

Delegated Report		Analysis sheet N/A	Expiry Date: Consultation Expiry Date:	28/11/2019 01/12/2019
Officer		Application Number(s)		
Kristina Smith		2019/5075/P		
Application Address		Drawing Numbers		
46 Inverness Street London NW1 7HB		See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of two storey plus basement 2-bedroom dwelling house (Class C3) following demolition of existing single storey building (Class A1)				
Recommendation(s):	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	8	No. of objections	4
Summary of consultation responses:	<p>Four site notices were displayed in the surrounding area on 01/11/2019 (expiry 25/11/2019). A press advert was published on 07/11/2019.</p> <p><u>Objections</u> Objections were received from 4 neighbouring occupants on the following grounds:</p> <p>Principle</p> <ul style="list-style-type: none"> • Council does not seek housing at any cost, has to be acceptable in all other respects • Submission clearly does not reflect Council’s pre-app concerns <p>Design and heritage</p> <ul style="list-style-type: none"> • Building is far too big for the small plot • Should remain a single storey to ensure subordination to no.24 and no.44, to preserve the important gap and view between Gloucester Crescent and Inverness Street and avoiding unacceptable degree of overshadowing and massing against the rear of no.24 • The proposed design would be entirely at odds with the white render at ground floor level which is continuous along Gloucester Crescent and adjacent terrace • The proposed building spoils the line and architectural impact of the portico at no.24 which is one of a pair and an important part of the Crescent. • Anything beyond the existing height would be inappropriate for the site in order to maintain the break between the two terraces • Proposed dwelling is a contrived form of development on a site that is not capable of accommodating development much beyond existing massing • The proposed building blocks an important gap between Gloucester Crescent and Inverness Street which is visible down Gloucester Crescent. • Proposed building is not in keeping with the character of the area; the fact there are other modern brick buildings on Inverness Street does not justify the style of building on this site between two listed terraces. • Projection forward of existing building line is ugly and intrusive. The projection is not an issue with existing one storey building but proposed projection at height of two storeys will emphasise the inconsistent building line and be more intrusive. • As design is subjective, the application should go before the Design Review Panel. • The existing building is in-keeping and does not detract from the area unlike the proposed dwelling which will contrast and appear overly prominent and conceal important transition point and view of trees within the back gardens • Erosion of the gap will have a detrimental impact on the character and appearance of the conservation area and cause harm to setting of neighbouring listed buildings • As no public benefits have been proposed that outweigh the harm, 					

the proposal is unacceptable.

- The proposed building would be shoehorned onto the site and the first floor would crash into the flank elevation of no.24 and would also poorly align with the façade of no.44.
- The projection of the new dwelling would obscure architectural detailing and obscure views of the listed rear elevation from the street and its historic staggered sash window pattern.
- The setback closest to no.44 Inverness St is not sufficient to compensate for the impact of the additional floor
- Size and siting of the proposed openings in the façade have little relationship with fenestration of neighbours.
- The proposed façade is discordant and would disrupt street rhythm
- Design is uninteresting and devoid of any architectural detailing. It detracts from the rich, ornate surroundings
- Demolition of building is justified by the building's dilapidated state and neutral contribution to the conservation area; however dilapidation is not a reason to demolish and replace a building. Were the existing building to be restored its contribution to the conservation area could be improved.

Housing

- No outdoor amenity space proposed
- Lack of provision of bin and cycle spaces
- Small plot size means living space is not well formed and provided little outlook for the occupants. Not possible to provide rear windows without causing amenity harm.
- Spiral staircase does not promote lifetime home principles
- House does not seem compliant with fire or building regulations
- Second bedroom would not pass relevant BRE tests
- Development is single aspect
- Contrary to M4(2) standards
- No mention of affordable housing contribution.

Amenity

- Given orientation of site, the amount of direct sunlight to no's 24 and 25 will be affected.
- Expert advice has been sought from Chartered Surveyors (Delver Patman Redler) on the impact on daylight/ sunlight which highlights shortcomings of applicant's assessment and recommends further work be done including a measured survey and updated results.
- Incomplete and inaccurate assessment of daylight and sunlight conditions
- The height of the building would create an unacceptable degree of overshadowing to no.24 which currently benefits from light and sun. The light survey does not show the impact of light throughout the year.
- A ground floor window at no.24 is completely obscured by the proposed building
- Gardens of no's. 24 and 25 Gloucester Crescent will end up being enclosed on three sides by development of more than one storey

Basement

- The small and confined nature of the site will make it a complex engineering operation and risks damaging neighbouring buildings.
- Urge the Council to seek additional information on the effects of the proposed development and put safeguards in place via conditions.

- The potential impact of the basement dig on the terrace is very worrying.
- Basement scale would extend across entire footprint and beyond with no setback from neighbouring properties. Therefore contrary to policy A5.

Construction

- The proposed excavation risks the stability of adjoining properties.
- Construction period on such a constrained site is likely to be lengthy and will make lower floors of no.24 uninhabitable for the duration of works.

Other

- Drawings do not show the proposed lower ground floor front elevation
- The basement appears to extend underneath the pavement and therefore the applicant should serve Certificate B notice on the Council.

Supports

Letters of support were received from 4 neighbouring occupants on the following grounds:

Land use

- Support use of site as residential
- Highly appropriate use of a wasted space
- The housing shortage cannot be addressed without compromise

Design

- To have a residential building agreeable to the existing architectural style of the area will be a positive addition to the street and improve views from window.
- The profile and colour of the brickwork is clearly in-keeping with other recent additions to the street
- Love the front door and railings
- Existing building is shabby and the proposed building would look really nice

The Primrose Hill Conservation Area Advisory Committee acknowledges they have been involved in extensive pre-application discussions on the proposal and that their concerns have been substantially addressed. They have made the following comments on the application:

- The important gap between the new building and the porch to no.24 Gloucester Crescent is not shown consistently in drawings.
- Committee prefers a darker brick to the proposed lighter brick and requests that the details of the brick is secured by condition and samples viewed on site.
- Committee welcomes design in principle but requests the window opening to the dining area at ground floor to be extended in the form of a panel of recessed but solid brickwork to the first floor so as to follow the pattern of recessed bays established in other openings to the front elevation.

CAAC/Local groups*

comments:

*Please Specify

Site Description

The application site comprises a single storey brick white rendered building on the north side of Inverness Street at the western. It abuts 44 Inverness Street to the east and 24 Gloucester Crescent to the west, both of which are Grade II listed.

The existing lawful use of the property is likely to be retail (Class A1) and has been most recently used as a record shop although has been vacant for some time, at least since 2009. Prior to this time the site was used as a restaurant and is likely to have changed to retail using permitted development rights.

The site is located in the Primrose Hill Conservation Area and is also very close to the boundary of the adjacent Camden Town Conservation Area. The site is not identified as making a positive or negative contribution to the character and appearance of the conservation area.

Relevant History

9200346 - Alterations to ground floor front elevation and erection of extension at ground and first floor to existing single storey restaurant. **Refused 09/07/1992** on the following grounds:

- The proposed extension would result in a loss of sunlight and an increased sense of enclosure to the adjoining garden, to the detriment of the amenity of the adjoining residential occupiers
- The enlargement of the restaurant in a mainly residential area would be likely to have a detrimental impact on the character and amenity of the area by reason of increased noise and disturbance.
- The proposed extension would adversely affect the character and appearance of this part of the Primrose Hill conservation area by reason of its bulk and detailed design.

Appeal subsequently dismissed - 09/02/1993

9400189 - The excavation of a basement to provide additional restaurant facilities and external alterations to the front elevation and the roof - **Refused 08/04/1994** on the following grounds:

- The proposed ventilation extract system would be likely to result in disturbance to adjoining occupiers from noise and fumes.
- The enlargement of the restaurant in a predominantly residential area would be likely to have a detrimental impact on the character and amenity of the area and nearby residential occupiers by reason of increased noise and disturbance.

2015/0493/P – Erection of new 3 bedroom, two storey plus basement level dwelling, following demolition of existing building. *Withdrawn after case officer advised there was an 'in principle' objection to additional height for reasons of impact on conservation area and potentially amenity.*

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

New London Plan - Intend to Publish version 2019

Camden Local Plan 2017

G1 Delivery and location of growth

H1 Maximising housing supply

H6 Housing choice and mix

H7 Large and small homes

C6 Access for all

A1 Managing the impact of development

A5 Basements
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air quality
CC5 Waste
TC4 Shops outside of centres
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials
DM1 Delivery and monitoring

Supplementary Guidance 2018-19

CPG Access for all (2019)
CPG Amenity (2018)
CPG Basements (2018)
CPG Design (2019)
CPG Developer contributions (2019)
CPG Energy efficiency (2019)
CPG Interim Housing (2019)
CPG2 Housing (2016, amended 2019)
CPG Transport (2019)
CPG Trees (2019)
CPG Water and flooding (2019)

Primrose Hill Conservation Area Statement

Assessment

1. Proposal / Background

- 1.1. The applicant seeks planning permission for the demolition of the existing single storey structure and its replacement with a two storey plus basement single dwelling house.
- 1.2. Proposals for a new two-storey dwelling house have been assessed by officers previously as part of a planning application that was subsequently withdrawn (see history above) and three requests for pre-application advice. A clear, consistent response has been provided each time that resists an additional storey in this location for reasons that will be covered in detail in the design and conservation and amenity sections of the report.

ASSESSMENT

- 1.3. The main issues of consideration are:

- Land use
- Design and heritage impact
- Residential standards
- Affordable housing
- Amenity
- Basement impact
- Transport
- Sustainability

2. Land use

- 2.1. Whilst the site has been vacant for many years (at least since 2009), the existing lawful use of the site is most likely A1 retail as it is understood the most recent occupant of the building was a record shop. Before this time, planning history demonstrates that the building was a restaurant. It is expected that the use changed from A3 to A1 under permitted development rights.
- 2.2. The site is located in a predominantly residential area and does not have any designation in terms of it being part of a town centre or neighbourhood centre. Policy TC3 seeks to protect shops outside centres unless a) alternative provision is available within 5-10 minutes walking distance and b) there is clear evidence that the current use is not viable. In this case, the site is situated approx. 65m from the Camden Town Centre which is to the eastern end of Inverness Street where there are a number of retail units. In terms of viability of the use, no marketing evidence has been provided to demonstrate there is a lack of interest in the building; however, based on its dilapidated condition, vacancy for about 10 years and isolated location away from a parade of shops, it is unlikely that a potential retail occupier would be interested in the unit. As such, the loss of retail in this location is acceptable.
- 2.3. Policy H1 states that self-contained housing is the priority land use and, given the residential character of the surrounding area, there is no objection to the principle of provision of an additional dwelling house in this location. It is important to note that the Council is not supportive of housing at any cost and policy G1 requires development to take account of various factors including quality of design, its surroundings, amenity, heritage and any other considerations relevant to the site.

3. Design and heritage impact

Statutory provisions

- 3.1. Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) are relevant. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area when considering applications relating to land or buildings within that area. Section 66(1) requires that local authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 3.2. The effect of these sections of the Act is that there is a statutory presumption in favour of the preservation of the character and appearance of conservation areas as well as listed buildings and their setting. Considerable importance and weight should therefore be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified. This section of the report assesses the harm to heritage assets from the proposal. conclusion.

Policy context

- 3.3. Camden Local Plan policy D1 on Design states that- *The Council will seek to secure high quality design in development. The Council will require that development:*
- a. respects local context and character;*
 - b. preserves or enhances the historic environment and heritage assets in accordance with “Policy D2 Heritage”... etc.*
- 3.4. Para 7.2 of this policy is particularly relevant here as it says- *The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest*

standard of design and will expect developments to consider:

- *character, setting, context and the form and scale of neighbouring buildings;*
- *the character and proportions of the existing building, where alterations and extensions are proposed;*
- *the prevailing pattern, density and scale of surrounding development;*
- *the impact on existing rhythms, symmetries and uniformities in the townscape;*
- *the composition of elevations;*
- *the suitability of the proposed design to its intended use;*
- *inclusive design and accessibility;*
- *its contribution to public realm and its impact on views and vistas; and*
- *the wider historic environment and buildings, spaces and features of local historic value.*

3.5. Local Plan policy D2 on Heritage states that *'the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains...'*; later it says- *'The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.'*

3.6. Primrose Hill Conservation Area Statement (CAS) (PH1) states that *'New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.'*

Principle of development

3.7. The existing single storey structure was historically built as a building ancillary to no.24 Gloucester Crescent and is clearly subordinate to both adjacent terrace houses. It is located at the confluence of Gloucester Crescent and Inverness Streets (as well as both Primrose Hill Conservation Area and Camden Town Conservation Area) and is an important signifier of how the two streets, of differing characters, status and periods, developed historically.

3.8. The existing structure is somewhat dilapidated and run-down and there is no 'in principle' objection to a replacement structure provided it does not introduce an additional storey. This low, single storey building reflects the traditional pattern or character that could be expected from a return structure found at the junction of a Victorian development. As such, the gap or break between streets that it provides contributes to the particular architectural character of this part of the Primrose Hill Conservation Area as well as the adjacent Camden Town Conservation Area from which it is clearly visible.

3.9. Similar gaps can be seen on other streets nearby and further afield as they are typical of Victorian development. Several examples are provided in the applicant's submission. In some cases these may have been subject to a degree of infilling, through the addition of some height – but in every case this is clearly a subordinate extension to the host building that retains a gap rather than a new dwelling house boldly inserted into the streetscene. The applicant's justification for losing the gap is that such gaps are unintentional and accidental, occurring where two roads intersect. However, the Council would argue that these areas are completely intentional and a result of planned development. It is the spaces around the Victorian houses, the spaces between the buildings, which add positively to the historic character and form part of the considered layout of these attractive Victorian developments. Once these planned spaces have been infilled, there is a loss of openness, a loss of views of rear elevations and a loss of appreciation of trees, greenery and distant sky which form an important backdrop.

3.10. The justification goes on to say that the gap reveals the haphazard and evolutionary nature of the visible rear elevations which do not make a positive contribution to the

conservation area. Again, the Council would disagree with this claim and maintain that the visible rear elevations – which in the case of the application site allows views of an apparently intact rear elevation of a listed building – provides a positive contribution to the streetscene and conservation area.

- 3.11. The applicant's submission emphasises the dilapidated nature of the building and ascribes this to low significance. This may be true of the building *per se*, but it is not the actual bricks and mortar of the structure that officers seek to preserve - its importance and suitability for the site is a result of its scale and subsequent delineation between streets. It provides a clear indication of where Gloucester Crescent in Primrose Hill Conservation Area ends and Inverness Street in Camden Town Conservation Area begins. Shoehorning in a building that belongs to neither street not only results in a jarring and uncomfortable form in the streetscene, but serves to erode the distinction of the two streets and conceal the historical pattern of development.
- 3.12. The gap also provides a break in the built urban form where it is possible to see trees located in the back gardens of properties on Gloucester Crescent. Of Inverness Street, the Primrose Hill CAS reads, '*This is a wide road that forms a transition from the lively urban character of Camden Town to the more sedate leafy character of the Conservation Area*'.
- 3.13. Therefore, the principle of additional height in this location is strongly resisted owing to the erosion of the gap, an important signifier of the transition between different streets and historic pattern of development; and the concealment of the adjacent listed rear elevation and loss of leafy views, features intrinsic to the character of the Primrose Hill Conservation Area.

Form, massing and design

- 3.14. The form of the proposed dwelling comprises a middle projecting section (to match the existing building line) and two 'wing-like' sections which are set back closer to the building lines of adjacent buildings and allow for the incorporation of two front lightwells. Due to the extremely constrained plot, there is no scope for the building to be pushed back to align with the building line established by the Inverness Street terrace which means that most of the front façade is hard up against the pavement.
- 3.15. Although the existing building projects forward of the two adjacent buildings, its single storey scale allows for a more comfortable relationship with the street; however, increasing the height to two storeys results in a very intrusive and dominant building that has no regard to the pattern of development in the surrounding area. The projecting building line, when combined with the additional height, also serves to obscure the view west from Inverness Street towards Inverness Street identified in the Primrose Hill CAS as significant.
- 3.16. The depth of the building is limited to that of the existing structure - there is no curtilage beyond. The result is a very shallow building that appears shoehorned into its site with no breathing space on either side. This has the effect of overcrowding and overwhelming both neighbouring buildings. This would be unacceptable if the adjacent buildings were to be non-designated heritage assets; however, given their listed status, the impact is even more severe.
- 3.17. In terms of detailed design, the unadorned, block form of the design is a clear contrast to its more ornate and elegant neighbours. The large expanses of brick and proportions of the fenestration does not relate to the neighbouring buildings with their white rendered ground floors and more vertically proportioned windows. The design appears to be justified by the modern infills seen elsewhere along Inverness Street whilst the choice of brick has been chosen to match the extension to the Cavendish School further down the road. Corresponding to the character of the wider area is not sufficient for this extremely sensitive site in between two listed buildings in a conservation area.

Heritage impact

- 3.18. An assessment and evaluation of the scheme needs to be carried out in accordance with the requirements and tests within chapter 66 and 72 of the NPPF 2019 regarding any impact and level of harm caused to the significance of designated heritage assets, i.e. the adjoining listed building and the surrounding and adjacent conservation areas.
- 3.19. NPPF para 192 requires that those assessing applications take account of ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.’ Para 193 states that, ‘When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation’, and para 194 states that ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’. Substantial harm to a grade II listed building of any grade should be exceptional. Where the harm to a designated heritage asset is ‘less than substantial’, para 196 advises that ‘this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 3.20. The existing low single storey structure has an important role to play in the significance of the two adjacent Grade II listed properties, as it indicates how the two historic streets have developed and provides them with breathing space. Infilling this area with a two-storey structure conceals the distinction between the two streets to the detriment of the setting of two listed buildings. The proposed building also projects beyond the listed side entrance of no.24 Gloucester Crescent and the flank wall of no.44 Inverness Street, overwhelming the buildings and creating an awkward junction between the two forms.



- 3.21. The applicant’s Heritage Impact Assessment concludes that the existing building “detracts from the character and appearance of the conservation area and the setting of listed buildings and should be replaced”. It then goes on to argue that the proposed development would be an enhancement. However, the building is not beyond repair and as made clear by the NPPF, neglect is not a material planning consideration in considering the deteriorated state of a heritage asset (including Conservation Areas). Whilst not designated as making a positive or negative contribution to the conservation area by the Primrose Hill Conservation Area statement, officers consider the structure makes a neutral contribution. Its scale and submissive appearance is appropriate for its location and crucially does not detract as would the proposed development.
- 3.22. It is considered that the harm here to designated heritage assets is ‘less than substantial’. This applies to the adjacent Grade II listed buildings, no.24 Gloucester Crescent, no.44 Inverness Street, the Primrose Hill conservation area and the Camden Town

Conservation Area immediately adjacent. On the basis that there is less than substantial harm, paragraph 196 of the NPPF is applicable here, as noted above. Despite the delivery of new housing being a Local Plan priority, the provision of a 2-bed house with a limited standard of accommodation is not considered to be such an overriding factor to outweigh any harm caused to a designated heritage asset.

3.23. It is therefore concluded that there are no significant benefits to outweigh the 'less than substantial' harm caused by this form and design of housing development, in accordance with the balancing exercise as set out in the NPPF. Thus, the scheme would result in harm to the character and setting of the adjacent listed buildings without adequate justification and would not comply with Local Plan policy D2.

3.24. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and of preserving the listed building, its setting and its features of special architectural or historic interest, under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4. Residential standards

4.1. The proposed dwelling house would comprise two bedrooms (1 double, 1 single) over three storeys with a floor area of 86 sqm. Although a space standard for a 2-bed unit over three floors is not provided by Nationally Described Space Standards, a 2-bed 3 person over two floors requires 70 sqm and, given it well exceeds that figure, it is considered to be of a sufficient size. There is no curtilage to the property and no private amenity space can be provided.

4.2. In terms of daylight and outlook, the highly constrained nature of the site means that no windows can be provided on the rear elevation as it would result in overlooking (or perceived overlooking were the glazing obscured) to no.24 Gloucester Crescent. As such, the property only has windows to the front and is single aspect. Furthermore, the second bedroom at basement level would only have outlook onto a shallow lightwell and receive very limited daylight as a result. The submitted daylight and sunlight assessment reveals that it would fail the ADF. In recognition of its amenity, this bedroom is annotated as a guest room on the plans but in reality, the Council would not be able to control how this room was used.

4.3. New dwellings are required to be accessible and adaptable in accordance with Building Regulation M4(2). The proposed dwelling, whilst providing step-free access to the ground floor, would not be suitable for visitors or occupants with mobility issues owing to there being no WC at ground floor level and the upper and lower floors being accessed by a spiral staircase.

4.4. Due to site constraints, there is no room for cycle and bin stores and so bins and bikes would have to be stored inside the property and in the case of the bins, be brought out onto the pavement for collection.

4.5. The proposed dwelling would provide an adequate standard of accommodation; however, it is far from ideal in terms of daylight and outlook provision to the second bedroom, accessibility and provision of bin / bike storage. However, given the highly constrained site, the standard of residential accommodation is considered acceptable on balance and the drawbacks are not considered to constitute a reason for refusal.

5. Affordable housing

5.1. Policy H4 expects a contribution to affordable housing from all developments that provide

one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more'. As the residential uplift is less than 100 sqm, the application is not required to make a contribution.

6. Amenity of neighbours

- 6.1. The proposed development would increase the height of the existing massing in close proximity to rear windows of no.24 Gloucester Crescent. However, the majority of the new development would be built up against and not exceed the height of their closet wing whilst beyond the closet wing, towards the rear of the garden of no.24, the massing is reduced to a height of 4.4m, considerably lower than two storeys, through a pitched roof.
- 6.2. A daylight and sunlight assessment has been carried out to assess the impact and concludes that one window at no.24 Gloucester Crescent would not meet the BRE VSC Criteria (i.e. <20% loss from existing or >27% absolute VSC). The fail is a small obscured glazed bathroom window on the side elevation. Given the bathroom window is a non-habitable room, it is not considered to be sensitive to a loss of daylight and the impact is deemed acceptable.
- 6.3. In sunlight terms, all windows either face within 90° of due north or meet the BRE Guidelines for sunlight.
- 6.4. A surveyor acting on behalf of the occupier of no.24 Gloucester Crescent has raised concern about the accuracy of the survey information and requests a more accurate measured survey to be provided. Given there is negligible impact on the VSC of windows serving habitable rooms, officers do not consider it necessary to request further information as it is expected the results would not materially vary from those provided.
- 6.5. Particular concern has been raised about the impact on the sunlight received by the rear gardens of no.24 and 25. BRE guidelines recommend that an outdoor amenity space receives at least 2 hours of sunlight on March 21st to at least 50% of its area in the proposed situation or retains at least 80% of its former value with the proposal in place. The assessment finds that the amenity space associated with 24 Gloucester Crescent meets the BRE Guidelines with the proposal in place since it experiences no change in its existing level of sunlight. The amenity space associated with 25 Gloucester Crescent meets the BRE Guidelines for sunlight amenity as it retains 80% of its former value with the proposal in place. The surveyor acting on behalf of no.24 Gloucester Crescent has raised concerns with the assessment approach arguing that it should demonstrate the impact on additional shadowing throughout the year. CPG Amenity requires the design of proposals to be carefully considered so as to not block sunlight and overshadow windows or open spaces/gardens but does not introduce any additional assessment to BRE guidance. The main focus of CPG Amenity is to assess the impact on windows. As such, in overshadowing terms, the proposal is considered compliant with policy.
- 6.6. As such, there are no seriously significant amenity concerns that are considered to warrant a reason for refusal in relation to the proposed development.

7. Basement impact

- 7.1. Policy A5 on Basements and associated CPG guidance requires all new basements to be assessed to ensure they maintain the structural stability of the building and any neighbouring properties, avoid adversely affecting drainage and run-off or causing other damage to the water environment, and avoid cumulative impacts on structural stability or the water environment in the local area.
- 7.2. A Basement Impact Assessment (BIA) plus additional follow up information has been submitted and reviewed by the Council auditors, Campbell Reith who have found the BIA to

be compliant. The following conclusions were reached:

- The qualifications of the individuals involved in the BIA are in accordance with LBC guidance.
- Screening and scoping assessments are presented, supported by a Desk Study.
- The site investigation indicates the proposed basement will be founded in the London Clay.
- An outline construction scheme and structural information is presented. A methodology for the sheet piling installation has been also presented.
- Geotechnical parameters have been presented.
- A Ground Movement Assessment has been presented and the resultant predicted damage category is within the limits set by LBC's policy.
- A Flood Risk Statement has been presented, as required by the BIA.
- It is accepted there will be no impact to the wider hydrogeological and hydrological environments.
- It is accepted that there are no slope stability concerns regarding the proposed development.

7.3. The basement complies with the size and locational criteria f - m of policy A5- it is single storey only, approx. 3.1m deep and solely under the footprint of the new houses with the exception of two small front lightwells that project forwards by 1m. The excavation does not involve loss of any garden space or trees. The front lightwells would be finished with black metal railings, similar to the treatment of front lightwells along Inverness Street.

7.4. If planning permission was to be granted, compliance with the BIA and the submission of details for the appointed engineer overseeing the works would be secured by condition.

7.5. Owing to the proximity of the basement to the public footpath, an Approval in Principle (AIP) would ordinarily be secured to ensure the excavation would not have a detrimental impact on the public footpath. In the absence of such an agreement, the lack of an AIP will constitute a reason for refusal.

8. Energy and sustainability

8.1. In line with policies CC1 and CC2, the Council will require development to incorporate sustainable design and construction measures. All minor applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 19% reduction in carbon emissions below Part L of the Building Regulations, of which 20% is achieved by on-site renewable technologies.

8.2. The proposal comprises ASHPs located at basement level; however, no bespoke information has been provided in terms of their energy performance or noise and vibration levels. Were planning permission to be granted, this information could have been provided subject to condition and it is expected that the use of ASHPs would have enabled the development to meet the policy requirement in respect of reduction in carbon emissions.

8.3. All new build dwellings should achieve a maximum internal water use of 110 litres per person per day (this includes 5 litres for external water use), which if approved would be secured by condition.

9. Transport considerations

Car parking

9.1. Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled

parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion. It is more specifically aimed at improving health and wellbeing, encouraging and promoting active lifestyles, encouraging and promoting trips by sustainable modes of transport (walking, cycling and public transport), and addressing problems associated with poor air quality in the borough. Thus, car-free housing is required in the borough, regardless of any parking stress that may or may not locally exist. Were planning permission to be granted, the new house would be secured as car-free by Section 106 legal agreement; however, the absence of such agreement to secure this will constitute another reason for refusal.

Cycle parking

9.2. Policy T1 requires cycle parking facilities to be provided in accordance with the London Plan. In this case, two covered, secure and fully enclosed cycle parking spaces per dwelling would be required to meet the policy requirement. Given the site constraints, it is accepted there is no room to provide a dedicated storage area and, given the requirement is for two spaces only, the shortfall is considered acceptable on balance.

Highway matters

9.3. Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' In the light of the location and constraints of this site, a sensitive residential location in close proximity to adjacent dwellings, it is considered that in this case a Construction Management Plan (CMP) would be required. Paragraph 6.13 of Policy A1 also suggests that CMPs should be secured where sites are adjacent to listed buildings.

9.4. The Council would therefore want to secure a CMP, a CMP implementation support contribution of £3,136 to mitigate the impact on the safety and operation of the local road and pedestrian networks. A CMP bond of £7,500 would also be required in case the contractor fails to abide by the CMP and the Council has to take action to remediate issues. The fee would be fully refundable on completion of the works should there be no breach.

9.5. Policy A1 also states in para 6.11 that highway works connected to development proposals will be undertaken by the Council at the developer's expense. A highways contribution is required to pay for repairing any damage to the public highway.

9.6. All the aforementioned items would, if planning permission were to be granted, be secured by a Section 106. However, in the absence of such an agreement they will constitute a reason for refusal.

10. Recommendations

10.1. Refuse planning permission on the following grounds:

1. The proposed development, by reason of its siting, height, massing and design, would represent a bulky, intrusive and incongruous addition to the streetscene that would conceal the historic pattern of development, harm the setting of the two adjacent Grade II listed buildings and harm the character and appearance of both Primrose Hill and Camden Town Conservation Areas, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2. The proposed development, in the absence of a legal agreement securing an Approval in Principle, would fail to mitigate the impact of the basement works on the adjacent public highway contrary to policies A1 (Managing the impact of development), T3 (Transport Infrastructure) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

3. The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

5. The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.