

LDC (Proposed) Report		Application number	2015/6757/P
Officer		Expiry date	
Rob Tulloch		27/01/2016	
Application Address		Authorised Officer Signature	
3 Trinity Close London NW3 1SD			
Conservation Area		Article 4	
Hampstead		Yes	
Proposal			
Excavation of single storey basement under the footprint of the building to provide ancillary space for existing dwellinghouse			
Recommendation:		Grant Certificate of Lawfulness	
Site Description			
<p>The application site is part of a former chapel that has been converted in single dwellings. The site lies within the Hampstead conservation area, and is covered by an Article 4 Direction which was in place at the time of application. The direction removes permitted development rights insofar as they relate to the enlargement, improvement or other alteration to the principal elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street, or other publicly accessible space, but does not relate to other extensions.</p>			
Relevant History			
<p>2012/1446/P Excavation of basement with lightwells and pavement lights, erection of front first floor level extension with raised balcony balustrade (following demolition of existing), erection of dormer window in side roofslope all in connection with existing single family dwelling house (Class C3). Withdrawn due to concerns about detailed design.</p>			
<p>2012/5898/P Excavation of basement with lightwells and pavement lights, erection of single storey side extension at ground floor level including the creation of a terrace on the flat roof on the Willoughby Road elevation including a raised balcony balustrade (following demolition of existing), erection of dormer window in side roofslope and alteration to windows all in connection with existing single family dwelling house (Class C3). Withdrawn 14/12/2012 due to continued design concerns and an inadequate Basement Impact Assessment.</p>			
<p>2013/0437/P Refurbishment works including replacement of existing front extension, excavation of new basement level (and associated pavement lights and lightwell) and installation of skylights on roof slopes of dwelling house (Class C3). Withdrawn 23/07/2013 due to inadequate Basement Impact Assessment.</p>			
<p>2014/5461/P Excavation of basement to provide ancillary space for existing dwellinghouse. Current appeal against non-determination, the Council would have refused the application had an appeal not been received. [In light of recent events outlined in Appendix 1 the Council</p>			

withdrew its reasons for refusal]

Policies and Legislation

The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015 No. 596) ("GPDO").

This is to determine whether it is permitted development and hence can go ahead without the specific grant of planning permission from the local planning authority. An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.

The determination of this application can only be made by assessing whether the scheme is lawful as defined by the volumetric/dimensional/locational criteria set out in the GPDO and whether the proposal would constitute 'development' (as defined under S55 of the TCPA 1990).

It should be emphasised that this is a legal determination and no account can be taken of policy or advice within the Camden development plans (LDF) or the planning merits of the scheme in terms of issues such as its impact on hydrogeology, structural stability, neighbour amenity, transport impact, etc.

Appendix 1 to this report sets out the latest legal position with regards to permitted development rights for basements.

Assessment

The following section of this report will assess the proposal against the relevant sections of the GPDO which, in this case, concerns Class A.

Class A – The enlargement, improvement or other alteration of a dwellinghouse.

If yes to any of the questions below the proposal cannot be considered permitted development.	Yes/No
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A.1 (a)	Has planning permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M (A1 or A2 to C3), N (sui generis to C3), P (B8 to C3), or Q (agricultural buildings to Cs) of Part 3 of this Schedule (changes of use)?	No
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Comment: See section above on relevant planning history.

A.1 (b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
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Comment: The proposed basement is beneath the footprint of the existing building only.

A.1 (c)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No
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Comment: The proposal is for the excavation of a basement and does not exceed the highest part of the roof.		
A.1 (d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse?	No
Comment: No eaves are proposed as part of this proposal.		
A.1 (e)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) forms either the principal elevation, or (ii) fronts a highway and forms a side elevation of the original dwellinghouse?	No
Comment: The proposed basement is beneath the footprint of the existing building only.		
A.1 (f)	Will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	No
Comment: The proposed basement will be a single storey (3.75 metres deep at its deepest point externally) and would not extend beyond the rear wall of the dwelling.		
A.1 (g)	For a dwellinghouse not on Article 2(3) land nor on a site of special scientific interest, will the enlarged part of the dwellinghouse have a single storey and- (i) extend beyond the rear wall of the dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	N/A
Comment: The site is located within a Conservation Area but would not extend beyond the rear wall of the dwelling and 3.75m in height.		
A.1 (h)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	No
Comment: The proposal is for a single storey basement only.		
A.1 (i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No
Comment: The proposal is for the excavation of a basement and has no eaves.		

A.1 (j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse?	No
Comment: The proposed basement extends beneath the footprint of the existing building only.		
A.1 (k)	Would it consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No
Comment: The proposal is for a basement extension.		
Is the property in a conservation area? If yes to any of the questions below then the proposal is not permitted development		
A.2 (a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	No
Comment: No work to the exterior is proposed.		
A.2 (b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	No
Comment: The proposed basement extends beneath the footprint of the existing building only.		
A.2 (c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	No
Comment: The proposed basement has a floor to ceiling height of 2.8 metres and extends beneath the footprint of the existing building with no extension to the rear.		
Conditions. If no to any of the below then the proposal is not permitted development		
A.3 (a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	N/A
Comment: No work is proposed to the exterior of the building.		
A.3 (b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be—	N/A

	(i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	
Comment: No work is proposed to the exterior of the building.		
A.3 (c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A
Comment: The proposal is one storey (floor to ceiling height of 2.8 metres) and extends beneath the footprint of the property.		