

Delegated Report		Analysis sheet	Expiry Date:	06/11/2017
		N/A / attached	Consultation Expiry Date:	12/10/2017
Officer			Application Number(s)	
John Diver			2017/4366/P	
Application Address			Drawing Numbers	
66 Fitzjohn's Avenue London NW3 5LT			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Erection of pair of semi-detached, three storey (plus basement) 3-bed dwellings following demolition of existing pair of semi-detached dwellings.				
Recommendation:	Refuse permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Three site notices were displayed near to the site on the 15/09/2017 (consultation end date 06/10/2017). The development was also advertised in the local press on the 21/09/2017 (consultation end date 12/10/2017).			
Adjoining Occupiers:	No. of responses	09	No. of objections	09
Summary of consultation responses:	<p>Letters of objection were received on behalf of the owners/occupiers of Flats B and D, 64 Fitzjohn's Avenue; Flats 1 and 6, 62 Fitzjohn's Avenue; 12 Akenside Road; 22 Romney Court Haverstock Hill, NW3; 3 Waterside Place, NW1; 103 Greencroft, NW6; as well as on behalf of the appointed Manager of 64 Fitzjohn's Avenue (63 Darlands Drive, EN5). Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none">Existing building prominent in streetsceneOverdevelopment of the application site / overly denseSize and bulk out of proportion with the size of site and with neighbouring properties and unsympatheticTop heavy roof form proposedDevelopment out of character with local areaDevelopment contrary to guidance outlined in the Fitzjohns and Netherhall Conservation Area Appraisal & Management Strategy DocumentDetrimental impact upon the streetscene and conservation areaLoss of characteristic views within conservation areaDevelopment would set a dangerous precedent for future developmentLoss of privacy to adjacent residential occupiersLoss of outlook to adjacent residential occupiersLoss of light to adjacent residential occupiersDetrimental increase to sense of enclosure / visually overbearing impact to adjacent residential occupiersDetrimental impact to adjacent residential occupiers by virtue of light pollutionCreation of noise, vibration and dust during excavation and construction likely to cause significant disturbancesDevelopment would not be sustainableLack of affordable housing contributionExcavations likely to cause structural damage to adjacent propertiesAdjacent property subject to subsidence and lack of information to confirm lack of damage as a result of excavationsCourtyard inappropriate/dangerous for parkingObjection to proposed trimming to adjacent TPO / damage to tree rootsNo provision of outdoor amenity spaceConcerned with grey water drainage from proposed dwellings being plumbed into drain to no.64 as existingConcern that adjacent parking to no.62 would be disruptedConcern relating to the procedure for the determination of the previous approval <p><u>Officer's Response:</u> (1) <i>Noted – please see the site description section of the report for further discussion</i> (2 – 8) <i>Please see paragraphs 4.5 – 5.10 for a full discussion of issues of design</i></p>			

	<p><i>and impact to character and appearance</i></p> <p><i>(9) The potential for the development to set a precedent is not a material consideration as all application must be assessed upon their own merits</i></p> <p><i>(10-15) Please see paragraphs 6.1 – 6.5 for a full discussion of issues of impact to residential amenities</i></p> <p><i>(16) Please see sections 3 and 8 of the main report</i></p> <p><i>(17) Please see paragraph 3.5 of the main report</i></p> <p><i>(18-19) Please see paragraphs 4.2 - 4.4 of the main report</i></p> <p><i>(20) Please see paragraphs 9.2 – 9.3 of the main report</i></p> <p><i>(21) Please see paragraphs 7.1 – 7.3 of the main report</i></p> <p><i>(22) Please see paragraphs 3.3 – 3.4 of the main report</i></p> <p><i>(23) Were the dwellings to be approved, matters of drainage would be assessed and considered under separate legislative framework (i.e. Building Regulations Act 2010) and are therefore not a planning consideration</i></p> <p><i>(24) Please see paragraph 9.5 of the main report</i></p> <p><i>(25) In accordance with the Council's adopted Statement of Community Involvement the previous application (ref. 2015/5847/P) was determined under delegated authority following a Member Briefing Panel meeting where elected members choice not to refer the determination to full Development Control Committee</i></p>
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Heath & Hampstead Society	<p>A letter of objection was received on behalf of the Heath & Hampstead Society. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Additional height proposed above approved scheme would negatively impact upon the character of adjacent attractive dwellings 2. Additional height proposed would lead to a loss of outlook and light to the occupiers of no.64 3. Access into courtyard dangerous and could result in public health and safety issues <p><u>Officer's Response:</u> (1) Please see paragraphs 5.4 – 5.8 of the main report (2) Please see paragraphs 6.1 – 6.5 for a full discussion of issues of impact to residential amenities (3) Please see paragraphs 9.2 – 9.3 of the main report</p>
Fitzjohn's/Netherhall CAAC	<p>No response was received following a request for comment.</p>
Hampstead CAAC	<p>A letter of objection was received on behalf of the Hampstead Conservation Area Advisory Committee. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Considers the development to detrimentally dominate the rear space and the rear of 62-64 Fitzjohn's Avenue. 2. Concern that the proposed bike and refuse store are impractical, inadequate or absence. 3. Scheme should be car free as proposed car parking appears confused, too tight in any case. 4. We object to the proposed tree loss in this enclosed area and the token small replacement proposed. <p><u>Officer's Response:</u> (1) Please see paragraphs 5.4 – 5.8 of the main report (2) Please see paragraphs 3.4 and 9.4 of the main report (3) Please see paragraphs 9.3 of the main report (4) Please see paragraphs 7.1 – 7.3 of the main report</p>
Ward Councillor Siobhan Baillie	<p>A further letter of objection was received on behalf of the local Ward Councillor Siobhan Baillie. The objection comments submitted can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Proposed additional storey inappropriate 2. Objection to a lack of waste provision 3. Discontent with procedure of previous determination <p><u>Officer's Response:</u> (1) Please see paragraphs 5.4 – 5.8 of the main report (2) Please see paragraphs 3.4 of the main report (3) In accordance with the Council's adopted Statement of Community Involvement the previous application (ref. 2015/5847/P) was determined under delegated authority following a Member Briefing Panel meeting where elected members choice not to refer the determination to full Development Control Committee</p>

Site Description

The application site is No. 66 Fitzjohns Avenue, which is a backland site to the rear (east) of No. 64 Fitzjohns Avenue. The site would have originally formed the private rear garden of No. 64 (a large, Victorian, red brick, semi-detached villa fronting onto Fitzjohns Avenue); however the land has been subdivided at some point in the past and there is now a pair of semi-detached, two storey, whitepainted brick residential dwellings occupying the plot (possibly on the site of a former mews-type building).

The residential dwellings at No. 66 are located approximately 10 metres to the rear of No. 64 and they abut the sides (northern and southern) and rear (eastern) boundaries of the application site. The land on the other side of the eastern boundary forms part of No. 12 Akenside Road. Access to the application site from Fitzjohns Avenue is along the northern edge of No. 64 and there are electronic gates to prevent unauthorised access. The topography of the site is subject to a North to South downwards gradient, meaning that the ground level of the site to the south is below that of the application site.

The surrounding pattern of development predominantly consists of spacious semi-detached Victorian villas set back from the road beyond well-established street trees, low-level brick walls and low level vegetation. To the north of the application site, on the corner between Fitzjohns Avenue, Lyndhurst Road and Akenside Road is No. 15 Akenside Road (Medresco House), a 1960's, four storey, red brick block of flats (14 units) and associated car park. The site is screened by close boarded fencing around the perimeter.

The application site is within the Fitzjohns Netherhall Conservation Area. No. 66 (the application site) is identified within the Fitzjohns Netherhall Conservation Area Statement as being a negative feature of the conservation area. Nos. 54-64 (which front the main street) are identified as making a positive contribution to the special character and appearance of the area.

The application site is also designated as being subject to a number of underground development constraints including issues of ground water flows and slope stability. There are a number of mature trees adjacent to the application site as well as a silverbirch within the site itself.

Relevant History

The application site has the following planning history:

66 Fitzjohns Avenue

2015/5847/P - Erection of pair of semi-detached, two storey 3-bed dwellings with basements, following demolition of existing pair of semi-detached dwellings – Granted conditional permission subject to s106 legal agreement on the 28-03-2017

CTP/F7/8/4/6155/R - The redevelopment of the site by the erection of a four storey block of flats comprising thirty habitable rooms, with parking space - Granted Conditional permission 30-01-1969

CTP/F7/8/4/4809 - The redevelopment of the site of No.66 Fitzjohns Avenue by the erection of a block of flats with car parking space - Granted Conditional permission 02-02-1968

TP/638/NW/23757 - Erection of an enclosure to house transforming equipment at No. 66 Fitzjohn's Avenue, and the formation of a new means of access to the highway - Granted Conditional permission 10-05-1957

TP/638/9865 - The erection of an additional storey upon the existing one-storey addition at the Madam Curie Hospital, 66,Fitzjohn's Avenue - Granted Conditional permission 19-03-1947

TP/638/15/03/44 - The use of No. 66 Fitzjohn's Avenue as a hospital for cancer and allied diseases - Granted Conditional permission 28-04-1944

TP/638/64751/21/01/38 - Temporary store shed at 66 Fitzjohn's Avenue - Granted permission 04-03-1938

TP/638/64751/61940 - Permission to erect a block of flats and a garage on the site of No. 66

Fitzjohn's Avenue - Granted permission 16-08-1934

TP/638/75089/11187 - Ltd. of a storage shed on a site at No.66 - Granted permission 20-10-1933

Studios 1 and 2, 66 Fitzjohns Avenue NW3

9501009R3 - Retention of various works of alteration - Granted Full Planning Permission (conds) 1907-1996

9560129R3 - Partial demolition in association with works of alteration - Granted Conservation Area Consent 19-07-1996

64-66 Fitzjohns Avenue

P9601477 - Retention of refuse store - Granted Conditional permission 06-09-1996

64 Fitzjohns Avenue

2015/0565/P - Partial extension of the rear ground floor wall to align with existing rear elevation – Granted Conditional permission 24-03-2015

2015/0564/P - Rear casement window replaced with timber framed French door and side windows - Granted Conditional permission 17-03-2015

2007/1925/P – (Flat E) – Certificate of lawfulness: Erection of roof platform terrace in existing valley roof, previously granted planning permission on 3.9.90 (ref 8905708R1) - Granted 12-06-2007

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2016)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- C5 Safety and security
- C6 Access for all
- 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
- CC5 Waste
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

Camden Planning Guidance:

- CPG 1 – Design
 - Design excellence: sections 2.6 – 2.8, page 10
 - Context & Design: section 2.9 – 2.12, pages 11 – 12
 - Heritage Chapter 3, pages 15 - 27
 - Materials: section 4.7, page 31

- Scale: section 4.8, page 32
- Landscape design & trees: Chapter 6, pages 49 – 59
- Recycling and storage: Chapter 10, pages 93 – 100
- CPG 2 – Housing
 - Residential development standards: Chapter 4, pages 59-68
 - Lifetime Homes & Wheelchair Housing: Chapter 5, pages 69-80
- CPG 4 – Basements and lightwells
 - When does this guidance apply?: section 1.8, page 6
 - Basements and lightwells: Chapter 2, pages 7 – 13
 - Assessing the Impact of basement development: Chapter 3, pages 14 – 33
 - Construction Management Plans: section 4.3 – 4.6, pages 34-35
- CPG 6 – Amenity
 - Daylight: section 6.6 page 32
 - Sunlight: section 6.16 page 34 - 35
 - Overlooking and privacy: section 7.4, page 37
 - Outlook: section 7.8 page 38
 - Construction Management Plans: Chapter 8, pages 39 – 44
- CPG 7 – Transport
 - Car free and car capped development: Chapter 5, pages 25 – 28
 - On-site car parking, section 6.4, page 29
 - Location, design and layout of off-street cycle parking: section 9.8, page 48
- CPG 8 – Planning Obligations
 - Use of planning obligations, section 2.12, page 9
 - Construction, section 3.6, page 17
 - Highways works, section 5.7, page 26
 - Payment for highways works, section 5.14, page 28
 - Car free and car capped housing, section 10.1, page 53

Fitzjohns/Netherhall Conservation Area Statement (2001)

Camden Geological, Hydrogeological and Hydrological Study

Assessment

1. The proposal / background

- 1.1. Planning permission is sought for the demolition of the existing pair of dwellings and their replacement with a pair of semi-detached, three storey (plus basement) 3-bedroom dwellings.
- 1.2. As outline within the history section of the report, planning permission was recently granted on the site (March 2017 – ref. 2015/5847/P) for the demolition of the existing dwellings and the erection of a pair of two storey (plus basement) dwellings. This previous, extant permission has acted to establish the principle of the demolition and replacement of the dwellings as well as the excavation of an additional basement level. This former permission is therefore a material consideration for the assessment of the case.
- 1.3. The hereby proposed development is essentially a variation of the previously approved scheme. The hereby proposed scheme varies from the approved scheme only by the addition of an extra storey to both new dwellings as well as amended ground floor front fenestrations, all other elements are the same as was previously approved. Due to the fact that the additional storey constitutes a significant change from the approved scheme, a fresh permission would be required.
- 1.4. It is also noted that the scheme hereby proposed was as originally submitted under the previous planning application. Following an initial assessment, the previous case officer had negotiated this scheme to omit the proposed 2nd floor due to a consideration that the original was unacceptable. As there have been no materials alterations to the site or its context and the proposal is otherwise very similar to the previously

approved scheme, this assessment has been based upon the initial submission and further revisions were not sought.

2. Assessment

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

- Residential provision and affordable housing (Section 3)
- The principle/implications of basement development (Basement construction – Section 4)
- The visual impact upon the character and appearance of the streetscene, local area and the Conservation Area (Design and Conservation – Section 5)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity – Section 6)
- Trees and landscaping (Section 7)
- Energy, sustainability and water (Section 8)
- The implications upon local transport and highways conditions and relevant planning obligations (Transport / Planning Obligations - Section 9)

2.2. As outlined above, as the scheme is essentially a variation of the approved scheme, a number of the above considerations have already been established as being acceptable. Notwithstanding this, in June 2017 the Camden Local Plan was adopted and therefore has now superseded the Camden Core Strategy and Camden Development Policies. While many of the previous policies have been carried forward without material alterations, a number of policy changes have been brought forward by the Local Plan which will apply to this assessment. The following sections of the report will therefore assess the freshly proposed elements as well as discuss any alterations to the policy background for decisions.

3. Residential provision and affordable housing

Principle of development

3.1. The previous permission has acted to establish that the proposed replacement of the pair of dwellings is acceptable in principle. There have been no material alterations to the local or policy context which might alter this position and as such no objection is raised to the principle of the works proposed.

Dwelling mix

3.2. Similarly to the above, the provision of 2x 3 bedroom units would remain in accordance with the Council's updated housing size policy (H6 Housing choice and mix) and would remain acceptable.

Standard of residential accommodation

3.3. The proposed scheme would maintain the provision of 2x 3 bedroom units, featuring larger internal floor areas than previously approved. As the dwellings would consequently feature a further improved standard of accommodation than that which was previously approved - well above the minimum national housing standards (DCLG 2015) - the scheme would similarly remain acceptable in this regard. The units would feature access to the share front courtyard garden which, subject to securing full landscaping details and removal of parking spaces, could provide for adequate external amenity space.

3.4. It is noted that the proposed scheme does not include any provision for the external storage of waste or recycling within the red line boundary of the site and several submitted comments have raised objection to this lack of provision. In line with the Council's newly adopted waste policy (CC5), all developments are expected to "*include facilities for the storage and collection of waste and recycling*". As will be outlined in following sections, objections are raised to the proposed variations and as such amendments were not sought to the proposed scheme. Had the development been otherwise considered acceptable, revisions would have been sought to incorporate a refuse and recycling store within the curtilage of the proposed dwellings to address this concern and ensure. Similarly, a further condition would have been attached to any permission for the new dwellings to be designed and constructed in accordance with Building Regulations Part M4 (2) in order to ensure that the dwellings provides flexibility for the accessibility of future occupiers and their changing needs over time (in line with policy C6).

Affordable housing contribution

- 3.5. The Council's adopted affordable housing policy (H4 - Maximising the supply of affordable housing) has included a material changes with regard to the thresholds to which a contribution is expected from development. As the scheme would not include the addition of one or more additional home (no net increase to dwelling numbers proposed), the requirements of this policy would not however apply in this instance.

4. Basement construction

- 4.1. As outlined at the start of the report, the previously approved scheme included a basement with the same dimensions, layout and design as that which is hereby proposed.
- 4.2. During the previous application, the acceptability of this basement was assessed and found to be acceptable via the submission and independent audit of a basement impact assessment (BIA). Although this former assessment was made against the requirements of the now superseded development management policy DP27, many of the previous requirements set out within DP27 have been carried across to the new basement policy (A5). Despite this the newly adopted policy does include a number of additional criteria which will be discussed below.

Basement Impact Assessment

- 4.3. In accordance with the requirements of policy A5, the applicants have submitted Basement Impact Assessment reports which reviews the impacts of the proposed basement structure and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability. This report is the same which was previously approved and was produced by a well-known firm of consultants using individuals who possess suitable qualifications in line with CPG requirements.
- 4.4. Due to the complexities of development constraints for the site, during the previous application these documents were subject to a full audit from the Council's third party auditors – Campbell Reith (CR). As no variation to the basement construction is proposed as part of the new scheme, the resubmission of the previously audited and approved reporting is not objectionable. The previously approved BIA has been accompanied by an addendum letter from the applicant's appointed structural engineer to confirm that the additional weight of the proposed additional floor would not have any adverse structural implications for the proposed basement. Although the author's credentials are not explicitly stated in this letter it is noted that this individual is the same author as the original BIA structural report and as such their qualifications are in line with CPG requirements. The previous BIA had confirmed that structural implications to all surroundings properties would be limited to a maximum of 1 on the Burland scale and this has not since altered. It is therefore accepted that the amendments proposed would not result in any additional impacts above the approved scheme. Objection is therefore not raised in this regard.

Scale of proposed basement

- 4.5. In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council's newly adopted basement policy will additionally 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. Criteria (f) – (m) of Basement policy A5 therefore outlines the maximum acceptable scale of basement extensions for any new permission.
- 4.6. The proposed basement would be of single storey depth and would extend beyond the front elevation of the dwellings beneath the front courtyard. The basement extension as proposed would extend beneath the entire footprint of the dwellinghouses as well as projecting 5m beyond the front building line for almost the full width, meaning the proposed basement would cover vast majority of the application site (excluding only the entrance driveway and a thin border adjacent to no.64). The total area of the proposed excavation would be approximately 194sqm (incl. piling) or 164sqm of additional GIA. The total excavation is therefore equivalent to 1.8x the combined footprint of the dwellings (109sqm).
- 4.7. Due to the unusual 'back land' context, neither dwelling features a private rear or side garden but would instead share access of the front courtyard/landscaped garden. The 'garden' area of the proposed dwellings is therefore considered to constitute the area to the East of the access gate, where access is

restricted to the future occupiers only and is therefore private. Of this garden space, the proposed basement would occupy far more than 50% of this area (approximately 84/120sqm) and would project by more than 50% into the depth of this garden area (5m/7m).

- 4.8. This excavation would result in the loss of a silver birch towards the front of the site, however as was agreed as part of the previous application, this could be replaced in a similar position. Submitted Arboricultural reports demonstrate that the proposed excavation would not result in the loss of to damage to any other mature tree.
- 4.9. In light of the above the proposed basement would be of a scale and proportion that would remain contrary to criteria (h) – (l) of adopted Basement policy A5 and would be considered excessive for the size of the application site. Although the basement was previously approved in its current form and the construction has been demonstrated to not result in substantial impacts, this excessive scale is considered to undermine the character of the proposed dwellings by being excessively sized in relation to the proposed 'host' buildings. The proposed basement(s) would fail to appear as subordinate additions and would constitute an overdevelopment of this constrained site.
- 4.10. Although the scale of the basement had not previously been found objectionable, the now superseded policy DP27 did not allow for the Council to apply specific limitations upon the acceptable extent to the scale of proposed basements, a major factor behind the revision to this policy to allow for additional control of such development. As aforementioned, as all new decisions must be based upon the newly adopted Local Plan, the previous approval would not overcome this consideration or justify the scale hereby proposed. It is therefore considered that the proposed basement would fail to adhere to the Council's basement policy (A5), forming a reason for refusal.

5. Design and Conservation

- 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 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. As noted above, The Fitzjohn/Netherhall Conservation Area Statement (FNCAS - 2001) identifies the application site as being a negative feature of the conservation area due to its limited interest and inappropriate enclosure; however, nos. 54-64 (which front onto the main road) are identified as making a positive contribution to the special character and appearance of the area. The FNCAS notes that Fitzjohns Avenue is the most prominent street in the area and it notes that the majority of properties are detached or semi-detached, and the gaps between the buildings therefore provide views to the rear gardens and attractive detailing such as chimneys and provides a rhythm to the frontage. The FNCAS notes that the rear gardens form large blocks of open land, making a significant contribution to the character of the area. Finally, the CA statement notes and that, aside from a few detached buildings and no.66, "*the essential character of scale and relationship [of dwellings] to the road is consistent*" (pg16).

Basement

- 5.3. The scale and proportions of the proposed basement is discussed in the previous section. It was concluded that the basement extension would be disproportionately sized, occupying an excessive proportion of the application site and would fail to be read as a subordinate addition to the dwellinghouses, contrary to policy A5.

Form and Massing

- 5.4. As outlined in the site description section of the report, the application site is unusual in that was originally the private rear garden to nos.64 yet remains prominent in local views due to the layout of the surrounding streets combined with the local topography. This form of back land development is not common within the local area and the subject site/existing buildings are at odds with the otherwise consistent local townscape and character.

- 5.5. Notwithstanding this, both the existing buildings as well as the previously approved replacement dwellings were found acceptable by virtue of the fact that their scale, height and design maintained a clearly subservient visual relationship between the 'host' building (nos.64-62) and the pair of 'mews-like' buildings to the rear (no.66). This relationship allowed for the character and significance of the host building to be maintained in local views from Akenside Rd and Fitzjohn's Avenue, as well as allowing for the retention of views across the site towards the characterful rear elevations and roofscape of properties fronting Fitzjohn's Avenue by virtue of the low height. The existing buildings have a low shoulder height of 5m which protrudes by approximately only 1.8m above the perimeter fence enclosing the site towards the rear and side. While the approved scheme increased this shoulder height to 5.6m (increase of 0.6m), this increase was considered to maintain the existing relationship and to not exacerbate the visual impact of the dwellings. Despite the historic loss of the original garden of no.64 and the abnormal back-land form of development; the existing and previously approved dwellings were considered to be modest enough in terms of their scale, height and prominence to be able to comfortably occupy the restricted site without appearing overly dominant or disturbing the character of adjacent buildings/the conservation area.
- 5.6. The hereby proposed dwellings would feature a height approximately 3.5m above the existing building envelope and 3m above the level of the approved scheme. When viewed from both Fitzjohn's Avenue as well as Akenside road, the resulting mass would project approximately 5m above the level of the existing fence and has a width of 16m. This additional height/mass would act to form a solid obstruction to views across the site, towards mature foliage and to the rear of nos.64-58, features of this area of the conservation area specifically identified for its importance to its overall character by the FNCAS. While the previous scheme was considered acceptable due to it including only minor further encroachment into these views, the hereby proposed addition is considered to result in a demonstrable harm to the special character of the conservation area. Although it is noted that the massing has been pulled back from the front edge of the 2nd floor level, this would not fully mitigate against the above concern and this design solution has not addressed most prominent views afforded of the site (from Akenside Rd).
- 5.7. Further to the above, the proposed amendment to the approved scheme to include an additional storey (three storey plus basement) to each proposed dwelling is also considered to tip the balance of the relationship between the proposed dwellings and the surrounding Victorian villa dwellings which are specifically identified as forming a positive contribution to the conservation area. The additional height and massing proposed is considered to result in the loss of visual subservience to nos.64-62 and would instead begin to visually compete with surrounding Victorian villas. Rather than appearing as modest 'mews-style' dwellings within a private courtyard, the resulting dwellings would dominate this space and appear overly cramped for their setting. This would have the effect of altering the perception of the site from being a modest development within an otherwise open and verdant setting to becoming far more developed than is characteristic for the area. This form of development would thus appear incongruous within the local area, an issue compounded by the relative prominence of the back-land site and the local topography.
- 5.8. In light of the above the hereby proposed development is considered to result in harm to the character and appearance of the Conservation Area, failing to preserve its special character.

Detailed design / architecture

- 5.9. The detailed design of the dwellings is similar to that which was approved but has been varied in a number of ways. Other than the variations to include the additional storey, the scheme also features varied ground and first floor front fenestrations as well as reduced size for the projecting front panels. The new dwellings would thus still however be constructed of London stock brick with timber clad panelling and powder coated aluminium framed windows and capping details.
- 5.10. As outlined in the previous officers report, this combination of materials is not objectionable and is considered to be the best solution for the back-land setting. Had the scheme been considered otherwise acceptable, conditions would have been required however to the submission of specific materials details in order to ensure that these choices are fully appropriate. Concern is however raised with regard to the amended detailed design / front composition hereby proposed and the resulting erosion to design quality from the approved scheme.
- 5.11. As approved, the dwellings featured a strong horizontal emphasis articulated by fenestrations of regular rhythm and scale as well as no.4 front projecting bays clad in vertically hung timber. These front bays were noticeably larger in scale than surrounding fenestrations which acted to positively emphasise these architectural elements as well as contrast against the horizontal proportions of the pair of dwellings (aided by the vertical hung cladding). Overall the previous scheme presented a clear and coherent composition

which read as an interesting modern take on a traditional mews form whilst still featuring clearly legible features.

5.12. Conversely, the hereby proposed scheme has been amended in a number of ways which have acted to erode this coherency to the point at which the resulting treatment appears disjointed and confused. For instance, the amended composition of front fenestration would no longer include the same rationality as approved, featuring an excessive level of ground floor glazing (appearing more as garden patio openings than front entrances) and disjointed vertical hierarchy/alignment. Furthermore, the reductions to the front projecting bays combined with the horizontal hung cladding now proposed has reduced the prominence of these features to a point where they no longer create visual interest/contrast as before.

5.13. Consequently, it is considered that the previously approved scheme is of better architectural merit than the hereby proposed variation and that, notwithstanding the issue of the additional height, this scheme would be more appropriate for its setting in design terms. The hereby proposed amendments to detailed design are considered to have eroded the quality of the previous scheme and have lead to the design poorly responding to the mews style quality of the existing buildings and their relationship to the surrounding townscape.

6. Residential Amenity

6.1. 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 impacts upon by virtue of noise or vibrations.

6.2. As the previous officers report had assessed and considered the potential impact upon the previously proposed building envelope upon neighbouring occupiers, no further objection is raised to these section of the proposed development. Notwithstanding this, as the scheme would now include an additional storey, both the impacts caused by this additional mass/bulk as well as the cumulative impacts formed must be considered.

6.3. The previous application was not considered to have resulted in a loss of outlook or increased overshadowing to a point of detriment to any adjoining occupier by virtue of the existing building envelope and the relatively minor increase above this. Notwithstanding this, it is considered that the height and width of the newly proposed bulk at 2nd floor level which would result in a loss of outlook to the point of detriment to the residential occupiers of no.64 with a minimum separation distance between facing elevations of only 9.5m. Furthermore, the resulting rear and Southern flank elevations (having a total height of 8.5m along the rear boundary with no.12 and 9m along the side boundary with no.62) are considered to result in a significant visually overbearing impact upon the adjacent garden spaces reducing the ability of occupiers to enjoy these spaces. Particularly for no.12 whose rear garden area is fully enclosed and is partially overshadowed by the adjacent mature tree, this visual impact and height would act to significantly erode the quality of the only outdoor private amenity space to this dwelling and also exacerbate the issue of overshadowing to this space. Although a daylight/sunlight report has been submitted, it is noted that the issue of overshadowing to adjacent garden spaces is not discussed within this report. Notwithstanding this, as the existing garden area to this adjacent property is overshadowed by a mature tree which could be improved in the future via pruning, this overshadowing could reasonable be improved above existing conditions and as such this issue does warrant a reason for refusal. Due to the separation distances and Southern outlook, the residents of Medresco House (no.15 Akenside road) would not be detrimentally impacted upon in this manner.

6.4. In terms of daylight/sunlight, because of the separation distances maintained between adjacent properties, the orientation of the dwelling as well as the positioning of the additional upper floor massing, the proposed addition would not result in the loss of natural light within any adjacent residential unit to a level of detriment. This is confirmed by the submitted daylight/sunlight report. In terms of privacy, the only fenestrations of the proposed dwellings would be to the front elevation. Although views would be afforded from internal spaces across to the opposing rear windows at no.64, this relationship would be as existing and would not be dramatically exacerbated. The impact upon privacy does therefore not form a reason for refusal. The proposed scheme involves the addition of significantly enlarged levels of glazing to the ground floor fenestrations than as approved. Notwithstanding this, due to the relative separation distances

between these fenestrations and the opposing rear windows of 64 as well as the potential for natural screening to be provided via a landscaping condition, light spill is not considered to cause a detrimental impact to the degree to form a reason for refusal.

- 6.5. As the site has very limited access and is in close proximity to a large number of residential units, the implementation of the proposed development would have the potential to cause significant disruption unless carefully managed. In accordance with policy A1, where development sites are accessed via narrow residential streets; or 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). Although significant concern is raised with regard to disruption from construction unless carefully managed, these concerns could have been reasonably addressed via the securing of a CMP via a legal agreement. In the absence of such an agreement, the unmanaged development does have the potential to cause significant harm and as such forms a reason for refusal.

7. Trees and landscaping

- 7.1. As outlined in the site description section, the application site is adjacent to a number of mature trees which provide considerable amenity value within the local area and are an inherent and characteristic part of the conservation area.
- 7.2. Similarly to the previous application, the development would necessitate the loss of a single Birch tree (T1) within the site as well as necessitating pruning to a mature London Plane (T10) within the adjacent plot involving the raising of the crown to the rear. The submitted Arboricultural report states that all other nearby mature trees would be retained through the works and the Birch is proposed to be replaced with a Field Maple slightly further to the North than existing.
- 7.3. Following a visit to the site by the Council's Tree's officers, it was confirmed that the raising of the crown to the adjacent London Plane (T10) would not be objectionable as the health and amenity value of this tree could be preserved following these works. The loss of the Silver Birch and its replacement with a native species was also not considered objectionable by the Council's Tree's Officers subject to appropriate planting specification (which would have been secured by condition if the scheme were otherwise acceptable). Similarly, were the Council otherwise supportive of the works proposed conditions would have been attached to secure details of the scheme of hard and soft landscaping as well as full Tree Protection measures in order to ensure that trees on adjacent sites would have been appropriately protected.

8. Energy, sustainability and water

- 8.1. Similarly to the above, had the Council been seeking to approve the scheme conditions would have been attached to for the submission of an energy strategy for the development in order to secure the optimum energy and resource efficiency measures and on-site renewable energy generation in line with policies CC1 and CC2. A further condition would also have been secured to ensure that the dwellings are designed with water saving measures.

9. Transport / Planning Obligations

- 9.1. As outlined in section 6, in line with policies A1 and A5 were the scheme found to be otherwise acceptable a construction management plan (CMP) would have been sought via legal agreement. This CMP would have been necessary were the works supported in order to manage on-site impacts arising from demolition and construction as well as seeking to establish control over construction traffic and how this integrates with other construction traffic in the area having regard to its cumulative effect. This is particularly relevant considering the significant amount of spoil which would need to be removed from and transported away from the site, necessitating significant heavy goods vehicle (HGV) trip generation within what is otherwise a quiet residential area.
- 9.2. Adopted policy T2 confirms that a strategic aim of the Council is to limit the opportunities for parking within the borough in order to reduce car ownership / use to bring about reductions in air pollution and congestion and improve the attractiveness of an area for local walking and cycling. This policy has ushered in a new

approach whereby the Council will now *“require all new developments in the borough to be car-free”* and to limit the provision of on-site provision for spaces for spaces designated for disabled people or essential operational or servicing needs only.

- 9.3. As discussed in the previous officer's report, the Council previously secured 'car-capped' development for the previously approved scheme but accepted the replacement of onsite provision via legal agreement. Since this determination and the subsequent changes to policy, this approach would no longer be considered to comply with adopted policy as the no.2 proposed parking spaces would not be required due to servicing needs or to provide for a disabled person. In accordance with the requirements of policy T2, it would therefore be expected that the applicant agree to a fully 'car-free' development via the submission of revisions to omit illustrated parking spaces, increased soft landscaping as well as a legal agreement whereby the rights to apply for parking permits are withdrawn from the proposed dwellings. In absence of a legal agreement and revisions to secure the above, the development would be contrary to policy T2 and the strategic aims of the Borough.
- 9.4. Further to the above it is also noted that the proposed parking spaces would feature contrived access and that their use could pose a hazard due to the narrow nature of the communal drive and the limited space for manoeuvring. Users of the forecourt parking would need to exist the site in the reverse gear, meaning that drivers would not have a clear view towards the public footpath (heavily used during school pick up and drop off times) and the junction with Fitzjohn's Avenue. In the absence of supporting evidence to address this concern (i.e. swept path analysis) significant concern is raised in this regard, as the communal driveway is the only means of access for dwellings (vehicular and pedestrian) and reversing along this space would mean blindly crossing the public footway onto Fitzjohn's Avenue. Without evidence to demonstrate that safe manoeuvring would be possible, officers take the view that vehicles manoeuvring into this space would cause a hazard, particularly for pedestrians walking along the driveway/public footway where views to the communal driveway as well as sightlines from it are obscured due to the fencing that has been erected. The proposal is therefore also considered contrary to adopted policy T1.
- 9.5. In line with the Council's policy T1 as well as London Plan requirements, all new dwellings should include adequate provision for cycle storage. As the development would involve the creation of 2x 3bedroom dwellings, the policy requirement for each dwelling would be a minimum provision of 4 cycle parking spaces. Submitted plans indicate that cycle storage provision would be included within the front courtyard area for the properties. Whilst the location of this storage would be appropriate, a condition for the submission of full details of this storage would have been attached were the recommendations to approve.
- 9.6. As discussed above, were permission approved the development site would need to be heavily serviced by HGV / construction traffic in order to implement the development. This in turn has the potential to cause damage to the public foot and highways adjacent to the site. In order to ensure that any damage caused during construction is repaired and that the condition of the local highways maintain following development, a further requirement for the payment of a refundable Highways contribution would additionally have been sought were the recommendations to approve.

10. Recommendation

- 10.1. Refuse planning permission

11. Conditions

- 11.1. In the event of a successful appeal, it is requested that the following conditions are secured:

(1)

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) 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 policy D1 (and D2 if in CA) of the London Borough of Camden Local Plan 2017.

(2)

Before the development commences, details of secure and covered cycle storage area for 4 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

(3)

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

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017.

(4)

The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

(5)

Prior to the commencement of any part of the development, a comprehensive energy strategy for the development including:

- (a) energy efficient measures
- (b) the feasibility for appropriate renewable or low carbon sustainable energy sources with the aim of reducing the development's carbon emission by at least 20%

The development shall thereafter not proceed other than in complete accordance with all the measures as recommended in the approved strategy, which shall be permanently retained and utilised as the main power sources for the development. The measures shall include the installation of a meter to monitor the energy output from the approved systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies G1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

(6)

No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

(7)

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development] [, prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

(8)

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.

(9)

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.

(10)

The hereby approved replacement dwellings shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017

(11)

Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing (The Council will require a semi-mature replacement tree).

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

(12)

The area of flat roof at 2nd floor level hereby approved shall not be used at any time as an amenity roof terrace.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.