

Delegated Report (Members' Briefing)		Expiry Date:	10/03/2016	Officer:	David Peres Da Costa
Application Address		Application Number	1st Signature	2nd Signature	
2 Maresfield Gardens London NW3 5SU		2015/6894/P			
Proposal					
Variation of condition 3 (approved plans) of planning permission 2014/6313/P dated 30/03/2015 (for addition of one storey at second floor level with replacement roof level accommodation above, alterations to Coach House facade and use of resulting building as 6 residential units), namely increase in size of front lightwell, creation of rear stepped lightwell to Coach House, glazed infill extension to rear, creation of 1st floor roof terrace at rear including replacement of windows with French doors.					
Recommendations:		Grant variation of condition subject to deed of variation			
Application Type:		Variation of condition			
Consultations	Date advertised	21 days elapsed		Date posted	21 days elapsed
Press notice	21/01/16	11/02/16	Site notice	20/01/16	10/02/16
	Date sent	21 days elapsed	Notified	Responses	Objections
Adjoining Occupier letters	14/1/16	4/2/16	28		4
Consultation responses (including CAACs):	<p>4 objections have been received raising the following concerns:</p> <ul style="list-style-type: none"> Cumulative impact <p><i>Officer's comment: The cumulative impact of the proposed alterations taking into account the changes previously granted permission (see planning history and background in para 1.5 below) would not be harmful to the host property or the conservation.</i></p> <ul style="list-style-type: none"> This amendment intends to extend the ground floor even further, further obliterating green space. <p><i>Officer's comment: The extension at ground floor level would be above the approved terrace and would measure 11.7sqm. Therefore It would not result in the loss of any green space.</i></p> <ul style="list-style-type: none"> It is clearly an overdevelopment and out of keeping with Camden Policy and will negatively affect the Conservation Area. <p><i>Officer's comment: The proposed development would be in accordance with Council policy and would preserve the character and appearance of the conservation area.</i></p>				

- A first floor roof terrace by the boundary would result in an appreciable loss of privacy, restriction of daylight and sunlight, and unacceptable noise creation; the drawings submitted should be amended to a) show the proximity of No. 4 so that the impact can be reasonably assessed (our house is not even shown on the plan and so does not illustrate the issue) and b) accurately represent our house. Where it is shown it should show the correct location and size of windows and show the terrace, the rear elevation does not show the terrace at all, nor does it have the correct sized windows. Screening would not be appropriate as this property's light has already been reduced by the approved addition floor and to then propose a screen would only reduce it more. It would also fail to deal with the noise exposure.

Officer's comment: The roof terrace has been reduced in width and the drawings revised to include a privacy screen. Given the distance from the side boundary and the 1.8m height and width (2.1m wide) of the slatted screen, the screen would not have an overbearing appearance when viewed from the neighbouring property and would have minimal impact in terms of daylight and sunlight.

- Question whether this can be considered a minor material amendment.

Officer's comment: The government introduced non- and minor-material amendments in order to provide a flexible and timely way of making changes to extent permissions. There is no pre-defined limit on the scope of minor material changes within the legislation.

Diocese of Westminster (Property Department):

- The metal railings to the side roof and the 2nd floor of the coach house has French doors to the side could lead to the creation of a nuisance to church users as the garden is used by the Parish.

Officer's comment: The railings on the roof of the coach house are historic. The French doors to the side elevation (providing access to the terrace) were granted planning permission 30/03/2015 (planning ref 2014/6313/P).

- We would object to further extension of the property as this is an over development of the site. We would also have concerns about the further excavation of the coach house at basement level front and back close to the church as previous contractors have undertaken work without consent on our land. The basement should not be extended beyond the existing footprint of the building

Officer's comment: The cumulative impact of the proposed alterations taking into account the changes previously granted permission (see planning history and background in para 1.5 below) would not be harmful to the host property or the conservation. The submitted BIA concludes that the proposed lightwell development will have a negligible impact on the existing surrounding properties in terms of potential ground instability, surface water flooding and groundwater flow issues.

- On the proposed ground floor plan it is unclear if the area on the boundary to the front close to CTV is the bin store area for the flats

Officer's comment: A bin store area would be provided on the southern boundary with the Church of St Thomas More. A bin store in this location was shown on the drawings approved as part of the planning permission granted 25/08/2010 (ref: 2010/2772/P).

- Section CC refers to free drainage and it would appear this is soaking into the ground but it is not clear. The area is gravelled to the church so we would not want damp problems arising within the church. There have been problems with soil conditions and subsidence to buildings in the vicinity.

Officer's comment: The area beneath the proposed rear stepped lightwell is annotated 'free drainage' on the plans because the stepped lightwell would be landscaped and the area beneath the enlarged lightwell would have soil with small retaining walls. The submitted BIA concludes that the proposed lightwell development will have a negligible impact on the existing surrounding properties in terms of potential ground instability, surface water flooding and groundwater flow issues.

- The side railing on the roof of the coach house is visible from the street and will be a loss of privacy to neighbours if used as amenity space; out of keeping
- The French doors to the coach house would harm the front elevation

Officer's comment: The railings on the roof of the coach house are historic. The French doors to the side elevation (providing access to the terrace) were granted planning permission 30/03/2015 (planning ref 2014/6313/P).

Netherhall Neighbourhood Association

The current approval granted an excessive increase in footprint, total square footage and volume of the building resulting in overdevelopment of the site and almost complete loss of green space. The amendment seeks to extend the ground floor even further out at the rear. It also extends basement lightwell out into the front garden and the steps and terracing out at the rear into what little green space remained from the original approval resulting in almost complete loss of green open space. The aerial photograph in the Design and Access Statement elegantly demonstrates the complete over development and loss of garden space from this proposal. If this amendment is granted, it will go against Camden Policy to retain Green Open Space.

Officer's comment: The scheme has been revised and the rear stepped lightwells to the rear of the approved basement accommodation have been omitted. The front lightwell would be enlarged by 4.78sqm and the rear lightwell would be extended to provide a rear stepped lightwell measuring 18.7sqm. The rear stepped lightwell would be landscaped and would form part of the garden. Therefore no garden space would be lost at the rear.

Heath and Hampstead Society

The design, whether featuring in the previous application or not, includes a very large roof terrace, 9 x 5 metres in extent, at 2nd floor level. This would lead to serious overlooking and loss of privacy to adjacent properties, including the adjoining Church, and houses in Fitzjohns Avenue. The size of the terrace indicates that large parties would or could be held on it, leading to intrusive noise pollution, especially from that height above garden level.

Officer's comment: The roof terrace benefits from planning permission. The railings on the roof of the coach house are historic. The French doors to the side elevation (providing access to the terrace) were granted planning permission 30/03/2015 (planning ref 2014/6313/P).

Site Description

The existing building at 2 Maresfield Gardens is recognised in the Fitzjohn/Netherhall Conservation Area Statement as making a positive contribution to the character and appearance of the Conservation Area. The property is read in the context of similar properties along Maresfield Gardens, all with a high level of original features and unity. The properties were built around the 1870's with eclectic domestic styling overlaid onto solid geometric red brick massed forms. Although many properties in the street are semidetached, no. 2 is a standalone villa, and one of the few not to have an original basement level.

Relevant History

2008/2288/P: Change of use from 5 to 6 flats, including erection of a basement extension with lightwell to the front and rear and a rear internal courtyard, erection of single-storey ground floor extension on the front elevation, erection of a lower ground and ground floor rear extension. Granted Subject to a Section 106 Legal Agreement 12/03/2009.

2010/2772/P: Amendment to planning permission granted on 12 March 2009 (ref 2008/2288/P) including revision of internal layouts to provide vertically arranged duplex apartments, extension at lower ground floor level, addition of rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden. Granted Subject to a Section 106 Legal Agreement 25/08/2010.

2011/2206/P: Amendments including change of use to 4 self-contained flats, amalgamation of the two internal courtyards into one, of planning permission granted 12/03/09 (2008/2288/P) as amended on 25/08/10 for change of use from 5 to 6 flats, basement extension with lightwell to front and rear and a rear internal courtyard, erection of single-storey ground floor extension on front elevation, erection of lower ground and ground floor rear extension, rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden. Granted 12/07/2011.

2011/4584/P: Amendments to planning permission granted 12/03/09 (2008/2288/P) as amended on 25/08/10 (2010/2772/P) and 12/07/11 (2011/2206/P) for change of use from original 5 flats to proposed 4 flats, including erection of a basement extension with lightwell to the front and rear and a rear internal courtyard, erection of single-storey ground floor extension on the front elevation, erection of a lower ground and ground floor rear extension, addition of rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden, namely to revise the internal layout and reduce the number of flats from proposed 4 to 3 (overall reduction in 2 flats from original 5). Refused 04/11/2011.

2012/6011/P: Non-material amendments to planning permission granted 12/07/11 (Ref:2011/2206/P) for 'amendments including change of use to 4 self-contained flats, amalgamation of the two internal courtyards into one, of planning permission granted 12/03/09 (2008/2288/P) as amended on 25/08/10 for change of use from 5 to 6 flats, basement extension with lightwell to front and rear and a rear internal courtyard, erection of single-storey ground floor extension on front elevation, erection of lower ground and ground floor rear extension, rear extension to coach house at lower ground and upper ground floor levels, changes to front fenestration on coach house and erection of a timber enclosure in rear garden' namely, reconfiguration of the first floor and increase in number of units from 4 to 5. Refused 08/02/2013.

2014/6313/P: Addition of one storey at second floor level with replacement roof level accommodation above, alterations to Coach House facade (all further works to partially completed works carried out under permission 2010/2772/P), and use of resulting building as 6 residential units. Granted Subject to a Section 106 Legal Agreement 30/03/2015.

Relevant policies

NPPF 2012

The London Plan March 2016

LDF Core Strategy and Development Policies

CS1 Distribution of Growth

CS5 Managing the Impact of Growth and Development

Camden Planning Guidance

Assessment

1. Proposal:

1.1. Permission is sought for a minor material amendment of planning permission ref: 2014/6313/P granted on 30/03/2015 to allow the following:

- increase in size of front lightwell (enlargement of 1.2m when measured front to rear so the lightwell would project 2.45m from the front of the bay window rather than 1.23m);
- creation of rear stepped lightwell to Coach House;
- glazed infill extension to rear (6.3m by 1.8m and 3.6m high); and
- creation of 1st floor roof terrace at rear including replacement of windows with French doors.

1.2. Revision

1.3. Following officer concerns the scheme has been revised and the rear stepped lightwells (to the rear of the approved basement accommodation of Unit 1 and 2) and the roof terrace above the 3rd floor roof have been omitted. The width of the first floor terrace has been reduced and a timber privacy screen has been included to the north of the proposed terrace.

1.4. Background

1.5. Planning permission was granted in 2009 for a conversion from 5 to 6 flats including a basement extension (under the footprint of the existing house and extending under the garden), a single storey rear extension and an enlargement of the existing ground floor front extension. The scheme was amended in 2010 to enlarge the size of the basement extension so that it would extend further under the garden, including a revision of internal layouts (to provide vertically arranged duplex apartments) and a rear extension to the coach house. Several applications were subsequently submitted (1 granted and 2 refused) but the application which has been implemented is the 2010 amendment (2010/2772/P) of the 2008 permission (2008/2288/P).

1.6. In 2015, planning permission was granted for a further amendment consisting of an additional storey at second floor level with replacement roof level accommodation above (2014/6313/P). The current application seeks to make a minor material amendment to this most recent application (2014/6313/P).

2. Assessment:

Basement Excavation

2.1. A 474sq.m basement was previously granted planning permission 25/08/2010 (ref: 2010/2772/P) under the existing house and extending under the garden at the rear. This basement has been built. This application seeks to extend the front and rear lightwell. The

front lightwell would be enlarged by 4.78sqm and the rear lightwell would be extended to provide a rear stepped lightwell measuring 18.7sqm (as the lightwell is stepped, this would result in less excavation being required). A basement impact assessment (BIA) has been provided. The BIA concludes that the proposed lightwell development will have a negligible impact on the existing surrounding properties in terms of potential ground instability, surface water flooding and groundwater flow issues.

- 2.2. As previously stated planning permission was granted 25/08/2010 for a basement with an area of 474sqm (ref: 2010/2772/P). The increase in the size of the basement from the enlarged front and rear lightwell would represent a 3% 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 to be independently verified. A condition would be included to ensure the works were carried out in accordance with the recommendations of the BIA and that a suitably qualified engineer would oversee the works.

Design

- 2.3. The approved lightwell surrounds a bay window at ground and basement floor level, with a 0.88m distance between the front of the bay window and the retaining wall of the lightwell. The proposed enlargement of the lightwell would provide a separation of 2.15m between the front of the bay window and the retaining wall of the lightwell, and so would provide a more comfortable relationship with the bay window. The neighbouring properties have an established pattern of upper and lower ground floors and so Maresfield Gardens has an existing character which includes front lightwells. Moreover, the depth of the lightwell (front to back) would match the northern lightwell approved 12/03/2009 (ref: 2008/2288/P).
- 2.4. The glazed extension at the rear would project 1.8m beyond the rear elevation and would infill the gap between the side elevation of the coach house and the side elevation of the ground floor. Given the relatively small size of the glazed extension, it would have minimal impact on the appearance of the host property. The fully glazed extension would have a contemporary appearance which would blend acceptably with the traditional appearance of the host property.
- 2.5. The enlargement of the rear lightwell to the rear of the coach house and the replacement of the retaining wall with landscaped steps would allow the basement of the coach house to connect to the rear garden. The insertion of landscaped steps would be in accordance with CPG4 (Basements and Lightwells), which recommends that 'the rear garden should be graded rather than secured by railings' (paragraph 2.26). The size of the enlarged lightwell would not be disproportionately large.
- 2.6. The replacement of three sash windows with French doors would be a sensitive alteration and the first floor terrace railing would have a simple appearance which would be sympathetic to the host property. Overall the proposed alterations would preserve the character and appearance of the conservation area. The cumulative impact of the proposed alterations taking into account the changes previously granted permission (see planning history and background above) would not be harmful to the host property or the conservation

Green roof

- 2.7. The original permission (ref: 2008/2288/P) included a green roof over the basement extension 'to maintain the continuity of the natural landscaping'. A subsequent permission allowed the basement to extend a further 2m into the rear garden. The permission also

increased the area of the green roof to take account of the enlarged basement extension. Whilst the submitted drawings granted planning permission 30/03/2015 (ref: 2014/6313/P) inadvertently omitted the green roof annotation from the plans, the applicant has provided revised drawings with the current application which are clearly annotated 'planted green roof amenity space'. There is no objection to this area being used as an amenity space and the applicant has provided a revised drawing to show additional screening above the existing brick boundary wall. A condition would be included to ensure details of the green roof were provided prior to the occupation of the development. This would ensure the green roof had sufficient substrate and appropriate planting species for a more intensive use.

Amenity

- 2.8. The application has been revised to reduce the size of the proposed terrace. A 1.8m high timber slatted screen is also proposed to prevent any harmful overlooking or loss of privacy to the neighbouring property, 4 Maresfield Gardens. The timber screen would be erected on the flat roof of the ground floor extension 1.5m from the boundary with 4 Maresfield Gardens. Given the distance from the side boundary and the height and width (2.1m wide) of the proposed screen, the screen would not have an overbearing appearance when viewed from the neighbouring property and would have minimal impact in terms of daylight and sunlight. There would be no harmful amenity impacts in terms of daylight, sunlight or overlooking from the other amendments to the proposed scheme (enlarged front and rear lightwell and glazed infill extension).

Trees

- 2.9. There are existing trees at the front of the site (Robinias with tree preservation orders) and on the neighbouring site to the south (Lime trees). The applicant has provided an arboricultural report which show the proposed enlargement of the front lightwell would be outside the root protection areas of all the trees at the front of the site. Following officer concern regarding the enlargement of the rear lightwell, additional trial pits were dug and an addendum to the tree report was submitted. The Council's tree officer has confirmed that the details submitted are sufficient to demonstrate that the area of concern is inhospitable to significant roots. The 2014 permission did not include a condition to secure the submission of tree protection details. The tree protection measures set out in the submitted report would be secured by condition.

Planning obligations

- 2.10. This permission seeks to amend a condition of planning permission ref: 2014/6313/P which was granted subject to a legal agreement to ensure the additional unit would be car free. The legal agreement defines the development in terms of the drawing numbers. Therefore a deed of variation would be required.

Recommendation: Grant variation of condition subject to deed of variation

DISCLAIMER

The decision to refer an application to Development Control Committee lies with the Executive Director of Supporting Communities. Nominated members will advise whether they consider this application should be reported to the Development Control Committee on Monday 27th June 2016. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.