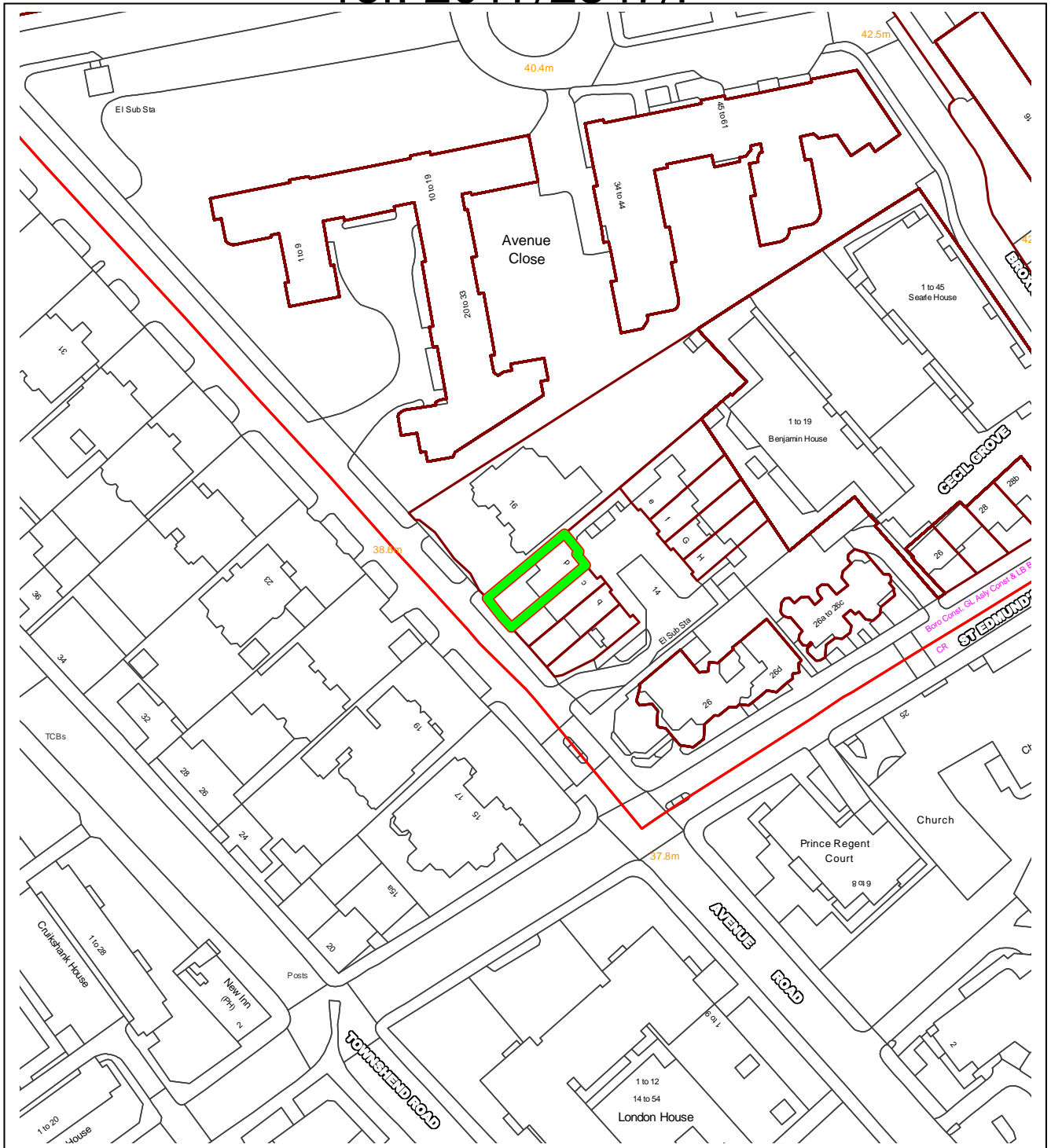


14D Avenue Road, London, NW8 6BP

ref: 2017/2347/P



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Photo 1 (above): Rear elevation of 14D Avenue Road



Photo 2 (above): Existing side and rear extensions at 14D Avenue Road



Photo 3 (above): Relationship between existing buildings at 16 Avenue Road and 14D Avenue Road



Photo 4 (above): Rear elevations of 14D, 14C, 14B and 14A Avenue Road



Photo 5 (above): Existing front porch and side extension at 14D Avenue Road



Photo 6 (above): View of front elevation of 14D Avenue Road with existing garage at basement level beneath front forecourt



Photo 7 (above): Existing garages at basement level (looking south-east)



Photo 8 (above): Existing garages and parking spaces at basement level beneath front forecourt

| | | | | | |
|---|----------------------------|--|--------------------------------------|-------------------|---|
| Delegated Report (Members' Briefing) | | Analysis sheet | Expiry Date: | 18/07/2017 | |
| | | N/A | Consultation Expiry Date: | 16/06/2017 | |
| Officer | | | Application Number(s) | | |
| Charlotte Meynell | | | 2017/2347/P | | |
| Application Address | | | Drawing Numbers | | |
| 14D Avenue Road London NW8 6BP | | | See draft decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
| | | | | | |
| Proposal(s) | | | | | |
| Excavation of basement under footprint of existing house and part of rear garden. | | | | | |
| Recommendation(s): | | Grant Conditional Permission subject to a Section 106 Legal Agreement | | | |
| Application Type: | | Householder Application | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | |
| Informatives: | | | | | |
| Consultations | | | | | |
| Adjoining Occupiers: | | No. of responses | 6 | No. of objections | 6 |
| Summary of consultation responses: | | <p><u>Site notices were displayed on 26/05/2017</u></p> <p>In response to the proposal, objections were received from 14A, 14B, 14C, 14E and 14H Avenue Road, and from Watertrade Limited – the management company for the private estate of No. 14 Avenue Road.</p> <p>Objections were made on the following grounds:</p> <p><u>Structural concerns:</u></p> <ul style="list-style-type: none"> We share one roof and one same bricked terraced structure which can cause damage to all joint houses with the digging and banging all day for months on end. We are the owner of 14B Avenue Road. We are concerned about the impact the excavation of the basement at 14D may have on the structural integrity of properties in the terrace. Whilst we note the comments in the Basement Impact Assessment report suggest damage to adjoining properties classified as 'slight' we also note in the | | | |

Basement Construction Methodology report that ground movements cannot be predicted accurately. What assurances do we have that increasing the differential depth of foundations to neighbouring properties will not cause potential subsidence or other structural damage to surrounding properties?

- Potential damage to the structural integrity of the surrounding properties and as the neighbouring property [14C] especially mine. As mentioned due to the fact that these houses are terraced and built over 50 years ago we have no guarantees as to the state or strength of the structure and bricks and how they will respond to constant drilling, digging and excavating that would pursue and also how the foundations will react to the excavation of all of the soil adjoining to the foundations of my property? Basically I believe that it is a huge and very risky undertaking and I am not prepared to bet my life on it, especially if it resulted in the collapse or partial collapse of my property? Where would I live and who would pay for the damages incurred? It's simply not acceptable in my mind to have to go through all this and I'm sure most reasonable people would say the same!

(Officer response: please see the 'Basement impact' section within the main body of the report).

Construction and noise concerns:

- Work will cause much disruption through noise, dirt, parking etc. No consideration for residents.
- 14 Avenue Road is a small estate. Such major works will cause undue and major disruption. The board of Watertrade is willing to work with 14D to minimise disruption but unfortunately 14D has made no attempt to contact Watertrade.
- As the owner of the neighbouring property [14C] this excavation would be putting my life and property most at risk as a result of the likely digging, grinding and excavation works that would be required night and day for many months to complete this project and would directly affect the quality of life for the tenants and occupants living on the estate consisting of 2 banks of 4 terraced houses on a common plot of land opposite to each other. The noise and pollution generated by such works would be disastrous. As it stands I can hear the tenants in 14D on a typical night if they are talking and the volume rises or when they listen to music or their children are playing and even doors slamming or toilets flushing, so you could only imagine what it would be like if large equipment and machinery were being wheeled in and operated all day, every day during the week when my wife will be at home (I am generally out of the house during the week but sometimes also need to work from home) and would be trying to get on with domestic activities like preparing food or reading or talking to friends and relatives on the phone when the ground around her will be shaking and the noise deafening?? It would be like torture you can only imagine, as previously when 14D made illegal extensions to the house as mentioned by others the noise then was unbearable and lots of cracks appeared in my walls and ceiling which are still there today and if someone from the council would like to come and see them I would be more than happy to show them?
- The disruption caused by so many lorries, earth removal vehicles, diggers, grinders and lots of other equipment will be immense. As I'm sure you are aware, this is a very small and quiet estate of 8 terraced houses and the parking facilities as they stand on the lower ground

entrance to the estate are very tight and congested and having any type of extra vehicle traffic coming and going will cause major disruptions for any of the new 8 households trying to go about their daily lives coming onto and exiting from the parking areas whether its toing and froing to work or taking kids to school and back etc. it will have an enormous impact on these types of activities.

(Officer response: Construction works are subject to control under the Control of Pollution Act 1974 and the permission would include an informative to ensure that the applicant is aware of this. Please refer to 'Transport' and 'Amenity' sections of report for a discussion of how these impacts would also be managed by a CMP).

Utilities concerns:

- Many drain pipes pass under 14D and there is an inspection platform. During their last extension (they never informed us if they had planning permission and never sought permission from Watertrade) 14D covered these platforms and the management is unable to clean or even inspect these drains. So the management does not know how is the condition of the drains and if their condition poses any threat of disruption to the estate.
- This will be built on top of existing shared drainage system and other utilities which is deep [under] the garden and joint across all joint 4 houses.
- My concern is that digging a basement might affect our drainage, gas and electricity systems.
- We have the possibility that by digging under the foundations and in the back garden of their property, it will put at risk many of the utilities and services that are shared by us all, like electricity, gas (my meter is in the rear garden), water, drainage etc. as I have not seen any plans of the existing layout of these pipes and wires I cannot be sure but I can believe that it is very possible that the proposed works could impinge on some if not all of the above mentioned utilities/infrastructure.
- Many common drain pipes of the estate pass under or besides 14D and there is an inspection hatch located inside 14D or its ground. The Board [of Watertrade Limited] is afraid such interference with these pipes will result in disruption and damage to the estate. The Board is afraid that during their previous extension/s (they never informed us of the previous extension/s and we don't know if there was any planning permission) 14D may have covered these hatched making these easily accessible for inspection and clearing.

(Officer response: please see paragraph 4.5 of the report below. The initial matters are mainly civil and covered by other legislation).

Deed of covenants and previous alterations:

- Each owner has signed a Deed of Covenant before a share [of the estate management company Watertrade Limited] is allotted to them. The deed forms Part II of the schedule at the land registry and is designed to generally provide for peace and harmony on the estate and also requires the owners to abide by the rules governing the compound and not to make any alteration to their properties without permission from Watertrade. On 11 June 2017 the Board of Watertrade, by majority, decided as follows: The Board of Watertrade Objects to the planning permission as mentioned above.

- The house has been altered 3 times without consideration or consulting the neighbours/partners of Watertrade (the owner of common parts 14A-H – they have an 1/8 share of it, and obliged by deed of covenant).
- 14D owner has put up a door on Avenue Road without planning permission and in contravention of the deeds of covenants of the estate. The door makes the appearance of the estate unseemly and apparently does not serve any purpose. Despite many requests over the years 14D refuses to take down the door and make appearance of the estate good on Avenue Road.
- The estate is managed by Watertrade Limited, a property management company, owned jointly and equally by all the townhouse owners 14A-14H of the estate. In accordance with the deed of covenant with Watertrade 14D has not submitted their plans to the board of Watertrade for their first approval. The deeds require that the owners do not make any alterations with[out] permission from Watertrade. In the past 14D had encroached upon common land of Watertrade. It took Watertrade over four years and a lot of effort to reclaim the land from 14D.

(Officer response: Deeds of covenants are a civil issue and not a material planning consideration. The existing side and rear extensions at 14D Avenue Road were deemed to be permitted development and a Certificate of Lawfulness (Proposed) was granted for application ref. 2011/1951/P on 13/05/2011 – see ‘Relevant history’ section below).

Site Description

The application site comprises a three-storey end-of-terrace property with existing single storey rear and side extensions on the north-eastern side of Avenue Road. The property is in use as a single dwellinghouse. The property is part of a private estate of 8 terraced properties (4 in each terrace) facing onto a shared paved forecourt containing parking spaces and garages at basement level. The rear garden of the property adjoins Avenue Road, and the site is accessed via a private road from Avenue Road.

The property is not listed and is not situated within a conservation area.

Relevant History

Application site:

2011/1951/P – Erection of a single storey ground floor level side extension and retention of existing rear ground floor conservatory and glazed infill to first floor balcony at dwellinghouse (Class C3). **Certificate of Lawfulness (Proposed) granted 13/05/2011**

Neighbouring sites:

14F Avenue Road

2015/2397/P – Creation of a basement extension including lightwell within rear garden, ground floor rear extension and part infill at first floor rear level. **Planning permission granted subject to a Section 106 Legal Agreement 26/02/2016**

16 Avenue Road:

2016/5375/P – Erection of a 2 storey (plus basement and loft), 7 bed dwellinghouse (C3) and associated relandscaping following the demolition of existing house. **Planning permission granted subject to a Section 106 Legal Agreement 05/06/2017**

2014/5265/P – Erection of a basement extension including lightwell within rear garden, ground floor rear extension and part infill at first floor rear level. **Planning permission granted 25/02/2015**

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Camden Local Plan (2017)

G1 Delivery and location of growth

A1 Managing the impact of development

A4 Noise and vibration

A5 Basements

D1 Design

CC3 Water and flooding

T4 Promoting the sustainable movement of goods and materials

Camden Planning Guidance

CPG1 Design (2015; updated 2018)

CPG3 Sustainability (2015; updated 2018)

CPG6 Amenity (2011; updated 2018)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

CPG Basements (2018)

CPG Amenity (2018)

Assessment

1.0 Proposal

1.1 This application seeks planning permission for the following:

- Excavation of a single storey basement beneath the existing house and part of the garden. The proposed basement excavation would have a footprint of 74.6sqm, with a width of 6.8m and length of 10.9m. The basement would be excavated to a depth of 3.1m in line with the depth of the existing basement car park to the front of the site, with a floor to ceiling height of 2.25m. The basement would provide a media room, gym, laundry room, storage, a bathroom and a WC. No external manifestations of the basement are proposed.

Revisions

1.2 The drawings have been revised to reduce the size and scale of the proposed basement to comply with criterion (f) – (m) of policy A5. The basement is now within the footprint of the existing building.

2.0 Assessment

2.1 The main planning considerations in the assessment of this application are:

- Design (the impact that the proposal has on the character of the host property);
- Basement impact (the impact on the natural and built environment);
- Transport (the impact of the proposal upon local transport and highways);
- Amenity (the impact of the proposal on the amenity of adjoining occupiers);

3.0 Design

3.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building.

3.2 Policy A5 Basements of the Camden Local Plan 2017 includes a number of stipulations for proposed basement development within the Borough, including upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling. Policy A5 states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a) neighbouring properties;
- b) the structural, ground, or water conditions of the area;
- c) the character and amenity of the area;
- d) the architectural character of the building; and
- e) the significance of heritage assets.

3.3 Policy A5 also states that the siting, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f) not comprise of more than one storey;
- g) not be built under an existing basement;
- h) not exceed 50% of each garden within the property;
- i) be less than 1.5 times the footprint of the host building in area;
- j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k) not extend into or underneath the garden further than 50% of the depth of the garden;
- l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m) avoid the loss of garden space or trees of townscape or amenity value.

3.4 The proposed basement would be single storey in depth and would not be constructed below an existing basement. It would extend beneath the footprint of the building, and part of the rear side patio, in line with the rear building line of the existing single storey rear extension. The proposed basement excavation would have a total area of 74.6sqm, which would be 94% of the footprint of the host building (approximately 79sqm). There is an existing basement carpark beneath the front porch and forecourt of the host building, which the proposed basement would adjoin.

3.5 As highlighted above, policy A5 is in place to ensure that basements are proportionate to the host building and so that there is sufficient space to sustain the growth of vegetation and trees. The proposed basement would be set away from all site boundaries where it extends outside the footprint of the building, to allow for the potential for future vegetation to be planted. Whilst the development would extend into the rear garden space, it would only occupy 5.8sqm of the total existing rear garden space of 82.8sqm (7%), therefore the resulting garden would still be of a considerable size and able to support vegetation.

3.6 In light of the above, it is considered that the proposed basement excavation would be of a scale and proportion which would remain in accordance with criterion (f) – (m) of policy A5 and it is considered acceptable in design terms.

4.0 Basement impact

4.1 A Basement Impact Assessment (BIA) has been submitted as part of this application. This document has been independently reviewed by Campbell Reith with subsequent information provided by the author of the BIA during the course of the application. Within their final audit report, Campbell Reith conclude that the revised has addressed initial concerns and that the development as proposed would remain in accordance with policy A5 / CPG Basements.

4.2 A site specific Flood Risk Assessment has been provided, which concludes that despite the high risk of surface water flooding in the area, the risk of flooding of the proposed development is very low, and notes that the proposal does not include any habitable rooms at basement level. The Audit

accepts that there is no increase in the hardstanding area and therefore no increased surface water runoff. The Audit accepts that the proposed basement construction will not impact on the wider hydrogeology of the area.

4.3 The revised Ground Movement Assessment (GMA) has considered the movements related to excavation and construction of the basement retaining walls in relation to No. 14D Avenue Road and the adjacent neighbouring property No. 14C Avenue Road. The revised GMA predicts damage impacts to neighbouring properties and infrastructure to be no higher than Burland Scale Category 2 (Slight Damage). The Audit notes that the whilst Category 2 damage impacts is higher than the Category 1 damage impacts typically accepted by Camden, the calculated method utilised is likely to be conservative and the realistic ground movements are likely to be less than this assuming good workmanship. Furthermore, the basement is proposed to be of a depth typical of basements which are commonly constructed without excessive ground movements. As such, the Audit confirms that predicted damage impacts of Category 2 are acceptable in this instance.

4.4 The Audit accepts that there are no slope stability concerns regarding the proposed development.

4.5 The BIA Audit confirms that there is the possibility that a public sewer runs beneath the rear extension and states that this requires further investigation with Thames Water. The Council's Building Control Officer has advised that with all building works, it can be difficult to ascertain whether any waste pipes run beneath a site until works commence. The Council's Building Control Officer has confirmed that a pipe which serves one property is known as a 'drain', and is privately owned and maintained up to the property boundary by the home owner. However, when a 'drain' crosses the property boundary it is known as a 'public lateral drain', and becomes the responsibility of Thames Water. As such, if a 'public lateral drain' is discovered during building works, then this would be the responsibility of Thames Water, and the owner of 14D Avenue Road would be obliged to contact them. A 'public lateral drain' cannot be moved until an agreement has been reached between the owner and Thames Water, and Thames Water can refuse for a 'public lateral drain' to be moved if they do not believe this to be feasible. This is a civil issue and an informative noting this requirement would be added to the decision notice if conditional planning permission subject to a Section 106 Legal Agreement is granted.

4.6 The Audit confirms that the BIA has met the requirements of Policy A5 and CPG Basements for the identification of the potential impacts of the proposed basement construction and the proposed mitigation. If planning permission is granted, a condition will be imposed requiring the applicant to submit details of a qualified engineer to inspect, approve and monitor the construction works.

5.0 Transport

5.1 The Council's Transport Planner has assessed the proposal and confirmed that due to the amount of excavation required for the basement and the sensitive nature of the local streets, a Construction Management Plan (CMP) would be required for the proposed development. The Council's primary concern would be with public safety but the Council would also need to ensure that that construction traffic does not create (or add to existing) traffic congestion in the local area and that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highways network in the local area. The CMP would need to be approved by the Council prior to works commencing on site and would be secured through a Section 106 Legal Agreement. The Section 106 Legal Agreement would also secure a CMP Implementation Support Contribution of £3,136.

5.2 The development may require the temporary suspension of parking bays (to enable deliveries and collections of materials, for example) and a hoarding license. As these are outside of the remit of planning and must be arranged with the Council's Highways and Licensing teams, an informative will added to the decision notice to remind the developer to do so.

6.0 Amenity

6.1 Due to the location and nature of the proposals, the development is not considered to cause harm to neighbouring amenity in terms of privacy, outlook or daylight. Subject to the securing of a CMP as outlined in the previous section, the proposed basement development is not considered to lead to a significant impact upon the amenities of any neighbouring occupiers. The development is thus considered to be in accordance with planning policies A1 and A4.

6.2 The proposal would lead to ancillary space for the existing dwelling. While the level of light and outlook would be poor, these subterranean areas are intended for non-habitable use and would support the above ground areas.

7.0 Conclusion

7.1 The proposed development is considered acceptable in terms of design, basement impact and impact in terms of amenity. The development is deemed consistent with the objectives and policies identified above.

7.2 Grant Conditional Planning Permission subject to a Section 106 Legal 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 23rd April 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'.

Chelsea Consultants
18 Chelsea Manor Street
London
SW3 3UH

Application Ref: **2017/2347/P**

18 April 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:
14D Avenue Road
London
NW8 6BP

DECISION
Proposal: Excavation of basement under footprint of existing house and part of rear garden.

Drawing Nos: P100 Rev. D; P101 Rev. A; P200 Rev. A; P201 Rev. A; P202 Rev. A; P300 Rev. B; P301 Rev. A; SK100 Rev. A; SK101 Rev. A; SK200 Rev. A; SK201 Rev. A; SK202 Rev. A; SK300 Rev. A; SK301 Rev. A; Site Location Plan; Basement Impact Assessment (prepared by SC Structures Ltd, dated February 2018); Basement Construction Methodology (prepared by SC Structures Ltd, dated February 2018); Draft Construction Management Plan Pro-Forma (received May 2017); Flood Risk Assessment and Drainage Strategy (prepared by SC Structures Ltd, dated October 2016); Outline Movement Monitoring Strategy (prepared by SC Structures Ltd, dated February 2018); Trial Pit Record and Visible Existing Services 0018-TP001 Rev. P2.

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 this permission.

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

- 2 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 policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans P100 Rev. D; P101 Rev. A; P200 Rev. A; P201 Rev. A; P202 Rev. A; P300 Rev. B; P301 Rev. A; SK100 Rev. A; SK101 Rev. A; SK200 Rev. A; SK201 Rev. A; SK202 Rev. A; SK300 Rev. A; SK301 Rev. A; Site Location Plan; Basement Impact Assessment (prepared by SC Structures Ltd, dated February 2018); Basement Construction Methodology (prepared by SC Structures Ltd, dated February 2018); Draft Construction Management Plan Pro-Forma (received May 2017); Flood Risk Assessment and Drainage Strategy (prepared by SC Structures Ltd, dated October 2016); Outline Movement Monitoring Strategy (prepared by SC Structures Ltd, dated February 2018); Trial Pit Record and Visible Existing Services 0018-TP001 Rev. P2.

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

- 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 policies D1 and A5 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 that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 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.
- 4 The applicant is advised that there may be a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information. This is a private civil matter that needs to be agreed separately between interested parties.
- 5 The approved development may require temporary parking bay suspensions and a hoarding license. For further details please refer to the following web pages:

<http://www.camden.gov.uk/ccm/navigation/transport-and-streets/parking/parking-bay-suspensions/>

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

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

Supporting Communities Directorate

Executive Director Supporting Communities