

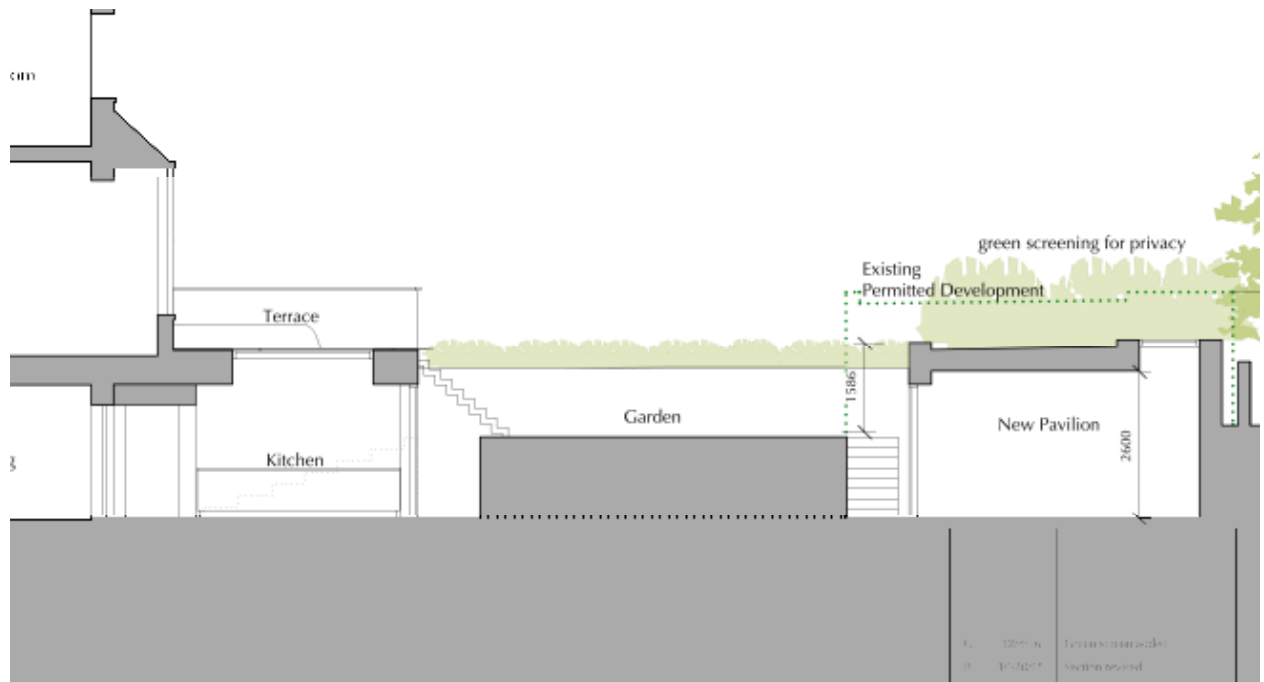
# 2016/2693/P 6 Elsworthy Terrace



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.



Image 1. Rear Elevation facing west



Section through proposed garden level showing sunken paths and pavilion



Image 2. Aerial view of the rear gardens

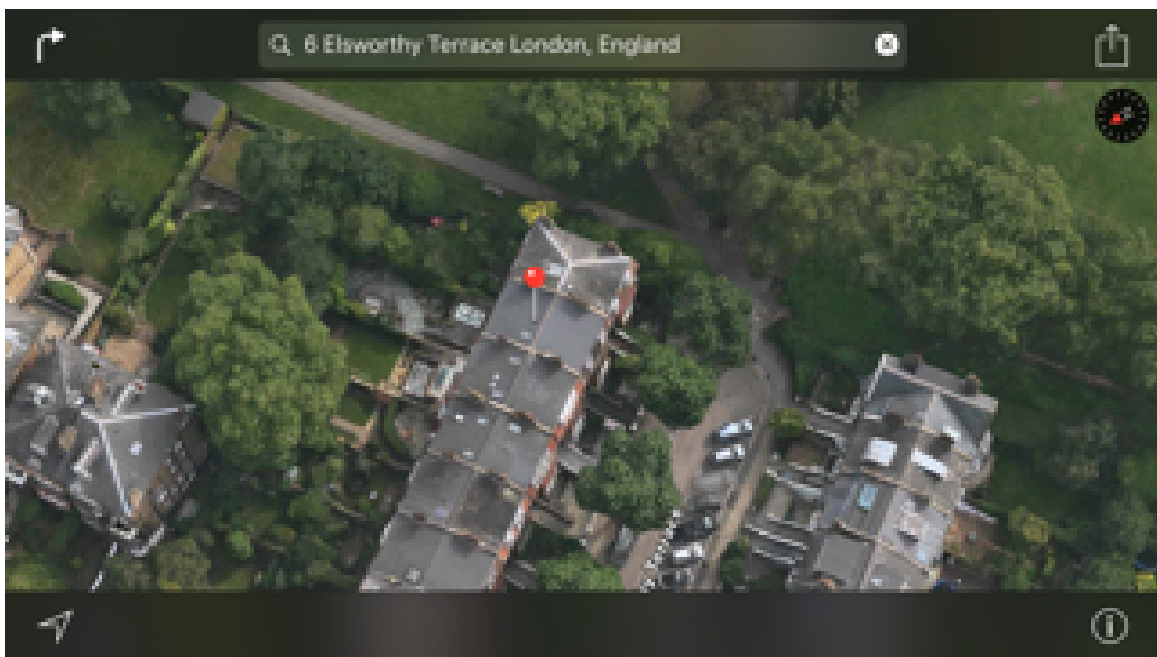


Image 3 looking from north to south

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>14/07/2016</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>13/04/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Obote Hope			2015/6293/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
6 Elsworthy Terrace London NW3 3DR			Refer to draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Excavation of part of rear garden level for the erection of a pavilion outbuilding at lower ground level and associated paths and access staircases, plus changed glazing to lower floor façade of rear extension.				
<b>Recommendation(s):</b>	Grant Conditional Planning Permission			
<b>Application Type:</b>	Householder Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>06</b>	No. of responses	<b>01</b>	No. of objections	<b>1</b>
			No. Electronic			
<b>Summary of consultation responses:</b>	<ul style="list-style-type: none"> <li>• Site notice displayed– 24/03/2016</li> <li>• Press Notice published – 18/03/2016</li> </ul> <p>Comments received from 2 Elsworthy Terrace are as follows:</p> <ul style="list-style-type: none"> <li>• Concern about the Council’s notification policy for future planning applications</li> </ul> <p>Officer’s comment:  Consultation letters were sent to No.2 and the adjoining properties, there is a draft revision to our Statement of Community Involvement 2015, the details of which are available online.</p>					
<b>CAAC/Local groups comments:</b>	<p><u>Belsize CAAC-</u>  object to loss of garden space; the whole site is being built over</p> <p><i>Officers comments:</i> see para 3.1 below- over half of the rear garden is being retained.</p> <p><u>Elsworthy Residents Association</u> object as follows:</p> <ol style="list-style-type: none"> <li>1. The pavilion design would result in less opportunity to have soft landscaping which is valued in the conservation area;</li> <li>2. A condition should be attached to ensure that the space and the structure be well landscaped and the paths be limited to permeable material;</li> <li>3. The application should be refused as the basement extension significantly reduce the green area to a minimum;</li> </ol> <p><i>Officers comments:</i></p> <ol style="list-style-type: none"> <li>1. The pavilion received approval as part of a Lawful Development Certificate ref: 2014/4187/P, and the proposal would result in retaining the garden space immediately to the rear of the host building which is welcomed.</li> <li>2. The existing garden currently has a mixture of paving &amp; pebble stones; the applicants have agreed to use permeable paving.</li> <li>3. See para 3.1 below - the proposed pavilion would not lead to any further loss of garden space above what was agreed with the previously approved pavilion.</li> </ol>					



## Site Description

The application site is located on the north-eastern side of Elsworthy Terrace close to Primrose Hill public open space. The site comprises a four storey single-family dwellinghouse, which has been extended at ground floor level at the rear. It adjoins a property with the boundary with Primrose Hill, is located within the Elsworthy Conservation Area and is considered to make a positive contribution.

## Relevant History

- 2014/4187/P - The erection of an outbuilding and the installation of 3 x rooflights, 1 x to the front and 2 x to the rear. Lawful Development Certificate **Granted** 06/11/2014;
- 2003/0040/P – Planning permission refused for: The erection of an additional rear dormer window within the existing mansard roof. 06/08/2003;
- PE9800822 – Application for Certificate of Established: Certificate of lawfulness for erection of single storey rear extension at ground floor level. Withdrawn 11/01/1999;
- PE9800822R1 - Application for Certificate of Established Use of the property as three separate non self- contained flats.\*(No plans submitted). Granted 11/02/1999.

## Relevant policies

### LDF Core Strategy 2010-2025

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

### Development Policies 2010-2025

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basement and lightwells

Camden Planning Guidance 1 Design

Camden Planning Guidance 3 Sustainability

Camden Planning Guidance 6 Amenity

Camden Planning Guidance 8 Planning Obligations

Camden Broadway Conservation Area Appraisal and Management Strategy (2009)

### The London Plan (2016)

### The NPPF (2012)

## Assessment

### 1. Proposal

- 1.1. The proposal is for the construction of a pavilion in the rear garden in the same location as that granted a proposed lawful development certificate (see history). The current application relates to lowering the floor and roof level so that the new pavilion is sunk 1.6m below current garden ground level and reducing its plan area to be shorter by 1m. A green roof is also proposed. A new sunken pathway will be excavated around the perimeter of the central grassed garden area to provide access from the house to the pavilion and new staircases installed to give access to the garden. The lower floor windows are also changed to sliding patio doors.

### 2. Main issues

- 2.1. The main issues under consideration are:
- Design
  - Landscaping
  - Basement excavation

### 3. Design

- 3.1. The proposed pavilion will be in the same location as the lawful one at the rear of the garden but sunk lower into the garden and smaller in footprint. It will be overall lower than the lawful one by 1m and shorter by 1m. It will be placed 1.6m lower than the existing garden level so that its roof is only 1.6m higher than the garden and minimally higher than surrounding garden walls. The pavilion will be overall approx. 2.6m high, 6m deep and 6.5m wide. It will have 37sqm floorspace (compared to the lawful one of 45sqm) and retain 35sqm of a 'raised' square of landscaped garden around which there is a sunken pathway to provide access from the house to the pavilion. Its overall impact will be less than the lawful one; its size, height and design is acceptable, it is less prominent than the lawful one and does not dominate the rear garden landscape. Both the pavilion will have a green roof and the raised garden will have soft landscaping, so that the green planted appearance of the gardens will remain. There is no loss of garden space compared to the lawful situation and only a minimal loss of potential green landscape as a result of the perimeter paths.
- 3.2. New external staircases would provide access from the existing roof terrace on rear extension down to the garden (relocating the existing staircase from one side to another) and from the garden area down to the new pavilion. They would be appropriate in terms of materials and design and would not be visually intrusive.
- 3.3. The rear extension will have its lower floor rear windows replaced with sliding doors to provide access from the kitchen to the new pathway and pavilion, following internal reconfiguration of the floorspace. This has minimal impact on the appearance of the host building being located at lower-ground floor level.
- 3.4. Landscaping/green roof
- 3.5. The proposed materials for the pathways between the new pavilion and existing building would be permeable paving which would allow the water to be soaked through the surface into the ground below. The green roof is welcomed in making the scheme more sustainable and biodiverse.

#### 4. Basement Impact

- 4.1. The applicant has submitted a Basement Impact Assessment by MLM Consultancy Engineers compiled by relevantly qualified engineers. The proposed basement would be 37sqm in area and extend 1.6m below the current garden level. The independent BIA audit report from Campbell Reith concludes that, given that the proposed basement would be of a modest size below the rear garden and of a detached nature, the new structure would unlikely to have an adverse effect on the water environment and stability of the host building and neighbouring property.
- 4.2. Although no construction details are provided, it is acknowledged that the structure is located within a small area of the rear garden and would be remote from other structures. It is therefore accepted that, despite some structural omissions in the BIA, there are unlikely to be any adverse effects to the water environment or stability from the basement proposals. Mitigation might comprise dewatering during construction and basement waterproofing. The audit concludes that, based on the modest proposals, no adverse effects have been identified and this is accepted.

#### 5. Amenity Impact

- 5.1. The proposed basement extension would result in a minimal increase in height above adjoining garden walls so that no loss of light will occur. The garden level will remain as existing. The green roof will not be accessible except for maintenance purposes and a condition will be attached to ensure this. The staircases, being minor structures for access purposes only, will not result in any serious additional overlooking.
- 5.2. Due to the location at the far end of the garden, the proposed basement extension would not have a detrimental impact on the amenity of the neighbours by reason of loss of outlook, privacy, daylight or sunlight.

#### 6. Conclusion

- 6.1. Overall, the proposed basement pavilion is not considered to have an impact that would be detrimental to the host building or neighbouring properties. Furthermore, the erection of the pavilion at basement level would harmonise well with the existing property and terrace which would retain the valuable garden space. The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### 7. Recommendation

- 7.1. Grant Planning Permission Subject to Conditions

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5<sup>th</sup> September 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***



Mr James Tavernor  
Boyer Planning  
24 Southwark Bridge Road  
London  
SE1 9HF

Application Ref: **2015/6293/P**  
Please ask for: **Obote Hope**  
Telephone: 020 7974 **2555**

1 September 2016

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Householder Application Granted**

Address:

**6 Elsworthy Terrace  
London  
NW3 3DR**

**DECISION**

Proposal:

Excavation of part of rear garden level for the erection of a pavilion outbuilding at lower ground level and associated paths and access staircases, plus changed glazing to lower floor façade of rear extension.

Drawing Nos: 2143/0100, 2143/0200 REVB, 2143/0201, 2143/0202, 2143/0203, 2143/0204, 2143/0205, 2143/0300 REVD, 2143/0301 REVB, 2143/0500, 2143/0501 REVC, 2143/0600 REVA, Design and Access Statement from COVEBURGESS, Planning Statement from Boyer dated November 2015, Screening Assessment by MLM dated 10th February 2016.

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

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.

Executive Director Supporting Communities



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 The development hereby permitted shall be carried out in accordance with the following approved plans- 2143/0100, 2143/0200 REVB, 2143/0201, 2143/0202, 2143/0203, 2143/0204, 2143/0205, 2143/0301 REVC, 2143/0500, 2143/0501 REVC, 2143/0600 REVB, Design and Access Statement from COVEBURGESS, Planning Statement from Boyer Dated November 2015, MLM Screening Assessment dated February 2016 and BIA Audit dated July 2016.

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

- 4 Prior to the first occupation of the building, a plan showing details of the green roof (including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof) and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

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.

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

Executive Director Supporting Communities

**DECISION**