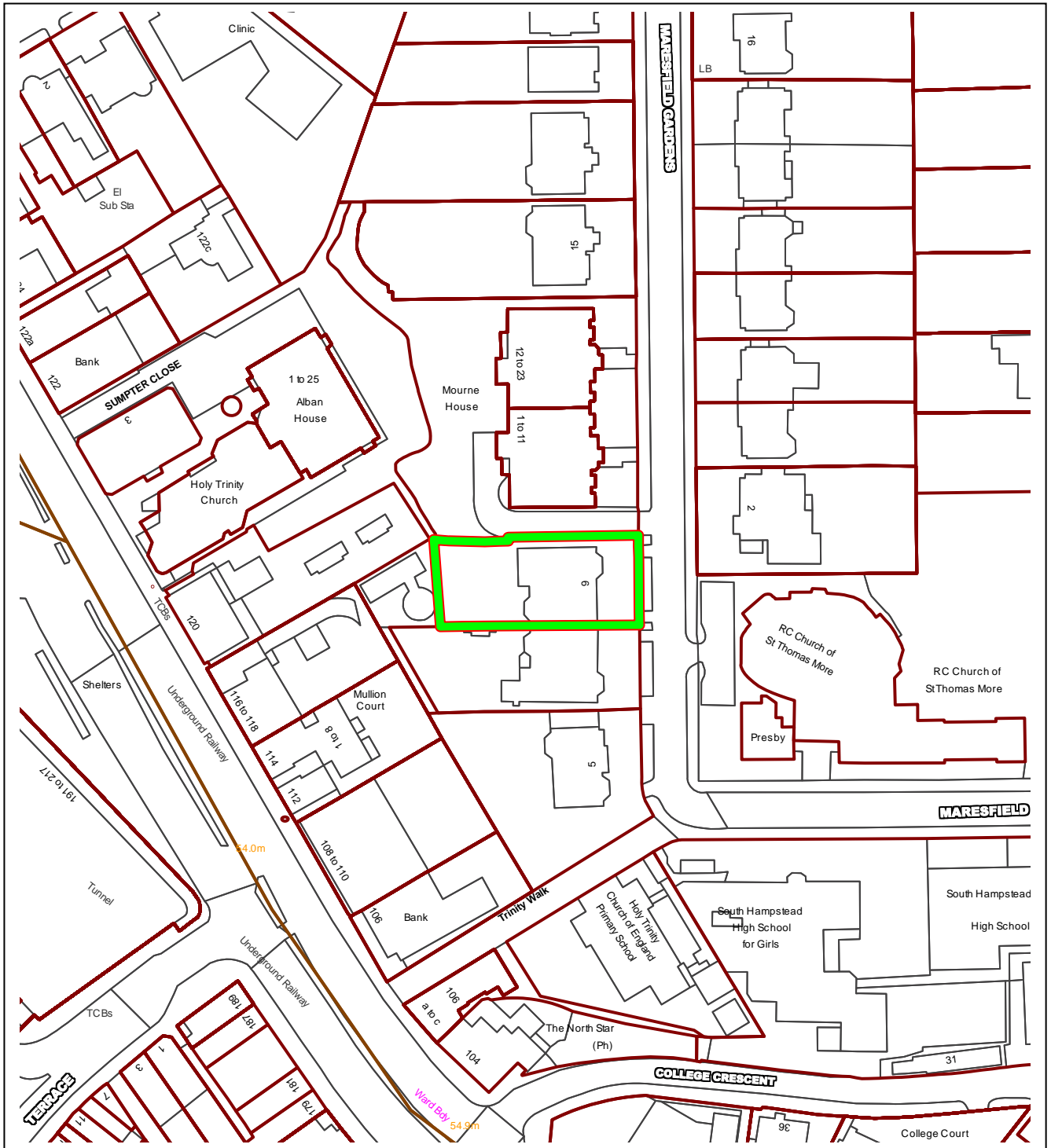


9 Maresfield Gardens, NW3 5SJ



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Photo 1- Front Elevation

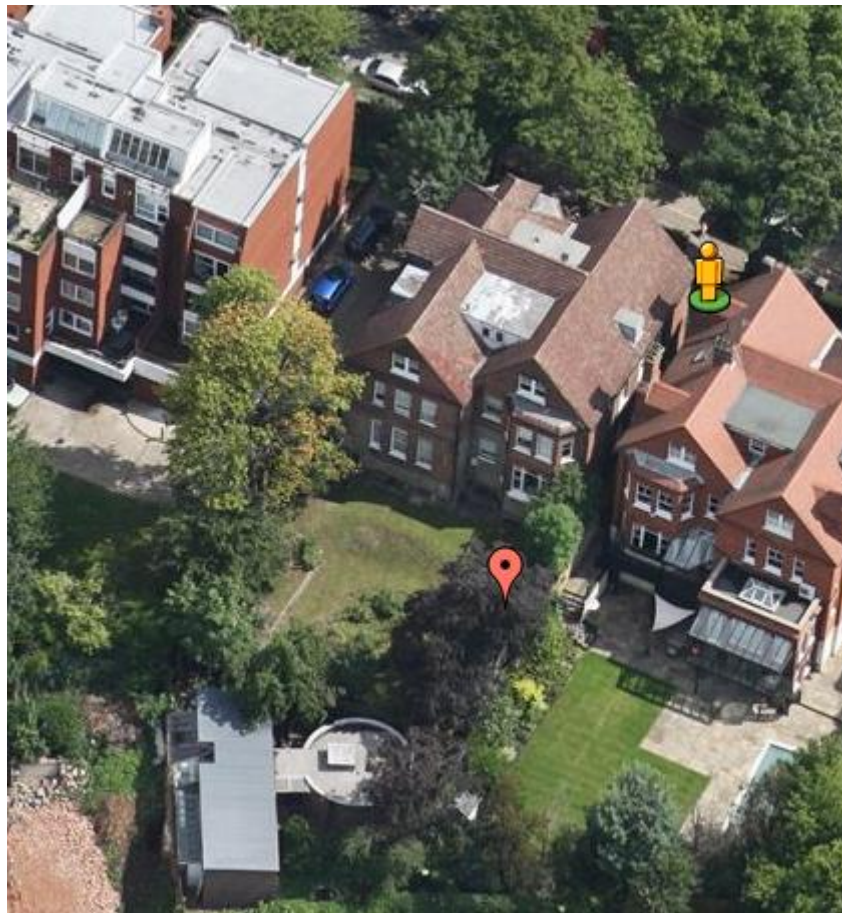


Photo 2- Rear Elevation

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	26/09/2016
		N/A	Consultation Expiry Date:	26/08/2016
Officer			Application Number(s)	
Tessa Craig			2017/5634/P	
Application Address			Drawing Numbers	
9 Maresfield Gardens London NW3 5SJ			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of Condition 3 (approved plans) of planning permission 2016/4136/P dated 11/07/2017 (for excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases), namely to infill the gap between the two approved rear extensions at lower ground and ground floor and the addition of no.1 ground floor rear window.				
Recommendation(s):		Grant Variation of Condition subject to Deed of Variation		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	03	No. of objections	03
	No. electronic	03		
Summary of consultation responses:	<p>A site notice was displayed 05/08/2016- 26/08/2016 and a press notice was advertised on 11/08/2016 (expiring 16/11/2017).</p> <p>Objections were received from:</p> <p>11 Maresfield Gardens and 11 Mourne House.</p> <p>The objections relate to:</p> <ul style="list-style-type: none"> • Noise, dust and safety issues associated with construction; • Pressure on car-parking; • Excessive size and loss of greenspace; • Lower ground floor not shown, plans do not reflect proposal accurately; • Access to cycle storage impractical and dangerous; • Bulky and excessive rear elevation. <p><u>Officer Comment</u></p> <ul style="list-style-type: none"> • <i>The additional 2sqm proposed as an extension at both lower ground and ground floor is not considered to generate significantly more construction impacts beyond the approved scheme. A Construction Management Plan (CMP) imposed as part of the original application will be carried over to the new permission via a Deed of Variation.</i> • <i>The proposal does not generate any additional units and therefore would not create additional car-parking pressure. The development shall remain car-free via the s106 legal agreement and deed of variation.</i> • <i>The extension is only 2sqm at each floor and the revised proposal includes a recess between the two extensions to maintain the separation.</i> • <i>Revised plans have been submitted which include the lower ground floor.</i> • <i>A bicycle shed was shown on the original proposed plans under permission 2016/4136/P and does not form part of the revised plans.</i> 			

Netherhall
Neighbourhood
Association

Netherhall Neighbourhood Association

- Plans incomplete, elevation plans do not reflect proposal accurately;
- Extension excessive;
- Loss of greenspace;
- The approved application delineates between the two extensions and reflect double gable and internal layout. The revised proposal creates an awkward bulky, clumsy rear elevation;
- Object to excavation beneath buildings where upper floors are in separate ownership.

Officer Comment

- *The applicant has submitted revised drawings which were sent to Netherhall Neighbourhood Association, however no further comment has been received. The revised plans include a corrected rear elevation and reduced extension.*
- *The extension is to be 2sqm in total to cover an area between the two approved part width rear extensions;*
- *The revised proposal retains separation between the two extensions but makes the proposal more functional by reducing the narrow space between the two extensions. The two rear projections would still vary in depth, reflecting the original rear double gables above;*
- *Excavation beneath the upper floors was already accepted in principle by the original permission*

Site Description

The site is located on the west side of Maresfield Gardens and comprises a fully detached three storey brick property which includes five residential units. The property has a large rear garden with the site sloping away downwards from the front elevation. The property is within the Fitzjohn Netherhall conservation area and is a positive contributor to the area, but is not a listed building.

Relevant History

9401879- Installation of dormer window on rear roof slope. Granted, 08/09/1995.

2016/4136/P- Excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases. Granted subject to s106 legal agreement, 11/07/2017.

Relevant policies

National Planning Policy Framework (NPPF) 2012

London Plan 2016

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A3 Protection, enhancement and management of biodiversity
A4 Noise and vibration
A5 Basements
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
DM1 Delivery and monitoring

Camden Planning Guidance (CPG)

CPG1 Design (2015)
CPG2 Housing (2015)
CPG3 Sustainability (2015)
CPG4 Basements and Lightwells (2015)
CPG6 Amenity (2011)
CPG7 Transport (2011)
CPG8 Planning Obligations (2015)

Fitzjohns Netherhall Conservation Area Statement 2001

Assessment

1. Proposal

- 1.1. Planning permission is sought to alter the approved plans stated in Condition 3 of 2016/4136/P. The revised plans propose an additional 2sqm at lower ground and ground floor, 3.2m deep, 1.1m wide and 7m high over the two floors. The revised scheme would also include no.1 additional slimline rear ground floor window. The extensions would match the brick of the main building and the already approved extensions. All other elements, including number of units provided, number of bedspaces and internal layouts would all remain as approved.

2. Assessment

- 2.1. The main considerations are the revised design and the impact on amenity.

Design

- 2.2. Policy D1 Design seeks to secure high quality design in development by respecting local context and character, preserving or enhancing the historic environment and comprising details and materials that are of high quality and complement local character. Policy D2 states that the Council will preserve and where appropriate enhance heritage assets including conservation areas.
- 2.3. The Fitzjohns Netherhall Conservation Area Statement advises extensions can alter the balance and harmony of a property by insensitive scale, design or inappropriate materials. Camden Planning Guidance 1 (Design) paragraphs 4.10-4.15 states that extensions should be designed proportionally in relation to the existing buildings and groups of buildings and in particular should be secondary to the building being extended in terms of form, scale and proportions.
- 2.4. Whilst the proposal is to create an additional two storey extension between the two approved rear extensions, the additions shall be within the recessed area between the approved extensions and shall still include a 1m setback which will retain the separation between the two extensions. The two rear extensions would still read as two separate volumes, with differing depths to reflect the stepped rear building line and roof gables above. The area to be infilled would under the original proposal be unusable space being only 1.1m wide and would be paved anyway.
- 2.5. The additional infill extension proposed would not be visible from anywhere outside the site as it would be between the two extension already approved. The window proposed at ground floor shall match the main property in terms of materials and design and is considered acceptable in the context of the approved scheme. The proposal shall be constructed in materials to match the main property and approved extensions and overall the design is considered acceptable.

Amenity

- 2.6. Policy A1 (Managing the impact of development) of the Camden Local Plan seeks to ensure amenity of neighbours is protected. Among the factors to be considered are privacy, natural light and outlook. Policy A1 advises the Council will not grant permission for development that causes unacceptable harm to residential amenity.
- 2.7. The revised proposal is not considered harmful in terms of amenity given the extension shall

infill the space between the two extensions in a location where it would not result in loss of light or outlook. The additional window at ground floor shall provide views out to the garden of the subject site and no direct overlooking into neighbouring properties would occur.

2.8. The conditions and obligations from the original permission remain relevant and with the exception of the updated drawings, have been applied to the draft decision notice. A Deed of Variation for the s106 legal agreement will be required to update the agreement with the revised plans.

3. Recommendation

3.1. Grant variation of condition 3 (approved plans) of planning permission 2016/4136/P.

Disclaimer:

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 11th December 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

qR Architects Ltd
Spectrum House, Unit 34
32-34 Gordon House Road
London
NW5 1LP

Application Ref: **2017/5634/P**

06 December 2017

Dear Sir/Madam

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

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**9 Maresfield Gardens
London
NW3 5SJ**

Proposal:

DECISION
Variation of Condition 3 (approved plans) of planning permission 2016/4136/P dated 11/07/2017 (for excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases), namely to infill the gap between the two approved rear extensions at lower ground and ground floor and the addition of no.1 ground floor rear window.

Drawing Nos: Superseded:

3009(PLA)100, 3009(PLA)101, 3009(PLA)102, 3009(PLA)203, 3009(PLA)203-1.

Proposed:

9MG-PP-01A Revision A, 9MG-PP-02A Revision A, 9MG-PP-03A Revision A, 9MG-PP-04A Revision A and 9MG-PP-05A Revision A.

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

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

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

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.3 of planning permission 2016/4136/P dated 11/07/2017 shall be replaced with the following condition:

REPLACEMENT CONDITION 3

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

OS Analysis of Site Layout for Daylight and Sunlight, Planning, Design & Access Statement, Arboricultural Appraisal and Implications Assessment, Basement Impact Assessment 8972_FS_GB, Sustainability Statement, CPG2 Statement, Heritage Statement, 3009(EXI)100, 3009(EXI)101, 3009(EXI)102, 3009(EXI)103, 3009(EXI)200, 3009(EXI)201, 3009(EXI)202, 3009(EXI)203, 3009(EXI)300, 3009(EXI)301, 3009(PLA)201, 3009(PLA)201-1, 3009(PLA)202, 3009(PLA)204, 3009(PLA)300_301, 3009(PLA)400, 3009(PLA)001, 9MG-PP-01A Revision A, 9MG-PP-02A Revision A, 9MG-PP-03A Revision A, 9MG-PP-04A Revision A and 9MG-PP-05A Revision A.

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

- 2 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2016/4136/P dated 11/07/2017.

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

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

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

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

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

- 5 Before the development commences, details of secure and covered cycle storage area for 5 cycle spaces 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 policies T1 and T2 of the Camden Local Plan 2017.

- 6 The proposed roof lantern on the rear extension at ground floor level shall be obscure glazed and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises 90 Fellows Road in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 7 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

- 8 Any trees or areas of planting (other than those which are shown to be removed as part of this application) 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 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 A1 and A3 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/cem/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Some highway licenses would be required to facilitate the proposed works. The applicant would need to obtain such highway licences from the Council prior to commencing work on site. Any such licence requirements should be discussed in the CMP. Details for the highway licences mentioned above are available on the Camden website at the hyperlink below:

<http://www.camden.gov.uk/ccm/content/business/business-regulations/licensing-and-permits/licences/skips-materials-and-building-licences/building-licences/>

- 5 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

DRAFT

Supporting Communities Directorate

DECISION