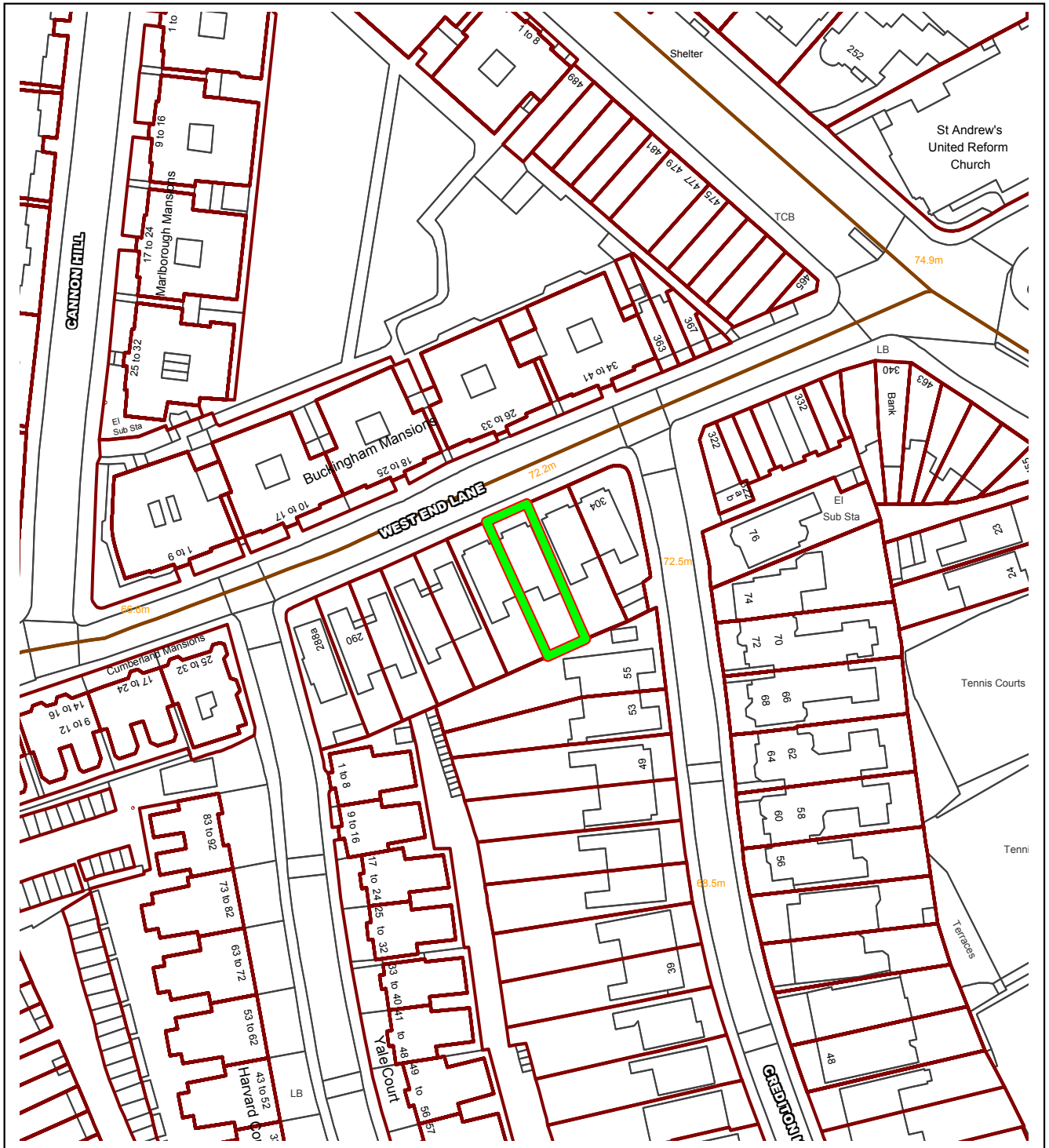


2015/3690/P - 300 West End Lane



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Photos



View of rear of house



View of rear of house



View of decking area



Views of side of dwelling



Entrance to existing void below building

Delegated Report		Analysis sheet		Expiry Date:		25/08/2015	
(Members' Briefing)		N/A		Consultation Expiry Date:		13/08/2015	
Officer				Application Number(s)			
Kate Phillips				2015/3690/P			
Application Address				Drawing Numbers			
300 West End Lane London NW6 1LN				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Enlargement of existing basement to create habitable space associated with the ground floor flat, including lightwells and access steps at the rear and balustrading around the existing decking							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	15	No. of responses	5	No. of objections	5
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed on 22/07/2015 and a press notice was displayed on 23/07/2015.</p> <p>The 2 owners of the 2nd floor flat (300 West End Lane) have objected to the application on the following grounds:</p> <ul style="list-style-type: none"> • The freeholders won't agree to extend the leasehold to allow the proposal • The applicants have misled the other occupiers of the building • Concerns about the structural integrity of the building • Impact on property values / ability to rent other flats in the building • Party Wall notices will be required • The basement is disproportionate to the size of the host dwelling • Disruption during the construction period • Glazing will be visually obtrusive • Detrimental impact on the host dwelling and conservation area <p>The owners of the 1st floor flat (300 West End Lane) have objected to the application on the following grounds:</p> <ul style="list-style-type: none"> • Concerns about the structural integrity of the building <p>The owner/occupier of the Flat 3 (300 West End Lane) has objected to the application on the following grounds:</p> <ul style="list-style-type: none"> • The freeholders won't agree to extend the leasehold to allow the proposal • Concerns about the structural integrity of the building • Disruption during the construction period • Insufficient BIA • Detrimental impact on the host dwelling and conservation area • Reduction in garden size • Overdevelopment of the host building (which has already been subdivided into separate flats) • Impact on outlook from first floor balcony to garden • Light spill <p>The owner/occupier of the garden and first floor flat, 302 West End Lane has objected to the application on the following grounds:</p> <ul style="list-style-type: none"> • Insufficient BIA • Detrimental impact on the host dwelling and conservation area • Party Wall notices will be required <p>Officer comment</p> <p><i>The impact of the proposed basement on the character and appearance of the host building and the wider area is considered to be acceptable, particularly because the proposed basement would only manifest itself at the rear and side of the host building (see Section 2 of the Officer's Report below).</i></p> <p><i>The impact on the visual and residential amenities of neighbouring properties is also judged to be acceptable (see Section 3 of the Officer's Report below).</i></p> <p><i>A Basement Impact Assessment (BIA) has been submitted and independently audited by Campbell Reith (see section 4 of the Officer's Report below).</i></p> <p><i>Issues relating to the lease are not a planning consideration and instead this is a matter</i></p>					

	<p><i>between the freeholder(s) and leaseholder(s).</i></p> <p><i>Impact on property values is not a planning consideration either.</i></p> <p><i>An Informative can remind the applicant of their responsibilities under the Party Wall Act.</i></p> <p><i>Construction noise and traffic and parking issues during the construction period are not valid reasons to refuse this application. However, a planning condition can require the submission and approval of a Construction Management Plan prior to the commencement of works. Furthermore, an Informative can be added to the decision to ensure that the applicant is aware of their responsibilities under the Control of Pollution Act 1974.</i></p>
CAAC/Local groups* comments:	N/A

Site Description

The application building is No. 300 West End Lane, which is a two storey, semi-detached, red brick building which has been subdivided into separate flats, on the southern side of the road. Flat 1 is on the ground floor.

The application site is within the West End Green Conservation Area and the Fortune Green and West Hampstead Neighbourhood Planning Area. The following underground development constraints also apply: lost rivers; surface water flooding.

Relevant History

2013/0628/P - Replacement of front door, two single glazed windows and one single glazed door with double glazed windows on side elevation, replacement of rear elevation French doors with timber bi-folding doors and extension of existing decking and flank wall at rear of ground floor flat (Class C3). - Granted 27-03-2013

8905201 - Formation of means of access to the highway. - Granted 06-09-1989

8500336 - Amendment to planning permission dated 18th October 1984 (8401428) to provide a dormer window to side and rear of main roof - Granted 10-04-1985

8401991 - Erection of a roof extension at the side and rear - Refused 21-01-1985

8401428 - Change of use and works of conversion to provide four self-contained flats including the formation of a roof extension at second floor level - Granted 10-10-1984

31271 - The formation of a means of access to the highway. - Refused 09-12-1980

28711 - The change of use to two self-contained dwelling units including works of conversion and the provision of new doors at the rear. - Conditional permission 05-09-1979.

Relevant policies

National Planning Policy Framework (2012)

London Plan 2015 consolidated with alterations

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP20 Movement of goods and materials

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

Camden Planning Guidance

CPG1 Design (2013)

CPG4 Basements and lightwells (2015)

CPG6 Amenity (2011)

The West End Green conservation area appraisal and management strategy (2011)

Fortune Green & West Hampstead Neighbourhood Plan (2015)

Assessment

1. Proposal:

1.1 This application seeks planning permission to enlarge the existing basement under the building to create habitable space associated with the ground floor flat (Flat 1). The existing dwelling has a gross external floorspace of 104sqm and the new basement area will add a further 90sqm of floorspace.

1.2 The proposal involves the creation of a lightwell, trenches and access steps at the rear and the creation of new windows on the side (east) elevation of the building. The proposal also involves the erection of new balustrading around the ground floor decking at the rear and the installation of steps from the decking down to the garden level.

1.3 The floor level in the existing void underneath the building would be lowered by nearly 1 metre creating a total depth below ground floor level of 2.4 metres. The proposed basement would be underneath the rear part of the host building (underneath Flat 1) and it would also extend out to the rear underneath the existing decked area at the rear of the host building. The lightwells at the rear (to serve the windows in rooms 1 and 2 in the basement) would extend out from the rear wall of the basement by approximately 0.7 metres and they would be approximately 0.8 metres deep. The basement would extend into approximately 10% of the rear garden of the property.

2. Impact on the character and appearance of the wider area (including the West End Green Conservation Area)

2.1 The application site is located within the West End Green Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Nos. 288-304 (even) West End Lane are identified in the West End Green Conservation Area Appraisal and Management Strategy (WEGCAS) as making a positive contribution to the conservation area.

2.2 The WEGCAS notes that basement development should not harm the recognised architectural character of buildings or the surrounding area, and that the conservation area character should be preserved or enhanced. It notes that the Council will normally resist basement development fronting the highway due to its impact on the appearance of the Conservation Area. This is because the creation of new lightwells can harm the relationship between the building and the street and can harm the appearance of the streetscape. The Fortune Green & West Hampstead Neighbourhood Plan (FGWHNP) notes that, given that some of the existing Victorian and Edwardian housing stock was built with basements and cellars, some sites may be able to accommodate one storey basement developments (subject to the requirements set out in CPG4).

2.3 The proposed basement would only manifest itself at the rear of the host building, by way of the access steps and the lightwells and it would manifest itself at the side of the host building by way of the new side windows. Whilst the new side windows may be visible from the street in views of the side of the host building, they would be low-level and they would not be prominent features of the building.

2.4 CPG4 (Basements and lightwells) advises that any exposed area of basement development to the side or rear of a building should be assessed against the guidance in CPG1 (Design). In this case, the exposed areas of the proposed basement are considered to be subordinate to the building being extended and they respect the original design and proportions of the building, including its architectural period and style. On this basis, it is not considered that the proposal would cause harm to the character and appearance of the host building and neither is it considered that the proposal would cause harm to the character and appearance of the West End Green Conservation Area.

3. Living standards of future occupiers

3.1 Policy DP27 does not allow basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. In this case, the proposal does not involve the creation of a self-contained basement flat, and although the new basement would include 2 bedrooms, if the area were to experience flooding in the future, the occupiers of the residential unit would be able to retreat to the ground floor. There is also an alternative means of escape from the basement directly to the rear garden.

3.2 The new rooms in the basement would not benefit from a particularly good outlook. The utility room would not have any windows; Bedroom 1 would have windows onto the lightwell; and Bedroom 2 would have windows onto the lightwell as well as high level windows on the side of the building, facing onto the walkway to the rear garden. Whilst the outlook would be poor, this is considered to be acceptable on the basis the proposal is not for a self-contained basement flat. The rooms on the ground floor, which would remain part of the same residential unit, would continue to have a good outlook to the front and rear, which weighs in favour of the scheme.

3.3 With regards to sunlight and daylight, on the basis that the host property is south-facing, it is considered that the bedrooms in the basement would receive adequate levels of sunlight and daylight. The floor plan in the basement has been designed so that the bedrooms are at the end nearest the lightwells / openings and the utility room, walk-in closets and WCs are towards the rear.

3.4 Overall, it is considered that future occupiers of the building would experience a satisfactory standard of living.

4. Impact on the visual and residential amenities of nearby and neighbouring properties

4.1 The main properties that are likely to be affected by the proposal are the other residential units in the host building, and the neighbouring dwellings on West End Lane (Nos. 298 and 302).

4.2 It is not considered that the proposed development would cause undue harm by way of visual privacy and overlooking; overshadowing and outlook; or sunlight and daylight, due to the fact the works relate to the ground floor flat.

4.3 Concern has been raised about light spill from the new openings; however, any light spill associated with the new openings is not likely to be so severe as to warrant a refusal of the application on this basis. This is because the new openings are low level and not overly large.

4.4 Concern has also been raised about the impact on neighbouring properties during the construction period. Policy DP28 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. A planning condition can require the submission and approval of a Construction Management Statement prior to the commencement of works.

5. Basement considerations

5.1 Policy DP27 notes that the Council will only permit basements and other underground development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. The following underground development constraints apply at the application site: lost rivers; surface water flooding.

5.2 The application is accompanied by a Basement Impact Assessment, which has been independently audited by Campbell Reith, in line with the requirements of CPG4. The BIA has not been taken beyond the screening stage as defined by CPG4. It is noted that there are two potential impacts from basement construction: flooding and an increase in the differential foundation depth.

5.3 Campbell Reith conclude that the BIA has adequately identified the potential impacts from basement construction and proposes sufficient mitigation. Based on the expert advice from Campbell Reith, the applicant has demonstrated that the proposal would accord with the requirements of policy DP27 and CPG4. A planning condition can require the applicant to submit details of a qualified engineer to inspect, approve and monitor the critical elements of construction works throughout their duration.

6. Impact on trees

6.1 An Arboricultural Assessment and Protection Method Statement accompanies the application, which recommends certain tree works including the removal of a Crab Apple Tree, which is in poor condition owing to its suppressed form and weak vitality. The removal of the Crab Apple tree is considered to be acceptable and, due to the small size of the garden, it is not considered necessary to require a replacement tree. This is because the loss of the tree would not have a significant detrimental impact on the character and appearance of the West End Green Conservation Area.

6.2 The impact on the retained trees as a result of the proposal is also considered to be acceptable, subject to a planning condition to ensure compliance with the arboricultural method statement and tree protection plan.

Recommendation: Grant Planning Permission subject to conditions

DISCLAIMER: Decision route to be decided by nominated members on *Monday 22nd February 2015*. For further information please go to www.camden.gov.uk and search for 'members briefing'.

Mr George Vasdekys
Salisbury Jones Planning
33 Bassein Park Road
London
W12 9RW

Application Ref: **2015/3690/P**
Please ask for: **Kate Phillips**
Telephone: 020 7974 **2521**

17 February 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
300 West End Lane
London
NW6 1LN

DECISION

Proposal:

Enlargement of existing basement to create habitable space associated with the ground floor flat, including lightwells and access steps at the rear and balustrading around the existing decking

Drawing Nos: Site Location Plan at 1:1250; 2300(SU)100; 2300(SU)101; 2300(SU)200; 2300(SU)201; 2300(SU)300; 2300(PLA_01)100_101; 2300(PLA_01)200_201; 2300(PLA_01)300_301; 2300(PLA_01)302

The Council has considered your application and decided to grant permission subject to the following condition(s):

Director of Culture & Environment



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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Before the development commences on site, a Construction Management Statement (CMS) shall be submitted to and approved by the local planning authority in writing. The CMS shall provide detail and/or drawings in relation to:
 - a) The access arrangements for vehicles.
 - b) Details (including accurate scaled drawings) of any highway works necessary to enable construction to take place.
 - c) Parking and Loading arrangement of vehicles and delivery of materials and plant to the site.
 - d) Details of proposed parking bays suspensions and temporary traffic management orders.
 - e) Details of security hoarding required on the public highway.
 - f) The proposed site working hours including start and end dates.
 - g) Details of any other measure designed to reduce the impact of associated traffic (such as the use of construction material consideration centres, measures to control dust and dirt and schemes for recycling/disposal of waste from demolition).
 - h) Any other relevant information.

The relevant part of the works shall be carried out in full accordance with the CMS details thus approved.

Reason: To avoid obstruction of the surrounding streets and site and to safeguard amenities of adjacent premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 of the London Borough of Camden Local Development Framework Development Policies.

- 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 works hereby approved shall be carried out in accordance with the Arboricultural Assessment and Protection Method Statement (dated 17/06/2015), unless otherwise agreed in writing with the Local Planning Authority.

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 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.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at 1:1250; 2300(SU)100; 2300(SU)101; 2300(SU)200; 2300(SU)201; 2300(SU)300; 2300(PLA_01)100_101; 2300(PLA_01)200_201; 2300(PLA_01)300_301; 2300(PLA_01)302.

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 In good time, prior to the start of construction on site, the contractor shall contact Parking Services to suspend a parking bay and Highways to obtain a skip license. 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.

- 4 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.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

DECISION