

Mrs Tori MacCabe
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66-68 Margaret Street
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Application Ref: **2016/6107/P**
Please ask for: **Hugh Miller**
Telephone: 020 7974 **2624**

17 July 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:
17 East Heath Road
London
NW3 1AL

Proposal:

Erection of a hot tub at rear garden level; excavation at lower ground floor level rear and extension of the existing lower ground floor room beneath the existing rear terrace.

Drawing Nos: Location Plan - P_00; P_01 ; P_02 ;P_03 ; P_04 ;P_05 ;P_06 ;P_07 ;P_08 ;P_11 ;P_12 ; P_13;P_14; P_15; P_16; P_17; P_18; P_19; P_20;P_21; P_22; Design and Access Statement (MWA), Rev A; Photographic Room Survey (MWA); Door Schedule (MWA); Window Schedule (MWA); Heritage Statement Nov 2016 (AH); Structural Methodology Report (FormSD) Rev P2 November 2016; Basement Impact Assessment (CGL), Rev 3; Landscape Proposal (JDL) November 2016; Heritage Statement July 2016 (AH); SUDs Assessment (Spillways); and Movement Monitoring Specification (FormSD), Rev P3.

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

Condition(s) and Reason(s):



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

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies A1, D1 and D2 of the London Borough of Camden Draft Local Plan.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Location Plan - P_00; P_01 ; P_02 ;P_03 ;P_04 ;P_05 ;P_06 ;P_07 ;P_08 ;P_11 ;P_12 ; P_13;P_14; P_15; P_16; P_17; P_18; P_19; P_20;P_21; P_22; Design and Access Statement (MWA), Rev A; Photographic Room Survey (MWA); Door Schedule (MWA); Window Schedule (MWA); Heritage Statement Nov 2016 (AH); Structural Methodology Report (FormSD) Rev P2 November 2016; Basement Impact Assessment (CGL), Rev 3; Landscape Proposal (JDL) November 2016; Heritage Statement July 2016 (AH); SUDs Assessment (Spillways); Movement Monitoring Specification (FormSD), Rev P3.]

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

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

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies and policies and policies and policies A1 and A5 of the London Borough of Camden Draft Local Plan.

- 5 Full details in respect of the green wall shall be submitted to and approved by the local planning authority before the relevant part of the development commences.

Such details to include plans and sectional drawings, planting plans including details of species and plant numbers, irrigation and a maintenance regime. The green wall shall be implemented and maintained in accordance with the approved details.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 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 policies C1, A3, CC1, CC3 and CC4 of the London Borough of Camden Draft Local Plan.

- 6 The hard and soft landscaping works shown on the submitted drawings hereby approved 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, prior to the occupation for the permitted use 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 policies 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 policies D1, D2, A2, A3, of the London Borough of Camden Draft Local Plan.

Informative(s):

- 1 Reasons for granting permission:

The proposed lower ground extension at the rear would measure approximately 9sqm and is of a modest size, with a 2.36m internal headroom height. It would be located beneath the existing ground floor terrace level and ground floor rear garden level abutting the existing single-storey extension at this level; and it would include a small window on the south -east elevation adjacent to the extant approved single-storey glazed extension which has not yet been implemented. The proposed extension would be subordinate to the host building in terms of its setting, scale and proportion and use of materials. Being largely enclosed at the basement level, it is considered appropriate for the conservation area and would have a limited impact on the character and appearance of the conservation area. The proposed changes to the raised rear garden and the installation of a hot tub (similar to no.17) are reversible and would have a minimal upon the buildings significance and

setting. Overall, due to the high shared boundary walls, the proposed hot tub and the extensions size and location would be generally screened from private views and not visible from the public realm. As such, it would not harm the amenity of any adjoining residential occupiers in terms of the loss of natural light, outlook, privacy, light spill or added sense of enclosure. The proposal to lower the floor and vaults by 40mm within the front basement would not harm the buildings appearance or its fabric and is considered acceptable.

A small birch tree is proposed to be removed, which owing to its size is not considered to contribute to the character of this part of the conservation area; and no objection is raised in planning terms to its loss. The proposed landscaping is considered to be of high quality design and suitable for the site. There is a broad range of plants proposed and a small tree that will be of similar ultimate proportions than the multi-stemmed birch tree proposed to be removed to facilitate the landscaping. A green wall is referred to but no details regarding irrigation and maintenance have been submitted. A landscaping condition is attached.

The submitted Basement Impact Assessment (BIA) has been independently verified and concludes acceptable levels of impact and suitable mitigation. The submitted BIA has been externally audited and it has been confirmed that the potential impacts from basement construction have been identified and sufficient mitigation proposed; and subject to a Structural Monitoring Plan. The applicant has agreed to enter into a S106 legal agreement to secure a Basement Construction Plan, (BCP). As such the basement extension complies with the requirements of policy DP27 and CPG4.

No written representations were received post public consultations. The site's planning history and relevant appeal decisions were taken into account when coming to this decision. Special attention has been paid to the desirability of preserving the listed building and its features of special architectural or historic interest, and of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

- 2 As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012. The proposal also accords with Policies A1, A2, A3, A5, C1, CC1, CC3, CC4, D1 and D2 of the Camden Local Plan Submission Draft 2016.
- 3 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).

- 4 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.
- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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

You can find advice about your rights of appeal at:

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

Yours faithfully



David Joyce
Director of Regeneration and Planning

