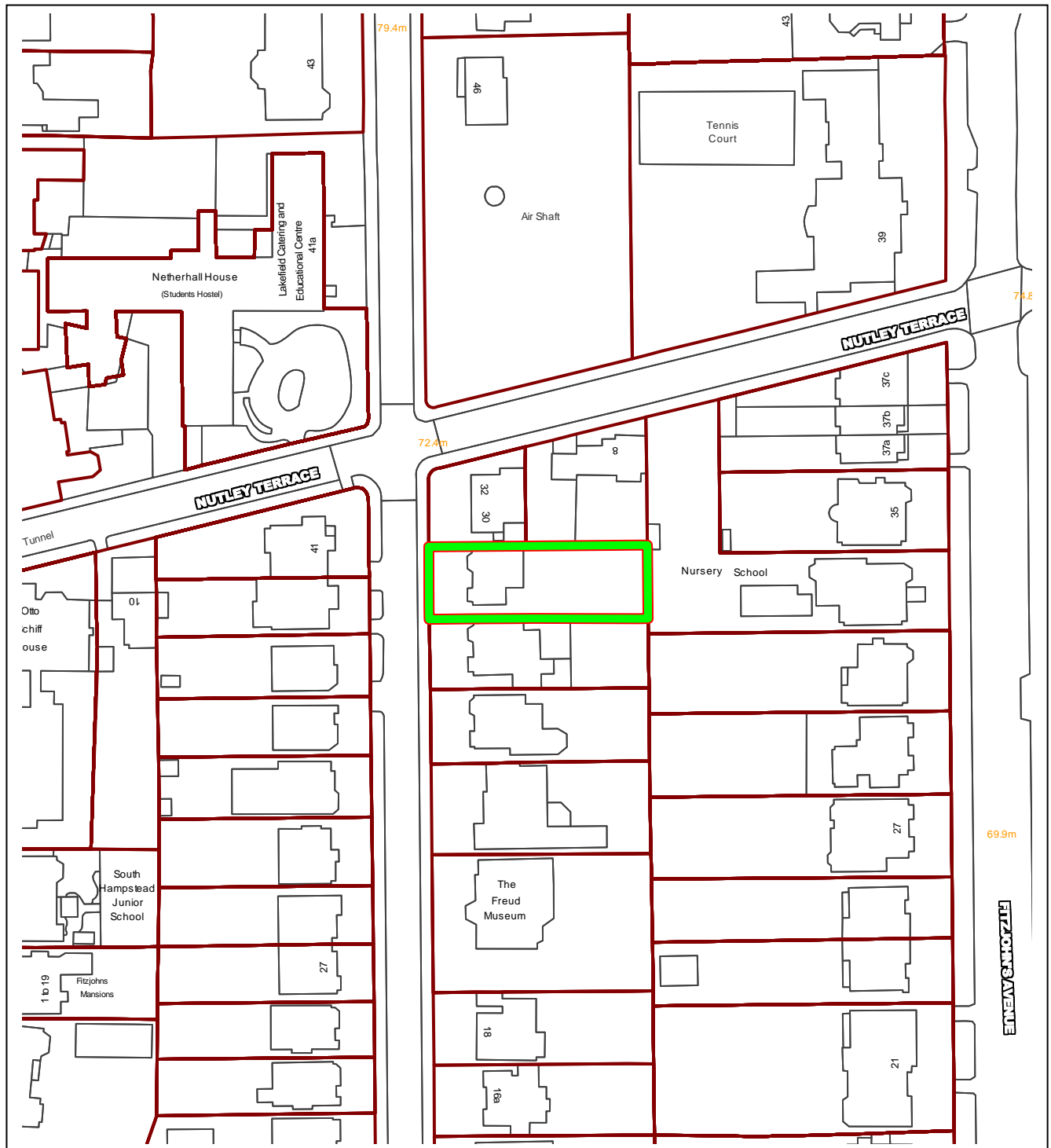


# 2016/5374/P – 28 Maresfield Gardens



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Photo 1 – Front elevation



Photo 2 – Close view of rear elevation



Photo 3 – Long view of rear elevation





Photo 4 – Extent of garden to rear of properties 24-26 Maresfield Gardens

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>28/11/2016</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	01/12/2016
<b>Officer</b>			<b>Application Number(s)</b>		
Kristina Smith			2016/5374/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
28 Maresfield Gardens London NW3 5SX			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>					
Excavation of single storey basement with rear lightwell; erection of rear extension at lower ground floor level; erection of front dormer; alterations to front and rear alterations including hard and soft landscaping works.					
<b>Recommendation(s):</b>		Grant conditional planning permission subject to s106 agreement			
<b>Application Type:</b>		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	
Consultations	
Adjoining Occupiers:	<u>3 x site notices were displayed between 04/11/2016 and 25/11/2016</u> <u>A press advert was displayed between 10/11/2016 and 01/12/2016</u>
Summary of consultation responses:	No's 11 and 16A Maresfield Gardens objected on the following grounds: <ul style="list-style-type: none"><li>Basement will result in loss of green space in the garden <i>See paras 3.3 and 6.1 of report</i></li><li>Basement may have structural implications for no.26 <i>See paras 4.1 – 4.5 of report</i></li><li>Basement will extend beyond footprint of original house, contrary to policy DP27 on Basements &amp; Lightwells <i>See para 3.2 of report</i></li></ul>
Hampstead CAAC and Netherall Neighbourhood Association	<u>The Hampstead CAAC objected on the following grounds:</u> <ul style="list-style-type: none"><li>There is already lower ground floor, adding a basement level would be excessive <i>See para 3.2 of report</i></li><li>Basement would lead to excessive garden take up and threaten trees <i>See section 6 of report</i></li><li>Harmful to the Netherhall Gardens green corridor <i>See para 3.7 and section 6 of report</i></li></ul> <u>Netherall Neighbourhood Association object on the following grounds:</u> <ul style="list-style-type: none"><li>Basement will result in loss of green space <i>See para 3.7 and section 6 of report</i></li><li>Too proximate to no.26 <i>See para 3.2 and section 4 of report</i></li><li>BIA plans of basement differ to planning drawings <i>The planning drawings are the indicative drawings of the development and the BIA drawings are for illustrative purposes related to the BIA only</i></li><li>Fails to demonstrate there will be no structural damage to no.26 <i>The BIA predicts there will be no damage and a compliance condition will be included on the planning permission to ensure this is the case.</i></li></ul>

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## Site Description

The application site comprises a large four storey detached property on the east side of Maresfield Gardens close to the junction with Nutley terrace. It benefits from a very large rear garden, which is likely to be a result of the garage development that used to be located to the rear of 26/28 Maresfield Gardens. The property is of the same design as its neighbours 24 to 30 Maresfield Gardens.

The property is situated in the Fitzjohn's Netherall Conservation Area and is identified as making a positive contribution.

## Relevant History

### APPLICATION SITE

**G6/9/A/2087** - The erection of eight lock-up garages at the rear of 26-28 Maresfield Gardens, Camden.  
**Conditional 18/08/1966**

**G6/9/A/1708** - The conversion of 28, Maresfield Gardens, Hampstead (with the exception of the basement), into three self-contained flats. **Conditional 22/11/1944**

### 22 MARESFIELD GARDENS

**PWX0302247** - Elevational alterations, including amendments to the roof form, installation of lantern roof light to study, existing roof light to be replaced with domed roof light, installation of satellite dish and satellite antenna and increase in the size of the basement to the rear of the property. **Granted 09/09/2003**

### 24 MARESFIELD GARDENS

**8501349** - Erection of a two-storey rear extension alterations to the roof and provision of a swimming pool in rear garden and means of access to the highway. **Granted 21/11/1985**

### 26 MARESFIELD GARDENS

**PWX0103382** - The erection of a single storey rear extension to provide one additional habitable room for an existing self-contained flat. **Granted 06/08/2001**

## Relevant policies

### National Planning Policy Framework (2012)

### London Plan 2016

### LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP16 The transport implications of development

DP20 Movement of goods and materials

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

DP28 Noise and vibration

### Camden Planning Guidance

CPG1 Design (2015)

CPG2 Housing (2015)

CPG4 Basements and Lightwells (2015)

CPG6 Amenity (2011)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

## **Camden Local Plan Submission Draft 2016**

A1 Managing the impact of development  
A3 Protection, enhancement and management of biodiversity  
A4 Noise and vibration  
A5 Basements and Lightwells  
D1 Design  
D2 Heritage  
DM1 Delivery and Monitoring

The emerging Camden 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 Emerging 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.

## **Assessment**

### **1.0 Proposal**

1.1 The applicant seeks permission for the following:

- Excavation to create a basement with rear lightwell to provide additional 139 sqm of floorspace
- Erection of single storey rear extension at lower ground floor level measuring 11.6m wide x 6-6.6m deep x 3.3m high
- Erection of front dormer measuring 3m wide x 1.8m deep x 2m high

1.2 During the course of the application, the following revision was negotiated:

- Reduction in scale of rear extension by 12% (based on sqm) and alterations to massing to better respect rear elevation

### **2.0 Assessment**

The main planning considerations in the assessment of this application are:

- Design (the impact that the proposal has on the character of the host property as well as that of the Fitzjohn's Netherall Conservation Area);
- Basement (the impact on the natural and built environment)
- Amenity (the impact of the proposal on the amenity of adjoining occupiers)
- Trees and Landscaping

### **3.0 Design and Conservation**

3.1 The application site is located within the Fitzjohn's Netherall Conservation Area, wherein the Council has a statutory duty, under section 72 (Conservation Areas) of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### Excavation of single storey basement

3.2 The basement would be single storey and located fully outside of the footprint of the original building but partly underneath the proposed extension. Its footprint; however, would be no larger than the existing ground floor area of the original house. Whilst CPG4 states that the preferred approach for basement development is to not extend beyond the footprint of the original building, the appropriate evidence has been provided to demonstrate that the development will not harm the

building and natural environment or local amenity by way of a satisfactory BIA audit (refer to Basement section of report). It is noted that emerging Policy A5 (Basements and Lightwells) also details matters of garden coverage, specifically that basement developments should not exceed 50% of each garden. In this instance the basement would provide 139 sqm of floorspace in a garden of 560 sqm and therefore compliant with this emerging policy.

3.3 The basement would be located entirely underground with the only external manifestation being a 3.5m x 1.3m rear lightwell. It is therefore not considered that the scale of the basement would be harmful to the appearance or siting of the host property. The rear lightwell would be positioned adjacent to the existing boundary wall within the hard landscaped area to the rear of the extension and surrounded by a 1.1m wall and would be softened by planting around the edges. This is considered to be appropriate treatment.

3.4 The use of the basement will be residential, specifically a games room, utility room, gym and store. These are rooms which do not require a good level of daylight and ventilation and are therefore acceptable uses for a basement.

#### Rear extension

3.5 It is proposed to erect a full width single storey rear extension with a stepped massing. It would measure 6.6m on the south elevation and 6m on the north elevation and provide an additional 72sqm of residential floorspace.

3.6 Although a large extension, it would be a subordinate addition to the 11m deep, four storey host property and as due to it being only being single storey it would have a limited impact on the rear elevation. Furthermore, the depth would be stepped so as to break up the bulk.

3.7 The extension would not extend beyond the rear building line established by rear extensions at nearby properties, particularly no's. 26 and 24 Maresfield Gardens, and therefore would not disrupt the pattern of rear development or harm the green garden "corridor" that runs between the properties on Maresfield Gardens and Fitzjohn's Avenue. Furthermore, the extension would still allow a large rear garden area of approx. 560 sqm to remain.

3.8 In terms of detailed design, the extension would be constructed in matching brickwork to the main property, with a rendered plinth at the base. The rear doors would be traditional French doors with stone arches above. The traditional design approach is considered appropriate for the context and would help preserve the character and appearance of the property.

3.9 The extension would not be visible in any public views and in limited private views from the 'above ground' windows of the neighbouring properties. It is not considered these views would be harmed by the development and the extension is therefore considered to have an acceptable impact on the conservation area.

#### Front dormer

3.10 The proposed dormer to the front roof slope would measure 3m wide by 2m high and would appear as a small projection relative to the size of the roof. It would be compliant with CPG1 (Design) guidance in terms of the 500mm distance required between the dormer and the roof ridge and eaves.

3.11 The other properties in the building group all have existing front dormers and therefore this element of the proposal would bring the property in line with its neighbours and preserve the appearance of the conservation area.

3.12 The dormer is of a traditional design that would be sympathetic to the host property and conservation area. Its position on the roof would correspond with the neighbour's dormer at no.26. The dormer would have timber casement windows and lead cheeks, materials that are considered to be appropriate for the context.

## Other alterations

3.13 It is proposed to remove the cream paint from the brickwork and restore the property to its original red brickwork appearance as per the other properties in the building group. This would be a welcomed alteration that would enhance the building group and this part of the conservation area.

## **4.0 Basement**

4.1 A Basement Impact Assessment (BIA) has been submitted as part of this application. This document has been independently reviewed by Campbell Reith with a subsequent revision to the BIA provided by an additional author during the course of the application. Campbell Reith has confirmed that the BIA is in accordance with DP27 and CPG4; however additional assessment in the form of a structural monitoring strategy should be agreed prior to commencement so as to limit damage to Burland Category 0.

4.2 The BIA states that the site lies directly on designated unproductive strata, the London Clay. The audit report accepts that there should be no impact to the wider hydrogeological environment. The risk of surface water flooding is accepted as being low and suitable drainage and flood risk protection measures are presented in the revised submissions.

4.3 The proposed basement will result in an increase in the proportion of hard surface/paved areas; however, SUDS will be provided as part of detailed design, and maximum discharge flow rates should be agreed with LBC and Thames Water.

4.4 In the revised BIA the calculations confirm damage impacts of Category 0 (Negligible). At detailed design stage, when structural loads including tension pile capacity have been finalised, the Ground Movement Assessment (GMA) and damage impact assessment should be reviewed and confirmed. A suitable structural monitoring strategy linked to the ground movements predicted and limiting damage to Category 0 should be provided as part of the damage impact assessment.

## **5.0 Amenity**

5.1 By virtue of the nature and location of the proposals, there are not considered to be any amenity impacts on surrounding occupiers.

## **6.0 Trees and Landscaping**

6.1 The basement development provides 1m of planted material above to enable garden planting and mitigate the effect on infiltration capacity which is compliant with CPG4 (Basements and Lightwells).

6.2 It is proposed to remove one Category C tree in association with the rear extension. The Council's Tree officer has assessed the submitted materials (including an Arboricultural Impact Assessment) and considers the proposals to be acceptable, subject to conditions that ensure replanting and the protection of remaining trees on site.

6.3 The existing hard landscaping area would be re-provided to the rear of the extension. Given the large amount of green garden area that would remain (approx. 560 sqm) this is considered to be acceptable.

## **7.0 Transport and Highways**

7.1 Due to the amount of construction work involved with the basement excavation, a CMP will be secured to demonstrate how the development will minimise impacts from the movement of goods and materials during the construction process and ensure that construction traffic does not create (or add to existing) traffic congestion in the local area and amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc.), in accordance with DP20 and DP26. The CMP will be secured through a s106 agreement which will also include a financial contribution of £1,140 to cover the costs of reviewing the CMP.

7.2 It is proposed that construction vehicles will access the site via the existing crossover at the site and that a temporary extension to the crossover will be required in order to facilitate vehicular movements, which could result in damage to the footways and carriageway. Camden would therefore need to undertake highway remedial works following completion of the proposed development and a financial contribution for highway works should be secured as a Section 106 planning obligation.

## **8.0 CIL**

8.1 The development would ordinarily be liable for CIL given that the proposed additional floorspace exceeds 100sqm; however, the applicant has submitted a self-build exemption form and therefore the application is exempt from CIL subject to valid supporting evidence on completion.

## **9.0 Conclusion**

9.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Construction Management Plan (CMP);
- CMP implementation contribution of £1,140
- Financial contribution towards Highways Works

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20<sup>th</sup> 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Richard Robeson  
MRPP  
21 Buckingham Street  
London  
WC2N 6EF

Application Ref: **2016/5374/P**

16 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:  
**28 Maresfield Gardens**  
**London**  
**NW3 5SX**

Proposal:

Excavation of single storey basement with rear lightwell; erection of rear extension at lower ground floor level; erection of front dormer; alterations to front and rear alterations including hard and soft landscaping works.

Drawing Nos: OSMAP; EP-100; EP-002; EP-003; EP-004; EP-005; EP-006; EP-013; EE-007; EE-008; EE-009; ES-010; ES-012; ES-011; AP-100 (Rev A); AP-102; AP-103 (Rev A); AP-104 Rev A; AP-105 (Rev A); AP-106 (Rev A); AP-107 (Rev A); AP-114 (Rev A); AE-108; AE-109 (Rev A); AE-110 (Rev A); AS-111 (Rev A) AS-112 (Rev A); AS-113 (Rev A); Planning and Design & Access Statement prepared by Martin Robeson Planning Consultants (dated September 2016); Ground Investigation and Basement Impact Assessment Report prepared by Ground and Water Limited (ref. GWPR1761/GIR/February 2017); Arboricultural Report prepared by Adam Hollis (dated 12 September 2016)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

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

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: OSMAP; EP-100; EP-002; EP-003; EP-004; EP-005; EP-006; EP-013; EE-007; EE-008; EE-009; ES-010; ES-012; ES-011; AP-100 (Rev A); AP-102; AP-103 (Rev A); AP-104 Rev A; AP-105 (Rev A); AP-106 (Rev A); AP-107 (Rev A); AP-114 (Rev A); AE-108; AE-109 (Rev A); AE-110 (Rev A); AS-111 (Rev A) AS-112 (Rev A); AS-113 (Rev A); Planning and Design & Access Statement prepared by Martin Robeson Planning Consultants (dated September 2016); Ground Investigation and Basement Impact Assessment Report prepared by Ground and Water Limited (ref. GWPR1761/GIR/February 2017); Arboricultural Report prepared by Adam Hollis (dated 12 September 2016)

Reason:

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

- 4 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the BIA (Ground Investigation and Basement Impact Assessment Report prepared by Ground and Water Limited (ref. GWPR1761/GIR/February 2017)) hereby approved and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 0.

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.



- 5 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Arboricultural Report prepared by Adam Hollis (dated 12 September 2016) and in line with BS5837:2012, unless otherwise agreed in writing with the Local Planning Authority. Any trees that die, are removed or become seriously damaged or diseased as a result of the development shall be replaced in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing. Should any replacement tree die within 5 years of planting it shall be replaced.

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 policies CS5 and CS14 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

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 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

**DRAFT**

**DECISION**