

# 35A Buckland Crescent - 2015/5059/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Photos for 35A Buckland Crescent



View toward 35 Buckland Crescent



View towards lower ground floor entrance of 35A Buckland Crescent



View towards 35 Buckland Crescent (from the west)



View towards lower ground floor entrance of 35A Buckland Crescent (from front of property)

<b>Delegated Report (Members Briefing)</b>		<b>Expiry Date:</b>	02/11/2015	<b>Officer:</b>	David Peres Da Costa
<b>Application Address</b>		<b>Application Number(s)</b>	<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature</b>	
35A Buckland Crescent London NW3 5DJ		2015/5059/P			
<b>Proposal(s)</b>					
Variation of condition 3 (approved plans) of planning permission 2014/1096/P dated 02/05/14 (for; 'conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels; works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level), namely excavation of front lightwell with glass floor panel.					
<b>Recommendation(s):</b>		Grant planning permission subject to s106 legal agreement			
<b>Application Type:</b>		Variation of condition			
<b>Consultations</b>	<b>Date advertised</b>	<b>21 days elapsed</b>	<b>Date posted</b>	<b>21 days elapsed</b>	
<b>Press notice</b>	17/12/15	7/1/16	<b>Site notice</b>	11/12/15	1/1/16
	<b>Date sent</b>	<b>21 days elapsed</b>	<b># Notified</b>	<b># Responses</b>	<b># Objections</b>
<b>Adjoining Occupier letters</b>	8/12/15/	29/12/15	40	4	4
<b>Consultation responses (including CAACs):</b>	<p>3 occupiers at the adjoining property (37 Buckland Crescent) objected using a standard letter format. A further objection was received from 31 Buckland Crescent. The issues raised were as follows:</p> <p>1) FOURTH consecutive planning application for this property. It could be perceived that so many changes and additions are intentional to confuse and exhaust those concerned and affected by this proposal. <i>Officer's comment: Some schemes go through a number of revisions, for whatever reason. The same case officer has dealt with all 4 planning applications submitted since February 2014 and assessments of each successive application are mindful of what has been granted before and the cumulative impact.</i></p> <p>2) Not a 'Minor Material amendment' <i>Officer's comment: There is no pre-defined limit on the scope of minor material changes within the legislation. In this case the lightwell would have minimal impact on the appearance of the host property and would not harm neighbouring amenity. The 2.7% increase in the size of basement would not result in significant additional excavation.</i></p> <p>3) Period for consultation should be extended as Christmas holiday period <i>Officer's comment: Comments can be received until the date the application is determined. In this case, this has allowed an additional 2 week period for those wishing to comment to do</i></p>				

so. One of the objections was received after the 21 day period and naturally this response has been taken into account.

- 4) Original application received 24 objections and was not referred to Development Control Committee as is usually the case. No explanation has been given for this.

*Officer's comment: The Members Briefing panel decide which applications should be referred to Development Control Committee and which should be decided under delegated authority.*

- 5) To avoid any confusion any revised drawings should be 'clouded' with details of revisions clearly shown.

*Officer's comment: No revisions were received on this particular application.*

- 6) Basements should not extend beyond the footprint of the main building and permission was already been granted for a very large full width basement.

*Officer's comment: Whilst the Council's preferred approach is for basement development to not extend beyond the footprint of the original building, in this case the small increase beyond the existing footprint is not significant.*

- 7) The revised BIA should be submitted to Camden's independent engineer for review and comment.

*Officer's comment: Given the very slight increase (2.7%) in the size of the basement, it would not be justified or reasonable to require the submitted BIA addendum to be independently verified.*

- 8) The proposed glazed light well can be seen from the street there is not precedent for this detail in a residential area- It will cause light spill/pollution.

*Officer's comment: Given its location (5m from the property's front boundary and at lower ground floor level), the glazed panel of the lightwell would not be prominent when viewed from the street.*

- 9) The proposed excavation is within feet of our main entrance door and will cause considerable effect and damage to our everyday amenity.

*Officer's comment: The impact of the excavation would not be significantly greater than the 131.38sqm basement which has previously been granted.*

- 10) Still after 4 applications there has been no CMP or CSP submitted for Camden or Public consultation approval as required in CPG 4.

*Officer's comment: The legal agreement requires a draft construction management plan to be provided to the Council for approval on or prior to the implementation date. As the original consent has not been implemented yet, the applicant is not in breach of obligations of the legal agreement.*

**Councillor Leyland** has also commented on the application:

I'd like to request that this go to full DC committee, rather than just members' briefing.

## Site Description

The site is a 4 storey semi-detached property on the south side of Buckland Crescent. Both this property and the neighbouring (37 Buckland Crescent) property have 3 storey extensions at the side so that the semi-detached property is attached on both sides. The property falls within the Belsize Park Conservation Area but is not listed.

## Relevant History

**2014/1096/P:** Conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels. Works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level. Granted Subject to a Section 106 Legal Agreement 02/05/2014

**2014/7312/P:** (Minor Material Amendment) Variation of condition 3 (approved plans) of planning permission 2014/1096/P dated 02/05/14 (for; 'conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels; works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level), namely alteration to glazing, rooflights and cladding. Granted Subject to a Section 106 Legal Agreement 13/08/2015

**2015/0464/P:** (Non-material amendment) Decrease in size of rear extension and increase in size of lightwell, fully glazed roof to extension and reconfiguration of stairs to 'conversion to 2-bed flat and 3-bed maisonette with rear extension and basement' approved under planning permission 2014/1096/P dated 02/05/14. Granted Subject to a Section 106 Legal Agreement 13/08/2015

## Relevant policies

### NPPF 2012

**The London Plan March 2015, consolidated with alterations since 2011**

### LDF Core Strategy and Development Policies

CS1 Distribution of Growth

CS5 Managing the Impact of Growth and Development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

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

CS16 Improving Camden's health and well-being

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the impact of parking

DP20 Movement of goods and materials

DP21 Development connecting to the highway network

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

### Camden Planning Guidance 2011 / 2013 / 2015

### Belsize Park Conservation Area Statement

## Assessment

### 1. Proposal:

- 1.1. Planning permission is sought for a minor material amendment consisting of the enlargement of the basement beyond the front elevation of the host property to provide a lightwell. The lightwell would be overlaid with a structural glass floor panel 1m by 2m flush with the surrounding ground level. The lightwell would involve the enlargement of the basement by 3.5sqm (Gross Internal Area) (5.6sqm GEA).

### 2. Assessment:

#### 2.1. Design

- 2.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character of the Conservation Area when determining planning applications in relation to land in conservation areas.

- 2.3. The lightwell would be 5m from the property's front boundary and at lower ground floor level (approximately 1m below street level). The lightwell would be overlaid with a structural glass panel 1m by 2m which would be flush with the ground and so would have a minimal impact on the appearance of the host property. Given its location, the glazed panel of the lightwell would not be prominent when viewed from the street. It would not harm the appearance of the host property or the character and appearance of the conservation area.

#### 2.4. Amenity

- 2.5. Given the relatively small size of the glazed panel (1m x 2m) and its location adjacent to the lower ground floor front entrance of the host property, it would not have any harmful impact on neighbouring amenity in terms of overlooking or loss of privacy. There may be some small amount of light spill but this would not be so significant as to harm neighbouring residential amenity.

#### 2.6. Basement excavation

- 2.7. A 131.38sqm basement was previously granted planning permission 02/05/2014 (ref: 2014/1096/P). A basement impact assessment (BIA) was provided for this previous application. An addendum to the BIA has been submitted to support the current application. The addendum also assesses the small change to the size of the basement at the rear (an additional 4.86sqm) which was previously granted planning permission as a non-material amendment. The addendum report concludes the additional basement excavation would not have a detrimental impact on the groundwater environment or have a harmful impact on the stability of the host property or neighbouring properties such that it would materially affect the impact of the basement already granted planning permission.

- 2.8. The report concludes the proposed increase in the level of excavation is of a scale that it would not materially affect the impact of the development upon subterranean ground water flow. Both the proposed additional excavations to the front and rear of the site fall beneath existing areas of hard paving and so would not have an additional impact upon surface water run-off. Given the distance from the front boundary, the proposed excavation to the front of the property (to provide a lightwell) would not affect the integrity of the public highway or footpath.

2.9. Planning permission was granted 02/05/2014 for a basement with an area of 131.38sqm (this measurement includes the rear lighwell) (ref: 2014/1096/P). The increase in the size of the basement from the proposed front lightwell would represent a 2.7% increase in the size of the basement already granted planning permission. Given the very slight increase in the size of the basement, it would not be justified or reasonable to require the submitted BIA addendum to be independently verified.

2.10. The variation of condition is subject otherwise to the same conditions as the original permission including the requirement to provide details of the appointment of a suitably qualified chartered engineer to inspect and monitor the basement construction. An informative would be included on the decision re-affirming that the same conditions would apply.

2.11. Legal Agreement

2.12. As the original permission was granted subject to a legal agreement which defines the development in terms of the drawing numbers it will be necessary to secure a deed of variation to include the revised drawings and BIA addendum.

**Recommendation:** Grant planning permission subject to a s73 legal agreement Deed of variation

**DISCLAIMER**

**Decision route to be decided by nominated members on Monday 18<sup>th</sup> January 2016.  
For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'**

LBMVarchitects  
27 Elizabeth Mews  
London  
NW3 4UH

Tel 020 7974 4444  
Fax 020 7974 1930  
Textlink 020 7974 6866

planning@camden.gov.uk  
www.camden.gov.uk/planning

Application Ref: **2015/5059/P**

14 January 2016

Dear Sir/Madam

**DRAFT**  
**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:  
**35A Buckland Crescent**  
**London**  
**NW3 5DJ**

Proposal:  
Variation of condition 3 (approved plans) of planning permission 2014/1096/P dated 02/05/14 (for; 'conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels; works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level), namely excavation of front lightwell with glass floor panel.

Drawing Nos:

Superseded: A1002; A1003; A1004; A1005; A1006; A1007; A1008; A1009

Proposed: A2001; A2002; A2003; A2004; A2005; A2006; A2007; A2008; A2009;  
Addendum to Basement Impact Assessment prepared by JBA consultants dated February 2014

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 For the purposes of this decision, condition no. 3 of planning permission 2014/1096/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 35BC/DC/E1/B; 35BC/DC/E2/B; 35BC/DC/E3/B; 35BC/DC/E4/B; 35BC/DC/P8/B; Basement Impact Assessment JB15296.1; Arboricultural Impact Assessment February 2014; A2001; A2002; A2003; A2004; A2005; A2006; A2007; A2008; A2009; Addendum to Basement Impact Assessment prepared by JBA consultants dated February 2014.

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

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission (ref: 2014/1096/P) is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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