

Delegated Report		Analysis sheet	Expiry Date:	30/03/2017
		N/A / attached	Consultation Expiry Date:	08/03/2017
Officer			Application Number(s)	
John Diver			2016/6782/P	
Application Address			Drawing Numbers	
Warwick Lodge Shoot-up Hill London NW2 3PE			<i>See decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Conversion of basement into no.2 residential units (C3) including excavation of no.5 lightwells and erection of no.2 new entrance ways within inner courtyard; demolition of outbuilding and erection of dwellinghouse (C3) to rear of site; re-landscaping communal parts to provide access road and no.28 off-street parking bays.				
Recommendation:	Refuse permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	11	No. of objections No. of comment No. of support	07 03 01
Summary of consultation:	<p>Multiple site notices was displayed near to the site on 15/02/2017 (consultation end date 08/03/2017).</p> <p>Letters of objection were received from no.7 owners/occupiers of nearby properties including nos.11, 12, 24, 27 and 28 Kendal Court; no.36 Warwick Lodge and no.102 Fordwych Road. The objection comments raised can be summarised as follows:</p> <p><u>Proposed parking / re landscaping</u></p> <ul style="list-style-type: none"> • Development would require alterations to site levels and the strengthening/increase in height to retaining walls which would harm character and residential amenity; • Lack of levels information submitted; • Increased height / level of parking would worsen visual impact and impacts upon adjacent units within Kendal Court and would necessitate a crash barrier to be installed (not included within proposal); • Altered entry system and pavements would be dangerous for drivers and for pedestrians • Additional parking spaces clear breach of Council's emerging policy T2 • No consideration given to neighbourhood plan as the development is in breach of policies 7 (Sustainable Transport) and 17 (Green/Open Space) • Existing garages are underutilised and could allow for additional parking rather than storage <ul style="list-style-type: none"> ○ <i>Officer's response:</i> <i>These issues have been covered within the main body of the report (please see paras.2.40-2.45, 2.48-2.52 & 2.55)</i> <p><u>Design / Character</u></p> <ul style="list-style-type: none"> • Loss of greenery / greenspace would harm character of local area • Proposed 2 storey dwelling out of keeping with local character and would appear as an eye sore. • Loss of trees harmful to local character • If development were to be allow it would set a precedent for similar unsympathetic back land development <ul style="list-style-type: none"> ○ <i>Officer's response:</i> <i>These issues have been covered within the main body of the report (please see paras.2.15-2.17, 2.23-2.27 &2.30). It should be noted that although the potential for a development to become a precedent for future development is not a material planning consideration, various elements have been considered to harm the group character of surroundings block and as such the potential for future works to these adjacent buildings.</i> <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Loss of greenery / greenspace would reduce privacy into adjacent units; • New dwelling may cause impact upon the adjacent gardens • Rubbish bins would have to be stored opposite GF living room and kitchen of unit and would impact upon outlook, noise and property value • Outlook would be harmed by 2 storey dwelling <ul style="list-style-type: none"> ○ <i>Officer's response:</i> <i>These issues have been covered within the main body of the report</i> 			

(please see paras.2.53-2.58)

Other issues

- Dispute boundary plotted / the feasibility of the development by virtue of land ownership
- May impact upon service charging rates
- Reduction in property values
 - *Officer's response:*
Matters of property value, landownership and service rates are not material planning considerations and as such were not included within the assessment.

Letters of comment were received from no.3 owners/occupiers of nearby properties including nos.26, 30 and 41 Warwick Lodge. The comments raised can be summarised as follows:

- Supportive of new parking and of new units, but concerned with any design that does not appear to be in line with 1930's aesthetic;
- Replacement bin store not fully detailed;
- No indication that the development would allow for the general refurbishment of the rest of the existing dwellings;
- Concerns over the length of the construction period.
- Loss of green space harmful
- Not happy to contribute to maintenance costs of new units
- Better management of existing parking would be cheaper alternative
- No specification of how the parking will be managed
 - *Officer's response:*
These issues have been covered within the main body of the report; please see the above citation references.

No.1 letter of support was received from the owner/occupier of no.48 Warwick Lodge and can be summarised as follows:

- Recognise need for new housing and support use of redundant floor space.
- Proposed mix of unit size is appropriate.
- Support new rear entrance ways and rationalised parking
- No information about refuse provision
- Issues with changes in levels on Northern boundary

Kendal Court Residents Association:

Letters of objection were also submitted from two representatives on behalf of the Residents Association for Kendal Court (the mansion block immediately to the North of Warwick Lodge). Their objection comments can be summarised as follows:

- The alterations to site levels required for parking would have an unacceptable impact upon light, disruption, pollution and privacy of adjacent block
- Removal of greenery would lead to loss of amenity and privacy from screening
- New retaining wall circa 4m high as well as crash barrier would be required along northern and front boundary which would be highly visually disruptive
- Traffic management amendments would decrease safety due to awkward junction, traffic movements and pedestrian spaces
- Disputes the feasibility of the development by virtue of land ownership
 - *Officer's response:*
These issues have been covered within the main body of the report (please see paras.2.52 & 2.53-2.58). Please note the above comment relating to issues of land ownership.

Site Description

Located on the corner of Mill Lane and Shoot-Up Hill, the application site contains a five storey (plus basement and mansard roof) mansion block building of flatted, residential development set within private grounds. The block was built as part of a wider development circa 1933 which resulted in the construction of a set of mansion blocks (Fordwych, Hillcrest, and Kendal Courts and Warwick Lodge) which were built on either side of Mill Lane. These blocks are all characteristic for their time, exhibiting Art Moderne / Deco design references such as a simple materials palette and elevational composition, strong horizontal emphasis and simple fenestration. Warwick Lodge remains fairly unaltered externally and retains its original character.

Warwick Lodge features a U shaped footprint surrounded by green open space and an access road which also provides some informal parking (approx. 15 spaces). To the rear of the site are a row of single storey garages and a bin store which form the boundary with the rear gardens of adjacent dwellings along Fordwych Road. The site is subject to an East to West downwards gradient meaning that the ground floor level of the building is above that of Shoot Up Hill as well as the ground floor level of the adjacent Kendal Court (which directly fronts Shoot Up Hill).

The application property is not statutorily listed and the site is not located within any designated conservation area. The property is also not locally listed although the adjacent Kendal Court is included within the Council's Local List. There are no trees protected by tree preservation orders on or adjacent to the application site. The application site is subject to a number of underground development constraints including surface water flow and flooding as well as lost rivers hydrological constraints.

Relevant History

A summary of the site's planning history is as follows:

30958: Planning permission was refused on the 17/11/1980 for the '*The erection of an additional storey [roof level] to provide five self-contained flats*'.

Reasons for refusal:

- 1) The total floorspace of the building following the proposed extensions would be excessive in relation to the site and character of the area generally*
- 2) The proposed development would result in a total density in excess of that indicated as appropriate in the GL DP and the Councils District plan*
- 3) The proposed extension is considered to be undesirable as it would obstruct light to and outlook from adjoining premises to the detriment of their amenities*

32349: Planning permission was refused on the 03/07/1981 for the '*Change of use and works of conversion to sub-divide flat 15/16[3rd floor level] into 3 self-contained units*'

Reasons for refusal:

- 1) The proposed conversion involves excessive subdivision producing units with a poor layout and one which does not comply with the Councils minimum floor space standard.*

32800: Planning permission was granted on the 03/11/1981 for the '*Change of use and works of conversion to sub-divide flat 15/16 into two self-contained units*'

8400514: Outline planning permission was granted on the 30/04/1984 for the '*erection of a roof extension to provide four additional flats the total size not to exceed 10% of the cubic content and 10% of the gross floorspace of the original building*'

8500020: Planning permission was granted on the 19/03/1985 for the '*Erection of four self-contained flats in the roofspace of Warwick Lodge including the extension of existing staircases from the fourth floor*'

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2016)

- Policy 3.14 – Existing housing
- Policy 7.4 – Local character
- Policy 7.5 – Public realm
- Policy 7.6 – Architecture

LDF Core Strategy and Development Policies (2011)

LDF Core Strategy (2010)

- CS1 - Distribution of Growth
- CS5 – Managing the impact of growth and development
- CS6 - Providing quality homes
- CS11 - Promoting sustainable and efficient travel
- CS14 – Promoting high quality places and conserving our heritage
- 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 & encouraging biodiversity

Development Policies (2010)

- 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
- DP20 - Movement of goods and materials
- 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
- DP27 - Basements and lightwells
- DP28 - Noise and vibration
- DP29 - Improving access
- DP31 - Provision of, and improvements to, public open space and outdoor sport and recreation facilities

Camden Planning Guidance

- CPG 1 – Design (2015)
- CPG 2 – Housing (2016)
- CPG 4 – Basements and lightwells (2015)
- CPG 6 – Amenity (2011)
- CPG 7 – Transport (2011)
- CPG 8 – Planning Obligations (2015)

LDF Fortune Green and West Hampstead Neighbourhood Plan (2015)

- Policy 1 (Housing)
- Policy 2 (Design & Character)
- Policy 7 (Sustainable Transport)
- Policy 8 (Cycling)
- Policy 9 (Pavements & Pedestrians)
- Policy 17 (Green/Open Space)
- Policy 18 (Trees)

Emerging Policy:

Last summer (2016), the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council is consulting on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017,

policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

The following policies are considered to be relevant:

- Policy H1 - Maximising housing supply
- Policy H6 - Housing choice and mix
- Policy C5 - Access for all
- Policy A1 Managing the impact of development
- Policy A2 Provision and enhancement of open space
- Policy A3 Protection, enhancement and management of biodiversity
- Policy A4 Noise and vibration
- Policy A5 Basements and Lightwells
- Policy D1 Design
- Policy CC1 Climate change mitigation
- Policy CC3 Water and flooding
- Policy CC4 Air quality
- Policy CC5 Waste
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Car-free development and limiting the availability of parking.
- Policy T4 Promoting the sustainable movement of goods and materials

1. Introduction

- 1.1. Planning permission is sought for the conversion of the existing basement into no.2 self-contained units following the excavation of no.5 lightwells; the demolition of the single storey garage / bin store to the rear of the site and its replacement with a single storey (plus habitable roof) dwelling as well as the construction of no.2 new entrance ways to the inner courtyard and the re landscaping of the grounds of the lodge to provide no.25 parking spaces.
- 1.2. The sizes for the proposed units would be as follows: 1x 3 bed 5 person (basement); 1x studio (basement) and 1x 1bed 2 person (dwelling). Each of the proposed lightwells would have an area of 6.5sqm and would be enclosed at ground floor level by glazed balustrades. The proposed entrance ways to the inner courtyard would be of contemporary glazed design and would have heights of 4m. The proposed dwelling would be of brick construction with a metal pitched roof with a hipped end. The proposed re-landscaping would necessitate the building up of the sloped banks at the front and Northern sides of the plot in order to level the ground as well as the addition of retaining walls to the front and side (northern) boundaries.

2. Planning Appraisal

- 2.1. The principal considerations material to the determination of this application are as follows:
 - Principle of land use and proposed residential mix
 - Principle of the basement works
 - The visual impact upon the character and appearance of the host property and local area (Design and Character)
 - The living standards for future residents of the self-contained unit (Standard of Accommodation)
 - Transport and highways considerations
 - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)

Principle of land use and proposed residential mix

- 2.2. Camden's Core Strategy policy CS6 indicates that the Council seeks to maximise the supply of homes and minimise their loss, with housing regarded as the priority land-use of the Camden Local Development Framework. New residential dwellings are encouraged in order to provide additional housing in accordance with policies CS6 and DP2 of Camden's LDF. This approach is continued by emerging policy H1 (Maximising housing supply). Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme will meet the priorities outlined in the table. This is also echoed in emerging policies under Policy H6 (Housing choice and mix). Two bedroom properties are considered 'very high' priority and guidance states that 40% of market homes should be 2 bedroom dwellings. Three bedroom units are considered to be of 'medium' priority and one bedroom units are of 'lower' priority.
- 2.3. The adopted Fortune Green and West Hampstead Neighbourhood (FGWHN) Plan (2015) states that residential development should provide a "range of different unit sizes, including three and four bedroom homes, where appropriate, suitable for families". The Council seeks to maximise the supply of homes and minimise their loss.
- 2.4. The development would lead to the creation of an additional no.3 residential units within the curtilage of the site including 1x 3 bed 5 person; 1x 1bed 2 person and 1x 1bed 1person units. The proposed addition of no.3 further residential units within the site would be in line with the policy preference outlined under policies CS6 and DP2 of Camden's LDF as well as emerging policy H1. The addition of residential units is therefore acceptable in principle. The proposed mix would lead to the creation of no.1 unit of medium priority but that would be suitable for a family (5bed spaces) as well as no.2 units of lower priority. Considering that the development is partially a conversion scheme (and therefore spatial limitations apply) and the works would result in the creation of a 3bed unit, the proposed unit mix is considered to be appropriate in this instance despite the lack of high priority (2bed) unit provision.

Principle of basement works

- 2.5. The Council's policy DP27 (Basements and Lightwell) and emerging policy A5 state that the Council will only permit basement and other underground development if it is demonstrated that it would not cause harm to the built and natural environment or local residential amenity and does not result in flooding or ground instability. 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 to the water environment or land stability as well as any trees on or adjoining the site. Schemes including sites with underground development constraints are expected to provide appropriate evidence to demonstrate to the Council's satisfaction that the development does not harm the built and natural environment or local amenity.
- 2.6. The Council's records show that the application site is subject to an underground development constraint which places the property at risk from flooding due to surface water flows and hydrological flows owing to a historic lost river. This constraint is formulated using the screening flowchart for Surface water flow and flooding from Camden Geological, Hydrogeological and Hydrological Study – Guidance for Subterranean Development Issue01- ARUP - November 2010 (for LB Camden).
- 2.7. As outlined in the supporting text for Core Strategy policy CS13, although Camden has very low risk from flooding from waterways, the North London Strategic Flood Risk Assessment identified several areas in the borough, in particular West Hampstead, that have experienced surface water flooding when existing water infrastructure has not been able to cope with surface and foul water at the same time as the result of heavy rain (para.13.25). Map 5 outlined in CS13 shows that Shoot Up Hill has previously been subject to serious flooding issues and this remains a significant concern for any new development.
- 2.8. Expanding upon CS13, the post-text for Development Management policy DP27 states that "*The Council will not allow habitable rooms and other sensitive uses for self-contained basement flats and other underground structures in areas at risk of flooding... The Council will require the submission of a development-specific flood risk assessment with applications for basements on streets identified as being at flood risk or in an area where historic underground watercourses are known to have been present, in line with the criteria set out in PPS25, unless it can be demonstrated that the scale of the scheme is such that there is no, or minimal, impact on drainage condition*" (para 27.6).
- 2.9. The development would include the conversion of an existing basement into habitable rooms as well as the excavation of no.5 light wells with a total area of 32.5sqm (an excavation of approximately 65 cubic metres of soil immediately adjacent to the building). The development would also lead to an increase in the amount of hard surfacing and a reduction in green space within the curtilage of the Lodge by virtue of the re-landscaping for car parking, exacerbating the existing drainage situation and potentially leading to flooding issues at lower ground floor level.
- 2.10. In light of the above the applicants were advised that the Council would require the submission of a Basement Impact Assessment Screening report in order to demonstrate that the proposed development would not pose a risk to the built and natural environment and local amenity, including to the local water environment and ground conditions in line with policy DP27 and planning guidance document CPG4.
- 2.11. Submitted alongside the application is a structural engineer's report which comments upon the structural integrity of the building and the effect that the proposed lightwells might cause in this regard. This letter, as well as a subsequent response to the BIA request, suggests that there would be no structural impact as a result of the works but do not include any formal calculations and are instead advisory statements, referring to potential options rather than a specific proposed scheme. Most importantly these submitted statements do not include any reference to the potential impact to surface water and ground water flows or flooding risks posed as a result of the overall scheme.
- 2.12. The requested formal BIA screening report was not forthcoming and in the absence of such information, the development is contrary to policy DP27. The proposed conversion of basement to self-contained units and excavation of lightwells are considered unacceptable in principle in the absence of such reporting, in particular due to the potential impacts upon the local water environment and ground conditions and the potential for the habitable rooms / self-contained units at lower ground floor to be subject to flooding in times of heavy rain.

Design and Character

2.13. The Council's design policies are aimed at achieving the highest standard of design in all developments. DP24 (Securing high quality design) states that the Council will require all developments to be of the highest standard of design and its supporting text requires design to consider the character and constraints of its site; the prevailing pattern, density and scale of surrounding development; the impact on existing rhythms, symmetries and uniformities in the townscape; the compatibility of materials, their quality, texture, tone and colour; the composition of elevations; the suitability of the proposed design to its intended use; its contribution to public realm, and its impact on views and vistas; and the wider historic environment and buildings, spaces and features of local historic value.

2.14. As aforementioned, the host building is a 1930's mansion block which stands above the level of Shoot Up Hill and sits comfortably within a green and open setting, resulting in the building being prominent within the local area. The block also sits within a group of mansion blocks (Fordwych, Hillcrest, and Kendal courts and Warwick Lodge) and is read as such in townscape terms. Although not designated as a heritage asset, the property is of an attractive design which is characteristic for its age and for the surrounding group of blocks. Its success in design terms derives from the simple treatment and detailing of its elevational composition and the way in which the height of the block is balance against the areas of green open space within its curtilage. The property also retains much of its original character by virtue of the limited alterations which have been made to its external appearance.

New dwelling

2.15. The proposed new dwelling would be situated to the rear corner of the site at the end of a row of garages. This area of the site is currently host to a refuse store, a row of aging single storey garages as well as the access road, all in a fairly low state of repair. This rear corner of the site consequent has low aesthetic and amenity qualities and the loss of the single storey outbuilding is not objectionable in design terms.

2.16. The proposed replacement dwellinghouse is however of a design which would fail to respond to its surroundings and would appear as a completely alien addition when read against the host 1930's mansion block. The dwelling would not include any external space outside of its footprint and its design would lead to the building appearing more as an outbuilding rather than a domestic dwellinghouse. The proposed design seems to have had no regard to the surrounding townscape / prevailing pattern of development within the local area which is characterised by larger mansion blocks within open grounds to the South and regular streets of Victorian semi-detached dwellings with front and rear gardens to the North. The dwelling would not relate to any building line or frontage and would instead punctuate the end of a row of garages. The proposed materials palette (brick and timber cladding with grey metal sheeted roof) as well as the design of the roof form and fenestrations would all appear incongruous within the local area and when read against the main Lodge building, particularly in views from Mill Lane. It is therefore considered that the proposed dwelling would cause harm to the character and appearance of the host block by virtue of the disruption caused to the setting of the block as well as the visual impact caused by its incongruous design. As will be outlined in the Standard of accommodation section of the report, it is also not considered that the proposed dwelling would be suitable for its intended use.

2.17. Overall the proposed dwelling is not considered to represent a high standard of design. The dwelling would fail to respond to its local context and its form and design would cause harm to the character and appearance of the host 1930's mansion block.

Basement / Lightwells

2.18. In terms of the proposed basement conversion, the only external visual manifestation of this part of the development would be the proposed no.5 lightwells. With regard to lightwells, DP27 states that in determining the acceptability of lightwells, the Council will consider whether the architectural character of the building is protected; whether the character and appearance of the surrounding area is harmed; and whether the development results in the loss of more than 50% of the front garden or amenity area. CGP4 (Basements and Lightwells) continues to states that any visible basement wall should not dominate the original building and that in number, form, scale and pane size, basement windows should relate to the façade above, and should normally be aligned to the openings above and be of a size that is clearly subordinate to the higher level openings so as not to compete with the character and balance of the

original building (para.2.14). CPG4 also continues to state that where visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the architectural character of the building, or the character and appearance of the surrounding area, or the relationship between the building and the street (para.2.19).

- 2.19. Exposed lightwells are not a characteristic feature of the prevailing character of the local area. Of the no.5 lightwells proposed, no.4 would be situated on the principal elevation of the host building and no.1 would front Mill Lane. Due to their siting and lack of any concealment / screening, these features would become extremely visually prominent from both within the site as well as from the adjacent streets. As any resident would have to walk immediately past these elements to enter the building, these elements could not be more exposed.
- 2.20. Although it is acknowledged that the location of the front lightwells has been informed by a desire to respect the building's symmetrical elevational composition; it is considered that the scale and design of the proposed lightwells are such that they would act to dramatically alter the character and appearance of the Lodge. With regard to the proposed side lightwell, although no elevation drawing was submitted for this side elevation, the location of this lightwell is such that it would not relate to the composition of this elevation in any way. The scale of the proposed lightwells (each with a width of 3.3m and a depth of approx.2m) are such that they would cumulatively create a large amount of void space at ground floor level immediately adjacent to the principle elevation. As the host building is characterised by its solid appearance and strong connection with the ground, it is considered that by virtue of the scale of voids created at ground floor level, the character of host building would be significantly undermined.
- 2.21. The proposed lightwells are also not considered appropriate by virtue of their detailed design. The proposed triple-folding doors at lower ground floor level would be highly visible, would fail to appear subordinate to the fenestrations at upper floors or indeed to respond to the character of the host building in any meaningful way. This issue is compounded by the proposed frameless glazed balustrade, which would similarly pay no regard to the aesthetic of the host building and draw further attention to the large voids created immediately adjacent to the principle elevation by virtue of their insensitive appearance.
- 2.22. Overall it is considered that the proposed lightwells are of a scale, siting and detailed design which would act to cause harm to the character and appearance of the host dwelling, group of buildings as well as the wider area.

Landscaping, hard surfacing & trees

- 2.23. The Council's policy regarding design (DP24) states that proposed development should not harm the built or *natural* environment, and that new development should respond to the natural assets of the site and its surroundings. As aforementioned, the host building is characterised by its fairly generous setting, the majority of which is currently green open space which slopes gently down towards Shoot Up Hill. The peripheral open spaces are generally lawned with a number of small trees and shrubs, although there are a number of more mature trees such as that on the corner of the Southern entrance to Mill Lane and along the northern boundary with Kendal Court. The site is also enclosed on two sides (fronting Shoot Up Hill and Mill Lane) by a well-managed hedge.
- 2.24. The proposed rationalisation of the surrounding access road and parking would involve the releveling and hard surfacing of a large portion of this peripheral open space, resulting in a loss of approximately 320sqm of green open space and its replacement with tarmacked parking spaces. The works would also involve the releveling of the sloping site, resulting in an increase in height of ground level of approximately 0.9m at the front of the site. The banked Northern side boundary with Kendal Court would also require an increase in height in order to level for parking however levels details or sections of this element were not submitted and have not been forthcoming.
- 2.25. Although it is acknowledged that some of the peripheral open spaces (such as that along the boundary with Kendal Court) are currently not well managed or of particular ecological importance, these spaces still cumulatively have an important role in forming the setting of the host building and allowing the building to be read within a more natural setting. Considering the proximity to Shoot Up Hill, a busy arterial road, this was clearly a key element of the block's original design and adds to its character. It is considered that the proposed hard surfacing would have a significant detrimental impact upon the setting of the host building by virtue of the loss of green open space.

2.26. In terms of the impacts upon the existing vegetation on site, no arboricultural or landscaping report has been submitted. Although there are no protected trees within the site, the existing trees and hedges are considered to strongly contribute to the character of the property and its setting and their removal or loss would be objectionable.

2.27. In this instance it is considered that the disruption to soil, raising of ground levels and addition of hard surfacing is highly likely to cause significant harm to the root structures of the hedgerow fronting Shoot Up Hill and the various trees and shrubs along the Northern boundary with Kendal Court. The excavation of the side lightwell within close proximity to the mature tree adjacent to Mill Lane is also likely to cause major harm to this specimen. In the absence of any information to counter this assumption, it is found to be highly likely that the majority of this vegetation would not survive were the development to be permitted. Were this to be the case, both the setting as well as view of the building from Shoot Up Hill (where a managed hedge would be replaced with views of a retaining wall and parking) would be considerably harmed as a result of the proposed works.

Entrance ways

2.28. The final external element of the proposal for consideration is the addition of no.2 external entrance ways to the inner courtyard of the site. These have been proposed in order to improve security and safety and formalise the access into the lower ground floor. At present two black metal staircases / fire escapes are located in this position, the proposal would retain this metal stair but provide a 1.5 storey (4m) high glazed enclosure with entry doors at ground floor level.

2.29. As with the proposed lightwell balustrading, these frameless glazed structures would similarly greatly contrast with the host building in terms of their form and materiality. Notwithstanding this, these entrance ways would only be visible from within the inner courtyard in private views and the original elevation and staircase would be visible through the structure. Any harm to the character of the building would therefore be more limited than those other proposed works and considering the improvements to access and security, objection is not raised to these proposed elements.

Design conclusion

2.30. Overall the proposed works are considered to lead to a significant harmful impact upon the host building, the group of building as well as the wider area. This is by virtue of the scale and unsympathetic design of proposed lightwells, the incongruous appearance of the proposed new dwelling, the loss of green open space within the setting of the host building as well as the likely loss of characteristic mature vegetation. These proposed elements are considered to cumulatively cause significant harm to the host building which is characteristic for its ages as well as the group of mansion blocks of which it forms a part. The proposed rear entrance ways are however, on balance, not considered to be objectionable in design terms.

Standard of accommodation

2.31. The Council's Policy DP26 requires new development to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes, outlook, natural light and amenity space. It is also expected that suitable facilities are provided for the storage, recycling, refuse, cycle storage; and private outdoor amenity space. Minimum space standards for new development, as set out within the DCLG nationally described space standards 2015 (GIA), alongside those proposed (outlined in submitted documents) are set out in the table below:

Unit No.	Location	Unit Type	Proposed Size (sqm)	Minimum requirement (sqm)	Proposed storage (sqm)	Min storage requirement (sqm)
1	Basement	1 bed 1p	48.5	39	0	1
2	Basement	3 bed 5p	90.6	86	3.1	2.5
3	GF dwelling	1 bed 2p	50	50	0	1.5

2.32. As outlined above, all proposed units meet the minimum gross internal areas as required by the National Technical Standards. Only one of the units provides the relevant amount of built in storage, however for the studio (unit 1) this is not objectionable as this unit is almost 10sqm larger than the

minimum requirement. For unit 3, the lack of built-in storage would be considered to result in a lower standard of accommodation.

- 2.33. In terms of privacy it is considered that all of the proposed units would fail to provide a decent standard and that future occupiers would be significantly impacted upon by overlooking. In the case of the dwelling house this would be due to the fact that all of the ground floor fenestration would be immediately adjacent to communal parts (communal drive and parking spaces). As this unit would be single aspect, occupiers of this unit would likely need to keep blinds / curtains drawn at all times whilst using their main habitable spaces in order to avoid being overlooked by passers-by. Similarly, due to the proximity of the proposed front lightwells to the main entrances into the block, the pavements immediately adjacent to the proposed lightwells would likely see heavy footfall. Any persons walking in front of these lightwells would be afforded unobstructed views not only the only outdoor amenity spaces of these units (the lightwells themselves) but also inside all but one of their primary habitable rooms. Measured at average eye level (circa 1.55m), a person stood adjacent to these lightwells opposing the glazed doors would be able to view 3m into these habitable room meaning that similarly these units would constantly feel overlooked by passers-by.
- 2.34. In terms of outlook, it is not considered that any of the proposed units would benefit from an outlook which would provide a pleasant visual amenity to future occupiers. In the case of the basement units, the only outlook afforded from both units would be into lightwells with a depth of only 2m. Although it is acknowledged that when stood immediately next to the sliding doors within these units glimpses of the sky would be visible, it is not considered that this would be sufficient to provide a decent standard of residential amenity, in particular for the 3bed family unit. In term of the proposed dwelling, this single aspect unit would offer occupiers an outlook onto the communal access road and two parking spaces. Although the unit is located opposite the central garden within the centre of the block, views to this area would be blocked any time that cars were parking in the opposing spots. Overall it is not considered that the proposed units would benefit from a decent standard of outlook.
- 2.35. In terms of daylight, submitted alongside the application is a daylight/sunlight report which assesses the levels of light received by the no.2 proposed basement units. This report finds that by virtue of the number and position of proposed lightwells, all habitable rooms would achieve good levels of daylight and sunlight and that both basement units would accord with BRE guidelines. On the basis of these findings no objection is raised in this regard. The proposed dwelling would feature a good amount of fenestration and would considered to provide adequate natural light levels.
- 2.36. In terms of noise and disturbance, any future occupiers of the proposed basements units are not considered likely to be detrimentally impacted upon in terms of noise and disturbance. Occupiers of the proposed dwellinghouse on the other hand would have their sole living space immediately adjacent to the renewed driveway through the site as well as several parking spaces. As no.25 parking spaces are proposed, this would amount to a fair amount of comings and goings and the engine noise from vehicles is likely to cause significant disturbances for any future occupier. Whilst conditions could be applied for noise insulation to be installed in this unit if the Council were otherwise mindful to approve; the noise attenuating effects provided by insulation would be diminished any time the occupiers wanted to open one of their few windows for ventilation. As such it would be considered that in this instance the application of a noise insulation condition would not overcome this issue and that any future occupier of the dwelling would be detrimentally impacted upon in terms of noise and disturbance.
- 2.37. With regard to the provision of outdoor private amenity space, the two basement units would feature private access to lightwells but the dwellinghouse would not benefit from any outdoor amenity space. Due to the fact that the new units would have access to the shared central courtyard garden, this provision is not objectionable.
- 2.38. Regarding access arrangements, policies CS6 and DP6 require all new build housing developments to be accessible and adaptable for wheelchair users. Due to the removal of lifetime homes standards, the Council thus expects new dwellings to meet Building Regulations standard M4 (2). Should the Council be mindful to support the proposed dwelling, this could be conditioned to be in accordance with this standard. As the proposed basement units would involve the conversion of an existing space this requirement would not be applicable.
- 2.39. Overall it is considered that the no.3 proposed units would fail to provide an adequate standard of accommodation to future occupiers by virtue of a lack of outlook, privacy, and in the case of the proposed dwelling; internal storage provision as well as noise and disturbance.

Transport and Highways

Vehicular parking

- 2.40. With regard to vehicular parking, the Council's Core Strategy policy CS11 states that in attempts to minimise congestion and addressing the environmental impacts of travel, the Council will expect minimum provision for private parking in new developments. Accordingly, Development policy DP18 states that the Council will seek to ensure that "developments provide the minimum necessary car parking provision" as a way to promote sustainable and efficient travel methods.
- 2.41. The Council's emerging Local plan states that one of its strategic aims (no.3) is to "*promote sustainable transport for all and to make Camden a better place to cycle and walk around, to reduce air pollution, reliance on private cars and congestion and to support and promote new and improved transport links*". As such, emerging policy T2 states that the Council will:
- restrict off-street car parking to:
 - spaces designated for disabled people; and
 - any operational or servicing needs;
 - not issue on-street parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;
 - resist the development of boundary treatments and gardens within existing developments to provide off-street parking; and
 - support the use of existing car parks for alternative uses.
- 2.42. The application site has a PTAL rating of 6a (second highest) which means it is highly accessible by public transport. The site is also situated within the one of the Borough's Controlled Parking Zones (Kilburn: CA-Q). The development would include landscaping works of the existing access road to provide no.28 off street parking spaces (approximately 15 informal spaces are currently provided). The proposal would also result in the creation of an additional three units (2x1bed and 1x3bed) on the Warwick Lodge site. The proposed creation of an additional no.13 onsite parking spaces would fail to encourage the use of sustainable transport means in a highly accessible area, exacerbate local traffic conditions and remain contrary to the Council's strategy aims, adopted policies CS11 and DP18 as well as emerging policy T2.
- 2.43. Furthermore in the absence of a legal agreement to ensure that the proposed units are car-capped, it is considered that these additional units are also likely to place further strain on the local on street parking provision and capacity of the CPZ, contrary to Core Strategies policies CS11 and CS19 and Development Policies DP18, DP19 and DP21.

Cycle storage

- 2.44. Policy DP17 states that the Council will promote walking, cycling and public transport use and that development that would be dependent on travel by private motor vehicles will be resisted. Policy DP18 continues by adding that developments will be expected to meet the minimum standards for cycle parking, based upon the standards set out in the Development Management policies / the London Plan (2016). This requirement for the appropriate provision of cycle parking in accordance with these minimum standards is sustained by emerging policy T1.
- 2.45. The London Plan (Table 6.3) has the following minimum cycle parking requirements for dwellings (C3):
- 1 space per studio and 1 bedroom unit
 - 2 spaces per all other dwellings
- 2.46. The proposed development would therefore need to provide a minimum of 4 long stay cycle parking spaces for the proposed units in order to comply with the minimum requirements of the London Plan. These cycle spaces would need to be covered, fully enclosed, secure and step-free cycle parking spaces to comply with the minimum requirements of Camden and London Plan cycle parking standards.
- 2.47. No cycle parking has been proposed as part of the scheme, with no justification presented which might explain why provision was not possible in this case. The proposal, in the absence of cycle parking facilities, is contrary to Core Strategies CS11 and CS19 and Development Policy DP18 as it would fail to encourage cycling as a sustainable and efficient mode of transport.

Highways

- 2.48. Development Policy DP20 states that in order to minimise the impacts of the movement of goods and materials by road (including construction traffic), developments will be expected to 'seek opportunities to minimise disruption for local communities through effective management'. Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'.
- 2.49. As the development would include some fairly significant ground works to the site as well as excavation works, the implementation of the proposed development is likely to give rise to a number of highways issues due to the comings and goings of construction vehicles unless properly managed. The proposed works could also lead to damage to the footways and carriageway directly adjacent to the site as construction vehicles will use the vehicular crossover into the site and it is anticipated that Camden may need to undertake highway remedial works following completion of the proposed development.
- 2.50. In order to ensure that adequate mitigation measures have been put in place to prevent undue harm while the proposed development is implemented, a Construction Management Plan (CMP), would be required as part of a Section 106 Legal Agreement in order to ensure that the works do not cause undue harm to nearby residents or impact upon nearby trees or local traffic conditions. Given the scale of development proposed, the difficult access into the site as well as the likely level of heavy vehicular movement in and from the site, this CMP would be expected to be accompanied by a full and comprehensive transport assessment. Furthermore, in order to ensure that the adjacent footpath and highway is protected and that the redundant cross over onto Shoot Up Hill is removed, a highways and street works contribution would also be required as part of a Section 106 Legal Agreement.
- 2.51. In the absence of a signed legal agreement including provisions for a CMP and highways contribution to be secured, the proposed development would be considered to result in significant harm to nearby residents and local traffic conditions contrary to policies DP20 and DP21.
- 2.52. It is noted that several comments were received from members of the public regarding the safety risk of the existing entrance way from Mill Lane. The proximity of this cross over to the crossing and junction onto Shoot Up Hill as well as the limited visibility afforded into/from this entrance is a concern which is shared by the Council and objection would be raised were these access way to be newly proposed. Due to the fact that these access points are in situ, and are possibly originally, the Council would however have limited opportunity to secure any amendment to the existing situation. It is acknowledged that the increase in parking bays would also exacerbate the amount of traffic crossing into the site via these access points and could impact upon public safety; however, as the creation of the bays is objectionable in principle, the use of the existing crossover would not form a separate reason for refusal.

Residential Amenity

- 2.53. Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that the Council will "aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers."
- 2.54. CPG6 (Amenity) states that development should be designed in order to ensure that "the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers" and that where development is considered to have a detrimental impact upon levels of daylight, sunlight or overshadowing into neighbouring properties, the submission of further evidence of this impact may be required.
- 2.55. As discussed, the proposed re-landscaping would necessitate the building up of the sloped banks along the Northern sides of the plot in order to level the ground as well as the addition of retaining walls to the front and side (northern) boundaries to support this hard surfacing/raised ground level. Concern is raised

with regard this element of the proposal and the impacts that this might cause upon the residential occupiers of Kendal Court. In the absence of full details relating to the altered levels across the site and any retaining wall and vehicular barrier necessary to implement the proposed onsite parking, it is considered very likely that levels of outlook and light into the ground and first floor habitable room side windows of units within the adjacent block would be detrimentally impacted upon as a result of the proposed works. The creation of additional vehicular parking spaces in close proximity to these habitable room windows is also likely to give rise to increased levels of noise and pollution.

- 2.56. As outlined in the *Highways* section above, in the absence of a legal agreement to secure a CMP for the proposed works, significant concern is also raised with regard to the potential disruption caused upon occupiers of Warwick lodge whilst works are ongoing. Considering the difficult access into the site and the significant level of ground works proposed, it is likely that the unmanaged implementation of these works would cause severe disturbance to these occupiers.
- 2.57. In the absence of a secured CMP, full site levels details as well as details of necessary retaining walls and barriers, the development and its implementation is therefore considered to remain harmful to the residential amenities of local residents.
- 2.58. By virtue of their position in relation to nearby habitable room windows, as well as their form and design; the proposed lightwells and entrance ways would, once constructed, not result in harm to nearby occupiers in terms of outlook, privacy, light or noise to a level of detriment. The proposed dwellinghouse would result in an increase in height adjacent to the rear gardens of properties along Fordwych Road as well as in front of rear facing windows within the Court, however due to the length of these adjacent rear gardens, the dual pitched roof form, the existing outlook afforded from rear facing windows and the fact that these windows do not appear to be primary windows serving habitable rooms, it is not considered that the proposed dwellinghouse would cause a significant loss to outlook, light or privacy to any adjoining neighbour. Although it is accepted that the relocation of communal bins to the external space at the front of the site would mean that they are less secure, it is not considered that this change would cause significant detriment to the amenities of any neighbouring occupier by virtue of the distances maintained to habitable room windows.

3. Recommendation:

3.1. Refuse planning permission