

Delegated Report		Analysis sheet		Expiry Date:		17/11/2015	
		N/A / attached		Consultation Expiry Date:		22/10/2015	
Officer				Application Number(s)			
Ian Gracie				2015/3793/P			
Application Address				Drawing Numbers			
63 Goldhurst Terrace London NW6 3HB				See draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Excavation of basement with front and rear lightwells with cycle store to the front (Use Class C3).							
Recommendation(s):		Refused and Warning of Enforcement Action to be Taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	09	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Press Notice: 01/10/2015 – 22/10/2015. Site Notice: 30/09/2015 – 21/10/2015 No responses were received during the consultation process.					
Hampstead Conservation Area Advisory Committee (CAAC) comments:		No response received.					

Site Description

The site is a three storey plus basement terraced house on the eastern side of Goldhurst Terrace. It lies within the South Hampstead (formerly Swiss Cottage) Conservation Area which is subject to an Article 4 Direction.

Relevant History

65 Goldhurst Terrace

2014/6247/P – Excavation to enlarge existing basement including enlarged front lightwell and relocated access stairs, and new rear lightwell. Granted 02/10/2015.

61 Goldhurst Terrace

2014/2046/P – Excavation of basement to residential flat including front and rear lightwells (Class C3). Granted 28/05/2014.

2009/4813/P – Erection of a single storey rear extension (following demolition of existing rear extension) and single storey outbuilding at rear of flat (Class C3). Granted 21/12/2009.

8400846 – Change of use and works of conversion to form three self-contained flats including the erection of a ground floor extension to the rear. Granted 12/09/1984.

66 Goldhurst Terrace

2012/6105/P – Excavation of basement with front and rear lightwells to residential flat (Use Class C3). Granted 02/01/2013.

60 Goldhurst Terrace

2013/7147/P – Excavation to extend the existing basement level, creation of front and rear lightwells with rear staircase leading from ground floor to basement and addition of metal railings at ground floor level to rear elevation in connection with dwelling house (Class C3). Granted 02/01/2014.

58 Goldhurst Terrace

2012/2538/P – Excavation of enlarged basement with front and rear lightwells, erection of rear ground floor level extension with terrace over at first floor level, replacement of window with door at rear first floor level all in connection with existing flats (Class C3). Granted 20/11/2012.

Enforcement History

EN15/1295 - Hoardings in place at the front of property: enforcement investigation opened into potential excavation without permission. Case opened on 17-12-2015.

Relevant policies

National Planning Policy Framework 2012

14, 17, 56-66, and 126-141

London Plan 2016

5.3, 5.12, 5.18, 7.4, 7.6 and 8.2.

Camden LDF Core Strategy 2010

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

Camden Development Policies 2010

DP2 – Making full use of Camden's capacity for housing

DP6 – Lifetime homes and wheelchair homes

DP22 – Promoting sustainable design and construction

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

DP29 – Improving access

Camden Planning Guidance

CPG1 – Design (July 2015)

CPG2 – Housing (July 2015)

CPG3 – Sustainability (July 2015)

CPG4 – Basements and Lightwells (July 2015)

CPG6 – Amenity (2011)

South Hampstead (formerly known as Swiss Cottage) Conservation Area Character Appraisal and Management Strategy

Assessment

1. Proposed Development

- 1.1 The application seeks planning permission for the excavation and enlargement of the existing basement to provide a single storey basement beneath the footprint of the building with an enlarged front lightwell and introduction of a rear lightwell. The basement, including lightwells, would have dimensions of 24.4m x 5.6m and it would have a depth of 2.5m at its deepest point. The basement will provide approximately an additional 110sqm of floorspace.
- 1.2 The front and rear elevations would both include 2 windows within the lightwell.
- 1.3 The proposal also includes an amended wall and railing to secure the front lightwell.
- 1.4 During the course of the application, the applicant has submitted amended proposed plans to ensure that sufficient space remains in the front garden to accommodate the existing off-street parking space.

2. Principle of basement development

- 2.1 The following considerations are relevant in the determination of this case:
 - a) Design;
 - b) Basement Impact;
 - c) Trees and Landscaping;
 - d) Residential Amenity;
 - e) Transport; and

f) Enforcement.

3. Design

- 3.1 Policy DP24 requires development proposals to consider the character setting, context and the form and scale of neighbouring buildings as well as the character and proportions of the existing buildings where (such as this case) alterations and extensions are proposed.
- 3.2 Policy DP25 of the LDF requires all alterations and extensions within designated conservation areas to preserve and enhance the character and appearance of the area. The guidance in CPG1 notes that rear extensions should respect and preserve the original design and proportions of the building, including its architectural period and style.
- 3.3 The basement will be located predominantly below ground level and as such will result in a minimal external change to the appearance of the host building and the wider conservation area. Whilst the proposal would result in the enlargement of the front lightwell, this is considered to be acceptable as a number of original lightwells along the street have been modified and enlarged.
- 3.4 The introduction of new fenestration at basement level to both the front and rear of the building is considered acceptable by virtue of its limited visual impact on account of the lightwells restricting views of these parts of the building. Should planning permission be granted, however, a condition would be recommended requiring the materials to match the existing fenestration of the building.
- 3.5 Following the enlarged front lightwell, a sufficient amount of garden area would be maintained which is in keeping with the character of the immediately surrounding area.
- 3.6 It is noted that the proposed cycle store will be located at basement level. CPG7 (Transport) requires that cycle parking should be located at ground floor level with step free access to the property. It is recognised, however, that whilst this is not strictly policy compliant, it is not a reason for refusal as it will be possible to store bicycles within the ground floor area as is currently possible on site.
- 3.7 There is some discrepancy between the proposed front elevation and the proposed section A-A. The proposed front elevation appears to suggest that the existing wall will be retained, however the proposed section A-A suggests that new railings will be introduced around the new lightwell. Whilst this is not considered a reason for refusal, this discrepancy could be rectified by way of a planning condition should planning permission be granted.
- 3.8 For the reasons listed above, the proposed development is considered to be consistent with policies CS14, DP24 and DP25 of the London Borough of Camden's Local Development Framework as well as Camden Planning Guidance on Design.

4. Basement Impact

- 4.1 The Conservation Area Character Appraisal and management Strategy states that, *"proposals for basement development that take up the whole front and / or rear garden of a property are not acceptable. The great majority of the garden should always be left unexcavated in a basement development so that there is no impact on the amenity or biodiversity of the garden. It is also important to ensure that large areas are left undeveloped between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. These areas should be wide enough to sustain the growth and mature development of the characteristic tree species and vegetation of the area"*. The proposal would take up only a small proportion of the front and rear gardens and would maintain all existing landscaping and as such is considered to be in keeping with the character of the conservation area.

4.2 Policy DP27 and planning guidance CPG4 state that developers will be required to demonstrate, with methodologies appropriate to the site, that schemes do not interfere unreasonably with underground water flows; maintain the structural stability of the land, existing building and neighbouring properties; and do not contribute to localised surface water flow or flooding.

Surface and groundwater

4.3 The application property is located in a street which flooded in both 2002 and 1975. Therefore, as stated in the subtext of Policy DP23, it is especially important for development within this area to be designed to cope with being flooded without placing additional pressure on adjoining sites and on the combined sewer system.

4.4 The independent audit was undertaken of the submitted Basement Impact Assessment which notes that: *“It is recognised that the only potential flood risks are due to surface water flooding and failure of the existing sewers in the vicinity of the site...However, investigations have confirmed that Thames Water has since increased the capacity of the existing relief sewer and the road is now considered to be at low risk of surface water flooding.”*

4.5 It is therefore considered that the effect of the proposed basement excavation on groundwater flows in the surrounding area will be minimal as the site is not located above an aquifer and will be founded largely within the relatively impermeable London Clay. It is assumed that any flows arising from perched water within the Made Ground would be able to find a path around the basements.

Structural Impact

4.6 The Basement Impact Assessment audit notes that *“having both front and rear walls underpinned would reduce or eliminate any potential differential settlements to the adjacent properties.”* However it was identified during the audit process that the sequence of underpinning for the property was not provided nor were any calculations carried out to confirm the reinforcement of underpins and propping positions. It was advised by the independent reviewer that full design coordination between temporary and permanent works is still outstanding. As such, the information is still outstanding before it can be confirmed as part of the audit process that the structural impact of the proposed basement excavation has been fully considered and would be acceptable.

4.7 It is however noted in the initial audit that the predicted category of damage is likely to be within BRE Category ‘Slight’ with possible localised crack widths between 2-5mm which is no worse than Burland Category 2. However, without the structural calculations to confirm, the currently submitted Basement Impact Assessment is considered insufficient.

4.8 The following information has been requested as part of the audit process but has not been forthcoming from the applicant and therefore remains outstanding:

- *“A geotechnical interpretation of the findings from the GI is required and should include all parameters for the design of the retaining walls and basement slab;*
- *Structural drawings and calculations are to be submitted;*
- *Design parameters and loadings for the lower basement slab are to be confirmed;*
- *An updated method statement which would fully coordinate with the permanent works should be included in a Basement Construction Plan.”*

4.9 Based on the outstanding information noted above, the proposed basement development is not in accordance with policy DP27 of Camden’s Local Development Framework and the

guidance as set out within Camden Planning Guidance 4: Basements and Lightwells.

5. Trees and Landscaping

- 5.1 Policy DP24 states that the Council will require all development to be of the highest standard of design and will expect development to consider existing natural features, such as topography and trees. There are a number of trees surrounding the site, particularly to the rear of the building.
- 5.2 The Conservation Area assessment states that, *“mature street trees are a key characteristic of the conservation area and contribute strongly to its landscape and special significance”, “the conservation area generally has a decent level of tree cover which should be protected and enhanced”, “the general canopy/tree character of the conservation area is largely formed of / intermittent tree cover in front gardens/ trees in front gardens provide a very important landscape and streetscape function and this is especially true where street trees are not present”.*
- 5.3 A tree survey has been submitted in support of the application however it is considered insufficient for the purposes of this application and does not comply with BS5837. As such, officers are not satisfied that the impact on the trees have been taken into due consideration as part of this application. As such, the proposal does not comply with policy DP24 of Camden’s Local Development Framework.

6. Residential Amenity

- 6.1 Given that the proposal is accommodated wholly below existing ground level it is not considered that the proposal would have an unacceptable impact on the amenity of adjoining or nearby occupiers by way of loss of light, sense of enclosure, loss of outlook, loss of privacy or the like.
- 6.2 The amenity impacts resulting from the proposed construction phase are not considered to be reason to refuse the application. An informative is recommended requiring that the contractors be considerate and work within set hours.
- 6.3 The basement would include a study/library area to the front and a living room to the rear, with a lobby area in the middle of the floor plan separating these two rooms. It is considered that as the two areas are positioned to the front and rear of the property respectively that sufficient levels of light will reach into the basement.

7. Transport

- 7.1 The site is located on a fairly narrow road with parked cars on either side of the street. This area has high traffic volumes, therefore construction vehicles servicing this site will have an impact on Goldhurst Terrace as well as the surrounding road network. The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. The applicant has not agreed to enter into a legal agreement with the Council to secure a Construction Management Plan as a planning obligation. In the absence of such a legal agreement this forms a further reason for the refusal of the application although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.
- 7.2 The footway directly adjacent to the site could be damaged as a direct result of the proposed works. We would therefore need to secure a financial contribution for highway works via a section 106 legal agreement. The figure for the associated works would be £5,000. The applicant has not agreed to enter into a legal agreement to secure a contribution towards highway works. Given the context of the application it is therefore a

further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects. It is therefore considered that the proposal fails to accord with policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

8. Enforcement

8.1 Enforcement officers visited the property on 15th of March 2015 and noted that works had progressed significantly under the footprint of the building, benefitting from householder permitted development rights. Officers also noted that the front lightwell had been significantly enlarged and that construction of a rear lightwell was under way. Both of these elements require planning permission; however, no permission is in place and the current proposal is not in accordance with Camden's planning policies in relation to basement development. As a result, the entire basement excavation, including the front and the rear lightwells are in breach of planning control. In refusing this planning application, it is also recommended that an Enforcement Notice be issued to resolve the breach of planning. This will require the area at the front and rear of the site where lightwells have been enlarged and created to revert to the previous layout as shown on the existing drawing 63GT E-01 ensuing that no basement works extend beyond the footprint of the building.

9. Conclusions

9.1 It is considered that in design terms the proposed construction of a basement in this location could be acceptable. However, the applicant has not demonstrated that the proposal can be delivered without adversely affecting the structural stability of adjoining buildings or the underground conditions of the site. What's more insufficient information has been submitted to demonstrate that the proposal would not adversely affect the surrounding trees on site.

9.2 Furthermore, Enforcement officers visited the property on 15th of March 2015 and noted that works had progressed significantly under the footprint of the building and that front and rear lightwells were being constructed which do not benefit from permitted development rights. As such, the ongoing development is in breach of planning control and an Enforcement Notice is recommended to be issued.

Recommendation: Refuse planning permission and that the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to reverse the works to enlarge the front lightwell and to create a rear lightwell and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control

The Notice shall allege the following breach of planning control:

Enlargement of the front basement lightwell and creation of a rear basement lightwell.

WHAT YOU ARE REQUIRED TO DO:

1. Reinstate front basement lightwell to its previous condition as shown on Existing Drawing 63GT E-01 and backfill the remaining area, returning this area of the site to its previous condition.
2. Backfill the area where a rear lightwell has been created, returning this area of the site to the condition shown on Existing Drawing 63GT E-0.
3. Make good any damage caused to the front and rear elevations as a result of the above

requirements.

PERIOD OF COMPLIANCE

1. The Notice shall require that the reinstatement works are completed within a period of 3 months of the Notice taking effect.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

The Applicant has failed to demonstrate that the proposed basement development, involving front and rear lightwells, would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or causing other damage to the water environment avoid cumulative impacts upon structural stability or the water environment in the local area contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.