

18 Lancaster Grove - 2016/6858/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:	10/02/2017	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
18 Lancaster Grove London NW3 4PB		2016/6858/P			
Proposal(s)					
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.					
Recommendation(s):		Grant conditional planning permission subject to a s106 legal agreement			
Application Type:		Variation of condition			
Consultations	Date advertised	21 days elapsed	Date posted	21 days elapsed	
Press notice	22/12/16	12/1/17	Site notice	20/12/16	10/1/17
			# Responses # Objections		
			2 2		
Consultation responses (including CAACs):		<p><u>Two objections have been received:</u> one from the occupier of 32 Eton Avenue (at the rear of the application site) and one from 8a Belsize Court Garages (0.8km away from the application site)</p> <p>The proposed flat roof dormers are unrealistic in their presentation. New-built dwellings are subject to stringent Building Regulations on the subject of energy conservation and in the circumstances, the side lines of dormer cheeks and roof acquire a bulky appearance, out of proportion to the window frames within. A conditional permission should be granted on condition that detailed drawings of dormers are submitted and approved.</p> <p><i>Officer's comment: the change in the design of the 2 rear dormers (the replacement of a hipped roof with a flat roof) and the addition of a central dormer was considered previously by the Council (ref 2016/5675/P) and the Council resolved to grant planning permission subject to the signing of a legal agreement. No changes to the dormers in respect of the dormer cheeks or roof are proposed by the current application.</i></p> <p>The windows at rear have already been enlarged and the Juliette balcony is a</p>			

dominant feature that will create further overlooking of bedrooms in properties to rear. Developers have promised to plant tall evergreen foliage at rear of their garden, but this should be now be added as a condition.

Officer's comment: There is a significant distance between the rear elevation and the houses at the rear. There is a distance of approximately 50m between the rear elevation of the subject property and the closest part of the rear elevation of 32 Eton Avenue (directly to the rear of the application site). The neighbouring property, 30 Eton Avenue, is set further back within its plot but would still have a distance of 43m between the rear elevations of the properties. Given the distances involved, the level of overlooking would not be harmful. The Juliet balcony would be set within the wall and would be read in conjunction with the glazing and so would not be a dominant feature.

Belsize CAAC – Object

Object to the omission of glazing bars to the dormers and windows at first floor rear elevation.

Also the removal of the rear central apex detracts from the appearance of the rear elevation.

Officer's comment: The changes to the rear elevation have been assessed by the Council's conservation officer and are not considered to have a significant impact on the character and appearance of the Belsize conservation area. There would be limited viewpoints from which the rear elevation is visible and therefore the proposed changes to the fenestration would be acceptable. The omission of the rear pediment ('central apex') was considered previously by the Council (ref 2016/5675/P) and the Council resolved to grant planning permission subject to the signing of a legal agreement.

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). 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. Resolution to grant subject to s106 legal agreement (the legal agreement has not been completed to date)

2016/5676/P: 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). Resolution to grant subject to s106 legal agreement (the legal agreement has not been completed to date)

Relevant policies

NPPF 2012

London Plan March 2016

LDF Core Strategy and Development Policies

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

Belsize Park Conservation Area Statement

Camden Local Plan Submission Draft 2016

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Assessment

1. Proposal

1.1. The application seeks a Minor Material Amendment to planning permission 2014/2811/P to allow the following:

- 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.

1.2. Background

1.3. The former buildings on the site were identified in the 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. 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). A further minor material amendment application for additional rear dormer, removal of pediment and alterations to dormer windows at the rear and glazing to front lightwells has been considered (ref: 2016/5675/P) and the Council resolved to grant planning permission subject to the signing of a legal agreement.

2. Assessment

2.1. Design

- 2.2. The proposed amendments to the detailed design have been developed through consultation with the conservation officer through the pre-application process. A larger door opening incorporating double doors would complement the approved front elevation. The doors would be traditional timber panelled doors. Details of the doors and architrave would be secured by condition.
- 2.3. The changes to the rear elevation would not have a significant impact on the character and appearance of the Belsize conservation area. There would be limited viewpoints from which the rear elevation is visible and therefore the changes to the fenestration would have a minimal impact on the conservation area. The Juliet balcony would be set within the wall and would be read in conjunction with the glazing and so would not be a dominant feature.
- 2.4. The blanking out of two 1st floor windows on the side (west) elevation would be acceptable as the blank windows would not be highly visible and the approved windows raised issues regarding neighbouring amenity in terms of overlooking of the adjacent property, 16 Lancaster Grove. They were required by condition 4 of the original permission to be obscure glazed and fixed shut. Given this context, the proposed blank windows would be acceptable. The drawings have been annotated to show the brickwork infill would be set back from the main elevation by a half brick minimum. The condition regarding obscure glazing has therefore been omitted from this decision.

2.5. Amenity

- 2.6. The occupier of 32 Eton Avenue has raised concerns regarding increased overlooking from the proposed Juliet balcony. There is a significant distance between the rear elevation of the subject property and the houses at the rear. Between the rear elevation of the subject property and the closest part of the rear elevation of 32 Eton Avenue (directly to the rear of the application site), there is a distance of approximately 50m. The neighbouring property, 30 Eton Avenue, is set further back within its plot but there would still be a distance of approximately 43m between the rear elevations of the properties. Given the distances involved, the level of overlooking from the proposed Juliet balcony and French doors would not be harmful. The proposed alterations would not affect the amenity of neighbouring occupiers in terms of daylight, sunlight or outlook.

2.7. Other matters

- 2.8. 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.

Recommendation: Grant planning permission subject to s106 legal agreement

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 6th March 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: **2016/6858/P**

02 March 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 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.

Drawing Nos:

Superseded: 5754/PL/06 F; 5754/PL/07 F; 5754/PL/09 F; 5754/PL/10 F

Revised drawings: 5754/PL: 06 Rev G; 09 G; 10 H; 07 H; E0.1

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.2 of planning permission 2014/2811/P shall be replaced with the following condition:

REPLACEMENT CONDITION 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/06 G; 5754/PL/07 H; 5754/PL/08 F; 5754/PL/09 G; 5754/PL/10 H; 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.

- 2 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.

- 3 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.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 Prior to the first occupation of the dwelling hereby approved, 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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable

purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 If you proposed to discharge to a public sewer, prior approval from Thames Water Developer Services would be required. They can be contacted on 0845 850 2777. In respect of surface water you are advised to ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
You are advised to incorporate within the proposed development, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 85074890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed

on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 8 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

DRAFT

Supporting Communities Directorate

DECISION