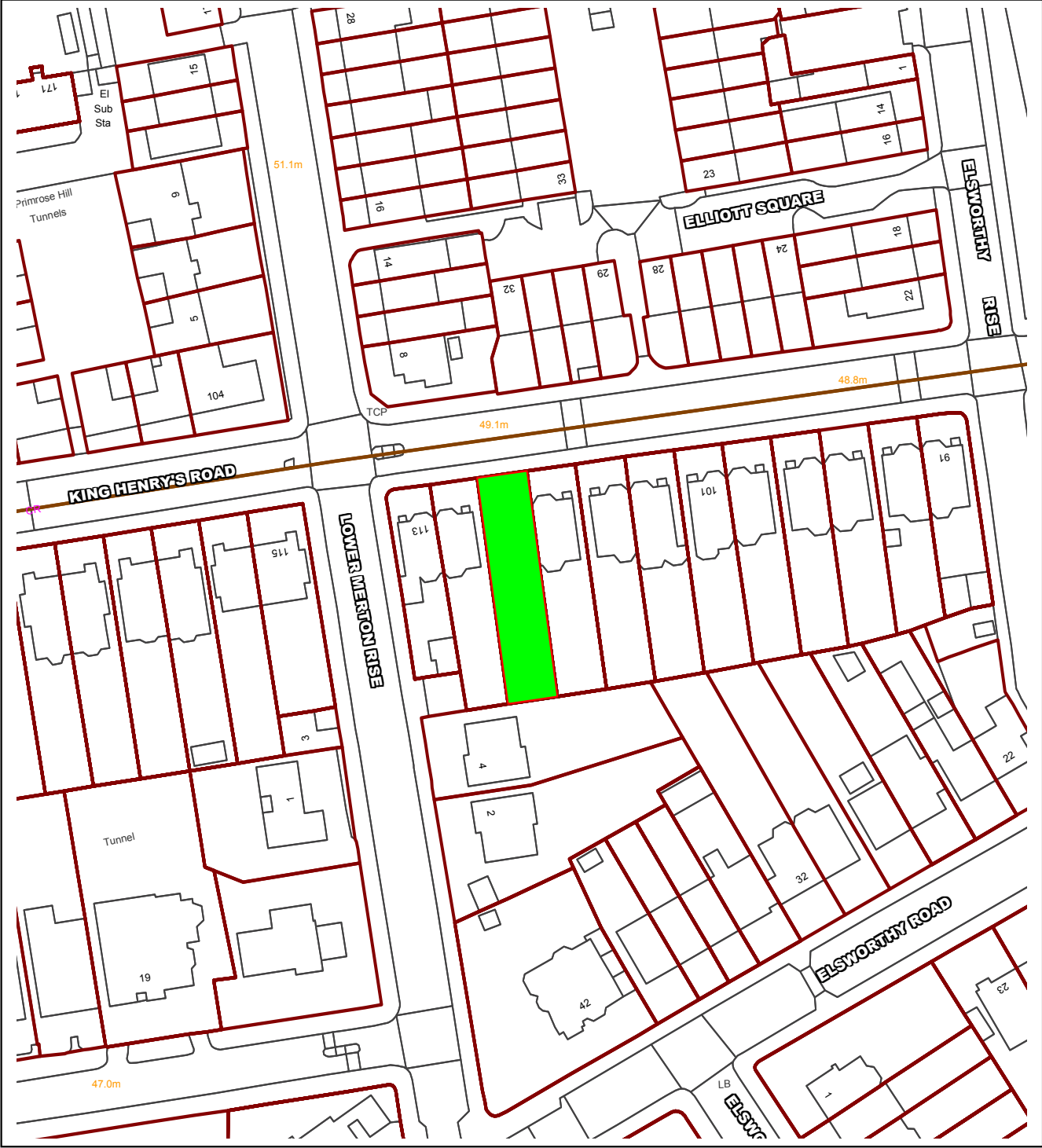


# 109 King Henry's Road, NW3 3QX

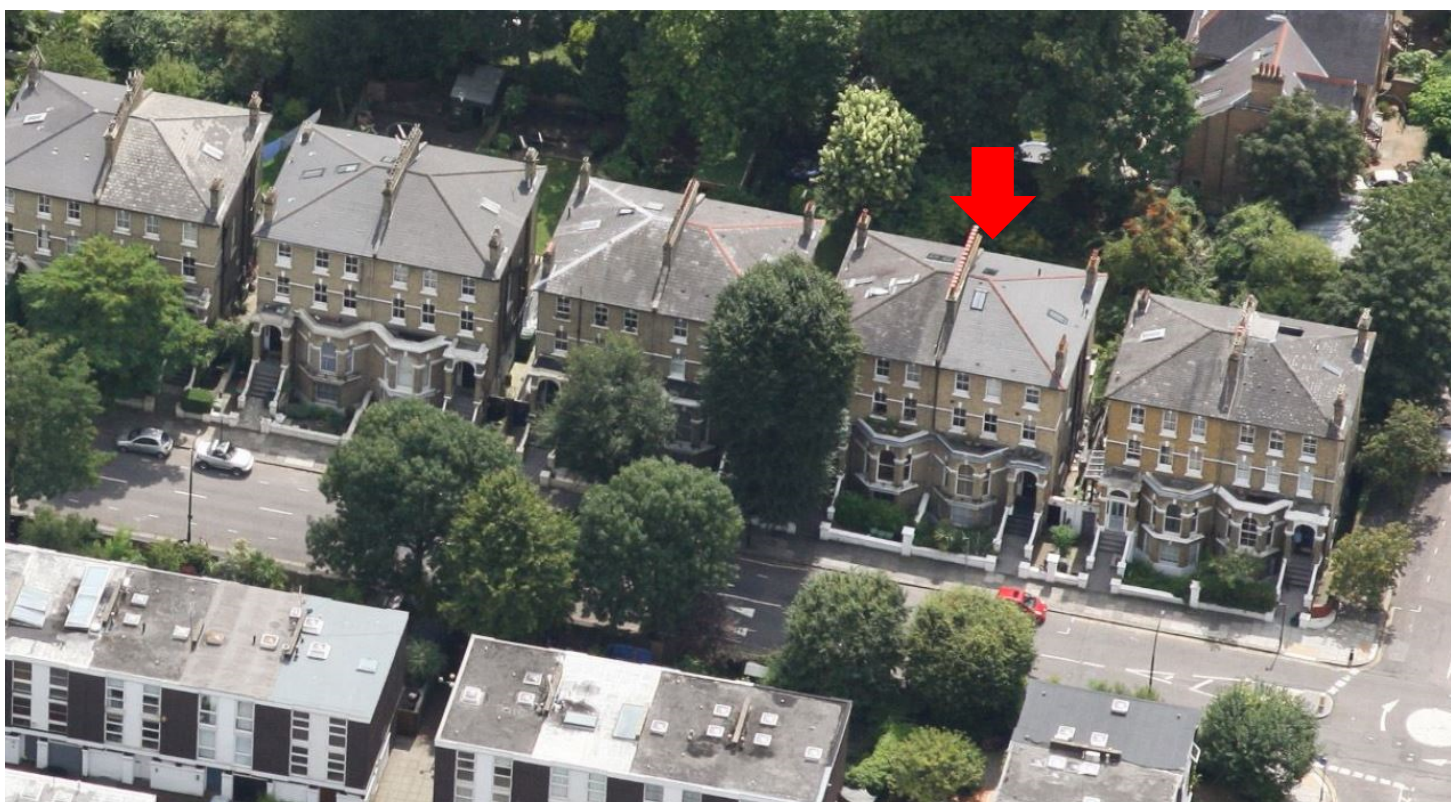


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# 109 King Henry's Road, NW3 3QX



1. Top rear view



2. Top front view



3. View from the street



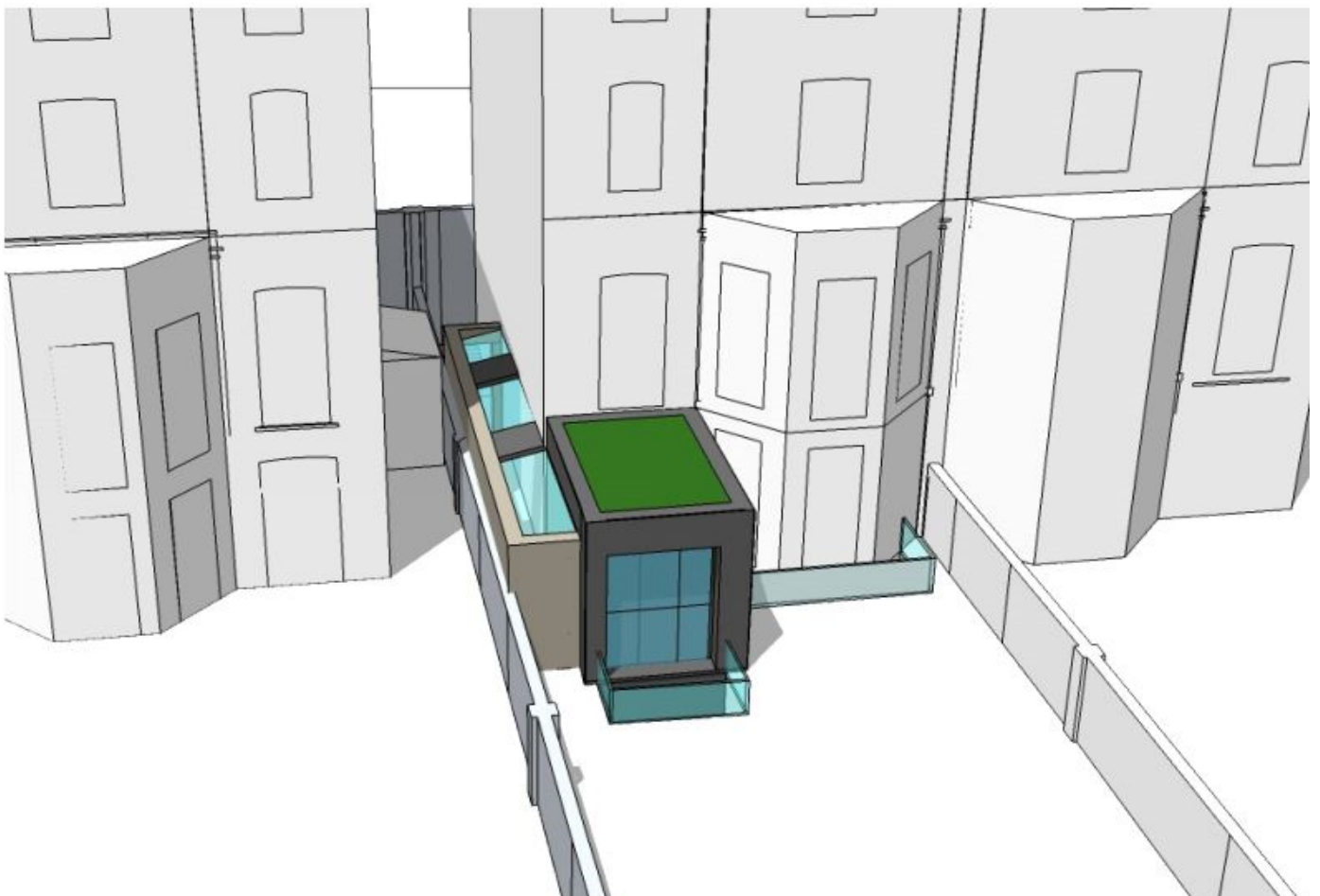
3. View to the rear of the property



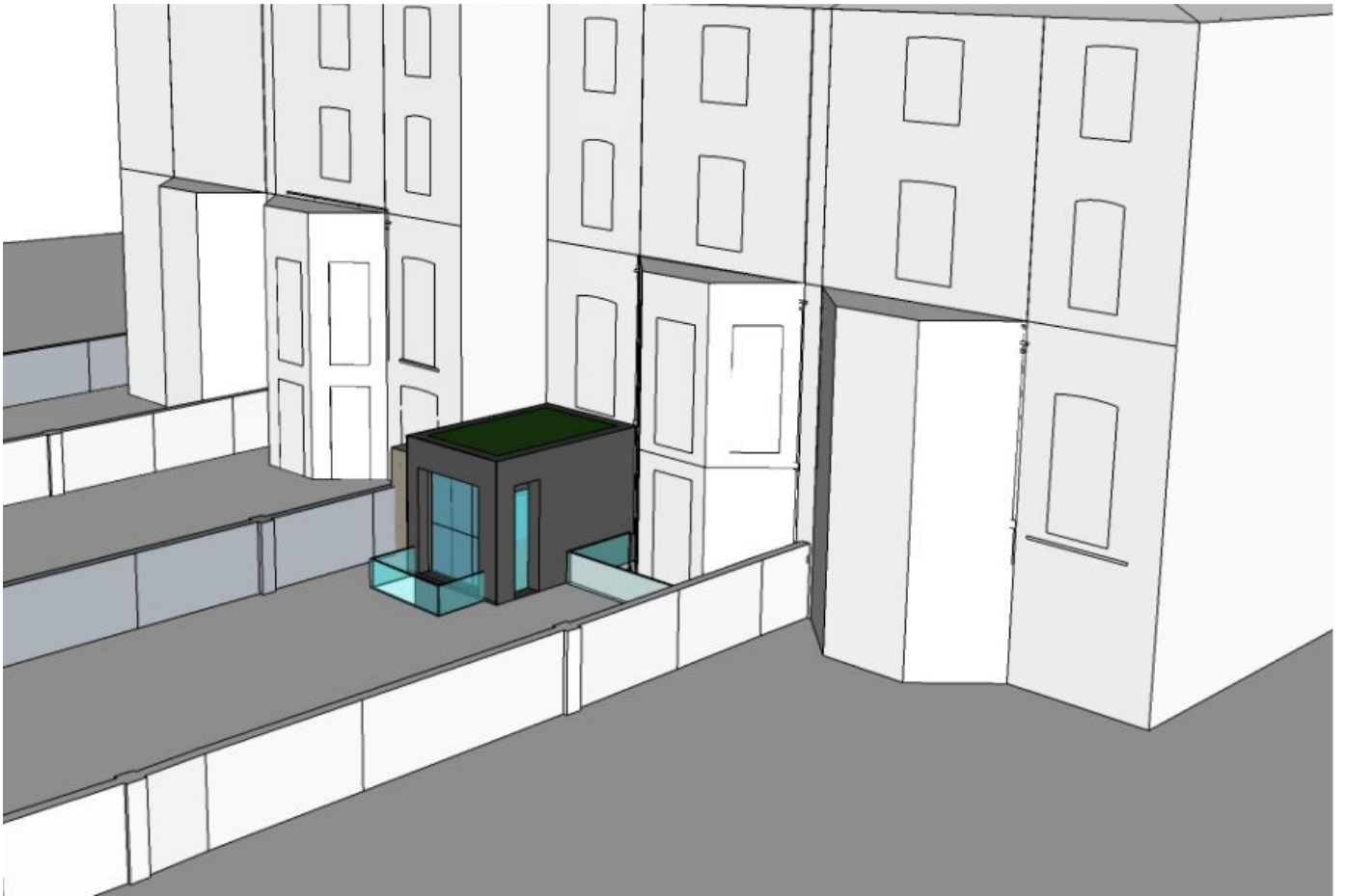
4. View towards the rear garden – trees to be retained and protected.



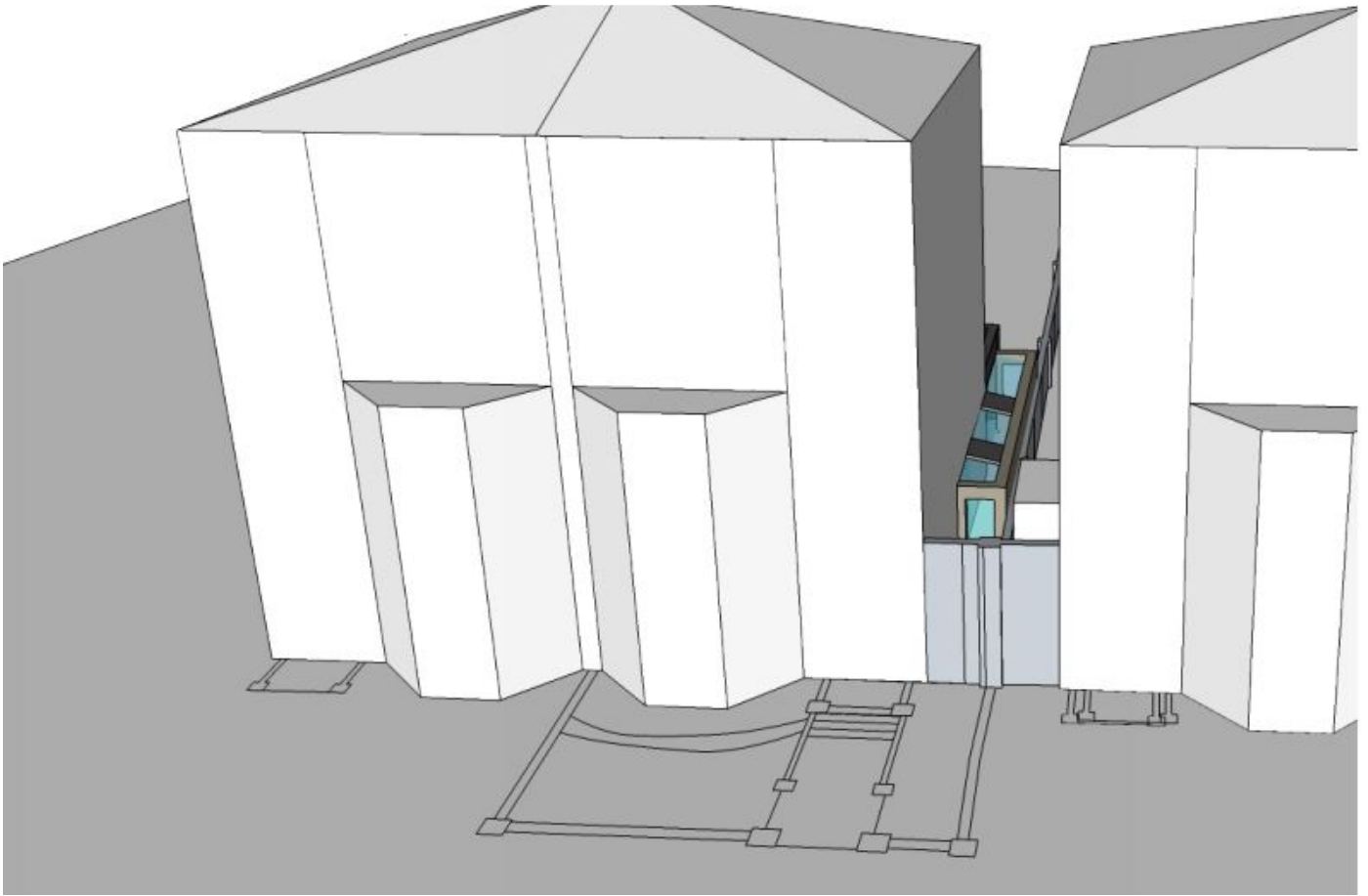
6. Proposed 3d volume side-rear view



7. Proposed 3d volume rear view



8. Proposed 3d volume side view



9. Proposed 3d volume front view

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>11/02/2016</b>							
		N/A / attached		<b>Consultation Expiry Date:</b>		18/02/2016							
<b>Officer</b>				<b>Application Number(s)</b>									
Nora-Andreea.Constantinescu				2015/7091/P									
<b>Application Address</b>				<b>Drawing Numbers</b>									
109 King Henry's Road London NW3 3QX													
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>							
<b>Proposal(s)</b>													
Erection of a proposed side and rear extension and excavation of a basement level.													
<b>Recommendation(s):</b>		<b>Granted Subject to a Section 106 Legal Agreement</b>											
<b>Application Type:</b>		<b>Full Planning Permission</b>											
<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		17		No. of responses		1		No. of objections		1	
<b>Summary of consultation responses:</b>		No responses have been received from the neighbouring properties.											
<b>Elsworthy CAAC</b>		<p>Elsrowrthy CAAC has objected to the proposed development in relation to the basement extension being too large, and projecting up to both adjoining party walls even underneath the side passage.</p> <p><i>Officer response:</i></p> <p><i>The proposed basement would be greatly set back from the front boundary and front line of the host dwelling, and its projection would be proportionate in relation to the host dwelling. (See part 3. Basement and Impact Assessment)</i></p>											





## Site Description

The application site is located on the southern side of King Henry's Road, in close proximity to the crossroads with Lower Merton Rise.

The proposal is in relation to the lower ground floor flat which is part of a traditional terraced property, previously converted into flats from a single family unit. The flat is accessed from the street through a door side entrance adjacent to the building leading into the garden.

The site has a small downward gradient from north to south, with the front garden sitting at approximately 0.8m higher than the rear garden. The garden towards the rear has numerous big trees and several small ones close to the property.

The site lies within the Elsworthy Road Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

## Relevant History

2014/3978/P - Erection of a single storey rear extension. – Granted 27/08/2017

## Relevant policies

### National Planning Policy Framework 2012

National Planning Practice Guidance

### London Plan 2016

#### Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS13 Tackling climate change and promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces & encouraging biodiversity

#### Camden Development Policies 2010

DP22 Promoting sustainable design and construction

DP24 Securing High Quality Design

DP23 Water

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements & Lightwells

#### Camden Planning Guidance (2013 & 2015)

CPG1 Design

CPG4 Basements and Lightwells

#### Elsworthy Road Conservation Area Appraisal and Management Strategy 2009

## Assessment

### 1. Proposal

- 1.1 Planning permission is sought in relation to the erection of a single storey side and rear extension and excavation of the basement level with open lightwells to the rear, which would enlarge the existing flat from one-bed to three-bed flat. A main part of the proposed side and rear extension has been approved under planning application 2014/3978/P, except for 1.3m additional projection on the side of the property towards the front elevation.
- 1.2 The proposed basement would be greatly set back from the front boundary and would project up to both side boundaries underneath the side passage and proposed rear extension. To the rear the basement opens to two uncovered rear lightwells which would provide light into the proposed habitable rooms.
- 1.3 Due to the basement proposal one tree and 4 mature shrubs located in close proximity with the property would be removed.

### 2. Considerations

2.1 The main planning considerations in the assessment of this application are:

- Basement Impact Assessment
- Design – the impact the proposal has on the character of the host dwelling as well as that of the wider Elsworthy Conservation Area
- Amenity – the impact of the proposal on the amenity of the adjoining occupiers and trees

### 3. Basement Impact Assessment

- 3.1 CPG 4 recommends the “Council’s preferred approach is that basement development to not extend beyond the footprint of the original building and be no deeper than one full storey below the ground level”. The proposed basement would have one storey, with a depth of 2.7m under the ground floor level. The proposed basement area would be 58.5 sqm which is half of the proposed ground floor area.
- 3.2 The proposed basement would project beyond the house footprint by 1.3m, up to the boundary with the property at no 111; however it would be greatly set back from the front boundary by 12m and from the front line of the dwelling by 7.2m. Towards the rear it will project in line with the existing bay window and the proposed rear extension. It is therefore considered that due to the front set back, the basement dimensions are proportionate in relation to the host dwelling.
- 3.3 The basement will accommodate two double bedrooms and associated bathroom. Due to the location of the habitable rooms in the basement, it is considered that open lightwells would be a better solution in this instance, as more sun light and day light would be able to enhance the rooms.
- 3.4 The applicant has submitted a Basement Impact Assessment (BIA) to accompany this proposal. The BIA has been audited by Campbell Reith and following the submission of additional information has been deemed satisfactory demonstrating that the scheme would maintain the structural stability of the building and neighbouring properties, would avoid adversely affecting drainage and run off or causing other damage to the water environment and would avoid cumulative impacts upon structural stability or the water environment in the local area. The submitted BIA has evaluated the impacts of the proposed basement considering the issues of hydrology, hydrogeology and land stability. Campbell Reith is satisfied with the proposal which is in accordance with policy DP27 and CPG4.

### 4. Design

- 4.1 The Council’s design policies are aimed at achieving the highest standard of design in all development. The following considerations contained within policy DP24 are relevant to the application: development

should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

- 4.2 The proposed extension differs from the previous permission under 2014/3978/P in terms of the front projection. The proposed side extension would be set back 3.9m from the main front line of the house whilst the previous permission was a distance of 5.2m, which is considered acceptable. The proposed side and rear extension would infill the side passage up to the boundary fence with the property at no 111, and would wrap around the corner of the house to extend further towards the rear. The extension would have a maximum proposed depth of 4.9m, the rear most 300mm would be set in by 1.1m from the boundary with no 111. The side part of the extension would have a height of 2.6m and the rear one 2.9m.
- 4.3 It is considered that the size, height and design of the proposed extension would be appropriate in relation to the host dwelling and would have a subordinate appearance. The proposed side part of the extension would be made of brick matching the existing style, with glazed roof panels, whilst the rear part of the extension would have zinc cladding and a flat green roof. The mix of materials combined with the extension projection would complement the existing building and would have a contemporary appearance.
- 4.4 The proposed green roof is welcome in sustainability terms, as it would increase biodiversity. However further details to demonstrate its viability should be provided by condition, as well as samples of the zinc materials.

## **5. Amenity**

- 5.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that any proposed development protects the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to the amenity and that any development should avoid harmful effects on the amenity of existing and future occupiers and to nearby properties. CPG6 seeks developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that the Council will "aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers".
- 5.2 As the proposed side extension would project in close proximity to the property at no 111, consideration has been given to its size, height and design, in order to protect the amenities of the neighbouring property. As such, due to the height of 2.6m along the boundary with to a distance of 1m to the side wall of no 111, the side extension is not considered to cause any significant impact to the adjoining property in terms of loss of light, outlook and would not have an overbearing appearance.
- 5.3 In relation to the rear extension, CPG1 advises that they should be designed to "not cause a loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking, and sense of enclosure". The main part of the rear extension would be set in from the boundary with no 111 by 1.1m, in order to protect its amenities and diminish the impact in terms of loss of light and outlook.
- 5.4 Overall, due to the proposals dimensions and projection it is not considered that the neighbouring amenities would be affected by the proposed scheme.
- 5.5 In relation to the protection of the trees towards the rear of the garden, protective fencing is proposed at a distance of 12.2m from the rear boundary, as shown on the Arboricultural Report. Due to the proposed scheme and their location in close proximity with the property, one tree and 3 mature shrubs will be removed. The tree and shrubs have little contribution to the public amenity and therefore their removal is considered acceptable. It is suggested that new trees will be planted in locations that are able to support the mature development of full canopied trees. The provision of detailed landscape scheme to ensure new tree planting will be provided by condition.

## **6. S106**

6.1 A Construction Management Plan would be secured by way of a S106 legal agreement to ensure that disruption to neighbouring residential properties and the highway network is minimised during the course of construction.

## **7. Recommendation**

7.1 Grant conditional planning permission subject to s106 agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4<sup>th</sup> July 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'.***

Boyer Planning  
24 Southwark Bridge Road  
London  
SE1 9HF

Application Ref: **2015/7091/P**

07 November 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:

**109 King Henry's Road  
London  
NW3 3QX**

Proposal:

Erection of a proposed side and rear extension and excavation of a basement level.

Drawing Nos: 1265\_E1000; 1265\_E010; 1265\_E1100; 1265\_E2000; 1265\_E2100;  
1265\_P3000; 1265\_P3001; 1265\_P4000; 1265\_P4001; 1265\_P4002; 1265\_P4003;  
1265\_P4004; 1265\_P6000; Design and Access Statement; Arboricultural Report; 3d  
Visuals; Structural Design and Construction Statement; Basement Impact Assessment Part  
1 and Part 2 Revision 01 updated September 2015; Basement Impact Assessment  
Revision 02 updated August 2016; Structural drawing 8438/009 Rev B; Campbell Reith -  
Basement impact Assessment Audit -109 King Henry's Road

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 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

1265\_E1000; 1265\_E010; 1265\_E1100; 1265\_E2000; 1265\_E2100; 1265\_P3000; 1265\_P3001; 1265\_P4000; 1265\_P4001; 1265\_P4002; 1265\_P4003; 1265\_P4004; 1265\_P6000; Design and Access Statement; Arboricultural Report; 3d Visuals; Structural Design and Construction Statement; Basement Impact Assessment Part 1 and Part 2 Revision 01 updated September 2015; Basement Impact Assessment Revision 02 updated August 2016; Structural drawing 8438/009 Rev B; Campbell Reith - Basement impact Assessment Audit -109 King Henry's Road

Reason:

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

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Manufacturer's specification details and sample of the zinc cladding material to be submitted to the Local Planning Authority.

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 if in CA of the London Borough of Camden Local Development Framework Development Policies.

- 5 Full details in respect of the green roof on the rear extension shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No development shall take place until detailed landscape scheme to ensure the new tree planting has been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character 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.

- 7 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.

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 Your attention is drawn to the fact that there is a separate legal agreement in relation to the Construction Management Plan with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 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.

Yours faithfully

**DECISION**

Supporting Communities Directorate