

Address:	23 Rochester Road London NW1 9JJ		7
Application Number:	2014/4559/P	Officer: Kathryn Moran	
Ward:	Cantelowes		
Date Received:	14.7.14		
Excavation of basement beneath the footprint of the existing building, and part of the rear garden, and erection of single storey rear extension to create additional floorspace in connection with the existing lower ground floor flat (Class C3). Creation of front and rear lightwells, and associated external alterations.			
Background Papers, Supporting Documents and Drawing Numbers: 001 P1; 100 P; 200 P1; 300 P1; 002 P2; 110 P2; 201 P2; 310 P2; 311 P2; Basement Impact Assessment by CGL dated July 2014;; Construction Management Plan and Method statement dated 24 June 2014; Drainage Statement dated 26 June 2014; Arboricultural Impact Analysis dated 9 July 2014; Design and Access Statement; Surface Water Drainage Letter dated 6 November 2014; Details of qualifications; Audit of Basement Impact Assessment by GEA dated 16 October 2014.			
RECOMMENDATION SUMMARY: Grant conditional permission subject to a Section 106 agreement			
Applicant:		Agent:	
Mr Hopi Allard Ground Floor Flat 23 Rochester Road Camden London NW1 9JJ		Clive Sall Architecture LTD 2 Providence Yard Ezra Street London E2 7RJ	

ANALYSIS INFORMATION

Land Use Details:			
	Use class	Use Description	Floorspace
Existing	C3	Self contained flat	66m2
Proposed	C3	Self contained flat	209m2

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat</i>	1								
Proposed	<i>Flat</i>			1						

Parking Details:	
	Parking Spaces (General)
Existing	<i>On street</i>
Proposed	<i>On street</i>

OFFICERS' REPORT

Reason for Referral to Committee: This application is reported to Committee because it involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 which does not allow for an exemption from the scheme of delegation (part vi).

1. SITE

- 1.1 The application site is a three-storey semi-detached property located on the northern side of Rochester Road. The property has been divided into flats; this application relates to the lower ground floor flat. The building is not listed, but is located within the Rochester Conservation Area.
- 1.2 The properties within Rochester Road date from 1840s. Along with Rochester Terrace and Wilmot Place, the Rochester Conservation Area comprises a mixture of two and three storey semi-detached villas and terraced properties. The scale and symmetry of buildings within the Conservation Area is relatively uniform and there is continuity in rooflines and fenestration. Nos. 23-32 Rochester Road form pairs of semi-detached villas with half basements and raised ground floors. No. 23 is identified in the Rochester Conservation Area Statement as a positive contribution to the character and appearance of the conservation area.
- 1.3 There is an existing rear closet wing extension which occupies approximately half of the width of the property over three storeys. At lower ground floor level the closet wing accommodates the kitchen. The lower ground flat also comprises a living room at the front and a bedroom to the rear. The ground level of the house is above the street level and accessed from front steps. To the rear the lower ground floor is level with the rear garden. The front and side of the property is paved and a gate to provide access to the rear garden. The rear garden accommodates trees including a eucalyptus and an elderberry tree on the boundary with No. 22 Rochester Road.

2. THE PROPOSAL

- 2.1 The application involves excavation to provide a single storey basement extension underneath the existing property to the existing 1 bedroom flat at lower ground floor level. The flat would be internally reconfigured to provide 2 bedrooms, a cinema room and bathroom at basement level and a kitchen/living/dining room and bedroom at lower ground floor level.
- 2.2 The proposed basement would extend 4.6m beyond the rear of the property. The proposed basement extension involves excavating 2.8m below existing lower ground level. The basement extension would have a floor area of 125m². The basement is 7.6m in width at the rear.
- 2.3 Lightwells to the front and rear are also proposed to allow natural light into the basement accommodation. The rear lightwell is 1.8m (d) x 3m (h) x 7.6m (w) and would provide private amenity space accessed from the bedrooms at basement level. Direct access from the rear lightwell to the garden would be provided via an external stair. The front lightwell is 1m (d) x 2.5m (h) x 2.3m (w) and would be enclosed with metal grating and surrounded by planting

- 2.4 The application proposes the erection of a single storey side/rear infill extension at lower ground floor level which extends 5.8m from the original rear building line and a further 1.3m beyond the existing three-storey outrigger, infilling the existing gap between the extension and the boundary with No. 24 Rochester Road. It extends the full-width of the rear elevation (approximately 7.7m), and would be approximately 3.6m in height. It would project 2.3m beyond the rear building line of the adjoining property, No.24. The extension would be rendered (white) to match the host property. Full height bi-folding doors are proposed to provide access to a rear patio (14m²). Metal railings 1.1m in height would be installed around the patio, adjacent to the proposed rear lightwell. A set of steps leading from the terrace to the rear garden is proposed. The rear extension and rear patio at lower ground floor are similar to the extension approved in December 2013 (2013/4811/P). The level of the lower ground floor is to be lowered, however the height of the extension in relation to the adjoining property is the same as previously approved.
- 2.5 The application has been subject to revisions since it was first submitted. The footprint of the basement has been reduced and it no longer extends beyond the existing side wall of property. A side lightwell has been omitted and the width and depth of front lightwell have been reduced. The stair within the rear lightwell to the garden has also been reduced in size. Railings are now proposed in lieu of the glazed balustrade originally proposed.

3. RELEVANT HISTORY

- 3.1 December 2013 Planning permission granted December 2013 for a single storey rear extension to lower ground floor flat (Ref 2013/4811/P).

4. CONSULTATIONS

Conservation Area Advisory Committee (CAAC)

- 4.1 The Rochester CAAC were consulted on 24.7.2014. No response was received.

Local Groups

- 4.3 No responses were received.
- 4.4 A site notice was displayed outside the property on 30.7.2014 and expired 20.8.2014. A press notice was published on 3 April inviting comments until 31.7.2014 and expired on 21.8.2014

Adjoining Occupiers

<i>Number of letters sent</i>	38
<i>Total number of responses received</i>	8
<i>Number in support</i>	0
<i>Number of objections</i>	8
<i>Number of comments</i>	0

- 4.5 The following comments were made in respect of the proposals:

OBJECTION

- The property has fallen into disrepair and has not been properly maintained
- There has already been structural damage (subsidence, formation of cracks etc.)
- The rear extension is dominant and out of keeping within the terrace
- The extension will have a negative impact on the conservation area
- This will set a precedent for further basement development in Rochester Road
- The lightwells will be visible
- Noise nuisance from extension/patio
- Nuisance during construction works
- Question the need for a daylight report for basement accommodation.

5. POLICIES

5.1 National Planning Policy Framework (NPPF)

5.2 London Plan 2011

5.3 LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

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 and encouraging Biodiversity)

CS19 (Delivering and monitoring the Core Strategy)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP16 (The transport implications of development)

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 (Basements and lightwells)

DP28 (Noise and vibration)

DP32 (Air quality and Camden's Clear Zone)

5.4 Supplementary Planning Policies

CPG 1 Design

CPG 3 Sustainability

CPG 4 Basements and lightwells

CPG 6 Amenity

CPG 8 Planning obligations

5.5 Rochester conservation area statement (February 2003)

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application and summarised as follows:

- Design and conservation
- Basement impact
- Neighbour amenity
- Transport impact
- Sustainability
- Trees

Conservation and design

- 6.2 Policies CS14, DP24 and DP25 are of relevance. They are supplemented by CPG1 *Design* and the conservation area statement (CAS) for the Rochester conservation area. CPG1 provides general guidance on what is appropriate. Sections 4 and 5 are of most relevance to this proposal. It notes that original windows should be preserved or replaced in a sensitive manner. Materials chosen should be equally sensitive and complement the built environment in terms of colour and texture. Modern materials such as glass can be appropriate but should be sensitive and not dominate the building. The Rochester Road CAS states that that rear extensions should be as unobtrusive as possible and be no more than one storey in height.
- 6.3 Extensions should generally be subordinate in terms of scale and situation. Rear extensions should be secondary to the building itself whilst respecting original design features and proportions, and the historic pattern of the established townscape. They should also leave a reasonable sized garden. Alterations to roof, including terraces and balconies should be sympathetic and respect the character and appearance of the building and wider townscape.
- 6.4 The CAS states that extending into basement areas will only be acceptable where it would not harm the character of the building and its setting.
- 6.5 The rear extension at lower ground floor would appear sufficiently subordinate to the main building, being single storey in nature, located to the rear of the property and projecting only 1.3m further into the rear garden than the existing rear addition, which ensures a significant amount of the rear garden would be retained. The materials would match the host property and the extension would not appear incongruous. Similar infill extensions have been granted permission elsewhere along this part of Rochester Road, including at No. 26 in February 2006 (2005/5233/P), and other examples which appear to have been carried out under permitted development. It is clear that this type of extension is common-place to the rear of this terrace, and is therefore considered to preserve the character of this part of the Rochester Conservation Area, ensuring the host property's contribution to the conservation area would not be unduly compromised. It is also recognised that there is an extant permission for the rear extension (2013/4811/P).
- 6.6 Concerns have been raised from neighbours regarding the proposed basement and the external works proposed i.e. the front and rear lightwells, in terms of the impact on the character and appearance of the host property and surrounding conservation area. The application has been revised since initial submission and the front lightwell has been significantly reduced in size. The front lightwell would be rendered to match the host property. It is not considered the front or rear lightwells will have a negative impact on the character and appearance of the host property and the conservation area.

Basement impact

- 6.7 Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes for basements 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 impact upon structural stability or water environment in the local area.
- 6.8 The applicant has submitted a Basement Impact Assessment (BIA) in accordance with policy DP27 and the guidance set out in CPG4. Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes for basements 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 impact upon structural stability or water environment in the local area.
- 6.9 The BIA and related documentation submitted by the applicant have been subject to independent verification. This is owing to the nature of the proposals (the BIA submitted goes beyond the screening stage). Furthermore the Council received objections raising concerns over the structural implications of the basement excavation. In such instances the Council requires all information (subsidised by the applicant) to be independently verified.
- 6.10 The submitted BIA was independently verified by Geotechnical and Environmental Associates (GEA) who have confirmed that the submitted BIA has been carried out by suitably qualified assessors. The report by GEA concluded that the Basement Impact Assessment for the proposed development provides a thorough assessment of the impact of the excavation and construction works. GEA are satisfied it has been undertaken in accordance with CPG 4. GEA sought confirmation that the professional qualifications of the BIA author and consultants meet the requirements of GPG4 in respect of subterranean ground water flow and surface flow and flooding. Additional information including details of qualification and experience were provided and GEA confirmed that they were satisfied with the additional information.
- 6.11 GEA were specifically asked to consider the structural integrity and condition of neighbouring buildings which are not assessed by the BIA or would benefit from particular construction measures or methodologies in respect of the development following the granting of permission and recommend suitable condition. GEA have confirmed that the following information is required:
- *Further groundwater monitoring and confirmation that sump pumping will be sufficient to mitigate groundwater ingress;*
 - *Confirmation of the depth and nature of existing foundations;*
 - *Confirmation of the depth of lift to the underpins along with proposals for temporary propping up during construction*
- 6.12 The report by GEA concludes that the proposed basement excavation would not cause harm to the built and natural environment. It is recommended that a basement construction plan is secured via S106 legal agreement to include the additional information required as a requirement for trial excavations, monitoring of

the works and also that the developers use reasonable endeavours to reduce the impact of the basement development. A construction management plan (CMP) would also be secured via a S106 legal agreement to ensure the development would not cause undue harm to local amenity. Therefore the development would accord with the objectives of Policy DP27.

- 6.13 A condition would also be attached to any permission to ensure that the basement works are monitored by a qualified engineer.

Neighbouring amenity

- 6.14 Residents of the flats on the upper floors of 23 Rochester Road and the adjoining property, No.24, have raised concerns regarding the impact of the proposals on residential amenity. The proposed excavation of a basement storey is not considered to have an unacceptable impact on the amenity of adjoining or nearby occupiers by way of loss of light, sense of enclosure or loss of outlook.
- 6.15 The revised lower ground floor extension is not considered to materially harm the amenity of neighbouring occupiers, in particular No. 24 to the west. The extension passes a 45-degree BRE daylight test to the neighbouring rear facing door, as well as 25-degree tests to the neighbouring side-facing windows at lower ground floor level. The overall bulk and height of the extension is not considered to cause any increase in sense of enclosure to No. 24; to the east, it is sufficiently set away from the boundary to No. 22 to ensure there would be no amenity impacts to this occupier. There is also an extant permission for the lower ground floor extension. Although the height of the rear extension is higher than the extension previously approved, this is due to the lowering of the lower ground floor level. Therefore the impact on the adjoining property in terms of the height has not changed.
- 6.16 Additionally it is not considered that there would be any material increase in noise disturbance associated with the use of the basement and rear extensions or the proposed rear patio, given they would be used in connection with existing residential unit, rather than an additional flat or any commercial purpose. A condition is attached to ensure the roof of the lower ground floor extension cannot be used as a terrace. The objection from neighbouring properties on the grounds that the development will result in noise nuisance is not considered to justify refusal of the application.
- 6.17 Any noise and disturbance caused by the building works are not considered to be a reason to refuse the application. An informative is added to the draft decision that highlights that under the Control of Pollution Act 1974 building work should not be heard at the boundary of the site outside 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturday and not at all on Sundays and Public Holidays. Furthermore a Construction Management Plan (CMP) is required. This will be secured via a S106 legal agreement.

Transport

Cycle Parking

- 6.18 The proposed plans show provision for two cycle parking spaces in the rear garden. The cycle parking is not covered but can only be accessed via the gate from the side courtyard. As the scheme does not involve the provision of an additional

residential unit there is no policy requirement to provide cycle parking. Nevertheless the provision of cycle parking for the residents of the property is welcome.

Construction Management Plan

- 6.19 Concerns have been raised from neighbouring occupiers about the construction impact. Although the applicant has submitted a Construction Management Plan as part of the application it is considered that a full CMP should also be secured via a Section 106 legal agreement. The purpose of the CMP is to minimise, as far as possible, the impacts of construction on neighbouring occupiers, and the highway, specifically to minimise disruption to the transport network, pedestrian safety and any disruption from noise, dust and general construction works. This will address the objections raised by neighbouring residents with regards to nuisance from construction vehicles.

Sustainability

- 6.20 Policies CS13 and DP22 require new development to incorporate sustainable design and construction methods in order to mitigate and adapt to climate change. The applicant has confirmed that natural ventilation would be provided, measures to reduce water consumption would be incorporated. Soft landscaping is proposed to limit surface run off.
- 6.21 The proposal is considered to meet the required levels of sustainability and is considered to comply with policies CS13, DP22 and Camden Planning Guidance (CPG3 - Sustainability).

Trees and Landscaping

- 6.22 The proposed scheme will result in the loss of the existing elderberry tree and works to an existing eucalyptus tree located in the rear garden. An arboricultural report has been submitted and states that the footprint of the proposed development will overlap just under 12% of the eucalyptus tree. The report states that the works will cause some disruption but it would not be necessary to sever the large diameter roots of this tree. The elderberry tree is not a significant tree that the Council have no objection to its removal. The eucalyptus tree is more significant and important within the conservation area. However the works proposed are unlikely to damage the root system of this tree. The Council's tree officer has been consulted and has raised no objection to the proposal. A tree protection plan and an arboricultural method statement are required by condition to ensure the tree is protected during the construction works.

7. CONCLUSION

- 7.1 The external alterations are considered to be acceptable in design terms. The rear extension is subordinate to the host property and sympathetic to the character and appearance of the conservation area. The rear extension is not considered to have any adverse impact on the residential amenity of neighbouring properties. The applicant has demonstrated, following independent review, that the excavation of a basement would not harm the surrounding area and the development would not harm the amenity of neighbouring residents.

- 7.2 The development would be appropriate and in accordance with relevant National and Regional Policy, Core Strategy and Development policies and Camden Planning Guidance for the reasons noted above.
- 7.3 Planning Permission is recommended subject to a S106 Legal Agreement with the following heads of terms:
- Construction Management Plan.
 - Basement Construction Plan.

8. **LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the South Hill Park conservation area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans

001 P1; 100 P; 200 P1; 300 P1; 002 P2; 110 P2; 201 P2; 310 P2; 311 P2; Basement Impact Assessment; Method statement; Construction Management Plan; Drainage Statement; Arboricultural Impact Assessment; Design and Access Statement; Surface Water Drainage Letter; Details of qualifications

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall

be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 5 The roof of the lower ground floor extension must not be used as a terrace or for sitting out.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 7 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010.

Reason: To ensure the preservation of the amenity value and health of the tree(s).

Informative(s):

- 1 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Engineering Service Network Management team (tel: 020-7974 2410) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

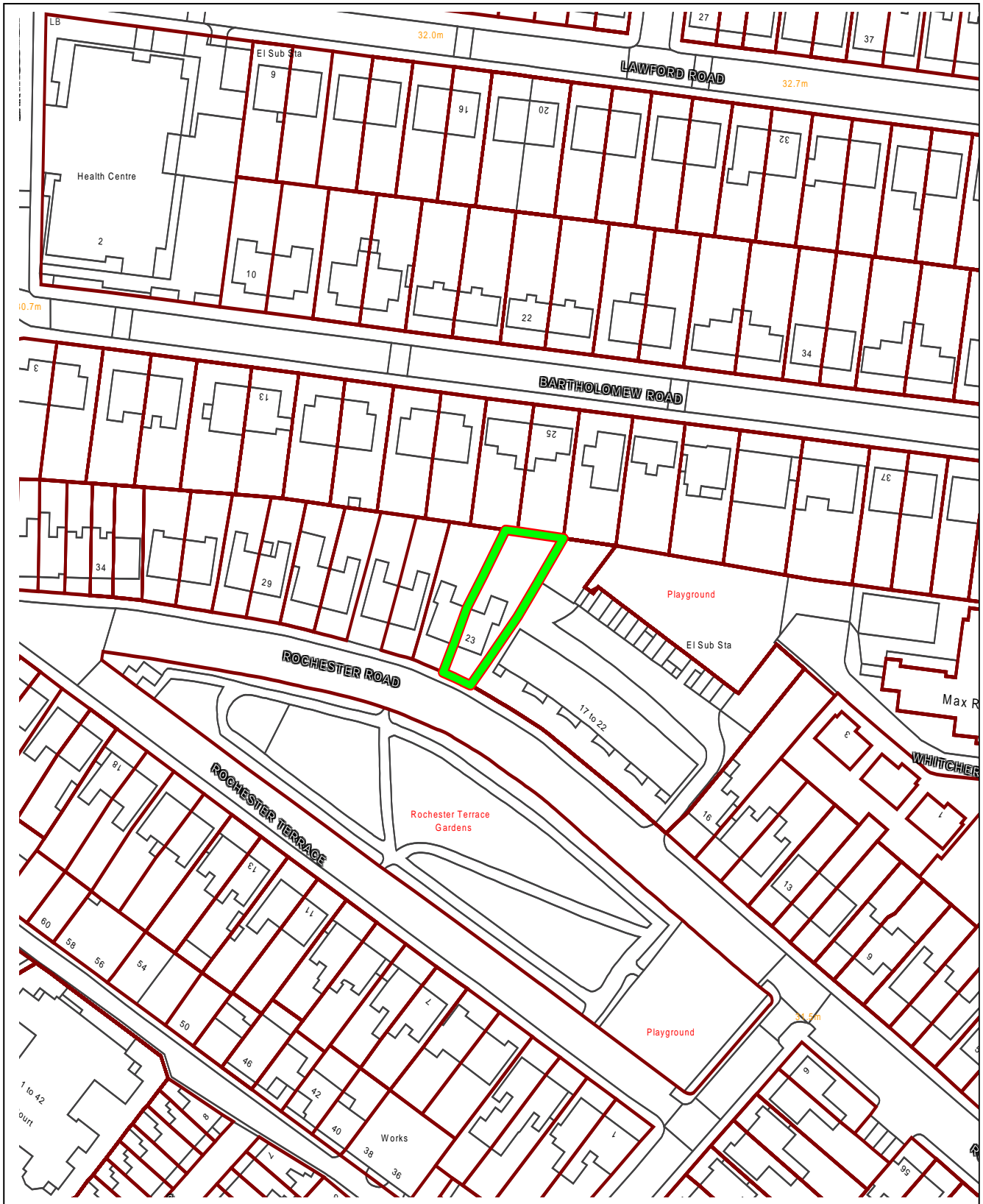
The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.


<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



	<p>Application No: 2014/4559/P</p> <p>23 Rochester Road</p> <p>London</p> <p>NW1 9JJ</p>	<p>Scale: 1:1250</p> <p>Date: 6-Feb-15</p>	<p>N</p> 
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23 Rochester Road

OS plan



23 Rochester Road

Aerial View

23



23 Rochester Road

Existing front view

23



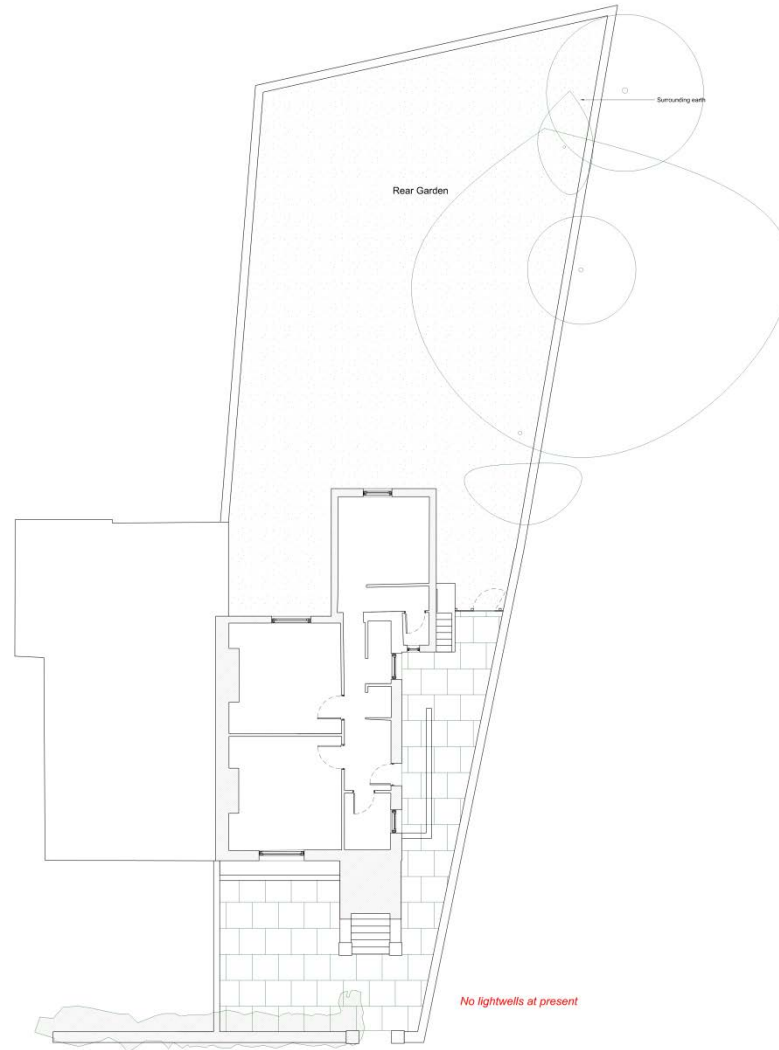
23 Rochester Road

Existing rear view



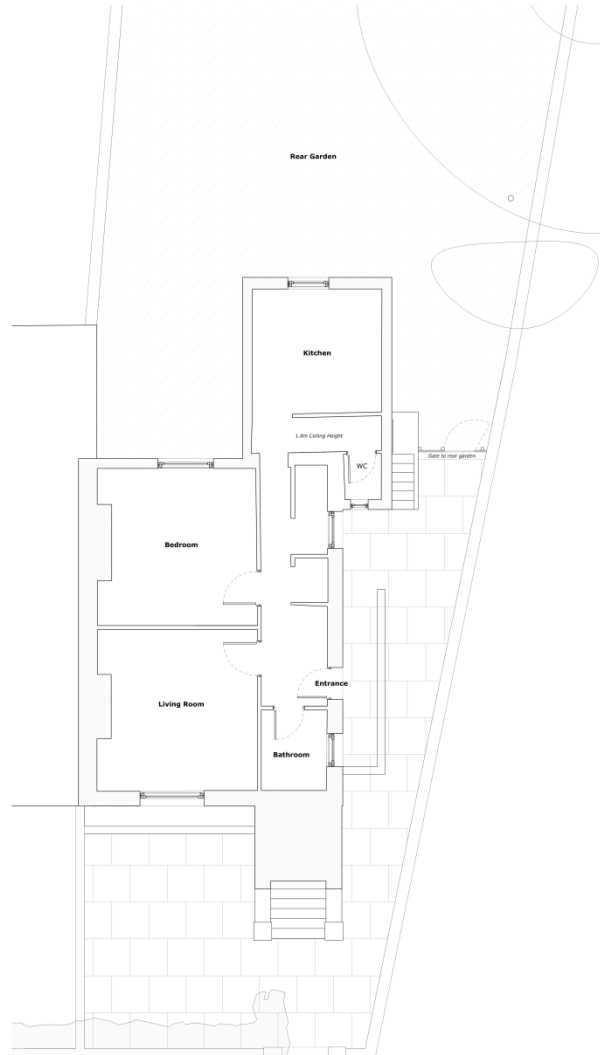
23 Rochester Road

Existing site plan



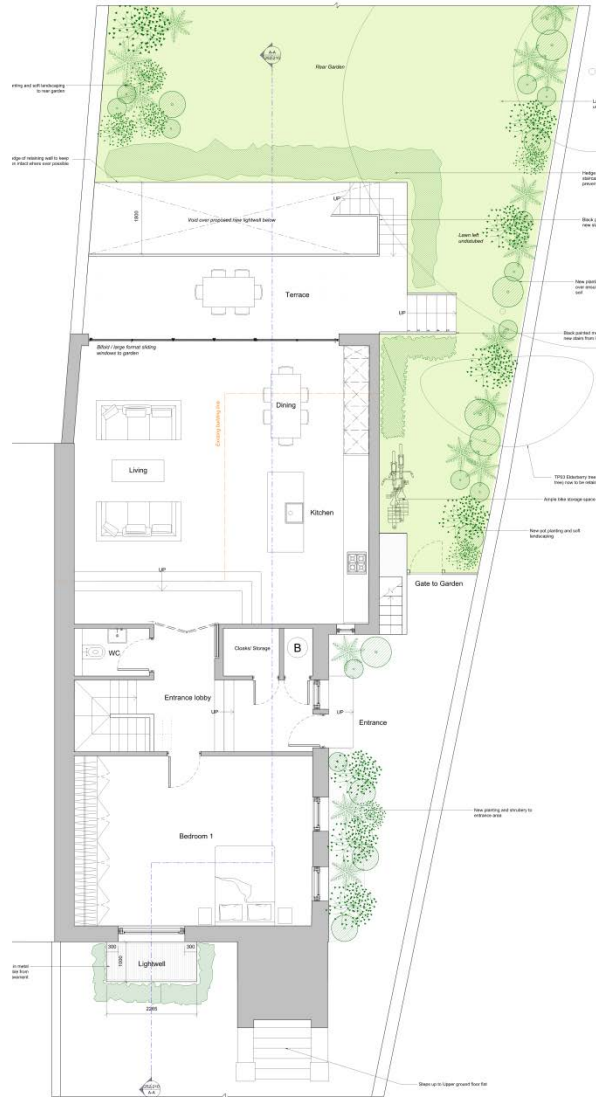
23 Rochester Road

Existing lower ground floor plan



23 Rochester Road

Proposed lower ground floor plan



23 Rochester Road

Proposed basement floor plan



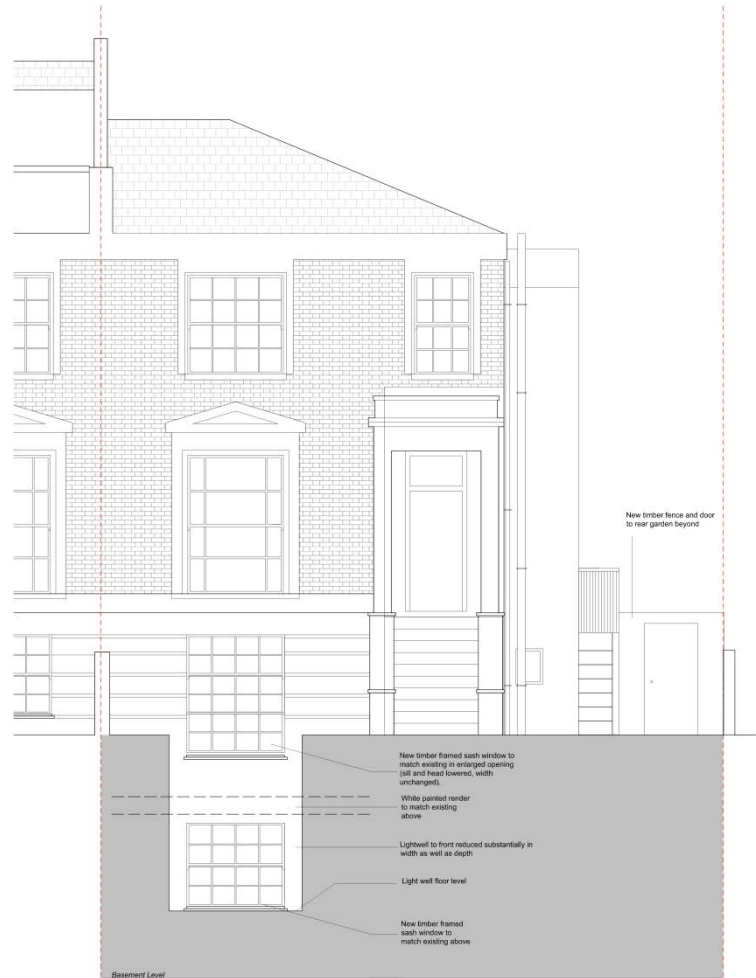
23 Rochester Road

Existing front elevation



23 Rochester Road

Proposed front elevation



23 Rochester Road

Existing rear elevation



23 Rochester Road

Existing rear elevation



23 Rochester Road

Proposed Side Elevation



23 Rochester Road

Existing section AA



23 Rochester Road

Proposed Section AA

