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| Delegated Report | | Analysis sheet | Expiry Date: | 23/03/2016 |
| (Members Briefing) | | N/A | Consultation Expiry Date: | 24/03/2016 |
| Officer | | | Application Number | |
| Michael Cassidy | | | 2016/0421/P | |
| Application Address | | | Drawing Numbers | |
| Unit 1 109 Goldhurst Terrace London NW6 3HA | | | Refer to Draft Decision Notice attached | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
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| Proposal | | | | |
| Excavation of a single storey basement level extension for residential use (C3). | | | | |
| Recommendation: | Grant Conditional Planning Permission subject to a S106 legal agreement | | | |
| Application Type: | Full Planning Permission | | | |

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| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice attached | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 50 | No. of responses | 9 | No. of objections | 9 |
| Summary of consultation responses: | <p>A site notice was displayed on the 02/03/2016 expiring on 23/03/2016 and a Press Notice was displayed on 03/03/2016 expiring on 24/03/2016.</p> <p>9 objections have been received from residents in Fairfax Place, Fairhazel Gardens and Goldhurst Terrace raising the following concerns (<i>Officer's response provided in italics below</i>):</p> <ul style="list-style-type: none"> • The basement will become a dental practice as originally intended; <i>(The basement has been amended to remove the originally proposed dental surgery and now includes entirely residential elements including a TV/Cinema area, library, WC, plant room and gym).</i> • The basement is of an inappropriate scale and excessive; <i>(The basement would entirely beneath the site and would be subservient to the property).</i> • Overdevelopment of site; <i>(Being subservient to the house as set out above the proposal would not constitute an overdevelopment of the site).</i> • Increase in height and bulk; <i>(No increase to the height and bulk of the house is proposed above ground level).</i> • Loss of privacy and overlooking; <i>(Given no external changes are proposed above ground level no overlooking or loss of privacy would occur to neighbouring properties);</i> • Impact on existing foundations and stability of neighbours; <i>(The proposal has been reviewed by Campbell Reith and found to be acceptable in relation to these matters);</i> • Impact on neighbouring gardens; <i>(Being entirely below ground level, the proposal would not adversely impact on neighbouring gardens or affect nearby trees);</i> • Increase in flooding; <i>(The proposal has been reviewed by Campbell Reith and found to be acceptable in relation to this matter);</i> • Increase in parking; <i>(The proposal would not result in any increase in demand for parking and the existing side parking area would be retained).</i> • Noise pollution; <i>(The proposal would not result in any undue noise pollution and noise levels during construction would be controlled by Environmental Health legislation).</i> • Invasion of vermin; <i>(This is not a material planning consideration in this particular case); and</i> • Dirt, dust and air pollution. <i>(The proposal would not result in any undue dirt, dust and air pollution to the detriment of neighbours and would be controlled during the course of construction).</i> | | | | | |

CAAC/Local groups comments:

The **Combined Residents' Associations of South Hampstead** has objected to the proposal for the following reasons:

- The proposal would be overly bulky and totally out of character with this Georgian style building and the conservation area;
(The proposed extension is considered to be subservient to the existing house and given no external changes are proposed above ground level the proposal would have no adverse impact on the Conservation Area);
- Overlooking and loss of privacy;
(Given no external changes are proposed above ground level no overlooking or loss of privacy would occur to neighbouring properties);
- The Basement Impact Assessment poses more questions than it answers. It raises a number of major issues concerning groundwater, underground streams and local rail tunnels and the quality of the "made ground";
(The proposal has been reviewed by Campbell Reith and found to be acceptable in relation to these matters);
- Increased risk of flooding;
- Concern relating to the suitability of a basement excavation.
(The proposal has been reviewed by Campbell Reith and found to be acceptable in relation to these matters).

Site Description

The application site comprises a two-storey detached mews house close to the southern end of Goldhurst Terrace within the South Hampstead Conservation Area. As outlined in the South Hampstead Character Appraisal and Management Strategy (February 2011), the special interest of the conservation area is the well preserved almost exclusively residential Victorian suburb, largely homogenous in scale and character.

Goldhurst Terrace itself includes large, semi-detached and terraced late-Victorian properties, in red or gault (white / cream) brick, with a particularly distinctive and attractive roof-scape including turrets, gables, and tall chimneys. These houses are made special by a variety of decorative treatments including terracotta panels and brickwork ornamentation, tiled and patterned footpaths, delicate ironwork, and elaborate timber doors and windows, including some original stained and leaded glass.

The subject property occupies a back-land location and is accessed from the eastern side of Goldhurst Terrace via a brick arch between Nos 107 and 111, by a serviced road providing access to the subject and neighbouring properties within these mews. No.109 Goldhurst Terrace is arranged on ground and first floors and is subservient to but contemporaneous with the larger houses in Goldhurst Terrace which typify the housing in the conservation area. No.109 Goldhurst Terrace is a former stables site, although more recently was used as a car repair workshop.

This proposed development responds to its local context quite simply, being an extension for residential use of an existing detached mews building which is currently in the process of a major refurbishment.

Of particular importance in relation to design are the engineering constraints and how these have been considered not only in terms of securing a safe design for supporting the refurbished dwelling but also through the use of appropriate underpinning and construction management, the safety afforded to neighbouring properties and their owners. This is explained particularly in the Construction Method Statement and also in the Basement Impact Assessment.

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and neighbouring properties within these mews. No.109 Goldhurst Terrace is arranged on ground and first floors and is subservient to but contemporaneous with the larger houses in Goldhurst Terrace which typify the housing in the conservation area. Unit 1, 109 Goldhurst Terrace is a former stables site, although more recently was used as a car repair workshop.

Relevant History

Application Site

- **2015/4481/P** - Excavation of a basement to create a dental practice (sic) (D1 Use) and ancillary habitable accommodation (C3 Use) – Withdrawn 18/08/2015.
- **2016/0931/P** - Erection of a mansard roof including installation of 3 front dormer windows and 3 rear dormer windows and one rooflight – Currently under consideration.

Neighbouring Sites

63 Goldhurst Terrace

- **2015/3793/P** - Excavation of basement with front and rear lightwells with cycle store to the front (Use Class C3) – Refused and warning of enforcement action on 13/06/2016.

Flat 3, 269 Goldhurst Terrace

- **2015/4513/P** - Erection of single storey side extension and creation of basement below existing dwelling and new extension, with 2 no. front and 2 no. rear lightwells – currently under consideration.

207 Goldhurst Terrace

- **2015/4370/P** - Excavation of basement with lightwells to the front and rear of the building (Use Class C3) – Granted subject to a S106 legal agreement on 09/05/2016.

156 A Goldhurst Terrace

- **2014/6787/P** - Excavation of basement with front and rear lightwells, erection of a rear extension following the demolition of the existing rear extension, the formation of a side door to front facade, and replacement windows at front ground floor level to ground floor flat – Granted on 07/12/2015.

Relevant Policies

National and Regional Policy

National Planning Policy Framework (2012)
London Plan (2016)

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

DP16 – The transport implications of development

DP20 – Movement of goods and materials

DP22 – Promoting sustainable design and construction

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basements and lightwells
DP28 – Noise and vibration

Camden Planning Guidance 2013/2015

CPG 1 - Design

CPG 4 - Basements and lightwells

CPG 6 - Amenity

South Hampstead Character Appraisal and Management Strategy 2011

Assessment

1 Proposal

1.1 The application is for the excavation of a single storey basement level extension for residential use under the existing house. The gross external area of the basement will be 144.45m². The finished floor level of the basement will be at a depth of 3.336m below ground floor and garden level. No external changes are proposed to the property as part of this application.

1.2 The principal considerations material to the determination of this application are summarised as follows:

- Basement Development
- Design
- Adjacent residential amenity
- Transport
- Trees
- Contamination

2 Basement Development

2.1 Policy DP27 states '*In determining applications for basements 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 development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability*'. It states that '*developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area*'.

2.2 It further states that, the Council '*Will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding*'. The supporting justification states '*although basement developments can help to make efficient use of the borough's limited land it is important that this is done in a way that does not cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas or the natural environment*'.

2.3 The basement impact assessment submitted by the applicant has been subject to independent verification. The independent assessment was undertaken by Campbell Reith and concludes that the final submitted BIA does reflect the processes and procedures set out in DP27 and CPG4 subject to conditions.

2.4 The audit of the BIA concluded that the BIA has identified the potential impacts on stability and the water environment arising from the basement proposals and proposes sufficient mitigation.

2.5 The BIA documents have been independently assessed in line with the requirements of CPG4. As

such, officers consider that based on the expert advice the applicant has demonstrated that the proposal would accord with the requirements of policy DP27 and associated Camden Planning Guidance 4. A condition will require the applicant to submit details of a qualified engineer to inspect, approve and monitor the critical elements of both the temporary and permanent construction works throughout their duration and for an additional trial pit excavation to confirm the excavation techniques.

3 Design

- 3.1 The proposed development concerns a new single storey basement that would lie beneath the footprint of the existing house, the rear backyard/garden and side car parking areas. The gross external area of the basement will be 144.45m².
- 3.2 The proposal would not involve the construction of any lightwells or window openings. The proposed basement would be located entirely beneath the existing application site and would not be visible in views from Goldhurst Terrace, Fairfax Place or neighbouring properties. Given no external changes are proposed, the external appearance of the site would remain unchanged.
- 3.3 The proposed basement, by virtue of its location, size and design, is considered to be subordinate and ancillary to the main building and site as a whole and would have no adverse impact on the character and appearance of the South Hampstead Conservation Area. As such, the proposed development is considered to be consistent with policies CS14, DP24 and DP25 of the London Borough of Camden's Local Development Framework as well as Camden Planning Guidance on Design.

4. Amenity

- 4.1 Policy CS5 seeks to protect to the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be *'designed to protect the privacy of both new and existing dwellings to a reasonable degree' and that the Council 'aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers'*.
- 4.2 Given no external changes are proposed and the scope and nature of the development at basement floor level, the proposal would have no adverse impact on the amenities of adjoining occupiers, in terms of access to sunlight, daylight, visual bulk, sense of enclosure or privacy.#
- 4.3 Concerns have been raised by neighbouring occupiers that the proposal will result in unreasonable disturbance caused by the digging out of the basement and the developer choosing to undertake noisy construction work at inappropriate times of the day. Construction works generally result in a certain level of noise and general disturbance to adjoining properties. Such works are controlled by the Control of Pollution Act 1974, which sets out appropriate hours of working (these are normally Monday to Friday between 8am and 6pm, Saturday between 8am and 1pm and at no time on a Sunday or Bank Holiday) and sets out how construction works should be carried out to minimise noise and nuisance. An informative highlighting the need to comply with this legislation, which is outside the control of planning, is considered to be appropriate.
- 4.4 For the reasons listed above, the proposal is considered to be in accordance with policy DP26.

5. Transport

- 5.1 Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Policy DP21 relates to how a development

is connected to the highway network. For some development this may require control over how the development is implemented including demolition and construction) through a Construction Management Plan (CMP).

- 5.2 Section 8.8 of CPG6 states that “*Construction management plans are required for developments that are on constrained sites or are near vulnerable buildings or structures*” and “*they are essential to ensure developments do not damage nearby properties or the amenity of neighbours*”.
- 5.3 The applicant has submitted a Construction Method Statement in support of this application which sets out the structural proposals and envisaged construction methods and sequencing to be undertaken by a competent building contractor. Given the constrained backland nature of the site and need to ensure the development does not damage nearby properties or the amenity of neighbours, a final CMP in line with the Council’s Pro-forma would be secured by way of a S106 legal agreement.
- 5.4 The summary page of policy DP21 states that ‘*The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development*’. The public highway leading to the site could be damaged as a direct result of the proposed works. A financial contribution for highway works will therefore also be secured as a S106 planning obligation.

6. Trees

- 6.1 The side and rear garden areas comprise entirely hardstanding. There are no significant trees on or adjoining the site and the proposal will not result in any significant loss of soft landscaping and the proposal will leave sufficient margins between the site boundaries to enable natural processes to occur and for vegetation to grow naturally in accordance with CPG4.

7. Contamination

- 7.1 To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site and its immediate surroundings, a condition shall be attached to any permission requiring a written Preliminary Risk Assessment (PRA) and scheme of investigation to be submitted and approved by the local planning authority.

8. Recommendation

- 8.1 Grant conditional planning permission subject to a S106 legal agreement.

Disclaimer

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 6th February 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for ‘Members Briefing’.