

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>15/12/2015</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>03/08/2016</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Kate Phillips				2015/5847/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
66 Fitzjohn's Avenue London NW3 5LT				Please 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>							
Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwellings							
<b>Recommendation(s):</b>		Grant conditional permission subject to section 106 legal agreement					
<b>Application Type:</b>		Full 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>35</b>	No. of responses	<b>9</b>	No. of objections	<b>9</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed on 14/01/2016 (consultation expiry date 04/02/2016) and a notice was published in the local press on 24/12/2015 (consultation expiry date 14/01/2016).</p> <p>In response to the original set of plans, letters of objection were received from 9 different interested parties (St Mary's School, 47 Fitzjohns Avenue; Flat 6, 62 Fitzjohns Avenue; Management Company, 64 Fitzjohns Avenue; Flat A, 64 Fitzjohns Avenue; Flat B, 64 Fitzjohns Avenue; Flat D, 64 Fitzjohns Avenue; Flat E, 64 Fitzjohns Avenue 66 Fitzjohns Avenue)</p> <p>. The comments are summarised below:</p> <ul style="list-style-type: none"> <li>• Impact on conservation area (see section 6 of officer's report)</li> <li>• Poor design (see section 6 of officer's report)</li> <li>• Overdevelopment of the site (see section 6 of officer's report)</li> <li>• Replacement building would be considerably larger than existing / overly large size and bulk (see section 6 of officer's report)</li> <li>• Impact on No. 64, which is a positive contributor (see section 6 of officer's report)</li> <li>• Backland development harms the quality of the environment (rear gardens contribute to townscape) (see section 6 of officer's report)</li> <li>• Glimpses of views between properties are part of the established character of the conservation area, the new building would harm the views (see section 6 of officer's report)</li> <li>• Rear of 64 Fitzjohns Avenue already been poorly subdivided (see section 6 of officer's report)</li> <li>• Existing building is characteristic of the type of mews cottage which might have serviced the large Victorian villa in the past (see section 6 of officer's report)</li> <li>• No need to replace existing building (see section 3 of officer's report)</li> <li>• Loss of tree which makes a positive contribution to the character and appearance of the conservation area (see sections 6 and 9 of officer's report)</li> <li>• Tree report is inadequate (see section 9 of officer's report)</li> <li>• Visible from the road, not hidden or screened (see section 6 of officer's report)</li> <li>• Impact on neighbouring properties – light pollution, overlooking, daylight/sunlight (see section 7 of officer's report)</li> <li>• Disruption during the construction period (see sections 7 and 8 of officer's report)</li> <li>• Impact on local traffic and highway safety, particularly for school children, parents, visitors of nearby St Mary's School (see section 8 of officer's report)</li> <li>• Cumulative impact with other development occurring on Fitzjohns</li> </ul>					

- Avenue at the same time (see section 8 of officer's report)
- CMP is not sufficient to mitigate the risks (see section 8 of officer's report)
  - Insufficient space for turning vehicles (see section 8 of officer's report)
  - New dwellings should be secured as 'car-free' (see section 8 of officer's report)
  - Emerging policy on basements is clear on loss of garden space (see section 11 of officer's report)
  - Poor quality of subterranean living space (see sections 5 and 11 of officer's report)
  - No attempt to make the building sustainable (see section 10 of officer's report)
  - Impact of basement / BIA is inadequate (see section 11 of officer's report)
  - Basement would be overly deep (more than single storey) (see section 11 of officer's report)
  - Tunnel under main access to site needs considering (see section 11 of officer's report)
  - Insufficient waste storage (the existing waste storage area is solely for the use of the residents of No. 64) (see section 5 of officer's report)
  - Impact on existing drainage (see below)
  - Would set a dangerous precedent for future development along Fitzjohns Avenue (see below)

Following the submission of revised plans (1 storey lower), the following comments (summarised) were received (64 Fitzjohns Avenue; Flat B, 64 Fitzjohns Avenue; Flat D, 64 Fitzjohns Avenue; Flat E, 64 Fitzjohns Avenue; unknown address):

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- Unsympathetic design - increased roof height is still unacceptable
- Impact on conservation area (see section 6 of officer's report)
- Visible from the road and therefore detrimental to the conservation area (see section 6 of officer's report)
- Loss of tree which makes a positive contribution to the character and appearance of the conservation area (see sections 6 and 9 of officer's report)
- Doesn't comply with emerging policy regarding basements (see section 11 of officer's report)
- Poor quality subterranean living space (daylight/sunlight) (see section 11 of officer's report)
- No sustainability measures (see section 10 of officer's report)
- Insufficient space for turning vehicles (see section 8 of officer's report)
- Impact on traffic safety in local area (see section 10 of officer's report)
- Impact on neighbours (see section 7 of officer's report)
- Insufficient waste storage (see section 5 of officer's report)

***Officer comment***

*Please see the Officer's Report below which addresses the principle of*

*development; the proposed dwelling mix; the living standards of future occupiers; the impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area); the impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties; transport considerations; trees and landscaping; energy and sustainability and water; and basement considerations.*

*Whether or not there is a need to replace the existing building is not a planning consideration. The building is not listed, although it is within a conservation area, which has been properly considered.*

*Each case must be assessed on its own merits. As such, it is not considered that this case would set a precedent for further development of rear gardens along Fitzjohns Avenue.*

*Drainage matters are covered by Building Regulations.*

<b>Fitzjohns Netherhall CAAC</b>	<p>No comments received (consultation period expired 10/02/2016)</p>
<b>The Heath &amp; Hampstead Society</b>	<p>Objection:</p> <ul style="list-style-type: none"> <li>• Overdevelopment of the plot (see section 6 of officer's report)</li> <li>• Additional profit for developer (see below)</li> <li>• Additional height would be obtrusive (see section 6 of officer's report)</li> <li>• Loss of daylight/sunlight to adjacent houses (see section 7 of officer's report)</li> <li>• How will basements be ventilated (see below)</li> <li>• Parking layout is ambiguous (see section 8 of officer's report)</li> <li>• Would support the units as 'car-free' (see section 8 of officer's report)</li> <li>• CMP is not convincing (see section 8 of officer's report)</li> </ul> <p><b>Officer comment</b></p> <p><i>Please see the Officer's Report below which addresses the impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area); the impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties; and transport considerations.</i></p> <p><i>The height of the building has been reduced during the course of the application.</i></p> <p><i>Ventilation for the basement would be covered by Building Regulations.</i></p> <p><i>The motivations of the developer are not a planning consideration and cannot be taken into consideration in the determination of the application.</i></p>
<b>Hampstead Village Voice &amp; The Hampstonian</b>	<p>Objection:</p> <ul style="list-style-type: none"> <li>• There is no need to replace the existing building (see below)</li> <li>• Offshore developer aiming to make as much money as possible (see below)</li> <li>• Impact on local schools and traffic (see section 8 of officer's report)</li> <li>• There should be a blanket ban on demolition and pointless construction in conservation areas (see below)</li> </ul> <p><b>Officer comment</b></p> <p><i>Please see the Officer's Report below which addresses transport considerations.</i></p> <p><i>Whether or not there is a need to replace the existing building is not a planning consideration. The building is not listed, although it is within a conservation area, which has been properly considered. Similarly, it is not possible to place a blanket ban on demolition and construction in conservation areas; instead each planning application must be assessed on its own merits.</i></p>

*The motivations of the developer are not a planning consideration and cannot be taken into consideration in the determination of the application.*

## Site Description

The application site is No. 66 Fitzjohns Avenue, which is a backland site to the rear (east) of No. 64 Fitzjohns Avenue. The site would have originally formed part of the private rear garden of No. 64 (a large, Victorian, red brick, semi-detached villa fronting onto Fitzjohns Avenue); however the land has been subdivided at some point in the past and there is now a pair of semi-detached, two storey, white-painted brick residential dwellings occupying the plot (possibly on the site of a former mews-type building).

The residential dwellings at No. 66 are located approximately 10 metres to the rear of No. 64 and they abut the sides (northern and southern) and rear (eastern) boundaries of the application site. The land on the other side of the eastern boundary forms part of No. 12 Akenside Road.

Access to the application site from Fitzjohns Avenue is along the northern edge of No. 64 and there are electronic gates to prevent unauthorised access.

The surrounding pattern of development predominantly consists of spacious semi-detached Victorian villas set back from the road beyond well-established street trees, low-level brick walls and low level vegetation. To the north of the application site, on the corner between Fitzjohns Avenue, Lyndhurst Road and Akenside Road is No. 15 Akenside Road (Medresco House), a 1960's, four storey, red brick block of flats (14 units) and associated car park. The site is well screened by close boarded fencing around the perimeter.

The application site is within the Fitzjohns Netherhall Conservation Area. No. 66 (the application site) is identified within the Fitzjohns Netherhall Conservation Area Statement as being a negative feature of the conservation area. Nos. 54-64 (which front the main street) are identified as making a positive contribution to the special character and appearance of the area.

## Relevant History

### Studios 1 and 2, 66 Fitzjohns Avenue NW3

**9501009R3** - Retention of various works of alteration - **Grant Full Planning Permission (conds) 19-07-1996**

**9560129R3** - Partial demolition in association with works of alteration - **Grant Conservation Area Consent 19-07-1996**

### 66 Fitzjohns Avenue

**CTP/F7/8/4/6155/R** - The redevelopment of the site by the erection of a four storey block of flats comprising thirty habitable rooms, with parking space - **Conditional 30-01-1969**

**CTP/F7/8/4/4809** - The redevelopment of the site of No.66 Fitzjohns Avenue by the erection of a block of flats with car parking space - **Conditional 02-02-1968**

**TP/638/NW/23757** - Erection of an enclosure to house transforming equipment at No. 66 Fitzjohn's Avenue, and the formation of a new means of access to the highway - **Permission 10-05-1957**

**TP/638/9865** - The erection of an additional storey upon the existing one-storey addition at the Madam Curie Hospital, 66, Fitzjohn's Avenue - **Permission 19-03-1947**

**TP/638/15/03/44** - The use of No. 66 Fitzjohn's Avenue as a hospital for cancer and allied diseases - **Permission 28-04-1944**

**TP/638/64751/10/12/37** - London Building Act, 1930. Sections 89 and 90. Store shed, of a temporary character, at 66, Fitzjohn's Avenue – **Decision 05-01-1938**

**TP/638/64751/21/01/38** - Temporary store shed at 66 Fitzjohn's Avenue - **Permission 04-03-1938**

**TP/638/64751/61940** - Permission to erect a block of flats and a garage on the site of No. 66 Fitzjohn's Avenue - **Permission 16-08-1934**

**TP/638/75089/11187** - Ltd. of a storage shed on a site at No.66 - **Permission 20-10-1933**

### **64-66 Fitzjohns Avenue**

**P9601477** - Retention of refuse store - **Grant Full Planning Permission 06-09-1996**

### **64 Fitzjohns Avenue**

**2015/0565/P** - Partial extension of the rear ground floor wall to align with existing rear elevation – **Granted 24-03-2015**

**2015/0564/P** - Rear casement window replaced with timber framed French door and side windows - **Granted 17-03-2015**

**2007/1925/P** – (Flat E) – Certificate of lawfulness: Erection of roof platform terrace in existing valley roof, previously granted planning permission on 3.9.90 (ref 8905708R1) - **Granted 12-06-2007**

## **Relevant policies**

### **National Planning Policy Framework (2012)**

### **London Plan (2016)**

### **LDF Core Strategy and Development Policies (2010)**

CS1 (Distribution of growth)

CS3 (Other highly accessible areas)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

DP2 Making full use of Camden's capacity for housing

DP5 (Homes of different sizes)  
DP6 (Lifetime homes and wheelchair homes)  
DP16 (The transport implications of development)  
DP17 (Walking, cycling and public transport)  
DP18 (Parking standards and limiting the availability of car parking)  
DP19 (Managing the impact of parking)  
DP21 (Development connecting to the highway network)  
DP22 (Promoting sustainable design and construction)  
DP23 (Water)  
DP24 (Securing high quality design)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP29 (Improving access)

### **Camden Planning Guidance**

CPG1 Design (2015)  
CPG2 Housing (2015)  
CPG3 Sustainability (2015)  
CPG4 Basements and lightwells (2015)  
CPG6 Amenity (2011)  
CPG7 Transport (2011)  
CPG8 Planning Obligations (2015)

### **Fitzjohns Netherhall Conservation Area Statement (2001)**

## **Assessment**

### **1. The proposal**

- 1.1. This application seeks planning permission to demolish the existing pair of semi-detached dwellings at the site and replace them with another pair of semi-detached dwellings in the same position.
- 1.2. The replacement dwellings would also be two storeys tall above ground level, but they would each feature a basement below as well. The replacement building would have a flat roof and would measure 5.6 metres tall above ground level when viewed from the front and 6.1 metres tall when viewed from the rear. On the front elevation, at first floor level, there would be 4x projecting bay windows, at regular intervals, constructed with grey zinc cladding. The rest of the building would be constructed with London stock brick.
- 1.3. The footprint of the new building would measure 16 metres wide and 6.8 metres front to back. The footprint of the proposed basement (which would extend out to the front of the new dwellings below ground) would measure up to 15 metres wide by up to 11.3 metres front to back. The basement would have an internal floor-to-ceiling height of 2.5 metres and it would feature ground level rooflights to the front of the main building (2 per dwelling).
- 1.4. To the front of the new building there would be an area of hard standing to provide parking spaces for 2x cars and access to the main entrances, and there would be newly created areas of lawn.
- 1.5. Each new dwelling would provide 3 bedrooms: 2 at first floor level and 1 at ground floor level.

### **2. Revisions**



2.1. The following revisions have been made during the course of the application:

- Height of the building reduced from 3 storeys to 2 storeys above ground level
- Position of ground level rooflights altered so that they all abut the front edge of the main building
- Alterations to internal layout
- Alterations to hard and soft landscaping

### **3. The principle of development**

3.1. The proposal would not result in a net loss or gain of dwellings, which is considered to be acceptable in terms of policy CS6 and DP2.

3.2. The application site is within the Fitzjohns Netherhall Conservation Area; however, the existing building is identified within the Fitzjohns Netherhall Conservation Area Statement (now referred to as FNCAS) as being a negative feature of the conservation area. As such, there is no 'in-principle' objection to its loss.

3.3. The principle of development is considered to be acceptable, subject to the detailed considerations below.

### **4. Dwelling mix**

4.1. Policy DP5 seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The existing dwellings have 1 bedroom each at ground level and an office at first floor level, which can be used as bedrooms but which do not have windows. For the purpose of this assessment, the existing units are classed as 1-bed units.

4.2. The DSPT indicates that 1-bed market housing has "lower" priority, whereas 3-bed market housing has "medium" priority. Insofar as the replacement dwellings would provide housing which has a higher priority level, the proposal is welcomed.

### **5. Living standards of future occupiers**

5.1. Policy DP26 requires new development to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space; facilities for the storage, recycling and disposal of waste; facilities for bicycle storage; and private outdoor amenity space.

5.2. The northernmost new dwelling (Unit 1) would measure approximately 175sqm internally and the southernmost new dwelling (Unit 2) would measure approximately 168sqm. The Government's current technical housing standards require a 3-bedroom-6-person-3-storey dwelling to provide 108sqm of floor space, including 2.5sqm of built-in storage. The new units would both exceed the required space standards.

5.3. Each new unit would be fully self-contained with its own front door. The new dwellings would share the existing vehicular access from the main road (Fitzjohns Avenue), as the existing dwellings at the site do, and there would be space to park 2x cars at the front of the building, in a similar position to the current parking arrangements on site..

5.4. It is considered that all the rooms in the new dwellings would be able to function for the purposes for which they are intended. They would all have an adequate size, shape, door arrangement, height and natural lighting through windows (or ground level skylights in the

basement) Each new dwelling would feature open-plan kitchen / living spaces in the basement (with ground level rooflights above). This is considered to be acceptable because the size of these rooms is considered to be sufficient to cater for the greater range of activities that would take place in them. Furthermore, the hall / reception areas at ground level could function as extra living space for future occupiers, if desired.

- 5.5. In both units there would be a permanent separation between eating and sleeping areas; there would be 1 bedroom at ground level and 2 at first floor level. In both units it would be possible to access all habitable rooms without passing through another (except for the hall / reception area at ground level but this is not the main living space so this is considered to be acceptable).
- 5.6. Both units would be single aspect with windows only on the front (west) elevation (as the existing dwellings at the application site are), because the site is landlocked to the sides and rear. All the habitable rooms would have access to natural daylight. CPG2 (Housing) notes that forecourt parking can restrict light to basements and therefore consideration should be given to obstructing vehicle parking where vehicles may form a barrier to light serving basement windows. In this case, the hardstanding for the parking is near to the entrance to the site and the plans have been revised to provide a greater area of lawn to the front of Unit 1, in order to prevent cars being able to park so close to both of this unit's rooflights. Planting would also be provided along the outer edges of all of the rooflights. On balance, this is considered to be acceptable.
- 5.7. Both units would benefit from adequate built-in storage space and there is an existing communal bin store at the front of the site (adjacent to Fitzjohns Avenue), which would be retained to cater for the storage, recycling and disposal of waste, which is considered to be acceptable. Some comments have been received regarding the ownership of the existing bin store and the rights to use it. If it was not possible to use the existing bin store, there is ample space within the application site to provide another.
- 5.8. External cycle parking is illustrated at the southern end of the site. A suitable planning condition can require the submission and approval of full details of the cycle parking prior to the occupation of the new dwellings.
- 5.9. The new dwellings would not benefit from any private outdoor amenity space. There would be areas of lawn at the front of the building which could be used for sitting out but they would not be screened for privacy. Views would be available from each new dwelling towards the other, and also from the balconies at the rear of Nos. 62 and 64 Fitzjohns Avenue. Nevertheless, this is the same as the existing situation and therefore, on balance, this is considered to be acceptable, particularly because this is a backland site, which is relatively well screened from the main road and therefore feels relatively private in nature.
- 5.10. A planning condition can require the new dwellings to meet Building Regulations M4(2) (accessible and adaptable).
- 5.11. Overall, it is considered that the new dwellings would provide an acceptable standard of residential accommodation, in accordance with Policy DP26.

## **6. Impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area)**

- 6.1. The application site is within the Fitzjohns Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the

character or appearance of the area. As noted above, No. 66 Fitzjohns Avenue (the application site) is identified within the FNCAS as being a negative feature of the conservation area; however, Nos. 54-64 (which front onto the main road) are identified as making a positive contribution to the special character and appearance of the area.

- 6.2. The FNCAS notes that Fitzjohns Avenue is the most prominent street in the area and it notes that the majority of properties are detached or semi-detached, and the gaps between the buildings therefore provide views to the rear gardens and a rhythm to the frontage. The FNCAS notes that the rear gardens form large blocks of open land, making a significant contribution to the character of the area.
- 6.3. As noted, the rear garden of No. 64 has been subdivided in the past and the property no longer benefits from a rear garden as it would originally have done. The existing, poor quality building at the application site is visible from Fitzjohns Avenue in views along the side of the main building (No. 64) and the replacement building would also be visible as it would occupy the same position on the plot. Whilst it is acknowledged that the existing building is identified as being a negative feature of the conservation area, there is no reasonable prospect of this building being removed in future (to create the sense of openness that is still evident at other properties in the conservation area) without it also being replaced by another building. It is important therefore to ensure that any replacement building makes a more positive contribution to the character and appearance of the conservation area than the existing.
- 6.4. At two storeys tall, and due to its relatively simple design, the existing building appears subordinate to the main building, which is what is generally expected of backland development such as this. Although the overall height of the replacement building would be taller than the existing (as it would feature a flat roof all the way along the front elevation, rather than the gabled parapet walls that the existing building features), it is still considered that it would appear subordinate to the main building as it would still be significantly lower in height than the main building.
- 6.5. The proposed contemporary design of the new dwellings is also considered to be acceptable. Other than the front projecting zinc elements at first floor level, the new dwellings would be relatively simple in design, which is in keeping with the backland, subordinate position on the plot. The contemporary design also serves to highlight the fact the building is a later addition to the plot, helping the historical development of the site to be understood.
- 6.6. The modern design is considered to make more of a positive contribution to the character and appearance of the conservation area than the existing building at the application site, which is not of any particular architectural style, but instead appears to comprise of a mixture of styles.
- 6.7. It is considered that the new building would relate well to Medresco House (the 1960's block of flats to the north). It is also considered the replacement building would fit well in the street scene along Akenside Road (the road at the rear). The rear of the building would be visible from Akenside Road, but the rear and sides of the building are simple in design (blank elevation with London stock brick), which is considered to be appropriate to the backland setting, and not dissimilar to the existing situation.
- 6.8. The proposed basement would manifest itself above ground by way of 4x ground-level skylights at the front of the building. CPG4 notes that, where a basement extension under part of the front or rear garden is considered acceptable, the inclusion of skylights designed within the landscaping of a garden will not usually be acceptable, as illumination and light spill from a skylight can harm the appearance of a garden setting and cause light pollution. In this case, the site is relatively well screened from public view and the ground level skylights would not

therefore detract from the street scene or an established pattern of development in the area. Furthermore, the plans have been revised so that the skylights would abut the front edge of the host building rather than being located away from the building, which would also reduce their visual impact.

6.9. Overall, it is not considered that the proposal would cause harm to the character and appearance of the wider area, including the Fitzjohns Netherhall Conservation Area.

## **7. The impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties**

7.1. Policy DP26 notes that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors to consider include: visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; noise and vibration levels; odour, fumes and dust; microclimate; and the inclusion of appropriate attenuation measures.

7.2. The main properties that are likely to be affected by the proposal are the flats within Nos. 62 and 64 Fitzjohns Avenue; the flats at 15 Akenside Road (Medresco House), and No. 12 Akenside Road, although the impact on the flats at Medresco House is limited due to the separation distance and the intervening car-park.

7.3. The existing building at the application site only has windows on the front elevation, and the replacement building would be the same, which means any overlooking to neighbouring buildings is unlikely to be significantly worse than the existing situation. The ground floor windows on the new building would serve bedrooms and the reception area / hall in each dwelling. Due to their ground floor position, it is not considered that these windows would cause unacceptable overlooking or loss of privacy to the flats within Nos. 62 and 64 Fitzjohns Avenue, particularly because there is vegetation and fencing along the shared boundary which mitigates against direct overlooking. A suitable planning condition can require details of hard and soft landscaping at the site to be submitted to and approved in writing prior to the commencement of development, to ensure that there would still be adequate planting along the shared boundary.

7.4. The first floor windows would serve bedrooms and they would be set partly within the front projecting bay window elements, which would prevent views towards the south (towards No. 62 Fitzjohns Avenue). Although these windows would still provide views to the west and northwards (towards 64 Fitzjohns Avenue and the Medresco House site), the level of overlooking over and above the existing situation is not considered to be so severe as to warrant a refusal of the application on this basis. The fact the windows would be set back from the front projecting element reduces their prominence on the elevation and it is considered that this would reduce the perceived sense of overlooking that might be felt in the flats at No. 64.

7.5. A suitable planning condition can remove the permitted development rights for the new dwellings in the future, which would prevent the insertion of new windows in the buildings which may cause harm to the amenities of nearby and neighbouring properties.

7.6. With regards overshadowing and outlook, on the basis that the new building would replace an existing building, in the same position, this is unlikely to be a significant issue. The existing building features two gabled parapet walls on its front elevation which give it additional height when viewed from the front: at its highest the front elevation measures 5.7 metres tall and at its lowest it measures 4.4 metres tall. At the rear, due to the local topography whereby the land slopes down to the south-east, the existing building measures up to 5 metres tall. The

proposed replacement building would measure 5.6 metres tall when viewed from the front and 6.1 metres tall when viewed from the rear. It is recognised that the replacement building would be taller overall and would have greater overall massing and bulk than the existing when viewed from all angles; however, the additional impact is not considered to be so severe as to warrant a refusal of the application on this basis.

- 7.7. It is also recognised that the first floor, front projecting elements would project outwards from the new building towards No. 64 Fitzjohns Avenue, whereas the existing building has a single plane front facade. However, the projection only amounts to 0.6 metres, and therefore it is not considered that these elements would appear overbearing to the occupiers of the flats within No. 64 Fitzjohns Avenue, or give rise to any undue loss of outlook.
- 7.8. It is also worth noting that the replacement building would feature a green roof, which would provide a more pleasant roof scape when viewed from above from the flats on the upper floors of the adjacent buildings.
- 7.9. It is not considered that the additional overall height of the building would cause any undue loss of sunlight or daylight to nearby and neighbouring properties. The existing building is already likely to cause overshadowing to neighbouring buildings and it is not considered that the increase in height would cause significant additional impact to warrant a refusal on this basis.
- 7.10. It is not considered that the proposal would give rise to unacceptable light pollution or light spillage. Although the replacement building would have more openings on its front elevation (visible from Nos. 62 and 64 Fitzjohns Avenue), the likely levels of light from a residential building are unlikely to cause undue harm to nearby and neighbouring residential properties. There would be ground level skylights at the front of the new building; however, insofar as they would abut the front edge of the host building, they would be viewed as extensions of the vertical windows, rather than as separate entities. Again, the level of light likely to be omitted from the skylights as a result of the use of the basement is unlikely to cause undue harm to nearby and neighbouring residential properties.
- 7.11. With regards to noise, although the replacement dwellings would have more bedrooms than the existing and may therefore be capable of accommodating more occupiers, it is not considered that the level of noise generated from the use of the dwellings or comings and goings to the dwellings would cause undue harm to nearby and neighbouring properties.
- 7.12. Policy DP28 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the extent of the proposed works (including the basement construction) and the nature of the application site (backland position, accessed from a main road), the Council will secure the submission of a Construction Management Plan (CMP) through a legal agreement.
- 7.13. Overall, subject to the recommended condition, the impact on nearby and neighbouring properties is considered to be acceptable.

## **8. Transport considerations**

- 8.1. The application site has a Public Transport Accessibility Level (PTAL) of 5, which means it is easily accessible by public transport; and it is within the Belsize controlled parking zone (CA-B), which operates between 0900 and 1830 hours on Monday to Friday and 0930 to 1330 on Saturday. Policy DP18 expects new development to provide the minimum necessary car parking provision.

- 8.2. The proposed scheme would not introduce any additional residential dwellings and therefore the Council's car free policy does not apply and any existing spaces can be retained. There are currently 2x spaces at the site, and the 2x spaces would be retained, in roughly the same position on the plot.
- 8.3. The new dwellings can be secured as 'car-capped' (i.e. the future occupiers would have no access to on-street parking permits but would be able to park on site) through the section 106 legal agreement. This would prevent the proposed development from having an additional impact on parking stress within the CPZ.
- 8.4. In accordance with The London Plan 2016, the new dwellings would each require 2x cycle parking spaces, in order to encourage cycling as an efficient, healthy and sustainable alternative to private motor vehicle usage. Cycle parking facilities would be provided at the southern end of the application site. A suitable planning condition can require the submission and approval of full details of the cycle storage prior to the occupation of the dwellings.
- 8.5. Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. As already noted, due to the scale and nature of the proposed development and the application site, a CMP will be secured by the legal agreement to ensure the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.

## **9. Trees and landscaping**

- 9.1. Policy DP24 requires new development to consider existing natural features, such as topography and trees. New development should respond to the natural assets of the site and its surroundings and development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.
- 9.2. The FNCAS notes that trees are an inherent and characteristic part of the conservation area. The presence of street trees does not necessarily diminish the importance of trees in private gardens; the private landscape often contains significant trees, which contribute to the character of the area as they are visible from public places or surrounding properties.
- 9.3. Tree T1, a Silver Birch tree at the front of the existing building, near to the shared boundary with No. 64 Fitzjohns Avenue, would be removed as part of the proposal. The Arboricultural report notes that this tree has an estimated lifespan of 20 years and it is categorised as a category C tree.
- 9.4. It is considered that this particular tree makes a positive contribution to the character and appearance of the application site, and it is also visible from Akenside Road, to the rear (it is not visible from Fitzjohns Avenue as it is to the rear of No. 64). The plans have been revised during the course of the application to provide a replacement tree within the application site, slightly to the north of the tree that would be removed. It is considered that the replacement tree, a Field Maple, would also contribute positively to the character and appearance of the application site and it would also be visible from Akenside Road and so would maintain the leafy, verdant character of this part of the conservation area. A planning condition can ensure the replacement semi-mature tree is planted by not later than the end of the planting season following completion of the development.
- 9.5. As noted above, a suitable planning condition can require details of hard and soft landscaping

at the site to be submitted and approved in writing prior to the commencement of development, to ensure that there would still be adequate planting along the shared boundary with No. 64.

9.6. The likely impact of the proposal on other trees on and near the application site is considered to be minimal due to the presence of the existing building's foundations which will have acted as a root barrier due to their depth. The proposed development involves the construction of new foundations on top of the existing foundations within the same foot print which will result in no root disturbance.

9.7. Tree T10, a large, mature London plane tree to the north of the application site (in the grounds of Medresco House) will require pruning works to lift the crown by up to 3 metres. The arboricultural impact assessment states that no branches greater than 100mm in diameter will be removed which is considered to not adversely affect the health of the tree or the visual amenity the tree provides. Minor pruning will also be required of Trees T6, T7 and G11. The degree of pruning required to facilitate development is considered to be minor and therefore acceptable in planning terms. A planning condition can require the applicant to undertake the works in accordance with the methods outlined in the Arboricultural impact assessment.

## **10. Energy and sustainability and water**

10.1. Policy CS13 notes that the Council will require all development to take measures to minimise the effects of, and adapt to, climate change and the policy encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy DP22 requires development to incorporate sustainable design and construction measures and it requires the incorporation of green or brown roofs, wherever suitable.

10.2. Paragraph 22.4 of the LDF Development Policies notes that the possibility of sensitively altering or retro-fitting buildings should always be strongly considered before demolition is proposed. In this case, the Design & Access Statement notes that the re-building of the two houses will enable an upgrade of the current energy efficiency performance of the building and it sets out a number of potential measures that could be implemented. However, the Design & Access Statement doesn't explicitly set out which sustainability measures would be implemented and therefore a planning condition can require the submission and approval of an Energy Strategy prior to the commencement of development.

10.3. The proposed development incorporates a green roof, which would improve the ecological value of the site. It would also provide a more pleasant roof scape to the occupiers of the flats which look down onto the application site. A planning condition can require the submission and approval of details of the green roof prior to the first occupation of the building.

10.4. Policy DP23 requires developments to reduce their water consumption, pressure on the combined sewer network and the risk of flooding. A suitable planning condition can ensure that development will be capable of achieving a maximum internal water use of 110 litres a day (plus an additional 5 litres for external water use).

10.5. Overall, subject to the suggested conditions, the proposal is considered to be acceptable in this respect.

## **11. Basement considerations**

11.1. Policy DP27 notes that the Council will only permit basements and other underground

development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.

- 11.2. The Council's preferred approach is for basement development to not extend beyond the footprint of the original building and be no deeper than one full storey below ground level (approximately 3 metres in depth). The internal environment should be fit for the intended purpose, and there should be no impact on any trees on or adjoining the site, or to the water environment or land stability.
- 11.3. This application involves the demolition of an existing two storey building on the site and its replacement with a two-storey building above a single storey basement. The basement would extend beyond the footprint of the replacement building; whereas the replacement building would measure 6.8 metres front to back above ground level, the basement would extend out to the front by a further 5 metres. This is considered to be acceptable in this case on the basis that the original building at the site is being removed and replaced and the application site is already entirely covered with hardstanding and so the proposal would not result in the loss of vegetation (other than tree T1, which will be replaced, as discussed above) or garden area.
- 11.4. CPG4 recommends that sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. It also recommends that basement development should provide an appropriate proportion of planted material to allow for rain water to be absorbed and/or to compensate for the loss of biodiversity caused by the development. It is expected that a minimum of 1 metre of soil be provided above basement development that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity. In this case, the proposed basement would not cover the whole of the application site (although it would abut the northern, eastern and southern boundaries of the application site, as the existing building does) and it would be at least 1 metre below ground level. A lawn would be planted above part of the basement (except for the area of hard standing for car parking) with a depth of 1m, which is considered to be acceptable.
- 11.5. The following underground development constraints apply at the application site: Claygate Beds (hydrological constraint); slope stability. The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith, in line with the requirements of CPG4.
- 11.6. The BIA screening exercise identified potential issues that were carried forward to scoping. Subsequent to the issue of the initial audit, additional information was provided by the applicant. Campbell Reith now concludes that the BIA adequately identifies the potential impacts from the basement proposals and provides suitable mitigation. Based on the expert advice from Campbell Reith, the proposal accords with the requirements of Policy DP27 and CPG4. The application is therefore considered to be acceptable in this respect.
- 11.7. Campbell Reith did not suggest that a Basement Construction Plan would be necessary.

## **12. CIL**

- 12.1. The proposal will be liable for the Mayor of London and Camden Community Infrastructure Levy (CIL) as the floor space exceeds 100sqm. The Mayoral CIL rate in Camden is £50/sqm and the Camden CIL rate for residential development (below 10 dwellings) in Zone C is £500.



12.2. . Based on the information provided (net increase in internal floor space of 163sqm), the CIL is likely to be £89,650 (£50 x 163) and £102500 (£500 x 163). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

**Recommendation: Grant conditional 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 12<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'.***