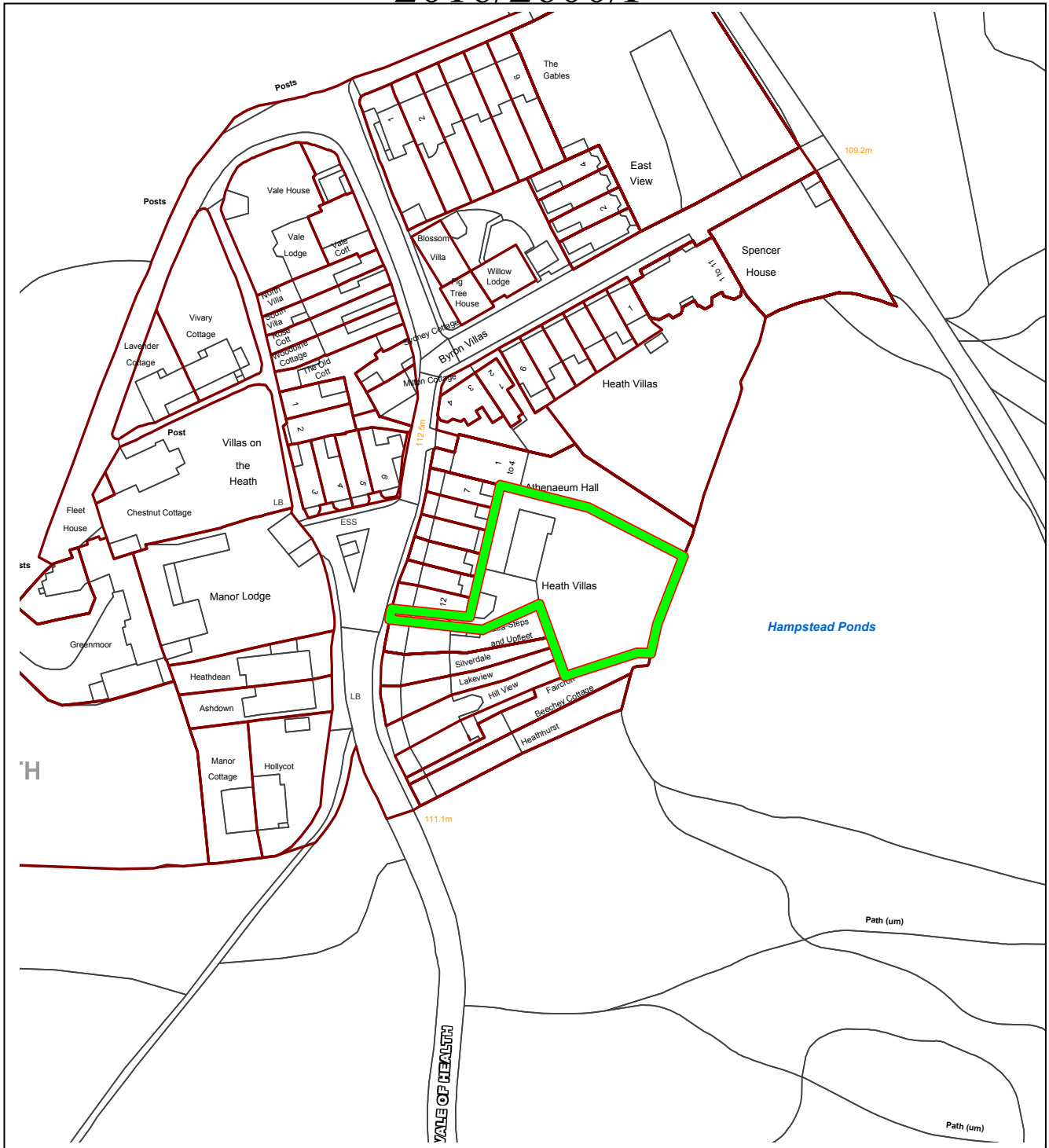


# Garden House, Vale of Health NW3 2016/2600/P



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Existing and proposed house from garden



Existing and proposed house from across pond



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>05/08/2016</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	8.7.16
<b>Officer</b>			<b>Application Number(s)</b>	
Charles Thuaire			2016/2600/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
The Garden House Vale of Health London NW3 1AN			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding on outhouse.				
<b>Recommendation(s):</b>	<b>Grant permission subject to S106</b>			
<b>Application Type:</b>	<b>Householder Application</b>			

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>33</b>	No. of responses	<b>05</b>	No. of objections	<b>05</b>
Summary of consultation responses:	<p>Objections from 11 and 12 (x2) Heath Villas, Lea Steps and Upfleet-</p> <p>Many concerns raised earlier have never been addressed adequately. Given the complexity of the earlier applications and some of them being permitted development, it is not clear that the basement issues were properly dealt with in the earlier applications and appeals. The BIA dated 2012 has not been updated for this scheme, given earlier criticisms by Arup report commissioned by neighbours. Basement will damage adjoining properties and boundary wall with renewed subsidence.</p> <p><i>(Officer comment- note that no new basement is proposed as part of this application and only the front raised embankment is removed; the basement extensions deemed lawful by other Certificates are not part of this application. See paras 1.2, 1.4, 2.2, 2.4)</i></p> <p>The difficulties of construction access remain and have not been addressed <i>(Officer comment- see paras 2.3, 2.4).</i></p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p><u>Vale of Health Society</u> object- previous objections to earlier application still stand here. 2 further matters raised-</p> <p>There has been a recent development which we believe suggests that the problem of subterranean groundwater flow has been underestimated- proposed works to the foundations of Hillview nearby revealed a substantial flow of subterranean water and its impact is currently being examined. We believe that there should be a further addendum report in the light of this discovery. The construction management plan details the massive problems and disruption which will be caused in carrying out the works- this will be compounded if the piling works required are far more extensive than envisaged in the addendum report.</p> <p><i>(Officer comment- note that no new basement is proposed as part of this application and only the front raised embankment is removed; the basement extensions deemed lawful by other Certificates are not part of this application. See paras 1.2, 1.4, 2.2, 2.3, 2.4)</i></p> <p>The basement extension is now covered by permitted development rules. We refer to Camden's Article 4 directive which will come into force on 1.6.17. It seems to us this particular basement excavation is just the sort of excavation which should require full planning permission so that its impact can be properly assessed.</p> <p><i>(Officer comment- noted. The applicant intends to start works by October 2016. See para 1.1)</i></p>					



## Site Description

1.1 Part 1 part 2 storey detached dwellinghouse within Vale of Health, set back behind the terraced houses facing the street and accessed via a narrow archway; it is sited within a large garden bordering the Hampstead Ponds. The building is unusual in that it has its front door on the west elevation facing the rear boundary wall and the main habitable room windows facing the garden and pond on the east elevation; the gabled south side elevation is the facade that faces one entering the site from the archway passage. The west, east and north sides partly have a raised terrace embankment at 1<sup>st</sup> floor level. Thus the house has a small ground floor (with 2 bedrooms) on the south side (ie. facing the passage), and a 1<sup>st</sup> floor (with 2 bedrooms, living rooms, kitchen etc.) across the whole house between north and south side elevations.

1.2 Located in Hampstead conservation area and not listed. Adjoins the Heath. Located on Metropolitan Open Land (MOL) and Private Open Space (POS).

1.3 The house enjoys permitted development rights, although an Article 4 Direction now restricts certain operations within the GPDO, notably Class A relevant to this application. A forthcoming additional Article 4 Direction, due to come in force in June 2017, will also restrict the creation of basements under Class A.

1.4 A Certificate of Lawfulness for an Existing Development of 2 basement extensions that had been started on site was granted in 2010 (see history). No works have started yet in respect of the proposed extensions subject of the later Certificates of Lawfulness for a Proposed Development.

## Relevant History

1951- Planning permission granted for the erection of a 2-storey dwellinghouse on the site that was formerly known as 'The Old Cottage Garden'.

23.1.06- planning permission and conservation area consent granted for Demolition of the existing part 1, part 2-storey dwellinghouse with associated terraces and brick shed, and erection of a part 2, part 3-storey dwellinghouse with associated landscaping (2005/1297/P / 2005/1299/C).

3.4.07- above decision quashed by High Court (*R. (on application of Heath and Hampstead Society) v. Messrs Alex and Thalios Vlachos and Camden LBC*)

19.3.08- appeal against above dismissed by Court of Appeal

28.10.09- pp/cac refused for Erection of two storey dwellinghouse following the demolition of two storey existing dwelling house, plus associated landscaping. (2008/5684/P / 2008/5685/C). Appeal lodged against above refusal, since withdrawn.

17.11.10- Certificate of Lawfulness for Existing Development granted- Excavation to provide additional accommodation for dwellinghouse by extension of ground floor under footprint of house and creation of new basement storey (2010/3118/P)

25.11.11- Certificate of Lawfulness for Proposed Development granted- Erection of 2 separate single storey rear extensions at ground and first floor levels (Areas A and C respectively) to dwellinghouse (2011/3054/P).

**2.1.13- pp refused for** Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; creation of front lightwell; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding to outhouse (2011/6005/P).

**30.10.13- appeal against above allowed** (note that at the appeal, the scheme was revised to omit the front lightwell).

31.03.14- Erection of 2 separate single storey rear extensions at ground and first floor levels (Areas A and B respectively) to dwellinghouse (Class C3). (2014/1059/P). This application is essentially a revision of the previous Certificate of Lawfulness for 2 proposed rear extensions granted on 25.11.11 (see above ref 2011/3054/P). It proposed 2 larger extensions in terms of their height and depth as the maximum permissible under the GPDO.

### **Relevant policies**

#### **LDF Core Strategy and Development Policies**

- CS5 - Managing the impact of growth and development
- CS14 - Promoting high quality places and conserving our heritage
- CS15 - Protecting and improving open spaces & biodiversity
- CS19 - Delivering and monitoring the Core Strategy
  
- DP20 – Movement of goods and materials
- DP21 - Development connecting to highway network
- DP22 - Sustainable design and construction
- DP23 - Water
- DP24 - Securing high quality design
- DP25 - Conserving Camden's heritage
- DP26 - Managing impact of development on occupiers and neighbours
- DP27 - Basements and lightwells

#### **Supplementary Planning Policies**

- Camden Planning Guidance (CPG)
- Hampstead Conservation Area Statement (CAS)

#### **Other policies**

- National Planning Policy Framework (2012)
- The London Plan (2016)



## Assessment

### 1. Proposal-

1.1 **This application is a resubmission of the scheme granted on appeal dated 30.10.13 which is still extant.** This decision is valid for 3 years and, as this expires in 3 months' time in October, the applicants wish to renew the permission to give more time to start the construction process, including obtaining approvals of details and of the CMP.

1.2 The scheme is exactly the same as the one allowed on appeal. This involved the following elements, as described in the original officers' report. Although the scheme as originally refused by the Council had a triangular front lightwell, this was later omitted at the appeal stage and is no longer being proposed now.

1.3 The scheme aims to create habitable floorspace in the loft, improved habitable space in the lawful basement and ground floor rooms, and upgrading the external appearance and energy efficiency of the house with new cladding and windows, as follows:

- a) The existing raised embankment with terrace outside the northern part of the east face of the house is removed and excavated to create a new window to the 'existing' ground floor extension and thus create a habitable bedroom here with access to daylight. A new timber verandah, incorporating a covered canopy on pillars with terrace above, will be installed in place of this embankment here so that a replacement terrace is provided for the existing 1<sup>st</sup> floor lounge. Ground levels of the raised embankments at the side and rear of the house will also be somewhat lowered.
- b) Two new dormers are installed on the front (east) and rear (west) roofslopes to create a bedroom and bathroom plus staircase on the southern part of the loft; the remaining attic floor will be removed to create a void over the 1<sup>st</sup> floor lounge below. The dormers will be each 4.4m wide, 3m deep and 2m high, and the bathroom one at the rear will be blank with no windows.
- c) The entire house, including all walls and roof and incorporating the permitted rear extensions, will be reclad in natural grey slate. All fenestration will be replaced with a different form and arrangement of windows and doors, all to be in anodised aluminium.
- d) A new external chimney stack is provided on the north flank wall of the house to replace the existing one centrally located on the roof.
- e) Finally the existing brick outhouse will be refurbished and reclad with timber cladding.

1.4 The application, as before, also shows on its plans for information purposes only the lawful extensions (see history above), ie. the new basement floor under the 1<sup>st</sup> floor footprint of the house deemed lawful by a Certificate of Lawfulness in 2010, and the later proposed 2 separate rear extensions at ground and 1<sup>st</sup> floor levels deemed lawful by a Certificate of Lawfulness in 2011, as further revised in 2014. The current scheme takes account of these lawful extensions and refers to them in the proposed plans as well as incorporating them in the overall design concept.

### 2. Assessment-

2.1 As explained above, this is a resubmission of a previously approved scheme which still remains extant until October 2016. Circumstances have not changed since then in terms of policies or physical context. The LDF policies have not changed since that decision in late 2013; CPG guidance, updated in 2015, has not materially changed on relevant matters of design, sustainability, amenity and transport. The site is still located on Metropolitan Open Land (MOL) and in Hampstead conservation area; it is still not a positive contributor to its character nor a listed building. There are no changes in the context of neighbouring buildings and road networks which may require a fresh assessment of the scheme's impacts on amenity or transport. Therefore there is no reason why a different conclusion can be reached now in terms of its acceptability and the Council is duty-bound to approve this scheme again.

2.2 The previous application ref 2011/6005/P was refused by the Council solely on grounds of design

and impact on the surrounding area and of inappropriateness on MOL, as well as the lack of a S106 securing a Construction Management Plan (CMP). All other elements were considered acceptable, ie. biodiversity, sustainability, neighbour amenity, construction impact (subject to submission of a more detailed CMP via S106), and basement impact. It should be noted that the scheme allowed on appeal omitted excavation of a lightwell so that it only involves removal of a raised embankment terrace at front. This is composed of Made Ground with accumulated topsoil and sand rather than natural soil, and thus its removal would have no effect on local stability or hydrology.

2.3 The Inspector on appeal considered that the scheme was acceptable in terms of design, materials, height and bulk, and impact on the conservation area, and that it maintained the openness of MOL and thus complied with NPPF guidance on such developments. He also considered that the scheme was acceptable in terms of construction, drainage and land stability and neighbour amenity. He allowed the scheme on the basis that there was a S106 undertaking by the applicant ensuring submission of a CMP, and conditions requiring submission of details of architectural features and materials, landscaping, tree protection, and sustainable urban drainage system.

2.4 In conclusion, the various extensions and alterations are considered appropriate in terms of design and form and will preserve the character of the adjoining heath and conservation area. They will not harm neighbour amenity, trees or biodiversity. The enlarged house will comply with policy and guidance on developments within MOL. The resubmitted CMP and BIA demonstrate that the scheme is capable of being built without causing undue harm to local transport conditions, amenity, land stability and hydrology, especially as there is no basement excavation involved as the lightwell was omitted from the appeal scheme. However, as with the previous scheme's CMP, officers consider the draft CMP needs improving and revising and thus an enhanced version will need to be submitted for final approval as part of a S106.

2.5 In addition, all CMPs required for applications submitted after April 2016 are now subject to an implementation monitoring fee. Thus this S106 will also need to secure a charge of £1,140.

2.6 Finally it is considered that the S106 should also include a contribution to highway repairs- this was omitted as an oversight from the previous appeal scheme as the Council did not take account of the limited access into the site from the public highway. Given this is the only access to the site and will inevitably lead to materials being unloaded onto the highway before being taken through, and the highly likely position that vehicles will mount the kerb, this is now being sought under policy DP21 to protect the Council's highway assets. An estimate is being sought from our engineers.

### 3. Recommendation-

3.1 grant planning permission subject to the same conditions as the appeal decision, plus a S106 Legal Agreement requiring-

- a) approval of, and implementation in accordance with, a final Construction Management Plan;
- b) payment of CMP monitoring fee of £1,140;
- c) contribution to highway repairs (estimate awaited).

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25<sup>th</sup> July 2016, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

James Gorst Architects Ltd  
Ruskin House  
40-41 Museum Street  
London  
WC1A 1LT

Application Ref: **2016/2600/P**

21 July 2016

Dear Sir/Madam

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**The Garden House**  
**Vale of Health**  
**London**  
**NW3 1AN**

Proposal:

**DECISION**  
Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding on outhouse.

Drawing Nos: GH10- 1100A, 1200A, 1201A, 1202A, 1203A, 1204A, 1300A, 1301A, 1302A, 1303A, 1400A, 1401A, 1001, 1003, 150, 151, 152, 153; GH/10-501revB image of proposed garden house dated 17th July 2013; GH/10-1500 image of existing garden house; (Basement Impact Assessment) Report by Richard Jackson Ltd, job no. 34891 dated April 2012; Addendum report by Richard Jackson dated June 2012; email from David Clarke dated 12.11.12; bat survey letter of report dated 13.3.12; Bat Conservation Trust statement on lighting; draft Construction Management Plan dated May 2016 by James Gorst architects; Design and Access Statement dated 9.5.16 by James Gorst architects; Views from Vale of Health Pond dated April 2012; expanded viewpoint document dated May 2016 by James Gorst architects.

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 The development hereby permitted shall be carried out in accordance with the following approved plans- GH10- 1100A, 1200A, 1201A, 1202A, 1203A, 1204A, 1300A, 1301A, 1302A, 1303A, 1400A, 1401A, 1001, 1003, 150, 151, 152, 153; GH/10-501revB image of proposed garden house dated 17th July 2013; GH/10-1500 image of existing garden house; (Basement Impact Assessment) Report by Richard Jackson Ltd, job no. 34891 dated April 2012; Addendum report by Richard Jackson dated June 2012; email from David Clarke dated 12.11.12; bat survey letter of report dated 13.3.12; Bat Conservation Trust statement on lighting; draft Construction Management Plan dated May 2016 by James Gorst architects; Design and Access Statement dated 9.5.16 by James Gorst architects; Views from Vale of Health Pond dated April 2012; expanded viewpoint document dated May 2016 by James Gorst architects.

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

- 3 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 before the relevant part of the work is begun:
  - a) typical details of all windows, external doors, dormers, balustrades and veranda;
  - b) details of all facing materials and samples of those materials (to be provided on site).

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No development shall take place until full details of hard and soft landscaping (including hard surfaced areas) of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 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 CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 approved protection details.

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 policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 8 Prior to commencement of development, details of permeable hard surfacing and a Sustainable Urban Drainage System shall be submitted to and approved in writing by the local planning authority. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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 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

Supporting Communities Directorate

**DRAFT**

**DECISION**