

Planning Statement

66 Fitzjohns Avenue, NW3 5LT

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1.0 Introduction

- 1.1 This Planning Statement is submitted on behalf of Seth Isaac Royston Green and Kimberley Royston Green in support of a planning application at 66 Fitzjohns Avenue for the following development:

'Amendment to planning permission ref: 2015/5847/P 'Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwelling' to include an additional storey at second floor level, set back from the front elevation.'

- 1.2 This planning application follows a previous planning permission (ref: 2015/5847/P) approved on 28 March 2017 on the application site for:

'Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwellings approved under planning permission'

- 1.3 This planning application proposes the same development within the same footprint and building envelope to that which already has planning permission but with the addition of a further storey at second floor level set back from the front elevation. The proposed dwellings would continue to have 3 bedrooms as per the approved scheme.
- 1.4 This statement provides background information and planning history on the site and a detailed assessment of the proposals in relation to planning policy and other material considerations. It sets out the applicant's case that the proposed development would provide two family residential units on previously developed land and within the footprint and building envelope of two units which have already had the benefit of planning permission. The proposals subject to this planning application would provide a greater benefit than the approved proposals by providing more spacious family dwellings than those which have already been approved.
- 1.5 This statement should be read in conjunction with the application drawings and arboricultural assessment.
- 1.6 The statement is set out in the following sections:

Section 2 provides a description of the application premises and the surrounding area;

Section 3 sets out the planning history and background as it is relevant to the application;

Section 4 provides an outline of the application proposals,

- Section 5** details of the planning policy context of the site;
- Section 6** examines the main planning considerations, and;
- Section 7** draws our conclusions in respect of the proposals.

2.0 Site and Surroundings

- 2.0 The planning application site is located to the rear (east) of No. 64 Fitzjohns Avenue. The site is occupied by a pair of semi-detached two storey residential dwellings.
- 2.1 It is believed that the existing dwellings were converted from outbuildings to residential use in the 1980's, with further alterations undertaken in the mid 1990's.
- 2.2 The existing dwellings have two floors (ground and first) with living and kitchen accommodation at ground floor and bedroom and bathroom at first floor. There is hard standing to the front of the dwellings which is used for car parking and amenity space.
- 2.3 The dwellings are brick built and the front elevation painted white. There is no evidence that the style of the front façade has any relation with the building that occupied the site prior to residential use in the 1980s. Three of the facades are against the property boundary and are unadorned fairfaced brickwork.
- 2.4 Planning permission was granted for the demolition of the two dwellings and the erection of a pair of semi-detached, two storey 3-bed dwellings with basements on 28th March 2017 (ref: 2015/5847/P). The planning permission has not yet been implemented.
- 2.5 Access to the application site and the existing semi-detached properties is via a private road from Fitzjohns Avenue. There are electronic gates to prevent unauthorised access.

Surrounding Area

- 2.6 The existing dwellings are located to the rear of No. 64 Fitzjohns Avenue, which is a large Victorian villa displaying Gothic and Queen Anne revival style of the 1870s and 1880s. The rear of this property has been subjected to a number of modifications. The property is divided into flats and includes a basement / lower ground floor level over the entire footprint of the property and with basement lightwells to the rear and front. A tall screen of planting (bamboo and birch tree) exists between 64 Fitzjohns Avenue and 66 Fitzjohns Avenue.
- 2.7 To the north of the application site on Fitzjohns Avenue is Medresco House, a 1960's, four storey, red brick block of flats (14 units) and associated car park. The site is well screened by close boarded fencing around the perimeter. To the rear of the application site is No. 12 Akenside Road.
- 2.8 Fitzjohns Avenue is a main road running from Swiss Cottage to Hampstead. The avenue typically has large villa style properties which have largely been divided into flats. There is a wide range of architectural styles along Fitzjohn's Avenue.
- 2.9 The application site is within the Fitzjohns Netherhall Conservation Area. No. 66 Fitzjohns Avenue is identified as making a negative contribution to the character and

appearance of the Conservation Area. Nos. 54-64 Fitzjohns Avenue (which front the main street) are identified as making a positive contribution to the special character and appearance of the area.

3.0 Planning History and Background

3.0 The table below summarises the planning history at the application site, with the planning history of most relevance to the application site set out in more detail below.

Reference no.	Site Address	Description of development	Decision
2015/5847/P	66 Fitzjohns Avenue	Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwellings	Planning permission 28.03.2017
9501009R3	Studios 1 and 2 66 Fitzjohns Avenue NW3	Retention of various works of alteration.	Planning permission 19.07.1996
9560129R3	Studios 1 and 2 66 Fitzjohns Avenue NW3	Partial demolition in association with works of alteration.	Conservation Area Consent 19.07.1996
8804740	Land at the rear of 64 Fitzjohns Avenue NW3	Submission of details of design external appearance and landscaping pursuant to Condition 1a of the Appeal decision dated 14.11.88 for the conversion of the existing garage block to form two self-contained one bedroom homes with integral garages	Reserved matters approved 14-06-1989
8803741	Land at rear of 64 Fitzjohns Avenue NW3	Conversion of existing garage block to provide 2 one- bedroom houses each with integral single garage	Granted planning permission on appeal 14.11.88
CTP/F7/8/4/4809	No.66 Fitzjohns	The redevelopment	Planning

	Avenue, Camden	of the site of No.66 Fitzjohns Avenue, Camden, by the erection of a block of flats with car parking space.	permission 02.02.1968
P9601477	64-66 Fitzjohns Avenue, NW3	Retention of refuse store	Planning permission 06-09-1996
2015/0565/P	64 Fitzjohns Avenue London NW3 5LT	Partial extension of the rear ground floor wall to align with existing rear elevation	Planning permission 24-03-2015
2015/0564/P	64 Fitzjohns Avenue London NW3 5LT	Rear casement window replaced with timber framed French door and side windows.	Planning permission 11-02-2015

Planning Permission ref: 2015/5847/P: Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwellings

- 3.1 In March 2017, planning permission was granted for the demolition of the existing dwellings and the erection of a pair of semi-detached, two storey 3 bedroom dwellings on the application site. The planning permission is subject to a S106 Agreement which includes planning obligations for a car free development (i.e. no residential parking permits will be allowed for residents) and a requirement to supply the Council with a Construction Management Plan for approval before implementation of the planning permission.
- 3.2 The Officer's report concludes:
- The proposal results in no net loss of housing and the existing building is identified as being a negative feature of the conservation area. As such there is no 'in-principle' objection to its loss. The principle of the development is considered to be acceptable.
 - The replacement dwellings provide housing at a higher priority level than those to be demolished which is welcomed.
 - The new units would exceed the required space standards.
 - There would be space to park two cars at the front of the building, in a similar position to the current parking arrangements on site.
 - The arrangement of rooms and living spaces is considered to be acceptable.
 - All habitable rooms would have access to natural daylight.

- Although the new dwellings would not benefit from private amenity space, this is the situation with the existing dwellings, the site is relatively screened from the main road and therefore feels very private in nature.
- Overall, it is considered that the new dwellings would provide an acceptable standard of residential accommodation, in accordance with Policy DP26.
- The proposed development would appear subordinate to the main building as it would still be significantly lower in height than the main building.
- The contemporary design of the building is acceptable and is considered to make more of a positive contribution to the character and appearance of the conservation area than the existing building at the application site.
- Overall, it is not considered that the proposal would cause harm to the character and appearance of the wider area, including the Fitzjohns Netherhall Conservation Area.
- The impact on the flats at Medresco House is limited due to the separation distance and the intervening car-park.
- Overall, the impact on nearby and neighbouring properties in terms of overlooking, outlook, daylight, sunlight, light pollution and noise is considered to be acceptable.
- The proposed basement is acceptable.

Pre-Planning Application Advice

3.3 The applicants have sought advice from the Council on the proposed additional storey subject to this planning application. The proposal at pre-application stage differed slightly from this submitted scheme, in that it was for two four bed dwellings, whereas the proposal subject to this planning application is for two three bed dwellings. The Council issued a pre-application advice letter which made the following points which are addressed fully in Section 6 below:

- *‘in my opinion, the proposal to add another storey to the building, would not comply with guidance in the Emerging Local Plan (or current guidance). This is because the proposal would fail to respect local context and character (the backland position requires a subordinate building, substantially lower in height than the main building at the front of the site);*
- *the proposal would fail to conserve or enhance the historic environment and heritage assets (it is unusual to find such a tall building in a backland position such as this and the building would visually compete with No. 64, the main building facing into Fitzjohns Avenue);*
- *the proposal would not contribute positively to the street frontages of Fitzjohns Avenue or Akenside Road (the 3 storey building would be visible and prominent in both street scenes);*
- *the proposal would fail to preserve the garden and open space or provide sufficient outdoor amenity space appropriate to the dwelling sizes.*
- *In terms of visual and residential amenities of the occupiers of nearby and neighbouring residential properties, the proposal to add another storey, even*

though it would be set back, would exacerbate concerns raised at the time of the previous application;

- It may be possible to overcome the extra level of perceived overlooking through careful design (i.e. facing windows away from neighbouring properties). However, I have concerns about overshadowing and loss of light to neighbouring properties because the proposed building would be substantially larger than the existing building on site.*
- the rear of the building, with the tall blank façade, would appear overbearing to the occupiers of 12 Akenside Road.*
- a larger house [sic four bed] should generally provide more amenity space as it is more likely to accommodate families. I do not think that the amount of amenity space, and its location at the front of the building rather than the rear, is suitable for a larger dwelling.*
- Policy T2(a) notes that the Council will restrict off-street parking to spaces designed for disabled people, and operational or servicing needs. I recommend that the parking spaces are omitted from the scheme and more soft landscaping is provided instead.*
- It is not clear whether the proposed Field Maple would be visible from Akenside Road above the proposed taller building. It is considered that the taller building would detract from the leafy and verdant character of this part of the conservation area.*
- The Dwelling Size Priorities Table within Policy H7 of the Emerging Local Plan identifies 3-bed housing as having a higher priority than 4 (or more) bed dwellings. As such, the 2015 scheme is preferable in terms of its contribution to housing in the borough.*
- If you choose to submit a formal planning application, the Basement Impact Assessment (BIA) will need to be updated to demonstrate that the additional weight of the taller building would not impact on the basement construction.*

4.0 Description of the Proposed Development

4.0 The application proposal seeks full planning permission for:

“Amendment to planning permission ref: 2015/5847/P ‘Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwelling’ to include an additional storey at second floor level, set back from the front elevation.’

- 4.1 The proposed development is for the demolition of the existing pair of semi-detached dwellings and replacement with another pair of semi-detached dwellings. The proposals are similar to those recently approved (planning permission ref: 2015/5847/P) but include an additional storey at second floor level for each proposed dwelling which would include a bedroom and en-suite. The design of the front elevation has also been amended at ground floor level. The changes comprise an amendment to the glazing at this level with larger windows and the incorporation of cladding. The amount of glazing remains the same as that approved, but has simply been rearranged.
- 4.2 The footprint of the proposed development, lower ground, upper ground and first floor will remain the same as the approved scheme. The only difference will be the addition of a second floor, set back from the building line of the lower floors to both dwellings, and the minor changes to the front elevation at ground floor as described above.
- 4.3 The second floor addition would be set back approximately 2.5m from the front elevation of the lower floors and 0.2m at the rear, to ensure an appropriate overall bulk and massing of the scheme and that the proposals result in no adverse impacts on residential amenity of neighbouring occupiers. It would resemble an attic storey.
- 4.4 Concerns of overlooking to and from the proposed second storey habitable rooms have been addressed by using projecting bays with obscure glazing facing out and clear glass (and openable) oriented to the sides (i.e. not towards 64 Fitzjohns Avenue). This device was used for the first floor windows in the previous (approved) scheme and was considered to be an acceptable solution by the Council. Bathrooms at the proposed second floor have obscure glass and are only openable above 1700mm from finished floor level.

The proposed second floor extension would have a height of 2.7m, approximately 2.4m taller than the approved scheme but set back 2.5m from the front elevation. The maximum height of the proposed development (i.e. the roof of the second storey level set back from the elevations at the front and rear) would be approximately 8.5m. This is still significantly lower than the height of No. 64 Fitzjohns Avenue which has a lower ground floor, three storeys and dormer windows in the roof and has a height of approximately 15.75m when measured from the ground floor level.

- 4.5 The roof of the second floor will, like the approved proposals, has a flat roof with rooflights. The second floor will be clad in grey timber (Siberian Larch) to match the proposed cladding on the lower levels and to complement the immediate surroundings. As described above, the elevational treatment at ground floor level has been amended. The elevational treatment on the first floor will be the same as the approved scheme.
- 4.6 The proposed second floor level would be a bedroom with en-suite bathroom. The proposed development would continue to have a kitchen/dining area at basement level. There would be a living/reception room at ground floor level. The original proposal for a bedroom on this floor has been omitted due to the provision of an additional bedroom at the second floor level and to provide a more useable living space at ground floor level. Two bedrooms will be provided on the first floor as per the approved proposed development.
- 4.7 Access will continue to be via the private road from Fitzjohn's Avenue and two parking spaces, as per the approved scheme are proposed.
- 4.8 Full details of the proposals are contained on the application drawings and on the 3D images which have been submitted to accompany this planning application.

5.0 Planning Policy Context and Framework

5.0 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application shall be in accordance with the development plan unless material considerations indicate otherwise.

5.1 In this case the development plan comprises the: London Plan (2016) and the Camden Local Plan (adopted 3rd July 2017).

5.2 Other material planning policy and guidance which are relevant to this application are set out below:

- National Planning Policy Guidance (March 2012);
- DCLG National Planning Practice Guidance;
- Camden Planning Guidance
- Fitzjohns Netherhall Conservation Area Statement (2001)

National Planning Policy Framework

5.3 At the heart of the NPPF is a focus on achieving sustainable development which includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and creating a high quality built environment (paragraph 7). Pursuing sustainable development includes widening the choice of high quality homes (paragraph 9). Decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

5.4 With regard to decision-taking, the NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible (paragraphs 186 and 187). The presumption in favour of sustainable development is the golden thread that runs through the NPPF. One of the core principles of the NPPF given in paragraph 17 is that planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

5.5 Paragraph 17 also requires planning to: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

5.6 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. Paragraph 49 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development.

- 5.7 Paragraph 56 advises: 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'
- 5.8 Paragraphs 60 and 61 of the NPPF state; 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness... Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'.
- 5.9 Paragraph 128 relates to heritage assets and states: *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'*
- 5.10 Paragraph 131 adds: 'In determining planning applications, local planning authorities should take account of:
- 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.'*
- 5.11 Paragraph 134 of the NPPF states: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
- 5.12 Paragraphs 186 and 187 of the NPPF advise that *'local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible'*.

London Plan (2016)

- 5.13 **Policy 3.3 (Increasing Housing Supply)** recognises the pressing need for more homes in London. Part B of the policy advises that the Mayor will seek to ensure that the housing need identified in the Plan in paragraphs 3.16a and 3.16b is met through provision consistent with at least an annual average of 42,000 net additional homes across London. Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1. The annual average housing target in Camden is 889 from 2015/25.
- 5.14 **Policy 3.4 (Optimising Housing Potential)** states that *'taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2.'*
- 5.15 **Policy 3.5 (Quality and Design of Housing Developments)** requires housing developments to be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in their Plan to protect and enhance London's residential environment and attractiveness as a place to live. Part B of the policy requires: *'The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix.....'*. Part C of the policy requires new homes to 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 and address climate change adaptation...Part D of policy permits development proposals which compromise the delivery of elements of this policy if they are demonstrably of exemplary design and contribute to achievement of other objectives of the Plan.
- 5.16 **Policy 7.4 (Local Character)** requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Part B of the policy requires buildings to provide a high quality design response that: a has regard to the pattern and grain of the existing spaces in orientation, scale, proportion and mass; b contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; c is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; d allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and e is informed by the surrounding historic environment.
- 5.17 **Policy 7.6 (Architecture)** requires architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the

highest quality materials and design appropriate to its context. Part B of the policy requires 'buildings and structures to: be of the highest architectural quality; b be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; c comprise details and materials that complement, not necessarily replicate, the local architectural character; d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate; e incorporate best practice in resource management and climate change mitigation and adaptation; f provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces; g be adaptable to different activities and land uses; h meet the principles of inclusive design; and i optimise the potential of sites.'

- 5.18 Policy 7.8 (Heritage Assets and Archaeology) requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Part D of the policy states: *'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.'*

Camden Local Plan (2017)

- 5.19 The Camden Local Plan was adopted in July 2017. The policies of relevance to this planning application are set out below.
- 5.20 **Policy G1 Delivery and Location of Growth** seeks to deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by: supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.
- 5.21 **Policy H1 Maximising Housing Supply** aims to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31.
- 5.22 **Policy H4: Maximising the supply of affordable housing** expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. Targets are applied to additional housing floorspace proposed, not to existing housing floorspace or replacement floorspace.
- 5.23 **Policy H6: Housing Choice and Mix** seeks to secure high quality accessible homes. The Council will encourage design of all housing to provide functional, adaptable and accessible spaces; expect all self-contained homes to meet the nationally described space standard.

5.24 **Policy H7: Large and Small Homes** seeks to ensure that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table. This table indicates that there is a high need for market houses with two or three bedrooms. There is a lower need for market dwellings with one or four bedrooms.

5.25 **Policy A1: Managing the Impact of Development** seeks to protect the quality of life of occupiers and neighbours. Planning permission will be granted for development unless this causes unacceptable harm to amenity. The policy states:

'We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network;*
- and*
- d. require mitigation measures where necessary*

The factors we will consider include:

- e. visual privacy, outlook;*
- f. sunlight, daylight and overshadowing;*
- g. artificial lighting levels;*
- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;*
- i. impacts of the construction phase, including the use of Construction Management Plans;*
- j. noise and vibration levels;*
- k. odour, fumes and dust;*
- l. microclimate; m. contaminated land; and*
- n. impact upon water and wastewater infrastructure.'*

5.26 **Policy A3: Biodiversity** in relation to trees and vegetation states:

The Council will protect, and seek to secure additional, trees and vegetation.

'We will:

- j. resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation;*
- k. require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout;*

l. expect replacement trees or vegetation to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development;
m. expect developments to incorporate additional trees and vegetation wherever possible.'

5.27 **Policy A4:** Noise and Vibration seeks to ensure that noise and vibration is controlled and managed. Planning permission will not be granted for development likely to generate unacceptable noise and vibration impacts.

5.28 **Policy A5:** Basements states:

'The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a. neighbouring properties;*
- b. the structural, ground, or water conditions of the area;*
- c. the character and amenity of the area;*
- d. the architectural character of the building; and e. the significance of heritage assets.*

In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan.

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f. not comprise of more than one storey;*
- g. not be built under an existing basement;*
- h. not exceed 50% of each garden within the property;*
- i. be less than 1.5 times the footprint of the host building in area;*
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;*
- k. not extend into or underneath the garden further than 50% of the depth of the garden;*
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and*
- m. avoid the loss of garden space or trees of townscape or amenity value*

Exceptions to f. to k. above may be made on large comprehensively planned sites. The Council will require applicants to demonstrate that proposals for basements:

- n. do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';*

- o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- p. avoid cumulative impacts;*
- q. do not harm the amenity of neighbours;*
- r. provide satisfactory landscaping, including adequate soil depth;*
- s. do not harm the appearance or setting of the property or the established character of the surrounding area;*
- t. protect important archaeological remains; and*
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.*

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. We will generally require a Construction Management Plan for basement developments. Given the complex nature of basement development, the Council encourages developers to offer security for expenses for basement development to adjoining neighbours.'

5.29 Policy D1: Design states:

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and o. carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.30 **Policy D2: Heritage** states:

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

- 5.31 **Policy CC1 Climate Change Mitigation** requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The Council will: ensure that the location of development and mix of land uses minimise the need to travel by car; require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building and expect all developments to optimise resource efficiency.
- 5.32 **Policy CC2 Adapting to climate change** requires development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as: a. the protection of existing green spaces and promoting new appropriate green infrastructure; b. not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems; c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and d. measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.
- 5.33 **Policy CC5 Waste** seeks to ensure that developments include facilities for the storage and collection of waste and recycling.
- 5.34 **Policy T1 Prioritising walking, cycling and public transport** seeks to promote sustainable transport by prioritising walking, cycling and public transport in the borough. In order to promote cycling in the borough and ensure a safe and accessible environment for cyclists, the Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning document Camden Planning Guidance on transport.
- 5.35 **Policy T2 Parking and Car Free Development** seeks to limit the availability of parking and require all new developments in the borough to be car-free.

The Council will:

- a. not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;*
- b. limit on-site parking to: i. spaces designated for disabled people where necessary, and/or ii. essential operational or servicing needs;*
- c. support the redevelopment of existing car parks for alternative uses; and*
- d. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.*

Fitzjohns/Netherhall Conservation Area Statement

- 5.36 The Fitzjohns/Netherhall Conservation Area Statement was adopted in 2001. It advises that the street layout is dominated by Fitzjohns Avenue running through the centre of the Conservation Area and the parallel streets running to the east and west

of it. Overall the urban grain shows large houses with generous gardens surrounded by the denser areas of Hampstead Village, Belsize Village and Finchley Road.

- 5.37 The Statement on page 10 describes how the majority of houses in the Conservation Area are detached or semi-detached and the gaps between the gardens provide views to the rear gardens. The presence of mature trees in the Conservation Area is identified as being characteristic of the Conservation Area appearing between gaps between properties and in gardens.
- 5.38 In relation to the east side of Fitzjohns Avenue, the Statement identifies that gaps in between properties give glimpsed views of rear gardens (page 17). Medresco House, a 1960's building is considered to offer very little interest in its design and harms the area by the poor wooden fence surrounding it.
- 5.39 No's 54-64 are identified as making a positive contribution to the special character and appearance of the Conservation Area.

6.0 **Planning Considerations**

6.1 The planning considerations in respect of the determination of this planning application are:

- The Principle of the Development
- Dwelling Mix
- Living Standards of Future Occupiers
- Impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area)
- The impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties
- Transport and Parking
- Trees and Landscaping
- Energy, Sustainability and Water
- Basement Considerations
- CIL/Section 106 Contributions

The Principle of the Development

6.2 The planning application proposes an alteration to planning permission ref: 2015/5847/P to include an additional storey at second floor level which would be set back from the front elevation of the lower levels.

6.3 The principle of the demolition of the existing building and erection of a pair of semi-detached dwellings which would not result in the net loss or gain of dwellings has already been accepted on the application site. Likewise, in considering the application for the approved proposals there was no 'in-principle' objection to the loss of the existing dwellings on the site.

6.4 The proposed amendment to the approved scheme would simply add additional floorspace to the proposed development creating two improved family sized dwellings. This would not result in any change to the proposed number of dwellings. As such, the principle of the additional storey at second floor level is considered to be acceptable, subject to the considerations outlined below.

Dwelling Mix

6.5 Policy H7 seeks to ensure that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table. This table indicates that there is a high need for market houses with two or three bedrooms. There is a lower need for market dwellings with one or four bedrooms.

- 6.6 As confirmed in the officer's report for the approved scheme, for the purpose of this assessment, the existing units are classed as 1-bed units. The proposed alteration to the approved scheme would result in an additional bedroom at second floor level. The ground floor level in each unit would be used solely as a reception/living area, therefore each dwelling would remain as a three bedroom unit.
- 6.7 The replacement dwellings would therefore provide housing which has a higher priority level and Officer's welcomed this proposal when assessing the approved scheme.

Living Standards of Future Occupiers

- 6.8 Policy H6 encourages the design of all housing to provide functional, adaptable and accessible spaces. All homes are expected to meet the nationally described space standard as also set out in the London Plan (2016). The Government's current technical housing standards require a 3-bedroom-6-person-3-storey dwelling to provide 108sqm of floor space, including 2.5sqm of built-in storage.
- 6.9 The proposed units with the additional second storey level would both exceed the required space standards.
- 6.10 As with the approved scheme, each new unit would be fully self-contained with its own front door. The new dwellings would share the existing vehicular access from Fitzjohns Avenue, as the existing dwellings do, and there would be space to park two cars at the front of the building, in a similar position to the current parking arrangements on site.
- 6.11 The officer's report for the approved scheme considered that all the rooms in the new dwellings would be able to function for the purposes for which they are intended and the proposed amendment to the scheme would not change this position. Both proposed dwellings would have an adequate size, shape, door arrangement, height and natural lighting through windows (or ground level skylights in the basement).
- 6.12 The addition of the bedroom at second floor level in each proposed dwelling improves the overall arrangement of both dwellings providing extra living space for future occupiers at ground floor level. Each dwelling would now provide an open-plan kitchen / dining area in the basement with a reception/living area at ground floor level. In both units there would be a permanent separation between eating and sleeping areas and all habitable rooms would be accessed without passing through another.
- 6.13 The Officer's report for the approved scheme noted that both units would be single aspect with windows only on the front (west) elevation as the existing dwellings and that all the habitable rooms would have access to natural light and this was considered to be acceptable. The overall layout of the proposed development is similar to that already approved. The proposed additional storey at second floor

level would provide each unit with a bedroom and en-suite. A window is proposed for each bedroom and the bathroom providing natural light to both of these rooms. As such the proposed amendment is considered to also be acceptable.

- 6.14 As set out in the Officer's report for the approved scheme, both units would benefit from adequate built in storage space and there is an existing communal bin store at the front of the site (adjacent to Fitzjohns Avenue), which would be retained to cater for the storage, recycling and disposal of waste, which is considered to be acceptable. Alternatively there is adequate space within the application site to provide another refuse store. The proposed alteration to the approved scheme would enable additional storage space to be provided as such is considered to be acceptable.
- 6.15 No change to the proposed external cycle parking at the southern end of the site is proposed. As identified in the Officer's report for the approved scheme, a suitable planning condition can require the submission and approval of full details of the cycle parking prior to the occupation of the new dwellings.
- 6.16 The Officer's report for the approved scheme notes that there would be areas of lawn at the front of the building which could be used for sitting out but they would not be screened for privacy. However, this was considered to be acceptable as it is the same as the existing situation and is a backland site, which is relatively well screened from the main road and therefore feels private in nature.
- 6.17 Furthermore, the floor to ceiling glazing at ground floor level would allow a contiguous space from the dwelling through to the outside amenity space allowing the outdoors to be experienced inside.
- 6.18 The proposed second floor addition would create a bedroom and provide a more useable living space on the ground floor of each unit. The proposed two units remain as 3 bedroom, 6 person units with the overall layout similar to the scheme that has been approved. As such the approach taken to private amenity space in the Officer's report is considered to remain appropriate to the dwelling size.
- 6.19 The proposed amendments to the units will optimise and create a more useable living area on the ground floor with a bedroom at the second floor level. Overall, it is considered that the new dwellings would provide an acceptable standard of residential accommodation and one which is an improvement over the approved scheme, in accordance with Policy H6.

Impact on the character and appearance of the wider area (including the Fitzjohns Netherhall Conservation Area)

- 6.20 Policy D1 seeks to secure high quality design in development. Development is required to respect local context and character, preserve or enhance the historic environment and heritage assets in accordance with "Policy D2 Heritage"; comprise details and materials that are of high quality and complement the local character;

integrate well with the surrounding streets and contribute positively to the street frontage; respond to natural features and preserve gardens and other open space; incorporate high quality landscape design and maximise opportunities for greening for example through planting of trees and other soft landscaping, and preserve strategic and local views.

- 6.21 Policy D2 requires the Council to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 6.22 In respect of Conservation Areas, in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will: require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area; resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area; and preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.
- 6.23 The application site is within the Fitzjohns Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The existing building is not identified as one which makes a positive contribution towards the Conservation Area in the Fitzjohns Netherhall Conservation Area Statement (FNCAS). Nos. 54-64 Fitzjohns Avenue are identified as making a positive contribution to the special character and appearance of the area.
- 6.24 A general description of the character and appearance of the Conservation Area is provided on page 10 of the FNCAS. Large mature trees have a presence in nearly every view. Trees are an inherent and characteristic part of the Conservation Area. Although not always visible from the street, the rear gardens form large blocks of open land making a significant contribution to the character of the area.
- 6.25 The FNCAS notes on pages 16 and 17 that on properties on the east side of Fitzjohns Avenue are mostly semi-detached properties of two/three storeys with semi-basements. Gaps between the properties show off the tall chimneys and give glimpse views of rear gardens.
- 6.26 As noted in the Officer's report for the approved scheme, the rear garden of No. 64 has been subdivided in the past and the property no longer benefits from a rear garden as it would originally have done. The existing, poor quality building at the application site is visible from Fitzjohns Avenue in some views along the side of the main building (No. 64). As the report acknowledges there is no reasonable prospect of this building being removed in the future to recreate the rear garden of No.64

without it being replaced by another building. A replacement building must therefore make a more positive contribution to the character and appearance of the conservation area than the existing.

- 6.27 The Officer's report for the approved scheme concludes that the new building would appear subordinate to the main building at No. 64 Fitzjohns Avenue as it would still be significantly lower in height than No. 64. Furthermore, the proposed contemporary design of the new dwellings is also considered to be acceptable, reflecting its subordinate position on the plot and highlighting the fact the building is a later addition to the plot, helping the historical development of the site to be understood. The modern design is considered to make more of a positive contribution to the character and appearance of the conservation area than the existing building at the application site, which is not of any particular architectural style, but instead appears to comprise of a mixture of styles. The proposed addition of the second storey level is not considered to alter these conclusions from the Officer's report.
- 6.28 The approved scheme is considered to relate well to Medresco House and the street scene along Akenside Road. The proposed skylights associated with the basement have also been considered to be acceptable.
- 6.29 The proposed amendment to the approved scheme would include the addition of a second storey level, 2.4m in height set back from the front elevation of the lower levels by 2.5m. The height of the proposed second storey from the ground is approximately 8.5m. This storey would be clad on all four sides with grey timber cladding (Siberian Larch) which would respect and compliment the character of the Conservation Area which includes a number of mature trees.
- 6.30 The original Victorian buildings facing directly onto Fitzjohns Avenue have a formality that is expressed through hierarchy of elements, traditional buildings forms, use of ornate details and complex mix of materials - such as different brick types. The addition of the proposed second storey level set back from the front elevation at the lower level would remain substantially lower in height than the main building to the front of the site which is 15.75m high.
- 6.31 The form of the proposed houses is non-traditional. Absence of features such as pitched roofs, timber sash windows, bay windows avoids the building competing with the dominant original building stock on Fitzjohns Avenue and Akenside Road. The pared back, simple style helps reference the proposed building back to the non-domestic roots of the original building on the site. The amended scheme with its simple design, flat roof and choice of timber cladding would not visually compete with the much larger, bulkier, taller and grander building of No's 64 Fitzjohns Road, would remain subordinate to the host building and respect the local context and character of the Conservation Area.
- 6.32 A well detailed natural grey timber cladding is proposed for the roof storey. This simple, informal material, without decorative detail, will identify the building as

subservient to those surrounding it. The association that timber cladding has with utilitarian buildings will reinforce the connection the proposal has with the non-domestic nature of the original building on the site.

- 6.33 Fenestration has also been treated in a manner that avoids a pastiche of the traditional windows of the original properties directly facing Fitzjohns Avenue. The glazing is intended to form 'gaps' within and between materials rather than stand out as details. At ground floor the glazing reads as a void between the masonry flank walls and the masonry of the first floor. Timber clad projections at first floor provide simple elements behind which windows are concealed. The structural glass boxes of the second floor have glass to glass junctions that avoids the details that window framing would create. This approach creates a simplicity of form that reinforces the proposed building as subservient to the original larger buildings on Fitzjohns Avenue and Akenside Road.
- 6.34 The main entrances to properties on Fitzjohns Avenue and Akenside Road are a point of focus through the architectural devices of porches, decorative fascia boards, columns, steps, pitched roofs and symmetrical positions within larger architectural features. It is proposed that the entrances to the proposed houses read as subservient to these existing 'grand' entrance doors. They will use the same materials as used elsewhere (timber boarding), will be minimally detailed and will share larger openings within the masonry with glazing and they will not be symmetrically placed.
- 6.35 The application site, as referenced in the Officer's report for the approved scheme is relatively well screened from the main road (Fitzjohns Road). The position of the proposed dwellings with second storey addition at the rear of the main terrace on Fitzjohns Avenue means that the proposed development sits amongst the trees. Glimpses of the existing building are only visible from the top of the private access road and a gap in the trees to the south of Medresco House. Views into the site are dominated by the large mature tree by the side of the private access road, the large tree on the boundary with Medresco House and other trees to the side and rear of the application site. In the spring and summer months the site and its buildings are largely obscured by dense foliage.
- 6.36 As shown in the 3D images submitted to accompany the planning application, the simple design of the proposed development and grey timber cladding would appear visually subordinate to No.64 Fitzjohns Avenue and views into the site from Fitzjohns Avenue would continue to be dominated by the large mature trees, which are characteristic of the Conservation Area. The use of grey timber boarding for the roof storey will allow the building to fall back and not stand out against this backdrop. The timber offers a natural, textured and subtly toned surface and as the properties have no fenestration on three sides there will be no detail to catch the eye. Furthermore, the use of Sedum planting for the roof will help the building fall back, not stand out or make a statement within the context of the green corridor within which it sits.

- 6.37 The proposed development with its simple design and sympathetic materials, which sits behind the dominant, grander building of No.64 Fitzjohns Avenue and within a mature trees, would only be visible in a limited number of glimpsed views from the street on Fitzjohns Avenue. It is therefore not considered that the proposed development would be visually prominent from Fitzjohns Avenue.
- 6.38 In terms of the potential visual impact when viewed from Akenside Road, the submitted 3D image demonstrates that the proposed development would not be visible from Akenside Road and the views are dominated by an existing mature tree. The proposed development would not be visible or prominent from the street scene from Akenside Road. It is not considered that the addition to the approved scheme would detract from the leafy and verdant character of this part of the Conservation Area.
- 6.39 On the basis of the above, is not considered that the proposal would cause harm to the character and appearance of the wider area, including the Fitzjohns Netherhall Conservation Area. The proposed building with its simple contemporary design and choice of materials would integrate with the surrounding area and enhance this part of the Conservation Area.

The impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties

- 6.40 Policy A1 seeks to protect the quality of life of occupiers and neighbours. Planning permission will be granted for development unless this causes unacceptable harm to amenity. The Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected. Factors the Council will consider include: visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; odor, fumes and dust, impacts of the construction phase, including the use of Construction Management Plans and noise and vibration levels.
- 6.41 The Officer's report for the approved scheme considered the main properties likely to be affected by the proposals are the flats within Nos. 62 and 64 Fitzjohns Avenue; the flats at 15 Akenside Road (Medresco House), and No. 12 Akenside Road. The report noted that the impact on the flats at Medresco House is limited due to the separation distance and the intervening car-park.

Overlooking/Privacy

- 6.42 In terms of overlooking and privacy, the Officer's report for the approved scheme confirms that the the level of overlooking, over and above the existing situation, is not considered to be so severe as to warrant a refusal of the application on this basis. The fact that the windows would be set back from the front projecting element reduces their prominence on the elevation and it is considered that this would reduce the perceived sense of overlooking that might be felt in the flats at No. 64.

- 6.43 The additional storey at second floor level will be set back from the front elevation of the lower floors by 2.55m. Concerns of overlooking to and from the proposed second storey habitable rooms have been addressed by using projecting bays with with obscure glazing facing out and clear glass (and openable) orientated to the sides (i.e. not towards 64 Fitzjohns Avenue). This was used for the first floor windows in the approved scheme and was considered to be an acceptable solution by Officers. Bathrooms at the proposed second floor have obscure glass and are only openable above 1700mm from the finished floor level. On this basis it is considered that the amended proposal would result in no overlooking to neighbouring properties.

Overshadowing/Outlook

- 6.44 With regards overshadowing and outlook, the Officer's report for the approved scheme considers that on the basis that the new building would replace an existing building, in the same position, this is unlikely to be a significant issue. The additional height of the approved building was not considered to be so severe as to warrant a refusal. The Officer's report considered the proposal would not appear overbearing to the occupiers of the flats within No.64 Fitzjohns Avenue, or give rise to any undue loss of outlook.
- 6.45 The amended proposal would add a modest second floor storey to the approved scheme set back from the front elevation of the lower floors by approximately 2.55m. The roof of the second storey will be flat and comprise a green roof. The roof of the first floor where the second floor will be set back will comprise brick paviours, which are softer in appearance than the grey coloured lining of a flat roof. As noted in the paragraphs above, the non-traditional form and simple style of the proposed building, simple informal natural materials, simplicity of the fenestration and glazing and the position amongst the trees allows the proposed development to fall back and not stand out against the backdrop. The proposed development will therefore not have an overbearing impact on the occupiers of the flats within No.64 Fitzjohns Avenue or 12 Akenside Road.
- 6.46 It is not considered that the additional storey would appear overbearing to the occupiers of the flats within No.64 Fitzjohns Avenue or give rise to any unacceptable loss of outlook.

Daylight/Sunlight

- 6.47 The Officer's report for the approved scheme confirmed that the additional overall height of the building would not cause any unacceptable loss of sunlight or daylight to nearby and neighbouring properties.
- 6.48 Waldrams Ltd were instructed to provide daylight and sunlight analysis for the amended proposals and the Daylight and Sunlight Report has been submitted to accompany this planning application. The analysis has been carried out in accordance with the methodologies contained in the BRE Guidelines (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice by P. Littlefair (2011)),

which is used by the local authority to determine the acceptability of a proposal in terms of its effect on neighbouring daylight and sunlight amenity.

- 6.49 The Daylight and Sunlight report considers the following residential properties in the analysis: 62-64 Fitzjohns Avenue, Madresco House, 12 and 15 Akenside Road (Madresco House).
- 6.50 The report advises that in daylight terms, the analysis shows all windows in No's 62-64 Fitzjohns Avenue meet the BRE Guidelines for VSC with the proposal in place. In sunlight terms, all windows within 62-64 Fitzjohns Avenue which overlook the development site meet the BRE Guidelines in terms of both annual and winter APSH. Overall, therefore, 62-64 Fitzjohns Avenue is in accordance with the BRE Guidelines for daylight and sunlight with the proposal at 66 Fitzjohns Avenue in place.
- 6.51 The analysis for Madresco House shows this property is fully compliant with the BRE Guidelines for daylight and sunlight with the proposal in place. The analysis for No 12 Akenside Road shows this property is fully compliant with the BRE Guidelines for daylight and sunlight with the proposal in place.
- 6.52 The report concludes: *'The analysis indicates that all surrounding properties are in accordance with the BRE Guideline for daylight and sunlight with the proposal in place, meeting the BRE Guidelines in terms of VSC and APSH in the proposed situation'.*
- 6.53 The daylight and sunlight study demonstrates that the amended scheme would have no adverse impacts in terms of daylight or sunlight on No's 62-64 Fitzjohns Avenue, Madresco House or 12 Akenside Road.
- 6.54 The application site does not sit to the south of any external amenity space. The sun tracks around the south. The external amenity spaces of the rear garden of 12 Akenside and the basement lightwell of 64 Fitzjohns sit to the east and west of the site respectively. Neighbouring properties will not suffer overshadowing (loss of sunlight amenity) beyond the limits set out in the British Standards. There will be no adverse impacts in terms of daylight/sunlight and overshadowing on neighbouring occupiers.

Light spillage/pollution

- 6.55 The Officer's report considered that the proposal would not give rise to unacceptable light pollution or light spillage. The level of light likely to be omitted from the skylights as a result of the use of the basement is unlikely to cause undue harm to nearby and neighbouring residential properties.
- 6.56 The amended scheme will have an additional four windows. Two of these additional windows will have obscure glazing (those serving the bathrooms) and two will be side glazing (i.e. oriented away from no 64) of projecting bays. As such the level of

light omitted from the windows at second floor level will not cause undue harm to nearby and neighbouring residential properties.

Noise

- 6.57 With regards to noise, the Officer's report concluded that although the replacement dwellings would have more bedrooms than the existing and may therefore be capable of accommodating more occupiers, it is not considered that the level of noise generated from the use of the dwellings or comings and goings to the dwellings would cause undue harm to nearby and neighbouring properties.
- 6.58 The amended proposals are for two dwellings with three bedrooms, as per the approved proposals. The number of occupiers that can be accommodated in the amended scheme is the same as that in the approved scheme. As such it is not considered that the level of noise generated from the use of the dwellings or comings and goings to the dwellings would cause undue harm to nearby and neighbouring properties.

Construction

- 6.59 As per the approved scheme, the applicants are prepared to enter into a legal agreement requiring them to prepare a Construction Management Plan.
- 6.60 On the basis of the above, the impact on nearby and neighbouring properties is considered to be acceptable.

Transport and Parking

- 6.61 The application site has a Public Transport Accessibility Level (PTAL) of 5, which means it is easily accessible by public transport; and it is within the Belsize controlled parking zone (CAB) which operates between 0900 and 1830 hours on Monday to Friday and 0930 to 1330 on Saturday.
- 6.62 Policy T2 seeks to limit the availability of parking and requires all new developments in the borough to be car-free. The Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits and limit on-site parking to: i. spaces designated for disabled people where necessary, and/or ii. essential operational or servicing needs.
- 6.63 The existing two dwellings have two car parking spaces on site. The approved scheme for two three bedroom dwellings has planning permission for two car parking spaces on the site. The approved scheme can be built out and the car parking spaces laid out in accordance with the approved plans. Given there is existing car parking on the site and an approved scheme with two car parking spaces

which can be built out, the applicants consider that the provision of two car parking spaces in connection with the alteration to the approved scheme is acceptable.

- 6.64 As with the approved scheme, the dwellings with the additional storey can be secured as 'car-capped' (i.e. the future occupiers would have no access to on-street parking permits but would be able to park on site) through the section 106 agreement. This would prevent the proposed development from having an additional impact on parking stress within the CPZ.
- 6.65 As with the approved scheme, in accordance with The London Plan 2016, the new dwellings would be required to provide two cycle parking spaces. Cycle parking facilities would be provided at the southern end of the application site. A suitable planning condition can require the submission and approval of full details of the cycle storage prior to the occupation of the dwellings.

Trees and Landscaping

- 6.66 Policy A3 protects and seeks to secure additional trees and vegetation. The loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation will be resisted. Trees and vegetation to be retained are required to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout. Replacement trees are to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development. Developments are expected to incorporate additional trees and vegetation.
- 6.67 The presence of mature trees in the Conservation Area is identified in the FNCAS as being characteristic of the Conservation Area appearing between gaps between properties and in gardens.
- 6.68 An Arboricultural Assessment is submitted to accompany the planning application. Tree T1, a Silver Birch tree at the front of the existing building, near to the shared boundary with No. 64 Fitzjohns Avenue, is to be removed as part of the approved scheme. The tree is visible from Akenside Road to the rear, but not visible from Fitzjohns Avenue as it is to the rear of No. 64. The approved scheme includes the provision of a replacement tree (Field Maple) within the application site, slightly to the north of the tree that would be removed.
- 6.69 The Officer's report for the approved scheme considers that the replacement tree, a Field Maple, would also contribute positively to the character and appearance of the application site and it would also be visible from Akenside Road and so would maintain the leafy, verdant character of this part of the conservation area. The proposed Field Maple cultivar specified is 'Streetwise'. This will grow to a height of 14 to 16m which is considerably higher than the proposed building and so will be

visible from Akenside Road. The cultivar is suitable for urban settings and grows in a tall and thin habit.

- 6.70 As with the approved scheme, the likely impact of the proposal on other trees is considered to be minimal due to the presence of the existing retaining walls and foundations of the existing house which, due to their depth, act as a barrier to the roots of the London Plane (T10). It is also the case that T10 is in higher ground than the proposed site. The existing retaining wall will be retained and the existing house foundations will be removed and replaced by new foundations in the same location (but deeper). This means that roots will not be damaged as they currently do not extend into the foundation zone. The proposed additional storey would not require any alterations to the foundations proposed by the approved scheme.
- 6.71 The approved scheme included pruning works to lift the crown by up to 3 metres of Tree T10, a large mature London plane tree to the north of the application site (in the grounds of Medresco House). The revised arboricultural method statement advises that it is clear that a 3 metre lift as approved will accommodate the proposed additional storey, however the Arboricultural Method Statement has specified up to 4 metre lift - this is to ensure that there is no margin for error. The Arboricultural Method Statement continues to advise that no branches greater than 100mm in diameter will be removed which is considered to not adversely affect the health of the tree or the visual amenity the tree provides.
- 6.72 As per the approved scheme, minor pruning will also be required of Trees T6, T7 and shrub group G11. The degree of pruning required to facilitate the approved development was considered to be minor and therefore acceptable in planning terms. The amended scheme can be undertaken with the same pruning as the approved scheme, albeit a small amount of additional pruning may be required of Tree T10. The proposed tree works are still considered to be minor and in accordance with Policy A3.

Energy, Sustainability and Water

- 6.73 Policy CC1 Climate Change Mitigation requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.
- 6.74 Policy CC2 Adapting to climate change requires development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as: a. the protection of existing green spaces and promoting new appropriate green infrastructure; b. not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems; c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and d. measures to reduce

the impact of urban and dwelling overheating, including application of the cooling hierarchy.

- 6.75 The Design Statement advises that the re-building of the two dwellings will enable an upgrade of the current energy efficiency performance beyond the minimum U value requirement of the Building Regulations. The Design Statement sets out a number of measures for optimising the energy efficiency of the building.
- 6.76 The proposed development incorporates a green roof, which would improve the ecological value of the site. It would also provide a more pleasant roof scape to the occupiers of the flats which look down onto the application site.
- 6.77 Policy CC3 Water and Flooding requires development to incorporate water efficiency measures. As set out in the Officer's report for the approved scheme, a suitable planning condition can ensure that development will be capable of achieving a maximum internal water use of 110 litres a day (plus an additional 5 litres for external water use)
- 6.78 The proposal is considered to be acceptable in this respect.

Basement Considerations

- 6.79 Policy A5 relates to basements and will only permit basement development where it will cause no harm. In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan. Basement development should meet a number of criteria as set out in the policy.
- 6.80 The approved scheme was accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith. Campbell Reith concluded that the BIA adequately identifies the potential impacts from the basement proposals and provided suitable mitigation. The proposed basement was considered acceptable.
- 6.81 The proposed amendment to the application does not involve any alteration to the basement in the approved scheme. The applicants have commissioned Michael Chester & Partners LLP to assess the impact of the additional storey on the basement construction. Michael Chester & Partners LLP have assessed the implications of the proposed second storey on the construction of the proposed basement, as in the approved scheme and conclude there is no additional impact resulting from the proposals. A copy of this letter is submitted to accompany this planning application. As such the proposals are considered to be acceptable in this respect.

CIL/Section 106 Contributions

- 6.82 The scheme will be liable for the Mayor of London and Camden Community Infrastructure Levy (CIL) as the floor space exceeds 100sqm. However, the proposal is for a 'Self-Build' development and as such will be exempt from any CIL payments. This will be clarified in the accompanying CIL forms.
- 6.83 The S106 Agreement will include clauses relating to car free developments and a Construction Management Plan.

7.0 Conclusions

7.1 This planning application at 66 Fitzjohns Avenue is for the following development:

‘Amendment to planning permission ref: 2015/5847/P ‘Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwelling’ to include an additional storey at second floor level, set back from the front elevation.’

7.2 The application proposes a similar development within the same footprint and building envelope to that which already has planning permission but with the addition of a further storey at second floor level set back from the front elevation by 2.55m. The proposed dwellings would continue to have 3 bedrooms as per the approved scheme. Minor changes to the design of the front elevation at ground floor level are also proposed.

7.3 The principle of the redevelopment of this site and the proposed basement has already been considered to be acceptable by the Council.

7.4 The proposed addition will be approximately 2.4 stories taller than the approved scheme at its highest point, but will be set in from the lower elevations at the front by 2.55m at the front and 0.2m at the rear. Materials on the second floor will comprise a grey timber cladding and a green roof at second floor roof level with brick pavements at the first floor level set back which will improve the outlook from neighbouring properties than the existing flat roof.

7.5 In terms of fenestration at second storey level, habitable rooms will have projecting bays with glazing orientated to the sides, not towards No. 64 Fitzjohns Avenue and bathrooms will have obscured glass and limited opening. The proposed additional storey will not result in any overlooking to adjoining properties. A daylight/sunlight study accompanies the planning application and demonstrates that the amended scheme would have no adverse impacts in terms of daylight or sunlight on No’s 62-64 Fitzjohns Avenue, Madresco House or 12 Akenside Road. The proposal complies with Policy A1 of the Local Plan.

7.6 The proposed second storey level set back from the front and rear elevations at the lower level would still remain substantially lower in height than No. 64 Fitzjohns Avenue. The amended scheme with its simple design, flat green roof and choice of timber cladding would not visually compete with the much grander, bulkier and taller building of No’s 64 Fitzjohns Road, would remain subordinate to the host building and respect the local context and character of the Conservation Area.

7.7 The simple design of the proposed development and grey timber cladding would appear visually subordinate to grander No.64 Fitzjohns Avenue and views into the site from Fitzjohns Avenue and Akenside Road would continue to be dominated by the large mature trees, which are characteristic of the Conservation Area. The proposed development with its simple design and sympathetic materials, which sits

behind the dominant building of No.64 Fitzjohns Avenue and within a mature trees, would only be visible in a limited number of glimpsed views from the street on Fitzjohns Avenue and would not be visible from Akenside Road. The addition to the approved scheme would not detract from the leafy and verdant character of this part of the Conservation Area.

- 7.8 The proposal would not cause harm to the character and appearance of the wider area, including the Fitzjohns Netherhall Conservation Area. The proposed building with its simple contemporary design and choice of materials would integrate with the surrounding area and enhance this part of the Conservation Area and is compliant with Policies D1 and D2 of the Local Plan.
- 7.9 The proposed development complies with the following: Dwelling Mix (Policy H7); Living Standards of Future Occupiers (Policy H6/London Plan); Transport and Parking (Policy T2); Trees and Landscaping (Policy A3); Climate Change (Policies CC1, CC2, CC3) and Basement Considerations (Policy A5).
- 7.10 The proposals are compliant with planning policies at a national, regional and local level and would provide two family residential units on previously developed land and within the footprint and building envelope of two units which have already had the benefit of planning permission. As such it is considered that planning permission should be granted for the proposed development.

