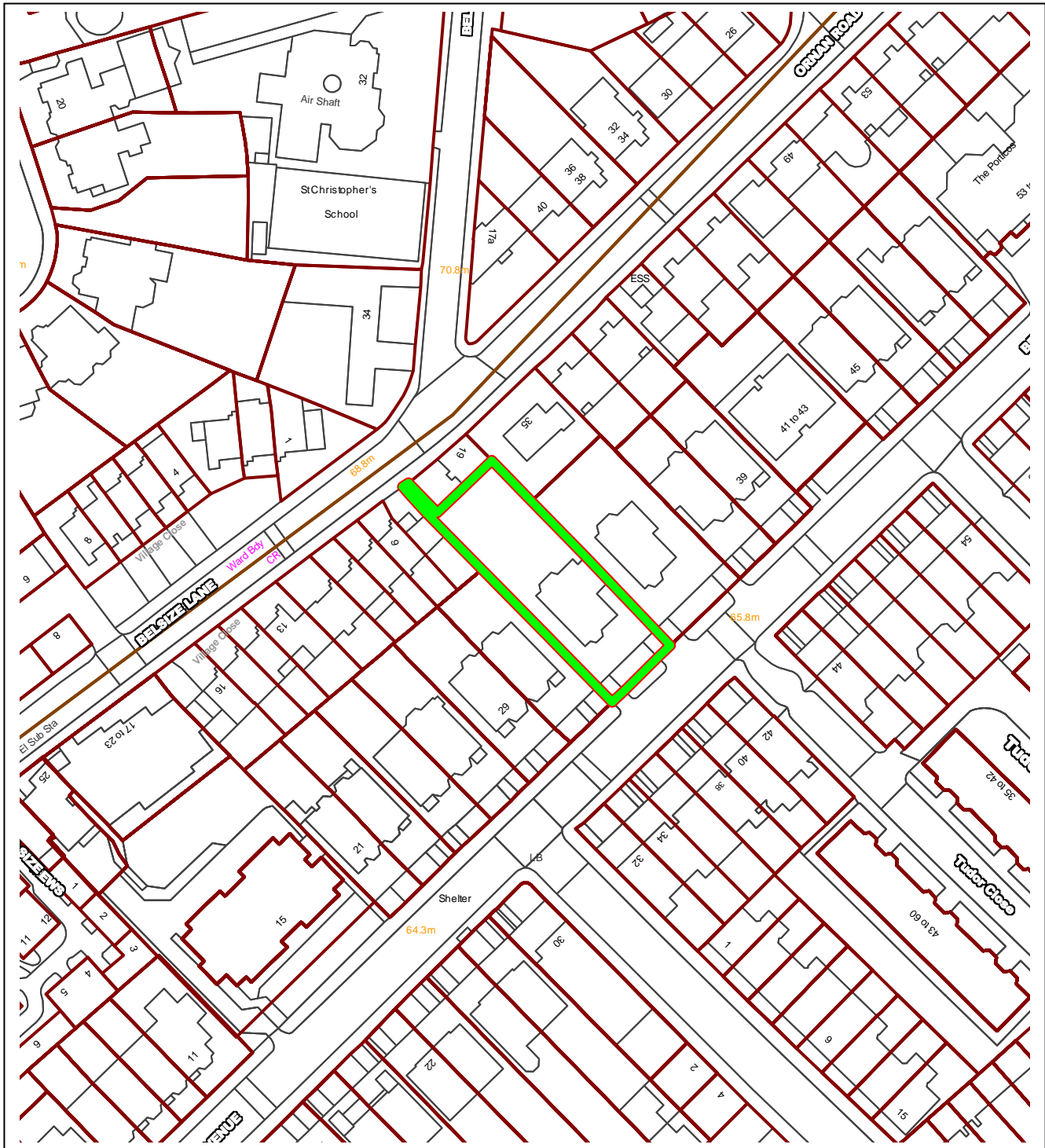


33 Belsize Avenue, NW3 4BL - 2018/1045/P



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1. Aerial view



2. Front view



3. Existing rear sunken patio.



4. Rear view



5. View towards rear boundary, sunken patio in foreground.



6. Rear view of No. 35 Belsize Avenue (neighbouring pair to No.33), showing scale of light well.



7. Rear view of 33 Belsize Avenue in 2009, prior to garden excavation.

Delegated Report		Analysis sheet	Expiry Date:	23/04/2018
(Members Briefing)		N/A / attached	Consultation Expiry Date:	11/07/2018
Officer			Application Number(s)	
Emily Whittredge			2018/1045/P	
Application Address			Drawing Numbers	
33 Belsize Avenue London NW3 4BL			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Excavation and infilling of lower ground floor rear terrace to form a rear extension with associated lightwell, removal of a vehicle entrance at front, and associated front boundary wall alterations and landscaping.				
Recommendation(s):		Grant Planning Permission Subject to S106 Agreement		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed from 18/04/2018 to 09/05/2018 A press notice was published on 19/04/2018</p> <p>No comments were received in response to public consultation.</p>					
CAAC/Local groups comments:	<p>The <u>Belsize Conservation Area Advisory Committee</u> objected to:</p> <ul style="list-style-type: none"> • Full width rear extension • Loss of existing rear façade <p>The <u>Belsize Residents Association</u> objected to the <u>original</u> version of the scheme (since amended) for the following reasons:</p> <ul style="list-style-type: none"> • ‘The proposed raised ground floor rear extension obliterates the distinct architectural features of the building and so alters its inherent stylistic theme to the detriment of the building. Lost are both the inherently vertical appearance of this type and the attractive bay window. The resulting composition is rather squat and inelegant juxtaposition of the original, upper half of building designed so as to emphasise verticality, now cut-off from its original base and sat atop the new bulky entirely horizontal block’. <p><u>Officer Comment</u></p> <p><i>See Section 4 of this report for discussion of the proposed lower ground floor infill and its impact on that floor-level elevation. The ground floor rear extension objected to by Belsize Residents Association was fully omitted in the amended scheme, with the rear extension now only within the lower ground floor lightwell.</i></p>					

Site Description

The application relates to a detached property on the northern side of Belsize Avenue. The property is a single dwellinghouse comprising three storeys plus loft and basement.

The property forms one of a matching pair (with no. 35) that only differs in the colour of its facing brickwork. The building features large windows with fine carved detailing, decorative string courses and corbels. The rear garden has been previously excavated, and much of it paved and framed with glazed balustrade.

The building is not listed, but it is located in the Belsize Park Conservation Area and is identified as making a positive contribution to the Conservation Area.

Relevant History

2008/5337/P Excavation into rear garden to provide a terraced area at lower ground floor level to the existing single family dwelling house (Class C3). **Granted 12/01/2009**

2008/2411/P Certificate of lawfulness for proposed works including new openings at lower ground floor level, alterations to existing windows, new rooflights, new front gates (Class C3). **Granted 02/01/2009**

Relevant policies

National Planning Policy Framework 2018

The London Plan March 2016

Draft London Plan 2017 was published for consultation in November 2017

Camden Local Plan 2017

A1 Managing the impact of development

A3 Biodiversity

A5 Basements

D1 Design

D2 Heritage

Camden Planning Guidance 2011/2015

CPG 1 Design (July 2015 updated March 2018)

CPG 6 Amenity (Sept 2011 updated March 2018)

CPG Basements (March 2018)

CPG Biodiversity (March 2018)

Belsize Conservation Area Appraisal and Management Strategy 2003

Assessment

1. Proposal

1.1 Planning permission is sought for the following works:

- Excavation and infilling of lower terraced garden to form a rear extension at lower ground floor level. The extension includes a light well with garden access stair, and a walk-on roof light.
- Removal of a vehicle crossover and associated alterations to front boundary wall and piers to centre the pedestrian access.

Revisions:

The original scheme included a ground floor rear extension above the proposed basement infill. The ground floor extension extended the full width of the building, measuring 3m tall and 0.8m deep, and featured a largely glazed rear elevation. The revised scheme now omits the ground floor extension.

2. Assessment

2.1 The planning considerations material to the determination of this application are as follows:

- Basement works
- Design and heritage
- Amenity
- Transport considerations
- Trees and landscaping

3. Basement works

3.1 The existing building features a substantial sunken garden terrace area immediately to the rear of the house, a result of the lightwell enlargement granted permission under application ref. 2008/5337/P. The existing excavated terrace extends 6.4m into the garden from the rear elevation, 2.7m below garden level and the full width of the building. The proposed new basement room would infill this sunken patio and square off its rear line by extending further into the garden. It would extend 7.8m from the rear elevation, 3m below existing garden level and the full width of the building. Thus the additional excavation involved is relatively minimal, being 1.4m further back into the rear garden and 0.3m deeper than the existing patio level. The foundations would require a further 0.5m of excavation, and the retaining walls would add 0.6m of thickness.

3.2 The excavation would not extend beyond the existing width of the building and would be set well back from the site boundaries. The basement complies with the requirements and criteria of Policy A5 and current Camden Planning Guidance on Basements, in respect of its size relative to the building and garden, and its impacts on amenity and the environment.

3.3 In support of the basement development, a Basement Impact Assessment (BIA) by Fairhurst has been submitted along with a Structural Engineering Report and Subterranean Construction Method Statement by Elliot Wood. The documents were independently audited by Campbell Reith and revised following their comments. The final versions have now been found acceptable.

3.4 The ground movement assessment predicts negligible damage. There are no slope stability or wider hydrogeological concerns regarding the proposed development and it is not in an area prone to other flooding issues. Campbell Reith request that a detailed monitoring strategy is agreed with the relevant parties prior to construction to ensure the movements do not exceed agreed limits and that a detailed works programme is provided by the appointed contractor at a later date. These issues will be secured by condition.

3.5 It is therefore considered that the proposal demonstrates sufficient certainty to meet the requirements of policy A5 and CPG guidance on Basements and will have no harmful impact on land

stability and local ground and surface water conditions.

4. Design and conservation

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: Development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 'Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

4.2 CPG1 guidance provides more specific advice on designing rear extensions, which should:

- be secondary to the building being extended, in terms of location, form scale, proportions, dimensions and detailing;
- respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;
- respect and preserve the original design and proportions of the building, including architectural period and style.

Rear extension

4.3 In their objection to the original scheme, the Belsize CAAC refer to the proposed full width extension and the loss of the original rear façade. However no comment was explicitly made on the basement infill element and subsequently the scheme has been revised to omit the upper ground floor level extension.

4.4 The site's planning history indicates that the property originally had a shallow rear lightwell, of a similar scale as that of the neighbouring property, no. 35. Planning permission was granted in 2008 for a substantial excavation of the garden (see planning history above), including hard landscaping that fundamentally altered the garden setting of the property, and provided visibility of a new rear elevation at lower ground floor level. Prior to this development, the lower ground floor was almost fully concealed from view below ground level. At this time, the bay window openings were lowered, providing a modern appearance.

4.5 The existing rear elevation, particularly the lower ground floor level, does not reflect the historic appearance of the property. The current arrangement elongates the rear elevation, contrary to its original appearance, and emphasizes its verticality and height. The hard landscaping covering much of the garden further creates a modern, rather than traditional, character.

4.6 The proposed development seeks to infill the existing lowered patio terrace and provide a new ground level patio, level with the house's ground floor and slightly below the remaining garden. This would better reflect the traditional layout of the site and reinstate the original appearance of the house's rear elevation. A small centrally placed lightwell to gain access to the basement floor would not interrupt views of the new rear facade. Whilst the existing bay window and two smaller window openings would be concealed by this extension, it is not considered that these secondary architectural features, which lack the detailing of the windows above, are significant to the building's historic interest.

4.7 While the new patio over the basement extension would be paved and emphatically modern, the reinstatement of a more traditional garden level would enhance the setting of the house and the character and appearance of this part of the conservation area. The additional landscaping bordering the new rear extension and the new lawns replacing the other patios further behind would also enhance the character and biodiversity of the garden.

Front boundary and access alterations

4.8 The existing front boundary wall has been rendered and has a modern appearance. The

alterations to the front boundary and access include the removal of one of the two vehicular accesses, and reconfiguration of the pedestrian entrance gate so it is centred on the main entrance. The grassed verge and paving would accordingly be reconfigured. The historic piers, dwarf wall and metal railings would be replicated.

4.9 These alterations would retain the traditional character of the front boundary treatment and are considered to preserve and enhance the streetscene and this part of the conservation area.

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

5. Amenity

5.1 Due to the nature of the proposal, being an infilling of a rear basement level patio and alterations to the front boundary, it would not result in any harm to the residential amenity of neighbouring occupiers.

6. Transport

6.1 The transport team has requested a Construction Management Plan (CMP) and Highways contribution, which will be secured through a S106 legal agreement. CMPs are normally required for basement development to ensure that there would be no adverse impacts on the highway network during the construction period. A Highways contribution is sought to cover the cost of any repairs to the public highway caused by the development, as well as the cost of alterations to the front access and verge resulting from the removal of a vehicular crossover and formation of the centralised pedestrian access. Highway engineers will provide a cost estimate for these works.

7. Trees and landscaping

7.1 The arboricultural report is considered to satisfactorily demonstrate that the proposal will have a low impact on the trees in the vicinity. No trees are to be removed and the trial pits indicate that the majority of the significant roots have been restricted by the existing basement and party wall footings.

7.2 From an arboricultural perspective, the proposal is acceptable, subject to the submission of a tree protection plan and arboricultural method statement which would be required by condition. The proposal includes an increase of soft landscaping to the front and rear of the property. Further details are proposed to be required by condition.

8. Recommendation

8.1 Grant planning permission subject to S106 agreement on CMP and highway repairs contribution.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 26th November 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'.

Orcadian Planning
157 Byron Ave
London
E12 6NJ

Application Ref: **2018/1045/P**

22 November 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:
33 Belsize Avenue
London
NW3 4BL

Proposal:

DECISION
Excavation and infilling of lower ground floor rear terrace to form a rear extension with associated lightwell, removal of a vehicle entrance at front, and associated front boundary wall alterations and landscaping.

Drawing Nos: P001, P010 Rev. A, P090 Rev A, P100 Rev A, P110 Rev A, P120 Rev A, P130 Rev A, P210 Rev A, P301 Rev A, P310 Rev A, P311 Rev A, P312 Rev A, P313 Rev A, X310, X210, X130, X120, X110, X100, X090, X010; Planning Statement (by Orcadian Planning dated February 2018), Daylight Sunlight Report 8.997 (by XCO2 dated December 2017), Design and Access Statement (by KSR Architects dated January 2018), Structural Engineering Report and CMS P2 (by Elliott Wood dated February 2018), Energy Sustainability Statement (by XCO2 dated December 2017), FRA and Drainage Strategy (by XCO2 dated December 2017), Basement Impact Assessment (by Site Analytical Services Ltd. dated Jan 2018 revised July 2018 and Sept 2018), Tree Report (by Landmark Trees dated February 2018).

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 policies D1 and D2 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: P001, P010 Rev. A, P090 Rev A, P100 Rev A, P110 Rev A, P120 Rev A, P130 Rev A, P210 Rev A, P301 Rev A, P310 Rev A, P311 Rev A, P312 Rev A, P313 Rev A, X310, X210, X130, X120, X110, X100, X090, X010; Daylight Sunlight Report 8.997 (by XCO2 dated December 2017), Design and Access Statement (by KSR Architects dated January 2018), Structural Engineering Report and CMS P2 (by Elliott Wood dated February 2018), Energy Sustainability Statement (by XCO2 dated December 2017), FRA and Drainage Strategy (by XCO2 dated December 2017), Basement Impact Assessment (by Site Analytical Services Ltd. dated Jan 2018 revised July 2018 and Sept 2018), Tree Report (by Landmark Trees dated February 2018).

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

- 4 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 local planning authority 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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 Prior to occupation of the basement room hereby approved, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development and full details of the green roof must be submitted. 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 reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

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

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

- 8 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the various Basement Impact and Engineering reports hereby approved. In particular, prior to construction, a detailed monitoring strategy should be agreed with the relevant parties prior to construction, to ensure the ground movements do not exceed agreed limits, and a detailed works duration programme should be provided by the appointed contractor.

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 A1 and A5 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts 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.

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

DECISION