

26 Christchurch Hill, London, NW3 1LG

i) 2016/5974/P & ii) ii) 2016/5975/L - Construction of a basement extension under the modern wing of GII listed dwelling house (C3) and garden incl. demolition and rebuild of detached garden studio/garage. Associated works.



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26 Christchurch Hill, London, NW3 1LG

Site Photographs:

(1) Aerial photo 1 (from the North West)



(2) Aerial photo 2 (from the South East)



(3) Rear garden area #1



(4) Rear garden area #2



(5) Rear garden area and garage #3



(6) Rear patio level, upwards gradient and protected tree



(7) Existing garage



(8) Frontage onto Wells Road



(9) Dwelling front elevation and garden (no change to main dwelling)



Delegated Report		Analysis sheet		Expiry Date:		23/12/2016	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		01/12/2016	
Officer				Application Number(s)			
John Diver				i) 2016/5974/P ii) 2016/5975/L			
Application Address				Drawing Numbers			
26 Christchurch Hill London NW3 1LG				<i>See draft decision notice</i>			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
i) Construction of a basement extension under the modern wing of GII listed dwelling house (C3) and garden incl. demolition and rebuild of detached garden studio/garage. Associated works.							
ii) Construction of a basement extension under the modern wing of GII listed dwelling house (C3) and garden incl. demolition and rebuild of detached garden studio/garage. Associated works							
Recommendations:		i) Grant conditional planning permission subject to a Section 106 Legal Agreement ii) Grant conditional listed building consent					
Application Type:		i) Full Planning Permission ii) Listed building consent					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices			
Informatives:				
Consultations				
Summary of consultation:	<p>For both applications, two site notices were displayed near to the site on the 09/11/2016 (consultation end date 30/11/2016).</p> <p>Both applications were also advertised in the local press on the 10/11/2016 (consultation end date 01/12/2016).</p>			
Adjoining Occupiers:	No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>5 letters of objection were received from, or on behalf of the owners/occupiers of 18 Christchurch Hill, 24 Wells Road and Providence Corner and Weatherall Lodge, Well Road. Letters of objection were also received from the owner of another neighbouring dwelling although no address was given. The objections can be summarised as follows:</p> <ol style="list-style-type: none"> (1) Proposed excavation below protected trees will cause them damage. Preserving mature trees with high amenity value should take precedent. (2) Scale of basement inappropriate (3) Proposed basement unnecessary (4) Request for no more basements to be permitted in local area. (5) Concerned that basement will impact upon local water table (6) Concerned that basement will impact upon ground stability and be hazardous to other surrounding properties (7) Concerns relating to a history of subsidence in the local area and outline a history of damage to pipes, footways and road surface (8) Evidence to suggest that local area is host to a number of underground ancient watercourses (9) Seeks confirmation that an audit will take place and will be carried out by suitably qualified and independent experts (10) Implementation of works likely to be highly disruptive due to the level of heavy vehicles needing to visit the site as well as the number of other development sites within the local area / constrained local traffic network (11) Junction of Christchurch and Well Road has suffered from land slippage and may therefore not be suitable as a designated turning point (12) Request for to consideration of the traffic management issues in relation to this Application in conjunction with the existing issues arising on those other two local significant developments (13) Claims that consultation from architects were forthcoming prior to submission rejected <p><u>Officer's response:</u></p> <p>(1) Please see section 2 of the report</p> <p>(2-3) Please see section 2 and 4.7 – 4.13 of the report</p> <p>(4) Every application must be assessed upon its own merits and the Council</p>			

	<p><i>may not take an in principle objection to new basement development.</i> <i>(5-9) Please see section 4 of the report</i> <i>(10-12) Please see sections 7.5 and 8 of the report</i> <i>(13) The applicants have supplied evidence of pre-submission consultation. If this was either no the case, or if correspondence was not received this is disappointing, however, the applicants have no formal requirement to conduct consultation prior to submission.</i></p>
<p>Heath & Hampstead Society:</p>	<p>A letter of objection was received on behalf of the <u>Heath & Hampstead Society</u>. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> (1) Site is one of the most hydro geologically challenging sites in Hampstead (2) 1866 OS map shows many wells and springs plotted around the area and dwelling, corroborated by a map of water courses commissioned by the Redington Frognaal and Hampstead Neighbourhood Forum. (3) Submitted BIA has failed to consider proximity to potential spring line (4) Site might not be at high risk of flooding, but many roads nearby are and any construction that affects the surface run-off and groundwater rates to these roads are at risk (5) History of local subsidence due to water damage such as at the junction of Wells Road and Christchurch Hill (6) Submitted BIA fails to take note of the damage cause to the adjacent no.22 caused whilst excavations were taking place in 2008 due to groundwater and flooding which required dwelling to be shored up during construction and a total of 18 months of 24 hour pumping of water (7) Site investigations are inadequate considering risk (8) Request for measures to be secured to prevent damage caused by disruption to pressured underground watercourse. (9) Request for a report concerning the risk to nearby roads downstream that are presently a flood risk to be sent to Thames Water (10) Request that appropriate insurance is secured to cover the added risk to recompense neighbours and the tax payer for damage to property, private and public, by ground water inundation, soil erosion and building subsidence/collapse <p><u>Officer's response:</u> <i>Please see sections 4 and 8 of the report below</i></p>
<p>Hampstead CAAC:</p>	<p>No response received following a request for observations.</p>
<p>Greater London Archaeological Advisory Service (GLAAS) / Historic England:</p>	<p>Following a request for observations, a letter was received from GLAAS to state that although the site lies within an archaeological priority area, it lies away from the main area of archaeological interest and the proposed works are considered too small scale to be likely to cause significant harm in this location. No further assessment or conditions were requested.</p>

Site Description

26 Christchurch Hill is an early 19th (c.1812) century grade II listed detached house situated within the Hampstead Conservation Area (listing ref. 1245374). It is constructed with multi coloured stock brick of two storeys under a slated roof with 20th century parapets. The entrance is flanked by 2 storey late 19th century red brick bays. A two storey wing was added to the rear of the property in 1973, a small single storey extension was added to this in 2005. Within the curtilage of the site lies a single storey former garage of modern construction in the rear garden fronting Well Road.

The topography of the site features a considerable North to South downwards gradient, meaning that Wells Road is at a higher level than the ground floor level of the dwelling. There are a number of mature trees within the curtilage of the property, some of which are protected by Tree Protection Orders (TPOs) and provide a high amenity value to the local area. The Council's registers identify the application site as being subject to a number of underground development constraints including: subterranean flows and slope stability. The site is also located within an Archaeological Priority Zone.

Relevant History

The planning history for the application site can be summarised as follows:

2013/1740/P & 2013/2561/L –granted on 10th July 2014, subject to a S106 agreement, for the 'use of building fronting Well Road as a garage ancillary to existing dwelling house at 26 Christchurch Hill. Installation of garage doors to front elevation and creation of vehicular access.'

2010/4767/P & 2010/4768/L –Planning permission and LBC was granted on 8th November 2010 for the 'erection of a single storey rear orangery extension to dwelling house.'

2005/0939/P & 2005/0940/L – Planning permission and LBC was granted on 13th May 2005 for the 'erection of a single storey rear extension to form a utility room for a single family dwellinghouse.'

D7/9/11/15983/R – Planning permission and listed building consent (LBC) was granted on 22nd June 1973 for the 'erection of a 2 storey extension for a single family dwelling house.'

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2016)

Camden Local Plan (2017)

- G1 - Delivery and location of growth
- A1 Managing the impact of development
- A3 Protection, enhancement and management of biodiversity
- A4 Noise and vibration
- A5 Basements and Lightwells
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change

- CC3 Water and flooding
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

Camden Planning Guidance:

- CPG 1 – Design
- CPG 4 – Basements and lightwells
- CPG 6 – Amenity
- CPG 7 – Transport
- CPG 8 – Planning Obligations

Hampstead Conservation Area Statement (2001)

Camden Geological, Hydrogeological and Hydrological Study

Assessment

1. The proposal

1.1. Planning permission and listed building consent are sought for the excavation of a basement extension to the existing single-family dwellinghouse as well as the demolition and rebuilding of the existing single storey garage fronting Well road to facilitate the construction. These works would necessitate some minor re-landscaping to the Northern corner of the garden area to reconfigure the existing patio area to align with the proposed basement below.

1.2. The proposed extension would be a single level basement below (average floor to ceiling 2.6m, average construction depth 3.5m) the modern wing of the dwelling, extending out beneath the garden to the North to link with a single storey outbuilding which will be reconstructed to include a basement below. Due to changes in external ground level, the basement below the garage would be deeper than elsewhere on the site. In order to ventilate the proposed subterranean level, mechanical plant is proposed to be housed in a small enclosure between the proposed basement and garage as well as a secondary condenser unit to the NE corner of the main dwelling. At ground level, the proposed basement would feature no.1 walk-on rooflight within an area of patio as well as a lightwell/sunken terrace situated between the existing dwelling and garage, adjacent to the shared boundary with no.5 Wells road.

2. Revisions

2.1. It should be noted that following an initial assessment, the applicant was notified that the submitted scheme was considered unacceptable for the following reason:

- The initial scheme included a larger basement extension which was considered disproportionate in scale and to cause harm to a protected tree with very high amenity value
- The initial scheme had included larger and more prominent visual manifestations of the basement (i.e. rooflights and lightwell) which were considered to have impacted upon the setting of the listed building

2.2. In response, the applicant submitted a revised scheme which made the following alterations:

- A reduction to the scale of the proposed basement, ensuring that its extent did not encroach with the Root Protection Area (RPA) of any protected tree.
- Reduction to the number and scale and revision to the positioning and design of the above ground visual manifestations of the basement to lessen their visual impact
- Reduction to the area of hard landscaping proposed and increased planting / soft landscaping and substrate depth adjacent to the proposed lightwell

2.3. As will be outlined in following sections, the BIA audit process also involved several negotiations to secure full details.

3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- The principle of basement development (Basement construction – Section 4)
- The visual impact upon the character, appearance and significance of the GII listed property, neighbouring properties, streetscene and the Hampstead Conservation Area (Design and Heritage – Section 5)
- The impacts caused upon the nearby mature trees and garden setting (Trees and landscaping - Section 6)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity – Section 7)
- The implications upon local transport and highways conditions and relevant planning obligations (Transport / Planning Obligations - Section 8)

4. Basement construction

4.1. The Council's Basement policy (A5 - adopted July 2017) includes a number of stipulations for proposed basement developments within the Borough. These include upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling (paras.(f) – (m)), but also the express requirement for applicants to demonstrate that the excavations/works proposed would not result in 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

4.2. Parts (n) – (u) of this policy continue to expand upon this requirement and together, set the parameters for the assessment of proposed basement development. These parameters are expanded upon with CPG4 (Basements). The Council will only permit basement development where it has been satisfactorily demonstrated that the works would accord with these criteria.

Basement Impact Assessment

4.3. In accordance with the requirements of policy A5, the applicants have submitted Basement Impact Assessment reports which review the impacts of the proposed basement structure and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability. A well-known firm of consultants using individuals who possess suitable qualifications in line with CPG requirements produced the submitted BIA. Due to the listed status of the host dwelling as well as the significant site constraints, these documents have undergone a full audit from the Council's third party auditors – Campbell Reith (CR).

4.4. Following the public consultation process, a number of responses were received which included anecdotal and factual evidence of various site constraints – in particular relating to issues of ground stability and subterranean ground water flows. These comments have all informed the BIA audit process and led to the applicants being required to undertake a comprehensive analysis of the potential impact to the wider hydrogeological environment (i.e. wider local area rather than just the site and immediately adjacent plots), including the presence of local springlines, historic wells

and groundwater flows. After an initial review, further details were also requested in relation to a range of factors relating to land stability as well as hydrology and hydrogeology. The subsequent site investigations, preparation and compiling of data and the following audit of these comprehensive requirements have taken place over the course of a 10 month period (Dec 2016 – Oct 2017) and have involved regular involvement from CR who have provided comment as matters have progressed.

4.5. In October 2017, CR published their final audit of the BIA submitted by the applicants to justify their proposed development. In summary, they find that:

- Soil investigation identified that the basement will be founded in the Claygate Member and will encounter groundwater flow during construction.
- The basement will be constructed using a combination of underpinning, secant piling and reinforced concrete retaining walls. Permeation grouting is also proposed to control groundwater flow during construction. The use of permeation grouting will be further detailed within a Basement Construction Plan (BCP) which will be secured via legal agreement.
- Following a course of additional groundwater monitoring and full investigations into the potential impact to the wider hydrogeological environment, it is accepted there would be no adverse impact to the hydrogeological environment subject to the control of permeation grouting and close monitoring to be detailed within the BCP
- It is accepted that the negligible increase in impermeable site area would not to significantly increase off-site discharge flow rates, however, the drainage strategy and off-site flow rates should be agreed with Thames Water to ensure adequate local sewer capacity. This will be secured by condition / by the BCP
- The ground movement and damage assessment is accepted as sustaining Category 0 to 1 (Negligible to Very Slight) damage to neighbours and listed structures. Monitoring to ensure this will be secured within the BCP
- It is accepted that there are no slope stability concerns with the proposal
- The structural monitoring strategy presented is accepted and will be secured within the BCP

4.6. They conclude that subject to securing a number of conditions as well as a Basement Construction Plan (BCP) which ensures that the mitigation measures and construction techniques outlined and agreed within the BIA are carried out on site, the proposal remains in accordance with the Council's Basement policy A5 and guidance held within CPG4.

Scale of proposed basement

4.7. In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council will also seek to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to minimise the impacts of construction on neighbouring properties. As discussed above, criterion (f) – (m) of Basement policy A5 therefore outline the maximum acceptable scale of basement extensions.

4.8. The basement extension would be of single storey depth (average floor to ceiling 2.6m, average construction depth 3.5m) except where it would extend below the garage where, due to the site's topography, it would have a greater depth. This area would not be 'double height' or include

additional levels but is necessary for the reconstruction of the garage above. A small storage space would be provided between the ground floor level of the garage and the basement however it is not considered that this area would be double height. The basement would not be constructed below an existing basement.

- 4.9. The basement extension as proposed would extend beneath the modern wing of the listed house only (excluding the most historic area of the dwelling completely) as well as a projection beyond the rear building line into the rear garden and a small projection beyond the side building line.
- 4.10. The host property is set within generous grounds comprising a front, side and rear garden areas with a total curtilage area of 623sqm. Although the gardens wrap around the property and are not partitioned, if measured from the lines formed by the rear and front elevations of the dwelling, the 'rear garden' would have an area of 196sqm and the 'side' garden would have an area of 96sqm. The proposed basement would therefore not occupy more than 50% of any garden area, extending below 30% of the rear garden area (58/196sqm), and 5% of the side garden area (5/96sqm). Cumulatively, the basement would extend below 10% of the total garden area (63/623sqm).
- 4.11. The total area of the proposed excavation would be 108sqm which is equivalent to less than 1.5x the foot print of the host dwelling (207sqm or 1.5x 138sqm). The basement would not project beyond the front building line of the dwelling and would project by less than 50% of the depth of side garden.
- 4.12. The majority of the extension beyond the rear building line would project less than 50% of the depth of the rear garden (3.75m/9.8m) and less than 50% of the depth of the host dwelling when measured from the principal front/rear elevations (3.75/12.4m). One section of the basement would however extend between the rear building line of the property to the boundary of Wells Road with a width of 3.7m for the full depth of the rear garden, adjacent to the shared boundary with no.5 Wells Road. This section of the basement would therefore not in accord with criteria (k) and (l) of policy A5. Notwithstanding this, the basement and lightwell in this location would predominantly be situated below an existing patio and garage and an area of planting with a replacement apple tree would be reprovided in this location. Details of the replacement tree have been reviewed by the Council's Trees officers and the replacement tree is deemed a viable replacement (this will be discussed further in the trees section of the report). As the rest of the existing garage sits adjacent to the rest of the shared boundary, a set away from the boundary to allow for vegetation is not required in this location. Although a section of the basement would project for more than 50% of the depth of the rear garden, adjacent to the shared boundary, the overall scale of the revised basement is considered to remain subordinate to the host building. Furthermore, the scheme had provided adequate landscaping to ensure that the projection along the shared boundary with no.5 would not cause a detrimental impact to the garden amenity of the dwelling or the ability to support mature boundary vegetation where there are not existing structures in place. This projection would do not prejudice the ability of the garden to support trees where they are part of the character of the area.
- 4.13. In light of the above it is considered that the scale and proportion of the proposed basement would remain in accordance with criteria (f) – (m). It is therefore considered that the proposed basement would remain in accordance with the Council policy A5.

5. Design and Heritage

- 5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and

materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that to preserve or enhance the borough's listed buildings, the Council will resist development involving substantial demolition, alterations or extensions where this would cause harm to the special architectural and historic interest of the building; and resist development that would cause harm to the setting of a listed building. Policy D2 also states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

- 5.2. The Hampstead Conservation Area Statement (2001) states that great care should be taken to ensure that front and rear gardens, which "*are an integral characteristic of the Conservation Area, many of which retain [characteristic] boundary walls/ railings and planting*" should be protected or enhanced. The statement warns that development which would lead to a loss of green open space will be discouraged (para.H10).

Impacts to GII listed building

- 5.3. The scale and proportions of the proposed basement is discussed above. It was concluded that the basement extension would remain proportionate and subordinate to the host dwelling, in accordance with policy A5.

- 5.4. The proposed basement would project beneath the modern wing of the property only and as such would not impact upon the spatial hierarchies of the main dwelling. The historic element of the dwelling would continue to be read as a separate entity to the more modern rear wing. No internal alterations are proposed within the dwelling above ground and as such the development would also not result in any loss of plan form. The development would not include any additional openings or significant loss of historic fabric above ground level.

- 5.5. The proposed basement would however extend below the dwelling, up to the original rear elevation of the historic dwelling. It was requested that drawings and information be submitted with regards to the structural/below ground works to ensure there is minimal harm to historic footings/below ground historic fabric. This has been completed and shows that only a small section of the historic footings are to be removed by trimming the existing footing thickening back to allow for the basement and underpinning. This minor loss of below ground historic fabric is not considered to constitute harm to the listed building.

- 5.6. As discussed in the previous section, the audited structural stability report has demonstrated that the works will not cause structural damage to the listed building. This will be ensured by requiring the applicant to complete regular monitoring via the BCP.

- 5.7. Although characterful in its design, the existing garage fronting Wells Road is not historic. The demolition and replacement of this feature following excavations would result in a negligible impact upon the listed building, however in order to ensure that the replacement structure is appropriately detailed, full details will be secured by conditions. The positioning of the proposed secondary condenser unit to the NE corner of the dwelling is such that it would be concealed from view and would subsequently not result in a detrimental visual impacts upon the main dwelling. Other plant equipment in the void space between the garage and basement would not be visible and would also not affect the building's setting. Notwithstanding this a condition is recommended for details of the fixing of this unit to the wall to avoid undue disturbance of historic fabric.

Impacts to setting of GII listed building and wider conservation area

- 5.8. Once constructed, the main above ground visual manifestation of the proposed basement would

be a glazed walk-on rooflight to the rear patio area as well as a rear lightwell/sunken courtyard. The development would also include some re-landscaping to the rear garden which would rationalise the existing rear patio area.

- 5.9. Following the submission of revisions, the number and scale of rooflights and scale of the rear lightwell has been reduced. The position of the remaining rooflight was also revised to be positioned away from the rear elevation of the main dwelling, meaning that this feature is not read immediately adjacent to the host building and is obscured in views from the side/rear by the retaining wall to the patio area. Although the proposed lightwell would introduce a void space adjacent to the host dwelling, this element is now of small scale and its discreet positioning to the rear, between the main house and the garage means that this element would remain visually unobtrusive. The views to this element will be further softened by the proposed green wall and replacement planting. Overall these elements are now considered acceptable, however in order to ensure that their detailed design is appropriate and that the green wall remains viable, conditions are recommended for the submission of full details.
- 5.10. The extent and layout of the rear patio area was also subject to negotiations and would now include only a minor increase in area above existing (+1.5sqm). This provision would maintain adequate garden space and would be appropriately sited. The rationalisation of this area immediately to the rear of the modern wing is not considered to impact upon the character or appearance of the host dwelling.
- 5.11. Following on from the above, the demolition and replacement of the garage fronting Wells Road is not considered to cause harm to the character and appearance of the Hampstead conservation area, subject to securing full details via condition. Other than the replacement garage, none of the proposed development would be visible from any public view. Due to the discreet positioning of the rooflight and lightwell, no private views would be afforded to these areas.
- 5.12. Subject to the recommended conditions, it is considered that the proposed basement extension and alterations would not cause harm to the character, appearance or historical significance of the GII listed host property. The development is furthermore not considered to result in harm to the character and appearance of the Hampstead conservation area, preserving its special character. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.16, s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

6. Trees

- 6.1. As aforementioned, the application site is host to a number of mature trees along the boundary with Wells road and Christchurch Hill, many of which are protected by TPOs. The retention and protection of these is viewed as paramount considering the high level of amenity value these trees provide for the conservation area. As such, initial proposals to excavation via tunnelling construction below the mature Lime tree at the top of the garden was rejected and this section of the proposed basement omitted.
- 6.2. The hereby proposed basement extent would necessitate the loss of no.1 Culinary Apple tree (Grade U – please see photo 5) which is proposed to be replaced with an equivalent in a similar position. This tree is not mature and therefore not automatically protected by virtue of its location within a conservation area. The tree is also not subject to any TPO. The replacement of this small tree of low value is not objectionable and the proposing planting arrangement has been reviewed by Trees Officers to ensure sufficient substrate is retained to allow for future growth.

6.3. The submitted Arboricultural survey and report (produced by Wassells) has calculated the Root Protection Area (RPA) for the remaining mature trees and the revised basement layout has been informed by this measured extent. The proposed basement would no longer project into the RPA of any of the nearby trees to any significant degree. It is also noted that the main excavations proposed would be at a much lower level than these trees. As a result, the Council's Trees Officers have confirmed that they are satisfied that the proposed basement would not cause harm to these surrounding trees, subject to well considered protection measures. Although the submitted Arboricultural report has included outline protection measures, a condition is recommended for the submission of full details prior to the commencement of works.

7. Residential Amenity

7.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.

7.2. Once constructed, the proposed basement extension would not cause any impacts to levels of privacy, outlook or natural light to any adjoining occupier. As the replacement garage would be the same dimensions as existing, this element would similarly not result in any harm as above. Although the basement would include a number of openings / rooflights, due to their positioning in relation to adjoining properties these elements would not result in any artificial light-spill impact that might cause detriment to any adjoining occupier. As such, it is accepted that *once constructed*, the proposed development would not cause harm to neighbouring amenity.

7.3. Notwithstanding the above, due to the constrained site access, proximity to other residential dwellings as well as number of trips generated by heavy goods vehicles (HGVs) in order to complete the proposed excavations, concern is raised by occupiers of neighbouring properties with regard to the subsequent impacts and disturbances caused to local residents.

7.4. In accordance with policy A1, where development sites are accessed via narrow residential streets; are in areas with a high number of existing active construction sites; have the potential to cause significant disturbance due to their location or the anticipated length of excavation or construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP).

7.5. In this instance, a CMP is required in order to identify the potential impacts of the excavation and construction phase and state how the potential negative impacts will be mitigated against. The CMP will thus manage on-site impact arising from demolition and construction but also will establish control over construction traffic and how this integrates with other construction traffic in the area having regard to the cumulative effect. In this instance, a draft CMP has been submitted although as it was drafted prior to a principle contractor being secured, many details are missing at this stage. The securing of a full CMP via a legal agreement is therefore essential to the overall acceptability of the scheme. A requirement of the submission of a CMP is for the applicant to enter into discussions with local stakeholders and residents in order to draft a plan which is acceptable to local groups. The legal agreement will also secure the relevant monitoring fee to ensure that the Council is able to effectively manage the preparation and monitoring of this plan.

7.6. In order to ventilate the proposed basement, mechanical plant is proposed to be housed in a small enclosure between the proposed basement and garage as well as a secondary condenser unit to the NE corner of the main dwelling. The closest habitable room windows to this plant would be at upper floors to the rear elevation of no.5 (13.7m) as well as the side elevation of no.6 (11m).

The applicant has submitted a noise report which concludes that, providing adequate attenuation measures are put in place to the external plant, the noise levels emitted would remain within the Council's thresholds. This report was reviewed by the Council's Noise officer who has recommended conditions to secure these measures and maximum noise levels on site. The subterranean location and solid enclosure to the plant within the void between the garage and basement levels is considered to adequately attenuate noise from this location, however in order to be confident that cumulatively all plant equipment remains within acceptable noise threshold a condition is recommended limiting noise levels from across the site. In order to ensure that the sound attenuation / mitigation measures outlined in the submitted report are installed to the secondary condenser unit, a further condition will be added.

7.7. Subject to the aforementioned planning obligations, the proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring resident. The development is thus considered to be in accordance with planning policies A1 and A4.

8. Transport / Planning Obligations

8.1. As noted in the previous section, the implementation of the proposed basement extension could have the potential to cause disruption unless carefully managed and as such a CMP would need to be secured via legal agreement. This will seek to manage not only onsite matters but also the impact upon local traffic conditions and control over construction traffic.

8.2. A number of the submitted comments have raised the issue of cumulative impacts from a number of local development sites coming forward at the same time, as well as the structural integrity of the junction with Wells road and Christchurch Hill. Locally, CMPs have been recently approved for developments at 29 New End and 14 Well Road. These two developments will almost certainly have implications for construction vehicles accessing the site at 26 Christchurch Hill, particularly as the CMP for 29 New End allows the contractor to temporarily close New End during the working day.

8.3. Under the requirements of the CMP, the contractors for no.26 would need to work closely with the contractor for 14 Well Road and 29 New End to ensure that cumulative impacts of construction traffic are managed and mitigated as far as possible. It would be preferable for construction vehicles accessing/egressing the site at 26 Christchurch Hill to avoid Well Road altogether and as such discussions to develop the CMP further prior to construction commencing will address these issues in detail. It should also be noted that swept path diagrams will be required as part of any CMP to demonstrate that the highway would not be damaged by construction traffic.

8.4. Where the implementation of development has the potential to cause damage to the adjacent public highway or footway, the Council may seek to secure a Highways contribution in case of damage. Due to the difficult site access and raised concerns regarding the use of nearby junctions, this is considered the case. In order to compensate against any potential damage caused to the public highway or footway during construction, a refundable highways and street works contribution will be required as part of a Section 106 Legal Agreement. The highways contribution could be refunded provided that, as a result of the works, the adjacent highway is undamaged.

8.5. As the proposed excavations are in close proximity to a public footway/highway they also have the potential to affect the integrity of these structures. Any works which will or may affect the structural integrity of the highway requires approval and inspection by the Council's Engineering Service's structural engineers. As this is possibly the case, an 'Approval in Principle' report under highways legislation will need to be secured as part of a legal agreement to address the concerns of the Council's Engineering Services.

8.6. The proposed development would not result in any increase to the number of residential units within the property and as such there would be no requirement for the provision of additional cycle parking. The proposed works would include the replacement of an existing garage which already has approval for a retractable garage door and a dropped curb. The development would not result in any increase to the number of vehicular parking spaces onsite and as such no objection is raised in this regard. As the development does not include any changes of use or creation of residential units, car free development is not sought in this instance.

9. Recommendation

- i) Grant conditional Planning Permission subject to section 106 legal agreement.
- ii) Grant conditional listed building consent

10. Legal agreement heads of term

10.1. Planning permission is recommended subject to the securing of the following heads of terms via a section 16 legal agreement:

- Basement construction plan
- Construction management plan (plus monitoring fee)
- Highways contribution in case of damage
- Approval in principle report

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23rd October 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 and search for 'Members Briefing'.

Erica Jong Architects
48 Fairhazel Gardens
London
NW6 3SJ

Application Ref: **2016/5974/P**

18 October 2017

Dear Sir/Madam

DRAFT
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:

**26 Christchurch Hill
London
NW3 1LG**

Proposal:

DECISION
Construction of a basement extension under the modern wing of GII listed dwelling house (C3) and garden incl. demolition and rebuild of detached garden studio/garage. Associated works.

Drawing Nos:	0036_P_00_001_C,	0036_P_00_002_C,	0036_P_00_003_F,
0036.P_00_011;	0036_P_20_001_C,	0036_P_20_002_C,	0036_P_20_003_C,
0036_P_20_004_C,	0036_P_20_005_C,	0036_P_20_006_C,	0036_P_20_007_C,
0036_P_20_008_C,	0036_P_20_009_C;	0036.P.20.101_F,	0036.P.20.102_F,
0036.P.20.103_D,	0036.P.20.104_D,	0036.P.20.105_D,	0036.P.20.106_C,
0036.P.20.108_C,	0036.P.20.109_C,	0036.P.20.110_B;	0036.P.20.201,
0036.P.20.301_A			

Supporting documents: Basement Impact Assessment Report Issue 3 2017 by Geotechnical & Environmental Associates incl. appendices (ref.J15258); Structural Engineer's Report Version 5 (SER) dated February 2017 by Price & Myers incl. appendices; BIA Audit response letter #1 dated 06 Feb 2017 (ref. J15258/ML/Letter1); BIA Audit response letter #2 dated 03 May 2017 (ref. J15258/ML/Letter2); BIA Audit response letter #2 dated 18 May 2017 (ref. J15258/ML/Letter3); Draft Construction Management Plan dated October 2016 by Price & Myers; Noico noise survey dated Oct 2016 (ref. 460857/1); Arboricultural Survey Report dated October 2016 by Wassells; Sustainability Statement dated Oct-16 (ref. J2233); Design and Access Statement (ref. EJA/0036_D&A_161015) incl. appendices; Heritage Report dated Oct-2016 (ref. NS/MR/20423).

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 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 policy 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:

0036_P_00_001_C, 0036_P_00_002_C, 0036_P_00_003_F, 0036.P_00_011;
0036_P_20_001_C, 0036_P_20_002_C, 0036_P_20_003_C, 0036_P_20_004_C,
0036_P_20_005_C, 0036_P_20_006_C, 0036_P_20_007_C, 0036_P_20_008_C,
0036_P_20_009_C; 0036.P.20.101_F, 0036.P.20.102_F, 0036.P.20.103_D,
0036.P.20.104_D, 0036.P.20.105_D, 0036.P.20.106_C, 0036.P.20.108_C,
0036.P.20.109_C, 0036.P.20.110_B; 0036.P.20.201, 0036.P.20.301_A

Supporting documents: Basement Impact Assessment Report Issue 3 2017 by Geotechnical & Environmental Associates incl. appendices (ref. J15258); Structural Engineer's Report Version 5 (SER) dated February 2017 by Price & Myers incl. appendices; BIA Audit response letter #1 dated 06 Feb 2017 (ref. J15258/ML/Letter1); BIA Audit response letter #2 dated 03 May 2017 (ref. J15258/ML/Letter2); BIA Audit response letter #2 dated 18 May 2017 (ref. J15258/ML/Letter3); Draft Construction Management Plan dated October 2016 by Price & Myers; Noico noise survey dated Oct 2016 (ref. 460857/1); Arboricultural Survey Report dated October 2016 by Wassells; Sustainability Statement dated Oct-16 (ref. J2233); Design and Access Statement (ref. EJA/0036_D&A_161015) incl. appendices; Heritage Report dated Oct-2016 (ref. NS/MR/20423).

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 policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 Prior to commencement of any impact piling, a piling method statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in consultation with Thames Water or the relevant statutory undertaker, and shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of 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 local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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.

- 7 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 8 Before first use of the proposed mechanical ventilation equipment commences, the air-conditioning plant shall be provided with acoustic isolation, sound attenuation and anti-vibration measures in accordance with the recommendations of the approved Noico noise survey dated Oct 2016 (ref. 460857/1). All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy G1, A1, A4, D1 and CC1 of the London Borough of Camden Local Plan 2017.

- 9 Prior to first use of the proposed basement, full details in respect of the living wall in the area indicated on the approved ground floor/basement plans shall be submitted to and approved by the local planning authority. The details shall include
- a) a detailed scheme of maintenance
 - b) sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - c) full details of planting species and density

The living wall 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 G1, CC1, CC2, CC3, D1, D2 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.
- 3 The trees on the site are the subject of the Tree Preservation Order and no tree the subject of a Tree Preservation Order may be lopped, topped or felled without the consent under the Order, except as provided for in the Order or as specifically indicated within the proposals to which this planning permission relates. Further advice on this aspect may be obtained from the Tree Preservation Officer. (Tel: 020-7974 5939)
- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 This site is within an area of archaeological significance/archaeological potential where development is likely to result in the destruction of ancient remains. Your attention is drawn to the British Archaeologists and Developers Liaison Group Code of Practice agreed by the British Property Federation and the Standing Conference of Archaeological Unit Managers. The Council recognises and endorses this Code and will expect the developer and approved archaeological organisations to abide by its provisions.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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

DRAFT

DECISION

Erica Jong Architects
48 Fairhazel Gardens
London
NW6 3SJApplication Ref: **2016/5975/L**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

13 October 2017

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent GrantedAddress:
26 Christchurch Hill
London
NW3 1LG**DECISION**

Proposal: Construction of a basement extension under the modern wing of GII listed dwelling house (C3) and garden incl. demolition and rebuild of detached garden studio/garage. Associated works.

Drawing Nos:	0036_P_00_001_C,	0036_P_00_002_C,	0036_P_00_003_F,
0036.P_00_011;	0036_P_20_001_C,	0036_P_20_002_C,	0036_P_20_003_C,
0036_P_20_004_C,	0036_P_20_005_C,	0036_P_20_006_C,	0036_P_20_007_C,
0036_P_20_008_C,	0036_P_20_009_C;	0036.P.20.101_F,	0036.P.20.102_F,
0036.P.20.103_D,	0036.P.20.104_D,	0036.P.20.105_D,	0036.P.20.106_C,
0036.P.20.108_C,	0036.P.20.109_C,	0036.P.20.110_B;	0036.P.20.201,
0036.P.20.301_A			

Executive Director Supporting Communities



Supporting documents: Basement Impact Assessment Report Issue 3 2017 by Geotechnical & Environmental Associates incl. appendices (ref. J15258); Structural Engineer's Report Version 5 (SER) dated February 2017 by Price & Myers incl. appendices; BIA Audit response letter #1 dated 06 Feb 2017 (ref. J15258/ML/Letter1); BIA Audit response letter #2 dated 03 May 2017 (ref. J15258/ML/Letter2); BIA Audit response letter #2 dated 18 May 2017 (ref. J15258/ML/Letter3); Draft Construction Management Plan dated October 2016 by Price & Myers; Noico noise report dated Oct 2016 (ref. 460857/1); Arboricultural Survey Report dated October 2016 by Wassells; Sustainability Statement dated Oct-16 (ref. J2233); Design and Access Statement (ref. EJA/0036_D&A_161015) incl. appendices; Heritage Report dated Oct-2016 (ref. NS/MR/20423).

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

Conditions And Reasons:

DRAFT

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

0036_P_00_001_C, 0036_P_00_002_C, 0036_P_00_003_F, 0036.P_00_011;
0036_P_20_001_C, 0036_P_20_002_C, 0036_P_20_003_C, 0036_P_20_004_C,
0036_P_20_005_C, 0036_P_20_006_C, 0036_P_20_007_C, 0036_P_20_008_C,
0036_P_20_009_C; 0036.P.20.101_F, 0036.P.20.102_F, 0036.P.20.103_D,
0036.P.20.104_D, 0036.P.20.105_D, 0036.P.20.106_C, 0036.P.20.108_C,
0036.P.20.109_C, 0036.P.20.110_B; 0036.P.20.201, 0036.P.20.301_A

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 4 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 plans and sections at 1:10 and glazing specification for the proposed patio rooflight;

b) Plans, elevations and section drawings, including glazing panel details of the sunken courtyard / lightwell pergola structure at a scale of 1:10;

c) Plans, elevations and section drawings (including facing materials details) of the replacement single storey garage at a scale of 1:20;

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

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