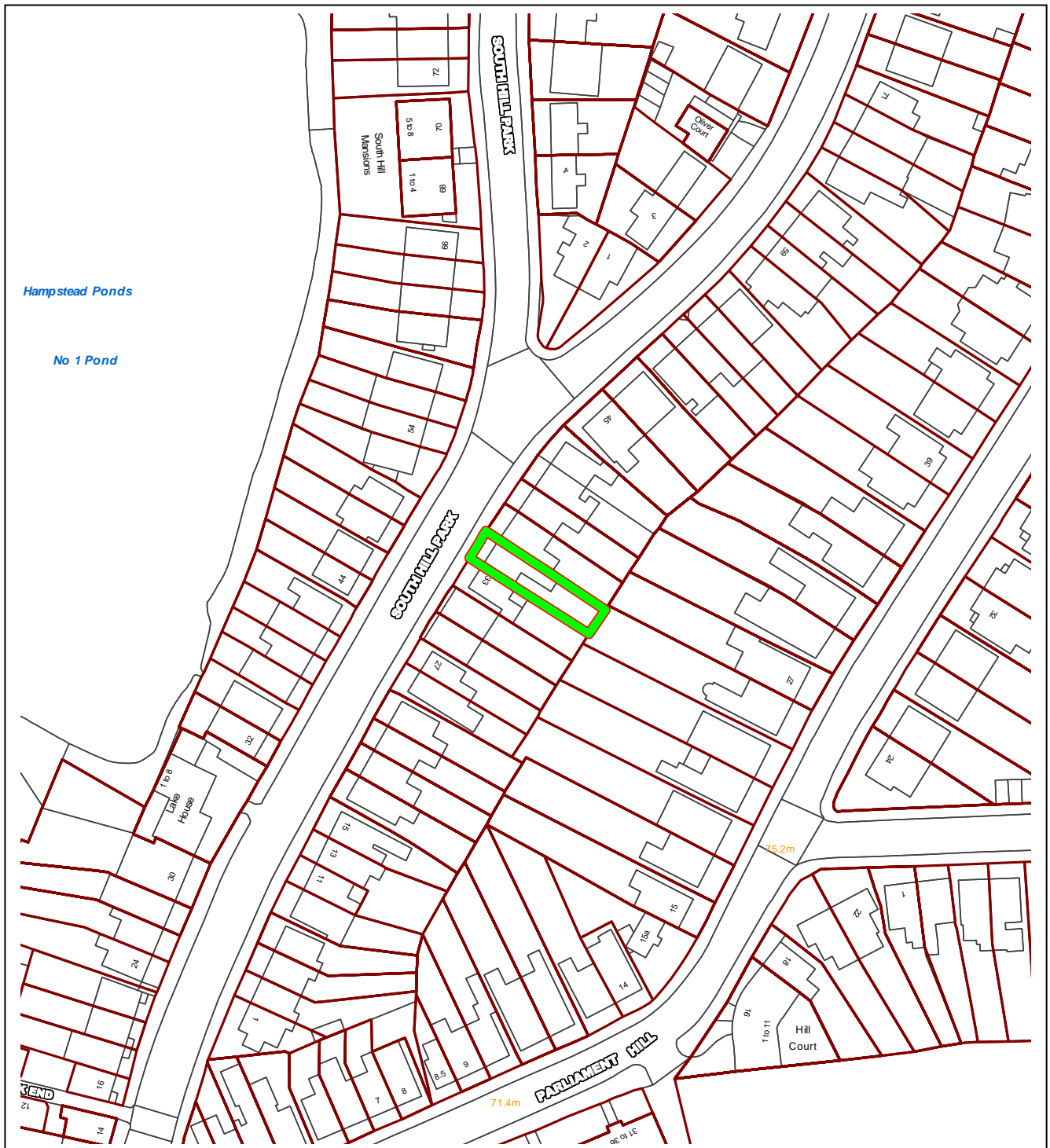


35 South Hill Park NW3 2018/5806/P





1. Rear of no.35



2. Rears of nos 33 and 35



3. Existing rear wing and demolished conservatory



4. rear boundary with no 37

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	27/02/2019
		N/A / attached	Consultation Expiry Date:	17/02/2019
Officer			Application Number(s)	
Charles Thuaire			2018/5806/P	
Application Address			Drawing Numbers	
35 South Hill Park London NW3 2ST			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 3 (development in accordance with approved plans) of planning permission ref 2014/1938/P dated 12/08/2015 (for Excavation to create new basement level under existing house and part of rear garden and erection of part two, part three storey rear extension to replace existing extension to be demolished; replacement of front and rear dormers; formation of front lightwell with cycle storage; new front boundary treatment; associated works), namely to change design and form of the rear extension elements at basement, ground and first floors.				
Recommendation(s):		Grant planning permission subject to Deed of Variation of S106		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	06
Summary of consultation responses:	<p>Press advert published 24/01/2019 to 17/02/2019 Site notice displayed 21/01/2019 to 14/02/2019</p> <p><u>1 objection from 15 Nassington Road-</u> Out of character with other extensions, larger than others and thus sets a precedent; harmful to character of CA; <i>Officer comment- See design section 2 below.</i></p> <p>Light pollution from glass roof. <i>See amenity section 3 below.</i></p> <p><u>5 objections from residents at 37 South Hill Park-</u> Increased scale of development, increased impact on neighbouring property; Higher conservatory roof is more obtrusive and will cause light pollution into rear bedrooms and increased glare, prefer approved green roof which was less obtrusive; <i>See amenity section 3 below.</i></p> <p>New glass roof is alien to character of area and host house, should be slate roof instead; previous glass conservatory was less conspicuous and smaller; Landscape alterations remove planter alongside garden fence which should be retained; one shown on new plan has inadequate size; Front railings on garden boundary inappropriate to conservation area; <i>See design section 2 below.</i></p> <p>Consultation is a sham as Camden takes no notice of residents' concerns; <i>Consultation responses have been taken account of in the assessment of this case.</i></p> <p>Description of development wrong, no mention of additional basement floor or 2nd floor; existing plans incorrect; <i>Description as advertised was correct and referred to the changes to the 3 levels at rear; there are no additional basement floors.</i></p> <p>Costs involved in protecting stability of neighbour property; <i>Not a relevant planning consideration</i></p> <p>Certificate B should have been signed as it involves works to party wall; neighbours not notified; <i>Certificate A was signed in same way as the original application – Cert B is not required for party wall matters; applicant met neighbours in Nov 2018 before submitting application.</i></p> <p>Works underway do not comply with condition 3 of pp 12.8.15; unauthorised works shown in the drawings submitted for S106 approval in April 2018; rear extension was altered from three to four storeys and a glazed roof was shown at rear. <i>The approved basement envelope has been built in accordance with the</i></p>					

	<i>approval; rear extension as approved was 3 storeys and as proposed will be 2 and half storeys.</i>
CAAC/Local groups* comments: *Please Specify	<u>Hampstead Neighbourhood Forum</u> – no response <u>South Hill Park CAAC</u> - no response

Site Description

1. The site is a three storey plus attic single family dwellinghouse on the eastern side of South Hill Park. The property forms a semi-detached pair with No. 33. The property is considered to make a positive contribution to the South Hill Park Conservation Area.
2. The property has a rear 2 storey closet wing extension which occupies about half of the width of the property. The ground level of the house is above the street level to the front but at rear is located below the main level of the garden which slopes upwards and abuts the rear first floor level. There is a small courtyard adjacent to the ground floor extension with an external stair leading to the rear garden. The first floor has a roof terrace above and an additional conservatory extension with sloping roof projecting behind.
3. Works are underway to implement the previous planning permission for alterations and extensions (see history below).

Relevant History

July 1990- ref: 9005305- planning permission granted for- Change of use and conversion of single family dwelling to one self-contained flat on ground floor and one self-contained flat on first second and third floors.

December 1994- ref: 9401671- planning permission granted for- Change of use from a self-contained flat and a self-contained maisonette to a single dwellinghouse.

12.8.15- ref 2014/1938/P- planning permission granted subject to S106 for- Excavation to create new basement level under existing house and part of rear garden and erection of part two, part three storey rear extension to replace existing extension to be demolished; replacement of front and rear dormers; formation of front lightwell with cycle storage; new front boundary treatment; associated works.

2.6.16- ref 2016/2432/P- Certificate of Lawfulness (Proposed) granted for rooflights at front, side and rear. Now implemented.

19.7.18- ref 2018/2966/P- Approval of Details of tree protection plan, as required by condition 7 of 2014/1938/P

No.33-

18.9.15- ref 2014/1943/P- planning permission granted subject to S106 for- Excavation to create new basement level under footprint of existing house, rear extension and closet wing; formation of front lightwell with cycle storage; new front boundary treatment; associated works.

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development
A5 Basements and Lightwells
D1 Design

Camden Planning Guidance

CPG Design 2019

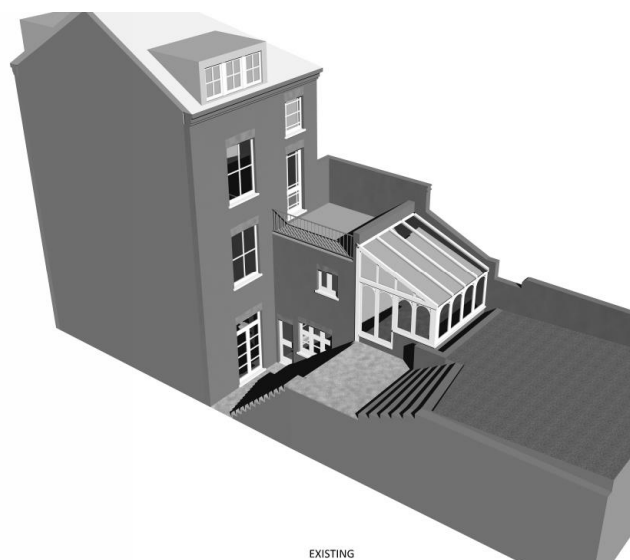
CPG Amenity 2018

Assessment

1. Proposal

1.1 The proposal is to vary the rear elements of the approved scheme to reduce the scale and complexity of development, simplify level changes, improve lighting to the new accommodation, reduce the impact on neighbours and reduce the overall costs. The approved basement excavation envelope is retained but the floors within and above are remodelled so that the scheme now reflects more the existing situation of the house. The works to the basement have already started and are now complete, awaiting to be continued onto upper floors following a decision on this varied scheme.

1.2 The new approved basement floor under the main house will be retained but with a small rear lightwell added in the place of the approved floor above. The approved basement envelope of the rear extension is retained but the floors within this are amended to match the main house ones. Thus the approved lower ground floor now becomes a non-habitable undercroft storage area; the floor above is lowered to be level with the house's ground floor and a sunken patio lightwell reinstated in line with the existing one here, in place of part of the approved room; at 1st floor, the rear extension is remodelled to retain this lightwell on one side adjoining no.33 and to retain the form of the existing wing adjoining no.37 with its sloped roof conservatory, instead of the approved rear wing with lower projecting green roofed extension. Essentially the new varied scheme now resembles more of the existing situation with a sunken patio lightwell and a 2 storey rear wing with single storey conservatory addition. See below for existing and proposed views of the rear.



EXISTING



PROPOSED



EXISTING

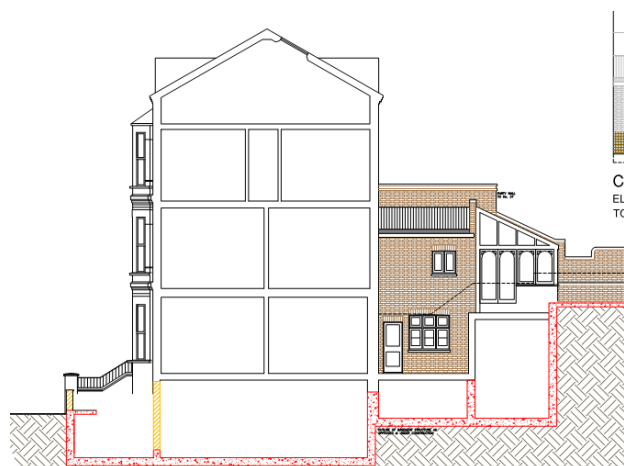


PROPOSED

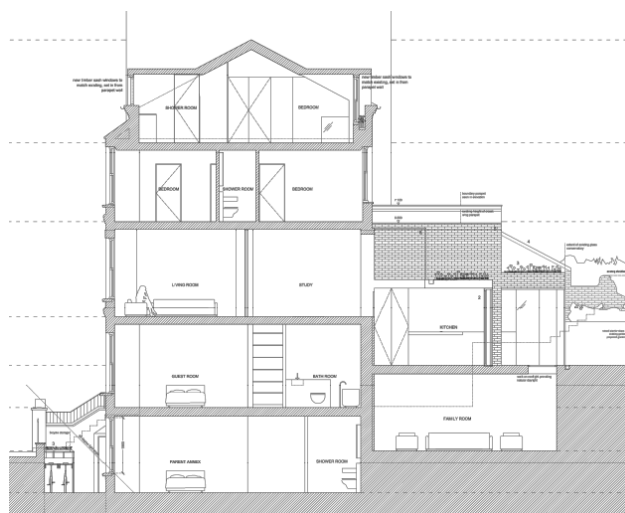


APPROVED

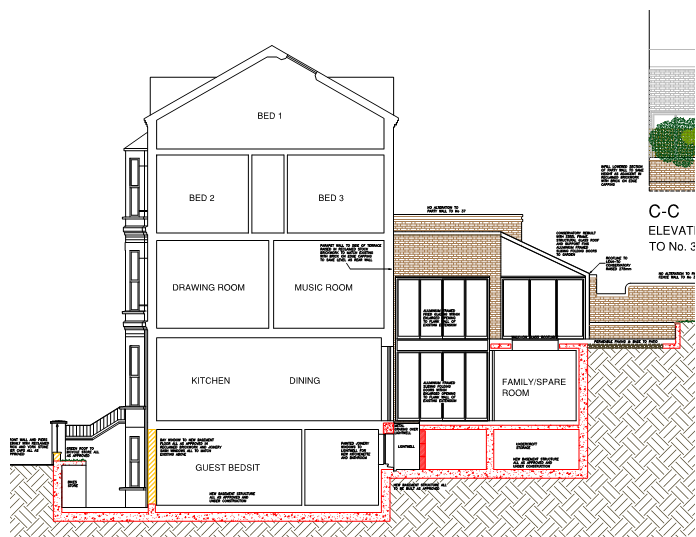
Rear elevations



EXISTING



APPROVED



PROPOSED

Sections

1.3 No changes are proposed at the front except some minor adjustments to the height and design of the approved boundary treatment of gate piers, walls and railings.

2. Design

2.1 The remodelling of the approved rear extensions is acceptable as its external envelope and bulk reflects the existing arrangement. The 2 storey wing is very similar to the existing one in size and location; a solid brick wall will be installed on the roof terrace facing no 33 instead of the existing railings to reduce its perceived amenity impacts; the side glazing is altered to reflect the design and size of that on the main house. The conservatory will replace the existing one with a more contemporary glazing pattern and aluminium materials; it will be very slightly higher than the party wall parapet which will not be raised itself. The garden level patio with walk-on rooflight next to this conservatory is the same as that previously approved.

2.2 The reduction in built envelope and visible bulk is welcomed and an improvement over the approved scheme, both in terms of townscape impact and quality of internal accommodation. It should be emphasised that there is no change to the extent or location of the approved basement excavation. The remodelled 2 storey wing is subordinate to the main house and appropriately designed. The replacement conservatory is a lightweight addition which will be less bulky than the previously approved solid roofed extension. The increase in height is minimal and will have little discernible impact. Its metal framing is acceptable as a modern addition at the rear. Similarly the new and replacement large windows/doors at rear are acceptable, given the approved context. The rear garden lawn will be slightly lowered adjoining the conservatory but not to the extent of the approved scheme which involved significant changes in level. No objections are raised to the front garden boundary changes which are minimal.

2.4 Overall the amendments will not harm the character and appearance of the property and conservation area.

2.5 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

3. Amenity

3.1 The changes do not result in any loss of light, outlook or privacy to neighbours on either side. Views from the enlarged side glazing to no.33 will be prevented as before by proposed wall and trellis above the existing party wall. The new conservatory, although slightly larger than the existing one, will not result in any additional glare or light pollution, especially given the partial screening by party walls and given its setback position relative to the neighbouring windows on both sides at nos 33 and 37 as well as distance from properties to the rear.

4. Recommendation

4.1 Grant planning permission subject to Deed of Variation to approved S106 ref 2014/1938/P and subject to same conditions as before where relevant.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 1st July 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'.

Stephen Brandes Architects
5 Spedan Close
London
NW3 7XF

Application Ref: **2018/5806/P**

26 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:
**35 South Hill Park
London
NW3 2ST**

Proposal:

Variation of condition 3 (development in accordance with approved plans) of planning permission ref 2014/1938/P dated 12/08/2015 (for Excavation to create new basement level under existing house and part of rear garden and erection of part two, part three storey rear extension to replace existing extension to be demolished; replacement of front and rear dormers; formation of front lightwell with cycle storage; new front boundary treatment; associated works), namely to change design and form of the rear extension elements at basement, ground and first floors.

Drawing Nos: Planning Design and Access Statement by Stephen Brandes architects dated November 2018; Arboricultural Method Statement dated 21.6.18 by Martin Dobson; 570/ LOC, T01, 301, 303, 305, 306, 311, 313, 315, 316; 570/ SK-091118, SK-101118, SK-121118, SK-100319; 570/COMP/ 011-1, 011-2, 011-3, 013-1A, 013-2, 014-1, 014-2, 014-3, 015-1, 015-2, 015-3

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 the original planning permission ref 2014/1938/P dated 12/08/2015.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans- Planning Design and Access Statement by Stephen Brandes architects dated November 2018; Arboricultural Method Statement dated 21.6.18 by Martin Dobson; 570/ LOC, T01, 301, 303, 305, 306, 311, 313, 315, 316; 570/ SK-091118, SK-101118, SK-121118, SK-100319; 570/COMP/ 011-1, 011-2, 011-3, 013-1A, 013-2, 014-1, 014-2, 014-3, 015-1, 015-2, 015-3

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

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

- 4 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 The cycle facility as shown on the approved drawings shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 6 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the tree protection details approved on 19.7.18 ref 2018/2966/P.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The basement accommodation hereby approved shall not be used as an independent or separate Class C3 dwelling.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of the risk of flooding, in accordance with policies A1, A5 and CC3 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 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.
- 3 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.

- 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 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.

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

DRAFT

Supporting Communities Directorate

DECISION