

Address:	22 Lancaster Grove London NW3 4PB		5
Application Number:	2015/6106/P	Officer: Jennifer Chivers	
Ward:	Belsize		
Date Received:	20/11/2015		
Proposal: Demolition of the existing dwelling house and replacement with a two storey, 7 bed dwelling house with basement and attic.			
Drawing Numbers: Noise Impact Assessment prepared by Syntegra Consulting dated 27 February 2014; Arboricultural Method Statement prepared by RPS ground dated 17 September 2015. Daylight, Sunlight and Shadow report prepared by point surveyors dated February 2015; Basement Impact Assessment including flood risk assessment prepared by Chelmer Site Investigations dated October 2015; Independent assessment of documentation submitted for Basement assessment prepared by Geotechnical Consulting Group dated August 2014. 22LG-P8-A-(00)-00; 22LG-P8-(15)-001; 22LG-P8-(00)-10; 22LG-P8-(00)-11; 22LG-P8-(00)-001; 22LG-P8-(00)-002; 22LG-P8-(10)-012 Rev D; 22LG-P8-(11)-010 Rev D; 22LG-P8-(10)-001 Rev D; 22LG-P8-(10)-002 Rev D; 22LG-P8-(10)-003 Rev D; 22LG-P8-(10)-010 Rev D; 22LG-P8-(10)-011 Rev D;			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to a Section 106 legal agreement			
Applicant:		Agent:	
DP9 100 Pall Mall London SW1Y 5NQ		DP9 100 Pall Mall London SW1Y 5NQ	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		326m ²
Proposed	C3 Dwelling House		1243m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Dwelling House					1				
Proposed	Dwelling House							1		

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	6	0
Proposed	5	0

OFFICERS' REPORT

Reason for Referral to Committee: This application is reported to Committee because it is a development involving the demolition of the existing dwelling which is in a conservation area [clause 3(v)]

1. SITE

- 1.1 The application site is located on the southern side of Lancaster Grove. The southern side of Lancaster Grove is comprised of large detached dwellings, on large plots located closely together. The exception to this is 24 Lancaster which adjoins the subject site to the east which is comprised of a wedge shaped plot reflecting the curve in Lancaster Grove. The materials and detailing of the majority of the houses on the southern side of Lancaster Grove lend them to have an 'Arts and Crafts' style.
- 1.2 The site is occupied by a detached two storey plus attic post-war dwellinghouse. The building includes a projecting double garage at the front and west of the site. The site is in use as a single family dwelling. The property is set within generous grounds and benefits from a large rear garden. There is also provision within the front forecourt for parking for 5 cars. The site contains separate in and out vehicle access gates.
- 1.3 The existing dwelling was constructed in 1980 and is not listed or highlighted as making a positive contribution to the character and appearance of the conservation area. The building is a mock tudor half-timber house, and given the materials and detailing it is considered to be at odds with the predominant character and appearance of the area.
- 1.4 The site is located within the Belsize Park Conservation Area. The Conservation Area Statement describes the area as being of predominately late Victorian housing with some Edwardian pockets. The area is notable for the varied styles and elevational treatment of properties but with consistent materials of generally red brick and red clay tiled roofs.
- 1.5 There are a number of listed buildings located on Eton Avenue (the street located to the rear of the Lancaster grove), of specific note is the building at the rear (south) of the subject site at 30 Eton Avenue which is a Grade II listed building.

2. THE PROPOSAL

Original

- 2.1 The application proposes the demolition of the existing 5-bed dwelling and erection of a three storey building plus basement to provide a 7 bed dwellinghouse with an internal garage for two cars and three external parking spaces.
- 2.2 The replacement building is proposed to be asymmetric in form with a two gables; one situated centrally forming part of the entrance and the other on the west (on right when viewed from the road). The dwelling design also comprises a hipped roof over a recessed garage to the east.

- 2.3 The front of the dwelling would contain both timber casement and sash windows dressed in Portland stone, with dormers to the roof with lead flashing. The main elevation will be constructed from red brick, with a welsh slate roof.
- 2.4 The basement is proposed to incorporate additional ancillary accommodation and a swimming pool.
- 2.5 The majority of the basement level is set below the footprint of the proposed dwelling, however the basement does project from the rear building line up to a maximum length of 10 metres and from the front building line by approximately 6 metres. The basement will be 3.5 metres below ground level.
- 2.6 It is proposed to construct a new front boundary wall, which will be built in London stock brick with Portland stone to match existing walls of the adjacent properties.
- 2.7 It is also proposed to incorporate a number of photovoltaic panels and air conditioning units within the flat roof section of the roof.

Revisions

- 2.8 The front gables have been reduced in height by approximately 0.7 metres to match the ridge height of the proposed dwelling. Given the revisions involved a reduction in the overall height of the gables it was not necessary to consult on these changes.

3. RELEVANT HISTORY

Application site

- 3.1 2014/2037/P - Erection of a two-storey building plus basement following the demolition of existing building to provide four dwellinghouses (4 x 5-bed). Refused 03/10/2014 and dismissed at appeal 11/08/2015 (Ref APP/X5210/W/15/3004790) Please see background section of this report below.

18-20 Lancaster Grove

- 3.2 2007/0923/P - The erection of a new two-storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. Allowed on appeal on 28/05/2008 (Ref: APP/X5210/A/07/2048016)
- 3.3 2007/0925/C – Demolition of 2 existing dwellinghouses. Allowed on appeal 28/05/2008 (Ref: APP/X5210/A/07/2048015)
- 3.4 2010/3134/P and 2010/3135/C – renewal of permissions 2007/0923/P and 2007/0925/C Respectively.
- 3.5 2013/5072/P - Confirmation that works undertaken at 18-20 Lancaster Grove constitute commencement of development of planning permission 2010/3134/P Granted 04/10/2013.

3.6 Background

3.7 An application was received in March 2014 (Council reference: 2014/2037/P) for the erection of a two-storey building plus basement following the demolition of existing building to provide four dwellinghouses (4 x 5-bed). This application was refused at development control committee on 2 October 2014 and upheld at appeal.

3.8 The substantive reasons for refusal were:

1) *The proposed development by virtue of its bulk, mass and extent of site coverage would result in overdevelopment of the site to the detriment of the character and appearance of the conservation area contrary to policy CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24 and DP25.*

2) *The proposed development by virtue of its bulk, mass and proximity to neighbouring properties would have an unacceptable impact on residential amenity by virtue of a combination of reduction of light, outlook and a heightened sense of enclosure contrary to policy CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26.*

3.9 The inspector noted in the appeal decision that:

1. The forward projection of the eastern front gable would appear intrusive and more prominent in views from the east being on the inside curve in the road.
2. The eastern flank wall lacked detailing and did not reflect that of the front elevation and as a result would reveal the deep bulk of the proposed building.
3. The overall bulk was considered to be an intrusion into the street scene and combined with the rearward projection the proposal would materially detract from the spacious character of the south side of Lancaster Grove.
4. The harm caused was considered to be less than substantial however insufficient public benefit was found to outweigh the harm.

3.10 The proposed scheme differs from the refused scheme in the following aspects:

- a. The width of the building has been reduced from 23.5 metres to 21 metres.
- b. The eastern flank gable has been removed entirely
- c. The front building line has been set back by 2.7 metres on the eastern flank elevation in comparison with the appeal scheme.
- d. The gables have been relocated to the centre and west of the front elevation and only project forward of the front building line by 350mm.
- e. The eastern flank would be set in from the eastern boundary by approximately 1.4 metres allowing a greater gap between 22 and 24 Lancaster.
- f. The proposed eaves have been reduced in height by approximately 1.5 metres.
- g. A series of roof pitches have been introduced to the eastern elevation.
- h. The architecture of the new dwelling retains a strong sense of the arts and crafts style which was considered acceptable by the Council and the inspectorate during the last scheme. Further details of the differences are expanded upon within the design section of this report below.

5. CONSULTATIONS

Statutory Consultees

5.1 Thames Water

Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Water Comments

On the basis of the information provided, Thames water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Belsize Conservation Area Advisory Committee

- 5.2 The scale of the proposed building is too large to fit comfortably into this urban street. The proposal has not addressed the inspector's previous concerns. Additionally the proposed style and the manner in which materials are used, do not really reflect either the detail of the lively ornament of the semidetached Victorian buildings opposite or the pleasant tile-hung and agreeably proportioned coach houses further up and down the street on the same side. The way the garage is tacked on to the façade is simply ugly, destroying the attempt to produce a copy of a previous aesthetic.

Belsize Residents Association

- 5.3 Agree with the Belsize CAAC as the application puts an unacceptably large building in a space and that the styles of materials of the proposal are inconsistent with the area. We are particularly concerned about in an area of London with an open space deficit developments that eat into garden space and increase bulk. We think the shape of Lancaster Road at 22 is more suited to a modest frontage.

Adjoining Occupiers

- 5.4 A site notice was displayed from 25/11/2015 until 16/12/2015 and a press advert was published from 26/11/2015 until 17/12/2015 and letters were sent to 31 neighbouring occupiers.

<i>Number of letters sent</i>	31
<i>Total number of responses received</i>	12
<i>Number of electronic responses</i>	0

<i>Number in support</i>	0
<i>Number of objections</i>	12

5.5 11 objections have been received from the occupiers of Flat 6/6 , 16, 18-20, 24, 28, 39, 43A, 4/43, 51, and 57 Lancaster Grove.

5.6 The comments relate to:

- Prefer the site remains as a single family unit
- The building is still too large for the plot size and will have an over bearing impact on street
- Loss of garden is unnecessarily substantial and plan should be changed so that it does not require the loss of so many mature trees
- If approved the house must remain as a single unit and not subdivided at a later date
- The previous appeal was rejected by the inspector mainly because the building took up too much of the garden. The existing 19.5 metre garden was going to be reduced to 12.5metres. This latest application has not addressed this problem and 16 metres would be more acceptable
- Concern that if permission is granted the site could be left in a state of half build like 18-20 Lancaster Grove.
- This development is totally unsuitable and detrimental to the location, the character of the street it is of no benefit to the community.
- The proposal is to construct a brick block that overfills the site and takes up more than half the existing garden. It is planned to be built at an angle to the road (as is the existing house) so that it cuts across the back of my house and will become an overwhelming and dominating presence. The proposal is quite out of character with the other houses in this conservation area.
- Mass scale and height of proposed dwelling is out of all proportion to the houses along this side of the road, which in the main were originally built as compact mews houses to the large houses on Eton Avenue.
- The differing ground levels of the properties on either side of 22 exacerbate this dominating effect.
- The property is not two levels as described.
- The size of the plot within which the design of the dwelling has been squeezed is completely inadequate for a property of this size which would normally set within its own grounds.
- Concern that should permission be granted for the dwellinghouse, a further application would be received to subdivide the property into several units.
- The gable ends are too intrusive and will be approximately 1.3 metres higher than other buildings.
- The house is planned to be deep and bulky and the garden will be devastated by the deep house
- The proposal is a gross overdevelopment of this site.
- The design should match the approved design for 18-20 Lancaster Grove.

6 POLICIES

6.1 National Planning Policy Framework 2012

6.2 London Plan 2015, consolidated with amendments since 2011

Local Development Framework (Core Strategy and Development Polices) 2010

CS1 Distribution of growth

CS4 Areas of more limited growth

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and Improving our parks and open spaces and encouraging biodiversity

CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair housing

DP16 Transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP20 Movement of goods and materials

DP21 Development connecting to the highway network

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

DP28 Noise and vibration

DP29 Improving access

6.3 Supplementary Planning Policies

CPG 1 (Design) 2015

CPG 2 (Housing) 2015

CPG 3 (Sustainability) 2015

CPG 4 (Basements and Lightwells) 2015

CPG 6 (Amenity) 2011

CPG 7 (Transport) 2011

CPG 8 (Planning Obligations) 2015

Belsize Conservation Area Statement 2003

7 ASSESSMENT

7.1 The principal considerations material to the determination of this application and summarised as follows:

- Demolition
- Design and impact on conservation area
- Quality of residential accommodation
- Basement Excavation
- Residential amenity
- Transport
- Trees Landscaping and biodiversity

Demolition

- 7.2 The site is currently occupied by a five bedroom single family dwelling and therefore the continued use of the site for a residential dwellinghouse is considered to be acceptable in principle.
- 7.3 The inspector stated in the appeal decision that the dwelling had no architectural merit and its design materials and detailing do not make a positive contribution to the distinctiveness of the area. On this basis there is no objection to its loss, subject to the replacement building preserving or enhancing the character and appearance of the conservation area.

Design and impact on the conservation area

- 7.4 CS14 states that the Council will ensure that Camden's places and buildings are attractive, safe and easy to use by requiring development of the highest standard of design that respects local context and character; and preserving and enhancing Camden's rich and diverse heritage assets and their settings including conservation areas and listed buildings.
- 7.5 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 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 DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

The proposed building

- 7.6 The inspector confirmed and agreed that the height of the appeal scheme would not appear out of place within the street, nor would the width and design of the front elevation. The scale of the basement and associated lightwells were also not considered harmful to the character and appearance of the area. Additionally, the proposal was considered to have no effect on the setting of the grade II listed building (30 Eton Avenue) located to the south of the site.
- 7.7 The appeal was dismissed for the following reasons:
- A. The forward projection of the east front gable would appear intrusive and more prominent in views from the east being on the inside curve of the road.
 - B. The eastern flank wall lacked detailing and did not reflect that of the front elevation and as such would reveal the deep bulk of the building
 - C. The overall bulk was considered to be an intrusion into the street scene and combined with the rearward projection the proposal would materially detract from the spacious character of the south side of Lancaster Grove.
 - D. The harm caused was considered to be less than substantial however insufficient public benefit was found to outweigh the harm.
- 7.8 Given the issues outlined in the appeal decision above the Council's considerations are limited to whether the reasons for refusal have been overcome. These changes are discussed below with respect to the inspectors concerns and how these have been addressed in the proposed design.

Forward projection, east flank detailing and bulk

- 7.9 The eastern flank elevation, east flank wall detailing and bulk of the proposed building has been significantly revised from the appeal scheme in order to respond to the inspector's conclusions.
- 7.10 The appeal scheme presented a blank flank wall for the entire length of the eastern elevation which would have been prominent in views on the bend in the road. The current proposal scheme has altered the overall form of this side of the building and reduced the elevation significantly down to three tiered and
- 7.11 specific elements which reduce in scale closer to the eastern boundary.
- 7.12 On the front elevation the proposal has removed eastern gable entirely, with the front building line on this elevation set back by 2.7 metres from the building line of the appeal scheme. In addition, the eastern flank has also been stepped in from the eastern boundary by 1.4 metres.
- 7.13 The front gable projections have been relocated: to the centre and west, away from the prominent view from the curve in the road. The gable bays would project a shallow 1m from the front elevation.
- 7.14 The revised design would omit intrusive views of the gable and flank wall and reduce the impact of the building as well by setting the main front building line back and pitching the roof. Additionally the existing and proposed boundary walls would largely screen the garage and porch from view within the streetscape, allowing only views of their shallow pitched roof. This would address the prominent and intrusive views identified by the inspector.
- 7.15 The series of roof pitches would soften the impact of the building in a language consistent with the recognised arts and crafts style of this side of Lancaster Grove. The style is considered to be enhanced by the asymmetry created by the position and design of the proposed.
- 7.16 These changes have introduced a series of elements on the eastern flank and created a finer detailing to the design, which has resulted in a meaningful reduction in the deep plan bulk of the building identified by the inspector. The design and detailing of both flank elevations are reflective of the principal elevations and provide a coherent approach to the single dwelling.

Bulk and Massing

- 7.17 A number of elements have been revised in order to reduce the perceived bulk and mass of the proposed building in comparison with the appeal scheme. The width of the proposed dwelling has been reduced by 1.4 metres from 23.5 metres to 21 metres, which assists in reducing the perceived bulk viewable from street level.
- 7.18 The proposed eaves line has been significantly lowered by 1.4 metres and sits lower than the adjacent property at 24 Lancaster Grove. This lowering reduces the apparent bulk and better integrates the dwelling into the streetscene. The low-eaves roofs of the houses to the west result in a less assertive appearance and the bulk of the proposal would be much less apparent from neighbouring gardens to the east and west.
- 7.19 The front building line has been set back by approximately 2.7 metres on the eastern flank elevation. Additionally, the eastern flank has been stepped and comprises a break up in the form viewed on the significant curve of the road.

Additional styling and detailing has also been incorporated to ensure the eastern flank now reflects the detailing of the front elevation. These amendments combined now remove the deep-plan bulk of the appeal building previously visible from the streetscape.

- 7.20 The introduction of the roof pitches and the significant lowering of the proposed eaves height has resulted in a softening of roof form and a reduction in bulk and massing at upper level. Additionally there has been significant reduction in the accommodation and internal floor space at second floor (attic level) and this has resulted in the associated reduction in the roof form.
- 7.21 The rear elevation has projects 2.5 metres less than the appeal scheme, with the rear building line being located 15.5 metres from the rear boundary. While the ground floor conservatory does extend into the garden, the main building line is considered to follow the established curve created at the back of the properties and retains the open space of the plot.
- 7.22 Concerned residents have commented that the proposal would be an overdevelopment of the site and the building takes up too much of the existing garden thus resulting in a loss of garden space. The changes as outlined above are considered to ensure the 'spatial quality' of the tract of rear gardens which have been identified as part of the character of the area in the appeal decision is retained. However, it is considered that in order to maintain this spatial quality the withdrawal of any future development rights on the property will be required as a condition.

Design Conclusion

- 7.23 The cumulative impacts of all the proposed changes are considered to result in a meaningful reduction in the bulk, and perception of scale across the site. The proposed scheme is considered to preserve and enhance the character and appearance of the Belsize Conservation Area and has overcome the inspectors concerns outlined above and in the appeal decision.
- 7.24 Special regard has been attached to the desirability of preserving the character and appearance of the Belsize Conservation Area under s72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. The design of the building is acceptable in terms of policies DP24 and DP25.

Residential amenity

Sunlight and Daylight

- 7.25 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Factors considered will include visual privacy and overlooking, overshadowing and outlook, and sunlight, daylight and artificial light levels. In addition CPG 6 on Amenity states that all buildings should receive adequate daylight and sunlight and daylight/sunlight reports will be required where there is a potential impact upon existing levels of daylight and sunlight.
- 7.26 The previous application was refused by the Council in respect of the unacceptable impact on residential amenity by virtue of a combination of reduction of light, outlook and a heightened sense of enclosure on 24 Lancaster

Grove. The inspector considered these issues in depth within the appeal documentation.

- 7.27 The inspector states in paragraph 26 of the appeal decision 'Whilst I understand the Council's desire to ensure that residential amenities are safeguarded this absolute test must be subject to a balanced judgement taking into account the specific circumstances of development proposals. In this case the proposal would conflict with a strict interpretation of policy DP26. However I consider that it would not conflict with the approach of Policy CS5 and that the harm caused to living conditions of the occupiers of neighbouring properties would not be sufficient to justify the refusal of permission.'
- 7.28 Given that the proposed development has been reduced in scale from the appeal scheme it is considered that the proposal would not create an unacceptable impact in terms of daylight and sunlight.

Overlooking

- 7.29 The proposal has reduced the number of high level windows on the first floor and roof level on both the east and west elevations. The majority of these windows serve wardrobes and bathrooms, however on the western elevation these windows serve a bedroom. The windows will be obscurely glazed and therefore it is not anticipated that there will be an impact on privacy to adjacent properties. A condition will be included to ensure that the windows are obscurely glazed to protect the amenities of adjacent occupiers.
- 7.30 The proposed development is not considered to cause harm to the residential amenities of the occupiers of neighbouring properties and therefore acceptable in accordance with policies CS5 and DP26.

Quality of Residential Accommodation

- 7.31 In overall terms it is considered that a suitable standard of accommodation will be provided for future occupiers. Camden Planning Guidance 3 (Housing) states that all new residential units should provide a high standard of living accommodation for the prospective occupiers whilst maintaining the amenities of the neighbouring residential properties. The proposal provides suitably sized accommodation for future occupiers and habitable rooms that are regular in shape with good access to natural light and outlook.
- 7.32 It is noted that a number of residents are concerned about the potential for a further residential conversion or subdivision scheme to be received in the future. Any future change of use would require planning permission with sufficient justification against Council development policies.
- 7.33 Core Strategy Policy CS6 seeks the promotion of inclusive design and for all new homes to comply with 'Lifetime Homes' criteria as far as practically possible. Policy DP6 helps to deliver this by setting out the approach to lifetime homes and wheel chair housing.
- 7.34 From the 1st October 2015 planning authorities are no longer able to apply Lifetime Homes standards, although compliance is welcomed. New build residential developments must now comply with the access standards in Part M of the Building Regulations. A full Lifetime Homes assessment is provided within the design and access statement with most of the criteria being met. Compliance with the access standards referred to in Part M of the Building Regulations will be secured via condition.

Sustainability

- 7.35 A sustainability statement has been provided demonstrating how selected energy efficiency measures have been incorporated into the development. While these measures are welcomed the Code for Sustainable homes has now been withdrawn (following the ministerial statement 25th March 2015). The statement identifies that the new dwelling is expected to meet the target of 20% reduction in carbon emissions from the installation of on-site renewable technologies, where feasible. Accordingly a condition is recommended to require the submission of an energy statement demonstrating how a 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy will be achieved.
- 7.36 The development provides a number of photovoltaic panels at roof level, while these are welcomed further details will be secured via condition to ensure the panels are fully incorporated into the development.
- 7.37 In addition new residential development is required to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day, with an additional 5 litres person/day for external water use. The Sustainability statement confirms that this will be met and a condition is recommended to ensure that such measures are implemented and details submitted to the Council.

Basement Excavation

- 7.38 The proposal includes single storey basements situated under the footprint of the ground floor and to the rear and front of the site. The applicant has submitted a basement impact assessment prepared by Chelmer Site investigations. The BIA was reviewed by an independent consultants, Geotechnical Consulting Group who confirmed that they concurred with the findings of the BIA. The proposed basement is the same as the appeal scheme and there has been no change to the methodology and techniques proposed. The refused scheme was independently audited and therefore the submitted BIA has not been audited again. Therefore, it is considered that the applicant has demonstrated that the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability.
- 7.39 It is however sought for the details and measures denoted within the BIA, in particular the construction sequence in relation to the installation of the steel sheet piles to confirm the predicted damage category are secured via S106 Legal Agreement through a 'Basement Construction Plan'. In addition a condition is recommended to require the applicant to submit details of a qualified engineer to inspect approve and monitor the critical elements of both the temporary and permanent construction works throughout their duration.

Trees

- 7.40 The proposed development will result in the removal of 2 trees at the front of the site (T1 and T2) and three smaller trees at the rear (T14, T15 and T17). The trees proposed for removal are all classified as category C trees. The applicant has also proposed to provide nine new trees on site as replacements as part of the overall landscaping plan. The submitted Arboricultural assessment which includes tree protection measures is considered acceptable.

- 7.41 The tree and landscape works are similar to the appeal scheme, and involve the retention of an additional tree. The works were considered acceptable by the Council and inspectorate during the assessment of the previous scheme.
- 7.42 The inspector noted that the proposed landscaping, loss of trees and impact on retained trees was considered acceptable.

Transport

- 7.43 Policy DP16 states that the Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links while Policy DP18 will seek to ensure that developments provide the minimum necessary car parking provision. Developments within areas of controlled parking zones (such as the application site) should be car free however where the council accepts the need for car parking provision, development should not exceed the maximum standard for the area. On-site parking should be limited to spaces designated for the occupiers of development.
- 7.44 The proposed development includes the provision of five off-street parking spaces to the front of the property with two contained within the double garage and three spaces at the front of the dwelling. The existing dwelling had off street provision for five vehicles together with a parking permit for a further vehicle on-street within the Controlled Parking Zone therefore equating to six spaces. While the council will not normally encourage off-street parking provision, the applicant has agreed to secure a car capped development thereby removing the right to any on-street parking provision while the proposal will include five spaces. This therefore will comprise a net reduction of one parking spaces. Given that the site is located within an area of moderate public transport provision (PTAL 3) and as the proposal will result in a net loss of parking provision, the proposed level of off-street parking is considered acceptable with regards to Policy DP18.
- 7.45 It is therefore considered that the scheme will not exacerbate the current level of parking within the controlled parking zone in comparison to the existing building. However provision of any further parking will be capped via section 106 legal agreement.
- 7.46 In terms of cycle parking, there is provision on site to provide for four covered secure cycle spaces is provided within the front garden area, in accordance with the London Plan Further Alterations (March 2015) requirements. The p
- 7.47 A draft construction management plan (CMP) has been submitted in support of the application. Although this contains some useful detail, the level of detail is insufficient at this stage. It is considered that given the extent of works proposed that a Demolition/Construction Management Plan are necessary The Demolition/Construction Management Plan will be secured via a Section 106 Legal Agreement.
- 7.48 Given the nature of the works and the likely impact on the wider carriage it is considered that a financial contribution should be required for works to repave the carriageway after construction to tie in the development to the surrounding area and to repair any damage to the public highway. This will also need to be secured through a Section 106 Legal Agreement.

Community Infrastructure Levy

- 7.49 The proposal will be liable for the Mayor of London's CIL and Camden CIL as the additional floor space exceeds 100sqm GIA or one unit of residential accommodation. This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

8. CONCLUSION

- 8.1 The demolition of the existing dwellinghouse is considered acceptable as it does not make a positive contribution to the character and appearance of the conservation area. The proposed scheme addresses the outcomes of the appeal decision in terms of the intrusion onto the streetscene and the visible impact of the bulk and rearward projection. The proposed dwellinghouse is considered appropriate in terms of its scale, form, detailing and materials and would preserve the character of the street and wider Belsize Park Conservation area. The proposed building is not considered to have an undue impact upon the amenity of the neighbouring properties in terms of privacy, outlook and daylight.
- 8.2 The development would be appropriate and in accordance with relevant National and Regional Policy, Core Strategy and Development Policies and Camden Planning Guidance for the reasons discussed above.
- 8.3 **Recommendation: Grant conditional planning permission subject to section 106 legal agreement covering the following heads of terms:**
- *Demolition and Construction Management Plan*
 - *Basement construction Plan*
 - *Highways contribution*
 - *Car Capped development*

9. LEGAL COMMENTS

- 9.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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 policies 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

Noise Impact Assessment prepared by Syntegra Consulting dated 27 February 2014; Arboricultural Method Statement prepared by RPS ground dated 17 September 2015. Daylight, Sunlight and Shadow report prepared by point surveyors dated February 2015; Basement Impact Assessment including flood risk assessment prepared by Chelmer Site Investigations dated October 2015; Independent assessment of documentation submitted for Basement assessment prepared by Geotechnical Consulting Group dated August 2014. 22LG-P8-A-(00)-00; 22LG-P8-(15)-001; 22LG-P8-(00)-10; 22LG-P8-(00)-11; 22LG-P8-(00)-001; 22LG-P8-(00)-002; 22LG-P8-(10)-012 Rev D; 22LG-P8-(11)-010 Rev D; 22LG-P8-(10)-001 Rev D; 22LG-P8-(10)-002 Rev D; 22LG-P8-(10)-003 Rev D; 22LG-P8-(10)-010 Rev D; 22LG-P8-(10)-011 Rev D;

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 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.

- 5 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.

d) Typical details of all new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.

c) Samples and manufacturer's details of new facing materials including brickwork and windows and door units shall be submitted to and approved by the local planning authority prior to commencement of the development and implemented in accordance with any such approval.

The sample panel of brickwork shall be no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond, pointing, expansion joints and vertical and horizontal banding, shall be erected on site for inspection for the local planning authority.

The relevant part of the works shall then be carried in accordance with the approved details

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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 policies DP24 and DP25 if in CA of the London Borough of Camden Local Development Framework Development Policies.

- 7 Before the development commences, details of secure and covered cycle storage area for four cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, 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.

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The windows located on the east and west flank wall elevation at first and roof level as shown on approved plans shall be obscurely glazed and fixed shut up to 1.7m above finished floor level unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure no unreasonable overlooking of adjacent properties in accordance with DP26 of the London Borough of Camden Local Development

Framework Development Policies

- 10 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. 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 policy CS14, 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.

- 11 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.

- 12 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2) in relation to accessible dwellings and shall be maintained thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d). Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 14 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy

facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning

Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



Appeal Decision

Site visit made on 14 July 2015

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2015

Appeal Ref: APP/X5210/W/15/3004790

22 Lancaster Grove, London, NW3 4PB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Katherine Somers against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/2037/P, dated 11 March 2014, was refused by notice dated 3 October 2014.
 - The development proposed is demolition of existing single residential unit and replacement with four new residential units.
-

Application for Costs

1. An application for costs is made by Katherine Somers against the Council of the London Borough of Camden. That application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are whether the proposal preserves or enhances the character or appearance of the Belsize Conservation Area (CA) and the effect of the proposal on the living conditions of the occupiers of neighbouring residential properties as regards light and outlook.

Reasons

Character and appearance

4. The CA is a predominantly residential area between the local centres of Belsize Park and Swiss Cottage. The Southern end of Lancaster Grove (including the appeal site) lies within Sub Area Three of the CA which comprises mainly late Victorian houses; however exceptions to this occur in the vicinity of the appeal property where mid to late C20th houses are in evidence.
 5. On the north side of Lancaster Grove similarly-designed deep-plan and closely-spaced detached houses have small front gardens behind low front walls. As they follow the outside of curve in the road the houses towards the north west
-

are laid out in a shallow echelon resulting in parts of their flank walls and side-facing roof planes being visible when approached from the south east. To the south the more recently built houses have wider frontages and are set back further into their plots behind (mostly) high brick walls. These houses are laid out with their front walls roughly following the curve in the road. The materials, design and detailing of most of these houses lends them an "Arts and Crafts" air however those characteristics are not present in the mid/late C20th houses at No 22 and No 24.

6. The dwelling on the appeal site dates from the mid 1980s; it has no architectural merit and its design, materials and detailing do not make a positive contribution to the distinctiveness of the area. I therefore consider that its demolition and replacement by an appropriate building would not be harmful to the CA. The Council raises no concerns about the effect of the proposal on the setting of the Grade II listed No 30 Eton Avenue to the south and based on what I have read and seen I have no reason to take a different view.
7. With the exception of the appeal property all of the dwellings on the south side of Lancaster Grove within Sub Area Three have retained high red brick front walls with stone plinths and copings and stone string courses in the gate piers. To the west of the appeal site the houses are built at a lower level than the road and this combined with the front wall results in the ground floors being screened from the street. Despite the roadside wall the set back of the buildings from the road combined with the spaces between buildings, mature street trees and garden trees creates a feeling of space on the south side of the road.
8. The design and detailing of the proposed building is sympathetic to the Arts and Crafts influences of the houses on the south side of Lancaster Grove whilst reflecting the front gables and bay windows of the north side of the street. The low-eaves roofs of the houses to the west result in a less assertive appearance than the houses to the east. However the height of the proposed building is comparable with the houses to the east and with the indicated dimensions of the development permitted at No 18-20. The east wall of the house would be close to the boundary with No 24 and the angled flank wall of that property would result in a diminishing space towards the rear; however a wider space would remain between the dwelling and the western site boundary. Overall I consider that as regards the height and width and design of the front elevation the proposal would not appear out of place in the street and the reinstatement of the front boundary wall would enhance the CA.
9. The front gable at the eastern end of the proposal would be forward of the existing house and closer to the side boundary. The Officer report describes the projection in front of No 24 as "slight"; however when approached from the east towards the shallow curve in Lancaster Grove the front part of the flank wall would be prominently in view across the front garden of No 24 and above the flat roofed garage of that property. Limited views of flank walls where buildings are in echelon are characteristic of this area; however being on the inside of the curve in the road the forward projection of the proposal would be uncharacteristically intrusive in the street scene.
10. The effect of a forward-projecting flank wall was identified as an issue in the appeal against the refusal of permission for the redevelopment proposal at Nos

18-20. In allowing that appeal (ref APP/X5210/A/07/2048016) the Inspector commented on the quality of the design of the dwelling and the relief that would be provided on its eastern elevation. I do not have full details of that proposal but based on what I have seen I consider that as a result of the curvature in the road the current proposal would be more prominently in view from the east. With the exception of the quoins the flank elevation as proposed does not contain the detailing of the front elevation. The detailing of the flank wall windows does not reflect that of the front of the house and there is no identifiable relationship between the two differently-sized dormers and the windows below.

11. The Design and Access Statement considers the front and rear elevations but does not address the design or impact of the flank elevations. The Beacon Design Heritage Assessment that accompanies the appeal indicates that projecting side elevations are common street-scape features; however I consider that as a result of the design and projection of the east flank wall this aspect of the proposal would not preserve or enhance the character or appearance of the CA.
12. When seen from closer to the appeal site the full depth of the flank wall of the proposal would be visible revealing the deep-plan bulk of the building. When approaching from the north-west the replacement building at No 18-20 would screen the appeal proposal in longer views; however the depth and bulk of the building would also be seen through the space between the replacement building and the proposal.
13. The proposed building would project back further into the site than the existing dwelling and some distance beyond the replacement building at No 18-20 Lancaster Grove. The officer report drew attention to the replacement building permitted at 18-20 indicating that it was of a similar design and scale to the appeal proposal. However based on the documents submitted by Point 2 Surveyors on behalf of the appellant it appears to me that the proposed building would be more bulky than the 18-20 building and it is clear that it would have a significantly greater effect on the character of the area at the rear of the site.
14. The full depth and bulk of the proposal would be apparent from neighbouring gardens and especially so when seen from the lower ground to the west. Beacon Planning on behalf of the appellant indicates that the rear garden makes little contribution to the appearance of the CA; however the CA includes the land to the rear of the houses and in my view the undeveloped character of the gardens makes an important contribution to its spatial quality.
15. I consider that as a result of its overall bulk, its intrusion into the street scene and rearward projection the proposal would materially detract from the spacious character of the south side of Lancaster Grove, including the area at the rear of the buildings. I consider that the harm to the character and appearance of the CA, whilst material, would be "less than substantial" as indicated in the National Planning Policy Framework (The Framework).
16. The proposal would conflict with Policy CS14 of the Camden Core Strategy 2010 (CS) which indicates that heritage assets should be preserved and enhanced and Policies DP24 and DP25 of Camden Development Policies 2010 (CDP) which seek to ensure that all development is well designed and maintains the

character of the Borough's conservation areas. These policies pre-date the Framework but as regards design and the consideration to be given to development affecting heritage assets, their objectives are consistent with the general approach adopted by the Framework.

Living Conditions

17. The detached house at No 24 Lancaster Grove is built at a higher level than No 22. It occupies a much smaller plot than No 22 and in response to the curve in the road the garden narrows to the rear. The gardens are divided by a high brick wall. The main rear-facing gabled wall of No 24 has a wide bedroom window at first floor level and multiple glazed doors on the ground floor. The appellant's Daylight, Sunlight and Overshadowing reports (DSO reports) submitted with the application include a ground floor plan of part of No 24 which indicates that the living room served by the glazed doors is "open plan" with a dining room which has both rear-facing and side-facing windows (identified respectively as S3 and S5 in the DSO reports).
18. The side window is the larger of the two and may therefore be considered to be the main window lighting this part of the dining room; however the smaller window faces south-west whereas the larger one faces north west and therefore the smaller window is likely to be of greater benefit as regards direct sunlighting. The revised DSO report indicates that the proposal would have a limited effect on window S3 with the ratio of light reaching that window being 80% of its current value whereas window S5 would be subject to a perceptible loss of light. The response to the DSO Report prepared on behalf of Dr Samuel of No 24 by BVP indicates that it is conventional to view the living room and dining room as two separate spaces; however in reality the dining room would benefit from light from the large windows in the living room. I consider that the loss should be balanced against the light reaching the dining room from window S3 and the "borrowed light" from the large south facing windows in the living room.
19. The appeal documents include an assessment of Daylight Sunlight and Shadow by Point 2 Surveyors (February 2015). This assessment post-dates the determination of the planning application and is indicated to be based on more accurate data than the DSO reports. It concludes that taking account of both windows the sunlight received by the dining room would be "exceptionally good" as compared with the BRE recommendations and based on what I have read and seen I have no reason to disagree with that assessment.
20. The rear-facing dining room window has an outlook onto the back garden of No 24 that is framed by the boundary wall to the right and the flank wall of the gable projection to the left. From within the dining room the proposal would have a limited effect on the outlook from this window. The development would dominate the view from the side window (S5); however taking account of the garden views from window S3 and the outlook through the living room I consider that the proposal would not be unacceptably harmful to the outlook from the dining room.
21. The single storey garage at the side of No 24 has been converted to a breakfast room with access direct from the kitchen via an arched opening. The breakfast room has a rear-facing unglazed door and window with an outlook into the

narrowing area between the side boundary wall and the two- storey main walls of the house. The flank wall of the proposal would be off set from the boundary line and beyond the rear wall of the breakfast room the upper floor would be inset from the ground floor. However the rear wall of the breakfast room is angled towards the side boundary and the proposal would be a dominant presence to the right when seen above the boundary wall from the breakfast room window. Nevertheless that room would retain a narrow view towards the rear garden, albeit currently restricted by a garden building and vegetation.

22. The breakfast room was not part of the original habitable accommodation at No 24 and the method of conversion results in reliance to some extent on light and outlook across No 22. I consider that in these circumstances the occupiers of such rooms cannot reasonably expect to be able to benefit in perpetuity from unimpeded light. These circumstances are recognised by the Building Research Establishment (BRE) guidance which indicates that where the relationship between neighbouring properties places an unreasonable burden on a potential development site its normal guidelines carry less weight.
23. The Point 2 assessment indicates that the breakfast room would retain a Vertical Sky Component that would be of 16.54% as compared the BRE recommended 17% which creates potential for good daylighting. Nevertheless I consider that the proposal would result in a perceptible reduction of natural light levels in that room. However taking account of the relationship between that room and the appeal site, the residual light levels within the room and the nature of that room in the context of the house as a whole I consider that the effect of the proposal on light reaching the breakfast room would not be of sufficiently harmful to the living conditions within No 24 to justify the refusal of permission.
24. The proposal would dominate views to the west from the rear garden of No 24; however as a result of the difference in ground level and the progressive stepping back of the building towards the rear I consider that it would not be an unacceptably over-dominant presence when seen from the main part of the garden of No 24. The proximity of the building would result in it having a greater effect on the narrow area between the house at No 24 and the side boundary but I consider that this relationship would not be sufficiently harmful to justify the refusal of permission.
25. The Point 2 report includes a detailed assessment of the effects of the proposal on the replacement building at 18-20 Lancaster Grove. It concludes that the proposal would have a harmfully adverse effect on daylight reaching three windows and that one would fail the BRE sunlight test; however those windows would all serve rooms lit by other windows and based on the information about that development I am satisfied that the proposal would not result in unacceptable harm to the future occupiers of that building.
26. CS Policy CS5 indicates that the amenity of residents will be protected by making sure that the impact of developments on neighbouring occupiers is fully considered. CDP Policy DP26 indicates that permission will only be granted for development that does not cause harm to amenity. Whilst I understand the Council's desire to ensure that residential amenities are safeguarded this absolute test must be subject to a balanced judgement taking into account the specific circumstances of development proposals. In this case the proposal

would conflict with a strict interpretation of policy DP26; however I consider that it would not conflict with the approach of Policy CS5 and that the harm caused to the living conditions of the occupiers of neighbouring properties would not be sufficient to justify the refusal of permission.

Other matters

27. Nearby residents have raised concerns about a number of other issues including the number of new dwellings, the adequacy of off-street parking, loss of trees and the possible effects of the construction of the basement. However these matters and others raised are not reflected in the refusal reasons and based on what I have read and seen, including the undertakings in the planning obligation, they would not amount to justified reasons for refusing permission.

Framework Balance and Conclusion

28. The development is in a sustainable location and the net increase of three dwellings would contribute to the housing stock of the Borough. The carrying out of the development and the fitting and furnishing of the houses would also contribute to the economy. In addition the re-instatement the front wall would be of benefit to the CA.


29. All of these factors weigh in favour of the proposal; however I have concluded that as a consequence of the bulk of the proposal, its encroachment into the space at the rear of the buildings and its intrusion into the street scene the proposal would significantly detract from the spacious character of the south side of Lancaster Grove. I consider that the harm to the character and appearance of the CA would be "less than substantial" as indicated in the National Planning Policy Framework; however I have not identified any public benefit sufficient to outweigh that harm.

30. I have concluded that the proposal would conflict with CS Policy CS14, Policies DP24 and DP25 of the CDP and with the policy of the Framework as regards heritage assets. Taking account of all matters I have concluded that the appeal should not succeed.

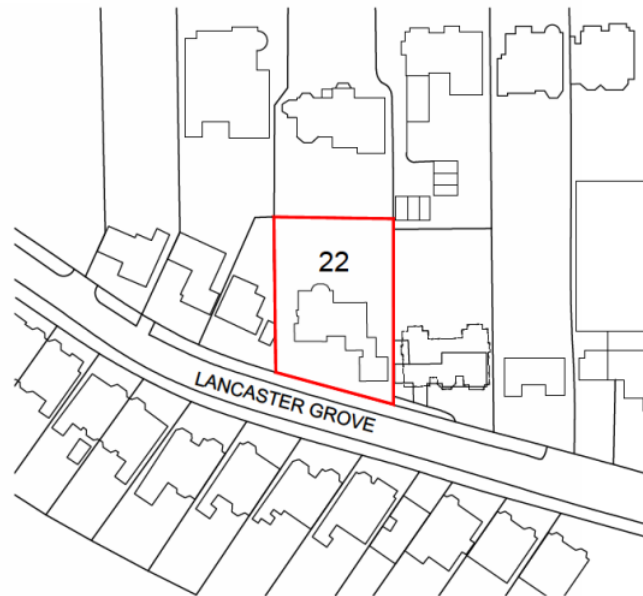
Clive Tokley

INSPECTOR



	<p>Application No: 2015/6106/P</p> <p>22 Lancaster Grove London NW3 4PB</p>	<p>Scale: 1:1250</p> <p>Date: 30-Mar-16</p>	<p>N</p> 
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22 Lancaster Grove 2015/6106/P



Demolition of the existing dwelling house and replacement with a two storey, 7 bed dwellinghouse with basement and attic.

Background

- 2014/2037/P - Erection of a two-storey building plus basement following the demolition of existing building to provide four dwellinghouses (4 x 5-bed) – DCC overturn refused. Dismissed at appeal.
- Reasons for refusal:
 - 1) The proposed development by virtue of its bulk, mass and extent of site coverage would result in overdevelopment of the site to the detriment of the character and appearance of the conservation area contrary to policy CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24 and DP25.
 - 2) The proposed development by virtue of its bulk, mass and proximity to neighbouring properties would have an unacceptable impact on residential amenity by virtue of a combination of reduction of light, outlook and a heightened sense of enclosure contrary to policy CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26.

1. Inspector stated that:

'when approached from the east towards the shallow curve in Lancaster Grove the front part of the flank wall would be prominently in view across the front garden of No 24 an above the flat roofed garage of that property. Limited views of flank walls where buildings are echelon are characteristic of this area; however being on the inside of the curve in the road the forward projection of the proposal would be uncharacteristically intrusive in the street scene.'(para 9)

'as a result of its overall bulk, its intrusion into the street scene and rearward projection the proposal would materially detract from the spacious character of the south side of Lancaster Grove, including the area at the rear of the buildings (para 29).



24

24

RF60 AUE



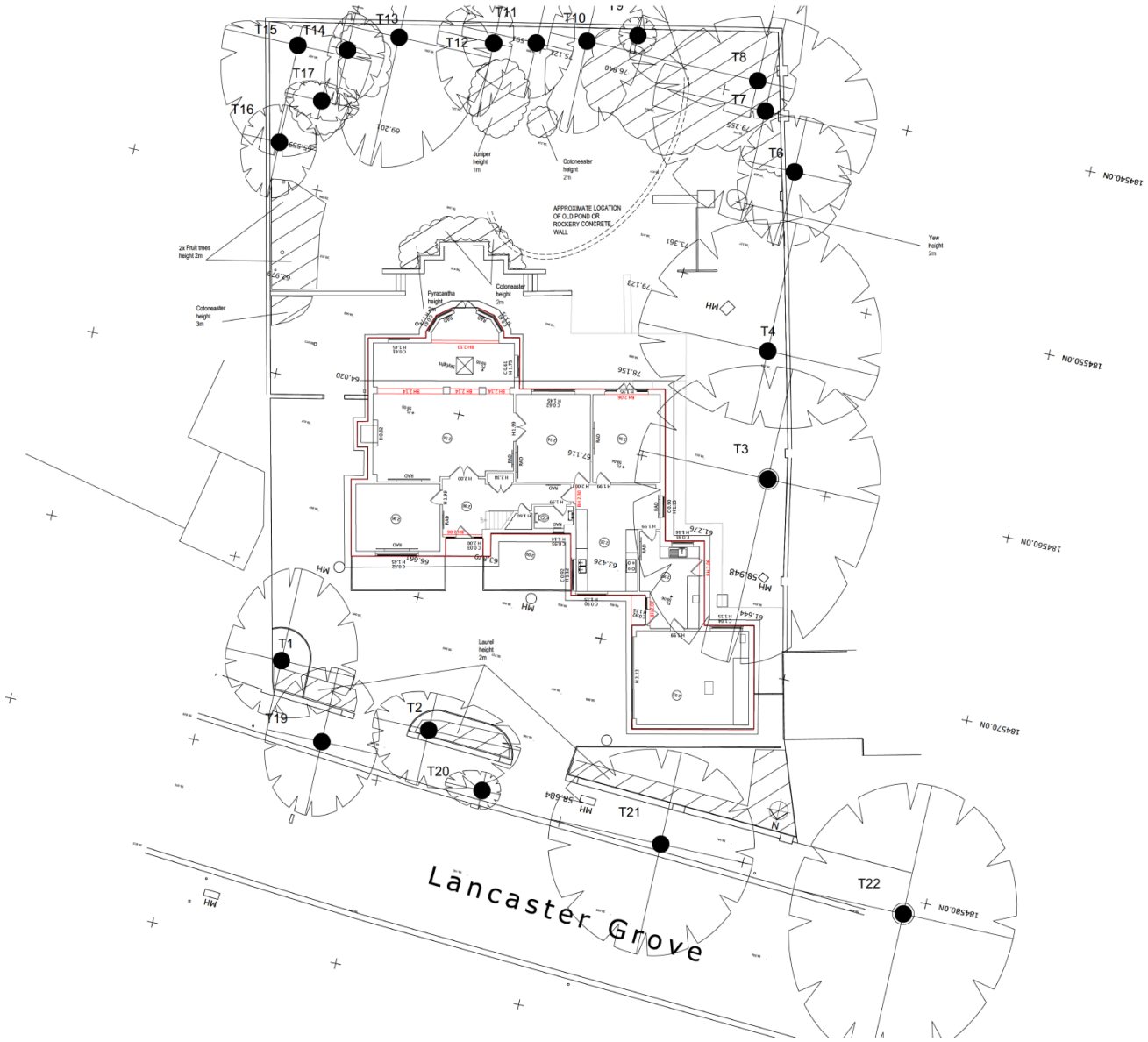


22



Residential
Permit
Required
Zone
CA-B
Mon - Fri
9 am - 6:30 pm
Sat
9:30 am - 1:30 pm

Existing Site Plan



0
SCALE

Existing Front and Rear elevations



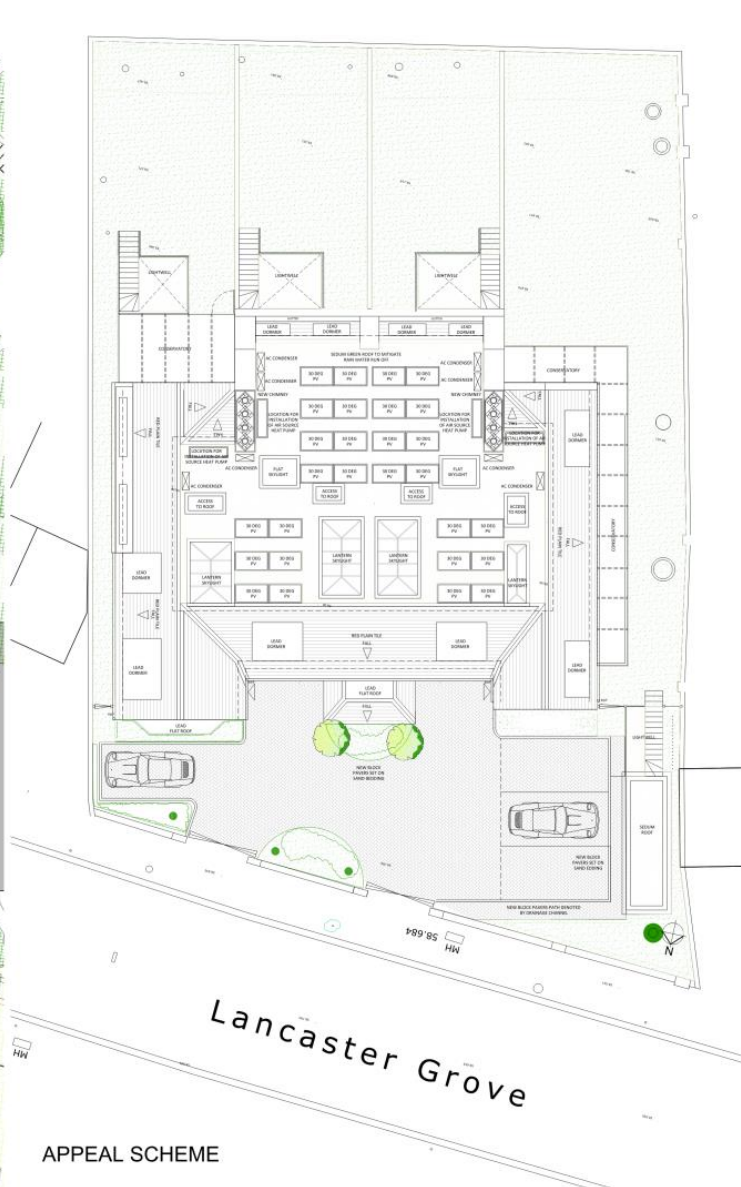
EXISTING FRONT (NORTH FACING) ELEVATION
100@A1 1:200@A3



Proposed site plan



CURRENT SCHEME



APPEAL SCHEME

NOTES:
 All dimensions
 are given in
 meters to 1
 decimal place
 unless
 otherwise
 stated

Proposed front elevation- comparison to appeal scheme

0 5m
SCALE



24 LANCASTER GROVE

DATUM LEVEL 55.00M

22 LANCASTER GROVE

18-20 LANCASTER GROVE

CURRENT SCHEME

PROPOSED FRONT (NORTH FACING) ELEVATION
1:100@A1 1:200@A3



24 LANCASTER GROVE

DATUM LEVEL 55.00M

22 LANCASTER GROVE

18-20 LANCASTER GROVE

APPEAL SCHEME

PROPOSED FRONT (NORTH FACING) ELEVATION
1:100@A1 1:200@A3

Proposed Rear Elevation – comparison to appeal scheme



NOTES:
 All dimensions in millimetres.
 All dimensions and levels are to be checked on site by the main contractor prior to commencing excavation works. Any discrepancy is to be reported back to the designer for instruction.
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CURRENT SCHEME
 PROPOSED REAR (SOUTH FACING) ELEVATION
 1:100@A1 1:200@A3



APPEAL SCHEME
 PROPOSED REAR (SOUTH FACING) ELEVATION

REV.	DATE	DESCRIPTION

UNIT 4, 10 LARSEN STREET
 LONDON, SE1 1JG

IN
BESPO

PROJECT:
 22 LANCASTER GROVE

DRAWING TITLE:
 PROPOSED REAR ELEVATION

DRAWING NUMBER:
 22LG-P8-(100) - 011

SCALE:
 1:100 (A1); 1:200(A3)

ISSUE DATE:
 OCT

PROJECT STATUS:
 DESIGN

DRAWN BY:
 MCT



Illustrative image please note height of gables reduced to match roof ridge (not shown here)

Proposed Eastern Flank Wall – comparison to appeal scheme



(FACING) ELEVATION

HEME



(FACING) ELEVATION

HEME

REF	DATE	DESCRIPTION

100% K&S DESIGN
 100% K&S DESIGN
 100% K&S DESIGN

PROJECT

Proposed Western Elevation – comparison to appeal scheme

NOTES:
All dimensions in millimetres.
All dimensions and levels are to be confirmed prior to commencing excavation back to the designer for instruction.
This drawing is the property of K&S and is not to be disclosed to a third party in any form.

0
SCALE



LANCASTER GROVE ROAD DATUM LEVEL 55.00M 22 LANCASTER GROVE ETON AVE

WEST FACING) ELEVATION
SCHEME



LANCASTER GROVE ROAD DATUM LEVEL 55.00M 22 LANCASTER GROVE ETON AVE



Previous eastern gable elevation with current scheme overlaid



Appeal Rear elevation with current scheme overlaid