

18 Lancaster Gove - 2017/5946/P



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Site photos



1. Aerial photo of the site showing the site before demolition commenced



2. Archive photo of pre-existing house



3. View towards partially completed house (hips and pediment still to be constructed)



4. View toward partially completed house (hips and pediment still to be constructed)



5. View toward property in adjoining road (Strathray Gardens) showing triptych window consisting of fixed pane of glass and 2 sash windows either side



6. Front elevation as approved – ref: 2016/6858/P (above)



7. Front elevation as proposed (above)

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:	18/12/2017
		N/A		Consultation Expiry Date:	15/12/2017
Officer			Application Number(s)		
David Peres Da Costa			2017/5946/P		
Application Address			Drawing Numbers		
18 Lancaster Grove LONDON NW3 4PB			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Variation of condition 2 (approved plans) of planning permission ref 2014/2811/P dated 17/03/2015 as amended by 2016/5675/P dated 09/05/2017 and 2016/6858/P dated 10/05/2017 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement), namely alterations to the windows comprising fixed glazed panes in the centre of the triptych windows and the removal of mullions, replacement of glazing with grill to front lightwell and replacement of timber front door with metal.					
Recommendation(s):		Grant planning permission subject to s106 legal agreement			
Application Type:		Variation of condition			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	04	No. of objections	04
Summary of consultation responses:	<p>A site notice was erected from 24/11/17 to 15/12/17 and the application was advertised in the local paper 23/11/17. Four objections were received from occupiers of Lancaster Grove. The following issues were raised:</p> <ol style="list-style-type: none"> 1. This application compromises the design of the traditional Arts and Crafts design that was fundamental to the previous approvals being granted, by introducing fixed windows without glazing bars. 2. The glazing bars have been removed from the majority of windows eliminating the positive detail of traditional houses. 3. The windows are out of keeping with the architecture of the surrounding area and do not accord with Arts & Crafts design. 4. The design is unsympathetic to the surrounding context and would not preserve or enhance the character and appearance of the Belsize Conservation Area. 5. It does not respect the statements made by the Planning Inspector when approving the Appealed application. 6. I also wish to complain about the positioning of an aerial and dish overhanging my property. 7. The absence of glazing bars to the windows and the heavy steel front door are particularly unfortunate and should not be permitted by you. <p><u>Officer's comment:</u></p> <p><i>The applicant has provided justification for each of the design changes. The justification is considered to be convincing and the impact of the proposals would preserve the architectural integrity of the host property and would preserve the character and appearance of the conservation area. A full assessment of the proposed changes is provided in paragraphs 2.2-2.13 below. The aerial and dish do not form part of the current application.</i></p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Belsize CAAC – comment</p> <p>This building was granted permission despite objections from ourselves and local residents. Since then, there have been several applications for variations. Even so, the building has not actually been constructed in accordance with the approved plans. Referring to this current application, for instance, the front door is already in place, in metal.</p> <p>The planning department knows that our CAAC committee, and others, are unhappy with this building.</p> <p>What we want to know is what Camden Planning is going to do about such infringements and variations which have been built before permission has been granted. Please show some courage and prevent this type of abuse of</p>					

the planning system.

Officer's comment:

An enforcement complaint regarding the unauthorised works is currently being pursued by the Council's enforcement team. An application (2017/4514/P) was submitted to apply for retrospective consent. Following officer's advice that the application would be refused this application (2017/4514/P) was withdrawn 25/10/2017 and a new application was submitted which scaled back the scope of the changes proposed. This is the application (retrospective) which is considered below.

Site Description

The site is located on the south side of Lancaster Grove. The site originally contained two 2-storey buildings in use as two single-family dwellinghouses. These have now been demolished following the approval of conservation area consent 18/10/2013 (ref 2013/5397/C) and the house approved under ref 2014/2811/P dated 17/03/2015 (as amended) is under construction. The site is located within the Belsize Park Conservation Area.

The north and south sides of Lancaster Grove are characterised by different features. The south side of Lancaster Grove is characterised by 2-storey detached Arts and Crafts houses with gables, dormers, asymmetrical facades and footprints, red bricks and tiles. The north side of Lancaster Grove is much more uniform; characterised by robust 2-3 storey mid-Victorian terraces and semis with gables, bay windows, dormers, fine decorative features, red bricks, stucco dressings and asymmetrical facades. The houses have front gardens with boundary walls defining the edge of the properties along the street.

Relevant History

2007/0923/P: The erection of a new two-storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. Refused 15/05/2007 Appeal allowed 28/05/2008

2007/0925/C: Demolition of 2 existing dwellinghouses. Refused 15/05/2007 Appeal allowed 28/05/2008

2008/3565/P: Excavation of an enlarged basement, including front and rear lightwells, as a revision to planning permission granted on 28/05/2008 at appeal (ref: 2007/0923/P). Granted 12/11/2009

2010/3134/P: Renewal of planning permission granted 28/05/2008 (2007/0923/P) for the erection of a new two-storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. Granted 10/08/2010

2010/3135/C: Renewal of conservation area consent granted on 10/08/2010 (ref: 2007/0925/C) for demolition of 2 existing dwellinghouses. Granted 10/08/2010

2012/3963/P: Formation of an opening at first floor level to connect No 18 and No 20 Lancaster Grove and form a single residential unit (Class C3). Granted 07/09/2012

2013/0955/P: Excavation of enlarged basement, including front and rear lightwells, as a revision to planning permission granted on 10/08/2010 (ref: 2010/3134/P) for erection of a new 2-storey plus attic level and basement dwellinghouse (following demolition of 2 existing dwellinghouses) as a renewal of planning permission (2007/0923/P). Granted Subject to a Section 106 Legal Agreement 03/10/2013

2013/5072/P: Confirmation that works undertaken at 18-20 Lancaster Grove constitute commencement of development of planning permission 2010/3134/P. Lawful development certificate granted 04/10/2013

2013/5397/C: Demolition of two single family dwellinghouses (Class C3) Granted 18/10/2013

2014/2811/P: Erection of 2 storey 6-bed single family dwellinghouse with basement. Granted Subject to a Section 106 Legal Agreement 17/03/2015

2016/3965/P: Variation of condition 2 (approved plans) of planning permission 2014/2811/P dated 17/03/2015 (for erection of 2 storey 6-bedroom single family dwellinghouse with basement), namely to allow alteration to materials and the size and design of windows and French doors, introduction of

parapet and omission of hipped end bays, entrance bay with parapet, additional rear dormer and lowering of roof ridge. Refused 23/11/2016

2016/5675/P: Variation of condition 2 (approved plans) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely additional rear dormer, removal of pediment and alterations to dormer windows at the rear and glazing to front lightwells. Granted Subject to a Section 106 Legal Agreement 09/05/2017

2016/5676/P: Variation of condition 5 (restriction on permitted development) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely to remove restriction on permitted development within Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna). Granted Subject to a Section 106 Legal Agreement 09/05/2017

2016/6858/P: Variation of condition 2 (approved plans) of planning permission ref 2014/2811/P dated 17/03/2015 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement), namely the replacement of front door with double door, narrowing of 1st floor windows on front elevation, metal framed windows and doors to rear ground floor, replacement of rear window with French doors and Juliette balcony at 1st floor, replacement of 1st floor rear sash windows with casement windows, blanking out of 2x 1st floor windows on side (west) elevation, reduction in width of first floor windows on side (east) elevation and removal of all chimney pots. Granted Subject to a Section 106 Legal Agreement 18/09/2017

EN17/0934: Unauthorised works being carried out. Breach reported 07/09/2017

Relevant policies

NPPF 2012

London Plan March 2016

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance

Belsize Park Conservation Area Statement

Assessment

1. Proposal

- 1.1. The application seeks retrospective consent for a minor material amendment to planning permission 2014/2811/P to allow the following:
- alterations to the windows comprising fixed glazed panes in the centre of the triptych windows
 - removal of mullions from all front windows
 - replacement of glazing with grill to front lightwell
 - replacement of timber front door with metal
- 1.2. **Background**
- 1.3. The former buildings on the site were identified in the BACS as making a positive contribution to the character and appearance of the conservation area. Planning permission (2007/0923/P) was granted in May 2008 on appeal for their replacement with a dwelling of a traditional Arts & Crafts style design. This permission was renewed in August 2010 and the development commenced in October 2013. In 2014 amendments to the proposed design were consented under a separate planning permission (2014/2811/P). Two further minor material amendment applications have been granted for:
- Additional rear dormer, removal of pediment and alterations to dormer windows at the rear and glazing to front lightwells (ref: 2016/5675/P dated 09/05/2017).
 - The replacement of front door with double door, narrowing of 1st floor windows on front elevation, metal framed windows and doors to rear ground floor, replacement of rear window with French doors and Juliette balcony at 1st floor, replacement of 1st floor rear sash windows with casement windows, blanking out of 2x 1st floor windows on side (west) elevation, reduction in width of first floor windows on side (east) elevation and removal of all chimney pots (ref: 2016/6858/P dated 18/09/2017).
- 1.4. An enforcement complaint was received 07/09/2017 that works were not being carried out in accordance with the planning permissions. An application (2017/4514/P) was submitted to apply for retrospective consent for the following alterations to the front elevation:
- the replacement of sash windows with fixed panes on front elevation
 - replacement of angled soldier brick course with stone lintels above windows on front and side elevation
 - removal of Hips and the addition of copings to 2 x side bays
 - removal of pediment and addition of coping to central bay
 - replacement of glazing with grill to front lightwell
 - replacement of timber front door with metal
- 1.5. Following officer's advice that the application would be refused, the above application (2017/4514/P) was withdrawn 25/10/2017 and a new application was submitted which scaled back the scope of the changes proposed. This is the application (retrospective) which is considered below.

2. Assessment

2.1. Design

2.2. Removal of Mullions

2.3. Consent is sought to removal the mullions (the vertical bars between the panes of glass) from

nine of the approved sash windows on the front elevation. While the sash windows without the central mullion are not ideal, the architect has advised that if the mullion was included in the window, other elements of the frame would become thicker in order to accommodate the weight of the glass. The proposed window is therefore the most elegant option available.

2.4. Fixed glazed panes in the centre of the triptych windows

2.5. The approved front elevation includes a bay on each side with a triptych window at ground and first floor level. The triptych window is made up of 3 sash windows. The approved design was for a larger central sash window with 2 smaller sash windows on either side. While the triptych window would be retained, the central element would now be a fixed pane of glass. The architect has advised that it is not possible to have three opening / sliding sections to the window without increasing the solid sections. They have further advised that the 2014 approval did not have enough solid structure shown on the approved drawings between the side sashes and central sash to fit back to back weighted sash boxes, particularly given that modern double glazing requires more weight to operate than traditional single glazed units.

2.6. The applicant has provided examples of triptych windows on other nearby properties (Belsize Park and Strathray Gardens) which have sliding sashes on either side of a fixed pane. The presence of this type of window arrangement on nearby properties was also confirmed during a site visit. Given the justification provided above and the presence of this type of window arrangement nearby, the replacement of sliding sash with fixed glazed panes in the centre of the triptych windows is considered acceptable.

2.7. Replacement of timber front door with metal

2.8. The proposed door is not considered ideal, as although constructed from timber, has a plain metal front. The approved drawings show some panelling, however the architect has confirmed that as no section of the door was ever submitted and approved, the panelled design could in effect be painted on and still be considered to comply with the original planning application. Furthermore a timber door this size would likely need to be a clad metal framed due to it the size and weight of the leafs and a timber door would be spray painted to give it the most robust external coating. The spray painted finish of a door that is metal or timber arguably would be indistinguishable.

2.9. The painted double metal door would not be visible from the street as a result of the high boundary wall and gate. The door is good quality and is to some degree in character with the building. As a result, the Councils conservation team raise no objection to the finish and detailed design of the amended door in this instance.

2.10. Replacement of glazing with grill to front lightwell

2.11. The replacement of the approved glazing above one of the front lightwells with the proposed grill is considered to represent a minor alteration and would preserve the character and appearance of the host property.

2.12. Conclusion

2.13. The proposed alterations are sympathetic to the host property and would preserve the character and appearance of the Belsize Park Conservation Area.

2.14. **Amenity**

2.15. The changes to the windows, door and lightwell would have no impact on neighbouring amenity in terms of overlooking, loss of daylight / sunlight or light spill.

2.16. **Other matters**

2.17. The original permission was subject to a legal agreement securing a post-construction sustainability assessment and a CMP. As this application would effectively result in a new permission it is necessary to secure a Deed of Variation of the original legal agreement to ensure that this permission would be subject to the same requirements

Recommendation: Grant planning permission subject to a s106 agreement.

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 19th February 2018, 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'.

SBW Planning Ltd
117 Mount Pleasant Road
London
N4 4NJ

Application Ref: **2017/5946/P**

16 February 2018

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:

**18 Lancaster Grove
LONDON
NW3 4PB**

Proposal:

DECISION
Variation of condition 2 (approved plans) of planning permission ref 2014/2811/P dated 17/03/2015 as amended by 2016/5675/P dated 09/05/2017 and 2016/6858/P dated 10/05/2017 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement), namely alterations to the windows comprising fixed glazed panes in the centre of the triptych windows and the removal of mullions, replacement of glazing with grill to front lightwell and replacement of timber front door with metal.

Drawing Nos:

Superseded: 5754/PL/: 09 G; 10 G; 06 G

Revised: 5754/PL/: 09 K; 10 K; 06 H

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

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

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2014/2811/P dated 17/03/2015.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 5754/PL/12 C; 5754/PL/11 C; 5754/PL/06 H; 5754/PL/07 H; 5754/PL/08 F; 5754/PL/09 K; 5754/PL/10 K; 5754/PL/03 E; 5754/PL/02 C; Code for Sustainable Homes Pre-Assessment Report dated 18/03/2014; Lifetimes homes statement (appendix C of design and access statement); Basement impact assessment rev A dated 14/6/13; Geotechnical investigation dated 7/6/13; Interpretative Report on site investigation dated Sept 08; Energy statement dated April 2014.

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

- 3 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

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 policy H6 of the London Borough of Camden Local Plan 2017.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A, B, C, D and G) 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 The facing brickwork of the development shall be carried out in accordance with the details approved under ref: 2017/2116/P dated 03/08/2017 or any subsequent submission of a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced. The sample panel shall be retained on site until the work has been completed.

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

- 6 The hard and soft landscaping shall be carried out in accordance with the details approved under ref: 2017/4821/P dated 03/12/2017 or any subsequent submission, prior to the first occupation of the dwelling hereby approved, for full details of hard and soft landscaping and means of enclosure of all un-built, open areas, approved by the local planning authority in writing. 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 and D1 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 details by not later than the end of the planting season following completion of the development. 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 reasonable possible and, in any case, by not later than the end of the following planting season, with others of similar size or species.

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

- 8 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 tree protection details approved on 21/09/2016 under ref 2016/2339/P.

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 A suitably qualified chartered engineer as approved 24/06/2016 under ref 2016/2337/P with membership of the appropriate professional body shall 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. Any subsequent change or reappointment to the chartered engineer approved on 24/06/2016 under ref 2016/2337/P 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 London Borough of Camden Local Plan 2017.

- 10 The secure and covered cycle storage area for 2 cycles shall be provided in accordance with the details approved under ref: 2017/4821/P dated 03/12/2017 or any subsequent submission, prior to the first occupation of the dwelling hereby approved, for details of secure and covered cycle storage area for 2 cycles approved by the local planning authority. The approved facility shall be provided in its entirety prior to the first occupation of the new dwelling, 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.

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/ccm/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 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973)] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 If you propose to discharge to a public sewer, prior approval from Thames Water Developer Services would be required. They can be contacted on 0845 850 2777.

In respect of surface water you are advised to ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

You are advised to incorporate within the proposed development, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 85074890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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