

8 Agamemnon Road, London NW6 1DY (2018/5338/P)



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SITE PHOTOS – 8 AGAMEMNON ROAD



Existing front elevation and existing basement access within the front forecourt of the building



Existing front boundary treatment at nos. 12 and 14 Agamemnon Road



Existing ground floor rear elevation of application site



Existing northern boundary treatment with no. 10



Existing rear elevation of application property and no. 6



Existing rear garden of application site



Existing basement

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date: 28/12/2018	
		N/A		Consultation Expiry Date: 15/12/2018	
Officer			Application Number(s)		
Elaine Quigley			2018/5338/P		
Application Address			Drawing Numbers		
8 Agamemnon Road London NW6 1DY			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from 6 x studio flats (Class C3) and 2 x bedsits (Class C4) to 4 x 2-bed flats (Class C3); extension of existing basement, including new front and rear lightwells; excavation of existing basement to lower floor by 1.0m; erection of single storey rear extension at ground floor level; erection of rear cycle stores and front boundary wall.					
Recommendation(s):		Grant conditional planning permission subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Application			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	4	No. of objections	4
Summary of consultation responses:		<p>A site notice was displayed on 21/11/2018 and expired on 15/12/2018.</p> <p>In response to the statutory consultation 4 objections were received from local residents at nos. 5, 6, 10 and Flat 5, 8 Agamemnon Road.</p> <p>Objections were made on the following grounds:</p> <ol style="list-style-type: none"> <u>Basement works:</u> <ul style="list-style-type: none"> <u>Structural stability</u> <ul style="list-style-type: none"> The rear extensions at both nos 8 and 10 have suffered subsidence and movement on no less than 2 occasions over 10 years resulting in large gaps up to 30mm wide mostly visible in the first and second floors between the main body of the building and the rear extensions. 			

Concerned that the properties would suffer further undesirable movement given the level of works being proposed.

- Concerned about structural stability of the building. The terrace all display degrees of damage from structural movement and/or lack of repair. Due to the poor condition that no 8 has been allowed to fall into, there is a very real and substantial risk of collapse during the works with the subsequent affect on no. 6.
- The BIA calls for monitoring of movement to the property and adjoining properties during the construction. What is not clear is what would happen if such monitoring showed significant movement to be occurring.
- The BIA states that the design relies on underpinning not only of the party wall between no. 6 and no. 8 but also tapered underpinning to all load-bearing walls to no. 6. Whilst the owner of no. 8 has rights to underpin the party wall those rights do not extend to underpinning adjoining properties that they do not own. The owner of no 6 will not allow the applicant to trespass on their land and underpin their property in order to facilitate the development. The assumptions made in the application cannot therefore stand.
- The application acknowledges the risk of long-term differential movement and the owner of no. 6 does not believe that such a risk is justifiable

Officer comment: Refer to section 5 of the assessment section of the report

Drainage/flooding

- Already serious subsidence at no. 8 and in the past there have been episodes of flooding at no. 6 associated with works carried out at no. 8
- Proposed works carry the risk of further flooding, debris falling into no. 6 and damage to its structure integrity
- No. 6 has experienced flooding in the past as a result of plumbing failure at no. 8. The application relies on a pump in order to dispose of internal waste water and possibly ground level water, depending on the tanking design for the proposed basement. Such pumps can be unreliable and so there is a very real risk of further flooding occurring to no. 6 in the future, situated as it is immediately down from the applicant's property
- The applicant admits that the basement will be below the ground water level in the London Clay subsoil and there is a risk of flooding from this.

Officer comment: Refer to section 5 of the assessment section of the report

2. Tenancy issues

- Don't want to be in the property if work is going to be carried out and no solution offered by the landlord
- The house is in poor condition and there are cracks in the front and back of the property. The previous landlord has simply plastered over the crack which is large enough to see into the neighbouring property at no. 10.

	<i>Officer comment: Issues between the tenant and the landlord are a private matter and fall outside planning controls</i>
Thames Water comments:	<p>Thames Water would advise that there would be no objection to the above planning application with regard to waste water network and waste water process infrastructure capacity subject to suggested informatives.</p> <p><u>Officer Response:</u></p> <p><i>The informatives requested by Thames Water are attached to the draft decision notice; see paragraph 5.7 of the report for further details.</i></p>

Site Description

The application site is a three storey plus lower ground floor mid-terraced building on the south-western side of Agamemnon Road. The property has been sub-divided into 6 self-contained studio flats (Use Class C3) and 2 bedsits (Use Class C4).

The building is not listed and does not fall within a conservation area. The site lies within the Fortune Green and West Hampstead Neighbourhood Area.

Relevant History

8 Agamemnon Road

Planning permission was **refused** on 04/03/2013 (ref 2013/0135/P) for change of use from a 7 unit HMO (sui Generis) and 2 self-contained studio flats (C3) to dwelling house (Class C3), and associated erection of ground floor side and rear extension. The application was refused on three grounds:

- (i) loss of a low-cost form of housing for which there is demonstrable need
- (ii) Height, bulk, and mass resulting in a dominant addition that would harm the proportions of the existing building to the detriment of the character and appearance of the building and the surrounding area
- (iii) Loss of light and outlook to the ground floor windows of the neighbouring property at no. 6

The following certificate of lawfulness for existing uses were granted in relation to separate flats within the building. This certified that the flats were self-contained rather than non-self-contained.

- A certificate of lawfulness (existing use) was **granted** on 24/02/2014 (ref 2014/1179/P) for flat 3 being continuously used as a self-contained flat for more than 4 years.
- A certificate of lawfulness (existing use) was **granted** on 12/03/2014 (ref 2014/0707/P) for flat 4 being continuously used as a self-contained flat for more than 4 years.
- A certificate of lawfulness (existing use) was **granted** on 25/09/2008 (ref 2008/3355/P) for flat 5 being continuously used as a self-contained studio flat for more than 4 years.
- A certificate of lawfulness (existing use) was **granted** on 25/09/2008 (ref 2008/3367/P) for flat 6 being continuously used as a self-contained studio flat for more than 4 years.
- A certificate of lawfulness (existing use) was **granted** on 24/02/2014 (ref 2013/8098/P) for flat 7 being continuously used as a self-contained flat for more than 4 years.
- A certificate of lawfulness (existing use) was **granted** on 24/02/2014 (ref 2013/8093/P) for flat 9 being continuously used as a self-contained studio flat for more than 4 years.

10 Agamemnon Road (Neighbouring property)

2015/6064/P – Change of use from 7 individual studio flats and 2 bedsits, to 4 x 2 bedroom flats, extension to existing basement, including new lightwells to the front and rear; extension of ground floor extensions, new front bin storage unit and boundary fence. **Planning permission granted subject to a s106 Legal Agreement 12/07/2017**

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Draft London Plan (2017)

Camden Local Plan (2017)

G1 Delivery and location of growth

A1 Managing the impact of development

A4 Noise and vibration

A5 Basements

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

D1 Design

H3 Protecting existing homes

H4 Maximising the supply of affordable housing

H7 Large and small homes

H10 Housing with shared facilities

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Promoting the sustainable movement of goods and materials

Camden Planning Guidance

CPG Altering and extending your home (2019)

CPG Amenity (2018)

CPG Basements (2018)

CPG Developer contributions (2019)

CPG Interim Housing (2019)

CPG Transport (2019)

CPG Water and flooding (2019)

Fortune Green and West Hampstead Neighbourhood Plan (2015)

Policy 1 Housing

Policy 2 Design & Character

Policy 7 Sustainable Transport

Policy 8 Cycling

Assessment

- **Proposal**

1.1 This application seeks planning permission for the following:

- Change of use of 6 x existing studio flats (Class C3) at ground, first and second floor levels and 2 x bedsits (Class C4) with shared shower room at ground floor level to 4 x 2-bed flats (Class C3) at basement, ground, first and second floor levels.
- The existing basement would be extended in terms of its width (3m) and lowering its depth by 1.0m to a depth of 2.9m. It would also include a new front lightwell measuring 0.84m (length) by 2.55m (width) by 2.19m (depth).
- Excavation of a new single storey basement extending beyond the rear building line of the main existing house under the existing three storey closet wing to create a basement and ground floor extension measuring between 9.94m (length) by 5.7m (width) by 2.4m (height). An outdoor terrace at basement level would be created in the southern section of the property.
- Erection of single storey rear extension at ground floor level to rear of existing three storey closet wing, with a depth of 4.0m, width of 3.7m and height of 3.0m to the top of the flat roof.
- Erection of 2 x rear cycle storage enclosures for 8 bikes measuring 1.96m (length) by 0.9m (width) by 1.3m (height)
- Erection of new low red stock brick front boundary wall measuring between 0.9m and 1.0m following the slope of the land from north to south with brick piers and
- Blocking up of a ground floor window in the southern side elevation and installation of a new window opening

Revisions

- Removal of proposed roof terrace enclosed by balustrades above extension at first floor level for use by the proposed first floor flat due to amenity concerns.
- Reduction in the width of the front lightwell that originally extended beyond the front bay window from 3.35m to 2.17m. The 1.1m glass balustrade that enclosed the lightwell has now been replaced with a metal grille that would be flush with the ground and would be painted black.
- Additional information relating to the basement works including construction programme details, additional information to supplement the ground movement assessment (GMA) and outline permanent and temporary structural drawings

Assessment

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

- Land use (Section 3);
- Design (the impact that the proposal has on the character of the host property as well as that of the wider area) (Section 4);
- Basement impact (the impact on the natural and built environment) (Section 5);
- Amenity (the impact of the proposal on the amenity of adjoining occupiers and future occupiers) (Section 6);

- Transport and planning obligations (the impact of the proposal upon local transport and highways and planning obligations) (Section 7);
- CIL (Section 8).

3.0 Land use

Loss of housing units

3.1 Policy H3 (Protecting existing homes) aims to ensure that existing housing continues to meet the needs of existing and future households by resisting development that would involve a net loss of residential floor space, including any residential floor space within hostels or other housing with shared facilities. The Council's Private Sector Housing Team confirmed that there is a mandatory licence in place for the property to operate as an HMO for 13 persons to occupy the flats. This was issued on 25th March 2015 and will expire on the 24th of March 2020 (licence number 049834). The existing building has been historically subdivided into a mixture of 6 x studio self-contained flats (C3) and 2 x bedsit units (C4). The 6 x studio self-contained units span over ground, first and second floors were sub-divided in 2006 without the benefit of planning permission. This was regularised in 2014 when lawful development certificates were granted for each of the 6 studios (see planning history above) demonstrating that they had been in use for more than 4 years. As these flats have already been converted into self-contained units they would be considered to fall within C3 use class only and therefore now fall outside of the sui generis use (large HMO with more than 6 people living together). The majority of the studio flats are significantly undersized and provide a poor standard of accommodation. They range in size from 18 sq. m to 22 sq. m with only one unit meeting the current space standards for a studio flat at 37 sq. m (Unit 8 at second floor level).

3.2 In sub-paragraph 3.78 of policy H3 it states that the Council would permit proposals to combine 3 or more dwellings where they would enable sub-standard units to be enlarged to meet residential space standards if the existing homes fall 20% or more below the minimum space standards set out in the nationally described space standards and the loss of dwellings is no greater than is necessary to meet the standard. Of the 6 existing self-contained units 5 fall below the 20% minimum space standards for 1 bed 2 person units (50 sq. m minimum floor area) including unit 3 (48%), unit 4 (56%), unit 5 (64%), unit 6 (60%), and Unit 7 (64%). The exception to this is unit 8 which meets the standard for a studio bedroom with shower facility (37 sq. m).

3.3 Although the proposed works would result in an overall reduction of 4 residential units including 2 self-contained flats and 2 HMO units on-site, officers note that the proposed works would enable the existing sub-standard studio accommodation to be enlarged and significantly improved in terms of quality of the accommodation (increased overall floor area to meet the Mayor's internal space standards for new dwellings, dual aspect accommodation providing improved daylight and sunlight and outlook) (see sections 3.9 and 3.10 below for the size and quality of the new self-contained flats).

Loss of HMO units

3.4 There are 2 units on the ground floor that operate as bedsits. Each unit has a bedroom, living room and kitchen in one room and the bathroom is shared between each of the bedsits. The units measure 12.5 sq. m and 14 sq. m.

3.5 Policy H3 and H10 advises that the Council will resist development that involves the net loss of housing with shared facilities (houses in multiple occupation) or the self-containment of any part of such housing unless a number of criteria are met (g, h, and i). The proposal would result in the loss of the 2 x HMO units on the ground floor measuring 12.5 sq. m (Unit 1) and 14 sq. m (Unit 2) and these units would be converted into one 2 bed 3 person self-contained flat.

3.6 Policy H10 advises that the Council will resist development that involves the net loss of housing with shared facilities (houses in multiple occupation) or the self-containment of any part of such a housing unless either the following criteria are met:

g) it can be demonstrated that the accommodation is incapable of meeting the relevant standards for houses in multiple occupation, or otherwise genuinely incapable of use as housing with shared facilities; or

h) adequate replacement housing with shared facilities will be provided that satisfies criteria (a) to (f) above; or

i) the development provides self-contained social affordable rented homes.

3.7 The proposal does not comply with these criteria of the policy. However, the loss of the 2 x HMO bedsit units at ground floor level is considered to be acceptable in this instance, as it is considered that the scheme improves the wider self-contained provision in the building as a whole creating 4 new self-contained units that meet the Council's housing mix and the Mayors space standards. The applicants have also agreed to make a payment in lieu of affordable housing contribution. The affordable housing contribution to offset the loss of the non-self-contained units and thereby satisfy H10 (Housing with shared facilities) would be £82,150. This is calculated in line with the approach set out in the Interim Housing CPG para IH2.99 (£2,650 x GEA floorspace). This would be secured by s106 legal agreement.

3.8 The Council wish to retain HMO units to meet the needs of households with limited incomes; however, there is no control on the rental cost of the current HMO bedsit units. Affordable housing is the priority use of the development plan and the payment in lieu would be put towards genuine affordable housing. In this instance, on balance, the loss of bedsit accommodation is considered acceptable.

Size and standard of new accommodation

3.9 Policy H7 identifies 2 bed market housing units as high priority and 1 bed (or studio) market housing units as being in lower demand. The proposal would create 3 x 2 bed 3 person units and 1 x 2 bed 4 person unit. This would provide high priority 2 bedroom flats that fully comply with space standards and would be considered acceptable.

3.10 The development would provide a good standard of accommodation with adequate internal living space for the four new flats. The flats would be dual aspect (northeast, and southwest facing windows) which would ensure that they receive an adequate amount of daylight and natural ventilation, and would have acceptable levels of outlook. The basement flat would include habitable windows that would face out onto a newly created south-facing terrace area. It is acknowledged that the window of one of the two bedrooms at the front of the newly created basement flat would have very limited outlook due to its close proximity to the back of the front lightwell (0.75m). The other habitable rooms would be served by windows that look out onto the rear garden and over the new terrace. This would ensure adequate daylight and sunlight is received into the flat and there would be sufficient outlook from these windows to ensure that the flat provides an acceptable standard of accommodation for future occupiers.

Amenity space

3.11 The basement and ground floor flats would have access to private amenity space in the form of private gardens. The original proposal included the installation of railings on the roof of the ground floor rear extension to provide private amenity space for the first floor flat. This was not considered acceptable in terms of the harmful impact on the amenity of the neighbouring occupiers and was removed from the scheme. Consequently the first and second floor flats would not have access to any outside amenity space. Given the physical constraints of the existing building and the fact that the new flats would be formed as part of a conversion the lack of provision of private amenity space for these flats at upper floor level is considered acceptable.

4.0 Design

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building.

Rear extension

4.2 The proposed single storey rear extension is considered to be a subordinate addition to the host building in terms of form and scale, and it would allow for the retention of a reasonably sized rear garden. It would extend 4.0m in depth from the rear of the existing closet wing, in line with a number of existing extensions along this side of Agamemnon Road, including a single storey rear extension of the same depth that was granted planning permission on 12/07/2017 at the neighbouring property at no. 10 (ref. 2015/6064/P). This permission is extant but has not yet been implemented.

4.3 The proposed extension would be built in brick to match the host building and would include white timber framed bi-folding doors in the rear elevation. The extension would not be visible from the public realm. Given its size, footprint and materials the extension would not appear as an overly bulky or obtrusive addition and would be considered acceptable.

4.4 The existing windows on the front and rear elevations of the building are white uPVC windows. The proposal would include the replacement of the windows with white painted timber framed windows. The replacement of modern window frames with traditional timber framed windows would be considered acceptable in this traditional building.

Rear garden alterations

4.5 The proposal would include the extension to the existing basement and excavation of part of the side garden to create level access from the new basement accommodation to an external terrace area to the side of the existing closet wing. The extended basement would only be expressed on the rear elevation of the building by the installation of an external stair and associated railings to the side of the closet wing. The new full height windows on the side elevation and not be easily read from any public or private vantage point as the majority of the basement works would be screened by the existing rear garden would appear unaltered .

4.6 The rear garden area would be subdivided by a boundary fence and would be shared by the basement and ground floor flats. This would create a terrace area at basement level and a raised ground floor rear garden for the newly created basement flat. It would measure approx. 67 sq. m. The ground floor flat would have access to a more modestly size rear garden space that would measure approximately 19.3 sq. m. These garden spaces comply with and exceed the Mayor's minimum standards for private outside space (6 sq. m for 3 person dwelling) and would be considered acceptable.

4.7 It is proposed to construct 2 x cycle storage enclosures for the basement and ground floor flats. They would be located in the rear garden adjacent to each other – one within the newly enclosed rear garden of the ground floor flat approximately 4.5m from the rear elevation of the new single storey extension. The other would be accessed by the basement flat from its basement terrace steps at ground floor level. The cycle storage enclosures in terms of appearance would be modest in size and would have the appearance of garden sheds. This would be considered acceptable in terms of appearance in the rear gardens of these newly created flats (see transport section for design).

Front garden alterations

4.8 The front garden of the building at nos. 8 and 10 are covered in hardstanding and the original brick boundary walls have been removed at some time in the past. There are a variety of boundary treatments along this part of Agamemnon Road including soft planting (no. 6), metal railings (no. 12) and low level brick walls (nos. 14, 16 and 18). The proposal would include the erection of a low level

brick wall and piers measuring approximately 1m in height. The reinstatement of the traditional brick wall is welcomed. Its detailed design including brick colour and pointing should match the red brick and pointing of the main elevation of the building. This would be secured by condition (Condition 4).

4.9 The existing basement is accessed from an external staircase in the front patio area. This was a consistent feature of the majority of the properties along this side of Agamemnon Road however only nos. 8-22 (evens) appear to have retained this access stair. The proposal would include the removal of the access stair and the area would be covered over with paving slabs. This would be considered acceptable as it would be similar treatment to match the majority of properties along this side of Agamemnon Road.

4.10 The proposed basement extension would manifest itself externally through the installation of a front lightwell. Although front lightwells do not appear to be a feature in other properties along this part of the street, a front lightwell was approved at the neighbouring property at no. 10 that is of a similar size. There also appears to be a front lightwell that is covered by a glazed panel at no. 44 however there is no planning history associated with these works. The lightwell is relatively small and discreet measuring 1.56 sq. m and would be set back behind the front boundary wall by 2.78m. The drawings have been revised during the course of the application to omit a glazed balustrade to enclose the lightwell with a metal grille that would be flush with the front paving. The details of the lightwell would be required by condition (Condition 4). The lightwell would be mainly screened from public vantage points due to the height and position of the replacement brick boundary wall. Its size, location and method of enclosure would be sympathetic and subordinate to the design and form of the main building and would be considered acceptable.

4.11 It is proposed to retain a section of the front garden area for the bins for the newly created flats. This would be a similar arrange as the existing situation and would be similar to other properties within this part of Agamemnon Road. The views of the bins would be mainly screened by the new brick wall and would not have a harmful impact on the character or appearance of the street and would be considered acceptable.

5. Basement development

5.1 Basement developments can help to make efficient use of the borough's limited land as required by the development plan, but they have the potential to cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas and the natural environment. Local Plan policy A5 includes a range of indicators to manage and mitigate these potential impacts. The following table demonstrates how the proposed basement is compliant with Policy A5 of the Camden Local Plan 2017:

Policy A5 Criteria	Response	Complies Yes/No
The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:		
a) neighbouring properties;	The BIA confirms that damage to adjacent property shall be limited to Category 1 (very slight) with appropriate monitoring and mitigation measures proposed. A Construction Management Plan shall be secured to mitigate impacts during the construction period.	Yes
b) the structural, ground, or water	The BIA presents appropriate assessments of structural impacts and proposes mitigation measures. The BIA confirms there will be no impact	Yes

conditions of the area;	to the wider impact to the wider hydrological environment (subject to SuDS condition).	
c) the character and amenity of the area;	The external manifestations of the basement would be the front lightwell and the excavation of the rear garden to create a basement level terrace adjacent to the closet wing and the boundary with No. 6 Agamemnon Road. These elements are considered to preserve the character and amenity of the area. Their impact is discussed further in paragraphs 4.10 and 6.4.	Yes
d) the architectural character of the building; and	The external manifestations of the basement would be the front lightwell and the excavation of the rear garden to create a basement level terrace adjacent to the closet wing and the boundary with No. 6 Agamemnon Road. These elements are considered to preserve the character and amenity of the area. Their impact is discussed further in paragraph 4.10.	Yes
e) the significance of heritage assets.	The host building is not listed or located within a conservation area or within close proximity to any listed buildings. The proposal would therefore not impact on any heritage assets.	Yes
Basement development should:		
f) not comprise of more than one storey;	The proposed basement would be single storey in depth.	Yes
g) not be built under an existing basement;	The proposed basement would be single storey in depth beneath the ground floor.	Yes
h) not exceed 50% of each garden within the property;	The proposed basement and lightwells beneath the rear garden would occupy approximately 34sqm (33%) of the rear garden of the property (approximately 103sqm).	Yes
i) be less than 1.5 times the footprint of the host building in area;	The proposed basement excavation would have a total area of approximately 90sqm, which would increase the footprint of the building by 23% (from approximately 69sqm), and would be less than 1.5 times the footprint of the host building.	Yes
j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;	The depth of the host building measured from the principal rear elevation is 10.25m, 50% of which is 5.125m. The proposed basement would extend into the rear garden to a depth of approximately 5.12m.	Yes

k) not extend into or underneath the garden further than 50% of the depth of the garden;	The rear garden measures a maximum of 24m in depth, 50% of which is 12m. The proposed basement would extend into the rear garden to a depth of approximately 10.2m.	Yes
l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and	The basement would be set away from all boundaries where it extends outside the footprint of the building, to allow for future vegetation to be planted. While the development would extend into the rear garden space, the resulting garden would still be of a considerable size and could support characteristic vegetation.	Yes
m) avoid the loss of garden space or trees of townscape or amenity value.	The proposal would not lead to the loss of a disproportionate amount of garden space and would not result in the loss of any trees of townscape or amenity value.	Yes

5.2 The rear terrace at basement level would facilitate ventilation and would ensure adequate daylight and sunlight levels to the habitable basement rooms, along with the front lightwell. Due to the location of the newly created terrace at basement level to the rear of the property and the modest size of the front lightwell which would be concealed by the existing boundary fences and walls, it is considered that they would have a limited impact on the character and appearance of the surrounding area and are considered acceptable in this instance.

5.3 Overall, the basement excavation is considered acceptable in scale in relation to the host dwelling. By virtue of the form, scale, detailing and proportions, the proposals would be sympathetic to the host building. The proposals would be subordinate to the host dwelling and would respect and preserve the property's character and existing architectural features.

Basement impact

5.4 The Basement Impact Assessment (BIA) submitted with the application has been independently assessed by a third party engineering firm (Campbell Reith), with subsequent information provided by the author of the BIA during the course of the application. The audit reviewed the BIA for potential impact on land stability and local ground and surface water conditions arising from basement development.

5.5 The revised BIA assessments predict movements of Burland Category 0 (Negligible) to 1 (Very Slight) damage for neighbouring properties, which the Audit accepts. The basement would be formed using reinforced concrete underpinning technique, and the Audit confirms that suitable methodology showing appropriate temporary propping arrangements to maintain stability have been provided. The Audit accepts that the proposal would not adversely impact groundwater flow and there would be no hydrogeological impact, and that the proposed development would not impact the wider hydrological environment. However, the Audit notes that the proposed development would increase the proportion

of impermeable site area. A pre-commencement condition will therefore be added requiring the submission and approval of a sustainable urban drainage system to ensure that the off-site discharge flow rates are attenuated to meet policy criteria (condition 5).

5.6 The Audit notes that although the site is identified as being in an area of low risk for surface water flooding, the site is within an area historically known to have flooded from surface water, and groundwater flooding has been reported within 150m of the site. Flood risk mitigation measures have been proposed within the BIA, and these should be adopted within the final design.

5.7 The Audit notes that a number of utility infrastructure assets were identified within the influence zone of the works, including the footpath and portion of the road to the front of the site. The Audit states that the submitted ground movement assessment indicates acceptable movements at the location of the services, footpath and roadway provided timely installation of high stiffness propping systems are utilised together with best working practices. In terms of utilities, Thames Water have advised that the developer would be required to obtain a Groundwater Risk Management Permit for discharging groundwater into a public sewer, and this has been attached as an informative. A further informative from Thames Water has been attached to advise the developer of the minimum water pressure which Thames Water aim to provide customers with, as per Thames Water's request.

5.8 Overall, the Audit confirms that the BIA has met the requirements of policy A5 and CPG Basements for the identification of the potential impacts of the proposed basement construction and the proposed mitigation.

5.9 The appointment of a suitably qualified chartered engineer to oversee the permanent and temporary basement construction works will be secured by a pre-commencement condition to ensure that the basement works are undertaken in compliance with the approved design so that the appearance and structural stability of the neighbouring buildings and the character of the immediate area is safeguarded (condition 8).

6. Amenity

6.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

6.2 The proposed ground floor extension would project 4m from the rear elevation of the three storey closet wing. It would be located adjacent to the boundary with the neighbouring property at no. 10. No. 10 includes a door opening that serves the ground floor flat to the north. Windows to the flat on the ground floor of this property are located on the northern side elevation. Consequently the proposed extension would not result in any loss of daylight, sunlight or outlook to this unit and would be considered acceptable. The single storey extension would project 3m in height and would sit approximately 0.4m below the lower cill of the first floor flats at the application property and the first floor of the flat at no. 10. There would be no loss of daylight, sunlight or outlook to these flats. The proposed extension would be located approximately 4.8m from the closet wing of the neighbouring property at no. 6. The existing 1.8m high timber fence that separates the application site and no. 6 already restricts daylight, sunlight and views from any openings on the northern elevation of the closet wing. Therefore the proposed extension would not have an adverse impact on the amenity of this property.

6.3 Originally the drawings included railings to enclose the roof of the ground floor rear extension for use as a roof terrace. This was considered unacceptable due to issues of overlooking to the gardens

of neighbouring properties and was removed from the proposal. A condition would be attached to ensure that the roof of the extension would only be accessible for maintenance purposes (Condition 9).

6.4 The installation of new full height window openings on the southern side elevation at basement level would not introduce any overlooking to the neighbouring property at no. 6 due to the existing 1.8m high timber fence that separated the properties at ground floor level. An existing window on the ground floor southern side elevation of the existing closet wing would be blocked up and a new window would be installed immediately adjacent to it. The existing 1.8m high timber fence would screen views from this window towards the neighbouring property at no. 6. The new relocated window would not create any further overlooking between the properties than is currently experienced at this level and would be considered acceptable.

6.5 Given the location of the proposed lightwell set away from the boundaries and behind the boundaries fences, it is not considered that they would have a detrimental impact on the residential amenities of neighbouring occupiers through light pollution caused by light spillage.

6.6 Subject to the securing of a Construction Management Plan (CMP) as outlined in the Transport section below, the proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring occupiers. The development is thus considered to be in accordance with planning policies A1 and A4.

7 Transport and planning obligations

Construction Management Plan

7.1 The Council's Transport Planner has assessed the proposal and confirmed that due to the location of the site and the amount of excavation required for the basement, a Construction Management Plan (CMP) would be required for the proposed development. The Council's primary concern would be with public safety but the Council would also minimise the impact of construction traffic on traffic congestion in the local area. The CMP would also be used to mitigate any detrimental impacts to amenity or the safe and efficient operation of the highways network in the local area. Furthermore, there are also other legislative controls, such as environmental protection, that would also help to mitigate impacts such as noise, vibration and pollution. The CMP would need to be approved by the Council prior to works commencing on site and would be secured through a Section 106 Legal Agreement. The Section 106 Legal Agreement would also secure a CMP Implementation Support Contribution of £3,136.

Highways Contribution

7.2 A financial contribution of £2,421.27 for highways works directly adjacent to the site will be secured as a Section 106 planning obligation, to allow for any damage to the footway and kerb caused during construction to be repaired following development.

Car parking

7.3 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The Council's Transport Planner has therefore confirmed that a planning obligation for car-free development would need to be secured through a Section 106 Legal Agreement, to restrict future occupiers of all new residential units from obtaining on-street parking permits.

Cycle parking

7.4 Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in CPG Transport. The proposed plans show a josta two tier cycle parking space within the lobby of the ground floor of the building providing 4 cycle parking spaces for flats 3 and 4 at first and second floor level. The other 4 cycle parking spaces would be secure, covered cycle parking lockers within the garden for the basement and ground floor flats. This would provide 8 secure cycle parking spaces which complies with the minimum number required the London Plan. The provision and permanent retention of these cycle parking spaces will be secured by condition (condition 7).

8 CIL

8.1 The proposed development would not be liable for the Mayoral and Camden CIL as the additional floorspace would not exceed 100sqm GIA.

9 Conclusion

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

9.2 Grant Conditional Planning Permission subject to a Section 106 Legal Agreement.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 17th June 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Genesis Architects Ltd
7 St Margarets Road
Stanstead Abbots Ware
SG12 8EP

Application Ref: **2018/5338/P**

14 June 2019

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**8 Agamemnon Road
London
NW6 1DY**

Proposal:

DECISION
Change of use from 6 x studio flats (Class C3) and 2 x bedsits (Class C4) to 4 x 2-bed flats (Class C3); extension of existing basement, including new front and rear lightwells; excavation of existing basement to lower floor by 1.0m; erection of single storey rear extension at ground floor level; erection of rear cycle stores and front boundary wall.

Drawing Nos: GAL 277 (PC) 001; 002 rev A; 003 rev C; 004 rev B; Basement Impact Assessment Report produced by Chelmer Global Ltd dated October 2018; Geo-environmental Interpretive Report November 2018; Addendum 1 to BIA produced by Chelmer Global Ltd dated 28th March 2019; Adopted Services Information produced by Chelmer Global Ltd dated March 2019; Construction Management Plan produced by David Joseph Consulting dated January 2019.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

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

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans GAL 277 (PC) 001; 002 rev A; 003 rev C; 004 rev B; Basement Impact Assessment Report produced by Chelmer Global Ltd dated October 2018; Geo-environmental Interpretive Report November 2018; Addendum 1 to BIA produced by Chelmer Global Ltd dated 28th March 2019; Adopted Services Information produced by Chelmer Global Ltd dated March 2019; Construction Management Plan produced by David Joseph Consulting dated January 2019.

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

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Plan, elevation and section drawings at 1:50 of the front boundary wall

c) Plan, elevation and section drawings at 1:10 of the front lightwell

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

- 5 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 6 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 7 Before the development commences, details of secure and covered cycle storage area for 8 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 T1 of the London Borough of Camden Local Plan 2017 and Policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

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

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017.

- 9 The roof of the ground floor rear extension hereby approved shall not be used as a roof terrace and shall only be accessed for maintenance purposes.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 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.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 8 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 9 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 10 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate