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| Delegated Report | | Analysis sheet | Expiry Date: | 07/02/2013 |
| (Members' Briefing) | | N/A | Consultation Expiry Date: | 07/02/2013 |
| Officer | | | Application Number(s) | |
| Olivier Nelson | | | 2012/6484/P | |
| Application Address | | | Drawing Numbers | |
| Land Adjacent to 1 Ellerdale Road London NW3 6BA | | | See draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
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| Proposal(s) | | | | |
| Erection of new single-storey dwelling house with basement on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3). | | | | |
| Recommendation(s): | | Grant conditional permission subject to section 106 agreement | | |
| Application Type: | | Full Planning Permission | | |

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| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 27 | No. of responses | 07 | No. of objections | 07 |
| | | | No. electronic | 00 | | |
| Summary of consultation responses: | <p>Letters were sent to 27neighbours, a site notice was displayed from 21/12/2012 until 11/01/2013 and a press notice was placed in the Ham and High on the 17/01/2013 (expired 07/02/2013).</p> <p>A second round of consultations was sent for the Revised BIA from 09/05/2014 until 30/05/2014. 3 comments were received from this consultation period.</p> <p>Addresses: 1 Ellerdale Road, Flat A 1 Ellerdale Road, Flat B 1 Ellerdale Road, Flat Lower Ground Floor 81 Fitzjohns Avenue, Elm Bank 19 Lyndhurst Terrace, Basement Flat 81 Fitzjohns Avenue, Flat 1A 81 Fitzjohns Avenue, Flat A 83 Fitzjohns Avenue ,Carlow House Carlow Street</p> <p>4 letters received from neighbouring occupier raising the following concerns:</p> <ul style="list-style-type: none"> • Overdevelopment of the site (paragraph 3.1) • Luxuries such as swimming pool and Jacuzzi are not necessities for a single family dwelling and are being proposed at significant risk to neighbouring properties without any effort having been made to identify the risks and properly inform the Council or neighbours of them. (Noted but can be found within paragraph 5.1 to 5.4 as to why the basement works are deemed to be acceptable.) • Additional noise and disturbance from the construction works resulting in inability of neighbouring occupiers to enjoy rear garden area. Noise levels should be restricted to 60dB compared to normal 70dB limit for residential receptors (paragraph 6.4 and the subsequent CMP would detail this) • Extra air pollution (paragraph 6.4) • Potential debris spill over effect on the neighbourhood (paragraph 6.4) • Risk of water seepage into closest properties • Potential impact on parking spaces and other restrictions • Independent assessment of the BIA possible? (This was undertaken see paragraph 5.3) • addition of a basement to the originally approved proposal represents architectural gymnastics given the limited space available to the development (paragraph 3.1) • Unable to use the rear part of the garden due its close proximity to the party wall of the proposed development. It should be free from disturbance and stress (noted) • potential for foreign objects to enter neighbouring properties compelling owners to restrict family access to gardens (this may be during the construction process and this can be mitigated through the construction management plan) • insufficient information submitted with the proposal which should include a construction management plan (CMP) covering timeframes | | | | | |

for entire construction, independent noise and vibration assessment, independent air quality assessment, consideration of risk of foreign objects entering neighbouring gardens during the construction, details of risk of water seepage, liability if any damage to neighbouring properties needs to be rectified, management of vehicles and building waste, details of degree of access required to neighbouring properties (paragraph 6.4)

- BIA not prepared by a truly independent party (paragraph 5.3)
- BIA is presented in technical terms precluding a lay person assessment (paragraph 5.3)
- Details relating to underground water and potential impact on neighbouring properties is likely to be greater than acknowledged in the BIA (paragraph 5.1 to 5.5)
- Proposed basement will be lower than 1m below ground level therefore the surface water flooding screening and scoping stage should be reassessed (see paragraph 5.3 and assessment received)
- Uncertainty remains regarding the potential impact on ground conditions. This should be investigated further before further consideration of the application can be made.
- Construction should only commence when a suitably qualified chartered engineer has been appointed to inspect, approve and monitor the critical elements of the temporary and permanent basement works throughout their duration to ensure compliance with the design and should be checked and approved by a building control body
- Concern about the location of the boiler extraction flue and the kitchen extract fan and how it would be placed at one corner of the roof terrace of no.1 Ellerdale Road. (Whilst this is not an ideal location the position of the kitchen has moved sides since the previously approved application 2010/5841/P. The proposal would lose the proposed courtyard to the rear but would provide a garden area close to the boundary with no. 83 Fitzjohns Avenue)
- Concern about the raising of the roof of the new dwelling substantially above the height of the approved (roughly the height of the wooden fence bordering the garden of no. 1 Ellerdale Road)
- Note that the plans show the shower and W.C. are positioned next on the wall backing onto our property. This raises concern about ventilation. If these are ventilated through that wall the smell will make neighbouring garden uninhabitable.(the configuration of toilets is not a planning concern)
- A condition should be attached to restrict the ability to put windows into elevations of new property facing into neighbouring gardens to order to prevent loss of privacy from the garden, kitchen and lounge area. Currently there is nothing to stop them being added, and thereby removing privacy. (a condition to restrict additional windows will be added)
- A condition should be attached to ensure that the large room in the basement needs to be used for a swimming pool. If the use was changed and the room was turned into another or even two more, bedrooms, then the site would be absurdly overused. As it is, the dwelling already seems to be trying to squeeze into too small a space for itself. (the proposal would be as per approved drawings and the swimming pool has been removed and would be replace with a gym.)

The proposed Basement Impact Assessment was consulted on again.3 further comments were received commenting as follows:

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| | <ul style="list-style-type: none">• The impact of noise and dust from plant equipment and building work due to close proximity of our property. (paragraph 6.4)• The loss of privacy of a close knit and neighbourhood. The additional building would make the area more congested. (this has already been considered in the original application• The BIA is too general and vague. Moreover 'good workmanship' can never be guaranteed.• Seriously worried about subsidence, as well as changes in the subterranean groundwater flow. Concerns are raised about the structural integrity of our kitchen extension. Due to the changes to the subterranean groundwater flow.• Construction works may compromise child safety in the area. The noise from construction would impact on the ability to work from home.• The footprint of development would constitute overdevelopment. There is no room for an over-elaborate structure with a double basement level as proposed. Such a structure should not be permitted in a Conservation Area. |
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Fitzjohn's Netherhall CAAC – comments

Heath and Hampstead Society - objects

We note that it is contended that this application relates only to the new basement and to internal alterations to the proposal already permitted (per 2010/5841/P). We objected to the series of original proposals leading eventually to 2010/5841/P, on the grounds of overdevelopment of this tiny backland site, and loss of garden space. These objections still stand, confirmed by this enlargement of the original plans. We are still concerned at the garden loss, and the fact that the new house will itself have no garden or open space. This is not only bad Planning and bad design, but is out of character with the conservation area, one of whose major characteristics is open green space and gardens.

Our objections to this application as presented are:

1. No effective account has been taken of the very large tree on the adjoining site, whose root zone extends into the area of the new basement. No tree assessment report is submitted, and we are clear that this tree is endangered by the excavation work proposed. (This has been conditioned)
2. The Basement Impact Assessment is unsatisfactory in several respects, and indicates a misunderstanding of the purpose of such a report. No reference or assessment is made of the effects of the basement excavations on adjoining buildings, notably Arthur West House, despite the fact that they extend up to all the site boundaries. The structural report, in great detail, describes the proposed structural processes, including underpinning of the external walls of Arthur West House, but does not attempt any assessment of risk, or the extent of potential damage. It also avoids any reference to the adjoining tree. This is unacceptable. (See paragraph 5.1- 5.4).
3. No assessment is made of the long-term sustainability of the proposal, especially that of the swimming pool and its plant. This does not fit with the requirements of DP22. (The swimming pool has been omitted from this application. The planning application is valid for a period of three years, a sustainability assessment can be added under a section 106)

CAAC/Local groups* comments:

*Please Specify

Site Description

The site is located on the southern side of Ellerdale Road and comprises the north eastern side garden of no.1 Ellerdale Road and part of the rear garden of no. 81 Fitzjohn's Avenue. The site is vacant, with pedestrian access only off Ellerdale Road. The site is generally not visible from the public realm, by virtue of its backland location and predominantly enclosed orientation – being thickly screened by nos. 83, 85 and 87 Fitzjohn's Avenue, including fences, garages and/or walls and Arthur Westhouse building (residential accommodation) to the south.

The site is located within the Fitzjohns/Netherhall Conservation Area (CA). 1 Ellerdale Road is not a listed building.

Relevant History

Planning permission was **granted** on 23/08/2005 (ref 2005/1168/P) for erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road.

Planning permission was **granted** on 28/05/2010 (ref 2010/0861/P) for renewal of planning permission granted 23/08/2005 (ref: 2005/1168/P) for the erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road.

Planning permission was **granted** on 24/05/2011 (ref 2010/5841/P) for amendments including a ramped pathway, fenced courtyard and redesigned front elevation to planning permission granted 28/05/2010 (ref: 2010/0861/P) for the erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road .

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Planning permission was **granted** on 02/11/2011 (ref 2011/4005/P) for amendments to amended planning permission granted 24/05/2011 (ref: 2010/5841/P) for the erection of a new dwelling house on land to the rear 81 Fitzjohn's Avenue to include increase in site area for enlarged garden, increase in built footprint of house and rebuild of boundary walls.

Relevant policies

NPPF 2012

The London Plan 2011

LDF Core Strategy and Development Policies

Core Strategy

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces & encouraging biodiversity

CS16 Improving Camden's health and well-being

CS17 Dealing with our waste and encouraging recycling

Development policies

DP19 Managing the impact of parking

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 Basement and Lightwells
DP29 Improving access
DP32 Air quality and Camden's Clear Zone

Supplementary Planning Guidance

CPG1 (Design)
CPG3 (Sustainability)
CPG4 (Basements and lightwells)
CPG6 (Amenity)
CPG7 (Transport)

Assessment

1. PROPOSAL

1.1 Planning permission is sought for the erection of new single-storey dwelling house with basement on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3). The footprint of the new dwelling would be 86 sq. m. This represents an increase of 30 sq. m from the amended scheme that was granted permission in 2011. The main changes at ground floor level between the 2011 approved scheme and the current proposal is as follows:

- The rear courtyard area would have a glass floor at ground floor level and a lightwell into the newly created basement area below
- New wall finished in London stock brick to match existing would be added inside the line of existing fence.
- The approved front courtyard area would include a terraced planter area and a sloping front garden

1.2 The current application would also include a new basement that would have an overall internal floor area of 79 sq. m. The proposal would have a maximum internal height of 2.5m. The basement floor would comprise a gym, screening room, cellar, utility room, cellar, plant area and store. It would have a glazed lightwell which can be accessed via the gym or screening room.

2. ASSESSMENT

3. LAND USE

3.1 The principle of a new house has been granted by the original planning permission in 2005, its renewal in 2010 and the agreed amendments to the scheme in 2011 (see planning history above). The proposal would see the footprint stay the same this is encouraged and is also considered to be acceptable.

4. DESIGN

4.1 The proposal is for the erection of a new single-storey dwelling house with a single storey basement. There has been an extensive planning history over the last few years relating to this site, and the principle of the proposed development was essentially established by planning permission ref 2005/1168/P which was granted on 23/08/2005, which was for the erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road. This consent was renewed on 28/05/2010 by planning permission ref 2010/0861/P.

4.2 In assessing the current proposal, it should be noted that the policy and guidance climate has changed with relation to the Council's adoption of the LDF (November 2010), adoption of CPG1 (2011), CPG4 (2013) and the introduction of the NPPF. However, the Fitzjohn's/Netherhall Conservation Area Statement remain current. Nonetheless, in overall

guidance and policy terms there have been no changes which materially affect the assessment of this proposal in design terms.

- 4.3 The main change in development terms relating to the current submission is the introduction of two storeys of basement accommodation to the scheme. However, due to the backland and enclosed nature of the site, both in terms of boundary treatment and tree screening, the above ground affect of the basement will only manifest itself in terms of a modest lightwell located between the rear elevation of the dwelling at the rear boundary wall which will not be visible from the street or have a negative impact on views from surrounding buildings. There is therefore no objection in design or conservation area terms to the introduction of basement space.
- 4.4 The current proposal is therefore considered to cause no harm to the character and appearance of the Fitzjohn's/Netherhall Conservation Area, complying with guidance in the Fitzjohn's/Netherhall Conservation Area Statement on new development and infill schemes. It also complies with LDF policies CS14, DP24 and DP25.

5. BASEMENT WORKS

- 5.1 Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impacts upon structural stability or water environment in the local area.
- 5.2 The proposal includes a basement with a maximum width of 12.1 metres and a maximum depth of 8.1 metres. A Basement Impact Assessment (BIA) has been provided in accordance with the provisions of Policy DP27 and Camden Planning Guidance (CPG4). The BIA has been prepared by suitability qualified engineers. Since the application has been received the BIA has been revised and was also the subject of Independent verification by Geotechnical Consulting Group LLP (GCG).
- 5.3 This application follows on from a similar application for a new dwelling submitted in 2010 (ref: 2010/5841/P). This application did not include a basement as part of the proposal and therefore a BIA was not required. Since the application has been received and during consultation, local residents supplied comments that challenged the robustness of the BIA. Therefore, the Council sought an independent view from GCG. GCG has found that the BIA is considered to be compliant with the requirement of CPG4. An issue was raised by GCG about the replacement of the existing fencing. GCG recommend that it would be better to pile the boundary before reconstructing the boundary wall. This would give greater control of ground movements caused by the construction of the basement. The BIA was revised based on the recommendation of GCG.
- 5.4 There are no other basement developments adjacent to the site, and there is unlikely to be a reason as to anticipate any cumulative impacts on either structural stability or the water environment. The request for information to part of the structure of Arthur West House and its vulnerability has now been received and the independent review stated that the proposal is compliant with both CPG4/DP27.

5.5 Summary

GCG have confirmed that the revised documents are sufficient to satisfy the requirements for the grant of planning permission in accordance with DP27, in respect of:

- maintaining the structural stability of the building and any neighbouring properties;
- avoiding adversely affecting drainage and run-off or causing other damage to the

water environment; and

- avoiding cumulative impacts on structural stability or the water environment in the local area.

6. TRANSPORT

6.1 The site is located on Ellerdale Road and Fitzjohn's Avenue in Hampstead. The site has a PTAL of 3 (moderate) and is within a Controlled Parking Zone. The proposals are for the erection of a new single story dwelling house with basement on land to the rear of the existing property, (81 Fitzjohn's Avenue) with an access via land acquired by the applicant off 1 Ellerdale Road.

6.2 Cycle parking

The original planning permission and subsequent renewal did not include any requirements to provide cycle parking spaces within the development. Given the fact that there has been no policy change since the renewal of the planning permission it would be unreasonable to refuse the application on this issue alone. DP18 states that a minimum of one storage or parking space is required per residential unit. The proposal is for one residential unit; therefore one cycle storage/parking spaces are required. It is considered that there would be sufficient space within the new dwelling to store a bicycle therefore it would not be necessary to secure these details to be submitted by a condition.

6.3 Car free development

The original planning permission together with the renewal and various amendments to the original schemes required the new development to be car free. This was secured by an s106 agreement. This requirement would remain relevant and necessary to this development and would therefore be subject to an s106 agreement for car free development.

6.4 Construction management plan (CMP)

The proposal would include a new basement level to be constructed under the footprint of the approved new dwelling. A draft CMP has not been provided as part of the proposal and it is therefore unclear how this development would be constructed in terms of access into the site as well as potential construction traffic to and from the site. It would be necessary to secure the submission of a CMP by s106 agreement that would include consultation with local residents.

7. CIL Liability

7.1 The proposal will be liable for the Mayor of London's CIL Based on the Mayor's CIL charging schedule. This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.

8. Legal Agreement

8.1 Planning permission is recommended subject to a section 106 agreement covering the following heads of terms:

- Car free
- Construction Management Plan
- Sustainability Plan

9. Recommendation

Granted subject to a section 106 legal agreement

DISCLAIMER

**Decision route to be decided by nominated members on 4 August 2014.
For further information please go to www.camden.gov.uk and search for
'members briefing'**