

Application ref: 2021/1304/P
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Date: 8 September 2021

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London Borough of Camden
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Miltiadou Cook Mitzman Architects LLP
Unit 1
Primrose Mews
Sharpleshall Street
London
NW1 8YW

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:

**15 Lyndhurst Terrace
London
NW3 5QA**

Proposal:

Excavation of basement level with front and rear lightwells
Drawing Nos: Existing - 246-DWG-000 (Rev P1); 246-DWG-001 (rev P1); 246-DWG-002 (rev P1); 246-DWG-003 (rev P1); 246-DWG-010; 246-DWG-020-N; 246-DWG-021-E; 246-DWG-021-E-2; 246-DWG-022-S; 246-DWG-023-W

Proposed - 246-DWG-100 (Rev P3); 246-DWG-104 (Rev P3); 246- 246-DWG-108 (Rev P3); 246-DWG-109 (Rev P1); 246-DWG-110-AA (Rev P1); 246-DWG-121 (Rev P2); 246-DWG-123 (Rev P2); 246-DWG-124 (Rev P2)

Design and Access statement (dated March 2021); Arboricultural Survey and Report (prepared by Wassells, dated 18th March 2021); Basement Impact Assessment Report (Ref 15/23908-2) dated February 2021 by Site Analytical Services Ltd; Construction Method Statement (Ref 3161) dated February 2021 by Concept Consultancy Structural Designers Ltd; Construction Management Plan dated January 2021 by Blue Sky Building

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing - 246-DWG-000 (Rev P1); 246-DWG-001 (rev P1); 246-DWG-002 (rev P1); 246-DWG-003 (rev P1); 246-DWG-010; 246-DWG-020-N; 246-DWG-021-E; 246-DWG-021-E-2; 246-DWG-022-S; 246-DWG-023-W

Proposed - 246-DWG-100 (Rev P3); 246-DWG-104 (Rev P3); 246- 246-DWG-108 (Rev P3); 246-DWG-109 (Rev P1); 246-DWG-110-AA (Rev P1); 246-DWG-121 (Rev P2); 246-DWG-123 (Rev P2); 246-DWG-124 (Rev P2)

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Reason:

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

- 3 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and policies BA1, BA3 of the Hampstead Neighbourhood Plan 2018.

- 4 The development hereby approved shall be carried out strictly in accordance with the BIA compiled by Site Analytical Services Ltd dated February 2021 and the recommendations in the Campbell Reith Audit dated August 2021.

Reason: To safeguard the appearance and structural stability of neighbouring

buildings and the character of the immediate area in accordance with the requirements of policy A5 of the Camden Local Plan 2017 and policies BA1 and BA3 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

1 Reasons for granting permission.

The proposal comprises a single storey basement largely accommodated underneath the footprint of the existing house plus that of the rear extension consented under application ref. 2020/0746/P (dated 19/06/20). It would project slightly beyond the footprint to provide very modest front and rear lightwells. Owing to the property's position in its plot, sited behind a large front garden, the front lightwell would not be visible from the street or impact on its proportions or character. To the rear, the lightwell would be finished with walk-on glazing and would not project beyond the maximum rear building line.

The basement would provide additional living accommodation including a lounge, bedroom, laundry and plant room. The limited daylight and outlook to the habitable rooms is considered acceptable on this occasion owing to the rooms being in addition to existing living and sleeping accommodation.

The excavation fully complies with the criteria of policy A5 in terms of scale, siting and impact on existing landscaping and garden character. A Basement Impact Assessment was submitted with the application and has undergone a satisfactory audit by Campbell Reith, the Council's independent engineer. The assessment confirms that damage to neighbouring habitable properties and the host building can be limited to category 1 (very slight). However, damage to a nearby detached garage structure built on the boundary and belonging to no. 17 Lyndhurst Terrace, could exceed policy recommendations and reach Category 2. This is considered acceptable in this instance only because the garage is a non-habitable structure and has no heritage merit. Notwithstanding this, the construction process should be controlled to minimise ground movements and mitigate damage to neighbouring structures to the lowest level practicable.

It is noted that a previous basement audit has taken place at the property under planning ref. 2017/2471/P although the scheme was ultimately refused on design and conservation grounds. The audit has therefore only assessed the amendments, namely a slightly deeper excavation and change to construction methodology.

It is noted that an AC unit is already in situ and is being retained rather than proposed. It is shown on existing and proposed drawings as it was also for application ref. 2020/0746/P.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of 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.

Due to the nature of the works, the proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

There are no trees within the curtilage of the application site but the typical RPA of a horse chestnut tree in neighbouring no.17 may extend into the area of excavation works. However, it is expected that the tree is unlikely to have rooted beneath no.15 owing to the existing foundations of the boundary wall and property. Furthermore, roots encountered through site investigations were found to be dead or dying in reflection of the tree being in terminal decline with a safe life expectancy of less than 10 years. It has been accepted by the Council that the proposed works would not further impact the health of the tree.

Given the excavation works involved, a Construction Management Plan (CMP) and associated Implementation Support Contribution of £3,920 will be secured in addition to an Impact Bond of £7,500. All obligations will be secured by means of a section 106 agreement.

- 2 One objection has been received from no.13 Lyndhurst Terrace relating to concerns about potential land stability and hydrogeological impacts. The BIA audit addresses these concerns directly in Section 4 of the final audit report. The planning history of the site has been taken into consideration.

As such, the proposed development is in general accordance with policies A1, A2, A3, A5, C6, T4, D1 and D2 of the Camden Local Plan 2017 and policies DH1, DH2, BA1, BA3 and NE2 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer