Land adjacent to No.1 Elsworthy Terrace, London NW3 Appendix 7



Regeneration and Planning Development Management London Borough of Camden Town Hall Judd Street London WC1H 8ND

Tel 020 7974 4444 Fax 020 7974 1930 Textlink 020 7974 6866

planning@camden.gov.uk www.camden.gov.uk/planning

Application Ref: 2012/2736/P Please ask for: Neil Zaayman Telephone: 020 7974 2630

12 February 2013

Dear Sir/Madam

Frank Green
BUJ Architects LLP

36 Millharbour

London

E14 8TX

DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
Site Adjacent to
41 Ferncroft Avenue
London
NW3 7PG

Proposal:

Erection of single-storey building with basement for use as a single-family dwellinghouse (Class C3) (following demolition of existing garage).

Drawing Nos: Site Location Plan PL 001; Drawing No(s) (Prefix PL): 002 Rev D; 010 Rev D; 020 Rev D; 021 Rev C; 022 Rev C; 023 Rev C; 030 Rev D; 031 Rev D; 032 Rev D; 033 Rev D; 034 Rev D; 035 Rev D; 036 Rev D; 037 Rev D; 038 Rev D; 038 Rev D; 039 Rev D;

Rev C; 040 Rev D; 041 Rev D; 050; 051; 052; 080 Rev D; 200; 210; 400 Rev D; Design and Access Statement by BUJ Architects dated August 2012 (Rev C);

Code for Sustainable Homes Pre-Assessment by Mendick Waring Ltd dated July 2012;

Energy Strategy by Mendick Waring Ltd dated July 2012;

Flood Risk Assessment Code for Sustainable Homes by Dr Paul Garrad dated April 2012; Arboricultural Impact Assessment Report by Landmark Trees dated 10th May 2012; Construction Management Plan by CJ O'Shea & Co Ltd dated 22nd January 2010;

Existing Garage Demolition Planning Permission Decision Notice dated 6th October 2009;

Daylight / Sunlight Report by Drivers Jonas Deloitte;

Movement Report by Walsh Associates dated16th July 2007;



Basement Impact Assessment (consisting of: Main Report; Screening part 1 & 2; Scoping part 2 - 4) by CJ O'Shea & Company Ltd dated April 2012

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

Condition(s) and Reason(s):

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).

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan PL 001; Drawing No(s) (Prefix PL): 002 Rev D; 010 Rev D; 020 Rev D; 021 Rev C; 022 Rev C; 023 Rev C; 030 Rev D; 031 Rev D; 032 Rev D; 033 Rev C; 040 Rev D; 041 Rev D; 050; 051; 052; 080 Rev D; 200; 210; 400 Rev D; Design and Access Statement by BUJ Architects dated August 2012 (Rev C); Code for Sustainable Homes Pre-Assessment by Mendick Waring Ltd dated July 2012;

Energy Strategy by Mendick Waring Ltd dated July 2012;

Flood Risk Assessment Code for Sustainable Homes by Dr Paul Garrad dated April 2012;

Arboricultural Impact Assessment Report by Landmark Trees dated 10th May 2012;

Construction Management Plan by CJ O'Shea & Co Ltd dated 22nd January 2010; Existing Garage Demolition Planning Permission Decision Notice dated 6th October 2009:

Daylight / Sunlight Report by Drivers Jonas Deloitte;

Movement Report by Walsh Associates dated16th July 2007;

Basement Impact Assessment (consisting of: Main Report; Screening part 1 & 2; Scoping part 2 - 4) by CJ O'Shea & Company Ltd dated April 2012.

Reason:

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

3 Sample panels of all materials used in the external construction of the development hereby approved demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample 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.

4 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010 and in strict accordance with the recommendations of the Arboricultural Impact Assessment Report by Landmark Trees dated 10th May 2012.

Reason: To ensure the preservation of the amenity value and health of the tree(s).

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 to the satisfaction of the Council. Details shall be submitted to and approved by the Local Planning Authority before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to design, demolition and construction".

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

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 Council. 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 enable the Council to ensure a reasonable standard 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.

All hard and soft landscaping works shall be carried out to a reasonable standard 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 Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard 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.

8 Before the development commences, details of the proposed cycle storage area for 1 x cycle shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11of the London Borough of Camden Local Development Framework Core Strategy and policy DP17of the London Borough of Camden Local Development Framework Development Policies...

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 Council 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.

Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Code for Sustainable Homes Pre-Assessment and Energy Strategy (by Mendick Waring Ltd, dated July 2012) and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation 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...

Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be

permanently retained and maintained thereafter.

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.

The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason:

To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Prior to commencement of the development hereby approved, a Construction Management Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. Details of the Construction Management Statement will relate to the scale and kind of the development, however, in terms of assessing the impact on transport the plan should demonstrate that the following has been considered and where necessary the impacts mitigated:

(Note the term 'vehicles' used here refers to all vehicles associated with the implementation of the development, e.g. demolition, site clearing, delivering of plant & material and construction)

- a) The access arrangements for vehicles.
- b) Details (including accurate scaled drawings) of any highway works necessary to enable construction to take place.
- c) Parking and Loading arrangement of vehicles and delivery of materials and plant to the site.
- d) Details of proposed parking bays suspensions and temporary traffic management orders.
- e) Details of security hoarding required on the public highway
- f) The proposed site working hours.
- g) Details of any other measure designed to reduce the impact of associated traffic (such as the use of construction material consideration centres, measures to control dust and dirt and schemes for recycling/disposal of waste from demolition).

- h) Details of any Construction Working Group that maybe required, addressing the concerns of surrounding residents.
- i) Details of any schemes such as the 'Considerate Contractors Scheme' (www.considerateconstructorsscheme.org.uk) that the project will be signed up to. Contractors will also be required to follow the 'Guide for Contractors Working in Camden' also referred to as 'Camden's Considerate Contractor's Manual'
- j) Any other relevant information.
- k) The CMS should also include the following statement:

"The agreed contents of the Construction Management Statement must be complied with unless otherwise agreed with the Council. The project manager shall work with the Council to review this Construction Management Statement if problems arise in relation to the construction of the development. Any future revised plan must be approved by the Council and complied with thereafter."

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 of the London Borough of Camden Local Development Framework Development Policies.

14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies..

Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (Consolidated with Alterations Since 2004) and Camden Planning Guidance 2006 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

16 Details of the design of building foundations and the layout, with dimensions and

levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved by the Council as the local planning authority before any works on site are commenced. 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 Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

Informative(s):

- 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 2363).
- 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 Reasons for granting permission. [Delegated]

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies 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), 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), CS17 (Making Camden a Safer Place), CS18 (Dealing with Our Waste and Encouraging Recycling), CS19 (Delivering and Monitoring the Core Strategy) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP2 (Making Use of Camden's Capacity for Housing), DP6 (Lifetime Homes and Wheelchair Homes), 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), DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours), DP27 (Basements and lightwells), DP28 (Noise and vibration), DP29 (Improving Access). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

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

- With regards to condition 6, the means of enclosure / boundary treatments with No. 41 Ferncroft Avenue (rear section) and No. 21 Kidderpore Gardens should be 1.8m high minimum.
- The applicant is reminded that the installation of any external plant or mechanical equipment would be subject to separate full planning permission and should be accompanied by an acoustics report.

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.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444

Address:	Site Adjacent to 41 Ferncroft Avenue London NW3 7PG		
Application Number:	2012/2736/P	Officer: Neil Zaayman	
Ward:	Frognal & Fitzjohns		
Date Received:	19/05/2012		

Proposal: Erection of single-storey building with basement for use as a single-family dwellinghouse (Class C3) (following demolition of existing garage).

Drawing Numbers:

Site Location Plan PL 001; Drawing No(s) (Prefix PL): 002 Rev D; 010 Rev D; 020 Rev D; 021 Rev C; 022 Rev C; 023 Rev C; 030 Rev D; 031 Rev D; 032 Rev D; 033 Rev C; 040 Rev D; 041 Rev D; 050; 051; 052; 080 Rev D; 200; 210; 400 Rev D; Design and Access Statement by BUJ Architects dated August 2012 (Rev C); Code for Sustainable Homes Pre-Assessment by Mendick Waring Ltd dated July 2012:

Energy Strategy by Mendick Waring Ltd dated July 2012;

Floor Risk Assessment Code for Sustainable Homes by Dr Paul Garrad dated April 2012;

Arboricultural Impact Assessment Report by Landmark Trees dated 10th May 2012;

Construction Management Plan by CJ O'Shea & Co Ltd dated 22nd January 2010; Existing Garage Demolition Planning Permission Decision Notice dated 6th October 2009;

Daylight / Sunlight Report by Drivers Jonas Deloitte:

Movement Report by Walsh Associates dated16th July 2007;

Basement Impact Assessment (consisting of: Main Report; Screening part 1 & 2; Scoping part 2 - 4) by CJ O'Shea & Company Ltd dated April 2012

RECOMMENDATION SUMMARY: Grant permission subject to S106 legal agreement and conditions Related Application? Yes

Date of Application: 19/05/2012
Application Number: 2012/2740/C

Proposal: Conservation area consent for demolition of existing garage.

Refer to drawing numbers above

RECOMMENDATION SUMMARY: Grant subject to conditions

Applicant:	Agent:		
C/O Agent	BUJ Architects LLP		
-	36 Millharbour		
	London		
	E14 8TX		

ANALYSIS INFORMATION

Land Use Details:				
	Use Class	Use Description	Floorspace	
Existing	Sui generis (Garage)		56.66 m²	
Proposed	C3 Dwei	ling House	95.29m²	

Residential	Use Details:									
	P	No. of Bedrooms per Unit								
:	Residential Type	1	2	3	4	5	6	7	8	9+
Existing	Garage	_	-	-	-	-	-	-	-	_
Proposed	Residential dwelling		X							

Parking Details:					
	Parking Spaces (General)	Parking Spaces (Disabled)			
Existing	2	-			
Proposed	1	-			

OFFICERS' REPORT

Reason for Referral to Committee:

This application involves the demolition of a building in a conservation area [Clause 3(v)].

1. SITE

- 1.1 The application site is a narrow rectangular shaped plot to the south side of Ferncroft Avenue and to the rear (west) of No. 41 Ferncroft Avenue. It has a street frontage onto Ferncroft Avenue (towards the north). The site is bound to the south by the rear garden serving No. 21 Kidderpore Gardens and to the west by Croft Way, a public footpath that leads to the West Hampstead Lawn Tennis Club.
- 1.2 The site currently comprises of a single storey detached garage with parking space for 1 vehicle in the garage, and 1 vehicle on the hardstanding in front of the garage. The garage has a pitched roof with hipped ends, measuring 2.2m to the eaves and 4.7m to the ridge.
- 1.3 The site falls within the Redington & Frognal Conservation Area and is not classed as a positive contributor. The surrounding area is mainly characterised by large semi-detached dwellings built from red / orange brick

2. THE PROPOSAL

- 2.1 The proposal is for the demolition of the existing garage for which Conservation Area consent is sought under planning reference 2012/2740/C.
- 2.2 The planning application further seeks permission for the construction of a new 2-bedroom residential dwellinghouse (Use Class C3). Development will be spread over two levels of accommodation, at basement and ground floor level. At basement level would be 2 x bedrooms each with en-suite and separated by an internal courtyard area. There would also be a study at basement level. At ground floor level would be a kitchen, w.c. and living / dining area.
- 2.3 The proposal would have a box-shaped contemporary design with flat roof measuring approximately 10.5m in length and 4.5m in width at ground floor level. The dwelling would have a maximum height of approximately 3.6m with the solar panels projecting a further 200mm above the main roof.
- 2.4 Parking space for 1 x vehicle will be provided to the front of the proposed dwelling on hardstanding. Refuse and recycling storage would be provided on the front drive.

Revisions

2.5 Revised drawings were received indicating a brown biodiverse roof on the larger area of roof with the addition of Photovoltaic (PV) cells to enhance sustainability on the site. There would also be a green biodiverse roof on the smaller element of the roof. A bird nesting box has been introduced on the eastern façade.

2.6 A Code for Sustainable Homes Assessment and an Energy Strategy statement was also submitted.

3. RELEVANT HISTORY

- 3.1 **8804022:** Erection of a single storey garage to accommodate two vehicles appealed on non-determination **granted on appeal.**
- 3.2 **9300972:** The erection of a two storey two bedroom house on the rear garden site of No 41 Ferncroft Avenue. **Refused** for the following reasons:
 - 1. The proposed house would neither preserve nor enhance the character or appearance of the Conservation Area by reason of its bulk, siting and location in the garden space between the two properties.
 - 2. The proposal would be likely to result in the damage to or loss of the existing tree in Croftway by virtue of its proximity to the proposed development.
 - 3. The proposal would result in the loss of residential amenity to adjoining properties in terms of overshadowing and overlooking.
- 3.3 **9500781:** Removal of condition 4 of the planning permission granted on appeal 9 January 1989 (Reg. No. 8804022) to allow the use of the garage by the occupier of 37 Ferncroft Avenue NW3: **Granted** 03/08/1995.
- 3.4 **2009/1082/C:** Demolition of existing garage. **Granted** on 06/10/2009.
- 3.5 **2009/1081/P:** Demolition of existing garage and erection of a new two storey dwelling house with basement. **Refused** on 06/10/2009 for the following reasons:
 - The proposed building, due to its height, bulk, mass and detailed design and the detailed design of the proposed boundary treatment, would represent a visually intrusive and incongruous development that would fail to preserve or enhance the character and appearance of the Redington/Frognal Conservation Area.
 - 2. The proposed loss of the Holly and Oak trees on Croftway, which are considered important features within the landscape, would have a detrimental impact on the character and appearance of the Redington/Frognal Conservation Area.
 - 3. The applicants have failed to demonstrate that the proposed building and excavation would not result in a detrimental impact on the long term health and amenity value of the Honey Locust Tree located in the rear garden of 41 Ferncroft Avenue, which is considered to have visual amenity value.
 - 4. The proposed rear ground and first floor terraces, due to their location in relation to neighbouring properties, would enable overlooking into the ground floor habitable room windows of 21 Kidderpore Gardens and the side

- elevation of 37 Ferncroft Avenue, resulting in a detrimental loss of privacy to the occupiers of those properties.
- 5. The proposed building due to its height, bulk and location would present an overbearing physical presence and result in a loss of outlook from the conservatory of the ground floor flat of 41 Ferncroft Avenue, to the detriment of the amenities of the occupiers of that property.
- 6. The applicant has failed to demonstrate that the proposed building would not result in a detrimental loss of daylight to the conservatory of the ground floor flat of 41 Ferncroft Avenue.

4. **CONSULTATIONS**

Statutory Consultees

No statutory consultations. 4.1

Conservation Area Advisory Committee

4.2 No comments received.

Local Groups

- The Heath & Hampstead Society objects against the proposal for the following 4.3 reasons:
 - Overdevelopment of the site;
 - Loss of garden area;
 - Loss of trees;

Number of objections

- The BIA does not satisfy the relevant local policies;
- The standard of habitable rooms are inadequate.

Adjoining Occupiers

	Original
Number of letters sent	12
Total number of responses received	25
Number of electronic responses	0
Number in support	1
Number of objections	24

- 4.4 24 letters of OBJECTIONS received for the following reasons:
 - The owner of the garage no longer lives at No. 37 Ferncroft Avenue, to which the garage is linked by planning condition;
 - Overdevelopment of small site;
 - Basement extension will directly affect the trees and their roots;

- Style of property inappropriate and plot size insufficient;
- Bedrooms at basement level out of keeping with Conservation Area;
- Building out of keeping with architectural character of surrounding area;
- Amenity space for future occupiers insufficient;
- Loss of privacy to surrounding neighbours;
- BIA regarding stability is incomplete as it does not consider Crofway as a public footway nor does it assess the impact on Kidderpore Gardens;
- BIA and Aboricultural reports are inconsistent;
- Biodiversity in the area has not been given full consideration;
- Risk of subsidence and flooding;
- Outlook from neighbouring properties will be harmed;
- Inadequate as a family dwelling (too small);
- The BIA is out of date and not accurate;
- Height and scale of development inappropriate and will set a precedent;
- Design will appear visually intrusive in the street scene;
- Parking issues;
- The use of the garage as a parking space should not be lost;
- Site unsuitable for residential development;
- Lack of light to rear bedroom in basement;
- Basement ceiling low and possibly inadequate;
- Lack of details with regards to materials to be used;
- Proposal will be constructed at an elevated position, resulting in an increased sense of enclosure, dominance and overlooking;
- Flat roof may be used as roof terrace in future; and
- Noise effect of mechanical ventilation system will be harmful to neighbouring amenity.

5. POLICIES

- 5.1 London Plan (2011)
- 5.2 NPPF (2012)

5.3 LDF Core Strategy and Development Policies

Core Strategy

- CS1 (Distribution of growth)
- CS4 (Areas of More Limited Change)
- CS5 (Managing the impact of growth and development)
- **CS6** (Providing Quality Homes)
- CS10 (Supporting Community Facilities and Services)
- CS11 (Promoting sustainable and efficient travel)
- 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)
- CS17 (Making Camden a Safer Place)
- CS18 (Dealing with Our Waste and Encouraging Recycling)
- CS19 (Delivering and Monitoring the Core Strategy)

Development Policies

DP1 (Mixed Use Development)

DP2 (Making Use of Camden's Capacity for Housing)

DP3 (Contributions to the Supply of Affordable Housing)

DP5 (Homes of Different Sizes)

DP6 (Lifetime Homes and Wheelchair Homes)

DP16 (The Transport Implications of Development)

DP17 (Walking, cycling and public transport)

DP18 (Parking Standards and Limiting the Availability of Car Parking)

DP20 (Movement of Goods and Materials)

DP21 (Development Connecting to the Highway Network)

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)

5.4 Camden Planning Guidance

CPG1 (Design)

CPG2 (Amenity)

5.5 Redington & Frognal Conservation Area Statement

6. ASSESSMENT

Principle of development

- 6.1 Policy DP2 of Camden's Local Development Framework Development Policies aims to make full use of Camden's capacity for housing. As such, the creation of a new house on this site is supported. There is no policy to resist the loss of a garage unit.
- 6.2 In accordance with policy CS1 of the Camden Core Strategy, the Council will expect the density of housing development to take account of the density matrix in the London Plan (Table 3.2), and to be towards the higher end of the appropriate density range. However, the appropriate density will also depend on accessibility, the character and built form of the surroundings, and protecting the amenity of occupiers and neighbours.
- 6.3 The site area measures 123sq.m and has a PTAL rating of 2. As such, according to the density matrix in the London Plan (2011), for a development with a PTAL rating of 2 providing 2.7 3 habitable rooms per unit in a suburban area, the recommended density range is 50 95 units and 150 250 habitable rooms per hectare. The proposal will therefore comply with the guidance of policy CS1 as it

would provide 81 units per hectare and 162 habitable rooms per hectare. It is therefore not considered that the development represents an overdevelopment of the site and in fact, makes optimum use of the site's development potential.

The proposal would create a 2 x bedroom dwelling and the advice of Policy DP5 (Homes of different sizes) should be given careful consideration. The dwelling size priority table contained within policy DP5 highlights that there is a very high need for 2 x bedroom market housing. The proposal is therefore acceptable with policy DP5 in this respect.

Design

Demolition

- 6.5 There are no objections to the demolition of the existing garage building which is not seen to make a positive contribution to the conservation area, subject to there being an acceptable replacement building on the site that meets policy DP24 and DP25.
- The existing building has a steeply pitched hipped roof and is recessed a short distance back from the front boundary behind a tall gate. The proposed building would be set back by a similar distance from the boundary behind a gate which seeks to continue the boundary treatment of the street in a streamlined and unobtrusive manner. Although the proposal comprises two floors of residential accommodation as an independent single family dwelling, it occupies roughly the same footprint as the existing garage.
- 6.7 The basement level pose no conservation or design harm as it will not be visible from the street or the public realm of the conservation area. The above ground accommodation will be noticeably lower (approximately 2m) in height than the existing garage with a flat roof topped by a modest roof light. Its impact on the surrounding area will therefore be minimal since it will be set back from the highway (Ferncroft Avenue) and will be low-lying behind a retained 1.7m high brick wall alongside Croft Way.
- As such, the development will be completely subservient in architectural hierarchy when compared to the substantial houses surrounding it which are characterised by a verticality, produced by steeply pitched roof and elements adhering to the design style which was popularised by architects such as CHB Quenell. The trees in the back gardens will also ensure the proposal sits comfortably and unobtrusively within its context.
- The surrounding houses employ a wide number of materials. The detailed design is considered to be appropriate both in terms of the use of sympathetic materials (namely red brick, timber and lead roofing) and in terms of architectural detail which appears from the drawings to be of a fine quality, sympathetic with the surrounding buildings and which produces a horizontality which contrasts but complements the neighbouring houses due to its low-key nature.

• Quality of Accommodation

- 6.10 The dwelling would have a floor area of 95sq.m which comfortably exceeds the 75sq.m requirement of Camden's Policy Guidance (CPG 2 Housing) for a 2 bedroom 4 person dwelling. The guidance further states that the Council will expect bedrooms to meet or exceed 11sq.m for first or double bedrooms. The proposal will introduce 2 x double bedrooms. Bedroom 1 measures 10.6sq.m and bedroom 11.41sq.m. The bedrooms are marginally below the recommended standard, which can be accepted in this particular instance.
- 6.11 Both bedrooms are proposed at basement level where natural daylight and sunlight is limited. To overcome this, the proposal provides a 6sq.m courtyard amenity area between the 2 bedrooms with both bedrooms having large windows which will face the courtyard. The courtyard would have glazing above, which allows for natural light to penetrate this area. There are also light vaults with small windows to provide additional light to the bedrooms and study. Paragraph 4.21 of CPG2 (Housing) states that all habitable rooms should have access to natural daylight. Windows in rooms should be designed to take advantage of natural sunlight, safety and security, visual interest and ventilation.
- The applicant has commissioned an independent Daylight / Sunlight Assessment and the Average Daylight Factor (ADF) has been applied to assess the adequacy of daylight to the proposed bedrooms. The BRE guidelines suggest an ADF value of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. The ADF assessment were undertaken to the basement floor bedrooms only and the results show that bedroom 1 will exceed the BRE guidelines with an ADF value of 1.24%. Bedroom 2 falls below the recommended 1% with an ADF value of 0.54%.
- 6.13 Notwithstanding, according to the guidance of CPG2, all habitable rooms, including basements, must have an external window with an area of at least 1/10 of the floor area of the room. At basement level, bedroom 1 would have a window exposure of 6.36sq.m (window and skylight) which equates to 60% of the internal floor area (or 6/10). Bedroom 2 would have a window exposure of 1.79sq.m (16% or 1.6/10). Both bedrooms would therefore exceed the guidance of CPG2 which requires external windows with an area of 1/10 (or 10%) of the floor area.
- 6.14 Subsequently, although one of the bedrooms would fail the BRE guidelines, it would comfortably comply with the above mentioned CPG2 guidance. In addition, the proposal's main habitable rooms are at ground floor level which will receive sufficient levels of sunlight / daylight. This coupled with the unit for exceeding minimum space standards, ensures a dwelling of acceptable guality.
- 6.15 In terms of ceiling heights, the CPG2 guidance recommends that each habitable room should have minimum headroom of 2.3m. The proposal would have minimum ceiling heights of 2.5m and would comply with the guidance in this respect.
- 6.16 The guidance of CPG2 states that all new dwellings should provide access to some form of private outdoor amenity space, e.g. balconies, roof terraces or communal gardens. The proposal would have a private courtyard area between the 2

bedrooms at basement level measuring approximately 6sq.m. Although small, the courtyard would receive daylight and sunlight through the glazed roof and would be protected from the elements and screened from public views. The development is for a small 2-bedroom house and the private terrace is therefore considered sufficient.

6.17 It is considered that the proposal would provide adequate living accommodation within this location and would comply with the overall aims and objectives of Camden Policy Guidance (CPG2) which states that all habitable rooms should have access to natural daylight; windows in rooms should be designed to take advantage of natural sunlight, safety and security, visual interest and ventilation.

Lifetime homes

6.18 The applicant supplied details in the Design and Access Statement and on drawing No. PL_080_D to indicate those Lifetime Homes criteria that can be achieved. Due development at basement level, all of the Lifetime Home criteria could not be achieved. The proposal indicates measures to comply with Lifetime Homes criteria on ground floor level, providing adequate wheelchair turning spaces and a sufficient sized w.c. the applicant also indicates that the staircase could accommodate a disabled stair lift in future. It is considered that the proposal would comply with all lifetime homes criteria that are applicable to the site and development of a single residential unit.

• Impact on neighbouring amenity

Outlook

- 6.19 The proposed development would be in the same location compared to the existing garage with a slightly enlarged footprint. Due to changing ground levels, the exact height of the existing garage is difficult to determine however, when viewed from No. 41 Ferncroft Avenue (the neighbour most likely to be affected), the ridge height varies between 4.8m and 5m above ground level. The proposed development would have a height to the top of its flat roof ranging from 3.4m to 3.9m.
- Officers acknowledge that the garage roof is currently hipped away from 6.20 neighbouring development however, the existing development's overall height is notably higher (approximately 2m) compared to the proposed dwelling. In terms of outlook, the proposal should therefore at the very least maintain views and outlook from all neighbouring properties. Moreover, No. 37 is separated from the application site by Croft Way, a public footpath and is not considered to be affected by the development in terms of outlook. With regards to the impact on No. 41, it is not considered that the minor increase in bulk would be harmful to this neighbour in terms of outlook or appearing visually overbearing or intrusive. The results of the flat roof development being closer to the boundaries of this neighbour are off-set by the lowered roof height, which will preserve outlook. It was further noted that there is dense vegetation on the common boundary between these two neighbouring properties which will screen the development and help mitigate any potential impact.

Privacy

- 6.21 The proposal is single storey in height with the majority of windows on ground floor level facing Ferncroft Avenue and north towards the public footpath, Croft Way. These particular windows would largely be screened by the boundary fence and vegetation and would therefore not have any potential for overlooking or invasion of privacy.
- 6.22 The only windows facing nearby neighbours are those to the eastern elevation (approximately 10m away)facing No. 21 Kidderpore Gardens and No. 41 Ferncroft Avenue. There is one window serving the kitchen and the other facing the landing area and w.c. The maximum height of the kitchen window would be below the top of the boundary fence and a condition is imposed to ensure that a 2m boundary fence is installed to protect the amenities of neighbours. All windows are at ground floor level and any potential for overlooking or invasion of privacy would therefore be negligible.

Daylight / Sunlight / Overshadowing

- 6.23 The applicant submitted a Sunlight / Daylight Assessment. In accordance with the BRE guidelines, the 25 degree angle from the centre of existing neighbouring windows were applied at both neighbouring properties most likely to be affected, i.e. No. 37 Kidderpore Gardens and No. 41 Ferncroft Avenue.
- 6.24 The assessment results show that the proposed development is under the 25 degree angle and will therefore ensure the adjoining properties continue to obtain good levels of daylight and sunlight.
- 6.25 A Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessment point was taken for the ground floor conservatory at No. 41 Ferncroft Avenue. The existing APSH is 58% and proposed 57% whilst the existing VSC is 30.43% and proposed 30.23%. As such, the results indicate that the conservatory will retain good levels of sunlight and daylight as there will be minor changes as a result of the development.
- 6.26 All the assessments show that the proposed development would not have any harmful impact in terms of sunlight and daylight received by neighbouring properties. The development is therefore acceptable in this respect.

Noise / disturbance

- 6.27 It is not considered that the addition of a single 2 x bedroom dwelling would give rise to unacceptable levels of noise and disturbance, particularly as outdoor amenity space is limited to the private courtyard at basement level.
- 6.28 Coming and goings of future occupiers and vehicle movements would be similar to any other family dwellinghouse and Officers raise no concerns in respect of the impact of the development in terms of noise and disturbance in this respect.

6.29 No external plant or mechanical equipment is proposed as part of the application. Therefore no noise issues would arise. An informative is included to remind the applicant that any proposed plant or mechanical equipment would require full planning permission and an acoustics report.

• Basement Implications

- 6.30 A Basement Impact Assessment (BIA) has been provided in accordance with the provisions of Policy DP27 and Camden Planning Guidance (CPG4 Basements and lightwells). According to the guidance of CPG4, the BIA should include the following stages:
 - Stage 1 Screening;
 - Stage 2 Scoping;
 - Stage 3 Site investigation and study;
 - Stage 4 Impact assessment; and
 - Stage 5 Review and decision making.
- 6.31 The Screening Stage (stage 1) of the BIA concluded that further investigation was required under Stage 2 (scoping). The Stage 2 Scoping identified the following matters to be investigated:
 - The site lies on an aquifer and the excavation could possibly extend below the water table which could affect ground water flow and land stability;
 - The site lies within 100m of a former watercourse, and the excavation could extend below a potential spring line;
 - The site lies in an area that is known to be at risk of surface water flooding. The development could potentially affect surface water flow and flooding;
 - The site lies within 5m of a highway or pedestrian right of way and the development could threaten the structural stability of the roadway;
 - The basement will extend into ground that is probably affected by root growth from existing and former trees which could affect the health of the retained trees and land stability.
- 6.32 Following the above list, which was identified during the scoping stage, a Stage 3 site investigation was undertaken. This investigation included two boreholes of 6m in depth each. A sandpipe was installed in each borehole to allow subsequent groundwater monitoring. The site investigation informed the Impact Assessment which forms part of Stage 4 of the overall BIA.
- 6.33 The BIA concludes that precautionary measures should be incorporated into the design to ensure that the development does not adversely affect the local ground water regime and to prevent flooding from surface water. It is recommended that lateral support will need to be maintained to the Ferncroft Avenue and Croftway pavements. The BIA states that through the use of appropriate engineering design and construction measures, the basement construction can be successfully completed without detriment to the environment, flooding or ground stability. Further monitoring of the groundwater situation is recommended during the works, and this will be secured through the standard basement condition.

- 6.34 The BIA includes a report on Movement Effects during Construction which identifies construction measures to be incorporated which will prevent any significant ground movement. No movements are anticipated on the adjacent foundations at neighbouring properties due to their distance from the application site (8 10m). It states that there will be a negligible impact on sewer pipes and other conduits. The development is not considered to have any significant effect on the water table or underground waterflow on the site or during construction or during the basement use.
- 6.35 Officers are satisfied with the findings of the BIA and the subsequent recommendations and mitigation measures proposed. It is not anticipated that any significant damage would result provided that the recommended construction methods are followed and subject to a qualified structural and civil engineer being present during construction and overseeing the basement construction works. This can be secured by means of a planning condition.

Sustainability / Energy Efficiency

- 6.36 A Code for Sustainable Homes pre-assessment and Energy Strategy have been submitted with the application. Energy efficiency measures include a well-insulated building fabric which will result in a reduction in CO2 emissions of 6%. The use of a high efficiency boiler heating system will further reduce CO2 emissions to achieve Code for Sustainable Homes Level 4. In addition, the revised drawings indicate the use of a Photovoltaic (PV) array taking up approximately 18sq.m of the roofspace. The drawings further indicate a section of brown biodiverse roof and a green biodiverse roof which will further contribute to its sustainability.
- 6.37 The Energy and Code for Sustainable Homes statements show that the dwelling will achieve credits in various categories which will ultimately contribute to the dwelling meeting Code Level 4. Planning conditions will be imposed to ensure compliance with the energy efficiency measures and to ensure compliance with the aims and objectives of policy DP22 of the LDF.

Trees / Landscaping

- 6.38 The arboricultural report identifies 4 trees on the site (Holly, English Oak, Honey Locust and Magnolia) of which 2 are 'B' category (moderate quality) and 2 are 'C' category (low quality). The primary impact of the proposal is the construction below the canopy of a semi-mature Oak tree (Category B). The report states that the juxtaposition has been accommodated in the design and will necessitate minor pruning of this Oak tree.
- 6.39 As a result of construction works, minor trimming will also be required to the Holly tree adjacent Croft Way. The report concludes that the impact of the development on the affected trees will be minor and confirmation was received from the Council's Tree officer that the trees will not suffer any harm from these minor works.

- 6.40 It is however recommended that the works are carried out in strict accordance with the recommendations of the Arboricultural Report. This can be secured by means of an appropriate planning condition.
- 6.41 Following comments from the Council's Tree Officer, revised drawings were received to incorporate a brown biodiverse roof on the larger area of the roof, while a green biodiverse roof is proposed for the smaller element of the roof. The proposal has also introduced a bird nesting box to the eastern facade directly under the eaves.
- 6.42 According to LDF policy DP22 (promoting sustainable design and construction), Green and brown roofs and green walls play important roles in achieving a sustainable development. They retain rainfall and slow its movement, provide additional insulation, provide valuable habitat to promote biodiversity and reduce the heating up of buildings. The changes proposed are considered acceptable and will enhance biodiversity on the site in accordance with the provisions of policy DP22. Final design details and plant species can be secured by means of a planning condition.

Transport and Access Issues:

- 6.43 The application site has a PTAL of 2 (poor) and access to public transport is therefore limited or further away compared to areas that are highly accessible.
- 6.44 According to development plan policy DP18 of the LDF, the Council will seek to ensure that developments provide the minimum necessary car parking provision. The application site currently provides 2 x off-street parking spaces, one in the garage and one on the hardstanding. The proposal would result in a reduction of parking spaces on the site, providing one off-street space on hardstanding to the front of the dwelling.
- 6.45 The provision of car parking spaces would be restricted due to limitations of space on the site. Notwithstanding, should planning permission be granted, it is recommended that the development is car-capped to prevent further off-street parking spaces. It is also recommended that no further resident parking permits are provided to prevent cars spilling onto the adjoining roads as a result of the development. This can be secured by means of a S106 legal agreement.
- 6.46 A draft Construction Management Plan (CMP) has been submitted with the application. The Council's Transport Planners are not satisfied that the details supplied in the CMP are sufficient. A full CMP can usually be secured by means of a S106 legal agreement however, in this instance the Council's Transport Planners are of the view that the development is not of a scale that would justify a full CMP. As such, a Construction Management Statement (CMS) can instead be secured by means of a planning condition.
- 6.47 Appendix 2 of the LDF requires safe secure cycle storage to be provided, one for residents and one space for visitors. The proposal has not shown that provision for cycle storage will be made. The site has sufficient space towards the front and

Officers are of the opinion that details can be required by means of a planning condition.

6.48 Refuse and recycling bin storage is provided to the front of the site within an enclosure which is considered adequate.

Community Infrastructure Levy (CIL):

The proposal will be liable for the Mayor of London's CIL as the proposal is for the creation of a new dwelling. The dwelling would have a gross internal floorspace of 95.29sq.m. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £2,001.09 (95.29sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

7. CONCLUSION

- 7.1 The demolition of the existing garage is acceptable as it is not considered to make a positive contribution to the conservation area. Its replacement with a new 2-bedroom dwellinghouse is acceptable in principle.
- 7.2 The design of the proposal is acceptable as it has been designed to respect the character of the surrounding buildings. No concerns are raised in terms of the development's impact on neighbouring amenity.
- 7.3 No significant harm is considered to arise from the construction of the basement, subject to the recommendations made in the Basement Impact Assessment.
- 7.4 The proposal complies with sustainability measures and will achieve Code for Sustainable Homes Level 4.
- 7.5 The impact on trees on the site is considered negligible if carried out in strict accordance with the Arboricultural report. Biodiversity roofs and a bird nesting box will be incorporated, enhancing biodiversity on the site.
- 7.6 No issues are raised in terms of parking although it is recommended that the development is car-capped to prevent future occupiers obtaining further parking permits. This can be secured by means of a S106 Legal Agreement.
- 7.7 The proposal is therefore recommended for approval, subject to planning conditions and a S106 Legal agreement to car-cap the development.

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.



Ferncroft Avenue

Site Location Plan

E14 9TX

Fax: 020 7531 3301

1:1250 **ры** jan 2009

Des initiats

PLANNING

1045 (--)

PL 001 -





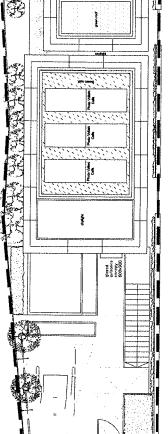
15 Millertour Landon Est 91 X

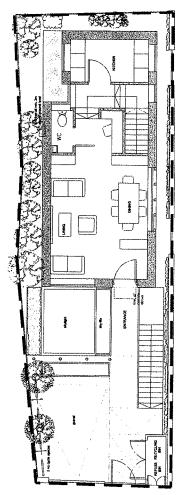
ž		
ğ		
٤		
5		
ē		
õ		

Proposed Floor Plans

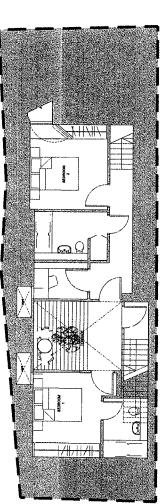
		1
1:50	PLANNING	1
	15	der Dans
Oct 2009	sign.	A PROPERTY OF
SA A	Chacked	40

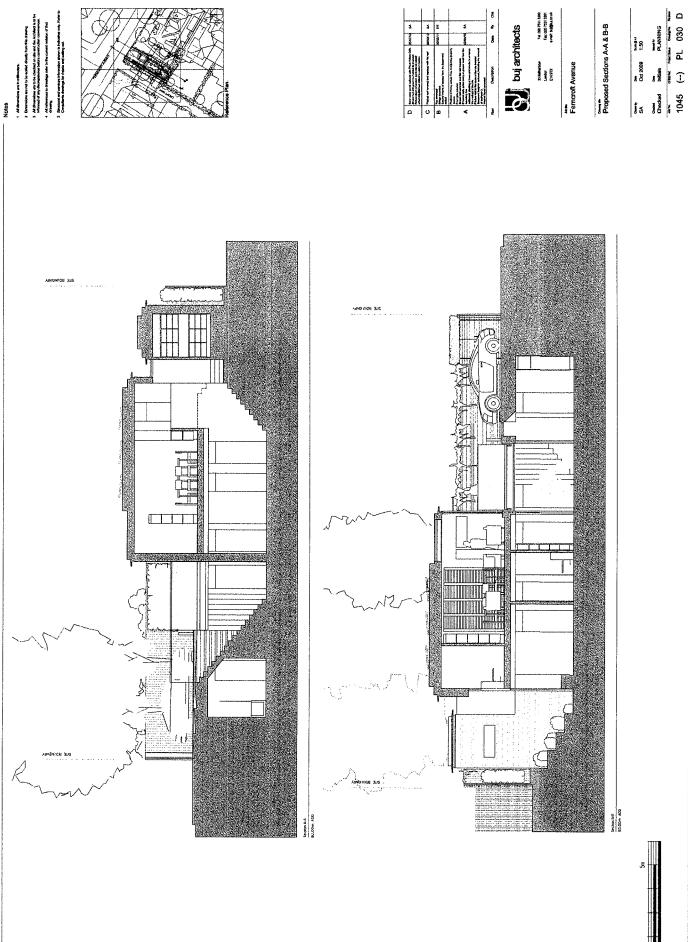
] 🗅
1:50	PLANNING	010
	Ιď	遺급
Oct 2009	a Light	1
	Chacked	1045
and So	łō	£ 2





Ground Floor Plan





Scale in meters