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|----------|----------------------|--|--|---|---------------------------|--|--|--|--|--|
| Existing | <i>Dwellinghouse</i> | | | 1 | | | | | | |
| Proposed | <i>Dwellinghouse</i> | | | | 1 plus parent annex | | | | | |

| 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 site is a three storey single family dwellinghouse on the eastern side of South Hill Park. It comprises an existing ground floor, which is raised from the street, and three floors above. The top floor is within the roofspace. The property forms a pair with No. 33 (there is a separate planning application at the adjoining property (see *Relevant history* section)). The property also shares a party wall with No. 37 at ground, first and second floor levels. The property is considered to make a positive contribution to the South Hill Park Conservation Area.
- 1.2 The conservation area was developed from the 1870s onwards with Hampstead Heath station being a stimulus. It is characterised by substantial semi-detached villas, many with decorative windows, porches and roof features with entrance stairs and garden walls. The site falls within sub-area 1 (South Hill Park and South Hill Park Gardens). At the northern end of South Hill Park the buildings are generally more decorative and constructed in the Italiante style featuring shallow pitched roofs with overhanging eaves supported on brackets, horizontal string courses delineating each storey. The detail is generally limited to the front elevations with the rear being more simple.
- 1.3 The property accommodates an existing rear closet wing extension which occupies approximately half of the width of the property over two storeys. At ground floor level the closet wing extends 3.75m rearwards and accommodates a bathroom. The ground level of the house is above the street level to the front. However to the rear the ground floor level is located below the main level of the garden which slopes upwards and abuts the rear first floor level. There is a small courtyard adjacent to the ground floor extension with an external stair leading to the rear garden. The existing first floor element projects 3.75m rearwards and an additional conservatory extension with sloping roof projects a further 3m. This unusual situation with the first floor projecting beyond the ground floor is possible due to the upward slope of the garden which is 5m above pavement level. The roof of the two storey closet wing extension is used as a roof terrace accessed and is accessed from the second floor landing.

2. THE PROPOSAL

- 2.1 The proposal involves the excavation of a front lightwell 2.1m in depth. The existing bay at ground floor level would be extended downwards with white render and windows to match above. The existing front wall and railings would be replaced. A gate would be installed adjacent to number 33 which leads down steps to the lightwell itself where access to the basement would be provided underneath the existing front steps. The lightwell would be paved and a green roof created to provide covered cycle storage.

- 2.2 The main roof of the building would be re-tiled in natural slate with a skylight removed. The existing front and rear dormers would be re-clad and new timber sash windows inserted.
- 2.3 The proposal involves the demolition of the existing two storey closet wing and the conservatory at rear first floor level. These will be replaced with a part single part two storey extension at lower first and first floor level and a subterranean ground floor extension which involves excavation beneath the existing conservatory.
- 2.4 At rear lower ground floor level a full width extension is proposed measuring 6.8m in width and 6.8m in depth and 2.7m in height. This will accommodate a family room. The room would not be served by windows given it would be subterranean but would receive light from a rooflight above.
- 2.5 The rear lower first floor L-shaped extension to accommodate a larger kitchen/dining room would comprise two components. The proposed kitchen component is 6.8m in depth and the dining room component 4.2m in depth. The lower first floor extension is 2.7m in height. The rear elevation of the lower first floor extension would comprise full height glazed doors allowing access to the walk on flat rooflight over the ground floor extension and a patio area. At rear second floor level a terrace similar in size to the existing terrace at this level which abuts the boundary with No. 37 is proposed. The existing second floor access will be maintained. The remainder of the flat roof areas of the first floor extension will be used as a sedum roofs. A frameless glass box 2m in depth and 2.4m in width and 1.7m in height is proposed above the dining room. This would necessitate the removal of an existing window. It would be separate from the other element at this level and would be slightly lower than the adjacent brick surround of the roof terrace. This would not provide usable floorspace but would allow light into the dining room below.
- 2.6 The proposal involves excavation of a basement to provide an additional storey underneath the main part of the property. The proposed basement has a floor area of 39m². The basement 2.7 metres deep and occupies the footprint of the main house plus. The excavation also extends beyond the front of the house to create a lightwell. The new basement would be used as a parental annex with a bed and living accommodation and a separate kitchenette and shower room. The basement can be accessed from street via the newly excavated front lightwell and can also be accessed internally from the upper floors.
- 2.7 The proposal also involves excavation of the rear garden. The existing garden will be lowered by 2m and the proposed patio will sit 3.2m above pavement level. To the rear of the site the existing garden will be lowered by 1m to form a lawn area 4.4m above pavement level. At the rear site boundary with 25 Parliament Hill, the existing garden level will be retained.

3. RELEVANT HISTORY

- 3.1 **July 1988:** Planning permission (ref: 8803950) for "Erection of a mansard roof extension" **refused**.

- 3.2 **July 1990:** Planning permission (ref: 9005305) for “Change of use and conversion of single family dwelling to one self-contained flat on ground floor and one self-contained flat on first second and third floors” **granted**.
- 3.3 **December 1994:** Planning permission (ref: 9401671) for “Change of use from a self-contained flat and a self-contained maisonette to a single dwellinghouse” **granted**.
- 3.4 **May 2013:** Planning application (ref: 2013/1730/P) for “Excavation to create new basement floor and front lightwell, erection of full width two storey rear extension incorporating inset roof terrace to replace existing extension and terrace, enlargement of existing front and rear dormers, addition of new side dormer and alterations to front garden at dwelling house (Class C3)” **withdrawn**.

In addition, the following applications at 33 South Hill Park are relevant:

- 3.5 **May 2013:** Planning application (ref: 2013/1743/P)) at **33 South Hill Park** for “Excavation to create new basement floor and front lightwell and alterations to front garden at single dwelling house (Class C3)” **withdrawn**.
- 3.6 **May 2014:** Planning application (ref: 2014/1943/P) at **33 South Hill Park** for “Excavation to create new basement level under footprint of existing house, rear extension and closet wing; formation of front lightwell with cycle storage; new front boundary treatment; associated works” **submitted and awaiting determination**.

The following applications at properties within South Hill Park are also relevant:

- 3.7 **May 2012:** Planning permission (ref: 2012/1989/P) at **85 South Hill Park** for “Erection of single storey rear extension to main house following demolition of existing rear extension; excavation to provide enlarged basement floor under main house and connected to coach house, plus front and rear lightwells and rear garden skylights; remodelling of roof of coach house and installation of balcony with associated doors and 3 new windows to front elevation of coach house; relocated entrance door in side garden wall; all in association with single dwellinghouse (Class C3)” **granted subject to a section 106 legal agreement**.
- 3.8 **February 2013:** Planning permission (ref: 2013/6038/P) at **66 South Hill Park** for “Excavation of new basement storey, remodelling of rear extension including erection of single storey rear extension and raising height of three storey element, two storey side extension, mansard roof extension and terrace at rear, part excavation of front garden to accommodate new bike store and utility room, and alterations to fenestration at rear elevation of dwelling (Class C3)” **granted**.

4. **CONSULTATIONS**

Conservation Area Advisory Committee

- 4.1 South Hill Park – Objection raised. A BIA and an arboricultural assessment are essential for such a major project. The development extends too far into the rear

garden, contrary to policy 24.3. Any landscaping must be soft/permeable. Consideration must be given to the effect on neighbours.

Local Groups

- 4.2 Heath and Hampstead Society – Objection raised. The proposal needs to be considered alongside the planning application at 33 South Hill Park. There is concern about the impact on the foundations to number 37.
- 4.3 A site notice was displayed outside the property from 3 April to 24 April 2014. It was re-published on 24 April, inviting comments until 16 May. A press notice was published on 3 April inviting comments until 24 April 2014.

Adjoining Occupiers

| | |
|---|----|
| <i>Number of letters sent</i> | 8 |
| <i>Total number of responses received</i> | 29 |
| <i>Number in support</i> | 16 |
| <i>Number of objections</i> | 16 |
| <i>Number of comments</i> | 1 |

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

OBJECTION

Proposal

- The works are incompletely described and give a misleading impression of the proposal (*the description of development provides a summary of the scheme and is considered to adequately describe the proposal for the purposes of consultation*).
- The amount of demolition has not been made clear in the planning application.

Conservation and design

- The proposal would be contrary to the character and appearance of the conservation area, and hence relevant policies within the core strategy, development policies and the South Hill Park conservation area statement.
- South Hill Park is defined by mid to late Victorian properties with substantial front and rear gardens. The proposal would remove a large section of both and alter the appearance of the property with an enormous basement and a full width rear extension.
- The assertion by the applicant that the development will be exceptional quality is based on assertion rather than a statement of fact. The appearance of the property would be comprehensively changed from its original character.
- Whilst other properties have been altered this should not be seen as an argument in favour of granting planning permission for the proposal, indeed it is the opposite.
- The natural topography would be lost along with its biodiversity.

- The basement is too big, and they already have a basement extending into the rear garden. To extend 7m is too great, as is it being 5m in depth. Extensions of 4m are in keeping with the character of the conservation area.
- Outlook onto rear gardens and forecourt planting is being removed.
- The rear extension is bulky and would dominate the rear elevation, rather than being subservient to it. It is contrary to policy SHP18 as it is 2 storeys in height, full width, and extends from the property by 6.8m. this would make it the deepest proposed extension at garden level in South Hill Park. The rear is nearly uniform. The use of glass harms the conservation area and affects the architectural integrity of the building.
- The addition of 65% of the volume of the original building is out of scale and does not respect the character of the original building.
- The front dormer should be reduced in width and placed centrally above the bay.
- There is confusion over whether the garden wall would be re-built, and without it there would be a 2m drop between numbers 37 and 35 which would be dangerous.
- Front boundaries in the street contain one entrance and not two, which would result in a proliferation of brick piers in the front wall and loss of front gardens.
- The front lightwell will not protect the character of the building and affect the character and appearance of the conservation area.
- The proposal is overdevelopment, in an already high density area.

Neighbouring amenity

- The proposal would result in dust, noise, vibration and traffic which will lessen or destroy the enjoyment of neighbouring properties for a period of a year or more. Other basement extensions nearby have resulted in such problems.
- The alterations to the garden and dormer windows would impact on privacy.
- Request that noisy activities should not begin before 9am on weekdays and 10am on Saturday.
- Fumes from lorries are undesirable in an area where there are quite a number of young families and elderly people with health problems.
- The flat sedum roof of the first floor extension could be used for sitting out and result in noise. [The sedum roofs are not be used for sitting out. Rear terraces at lower first and second floor levels (in the same location as the existing terrace) are proposed for sitting out. Furthermore the plans do not show access to the sedum roofs].

Quality of the resulting residential accommodation

- The problems of the existing accommodation identified by the applicant are questioned.

Trees and landscaping

- The proposal would remove all landscaping to the rear and risk the loss of trees in adjoining gardens, in particular the mature ash and bay trees in 25 Parliament Hill.

Highways and transportation

- The need for HGVs will damage the roads.

Basement

- The proposals have been reviewed by a Chartered Geologist and Chartered Structural Engineer who both report serious shortcomings in the proposal and the dangers these presently create for the stability and safety of neighbouring properties.
- Structural stability of 37 South Hill Park and other properties will be threatened, and it has shallow foundations. The flank wall is noted as being particularly at risk. No engineers' drawings have been submitted to show how the proposal is to be constructed below ground. If the flank wall were to fail then there would be no means of escape.
- The basement impact assessment (BIA) provides little reassurance that there will be no detrimental impact on the built and natural environment, local amenity, flooding or ground instability. It seeks to minimise the risks despite acknowledging that subsidence is a problem in the area, and there is evidence within numbers 35 and 37 of this as well as elsewhere in the conservation area.
- The contractor has not been appointed and there is no evidence that the architect or engineer has constructed a basement of this depth before.
- Concerns about the stability of the wall between the site and number 37.
- There are no guarantees that the construction work would be done safely, in particular the temporary support of the excavations and the completed underpins, and the amenity and viability of neighbouring properties should be based on more than the reliability of the contractors undertaking the work.
- There is insufficient information on the impact on drainage, and no attempt to assess the impact of altering drainage patterns on the foundations and stability of neighbouring properties.
- Financial losses would be incurred by affected properties.
- Topsoil is being removed as gardens are encroached upon across the conservation area. The proposal would remove 600 cubic metres resulting in instability and impact on the ground water levels and deflect underwater streams elsewhere.
- The cumulative impact of basements in the area will lead to springs bubbling up out of nowhere. Gullies are already getting blocked from sand and cement being mixed in the street.
- The hilly contours and clay soil are particularly vulnerable to tunnelling and earth removal.
- The proposal would affect drainage run-off as the impermeable area is reduced at front and rear.
- There would be cumulative impacts of constructing the basement alongside that at number 33.
- Insurance was only issued to a neighbour after a specialist surveyors report to the effect that as long as all 4 houses in the terrace were left unpinned and without alteration to their foundations. Otherwise, they would move separately and not be safe.
- The resulting soil depth of 0.5m over the base of the retaining wall will not provide a satisfactory landscape to the rear.
- The Ecologica report is inaccurate when it refers to 2mm for movement. The neighbour has cracks which move 5mm depending on amount of rainfall. The proposed excavation poses a threat to the fabric of neighbouring buildings.

- Insufficient time to comment on the Independent BIA Review [The independent review was uploaded onto the website on 23 December 2014].
- The application does not take into account the ring beam tying the flank wall of 37 to 39.
- The BIA is inaccurate and misleading and no site visit to 37 was made.

Other matters

- If planning permission is granted it is likely to lead to further planning applications at other sites nearby.
- There has been no consultation by the applicant.
- The gas and water supply pipes run into the cellar space of number 37, and the main sewer runs along the flank wall. Disruption or fracture could cause damage, be dangerous, and constitute a health hazard.
- The party wall act does not apply to deep digging.
- The incorrect ownership certificate has been served (*a revised ownership certificate B was received and neighbours were reconsulted*).
- The description of development is inaccurate and misleading.
- The necessity of the development is questioned.
- The certificate only refers to Carol Markey and not Andrew Markey

SUPPORT

- Properties need to evolve to the needs of modern life.
- The increase in the price of property nearby means that professional families in the area cannot afford to move within the area to obtain more space.
- The proposed rear extension is a innovative design and a good example of modern architecture
- The proposal would better meet the needs of elderly relatives (and the lower ground floor will reduce the need for them to climb stairs and to have bathroom, showering and food preparation facilities nearby) and teenage children.
- The houses are tall with little lateral accommodation and do not have a very good arrangement of space. The basement allows more lateral space at an accessible level and if done responsibly will enable families to stay in the street instead of moving, so helping the feeling of community to build in the road.
- Government policy encourages better use of housing stock.

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 **South Hill Park conservation area statement** (January 2001)

6. **ASSESSMENT**

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

- Conservation and design
- Neighbouring amenity
- Trees and landscaping
- Basement

Background

6.2 The planning application has been submitted alongside an application at the neighbouring property. These are separate developments but the proximity to each other is such that aspects of one need to be considered with close reference to the other. The information submitted for each shows that they have been formulated closely with a number of the same consultants having been instructed to provide advice. Some of the comments received are specific to this application, whereas some refer to both. Whilst each planning application is discrete and needs to be judged on its own merits reference is required to the report for the adjacent planning application in order to fully appreciate the context.

Quality of residential accommodation

- 6.3 The scheme involves the provision of additional habitable accommodation, namely a family room at rear ground floor level and a larger kitchen/dining room at rear first floor level. The proposed new basement level will provide additional habitable accommodation for use as a 'parent annexe' ancillary to the use of the property as a single family dwelling. The basement will not be used as a self-contained flat. Although there will be separate access from the street the basement would also be accessed via an internal staircase. Policy CPG 4 Basements and Lightwells states that within areas at risk of flooding the Council will not allow habitable rooms and other sensitive uses for self contained basement flats. Therefore the use of the basement as a self contained flat is contrary to policy. A condition would be attached to any permission to ensure the basement is only used in connection with the single family dwelling and not a self-contained residential unit. The main habitable room (bedroom/living room) will receive natural light and ventilation from the front bay window. The rear bathroom and kitchenette are not served by windows and will therefore have to rely on mechanical ventilation.

Conservation and design

- 6.4 Policies CS14, DP24 and DP25 are of relevance. They are supplemented by CPG1 *Design* and the conservation area statement (CAS) for the South Hill Park 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 and steel can be appropriate but should be sensitive and not dominate the building.
- 6.5 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. In terms of height then a rear extension should not be less than one full storey below the eaves of the roof or the general height nearby. Alterations to roof, including terraces and balconies should be sympathetic and respect the character and appearance of the building and wider townscape.
- 6.6 The South Hill Park Conservation Area Statement (CAS) is specific to this conservation area. It notes the issues which are relevant to the conservation area, namely excavation of basements, extensions/alterations to the roof, front and rear, and the loss of garden space.
- 6.7 To the front the proposal involves the creation of a lightwell with the existing ground level front bay extended down and replicated at basement level. The bicycle storage would be located within the lightwell adjacent to the public highway with a sedum roof on top and stairs down to the basement entrance. The CAS notes that not all of the properties in the street are uniform, and were not originally designed as such, albeit that there are common features throughout. The differences are also partially a result of alterations that have taken place and the change in ground level as it slopes towards the north.

- 6.8 The proposal is to continue the existing bay downwards with the existing bay replicated on the floor below. This is also the approach adopted in the planning application at the neighbouring property (33), and would be the external manifestation of the basement. Whilst there are properties nearby which have a similar arrangement, these are mostly on the opposite side of the road where the form of the buildings is different and do not comprise bay windows. To the north of the application site, the buildings have similar features including bay windows. There are examples of bin stores and paved areas which are not considered to contribute positively to the conservation area, and various front boundary treatments exist. Therefore, the principle of the front lightwell with bay windows to the new basement is not objectionable. The materials and details could be secured by condition: brick and white render are proposed and it is possible to ensure that they would match what is there now. Objections note that an additional gate is out of character and result in an extra brick pier. It is accurate that most properties do not have this secondary entrance and stairs down. However, there are some examples in the street and therefore this would not be out of character. The materials chosen for the front boundary treatment (brick dwarf wall and cast iron railings/gate) are appropriate to the conservation area. Given that some properties have poor or no boundary treatments then the approach taken is supported. It is accurate that the front garden area would be removed. However the proposal includes provision of a sedum roof on top of the cycle store within the lightwell and this would be at street level. Whilst this is not an exact substitute for a lawn a sedum roof can allow for some greenery to remain and be visible from the street, whilst concealing with cycle store. This is considered more attractive than many frontages in the street.
- 6.9 The removal of the rooflight and re-tiling the roof in natural slate is supported. The former is not an original feature and whilst it is not noticeable from the street due to the height of the building, its removal is considered positive. Natural slate is appropriate for the conservation area and is equally supported. The alterations to the dormer, which is visible alongside a number of others in the street, would not materially affect its size. The cladding would be zinc or lead, and the window would be timber with a more appropriate arrangement of transoms and mullions. Therefore, this is supported. The re-tiling of the roof and alterations to the dormer are equally supported, and there is quite a degree of variation in the rear roofs including a very large alteration at number 37.
- 6.10 The existing rear extension and conservatory would be removed. Whilst not unattractive it is not considered significant enough to warrant retention. The roof of the extension slopes from front to rear and the existing ground floor is mostly below the level of the rear garden. The gardens are a reasonable length and there are a number of mature trees in the area. The garden backs on to the rear garden of a property on Parliament Hill, which appears to slope away. Therefore there are limited views of the rear of the application property. There would be views from the gardens either side and from the rear windows of No. 37. However, beyond this any views would only be small glimpses.
- 6.11 The ground floor extension would be within the part excavated area to the rear would not be visible from the rear as it would sit below the garden area. The

excavation under the garden to provide the ground floor extension would not have a significant impact on the appearance of the property or the conservation area given its limited visibility.

- 6.12 The rear extension at first and second floor levels would be modern, although the bricks are intended to match the existing property. The guidance within the CAS (SHP18-21) is that rear extensions should not alter the harmony and balance of a property or group of properties due to scale, design or inappropriate materials, they should be as unobtrusive as possible, and in most cases should be no more than one storey in height. Concerns have been raised on the grounds that the rear two storey extension, full width at first floor level, would extend into the rear garden further than other nearby properties. The extension at its maximum length (kitchen) is identical to the existing extension and conservatory in terms of depth (6.8m). Whilst it is acknowledged that it would be full width (which the existing is not) given the slope of the land and the other characteristics of the site and area it would not be readily visible at lower level. Furthermore given the L shaped design is part of it only extends 4.2m therefore reducing its bulk and mass. The rear extension has been designed to have high ceilings which therefore increase its overall height. However, given that the whole extension is sunken due to land levels, the difference in height at the boundary of 37 is negligible. The proposed extension would have a slightly greater bulk nearest the house due to its more solid form, but this is compensated for further from the house where the existing sloped element is replaced by a lower flat roof.
- 6.13 The proposed glass box has designed to be completely frameless and a condition would require that details of materials are submitted. It has been designed to be as lightweight as possible. Therefore, it cannot be described as either two storey or full width extension. Beyond this would be the gap created by the removal of the existing window: this would be into the study at first floor level. The removal of the window, whilst regrettable, could be done using permitted development rights on which basis there is no objection.
- 6.14 A rear garden of a reasonable size would be maintained, although there would be some alterations to it in terms of profiling and landscaping to create a patio area. This would allow it to remain as an attractive area with a mixture of hard and soft landscaping. Concerns were raised about whether boundary treatments would remain. They will be retained or rebuilt as necessary. The party wall act would have to be accorded with and a condition would require that details are submitted for approval.
- 6.15 Alterations to the front elevation have been carried out on other neighbouring properties and in this case would be constructed using high quality materials. To the rear the proposed extension is unmistakably modern. However adopted policy does not exclude this. There is limited uniformity at the rear of these properties. The variation that exists, and the relative lack of visibility of the rear elevation would ensure that the alterations would only be visible from limited private vantage points and where they are visible they would be viewed alongside other alterations elsewhere in the group of properties. In this context the proposed alterations are

considered to be of sufficiently high quality as to accord with those policies and guidance referred to above.

Basement impact

- 6.16 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.
- 6.17 A Basement Impact Assessment (BIA) has been submitted which has been prepared by Ecologica on behalf of the applicant. The BIA was undertaken by a Chartered Civil Engineer and a Chartered Water and Environment Manager. Objections to the basement excavation were received from neighbouring properties and two technical reports were submitted on behalf of the owner of No. 37 South Hill Park.
- 6.18 The BIA and related documentation requires independent verification. This is owing to three main factors, as detailed within CPG4; the nature of the proposals (the BIA submitted goes beyond the screening stage); the location of the application site is located within an area of hydrological constraint (surface water flow and flooding) and the receipt of technical objections from a third parties. In such instances the Council requires all information (to be independently verified (at the cost of the applicant). Therefore the information submitted by the applicant and third parties regarding excavation has been subject to a separate independent review.
- 6.19 The scope of the independent verification was, in short, to ascertain the submission of the applicant was sufficiently robust and accurate to enable planning permission to be granted in accordance with the requirements of LDF policy DP27 and guidance contained within CPG4. The BIA has been independently reviewed by LBH Wembley Geotechnical and Environmental consultants who concluded in their report dated October 2014 that the BIA submitted by the applicant was not so technically deficient that it would not be considered robust enough to comply with the policy guidance contained within DP 27. It was considered that the document demonstrates reasonable accordance with the requirements of DP 27 in respect to:
- a) Maintaining the structural stability of the building and any neighbouring properties;
 - b) Avoiding adverse impact on drainage and run off or causing other damage to the water environment; and
 - c) Avoiding cumulative impacts on structural stability and water environment.
- 6.20 The independent review concludes that the proposed construction methodology which involves traditional underpinning techniques is acceptable. The evidence presented is sound and the assessment carried out is reasonable.
- 6.21 The independent review also includes a response to the neighbour's objections and to the points raised in the technical report from Eldred Geotechnics dated 23 April

2014 and the letter from First Steps dated 23 April 2014. The grounds of objection on insufficient information, unsuitable ground investigation techniques and lack of sufficient quality of expert geotechnical advice have been considered. However LBH Wembley have confirmed they are satisfied that the BIA is sufficiently detailed and robust, the ground model for investigation is acceptable and the submission has been prepared by appropriately qualified geotechnical specialists.

- 6.22 The report by LBH Wembley does recognise that there are areas of uncertainty that can only be resolved once work commences and suggest a condition requiring a structural monitoring and emergency contingency plan to be submitted and approved prior to the commencement of works on site.
- 6.23 The report by LBH Wembley concludes that the proposed basement excavation would not cause harm to the built and natural environment and would not result in flooding or ground instability. It is recommended that a basement construction plan is secured via S106 legal agreement to include 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 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.

Neighbouring amenity

- 6.24 Policies CS5 and DP 26 are of particular relevance. Objections have been received on the grounds that the proposals would cause nuisance (dust, noise, fumes, vibration and traffic) for neighbouring residents, particularly if works to this site and the adjoining property were undertaken at the same time. Therefore a construction management plan (CMP) will be secured via a S106 agreement. It must be noted that control over the hours when work can take place is covered through other legislation and the Council will take this into account as part of the assessment of a future submitted CMP.
- 6.25 The alterations to the front of the property i.e. the basement lightwell is not considered to have any impact on the amenity of neighbouring residents given it will be contained below street level.
- 6.26 The proposed first floor extension is not significantly larger than the existing extension in terms of its bulk or height at the boundary with No. 37. It is noted that the first floor extension will result in an increase in bulk close to the boundary with No. 33. However they have expressed support for the proposal and it is not considered the impact on No. 33 in terms of light or sense of enclosure to a material degree.
- 6.27 There is an existing roof terrace at rear second floor level accessed from the landing. This would be replaced at the same level. It would not result in any increase in potential overlooking or noise nuisance for the neighbours of the adjoining property as boundary walls will be maintained.

Transport

Cycle Parking

- 6.28 The scheme involves the provision of two cycle parking spaces in the front basement lightwell. The cycle enclosure is covered by a sedum roof at ground floor level. A gate will provide access from the street and stairs down to the basement will be installed. As the scheme does not involve the provision of an additional residential unit (the parental annexe is ancillary to the existing use of the property as a single family dwelling) 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

- 6.29 The applicant has submitted a Construction Method Statement and sequence of works. Due to the level of excavation works involved with the proposed development and the fact that a considerable extent of the activity during construction that could cause conflict with other road users or be detrimental to the amenity of the area outside the curtilage of the planning unit of the appeal site it would be necessary to secure a Construction Management Plan via a Section 106 legal agreement. The aim of the plan is 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

- 6.30 Policy DP22 states that schemes should incorporate green and brown roofs wherever suitable. The proposal involves the provision of sedum roofs at rear first floor roof level and over the cycle storage in the front basement lightwell. The proposed extensive roof will be planted with wild flowers but will not require a great deal of maintenance. A condition is recommended requiring further details of the green roofs. As such, the proposal is considered to meet the required levels of sustainability, including Code level 4 of the Code for Sustainable Homes, and is therefore considered to comply with policies CS13, DP22 and Camden Planning Guidance (CPG3 - Sustainability).
- 6.31 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

- 6.32 There are no existing trees in the rear garden. However it is considered prudent to attach a condition to ensure that trees in neighbouring gardens are sufficiently protected during construction works.

7. CONCLUSION

- 7.1 The external alterations are considered to be acceptable in design terms. The rear extension has a visually lightweight appearance and is subordinate to the host property and sympathetic to the character and appearance of the conservation area. The rear extensions are 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 and ground floor extension 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:

AL 0 001; 100 A; 101 A; 200; 201; 202; 203; 204; AL 1 100 A; 101 C; 200; 201 B; 202 A; 203 B; 204 B; 205; Design and Access Statement; CCTV Survey; Construction Method Statement; by Ecologica dated 5 March 2014; Independent Review of Basement Impact Assessment by LBH Wembley October 2014; Letter from BTA

Structural Design dated 2 May 2014; Letter from Howard Sharp and Partners dated 15 May 2014

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

- 4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 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.

- 5 The approved cycle storage facility as shown on drawing AL 1 100 A shall thereafter be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The basement accommodation hereby approved shall not be used as an independent or separate Class C3 dwelling.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason the risk of flooding , in accordance with policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP 27 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to the commencement of any works on site, details demonstrating how trees in adjoining sites 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.

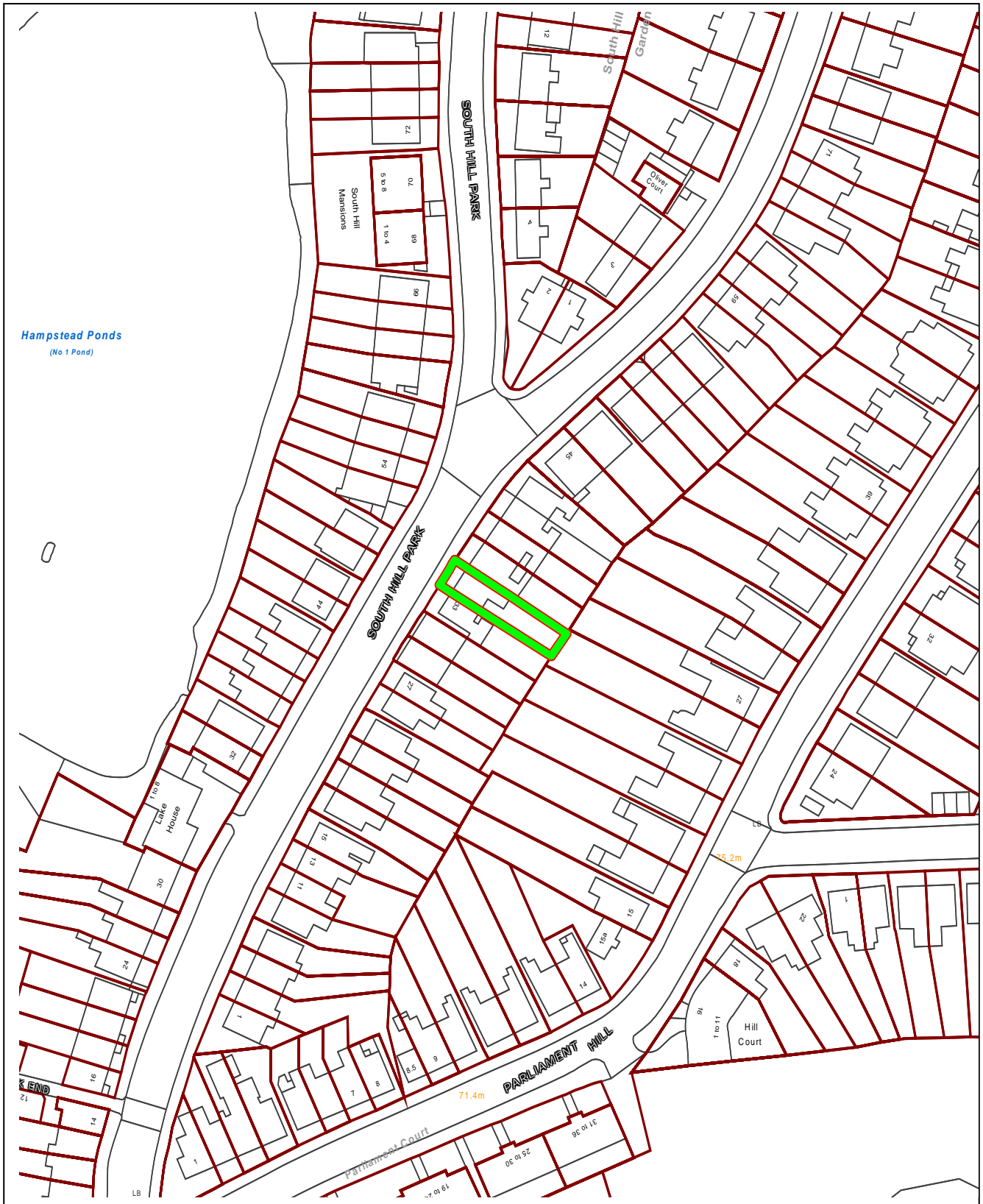
Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 8 A plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences. The green roof shall be fully provided in accordance with the approved details and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

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 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.



Application No: 2014/1938/P

**35 South Hill Park
London
NW3 2ST**

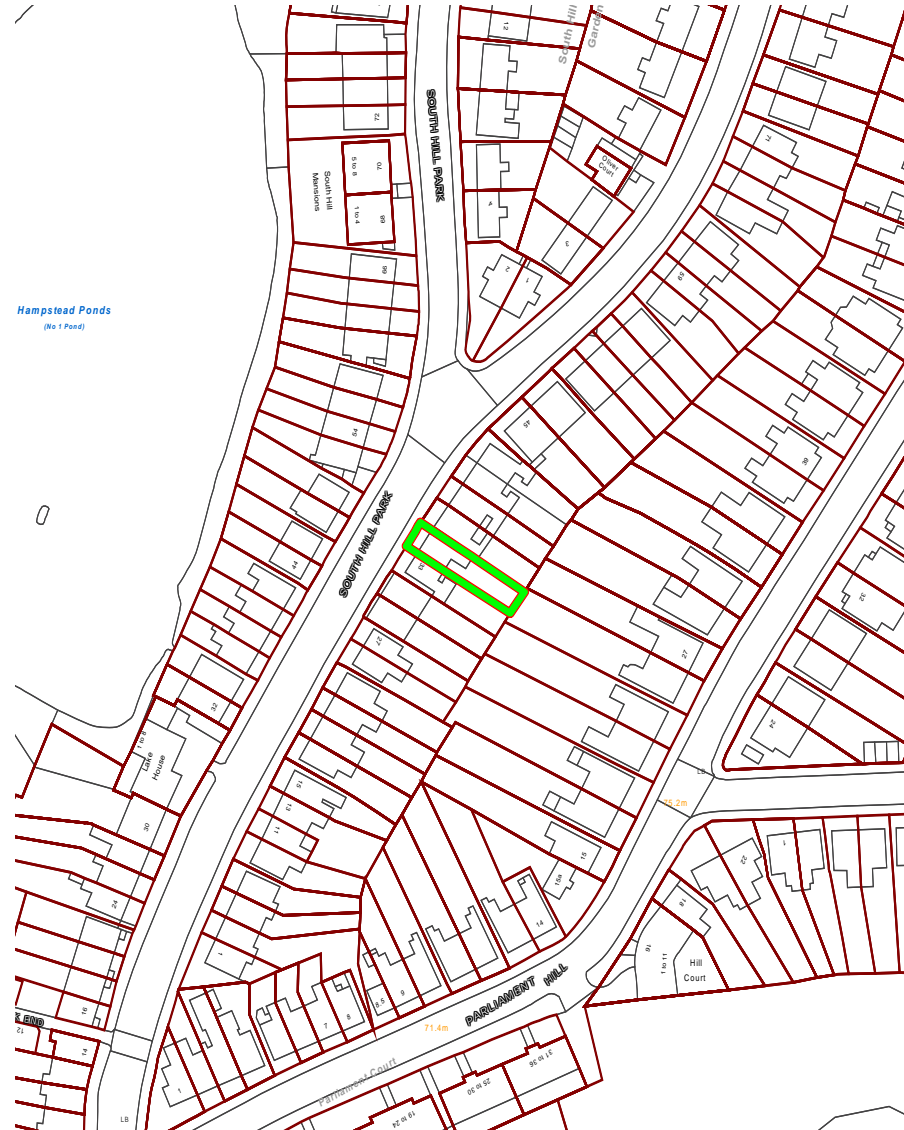
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Date:
6-Feb-15**



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35 South Hill Park

OS plan



35 South Hill Park

Existing front view

35 South Hill Park

Aerial view

35



35 South Hill Park

Existing front view

35



35 South Park Hill

Existing front elevation

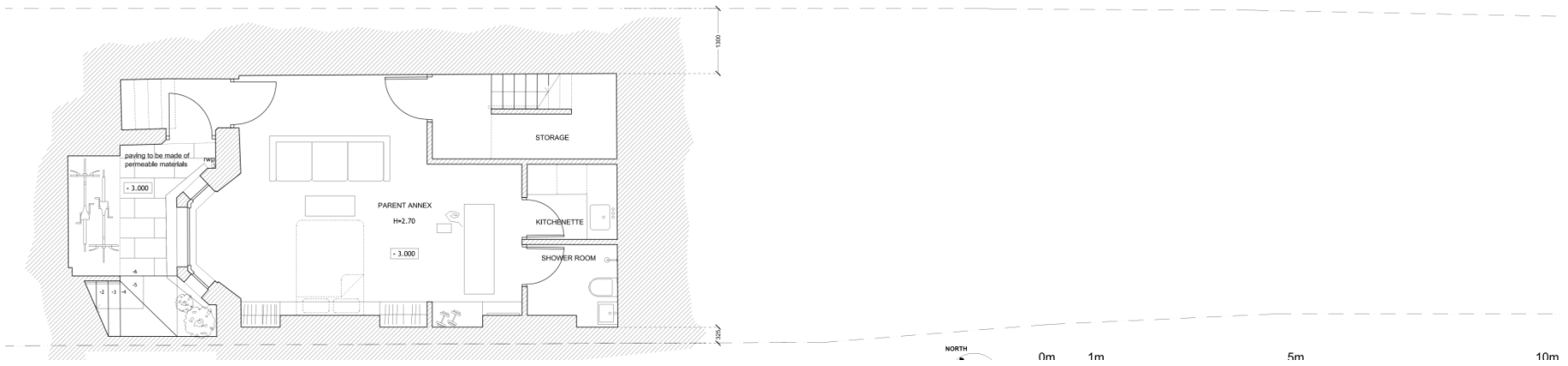


Existing rear elevation



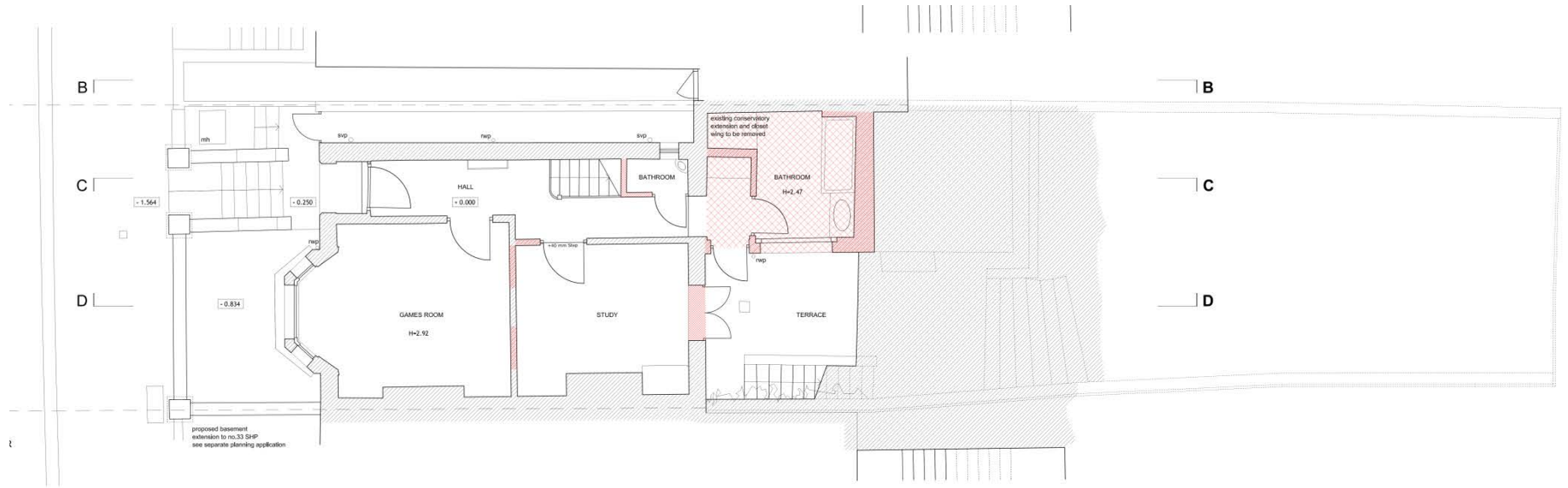
35 South Hill Park

Proposed basement floor plan



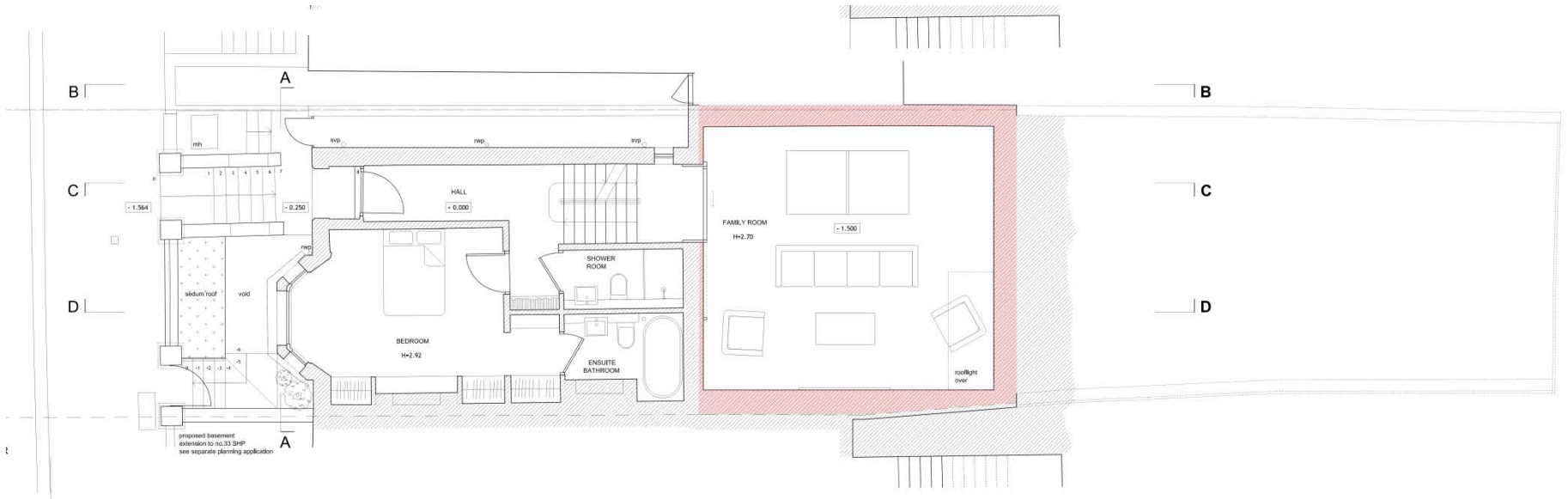
35 South Hill Park

Existing ground floor plan



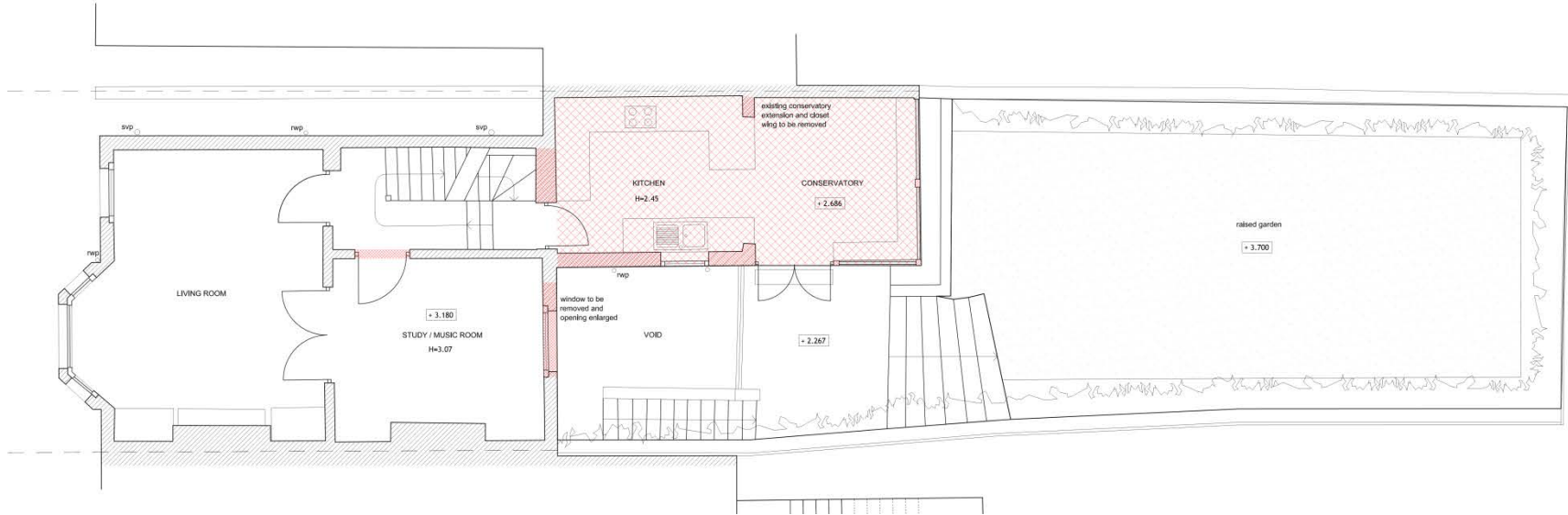
35 South Hill Park

Proposed ground floor plan



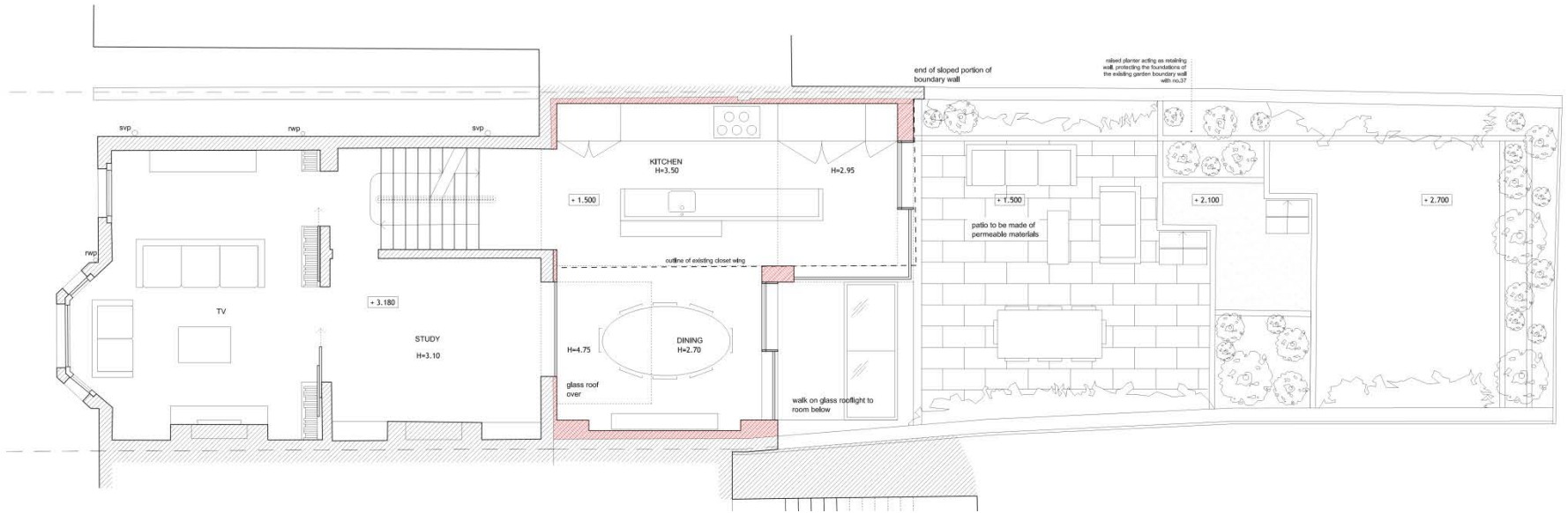
35 South Hill Park

Existing first floor plan



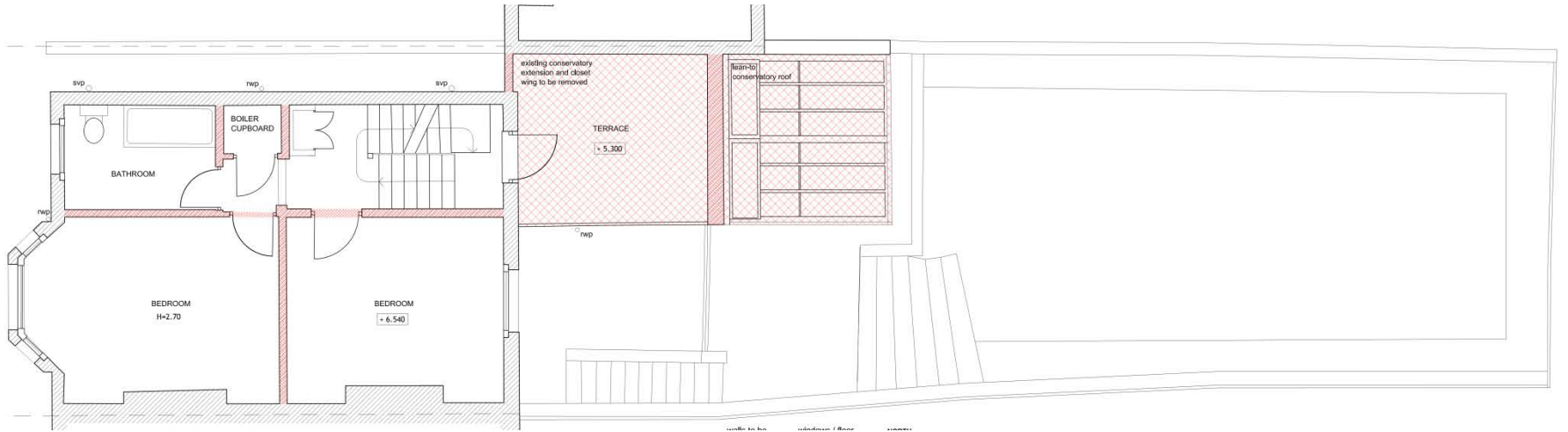
35 South Hill Park

Proposed first floor plan



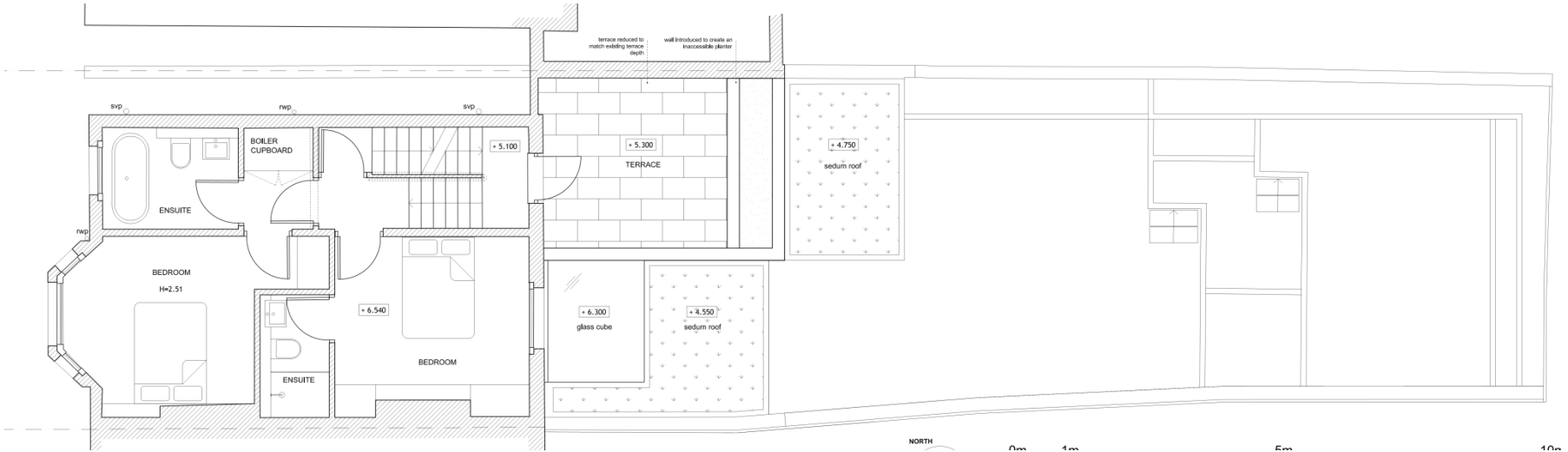
35 South Park Hill

Existing second floor plan



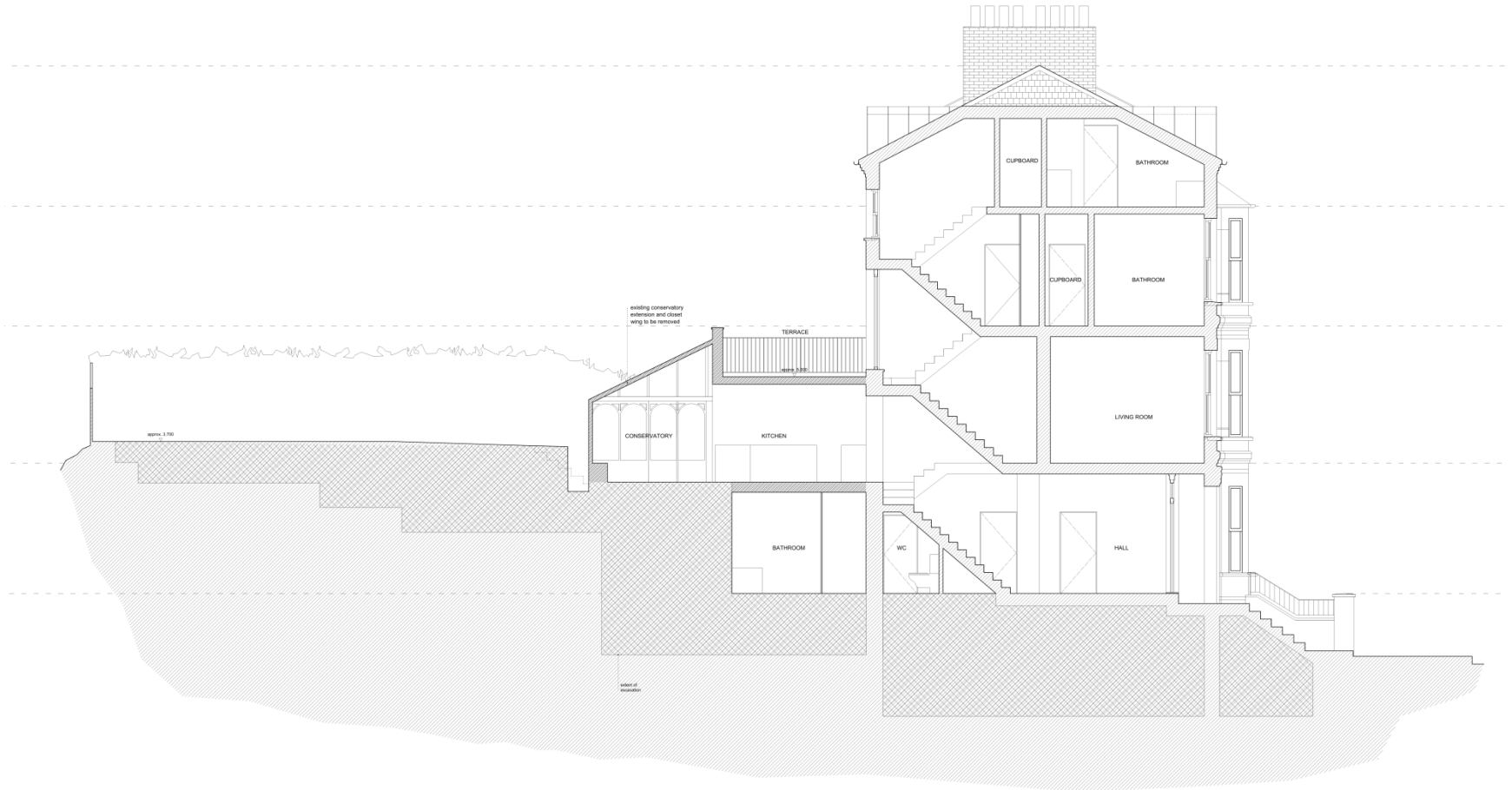
35 South Hill Park

Proposed second floor plan



35 South Hill Park

Existing section CC



35 South Hill Park

Proposed Section CC

