

Delegated Report		Analysis sheet	Expiry Date:	29/06/2016
		N/A / attached	Consultation Expiry Date:	30/06/2016
Officer			Application Number(s)	
Elaine Quigley			2016/2499/P	
Application Address			Drawing Numbers	
3 Kidderpore Avenue London NW3 7SX			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a 2 storey dwelling with accommodation in the roof following the demolition of the existing single family dwelling house (Class C3).				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	32	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed on 15/06/2016 (expired 06/07/2016) and a press notice was advertised on 17/06/2016 (expired 08/07/2016). Three letters of objection were received from neighbouring occupiers at nos. 1a, 4 and 9 Kidderpore Avenue and raising the following concerns:</p> <p><u>Historic interest of the existing building</u></p> <ul style="list-style-type: none"> It should be noted that the existing house has historic interest, given it was built by Laurence Harvey, film star <p><u>Size and scale</u></p> <ul style="list-style-type: none"> Very large building dominating the neighbouring houses and out of keeping with the character of the conservation area The size and scale of a permitted development should be substantially smaller than the proposal The proposed dwelling is considerably larger than the existing house in width, depth and height. The sheer bulk would be overpowering when viewed from the terrace and garden of no.1a. It is out of keeping with the character of the road and the size of the adjacent houses The proposal is out of keeping with the Avenue. The development is much too large <p><u>Detailed design</u></p> <ul style="list-style-type: none"> From the drawing (#KP15PP207, site elevation) a staircase structure and storage area will be built in front of the building line of the house, which I thought was not permitted. The proposed rendered white finish, while similar to the existing house, seems inappropriate as most of the houses in this conservation area are finished in red brick (even the new builds at the other end of Kidderpore) <p><u>Overlooking</u></p> <ul style="list-style-type: none"> Overlooking of garden at no. 9 – plans specify obscure glazing on the side but this could be replaced at any time by clear glass Concerned by the vastly increased number of windows overlooking the home and garden of no. 1a compared to the existing house (even though some are designated as obscure glazing). Concerned that somebody standing on the floor of the flat roof terrace will be easily able to overlook no. 1a which constitutes a substantial loss of privacy <p><u>Loss of light</u></p> <ul style="list-style-type: none"> The drawing does not seem to be explicit as to the material and height of the boundary fencing/wall between our properties. It is not clear what will happen on the side to the rear of the house at no. 1a. Increased height could adversely affect the light onto the terrace and 					

also further back to the end of the garden.

- There is a large skylight in the kitchen at no. 1a which will be deprived of light by the additional mass of the proposed dwelling.
- The proposal extends No 3 to the furthest point of No.1 ie further than the existing building, and as such means that my property, particularly the terrace, will be caught in an unpleasant pincer movement affecting light and privacy.
- The development would block light to the front of the house at no. 4 particularly to the ground floor

General comments

- This proposal should be considered in the context of the planning permission previously obtained on appeal (despite unanimous disapproval by Camden's Councillors) for a massive two-story basement extending the full length and breadth of No. 3.

CAAC/Local comments:
*Please Specify

groups*

Redington and Frognaal Neighbourhood Forum – objects

- Opposed to the demolition of buildings within the Forum Area's Conservation Area. This is a building which makes a positive contribution to Kidderpore Avenue and the Conservation Area.
- The proposed replacement, by contrast, would harm the Conservation Area and does not offer any benefit which would outweigh the harm caused. We would also note that this is an area with many underground rivers and that a basement is unlikely to be appropriate in such a location.

Heath and Hampstead Society – objects

1. Demolition of the existing house.

It is to be noted that it is locally listed (i.e. it is listed in the CA Statement as contributing to CA character); we agree with this, and oppose its demolition, especially in view of the dreadfully amateur nature of the replacement house proposed. It fits well into the character of this part of Kidderpore Avenue, and we see no justification for its demolition. Application 2012/5358/P showed an extended house of considerable size, in scale with others in the area, and we see no reason why this should not provide an agreeable and satisfactory house.

Demolition of houses in our Conservation Areas, especially those which are locally listed, is against your policies on CA character, and can only be justified in the most exceptional circumstances, including replacement by designs of exceptional architectural merit. This design most decidedly, with its monstrous basement, does not meet those criteria

2 Basement

Regarding the basement development here proposed it seems, since the basement areas are not delineated in plan (although they are in section), that the applicants may rely on the permission they received in 2010 on Appeal, and believe they don't need to detail them on their drawings. They clearly are too ashamed to show these on plan now, perhaps in view of their grossly excessive boundary-to-boundary plan extent, their double-depth---or is it triple-depth?-- and the total lack of garden landscaping, trees or other alleviating features.

Whatever may have been permitted on Appeal, it will by now in 2016 have expired. The proposals must now therefore be considered on their merits, shown in full, and justified in terms of current Planning policies. These prohibit boundary-to-boundary excavations, all basements deeper than one level (or 3 metres), all front garden excavation, and no more than 50% of rear garden excavation. They also call for setbacks from boundaries to permit landscaping and tree planting at least around perimeters, and a minimum depth of soil over basement construction to permit sustainable grass and flower planting. This proposal contravenes every one of these prohibitions.

No Basement Impact Assessment has been submitted, and neighbouring properties would be put at instant risk of damage if the excavations were to proceed. This is in direct contravention of policies DP23 and DP27 .

No Construction Management Plan has been submitted. This would be essential even if this were the only major construction project in the area. In

view of the other current major redevelopments in Kidderpore Avenue it is imperative.

The proposals not only flout current LDF policies, but also the draft Local Plan policies now close to ratification. We understand that there is precedent for applying draft policies if the importance of the proposals is sufficiently great, and in the public interest. Refusal of this profoundly unacceptable application would most clearly be in the public interest.

3 Replacement house

This seems to have been conceived as a traditional proposal in keeping with others in Kidderpore Avenue, but is poorly designed, in scale, proportions and detail. Its general style is “developers’ Georgian”, but the roof is all wrong, the windows are wrong, the proportions and details not authentic. The boundary walls and gates are dreadfully tasteless and conspicuous.

It just doesn’t add up as a design of architectural merit in our Conservation Area.

Please refuse.

Site Description

The site is located on the south of Kidderpore Avenue in close proximity to the junction with Heath Drive. It comprises a two-storey double-fronted house with a hipped roof with a large flat roofed two-storey side extension to the west. The rear elevation has a single-storey addition that extends beyond the elevations of the house and has been constructed using glazed curtain walling. The composition of the house and its elements is largely balanced with a distinctly art deco character that also acknowledges the Edwardian period. The palette is white render with black joinery and with a fairly traditional slate roof.

The existing front boundary contains a white rendered brick wall with two vehicular entrances. The front garden is covered in hard landscaping providing parking spaces for at least 5 cars.

The existing rear garden measures approximately 552 sq. m. It included a large swimming pool structure measuring approximately 107 sq. m but this has been demolished. There are a number of trees along the boundaries of the site providing a verdant quality that is typical of the surrounding properties within this part of the conservation area.

The building sits quite tightly on the site with more traditional brick houses on either side. No. 1a that lies to the south is a semi-detached two-storey red brick single family dwelling house. No. 5, The Studio, that lies to the north is a modestly sized former outbuilding that is a brick built 2-storey dwelling house. It extends up to the western boundary with the application site making them visually appear to be semi-detached. Due to the topography of the area the gradient of the street slopes down from west to east.

The site lies within the Redington Froggnal Conservation Area. The site is located in the fifth sub-area of the eight identified sub-areas within the conservation area. The building is considered to make a positive contribution to the character and appearance of the conservation area (see assessment section 4.2 below for further information).

The earlier area-designate of the Conservation Area has a character that is expressed by Victorian and Edwardian architecture and has many Charles Quenell and George W Hart houses in the northern part of the conservation area some of which are listed. Kidderpore Avenue also has some Quenell and Hart houses dating from 1906. The style ranges from 'restrained Arts and Crafts to more formal Neo-Georgian.'

In terms of accessibility, the site has a Public Transport Accessibility Level (PTAL) 3 but it is not considered to have poor public transport accessibility. It is within 10 minute walk of Finchley Road where there are excellent public transport links including a number of bus routes and is 20 minutes walk from Finchley Road underground tube station.

Relevant History

Application site

A planning application (ref 2009/0685/P) and associated conservation area consent application (ref 2009/0686/C) were registered on 27/04/2009 for erection of a three-storey, single family dwellinghouse with a double basement, swimming pool and alterations to the boundary treatment following the demolition of the existing dwellinghouse (Class C3). The applications were **withdrawn** on 11/06/2009. Concerns were raised by the Council to issues relating to trees within and adjacent to the site, the principle of demolition of the existing building and the design of the new building.

Planning permission and conservation area consent (2009/4524/P and 2009/5076/C) were **refused** by the Development Control Committee on 20/04/2010 for excavation of a double basement to provide additional residential accommodation, swimming pool and underground parking facilities to single dwelling house (Class C3) following demolition of pool house in rear garden. The reasons for refusal related to (i) the effect of the proposal on the structural integrity of nearby houses and its effect on local hydrology, and (ii) the failure to provide sufficient evidence to demonstrate that construction

works would not result in unacceptable impact on local amenity and the public highway. The third reason for refusal related to the absence of a legal agreement to secure highway financial contributions. The decision was taken to appeal. Under the written representations procedure appeal A (planning refusal) (Appeal ref APP/X5210/A/10/2131296) was dismissed on 14/12/2010 as the appellant did not provide sufficient technical information to demonstrate to the Inspector that the proposed basement development would not have an unacceptable effect on the structural integrity of neighbouring properties and/or local hydrology.

The linked appeal Appeal B (Appeal ref: APP/X5210/E/10/2131297) for demolition of the swimming pool was allowed on 14/12/2010. The Inspector considered that the structure added nothing to the property or the wider Redington/Frognaal Conservation Area in architectural terms, and was not worthy of retention.

Planning permission (ref 2010/3432/P) was **refused** by the Development Control Committee on 16/09/2011 for excavation of a double basement to provide additional residential accommodation including swimming pool and underground parking facilities to existing dwelling house (Class C3). The reasons for refusal included (i) structural stability of neighbouring properties (ii) the water environment (iii) the character and appearance of the conservation area and (iv) the living conditions of nearby residents. An appeal was lodged and was **allowed** under written representations procedure on 30/04/2012. The Inspector took the view that the basement works would be likely to maintain the structural stability of adjoining properties and would not adversely affect the drainage or the water environment and would not conflict with policy DP27. His assessment concluded that the proposal would have a neutral effect on the character and appearance of the conservation area and would not harm its significance due to limited visual manifestation of the basement development. The Inspector advised that the measures secured by a legal agreement and suggested conditions would not result in impacts on the living conditions of nearby residents that would be so significant as to warrant refusal of planning permission.

A certificate of lawfulness (ref 2014/0971/P) was **granted** on 04/04/2014 to establish that the demolition of the pool house was a lawful operation and forms part of the developments approved by conservation area consent 2009/5076/C (appeal reference: APP/X5210/E/10/2131297) and planning permission 2010/3432/P (appeal reference: APP/X5210/A/11/2166638). It was demonstrated that the pool house was demolished on 28/11/2013 and 07/12/2013 prior to the expiry date of the conservation area consent on 14/12/2013. The pre-commencement conditions required by the Inspector in the appeal (APP/X5210/A/11/2166638) were discharged before 28/11/2013 prior to the demolition of the pool house being undertaken. Therefore the permission to construct the basement is legally extant and capable of full implementation.

Planning permission (ref 2012/5358/P) was **refused** on 17/12/2012 for remodelling of existing house including erection of rear extension at ground, first, second floor and roof level, side extension at second floor and roof level, replacement of existing roof including installation of new dormer windows and rooflights, installation of new front entrance porch and alterations to fenestration all in connection with existing dwellinghouse (Class C3). The reasons for refusal related to (i) the height, bulk, mass and design or the dwelling within the context of the site and streetscene resulted in an overly dominant dwelling and (ii) the detrimental impact of the proposed extensions on the amenity of the occupiers at no. 5 Kidderpore Avenue in respect to loss of daylight, sunlight and outlook.

A planning application was submitted on 16/10/2014 (ref 2014/5471/P) for the erection of a three storey house following demolition of the existing house. This was **withdrawn** on 06/03/2015. The Council raised concerns regarding the demolition of the existing dwelling house in the absence of an acceptable replacement scheme of high quality. The design of the proposed replacement house in conjunction with its form, massing and use of materials was not considered to be of merit and not of sufficient quality to justify the demolition.

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Policies 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments); 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction); 6.9 (Cycling); 6.13 (Parking); 7.4 (Local character); 7.6 (Architecture); 8.2 (Planning obligations) and 8.4 (Monitoring and review).

Camden Local Plan (2017)

G1 Delivery and location of growth

H1 Maximising housing supply

H3 Protecting existing homes

H6 Housing choice and mix

C5 Safety and security

C6 Access for all

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

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

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

DM1 Delivery and monitoring

Camden Planning Guidance

CPG1 Design (2015) Chapters 2; 3, 5 and 6

CPG2 Housing (2015) Chapters 4 and 5

CPG3 Sustainability (2015) Chapters 2, 3, 6, 7, 8, 10

CPG6 Amenity (2011) Chapters 4, 6, 7, 8

CPG7 Transport (2011) Chapters 5, 6, 9

CPG8 Planning Obligations (2015) Chapters 3, 5, 7, 10

Redington Froggnal Conservation Area Statement (2000)

Pages 9, 16, 17, 18, 26, 27, 28, 29, 30, 32

Assessment

1.0 Background

Basement works

1.1 A certificate of lawfulness (ref 2014/0971/P) was **granted** on 04/04/2014 to establish that the demolition of the pool house was a lawful operation and forms part of the developments approved by conservation area consent 2009/5076/C (appeal reference: APP/X5210/E/10/2131297) and planning permission 2010/3432/P (appeal reference: APP/X5210/A/11/2166638). It was demonstrated that the pool house was demolished on 28/11/2013 and 07/12/2013 prior to the expiry date of the conservation area consent on 14/12/2013. The pre-commencement conditions required by the Inspector in the appeal (APP/X5210/A/11/2166638) were discharged before 28/11/2013 prior to the demolition of the pool house being undertaken. Therefore the permission to construct the basement is legally extant and capable of full implementation. The proposed drawings include the outline of the basement that has been granted permission and has been included for completeness. It does not form part of the assessment of this application.

Demolition of the existing dwellinghouse and replacement with a new dwellinghouse

1.2 There have been a number of applications over the last 8 years seeking permission for the demolition of the existing building and its replacement with a new detached single-family dwellinghouse. No formal decision has been made by the Council on the principle of the works however the applicants have withdrawn the applications prior to determination following concerns expressed by council officers; in particular in relation to the demolition of the building and the design and scale of its replacement (2009 and 2014 applications).

Pre-application advice

1.3 The applicant submitted a pre-application enquiry to the Council on 03/06/2015 (2015/3225/PRE). A pre-application meeting was held with officers on 14/07/2015. The discussions focused on the design quality of the replacement building in order to justify the demolition of the existing house whose scale and massing was considered to relate well to its neighbours. The applicants were advised that:

- any replacement building needed to demonstrate a similar relationship with its neighbours.
- the architectural composition of the replacement building should respect the character of the surrounding area in terms of roofscape and details such as fenestration
- a traditional design approach would probably work better with the surrounding context
- issues were raised about amenity of neighbouring properties including overlooking from first floor rear terraces and daylight to windows due to the depth of the replacement house. Officers advised that a daylight and sunlight assessment should be submitted in support of any future planning application.

1.4 The design and access statement suggests in the section headed planning history that between 12th August and 1st September correspondence via email with Hannah Walker (previous conservation officer for the Council) regarding a sketch proposal resulted in her approval. Officers consider that this statement is misleading as the pre-application advice was based on sketch designs only which were indicative of general massing and elevational treatment.

2.0 Proposal

2.1. Planning permission is sought for the erection of a 2 storey dwelling with accommodation within the roof following the demolition of the existing 2 storey single family dwelling house (Class C3).

2.2. The replacement dwelling would have a square form and would have a footprint of approximately 406 sq. m. It comprises a gable roof to the east closest to no. 1a with a pitched sloping roof over the remainder of the building with a central flat roof behind. The roof forms include 2 no. dormer windows and full height dormer window opening at the front, 4 dormers along the western and eastern side elevations and 3 full height dormer windows at the rear.

2.3. The replacement dwelling would measure 19m in width (almost the entire width of the plot) by

19.5m and 21m in length by 10.9m to 12.7m in height. Due to the difference in ground levels along the street the replacement house would be 0.6m higher than the ground level of the neighbouring house at no. 1a and would be 2.5m lower than the ground level of the neighbouring property at no. 5.

2.4 The replacement dwelling would be constructed using red brick with stone banding. The roof would include clay roof tiles and the windows would be constructed using white aluminium frames.

2.4. The ground floor of the new house would comprise a family room, pantry, study, cloakroom, lounge, dining room and kitchen. The first floor would comprise 4 bedrooms, within ensuite bathrooms. A Juliet balcony would serve the front bedroom and a balcony would serving the main bedroom at the rear. The second floor level would comprise a further 4 bedrooms with ensuite bathrooms and a solarium.

2.5 The front boundary would treatment would include stone piers ranging in height from 1.7m to 2.2m with rendered brick panels and iron railings above. Two metal perforated gates would provide vehicular entrances into the site. The garden at the rear would measure 508 sq. m and would be landscaped in line with the permission in 2012 for a new basement that has been implemented (see planning history for details)

3.0 Revisions

3.1. The following additional plans have been submitted during the course of the application:

- Proposed front and side elevations with the outline of the existing building dotted blue

4.0 Planning considerations

4.1. The key considerations material to the determination of this application are summarised as follows:

- Principle of development
- Design of the replacement building
- Living standards for future occupiers
- Amenity
- Transport and highway impacts
- Trees and landscaping
- Sustainability and energy efficiency

5.0 . Principle of development

5.1.

5.2 The application site is located within the Redington Froggnal Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The design and access statement submitted in support of the application suggests that the existing building detracts from the conservation area as it has been extensively modernised. The existing building is listed in Redington/Froggnal Conservation Area statement as a positive contributor. Mention is made to no. 3 Kidderpore Avenue on page 17 as being a "...*modestly sized former outbuilding which features an impressive large bay window to its street frontage.*" This appears to be an error as it more accurately describes the neighbouring building (number 5). However both the map and audit list this building as a positive contributor. Research has shown that the building was originally constructed in the late 19th century but was altered in the 1970s by Patrick Gwynne, a twentieth century architect who has had many of his works listed (most notably the Grade II listed Homewood in Esher) but more locally 4 Beechwood Close and the Firs in Barnet. The side extension and garage were also by Gwynne and were built slightly later. Comparing the plans of the 1970s alterations with the existing condition of the building it can be seen that the exterior of the building has been altered again. The louvers shown on Gwynne's plan are no longer there, and the panelling above the entrance door is altered. At a site visit it appears that the windows are modern double glazed replacements. Although the internal floor plan remains largely unaltered since the 1970s it appears to have been modernised.

5.3 The building itself was originally constructed as a formal part of the development of Kidderpore

Avenue and its original scale, proportions and distinctive roof form are clearly evident and as such it makes positive contribution to the conservation area.’ RF4 of the CAS advises that the Council will seek retention of those buildings which are considered to make a positive contribution to the character or appearance of the conservation area.

5.4 Paragraph 134 of the NPPF states that where development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. On balance, using the NPPF as the main test for the following recommendation the proposed demolition would not be acceptable unless it were to be replaced by a building which respects both the historical and architectural character of the conservation area and furthermore seeks to redress the loss of the current building by a very fine period style house using the vernacular language. Alternatively it may be acceptable to design a very good quality contemporary replacement but this would possibly need to address itself to the architectural language of the extant 1970’s alteration as well as architectural reference to the historical development of the property.

6.0 Design of the replacement building

6.1 The proposed footprint of the replacement house is materially greater (almost 1/3 larger) than the footprint of the existing house and by its near square form bears no relationship to that of either the existing house or to those of the neighbouring properties which also tend towards the rectangular. This together with its height and bulk results in the house being noticeably larger than neighbouring buildings in the street and would have a negative impact on the setting of the adjacent properties that are also identified as positive contributors.

6.2 It should be noted that the existing house visually still reads as a much narrower house than the proposed replacement dwelling with a pitched/hipped roof with a wide flat-roofed side extension on its north side. Whilst this may not be an ideal arrangement, the extension has a subservient character and provides a visual gap at roof level. The proposed house has a larger footprint and the area occupied by the current extension is expressed differently as part of the overall composition rather than a subservient element. The result is an overly large building which sits uncomfortably on the site and in the context of neighbouring buildings.

6.3 The unacceptable bulk and form of the building is emphasised by the treatment of facing materials which comprises heavy treatment of stone adjacent to brickwork. In terms of detailed design, the submitted drawings show a pattern of fenestration which appears to be clumsy in its detail and does not pick up on the fine detail of surrounding buildings, providing an architectural hierarchy which fails to comprehend the prevailing style of the area. It is proposed to install white aluminium framed windows. This material is not a tradition material and would not relate to the character and appearance of conservation area. A more appropriate material to use in the front elevation of a traditionally designed dwelling in the conservation area would be timber framed windows.

6.4 When considering the proposed development within the context of the application site, whilst the application site itself is generous at 1110.2 sq. m what is being proposed would cover one third more of the application site than the existing property. Furthermore the grain of the surrounding area is that of semi-detached and detached houses that are set within generous plots. It is stated in the conservation area statement that the sizeable gardens make a contribution of their own to the area’s verdant quality. The proposed development would result in a dwelling that is significantly larger than those surrounding it (except for no. 4 on the adjacent side of Kidderpore Avenue). The proposal would result in one significantly large property within the context of this row of 6 properties (nos. 1-9 (odds)).

6.5 RF8 of the CAS states that “proposals should respect the original style of boundary and these should generally be retained and reinstated where they have been lost.” The boundary treatment of the surrounding properties vary in terms of height and materials. They include red brick walls with hedging and white rendered walls, red brick piers and metal gates. The proposal would include a new boundary wall that would include stone piers, rendered brickwork between the piers with red brick

infilling the bottom and top parts of the wall. There would also be two metal perforated gates providing access into the site. The front boundary wall is considered to include the use of too many different types of materials and should be simplified to reflect the main materials used in the replacement dwelling – mainly red brick. Should the proposal have been acceptable in all other respects, a condition would be attached to any permission requiring details of the front boundary wall to be submitted and approved by the Council.

6.6 The proposal includes the installation of an external staircase on the front elevation of the replacement house to provide access from ground to first floor level. It is unclear why an external stair should be incorporated into the design of a single family dwellinghouse. This would introduce an uncharacteristic feature within the frontage of Kidderpore Avenue that does not respect the historic form and integrity of the surrounding properties and would be considered unacceptable.

Summary

6.7 The existing house has some architectural merit. Therefore the demolition of this building could only be considered acceptable if the proposed replacement were to be of high quality. The design of the proposed replacement house in conjunction with its form, massing and use of materials is not considered to be of merit and not of sufficient quality to justify the demolition. When coming to this decision special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s72 of the Listed Buildings and Conservation Areas Act 1990.

7.0 Living standards for future occupiers

7.1 In relation to housing, part (n) of Policy D1 of the Camden Local Plan requires development to provide a high standard of accommodation. The sub-text to the policy notes that all residential developments are to be designed and built to create high quality homes.

7.2 It is considered that the replacement dwelling would provide a good standard of accommodation for future occupiers in terms of its size and layout.

8.0 Amenity

8.1 Policy A1 of the Camden Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook, sunlight, daylight and overshadowing; artificial lighting levels; transport impacts; impacts of the construction phase; noise and vibration levels; odour, fumes and dust; microclimate; contaminated land; and impact upon water and wastewater infrastructure.

8.2 The main properties that are likely to be most affected by the proposal are the immediate neighbours at no. 1a and no. 5 Kidderpore Avenue. All other nearby properties are considered to be at a sufficient distance away from the application site so as not to be affected.

Overlooking and loss of privacy

8.3 The existing house has window openings in the eastern side elevation (facing onto no.1a) at ground floor level and two larger window openings at first and second floor level that serves the internal staircase. The replacement dwelling would also have window openings on the eastern side elevation at ground, first and second floor levels. The upper floor windows would serve bedrooms, bathrooms and a dressing room and are annotated on the plans as being obscure glazed. There would be no additional overlooking from upper floor windows into the neighbouring property at no. 1a.

8.4 The western side elevation of the existing house has 2 dormer window openings within the roof. The remainder of the main house extends up to the boundary with the neighbouring property at no. 5. The replacement dwelling would include 4 dormer window openings within the western elevation at roof level that would be obscure glazed. There would be no overlooking from these windows into the rear garden of no. 5. The proposal would also include an external staircase on the western side elevation at the front of the property that extends from ground to first floor level with a landing to provide access to the first floor bedroom. Due to the existing two storey parapet wall that separates

the application site from no. 5 there would be no overlooking from this external stair into any habitable windows in the neighbouring property at no. 5.

8.5 A first floor balcony would be centrally located on the rear elevation of the replacement dwelling. It would be approximately 4.9m from the boundary with no. 5 and 6.1m from the boundary with no. 1a. An obscure glazed screen would be installed on the eastern elevation of the balcony to prevent direct views into the neighbouring garden of no. 1a. However no glazed screen is proposed on the western elevation to protect the amenity of the neighbouring occupier at no.5. A condition could be attached to any permission requiring the installation of an obscure glazed privacy screen to ensure that there would be no direct overlooking into the rear garden of this property.

Daylight and sunlight

No. 1a Kidderpore Avenue

8.6 No. 1a has a large single storey rear extension that extends approximately 8m from the main rear elevation of the house comprising a kitchen and reception room. One element of the extension has a flat roof and the other has a pitched roof. The windows at first floor level closest to the application site appear to be obscure glazed. This together with the location and height of the existing single storey pitched roof would appear to compromise the level of light to all of the first floor window openings.

8.7 The existing two storey house is positioned approximately 2.2m from the boundary with no. 1a and extends 4m beyond its main rear elevation for a height of 7.8m (to the eaves). The replacement two storey dwelling would be positioned closer to the boundary with no.1a at approximately 1.5m and would project a further 7m beyond its main rear elevation for a height of 8m (to the eaves). There are window openings on the ground floor side elevation which serve a kitchen area. The light into these windows are already compromised by the boundary treatment and the existing dwelling. The replacement dwelling is not considered to have any more harmful impact on the daylight received into these windows. It is not clear what the first floor window on the rear elevation of no. 1a serves but it was noted on site that there is obscured etched glass in the window that would suggest a non-habitable room. Although the replacement dwelling would be closer, longer and higher than the existing dwelling along this boundary with no. 1a it is not considered to have an adverse impact on the daylight of the windows in this property and would be considered acceptable.

No. 5 Kidderpore Avenue

8.8 With regard to daylight and sunlight, although the garden level and ground floor window openings within the rear of No.5 are relatively wide they comprise a number of small panes, therefore limiting the level of light that can be received into the bedrooms that they serve. Given the development would project 5.7m beyond the rear wall of no.5 for up to 7m in height to the eaves (when measured on the side of no.3) it is considered there would be some impact on the level of daylight received into these habitable rooms at no.5. Although these windows are bedrooms and it is acceptable for them to receive less light than main living areas, from the information provided it is not possible to determine the level of impact from the proposed development. In light of the absence of a BRE daylight and sunlight assessment the applicant has not sufficiently demonstrated whether the proposal would ensure an adequate provision of daylight and sunlight would continue to be received to this property.

No. 4 Kidderpore Avenue

8.9 The occupiers of no. 4 Kidderpore Avenue raised concerns that the development would block light to the front of the house particularly at ground floor level. No. 4 lies approximately 30m to the northwest of the application site. The replacement dwelling would include a pitched roof that would slope away from Kidderpore Avenue where the existing two storey flat roof side extension has been built. It would be 5.4m higher to the ridge than the existing flat roofed part of the building. The building would be higher with a steeper pitch and the front elevation of the replacement house would be closer to Kidderpore Avenue by approximately 1.5m. Given the separation distance between the application building and no. 4 it is not considered that the front elevation of this property would incur a harmful loss of light and would be considered acceptable.

Outlook

8.10 The existing side elevation of two storey extension to the application property forms part of the western boundary with no. 5. It measures 5.6m in height and does not project beyond the rear elevation of the neighbouring property. The proposed development would be located on the boundary with no. 5 and would extend 6.6m beyond the rear elevation. Given its depth and height on the boundary (7.4m to the eaves and 12m to the ridge of the roof) it would be considered an imposing building when viewed from the rear windows and garden area of no. 5 would have a detrimental impact on the visual amenity enjoyed by no.5 both from the windows on the rear elevation, the terrace area, and rear garden. It is considered that it would result in harm to the outlook enjoyed by this neighbour and would warrant a reason for refusal. According to the submitted elevations, the elevation of the replacement dwelling running along the western boundary would have a maximum height (to the eaves) of 7.4m which is a significant increase in height to the existing boundary wall. The material increase in built form (up to 2m) along the boundary for a length of 6m would result in a significant loss of outlook and a material impact by way of overbearing and increased sense of enclosure to the occupiers at no. 5.

8.11 With regards to outlook, the proposed development would be set away from the boundary with no. 1a by 1.5m. It would project 7m from the main rear elevation of the neighbouring property however the outlook from the first floor windows are already compromised by one window having etched glass and the other windows look out at the pitched roof of the existing single storey extension to this property. The two storey element of the replacement dwelling would not extend beyond the single storey extension. Therefore the proposal would not be considered to harm the outlook of this property.

Noise

8.12 It is not considered that the proposal would cause harm by reason of extra comings and goings to the application site. Although the replacement dwelling would be larger than the existing, there is unlikely to be significant additional comings and goings associated with the single family dwellinghouse.

8.13 The sub-text to Policy A1 notes that disturbance from development can occur during the construction phase, and measures to reduce the impact of demolition, excavation and construction works should be outlined in a Construction Management Plan (CMP). A CMP could be secured by legal agreement. However In the absence of such a legal agreement this forms a further reason for the refusal of the application. An informative would be attached to advise that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

8.14 After the construction period has finished, it is not considered that the proposal would cause undue harm to neighbouring properties in terms of noise, vibration, odour, fumes or dust. Neither is it considered that the proposal would cause microclimate, contamination of water related issues to neighbouring properties.

9.0 Transport

Car Parking

9.1 Policy T2 of the Local Plan requires development to be car free. The policy notes that the Council will limit availability of parking and requires all new developments in the borough to be car-free.

9.2 The site is located in the Reddington and Frognaal: South controlled parking zone (CA-S(a)) which operates between 0900 and 1800 hours on Monday to Saturday. In addition, the site has a PTAL rating of 3 which means it is adequately accessible by public transport.

9.3 The applicant has implemented a planning permission for new basement extension underneath the existing house and the majority of the front and rear garden (as per the previously approved applications 2014/0971/P (certificate of lawfulness) and 2010/3432/P (planning permission)). The

approved plans include a car lift and car parking area within the basement under the existing house.

9.4 The site has a Public Transport Accessibility Level (PTAL) 3 and it is not considered to have poor public transport accessibility. The sub-text to Policy T2 notes (para 10.20): “...*the Council will consider retaining or reproviding existing parking provision where it can be demonstrated that the existing occupiers are to return to the address when the development is complete...If a development is to have new occupiers, this should be car-free.*” In this instance it would be unreasonable to ask the applicant to remove on-site car parking. If the application was considered acceptable in all other respects a legal agreement would be secured so that the new dwelling relinquishes the right to any further parking permits (i.e. future occupiers would not be issued with on-street parking permits but would be able to park on-site as is the advising that current situation). Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Cycle Parking

9.5 Policy T1 of the new Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The policy seeks to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan and the Council’s design guidance.

9.6 The London Plan requires 2 spaces. The proposed plans do not include any details of the 2 covered and secured spaces in an external store, therefore this would be considered unacceptable. If the application was otherwise considered to be acceptable, a suitable planning condition would require the details of a covered cycle store for the provision of two cycle parking spaces to be provided prior to occupation, and for their retention to be secured in perpetuity thereafter.

Management of Construction Impacts on the Public Highway in the local area

9.7 Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road, and Policy A4 seeks to minimise the impact on local amenity from the demolition and construction phases of development. Due to the scale of the proposed building the proposal is likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A Construction Management Plan would therefore be required to be secured as a Section 106 planning obligation including a monitoring fee. Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Highways Contribution

9.8 The Local Plan states, under policy A1, that ‘*Development requiring works to the highway following development will be secured through planning obligation with the Council to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces.*’ Any damage to facilitate the development would need to be repaired. A highways contribution for any repair, repaving and tying in works created by the development would be secured by s106 planning obligation. In the absence of such a legal agreement this forms a further reason for the refusal of the application although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

10.0 Trees and landscaping

An Ash at the front is the subject of a TPO. The proposed replacement house would not encroach

within the root protection area in order to allow for its retention. Within the rear of no. 5 there are two Cypresses and a Hornbeam in close proximity to the boundary. As part of the permission for the basement works (ref 2010/3432/P) that was allowed on appeal (ref APP/X5210/A/11/2166638) conditions were required by the Inspector including condition 4 (discharge of tree protection measures). The approval of details application was discharged on 25/09/2013. If this application was acceptable in all other respects a condition would be attached to any permission requiring the trees to be protected in line with these details.

11.0 Sustainability and energy efficiency

11.1 Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. It requires all new developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures.

11.2 The applicant has not submitted any information regarding the energy efficient measures that would be incorporated into the design of the replacement building in order to ensure that the development would result in a reduction in CO2 emissions. In the absence of this information it would not be possible to assess now the development would minimise the effects of climate change and would therefore form a reason for refusal.

12.0 Conclusion

12.1 Refuse planning permission