

2014/5939/P
Flat1, 41 Howitt Road
Belsize, NW3 4LU



2014.5939.P – Site photos



Figure 1. Rear elevation of subject building (right) and adjoining building to the south (left).



Figure 2. Rear elevation of subject building



Figure 3. Rear elevation of subject building (left) and adjoining building to the north (right).



Figure 4. Upper rear elevation of subject building.



Figure 5. Similar front lightwell at Howitt Road.



Figure 6. Similar front lightwell in Howitt Road.



Figure 7. Similar front lightwell in Howitt Road.



Figure 8. Similar front lightwell at Howitt Road.

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:		25/12/2014	
		N/A		Consultation Expiry Date:		3/10/2017	
Officer				Application Number			
Fiona Davies				2014/5939/P			
Application Address				Drawing Numbers			
Flat 1 41 Howitt Road London NW3 4LU				Refer to draft decision			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal							
Excavation of single storey basement extension including front and rear lightwells and erection of single storey ground floor rear extension.							
Recommendation:		Grant Conditional Planning Permission					
Application Type:		Full planning permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	36	No. of responses No. electronic	06 06	No. of objections	06
Summary of consultation responses:		<p>Site Notice: 05/11/14 – 26/11/14, Press Notice: 06/11/14 – 27/11/14</p> <p>Objections were received from Nos. 37 Howitt Road, 39 (flats A & B) Howitt Road, and 41 (flats 2 & 3) Howitt Road on the following grounds:</p> <ul style="list-style-type: none"> <i>Consultation</i> – Non-adjoining neighbours not notified via letter (Officer Comment: It is not a requirement that non-adjoining properties are notified via letter. The applicant became aware of the application as a result of the press notice – all applications within Conservation Areas are advertised via a press notice as part of the Council's Statement of Community Involvement). <i>Excavation</i> – Proposed basement would result in land slip, existing buildings already suffer from subsidence, cracks in existing buildings. (Officer Comment: Please see Section 5 below for more information). <i>Design</i> – Objection to rear extension, no specific reason given (Officer Comment: Please see Section 4 below for more information). 					

	<ul style="list-style-type: none"> • <i>Construction</i> – Proposal would result in unacceptable noise, dust, vibration, loss of safety, stress and general disturbance to adjoining dwellings, impede access to the site, and reduce availability of parking (Officer Comment: Noise and dust from demolition and construction works is subject to control under the Control of Pollution Act, 1974. An informative will be included in the decision notice reminding the applicant of the environmental health laws around appropriate construction management). • <i>Amenity</i> – Proposal would result in loss of privacy (Officer Comment: Please see Section 7 below for more information).
Local area group response:	No response received from Belsize CAAC.

Site Description

The site is occupied by a two storey mid-terrace building that benefits from a loft extension on the eastern side of Howitt Road. The building also has a small single storey extension to the rear. 41 Howitt Road is in use as three flats.

The building is described as making a positive contribution to the character of the Belsize Conservation Area.

Relevant History

41 Howitt Road (application site)

Planning permission was granted on 09/09/87 for conversion to form x2 two-bedroom flats and x1 three-bedroom maisonette including a rear extension, a rear conservatory extension and alterations to the roof (ref. 8702791).

43 Howitt Road (adjoining site)

Planning permission was granted 08/12/2010 for excavation of additional basement floor space and a lightwell to the front of a dwelling house (Class C3) (ref. 2010/5419/P)

1 Howitt Road (nearby site)

Planning permission was granted on 01/11/07 for excavation to enlarge the existing basement with the provision of a front light well, rear light well with ground level bridge link to garden and stairs leading from basement to ground level, and alterations to windows/doors at rear ground floor level all in connection with the existing ground floor flat (ref: 2007/4496/P).

8 Howitt Road (nearby site)

Planning permission was granted on 12/08/08 for the additions and alterations including excavation of basement, rear light well and erection of two storey (basement and ground floor) rear extension following demolition of original ground floor extension to create additional residential floor space to ground floor flat (ref: 2008/2231/P). An amendment to this planning permission including re-landscaping and two pavement lights to the front garden was granted permission on 16/12/08 (ref: 2008/5040/P).

11 Howitt Road (nearby site)

Planning permission was granted on 23/01/08 for the excavation works to enlarge the existing basement with the provision of a rear light well with glass bridge and balustrades above at ground floor level on the rear elevation of the dwelling house (ref: 2007/5695/P).

29 Howitt Road (nearby site)

Planning permission was granted on 17/08/09 for the installation of three roof lights within the front roof slope, a dormer extension within the rear roof slope, alterations to fenestration to the rear, excavation to enlarge the basement area and to create a sunken terrace to the rear and the conversion of the existing residential dwelling from three x 1 bed self - contained flats to one x 3 bed lower ground/ground floor and one x two bedroom second/third floor self-contained maisonettes and a one bedroom first floor flat. (ref: 2008/4810/P).

51 Howitt Road (nearby site)

Planning permission was refused on 17/07/09 for the excavation of basement including front light well, in connection with the creation of a self-contained studio flat at basement level (ref: 2009/1752/P). An appeal was logged against the refusal and dismissed on 24/02/10. The proposed front light well involved the total excavation of the basement area in front of the bay window which was considered to be readily visible from the street and therefore detrimental to the character and appearance of the building and the conservation area in addition, there were concerns regarding levels of daylight and outlook from the flat.

54 Howitt Road (nearby site)

Planning permission was granted on 26/7/10 for basement extension with associated front and rear light wells to dwelling house (ref. 2010/3047/P).

57 Howitt Road (nearby site)

Planning permission was granted on 02/06/2010 for the renewal of planning permission granted on 18/05/2007 (2007/1620/P) for the excavation works to enlarge the existing basement with the provision of a rear light well with steel/timber bridge over and alteration to the front basement window to provide a door for the ground and basement maisonette (ref. 2010/1271/P).

47 Howitt Road (nearby site)

Planning permission was granted on 18/07/2011 for the extension of existing basement to accommodate 2 bedrooms including creation of light wells to front and rear and erection of single storey rear extension at ground floor level all in connection with existing flat (Class C3) (ref. 2011/0945/P).

21 Howitt Road (nearby site)

Planning permission was granted on 09/08/2013 for the erection of rear roof extension, single storey rear extension and excavation and enlargement of existing basement to include light well to the front and alterations to existing elevations of dwelling house (Class C3) (ref: 2013/2661/P).

23 Howitt Road (nearby site)

Planning permission was granted on 14/01/14 for conversion from 10 residential flats into 2 flats (1 x 3 bed, 1 x 5 bed), including works of excavation at basement level, rear dormer extension, creation of front and rear lightwells, installation of 5 rooflights and alterations to fenestration (ref: 2013/6156/P).

Relevant policies

National Planning Policy Framework 2012

National Planning Practice Guidance

The London Plan 2016

London Borough of Camden Local Plan 2017

A1 (Managing the impact of development)

A2 (Open Space)

A3 (Biodiversity)

A4 (Noise and Vibration)

A5 (Basements)

D1 (Design)

D2 (Heritage)

T4 (Sustainable movement of goods and materials)

Camden Planning Guidance (updated 2013)

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG4 Basements and Lightwells

CPG6 Amenity

Belsize Conservation Area Statement 2003

Assessment

1. Detailed Description of Proposed Development

1.1. The proposal is detailed as follows:

- a) *Basement including new front and rear lightwells* – Excavation of single storey basement level under existing ground floor flat and under area of proposed extension including new front and rear lightwells. The front elevation would be extended down into the lightwell and be finished with windows of a similar style and width. The front lightwell would be secured with a white steel grid, similar to that in place at the adjoining property (no.43). The rear lightwell would be stepped, sculptural and landscaped. The basement would have an area of 90sqm, the front lightwell 3sqm, and the rear lightwell 10sqm. The basement would extend to a maximum depth of 2.8m below ground level. The basement would extend to a maximum 1.6m beyond the existing rear walls of the building.
- b) *Rear extension* – Erection of a single storey ground floor full width rear extension. The extension would be of a contemporary sculptural glazed form. The rear extension would have the following dimensions:
 - Depth: 1.2m (to the boundary) – 3.7m (to the middle of site)
 - Width: 7.3m (full width of the property)
 - Height: 2.8m (to the eaves) – 3.2m (overall)

2. Revisions

2.1. Revisions have been made to the applicant's Basement Impact Assessment (BIA) during the course of this application in response to comments raised by the independent audit of the BIA.

3. Principle of Development

Alterations and additions, including basements, are considered to be acceptable in principle subject to a detailed assessment on the following grounds:

- a) Design
- b) Basement Impact
- c) Trees & Landscaping
- d) Residential Amenity
- e) Standard of Accommodation
- f) Transport

4. Design

4.1. Basement

The proposed basement and associated lightwells are considered to be of an acceptable design and have an acceptable impact on the character of the area for the following reasons:

- a) The basement would be located predominantly below ground level and as such will result in minimal external change to the site appearance.
- b) The front elevation would be extended to the basement level with matching windows. A condition is recommended requiring that matching materials be used.
- c) The proposal would maintain a sufficient garden area to the front of the lightwell, including planting which would help screen the lightwell.
- d) Several front lightwells exist in the vicinity of the site and the proposed lightwell will be covered by a metal grille to match those in the surrounding area.
- e) 50% of the rear garden will be maintained.

4.2. Rear extension

The proposed rear extension is considered to be of an acceptable design and have an acceptable impact on the character of the property and surrounding area for the following reasons:

- a) The extension is considered to be of a scale in keeping with the size of the existing building.
- b) The attached property to the south has a rear extension of a similar size.
- c) The rear of the site is not visible from any public area.
- d) The proposal appears to be of high quality materials.
- e) The proposal would not interfere with the first floor rear windows to be maintained.
- f) The proposal would maintain 50% of the rear garden as amenity space.
- g) The proposal does not result in the loss of any significant planting or vegetation.

4.3. For the reasons listed above the proposed development is considered to be consistent with policies D1 and D2 of the London Borough of Camden's Local Plan as well as Camden Planning Guidance on Design.

5. Basement Impact

5.1. Policy A5 of the Camden Local Plan states that the Council will only permit basement or other underground 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; and
- c. The character and amenity of the area.

5.2. Furthermore Camden planning guidance CPG4 states that developers will be required to demonstrate, with methodologies appropriate to the site, that schemes do not interfere unreasonably with underground water flows; maintain the structural stability of the land, existing building and neighbouring properties; and do not unacceptably impact localised surface water flow or contribute to the likelihood of flooding.

5.3. The application is accompanied by a Basement Impact Assessment (BIA) which has been prepared in accordance with policy A5 and planning guidance CPG4 – Basements and lightwells. The purpose of a BIA is to enable the Council to assess whether any predicted damage to neighbouring properties or the water environment is acceptable or can be satisfactorily ameliorated by the developer. The applicant's BIA has been prepared by suitably qualified engineers (David Dexter Associates). The report goes through the screening exercise recommended in CPG4 in respect of groundwater flow, land stability and surface flooding and triggered the following requirements for further investigation:

5.3.1. *Subterranean groundwater flow*

- Potential groundwater at the level of the proposed basement.
- London clay is likely to be encountered by the proposed basement.

5.3.2. *Land stability*

- Three trees are to be protected during works.
- The proposed works are within 5m of the public highway.
- The proposal will result in an increase in the differential depth between the site and No. 39 Howitt Road.

5.3.3. *Surface water flow and flooding*

- None

5.4. A ground investigation was undertaken as a result of the scoping stage to better understand the geology of the site. The site investigation included a desk study, walkover, borehole, moisture/soil analysis and hand shear vane tests. The borehole was taken to 4m, 1.2m below the depth of the proposed basement.

5.5. The submitted BIA came to the following conclusions:

5.5.1. *Subterranean groundwater flow*

- No groundwater was encountered in the borehole at the time of drilling (05/06/14). However, on returning to the site on July 1st and 15th, water was encountered at a depth of 2.9m. It was noted that the rate of infiltration are likely to be low.

5.5.2. Land stability

- Insitu hand shear vane tests were undertaken in the London Clay formation, using the Geonor Field Vane test equipment. Shear strengths ranging from 190kPa to in excess of 250kPa were recorded which is indicative of a very high/extremely high insitu condition for a purely cohesive soil.
- The BIA found that the potential movement of the structure would be less than 5mm. Any damage to the adjoining properties would be Category 0 (negligible) on the Burland scale. CPG4 states that specific mitigation measures will only be required when predicted damage from the proposal exceeds the Category 2 (slight) classification.

5.5.3. Surface water flow and flooding

- Not applicable (no issues identified in screening)

5.6. The Applicant has provided a Construction Method Statement (CMS). This document outlines that the sequence of work and methods of construction are to be agreed in detail by all of the design team and contractor, having particular regard to reducing the potential for vibration, noise and dust arising from the underpinning and other structural works.

5.7. It is recommended that the Council's standard basement condition, monitoring by a qualified structural engineer, is included in any consent.

5.8. For the reasons listed above the proposed development is considered to be consistent with policies A1, A5 and D1 of the Camden Local Plan as well as Camden Planning Guidance on Design.

5.9. The applicant's BIA has been updated and amended throughout the course of the application and it has been independently audited by Campbell Reith, in line with the requirements of policy A5 and CPG4. Following revisions, the applicant's BIA and associated suite of documents have been considered acceptable in line with the requirements of policy A5 and CPG4.

5.10. Subject to the suggested conditions, the proposal is considered to be acceptable in this respect.

6. Trees & Landscaping

6.1. The proposal is considered to provide an acceptable level of landscaping, commensurate with the character of the area, for the following reasons:

- a) The proposal maintains areas to the front and rear of the basement appropriate for the planting of larger trees.
- b) The proposal maintains 50% of the rear garden area as deep soil planting area.
- c) The existing hedge in the front garden will be partly maintained.

6.2. The Council's Tree Officer has reviewed the Arboricultural Statement submitted by the applicant and notes that no trees are proposed to be removed in order to facilitate development. The arboricultural report is considered sufficient to demonstrate that the scheme could be implemented without adversely affecting the trees to be retained both on site and on

neighbouring sites.

6.3. A tree protection condition is recommended 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 policies A2 and A3 of the Camden Local Plan.

7. Residential Amenity

7.1. *Basement*

The proposed basement is considered to have an acceptable impact on the amenity of adjoining and nearby properties for the following reasons:

- a) Given that the proposal is accommodated wholly below existing ground level it is not considered that the proposal would have an unacceptable impact on the amenity of adjoining or nearby occupiers by way of loss of light, sense of enclosure, loss of outlook or loss of privacy.
- b) The Applicant has provided a Construction Method Statement which is considered to adequately demonstrate that the construction phase will not have an unacceptable impact on traffic, noise or dust. Notwithstanding, an informative will be included in the associated decision notice requiring that the contractors are considerate and work within set hours.

7.2. *Rear extension*

The proposed rear extension is considered to have an acceptable impact on the amenity of adjoining and nearby properties for the following reasons:

- a) The adjoining property to the north has a similar rear extension ensuring the proposal will not have an unacceptable impact on solar access, outlook or sense of enclosure.
- b) The proposal does not include any side facing windows and as such is not considered likely to result in overlooking of any adjoining properties.

7.3. *Alterations to fenestration*

While the proposal includes a new side facing window it is at ground level and as such is not considered to overlook adjoining properties.

7.4. For the reasons listed above the proposal is considered to be in accordance with Development policy A1 of the London Borough of Camden's Local Plan.

8. Standard of Accommodation

8.1. The proposal is considered to provide an adequate standard of accommodation for the following reasons:

- a) The proposed floor to ceiling height is in keeping with the recommendation contained in CPG2 and the London Plan Housing SPG.
- b) Each habitable room at basement level will be served by a window providing adequate outlook.
- c) The room sizes are considered to meet the minimum space standard guidelines set out in the Housing Standards (Minor Alterations to the London Plan, 2016).

- d) The proposed lightwell windows will be adequately screened from the street and adjoining properties to provide adequate privacy for occupants.

9. Transport Implications

9.1. Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road and policy A4 seeks to minimise the impact on local amenity from the demolition and construction phases of development.

9.2. The proposal would involve the excavation and removal of construction material and would therefore involve vehicle movements to and from the site. Paragraph 6.15 of Policy A5 (Basements) of the LB Camden Local Plan states that the requirement for a Construction Management Plan (CMP) will be assessed on a case by case basis and CMPs are usually sought for major developments. The Council's Transport Officer has been consulted and considers that a CMP is not required in this instance. Furthermore, recently approved basement works at 29a Howitt Road are nearing completion and Council is not aware of any other basement excavations that together with this proposal, if approved, would cause concerns with regard to cumulative impact.

10. CIL

10.1 It is considered that the proposal will not be CIL liable as the additional floor space being created will be c.92.7 sqm which falls beneath the 100sqm threshold.

11. Recommendation

Grant Conditional Planning Permission.

Mr Evan Ferguson
Evan Ferguson Architect
Old Manor Farm
Helperthorpe
Malton
North Yorkshire
YO17 8TQ

Application Ref: **2014/5939/P**
Please ask for: **Fiona Davies**
Telephone: 020 7974 **4034**

14 September 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Flat 1
41 Howitt Road
London
NW3 4LU

DECISION

Proposal:

Excavation of single storey basement extension including front and rear lightwells and erection of single storey ground floor rear extension.

Drawing Nos: 1308.10.A, 1308.14.A, 1308.15.A, 1308.16.A, 1308.17.A, 1308.18.A, 1308.19.A, 1308.20.A, 1308.21.A, Proposed Basement Impact Assessment Ref: 1343 Rev: A, Arboricultural Impact Assessment Report Ref: YGM/41HWT/AIA/01, and Design & Access Statement.

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

Condition(s) and Reason(s):

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

Executive Director Supporting Communities



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

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

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

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

Design & Access Statement, Jul 2014, 1308.10.A, 1308.14.A, 1308.15.A, 1308.16.A, 1308.17.A, 1308.18.A, 1308.19.A, 1308.20.A, 1308.21.A, Arboricultural Impact Assessment Report dated 24th April 2014, Construction Method Statement Revised Oct 2015, Basement Impact Assessment Revision E, June 2017, Ground Movement Assessment Revision 1, June 2017.

Reason:

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

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

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the Camden Local Plan 2017.

- 5 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the BIA and its accompanying suite of documents hereby approved (as amended), including but not limited to the recommendations for monitoring requirements (section 5.2 of the GMA (Ground Movement Assessment Revision 1, June 2017)) and the need for a full utilities/infrastructure survey in order to ensure that the damage impact assessment would be limited to Burland Category 1 as identified in the GMA.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the Camden Local Plan 2017.

- 6 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 policies A2 and A3 of the London Borough of Camden Local Plan, 2017.

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 search for 'environmental health' on the Camden website 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.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Regeneration and Planning