

18 Lancaster Grove - 2016/5676/P



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Site photos



1. Aerial photo of the site showing the site before demolition commenced



2. Archive photo of pre-existing house



3. View towards front of site showing existing boundary wall



4. View towards neighbouring property to the east: 22 Lancaster Grove



5. Archive photo of neighbouring property to the west: 16 Lancaster Grove

Delegated Report (Members' briefing)		Expiry Date:	13/12/2016	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
18 Lancaster Grove London NW3 4PB		2016/5676/P			
Proposal(s)					
Variation of condition 5 (restriction on permitted development) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely to remove restriction on permitted development within Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna).					
Recommendation(s):		Grant conditional planning permission subject to s106 legal agreement			
Application Type:		Variation of condition			
Consultations	Date advertised	21 days elapsed		Date posted	21 days elapsed
Press notice	27/10/16	17/11/16	Site notice	21/10/16	11/11/16
				# Responses	# Objections
Adjoining Occupiers				3	3
Consultation responses (including CAACs):	<p>Objections have been received from occupiers of 16 Lancaster Grove, 26 Crossfield Road, 43a Lancaster Grove</p> <ul style="list-style-type: none"> - Object to further changes at 18 Lancaster Grove - As such the house now being build is completely out of character with the local environment and by it large presence dominates my property at no 16 in a most unsightly way. - Would like to preserve the quality of the neighbouring properties <p>Officer's comment: The application has been revised and no longer seeks to remove condition 5 entirely but rather seeks to vary it to allow development within Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna). The proposal to remove condition 5 completely was not supported by officers.</p> <ul style="list-style-type: none"> - Permission was specifically granted in the past on the strict condition that all development rights were removed. I consider it extremely important that this type of planning application is strictly enforced - Planning permission was achieved at No 18/20 for a house with a floor area of 840 sq m (9,053 square feet) after an Appeal at Public Enquiry. As the Inspector found that 9,053 ft2 should not be increased at No 18/20 and removed the Development Rights, it would be totally wrong to grant this consent. 				

Officer's comment: Since the appeal decision there have been two changes to the planning context. Firstly, an article 4 removing certain permitted development rights for the Belsize Park Conservation Area has been adopted 1 September 2010. This removes permitted development within Class A, C, D, F, and G of Part 1 where these works (on a principle or side elevation) would front a public highway or private street or other publically accessible space. Secondly, Planning Practice Guidance on the use of conditions has been published 6th March 2014. The guidance deals with the appropriateness of using conditions to restrict the future use of permitted development rights and includes the following: Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. In addition, it is clear the inspector looked at Part 1 (A-H) of the GPDO 2015 as a whole rather than assessing each particular part and whether the exceptional circumstances identified by the inspector were relevant to each part. It is considered that when such an assessment is made, development within Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna) of the GPDO 2015 would not raise significant issues.

Belsize Residents Association - object

- Permitted development rights were removed from this dwelling when the Permission was eventually granted after an Appeal. The reasons given were the sensitivity of the site and the size of the proposed dwelling. This restriction should be upheld and not removed.

Officer's comment: please refer to the comment above.

Site Description

The site is located on the south side of Lancaster Grove. The site originally contained two 2-storey buildings in use as two single-family dwellinghouses. These have now been demolished following the approval of conservation area consent 18/10/2013 (ref 2013/5397/C) and the plot is now vacant. The site is located within the Belsize Park Conservation Area.

The north and south sides of Lancaster Grove are characterised by different features. The south side of Lancaster Grove is characterised by 2-storey detached Arts and Crafts houses with gables, dormers, asymmetrical facades and footprints, red bricks and tiles. The north side of Lancaster Grove is much more uniform; characterised by robust 2-3 storey mid-Victorian terraces and semis with gables, bay windows, dormers, fine decorative features, red bricks, stucco dressings and asymmetrical facades. The houses have front gardens with boundary walls defining the edge of the properties along the street.

Relevant History

2007/0923/P: The erection of a new two-storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. Refused 15/05/2007 Appeal allowed 28/05/2008

2007/0925/C: Demolition of 2 existing dwellinghouses. Refused 15/05/2007 Appeal allowed 28/05/2008

2008/3565/P: Excavation of an enlarged basement, including front and rear lightwells, as a revision to planning permission granted on 28/05/2008 at appeal (ref: 2007/0923/P). Granted 12/11/2009

2010/3134/P: Renewal of planning permission granted 28/05/2008 (2007/0923/P) for the erection of a new two-storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. Granted 10/08/2010

2010/3135/C: Renewal of conservation area consent granted on 10/08/2010 (ref: 2007/0925/C) for demolition of 2 existing dwellinghouses. Granted 10/08/2010

2012/3963/P: Formation of an opening at first floor level to connect No 18 and No 20 Lancaster Grove and form a single residential unit (Class C3). Granted 07/09/2012

2013/0955/P: Excavation of enlarged basement, including front and rear lightwells, as a revision to planning permission granted on 10/08/2010 (ref: 2010/3134/P) for erection of a new 2-storey plus attic level and basement dwellinghouse (following demolition of 2 existing dwellinghouses) as a renewal of planning permission (2007/0923/P). Granted Subject to a Section 106 Legal Agreement 03/10/2013

2013/5072/P: Confirmation that works undertaken at 18-20 Lancaster Grove constitute commencement of development of planning permission 2010/3134/P. Lawful development certificate granted 04/10/2013

2013/5397/C: Demolition of two single family dwellinghouses (Class C3) Granted 18/10/2013

2014/2811/P: Erection of 2 storey 6-bed single family dwellinghouse with basement. Granted Subject to a Section 106 Legal Agreement 17/03/2015

2016/3965/P: Variation of condition 2 (approved plans) of planning permission 2014/2811/P dated 17/03/2015 (for erection of 2 storey 6-bedroom single family dwellinghouse with basement), namely to allow alteration to materials and the size and design of windows and French doors, introduction of parapet and omission of hipped end bays, entrance bay with parapet, additional rear dormer and lowering of roof ridge. Refused 23/11/2016

2016/5675/P: Variation of condition 2 (approved plans) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely additional rear dormer, removal of pediment and alterations to dormer windows at the rear and glazing to front lightwells. (This application was registered 19/10/2016 and is awaiting determination)

2016/6858/P: Variation of condition 2 (approved plans) of planning Permission ref 2014/2811/P dated 17/03/2015 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement), namely the replacement of front door with double door, narrowing of 1st floor windows on front elevation, metal framed windows and doors to rear ground floor, replacement of rear window with French doors and Juliette balcony at 1st floor, replacement of 1st floor rear sash windows with casement windows, blanking out of 2x 1st floor windows on side (west) elevation, reduction in width of first floor windows on side (east) elevation and removal of all chimney pots. (This application was registered 16/12/2016 and will be determined once the consultation period has finished)

Relevant policies

National Planning Policy Framework (2012)
National Planning Practice Guidance (March 2014)

London Plan (2016)

LDF Core Strategy and Development Policies (2010)

CS1 (Distribution of Growth)

CS5 (Managing the Impact of Growth and Development)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

DP24 (Securing High Quality Design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

Camden Planning Guidance

CPG1 Design (2015)

Belsize Conservation Area Statement (Adopted Nov 2002)

Belsize Park Article 4 Direction (Adopted 1 September 2010)

Assessment

1. Proposal

1.1 The application seeks to vary condition 5 (restriction on permitted development rights) of planning permission 2014/2811/P, dated 17/03/2015 (which was for the erection of a 2 storey detached dwellinghouse with basement) to allow development within Classes E (outbuildings), F (Hard Surfacing), and H (satellite antenna) of the Town and Country Planning (General Permitted Development) Order 2015 (hereafter referred to as GPDO 2015).

1.2 Development within Class A (enlargement, improvement of other alterations), Class B (additions etc. to the roof), Class C (other alterations to the roof), Class D (porches), and Class G (chimneys, flues etc.) would still require planning permission.

1.3 Proposed condition 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A, B, C, D and G) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

2. Revision

2.1 The application was revised following officer's concerns and no longer seeks to remove condition 5 entirely but rather seeks to vary it as set out above. The proposal to remove condition 5 completely was not supported by officers.

3. Background

3.1 The former buildings on the site were identified in the Belsize Conservation Area Statement (BACS) as making a positive contribution to the character and appearance of the conservation area. Planning permission (2007/0923/P) was granted in May 2008 on appeal for their replacement with a dwelling of a traditional Arts & Crafts style design. The decision included condition 6 removing permitted development rights. This permission was renewed in August 2010. The development commenced in October 2013. In 2014 amendments to the proposed design were consented under a fresh planning permission (2014/2811/P). This also included a condition

removing permitted development rights (condition 5).

4. Assessment

4.1 The existing wording of condition 5 is provided below.

Existing Condition 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

4.2 The condition was attached following the appeal allowed in 2008 (planning ref: 2007/0923/P and appeal ref: APP/X5210/A/07/2048016). The inspector noted the following:

"I have also removed permitted development rights. Whilst I am aware that this should only be done in exceptional circumstances, I consider that given the sensitivity of the site, the size of the proposed dwelling and the fact that the dwelling has been so cohesively designed that it is warranted in this case."

4.3 Since the appeal decision there have been two changes to the planning context which are relevant to this assessment. Firstly, an article 4 removing certain permitted development rights for the Belsize Park Conservation Area has been adopted on 1 September 2010. This removes permitted development within Class A, C, D, F and G of Part 1 where these works (on a principle or side elevation) would front a public highway or private street or other publically accessible space.

4.4 Secondly, Planning Practice Guidance on the use of conditions has been published on 6th March 2014. The guidance deals with the appropriateness of using conditions to restrict the future use of permitted development rights and notes the following: Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.

4.5 This represents a slight change in emphasis from Circular 11/95 (the previous Government guidance on conditions).

4.6 Circular 11/95 states: "It is possible, exceptionally, to impose conditions to restrict further development which would normally be permitted by a development order. Both development orders and the Use Classes Order, however, are designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Save in exceptional circumstances, conditions should not be imposed which restrict either permitted development rights granted by development orders."

4.7 The inspector found that there were exceptional circumstances which were:

- the sensitivity of the site,
- the size of the proposed dwelling and
- the fact that the dwelling has been so cohesively designed

4.8 These exceptional circumstances are still considered to hold. However it is clear the inspector looked at Part 1 (A-H) of the GPDO 2015 as a whole rather than assessing each particular part and whether the exceptional circumstances identified were relevant to each part. It is considered that when such an assessment is made, development within Class E (outbuildings), F (Hard

Surfacing), and H (satellite antenna) of the GPDO 2015 would not raise significant issues.

- 4.9 Class E allows the erection of an outbuilding at the rear subject to it not exceeding certain criteria. It is noted that the article 4 for Belsize Conservation Area did not remove this permitted development right (adopted 1/9/10). It is also considered that the sensitivity of this site is less at the rear than at the front and a single storey outbuilding within the limits set down by the GPDO 2015 would be unlikely to harm the design of the host property or the character of the conservation area, or cause undue harm to the visual and residential amenities of nearby and neighbouring properties. A condition preventing development within Class E without the grant of planning permission is therefore not considered necessary.
- 4.10 Class F allows for the provision of a hard surface and does not include any specific limits or conditions for a hard surface at the rear of the property. The article 4 for Belsize Conservation area removed this permitted development right where any part of the hard surface would front a public highway or private street or other publically accessible space. The sensitivity of this site is less at the rear than at the front and a hard surface at the rear would be unlikely to harm the design of the host property or the character of the conservation area. A condition preventing development within Class F without the grant of planning permission is therefore not considered necessary.
- 4.11 Class H allow for the installation of a satellite dish at the rear subject to it not exceeding certain size criteria and meeting certain conditions. The sensitivity of this site is less at the rear than at the front and a satellite dish at the rear (within the limits set down by the GPDO 2015) would be unlikely to harm the design of the host property or the conservation area. A condition preventing development within Class H without the grant of planning permission is therefore not considered necessary.

5. Other matters

- 5.1 The original permission was subject to a legal agreement securing a post-construction sustainability assessment and a CMP. As this application would effectively result in a new permission it is necessary to secure a Deed of Variation of the original legal agreement to ensure that this permission would be subject to the same requirements.

6. Conclusion

- 6.1 There are no exceptional circumstances which justify the removal of permitted developments rights for development under Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna) of the GPDO 2015 and therefore a condition preventing development within Class E, F and H without the grant of planning permission would not be considered necessary and condition 5 should be varied accordingly. Development within Classes A, B, C, D and G of Part 1 of the GPDO 2015 would still require planning permission.

Recommendation: Grant variation of condition.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 9th January 2017, 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 and search for 'Members Briefing'.

SBW Planning Ltd
117 Mount Pleasant Road
London
N17 6TQ

Application Ref: **2016/5676/P**

05 January 2017

Dear Sir/Madam

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 Lancaster Grove
London
NW3 4PB

Proposal:
Variation of condition 5 (restriction on permitted development) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely to remove restriction on permitted development within Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna).
Drawing Nos: Site location plan; Cover letter prepared by SBW Planning dated 17th 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 For the purposes of this decision, condition no.5 of planning permission 2014/2811/P shall be replaced with the following condition:

REPLACEMENT CONDITION 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A, B, C, D and G) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 5754/PL/12 C; 5754/PL/11 C; 5754/PL/10 C; 5754/PL/09 C - December 2014; 5754/PL/08 C - December 2014; 5754/PL/07 C - December 2014; 5754/PL/06 C - December 2014; 5754/PL/03 E; 5754/PL/02 C; Code for Sustainable Homes Pre-Assessment Report dated 18/03/2014; Lifetimes homes statement (appendix C of design and access statement); Basement impact assessment rev A dated 14/6/13; Geotechnical investigation dated 7/6/13; Interpretive Report on site investigation dated Sept 08; Energy statement dated April 2014.

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

- 3 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The first floor windows on the western elevation, adjacent to 16 Lancaster Grove, shall be fitted with obscure glazing and fixed shut to a height of 1.8 metres above the internal finished floor level, prior to the first occupation of the dwelling house, and shall be retained and maintained in that condition thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden

- 5 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

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.

- 6 Prior to the first occupation of the dwelling hereby approved, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be 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 All hard and soft landscaping works shall be carried out in accordance with the approved details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonable possible and, in any case, by not later than the end of the following planting season, with others of similar size or species.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme 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.

- 8 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the protection details approved in connection with 2016/2339/P on 21/09/2016.

Reason: To ensure that the development will not have an adverse effect on existing

trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 9 Any subsequent change or reappointment to the chartered engineer approved in connection with 2016/2337/P on the 24/06/2016 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.

- 10 Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall be provided in its entirety prior to the first occupation of the new dwelling, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 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 Noise and Licensing Enforcement Team, 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 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same

terms, drawings, conditions and obligations 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

Supporting Communities Directorate

DRAFT

DECISION