

Mr James Falconer  
Metropolitan                      Development  
Consultancy  
66 Bickenhall Mansions  
Bickenhall Street  
London  
W1U 6BX

Application Ref: **2015/0483/P**  
Please ask for: **Tendai Mutasa**  
Telephone: 020 7974 **2353**

26 June 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**Flat 1  
27 Aberdare Gardens  
London  
NW6 3AJ**

Proposal:

Excavation of a single storey basement level with front and rear lightwells, erection of single storey rear extension, and single storey outbuilding in rear garden.

Drawing Nos: Site Location Plan, 7393 20, 7393 19, 7393 21 Rev A, 7393 22 Rev B, Tree Report Dated 27th January 2015, Revised Basement Impact Assessment Ref: BIA 4916 Rev 2 Dated April 2015, Factual Report Ref: FACT/4916 Dated December 2014, BIA Engineering Method Statement Dated January 2015, Construction Management Plan Dated 3rd March 2015, Design & Access Statement Dated December 2014

The Council has considered your application and decided to grant permission subject to the following condition(s):

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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 7393 20, 7393 19, 7393 21 Rev A, 7393 22 Rev B, Tree Report Dated 27th January 2015, Revised Basement Impact Assessment Ref:BIA 4916 Rev 2 Dated April 2015 , Factual Report Ref: FACT/4916 Dated December 2014, BIA Engineering Method Statement Dated January 2015, Construction Management Plan Dated 3rd March 2015, Design & Access Statement Dated December 2014.

Reason:

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

- 4 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on demonstrating a 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and

policies DP22, DP23 and DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 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 CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 7 The basement accommodation and the new outbuilding hereby approved shall only be used for purposes incidental to the residential use of the single family dwellinghouse at Flat 1, 27 Aberdare Gardens and shall not be used as a separate independent Class C3 dwelling.

Reason: To ensure that the future occupation new basement does not adversely affect the amenity of adjoining residential premises/immediate area by reason of noise, traffic congestion and excessive on-street parking and is not used for unauthorised purposes, in accordance with policies CS5 (Managing the impact of growth and development), CS8 (Promoting a successful and inclusive Camden economy) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP19 (Managing the impact of parking), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies

- 8 Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 9 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).

- 10 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 approved protection details.

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 policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 11 Prior to the end of the next available planting season, details of replacement tree planting and landscaping details shall be submitted to and approved by the local planning authority in writing.

Reason: To ensure that the development achieves a high quality of landscaping and tree replacement which contributes to the visual amenity and character of the area, in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 Reasons for granting permission.

The proposed basement excavation with the front and rear lightwells are considered to be acceptable as it has been demonstrated on the balance of probabilities that the proposals would maintain the structural stability of the host building and adjacent buildings. The Basement and Impact Assessment report submitted with the application has been independently assessed by a third party engineering firm in line with the Councils Policy and concluded that given the specific circumstances of the site and proposal and in particular that the indicated location of the proposed basement is away from more sensitive neighbouring structures, that the proposal meets the requirements of DP27. The proposals are, therefore, consistent with the objectives of national policy, LDF policies CS5 and DP27, and associated guidance which collectively seek to manage the impact of development, prevent unacceptable risks from land instability, and ensure that proposals demonstrate that the structural stability of the building and neighbouring properties is maintained.

The proposal is considered provide a reasonable standard of accommodation because the proposed floor to ceiling height is in keeping with the recommended head room of CPG2 and the London Plan. While some of the basement rooms

would have limited outlook this is not considered to be necessary based on the proposed uses for example, the gym or the guest bedroom. Further, the proposed rooms would be private from public areas. The site is not located in a flood risk area, or an area identified as being subject to localised surface water flooding.

The proposal would entail excavation and the construction of basement walls within the root zones of a number of medium sized trees and various shrubs close to the side boundaries of the back garden of the host property. During these works, it is quite likely that some of this vegetation, including trees which are in good condition, would be damaged or even killed by the disruption to and severance of their roots. However, none of the individual trees make anything other than a modest contribution to the quality of the area. A significant amount of vegetation would remain in and around the garden, and provided that a good quality landscaping scheme were carried out, including the planting of a number of appropriately sized trees, the character and appearance of this part of the conservation area would be preserved. The safety of the trees will be secured by a condition if planning permission is granted.

The proposed development will also involve the demolition and rebuilt of an existing single storey rear extension. The proposed extension will increase in depth by 700mm and is considered to be subordinate to the host dwelling in terms of scale and siting and would have an acceptable impact upon the surrounding conservation area, and neighbouring amenities.

The proposed extension would be to the rear of the dwellinghouse and screened from public and neighbouring vantage points by the existing built form and the boundary fencing. Given the siting of the proposed extension, it is considered the proposed extension would not be out of keeping with the design of the host dwelling or negatively impact upon South Hampstead Conservation Area.

The development will have some negative impact in terms of the potential for creating additional bulk and mass along neighbours' boundaries. However as stated above, boundary fencing would screen the bulk and mass of proposed extension from neighbouring amenities. Also, given the size of neighbouring plots, the proposed extension would be significantly separated from neighbouring dwellinghouses and primary amenity areas.

- 2 Although the proposed home office at the rear of the garden will be essentially of modern design and materials would be quite different to those of the existing house and other primary buildings in the area. It will match that approved on neighbouring property at 29 Aberdare gardens. Because of its distance from the house and proximity to the end of the back garden would mean that it would be seen as a freestanding structure against the background of a brick wall, timber fences and vegetation. It would not, therefore, appear as an inappropriate addition to, or affect the appearance of, the main building. It would not be excessive in scale, lead to a significant loss of openness, or affect the street scene in any way. Because of the appropriate colour of the roof and rendered walls, it would not appear unduly stark, or materially detract from the character or appearance of the back garden or wider area.

The existing garage at the front of the building will be converted into habitable space, this is considered acceptable as adequate car parking provision will still be retained on site and the proposed new window will not harm the architectural composition of the existing building.

A draft construction management plan has been submitted and this is considered to be fairly and reasonably related in scale and kind to the developments, and necessary to make the developments acceptable in planning terms. However, Highways have indicated that further information is required, this will be secured by condition and section 106 Legal agreements, having particular regard to the effect on highway safety and the living conditions of the occupants of host and nearby dwellings. This will ensure that the construction phase would have a reasonable impact on the amenity of adjoining properties.

Given the scale of the basement and its relation to neighbouring properties and location in a conservation area it is recommended that the Council's standard basement condition, monitoring by a qualified structural engineer, be included in any consent.

The planning history of the site has been taken into account when coming to this decision. Two objections have been received as a result of consultation raising concerns over the impacts of the size of the basement and these have been summarised in a separate consultation report.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of The London Plan March 2015, consolidated with alterations since 2011; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework.

- 3 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).
- 4 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.

- 5 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced 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 the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: [http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset\\_id=3298006](http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006)

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. 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 queries to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 6 You are advised that the structure hereby approved should be constructed in such a manner that it will not be susceptible to future damage by protected trees. The Council is unlikely to consider favourably any application to prune or fell protected trees because of their impact on the structure hereby approved. You are further advised that the Department for Communities and Local Government the Regions guidance "Tree Preservation Orders - A Guide to the Law and Good Practice" states that no compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent
- 7 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.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson  
Director of Culture & Environment