

Date: 09/10/2018
Our ref: 2018/2697/PRE
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Mr Luigi Montefusco
 LBMVarchitects
 27 Elizabeth Mews
 NW3 4UH
By email

www.camden.gov.uk/planning

Dear Mr Montefusco,

Re: Flat 2, 12 Lyndhurst Gardens, London, NW3 5NR

Thank you for submitting a pre-planning application enquiry for the above property which was received on 8 June 2018, with the required fee of £822 received on 13 June 2018. Following a meeting on 5 July 2018, revised drawings were received on 16 August 2018. These notes are based on these revised drawings only. This advice follows on from pre-application advice issued for the same scheme on 18 May 2018 (pre-application enquiry ref. 2018/0809/PRE).

1. Drawings and documents

Existing: A1001 Rev. 03; A1002 Rev. 03; A1003 Rev. 03; A1004 Rev. 03; A1005 Rev. 03; A1006 Rev. 03; A1007 Rev. 03; A1008 Rev. 03; A1009 Rev. 03; A1010 Rev. 03.

Proposed Option 6: A2001 Rev. 04; A2002 Rev. 04; A2003 Rev. 04; A2004 Rev. 04; A2005 Rev. 04; A2006 Rev. 04; A2007 Rev. 04; A2008 Rev. 04.

Supporting Documents: Design and Access Statement Rev. 03 (prepared by LBMV Architects, dated 16/08/2018).

2. Proposal

Advice is requested for the internal refurbishment works; demolition of the existing rear and side extensions; erection of new rear and side extensions; and the excavation of a basement below part of the host building and rear garden. The scheme has been revised during the course of the pre-application process to reconfigure the proposed basement to include a rear side lightwell adjacent to the side elevation of the building, reduce the depth and redesign the proposed side extension, and to install three rear windows at upper ground floor level following the proposed removal of the existing upper ground floor rear bay window feature.

3. **Site description**

The host property relates to a four-storey detached building on the southern side of Lyndhurst Gardens. The building is located within the Fitzjohns Netherhall Conservation Area (CA) and is a Grade II listed building.

The building has been sub-divided into flats. Flat 2 is a 2-bed flat located on the eastern side of the building at ground and first floor level and benefits from sole use of and access to a rear garden.

4. **Relevant policies and guidance**

- **National Planning Policy Framework (2018)**
- **London Plan (2016)**
- **Draft New 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
 - D1 – Design
 - D2 – Heritage
 - CC2 – Adapting to climate change
- **Camden Planning Guidance**
 - CPG1 – Design (2015; updated 2018)
 - CPG3 – Sustainability (2015; updated 2018)
 - CPG6 – Amenity (2011; updated 2018)
 - CPG7 – Transport (2011)
 - CPG – Amenity (2018)
 - CPG – Basements (2018)
- **Fitzjohns Netherhall Conservation Area Statement (2001)**

5. **Assessment**

The main points of consideration for this follow-up pre-application enquiry are the design of the proposed basement and lightwell, the design of the proposed rear extension, and the proposed removal of the existing first floor rear bay window feature. The full range of issues covered are as follows:

- Basement development;
- Design and heritage;
- Internal alterations to listed building;
- Neighbour amenity;
- Transport and planning obligations;
- Trees.

Basement development

As stated in the previous pre-application advice, policy A5 Basements of the Camden Local Plan 2017 includes a number of stipulations for proposed basement development within the Borough, including upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling. Policy A5 also states that the siting, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property.

The basement proposed in the previous pre-application did not comply with a number of the criteria set out in policy A5, and was considered to be too large in size and scale. As such, the proposed basement has been re-designed to address each of the criteria in policy A5, and the table below provides an assessment as to whether the proposal complies with each aspect of the policy.

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;	See 'Neighbour amenity' section below.	
b) the structural, ground, or water conditions of the area;	<p>Any future planning application for a basement development on this site would need to include a Basement Impact Assessment (BIA) which has been prepared in accordance with the processes and procedures as set out within CPG Basements. Furthermore, the site is subject to underground constraints (surface water flow and flooding and Claygate Beds hydrological constraints).</p> <p>The BIA should include the following stages:</p> <ul style="list-style-type: none"> • Stage 1 – Screening; • Stage 2 – Scoping; • Stage 3 – Site investigation and study; • Stage 4 – Impact assessment; and • Stage 5 – Review and decision making. <p>Further details on BIAs can be found in CPG Basements. For completeness, please ensure that the report details the author's own professional qualifications, noting the varying qualification requirements within CPG Basements for the different elements of a BIA study.</p> <p>The submitted BIA will be required to be independently assessed by a third party, at the applicant's expense, to satisfy the Council that the development would not lead to any unacceptable impacts on the land stability, groundwater flows and surface flows of the area should the development be granted.</p>	

	<p>Please note that the Council's preferred provider for the audit service is Campbell Reith. When an audit is required, Campbell Reith charges a fixed fee dependent on the category of basement audit, outlined in Appendix A of Camden's BIA audit service terms of reference.</p> <p>As the BIA will require a third party audit, it will be expected that your report is in line with the Council's Pro Forma. You will need to complete the Basement Impact Assessment Audit Instruction Form on Camden's website; please see Section B of this form for a full list of items to be included in your BIA. You will need to fill out this section of the form and return to us alongside any formal submission. Please note that a £20 administration fee will be added to the overall invoice for the BIA audit to cover the costs of the Council processing the application.</p>	
c) the character and amenity of the area;	See 'Design' section below.	
d) the architectural character of the building; and	See 'Design' section below.	
e) the significance of heritage assets.	See 'Design' section below.	
Basement development should:		
f) not comprise of more than one storey;	<p>The proposed basement would be single storey in depth.</p> <p>The basement would extend beneath part of the footprint of the existing building, beneath the proposed side extension, the proposed rear extension and part of the rear garden. The proposal would involve the excavation of a rear side lightwell adjacent to the proposed side extension and the boundary with No. 14 Lyndhurst Gardens.</p>	Yes
g) not be built under an existing basement;	The proposed basement would not be constructed beneath an existing basement.	Yes
h) not exceed 50% of each garden within the property;	The proposed basement and lightwell beneath the rear garden would occupy approximately 63sqm (27%) of the rear garden of the property (approximately 233sqm).	Yes
i) be less than 1.5 times the footprint of the host building in area;	<p>The total footprint of the host building as existing is 119.1sqm, and as proposed is 128.4sqm.</p> <p>The proposed basement excavation would</p>	Yes

	have a total area of approximately 130.7sqm, which would increase the footprint of the building by 110% (1.1 times) the footprint of the existing building, and by 102% (1.0 times) the footprint of the proposed building.	
j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;	<p>The depth of the host building measured from the principal rear elevation would be 13m, 50% of which would be 6.5m. The entire excavation, including the rear lightwell, is included in the calculation.</p> <p>The proposed basement would extend into the rear garden to a maximum depth of approximately 6.0m, which is less than 50%.</p>	Yes
k) not extend into or underneath the garden further than 50% of the depth of the garden;	<p>The host garden has a maximum depth of 20.4m, 50% of which would be 10.2m.</p> <p>The proposed basement and lightwell beneath the rear garden would extend into the garden by 6.3m, which is less than 50%.</p>	Yes
l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and	The proposed basement has been revised to be set back from neighbouring property boundaries where it extends beyond the footprint of the host building. This will ensure that there is sufficient space to sustain the growth of vegetation and trees and to enable water drainage.	Yes
m) avoid the loss of garden space or trees of townscape or amenity value.	<p>The size of the proposed basement beneath the rear garden is considered to be acceptable, and it would not lead to the loss of a disproportionate amount of garden space.</p> <p>See 'Trees' section below for a discussion on the impact of the proposal on trees of townscape or amenity value.</p>	Yes

The proposed basement development would comply with all of the criteria in policy A5 in terms of its siting, scale and design, and is therefore considered acceptable in terms of design. The previous pre-application advice highlighted that the proposed basement could be excavated beneath the footprint of the living room to the rear of the lower ground floor of the building, provided that it follows the plan form of the lower ground floor and that the load bearing walls are continued down to basement level. As such, the proposed excavation of the basement beneath this section of the building in the revised plans is considered to be acceptable.

As two bedrooms and additional living accommodation are proposed at basement level, residential standards would be a material consideration. The London Plan recommends that the minimum floor to ceiling height is 2.5m for at least 75% of the gross internal area, to aid natural ventilation and light and to offer a sense of space. The submitted sections show that the basement would have a floor to ceiling height of 2.5m which is acceptable. The proposed habitable rooms at basement level would

all face onto the proposed rear side lightwell and would include floor to ceiling glazing. Provided this glazing would be openable, it is considered that it would facilitate adequate access to natural light and ventilation into the basement habitable rooms. More information on residential standards is available in CPG1 Design, CPG Housing (partial review) and CPG Basements.

Design and heritage

The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; the quality of materials to be used; and the character and proportions of the existing building. Policy D2 additionally states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

CPG1 (Design) guidance recommends alterations take into account the character and design of the property and surroundings, that windows, doors and materials should complement the existing buildings, and that rear extensions should be secondary to the main building.

The building is located within the Fitzjohns Netherhall Conservation Area and is Grade II listed. As such, sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") are relevant.

Section 16(2) provides that in considering whether to grant listed building consent for any works to a Listed Building special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

The effect of these sections of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

Side extension

The proposed three-storey replacement side extension proposed in the previous pre-application advice request has been revised to be extended down to basement level to enable access into the rear side lightwell.

The proposed side extension would have a reduced footprint along the eastern side of the building. It would be set back substantially from the front elevation and would extend 5.2m in depth, with a width of 2.3m to the rear and 1.9m to the front. The

extension would have a height of 5.5m along boundary with No. 14 Lyndhurst Gardens rising to a height of 6.2m adjacent to the building. It would appear as two-storeys in height from the front and the front fenestration would also include a new front entrance door to the flat. To the rear, the proposed extension would be three-storeys in height as it would extend down to the rear side lightwell at basement level, and would include panels of floor to ceiling glazing at basement and ground floor level.

The proposed extension would be the same height and width as the existing side extension, and its substantial set back from the front building line would ensure that it would further limit visibility from the street. This would ensure that the extension would be a sympathetic addition which remains subordinate to the host building. Although the proposed rear window to the extension would have a contemporary appearance in terms of its size and detailed design, it would not be visible from the public realm and is not considered to have a detrimental impact on the character and appearance of the host building.

As stated in the previous pre-application advice, the side extension would be constructed in brick, but no information on the type of brick or other proposed materials of the side extension has been provided. Any future proposal should therefore ensure that the extension is constructed in red brick to match the existing building, and that the new front entrance door is timber and of a traditional appearance to ensure that it would not harm the character and appearance of the building and would preserve the character and appearance of the Fitzjohns Netherhall CA.

Rear extension and removal of upper ground floor rear bay window

The proposed replacement single storey rear extension has been reduced in depth from 7.5m as proposed in the previous pre-application submission, to 6.0m. The proposed extension would be set in 0.6m from the rear bay window adjacent flat at 12 Lyndhurst Gardens, and would measure 4.6m in width and 2.9m in height to the top of a flat roof. It would be predominantly glazed with slim line frameless glass walls, with a solid western side elevation presumably of brick construction. A green roof would be installed above and the existing upper ground floor bay window would be removed, and replaced with three new rear windows to match the height of the neighbouring upper ground floor windows and the positioning of the existing first floor windows above.

The previous pre-application advice advised that the proposed rear extension should be reduced in size to a depth of no more than 4.7m to ensure that it remains subordinate to the host building and consistent with the most recent single storey rear extension along this side of Lyndhurst Gardens, which was granted planning permission at Flat 5, 6 Lyndhurst Gardens in application ref. 2016/6776/P on 01/06/2017. As such, although the proposal has been reduced in depth by 1.5m from the previous proposal, it would need to be further reduced in depth to 4.7m for it to be considered acceptable.

The Council's Conservation Officer considers that the existing upper ground floor bay window feature might be historic, and as such, there is a presumption in favour of its retention, as its removal would result in the loss of historic fabric and special interest

to the Grade II listed building. The proposed removal of this feature and its replacement with three new windows is therefore not considered to be acceptable and would be resisted. However, if you are of the opinion that the bay window feature is in fact not historic, then a detailed heritage statement including historic photographs and floor plans should be submitted at application stage to demonstrate this, for assessment by the Council's Conservation Officer.

As the existing bay window feature sits above an existing single storey extension at lower ground floor level, the Council's Conservation Officer would expect a structural report to be submitted at application stage to demonstrate how the proposed replacement extension would relate to this feature.

Any future planning application should also include detailed elevation and section drawings which fully demonstrate how the relationship between the proposed single storey rear extension and the existing upper ground floor bay window would be detailed.

As stated in the previous pre-application advice, the incorporation of a green roof into the proposed extension is welcomed as it would help to reduce the visual impact of the proposed extension when viewed from upper floors of the building. However, the proposed hard landscaping to the rear garden in place of the existing soft landscaping should be reduced in size to ensure that the environmental benefits of vegetation are preserved.

The proposed green roof would also be in accordance with policy CC2 which states that all development should adopt appropriate climate change adaption measures such as incorporating bio-diverse roofs where appropriate, as green roofs provide valuable habitats which promote biodiversity and cool the local microclimate. No information has been provided and so a detailed scheme of maintenance, sections and full details of planting species and density would be required to be submitted at application stage.

Rear and side lightwell

The previous schemes proposed the installation of a rear lightwell directly beneath the proposed glazed extension, which was considered to result in the extension appearing unanchored from the host building and was thus considered to be unacceptable. Following negotiation and discussions with the Council's Conservation Officer, the proposed lightwell has been relocated to be situated adjacent to the side elevation of the building and the proposed side extension. The proposed rear side lightwell would be 3.1m in width and 4.1m in depth and would include full height glazing to four habitable rooms at basement level, to facilitate natural ventilation and ensure adequate light to enter these rooms.

The proposed rear side lightwell would only be visible in private views from the host property and the upper floor flat 12 Lyndhurst Gardens, and would not be visible in any other public or private views. As such, it is considered that the lightwell would be a discreet addition and the Council's Conservation Officer does not consider that it would harm the architectural character or setting of the host Grade II listed building. The proposed rear side lightwell would therefore be in compliance with CPG Basements guidance, and is considered to be acceptable.

In order to comply with Building Regulations, the proposed rear side lightwell would need to be secured by railings with a height of 1.1m. These railings would need to be black painted metal railings in order to complement the character and appearance of the host building. Glazed balustrades would not be considered acceptable.

Internal alterations to listed building

As stated in the previous pre-application advice, the Council's Conservation Officer has confirmed that the proposed internal works would be considered acceptable in heritage terms as much of the ground floor footprint is not original and the proposals would reinstate some of the original plan form, which would be of benefit to the building.

Neighbour amenity

Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The Council's amenity guidance CPG6 further details that development should be designed to minimise the impact of the loss of daylight, sunlight, artificial light levels, outlook and privacy.

The proposed side extension would be the same height but with a smaller footprint as the existing side extension, and would not include the insertion of any windows into the side elevation. As such, the proposed extension would not have a detrimental impact on the residential amenities of the adjacent neighbours at No. 14 Lyndhurst Gardens in terms of loss of sunlight, daylight, privacy and outlook.

The proposed rear extension would be 0.4m higher than the existing lower ground floor rear extension; however, it would be set away from the boundary with the adjacent lower ground floor flat at No. 12 Lyndhurst Gardens by only 0.6m. Although the proposed extension would likely lead to a slight loss of daylight to the eastern bay window to the adjacent lower ground floor flat, as there are three other windows within the bay which serve the neighbouring habitable room, it is considered that on balance, the proposal would have a limited impact on the amenity of the neighbouring property. However, as no side elevations have been provided, a thorough assessment of the impact of the proposed extension on the residential amenities of the adjacent neighbours at the adjoining lower ground floor flat at No. 12 in terms of loss of privacy and outlook cannot be made.

Given the location of the proposed lightwell located adjacent to the side elevation of the building and screened from views by the proposed side extension, side boundary wall and existing raised level of the rear garden adjacent to the rear building line, it is not considered that the proposed lightwell would have a detrimental impact on any neighbouring properties in terms of light pollution through light spillage.

Subject to confirmation from the independent audit of the BIA that the proposed basement development would comply with Policy A5, the proposed basement development is not considered to lead to a significant impact upon the amenities of any neighbouring occupiers.

Transport and planning obligations

It is important that effective measures are taken during demolition and construction works to ensure that damage is not caused to the host building, neighbouring buildings or the surrounding highways.

The Council's Transport Planner has reviewed the revised proposals and has indicated that it is unlikely that the construction impacts of the scheme would be great enough to warrant a Construction Management Plan (CMP) to be secured through a Section 106 Legal Agreement. However, this would be confirmed by the Council's Transport Planners at application stage upon receipt of the final scheme.

If a CMP were to be required, it would need to set out how construction matters would be dealt with, for example deliveries, how material would be stored, and construction waste removed from site etc. For further details on CMPs, please refer to the sections on CMPs in CPG Amenity.

It should be noted that in February 2016, Camden's Cabinet agreed to the introduction of a £60/hour formal charge to support the review and approval of submitted draft CMPs and verification of the operation of approved CMPs, to be secured as part of Section 106 Agreements. The £60 hourly rate will allow the Council to set charges that address the specific impacts and issues of each development scheme.

The CMP Implementation Support Contribution will be used to fund specific technical inputs and sign off that are required to ensure that the obligation is complied with and ensure that the planning objectives we are seeking to secure are actually achieved.

As the proposed works would be located to the side and rear of the building, the Council's Transport Planner has stated that it is unlikely that the works would result in damage to the highway. As such, it is unlikely that a financial contribution to cover the cost of any repairs to transport infrastructure or landscaping as necessary following construction damage, and to reinstate all affected transport network links and road and footway surfaces would be required to be secured by a Section 106 planning obligation.

Trees

The revised scheme proposes the removal of 2 x trees in the rear garden; T1 and T2.

T1 is a mature ash tree and subject to a tree preservation order (TPO) ref. C60. However, as the TPO was served in 1957, the tree may not still be worthy of its TPO status. T2 is a mature sycamore tree in poor structural condition. The Council's Tree Officer reviewed the arboricultural survey and statement submitted with the previous pre-application advice request, and confirmed that the removal of T2 to facilitate development is likely to be considered acceptable.

There are 2 x further trees which are subject to a TPO ref. C60 within the vicinity of the site: T3, a lime tree in the rear garden of a neighbouring property which is proposed to be retained; and T4, an off-site maple tree in the front garden of a

neighbouring property. The Council's Tree Officer has highlighted that the submitted arboricultural document does not demonstrate that T3 will not be adversely affected by the proposed scheme; however, it is not considered that the development will have an adverse impact on T4.

Any future planning application would need to include the submission of an arboricultural impact assessment to justify the removal of trees T1 and T2 and a tree protection plan to ensure that all other surrounding trees to be retained would be adequately protected throughout the proposed development. The removal of T1 and T2 is likely to require replacement tree planting.

6. Conclusion

The revised basement development would comply with all of the criteria of policy A5 in terms of its siting, scale and design, and is considered to be acceptable in principle, subject to the submission and satisfactory audit of a full Basement Impact Assessment at application stage. The proposed rear side lightwell is considered to be a discreet addition which would only be visible in very limited private views and would facilitate adequate access to natural light and ventilation into the basement habitable rooms. This lightwell should be secured by black painted metal railings.

The revised design of the proposed replacement side extension with contemporary slim line glazing extending down to basement level to the rear is considered to be an improvement on the previous design, and is acceptable in principle provided that it is constructed in red brick to match the host building with a traditional timber front door.

The existing upper ground floor rear bay window is considered to be historic, and as such, there is a presumption in favour of its retention for the protection of the historic fabric and special interest of the Grade II listed building. The proposed removal of this feature and its replacement with three rear windows is therefore considered unacceptable in principle. The proposed rear extension should be further reduced in depth to a maximum depth of 4.7m and a structural report and detailed elevation and section drawings should be provided as part of the application submission to confirm how the replacement extension would relate to the upper ground floor bay window above.

7. Planning application information

8.1 If you wish to submit a planning application for the proposed development, I would advise you to submit the following for a valid planning application:

- Completed forms – Full Planning Permission Application and Listed Building Consent
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and Access Statement
- Heritage Statement
- Arboricultural Impact Assessment and Tree Protection Plan

- Details of the proposed green roof to include: Detailed scheme of maintenance; sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used and an adequate depth of substrate; and full details of planting species and density
- Basement Impact Assessment (BIA)
- BIA Audit Instruction Form with section B completed
- The appropriate fee (£206 for the planning application)
- Please see [supporting information for planning applications](#) for more information.

8.2 We would strongly encourage you to share and discuss your proposals with your neighbours before submitting a planning application. We are legally required to consult on applications with individuals who may be affected by the proposals. We would put up a notice on or near the site and advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received.

8.3 It is likely that that a proposal of this size would be determined under delegated powers; however, if more than 3 objections from neighbours or an objection from a local amenity group is received, the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Charlotte Meynell on 020 7974 2598.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Charlotte Meynell
Planning Officer
Planning Solutions Team