

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/11/2020
		N/A / attached	<b>Consultation Expiry Date:</b>	02/11/2020
<b>Officer</b>			<b>Application Number(s)</b>	
Nora-Andreea Constantinescu			2020/3875/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
1 Lidlington Place (Land at Lidlington Place Rear of nos. 76-75 Oakley Square) London NW1 2JU			See 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>				
Erection of three storey single family dwelling to include basement, with green roof and green walls.				
<b>Recommendation(s):</b>	Refuse planning permission			
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	Site notices Press notices	<b>09/10/2020-02/11/2020</b> <b>24/09/2020-18/10/2020</b>	No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Summary of consultation responses:</b>	No comments were received from neighbouring occupiers.					
<b>Camden Town CAAC</b>	<p>Camden Town CAAC, objected to the proposed scheme on the following grounds:</p> <ul style="list-style-type: none"> <li>• Partial loss of rear gardens would not preserve nor enhance the conservation area</li> <li>• The views into the rear gardens are an important characteristic for the CA and their infilling is resisted</li> <li>• Out of context</li> </ul>					

## Site Description

The application site is a back garden area, which has been hard-surfaced and used as car parking with vehicular access on the north side of Lidlington Place. The planning history below shows that the site has been in its current form since 1970. The site lies in a predominantly residential area, at the end of Camden Town Conservation Area.

The site is surrounded at north, east and west by the gardens of the rows of terraced houses facing Harrington Square, which are Grade II listed and the ones facing Eversholt Street. The gardens have mature trees and vegetation, which define the character of the space in both private views from the rear of the properties facing the streets above and also public views from Lidlington Place.

At the south side, the site is facing the Lidlington Place road with 7 storeys council blocks adjacent to single and two storey buildings occupied by a bar and restaurant. Further to south west there are three council blocks of over 20 storeys surrounded by green spaces.

The application site has an area of 107sqm and it is bordered by brick walls to north, and west side and timber fence on the east side, with a height up to 1.8m on all sides. To the south the site has large metal gates for vehicular access.

## Relevant History

**9866** - The erection of a double garage at the rear of 75 and 76 Oakley Square, N.W.1. and formation of a means of a means access to Lidlington Place – **Granted 01/01/1971**

**32122** - The erection of a two-storey studio house with car-parking space. – **Refused 27/05/1981**

**8802029** - Erection of a double-garage on land at the rear of 75 and 76 Oakley Square as shown on 2 un-numbered drawings. – **Refused 21/06/1988 – Appeal Allowed 01/12/1989**

**2008/4496/P** - Erection of a double garage to the rear of the property, access to which would be via Lidlington Place. – **Refused 02/12/2008**

**2020/0571/P** - Erection of two storey dwellinghouse with ground and basement levels. – **Granted for a section 106 legal agreement 16/09/2020**

## Relevant policies

- **National Planning Policy Framework (2019)**
- **London Plan (2016)(2019)**
  - Policy 7.4 – Local Character
  - Policy 7.6 – Architecture
- **Camden Local Plan (2017)**
  - Policy D1 Design
  - Policy D2 Heritage
  - Policy A3 Biodiversity
  - Policy A4 Noise and vibration
  - Policy A5 Basement
  - Policy A1 Managing the impact of development
  - Policy H1 Maximising housing supply
  - Policy H4 Maximising the supply of affordable housing
  - Policy H6 Housing choice and mix

Policy H7 Large and small homes  
Policy T1 Prioritising walking, cycling and public transport  
Policy T2 parking and car-free development  
Policy T3 Transport infrastructure  
Policy CC1 Climate change mitigation  
Policy CC2 Adapting to climate change  
Policy CC5 Waste

- **Camden Planning Guidance (2018-2019)**

CPG Design  
CPG Altering and Extending your Home  
CPG Housing Interim  
CPG Housing part 2  
CPG Basements  
CPG Amenity  
CPG Transport 2011  
CPG Planning Obligations

- **Camden Town Conservation Area Statement (2007)**

## Assessment

### 1. Proposal:

Planning permission is sought for the erection of a three-storey family dwelling to include basement, green roof and green walls. The proposed development would provide a 5 bed 8 person house.

Previous planning permission has recently been granted for the erection of a two storey house at the site with a single storey above ground level (ref no 2020/0571/P).

### 2. Considerations:

The main issues to consider in this case are as follows:

- Principle of development
- Design and heritage
- Standard of accommodation
- Affordable housing
- Basement development
- Trees and vegetation
- Sustainability
- Amenity
- Transport
- Planning balance

### 3. Principle of development

The provision of new housing development is encouraged and would provide additional housing within the Borough, in accordance with policy H1 of Camden Local Plan. Policy H6 recognises that NPPF guidance supports people who want to build their own homes, by having the required professional services or by employing other professionals to build a bespoke home to personal specifications. However, this needs to be balanced against the identified heritage, design and amenity impacts set out below.

#### **4. Design and heritage**

The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the current proposal: Development should consider the character, setting, context and the form and scale of host building and neighbouring ones, and the quality of materials to be used.

Policy D2 states that the Council will seek to manage development in a way that retains the distinctive character of conservation areas and will therefore only grant planning permission for development that preserves or enhances the special character or appearance of the area. It is added that the character of conservation areas derives from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses.

CPG Design at para 4.24 indicates, in relation to development in rear gardens, that this should "ensure the siting, location, scale and design has a minimal visual impact, and its visually subordinate to the host garden, not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area, use suitable soft landscaping to reduce the impact of the proposed development, ensure building heights will retain visibility over garden walls and fences, use materials which complement the host property and the overall character of the area".

The site is part of Sub Area 2 of Camden Town CA, which identifies the terraces around the site and states in the Conservation Area Statement that "*Gaps also occur at the end of terraces; these allow views to back gardens over high garden walls, introducing a welcome respite to an otherwise very urban environment and making a major contribution to the visual amenity and the character of the area*". The statement goes on and highlights that views into gardens with mature trees are an important element in the character and appearance of the Conservation Area.

Due to its location, and relationship to the nearby gardens, the application site contributes to the open character of the area, as the site would have been historically part of a rear garden. Whilst it is acknowledged that the site itself is not currently garden space and has been used as a parking area with hard surface for many years, its openness allows views to the gardens around and contributes to the character of the area as highlighted in the Camden Town CA statement.

Under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013, the Council has a duty to ensure that any proposed development either preserves or enhances the character or appearance of the Conservation Area.

The application site is bordered to the street by high metal gates and a brick wall of approximately 1.8m in height. The brick wall continues as a boundary for the gardens of the end of terraced buildings located on either side of the application site. The formal and symmetrical composition of the two terraces, one Grade II listed on the western side, are an important consideration of architectural composition of the pattern and character of development within this context. Designed approximately at the same time, the terraces are clearly conceived to complement each other. Both flank walls overlooking Lidlington Road, incorporate a purposed designed tree storey entrance bay embellished with decorative stucco to the ground floor and upper window surrounds. Despite the Oakley Street house being altered to the rear, there is an intentional formal composition on the part of the original Victorian developers, which is to be preserved by future development.

The proposed dwelling would extend over two floors above ground level, with a height of 5.3m, 3.5m above the boundary wall. The structure would occupy the full width of the plot as seen from the street with a gap of 1.25m to the eastern side. The addition of the second floor to the consented scheme, which would protrude above the garden wall and be visible from the wider street, interferes with the symmetrical composition and highlights its position in the back garden of the Eversholt Street building. The proposed structure would therefore form an incongruous back land structure which would be out of keeping with the other gardens, listed and unlisted.

In terms of detailed design, the street elevation of the upper floor would include a hit and miss brick pattern, with windows serving bedrooms behind. This pattern repeats on the eastern elevation in addition to stainless cables fixed at the top and bottom of the first floor to allow vines to grow; however there is no indication of how plants would grow with planters at the bottom of the first floor to sustain this. It is noted that the proposal aims to be covered in vegetation to fit in with the garden character of the area, however, the bulk of the structure would still encroach on the openness of the site and adjoining gardens setting, streetscene and wider area.

It is noted that previous planning permission was granted under application ref 2020/0571/P at this site for a two storey structure with green roof including the basement level, with a height of 2.55m, and by only 0.460m above the existing brick boundary wall, maintaining the openness of the area and views to the rear gardens, in line with Local Plan policies and Conservation Area Statement considerations. It is therefore considered that the proposed additional floor would impact negatively on the symmetrical setting of the listed buildings, and the loss of green view fails to preserve the character and appearance of the conservation area.

## **5. Standard of accommodation**

In terms of standard of accommodation, the proposed dwelling would include an adequate living area with kitchen and dining at ground level. At basement level there are two double bedrooms, utility and plant room, and at the first floor two single bedrooms and a master bedroom with ensuite. The rooms dimensions would generally exceed the minimum national space standard which would provide a good standard of accommodation.

A Daylight and Sunlight Assessment of the overshadowing from the proposed structure and neighbouring buildings was submitted, which demonstrates that in the summer months the building would receive adequate levels of daylight and sunlight, however in winter months would be overshadowed by the existing neighbouring buildings. It is noted that the structure would partially overshadow the rear of the no. 76 Oakley Road in the afternoons of the summer months, however this would not be considered to cause significant harm to the occupiers amenity.

In relation to the internal levels of daylight and sunlight, an assessment was submitted to demonstrate that the light levels in the bedrooms at basement levels would be in line with BRE minimum standards. It is noted that the assessment relates to the previous proposal for a single storey above ground structure; however, due to the position and location of the building and sun orientation, it is considered that the findings of this report would be relevant for the proposed scheme which includes an additional storey, and therefore accepted.

The proposed GIA of the dwelling would be 165sqm, which exceeds the minimum national space standards for a 5 bed 8 person dwelling over three storeys (134sqm). Due to the floor area proposed, the development would be subject to an affordable housing contribution (payment in-lieu) which will be secured via section 106 legal agreement, as detailed in following section.

Waste and recycling facilities have been provided behind the front brick boundary wall, which is considered acceptable.

## **6. Affordable housing**

It is noted that under policy H4 of Camden Local Plan 2017, the Council requires contribution towards affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA (Gross Internal Area) or more. The affordable housing contribution would be calculated as a sliding target as a percentage of floor area starting at 2% for one home (measured as 100sqm GIA) and increasing by 2% for each additional 100sqm of GIA added to capacity.

Given the scale of the development and the site constraints, in this instance a payment in-lieu of affordable housing is likely to be considered appropriate. The relevant quote for a payment-in-lieu would be calculated by multiplying the expected affordable housing contribution (in GEA) by the adopted multiplier. The adopted multiplier outlined in paragraph IH2.111 of CPG2 Housing Interim is currently set at £2,650 per sqm for market residential schemes.

The proposed structure would have an internal floor area of 165sqm, which is equivalent to a capacity of two homes and relates to a 4% sliding scale capacity. As such, based on the above values, the proposal would be subject to a payment in-lieu of £18,417.50, which would have been secured via s106 legal agreement. As there is no s106 legal agreement this becomes a reason for refusal.

## **7. Basement development**

In relation to the basement excavation, this would sit underneath the proposed structure and only extend beyond the to accommodate skylights to the front and eastern side. Due to the constrained nature of the site and high brick walls, the skylights would not be visible from the street, which is considered acceptable. Given the scale and dimensions of the basement, the proposal is considered to be in line with the requirements of policy A5. Furthermore, the proposal is supported by a Basement Impact Assessment (BIA), which has been independently reviewed by the Council's third party auditors, as part of previous planning permission ref no 2020/0571/P. The findings in the audit report confirm that the excavation works would not cause harm to neighbouring buildings, surrounding highways, slope stability and the hydrogeology of the site.

In support of the additional floor level to the previously approved scheme, addendums have been submitted to confirm that the base and retaining wall reinforcements as well as the method statement would remain the same as per previous calculations. In relation to Ground Movement Assessment (GMA), the calculations would be maintained as per previous assessment, as the depth of the basement extension and foundation type would be maintained at the same level.

In light of the above, the proposed basement excavation would be in accordance with policy A5 and CPG Basements.

## **8. Trees and vegetation**

In terms of impact on trees and vegetation, there is a large sycamore tree (T1) at the neighbouring property which is of high amenity value and significance for the gardens setting and wider area. An Arboricultural assessment has been provided to demonstrate that the proposed excavation would marginally encroach (5%) on its root protection area (RPA) which is considered an acceptable level of impact. This would ensure no harm is caused to the tree's wellbeing. Furthermore, the boundary walls would be rebuilt using footings which would minimise the impact on off-site trees beyond the walls.

Due to the tree's height and shape, and close proximity to the rear boundary of the site, it is noted that the height of the structure could infringe into the tree's growth in terms of crown expansion. This is considered to affect the quality of the tree's amenity value, however it would not constitute a reason for refusal, in this instance.

## **9. Sustainability**

The proposal would be using contextual and resilient materials, which reflects the surrounding area. There is no indication about the heating system proposed.

The proposal includes provision of green roof with the prospects of the vegetation to extend along the walls of the building. This is and green walls to screen the structure but also enhance the biodiversity of the site which contributes to the garden setting.

In terms of adaptability, the information provided through a Life-Time Home Assessment demonstrates that the proposed room layout could be adaptable for future generations, which is accepted.

## **10. Amenity**

The proposal would sit in between the gardens of nos. 15-16 Harrington Square, which are Grade II listed buildings to the west and nos. 76-75 Eversholt Street to the east. The structure would sit closer to the properties on Eversholt Street, at a distance of approximately 9.5m from the property's rear projection and 11m to the main rear wall. To the west there are approximately 18m to the rear of the buildings facing Harrington Square. Given the existing distances, it is considered that the proposal would not harmfully restrict the outlook of the neighbouring occupiers.

A Daylight and Sunlight Assessment of the proposed structures and overshadowing was submitted, which demonstrates that in the summer months the building would receive adequate levels of daylight and sunlight, however in winter months would be overshadowed by the existing neighbouring buildings. The structure would partially overshadow the rear of the no. 76 Oakley Road in the afternoons of the summer months, however this would not be considered to cause significant harm to the occupiers amenity.

In terms of loss of privacy, the proposal would include a bedroom window facing the rear of no. 76. The window would be screened with the hit and miss brick pattern, which would restrict harmful views to and from the rear garden and windows at the rear of no. 76.

Overall, the proposed development is not considered to have a significant impact on neighbouring amenity in terms of loss of light, outlook or privacy.

## **11. Transport**

In terms of transport, the development would be car-free, to be secured via a section 106 legal agreement. The proposal includes one cycle stand in the rear garden which allows for two bicycle parking spaces, which is accepted. As the proposed excavation would be located in close proximity to the pavement, an Approval in Principle planning obligation would be secured via a section 106 legal agreement. To ensure the construction works would be coordinated and not add to the existing traffic pressure on the surrounding streets, a Construction Management Plan (CMP) would be secured via section 106 legal agreement.

## **12. Planning balance**

The proposed scheme has been balanced in line with the statutory duty to ensure that any proposed development either preserves or enhances the character or appearance of the Conservation Area, as required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013 and the provision of new family dwelling, in line with policies H1, H4, H6, H7, D1 and D2.

The harm caused by the proposed structure, namely the additional floor level (when compared with the recently approved development) would be less than substantial in relation to the significance of the Camden Town Conservation Area. This would unbalance the current composition of the terraced



buildings and their gardens at either side of the plot and it will form an incongruous built back land structure, out of keeping with the other gardens, listed and unlisted. Furthermore, the Conservation Area Statement highlights the contribution of gardens and the gaps through which these can be seen to be significant to the character and appearance of the area. Whilst the proposal tries to include greenery across the building's roofs and walls to fit in with the garden character and enhance biodiversity, this is not considered to preserve, nor to enhance the character of the conservation area, and therefore would not outweigh the harm caused.

**13. Recommendation:-** Refuse planning permission