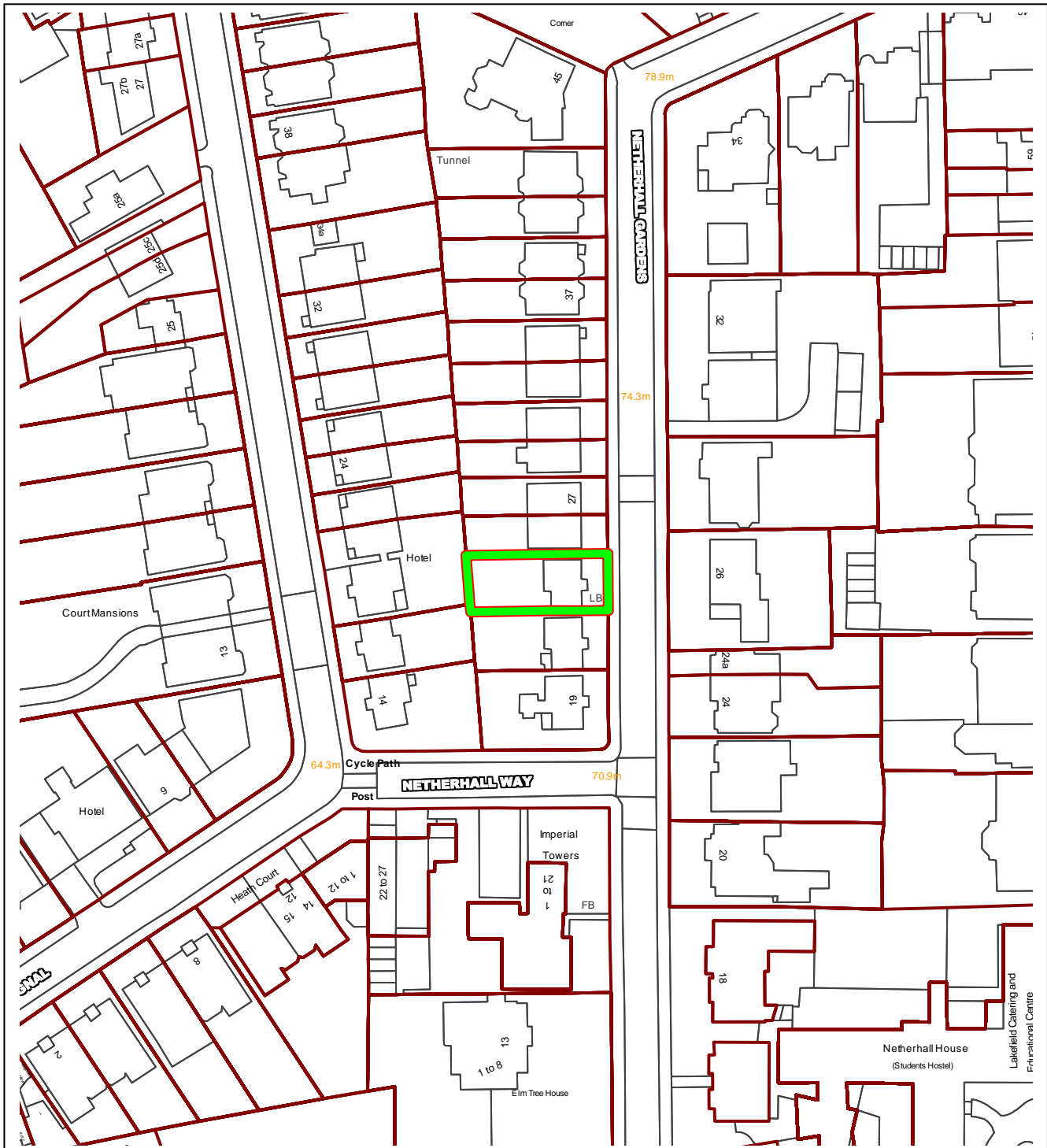


2016/2648/P – 23 Netherhall Gardens, NW3 5RL

OS Extract and Photographs



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1.0 Front elevation





2.0 Rear elevation





3.0 Relationship with No. 25 to the left (rear elevation)



4.0 View from application site towards No. 25 Netherhall Gardens





5.0 View from application site towards No. 21 Netherhall Gardens



6.0 Rear boundary of application site





7.0 Tree nearest development site



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>07/07/2016</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>23/07/2017</b>
<b>Officer</b>			<b>Application Number</b>		
Emily Whittredge			2016/2648/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
23 Netherhall Gardens London NW3 5RL			Refer to Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Lower ground floor rear extension and semi-submerged basement level.					
<b>Recommendation:</b>		Grant Planning Permission Subject to S106 Agreement			
<b>Application Type:</b>		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	27	No. of responses	06	No. of objections	06
			No. Electronic	06		
Summary of consultation responses:	<b>Press notice:</b> 09/06/2016 – 30/06/2016 <b>Site notice:</b> 08/06/2016 – 29/06/2016					
	<u>The following objections were received in response to public consultation carried out on the original proposal:</u>  Flat 1, 27 Netherhall Gardens – <ul style="list-style-type: none"><li>• The development would cause significant and serious threat to structural integrity of neighbouring structures and host building.</li><li>• Applicants objected to basement proposal at 26 Netherhall Gardens.</li><li>• Proposed extension would jut out a considerable distance from rear of building.</li><li>• Structure with large windows will significantly impinge on privacy of Nos. 21 and 25.</li><li>• Form and materials of the structure are incongruous with the character of the area</li><li>• Other developments recently approved in the area and an additional development would breach allowable decibel levels and adversely affect health and well-being of local residents. Many local residents work from home or are at home for large parts of the day.</li></ul> 21 Netherhall Gardens – <ul style="list-style-type: none"><li>• Unacceptable risk to neighbouring properties from proposed basement development.</li></ul> 21a Netherhall Gardens – <ul style="list-style-type: none"><li>• Would object to windows overlooking the garden of 21 if any are proposed.</li><li>• There is unstable ground in the vicinity; excavation could be dangerous.</li><li>• Excavations would be too close to foundations of 21.</li><li>• Proposed materials not in the style of surrounding buildings.</li><li>• Development would cause substantial noise and disruption.</li></ul> 25 Netherhall Gardens – <ul style="list-style-type: none"><li>• The development would endanger neighbouring buildings.</li><li>• Extension of a large house does not warrant the work.</li><li>• Development would be disruptive and dangerous.</li></ul> Flat 1 <sup>st</sup> Floor 25 Netherhall Gardens-. <ul style="list-style-type: none"><li>• No reasonable guarantee that works would not cause damage to our building.</li><li>• Integrity of tree roots are not adequately addressed.</li><li>• The basement development would cause noise and disruption, on top of recent planning applications at 27 Frognaal and 26 Netherhall Gardens.</li></ul>					



	<p>Flat 1<sup>st</sup> Floor, 25 Netherhall Gardens –</p> <ul style="list-style-type: none"> <li>• Works could cause subsidence to our property.</li> <li>• Application does not provide reasonable guarantees that the work would not cause damage to our building from movement.</li> <li>• No guarantee that a tree on the site will not cause damage to our building.</li> </ul> <p><u>Officer Response:</u></p> <p><i>For an assessment of the proposal's impact on the character and appearance of the conservation area, and matters of design, see section 3.0 of the report below.</i></p> <p><i>For issues relating to residential amenity, see sections 4.0 and 6.0 of the report below.</i></p> <p><i>An independent verification of the applicant's BIA was undertaken and received by the Council in July 2017. This document is available online with the planning application documents. Results of this audit are discussed in section 5.0 of the report below.</i></p> <p><i>For issues relating to impact on trees, see section 7.0 of the report below.</i></p> <p><i>Construction works and associated noise are considered temporary in nature and able to be managed by the Control of Pollution Act 1974. The public is able to contact Environmental Health if any concerns arise during the construction period <a href="#">here</a>.</i></p>
<p>CAAC/Local groups comments:</p>	<p><u>The Heath &amp; Hampstead Society objected and requested refusal on the following grounds:</u></p> <ul style="list-style-type: none"> <li>• Basement Impact Assessment does not assess potential damage using Burland Scale</li> <li>• Design of the extension is out of character with the house and the wider conservation area. Proposed materials are not specified.</li> </ul> <p><u>Officer Response:</u></p> <p><i>An independent verification of the applicant's BIA has been undertaken and is available with the application documents. Results of this audit are summarised in section 5.0 of the report below.</i></p> <p><i>For an assessment of the design and conservation impacts, see section 3 of the report below.</i></p>

## Site Description

The application site comprises a substantial four-storey plus loft level detached dwellinghouse on the west side of Netherhall Gardens within the Fitzjohns and Netherhall Conservation Area. The building is considered to be a positive contributor to the conservation area.

The property's principle entrance is at upper ground floor level owing to a significant fall in the land from east to west. At the rear of the dwelling, the lower ground floor has access to the garden and rear decking, which is 1.2m above garden level.

The site lies within an area of underground development constraints including groundwater flow,

surface water flow and flooding, and slope stability.

## **Relevant History**

**2005/4655/P**- The erection of a single storey rear extension at lower ground floor level to provide additional living accommodation for the single family dwellinghouse – **Granted 23/12/2005**

**2005/2036/P** - Change of use of whole property from 5 flats into a single family dwelling house, plus minor alterations to fenestration on rear elevation and front dormers. – **Granted 11/07/2005**

## **Relevant policies**

### **Camden Local Plan 2017**

Policy G1 Delivery and location of growth

Policy A1 Managing the impact of development Policy A3 Protection, enhancement and management of biodiversity

Policy A5 Basements and Lightwells

Policy D1 Design

Policy D2 Heritage

Policy CC2 Adapting to climate change

Policy CC3 Water and flooding

### **London Plan 2016**

### **National Planning Policy Framework 2012**

### **Camden Planning Guidance**

CPG1 (Design) 2015

CPG6 (Amenity) 2011

CPG4 (Basements and lightwells) 2015

### **Fitzjohns / Netherhall Conservation Area Statement 2001**

## **Assessment**

### **1.0 Proposal**

1.1. The applicant seeks permission for the following:

- Excavation to create a basement level extension to the rear of the existing dwelling measuring 2.5m below garden level (3.1m of excavation) and 6.7m wide, with associated stepped landscaping.
- The erection of a single story rear extension at lower ground floor level measuring 11.3m wide, a maximum of 4.4m high and 3.4m and 3.8m high at the north and south eaves respectively.
- Erection of a 0.5m high raised terrace with garden access.

The proposal was amended during the course of the application in response to officer concerns about the design. The amendments include the lowering of the height of the roof adjacent 25 Netherhall Gardens by 0.5m from 3.9m to 3.4m, and the addition of solid elements to break up the glazing of the rear elevation.

### **2.0 Assessment**

2.1. The main planning consideration in the assessment of this application are:

- The impact of the proposal on the character of the host property and the conservation area



- The impact of the proposed development on the residential amenity of adjoining occupiers
- Impact on transport network
- Impact of the basement excavation on the environment and local amenity, flood risk and ground instability.

### **3.0 Design and Conservation**

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments to improve the function, appearance and character of the area. The following considerations will be taken into account: character, setting, context and the form and scale of neighbouring buildings; the character and proportions of the existing building, where alterations and extensions are proposed; the prevailing pattern, density and scale of surrounding development; the impact on existing rhythms, symmetries and uniformities in the townscape, the composition of elevations, contribution to public realm and impact on views and vistas; and the wider historic environment and building, spaces and features of local historic value
- 3.2. Policy D2 aims to protect Camden's heritage assets and their settings by requiring that development within conservation areas preserves, or where possible enhances the character or appearance of the area. The Council will consider whether the development respects local context and character; integrates well with the surrounding streets, responds to natural features and preserves gardens; incorporates high quality landscape design and maximises opportunities for greening; and comprises details and materials that are of high quality and complements the local character.
- 3.3. The proposed rear extension is irregular and angular in form, with large glass panels facing the garden and a shallow pitched offset roof. The structure varies in depth and height, measuring 3.8m high and 1.1m deeper than No. 21 Netherhall Gardens, and would be the same depth as no. 25 Netherhall Gardens and 2.1m higher than their raised garden level.
- 3.4. The extension is proposed to be constructed in coloured concrete to harmonise with the colour of the facing brick. The roof would contain two irregularly shaped roof lights and would otherwise be entirely covered with a living 'green' roof system.
- 3.5. Although contemporary in design, and representing a contrast to the original building style, the development is justified by the high design quality and the way that the particular considerations have informed the design response. The full width extension measuring a maximum of 4.4m above garden level has a light appearance due to the use of angled walls and openings to subdivide the volume, and retains subservience in relation to the much larger host building. The plain geometric design forms an abstracted interpretation of the asymmetrical building above, and makes a statement in its own right that does not detract from the design features of the host building.
- 3.6. The proposed development responds specifically to the characteristics of the site, with a modern high quality approach. Therefore, as the proposal does not strictly follow the CPG1 it is supported in this case due to it considered of high quality standards. The development is considered to accord with policies D1 and D2 of the Local Plan 2017.

### **4.0 Amenity**

- 4.1. A number of objections to the scheme have been received from adjoining occupiers on the grounds of impact on amenity. The main basis for the objections related to the proposed excavation and possibility of harm to the structural integrity of surrounding properties. The impact of the basement development was independently assessed and is discussed in section 5.0 below.
- 4.2. Objections were also received in respect of loss of privacy due to the large windows that are proposed. The application site is 1.3m lower than the garden level of No. 25, and the boundary with No. 21 has a fence 2.5m high, which would be unchanged from the current situation. Due to the reasons above, there would be no opportunities for overlooking from the

windows of the proposed extension into neighbouring gardens. The proposed terrace would also be lower and shallower than the existing decking and would not give rise to a loss of privacy to neighbours.

- 4.3. Objections were received regarding the potential disruption from the large number of developments recently given approval in the area. While noise from individual development sites is an environmental health matter, the management of the construction process will be dealt with by way of a S106 agreement. Please refer to section 6.0 below.
- 4.4. Due to the relationship of the proposed extension to the adjoining properties, the development would not result in a loss of sunlight or daylight to adjoining habitable rooms. The structure (extension) adjacent No. 25 would be visible from a ground floor secondary window in the flank wall of the neighbouring property, and would be 2m high as measured from No.25's garden level, or slightly higher than the midpoint of the window. The proposed extension would therefore not result in a loss of light to this window, and would not cause a significant loss of outlook. The proposed development would have an acceptable impact on residential amenity in accordance with policy A1
- 4.5. The structure adjoining No. 21 would be 1.1m deeper than the rear elevation of its neighbour and as such would not cause a loss of outlook or light to this property. For the reasons described above, the proposed development would not cause harm to the residential amenity of neighbours and therefore complies with policy A1.

## **5.0 Basement development**

- 5.1. Policy A5 of the Camden Local Plan aims to ensure that basement development will not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character or amenity of the area; the architectural character of the building; and the significance of heritage assets.
- 5.2. Policy A5 sets out limits for the extent and scale of basement development. The proposed basement would be no more than a single storey deep and extend into the garden no greater than half the depth of the original dwelling. It would be less than 1.5 times the footprint of the host building in area and would avoid the loss of gardens space or trees of townscape or amenity value. The development therefore accords with policy A5 of the Camden Local Plan 2017.
- 5.3. While the development would be built up to the neighbouring property boundary on the side of No. 21, the dwellings in this area almost universally are constructed along the party boundary on one of their sides, whether semi-detached or detached. There is a gap between the party boundary and the flank wall of No. 21 of 0.9m, and there would therefore remain a sufficient gap between the buildings.
- 5.4. An independent verification of the applicant's Basement Impact Assessment was carried out by Campbell Reith and the final report was issued in July 2017. The audit concluded that the impacts of the basement development would be adequately mitigated and would not cause significant harm to local structures, ground or water conditions.

## **6.0 Transport Impacts / Construction Management Plan**

- 6.1. Policy A1 states that the Council will seek to ensure the protection of amenity for communities, occupiers, and neighbours. It will resist development that fail to adequately address and assess transport impacts. There have been a number of objections to the proposed development based on concerns about the impacts of the basement excavation on neighbouring buildings and site stability.
- 6.2. Although the development is relatively small, it would be located close to a large number of other developments in the area, and would require a large amount of materials to be removed from the site. A Construction Management Plan will therefore be required for the development, and will be secured by the Council through a S106 legal agreement.

## **7.0 Trees and landscaping**



- 7.1. The scheme includes the removal of T5, a cabbage palm, which is considered to be of low significance to the character of this part of the conservation area and to be of minimal visibility from the public realm. As such, its removal is considered acceptable in planning terms. No other trees are proposed to be removed or pruned in order to facilitate development.
- 7.2. The arboricultural method statement and tree protection plan is considered sufficient to demonstrate that it is possible for the development to be undertaken without adversely affecting trees to be retained on site. However, the document is in draft form so a condition is recommended to secure tree protection details and compliance with the arboricultural method statement and tree protection plan.
- 7.3. The proposed development and terrace would cover a total area of 60.7 sq.m, compared with the current decking coverage of 50.9 sq. m. Although the development would result in a net loss of garden, the amount is approximately 10 sq metres and would be replaced by 26 sq. m. of green roof, which will help to mitigate the loss of garden area. Sufficient undeveloped garden area would remain following the development. The development is considered to accord with policies A3, CC2 and CC3.

## **8.0 Community Infrastructure Levy**

- 8.1. A Community Infrastructure Levy is charged by Camden in respect of all proposals which add 100m<sup>2</sup> of new floorspace or create an extra dwelling. The proposed development adds less than 100m<sup>2</sup> of floorspace and does not create an extra dwelling; as such the requirement for CIL is not triggered for this application.

## **9.0 Conclusion**

- 9.1. The independent verification of the proposed basement excavation demonstrates that the works would not result in adverse effects to adjacent properties or the local water environment.
- 9.2. The extension would appear secondary to the host building and would not detract from original character and detailing. Due to its height, form and relationship to adjoining buildings, the new structure would not cause a loss of privacy to adjoining occupiers and would not appear overbearing.
- 9.3. Although contemporary in design, and representing a contrast to the original building style, the structure would be sympathetic to the host building in terms of scale, siting, form, and materials. The proposed development is considered to preserve and enhance the character and appearance of the Fitzjohns / Netherhall Conservation Area.

## **10.0 Recommendation**

- 10.1. Grant planning permission subject to S106 legal agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 18<sup>th</sup> September 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Ms Claire Taggart  
Hayhurst and Co  
26 Fournier Street  
London E1 6QE

Application Ref: **2016/2648/P**

14 September 2017

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**23 Netherhall Gardens**  
**London**  
**NW3 5RL**

Proposal:  
Lower ground floor rear extension and semi-submerged basement level.

Drawing Nos: 188 A001, 188 A002, 188 A003, 188 A004, 188 A005, 188 A100, 188 A101, 188 A102, 188 A200, 188 A201, 188 A300, 188 DAS 01, 188 DAS 02, 188 DAS 03, 188 DAS 04, 188 DAS 05, 188 DAS 06, 188 DAS 07, 188 DAS 08, Construction Method Statement (Price & Myers May 2016), Basement Impact Assessment & Site Investigation Report (Price & Myers May 2016), Draft Arb Report Rev B (09.08.17).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

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

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

- 2 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), and external doors;

- b) Details including sections at 1:10 of rooflights (including details of profile within the roof structure);

- c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

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

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.



- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in relation to design, demolition and construction" and should include details of appropriate working processes in the vicinity of trees, and details of an auditable system of site monitoring. 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 in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017.

- 5 No works on the relevant parts of the development shall commence until full details of hard and soft landscaping and means of enclosure of all un-built, open areas, including level changes have been submitted to and approved by the local planning authority. The relevant works shall not be carried out otherwise than in accordance with the details thus approved. 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 enable the Council to ensure a reasonable standard of amenity in the scheme in accordance with the requirements of policies A3 and CC3 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
  - iii. full details of planting species and density

The living roofs 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.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC2, CC3 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: 188 A001, 188 A002, 188 A003, 188 A004, 188 A005, 188 A100, 188 A101, 188 A102, 188 A200, 188 A201, 188 A300, Construction Method Statement (Price & Myers May 2016), Basement Impact Assessment & Site Investigation Report (Price & Myers May 2016), Draft Arb Report Rev B (09.08.17).

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (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.

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.

Yours faithfully

Supporting Communities Directorate