

Delegated Report		Analysis sheet		Expiry Date:		05/08/2016	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		8.7.16	
Officer				Application Number(s)			
Charles Thuaire				2016/2600/P			
Application Address				Drawing Numbers			
The Garden House Vale of Health London NW3 1AN				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
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.							
Recommendation(s):		Grant permission subject to S106					
Application Type:		Householder Application					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	33	No. of responses	05	No. of objections	05
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 1st floor level. Thus the house has a small ground floor (with 2 bedrooms) on the south side (ie. facing the passage), and a 1st 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 Thalys 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 1st 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 1st 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 1st 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 1st 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 25th 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 and search for 'Members Briefing'.