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email: [tim.miles@montagu-evans.co.uk](mailto:tim.miles@montagu-evans.co.uk)

1 April 2019

**London Borough of Camden  
Planning Department  
2nd Floor,  
5 Pancras Square  
c/o Town Hall,  
Judd Street  
London  
WC1H 9JE**

**Submitted via the Planning Portal Reference PP-06835602**

Dear Sir/Madam

**77 AVENUE ROAD, LONDON, NW8 6JD  
APPLICATION FOR PLANNING PERMISSION**

We enclose on behalf of our client, Mr Sam Lipton (The Applicant), an application for planning permission for the proposed redevelopment of the existing residential property at 77 Avenue Road. The planning application is seeking permission for:

*“Demolition of the existing residential property. Erection of a three-storey detached family home with double basement. Associated works.”*

### **The Site**

The site is located on the western side of Avenue Road, approximately 500 m south of Swiss Cottage tube station and 700 m north of Regent’s Park. A location plan is enclosed with the application and shows the site outlined in red.

The site is currently occupied by a two storey with attic detached brick house which is set back from the road providing a generous paved driveway

Avenue Road is predominantly residential in character and largely comprises detached houses with large curtilages set back from the road. Many of the properties on Avenue Road have been redeveloped in recent years to provide larger family dwellings and the neighbouring 75 Avenue Road has permission for redevelopment.

The site is not within a conservation area and the building is not listed. The Elsworthy and St John’s Wood Conservation Areas are located nearby the site.

The site is in Flood Zone 1 and is therefore at a low risk of flooding.

### **Background and Planning History**

The site has been in the ownership of the Lipton Family for many years as their primary residence. In the last 7 years the family has sought various permissions to demolish the existing family home and replace it with a new three-storey single family dwelling with double basement. This work culminated in the implementation of an extant permission earlier in 2017. The detailed planning history is set out below:

On 6 May 2010 the Council granted planning permission (2010/0351/P) for the erection of a new three-storey single family dwelling (Class C3) following the demolition of the existing three-storey single family dwelling. The approved plan permitted a double storey basement.

On 14 September 2011 the Council granted permission (2011/3518P) to vary Condition 2 of permission 2010/0351/P to allow changes to the window on the rear and front elevations.

On 30 May 2014 the Council granted the renewal of permission 2010/0351/P (2013/2043/P) for the erection of a new three-storey single family dwelling (Class C3) following the demolition of the existing three-storey single family dwelling. However, the renewal did not pick up the previously permitted changes to the windows and as such on 21 November 2016 the Council granted permission (2016/2581/P) to vary Condition 2 to allow the changes to the windows.

On 16 February 2017, the Council discharged the pre-commencement conditions (Conditions 3, 4, 7, and 9) associated with Permission 2013/2043/P and Permission 2016/2581/P.

On 14 June 2017, the Council granted a Certificate of Lawfulness (2017/2612/P) confirming the commencement of works in accordance with Condition 1 of permissions 2013/2043/P and 2016/2581/P i.e. confirming that the permissions had been implemented within the prescribed three year timescale.

### **The Proposal**

The proposal comprises the demolition of the existing house and redevelopment to provide a three-storey detached family home with double basement.

The scheme follows a similar massing and quantum to the implemented scheme (2010/0351/P) albeit it is a traditional style which is considered more in keeping with the surrounding context than the modernist design previously approved.

The new property proposes 6 x bedrooms over five storeys (three above ground and two below ground). Car and cycle parking is provided in the new garage and in front of the property where the existing driveway will be maintained.

Further details are provided in the Design and Access Statement prepared by Wolff Architects which forms part of this application.

### **Pre-Application Engagement**

The Applicant has undertaken pre-application consultation with officers at London Borough of Camden (LBC). One meeting has been held with officers and a subsequent letter of advice received in December 2017. Details of the comments received and how the scheme has evolved in response to feedback is detailed further below.

### **Planning Policy Context**

#### **Statutory Framework**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the statutory Development Plan, unless material considerations indicate otherwise. However, section 14 of the National Planning Policy Framework (2012) states that where the Development Plan is absent, silent or relevant policies are out of date, presumption should be in favour of sustainable development and planning permission should be granted, unless material considerations indicate otherwise.

## **National Framework**

The National Planning Policy Framework (the “NPPF”) was published on 24th July 2018 and supersedes previous national planning guidance contained in various Planning Policy Guidance and Planning Policy Statements. The NPPF sets out the Government’s approach to planning matters, and is a material consideration in the determination of planning applications.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking (paragraph 14).

In addition to the NPPF, National Planning Practice Guidance (NPPG) was finalised and published on 6th March 2014. This document provides further guidance to the policies set out in the National Planning Policy Framework (NPPF)

## **The Development Plan**

The statutory development plan for the site comprises:

- The 2016 London Plan, Spatial Development Strategy for Greater London (The “London Plan”); and
- London Borough of Camden Local Plan (2017).

The following planning guidance produced by LB Camden are also a material consideration to this application:

- CPG 1 Design (2019);
- CPG 2 Housing (2016 updated 2019);
- CPG 3 Sustainability (2015 updated 2018);
- CPG 4 Basements and lightwells (2015); and
- CPG 6 Amenity (2011 updated 2018)

## **Emerging Policy**

### *Draft New London Plan*

The Mayor of London is in the process of preparing a new London Plan. A public draft of the new London Plan was published on 29 November 2017 and a subsequent six week consultation took place between 1 December 2017 and 2 March 2018.

The new London Plan was considered by a formal Examination in Public in January this year. It is anticipated that this will be adopted in autumn 2019.

Given the early stages of the preparation of the emerging London Plan, the document is given limited weight as a material consideration.

## **Principle of development**

The principle of development is established by the existing use of the site as a single residential dwelling and the implemented 2013/2043/P planning permission. The main difference of the proposals from that previously consented is the traditional design now proposed. Taking into account that the land use and proposal for a new residential property is deemed acceptable, design is a key consideration for the application assessment.

## **Design**

Implemented permission 2013/2043/P is for a modern architectural dwelling house. The rationale for the current proposals which are the subject of this letter is to provide a dwelling house which is more in keeping with the architectural style, massing and heights of surrounding properties on Avenue Road. As such, we consider it better respects the local character and context of the area in line with Local Plan Policy D1.

The size, height and massing of the development is in keeping the recently consented properties on Avenue Road, including neighbouring 75 Avenue Road (2016/1808/P) which was granted planning permission for the demolition of the existing house and the erection of two new detached homes with basements in May 2017.

The site is not located close to any listed buildings and is close to but not immediately adjacent to the Elsworthy and St John’s Wood Conservations Areas. The proposals have been sensitively designed to ensure that they will not affect the significance of these heritage assets.

The proposals have been carefully designed to sensitively respond to the neighbouring units and minimise impact on their amenity. We consider it is appropriate in the context of the immediate urbans grain. The proposed floor plan is deeper than the implemented Permission 2013/2043/P and has been careful design to ensure the rear elevation does not extend more than 8 metres beyond the approved rear wall i.e. beyond what could be built out under permitted development rights.

Below, we set out the pre-application comments received and the response which has shaped the design for which planning permission is sought:

	<b>Pre-application Comment</b>	<b>Design Response</b>
<b>Design</b>	Consideration should be given to the introduction of facing brick into the design, perhaps at upper levels, which would help to retain some of the existing mixed material character, break-up a threatening predominance of stucco, and would not seem incompatible with the chosen style of the proposed design.	Facing brick has been introduced at upper levels,
	The proposed design should be revisited with the aim of refining and softening some of the proposed richness of detailing.	The windows and doors have been relieved to omit some of the wider detail previously presented.
	The proposed footprint at the rear would encroach deeper into the characteristically large rear gardens of the houses along Avenue Road, risking an overbearing development along the rear building lines which could compromise the amenity of these spaces. A reduced footprint at the rear would help to safeguard against this.	The foot print of the proposed building at ground floor has been reduced.

**Residential Quality**

The London Plan seeks for new housing to comply with Part M4(2) of the Building Regulations.

Local Plan Policy H6 (Housing choice and mix) seeks to secure high quality accessible homes. It encourages the design of all housing to provide functional, adaptable and accessible spaces, and expects all self-contained homes to meet the nationally described space standards.

Below, we set out the pre-application comments received and the response which has shaped the design for which planning permission is sought:

	<b>Pre-application Comment</b>	<b>Design Response</b>
<b>Housing Standards</b>	The application should demonstrate how the proposed scheme performs against the policy requirements of policy H6 requirements relating to space standards and accessibility.	The new property complies with Part M4(2). The proposals include level access from the driveway and a passenger lift to ensure it is accessible to all. Further details are provided in the Design and Access Statement.

**Residential Amenity**

London Plan Policy 7.6 states that buildings and structures should not “cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”.

London Plan Policy 7.15 (Reducing noise and enhancing soundscapes) states development proposals should seek to reduce noise by:

- a. “Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals;*
- b. Separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation; and*
- c. Promoting new technologies and improved practices to reduce noise at source.”*

Local Plan Policy A1 seeks to protect the quality of life of occupiers and neighbours. The policy further dates that the Council will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- d. require mitigation measures where necessary.*

As outlined above, the existing property is three storeys in height and the new property will also comprise of three storeys with additional floors at basement level. The proposals comprise of a similar massing to that previously approved.

A Daylight, Sunlight and Overshadowing Assessment has been prepared by XCO2 and forms part of this application. This assesses the impact of the proposals on surrounding properties. The nearest neighbouring buildings that have been assessed are Nos. 75, 79, 60, 58 and 56 Avenue Road. The report concludes that daylighting levels for potentially affected windows of surrounding properties were found to be acceptable. Furthermore, the proposed development is not considered to have any notable impact on sunlight access to these windows.

An Environmental Noise and Impact Assessment has been prepared by XCO2 and forms part of this application. This assessment concludes that generally open windows will be acceptable in terms of noise levels to meet the Local Plan requirements. However, for bedrooms located in the front of the new property, closed windows with vents should be considered as noise levels are higher in this part of the site. The report details specification requirements for proposed plant so that these can be designed to comply with identified noise levels. This will ensure that the amenity of future occupants and surrounding residents is acceptable.

Below, we set out the pre-application comments received and the response which has shaped the design for which planning permission is sought:

	<b>Pre-application Comment</b>	<b>Design Response</b>
<b>Amenity</b>	It is not clear from the submitted plans whether windows to the flank elevations would directly face neighbouring windows. If this is the case, measures should be taken to prevent overlooking.	Where possible windows to the flank elevations are not proposed to directly face neighbouring windows. There are some window which do but these are proposed to be fitted with obscured glazing to respect the privacy of the neighbouring properties.

In light of the above, the proposals are considered acceptable in terms of amenity for future residential and those in surrounding properties.

### **Basement Policy**

The proposed basement, whilst slightly amended in form, is not materially different from the double basement permitted in relation to implemented permission 2013/2043/P.

Camden Local Plan Policy A5 states that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties and the structural, ground, or water conditions of the area.

As required by Policy A5 a Basement Impact Assessment has been prepared by Constructure and forms part of this application. This demonstrates the basement would not result in harm to neighbouring properties or environmental conditions. A construction management plan (CMP) was submitted in relation to implemented permission 2013/2043/P and a revised CMP which has been prepared on a similar basis forms part of this application.

Many of the properties on Avenue Road have been subject to basement development. Furthermore, the siting location and design of the basement is subordinate to the proposed dwelling and the architectural treatment, massing and scale of the proposals is more in keeping with other residential properties on Avenue Road than the implemented scheme and, as such, we consider the proposals will enhance the character and amenity of the area.

Policy A5 states basement development should:

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

In response to each matter:

f) A double storey basement is proposed rather than a single storey extension permitted by current policy. Notwithstanding this the proposed basement is not materially different to the basement permitted and implemented in accordance with Permission 2013/2043/P. Notwithstanding that Camden adopted revised policy concerning basement in its 2016 Local Plan, the 'fallback position' provided by the implemented 2013/2043/P would be material consideration of significant weight in the consideration of any future planning application on this site, particularly given the permission has been implemented and could be built out at any time.

g) The proposal will not be built out beneath an existing basement.

h) The proposals do not extend significantly into the garden and not exceed 50% of the garden.

i) The proposed footprint of the basement is less than 1.5 times the host building in area.

j) The proposals do not extend into the garden further than 50% the depth of the host building.

k) The proposal do not extend into or under the garden further than 50% of the depth of the garden.



l) The proposals slightly extend beyond the footprint of the host building on the southern boundary of the site. However, this is in accordance with implemented Permission 2013/2043/P which is a material consideration of significant weight.

m) The proposal has been sensitively designed to respect the root protection areas of significant trees on Avenue Road and within the rear garden of the property.

**Trees**

A significant amount of work has been undertaken in relation to implemented permission 2013/2043/P with regards to the existing trees to the front and rear of the property to ensure they were unaffected by the proposals.

An Arboricultural Assessment and method Statement has been prepared by Barrell and forms part of this application. This assesses the scheme and identifies measures to be used during the construction phase which will ensure trees are protected. The proposed scheme seeks to retain existing trees where possible and introduce new planting and soft landscaping across the site. One low quality tree is proposed to be removed which is located well within the site and not along the boundaries. The Assessment concludes that the loss of one tree will have no long term detrimental impact on the present character of the area. Therefore, the proposals are considered acceptable in terms of impact on trees.

Below, we set out the pre-application comments received and the response which has shaped the design for which planning permission is sought:

	<b>Pre-application Comment</b>	<b>Design Response</b>
<b>Trees</b>	Rich, mature and verdant planting is critical to the character and quality of the whole of Avenue Road, and the two trees on site are protected by Tree Preservation Orders. These trees could only potentially be removed if there was robust justification, such as they were diseased or structurally unsound and dangerous to public safety, even then the Council would require replacement specimens to maintain the amenity of the local area.	It is no longer proposed to remove the two mature plant trees located to the front of the site. These trees will be maintained and protected throughout the construction period. The proposals include the removal of one tree which is category C.

**Energy and Sustainability**

Policy 5.2 (Minimising Carbon Dioxide Emissions) of the London Plan states that development proposals should make the fullest contribution to minimising carbon dioxide emission in accordance with the ‘be lean, be clean, be green’ energy hierarchy.

Local Plan policy CC1 (Climate change mitigation) requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The Council promotes zero carbon development and will require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy.

Policy CC1 also requires all proposals that involve substantial or total demolition to demonstrate that it is not possible to retain and improve the existing building. All proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building. Where the demolition of a building cannot be avoided, it is expected that developments to divert 85% of waste from landfill and comply with the Institute for Civil Engineer’s Demolition Protocol and either re-use materials on-site or salvage appropriate materials to enable their reuse off-site. The Council also require developments to consider the specification of materials and construction processes with low embodied carbon content.

Local Plan policy CC2 (Adapting to climate change) states that the Council will require development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures and the applicant is advised to explore sustainable design and construction methods, specifically with regards to drainage and renewables. Surface water runoff should be reduced by increasing permeable surfaces and the use of Sustainable Drainage Systems (SuDS), this is particularly relevant due to the size of the basement and the site’s location within and area of constraint for groundwater flow. The proposal should also explore the inclusion of bio-diverse roofs, combination green and blue roofs, photovoltaics, and solar water heating. Any development involving 500sqm or more of any type of floorspace should address sustainable development principles in an Energy and Sustainability Statement.

CPG3 Sustainability seeks for all developments are to target at least a 20% reduction in carbon dioxide emissions through the installation of on-site renewable energy technologies.

An Energy and Sustainability Statement has been prepared by XCO2 and forms part of this application. This outlines how the energy hierarchy has been implemented and estimates that a regulated CO2 saving of 28% against a Part L 2013 compliant scheme can be achieved on site. The energy strategy includes air source heat pumps (ASHP) and photovoltaic panels.

In terms of the demolition of the building, this has already been established under permission ref: 2013/2043/P but below, we set out the pre-application comments received and the response which has shaped the design for which planning permission is sought:

	<b>Pre-application Comment</b>	<b>Design Response</b>
<b>Sustainability</b>	The proposal should also explore the inclusion of bio-diverse roofs, combination green and blue roofs, photovoltaics, and solar water heating.	The proposals include photovoltaics, permeable paving and green roofs as part of the energy strategy.

The new building would be an improvement from the existing property providing a higher quality, efficient dwelling which will incorporate several energy and sustainability features to ensure a longer building life.

In conclusion, the proposed scheme complies with the London Plan and Local Plan policies as well as CPG3 sustainability requirements.

**Transport**

*Car Parking*

Local Plan policy T2 (Parking and car-free development) advises that all new development should be car-free. However, there is an exception for redevelopment schemes where the policy advises that the Council will consider retaining or re-providing existing parking provision where it can be demonstrated that the existing occupiers are to return to the address when the development is completed (para. 10.20).

The site includes an existing driveway which provides off-street parking. In line with the previously approved scheme, it is proposed that the driveway will be retained and additional underground parking will be provided in the garage. The existing occupier will be returning to the new property once completed. Therefore the proposals comply with policy T2.

In this case, it is highly material that the implemented consent provides three spaces in the basement. The proposed scheme includes two underground parking spaces, demonstrating a reduction from the consented or implemented position.

Furthermore, the Lipton family are intending to live in the redeveloped house.

*Cycle Parking*

The NPPF promotes cycling in locations which can be made sustainable.



London Plan Policy 6.13 requires 1 cycle space per 1 bedroom dwelling for residents and 1 per 40 units for visitors. For 2 and 3+ bedroom units 2 spaces should be provided for residents and 1 per 40 units for visitors.

In accordance with the above standards, storage with the capacity for 2 bicycles is proposed in the garage at ground floor level.

## **Conclusions**

The site benefits from an implemented consent for a replacement dwelling house with a double storey basement. Whilst we acknowledge that in the intervening period the Council basement policy has been revised, the fall-back position of the implemented scheme is a significant material consideration in the determination of this application.

In addition, we consider the proposals represented a more appropriate architectural response to the character and context of Avenue Road than the implemented permission and are of a similar height, scale and massing to other recently consented scheme on Avenue Road.

Through pre-application engagement, the scheme has evolved in direct response to the feedback received.

In conclusion, the proposed development is considered to be in accordance with the relevant national planning policy guidance and the development plan.

## **Administrative Matters**

The following documents have been submitted as part of the application for planning permission:

1. Schedule 77AR1 – Application Material Submitted;
2. Application Covering Letter (i.e. this letter);
3. Application for Full Planning Permission;
4. Location Plan;
5. Schedule 77AR2 – Drawings Submitted;
6. Application Drawings;
7. Design and Access Statement;
8. Daylight and Sunlight and Overshadowing Assessment;
9. Environmental Noise and Impact Assessment;
10. SuDs Report;
11. Basement Impact Assessment;
12. Construction Management Plan;
13. Arboricultural Assessment and method Statement;
14. Energy and Sustainability Statement; and
15. CIL Form.

## **Application Procedure**

This application has been submitted online via the planning portal (PP-06835602). The application fee of £462 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). A cheque covering the requisite fee is enclosed.

Please do not hesitate to contact this office should you require additional electronic or hard copies of the application documents.

We would be grateful if the London Borough of Camden could confirm that our application is complete and will be validated shortly. If you have any queries on this matter, please do not hesitate to contact Tim Miles

([tim.miles@montagu-evans.co.uk](mailto:tim.miles@montagu-evans.co.uk)/ 020 7312 7444) or Chloe Saunter ([chloe.saunter@montagu-evans.co.uk](mailto:chloe.saunter@montagu-evans.co.uk)/ 020 7312 7480) at this office.

Yours Faithfully

*Montagu Evans*

**MONTAGU EVANS LLP**