

Land adjacent to No.1 Elsworthy Terrace,  
London NW3

Appendix 2

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<b>Delegated Report</b>		Analysis sheet		Expiry Date:	17/08/2016
		N/A		Consultation Expiry Date:	11/08/2016
Officer			Application Number(s)		
Nora-Andreea.Constantinescu			2016/3495/P		
Application Address			Drawing Numbers		
1 Elsworthy Terrace London NW3 3DR			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of two storey building with two basement levels and front lightwell for use as a single-family dwellinghouse (Class C3) and alteration to the front boundary wall to allow pedestrian access on site.					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	119	No. of responses	41	No. of objections	41
Summary of consultation responses:	<p>The residents at numbers 1 Lower Merton Rise, 4 Lower Merton Rise; 13, 15, Flat 7 17-19, Flat 14 17-19, 17- 19, 12, 12A, Flat 1 21, 23, 25A, 27A, 28, 30, 32, Flat 1 36, 38, Flat 1 44, 49, 51 Elsworthy Road; 2, 4, 11, 12C Elsworthy Terrace; 91 Garden King Henry's Road; 30 Wadham Gardens, 11 Platt's Lane; and the Tree survey by CSG USHER's for no 2 Elsworthy Terrace and Boyer Planning for no 23 Elsworthy Road, have objected to the proposed development on the following grounds:</p> <p>Loss of garden space and green views:</p> <ul style="list-style-type: none"><li>-the proposal is garden grabbing. The application site is a greenfield sport that should not be developed</li><li>-the rear garden of no 1 Elsworthy Terrace is part of the originally-built fabric in conservation area, typical of Victorian suburbs.</li><li>-the garden contributes to the character of the townscape</li><li>-the application site allows vistas of the greenery of the gardens as well as Primrose Hill Park which would be obscured by the proposed building; it is considered a "green corridor".</li><li>-the site is an integral part of the urban fabric of the Conservation Area</li><li>-the application will lead to the loss of wildlife habitat for the green corridor to and from Primrose Hill</li><li>-speculative garden grabbing could have disastrous effects</li><li>-the rear garden is not an opportunity site</li><li>-harmful loss of garden space</li><li>-harmful impact on the green corridor and views to Primrose Hill</li></ul> <p>Permission granted at no 15 Elsworthy Terrace:</p> <ul style="list-style-type: none"><li>-the permission at 15 Elsworthy Terrace was replacing derelict garages, which was a completely different. The site was brownfield land which hosted buildings that detracted from the Elsworthy Conservation Area.</li><li>-the principle of a dwelling in this garden is inappropriate</li><li>-the works at 15 Elsworthy cause disruption along the street and significant parking and traffic problems</li><li>-the building at no 15 Elsworthy is greater than the approved scheme</li><li>-false use of the garages site to support the application</li></ul> <p>Design and amenity:</p> <ul style="list-style-type: none"><li>-the style of the proposed building is vague and has no character</li><li>-the proposal would significantly reduce access to natural light</li><li>-the proposal is totally unsympathetic to the architecture, volumes and style of any other building in the conservation area</li><li>-the access to the application site would breach the existing garden wall which is contrary to Elsworthy Conservation Area Appraisal</li><li>-the site is surrounded by positive contributors to the Conservation Area, and the proposal would be out of keeping with the coherent group of buildings of similar style and character recognised in Elsworthy Conservation Area Appraisal</li><li>-the development would cause unacceptable loss of amenity to neighbours</li></ul>					

and local people

- there is no public benefit from the development
- the proposal will impact the conservation area in terms of streetscene, disturbance to the existing rhythm and density of development and views of Primrose Hill
- the proposal does not comply with 2016 Local Plan Submission Draft and with the Elsworthy Conservation Area Appraisal which discourages the subdivision of existing plots
- the proposal is contrary to the principles of planning law
- the proposed development would have an impact on a designated heritage asset.
- the scale, height, bulk, massing and proportion of the proposed development is totally out of character with the conservation area
- the proposal will cause invasion of privacy and loss of natural light to the surrounding neighbours
- the development would be an abuse of the neighbourhood, the green space, the residents quiet enjoyment of their homes, the vital trees
- the proposal contravenes all Camden's relevant policies to protect the amenity and character of the Elsworthy Conservation Area
- the proposed development is projecting forward the building line on Elsworthy Road
- there are no grounds on which the proposals could be considered as 'Sustainable Development' as referenced in NPPF
- bad example of backland development, both in principle and in detailed design terms
- the proposed development would have an adverse visual impact, adverse noise generation, adverse privacy impact
- the proposed building is wholly out of accord with the special character and appearance of the Victorian villas in terms of form, hierarchy of floors, materials, exposed double basement with deep lightwells – alien elements of this proposal
- principle against development of garden land as reflected in London Plan 2015.
- inappropriate development within conservation area
- inappropriate plot subdivision and infill and harmful impact on the historic pattern of subdivision
- harmful impact on the historic garden wall fronting Elsworthy Road
- harmful impact on the amenity of Elsworthy Conservation Area

#### TPO's:

- the proposal would damage or kill the existing trees on site
- harmful impact on protected trees
- no detailed measures are provided in the arboricultural report or construction management plan of how the trees will be protected
- it is not clear how the construction works would take place considering that there is one access to the application site from no 1 and another small gate in the boundary wall is proposed
- no measurements have been taken on site as there is no direct access
- the arboriculture is lacking in precise information
- no details of calculations of the root protection areas
- inaccuracy in plans showing the root protection areas
- no details provided about how ground conditions will be altered for rooting after the excavation

#### Basement:

- lack of construction Plan

- harmful impact on ground hydrology
- there is no satisfactory confirmation that the requirements of CPG4 Basements have been satisfied
- the double storey lightwells are very harmful visually, during the day and perhaps even more at night
- the double-storey basement should not be allowed as it creates disruption to water and mains drains
- there have been several issues with basement developments in Elsworthy conservation area, including persistent damp issues with the basement in the rear garden of no 15 Elsworthy Terrace
- the excavation the basement at no 15 Elsworthy Terrace and 25 Elsworthy Road has caused continuing damage and has changed the water course and led to ongoing structural issues to these properties.
- the idea of a basement bedroom with no ventilation is not preferred
- the basement works would cause traffic congestion and disturbance at the same time as HS2.
- inappropriateness of basement construction
- inaccuracy of the submitted drawings
- the BIA does not properly assess the structural damage that would be caused to the neighbouring properties at no 1 and 2 Elsworthy Terrace and 23 Elsworthy Road
- BIA refers to 2 mature trees whilst there are 3 TPOs on site
- there is a line of winter springs (water) along the north facing slope, whose run-off can adversely affect properties further down the slope, including Elsworthy Terrace
- flooding in the basement car part at no 17 and 19 Elsworthy Road
- untrue information within the BIA

<p>CAAC and local body</p>	<p>Elsworthy CAAC objected to the application on the following grounds:</p> <ul style="list-style-type: none"> <li>-the two storey proposal with double basement is gross over development</li> <li>-the vertical elements of the proposal creates undue emphasis on the height of the proposal</li> <li>-the two storey rear elevation is intrusive to neighbours and urbanises rear garden space</li> </ul> <p>Elsworthy Residents Association objected to the application on the following grounds:</p> <ul style="list-style-type: none"> <li>-the application site is not potential for any development</li> <li>-the existing land use of the site is a garden not C3 Dwelling House as shown in the application form</li> <li>-the garden of 1 Elsworthy Terrace along with the gardens of 1-7 Elsworthy Terrace, provides a green corridor from Elsworthy Road through Primrose Hill</li> <li>-the proposal would have harmful effect on the existing amenity</li> <li>-green spaces are essential to the amenity of conservation area and they must be protected</li> <li>-Camden policy lists the importance of rear gardens that form part of the "semi public domain", as it is the application site</li> <li>-the proposed green roof/walls will not mitigate the adverse intrusion in this garden for the public.</li> <li>-the BIA is flawed: it does not mention the local knowledge of substantial run-off from Primrose Hill; incorrect statement regarding the existing drainage; recent improvements to drainage in Elsworthy Road do not serve this site; the new main only runs along Elsworthy Road from Lower Merton Rise, west to Avenue Road.</li> <li>-the proposed lightwell is facing north sunlight and will result in a damp, chilly and uninviting area</li> </ul>
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## Site Description

The application site occupies part of the rear of no 1 Elsworthy Terrace and is located on the eastern side of Elsworthy Road. The site lies within the Elsworthy Conservation Area and no 1 Elsworthy Terrace is considered a positive contributor, as identified in the Conservation Area Appraisal. The site hosts 3 protected trees, two limes and one birch.

The application site is bordered by a brick wall on the west towards Elsworthy Road, and it can currently be accessed through the garden of no 1 Elsworthy Terrace. The wall is registered as an element of streetscape interest within the Elsworthy Conservation Area Statement.

## Relevant History

No previous records at the application site.

Relevant planning applications in the vicinity:

2011/1828/P – Garages to the rear of 15 Elsworthy Terrace, NW3 3BT:

Erection of single-storey building with two basement levels and front lightwells for use as a single-family dwellinghouse (Class C3) and alterations to boundary raising the brickwork and installing sliding timber gates (following the demolition of existing garages) – Granted Subject to Section 106 Agreement (24/11/2011)

2010/2968/P - 18-20 Elsworthy Road:

Erection of building comprising sub-basement, basement, ground, first, second floor and roof storey with front and rear lightwells onto Elsworthy Road to provide 2 x 5-bedroom and 2 x 2-bedroom self-contained flats/maisonettes, following demolition of existing building at 18-20 Elsworthy Road, and erection of a single storey rear extension to existing residential building at Elsworthy Rise, comprising ground, first floor and roof storey, to provide 1 x 1-bedroom and 1 x 2-bedroom self-contained flats/maisonettes – Refused – Appeal Dismissed (27/09/2011)

## Relevant policies

### National Planning Policy Framework 2012

### London Plan 2016

### Mayor of London Housing SPG Schedule of Design Standards (March 2016)

### Camden LDF Core Strategy 2010

- CS1 - Distribution of growth
- CS4 - Areas of more limited change
- CS5 - Managing the impact of growth and development
- CS6 - Providing quality homes
- CS11 - Promoting sustainable and efficient travel
- CS14 - Promoting high quality places and conserving our heritage
- CS18 - Dealing with our waste and encouraging recycling

### Camden Development Policies 2010

- DP 2 – Making full use of Camden's capacity for housing
- DP 6 – Lifetime homes and wheelchair housing
- DP16 – The transport implications of development
- DP17 – Walking, cycling and public transport
- DP18 – Parking standards and limiting the availability of car parking

- DP19 – Managing the impact of parking
- 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
- DP29 – Improving access

### **Camden Planning Guidance**

- CPG1 - Design
- CPG2 - Housing
- CPG3 – Sustainability
- CPG4 – Basements and lightwells
- CPG6 – Amenity
- CPG7 - Transport

## **Elsworthy Road Conservation Area Appraisal and Management Strategy**

### **Assessment**

#### **Proposal**

The first proposed submission has been amended from a 2 storey building with 5 bedrooms to a 1 storey building with 4 bedrooms, with additional cycle parking and recycle storage.

Planning permission is sought for the erection of one new 4 bedroom dwelling house in the back garden of the property at no 1 Elsworthy Terrace. The building would span on the full width of the plot at 13.6m and a depth of 8m up to the rear boundary wall, with a height of 3.3m. The area of the site is 194sqm whilst the proposed building would have an area of 100.5sqm which is 52% of the plot.

The proposal includes a two storey basement with front lightwell. Alterations would be made to the existing front boundary wall fronting Elsworthy Road to accommodate pedestrian access. The building would be made of reclaimed yellow stock brick rendered white and oak panels with living green wall on rear elevation and a green roof.

#### **Main considerations**

- Land use
- Design
- Conservation
- Quality of residential accommodation
- Basement impact
- Sustainability
- Amenity
- Trees
- Transport
- Waste



- CIL

## **Land use**

The National Planning Policy Framework (NPPF) paragraph 48 notes that residential gardens should not be identified as sites for development, paragraph 53 suggests local planning authorities should consider setting out policies to resist inappropriate development of residential gardens. In essence the NPPF considers that the use of gardens for development purposes should not always be supported.

Policy CS1 notes that the Council will focus Camden's growth in the most suitable locations, with limited change being acceptable within areas not identified as growth areas or highly accessible locations. Policy CS4, expects development to respect the character of its surroundings, conserve heritage and provide environmental improvements.

The application site would have been the garden of no 1 Elsworthy Terrace which has been there since the 1890's. The site has been separated from the garden of no 1 in 2015. As such, there are no previous planning applications at this site, and therefore it is necessary to establish the appropriateness of using this space as a development site.

With regard to the loss of garden space as raised by numerous neighbours, The London Plan 2016 stress that back gardens are a much cherished part of the London townscape contributing to communities' sense of place and quality of life and that this Plan supports development plan-led presumptions against development on back-garden where locally justified by a sound local evidence base. As such, even though there is no planning control over erecting a 2m high fence to separate a section of the rear garden from no 1 Elsworthy Terrace, to allow development on the sectioned off area would introduce a new self-contained unit which would take away amenity space of the neighbouring property, and this is not considered acceptable in principle.

## **Conservation**

Policy DP25 stresses that the Council will seek to manage development in a way that retains the distinctive characters of conservation areas and will therefore only grant planning permission for development that preserves and enhances the special character or appearance of the area. It is added that the character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses.

When applying the policies within the Local Development Plan to the proposed development, the character of the area comprises historic Victorian terraced, detached and semi-detached properties with reasonable sized gardens, relative to the size of the properties. Due to their remarkable characteristic numerous properties surrounding the application site including the site itself have been considered as positive contributor within the Elsworthy Conservation Area Statement such as: nos 1 to 15 along Elsworthy Terrace, nos 21, 23 and from 28 to 42 along Elsworthy Road.

The pattern and grain of local development is consistent and there is little in the surrounding area in terms of backland development or outbuildings within existing rear gardens. However, it is noted the previous planning permission granted for a new one storey dwelling at the rear of no 15 Elsworthy Road, ref. 2011/1828/P to replace three existing garages. The garage site is identified in the Conservation Area Statement as detracting from the Conservation Area. The local Development Plan does not identify that the domestic garages use has a specific protection and policy CS11 seeks to reduce dependency on private motor vehicle use. It was therefore concluded that change from domestic garages to a new single family dwelling was considered acceptable.

The applicant stresses in the Planning Statement and Design and Access Statement submitted that due to the permission granted at no 15 the proposed new dwelling at the rear of no 1 has the potential to balance the rhythm in the street frontage. The existing use of the application site is a rear garden, which is part of the amenity of no 1 Elsworthy Terrace and the Conservation Area, whilst the garages at no 15 were a domestic use in relation to the host dwelling, which had the consistency of an existing

built structure different from the open garden space. As such, it is considered that the previous permission granted at no 15 would not constitute a precedent for the current proposed scheme, and therefore it does not form a relevant part in the current assessment.

It is identified within the Elsworthy Conservation Area Statement that the view out of the Conservation Area towards the summit of Primrose Hill from the end of Elsworthy Terrace are notable views and landmarks within the Conservation Area; and also points out that the "integral visual relationship with the complementary, open rural aspect of Primrose Hill is a marked characteristic of the Conservation Area. Any rear extensions or harmful alterations will be strongly discouraged". It is acknowledged that the rear gardens of nos. 1 to 7 Elsworthy Terrace which back onto Primrose Hill contribute to the biodiversity and wildlife of Primrose Hill, and the importance that the Conservation Area Statement gives to any alterations that would block this relationship. As such, the proposed unit would not integrate within the character of this part of conservation area and it is therefore considered unacceptable.

The local townscape context comprises large villas with rear gardens and the original degree of openness and separation between buildings has been largely retained throughout time and is worthy of protection as it characterises the surrounding area. As such, it is considered that there is an in-principle objection to the proposed new dwelling to the rear garden of no 1 Elsworthy Terrace as the application site is not considered to be an appropriate location for this type of development which would not enhance or preserve to the special surrounding character and appearance of the conservation area. The proposal would appear as an incongruous addition which would cause detrimental harm to the integral and visual relationship with Primrose Hill.

## **Design**

Local Development Plan Policies CS5, CS14 and DP24 are to secure high quality design that considers the character, setting and form of neighbouring buildings. Policy DP24 notes that development should respect the character, setting, context and form and scale of neighbouring buildings. Supporting paragraph 24.5 notes that the design of development should take into account the pattern and size of blocks, gardens and streets in the surrounding area. CPG 1 also provides detailed advice on acceptable forms of development.

The application site lies to the rear of the property at no 1 Elsworthy Terrace which occupies a corner plot with Elsworthy Road. Such plots are fairly common in the area and represent an important feature of openness in an otherwise fairly densely developed environment, where buildings are generally arranged in terraces of three or more storeys in height, with elements of semi-detached and detached properties as well. The open corner formed by the rear garden of no1, has a great significance, setting the character and appearance of the area and providing a welcome break in the generally unbroken and substantial frontages. When considering the proposed development in the context of the surrounding area there is no common occurrence of backland development or properties with large outbuildings within their garden areas. As such, it is considered that the proposed development fails to take account of the character, setting and context of neighbouring buildings.

In terms of form and scale in relation to the neighbouring buildings, the latest revision of the proposed development shows a single storey building, which expands on the full width of the plot, attached to the existing garage at no 23 Elsworthy Road. The lightwell of the proposed development would project approximately 0.5m beyond the side wall of the property at no 1 Elsworthy Terrace which creates a frontage on Elsworthy Road and by 2.1m beyond the front elevation of the adjoining property at no 23 Elsworthy Road. In addition, there is no specific pattern of dwellings to be attached to the neighbouring garages, and therefore this relationship leads to an incongruous addition which harms the streetscene and the appearance of the neighbouring properties. The proposed development it is therefore considered to compete visually with the surrounding areas to the detriment of the surrounding streetscene and would not take into account the front building line of the existing neighbouring properties or their pattern, contrary to DP24.

In terms of the actual design of the proposed dwelling, the revised scheme shows big frameless clear glass walls facing Elsworthy Road, oak door and cladding panels, expanding on the full width of the plot. This is considered to offer little visual enhancement to the surrounding streetscene as it makes no reference to the character of the surrounding area nor does it offer a high quality design by virtue of its bulk, siting and detailed design.

The large open glass walls would detract from the natural appearance of the garden space and will cause light nuisance during night as well as the front open lightwell. The unit dominates the plot as it expands on the full width with occupancy of 52%. It is noted that the proposal includes green roofs and green wall facing the rear garden of no 2 Elsworthy Terrace, however this is not considered to overcome the impact caused by its bulk, scale and mass, contrary to DP24.

With regard to materials, the proposed dwelling will be made of reclaimed yellow stock bricks rendered white, with laminate oak columns, glass walls with oak cladding panels. The predominant materials used along Elsworthy Road and Elsworthy Terrace are yellow stock and red brick, with some contrasting brick treatments and stucco decorations, as well as decorative gables and figurative decoration on window frames in timber. It is noted that the brick corresponds to the character of the area, however when observed as an overall piece, the proposed white render combined with wide glass walls would appear as an incongruous addition to the streetscene, which does not respect the setting and context of the surrounding buildings.

In light of the above, the development does not achieve the high quality design as a contemporary addition to the streetscene and it is therefore not considered to be an acceptable form of development at the application site and would not accord with CS5, CS14 and DP24.

#### **Quality of residential accommodation**

Policy 3.5 Quality and Design of Housing Development of The London Plan 2016 stresses that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process.

The revised new dwelling would have two levels of underground accommodation which would include 4 bedrooms with areas of 12.3sqm, 16.7sqm, 13.5sqm and 12sqm, and a cinema room with the area of 30.5sqm. At the ground floor level a kitchen, living room and dining with a cumulative area of 55.1sqm would be located. The proposed dwelling would total the GIA of 211.7sqm which would exceed the London Plan space standards for a 4 bedroom house which is 117sqm for 8 persons.

In terms of levels of light received into the property it would be north-west facing, with north-west facing windows to ground floor level and lightwell to provide light for the bedrooms in the basement. CPG2 Housing stresses that a minimum requirement for new dwellings is "to have at least one habitable room with a window facing within 30 degrees of south in order to make the most of solar gain through passible solar energy". In addition, the Mayor of London Housing SPG 2016 states in relation to dual aspect dwellings at Standard 29 that developments should minimise the number of single aspect dwellings and that single aspect dwellings that contain three or more bedrooms should be avoided.

None of the proposed habitable rooms would have dual aspect, all four bedrooms would be located in the basement opened only to the lightwell for light and outlook. It is noted that a Daylight and Sunlight Report has been submitted to demonstrate that the rooms would receive enough level of light, however it is not considered that the rooms would receive a desirable level of outlook and therefore is considered unacceptable on these grounds.

## **Basement impact**

The proposed scheme includes a two level basement, which would extend of the full width of the plot underneath the proposed unit. The basement would be opened to a front open lightwell with an area of 13.2sqm. The overall footprint of the basement is 102.7sqm which would occupy approximately 52% of the plot.

DP27 sets out a number of key principles that developers are required to demonstrate for their scheme in order to ensure that the impact of the development would be acceptable. These details are normally required to respond to the screening flowcharts of CPG4, presented in the form of a Basement Impact Assessment (BIA). The application submission was accompanied by an initial statement on basement construction. The information has been assessed by Campbell Reith, an independent audit, which raised numerous issues that would have had to be addressed by the applicant in order to determine the acceptability of the basement.

The queries raised by Campbell Reith for confirmation are as follows: input of an individual with C.WEM or CEng MICE qualification with respect to hydrology, works programme not included, factual site investigation data not provided, incomplete screening carried forward, inconsistent and incorrect information provided not linked with the Flood Risk Assessment, no definitive proposals on surface water management plan, presence or absence of basement beneath neighbouring properties not confirmed in BIA and foundations depth not determined, no structural details or construction sequence sketches provided, stiffness parameters not included in retaining wall parameters, full input and output from Oasys Xdisp not provided, further mitigation measures required for walls indicated to fall within Category 1 damage, heave movements not calculated, movement monitoring proposal not provided.

CPG4 explains that the Council's preferred approach is for basement development to be no deeper than one full storey below ground level and not to extend beyond the footprint of the original building. If a proposal would include one of these larger basements, the applicant will be expected to provide evidence to demonstrate to the Council's satisfaction that the development does not harm the built and natural environment or local amenity. The proposed basement would expand on 2 levels in a rear garden of an existing house. Considering the large extent of the proposed basement, it is considered that the proposed basement would fail to respond to the requirements listed within policy DP27 and CPG4 and therefore is considered unacceptable.

## **Sustainability**

The application submission included New Build Energy and Sustainability Report which sets out a range of measures that would be included to meet Part L of the building regulations (2013). This would be secured via a legal agreement.

## **Amenity**

Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.

The application site is bounded to the east by the garage and property at no 23 Elsworthy Road, to the west by the rear garden and property at no 1 Elsworthy Terrace and to the south by the rear garden of no 2 Elsworthy Terrace, facing Elsworthy Road to the north.

The proposed dwelling would project with the same width as the property at no 1 Elsworthy Terrace, along the boundary wall with its rear garden and at a distance of approximately 6.2m, and a height of 3m and 3.3m. A Daylight and Sunlight Report has been provided with the application submission which demonstrates that no harmful impact in terms of loss of light would be caused to the property at no 1 Elsworthy Terrace; however it is considered that the revised dwelling would still significantly impact the outlook from the ground floor windows of no 1 and garden space, due to its siting,

projection, height and mass.

The proposed dwelling would project on the full width of the plot, attached to the east to the garage at no 23 and the property being located at a distance of 3.6m at the nearest point and 5.4m at the furthest from no. 23. The Daylight and Sunlight Report demonstrated that no impact would be caused from the proposed extension in terms of daylight and sunlight. In addition the windows at no 23 facing the application site does not appear to serve any habitable room, and therefore no significant impact is considered to be caused to the outlook of the residents at no 23.

The garden length of the property at no 2 Elsworthy Terrace has 20.9m whilst the proposed dwelling would project with the length of 13.6m along the side boundary. As such, more than half of the neighbouring garden would have the outlook blocked on northern side by the proposed unit. It is therefore considered that due to siting and projection, the proposed scheme would have adverse impact on the levels of outlook from the windows and rear garden of no 2 Elsworthy Terrace.

It is therefore concluded that the proposed dwelling would harmfully affect the amenity of the neighbouring properties at no 1 and 2 Elsworthy Terrace in terms of outlook, which is contrary to DP26.

### **Trees**

The application site comprises 3 trees protected through Preservation Orders (TPOs), two lime trees (T3 and T4) and a birch (T5). An additional thorn TPO (T2) is located close to the boundary of the application site with the garden of no 1 Elsworthy Terrace. The trees are mature and have significant importance for the amenity of the surrounding properties and conservation area.

The application submission includes an Arboriculture Report which aims to assess the impact of the proposed development on the existing TPOs and demonstrate the measures that would be taken to protect them during construction works and after. It has been identified that the documentation provided lacks in significant information, as there are no details of how the Root Protection Areas have been calculated. Considering the close proximity of the trees to the street pavement it is more likely that the roots have grown towards the garden being a more hospitable space, and not with a symmetrical circular expansion as shown on the Tree survey and Constraints Plan provided. It has been requested that trial pits on the application site would be necessary to certainly identify the direction and location of the roots, however this has not been accomplished.

The adjacent neighbours at no 2 Elsworthy Terrace has instructed an independent tree surveyor to analyse the information provided by the applicant in relation to the Arboriculture Report. It has raised anomalies in relation to the root protection area as described above, and it has also raised that the report is preliminary and deals in generalities in the absence of any firm details from either the architect or building contractor. In addition, it is reported that direct access on site was not possible and that the site details and measurements have been taken from the existing documentation available on the planning section of Camden's website. Whilst the external measurements of the trees stems diameter and crown are considered to reflect the reality, there is still uncertainty in relation to the root protection areas. In addition, it is raised that the documentation does not include any methodology of excavation, plant machinery to be used, points of access, material storage space.

In light of the above, insufficient information has been provided to determine if the proposed development would have detrimental impact on the protected trees and therefore is considered unacceptable

### **Transport**

Policies DP16, DP17 and DP18 seek to support sustainable modes of transport by limiting use of private cars and managing the impact of construction.

The proposed development would need to provide a minimum of 2 long stay cycle parking spaces in order to comply with the minimum requirements of the London Plan. The revised scheme has

included provision of cycling parking facilities located externally in a cycle shed, which contravenes with CPG7 stating that: "Parking for residents should be within the building. Parking for residents may take the form of a space within an individual dwelling provided that the space is close to the door of the dwelling, and access to the dwelling is level, or by a ramp or lift that can accommodate a bike". As such the location of the cycle parking is considered unacceptable. The design of the cycle parking facilities appears to be a Sheffield stand. This would require at least 750mm between the rack and any physical obstruction, like the walls of the shed, which is contrary to CS11 and DP17.

The works of development would have significant impact on the local highway network and local amenity, as such it is considered that a Construction Management Plan should be secured via Section 106 agreement. A highways contribution would have to be provided for the remediation of pavement post construction. The site would also have to be provided as car-free, in accordance with policy DP18.

### **Waste**

The Council will seek to ensure development includes facilities for storage and collection of waste and recycling, in accordance with Policies CS18 and DP26. A small area to the front of the dwelling has been allocated for refuse and recycling storage within a timber enclosure as shown on the proposed ground floor plan. There is no indication of the recycle and bin space in a proposed elevation, and therefore the height of the proposed timber enclosure is unknown.

It is therefore considered that insufficient information has been provided in order to determine if the new waste and recycling space would have any impact on the streetscene or adjoining properties.

### **CIL**

Given the development would create a new residential unit it would be liable to pay the mayoral and Camden CIL. An informative would be placed on the decision advising the fee liable to pay if planning permission were granted.

### **Conclusion**

In light of the above it is considered that the proposed works would not be an acceptable form of development as the proposal would fail to accord with a number of policies within the Local Development Plan and as such planning permission should be refused.

**Recommendation:** Refuse permission