

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/02/2017
		N/A / attached	<b>Consultation Expiry Date:</b>	12/02/2018
<b>Officer</b>		<b>Application Number(s)</b>		
Gideon Whittingham		1) 2016/7048/P 2) 2017/0464/L		
<b>Application Address</b>		<b>Drawing Numbers</b>		
13 Prince Albert Road London NW1 7SR		PA013-P400(_); PA013-P401(_); PA013-P111(_); PA013-P112(_); PA013-P113(_); PA013-P114(_); PA013-P115(_); PA013-P116(_); PA013-P120(_); PA013-P121(_); PA013-P122(_); PA013-P123(_); PA013-P200(A); PA013-P509L(_); PA013-P510L(_); PA013-P511L(_); PA013-P512L(_); PA013-P513L(_); PA013-P508L(_); PA013-P502L(_); PA013-P503L(_); PA013-P504L(_); PA013-P505L(_); PA013-P506L(_); PA013-P507L(_); PA013-P501L(_); PA013-P531(_); Desk Study and Basement Impact Assessment (Ref:J11186), December 2016; Structural Methodology Report (RT/3561/RevE); Ground Investigation Report (J11186A) October 2012; PA013-P520(C).		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
1) Construction of basement extension with plant room and outlet, enclosed lightwell, relocated new tree all within front garden (Retrospective amendment to ref: 2011/6227/P dated 26/04/2012)				
2) Alterations associated with Construction of basement extension with plant room and outlet, enclosed lightwell, relocated new tree all within front garden (Retrospective amendment to ref: 2011/6227/P dated 26/04/2012)				
<b>Recommendation(s):</b>		1) Grant Planning Permission 2) Refuse listed building consent and warn of enforcement action		
<b>Application Type:</b>		1) Full Planning Permission 2) Listed Building Consent		

<b>Conditions or Reasons for Refusal:</b>	Refer to Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 27/01/2017 until 31/01/2017 and a public notice was published in the Ham &amp; High from 02/02/2017 until 23/02/2017.</p> <p>No consultation responses were received.</p>					
<b>CAAC/Local groups comments:</b>	Primrose Hill CAAC raised no objection					

## Site Description

Nos.1-15 (consecutive) is a group of related detached and semi-detached stucco villas dating from the mid 19th century. All are Grade II listed and form part of the Crown Estate. They are aligned on the north side, at the eastern end, of Prince Albert Road within the Primrose Hill Conservation Area.

The site is roughly rectangular in shape, measuring approximately 30 m by 15 m. It is occupied by a semidetached villa of five storeys, including a lower ground level. The house is centrally positioned on the site with a hard covered driveway to the front and garden at the rear. The rear garden is at lower ground floor level and is accessed by steps on the western side of the house and comprises a central lawn with bushes along the northern and western boundaries, a paved path runs along the back of the house and a small patio area is present in the east of the garden. There are two semi-mature silver birch trees located on the southern boundary of the site.

## Relevant History

2010/5962/P and 2010/5966/L - Repositioning of existing gate post to widen entrance way to dwelling (Class C3). Refused - 04/01/2011.

2010/5966/L - Removal of internal chimney breast at second floor level to dwelling (Class C3). Refused – 04/01/2011

2011/0035/P & 2011/0040/L - Creation of basement under the existing lower ground floor level and front garden to accommodate plant room, swimming pool, gym, sauna and games room with lightwells at front and rear, erection of lift shaft extension to rear roof slope and associated external alterations to dwelling (Class C3). Refused – 08/04/2011. These applications were refused for the following reasons:

- 1. The proposed basement excavation, on account of the scale, design and position of the proposed lightwells, would be overly apparent in views of the front and rear of the building, detracting from its special interest and setting contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*
- 2. Insufficient information has been submitted to demonstrate that the proposed basement excavation would not have a significant adverse impact on the structural stability of the application site and adjacent properties, drainage and the local water environment. As such, the scheme is contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 3. The proposed basement, on account of its size, would be likely to have a significant adverse impact on landscaping and trees on and adjacent to the site, to the detriment of the verdant quality of the locality and the character and appearance of the Primrose Hill Conservation Area, contrary to policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Promoting and protecting our parks and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 4. The proposed lift shaft overrun, on account of its scale, design and position, would be an incongruous feature on the rear roofslope of the building, unbalancing the pair of properties*

*and detracting from their special interest and setting contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*

- 5. The proposed development, in the absence of a section 106 agreement securing a Construction Management Plan and highways works adjacent to the site, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to DP20 (Movement of goods and materials) and DP26 (Impact on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
- 6. The proposed internal changes, including the introduction of a lift, would alter the plan form of the building from its original form to an unacceptable degree, to the detriment of its special interest contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*

2011/0042/P & 2011/0040/L - Erection of a 3 storey side extension at 1st, 2nd and roof level with dormers to front and rear roof slope to dwelling (Class C3). Refused – 22/03/2011.

These applications were refused for the following reasons:

- 1. The proposed extension by virtue of its siting, design, height and bulk would visually unbalance the pair of properties, resulting in a significantly harmful impact on the special interest and setting of the listed building and failing to preserve the character and appearance of the conservation area contrary to CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP24 (High quality design) and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*
- 2. The proposed basement excavation, on account of the scale, design and position of the proposed lightwells, would be overly apparent in views of the front and rear of the building, detracting from its special interest and setting contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*
- 3. The proposed lift shaft overrun, on account of its scale, design and position, would be an incongruous feature on the rear roofslope of the building, unbalancing the pair of properties and detracting from their special interest and setting contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*
- 4. The proposed internal changes, including the introduction of a lift, would alter the plan form of the building from its original form to an unacceptable degree, to the detriment of its special interest contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.*

2011/1924/P & 2011/1948/L - The retention of a relocated gate post to widen entrance way to dwellinghouse and replacement wooden electric sliding gate (Class C3). Granted -23/06/2011.

2011/4500/P & 2011/4530/L - Excavation of basement with front and rear lightwells, enlargement of lower ground floor under front garden, extension at rear lower ground and ground floor level all in connection with existing dwelling (Class C3). Withdrawn. The application was withdrawn by the applicant to address concerns of Council officers.

2011/6227/P & 2011/6460/L - Enlargement of lower ground floor under front garden and excavation of basement including alteration of front lightwell, erection to rear extension at lower ground and ground floor level to accommodate WC, and associated alterations to front and rear elevations to dwelling house. (Class C3). Granted - 26/04/2012

2012/2388/P & 2012/2445/L - Erection of extension at first floor level on the side elevation in connection with existing residential unit (Class C3). Appeal Dismissed 28/01/2013

2013/2542/P & 2013/2617/L - Erection of a first floor side extension with rooflight, minor external alterations to raise parapet and install access door at second floor level, and minor internal alterations to dwelling house (Class C3). Appeal Dismissed 10/12/2013

2013/3130/P - Approval of condition 3 (appointment of structural engineer) of planning permission 2011/6227/P dated 26/04/2012 (Enlargement of lower ground floor under front garden and excavation of basement including alteration of front light well, erection to rear extension at lower ground and ground floor level to accommodate WC and associated alterations to front and rear elevations to dwelling house (class C3)). Granted - 11/07/2013

2013/6197/P - Details pursuant to condition 5 (landscaping details) 7 (tree details) and 8 (tree protection details) following planning permission granted (26/4/12) (ref: 2011/6227/P) for the enlargement of lower ground floor under front garden and excavation of basement including alteration of front lightwell, erection to rear extension at lower ground and ground floor level to accommodate WC, and associated alterations to front and rear elevations to dwelling house. (Class C3). Granted - 13/11/2013. This application included the following informative:

*You are reminded that condition 4 (approval of facing materials) of planning permission granted on 26/04/2012, Council reference 2011/6227/P, is outstanding and require details to be submitted and approved.*

2016/3021/INVALID - Variation of condition 9 (approved plans) of planning permission 2011/6227/P dated 26/04/12 (Excavation to provide basement level, rear extension at lower ground and ground floor level and associated alterations to front and rear elevations), namely to alter basement plan, install a manhole cover, air outlet and rooflight and relocate new tree within front garden, install double door entrance at ground floor level and reconfigure internal 2nd and 3rd floor levels. The application was withdrawn by the applicant following concerns of Council officers, namely the application does not fully relate to works taken place on site.

2016/4206/NEW - Alterations to basement plan, install a manhole cover, air outlet and rooflight and relocate new tree within front garden, install double door entrance at ground floor level and reconfigure internal 2nd and 3rd floor levels - in association with previously consented scheme 2011/6460/L dated 26/04/2012. The application was withdrawn by the applicant following concerns of Council officers, namely the application does not fully relate to works taken place on site.

## **Relevant policies**

**National Planning Policy Framework 2012**

**The London Plan 2016**

**Camden Local Plan**

G1 Delivery and location of growth

H1 Maximising housing supply

H3 Protecting existing homes  
H6 Housing choice and mix  
H7 Large and small homes  
C6 Access  
A1 Managing the impact of development  
A2 Open space  
A3 Biodiversity  
A4 Noise and vibration  
A5 Basements  
D1 Design  
D2 Heritage  
CC1 Climate change mitigation  
CC2 Adapting to climate change  
CC3 Water and flooding  
CC4 Air quality  
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

### **Supplementary Planning Policies**

#### Camden Planning Guidance

CPG 1 Design  
CPG 2 Housing  
CPG 3 Sustainability  
CPG 6 Amenity  
CPG 7 Transport  
CPG 8 Planning obligations

Primrose Hill conservation area statement (2000)

### **Assessment**

#### **1. Background:**

- 1.1 Planning permission and listed building consent (2011/6227/P & 2011/6460/L) was granted subject to a S106 Legal Agreement on 26/04/2012 for the following works:
- 1.2 Enlargement of lower ground floor under front garden and excavation of basement including alteration of front lightwell, erection to rear extension at lower ground and ground floor level to accommodate WC, and associated alterations to front and rear elevations to dwelling house. (Class C3).
- 1.3 In detail, the works included:
  - A sub-basement, including a pool, games room, gym and cinema, occupying the footprint of the existing house, a large portion of the front courtyard, and smaller rear and side projections is proposed. In addition, it is proposed to increase the depth of the existing lightwell at the front of the house to provide light to the sub-basement;
  - It is proposed to establish a lift within the existing rear closet wing which will form the lift shaft. Currently the closet wing houses two WCs and a cupboard, which would be removed. An over-run is not proposed, as the existing height of the closet wing will allow the lift to travel up to the second floor;

- An extension at ground floor level to the closet wing which will house a WC;
- Various internal alterations which include, at ground floor level to reinstate the wall nibs within the back hall and at first floor level the chimney breast is to be reinstated and the head heights of two doorways is to be raised. The stairs outside of the proposed lift are to be altered and the windows within the existing rear projection are to be blocked.

1.4 With regard to 2011/6227/P: Conditions 3 (appointment of structural engineer), 4 (approval of facing materials), 5 (landscaping details), 7 (tree details) and 8 (tree protection details) required details to be submitted to and approved by the Council before works commence.

1.5 Condition 4 (approval of facing materials) of planning permission granted on 26/04/2012 remains outstanding and requires details to be submitted and approved by the Council.

1.6 With regard to 2011/6460/L: Condition 4 (approval of facing materials) required details to be submitted to and approved by the Council before works commence.

1.7 Condition 4 (approval of facing materials) of Listed Building Consent granted on 26/04/2012 remains outstanding and requires details to be submitted and approved by the Council.

1.8 The associated S106 Legal Agreement included the following Heads of Terms (HoTs):

- Construction Management Plan
- Highways Financial Contributions
- Level Plans

1.9 The HoTs have all been discharged.

## 2. Proposal

2.1 This proposal seeks to regularise unauthorised works to have taken place since permission was granted (including all conditions yet to be discharged), along with a number of alterations to said permission including:

Basement floor level:

- Reconfiguration of form and associated internal spaces to incorporate retained mains pipe (Thames Water infrastructure)
- Increase depth of basement floor level – ‘pool area’ beneath front garden to be lowered by 1m, ‘games/gym room et al area’ beneath main building to be lowered by 0.6m
- New plant and exhaust to be vented in front garden

Lower Ground floor level:

- Reduce footprint of void above pool area
- Replace flat roof light with pitched to lightwell serving gym
- Install pitched roof light to enclose lightwell serving games room
- Internal room reconfiguration
- Amend layout configuration to provide additional bedroom (approval afforded 2)

Ground floor level:

- Exhaust vented in front garden along boundary wall
- Relocate replacement trees in front garden
- Recessed lighting and servicing throughout
- Internal room reconfiguration

First floor level:

- Recessed lighting and servicing throughout
- Internal room reconfiguration

Second floor level:

- Recessed lighting and servicing throughout

Third floor level:

- Increase bedroom provision to 3 (approval afforded 2)
- Internal room reconfiguration

Roof:

- Amend rooflight to rear pitch

2.2 Revised information included:

### **3. Assessment**

3.1 The main issues for consideration are:

- Impact on the significance of heritage assets (listed buildings and conservation area)
- Impact of basement development
- Quality of residential accommodation
- Impact on neighbouring amenity
- Impact on trees/landscaping
- Transport, access and parking

### **4. Impact on the significance of the Heritage Asset**

4.1 In considering developments that affect a listed building or its setting, Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.2 In this case, the primary issue relates to preserving the special interest of the grade II listed host building. The setting of other listed buildings in the area are not considered to be affected by the proposal.

#### *Conservation Area*

4.3 In considering developments affecting a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.4 In this case the site forms part of sub area 1 of the Primrose Hill Conservation Area.

4.5 In line with the above statutory duties and recent case law, considerable importance and weight has to be attached the impact on the heritage assets and their setting. It should also be noted that the duties imposed by section 66 and 72 of the Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

#### The National Planning Policy Framework (NPPF) 2012

4.6 The NPPF requires its own exercise to be undertaken as set out in its chapter 12, Conserving



and enhancing the historic environment.

- 4.7 Paragraph 129 requires Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 4.8 Paragraphs 132-134 and 138 require consideration as to the impact of a proposed development on the significance of a designated heritage asset and assessment of the identification of any harm.

#### Camden Local Plan 2016

- 4.9 The proposal shall comply with the relevant Camden Local Development Framework Core Strategy policy which is CS14(a-c) 'Promoting high quality places and conserving our heritage'
- 4.10 The relevant Development Plan policies are DP24 'Securing high quality design' and DP25 'Conserving Camden's heritage' which provides more detailed guidance on the Council's approach to protecting and enriching the range of features that make up our built heritage. It states that the Council will not permit development which harms the setting of listed building or harms the character and appearance of Conservation Areas.
- 4.11 The applicant has installed downlighters as well as the electrics within the new ceiling to each of the downlighter positions, one of the many unauthorised works to have been carried out. These downlighters have already been installed in most of the rooms of the house (unauthorised works), and the applicant has been seeking their retention.
- 4.12 The consented schemes included no such proposals.
- 4.13 The downlighters are designed to be recessed into the ceiling void, with a trimless plaster ceiling detail and a flush glass diffuser.
- 4.14 As part of the dialogue with the applicant, officers have considered the issue of the retention of these downlighters. The applicant acknowledges that their installation in other floors of the building may not be prominent and harmful, however they are an entirely modern feature which would have a very significant effect on the character of the large scale principal rooms at ground and first floor level. Downlighters are not a traditional feature of this historic house, whether or not they are in ceilings made of modern fabric, and their presence detracts from the historic visual character of the rooms in which they are present.
- 4.15 Located within the principal rooms, which themselves had features of architectural and historic interest, the impact of the downlighters is considered to be visually intrusive and out of character with this interior and conflict with the principle of the restoration of these principal rooms. The applicant is effectively seeking the Council to endorse unauthorised works which are harmful. The applicant provides no justification as to why such an installation should be acceptable. The onus wholly rests upon the applicant to show why such alterations which affect the special interest of this listed building are necessary or desirable. As part of this submission, the Council sees no such evidence submitted for consideration.
- 4.16 In addition, a site visit undertaken in the early stages of the application found large quantities of timber beams and joists from the floors had been removed and replaced with substantial metal members at lower levels. This loss of historic fabric and the introduction of modern materials is also to the detriment of the special interest of the house.
- 4.17 Within this context, the retention of downlighters to all rooms at ground and first floors, in addition to the loss of historic fabric is considered visually intrusive, out of character, and detrimental to the special architectural and historic interest of this grade II listed building, in addition to the loss of conflicting with policy D2 Heritage of the Local Plan adopted July 2017

and Chapter 12 Conserving and Enhancing the Historic Environment of the NPPF published March 2012.

- 4.18 Although the majority of works listed in 2.1 such as the vent in the front garden and the roof light are considered acceptable (those forming part of the planning application – works requiring planning permission) and would not harm the character and appearance of the building, it is for the reasons above that the Council consider it expedient to refuse listed building consent and take enforcement action against the unlawful works and seek the relevant reinstatement.

## **5. Impact of basement development**

- 5.1 Following the impasse to move a mains pipe (Thames Water infrastructure), the applicant amended the form of the basement beneath. In addition, the basement floor level beneath front garden was lowered by 1m, whilst the 'games/gym room et al area' beneath main building was lowered by 0.6m.
- 5.2 The applicant submitted a Basement Impact Assessment (BIA) and Campbell Reith reviewed the BIA and requested more information about how the development would deal with groundwater, surface water and the impact on the stability. The applicant provided additional basement information which was further reviewed by Campbell Reith.
- 5.3 Campbell Reith conclude:
- It is accepted that the proposed development will not impact the wider hydrogeological environment.
  - It is accepted that the site is at low risk of flooding.
  - The latest BIA includes the results of movement monitoring and the applicant has stated that no damage exceeding Burland Category 1 has been observed
  - It is accepted that there are no land stability impacts caused by slopes.
- 5.4 The basement impact of the proposal is therefore considered to be in compliance with all the relevant parts of Local Plan policy A5.

## **6. Quality of residential accommodation**

- 6.1 The proposal would maintain the building as a dwelling, albeit with a number of additional rooms within the same envelope (above ground). The proposal would bring 7 bedrooms in total within 441sqm of accommodation which would exceed London Plan standards.

## **7. Impact on neighbouring amenity**

- 7.1 Due to the location of the works being predominantly underground, there would be no significant harm to the amenities of neighbours in terms of loss of light or overlooking.
- 7.2 An acoustic report has been submitted, which has been reviewed by an environmental health officer, which demonstrates that the proposed plant servicing the development would operate without disturbance to neighbouring properties. A specific condition would safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017, namely:

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

## **8. Impact on trees/landscaping**

- 8.1 The proposal would amend the front forecourt to incorporate an exhaust vent set behind the front boundary wall, in place of a section of Yew hedging which is considered acceptable. A new oak tree (or equivalent) will be planted in the front forecourt as per the previous consent and secured by condition.

## **9. Transport, access and parking**

- 9.1 The associated S106 Legal Agreement to 2011/6227/P secured a Construction Management Plan, Highways Financial Contributions and Level Plans. Given these matters were discharged and contributions paid, the proposal would not warrant amendment or reissue in this respect.
- 9.2 No other transport related works, such as cycle parking or car free housing for example are considered to be necessary or appropriate in respect of this application.

## **10. Recommendation**

- 10.1 It is recommended:

- Grant Planning Permission
- Refuse Listed Building Consent and warn of enforcement action

That the Borough Solicitor be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, and, in the event of non-compliance with the notice, the Borough Solicitor be authorised to pursue any legal action necessary to prosecute the owner under Section 43 of the Act and or other appropriate power and/or the Executive Director Supporting Communities be authorised to take direct action under Section 42 of the Act to secure compliance with the notice.

- 10.2 The Notice shall allege the following breach of planning control:

- The unauthorised installation of downlights in the ceiling
- The removal of historic fabric at ground and first floor level

- 10.3 The notice shall require within a period of 3 months of the notice taking effect:

- Completely remove all downlights at all rooms at ground and first floor levels and make good any resulting damage to the ceilings;

- 10.4 The Notice shall specify the reason why the Council considers it expedient to issue the notice:

The retention of downlighters to all rooms at ground and first floors, in addition to the loss of historic fabric is considered visually intrusive, out of character, and detrimental to the special architectural and historic interest of this grade II listed building, in addition to the loss of conflicting with policy D2 Heritage of the Local Plan adopted July 2017 and Chapter 12 Conserving and Enhancing the Historic Environment of the NPPF published March 2012.