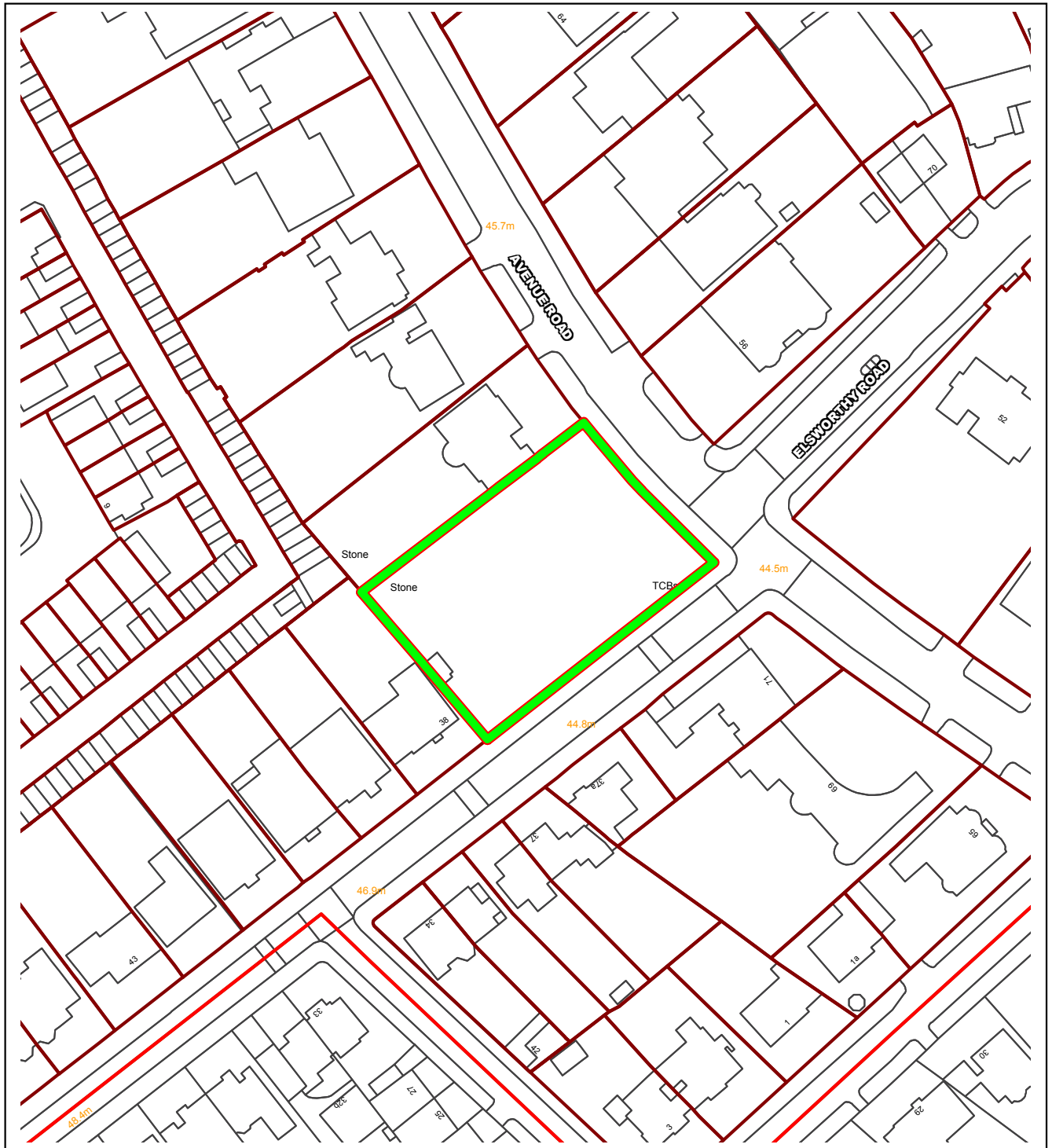


# 73-75 Avenue Road - 2020/3796/P



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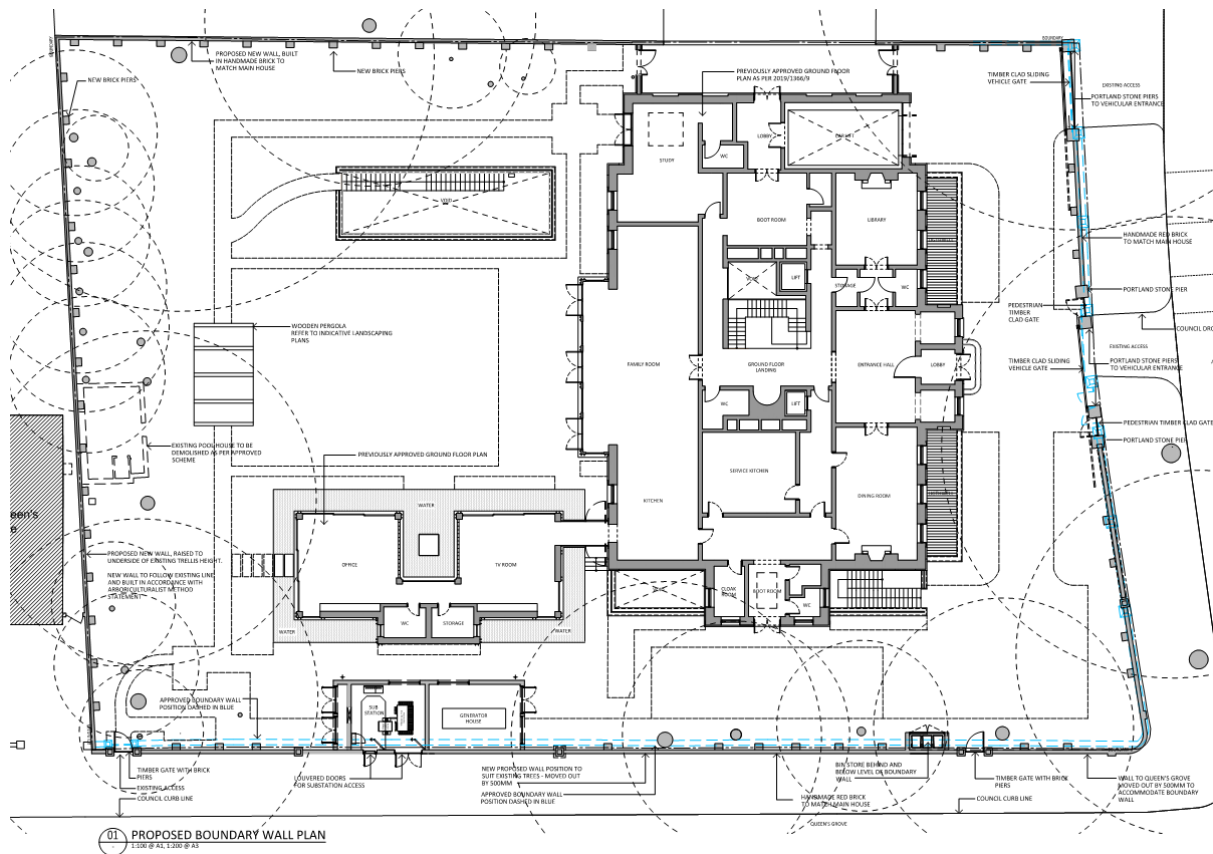
## Site Photos



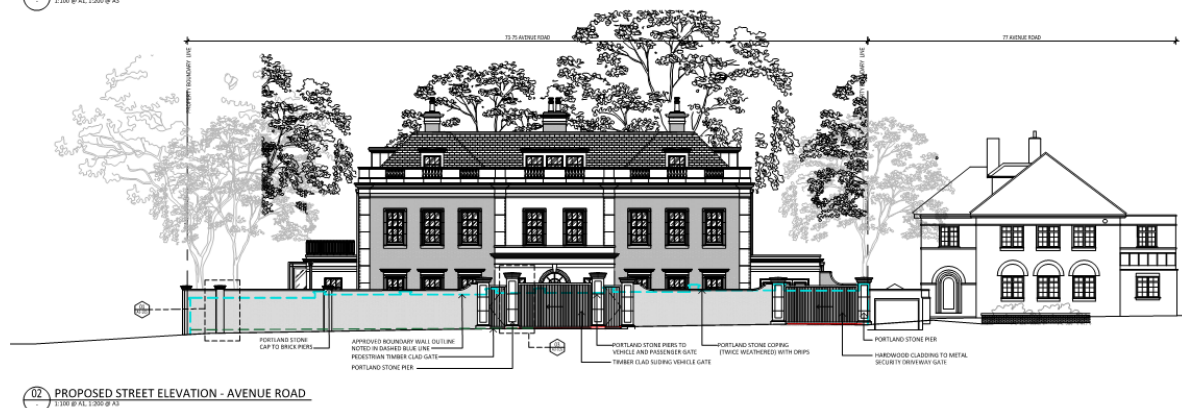
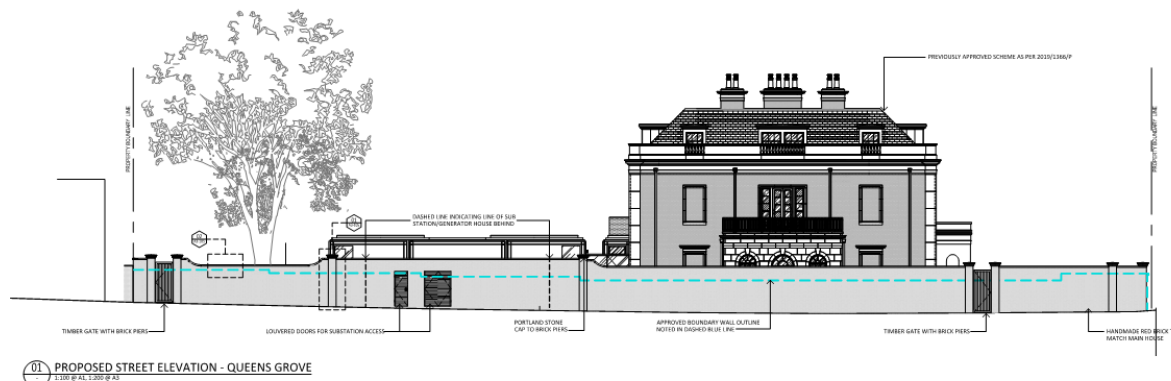
1. View of existing hoarding on Avenue Road



2. View of existing hoarding on Queen's Grove



### 3. Proposed boundary wall plan (light blue dashed line shows position of approved boundary wall)



### 4. Proposed elevations (light blue dashed line shows position of approved boundary wall)

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>15/10/2020</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>22/10/2020</b>
<b>Officer</b>			<b>Application Number(s)</b>		
David Peres Da Costa			2020/3796/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
73-75 Avenue Road London NW8 6JD			Refer to Draft 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>					
Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).					
<b>Recommendation(s):</b>		Grant conditional planning permission subject to s106 legal agreement			
<b>Application Type:</b>		Householder application			



Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed from 09/09/20 to 03/10/20.</p> <p>No comments have been received.</p>					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>	<p><b>Elsworthy Residents Committee – object</b></p> <p>It seems perverse to consider allowing the pavement in Queens Grove to be reduced by moving the position of the brick wall 500 mm. This at a time when Camden, and indeed all over the country, pavements are being widened to allow greater numbers of pedestrians to pass freely on the footpath.</p> <p>In order to protect the valuable trees there could be breaks in the brick wall and railings around the trees. The introduction of access gates for the bin store etc that open out onto the pavement of Queens Grove will be a hazard as has proved already elsewhere locally. They are left open for the bin collection, the bins are then left on the pavement and the doors remain open until it is remembered to come out, put the bins away and close them. All this will be out of sight for the occupants of the property but will be dangerous and an eyesore for those passing by, especially if the width of the footpath has been reduced. Please remember that the black and white tiled road sign ‘Queen’s Grove’ (No doubt not saved when the wall was demolished) should be replaced on the new wall.</p> <p><i>Officer’s comment: The application has been revised and the bin store amended so that the doors would not open onto the pavement but rather would open onto the front garden. An email was sent to the Elsworth Resident’s Committee advising of this revision and the following additional comment was received.</i></p> <p>I’m glad my comment regarding the hazard of the bin store has been understood and an effort has been made to effect a solution. However I still object to the pavement being narrowed by moving the wall out and the bins will still sit on the narrowed pavement, unseen from the house, being unsightly and blocking passage for passers-by until taken back in through the gate. I suggest that the bin store be incorporated in the front driveway.</p> <p><i>Officer’s comment: The reason for the location of the bin store on the side is to minimise its visual impact when viewed from principal rooms. The side</i></p>					

*elevation houses secondary accommodation where the view is not so important. It is understood that the bins would be taken out through the vehicular gates and placed on Avenue Road. However, should the bins be put out onto Queens Grove it is noted that this road is no different from any other street in the borough in that on waste collection days all bins are put out on to the public highway, emptied and then taken back in again. There is no reason to suggest the application site will be any different from any other property and even more so with a house such as this where staff will be present to ensure these matters are dealt with in a timely manner.*

*The Council's transport team, highway engineering and the Council's Structures Manager have reviewed the proposal. The existing footway is quite wide (approximately 3.6 meters). Even with the loss of 0.5m this will still leave the footway at a comfortable width for the number of pedestrians who use this footway.*

*The erection of road signs is not a planning matter.*

## Site Description

The application site is located on the corner of Avenue Road and Queen's Grove. Planning permission was granted 28/03/2012 (planning ref: 2011/2388/P) for a two storey dwelling with lower ground floor and basement. Construction of this is nearing completion.

The site is not located in a conservation area but the St John's Wood Conservation Area lies to the south-west of 38 and 37a Queen's Grove and the corner of the Elsworthy Conservation Area lies to the east of the junction of Elsworthy Road with Avenue Road diagonally opposite the site.

## Relevant History

**2011/2388/P:** Erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building). Granted Subject to a Section 106 Legal Agreement 28/03/2012

**2019/1366/P:** Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 (for erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)), namely changes to detailed design and materials on all elevations including stone balustrade at roof level, stone finish to central bay and replacement of sash window with garage door (all to front elevation) including relocation of car lift; replacement of 2 storey bay on Queen's Grove elevation with single storey structure with terrace above; alterations to footprint and location of basement including additional lightwell and relocation of garden lightwell; replacement of orangery with contemporary pavilion with flat roof; new French doors to side elevation (north elevation); and erection of pergola in rear garden. Granted Subject to a Section 106 Legal Agreement 06/04/2020

## Relevant policies

### NPPF 2019

### The London Plan March 2016, consolidated with alterations since 2011

Intend to Publish London Plan 2019

### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

Policy T1 Prioritising walking, cycling and public transport

Policy T3 Transport infrastructure

### Camden Planning Guidance

Design (adopted March 2019)

Amenity (adopted March 2018)

Transport (adopted March 2019)

Trees (March 2019)

## Assessment

### 1. Proposal

- 1.1. The application seeks amendments to the approved boundary treatment along Avenue Road and Queen's Grove and also the replacement of the boundary treatment at the rear with no. 38 Queen's Grove and the side boundary with 77 Avenue Road. The proposal also includes the erection of a brick building to house an emergency generator and sub-station to the rear garden and a bin store to front garden. In detail, the following is proposed:
- Erection of a new boundary wall on the Avenue Road frontage with stone piers and timber clad gates. This is an amendment to the boundary treatment previously approved under planning reference 2011/2388/P as amended by 2019/1366/P.
  - Erection of a new boundary wall on the Queen's Grove frontage. This would be moved 0.5m further out to safeguard the existing mature (TPO) trees (and their roots) along Queen's Grove and would include timber louvred access doors for the substation housing and two pedestrian access gates at either end of the frontage.
  - Replacement of the boundary treatment where the site abuts adjoining properties consisting of erection of a new brick boundary wall at the rear with no. 38 Queen's Grove and new side wall with no. 77 Avenue Road; and
  - Provision of a brick housing for a generator and substation and brick bin store in the garden curtilage.

## Assessment

- 1.2. The main issues for assessment are design, amenity, transport and trees.

### 1.3. Design

- 1.4. The approved boundary treatment to Avenue Road would be amended and the vehicle gate flanked by a large pedestrian gate would be replaced by a vehicle gate flanked by two narrower pedestrian gates. The material of the approved piers on either side of the vehicle and pedestrian gates would be amended from brick to Portland stone. This would match the detailing of the main house. The height of the wall would be increased in height (by a maximum of 0.5m) close to the corner with Queen's Grove. The changes to the appearance of the Avenue Road boundary are considered minor and would be sympathetic to the host property and the streetscape.
- 1.5. The height of the approved Queen's Grove boundary would be increase by approximately 0.89m and would range in height from approx. 2.8m to 3m (the approved wall ranged in height from approx. 1.9m to 2.24m. While this is a significant increase in height, the height of the existing wall and trellis (now demolished) was 2.67m and therefore the increase in height would be relatively small when compared to the pre-existing wall and trellis. Furthermore, the proposed building housing the substation and generator would sit just below the height of the wall. Therefore if the wall were lower, the substation would be visible. The height of the wall is therefore necessary to ensure sure there is no adverse visual impact from the proposed sub-station and to safeguard the visual appearance of the local area. In this context, the height of the boundary wall is considered acceptable.
- 1.6. The boundary walls would be constructed from red handmade brick to match the main



house. This would ensure consistency between the two elements.

- 1.7. The submission states that the existing walls with the neighbouring properties (no.38 & no.77) are structurally unsound with large cracks. The proposal seeks to demolish the existing walls with trellis and rebuild, raising the wall height to just below the existing trellis height. This would provide a more secure boundary between adjoining properties and provides aesthetic consistency between all four boundary lines. The replacement boundary walls are therefore considered acceptable.
- 1.8. The generator and substation enclosure will be below the proposed boundary wall height so will not be visible from the street level. The detail design of the generator and substation enclosure is considered acceptable. The substation would be accessed from the Queen's Grove footway with doors which open onto the pavement. This is a requirement of UKPN. The double doors would be for any large plant that may be needed at any given time in the future and the single door would be for maintenance access. The Council's planning guidance advises that while doors that open onto footways are generally resisted an exception is made for doors required for electricity sub-stations. Therefore, in this instance the doors opening onto the footway are considered acceptable. The bin store would be a relatively small enclosure positioned next to the side boundary wall and would not be visible from the public realm.

#### **1.9. Amenity**

- 1.10. The height of the proposed walls between the application site and the neighbouring properties to the rear and the side (no.38 & no.77) would be the same height as the existing wall with trellis. Therefore there would be minimal impact on neighbouring amenity in terms of daylight and sunlight or overbearing. The increase in the height of the boundary wall to Queen's Grove would likewise have minimal impact on neighbouring amenity as this wall is adjacent to the pavement and road. Likewise there would be no impact on neighbouring amenity from the bin store or the building housing the generator and sub-station.

#### **1.11. Noise**

- 1.12. The application proposes a brick building to house an electricity substation and emergency generator adjacent to the boundary wall with Queen's Gove. A noise report has been submitted to support the application and has been reviewed by the Council's noise officer. The lowest background noise level was 36dB. The Council's noise policy states that emergency equipment such as generators which are only to be used for a short period of time will be required to meet the noise criteria of no more than 10dB above the background level (L90 15 minutes). During standby periods, emergency equipment will be required to meet the usual criteria for plant and machinery. The noise report confirms that mitigation will be required to comply with the Council's noise criteria. A condition will be included to ensure the mitigation recommendations of the noise report are implemented. Further noise conditions will ensure that the equipment does not breach the Council's noise thresholds and will restrict the operation and testing of the emergency generator to protect neighbouring amenity.

#### **1.13. Transport**

- 1.14. The proposal was revised to omit the bin store doors opening onto the footway. The Council's planning guidance advises that while doors that open onto footways are generally resisted an exception is made for doors required for electricity sub-stations.
- 1.15. The application seeks to move the boundary wall adjacent to Queen's Grove 0.5m further

towards the existing footway to safeguard the existing mature (TPO) trees and their roots. This would involve the narrowing of the existing footway. The Council's transport team, highway engineering and the Council's Structures Manager have reviewed the proposal. The existing footway is quite wide (approximately 3.6 meters). Even with the loss of 0.5m this will still leave the footway at a comfortable width for the number of pedestrians who use this footway. Therefore the loss of 0.5m of footway is considered acceptable in this instance.

- 1.16. Highways have confirmed a stopping up order will be required. The current cost for processing the order is: £27,307.00. This would be secured by legal agreement.
- 1.17. The footway directly adjacent to the site is likely to sustain damage because of building the boundary wall. A highways contribution would need to be secured as a section 106 planning obligation if planning permission is granted. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage to the public highway in the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development.

#### **1.18. Trees**

- 1.19. No trees are proposed to be removed in order to facilitate development. The arboricultural method statement is considered sufficient to demonstrate that the trees to be retained will be adequately protected in accordance with BS5837:2012. A condition will be included to require the works would be undertaken under the supervision and monitoring of the retained project arboriculturalist in consultation with the Council's Tree and Landscape Officer.

#### **1.20. Conclusion**

- 1.21. Grant conditional planning permission subject to s106 legal agreement
- 1.22. Heads of terms:
- Highways contribution
  - Stopping up order

### **DISCLAIMER**

**The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23<sup>rd</sup> November 2020, 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'.**

Application ref: 2020/3796/P  
Contact: David Peres da Costa  
Tel: 020 7974 5262  
Date: 17 November 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

TJR Planning  
Suite 3 The Mansion  
Wall Hall Drive  
Aldenham  
WD25 8BZ

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:  
**73-75 Avenue Road**  
**London**  
**NW8 6JD**

### **Proposal:**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

Drawing Nos: A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

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 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:

A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

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

- 4 Noise mitigation

Before the first operation of the generator hereby approved, the generator shall be provided with sound attenuation measures in accordance with the recommendations set out in the Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020 hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Noise from emergency generators

Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

6 Emergency generator operation

The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

7 Emergency generator testing

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

8 Tree protection / supervision and monitoring

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural impact assessment by ArborTrack Systems Ltd entitled "Method statement for the avoidance of physical damage to roots during boundary wall demolition & construction at 73-75 Avenue Road London NW8 6JD" dated 14th July 2020. 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 BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision and monitoring of the retained project arboriculturalist and with ongoing consultation with the Council's Tree and Landscape Officer.

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 Camden Local Plan.

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.

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