

# Flat A, 45 Lancaster Grove (2015/2534/P)



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**Flat A, 45 LANCASTER GROVE (2015/2534/P)**



Photo 1: Front elevation of no. 45 Lancaster Grove

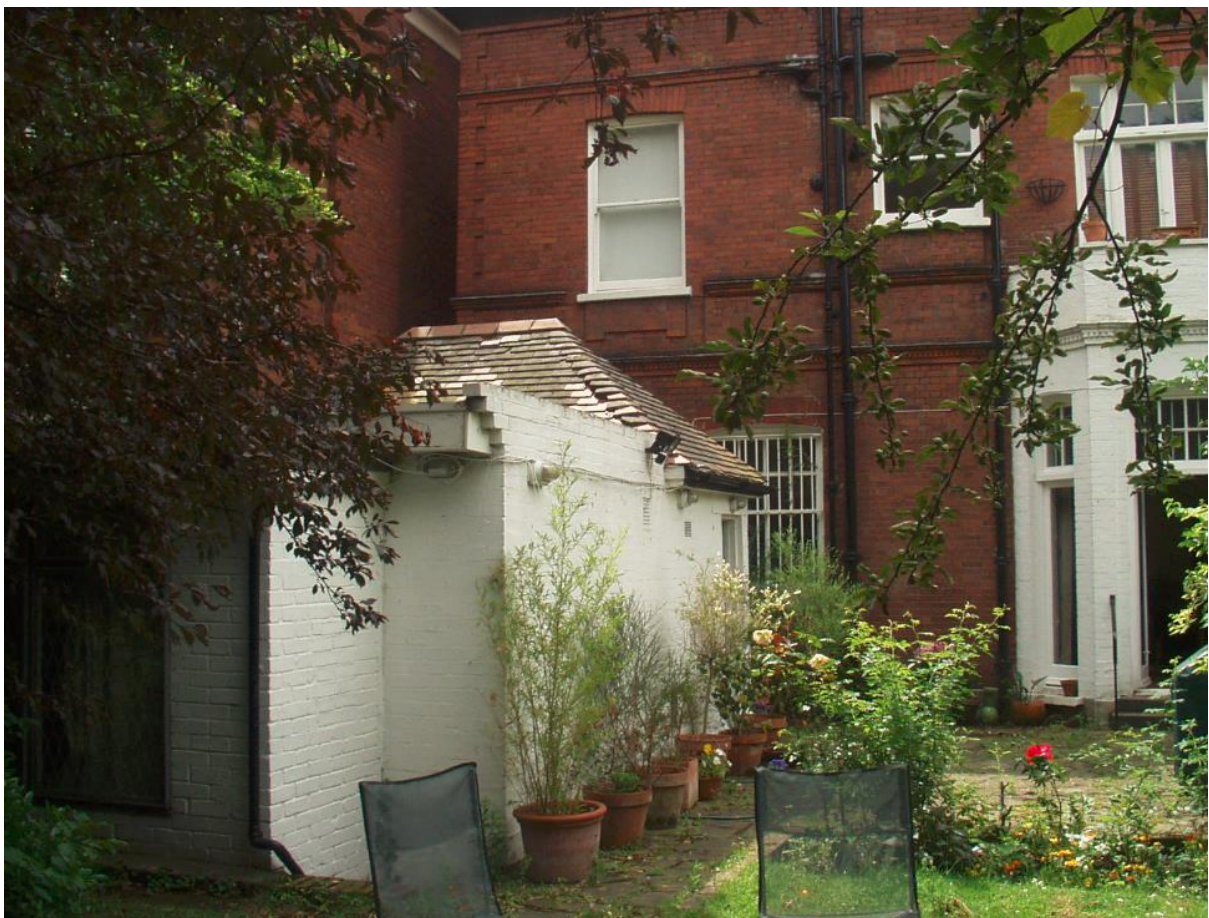


Photo 2: Original single storey rear extension (removed in Dec 2010/Jan 2011)



Photo 3: Rear elevation of the property following removal of the original single storey rear extension



Photo 4: Rear elevation of the property showing the original bay window

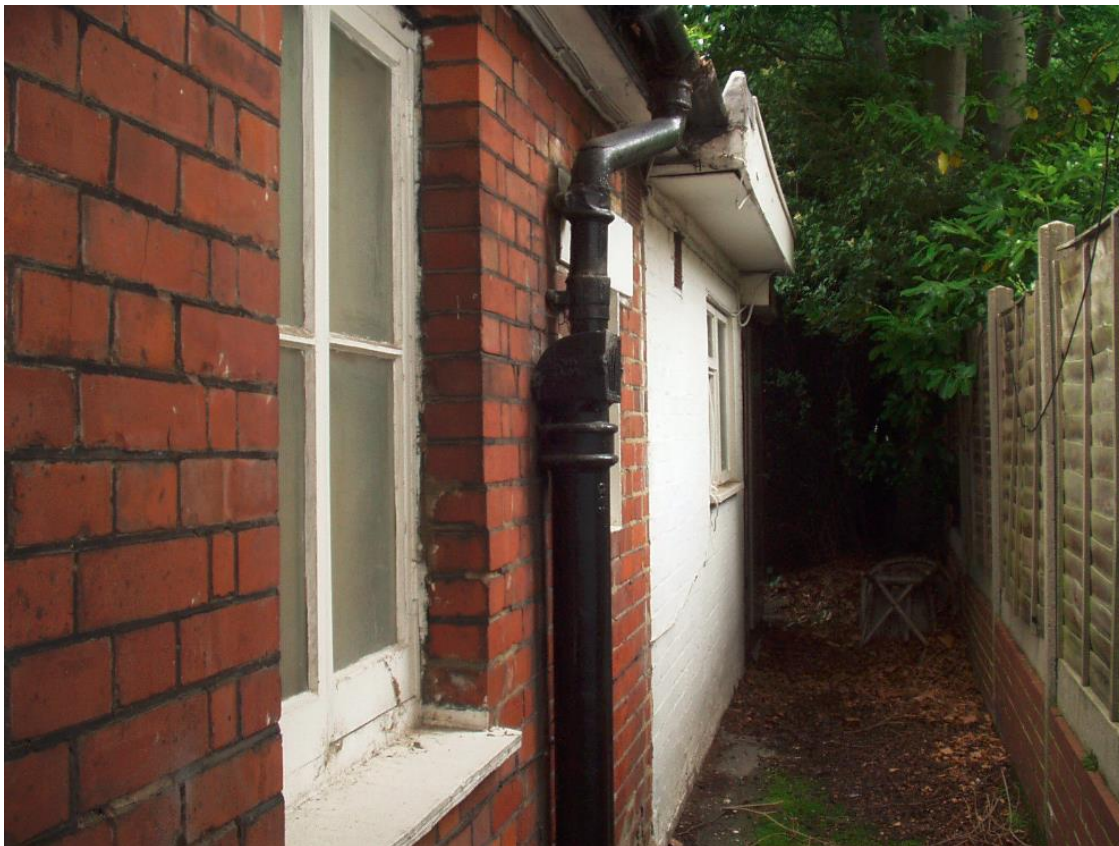


Photo 5: Relationship between original single storey rear extension and neighbouring property at no. 47 Lancaster Grove



Photo 6: North facing rear garden of application site



Photo 7: Existing unauthorised single storey rear extension as part of 2012 scheme that was refused planning permission



Photo 8: Existing unauthorised basement as part of 2012 scheme that was refused planning permission



Photo 9: View of western side elevation of existing unauthorised single storey rear extension as part of 2012 scheme that was refused planning permission from garden of no. 43a Lancaster Grove



Photo 10: View of existing unauthorised single storey rear extension as part of 2012 scheme that was refused planning permission from garden of no. 43a Lancaster Grove



Photo 11: Rear elevation of neighbouring property at no. 43a Lancaster Grove



Photo 12: View of eastern side elevation of existing unauthorised single storey rear extension as part of 2012 scheme that was refused planning permission from neighbouring property at no. 47 Lancaster Grove



Photo 13: View of eastern side elevation of unauthorised single storey rear extension as part of 2012 scheme that was refused planning permission from neighbouring property at no. 47 Lancaster Grove



<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>07/07/2015</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		02/07/2015 22/10/2015 21/12/2016	
<b>Officer</b>				<b>Application Number(s)</b>			
Elaine Quigley				2015/2534/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat A, 45 Lancaster Grove London NW3 4HB				See 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 basement extension to the rear (retrospective) and erection of ground floor rear extension above all in connection with existing flat (Class C3).							
<b>Recommendation(s):</b>		Grant condition planning permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		<u>No. notified</u> (Original plans) 97 (1 <sup>st</sup> set Amended plans) 58 (2 <sup>nd</sup> set Amended plans) 20		<u>Responses</u> (Original plans) <b>17</b> (1 <sup>st</sup> set Amended plans) <b>05</b> (2 <sup>nd</sup> set Amended plans) <b>02</b>		<u>No. of objections</u> (Original plans) <b>17</b> (1 <sup>st</sup> set Amended plans) <b>05</b> (2 <sup>nd</sup> set Amended plans) <b>02</b>	
<b>Summary of consultation responses:</b>		<p><b>ORIGINAL PLANS</b> Councillor Leila Roy (Councillor for Belsize Ward) – <b>objects</b> Advised that she would like the application to be determined at Development Control Committee if the recommendation is for approval.</p> <p>17 letters of objection were received from local residents at Flat 1, 37 Lancaster Grove, Flat 6, 6 Lancaster Grove, Flat 2, 6 Lancaster Grove, Flat 9, 5 Lambolle Road, Flat 5, 5 Lambolle Road, 59 Lancaster Grove, 43A Lancaster Grove (x 2 letters), 47 Lancaster Grove (represented by Henry&amp;James), Flat 4, 43 Lancaster Grove, 12 Lancaster Drive, Garden Flat, 12 Lancaster Drive, 16 Lancaster Grove, 51 Lancaster Grove, Flat 3, 37 Lancaster Grove, 36 Belsize Park, and 1 letter with no postal address</p>					

details raising the following concerns:

#### Overdevelopment

- An extension at basement and ground floor level is excessive both in area and bulk for a flat. The construction is therefore considered to be overdevelopment of the property

*Officer comment: See paragraphs 3.5 - 3.14 of the assessment section of the report*

#### Size of ground floor extension

- Ground floor extension covering the extent of the basement is inappropriate to the existing house and area
- Width of the extension will be nearly 70% of the non-compliant built extension
- Extension is still too deep (10m deep for a width of 6m) and destroys the fine architecture of Belsize Park
- It's too high (as high as the retrospective application that was refused planning permission in 2011)
- The roof of the 2005/2008 permission was 2.6m high level with the transom of the bay window so we knew exactly where the roof should be. The proposal is 3.2m high, will look awful, destroying the rear elevation of this beautiful Victorian building
- As Camden refused the 2012 scheme because of its height, this application should also be refused because of its similar height.
- The application is considered an inappropriate attempt at reducing the overall volume of the above ground element of the development
- Dimensions of the proposed structure are excessive in relation to the house and the garden
- The new extension is still too large.
- The proposed new build is too big, too bulky and has a massive ugly roof to be overlooked by dozens of people
- Comparison between the widths of the original extension to that which is now proposed (4.9m to 6m). A 22% increase is neither "conservative" or "marginal" but dishonest attempt to present a new scheme in a favourable light.
- Any additional width of the extension should not extend beyond the rear wall of the original house by more than 4m.
- The proposed extension is wholly out of proportion to the site, it takes up most of the garden, as does the existing (illegal) extension.

*Officer comment: See paragraphs 3.5 - 3.14 of the assessment section of the report*

#### Design

- Extension still abuts the bay window thereby destroying its fine features and profile
- There should be 1m space between the side wall and the bay window to allow it to breathe.
- The Planning Inspectors decision about the rear of no. 45 and the bay window highlight its importance as a traditional feature. The para 19-25 equally apply to the current design and its impact on no. 45.
- Rear extension is not in keeping in terms of appearance with the architectural heritage of the main building or the adjacent properties.
- An L-shaped extension would be the most appropriate solution

*Officer comment: See paragraphs 3.5 - 3.14 of the assessment section of the report*

#### Impact on rear garden and conservation area

- The proposal would increase the density of buildings to an unacceptable extent and impact adversely on the designated conservation area
- Reduction in green space in the locality where there has been significant loss of green space in recent years and threaten surrounding trees.
- Gardens and trees are an important green space and should be treasured nor built over at will
- Where contemporary extensions have been considered in local conservation areas they have not extended deeply into garden locations but across the rear of the building with limited projection and of a lightweight glass construction reflecting the original building features beyond
- Mass and character of the building would not be in keeping with the conservation area
- As the property lies within a conservation area the application should be rejected due to the increase development in the area which diminishes the green space and endangers existing trees

*Officer comment: See paragraphs 3.8 and 3.38 - 340 of the assessment section of the report*

#### Amenity

- The proposal extends some 10m into the rear garden and is believed to have a detrimental effect on loss of daylight and an adverse impact on the garden of no. 47 Lancaster Grove
- The length of the new extension compared to the demolished extension is slightly longer. The height of the demolished extension was 2m for the last 1.3m. The new proposal will now have an overall height of 3.2m. This represents a loss of daylight to no. 47 Lancaster Grove
- The increase in height will severely reduce sunlight and daylight from the west, causing extension overshadowing that did not exist previously.
- The proposed wall of the extension facing no. 47 is 850mm higher than the demolished extension. The raised height will cause serious loss of sunlight and shadowing to the garden of no. 47. The only source of light to this garden is the afternoon sun from the west.
- The changes to the design are neither 'marginal' or 'conservative' as the proposal suggests. They impose and intrude on adjacent properties, especially no. 43a and they steal light from this garden and living room windows
- Gross overdevelopment and gives a sense of enclosure to no. 47

*Officer comment: See paragraphs 3.17 – 3.33 of the assessment section of the report*

#### Basement works

- The suggestion that the basement excavation has had no impact on the local water table seems without foundation. Our garden was waterlogged last winter and yet no visit was made to inspect the situation and determine if it has been caused by the excavations at 45A.

- Geotechnical report states that 4 items of works were undertaken however report however it does not state that it provides all information required by Camden for new application that includes a deep basement
- Site investigations to include collection of water in standpipe were undertaken prior to a 15-day dry spell which suggests results are of no use
- Reducing green space can cause flooding when heavy rain waters are unable to drain away. An over-developed property without adequate surrounding land to allow drainage can result in localised flooding, and this threatens neighbouring properties as well. With climate change and the increase in heavy rainfall we ought to be sensitive to such potential hazards
- Comments of the Geo-Environmental to Planning and Party Wall Specialists Ltd.
- (i). The report states in Item 4. Fieldwork, “The scope of works was agreed with the Client...” It then lists 4 items of work covered by the report however it does not state that it provides all information required by Camden for new application that include a deep basement.
- (ii). The intrusive investigation was carried out on the 15th December 2014
- (iii). A subsequent visit made on the 7th January 2015, recorded the standpipe as dry.
- (iv). Historic weather conditions for the period have been obtained from AccuWeather web site. These records show that on the previous 15 days
  - Zero rain fell on 7 days;
  - 1mm rain fell on 6 days
  - 4mm on 1 day
  - 9mm on 1 day
  -
- In the following 23 days to 7th Jan 15
  - Zero rain fell on 9 days
  - 1mm fell on 5 days
  - 3mm fell on 1 day
  - 5mm fell on 1 day
  - 11mm fell on one day
- Hence it is not surprising that the standpipe was dry and it suggests that the results are of no use whatsoever.
- (v). Camden’s requirements  
Para 56 of PI’s decision. “Accordingly I conclude that it has not been shown the scheme would not adversely affect underground drainage or the structure of adjacent buildings, and so is in conflict with CDP Policy DP27 and CPG4.” This information to satisfy this requirement has still not been submitted.
- (vi). Campbell Reith report  
There are several items that CR state is required to complete their report. In particular following items require further information Section 3, 18 items stated. (Basement Impact Audit Check list) Item 4.6 and Items 5.4, 5.5 and 5.6

*Officer comment: See paragraphs 3.34 and 3.37 of the assessment section of the report*

Incorrect information/ drawings/ Design and Access Statement (DAS)

- The drawings submitted suggest the extension will be 3m in height but this is believed to be incorrect as it is measured from a higher level than appropriate. The correct dimension being 3.2m in height.
- DAS refers to the extension as being 3.7m and 3.8m in height. Which is it?
- Lack of dimensions on the drawings will clearly be a problem for Camden when they try to benchmark any construction against an approved scheme

*Officer comment: See paragraphs 2.6, 3.9 and 3.44 – 3.45 of the assessment section of the report*

- Section 12 of the application form states that the site is not within an area at risk of flooding. This is inaccurate (a river is known to run through the site at no. 43a)

*Officer comment – the applicant was unaware of the site lying within an area at risk of flooding however this did not affect the assessment of the proposal as the Council is aware of this constraint*

#### Other matters

- The owner of the property has a history of disregarding planning laws.
- The grant of consent will encourage others to undertake developments without obtaining planning consent and apply for retrospective consent only if challenged.
- Concerned about precedent that is set if retrospective approval is granted for planning permission which should be permitted in exceptional circumstances
- Not clear why the Council are entertaining a new application when the enforcement notice for removal of the extensions has been completely ignored
- This is a continuing waste of the Council's valuable time. There are more important issues in our community than to endlessly debate a scheme that is patently in no one's interest save the owners of 45A Lancaster Grove.
- Proposal would set dangerous precedent for others and encourage similar developments in the area.
- It would encourage would-be developers to circumvent the rules by erecting extensions and then retrospectively seeking consent.
- Neighbouring property at no. 8 Lancaster Drive erected a conservatory in 1995 without planning permission due to its size, bulk and detailed design and its impact on the conservation area and was required to remove it. It was a fraction of the size of the one at this property. The same criteria should be used in this case

*Officer comment: See paragraph 3.46 of the assessment section of the report*

#### **1<sup>st</sup> SET OF REVISED PLANS (relating to reduction in the height of the part of the ground floor extension furthest from the main rear elevation of the main house)**

5 letters of objection were received from local residents at Flat 6, 6 Lancaster Drive, 43a Lancaster Grove, 57 Lancaster Grove, 16 Lancaster Grove and an email with no postal address provided raising the following concerns:

#### Overdevelopment

- The proposal is gross overdevelopment

*Officer comment: See paragraphs 3.5 - 3.14 of the assessment section of the report*

#### Size of ground floor extension

- The revised plans still do not adhere to the measurements outlined in the previous planning consent. Namely, the roof level is still above the level of the transom of the bay window. This would result in the structure being too high.
- The length of the extension is actually longer than the previous extension
- The ground floor extension is 60 sq. m plus basement. The built extension is 85 sq. m so the proposal is still 70% of that size
- The height of the extension is 2.82m high. This represents an increase of 460mm on the demolished extension. This roofline will seriously diminish sunlight to the garden of no. 47. As the 2012 scheme was refused on its height this application should also be refused because of its similar height.
- If approval has been granted for a particular dimension of building then it needs to be adhered to. If we do not stick to that principal then anyone will feel free to ignore planning rules and the impacts of developments on their neighbours.
- The extension is excessively wide
- The proposal harms the bay window by abutting the side window. It should be set 1m away to enable the bay window to breathe

*Officer comment: See paragraphs 2.6 and 3.5 – 3.14 of the assessment section of the report*

#### Amenity

- A comparison of the proposed wall facing no. 47 versus the demolished wall will establish the harm done to no. 47. The only source of light to this garden is the afternoon sun from the west. The projection of the original extension beyond the rear wall of no. 47 was 4m long for a height of 2.4m. It then extended as a storage space for a further 1.25m but at a lower height of 2m. There are no grounds for raising this part of the extension especially to the detriment of no. 47. Anything above this 2m height will damage no. 47 through a loss of sky visibility, further loss of sunlight and an increase in the sense of enclosure.
- Any additional width of the extension should not extend beyond the rear wall of the original house by more than 4m in line with planning portal advice which states that “A single storey rear extension must not extend beyond the rear wall of the original house by more than four meters if a detached house”

*Officer comment: See paragraphs 3.7, 3.17 – 3.33 3.24 of the assessment section of the report*

#### Basement works

- The planning application 2012/1510/P was for a shallower basement than was built and the inadequate geotechnical report that was submitted was in respect of that shallower basement. The applicant has not submitted all information required to substantiate their structural design for the built basement.

- Comments of the Geo-Environmental to Planning and Party Wall Specialists Ltd have been repeated due to their importance (see above section headed “basement works” for details).

*Officer comment: See paragraphs 3.34 and 3.37 of the assessment section of the report*

#### Design and Access Statement

- The applicant has not submitted a revised Design and Access statement that reflects the latest design proposals. Previous comments still apply.

*Officer comment: See paragraph 2.6 of the assessment section of the report*

#### **2<sup>ND</sup> SET OF REVISED PLANS (relating to reduction in the length of the ground floor extension)**

2 letters of objection were received from local residents at 43a Lancaster Grove and Jones Lang LaSalle representing the company who own no. 47 Lancaster Grove

#### Design of single storey ground floor extension

- The west side of the extension harms the bay window. The Inspector stated "The rear of the property and its adjoining neighbours make a positive contribution to the conservation area." Camden officers stated in their delegated report "the Bay window to the rear...is an attractive historic feature that should be retained". CPG1 states "Any rear extension should respect and preserve existing architectural features such as projecting Bays." None of these are respected in the current application.
- The height and width of the extension remains the same. The extension remains substantial, overly dominant and is out of proportion with the original property

*Officer comment: See paragraphs 3.5 - 3.14 of the assessment section of the report*

#### Amenity

- The relocation of the skylight and the increased surface area of window (WG05) will further exacerbate overlooking and privacy
- The applicant has still failed to submit a daylight/sunlight assessment, meaning that the impact of the proposed extension on neighbouring properties has not been properly assessed

*Officer comment: See paragraphs 3.16 and 3.17 – 3.33 of the assessment section of the report*

#### Basement works

- Drawings must be provided to show the basement design following the reduction on the size of the extension above as a reduced extension above alters the enclosed basement area
- Concerns about the geotechnical report remain unanswered. There is no credibility in the results of the bore holes since there had been no rain for several weeks prior to the tests
- Residents basement now leaks following construction of the basement at no. 45. This is currently being investigated by

specialists

- The basement must mitigate potential problems due to the slope stability and hydrology. How was this done if at all?
- Whilst additional information has been submitted for the basement impact assessment this offers little comfort as to whether the basement (which is already constructed) has been built in an acceptably sound structure. No mention or assessment is made of the mitigation measures/recommendations that would typically be recommended prior to construction, and therefore whether these have been appropriately incorporated into the basement's construction.
- Revised basement plans need to be submitted to reflect the revised ground floor extension

*Officer comment: See paragraphs 3.34 and 3.37 of the assessment section of the report*

#### Design and Access Statement

- A revised design and access statement is required to reflect the current proposal

*Officer comment: See paragraph 2.6 of the assessment section of the report*

#### Construction management plan (CMP)

- No CMP has been provided. How will the removal and reconstruction impact neighbours? How will the demolition and rebuilding be managed?

*Officer comment: See paragraph 3.41 of the assessment section of the report*

#### Errors in the revised plans

- Absence of scale bar
- Drawing ref: LG-A-PP-EL003-B incorrectly titles the drawing 'Existing east elevation'; and
- The amended proposed west elevation (ref: LG-A-PP-EL002-A) indicates that window WG05 measures approximately 3m x 2m, however the proposed west elevation (LG-A-PP-EL002A) indicates that this window still remains at 2m x 2.5m.
- Difficult to fully assess the proposal in the absence of clear, accurate plans

*Officer comment: See paragraphs 3.44-3.45 of the assessment section of the report*



## Local Groups

### Belsize Residents Association – objects

#### Size

- The footprint of the extension appears excessive as it projects 10m rearward of the host building, virtually across the entire length of the plot

*Officer comment: See paragraph 2.6 of the assessment section*

- The height is higher than approved in 2005 and the 2008 scheme.

*Officer comment: See paragraph 1.7 and 1.8 of the assessment section*

- The history of the extension with enforcement action and an unsuccessful appeal against enforcement, suggests that it would be a terrible precedent if approval was given for something which is excess of the last approved proposal.

*Officer comment: See paragraph 1.7 and 1.8 of the assessment section*

#### Basement

- The basement is particularly problematic, given the guidance in LDF policies DP26 and DP27 is to confine basement development within the confines of existing building footprints; this development clearly is not.

*Officer comment: See paragraphs 3.34 – 3.37 of the assessment section*

## Site Description

The site comprises a two storey red brick detached Victorian property that has been sub-divided into 3 self-contained flats. The application relates to the basement and ground floor flat. Formerly to the rear of the property was a single storey extension.

Following planning permission in 2008 this was demolished and a two storey extension (basement and ground floor) was constructed without the benefit of planning permission to the rear of the building in 2011 (see planning history below for further details). The site benefits from a substantially sized rear garden that measures approximately 26m in length (325 sq. m). It includes a number of established trees that are mainly located around the northern and western boundary adjacent to no. 47 Lancaster Grove.

The site is located on the north side of Lancaster Grove in close proximity to the junction with Lancaster Drive that lies to the west. This part of Lancaster Grove is characterised by a mixture of detached and semi-detached properties with similarly sized rear gardens that are predominated by vegetation and trees.

It is located within the designated Belsize Conservation Area (sub area 3: Eton Avenue) that was designated on 01<sup>st</sup> November 1985. The building has been identified in the Belsize Conservation Area Statement (BCAS) as making a positive contribution to the character and appearance of the conservation area for its group value as part of a number of buildings (nos. 45-71 odds). The statement advises “Nos. 45-51 are a group of two storey detached houses with an attic, built in red brick with red tiled roofs. They are of slightly different designs but have common decorative brickwork and rendered gables over two storey bays. Unfortunately, most of the original features have been lost, including walling to the front gardens of these properties and the chimneys of nos. 49 and 51”

### Relevant History

A planning application was submitted in May 2005 (2005/2029/P) for the replacement of existing single storey rear extension with new single-storey conservatory at ground floor level linked to a new outbuilding (at lower ground level) in the rear garden with a terrace over top, including changes in garden level. This rear addition extended near the entire length of the garden and was **withdrawn** by the applicant in August 2005.

Planning permission was **granted** on 14/10/2005 (2005/3563/P) for the demolition of the existing single storey rear extension and erection of a new single-storey rear extension for the ground floor flat.

Planning permission was **granted** on the 21/08/2007 (2007/2133/P) for demolition of the existing single storey rear extension and erection of a new two storey rear extension at basement and ground floor level for the existing flat.

Planning permission was **granted** on the 15/01/2008 (2007/4905/P) for excavation of basement level with front lightwell enclosed by railings and with bridge over to the front entrance door all in connection with additional accommodation for the ground floor level flat; as a revision to planning permission granted 21/08/2007 (2007/2133/P) which allowed for the demolition of existing single storey extension and erection of a new two storey rear extension at basement and ground floor level for the existing flat.

A planning application was registered on the 06/10/2011 (2011/3657/P) for 'Revision to existing approvals 2007/2133/P and 2007/4905/P namely: revised roof with new glazed and sloping roof sections raised slightly; reduction in width of rear elevation; revised lightwells' rear revised to (sic) staircase; revised external walls with overhangs and render finish; revised ground floor plan layout.' A detailed basement assessment had not been submitted with the application. This application was **withdrawn** by the applicant before a decision was made.

Planning permission was **refused** on 30/05/2012 (2012/1510/P) for excavation of basement extension to rear and erection of rear ground floor level extension above all in connection with existing flat (Class C3) (Retrospective) and **warning of enforcement action to be taken**. The reasons for refusal were:

- (1) *The proposed rear extension at ground floor level, by virtue of its height, bulk, mass, detailed design and materials, would be detrimental to the character and appearance of the host property and the surrounding Belsize Park conservation area.*
- (2) *The development by virtue of its excessive length into the garden and height would result in loss of daylight and outlook to the neighbouring properties and would be considered harmful to the amenity of the adjoining properties*
- (3) *In the absence of sufficient information by way of a Basement Impact Statement (including Sustainable Urban Drainage System) to demonstrate to the contrary, it is considered that the excavations to create a basement may have significant adverse impact on the structural stability of adjacent properties, drainage and the local water environment.*
- (4) *The development, by reason of the position and size of the ground floor window in the side elevation would result in loss of privacy to no.43a*

On 6 August 2012 an enforcement notice was served on the property. The Notice alleged that without planning permission the following breach of planning control had occurred at the property within the last four years:

*"Excavation of basement extension to rear and erection of rear ground floor level extension above all in connection with existing flat."*

The Notice required the complete removal of the rear ground and basement floor level extension and the return of the building to the condition shown on the plans of the property as submitted in connection with the retrospective application for the 2012 Scheme within a period of nine months of its effective date of 17 September 2012.

An appeal was lodged (ref APP/X5210/A/12/2188543/NWF) against the planning decision and the enforcement notice and was **dismissed** on 03/03/2014 following a 3 day public inquiry. The planning appeal (Appeal A) was dismissed on the basis that (1) it would cause unjustified harm to the character and appearance of the Belsize Conservation Area; (2) it would cause harm to the living amenity of properties neighbouring the application property and (3) may adversely affect the underground drainage and the structure of the adjacent buildings. The enforcement appeal (Appeal B) was dismissed on the basis that it would not be appropriate to require compliance with the 2008 permission.

The applicants challenged this decision at the High Court of Appeal on 16<sup>th</sup> July 2014 with a decision **dismissing** the appeals issued on 01<sup>st</sup> August 2014. The requirements of the enforcement notice were held in abeyance until the appeal process was exhausted. The 9 month compliance period started on the 1st August and was due for compliance in May 2015.

On 9th October 2014 (before the expiry date of the compliance period) the owners of 45 Lancaster Grove and their agents met with Council officers to discuss proposals for a replacement rear extension. Following these discussions the current planning application was submitted.

An application for the notification of intended works to trees in the conservation area was submitted on 09<sup>th</sup> December 2015 (ref 2015/6930/T). This was for the crown reduction of the beech tree in the rear garden by 2m. The Council's Tree Officer raised no objection to the works and the decision was **granted** on 20<sup>th</sup> January 2016.

## **Relevant policies**

### **National Planning Policy Framework (2012)**

#### **London Plan (2016)**

#### **LDF Core Strategy and Development Policies 2010**

CS1 Distribution of growth

CS5 Managing the impact of growth and development

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 and encouraging biodiversity

DP22 Promoting sustainable design and construction

DP23 Water

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

DP32 Air quality and Camden's Clear Zone

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

A1 Managing the impact of development

A3 Biodiversity

A4 Noise and vibration

A5 Basements and lightwells

D1 Design

D2 Heritage

CC3 Water and flooding  
CC4 Air quality

*The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.*

### **Camden Planning Guidance 2011-2015**

CPG1 Design (2015)  
CPG3 Sustainability (2015)  
CPG4 Basements and lightwells (2015)  
CPG6 Amenity (2011)

Belsize Conservation Area Statement (BCAS) 2003

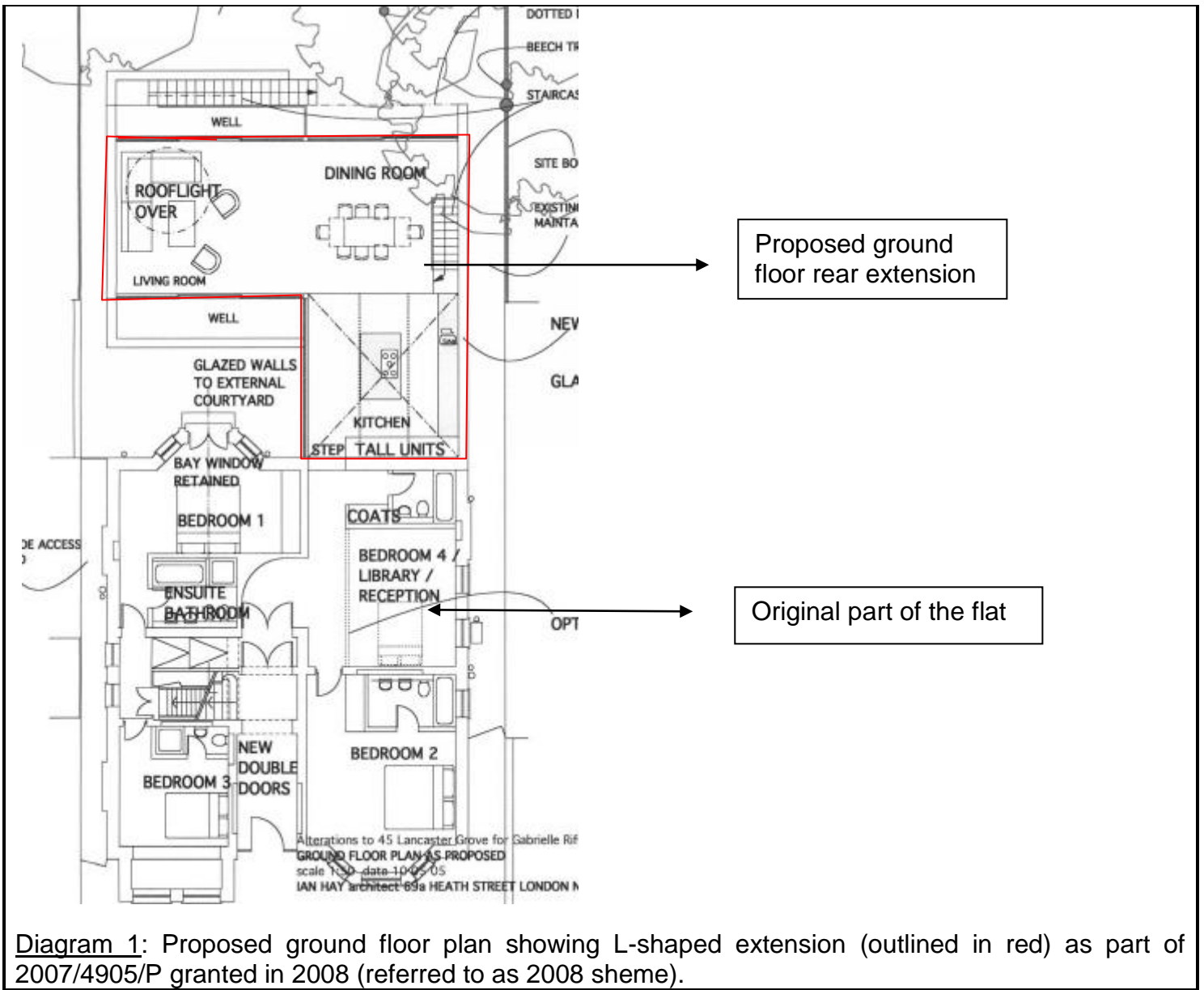
## **Assessment**

### **1.0 Background**

1.1 Planning permission was granted in October 2005 (ref 2005/3563/P) for the demolition of the now removed single storey rear extension and erection of a new single-storey rear extension for the ground floor flat. A second application was granted permission in August 2007 (ref 2007/2133/P) for demolition of the now removed single storey rear extension and erection of a new two storey rear extension at basement and ground floor level for the existing flat. This permission was amended in January 2008 by planning permission that was granted (ref 2007/4905/P) for excavation of basement level with front lightwell enclosed by railings and with bridge over to the front entrance door all in connection with additional accommodation for the ground floor level flat (now referred to as 2008 scheme).

1.2 By November 2010 none of the developments subject of these 3 permissions had been begun and indeed the 2005 and 2007 permissions had both expired. Following the demolition of the former single storey rear extension a two storey rear extension was largely completed on site in May 2012.

1.3 Following an enforcement complaint in February 2012 an enforcement case was opened where it was noted a breach of planning control had occurred. The extension, as built, was found to be materially different from that which was approved in 2008. The approved extension in the 2008 scheme was L-shaped and of a traditional brick built finish (see diagram 1 and 2 below).





**Diagram 2:** Proposed rear extension including basement and ground floor as part of 2007/4905/P granted in 2008 (referred to as 2008 scheme).

1.4 The extension that has been built on site is of a very different size, form and design than that which was granted planning permission. The as built extension projects 10m from the main rear elevation and extends across much of the width of the building. It is of a contemporary design with a modern angular form and its elevations have been finished in a white render (see diagram 3 and 4 below and attached site photos 7, 8, 9, 10, 12 and 13).

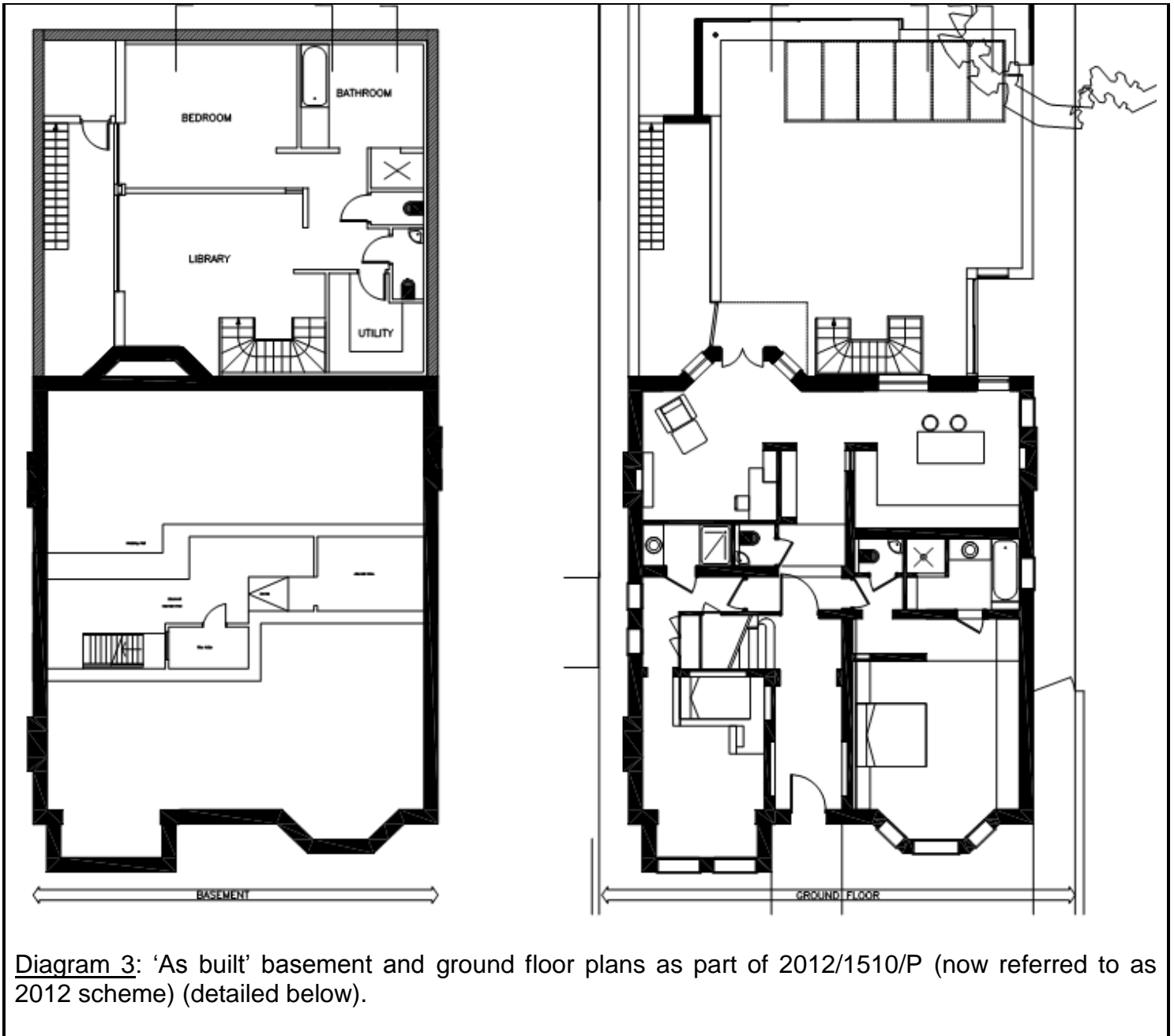


Diagram 3: 'As built' basement and ground floor plans as part of 2012/1510/P (now referred to as 2012 scheme) (detailed below).



Diagram 4: 'As built' rear elevation and side elevation as part of 2012 scheme (detailed below).

1.5 A planning application was submitted (ref 2012/1510/P) in April 2012 (now referred to as the “as built” 2012 scheme) to formalise the works retrospectively however it was refused planning permission in May 2012 with an informative warning that the Council had instructed the Borough Solicitor to issue an enforcement notice (see planning history section for details). The notice (EN12/0064) was served on 06<sup>th</sup> August 2012 against the unauthorised building which sought the demolition of the ground floor extension and infilling of the basement. A resulting appeal was lodged against the refusal of planning permission (Appeal A) and the associated enforcement notice (Appeal B) and a public inquiry was held on 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> January 2014. The Inspector dismissed the appeal on 03<sup>rd</sup> March 2014 and the enforcement notice was upheld.

1.6 In relation to Appeal A (planning decision) the Inspector reached five conclusions:

- The extension would adversely affect the contribution the building and its garden made to the Belsize Conservation Area (paras 23-25);
- The scheme would have an unduly dominant and overbearing effect on the rear garden of No.43a and the rear garden and main rear room of the ground floor flat at No.47 thereby detracting unreasonably from the living conditions enjoyed by those residents in conflict with CCS Policy CS5 and CDP Policy DP26 (para 52);
- That it has not been shown that the scheme would not adversely affect underground drainage or the structure of adjacent buildings, and so is in conflict with CDP Policy DP27 and CPG4 (para 56);
- There were no public benefits adhering in the appeal scheme that could outweigh the harm to the Belsize Conservation Area (paras 58-60);
- If it were to be a fall back option the 2008 Scheme would not be as harmful as the Appeal A Scheme (para 28).

1.7 However the Inspector concluded that the 2008 Scheme was not a fall back option because it had not been commenced before permission for it expired in mid-January 2011. The Inspector accepted (at para 35)

- *“that demolition was permitted in the development comprising the 2008 Scheme and so the removal of the extension could, on its face, be the first step in the construction of that proposal.”*



1.8 However he continued:

*“36. ... having regard to Commercial Land Limited v Secretary of State for Transport, Local Government and the Regions and the Royal Borough of Kensington & Chelsea [2002] EWHC 1264 (Admin) it is necessary to look at what has been done as a whole rather than seeing if a modicum of works complied with another permission. To my mind there are material differences between the ‘as built’ scheme and the 2008 scheme. These are numerous, but relate to such matters as the roof form, the ground floor footprint, the proximity to the boundary with No. 43a, the window arrangement and the relationship to the existing building. I note too that the Appellant did not challenge the view that there was a material difference between these two extensions as no ground (c) appeal has been lodged, and indeed an application for planning permission had been submitted that purported to be to retain the ‘as built’ scheme. Consequently, what is now on site is unlawful in its entirety and so I cannot accept that the 2008 scheme has been implemented or that it could be built without the need for further planning permission.”*

1.9 During the course of the appeal the Council accepted that a scaling error in the plans went unnoticed by the planning officers in the 2005, 2007, and 2008 permissions. As a result the 2005 report said an extension projecting 5.1m from the rear elevation was being approved, when in fact the projection of the extension measured at the correct scale of 1:100 was approximately 10m in length. The Inspector appreciated the acknowledgement of this error however he advised that this would not mean the Council could not still have outstanding concerns that could be related to the planning decision and the enforcement notice.

#### Changes between the ‘as-built 2012’ scheme and the current application

1.10 This application has been submitted to try to overcome the issues raised in the appeal decision. The main changes between the as built scheme and the proposed scheme includes the following:

1. Reduction in the length of the ground floor level from 10m to 6m
2. Reduction in the height of the ground floor extension from 4.6m at its highest point to 4.5m reducing to 2.75m in the new extension
3. Reduction in the width of the ground floor extension from 9.6m (at its widest) to 5.8m (at its widest)
4. Retention of the bay window in the ground floor rear elevation that was partially obscured by the existing extension on site
5. Amendments to the design and treatment of the extension from a contemporary white rendered extension to more traditional brick built extension
6. Amendments to the form of the extension from a contrasting modern angular form to more traditional rectangular form.
7. Amendments to the roof design from unusual angular roof to flat monopitch roof

## **2.0 Proposal**

2.1 Planning permission is now sought for the retention of the of the basement extension to the rear and erection of a replacement ground floor rear extension above all in connection with existing flat (Class C3). The existing unauthorised single storey rear extension would be demolished to facilitate the works. As part of these works the rear bay window would be reinstated and restored.

### Single storey extension

2.2 The single storey rear extension would measure 6m (length) by 6m (width) to 6.5m (width) including the single storey flat roof glazed side projection. The height of the extension would range from 4.5m closest to the main rear elevation of the property for a length of 2.4m decreasing to 2.75m (height) for a length of 3.6m (see diagram 6 below). Both parts of the roofs of the extension would be monopitch roof. The extension would be constructed from facing brick to match the existing building. A full height sliding door would be installed in the eastern side elevation that would be set in from the eastern façade of the main property by 0.38m. A recessed brick panel would also be installed in the eastern side elevation that would be in line with the eastern side elevation of the main property. The

western side elevation would include a full height window opening measuring 1.9m (width) by 2.1m (height). The rear elevation of the extension would include full width sliding glass doors. The roof of the extension would be constructed from sheet lead. It would include a four panel skylight in the roof of the lower part of the extension that would measure 1.8m (length) by 4.0m (width). Overall the extension would be much smaller than the existing and unauthorised rear extension.

2.3 A glazed single storey side extension would be incorporated within the ground floor plan however it would not be incorporated within the roof of the main extension. It would measure 3m (length) by 0.5m (width) by 2.7m (height). It would be located on the western elevation of the main single storey extension and would be constructed of laminated double glazed panels.

2.4 The extension would include a living room area and dining area and a spiral staircase to provide access to the basement below. It would provide an additional 35 sq. m of floor area for the existing flat.

#### Basement extension

2.5 The unauthorised basement works were completed in January 2011. Permission is therefore sought for these works retrospectively (see paras. 1.7 and 1.8 above). The basement extension measures 9.8m (length) by 11.5m (width). It measures 2.75m in depth (floor to ceiling height) and 3.7m to its footings. The basement comprises a library, gym, bathroom and utility room and would provide an additional 101 sq. m of floor space for the existing flat. There is a lightwell adjacent to the western elevation of the proposed single storey rear extension measuring 7.4m (length) by 2.5m (width) by 2.75m (depth). This is an open lightwell providing light into the two floor to ceiling height west facing windows that serve a library and a gym.

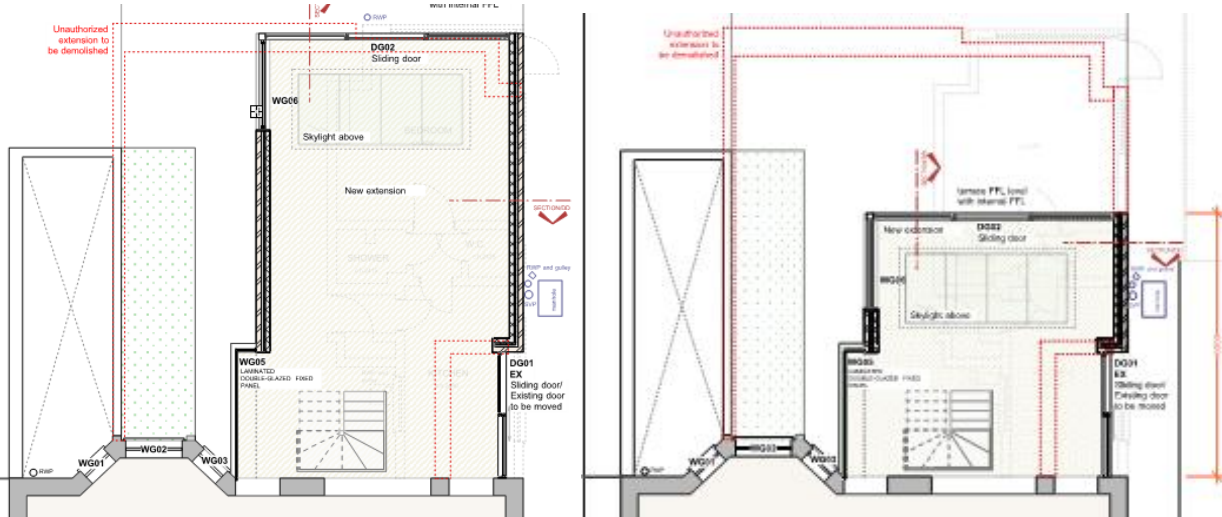
#### **Amendments/additional information**

2.6 During the course of the application several revisions have been made to various aspects of the scheme mainly relating to the ground floor extension, additional information submitted in relation to the basement works and updated certificate of ownership and addendum to the design and access statement.

- The length of the extension at nearly 10m was not considered to address the issue of the excessive scale and mass of the ground floor extension and was considered harmful to the character and appearance of the building and the conservation area. Revised drawings were submitted showing a reduction in its length from 9.97m to 6m (see diagram 5 below)
- Following comments raised during the consultation period and following further assessment of the application it was considered that the height of the single storey rear extension projecting beyond the rear elevation of no. 47 was too high and would impact on the amenity of the neighbouring occupier at no. 47 in terms of sense of enclosure. The applicant revised the drawings to reduce the height of the part of the extension that projects beyond the rear boundary of no. 47 from 3.2m to 2.75m (see diagram 7 below)
- Details of the hard and soft landscaping of the area surrounding the proposed single storey extension were not clear on the proposed drawings. The agent has advised that the external ground area created as a result of the removal of the existing single storey extension will be instated permeable soil covered with permeable sheeting and timber decking to match the existing.
- Following Campbell Reith's initial review of the original information submitted they confirmed that a basement impact assessment should be submitted in line with guidance in CPG4. On receipt of this document and a flood risk assessment Campbell Reith's initial audit identified gaps in the information submitted and further additional information was submitted to support the basement works including a ground movement assessment, west and east elevations showing the depth of the basement, basement structural drawings, retaining wall calculations and the designer's qualifications and experience

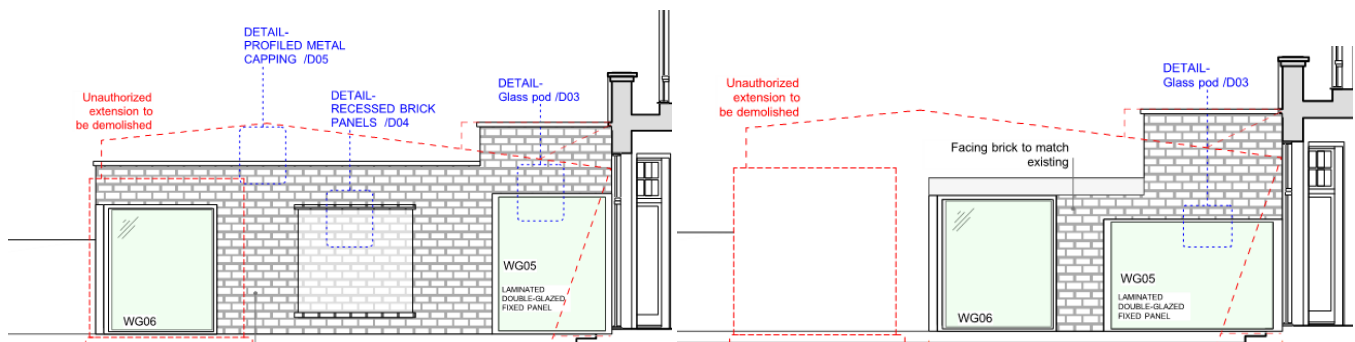
- The ownership certificate was updated with additional names of parties who have an interest in the land.
- An addendum was submitted as part of the design and access statement on 03<sup>rd</sup> February 2017 to reflect the changes to the length and height of the single storey rear extension

**Diagram 5:**



Original footprint of the ground floor extension    Revised footprint of the ground floor extension

**Diagram 6:**



Original height of the ground floor extension    Revised height of the ground floor extension

**Diagram 7:**



Original height/width of ground floor extension

Revised height/width of the ground floor extension

### 3.0 Assessment

3.1 The main considerations associated with the application are:

- Design and impact on the character and appearance of the conservation area
- Impact on amenity
- Basement works
- Landscaping and trees
- Other issues
- Enforcement notice

#### Design and impact on the character and appearance of the conservation area

3.2 The application site is within the Belsize Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. As noted above, the application site is identified within the Belsize Conservation Area Statement (BCAS) as making a positive contribution to the special character and appearance of the area.

3.3 The Inspector in his appeal decision confirmed that the conservation area is still characterised by attractive Victorian buildings that reflect the period through their materials, scale and detailing and outlined the important of the rear bay which *further enhances the property's contribution to the significance of the historic surroundings.*

#### 'As-built' scheme: scale and mass

3.4 The Inspector's appeal decision addressed the scale and mass of the as-built extension. In paragraph 23 he stated "*the extension would be of a significant scale and mass, and would sever the original house from its garden*". He went on to confirm that the scale of the ground floor extension would affect the contribution (and therefore it's value) to the character and appearance of the conservation area.

#### Current scheme: scale and mass

##### Length

3.5 In the original drawings the length of the ground floor rear extension remained the same as the existing "as-built" extension measuring almost 10m from the rear elevation of the main building. . This

was considered out of character with the host building and consequently its impact on the character and appearance of the conservation area was considered harmful.

3.6 Consequently revised drawings were submitted reducing the length of the extension from approximately 10m to 6m from the main rear façade of the building. .

3.7 Concern has been raised about the length of the extension and the fact that it is longer than 4m which is permitted under permitted development rights. This is a guide for permitted development and not the acceptability of extensions requiring planning permission. Overall, on the basis of the proposed width, retaining the bay and reduced height (discussed below) the length of the extension is considered to be acceptable.

3.8 Concern has been raised by a local resident that the extension would reduce the garden area and result in adequate surrounding land. The proposal would result in the loss of 9% of the garden and retain approximately 240 sq. m of rear garden. This is considered to be an acceptable reduction retaining a sufficient garden area.

#### Height

3.9 The height of the “as built” single storey rear extension ranges between 4m at its highest point to 3m at its lowest although the majority of the roof is approximately 3.5m in height. In this current application the height of the part of the extension that is immediately adjacent to the main rear elevation of the property measures 4.5m for a length of 2.4m. Due to the stepped nature of the properties along this part of Lancaster Grove this part of the extension would not extend beyond the rear elevation of the neighbouring property at no. 47. It would sit in line with the dentil course on the rear elevation of the main building. The height of the remainder of the extension that projects beyond the main rear elevation of no. 47 has been reduced during the course of the application from 3.1m to 2.75m. The roof of the lower element of the extension would align with the transom window of the bay window.

3.10 Given the reduction in the length of the extension together with the reduction in its height, the scale and mass of the extension would not be considered disproportionate or visually dominant with the two storey building. Its scale and appearance of the extension would be less prominent from views from surrounding properties and would not be an appreciable incursion into the back garden. Therefore the extension would be considered to preserve the character and appearance of the host building and the wider conservation area.

#### Width

3.11 Overall the width of the proposed extension would be reduced. The width of the existing extension is 9.6m (at its widest) and the proposed single storey rear extension would measure 5.8m (at its widest). It would be set in from the western side elevation by approximately 5.8m. The extension would not encroach on the bay and addresses the Inspectors concerns about the impact on this feature which serves to add to the character of the host building. The proposed width is considered to be subordinate to the host building and allows the original elevation of the host building to be clearly read.

3.12 Concern has been raised by local residents about the width of the extension and its close proximity to the bay window. It has been suggested that a 1m breathing space should be required in order to further appreciate the bay. Although it is recognised that the extension is close to the side window of the bay window it must be noted that the extension would not interfere with it. It would allow for the retention and appreciation of the existing bay window that had been identified in the Inspector’s decision as a feature of merit and is therefore considered a significant improvement when compared to the “as built” scheme.

#### Detailed design

3.13 The proposed extension would be constructed from brick work to match the existing property. This would complement the architectural style and age of the existing building. Recessed windows have been designed into the western and eastern side elevations of the extension to provide some

relief and interest in the flank facades. The roof of the extension would be monopitch and would not obscure the existing detailing on the rear elevation of the main buildings. The detailed design of the extension is considered acceptable. A condition would be attached to any permission requiring the submission of a brick sample to ensure that it matches the existing brickwork.

### Summary

3.14 Overall the proposed replacement extension, following revisions to reduce the height and length, is considered to be an acceptable addition which does not harm the character and appearance of the host building or the wider conservation area. The resulting extension addresses the concerns raised by the Planning Inspectorate.

### Basement works

3.15 Permission is also sought retrospectively for the single storey basement. The basement extends beyond the footprint of the main house by 9.8m and beyond the proposed single storey ground floor rear extension by approximately 3.8m. Whilst it is of a large scale, it is single storey and its only external manifestation is a lightwell adjacent to the western boundary with no. 43a Lancaster Grove which measures 14 sq. m. The additional floorspace/volume created at this level is not apparent from public vantage points.

3.16 The large lightwell opening would not be visible from any public vantage points and would only be visible above ground floor level from a number of neighbouring properties - including no. 43a and the flats within the upper floors of the building itself. During the evening and in the winter its presence would become more apparent when the rooms in the basement are illuminated. However the two basement rooms with windows serve non-habitable rooms (library and a gym). Therefore their use and potential illumination would be restricted to the early evenings in the winter and late evenings in the summer. The applicant has advised that a grille or walk on glass will be installed to enclose the lightwell. As no drawings have been submitted illustrating these details a condition would be attached to any permission requiring these details to be submitted. Consequently the impact of the basement lightwell on the character and appearance of the conservation area is not considered to be harmful subject to the satisfactory details being submitted to the Council as part of a condition.

### **Impact on Amenity**

3.17 Policies CS5, DP26 and CPG6 (Amenity) seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, daylight and sunlight, noise and air quality. Policy DP26 notes that 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 to consider include: visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; noise and vibration levels; odour, fumes and dust; microclimate; and the inclusion of appropriate attenuation measures.

3.18 The main properties that are likely to be affected by the proposal are the house at no. 43a Lancaster Grove and the ground floor flat at no. 47 Lancaster Grove.

### Overlooking / Loss of privacy

3.19 The proposed single storey rear extension would include a set of full height double glazed door openings on the eastern elevation and two picture windows on the western side elevation. The windows in the western elevation would be 5.8m from the boundary of the neighbouring property at no. 43a and the windows in the eastern elevation would be 1.5m from the boundary with no. 47. Due to the orientation and stepping of the buildings the windows would not provide direct views into neighbouring windows or gardens. However a condition would be attached to any permission to obscure glaze the windows in the western side elevation to restrict light spill (see para 3.33 below) and this would also remove the potential for any further overlooking from these windows.

3.20 Concern has also been raised regarding the size of the skylight on the roof of the single storey extension and its potential to overlook neighbouring windows. Any views out of the skylight towards

the neighbouring windows in the rear elevation of the upper floors of the application building itself would be restricted by the parapet and roof of the higher element of the single storey extension. It is not considered that there would be any direct overlooking or loss of privacy to neighbouring properties.

3.21 The basement would include two floor to ceiling height windows that would be served by a lightwell. There would be no direct views from these windows into the neighbouring property at no. 43a.

#### Daylight

3.22 The proposal has been revised from the 2012 scheme to relocate the majority of the existing single storey extension away from the boundary with no. 43a which is a semi-detached single family dwellinghouse. The western elevation of the extension would be approximately 6.6m to 7.3m away from the boundary with this property. Its overall height has been reduced to between 4.5m and 2.75m. Taking these matters into consideration the proposal would have an acceptable relationship with this property and its occupiers in terms daylight.

3.23 No. 47 is on the east side of the property and has been converted into flats. One of the flats is on the ground floor and has a principal room at the rear with a bay window. The rear garden area for the ground floor flat is immediately outside the bay window and along the eastern side of this garden is the boundary with the application site. The higher element of the proposed single storey extension that projects out 2.4m from the rear elevation of the application building would not be visible from the windows in the rear elevation of no. 47 due to the stepped nature of the properties. The lower element of the extension would project beyond the rear elevation of no. 47 by 3.6m.

3.24 The BRE guidelines for assessing the skylight impact of extensions adopt a “45° approach” and advise a line be drawn in elevation diagonally down at an angle of 45° away from the top of the development and in plan diagonally back at an angle of 45° towards an affected window. If the centre of a window lies on the development side of both the 45° lines then the development may well cause a significant reduction in skylight. The centre of the ground floor bay window to no. 47 does not lie within both lines so there would not be a significant impact on daylight.

#### Sunlight

3.25 In terms of sunlight, the BRE guidelines suggest that living rooms and conservatories should be checked if they have windows facing within 90° of due south. The proposed single storey rear extension faces north and the potential affected windows in the neighbouring properties face north. The proposal would not have an adverse impact on the sunlight to the neighbouring properties.

3.26 It must be noted that, in his decision, the Inspector found that the existing “as built” extension did not have an unacceptable impact on the sunlight and daylight to no. 47. Given that the proposed extension would be lower in height and shorter in length than the existing extension it could be concluded that the impact of the proposed extension would be less harmful and have a better relationship with this property than the existing extension.

3.27 Concern has been raised by local residents regarding the fact that a daylight and sunlight assessment has not been submitted in support of the proposal. The previously refused scheme (ref 2012/1510/P) included a reason for refusal on the issue of loss of daylight and outlook to the neighbouring properties. The Inspector in his decision dated 3rd March 2014 did take into consideration the impact of the existing as built extension on the amenity of no. 43a and no. 47 in terms of daylight and sunlight. He advised on no. 47 that:

*“However, as the extension would be to the west, and as trees already shade the garden of No 47, the effect of the scheme on sunlight and day light would be limited and would not be unacceptable”.*

3.28 In terms of the impact of the ground floor extension on the daylight and sunlight no. 43a he advised that:

*“The extension would be to the east of No 43a so it could only affect sunlight in the early morning. However, the buildings beyond No 45 are stepped further and further back and there are many trees in their rear gardens. Therefore any reduction in sunlight resulting from the scheme would be limited and not unreasonable. Moreover, the rear garden of No 43a is otherwise not enclosed to any appreciable degree and so the works would not have an unreasonable effect on day light.”*

3.29 As the proposed ground floor extension that forms part of the current application has been reduced in length and height as well as its width it was not considered necessary to require the submission of a daylight and sunlight assessment to support this application.

#### Sense of enclosure

3.30 The Inspector in his decision identified 4 main issues associated with the appeal A that he considered including issue 2 *“the effect on the living conditions of residents at 43a and 47 Lancaster Grove”*. In paragraph 43 he stated *“given the height of its gable and taking into account the existing extension, this proposal would unduly dominate the rear room and the garden of that neighbouring flat, creating an unacceptable sense of enclosure.”* Paragraph 52 concluded that *“the scheme would have an unduly dominant and overbearing effect on the rear garden of no. 43 and the rear garden and main rear room of the ground floor flat at no. 47 thereby detracting unreasonably from the living conditions enjoyed by those residents in conflict with CCS Policy CS5 and CDP Policy DP26.”*

3.31 In the 2012 scheme the extension measured 3.8m at its highest point and was 1.2m from the shared boundary with no. 47. The proposal has been revised during the course of the application to reduce the height of the extension that projects beyond the rear elevation of no. 47. It now measures 2.75m in height and would be 1.2m from the shared 1.8m high boundary fence with no. 47. The reduction in the height of the proposed extension together with the reduction in the length of the extension (3.6m beyond the rear elevation of no. 47) ensure the extension would not unduly dominate the rear room and garden of this property and would retain an acceptable level of outlook.

3.32 In his decision, the Inspector found that the 2012 “as built” scheme had an unduly dominant effect on the rear garden of no. 43A. However he concluded that, given the window arrangement at no. 43a, he was not satisfied that its impact in this regard would be unacceptable. The “as-built” scheme is 3m from the shared boundary and is 3.8m is almost 10m in length. The proposal would set the extension away from the shared boundary with this property and garden by approximately 5m and would be 6m in length. It is considered that following the reduction in the scale of the extension and its separation distance from the shared boundary the extension would not result in a sense of enclosure to the windows or garden of this property and would be considered acceptable.

#### Light spillage

3.33 Due to the sizes of the windows in the western side elevation of the single storey rear extension and those at basement level there may be the potential to spill light if artificial lighting were to be used late into the evening. To prevent any harm to surrounding occupiers, a condition would be attached requiring these windows to be obscure glazed.

#### **Basement works**

3.34 Policy DP27 notes that the Council will only permit basements and other underground development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. The basement has been fully constructed as is now occupied.

3.35 A BIA was submitted by the applicant and included input from Planning and Party Wall Specialists Ltd. A flood risk assessment was also submitted prepared by ARK Environmental Consultancy Ltd was also provided. These documents have been independently reviewed by the Council’s independent auditor Campbell Reith.

3.36 During the course of the application further information was requested in relation to land stability including temporary works methodology / sequencing / propping drawings, ground movement



assessment, damage impact assessment, and designer's qualifications and experience. The applicant submitted a ground movement assessment, west and east elevations showing the depth of the basement, basement structural drawings, retaining wall calculations and the designer's qualifications and experience however the remaining information was not submitted. Campbell Reith raised concerns about some elements of the BIA and therefore a visual inspection was carried out in March 2017, to the application site, 43a Lancaster Grove and 47 Lancaster Grove. The purpose of the inspection was to identify any visible structure defects that could have been caused by the construction of the basement to 45 Lancaster Grove circa 2012. The outcomes of the site inspection confirmed that no additional structural defects were noted during the visual site inspection. Consequently, based on the site inspection report ('AGag12336-61240317- Site Visit Report 45 Lancaster Grove') and the retrospective nature of the BIA approval, they consider that the basement is acceptable. No further information is required to be submitted in support of the basement works and no conditions are required to be attached to any permission. They have accepted by way of condition surveys that no adverse impacts were caused by the basement. Overall, Campbell Reith accepted that there are no slope stability concerns, hydrogeological concerns or hydrological concerns with respect to the development proposals.

3.37 The garden area around the proposed single storey extension would be covered by permeable sheeting and timber decking to match the existing decked area at the rear. CPG4 advises that basement development should provide an appropriate proportion of planted material to allow for rainwater to be absorbed and/or to compensate for the loss of biodiversity caused by the development. As this information has not been detailed in the application drawings a condition would be attached to ensure that hard and soft landscaping details are submitted prior to the commencement of any works on site which accord with the requirements of Policies DP24 and DP27. As the basement extends beyond the footprint of the original building a condition would also be attached requiring the submission of details of SUDS measures to help reduce the amount of surface water leaving the site in order to slow down the rate water flows in line with advice in CPG3 and CPG4.

### **Trees and landscaping**

3.38 Policy DP24 requires new development to consider existing natural features, such as topography and trees. New development should respond to the natural assets of the site and its surroundings and development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.

3.39 The proposal does not include the removal or works to any trees. However given the nature of the works and their close proximity to a row of trees along the eastern boundary in the rear garden a condition would be attached to any permission requiring the submission of details of tree protection measures to be installed during the works to the extension to protect the existing trees.

3.40 As stated in paragraph 3.37 above, the garden area around the proposed single storey extension would be covered by permeable sheeting and timber decking to match the existing decked area. The proposed decked area measuring approximately 40 sq. m shown on the approved plans is not recommended for approval, and a condition is recommended to require submission of full details of the hard and soft landscaping to ensure that the garden area has been reinstated following the removal of the existing single storey extension with a sufficient degree of planting to contribute to the biodiversity of the area and to ensure a reasonable standard of visual amenity in accordance with policies DP24 and DP25.

### **Other matters**

#### Construction management plan (CMP)

3.41 A local resident is concerned about the construction works and the omission of a construction management plan from the submission documents. The basement is retrospective and therefore a construction management plan is not required for the works to the extension. The site is not physically constrained and the construction work associated with the ground floor rear extension could be undertaken by hand with small mechanical machines going through the ground floor of the flat.

Therefore a CMP is not required in this instance.

#### Neighbouring extension

3.42 A local resident referred to a separate decision at a property at no. 8 Lancaster Drive where planning permission was refused for a conservatory to the rear of the property on 19/01/1996 (ref 9501746). It was suggested that the conservatory had been constructed without planning permission and was required to be removed and this outcome should be followed here with this site.

3.43 Planning permission was refused for the conservatory as it was considered that it would have an adverse effect on the appearance of the rear of the building and the appearance and visual amenity of the Conservation Area by reason of its size, bulk, and detailed design. If the conservatory was unauthorised at the time of the submission of the application the recommendation for refusal would have included warning of enforcement for the removal of the conservatory. This was not the case. Having checked the Council's records, there is no enforcement case associated with works of this nature. Therefore it is assumed that the works were not retrospective. In terms of comparing the sites and the nature of the works that have taken place there are overarching policies that shape development. However due to the specific nature of different sites each application has to be determined on its own merits.

#### Errors in the plans

3.44 Several omissions and errors were identified in the plans by local residents including missing scale bar on the drawings, inaccurate references on the plans to existing and proposed elevations and confirmation about the size of a window opening (WG05) in the west elevation.

3.45 The revised proposed drawings include the scale 1:100. It is not therefore necessary for the agent to include a scale bar as the identified scale can be used to measure the drawings. It was noted that the drawing incorrectly refers to the existing east elevation when it is in fact the proposed. The agent submitted a revised drawing to rectify this inaccuracy on 03<sup>rd</sup> February 2017. The most recent revised drawings show the window WG05 is larger measuring approximately 2m by 3m and no further revised drawings were required to be submitted.

#### Precedent

3.46 Concern has been raised by local residents that the granting of planning permission will set a precedent for others to build extensions without planning permission and that this single storey rear extension would set a precedent for similar extensions to adjoining properties. Although the issue of precedent is a material consideration, each planning application must be determined on its own merits. Where there would be inappropriately designed extensions that would not respect the character and appearance of the host building and would be harmful to the amenity of the adjoining properties in terms of loss of light, privacy or outlook then the Council may resist further applications on the grounds of inappropriate development.

#### **Enforcement Notice**

3.47 As already discussed in paragraph 1.8 above the existing basement and single storey rear extension constructed on site are unauthorised. There is an outstanding enforcement notice requiring the complete removal of the rear ground and basement floor level extension and the return of the building to its original condition which was due for compliance on the 01<sup>st</sup> August 2015. As the enforcement notice has not been complied with the owner is at risk of prosecution action being taken to secure compliance.

3.48 It is recommended that the time period for the implementation for the scheme is reduced from 3 years to 1 year. If following this grant of planning permission the owner does not commence with complying with the outstanding enforcement notice (i.e. demolishing the unauthorised rear extension) within 3 months from the date of this decision the Council will commence with prosecution action.

#### **4.0 Recommendation**

4.1 Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 12<sup>th</sup> June 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'.***

Mr Mike Harry  
39 Shirley Way  
Shirley  
Croydon  
Surrey  
CR0 8PJ

Application Ref: **2015/2534/P**  
Please ask for: **Elaine Quigley**  
Telephone: 020 7974 **5101**

8 June 2017

**DRAFT**

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Flat A**  
**45 Lancaster Grove**  
**London**  
**NW3 4HB**

**DECISION**

Proposal:

Excavation of basement extension to the rear (retrospective) and erection of ground floor rear extension above all in connection with existing flat (Class C3).

Drawing Nos: Site location plan; LG-A-EX1-FP001-A; LG-A-EX1-FP002-A; LG-A-EX1-EL001-A; LG-A-EX1-EL003-A; LG-A-EX1-EL002-A; LG-A-PP-FP1001-A rev 2; LG-A-PP-PP002-B rev 1; LG-A-PP-EL001-A rev 2; LG-A-PP-EL002-A rev 2; LG-A-PP-EL003-B rev 2; LG-A-PP-FP1003-A rev 2; LG-A-PP-SE1001-B rev 2; Basement Impact Assessment produced by Geo-Environmental in partnership with The Budgen Partnership dated March 2016; Flood Risk Assessment produced by ARK Environmental Consultancy Ltd dated 26th September 2016; LG-03-02; Qualifications of Mr David A Berle (Consulting Civil and Structural Engineer); Proposed west elevation with details of the basement; Proposed rear elevation with details of the basement; Retaining wall calculations produced by David A Berle (Consulting Civil and Structural Engineer).

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

Executive Director Supporting Communities



Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of one year 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 and policies D1 and D2 of the draft Camden Local Plan .

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; LG-A-EX1-FP001-A; LG-A-EX1-FP002-A; LG-A-EX1-EL001-A; LG-A-EX1-EL003-A; LG-A-EX1-EL002-A; LG-A-PP-FP1001-A rev 2; LG-A-PP-PP002-B rev 1; LG-A-PP-EL001-A rev 2; LG-A-PP-EL002-A rev 2; LG-A-PP-EL003-B rev 2; LG-A-PP-FP1003-A rev 2; LG-A-PP-SE1001-B rev 2; Basement Impact Assessment produced by Geo-Environmental in partnership with The Budgen Partnership dated March 2016; Flood Risk Assessment produced by ARK Environmental Consultancy Ltd dated 26th September 2016; LG-03-02; Qualifications of Mr David A Berle (Consulting Civil and Structural Engineer); Proposed west elevation with details of the basement; Proposed rear elevation with details of the basement; Retaining wall calculations produced by David A Berle (Consulting Civil and Structural Engineer).

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

- 4 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the draft Camden Local Plan.

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

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies and policy D2 of the draft Camden Local Plan.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies and policy D2 of the draft Camden Local Plan.

- 7 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy D2 of the draft Camden Local Plan.

- 8 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies and policy CC3 of the draft Camden Local Plan.

- 9 Notwithstanding the approved drawings (including LG-A-PP-FP1003-A rev 2), before the development commences, details of the lightwell enclosure shall be submitted to and approved in writing by the local planning authority. The approved lightwell enclosure shall be provided in its entirety prior to the first occupation of the development, and permanently retained thereafter.

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 and policy D1 and D2 of the draft Camden Local Plan.

- 10 The ground floor windows and double doors on the western and eastern side elevations of the proposed extension hereby approved shall be obscure glazed to an internal height of 1.7m and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies and policy A1 of the draft Camden Local Plan.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

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

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

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

4 The applicant is advised that the existing "as-built" single storey rear extension should be removed in its entirety within 6 months of the date of the this permission otherwise the Council will prosecute for non-compliance of the outstanding enforcement notice within the specified time period .

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>



Yours faithfully

Director of Regeneration and Planning

**DRAFT**

**DECISION**