

26 Lyndhurst Road



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26 LYNTHURST ROAD, LONDON NW3



April 2015

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Front (North) Elevation



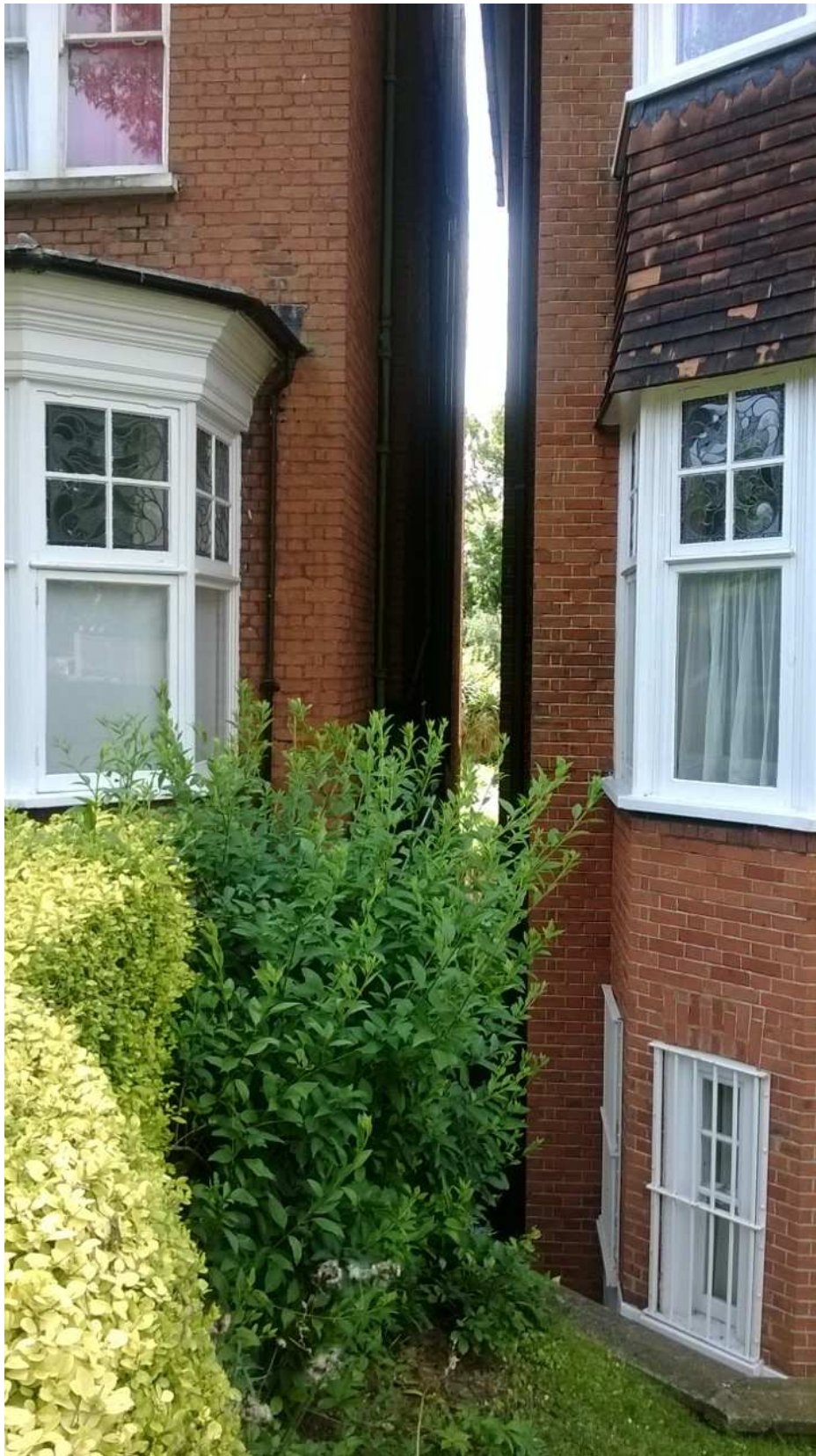
Back (South) Elevation – balustrade from the lower terrace to be re-used at the front around two light wells (existing and new)



Side entrance - passage between no.26 and no.25



Side entrance, passage between no.26 and no.25 (South Elevation)



No. 26 (left) and no.27 (West side neighbour)



Back garden



Front (North) Elevation - Rhododendron to be replanted after new light well has been built

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:	09/12/2015
		N/A / attached		Consultation Expiry Date:	13/11/2015
Officer			Application Number(s)		
Fergus Freeney			2015/2548/P		
Application Address			Drawing Numbers		
26 Lyndhurst Road London NW3 5PB			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats. Alterations at rear to include single storey extension and part first floor extension; enlargement of terraces, creation of inset roof terrace and excavation for swimming pool. Alterations at front to include excavation of lightwell.					
Recommendation(s):		Grant Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	21	No. of responses	2	No. of objections	2
			No. electronic	2		
Summary of consultation responses:	Site notice: 16/10/2015 – 11/11/2015					
	Objections summarised as follows:					
	Cllr Tom Currie:					
	1. Overlooking and privacy invasion – there should be a minimum distance of 18m between windows of habitable rooms of different units. The new windows on the western elevation will be 1.2m away from the neighbouring windows.					
	Residents of 27 Lyndhurst Road, joint objection submitted by Icen Projects					
	2. Overlooking and loss of privacy – direct overlooking from windows in western elevation will overlook 27 Lyndhurst, as would the extended balcony.					
	3. Noise and disturbance – the pool would result in noise from users. Noise would also be caused by reverberation of noise from within and from plant equipment. An hours of use condition for the swimming pool should be included and acoustic fencing should be installed.					
	4. Smells and fumes – emitted from the swimming pool extraction units.					
	5. Pre-application consultation – there was limited pre-application consultation carried out with neighbours.					
	6. Loss of residential accommodation – the loss of 1 unit would be contrary to Camden's policies.					
	Officer comments:					
	1. The windows in the western elevation are obscure glazed so no overlooking will be possible					
	2. Please see section 7 amenity					
	3. Please see section 7 amenity					
	4. Please see section 7 amenity					
	5. Whilst we encourage pre-application discussions between neighbours and applicants this is not a planning requirement. The statutory 21 day consultation period has been carried out.					
	6. Please see section 3 Land Use/Housing					

CAAC/Local groups*
comments:
*Please Specify

Fitzjohn's Netherhall CAAC – No comments received

Site Description

The site is located on the south side of Lyndhurst Road; it comprises a large detached property which is subdivided into 4 flats. The site is not listed, but is within the Fitzjohns Netherhall Conservation Area and is noted as being a positive contributor.

Relevant History

2011/3068/P - Renewal of extant planning permission 2008/1668/P granted 21/07/2008 for additions and alterations to provide additional accommodation to ground and top floor flats, including erection of ground floor rear infill extension below existing projecting terrace, erection of roof extension infilling valley roof, and associated installation of 10 rooflights. Granted 03/08/2011

2008/1668/P - Additions and alterations to provide additional accommodation to ground and top floor flats, including erection of ground floor rear infill extension below existing projecting terrace, erection of roof extension infilling valley roof, and associated installation of 10 rooflights. Granted 21/07/2008

2003/0680/P - The siting of a pre-fabricated steel shed within the communal garden for storage use. Granted 19/08/2003

Relevant policies

National Planning Policy Framework 2012

London Plan March 2015, consolidated with alterations since 2011

LDF Core Strategy:

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

LDF Development Policies 2010:

DP19 – Managing the impact of parking

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basements and lightwells

Camden Planning Guidance 2011:

CPG1: Design

CPG2: Housing

CPG4: Basements and lightwells

Fitzjohn's Netherhall Conservation Area Statement

Assessment

1. Permission is sought for the following:

- Conversion of 4 flats to 3 flats (2x1bed and 1x6bed).
- Excavation at lower ground floor level to the rear to create a swimming pool.
- Excavation to the front to create an additional lightwell.
- Erection of full width single storey rear extension and enlargement of first floor rear bay.
- Creation of inset rear roof terrace, and erection of dormer for lift overrun

2. The main issues will be:

- Land use/loss of housing
- New residential accommodation
- Design
- Basement excavation
- Impact on amenity
- Transport
- Trees

3. Land Use/Loss of housing

3.1. Policies DP2 and CS6 of the LDF seek to protect existing housing by resisting development that would involve the net loss of two or more homes. As the proposal would not result in the net loss of residential floorspace and would only involve the loss of one residential unit the principle of the proposed conversion from 4 units to 3 units is acceptable.

4. New residential accommodation

4.1. At present there are 4 flats from lower ground up to second floor level. The proposal would see 2x1bed units created at lower ground floor level, with a much larger 1x6bed unit created from ground to second floor above (plus converted attic space). The proposed lower ground floor flats would measure approx. 50.7sqm and 90.1sqm, both of which comply with minimum space standards for 2person 1bedroom units.

4.2. As the flats will be at lower ground floor level their access to sunlight/daylight has been demonstrated by way of a Sunlight/Daylight assessment. The report indicates that adequate levels of internal daylight are met in 100% of the habitable rooms, the no-sky line (NSL) criteria is met on 75% of the habitable rooms, the bedroom in flat 2 received a NSL of 71%, which is acceptable as it is above 60% .

4.3. Furthermore all habitable rooms have an external window with an area of at least 1/10 of the floor area of the room (with an area of at least 1/20 of the floor area able to be opened to provide natural ventilation).

4.4. Outdoor amenity space is proposed to be located at the front of the property within an existing lightwell around the bay window, and a newly constructed lightwell. These would be set well back from the street behind a boundary wall, a large front garden and planting and as such are considered to be acceptable amenity spaces which will not be overlooked.

4.5. A condition will be added to ensure that all new dwellings comply with the appropriate building regulations to ensure good access.

5. Design

Front lightwell

- 5.1. At present there is a large lightwell at the front bay window, the proposal would see another lightwell created in the front garden measuring 2.9m deep x 4.9m long x 5.9m wide as part of a forward basement extension. As the proposed lightwell is the same size as the existing and is set well back from the front boundary wall and street, it is not considered that there would be harm to the appearance of the building or the wider conservation area, furthermore there are other examples of lightwells in the street and therefore they are considered to be characteristic of the area.
- 5.2. Metal balustrades are proposed around the front lightwell, these would be reused from the rear of the building where the new extension means they are no longer required. They are an attractive design, contemporary to the host building and would therefore blend in with the surrounding conservation area.

Inset roof terrace and lift overrun

- 5.3. An inset roof terrace is proposed in the rear roof slope and a modest dormer type extension is proposed in the eastern roof slope to house lift overrun equipment.
- 5.4. The inset terrace would broadly comply with Camden Planning Guidance in that it is more than 50cm from the roof ridge and sides, and has a minimum 1.1m high apron of roof slope from the eaves.
- 5.5. The lift overrun would measure approx. 1.7m wide x 0.7m high x 0.9m deep. It would be set back from the front of the building by approx. 8.1m and would be positioned so as to not be overly visible from either the front or rear elevation.
- 5.6. Properties on Lyndhurst Road display a range of roof alterations, given their multi-faceted roof layouts they are able to lend themselves to some additions without significant harm. As the proposed roof top alterations are at the rear and sides of the property and are not overly visible from the public realm they are considered to be acceptable.

Rear extension and alterations

- 5.7. The proposed rear extension would extend across the entire width of the house at ground floor level, whilst at first floor level an existing bay would be extended to the side by approx. 1.3m to fill a small side return.
- 5.8. The ground floor extension would measure 13m in width x 3.4m high and would have a stepped back design so that it projects 2.8m from the main building in one part and 5.1m in another.
- 5.9. Existing terraces at both first and second floors would be enlarged, with the first floor extension taking up the full width of the building. The extensions would be constructed from brickwork to match the existing building, timber framed windows and metal balustrades.
- 5.10. The rear ground and first floor extensions are considered to comply with Camden Planning Guidance, they are secondary to the main building, they generally preserve the period features and they respect the design and materials of the host building.

6. Basement excavation

- 6.1. The building contains an existing lower ground storey with 1 lightwell to the front. The basement excavations would be to create an additional lightwell at the front and to excavate below part of the lower ground floor out into the rear garden to create a swimming pool.
- 6.2. A basement impact assessment has been submitted to the council which has been independently assessed by Campbell Reith.
- 6.3. Excavation depths of the partially buried swimming pool and front lightwell are approximately 2.5m and 3m below local garden levels respectively. Both excavations are likely to be just above the water table level and groundwater is not expected to be encountered. If groundwater is encountered it is not likely to be significant and the proposed excavation works are not considered to have an impact on the local groundwater regime.
- 6.4. The analysis shows that the effect on the neighbouring properties is predicted to be very low (c2mm). This corresponds to categories 1 or 2 after Burland 1995 provided workmanship is controlled carefully and the surrounding properties are in sound condition.
- 6.5. The proposed scheme will result in a net increase in permeable surface area on site (additional 17 m2 permeable areas). The area is not known to experience flooding. The BIA concludes there will be no adverse impact on surface flows from the proposed basement.
- 6.6. Based on the BIA and additional information submitted and assessed by Campbell Reith the proposed basement extensions are considered to comply with CPG4 and DP27.

7. Amenity

- 7.1. Residents of number 27 Lyndhurst Road have expressed concerns regarding overlooking, noise (both in terms of mechanical plant and from users of the swimming pool) and fumes.
- 7.2. At present there are terraces at both first and second floor level. The first floor terrace would be expanded across the entire width of the building, whilst the second floor terrace would be extended east by approx. 1m.
- 7.3. It is not considered that there would be any additional overlooking issues with 25 Lyndhurst Road as this property is already close to the existing terraces. In order to address overlooking issues with 27 Lyndhurst Road a green 1.8m high privacy screen is proposed at the first floor terrace. This is considered to address overlooking issues and a condition will be added to ensure full details of the screen are submitted and that it is retained and maintained thereafter.
- 7.4. Windows within the side elevation facing 27 Lyndhurst Road will be sandblasted so as to be obscure glazed, thus there would be no overlooking.
- 7.5. The property will be in use as a residential property, it is not considered that this would result in excessive noise from the users of the pool. Any such un-neighbourly noise issues would not be a planning matter but could be dealt with by the Council's Environmental Health Team and/or as a civil matter. It is not considered that the pool, in a residential use, will result in such noise as to warrant a condition to limit use or for acoustic fencing to be installed, as requested by residents of 27 Lyndhurst Road.
- 7.6. The proposed pool equipment would be housed well within the property itself, there would be no external plant and to vents for intake and discharge air would face onto the flank elevation of 25 Lyndhurst Road. The pool would be Chlorine free thus the air intake and discharge will be

free of fumes and would fully comply with all relevant British Standards.

7.7. The Councils Environmental Health officer has reviewed the details and not raised any concerns.

7.8. The proposed alterations would have no impact on sunlight/daylight at adjoining properties, they are all south facing and have high boundary walls, the extensions would not be located so as to block any light.

8. Transport

8.1. The site has a Public Transport Accessibility Level (PTAL) of 3 (but is adjacent to a property which has a PTAL of 5). Policy DP18 expects development to be car free in the Central London Area, Town Centres, and other areas within Controlled Parking Zones that area easily accessible by public transport (PTAL of 4 or above). However, given that the number of units will be reduced from 4 to 3, it not considered necessary for this development to be car free.

8.2. No formal cycle parking is provided on site, however given the constraints this is considered acceptable. Bicycles could be stored within the front lightwells or within the lower ground floor flats, whilst the larger maisonette has direct access to the rear, where bicycles could be stored, and there is sufficient space within the main entrance hall for a number of bikes.

8.3. In order to ensure the highway and pedestrian network and the amenity of neighbours is not unduly impacted upon during construction a construction management plan will be required to be submitted by way of a section 106 legal agreement.

9. Trees

9.1. There are a number of trees on the site and surrounding, including two Apple trees in the rear, two Cypress trees in the neighbouring properties garden; and two Yew trees and Robinia in the front garden. All would be sufficiently far enough away from the proposed development to be unharmed provided sufficient protection measures are put in place where appropriate (this will be conditioned).

9.2. The scheme has been revised to retain the two front Yew trees, they are considered to be of good quality and make a strong contribution to the street scene.

9.3. The Councils tree officer has reviewed the application and not raised any concerns with the development impacting upon trees, but did request that the Yew trees were retained as there is insufficient evidence to demonstrate they are causing harm to the boundary wall, footpath or main building.

10. Planning Obligations and CIL

10.1. In order to ensure that the highways and pedestrian network and surrounding neighbours are not unduly affected during the construction of the scheme a Construction Management Plan will be required by way of a section 106 legal agreement

10.2. Any damage caused to the public highway during construction works will need to be covered by the applicant; a requirement for a highways contribution will be included within the section 106 legal agreement.

10.3. As the proposed extensions are less than 100sqm, the number of residential units will be

reducing, and be contained within the existing building it is unlikely that any Community Infrastructure Levy would be payable, however the onus will be on the applicants to prove that the building is currently in use as four separate dwellings.

Recommendation: Grant Planning Permission Subject to a S106 Legal Agreement

DISCLAIMER

Decision route to be decided by nominated members on Monday 18th January 2016. For further information please go to www.camden.gov.uk and search for 'members briefing'.

Olga Weal
Carden & Godfrey Architects
33 Clerkenwell Close
London
EC1R 0AU

Application Ref: **2015/2548/P**

14 January 2016

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
26 Lyndhurst Road
London
NW3 5PB

Proposal:
Conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats. Alterations at rear to include single storey extension and part first floor extension; enlargement of terraces, creation of inset roof terrace and excavation for swimming pool. Alterations at front to include excavation of lightwell.

Drawing Nos: (4399/SK) P1002; P1002; P8001 H; P8002 G; 8003 A; Arboricultural Assessment and Protection Method Statement (dated 12th June); Basement Impact Assessment (Dated 2015); Factual Report on Ground Investigation (Dated September 2015); Phase 1 Preliminary Risk Assessment (Dated September 2015); Structural Report (Hockley & Dawson); Internal Daylight Analysis Planning Application Report (March 2015); Construction Method Statement (dated 16th September 2015)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The 3 x residential units as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d). Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 6 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the western side of the first floor terrace prior to commencement of use of the roof terrace and shall be permanently retained.

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.

- 7 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.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: (4399/SK) P1002; P1002; P8001 H; P8002 G; 8003 A; Arboricultural Assessment and Protection Method Statement (dated 12th June); Basement Impact Assessment (Dated 2015); Factual Report on Ground Investigation (Dated September 2015); Phase 1 Preliminary Risk Assessment (Dated September 2015); Structural Report (Hockley & Dawson); Internal Daylight Analysis Planning Application Report (March 2015); Construction Method Statement (dated 16th September 2015)

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

Informative(s):

- 1 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).

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 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 be 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

- 4 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or

Environment Department (Street Naming & Numbering) Camden Town Hall,
Argyle Street, WC1H 8EQ.

- 6 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.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

DECISION