subject to a Section 106 Agreement					
Application Type:		Variation or Removal of Condition(s)					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	8	No. of responses	1	No. of objections	1
Summary of consultation responses:		<p>Site notice 10/12/2014-31/12/2014 Press advert 11/12/2014-01/01/2015</p> <p>No. 3 Kemplay Road objects that the proposed amendment is not minor as it shows the upper floor being extended by 700mm and a basement three times larger than approved, as such the alterations should require a full planning application and conservation area consent. The Basement Impact Assessment (BIA) relates to the previous scheme. There is no Construction Management Plan (CMP), any amendment would make the previously agreed CMP null and void.</p> <p>Officer response: The proposed amendments, in relation to the original scheme for the demolition of the existing house and the erection of a new dwelling are considered to qualify as minor material amendments, as the only external changes are the introduction of a rooflight and lightwell to the rear. The submitted BIA does consider the increased size of the basement and the additional impact this would have. As the previous scheme was granted subject to a section 106 agreement which covered, among other things, a Construction Management Plan, if permission is granted the section 106 agreement will be amended by a deed of variation to refer to the new supporting information which includes a revised CMP.</p>					

CAAC/Local group comments:	<p><u>English Heritage</u> did not wish to comment and advise the application should be determined in accordance with national and local policy guidance.</p> <p><u>The Heath & Hampstead Society</u> object that the Basement Impact Assessment does not assess likely damage to adjacent properties.</p> <p>Officer comment: The submitted BIA does consider damage to neighbouring properties, and has been independently assessed.</p> <p><u>Hampstead CAAC</u> were notified, but did not respond.</p>
-----------------------------------	---

Site Description

The site is currently occupied by a semi-detached house dating from the 1950's on the south side of Kemplay Road. It lies within sub area 3 of the Hampstead Conservation and is considered to make a neutral contribution to the character and appearance of the conservation area. It is paired with no. 7 Kemplay Road and the two houses are to the east of a driveway leading to the rear of Rosslyn Hill Chapel which is listed Grade II.

The surrounding area is predominantly residential, and close to Rosslyn Hill which lies within the Hampstead Town Centre. The site is also identified as lying within identified constraints for slope stability and groundwater.

Relevant History

2013/7906/P Erection of a 2 storey plus basement dwelling with rear roof terrace, following the demolition of the existing dwelling. Granted 23/10/2014

Relevant policies

LDF Core Strategy and Development Policies
 CS5 Managing the impact of growth and development
 CS6 Providing quality homes
 CS11 Promoting sustainable and efficient travel
 CS14 Promoting high quality places and conserving our heritage
 CS15 Protecting and improving our parks and open spaces and encouraging biodiversity
 CS19 Delivering and monitoring the Core Strategy

DP16 The transport implications of development
 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

Supplementary Planning Policies
 Camden Planning Guidance 2011/2013
 Hampstead Conservation Area Statement 2002

Local and regional policies
 National Planning Policy Framework 2012
 London Plan 2011

Assessment

1 Proposal

- 1.1 Permission was granted (2013/7906/P) for the demolition of the existing house and the erection of a new two storey plus basement dwelling. The proposal is for a minor material amendment to the approved scheme to increase the size of the basement and add a patio rooflight and lightwell to the rear. The approved basement was to provide ancillary space for a gym, boiler room, shower room and laundry, the proposal would replace the gym with an enlarged family area and basement patio.
- 1.2 The applicant had originally proposed to extend the first floor by 700mm at the rear, but this was considered unacceptable and omitted from the proposal. The revised scheme now only involves the extension to the basement and its associated lightwell and rooflight. The main issues are:
- Design
 - Basement impact
 - Community Infrastructure Levy

2 Design

- 2.1 The approved scheme is for the erection of a two storey house which includes a basement at the front half of the building. There is no external manifestation of the basement other than two discrete rooflights to the side of the house.
- 2.2 The proposed amendment would see the basement enlarged by approximately 57sqm and include a partially covered lightwell to the rear. The approved scheme features a central patio of 24sqm in front of the rear of the house. The proposed scheme would see a smaller patio (10sqm) shifted to the western side of the garden whilst the lightwell would be partially covered by a walk on rooflight leaving an open lightwell of approximately 9sqm (2.7m x 3.3m) to the east of the garden. The lightwell would be surrounded by a 1.1m high glass balustrade.
- 2.3 Thus the only indication of the enlarged basement would be the balustrading and lightwell. The proposed lightwell is relatively small and the use of clear glass for the balustrading would reduce its visual impact. As the works are at ground and basement level, they would not be visible from surrounding gardens, and barely noticeable in oblique views from neighbouring upper floor windows. Even so, the approved house is a modern design, and the proposed amendment would not harm the architectural integrity of the building. The proposal would not be visible from Kemplay Road or in any public views.
- 2.4 As such, the visual impact of the proposed amendment is considered to be extremely limited and would have not harm the character or appearance of the street scene or conservation area.

3 Basement Impact

- 3.1 The approved basement is full width, but only covers the front half of the proposed house, with no external manifestation. The applicant seeks to enlarge the basement so that it occupies the entire footprint of the house with a lightwell well at the rear.
- 3.2 The approved basement measures approximately 47sqm (4.8m x 10m) and a depth of approximately 3.3m when measured externally. The proposed basement would have a footprint of approximately 104sqm and include a 24sqm lightwell. There is no increase in the depth of the basement.

- 3.3 As part of the approved scheme a Basement Impact Assessment was submitted by Trigram Consulting Structural Engineers. The BIA revealed that . Made ground was found to a depth of 1.2m over sandy clay underlain by stiff London Clay at depths of 4.4-5.2m. Water was recorded at depths of 2-2.6m. The independent assessment identified potential for the proposal to affect the existing groundwater flow regime which in turn could result in damage or instability to neighbouring buildings.
- 3.4 As the site is within areas of constraint for groundwater and land stability, the BIA and associated documents were independently reviewed by LBH Wembley on behalf of the Council. LBH requested further information about groundwater and potential damage to neighbouring properties. further information was submitted and LBH were satisfied that the additional information addressed their concerns.
- 3.5 The applicant has submitted a revised BIA by the same engineers which has in turn been assessed by LBH Wembley. LBH conclude that the revised BIA demonstrates sufficient detail to comply with policy DP27 in respect of maintaining the structural stability of the building and any neighbouring properties, avoiding adverse impact on drainage and run-off or causing other damage to the water environment, and avoiding cumulative impacts on structural stability or the water environment.
- 3.6 As such, based on the recommendation of the independent assessor, it is considered that the applicant has adequately demonstrated that the proposed basement would not cause harm to the stability of the host building, or neighbouring buildings, or the local water environment. The proposal is therefore compliant with policy DP27. The approved scheme was subject to a section 106 agreement that included a Basement Construction Plan, which will be revised as part of the deed of variation.

4 Community Infrastructure Levy

- 4.1 The proposal would be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. If the deed of variation has not been signed before the Camden CIL is introduced, the proposal will also be liable for that.

5 Other matters

- 5.1 The enlargement of the basement and associated works are not considered to have any impact on the amenity of adjoining occupiers in terms of loss of privacy, light or increase in disturbance. A revised construction management plan has been submitted and this will form part of the revised section 106 agreement.

6 Recommendation: Grant Variation of Condition 2 Subject to a Deed of Variation

DISCLAIMER

Decision route to be decided by nominated members on *Monday 16th March 2015*. For further information please go to www.camden.gov.uk and search for 'members briefing'