

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		10/02/2020	
		N/A		<b>Consultation Expiry Date:</b>		16/02/2020	
<b>Officer</b>				<b>Application Number(s)</b>			
Nathaniel Young				2019/6236/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat Ground Floor 15 Lyncroft Gardens London NW6 1LB				Please 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>							
Enlargement of existing cellar and excavation of basement extension under the footprint of the property and associated lightwells at the side and rear of the property; and installation of 2 x windows to front of property.							
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission subject to S106 agreement</b>					
<b>Application Type:</b>		<b>Full Planning Application</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. of responses	<b>08</b>	No. of objections	<b>08</b>		
<b>Summary of consultation responses:</b>		<p>Press notice: published on 23/01/2020 Site notice: displayed from 23/01/2020</p> <p>Eight objections were received from residents occupying Nos. 5, 9, 13, 15 (upper floors flat) Lyncroft Gardens and other unknown addresses raising the following concerns:</p> <ol style="list-style-type: none"> <li>1. Harm to the character and appearance of conservation area.</li> <li>2. Noise and disturbance caused by construction work.</li> <li>3. Detrimental impact to structural stability/physical harm to neighbouring properties</li> <li>4. Damage to pavement caused by heavy vehicles.</li> </ol> <p><i>Officer response:</i></p> <ol style="list-style-type: none"> <li>1. <i>The front lightwell has been removed from the proposal and instead two small windows would be installed, similar to what exists at Nos. 3, 17, 23, 35 and 41 These windows are not considered to be visually</i></li> </ol>					

*obtrusive features within the street scene. The remainder of the works would be entirely subterranean and contained to the rear of the property, and as such, are not considered to cause harm to the character and appearance of the wider conservation area. See section 2.3 (Design and conservation).*

- 2. Such concerns would be considered within the Construction Management Plan (CMP). Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. Any building works that can be heard at the boundary of the site must be carried out 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. If this is breached, residents are advised to report this to the Council's noise team for investigation.*
- 3. The applicant has submitted a Basement Impact Assessment which has been reviewed by Campbell Reith, an external engineering consultant, who, after amendments, are satisfied that the proposed development would not detrimentally impact the structural stability of the neighbouring properties. It was also concluded that there will be no impacts to the wider hydrological and hydrogeological environments.*
- 4. Contributions are to be secured via a legal agreement to allow the Council to repair any damage done to the highway in the general vicinity of the site on completion of development.*

## Site Description

The application site contains, a three-storey, mid-terrace, residential building with cellar, situated on the north-western side of Lyncroft Gardens. The application specifically relates to the ground floor flat.

The application site is located within the West End Green Conservation Area, it is not statutorily listed but is identified as making a positive contribution to the character of the conservation area. It is also located within the Fortune Green and West Hampstead Neighbourhood Area.

## Relevant History

### Site

None

### No. 3

2019/0718/P: Excavation and alterations to existing basement and installation of 1x front window at basement level to dwelling house (use C3). Approved 24/06/2019.

### No. 23

2018/3377/P: Extension and lowering of the existing basement floor below the whole footprint of the building; installation of new window to front elevation at lower ground floor level; replacement of the rear infill extension roof with a new pitched roof and replacement aluminium sliding doors; replacement rear patio doors with new aluminium sliding doors. Approved 05/09/2019.

### No. 35

2007/3446/P: Excavation of basement with front lightwell, erection of rear ground floor level extension and erection of rear first floor level balcony all in connection with existing single-family dwellinghouse (Class C3). Approved 27/09/2007.

### No. 41

8804070: Alterations and excavation in connection with the extension of the existing basement ground

and first floor maisonette into the internal basement area. Approved 01/03/1989.

## **Relevant policies**

### **National Planning Policy Framework 2019**

### **The London Plan March 2016**

### **The New London Plan intend to publish 2019**

#### **Camden Local Plan 2017**

A1 Managing the impact of development

A5 Basements

D1 Design

D2 Heritage

T4 Promoting the sustainable movement of goods and materials

CC3 Water and flooding

#### **Camden Planning Guidance 2018-2019**

CPG Design

CPG Amenity

CPG Basements

CPG Transport

CPG Developer contributions

CPG Altering and extending your home

### **Fortune Green and West Hampstead Neighbourhood Plan 2015**

Policy 2 Design & Character

Policy 3 Safeguarding and enhancing Conservation Areas and heritage asset

### **West End Green Conservation Area Statement 2011**

## **Assessment**

## **1 PROPOSAL**

1.1 Planning permission is sought for:

- Enlargement of existing cellar and excavation of basement extension under the footprint of the property and associated lightwells at the side and rear of the property; and
- Installation of 2 x windows to front of property at basement level.

### Revisions

1.2 During the course of the application the applicant has submitted revised drawings showing the removal of the front lightwell and associated railings, the retention of the front stairs and the installation of two new front windows (in place of the front lightwell).

## **2 ASSESSMENT**

2.1 The material considerations for this application are as follows:

- Basement development;
- Design and conservation;
- Residential amenity;
- Highways and transport; and
- Flooding.

### **2.2 Basement development**

2.2.1 It is proposed to enlarge the existing cellar and excavate a basement which would largely sit within the footprint of the existing building and the creation of two rear lightwells and two front windows. The basement is fully compliant with Local Plan policy A5 criteria in terms of its location, scale and size. The basement would comprise a single storey, would not be built under an existing basement, and would be less than 1.5 times the footprint of the host property. The rear lightwells would be situated in the rear patio to the side and to the rear of the existing outrigger and take less than 50% of its area; and given that the area they would occupy what is currently a hard surfaced patio, it would not be harmful to the character, biodiversity or permeability of the site.

2.24. A Basement Impact Assessment (BIA) has been submitted as part of this application. This document has been independently audited by Campbell Reith (engineering consultants). The Audit reviewed the Basement Impact Assessment for potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with the Council's adopted policies and technical procedures. After amendments to the detail of the report, it has been satisfactorily demonstrated that structural stability would be maintained for the subject property, neighbouring properties and adjacent highway and that the proposed development would not impact the hydrogeological environment.

### **2.3 Design and conservation**

2.3.1 Local Plan policies D1 (Design) and D2 (Heritage) and Neighbourhood Plan policies 2 (Design & Character) and 3 (Safeguarding and enhancing Conservation Areas and heritage asset) are aimed at achieving the highest standard of design in all developments. Policies D1 and 2 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policies D2 and 3 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.3.2 CPG Basements provides detailed design guidance regarding the installation of lightwells, and states that where basements and visible lightwells are not part of the prevailing character of a street,

new lightwells should be discreet and not harm the architectural character of the building, the character and appearance of the surrounding area, or the relationship between the building and the street. In situations where lightwells are not part of the established street character, the characteristic of the front garden or forecourt will help to determine the suitability of lightwells.

2.3.3 After amendments, the proposal would no longer include a lightwell to the front of the property and the existing stairs would be retained. Instead two small windows would be inserted into the lower section of the existing front bay similar to what exists at the neighbouring properties No. 17, 23, 35 and 41 and what was approved at No. 3 under application ref: 2019/0718/P.

2.3.4 The rear lightwells would be appropriately positioned to the rear and side of the outrigger, sit flush with the ground with galvanised steel grilles over the top and would not occupy an excessive proportion of the rear garden. The new basement level fenestration would be of an appropriate scale, siting, design and materials and in keeping with what has been established within the surrounding area. All other works would be subterranean in nature and not visible. As such, it is considered that the character and appearance of the subject property, terrace grouping and wider conservation area would remain preserved.

2.3.5 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, scale, design and location of the proposed alterations, would ensure no harm is caused to the character of the host building and surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan and policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan.

## **2.4 Residential amenity**

2.4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.

2.4.2 It is noted that neighbours have raised concerns in relation to the nuisance caused by the construction works as part of basement excavations, due to such developments taking place along the street in the recent past. The resulting noise, dust and air pollution from construction works would be managed by a Construction Management Plan (CMP) secured via s106 legal agreement. As a legal live document the agreement would ensure that the construction works would take into account any other construction near to the application site, and ensure smooth management of the construction traffic and parking. As such the CMP would ensure that the construction of the proposed scheme would minimise the harmful impacts of construction on the building and on local amenities. In line with CPG Basements the applicant should engage with the neighbouring occupiers as part of preparing the CMP to ensure that their needs have been considered during the construction process.

2.4.3 The CMP would be subject to a monitoring fee of £3,136 for the Council to review and monitor the CMP and the construction of the development.

2.4.4 The newly created windows and lightwells would not afford new views into any neighbouring habitable windows while also providing adequate levels of light to the newly created study, playroom and gym within the subject property. The front windows would be sited marginally above ground level and would face the street. The remainder of the proposed works would be entirely subterranean in nature and as such is not considered to cause any harm to residential amenity.

## **2.5 Highways and Transport**

2.5.1 A construction management plan (CMP), construction impact bond of £7,500 and monitoring fee of £3,136 would be secured via s106 legal agreement in order to manage the impact of the proposed basement excavation (see para 2.4.2 for CMP details).

2.5.2 An 'approval in principle' (AIP) and associated costs of £1,863.53 would also be secured in order to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. The AIP report would be submitted to the Council's Highways Structures & Bridges Team within Engineering Services as a pre-commencement planning obligation. This is a requirement of British Standard BD2/12. The AIP report would include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also include an explanation of any mitigation measures which might be required.

2.5.3 In relation to car free development and cycle and waste storage, as the proposal represents extensions to the existing flat and no new units are created, the development would not be required to be car-free nor required to provide additional waste or cycle storage.

## **2.6 Flooding**

2.6.1 Policy A5 Basements also states that "the Council will not allow habitable rooms and other sensitive uses for self-contained basement flats and other underground structures in areas at risk of flooding".

2.6.2 The submitted BIA and Hydrogeology, land stability and ground movement assessment which has been reviewed by Campbell Reith indicates that the proposed development would not impact the hydrogeological environment.

2.6.3 The basement rooms of this proposal are considered ancillary to the main residential living space at ground floor level. They include a study, playroom, gym and shower. All of the existing flat would remain as existing with all primary rooms (living room, kitchen/dining room and bedrooms) on the ground floor. The basement level accommodation would be an ancillary part of the ground floor flat and would not be a self-contained unit. Internally the basement level is linked by a central staircase to the ground floor and escape hatches are available in both lightwells. It is therefore considered that the proposals would include sufficient means of escape to ensure that the risk to the inhabitants would be minimised. Ancillary use of the basement level is to be secured by way of a condition.

## **3.0 Recommendation:**

3.1 Grant conditional planning permission subject to s106 legal agreement with the following heads of terms:

- Construction Management Plan and associated Implementation Support Contribution of £3,136.
- Construction impact bond of £7,500
- Approval in Principle and associated costs of £1,863.53

### **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 7<sup>th</sup> December 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'***