

<b>Delegated Report</b> <b>(Refusal)</b>	<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>09/08/2019</b>	
	N/A / attached		<b>Consultation Expiry Date:</b>	<b>26/03/2020</b>	
<b>Officer</b>		<b>Application Number(s)</b>			
Joshua Ogunleye		2019/4089/P			
<b>Application Address</b>		<b>Drawing Numbers</b>			
111 Canfield Gardens London NW6 3DY		See draft decision notice			
<b>Proposal(s)</b>					
Excavation of the front garden area for a car lift system and alterations to hard landscape.					
<b>Recommendation(s):</b>		Refuse planning permission			
<b>Application Type:</b>		Full Planning Application			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informative:</b>					
<b>Consultations</b>					
<b>Adjoining Occupiers:</b>		No. of responses	00	No. of objections	63
		No. Electronic	00	No. of Comment	0
				No. of support	0
<b>Summary of consultation responses:</b>		Site notice consultation: 31/01/2020 until 22/02/2020 Press notice consultation: 30/01/2020 until 23/02/2020  63 responses were received from neighbouring properties. Details of objections are summarised below. <ul style="list-style-type: none"> <li>The owner of this property has already removed valuable soil and earth to excavate a large basement at his property causing flooding, damp and other problems to his neighbours.</li> <li>This would set a very bad precedent in an area prided for its green policies, gardens, and environment. This owner has already managed to secure parking spaces for 2/3 cars.</li> <li>the loss of a bedroom, to increase in off-street parking</li> <li>Loss of green space within the front garden and harm to the conservation area</li> <li>Increase to the existing ambient noise from the operations of the lift,</li> </ul>			

	<p>negatively affecting the surrounding neighbours.</p> <ul style="list-style-type: none"> <li>Increased capacity of off-street parking at the property will increase the flow of traffic and related pollution around the property, negatively affecting the surrounding neighbours</li> </ul>
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<p><b>Community &amp; Residents Active in South Hampstead</b></p>	<p>Canfield Gardens did not originally contain habitable basement areas. The creation of the habitable basement area and front lightwells at no.111 appears to have been done through retrospective planning consent and involved an appeal which subsequently granted permission for creation of the lightwells and habitable basement rooms.</p> <p>The previous works in this basement caused significant upset and damage including flooding to the neighbouring property No properties of this architectural design which are prevalent in Canfield and Compayne Gardens originally included garages.</p> <p>The existence of a garage in one half of the property at no.111 cited in documents from 1986 would not have been the original state of the building as constructed in the conservation area (and certainly not at basement level). A garage must have been installed during a period of laxer planning controls in Camden. Therefore it is not desirable or appropriate to revert to a garage. In addition Camden’s character appraisal for the area published Feb 2011 notes in para 13.46 “Where part of the front elevation has been adapted to form a garage, the Council will encourage the reinstatement of habitable rooms.”</p> <p>Therefore it would be contrary to permit conversion of habitable rooms back to a garage. The frontage of the property is already 100% dedicated to car parking – 3 or 4 cars can park on the forecourt already (the existing plans show 2 cars but three cars can easily be accommodated as the garden is 100% hardstanding and the gap in the front wall as well as dropped pavement accommodates this.</p> <p>The application is not in keeping with the contents of the South Hampstead conservation area statement and the Swiss Cottage Conservation Area design guide relating to the article 4(1) direction.</p> <p>The “cardock” system – if left in the raised state would be extremely unsightly and not in keeping with any structures in the conservation area. There would be no mechanism to enforce on a daily basis that the system was hidden from view If approved, a very damaging precedent would be set in terms of further basement development and conversion of front gardens to hardstanding. If approved, there would be provision for even further cars while Camden is publicly committed to discouraging car use.</p>
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<b>Site Description</b>	
<p>1.1.</p> <p>1.2.</p> <p>1.3.</p>	<p>The subject property is three storey semi-detached property with basement on the southern side of Canfield Gardens. The property is in residential as a single family dwelling house.</p> <p>The property is visible from the public realm comprises a red brick finish, timber sash windows, white painted parapet and a slate tiled hipped roof. It appears similar to other properties similar properties on the street. The property benefits from a sizeable front garden area comprising hard landscaping and two front small scale lightwells and a crossover.</p> <p>The application property is within the South Hampstead Conservation Area and is subject to an article 4 direction. The properties as positive contributors. The property is not subject to any</p>

statutory or local listing.

## Relevant History

**2013/4394/P** Continued use of building as single family dwelling (Class C3). Application Granted on 20/09/2013

## Relevant policies

### National Planning Policy Framework 2019

### London Plan 2021

### Camden Plan 2017

A1 Managing the impact of development

A5 Basement

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

### Camden Planning Guidance

CPG Home Improvement (2021)

CPG Transport (2021)

CPG Basement (2021)

CPG Design (2021)

CPG Amenity (2021)

### South Hampstead Conservation Area Appraisal and Management Strategy (2011)

## Assessment

### 2. Proposal

- 2.1. Planning permission is sought for the formation of a basement level extension within the front garden area measuring 3.6m (width) x 5.85m (length) x 3.27m (depth).
- 2.2. The change of use of an existing basement level bedroom to garage.
- 2.3. The installation of hard standing landscape with a permeable bonded aggregate surface.
- 2.4. No change is proposed to the existing crossover

### 3. Revisions

No revised drawings was sought in the consideration of this application.

### 4. Assessment

- Design and heritage
- Transport
- Sustainability
- Impact on the neighboring amenity

#### Design and heritage

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all

developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 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. Camden's Local Plan is supported by CPG documents 'Design' and 'Altering and extending your home' and the West End Green Conservation Area Statement.

- 4.2. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.
- 4.3. Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 4.4. Paragraph 4.39 of the 'Design CPG' states that Schemes should seek to minimise the amount of hard landscaping and no more than 50% of the frontage area should become hard landscape,
- retain or re-introduce original surface materials and boundary features, such as walls, railings and hedges, where they have been removed, especially in Conservation Areas. If new materials are to be introduced they should be complementary to the setting;
  - prevent the excavation of lightwells as a means of providing access to basements where this does not form part of the historical means of access to these areas. For more information see CPG Basements.

#### Local Character

- 4.5. The surrounding area comprises predominantly residential use Victorian properties. The northern side of the road is characterised with three storey properties of a uniform scale and massing. These properties remain visually uniform, despite having had various alterations to their front elevation. The prevalence of off street parking on the road has contributed to vehicle crossovers and front garden parking eroding front garden boundaries. However, the majority of properties on the street still retain their front boundary detailing.
- 4.6. There are very few noticeable instances of light wells within the front garden area of neighbouring properties. Where they do exist for instance at No.74 and 80 Canfield Gardens officers consider them to be a modest scale and adequately screened by lightweight grills which minimise their visual impact from the public realm.
- 4.7. Furthermore, front gardens of neighbouring properties are predominately lawn and turf and the occasional brick paving. Instances of soft landscape detailing are prevalent in the front garden area of neighbouring properties typically characterised by green lawn, hedgerow and privets. Despite being removed from some front garden areas soft landscape remains a visually dominant feature along the street scene.

#### Proposed Front Garden Excavation

- 4.8. The proposed front garden excavation would cover approximately 23% of available space within the front garden area, and would be within 1m of the front boundary wall. The proposed vehicle lift platform would have a height of 2.68m when in the raised position, although only the outline of the platform box would be visible when in the lowered position. The lift unit would appear visually light weight, by virtue of its four post metal frame and flat roof.
- 4.9. Its metal frame finish, scale and proximity to the front boundary wall would result in the platform system appearing as an unsympathetic utilitarian addition within the context of a front garden

area and the host property's front elevation. When raised the proposed platform would sit proud of the host property where the metal frame and flat roof would constitute visual clutter within the context of the front garden area.

- 4.10. The application of resin bond hard landscaping material in this context does little to mitigate the inappropriateness of the proposal within the context of the South Hampstead conservation area. However, it is noted that the proposed resin material would be similar to the existing context, which has been in place for a considerable period of time. As such there would be no loss of soft landscaping.
- 4.11. Front gardens and subsequent structures contribute strongly to a sense of enclosure as well as the character and appearance of the streetscape and hence that of the conservation area. Officers note that the proposed lift system would hardly be visible when in the lowered position. Had this application be recommended for approval officers consider it would be possible to use a planning condition to minimise the development's visibility by requiring the lift to be in the lowered position at all times except when moving vehicles from the basement level.
- 4.12. Thus, while the raised lift would be an uncharacteristic structure in the front garden, the lift would not result in the loss soft landscaping nor in further erosion of the front boundary treatment, and therefore it is not considered that the proposed excavation and landscaping works would harm the character and appearance of the host property, and the streetscene as well as the wider South Hampstead Conservation Area.

## **5. Amenity**

- 5.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 point c. states that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Furthermore, Policy A1 paragraph 6.10 states that highway safety, with a focus on vulnerable road users should also be considered, including provision of adequate sightlines for vehicles leaving the site, and that development should also address the needs of vulnerable or disabled road users.
- 5.2. The creation of an on-site parking space would give rise to increased opportunities for conflict with more vulnerable road users such as pedestrians and cyclists, because of the proximity of the car lift to the front boundary, which is insufficient to allow vehicles using the lift to turn and leave the site in a forward gear. This would create an unnecessary hazard to safe public movement on the pavement and public highway, contrary to Policy A1.
- 5.3. Given the modest scale of the proposed works it is not considered that it would give rise to adverse noise impact.

## **6. Transport**

Policy T1 of the Camden Local Plan states that to promote sustainable transport choices, development should prioritise the needs of pedestrians and cyclists and ensure that sustainable transport will be the primary means of travel to and from the site. In order to encourage walking, the Council will seek to ensure that developments improve the pedestrian environment.

- 6.1. Policy T2 of the local plan states that in order to lead to reductions in air pollution and congestion and improve the attractiveness of an area for local walking and cycling, the Council will limit the availability of parking within the Borough. The policy also seeks to *'limit the availability of parking and require all new developments in the borough to be car-free development'* which means that no car parking spaces are provided within the site other than *'spaces designated for disabled people where necessary, and/or essential operational or servicing needs'*.

- 6.2. The existing front garden area is currently capable of accommodating 3 vehicles, the proposal would increase the site's parking capacity by 2, with one in the basement garage and other in the lower car dock.
- 6.3. Officers have given regards to a recent dismissed planning appeal at 6 Lawn Road (application Ref 2019/6380/P, APP/X5210/W/20/3255855 issued 25 November 2020) for the creation of a new crossover, together with the removal of a portion of the existing boundary wall; installation of new iron gates and railings. Provision of additional planting. The inspector concluded that the provision of on-site parking signifies an *'intention to rely on private motorised vehicle ownership, along with the convenience of a dedicated on-site parking space, would incentivise the appellants and future occupiers of the appeal property to own and rely on the use of a car, irrespective of the accessibility of the appeal site to shops, services and public transport'*.
- 6.4. Within the application submission the applicant stated that the additional spaces would be in order to store high value collectable cars on site. Officers note that the local plan does not allow an exception on this ground and in any event do not consider that it would be practical or enforceable to apply planning conditions or obligations to restrict its use to such a purpose for the lifetime of the development. As such the proposals to increase on-site parking would be contrary to Policy T2.
- 6.5. In conclusion, the development is intended to increase the on-site parking capacity, for purposes unconnected with the parking exceptions of policy T2(b) and is recommended for refusal on that basis.

## **7. Basement Excavation**

- 7.1. Policy A5 of the council's Local Plan states that *'in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA)'*. All planning applications within the borough which involve any significant degree of downward excavation work (e.g. for a new basement level or enlargement of an existing basement area) are required to be accompanied by a Basement Impact Assessment (BIA). The need for the BIA is to ensure that the excavation works do not harm the ground stability or hydro-geological conditions of the local area or cause damage to neighbouring properties.
- 7.2. Policy A5 considerations (f) to (m) set out the criteria for minimising the impact of basement scale and form. The proposed basement would be single storey and not be built under an existing basement (f and g), its scale would be approximately 25% of the front garden area (h) and be less than 1.5 times the footprint of the host building (i). (j) is not relevant to the front garden. The excavation area would site close to the boundary wall of the property at No.113, although the structure would remain entirely within the site's curtilage and the development would not result in the loss of soft landscaping within the front garden area.(l and m). The proposals would fail to accord with (k) which requires that the excavation does not extend more than 50% of the depth of the garden, although the basement would sit under an established area of parking hard landscape.
- 7.3. The Council's external engineering consultant carried out an independent audit of the submitted BIA and identified a number of issues which need to be addressed by the BIA in order to demonstrate that the development could be carried out without causing harm to the local environment, including matters relating to hydrology, hydrogeology, structural stability and the qualifications of the BIA author. Policy A5 is clear that such issues should be resolved prior to the principle of the basement/excavation works being acceptable, and not demonstrated post-decision. The absence of a suitable Basement Impact Assessment is therefore a reason for refusal.
- 7.4. Due to the proximity of the basement to the public highway, it would be essential to ensure that the basement can be excavated without harm to the public highway. If the principle of the

development were acceptable from a transport perspective the Council would expect an Approval in Principle to be secured by s106 legal agreement. However it is not considered that the absence of an AIP justifies an additional reason for refusal.

- 7.5. The applicant has failed to demonstrate that the excavation of the basement level parking would be carried out without causing harm to the structural, ground, or water conditions of the area, contrary to Policy A5 of the Local Plan.

## **8. Conclusion**

- 8.1. The increase in on-site parking would promote the use of private motor vehicles, would fail to encourage the use of sustainable modes of transport and the development would increase the opportunities for potential conflict with pedestrians and cyclists, contrary to policies T2 (Parking and car free development) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 8.2. The applicant has failed to demonstrate that the proposed excavation and basement level works would not cause harm to the structural, ground, or water conditions of the area, contrary to policy A5 and of the London Borough of Camden Local Plan (2017).

## **9. Recommendation**

- 9.1. REFUSE planning permission