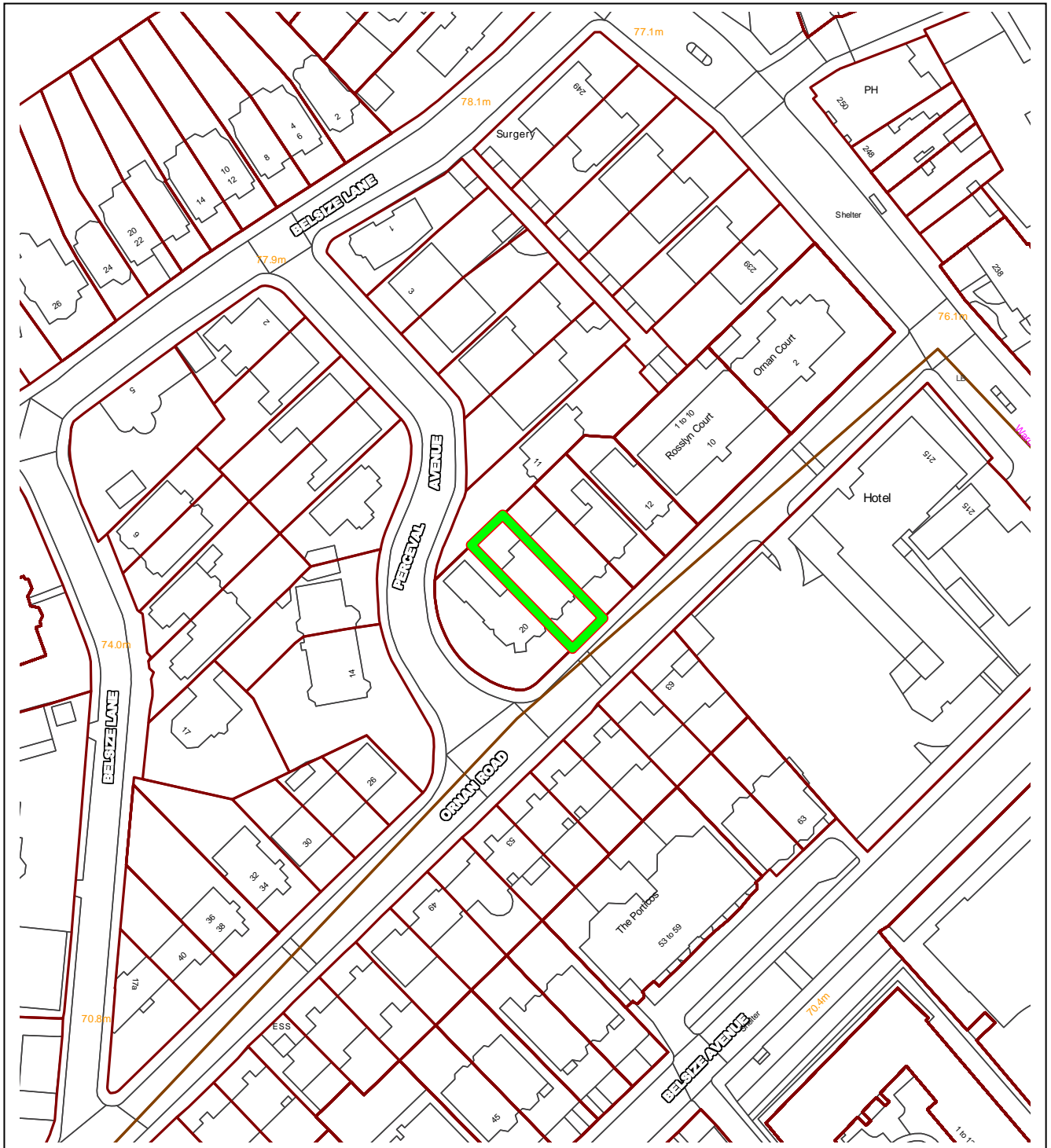


2016/1285/P – 18 Ornan Road, London, NW3  
4PX



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Front Elevation



Front garden



Rear Elevation



Rear Elevation 2



<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>01/08/2016</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		08/07/16	
<b>Officer</b>				<b>Application Number(s)</b>			
Ian Gracie				2016/1285/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
18 Ornan Road London NW3 4PX				See 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 new basement floor with front and rear lightwells to extend the existing flat into a 5 bedroom dwelling at ground and basement levels							
<b>Recommendation(s):</b>		Grant permission subject to a Section 106 Legal Agreement					
<b>Application Type:</b>		Full Planning Permission					

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>08</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. Electronic	<b>00</b>		
Summary of consultation responses:	<p>Press Notice: 17/06/2016 – 08/07/2016. Site Notice: 15/06/2016 – 06/07/2016</p> <p>An objection has been received from the owner/occupier of 20 Ornan Road.</p> <p><i>“20 Ornan Road the adjoining property has recently undergone underpinning due to subsidence. One of the reasons for the cause of subsidence is a sycamore tree with long underground roots. The tree was not allowed to be removed and so the problem still persists and we were advised that future underpinning may well be necessary. The roots of this tree have been shown to be under most of the building having had bore holes drilled through the floor. The development of a basement at 18 Ornan Road is likely to significantly impact on the stability of our property. We are also concerned as 18 Ornan Road also has problems with subsidence as the owners of the property when we moved in requested that we cut back some vegetation which their surveyors had identified as possibly causing problems with subsidence at 18 Ornan Road. Subsequent repair work was done under their insurance. I would appreciate if I could be notified of the committee date.”</i></p> <p><b>(Officer Response: Please refer to paragraphs 2.1-2.7, esp 2.6 below)</b></p>					
Local groups	<p><b>Heath &amp; Hampstead Society object-</b></p> <p>The Basement Impact Assessment is deficient, in that it makes no assessment of potential harm to adjoining properties, either by reference to the Burland Scale of damage, or by other means.</p> <p>No. 18 is semi-detached with No.20, and the potential for such harm is evident.</p> <p>Unless an assessment is made, showing that such damage is likely to be negligible, we ask you to refuse.</p> <p><b>(Officer Response: Please refer to paragraphs 2.1-2.7, esp 2.7 below)</b></p>					

## Site Description

The application site comprises one half of a three storey semi-detached red brick property with a raised ground floor. It is located on the north side of Ornan Road near the corner of Perceval Avenue. The building is identified within the conservation area statement as being a positive contributor to the Fitzjohns and Netherhall Conservation Area.

## Relevant History

**2004/1925/P** – Excavations to form a light well at the front of the building and creation of an additional bedroom and bathroom at basement level for the sole use of the ground floor flat. – **Permission refused 05/08/2004.**

*Reasons for refusal:*

- 1. The proposed lightwell in the front garden and associated railings, by reason of size, design and location in this part of a street unspoiled by basement excavations and front railings, would be detrimental to the appearance of this property, to the appearance of this group of houses in which No.18 is located, where gardens are at a higher level than the pavement, and to the character and appearance of this part of the conservation area, contrary to policies EN1, EN13, EN14, EN27 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and supporting guidance in the Council's Supplementary Planning Guidance and Fitzjohns/Netherhall Conservation Area Statement.*

## Relevant policies

### National Planning Policy Framework

#### The London Plan (2016)

##### Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS11 – Promoting sustainable and efficient travel

CS13 – Tackling climate change through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

##### Development Plan

DP16 – The transport implications of development

DP20 – Movement of goods and materials

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

##### Supplementary Planning Policies

CPG 1 – Design

CPG 4 – Basements and lightwells

CPG 6 – Amenity

### Fitzjohns Netherhall Conservation Area Statement (2001)

## Assessment

### 1. Proposal

- 1.1 The applicant proposes to extend the existing building at basement level under the entire footprint of the existing dwelling to enlarge the flat into a maisonette and provide 3 double bedrooms. Light will be provided via both front and rear lightwells. The front lightwell will extend 0.9m from the front of the bay window and will have a straight edge. Two rear light wells will also extend 0.9m from the rear of the property and will be feature flush grilles over the top. The floor to ceiling heights of the proposed basement will measure 2.6 metres. The basement will cover approximately 110sqm of floorspace.
- 1.2 Issues to consider for this scheme are- basement impact, design and conservation area, amenity, trees, transport.

### 2. Basement Development

- 2.1 Policy DP27 states 'In determining applications for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. It states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.'
- 2.2 It further states that, the Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. The supporting justification states 'although basement developments can help to make efficient use of the borough's limited land it is important that this is done in a way that does not cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas or the natural environment'.
- 2.3 The size of the basement itself meets the recommendations of policy DP27 in that it is one storey, no more than 3m deep and under the footprint of the building.
- 2.4 The Basement Impact Assessment (BIA) submitted by the applicant has been subject to independent verification. The independent assessment was undertaken by Campbell Reith and concludes that the final submitted BIA does reflect the processes and procedures set out in DP27 and CPG4 subject to conditions.
- 2.5 The Campbell-Reith audit concluded that the BIA has identified the potential impacts on stability and the water environment arising from the basement proposals and proposes sufficient mitigation.
- 2.6 With particular regard to the adjacent tree, the BIA audit states the following at paragraph 4.10:
- "The basement will be founded in London Clay/Head Deposits which have a high shrink/swell potential. The BIA states that there are a number of mature and substantial trees in the proximity of the property. The GI notes that the roots at 4.80m are unlikely to cause risk to the proposed construction, however the proposed construction should be extended 300mm into the non-root penetrated strata to a minimum foundation depth of 3.10m to limit the impact of seasonal desiccation of the underlying soils. The proposed foundation depth of 3.3m bgl is satisfactory. It is not proposed to fell any trees as a result of the works."*
- 2.7 With regard to the Burland Scale, the independent review of the applicant's BIA explains the

following:

*“In the revised submissions, the BIA provides an assessment of vertical and horizontal ground movements and indicates the potential damage to neighbouring properties as no higher than category 1 on the Burland scale, ‘Very Slight Damage’. Temporary works propping and sequencing proposals are provided. Assuming that the works are carefully controlled and monitored, the proposed development’s impacts are acceptable in accordance with CPG4.”*

- 2.8 The BIA documents have been independently assessed in line with the requirements of CPG4. As such, officers consider that based on the expert advice the applicant has demonstrated that the proposal would accord with the requirements of policy DP27 and associated Camden Planning Guidance 4. Two conditions will require the applicant to submit details of a qualified engineer to inspect, approve and monitor the construction works and require the development to be carried out in accordance with the recommendations of the BIA including the need for further pre-commencement trial excavations and pre-condition surveys, monitoring and surface water mitigation measures.

### 3. Design and Conservation

- 3.1 The application site is noted as being a positive contributor within the conservation area and proposals to extend or alter the property must preserve and enhance the established character and appearance.
- 3.2 The Council’s design policies are aimed at achieving the highest standard of design in all developments. 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 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.
- 3.3 CS14 states that the Council will ensure that Camden’s places and buildings are attractive, safe and easy to use by requiring development of the highest standard of design that respects local context and character; and preserving and enhancing Camden’s rich and diverse heritage assets and their settings including conservation areas and listed buildings.
- 3.4 The only manifestation of the proposal to the front of the building will be a small lightwell which will have a flush grille over it. This is also true of the rear which will comprise two lightwells also with grilles. They are considered appropriate due to their limited size and hidden nature covered by grilles so that they will have minimal visual impact on the surrounding conservation area. When viewed from the front, the proposal will be unappreciable by virtue of the raised ground floor level above the public footway. When viewed from the rear, the proposal is considered to preserve both the character of the positive contributor building and the wider Fitzjohns and Netherhall Conservation Area.
- 3.5 This is considered an acceptable design, in comparison to the 2004 refusal which featured a much larger front lightwell that had an unacceptable impact on the wider conservation area and the host building itself.
- 3.6 As a result of the enlarged basement, it is considered that a sufficient amount of the rear garden will remain. This is aided by the fact that the roof of the basement level will be able to be traversed by virtue of the grilles to the front and rear.
- 3.7 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



#### 4. Amenity

- 4.1 Policy CS5 seeks to protect to the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight. CPG6 seeks for developments to be 'designed to protect the privacy of both new and existing dwellings to a reasonable degree' and that the Council 'aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers'.
- 4.2 Given that the proposed basement 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.
- 4.3 The applicant has submitted a Daylight/Sunlight Assessment which confirms that the proposed 3 bedrooms at lower ground floor level will receive adequate levels of daylight in accordance with BRE guideline recommendations.

#### 5. Trees

- 5.1 The applicant has submitted a plan identifying that the Root Protection Area (RPA) of the adjacent tree towards the front of the application site (located on the corner of Ornan Road and Perceval Avenue) will not be affected as a result of the development. Officers consider this to be acceptable and do not consider that an Arboricultural Report would be required in this instance.

#### 6. Transport

- 6.1 Camden Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Camden Development Policy DP21 relates to how a development is connected to the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).
- 6.2 It is considered that one is necessary in this case due to the scale of development and excavation involved and impact on highways. The applicant has agreed to enter into a Section 106 legal agreement which requires the submission of a Construction Management Plan to control the construction process and to ensure the impact on the amenities of adjoining occupiers is kept to a minimum.
- 6.3 The footway directly adjacent to the site could be damaged as a direct result of the proposed works. A financial contribution for highway works will therefore be secured as a section 106 planning obligation.

#### 7. Conclusion

- 7.1 Based on the above, it is considered that the proposed development would preserve the character and appearance of the conservation area whilst ensuring that the residential amenities of the nearby occupiers and the local hydrology and land stability would not be significantly harmed. The proposal is liable for a CIL contribution as it creates over 100sqm additional floorspace.

#### 8. Recommendation

8.1 Grant conditional planning permission subject to Section 106 Legal 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 19<sup>th</sup> December 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'.***

c/o agent  
100 Marylebone Road  
London  
NW1 5DX

Application Ref: **2016/1285/P**

16 December 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:  
**18 Ornan Road**  
**London**  
**NW3 4PX**

Proposal:

**DECISION**  
Excavation of new basement floor with front and rear lightwells to extend the existing flat into a 5 bedroom dwelling at ground and basement levels

Drawing Nos: (Prefix: 1206-667-) 001A; 002A; 003B; 004A; 005B. Design and Access and Planning Statement prepared by Structural Engineering Ltd; Daylight Report prepared by MEs Building Solutions dated 25th May 2016. Basement Impact Assessment: Land Stability prepared by Ground and Project Consultants dated January 2016; Basement Impact Assessment: Groundwater prepared by H Fraser Consulting dated 1st February 2016; Ground Investigation Report prepared by Southfields Property Ltd dated August 2015; Basement Impact Assessment: Structural Construction Method Statement prepared by Structural Engineering Ltd dated November 2016; Surface Water and Flooding Report prepared by Ground&Water dated October 2016.

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- (Prefix: 1206-667-) 001A; 002A; 003B; 004A; 005B.

Reports: Design and Access and Planning Statement prepared by Structural Engineering Ltd; Daylight Report prepared by MEs Building Solutions dated 25th May 2016. Basement Impact Assessment: Land Stability prepared by Ground and Project Consultants dated January 2016; Basement Impact Assessment: Groundwater prepared by H Fraser Consulting dated 1st February 2016; Ground Investigation Report prepared by Southfields Property Ltd dated August 2015; Basement Impact Assessment: Structural Construction Method Statement prepared by Structural Engineering Ltd dated November 2016; Surface Water and Flooding Report prepared by Ground&Water dated October 2016.

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

- 4 The development shall not be constructed other than in accordance with the conclusions, methodologies and recommendations of the Basement Impact Assessment (BIA) documents hereby approved, including the need for further pre-commencement trial excavations and pre-condition surveys, monitoring and surface water mitigation measures. In the event that further evidence of site or building conditions necessitates amendments to the BIA or associated methodologies, they shall be submitted to the local planning authority for approval in writing prior to the commencement of development and the development shall be constructed in accordance with such amendments.

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 of the London Borough of

## Camden Local Development Framework Development Policies.

- 5 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 of the London Borough of Camden Local Development Framework Development Policies.

### Informative(s):

- 1 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.
- 2 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).
- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £5,500 (110sqm x £50) for the Mayor's CIL and £55,000 (110sqm x £500 using the relevant rate for uplift in that type of floorspace) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

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

**DRAFT**

Supporting Communities Directorate

**DECISION**