

2082
29-30 LYNDHURST ROAD,
HAMPSTEAD,
LONDON, NW3 5PB



PLANNING STATEMENT

CONSERVATION PD (PLANNING + DESIGN)

Eleni Makri M ARCH B ARCH RIBA IHBC AABC

FEBRUARY 2017

Contents



- 1 Site, Context, Planning History and Scope of Application
- 2 'As built' drawings and effect on Trees and other planning issues
- 3 Conclusions
- 4 Appendices

29-30 Lyndhurst Rd

PLANNING
STATEMENT



29-30 Lyndhurst Rd

PLANNING
STATEMENT

The site

- 1.1 Nos. 29-30 Lyndhurst Road is a pair of semi-detached properties situated within the Fitzjohn's / Netherhall Conservation Area in the London Borough of Camden. The pair is identified in Camden's, published, Conservation Area Character Appraisal document as making a positive contribution to the local character and / or appearance.
- 1.2 The buildings originate in the early twentieth century and were constructed in an Arts and Crafts idiom as seen in the steep tiled roof, roughcast render and tile – hung facade finishes and in the fixed and opening, casement fenestration of the original.

Context

- 1.3 This Planning Statement is in support to an application to have Condition 2 of Planning Permission 2014/7048/P amended to include the approval of the following two 'as built' drawings:
- KYSON 258-11 1799rev A /Dec 12 (Basement Level);
 - KYSON 258-11 2001 / Jan 13 (Lower Ground Floor Level).
- 1.4 This application is submitted following the advice of Camden Planning. The relevant email is in **Appendix 1**.

Planning History

- 1.5 Planning permission **2011/0174/P** was granted on 9 March 2011 for alterations and extensions to the buildings. The Decision Notice is in **Appendix 2**.
- 1.6 The works allowed to the rear at basement / garden level and lower ground floor levels are shown in the Charlton Brown Partnership proposed / approved drawing 1112/AP – 20 which is in **Appendix 3**.
- 1.6 Following completion of subsequent works, Camden issued an Enforcement Notice (EN12/ 0993 - 16 October 2013) requiring the replacement of all new fenestration to the front and rear facades and the removal and / or replacement of the 4 upper level dormers to the rear.
- 1.7 A retrospective follow up planning application **2013/2891/P** by KYSON to have the works authorised 'as built' was refused permission. Enforcement Notice and Refusal were appealed with the Appeal Inspector' Decision (4 August 2014) upholding Camden's position.
- 1.8 This was followed up by a Planning Application **2014/7048/P** by Conservation PD which sought agreement with the Council as to how to carry forward the findings of the Appeal Inspector and to regularise other matters particularly changes in the approved scheme and was granted consent. Following the implementation of this Planning Application, EN12/ 0993 - 16 October 2013 was withdrawn in 2016 on completion of the relevant works. However, the KYSON plans listed under 1.3 above were



29-30 Lyndhurst Rd

PLANNING
STATEMENT

not approved as part of the planning permission although the elevations and elevational sections to the rear corresponding to these plans and included the new fenestration which sought to match the Council's and Appeal Inspector's expectations were.

1.8 Scope of Planning Statement (and associated Planning Application)

The scope of this Planning Statement is to demonstrate that the 'as built' drawings of the basement / garden level and the associated retaining wall enclosing private spaces of the relevant flats, which have been implemented have not affected the protected trees and that they do not raise any planning issues that would prohibit their inclusion in Condition 2 of planning permission **2014/7048/P**. All as in the advice of Camden (Appendix 1).

1.9 This will enable the full authorisation of the works 'as built' and the approval of the submissions to the Condition 7 for sustainable drainage to planning permission **2011/0174/P** which is still pending.



29-30 Lyndhurst Rd

PLANNING
STATEMENT

- 'As built' basement / garden level and Trees**
- 2.1 Approved drawing 1112/AP – 20 shows the approved garden level (basement) plan and how the protected trees relate to the approved extensions at this level which are identified with a pale grey annotation as 'PROPOSED WALLS'.
- 2.2 There are 3 trees in the immediate vicinity of these 'PROPOSED WALLS' with their route protection zones identified by 3 broken line circles.
- 2.3 These same trees are identified by the numbers 5, 6 and 7 in the **Tree Report of July 2010 (Appendix 4)** which was also listed in the approved documents of Decision Notice **2011/0174/P**. It should be noted that all 3 trees are within the demise of the adjoining property at no 31 Lyndhurst Road and there have been no complaints made as to the health of the trees as a result of the 'as built' works. The same applies to tree no 8 which is also located within the demise of no 31 and has its own tree protection circle in both the Tree Report and drawing 1112/AP – 20. Trees 10 and 11 share the same larger circle in the said documents. No 12 is a Poplar which collapsed and was removed following LPA permission **2012/5956/T (Appendix 5)**.
- 2.4 Comparison of the approved Charlton Brown Partnership drawing 1112/AP – 20 (garden level) and the 'as built' KYSON drawing ref no 1779A demonstrates that in the 'as built', the approved curve on the plan towards no 31 Lyndhurst Road is omitted in favour of a right angle set back and that the constructed retaining wall which encloses the private gardens to the rear of the two flats at this level completely avoids the Tree Root Protection circles identified in the approved drawing 1112/AP – 20 and the Tree Report. In conclusion, there has been no difference in terms of the effect of the 'as built' on the existing / protected trees to what was approved in 2011.
- The Council's previous position on the 'as built' retaining wall**
- 2.5 It is relevant to note that the **Officer Delegated Report** on the refused application for planning permission **2013/2891/P** clearly states that the 'large retaining wall at rear basement level which creates separate paved amenity space for the flats at this level' was not considered objectionable (**Appendix 6**).
- Decision Notice 2014/7048/P and the approval of the LG terrace and Garden Level retaining wall (Appendix 7)**
- 2.6 Further, the two drawings for which approval is sought here were submitted with planning application 2014/7048/P along with the reciprocal rear elevations by Conservation PD. Approved drawings D2110 – proposed and D211 – proposed contain Notes which under 3 state the following:
'The proposals include:
- *The retention of the roof terrace at LG floor level and of the retaining wall at garden level both as built;*



29-30 Lyndhurst Rd

PLANNING
STATEMENT

- *The retention of doorways instead of reinstatement of window openings at LG floor level central bays'*

2.7 In addition, the drawing title clearly includes: the retention of roof terrace, retaining wall and openings at LG and Garden Levels as built.

2.8 Finally, the Decision Notice is very clear in that has approved the following: 'Retention of doorways and roof terrace at rear lower ground floor level and retaining wall at rear garden level'. Accordingly, it would appear that it was out of an oversight that the planning officer who dealt with this application 'superseded' the 'as built' plans while approving the corresponding elevations and sections to the rear.

3 Conclusions



29-30 Lyndhurst Rd

PLANNING
STATEMENT

- 3.1 The following have been demonstrated:
- 3.1.1 The approval of the 'as built' drawings listed under 1.3 above will not have any adverse effect on the protected Trees as they appear in already approved plans / documents in original planning permission **2011/0174/P**;
 - 3.1.2 Council Officer recommendation in the refused application ref no **2013/2891/P** is that the retaining wall at basement / garden level '*is not objectionable*';
 - 3.1.3 The LG floor level terrace and retaining wall and associated fenestration and railing protection have been approved in Elevation and Elevational Section by means Planning Permission **2014/7048/P**.
- 3.2 Consequently, there are no planning issues that would prohibit the approval of this application and therefore it would be consistent with Council Policies and relevant Governmental Guidance for this application was approved.



29-30 Lyndhurst Rd

PLANNING
STATEMENT

Appendix 1: Camden Advice

Appendix 2: Decision Notice 2011/0174/P

Appendix 3: Charlton Brown Partnership drawings ref nos. 1112/AP – 20

Appendix 4: Tree Report of July 2010

Appendix 5: Decision Notice 2012/5956/T (collapsed Poplar Tree)

Appendix 6: 2013/2891/P - Delegated Officer Report

Appendix 7: Decision Notice 2013/2891/P and approved Conservation PD drawings of rear elevation and elevational section D2111 and D2112



29-30 Lyndhurst Rd

PLANNING
STATEMENT

Eleni Makri

From: McDonald, Neil [Neil.McDonald@camden.gov.uk]
Sent: 14 December 2016 19:31
To: Eleni Makri
Cc: Ryan, Angela; Akhaja, Jagdish
Subject: RE: 2016/2629/P (Condition precedent 7 of 2011/0174/P) -----FW: 29-30 Lyndhurst Road (EN16/0029)

Dear Ms Makri,

I am writing further to our recent telephone conversations about the matter of the non-approved basement plan and lower ground floor plan submitted with your application ref. 2014/7048/P. These two drawings (ref 1799A and 2001) are clearly not referenced on the decision notice and have been marked as superseded on the Council website. I agree that it has been left somewhat ambiguous as to why they are 'superseded' and by what, however the sections and elevations that have been approved do not clearly enough accord with the superseded plans to confirm the missing details. Since there were objections to the retaining wall and possible impact on trees at the time these plans were submitted originally (ref 2013/2891/P) and not approved due to the refusal of the scheme (admittedly for reasons relating to the fenestration and upper level dormers, and not to do with the as-built lower levels) then it would be improper to simply assume these plans were intended to have been approved. However I do note from the officer delegated report for 2013/2891/P that the "large retaining wall at rear basement level which creates separate paved amenity space for the flats at this level" was not considered objectionable.

Therefore in light of the circumstances I consider it appropriate that you submit these plans for approval as part of a S73 application to have the as-built situation fully regularised. This should be accompanied by information to confirm that no trees have been compromised as a result of this amendment. We will then assess the S73 application on its merits once the statutory consultation is completed.

As for your current drainage details application we will hold this in abeyance until a decision has been taken on the basement and lower ground floor plans on which the drainage information details have been based.

I trust you are agreeable to this approach, I should be grateful if you would confirm your intentions by return together with your expected timescale for submitting the s73 application.

Regards,

Neil McDonald
Planning Solutions Team Manager

Telephone: 020 7974 2061



From: Eleni Makri [mailto:elenimakri@conservationpd.com]
Sent: 13 December 2016 10:42
To: McDonald, Neil



29-30 Lyndhurst Rd

PLANNING
STATEMENT

Ms Anna Snow
Turley Associates
25 Savile Row
LONDON
W1S 2ES

Application Ref: **2011/0174/P**
Please ask for: **Elizabeth Beaumont**
Telephone: 020 7974 **5809**

9 March 2011

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
29 -30 Lyndhurst Road
London
NW3 5PB

Proposal:

Remodelling of 2 semi-detached properties with extensions and alterations, including erection of a front and rear roof extension with four front velux windows and four rear dormer windows to create a new attic floor; excavation to create a new basement floor; demolition of rear facade and erection of a rear extension at lower ground, upper ground, first floor and 2nd floor levels; creation of external terraces with balustrades at lower ground and raised ground floors; replacement of existing fenestration; creation of 2 front lightwells and alterations to existing lightwell; alterations to front garden including removal of driveway and internal garage and replacement of front boundary treatment; all in association with rearrangement of existing 8 self-contained flats (Class C3).

Drawing Nos: 1112/AP-99; 1112/WD-30; 1112/AP-00; 1112/AP-01; 1112/AP-02; 1112/AP-03; 1112/AP-04; 1112/AP-05; 1112/AP-06; 1112/AP-07; 1112/AP-08; 1112/AP-09; 1112/AP-10; 1112/AP-11; 1112/AP-12; 1112/AP-20; 1112/AP-21; 1112/AP-22; 1112/AP-23; 1112/AP-24; 1112/AP-25; 1112/AP-26; 1112/AP-27; 1112/AP-28; 1112/AP-29A; Structural Engineer's Report dated August 2010 (rev December 2010); Tree Survey dated July 2010; Ground Investigation Report dated 21 December 2010.



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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

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 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas, including any new offstreet carparking spaces, have been submitted to and approved by the Council. Such details shall include details of the proposed earthworks to front and rear gardens including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) and CS15 (Projecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. 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 reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To enable the Council to ensure a reasonable standard of visual amenity

in the scheme in accordance with the requirements of policy CS14 [if landscape details] (Promoting high quality places and conserving our heritage) and CS15 (Projecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 5 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 to the satisfaction of the Council. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction".

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans- 1112/AP/99; 1112/WD-30; 1112/AP-00; 1112/AP-01; 1112/AP-02; 1112/AP-03; 1112/AP-04; 1112/AP-05; 1112/AP-06; 1112/AP-07; 1112/AP-08; 1112/AP-09; 1112/AP-10; 1112/AP-11; 1112/AP-12; 1112/AP-20; 1112/AP-21; 1112/AP-22; 1112/AP-23; 1112/AP-24; 1112/AP-25; 1112/AP-26; 1112/AP-27; 1112/AP-28; 1112/AP-29A; Structural Engineer's Report dated August 2010 (rev December 2010); Tree Survey dated July 2010; Ground Investigation Report dated 21 December 2010.

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

- 7 No development shall take place until details of a drainage plan have been submitted to and approved in writing by the local planning authority to mitigate any potential build-up of water. The development shall be carried out in accordance with the approved details.

Reason: To ensure the construction of the development would not have an unreasonable impact on groundwater conditions, hydrology or level of flood risk in the immediate area, in accordance with the requirements of policy CS13 (Tackling climate change through promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 8 The development shall be carried out strictly in accordance with the recommendations and associated plans, relating to basement excavation and rear facade reconstruction, as indicated in the Structural Engineer's Report dated August 2010 (rev December 2010) and Ground Investigation Report dated 21 December 2010 hereby approved.

Reason: To ensure the construction of the development would not have an unreasonable impact on local groundwater conditions, hydrology and structural stability of properties, in accordance with the requirements of policy CS13 (Tackling climate change through promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 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 Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email ppp@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS13 (Tackling climate change) and CS14 (Promoting high quality places and conserving our heritage) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and lightwells). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 5 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Highways Management Team (tel: 020-7974 6956) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

- 6 The trees on the site are the subject of the Tree Preservation Order and no tree the subject of a Tree Preservation Order may be lopped, topped or felled without the consent under the Order, except as provided for in the Order or as specifically indicated within the proposals to which this planning permission relates. Further advice on this aspect may be obtained from the Tree Preservation Officer. (Tel: 020-7974 5616)

Disclaimer

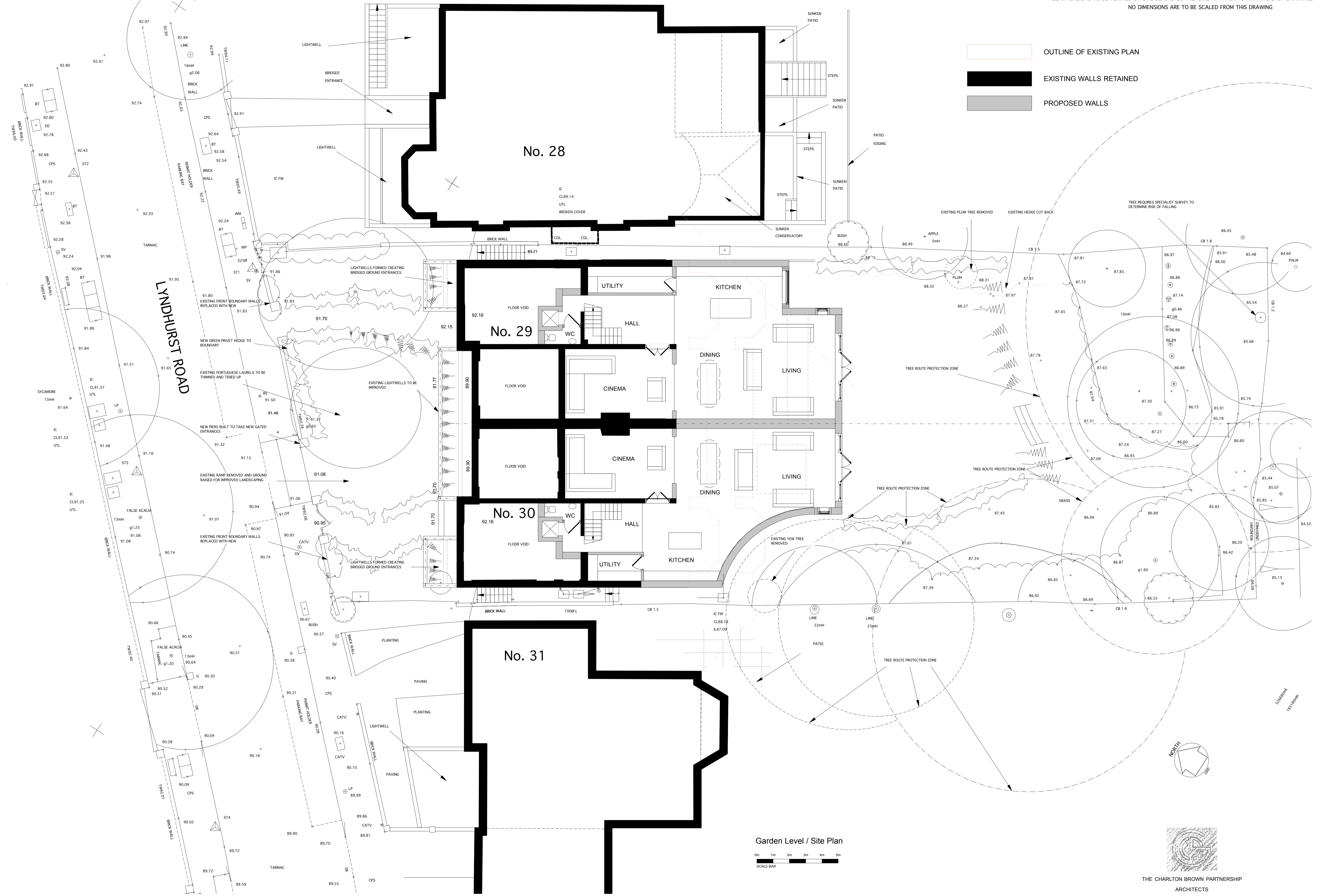
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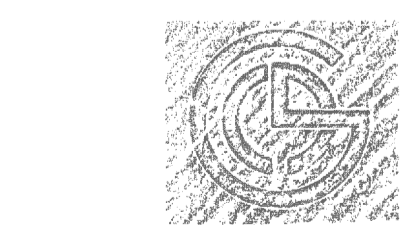
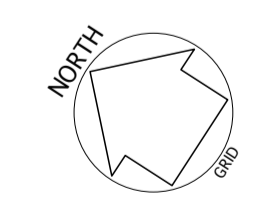
29-30 Lyndhurst Rd

PLANNING
STATEMENT

- OUTLINE OF EXISTING PLAN
- EXISTING WALLS RETAINED
- PROPOSED WALLS



Garden Level / Site Plan
0m 1m 2m 3m 4m 5m
SCALE BAR



THE CHARLTON BROWN PARTNERSHIP
ARCHITECTS

The Old Chapel, Shepherds Walk, Hampstead, London, NW3 5UE, T 020 7794 1234, F 020 7435 5085, E office@charltonbrown.com

29 & 30 Lyndhurst Road, Hampstead
PROPOSED
SITE / GARDEN LEVEL PLAN

Date: 06/08/10 Scale: 1:100 @ A1 This drawing is copyright Revisions

1112/AP-20