

Delegated Report		Analysis sheet	Expiry Date:	19/12/2018
		N/A / attached	Consultation Expiry Date:	25/11/2018
Officer			Application Number(s)	
Kate Henry			2018/4221/P	
Application Address			Drawing Numbers	
77 Lawn Road London NW3 2XB			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 2 (approved plans) of planning permission reference 2016/1737/P, dated 05/06/2017 (for creation of basement; alterations to driveway and erection of new boundary fencing; erection of part two storey and part single storey side and rear extension; alterations to fenestration; and associated works), namely to allow the replacement of the rear dormer instead of refurbishment; alterations to openings on side and rear elevations; alterations to rooflights above side extension; new rooflight on main rear roof; addition of 2x solar panels; change to shape of basement, including changes to skylights in rear garden; associated internal changes (retrospective)				
Recommendation(s):		Refuse planning permission and warning of enforcement action		
Application Type:		Variation or Removal of Condition(s)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>Site notices were displayed on 26/10/2018 (consultation expiry date 19/11/2018) and a press notice was placed in the local press on 01/11/2018 (consultation expiry 19/11/2018).</p> <p>1 letter has been received, summarised as follows:</p> <ul style="list-style-type: none"> • Inconsistencies on the plans • Object to sloping skylights at side due to loss of privacy and light pollution and also out of keeping with character and appearance of host building • Basement that has been built doesn't accord with what was approved <p>Officer comment:</p> <p><i>The plans have been revised and added to during the course of the application to ensure that all the proposed works are shown on the plans.</i></p> <p><i>The proposed skylights at the side are not considered to cause undue harm as they are hidden by the parapet and are therefore not visible.</i></p>					
Parkhill CAAC	No comments received.					

Site Description

No. 77 Lawn Road is a semi-detached, two storey, red brick residential dwelling on the western side of the road. The property has a garden at the front, with steps leading up from the public pavement to a shared path to the front doors of the pair of semi-detached properties. The property has a sloped driveway to the side of the front garden which leads to a single garage, which is attached to the main building. At the rear, the property benefits from a private garden.

The application site is within the Parkhill Conservation Area. Nos. 70-85 Lawn Road (consecutive) are identified in the Conservation Area Appraisal and Management Strategy as making a positive contribution to the character and appearance of the conservation area.

Relevant History

2016/1737/P: Creation of basement to form additional living accommodation for existing dwelling and new 1x self-contained 1-bed flat at lower ground floor level; alterations to driveway and erection of new boundary fencing; erection of part two storey and part single storey side and rear extension; alterations to fenestration; and associated works. **Granted subject to section 106 legal agreement 05/06/2017**

Enforcement

An enforcement case has been opened in order to investigate the works.

Relevant policies

National Planning Policy Framework (2019)

London Plan 2016

London Plan (Intend to publish) 2019

Camden Local Plan (2017)

G1 Delivery and location of growth
H1 Maximising housing supply
A1 Managing the impact of development
A2 Open space
A3 Biodiversity
A4 Noise and vibration
A5 Basements
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials
DM1 Delivery and monitoring

Camden Planning Guidance

CPG Altering and extending your home (2019)
CPG Design (2019)
CPG Amenity (2018)
CPG Biodiversity (2018)
CPG Basements (2018)
CPG Trees (2019)
CPG Energy efficiency and adaptation (2018)

Assessment

1. The proposal

1.1. This application seeks to vary condition 2 (approved plans) of planning permission reference 2016/1737/P, dated 05/06/2017, namely to allow the following:

- Replacement of the rear dormer instead of refurbishment;
- Alterations to openings on side and rear elevations;
- Alterations to rooflights above side extension;
- New rooflight on main rear roof;
- Addition of 2x solar panels;
- Change to shape of basement, including changes to skylights in rear garden;
- Associated internal changes.

2. Revisions

2.1. Originally, the proposed changes were sought by way of a non-material amendment application (under section 96A of the Town and Country Planning Act 1990 (as amended)); however, the application was then changed to a variation of condition application (under section 73 of the Town and Country Planning Act 1990 (as amended)).

2.2. At the same time, the following revisions were made to the proposed plans:

- Alterations to fenestration at rear
- Additional rooflight

3. Assessment

3.1. The key considerations material to the determination of this application are summarised as follows:

- The principle of development / background
- Heritage and design
- Basement considerations
- Impact on neighbouring properties

4. The principle of development / background

4.1. Planning permission has already been granted for the following: *Creation of basement to form additional living accommodation for existing dwelling and new 1x self-contained 1-bed flat at lower ground floor level; alterations to driveway and erection of new boundary fencing; erection of part two storey and part single storey side and rear extension; alterations to*

fenestration; and associated works.

4.2. The assessment of the current application must focus solely on the proposed changes to the previously approved plans and the impact the proposed changes may have.

5. Heritage and design

5.1. The application site is located within the Parkhill Garden Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended). Nos. 70-85 Lawn Road (consecutive) are identified in the Conservation Area Appraisal and Management Strategy as making a positive contribution to the character and appearance of the conservation area.

5.2. The rear dormer has been replaced rather than refurbished. At the time of pre-application discussions and the planning application, the applicant was advised to retain the existing dormer; however, as part of the ongoing building works, its condition was found to be unstable and it has been replaced. Insofar as it matches the dormer at the attached neighbouring property this is considered to be acceptable, on balance.

5.3. A number of changes are proposed to the openings on the side and rear elevations. On the side elevation, two windows will be replaced with 1 at ground level, which is considered to be acceptable in the interests of simplifying the side elevation. On the rear elevation, the proposed changes include alterations to the window pane arrangement on the windows on the two storey projecting element and the replacement of the double doors with windows. The door to access the garden from the basement has also been omitted. The opening on the side elevation of the rear projecting element (facing towards No. 76) has also been enlarged. Insofar as these changes are to the rear and not publically visible, the proposed fenestration design is considered to be acceptable.

5.4. The rooflights on the side extension would be reduced in size. This is considered to be acceptable, particularly as they are hidden by the parapet and are therefore not visible.

5.5. A new rooflight would be inserted onto the roof of the new rear projection, to serve the roof space. As this rooflight would be to the rear it would not be visible in the public realm and its position on the roofslope is considered to be acceptable. The shape of the other approved rooflights has changed; however, the proposed rooflights are smaller and therefore they still appear as small projections on the roofslope.

5.6. Two new solar panels have also been added to the roof of the new rear projection, which is considered to be acceptable in the interests of sustainability and also because they are at the rear where they would not be visible in the streetscene along Lawn Road.

5.7. None of the proposed external changes are considered to be significant and it is not considered that the proposed changes would impact harmfully on the character and appearance of the Parkhill Conservation Area. The application is therefore considered to be acceptable in this respect.

6. Basement considerations

6.1. Internally, the shape of the basement has changed. Towards the front a room has been removed and to the rear the rear building line is now staggered. The lower ground floor flat within the basement has been enlarged to encompass more rooms, which represents an improvement to the quality of life for future occupiers.

6.2. A revised BIA has been submitted, which notes that No. 76 Lawn Road is predicted to have a damage category of 2 for both short and long term effects, whereas the original BIA predicted

category 0 or 1. Policy A5 (n) of the Local Plan requires applicants to demonstrate that basement development will not cause damage to neighbouring properties above Burland Scale 1 (very slight) and therefore the proposal does not comply with the Council's basement policy.

6.3. The Council has requested a Post Construction Review to understand the level of damage that has occurred to No. 76 and what category 2 damage means in this particular case; however, the applicant's representative has noted that they are not in a position to provide a Post Construction Review as the owner of No. 76 is reluctant to engage, spends long periods away from the house and has also recently sold the house. This has all made it difficult for a surveyor to carry out an inspection.

6.4. In earlier correspondence, the applicant's representative noted the following: "*The revised BIA predicts a risk of movement not exceeding category 2 on the Burland scale. The fragile condition of 76 as a result of severe and ongoing ground related movement meant that a revised BIA predicting category 1 or less was impossible (you may be aware of discussions within your department in connection with works proposed at 75). The predicted maximum damage that could arise from category 2 movement are cracks not exceeding 5mm in width but this does not mean that category 1 movement damage is inevitable. The works have now been completed and I have asked the surveyor appointed by the owner of 76, in accordance with the provisions of the Party Wall etc. Act 1996, to confirm that there has been no damage attributable to the works at 77 (Post Construction Review). I have yet to hear from him but I would be surprised were he to report that there was an issue. Damage was reported by the owner of 76 last summer but it was concluded and not disputed by her appointed surveyor that this was due to the continuing movement (subsidence) and not related to the works at 77*" (email correspondence dated 29/10//2019).

6.5. Notwithstanding the above, on the basis that the proposed works do not comply with Policy A5(n) of the Camden Local Plan 2017, the application is recommended for refusal due to the potential risk of aesthetic damage to the neighbouring properties by subsidence.

7. Impact on neighbouring properties

7.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.

7.2. Concerns have been raised about the skylights on the side projection; however, these would be hidden by the parapet and therefore it is unlikely that they would cause undue harm to the neighbouring property sufficient to warrant a refusal of the application on this basis.

7.3. None of the proposed external changes to the facades of the main house (excluding the basement works) are considered to be significant and it is not considered that the proposed changes would impact harmfully on neighbouring properties. The application is therefore considered to be acceptable in this respect.

Recommendation: Refuse planning permission and warning of enforcement action

WARNING OF ENFORCEMENT ACTION TO BE TAKEN

An enforcement case has been opened to look into this matter.