

**REDEVELOPMENT OF REAR WORKSHOP PREMISES AT**

**322 WEST END LANE LONDON NW6 1LN**

**COMPRISING**

**OFFICE ACCOMMODATION AT GROUND FLOOR LEVEL**

**AND A**

**SELF-CONTAINED 1-BEDROOM MAISONETTE ON UPPER TWO FLOORS**

**FOR**

**M CARMELLI Esq**

# **STATEMENT OF CASE AGAINST REFUSAL OF PLANNING CONSENT**

**March 2017**

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Fortune Green and West Hampstead Neighbourhood Development Plan  
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**VIEW OF APPEAL SITE FROM CREDITON HILL**



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**VIEW OF APPEAL SITE SHOWING REAR OF 322 / 324 FROM CREDITON HILL**

**WEL.886 REAR WORKSHOP PREMISES  
322 WEST END LANE LONDON NW6 1LN**

**APPEAL STATEMENT OF CASE LB -- Camden Ref 2016/4971/P**

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**Background to appellant and application**

The applicant has owned the appeal site, as well as the adjacent 322 West End Lane, for many years and occupies the appeal premises in connection with his car maintenance and repairs occupation.

The limited size and height of the existing garage premises are such that it is incapable of accommodating the requisite plant, hoist, etc necessary for the efficient conduct of a motor repair business and a more appropriate use of the premises is felt to be overdue.

The location of the premises is such that any alternative B1 use should ideally respect the residential nature of the adjoining residential use of the principal 322 West End Lane and adjacent 74 Crediton Hill properties thus ruling out any light industrial activity which could potentially be noisy and would in any event be out of place.

The location, adjoining a shop premises, is ideally suited at ground floor level for office use, thus retaining the B1 Use and employment potential.

The construction of the appeal building is such that it requires significant upgrading to conform to Building Regulations and it is this that generated the application to retain the non-residential use at ground level and provide a self-contained residential unit above.

The application was refused by London Borough of Camden on 24<sup>th</sup> November 2016, citing 8 reasons for refusal and it is this refusal which forms the subject of this appeal.

## **Case against Reasons for Refusal**

### **Note**

For ease of reference, all the Camden planning policies referred to in the Reasons for Refusal have been reproduced after the following specific Statements of Case.

### **Statements**

#### **Reason(s) for Refusal 1 – 8**

##### **Reason 1**

- 1 The proposed development would result in an undue loss of light and outlook to neighbouring properties at 76 Crediton Hill and 324-326 West End Lane for those occupiers contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and Policies 1 and 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

##### **Case against :-**

The proposal conforms fully to CS 5 (a), (b), (c) and (d).

With regard to :-

- (e) The photographs of the adjoining properties 76 Crediton Hill and the rear of 322 and 324 West End Lane indicate an absence of any principal windows to habitable rooms facing the appeal site.
- (f) The proposal will provide additional residential accommodation in this locality which has excellent public transport links whilst retaining the employment use.
- (g) The existing nondescript building and the sub-standard off-street parking will be mitigated.

With regard to DP 26, the plan makes it self-evident that the proposed B1 and residential units will not cause any harm to the amenity of any neighbours and

- (a) Cannot by its design affect the visual privacy or create overlooking of any private property or amenity space;
- (b) + (c) Being located to the north of secondary windows of the adjacent Crediton Hill property and to the west perpendicularly to the West End Lane properties will cause no loss of light nor any loss of outlook
- (d) - (g) These policies are not applicable to residential development although arguably the potential for (d) and (e) exist with the current B1 use.
- (h) The residential unit complies with the Mayor's London Plan (March 2016) accommodation standards.

### **Reason 2:-**

- 2 The applicant has failed to demonstrate that the proposed excavation would maintain the structural stability of the building and neighbouring properties, avoid adversely affecting drainage and run-off, causing other damage to the water environment and cumulative impacts upon structural stability or the water environment in the local area contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

### **Case against :-**

The requirement to demonstrate structural feasibility of a proposal is not normally a requirement of the Town and Country Planning Act nor was it requested during the period of consideration of the application.

The risks referred to in the Reason can be demonstrated to be either absent or quite simply overcome in the usual construction design development stage.

The proposed slight reduction in the ground floor level remains within the depth of the existing foundations; the entire site is built on so there is no change to drainage or run-off. The fears expressed of the work 'adversely affecting drainage and run-off, causing other damage to the water environment and cumulative impacts upon structural stability of the water environment in the local area' appear to be misplaced and unrelated to the reality of the 100% built-up non-porous nature of the appeal site.

**Reason 3:-**

- 3 The proposal would fail to provide 1no. policy compliant secure, covered cycle parking space in accordance with CPG7 Transport due to the lack of manoeuvring space, contrary to CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies 5 and 7 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

**Case against :-**

Application Drawing No WEL.886.21 clearly indicates an internal, secure cycle storage space within the entrance lobby of the residential unit; this is, in fact, capable of an alternative vertical rack (-- either facility can be screened by means of a full height roller blind or similar if desired for aesthetic amenity).

The existing premises have no cycle storage facility.



#### **Reason 4:-**

- 4 The proposed development, by reason of its layout and the poor provision of light and outlook to the residential unit would result in substandard living accommodation and would be detrimental to the living conditions of prospective occupiers contrary to the policies CS5 (Managing the impact of growth and development) and CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies, London Plan Policy 3.5 and Policy 1 Housing of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

#### **Case against :-**

The application drawing WEL.886.21 indicates the large, full height window to the first floor Living Room and a full height french window to the second floor Bedroom. Both windows overlook West End Lane; there are no other windows from which overlooking on to adjoining properties or their external amenity spaces is possible.

The proposed 1-bedroom unit conforms to the standards of the Mayor's London Plan (March 2016).

#### **Reason 5 :-**

- 5 The proposed development, by reason of its design and materials would result in harm to the character and appearance of the building and the wider streetscene contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and Policy 2 Design & Character of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

### **Case against :-**

The elevational treatment has been kept simple, using elegant proportions and avoiding the pitfall of a pastiche elevation based on e.g. the housing to the south on West End Lane or the mansion flats opposite – or the non-descript flank elevation of 322 West End Lane. In this way it acts as a visually sympathetic transition between that flank and the traditional Edwardian villa vernacular of the houses to the south along West End Lane, the elevations of which are generally as originally constructed.

### **Reason 6 :-**

- 6 The proposed development would result in the loss of B1 floorspace and would therefore fail to support economic activity in Camden and result in the loss of employment opportunities within the Borough contrary to Policy CS8 (Promoting a successful and inclusive economy) of the London Borough of Camden Local Development Framework Core Strategy and DP13 (Employment sites and premises) of the London Borough of Camden Development Policies 2010-2025 Local Development Framework.

### **Case against :-**

The new B1 unit, comprising 33sq metres of newly built office accommodation, will provide a higher quality of B1 space than the current 41sq metre uninsulated, fairface workshop premises.

### **Reason 7:-**

- 7 The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies 5 and 7 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

**Case against :-**

During the period of consideration of the application, the matter of off-street parking was not raised; a condition invoking the authority's car-free housing policy applying to housing would not be resisted.

**Reason 8 :-**

- 8 The proposal, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010 and Policy 9 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

**Case against :-**

Again, during the period of consideration of the application, the matter of a legal agreement to secure the requisite contributions was not offered in accordance with CS 11k and on a fair and reasonable basis would not be resisted.

**Informative(s):-**

- 1 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal numbers 7 and 8 could be overcome by entering into a legal agreement with the Council.

This is noted and agreed by the Appellant.

- 2 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal number 2 could be overcome by submitting a Basement Impact Assessment to be externally audited and to confirm the excavation works would be acceptable in terms of structural stability and flooding.

The need for a Basement Impact Statement is not understood as the proposal indicates the ground floor level reduced by under 600mm below the adjacent ground. In the absence of a definition of a 'basement' in the Town and Country Planning Act 1990, Camden Core Strategy 2010-2025 or Camden Development Policies Local Development Framework 2010-2015, the definition in the Building Regulations, Appendix E may be applied and this defines a basement as 'A storey with a floor which at some point is more than 1200 below the highest level of the ground adjacent to the outside walls.'

As pointed out above, the entire site area is built on and the reduction in level will have no drainage or run-off implications affecting the existing *status quo*.

If for whatever reason a Basement Impact Statement is still required this and dependence on its recommendation will be accepted as a pre-commencement condition.

### **Conclusion**

The above comments in response to each individual Reason for Refusal provide the necessary evidence that the proposed development complies with all relevant Camden planning policies to which reference has been made -- and which are set out below in the following pages.

It is therefore submitted that the appeal should be allowed.

## **Camden Core Strategy 2010 - 2025**

### **CS5 - Managing the impact of growth and development**

The Council will manage the impact of growth and development in Camden. We will ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to:

- a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;
- b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;
- c) providing sustainable buildings and spaces of the highest quality; and
- d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.

The Council will protect the amenity of Camden's residents and those working in and visiting the borough by:

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered;
- f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and
- g) requiring mitigation measures where necessary.

### **CS8 - Promoting a successful and inclusive Camden economy**

The Council will secure a strong economy in Camden and seeks to ensure that no-one is excluded from its success. We will:

- a) promote the provision of 444,000 sq m of permitted office floorspace at King's Cross as well as in the range of 70,000 sq m of office provision at Euston with further provision in the other growth areas and Central London to meet the forecast demand of 615,000 sq m to 2026;
- b) support Camden's industries by:
  - safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers;
  - safeguarding the borough's main Industry Area; and
  - promoting and protecting the jewellery industry in Hatton Garden;

- c) expect a mix of employment facilities and types, including the provision of facilities suitable for small and medium sized enterprises, such as managed, affordable workspace;
- d) support local enterprise development, employment and training schemes for Camden residents;
- e) recognise and encourage the concentrations of creative and cultural businesses in the borough as well as supporting the development of Camden's tourism sector whilst ensuring that any new facilities meet the other strategic objectives of the Core Strategy;
- f) recognise the importance of other employment generating uses, including retail, markets, leisure, education, tourism and health.

### **CS11 - Promoting sustainable and efficient travel**

The Council will promote the delivery of transport infrastructure and the availability of sustainable transport choices in order to support Camden's growth, reduce the environmental impact of travel, and relieve pressure on the borough's transport network.

#### ***Improving strategic transport infrastructure to support growth***

The Council will promote key transport infrastructure proposals to support Camden's growth, in particular:

- a) King's Cross station improvements;
- b) the redevelopment of Euston Station and the provision of an improved public transport interchange;
- c) Crossrail services and associated station improvements at Tottenham Court Road;
- d) improved interchange at West Hampstead;
- e) improvements to facilities at Camden's London Underground and Overground stations, including at Camden Town and Holborn;
- f) improvements to encourage walking and cycling as part of transport infrastructure works.

The Council will protect existing and proposed transport infrastructure (including routes for walking, cycling and public transport, interchange points, depots and storage facilities) against removal or severance.

#### ***Promoting sustainable travel***

In order to support Camden's growth and to promote walking, cycling and public transport, the Council will:

- g) improve public spaces and pedestrian links across the borough, including by focusing public realm investment in Camden's town centres and the Central London area, and extending the 'Legible London' scheme;

- h) continue to improve facilities for cyclists, including increasing the availability of cycle parking, helping to deliver the London Cycle Hire Scheme, and enhancing cycle links;
- i) work with Transport for London to improve the bus network and deliver related infrastructure, and support proposals to improve services and capacity on the tube, London Overground and Thameslink.

***Making private transport more sustainable***

As part of its approach to minimising congestion and addressing the environmental impacts of travel, the Council will:

- j) expand the availability of car clubs and pool cars as an alternative to the private car;
- k) minimise provision for private parking in new developments, in particular through:
  - car free developments in the borough's most accessible locations and
  - car capped developments;
- l) restrict new public parking and promote the re-use of existing car parks, where appropriate;
- m) promote the use of low emission vehicles, including through the provision of electric charging points; and
- n) ensure that growth and development has regard to Camden's road hierarchy and does not cause harm to the management of the road network.

**CS14 - Promoting high quality places and conserving our heritage**

The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) requiring development of the highest standard of design that respects local context and character;

**CS19 - Delivering and monitoring the Core Strategy**

The Council will work with Camden's Local Strategic Partnership and its other partners to deliver the vision, objectives and policies of this Core Strategy. We will:

- a) work with relevant providers to ensure that necessary infrastructure is secured to support Camden's growth and provide the facilities needed for the borough's communities. Information on the key infrastructure programmes and projects in the borough to 2025 are set in Appendix 1;
- b) use planning obligations, and other suitable mechanisms, where appropriate, to
  - support sustainable development,
  - secure any necessary and related infrastructure, facilities and services to meet needs generated by development, and
  - mitigate the impact of development;

- c) work with neighbouring boroughs to co-ordinate delivery across boundaries; and
- d) monitor the implementation of the Core Strategy against the Core Strategy Monitoring Indicators and publish the results in our Annual Monitoring Report.



## **Fortune Green and West Hampstead Neighbourhood Development Plan**

### **POLICY 1: Housing**

Residential development shall provide a range of housing types, to meet a range of needs, as appropriate, related to the scale of the development.

This shall be achieved by:

- i. The provision of affordable, social, intermediate, and shared-ownership housing - in line with the 50% target as set out in the development plan.
- ii. The provision of a range of different unit sizes, including three and four bedroom homes, where appropriate, suitable for families.
- iii. The appropriate provision of homes for the elderly and disabled, which promote accessibility.
- iv. The provision of homes which aim to meet or exceed national environmental standards and for zero-carbon homes.

### **POLICY 2: Design & Character**

All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.

This shall be achieved by:

- i. Development which positively interfaces with the street and streetscape in which it is located.
- ii. Development which maintains the positive contributions to character of existing buildings and structures.
- iii. Development which is human in scale, in order to maintain and create a positive relationship between buildings and street level activity.
- iv. Development which has regard to the form, function, structure and heritage of its context - including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.
- v. A presumption in favour of a colour palate which reflects, or is in harmony with, the materials of its context.
- vi. New buildings and extensions that respect and are sensitive to the height of existing buildings in their vicinity and setting. Tall buildings in the Growth Area will need to have regard to their impact on the setting of the two immediately adjacent conservation areas, in order to avoid any negative impact on them.

- vii. Extensions - and infill development - being in character and proportion with its context and setting, including the relationship to any adjoining properties.
- viii. The provision of associated high quality public realm.
- ix. Having regard to the impact on local views across the Area and the streetscapes within the Area (as identified in A11 and Map 2).
- x. Development which aims to fulfil the criteria set out in Building for Life 12 (as detailed in A18)

**POLICY 5: Public Transport**

Development shall make appropriate provision for, and/or contribute towards, improvements to the public transport infrastructure of the Area –particularly in the West Hampstead Growth Area.

**POLICY 7: Sustainable Transport**

In order to encourage the safe movement of traffic on roads in the Area, and to promote a reduction in car use, development will be supported which includes the appropriate provision of:

- i. Car-free or car-capped developments.
- ii. Car club spaces.
- iii. Charging points and dedicated parking spaces for electric cars.
- iv. Contributions to safer road layouts, traffic calming, and the removal of rat-runs.
- v. Proposals which will result in a reduction in air pollution caused by vehicle emissions.
- vi. The appropriate provision of loading bays for commercial use that requires regular deliveries.

## **Camden Development Policies 2010-2015** Local Development Framework

### **Policy DP13 - Employment premises and sites**

The Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless:

- a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and
- b) there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

Where a change of use has been justified to the Council's satisfaction, we will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses.

When it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses, except in Hatton Garden where we will expect mixed use developments that include light industrial premises suitable for use as jewellery workshops.

Where premises or sites are suitable for continued business use, the Council will consider redevelopment proposals for mixed use schemes provided that:

- c) the level of employment floorspace is maintained or increased;
- d) they include other priority uses, such as housing and affordable housing;
- e) premises suitable for new, small or medium enterprises are provided;
- f) floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses;
- g) the proposed non-employment uses will not prejudice continued industrial use in the surrounding area.

The Council will support the provision of live/work premises provided they do not:

- h) result in the loss of any permanent residential units; or
- i) result in the loss of sites in business or employment use where there is potential for that use to continue.

### **Policy DP18 - Parking standards and limiting the availability of car parking**

The Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport.

Development should comply with the Council's parking standards, as set out in Appendix 2 to this document. Where the Council accepts the need for car parking provision, development should not exceed the maximum standard for the area in which it is located (excluding spaces designated for disabled people). Developments in areas of on-street parking stress should be 'car capped'.

For car free and car capped developments, the Council will:

a) limit on-site car parking to:

- spaces designated for disabled people,
- any operational or servicing needs, and
- spaces designated for the occupiers of development specified as car capped;

b) not issue on-street parking permits; and

c) use a legal agreement to ensure that future occupants are aware they are not entitled to onstreet parking permits.

Developments will also be expected to meet the Council's minimum standards for cycle parking set out in Appendix 2.

The Council will:

d) strongly encourage contributions to car clubs and pool car schemes in place of private parking in new developments across the borough; and

e) seek the provision of electric charging points as part of any car parking provision.

### **Policy DP19 - Managing the impact of parking**

The Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces. We will resist development that would:

a) harm highway safety or hinder pedestrian movement;

b) provide inadequate sightlines for vehicles leaving the site;

c) add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions;

d) require detrimental amendment to existing or proposed Controlled Parking Zones;

- e) create a shortfall of parking provision in terms of the Council's Parking Standards for bicycles, people with disabilities, service vehicles, coaches and taxis;
- f) create a shortfall of public car parking, operational business parking or residents' parking;
- g) create, or add to, an area of car parking that has a harmful visual impact.

The Council will require off-street parking to:

- h) preserve a building's setting and the character of the surrounding area;
- i) preserve any means of enclosure, trees or other features of a forecourt or garden that make a significant contribution to the visual appearance of the area; and
- j) provide adequate soft landscaping, permeable surfaces, boundary treatment and other treatments to offset adverse visual impacts and increases in surface run-off.

The Council will only permit public off-street parking where it is supported by a transport assessment and is shown to meet a need that cannot be met by public transport. The Council will expect new public off-street parking to be subject to a legal agreement to control the layout of the parking spaces, the nature of the users and the pricing structure. We will also seek a legal agreement to secure removal of parking spaces in response to any improvement to public transport capacity in the area.

Where parking is created or reallocated, Camden will encourage the allocation of spaces for low emission vehicles, car clubs, pool cars, cycle hire and parking, and electric vehicle charging equipment.

### **On-street car parking**

19.3 On-street car parking spaces are a limited resource, and demand exceeds supply in much of the borough. They cater for residents who do not have off-street spaces at home as well as for people visiting businesses and services. The Council manages onstreet parking on the basis of designated Controlled Parking Zones, in which regulations control how parking may be used on different sections of the street and at different times. There is a particularly high demand for on-street parking by residents in areas with a low availability of drives or garages.

19.4 Development that will reduce the amount of on-street parking or add to on-street parking demand

Where parking is created or reallocated, Camden will encourage the allocation of spaces for low emission vehicles, car clubs, pool cars, cycle hire and parking, and electric vehicle charging equipment.

### **Policy DP23 - Water**

The Council will require developments to reduce their water consumption, the pressure on the combined sewer network and the risk of flooding by:

- a) incorporating water efficient features and equipment and capturing, retaining and re-using surface water and grey water on-site;
- b) limiting the amount and rate of run-off and waste water entering the combined storm water and sewer network through the methods outlined in part a) and other sustainable urban drainage methods to reduce the risk of flooding;
- c) reducing the pressure placed on the combined storm water and sewer network from foul water and surface water run-off and ensuring developments in the areas identified by the North London Strategic Flood Risk Assessment and shown on Map 2 as being at risk of surface water flooding are designed to cope with the potential flooding;
- d) ensuring that developments are assessed for upstream and downstream groundwater flood risks in areas where historic underground streams are known to have been present; and
- e) encouraging the provision of attractive and efficient water features.

### **Policy DP24 - Securing high quality design**

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed;
- c) the quality of materials to be used;
- d) the provision of visually interesting frontages at street level;
- e) the appropriate location for building services equipment;
- f) existing natural features, such as topography and trees;
- g) the provision of appropriate hard and soft landscaping including boundary treatments;
- h) the provision of appropriate amenity space; and
- i) accessibility.

### **Policy DP26 - Managing the impact of development on occupiers and neighbours**

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage; and
- k) outdoor space for private or communal amenity space, wherever practical.

### **Policy DP27 - Basements and lightwells**

In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes:

- a) maintain the structural stability of the building and neighbouring properties;
  - b) avoid adversely affecting drainage and run-off or causing other damage to the water environment;
  - c) avoid cumulative impacts upon structural stability or the water environment in the local area;
- and will consider whether schemes
- d) harm the amenity of neighbours;
  - e) lead to the loss of open space or trees of townscape or amenity value;
  - f) provide satisfactory landscaping, including adequate soil depth;

g) harm the appearance or setting of the property or the established character of the surrounding area; and

h) protect important archaeological remains.

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.

In determining applications for lightwells, the Council will consider whether:

i) the architectural character of the building is protected;

j) the character and appearance of the surrounding area is harmed; and

k) the development results in the loss of more than 50% of the front garden or amenity area.