

31 St Mark's Crescent, London, NW1 7TT

2018/4547/P - Single storey rear extension and excavation of basement to dwelling including no.1 rear lightwell. Installation of rooflights and replacement to windows to main house, relandscaping to rear garden (amalgamation/minor variation to works approved under applications 2016/7071/P, 2017/1534/P, 2017/2684/P & 2018/5835/P)



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31 St Mark's Crescent, London, NW1 7TT

Site Photographs:

(1) Aerial photo 1 (from the North)



(2) Aerial photo 2 (from the South)



(3) Front Elevation #1



*(4) Front elevation #2 / view to no.57 Gloucester Avenue
(5) Front elevation #3 / view to no.1 St Mark's Crescent*



(6) *Rear elevation #1*

(7) *Rear elevations of nos. 1&2 St Marks (adjacent sites)*



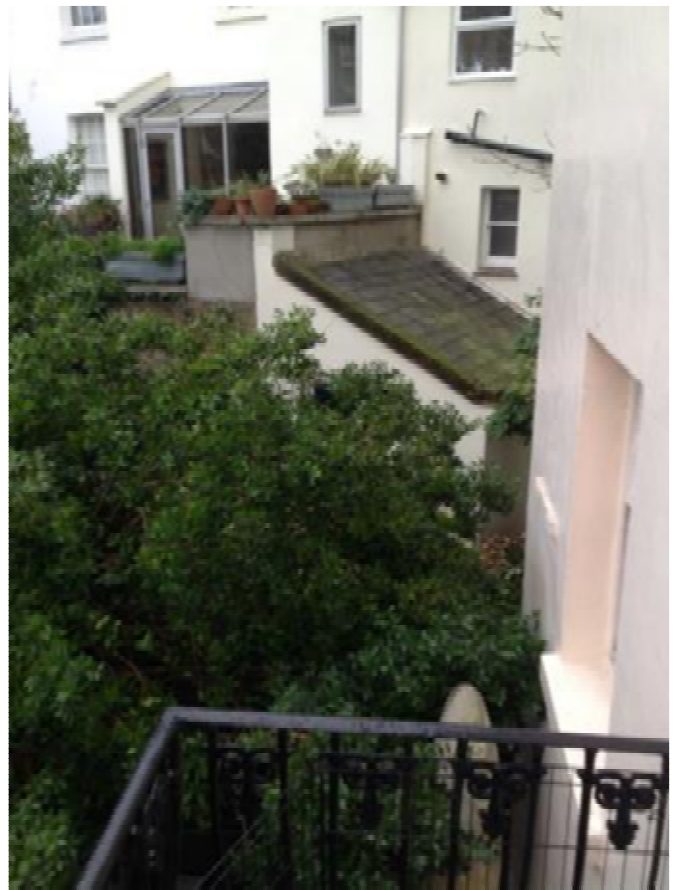
(8) Rear garden / elevation viewed from canal towpath #1



(9) Rear garden / elevation viewed from canal towpath #1



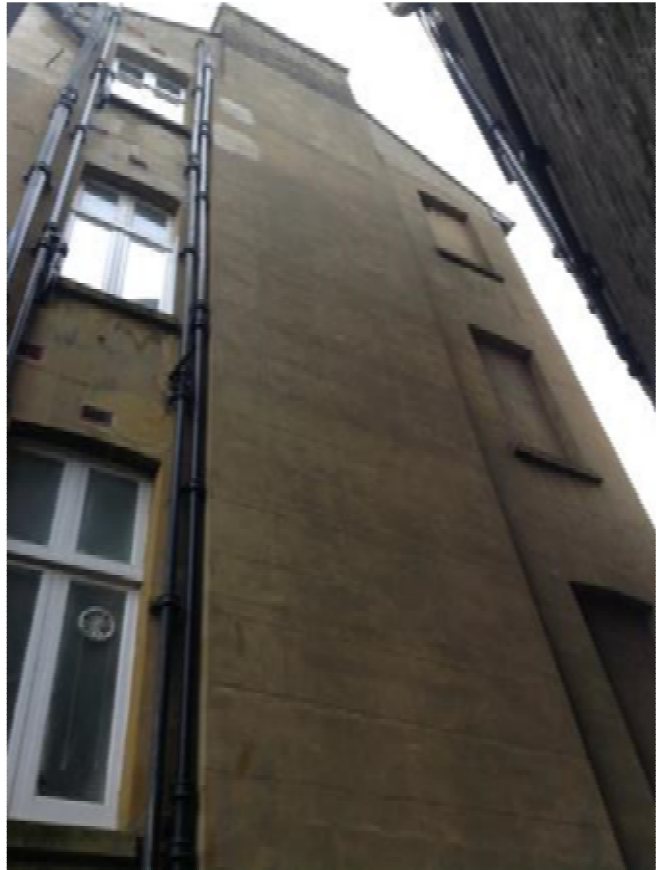
(10) View from existing terrace #1
(11) View from existing terrace #2



(12) Existing front lightwell fenestrations



- (13) Lower ground floor courtyard to no.57 Gloucester Avenue
(14) Opposing flank elevation of no.57 Gloucester Avenue



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date: 06/06/2019	
		N/A / attached		Consultation Expiry Date: 12/05/2019	
Officer			Application Number(s)		
John Diver			2018/4547/P		
Application Address			Drawing Numbers		
31 St Mark's Crescent London NW1 7TT			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Single storey rear extension and excavation of basement to dwelling including no.1 rear lightwell. Installation of rooflights and replacement to windows to main house, relandscaping to rear garden (amalgamation/minor variation to works approved under applications 2016/7071/P, 2017/1534/P, 2017/2684/P & 2018/5835/P)					
Recommendation:		Grant conditional permission subject to s106 legal agreement			
Application Type:		Householder Application			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Summary of consultation:		Two site notices were displayed near to the site on the 17/04/2019 (consultation end date 11/05/2019). The development was also advertised in the local press on the 18/04/2019 (consultation end date 12/05/2019).			
Adjoining Occupiers:		No. of responses	00	No. of objections	00
Summary of consultation responses:		No responses were received.			

<p>Primrose Hill CAAC</p>	<p>A letter of objection was received on behalf of the Primrose Hill CAAC. Their objection comments can be summarised as follows:</p> <p>(1) <i>We note that this is an important house in the conservation area, recognized as making a positive contribution to the CA, its rear elevation prominent in public views from the Canal towpath. It is a very special part of the conservation area. The house terminates one of the groups of houses, so that its form as a termination, and a corner, is important.</i></p> <p>(2) <i>We also note that the rear addition was approved in 2016 (2016/7071/P) and the long window to the side in 2017 (2017/2684/P). That is, as separate applications. We advise that the cumulative effect of the two proposed changes taken together is seriously harmful to the character and appearance of the conservation area, by diminishing the historic forms of the house through the use of disproportionate and out-of-scale glazing, which by its extent and character subverts the historic character of the house, and thus significantly harms the positive contribution the house makes to the character and appearance of the conservation area. The proposals, taken together, neither preserve nor enhance the character and appearance of the conservation area.</i></p> <p>(3) <i>We object to the insertion of rooflights into the unspoilt main roof slopes.</i></p> <p><u>Officer's response:</u> (1-2) <i>Please see paras. 6.3 - 6.9 of the main report</i> (3) <i>Please see paras. 6.5 of the main report</i></p>
<p>Canals and Rivers Trust:</p>	<p>Following a request for comment, the Canals & Rivers Trust formally responded to state that the revision to the basement extent would not cause increased harm to the Regent's Canal and was not objectionable (subject to securing previous conditions). They did however object to the proposed replacement and enlargement of jetty to the canal due to resulting impacts to the canal. They also advised that, as freeholders of the canal, such works would still require their permission.</p> <p>In response, officers advised the applications that the replacement jetty would not be accepted and revisions to omit this element were secured. Upon the receipt of revised plans, the C&R Trust were notified.</p> <p>A second response letter was then received. Their final comments are summarised below:</p> <ul style="list-style-type: none"> • No objection to the proposed works now that replacement jetty has been omitted. Request that description is amended accordingly for clarity. • Request that red line is adjusted and a notice to the Trust is served if works would still include alteration to existing jetty / within the Canal. • Reminder of the applicants responsibility to obtain necessary permissions from the Trust <p><u>Officer's response:</u></p>

	<i>It was reiterated that the works no longer include any changes or alteration to the existing platform and so there would be no need to serve additional notice to the Trust prior to determination. Notwithstanding, all conditions previously secured to safeguard the canal will be reapplied. In addition, as was requested during the previous application, the applicant will be made to explore the feasibility of moving construction waste by canal as well as removing adjacent detritus from the water way through the secured CMP.</i>
Thames Water	<p>Following a request for comment, Thames Water formally responded to state that they raised no objection to the proposed development, subject to informative being added to the decision to remind the applicants of their requirements in terms of water network and treatment infrastructure capacity, surface water drainage and groundwater discharge rates.</p> <p><u>Officer's response:</u></p> <p><i>Informatives have been added to the decision notice as requested.</i></p>

Site Description

The application site refers to a 19th Century end of terrace dwellinghouse with accommodation arranged over lower ground, ground, first and second floor levels. The dwelling is located on the North side of St Mark's Crescent and the rear garden of the property abuts the Regents Canal to the North. The property is situated within a row of 5 dwellings (nos.31, 1, 2, 3 and 4 St Mark's Crescent). To the front the properties are of stucco finish and feature slate pitched roofs and flat roofed, single storey portico entrance ways. The two end properties (nos.31 and 4) also feature two storey front bays as well as 3 storey flat roofed side annexes.

The dwelling is not statutorily listed but is situated within the Primrose Hill Conservation Area. The dwelling is characteristic of the local area, being defined as making a positive contribution to the character of the CA by the Primrose Hill Conservation Area Statement (2000). There are no trees protected by Tree Preservation Orders within the application site. The site is located next to a water course however is not within the Environment Agency's Flood Zones 2 or 3. The application site is however subject to a number of underground development constraints including slope stability; ground water flows and surface water flows.

Relevant History

The planning history for the application site can be summarised as follows:

2016/7071/P (Householder application) Planning permission was granted on the 14/03/2017 for the 'Alterations to the dwelling house including: the erection of single storey rear extension with terrace above; replacement of timber framed sash windows with double glazed, matching windows to front and rear elevations; installation of no.4 rooflights to main roof; alterations to fenestrations and height of side annex as well as front lightwell'

- During the course of this application, a rear full height picture window to side wing was omitted from the scheme due to officers' concerns in terms of impact to rear composition

2017/1534/P (Householder application) Planning permission was granted subject to s106 legal agreement on the 19/12/2017 for the 'Excavation of a basement extension to single-family dwelling (Use Class C3) including no.1 rear lightwell and associated alterations to rear garden level'

- Prior to determination, this application was subject to a full third party audit of BIA reporting. This process took several iterations, with further clarification being sought on issues ranging from groundwater movements to ground movement assessments prior to a final audit report being

published. This permission was subject to a s106 legal agreement to secure a Construction Management Plan (CMP), monitoring fee and a highways contribution in case of damage

- A subsequent Approval of Details application (ref.2018/2645/P) was granted on the 13/07/2018 for the discharge of basement engineer appointment and canal wall survey / repairs details, as required by conditions 4 and 5 of planning permission 2017/1534/P

2017/2684/P (Certificate of lawful development) Certificate of lawfulness (proposed) was granted on the 19/12/2017 for the '*Alteration to rear fenestrations of the closest wing of dwellinghouse (C3) to provide full height picture window*'

- This application confirmed that the works to form a rear full height picture window to rear of side wing was permitted under the GPDO and did not require planning permission.

2018/5835/P (Non-material amendment) Confirmation that alterations remained non-material was granted on the 05/04/2019 for '*Changes to design of rear fenestration to scheme of alterations approved, including single storey rear extension with terrace and changes to windows and lightwell, under planning permission 2016/7071/P dated 14/03/2017*'

- This application confirmed that a minor variation in the rear treatment of glazing to the single storey rear extension would remain non-material.

As each of the above permission remains extant, no further consent would be required for the owners of the site to implement their approved schemes. A full comparison of the approved and proposed plans is provided at appendix one of this report.

In addition, the following properties within the local area have been granted consent for single storey rear extensions with either new or enlarged balconies above:

- 5 St Mark's Crescent (2009/4337/P)
- 6 St Mark's Crescent (2015/4686/P)
- 8 St Mark's Crescent (2007/0253/P)
- 9 St Mark's Crescent (PEX0201017)
- 10 St Mark's Crescent (2009/2070/P)
- 12 St Mark's Crescent (2017/0164/P)
- 13 St Mark's Crescent (2010/5266/P)
- 14 St Mark's Crescent (2016/1637/P)
- 15 St Mark's Crescent (2012/2515/P)
- 22 St Mark's Crescent (PEX0201071)

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the impact of development
- A3 Protection, enhancement and management of biodiversity
- A4 Noise and vibration
- A5 Basements and Lightwells
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- T1 Prioritising walking, cycling and public transport
- T4 Sustainable movement of goods and materials

- DM1 Delivery and monitoring

Camden Planning Guidance:

- CPG Altering and extending your home (March 2019)
- CPG Amenity (March 2018)
- CPG Basements (March 2018)
- CPG Design (March 2019)
- CPG Transport (March 2019)
- CPG Trees (March 2019)
- CPG Water and flooding (March 2019)

Primrose Hill Conservation Area Statement (2000)

Camden Geological, Hydrogeological and Hydrological Study

Assessment

1. Background

- 1.1. As set out in the planning history section above, various works to the host property have been approved in recent years and remain extant. This application seeks to consolidate the approvals by incorporating all consented changes into a single set of approved plans.
- 1.2. The only further changes beyond what has cumulatively been approved relate to the basement being extended by a further 1.3m and some minor changes to the rear glazing to the single storey rear extension. Otherwise, the works shown on plans hereby proposed have for the most part already been approved and remain extant. For clarity, comparison of the consented and proposed plans are set out in images 1 to 7 of the supporting schedule in appendix one.

2. Revisions

- 2.1. In the set of drawings initially submitted as part of this application, one further alteration involving the replacement of the existing, small timber landing platform with a much larger jetty to the canal was proposed. As set out in the consultation summary section, following discussions with the Canal and River's Trust, this element would have been objectionable in that it would have reduced the width of the watercourse and so the omission of this element was negotiated. No works are now proposed to the existing platform and the description of development was amended accordingly.

3. The proposal

- 3.1. As set out above, the following alterations are proposed:

- Excavation of a single storey basement floor below the main house, plus 4.8m rear projection. While the design, layout and depth of the basement would match that previously approved, the scheme now includes a further projection of 1.3m at full width to wrap around the previously consented lightwell. As such, whereas the approved basement projected 3.5m beyond the rear elevation, a projection of 4.8m is now proposed (see image one in appendix). The proposed lightwell will now remain covered with a rooflight, meaning that there would no longer be a need for balustrading. The overall basement foot print

would now be 113sqm (previous consent was 110sqm and followed the same front and side building lines)

- Sitting above the basement, a single storey rear extension is proposed. This would project 3.5m beyond the rear elevation for the full width of the dwelling. It would include a flat roof featuring a green roof and glazed rooflight and three pane sliding doors to the rear. The scale and siting of the extension remains as approved in previous permissions. The only variation to this element proposed is the treatment to the glazing on its rear elevation that would now be formed of a single large opening with three sliding doors omitting a smaller picture window previously included (see image 4 in appendix).
- In addition, alterations to the main dwelling are also proposed. These would include the re-provision of the existing ground floor terrace above the proposed rear extension as well as replacement of windows with timber framed sash double glazed units, the installation of a full height picture window to rear elevation of side wing and the installation of rooflights to main roof. The proposal would also include partial re-landscaping of the rear garden as per the previous consent.

3.2. Whilst submitted plans show that to the existing boundary treatment in rear garden is to be replaced in certain areas, as the height would not exceed existing / 1.8m above ground level and the means of enclosure would not abut a highway, these works do not require planning permission as they have deemed consent under Class A, Part 2 of the GPDO. Though an Article 4 directive has been issued for Primrose Hill, it does not include provisions to remove these rights.

4. Assessment

4.1. As set out above, the majority of the works proposed have already been granted planning permission and can be built out without the need for further planning permission. However, due to the increases sought to the proposed basement, a fresh assessment may be made in this regard as well as in regard to the cumulative impacts of all works proposed.

4.2. The principal considerations material to the determination of this application are as follows:

- The principle of basement development (Basement construction – Section 4)
- The visual impact upon the character and appearance of the host property, streetscene, local area and the Primrose Hill Conservation Area (Design and Conservation – Section 5)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity – Section 6)
- The implications upon local transport and highways conditions and relevant planning obligations (Transport / Planning Obligations - Section 7)

5. Basement construction

5.1. The Council's Basement policy (A5 - adopted June 2017) includes a number of stipulations for proposed basement development within the Borough. These include upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling (paras.(f) – (m)), but also the express requirement for applicants to demonstrate that the excavations/works proposed would not result in harm to:

- a. neighbouring properties;
- b. the structural, ground, or water conditions of the area;
- c. the character and amenity of the area;
- d. the architectural character of the building; and
- e. the significance of heritage assets

- 5.2. Parts (n) – (u) of this policy continue to expand upon this requirement and together, set the parameters for the assessment of proposed basement developments. These parameters are expanded upon with Basements CPG. The Council will only permit basement development where it has been satisfactorily demonstrated that the works would accord with these criteria.

Basement Impact Assessment

- 5.3. In accordance with the requirements of policy A5, the applicants have submitted Basement Impact Assessment reports which reviews the impacts of the proposed basement structure and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability.
- 5.4. In total, two BIA reports as well as an addendum report were submitted for review. The submitted BIAs provided for review were produced by Chelmer Consultancy Services and Croft Structural Engineers. The authors' qualifications are in accordance with the Basement CPG guidelines for all sections. The BIA prepared by Chelmer Consultancy Services includes the screening, ground investigation, impact assessment, ground movement assessment and damage impact assessment. The BIA prepared by Croft Structural Engineers includes a summary of the Chelmer BIA along with the construction sequence, temporary work systems, a monitoring strategy and structural calculations. The Addendum Basement Impact Assessment (BIA) report has also been prepared by Chelmer Consultancy Services in support of this application and considered the additional impacts arising from the increased basement box as well as the cumulative impact of all works proposed.
- 5.5. During the course of the previous application for basement works (ref. 2017/1534/P), the above documents were subject to a full audit by Campbell Reith in line with the requirements of policy A5 / CPG4 over the course of several months. Following the submission of additional information/clarification in relation to a range of issues, Campbell Reith issued their final audit of the applicants submitted BIA and concluded that *"Considering the revised submissions, the requirements of CPG4 have been met"*. For a full discussion of the assessment of the BIA, please see paras.4.1 – 4.9 of the officer's report for application 2017/1534/P where the assessment against each criteria is provided in full.
- 5.6. Upon the validation of this application and receipt of the BIA documents, all documents were again issued to Campbell Reith (CR) for comment. Following a review of the scheme, the lead consultant engineer from CR confirmed that a new audit would not be warranted, stating that: *"I have reviewed the plans and compared with the previous set, and the change in area is negligible, and would not impact the stability or hydrology / hydrogeology assessments"*. Given that the construction methodology for the scheme remains unchanged since the previous audit, they therefore conclude that the measures and methodologies set out within the previously approved BIAs combined with the addendum report remain in accordance with the requirements of policy A5, subject to the reapplication of the previous conditions relating to BIA methodology and submission of lead engineer details.
- 5.7. In line with the above specialist advice, the submitted BIA information is considered to have adequately addressed criteria (a)-(e) of policy A5.

Scale of proposed basement

- 5.8. In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council will also seek to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to

minimise the impacts of construction on neighbouring properties. As discussed above, criterion (f) – (m) of Basement policy A5 therefore outline the maximum acceptable scale of basement extensions. 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
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 lower ground floor. The existing lower ground floor is not subterranean in any area and so the extension complies with the Basement CPG guidance.	Yes
h) not exceed 50% of each garden within the property;	The proposed basement and lightwells beneath the rear garden would occupy approximately 38sqm (32%) of the rear garden of the property (approximately 120sqm in total).	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 113sqm, which would increase the footprint of the building by 46% (from 77 to 113sqm), and would be less than 1.5 times the footprint of the host building (previous approval was 110sqm)	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 10.8m, 50% of which is 5.4m. The proposed basement would extend into the rear garden to a depth of approximately 4.8m.	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 15.8m in depth, 50% of which is 7.9m. The proposed basement would extend into the rear garden to a depth of 4.8m.	Yes
l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and	Where the basement would extend beyond the rear elevation of the original dwelling, it would not be set away from the neighbouring property boundary. In this instance, due to the existing lower ground floor rear extensions to the adjacent no.1 St Mark's, as well as the lower floor level of the garden space of no.59 Gloucester Avenue, the lack of a set away from the shared boundary is not in this instance considered to result in harm in terms of the provision of boundary vegetation. In addition, the full width of the permitted extension above would mean that there would not be any likelihood that these areas would be retained for	No

	boundary planting in the future.	
m) avoid the loss of garden space or trees of townscape or amenity value.	The proposed excavation would not project in close proximity to any protected trees. 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

5.9. The rear lightwell at basement level would provide daylight and sunlight to the basement rooms. The lightwell would now feature a covered rooflight, meaning that the balustrading previously approved has been omitted. Due to the location of the newly created lightwell at lower ground floor level to the rear of the property, 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. In light of the above the proposed basement would be of a scale and proportion that would remain in accordance with criterion (f) – (m) of Basement policy A5. It is therefore considered that the proposed basement would remain in accordance with the Council policy A5.

6. Design and Conservation

6.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

6.2. The Primrose Hill Conservation Area Statement (2000) advises that rear extensions should be as unobtrusive as possible, should not adversely affect the character of the building or the Conservation Area and should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of building.

Extended basement

6.3. The scale and proportions of the proposed basement is discussed above. It was concluded that the basement extension, even in its varied form, would remain proportionate and subordinate to the host dwelling, in accordance with policy A5. Once constructed, the only above ground visual manifestation of the basement would be the proposed lightwell to the rear of the dwelling. Whereas the previous basement consent had included an open lightwell with balustrade surround, these works are now omitted. As such the visual manifestation of the basement extension would actually be reduced in the combined proposal. The view towards to covered walk-on rooflight would not be perceivable from outside of the site other than perhaps in a select number of private views from the top floor windows of the adjoining 59-63 Gloucester Avenue. From the canal towpath, the lower garden level would not be directly visible due to the relative levels of the town path and retained upper section to the rear garden.

Amended glazing to SS rear extension

6.4. As set out above, all aspects of the proposed lower ground floor rear extension remain as approved other than for a slight amendment to the glazing within its rear elevation and repositioned rooflight (see image 4 in appendix 1). The rear glazing of this extension would be visible from the public towpath, though only in glimpses as the natural grade level of the rear garden obscures direct views to all but the top of the existing lower ground floor level (see photos

8 & 9 in the photo schedule). When comparing the approved and proposed rear elevations, the loss of the additional picture window alters the composition slightly, however given the number and design of existing full width rear extensions in the local area (see history section) and the minor nature of the change sought, the variation to this element is not considered to cause harm to the overall character and appearance of the host property. Considering the distance to the closest point of the canal path from the proposed extension (+25m) as well as the very minor projection into views from this path, it is not considered that this element would cause harm.

Replacement glazing to main house

- 6.5. With regard to the replacement of existing sash windows, this aspect of the proposal remains as previously approved. In order to ensure that the detailed design of the replacement sash windows remains appropriate, the condition requiring details to be submitted will be reappplied. In relation to the full height picture window to the rear elevation of the side wing, officers had previously sought for this to be omitted from plans for reasons similar to those set out by the CAAC in their letter. However, the owners of the site were subsequently able to demonstrate that these works are given deemed consent under Class A of the GPDO by securing a Certificate of Lawful Development for the works. Given that it has been explicitly confirmed that planning permission is not required and that the Council does not benefit from powers to control these works, they could be implemented without any further need for express permission and no further comment is given. As per the previous consent, the introduction of two rooflights to the side and two to the rear roofslope are sought. These remain as previously approved. These additions are still considered to be appropriately sited and sized rooflights within the roof slopes to ensure that they are not visually prominent and would not overwhelm either roofslope. These additions are not considered to result in harm to the character of the host dwelling.

Rear garden relandscaping

- 6.6. The extant basement scheme included consent for the lowering of a section of the rear garden level by approximately 1m to create an area of patio / hardstandings level to line up with the original lower ground floor slab of the dwelling. The plans hereby submitted show the inclusion of a patio to the same depth into the garden, however, the volume of the additional lower ground floor rear extension would occupy much of its former area. The patio area would extend no further than the consented plans, though the level of regrading has been reduced to only a 300mm reduction in levels, with a narrower access ramp rather than full width steps. This would mean that under the scheme hereby proposed, the area of the rear garden retained for planting would actually be increased. In total approximately 28sqm of the rear garden would be lowered to form a patio whereas approximately 62sqm would be retained at its existing level and retained for lawns or planting. A number of properties in the local area (including the adjacent no.1) feature large patio areas and this provision is not considered to significantly alter the character and appearance of the host dwelling or its setting.

Overall cumulative impacts

- 6.7. Within the assessment for the previously approved basement and rear extension applications, consideration was paid to the cumulative impacts in case all works were implemented. Notwithstanding, the set of combined plans hereby submitted clarifies the overall visual impact upon the host dwelling.
- 6.8. Both elements of the extension hereby proposed (basement + lower ground floor rear) are each of scale and siting that would remain subordinate to the host dwelling individually. Even when combined their cumulative volume would not be excessive, given the significant scale of the original dwelling and its curtilage. The minor amendments proposed to the basement footprint

would reduce the visual manifestations other than the covered rooflight, which would not interrupt any views of the dwelling, or row of dwellings. Other than changes to the glazing, the rear extension would be as approved. The minor glazing change would preserve the character and appearance of the host dwelling, the terrace and the conservation area. The inclusion of the full height picture window to the side wing has been shown to not require planning permission. Officers consider it would be unreasonable to refuse the current application on that basis and so the proposals are included within the drawings for approval as part of this application.

- 6.9. Subject to the recommended conditions, it is considered that the cumulative impact of the proposed alterations and extensions would not cause harm to the character and appearance of the host property and would preserve the special character of the conservation area. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

7. Residential Amenity

- 7.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.

Single storey rear extension

- 7.2. The proposed lower ground floor extension by virtue of its depth, height, set down from garden level as well as the existing extensions and boundary treatment to either adjoining properties is not considered to result in a loss of outlook or light to any neighbouring resident. For those same reasons as well as the orientation of the site, the structure is also not considered to lead to any issues in terms of overshadowing to any neighbouring property. The additional fenestrations at lower ground floor level would not result in any loss of privacy to any neighbouring resident.

Replacement ground floor rear terrace

- 7.3. The proposed enlarged terrace would allow users views over the neighbouring rear gardens of Nos. 1 St Marks as well as 57 Gloucester Avenue; however, it should be noted that this same view is already afforded from the existing terrace. At present, a party wall between nos.31 and 1 St Mark's Crescent screens each adjacent terrace and limits views into each neighbouring premise. As this screen would be retained, it is not considered that the existing relationship between nos. 31 and 1 St Mark's would be exacerbated by the proposed enlargement.
- 7.4. Conversely, by increasing the width of the existing terrace, users would be afforded views towards nos.57-59 Gloucester Avenue which are not currently afforded due to the building line of the property. In order to ensure that the enlarged terrace does not exacerbate overlooking towards these neighbouring properties, a condition is recommended that the terrace shall be screening to a high of 1.8m to this side as well. In order to ensure that the design of this element is fully sympathetic to the overall rear elevation of the property, this condition shall require the submission of full drawings of this element for approval. Subject to this condition it is not considered that the resulting terrace would cause overlooking to neighbouring properties to a greater degree than existing. In fact by the requirement for additional screening, the resulting terrace may lead to nos.57-59 being less overlooked than existing. Due to the siting and depth of this necessary screening, the screening itself would not lead to a loss of outlook or light to any

neighbouring resident to a level of detriment.

- 7.5. As the terrace would remain for the use of a single household, and would not be of an area which would not be sufficient to host large groups, it is not considered that the enlarged terrace would result in any issues of noise and disturbance to any neighbouring resident.

Replacement windows / altered fenestrations

- 7.6. As the proposed replacement windows to the front and rear elevation of the dwelling and annex would be in either similar (in the case of the side wing) or identical position to existing windows, these replacements would not lead to any issues in terms of privacy, outlook or light.
- 7.7. The proposed replacement side windows at lower ground and second floor level would replace existing windows in this location, however as there are habitable room windows on the opposing flank elevation of no.57 at second floor level and the existing windows are high level, a condition is recommended that these windows are fitted with obscure glazing in order to ensure that no overlooking results from the development.

Construction impacts

- 7.8. Once constructed, the proposed basement extension would not cause any loss of outlook, privacy or natural light to any adjoining occupier. Due to the location, size and orientation of the proposed lightwell glazing, the basement would similarly not result in any detrimental levels of light spill towards neighbouring properties that might cause harm. As such, it is accepted that *once constructed*, the proposed development would not cause harm to neighbouring amenity.
- 7.9. Notwithstanding the above, due to the constrained site access and proximity to other residential dwellings concern is raised with regard to the subsequent impacts and disturbances caused to local residents during the construction phase of development if not properly managed. In accordance with policy A1, where development sites are accessed via narrow residential streets; or have the potential to cause significant disturbance due to their location or the anticipated length of excavation or construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP).
- 7.10. There exists concerns relating to the implementation of works and the subsequent disruption caused. These concerns include the potential impacts upon less physically-able or elderly residents within the vicinity as well as disruption caused by any heavy goods vehicles (HGVs) which might need to service the site. These concerns mean that without adequate mitigation, if the development were to commence without clear, structured management plan in place then harmful impacts could ensue during the construction phase.
- 7.11. In light of the above, this instance a CMP is required in order to identify the potential impacts of the excavation and construction phase and state how the potential negative impacts will be mitigated against. The CMP will manage on-site impacts arising from demolition and construction but also will establish control over construction traffic and how this integrates with other construction traffic in the area having regard to the cumulative effect. . This obligation, and the requirements therein to maintain open communication with neighbours during the build process, will ensure that no persons of a particular protected group are disadvantaged to a greater degree than any person outside of that group.
- 7.12. The securing of a full CMP via a legal agreement is therefore essential to the overall acceptability of the scheme. A requirement of the submission of a CMP is for the applicant to enter into discussions and consultation with local residents and stakeholders in order to refine the

proposed sequencing, timing and hour of works to avoid undue disturbances. This is especially the case where neighbouring occupiers are elderly and likely to be distressed by lengthy hours of construction or inconsiderate practises. It is noted that the site offers the opportunity to utilise the canal for the movement of goods. This method of servicing the site would result in a much lower impact from construction than if the site was serviced only by HGVs and this approach is supported as will be further discussed in the following section.

- 7.13. Subject to the aforementioned conditions and securing of a CMP, the proposed development is not considered to lead to a significant adverse impact upon the amenities of any neighbouring residents. The development is thus considered to be in accordance with planning policies A1 and A4 of the Camden Local Plan. In assessing the application, attention has been paid to the Public Sector Equalities Duty, with particular reference to impacts upon individuals from protected groups including age and disability.

8. Transport / Planning Obligations

- 8.1. As noted in the previous section, the implementation of the proposed basement extension could have the potential to cause disruption unless carefully managed and as such a CMP would need to be secured via legal agreement were the Council mindful to support the scheme. As well as managing on-site impacts, any CMP would also seek to establish control over construction traffic and how this integrates with other construction traffic in the area having regard to its cumulative effect. London Plan Policy 7.26 B (d) requires development proposals “close to navigable waterways should maximise water transport for bulk materials, particularly during demolition and construction phases”. Policy T4 seeks to further encourage the movement of materials by canal where possible.
- 8.2. The spoil excavated from the proposed basement could be removed and transported to a waste facility by barge to avoid additional road traffic, and the site’s location adjacent the offside (non-towpath side) would avoid disruption of towpath users. The use of the adjacent waterway for transportation would be encouraged by the Council as well as the Mayor. While the tranquil setting of the canal and its subsequent amenity value is acknowledged, any barge moored to remove of spoil would be temporary. It is also noted that this was the original intention for use of the Regent’s Canal waterway. The Council may not comment on private mooring rights, however, it is expected that full details of the number, size and frequency of barges as well as their mooring positions would need to be agreed within the CMP following consultations with adjoining owners. The legal agreement will also secure the relevant monitoring fee to ensure that the Council is able to effectively manage the preparation and monitoring of this plan.
- 8.3. Where the implementation of development has the potential to cause damage to the adjacent public highway or footway, the Council may seek to secure a Highways contribution in case of damage. Although it is expected that the level of construction traffic could be reduced by utilising the canal, the construction will inevitably require some level of vehicular servicing. Due to the difficult site access, this is considered the case. In order to compensate against any potential damage caused to the public highway or footway during construction, a refundable highways and street works contribution will be required as part of a Section 106 Legal Agreement. The highways contribution could be refunded provided that, as a result of the works, the adjacent highway is undamaged.
- 8.4. The proposed development would not result in any increase to the number of residential units within the property and as such there would be no requirement for the provision of additional cycle parking. The proposed works would not result in the creation of any additional vehicular parking spaces and as such no objection is raised in this regard. As the development does not include any changes of use or creation of residential units, car free development is not sought in this

instance.

9. Recommendation

9.1. Grant conditional Planning Permission subject to section 106 legal agreement.

10. Legal agreement heads of term

10.1. Planning permission is recommended subject to the securing of the following heads of terms via a section 106 legal agreement:

- Construction management plan (plus monitoring fee)
- Highways contribution in case of damage

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th 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'.

Farrell Design Studio
The Design Studio
35a Barleycroft Road
Welwyn Garden City
AL8 6JX

Application Ref: **2018/4547/P**

20 June 2019

Dear Sir/Madam

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:

**31 St Mark's Crescent
London
NW1 7TT**

Proposal: Single storey rear extension and excavation of basement to dwelling including no.1 rear lightwell. Installation of rooflights and replacement to windows to main house, relandscaping to rear garden (amalgamation/minor variation to works approved under applications 2016/7071/P, 2017/1534/P, 2017/2684/P & 2018/5835/P)

Drawing Nos: IND-1114-LP01 Rev. B, IND-1114-E10 Rev. C; (Prefix: IND-1131-) E20 Rev. A, E21 Rev. A, E22 Rev. A, E23 Rev. A, E24 Rev. A, E30 Rev. A, E31 Rev. A, E32 Rev. A; IND-1114-E40; (Prefix: IND-1114-) P10 Rev. C, P19 Rev. H, P20 Rev. A, P21 Rev. A, P22 Rev. A, P23 Rev. A, P24 Rev. A, P30 Rev. A, P31 Rev. A, P32 Rev. A, P40 Rev. C

Supporting documents: Basement Impact Assessment Addendum report produced by Chelmer Services (ref. ADDBIA/8084A March 2019); Basement Impact Assessment produced by Chelmer Services with appendices (ref. BIA/8084A rev1 July 2017), Basement Impact (Structural) Assessment produced by Croft Engineers with appendices (ref. 161202 version 2 July 2017), Utilities Search produced by Chelmer Services with appendices (ref. UTS/9336), Draft construction management plan.

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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: IND-1114-LP01 Rev. B, IND-1114-E10 Rev. C; (Prefix: IND-1131-) E20 Rev. A, E21 Rev. A, E22 Rev. A, E23 Rev. A, E24 Rev. A, E30 Rev. A, E31 Rev. A, E32 Rev. A; IND-1114-E40; (Prefix: IND-1114-) P10 Rev. C, P19 Rev. H, P20 Rev. A, P21 Rev. A, P22 Rev. A, P23 Rev. A, P24 Rev. A, P30 Rev. A, P31 Rev. A, P32 Rev. A, P40 Rev. C

Supporting documents: Basement Impact Assessment Addendum report produced by Chelmer Services (ref. ADDBIA/8084A March 2019); Basement Impact Assessment produced by Chelmer Services with appendices (ref. BIA/8084A rev1 July 2017), Basement Impact (Structural) Assessment produced by Croft Engineers with appendices (ref. 161202 version 2 July 2017), Utilities Search produced by Chelmer Services with appendices (ref. UTS/9336), Draft construction management plan.

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

- 4 The development hereby approved shall be overseen by a suitably qualified chartered engineer with membership of the appropriate professional body 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 in line with the details approved under application 2018/2645/P granted on the 13/07/2018.

Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works. Such resubmitted details must include details of the appointment and the appointee's responsibilities.

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, D2, CC2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 Any necessary repair works to the canal wall shall be carried out in strict accordance with the survey and schedule of works consented under approval of details application 2018/2645/P granted on the 13/07/2018 unless otherwise submitted to and approved in writing by the Local Planning Authority. Any such resubmitted details shall include a survey of the Regent's Canal wall, full details of any proposed repairs to the canal wall that may be required and confirmation that the details have been prepared in consultation with the Canal & Rivers Trust or the relevant statutory undertaker.

Reason: To safeguard the appearance, safety and structural integrity of neighbouring canal / waterway and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 6 Prior to first use, the glazing to the second floor side windows facing towards no.57 Gloucester Avenue shall be obscure glazed. The obscure glazing shall be permanently retained thereafter.

Reason: In order to prevent overlooking of the neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017

- 7 Prior to commencement of the rear extension, 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 elevations and sections at 1:10 of the replacement balustrading to the ground floor rear terrace;
- b. Details including elevations and section drawings, and manufacturer's specification details, of facing materials for the ground floor rear terrace privacy screen (with a height of 1.8m from the level of the terrace floor). Samples of the facing materials shall be provided on site.

The use of the rear ground floor terrace shall not commence until the privacy screen as approved has been installed along the Eastern side return. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises at nos.57-61 Gloucester Avenue in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017

- 8 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 elevations and sections at 1:10 of all replacement double glazed sash windows (including jambs, head and cill);

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 and D2 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement of above ground works, full details in respect of the living roof in the area indicated on the approved roof plan (IND-1114-P10 Rev. C) shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2, A3 and A5 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 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.
- 5 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 6 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.

- 7 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.

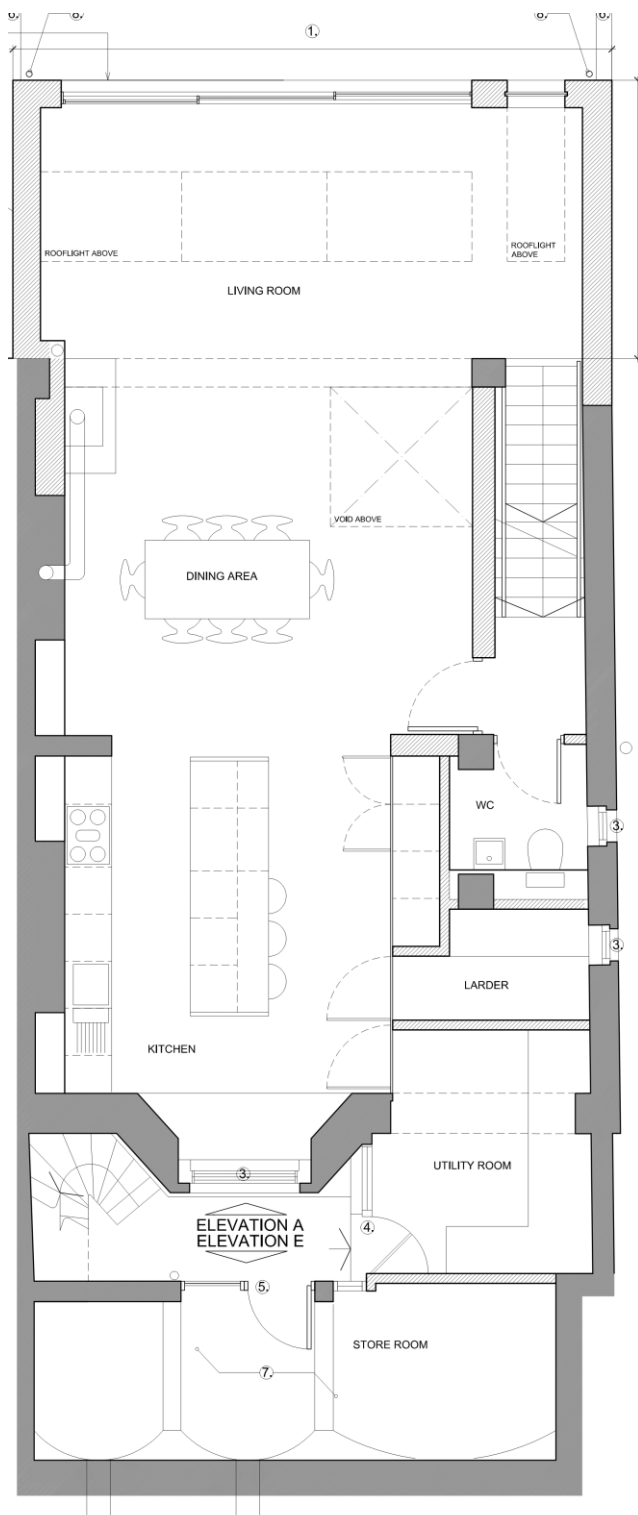
- 8 The applicant/developer is advised that any encroachment into, or access over the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Jonathan Young (jonathan.young@canalrivertrust.org.uk) regarding any required access agreement.
- 9 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>)
- 10 Thames Water requests that the Applicant should incorporate protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. They would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 11 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.

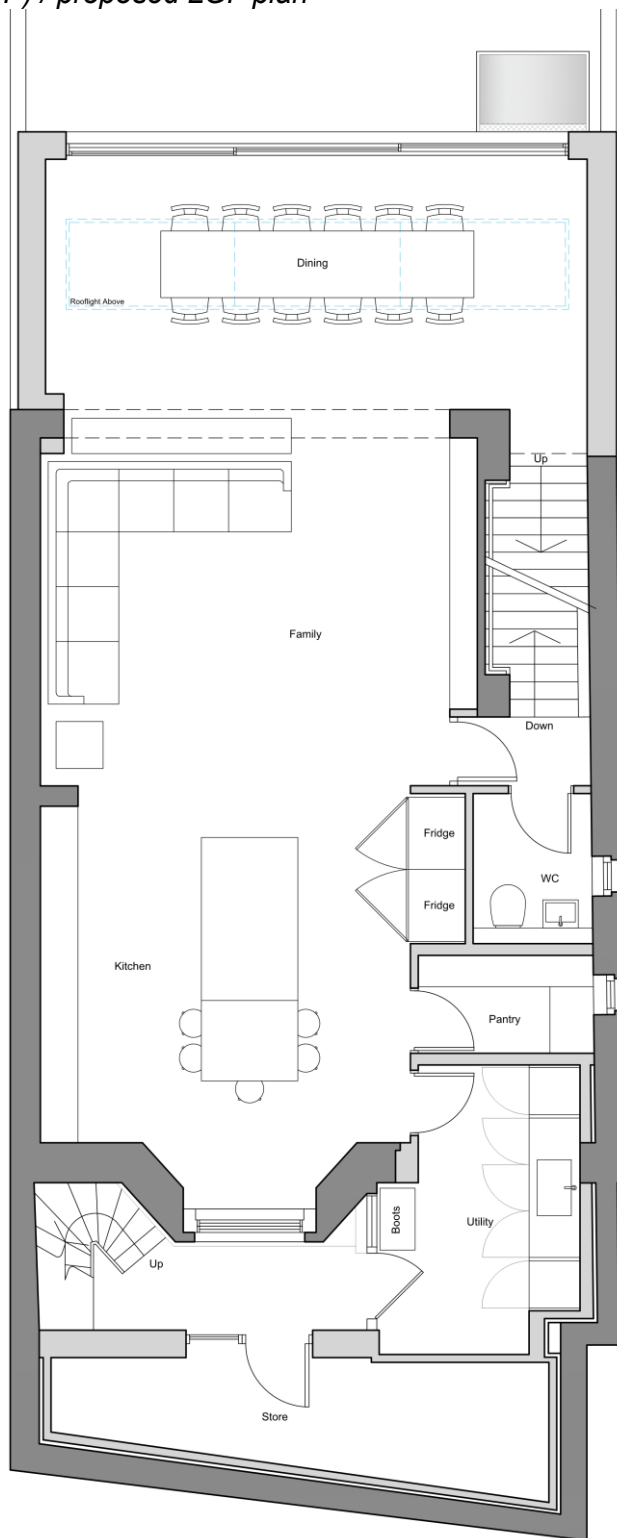
Yours faithfully

Supporting Communities Directorate

(2) Approved lower ground floor plan (2016/7071/P) / proposed LGF plan

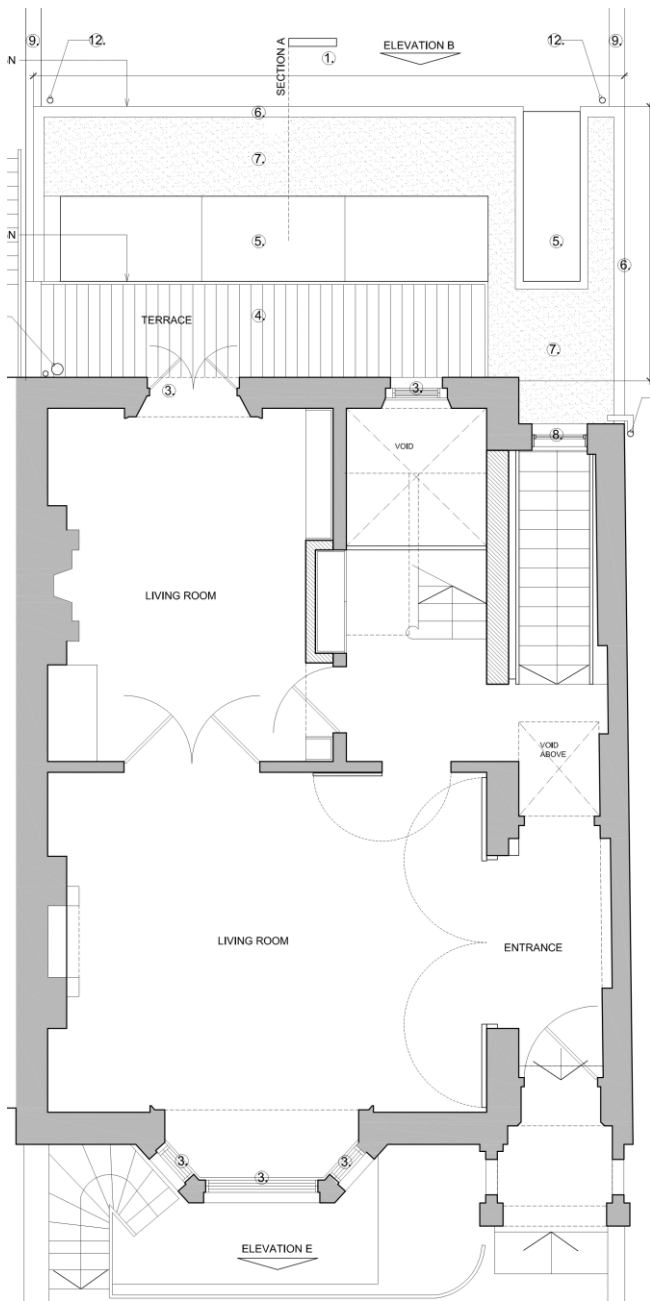


(Approved)

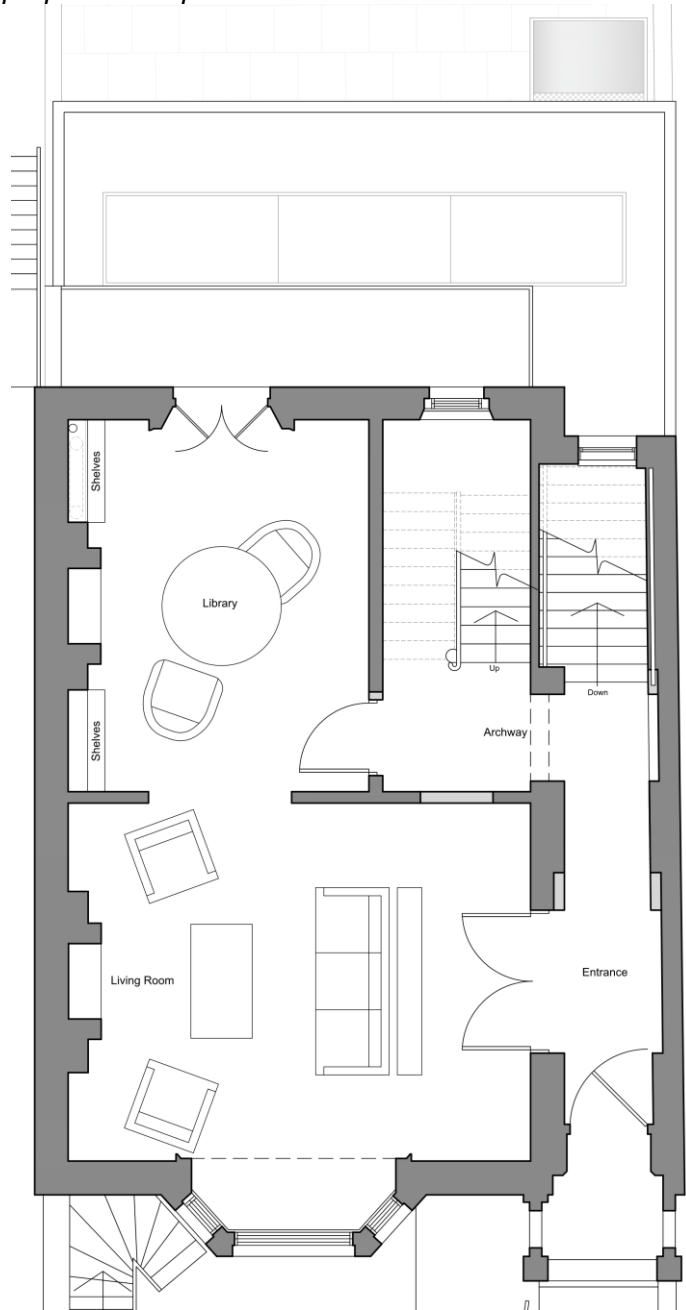


(Proposed)

(3) Approved ground floor plan (2016/7071/P) / proposed GF plan

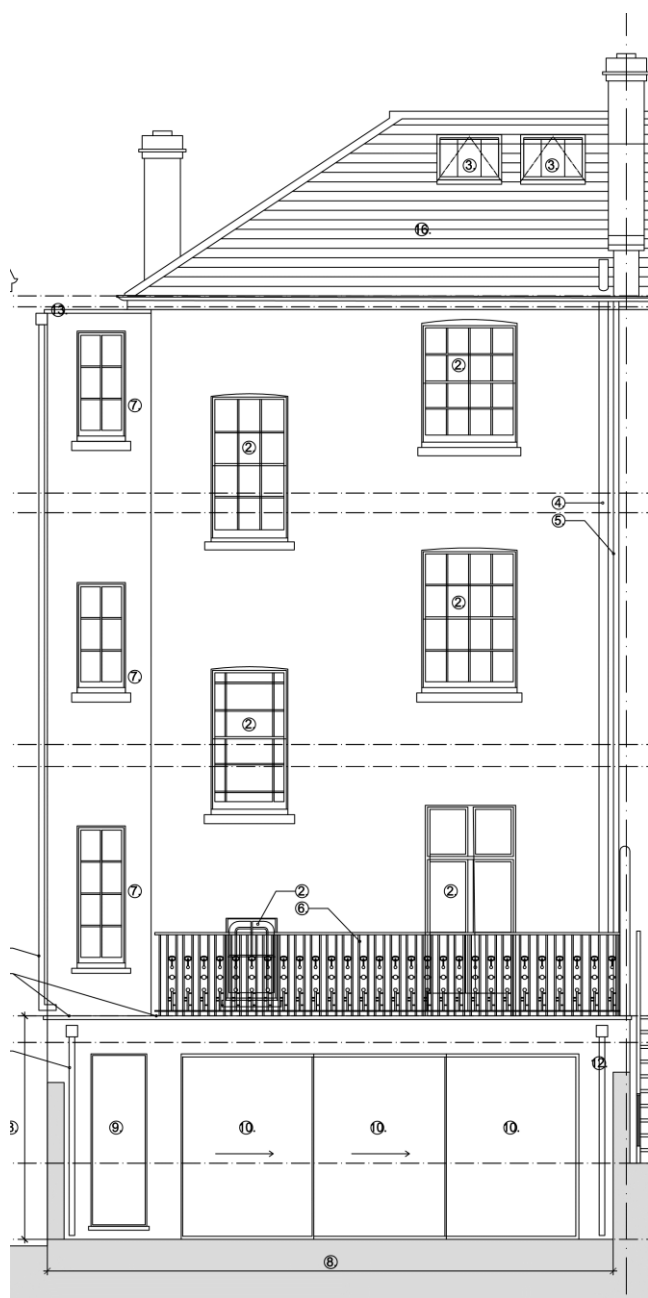


(Approved)



(Proposed)

(4) Approved rear elevations



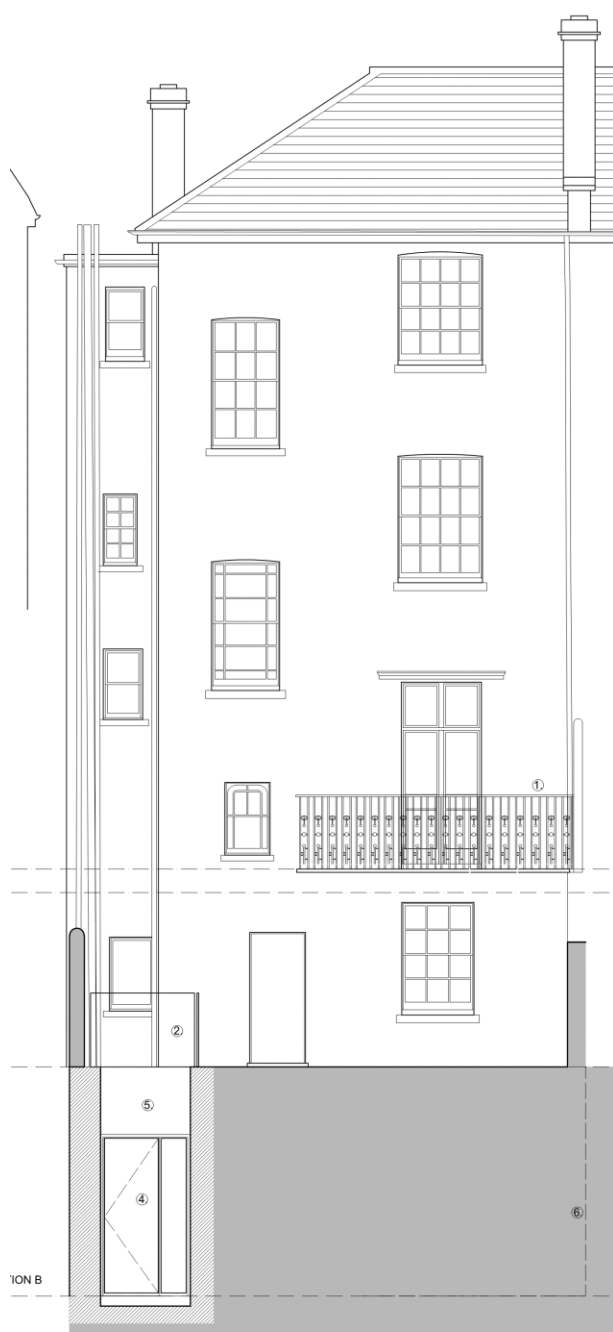
(2016/7071/P / 2018/5835/P)
(Householder / NMA)



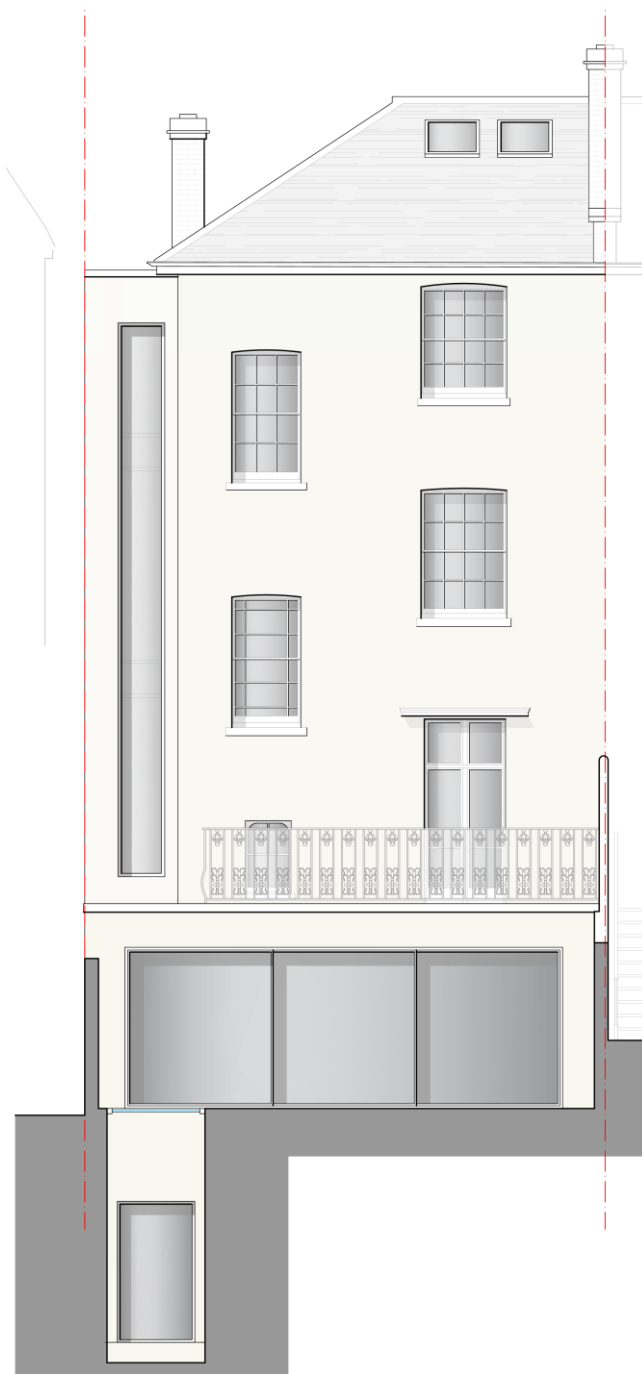
AR ELEVATION

(2017/2684/P)
(Certificate of lawful development)

(5) Approved / proposed rear elevations

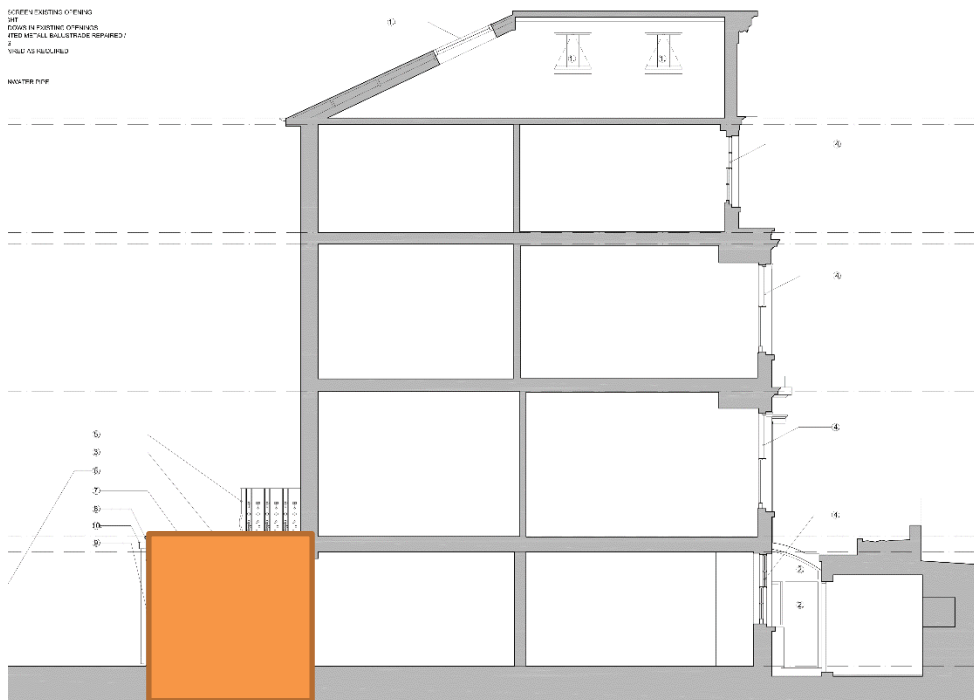


*(2017/1534/P)
(Householder)*

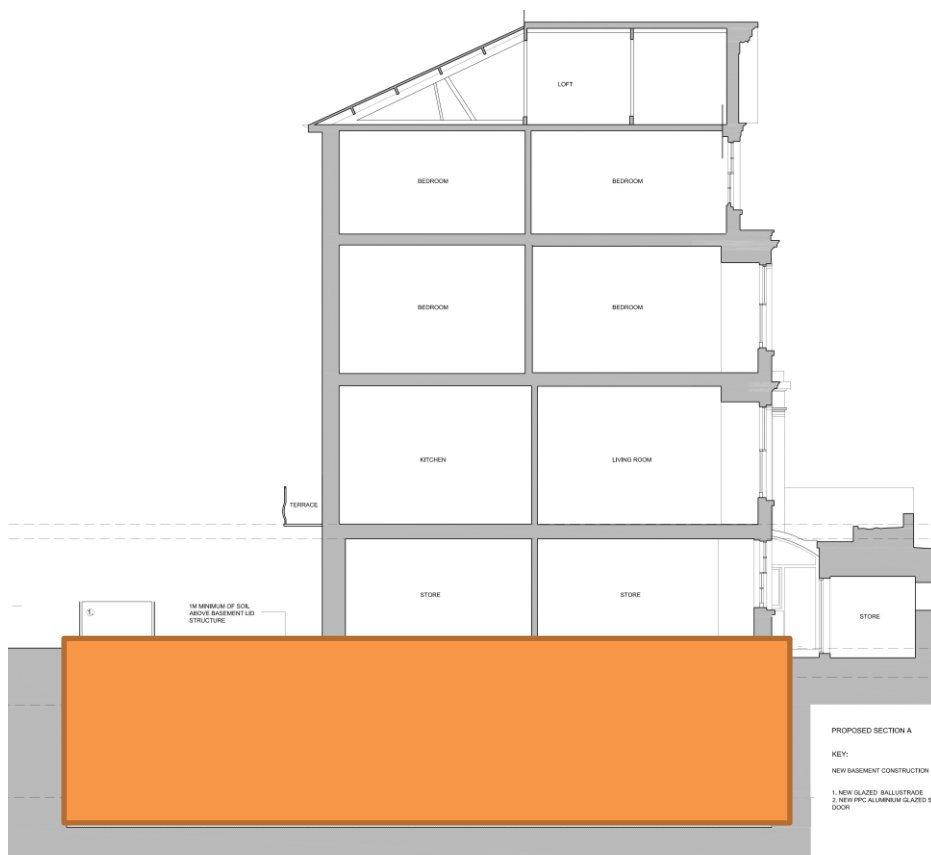


*(Proposed)
(all consented changes shown)*

(6) Approved site sections (extensions highlighted)



Rear extension
(2016/7071/P / 2018/5835/P)



Basement (2017/1534/P)

(7) Proposed site section (extensions highlighted)

