

London Borough of Camden

Members' Briefing Report

Officer: Charles Thuairé

Application Number: PWX0103579R2

Address: 6 Wedderburn Road NW3.

Proposal: Creation of 2 lightwells in front garden with associated railings and elevational alterations, in connection with excavation of basement cellar to create additional habitable space for the maisonette on the lower floors.

Drawing Numbers: EX001,2; PL001B,2B

Recommendation Summary: Grant planning permission (FPC)

(Referred from 22/10 MB)

SW

request for more
info on MMS
quoted issue of
High Court action
against basement
charter in road.

NB: Extra research on file
for 20 W. Rd means
decision will be after
8 wk copying data.
BT 5/11.

1. SITE

- 1.1. 3 storey plus basement and attic house divided into flats, including a 3 bedroom maisonette on the ground floor with a storeroom and cellars in the basement. The front garden is at a higher level than the road (by approx 1.8m) and bounded by a 1.5m high retaining wall surmounted by an equally high hedge.
- 1.2. Located in Fitzjohns/Netherhall CA. The north side of the street is characterised by large redbrick Edwardian houses with cellars and front gardens raised above the street level. None have forecourt hardstandings or lightwells (except 2) and all have their original retaining front garden walls.

2. PROPOSAL

- 2.1. Creation of 2 lightwells in front garden with associated railings and elevational alterations, in connection with excavation of basement cellar to create additional habitable space for lower floors maisonette.

Revision 1:

- 2.2. Various options for alternative lightwell designs, revised design of patio doors, correct notification of flat leaseholders in building.

Revision 2:

- 2.3. Clarification of option to be used, railings around lightwells.

3. RELEVANT HISTORY

- 3.1. 8.8.58- pp conversion to 3 flats
- 3.2. 6.9.96- pp rear extension
- 3.3. 24.1.97- pp new front garden wall

4. RELEVANT POLICIES

4.1. UDP:

EN1- design
EN13- design
EN31- conservation areas
EN21- alterations
EN22- extensions
EN27- basements
EN11- unstable land

4.2. SPG:

3/13- external alterations

- 4.3. Fitzjohns Netherhall Conservation Area Statement: F/N25

5. CONSULTATIONS

5.1. Adjacent Occupiers

	Orig	R1	R2
<i>Number of Letters Sent</i>	14	03	00
<i>Number of responses Received</i>	01	00	00
<i>Number in Support</i>	00	00	00
<i>Number of Objections</i>	01	00	00

- 5.2. Objections from: neighbour (member of Wedderburn Rd Res Ass) concerned that issue of unstable land and policy EN11 should be taken seriously, esp. in light of recent Ombudsman report on similar excavation proposal elsewhere in Hampstead.

5.3. Conservation Area Advisory Committee:

CAAC object: this side of the road portrays a character of elevated houses; to penetrate it with courtyards and lightwells will set a very unfortunate precedent and to destroy this character should not be permitted.

R1: object as before.

5.4. Local groups:

Wedderburn Road Res.Ass. object: loss of architectural integrity of area and precedent set for whole road by new basements, loss of front gardens by 50%; does not preserve

or enhance CA; this part of Hampstead well known to be unstable and excavation on whole road could have serious consequences.

R1: continue to object as before.

Heath and Hampstead Society object: contravenes policy on basements, precedent set for whole road and impact on CA character, loss of front garden landscaping and consequent impact on streetscene.

6. ASSESSMENT

- 6.1. The proposal is aimed at increasing the headroom of the 2 front cellar rooms in the basement from 1.4m to 2.5m to create an additional bedroom, bathroom and living room for the ground floor flat. The existing basement store will be rearranged to create a utility room. 2 lightwells will be excavated at the front garden to provide light and amenity space for the 2 front rooms. The lefthand one has been reduced in size to the minimum possible (2m depth), to match the extent of the right hand bay, and simple metal railings will be erected around the perimeter. Patio doors will be provided for the left hand living room and sash windows for the right bedroom. The revised design of these alterations is now acceptable and appropriate to the overall design of the property.
- 6.2. There is no clear precedent for lightwells in this road. Only 2 properties have small lightwells in their front gardens: no.22 had 2 approved in 1988 which predates UDP policies, no.20 had 2 installed in 1997 presumably as permitted development for this house. However the latter lightwells are totally invisible from the street due to the raised nature of the garden, and only railings and upper parts of windows of those at no.20 are visible. It is considered that lightwells proposed at no.6 would be acceptable as the configuration of the front gardens set behind high retaining walls means that they cannot be visible from the street; in particular in this case, the retaining wall is very high and is topped by an equally high evergreen hedge so that none of the garden, which is above eyelevel, is visible and in consequence no lightwell walls would be visible either (unlike the situation at no.20). In the event of the hedge being removed subsequently, over which there is no control, only the proposed railings would be visible and they would be acceptable as lightweight and ancillary structures in the streetscene. Also, the lightwells have been reduced to their minimum size possible to reduce any impact of the railings or lightwell walls behind them on the streetscene. The lightwells only occupy a small portion of the garden- one sixth of it rather than half of it as asserted by the local group- and would have no detrimental impact on the landscaped character of the street.
- 6.3. It is concluded that in these circumstances, the lightwells would have no detrimental impact on the appearance of the house or the streetscape and that it would preserve the character/appearance of the CA. It is also considered to comply with UDP policy EN27 and the new CAS policy F/N25 which states that "extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting". It is also considered that any precedent set by this proposal for small lightwells and railings would not necessarily damage the character of the street, if other properties followed suit, depending on individual circumstances of ground levels, wall

heights and design- for instance, many properties at this end of the street would have their lightwells totally masked by the high retaining walls in the same way as no.6 will.

- 6.4. In relation to the issue of unstable land, the development merely proposes excavation of existing cellar rooms to improve headroom rather than creating new basement areas. However, Building Control officers advise that this road is not in an area known for problems of land instability and experience of dealing other extensions in this road has shown that there are no known problems at this stage, thus it is considered that the proposal complies with policy EN11. Offices consider that such issues of subsidence etc. can be addressed at the stage of Building Regulation approval

7. RECOMMENDATION

- 7.1 Grant planning permission (FPC), subject to following conditions:

Conditions:

1. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified on the approved application. (CD03)
2. The development shall be constructed in strict accordance with the drawings hereby approved. (CD07)
3. The new basement rooms hereby approved shall only be used in conjunction with the ground and basement floors maisonette and shall not be used a separate self-contained dwelling unit.

Reasons for Conditions:

1. To ensure that the Council may be satisfied with the external appearance of the building in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000. (DD01, AMENDED)
2. To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000. (DD04, AMENDED)
3. To ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised purposes in order to ensure compliance with policies HG18 and 19 of the LBC UDP 2000. (DF04)

8W

London Borough of Camden

Members' Briefing Report

Officer: Charles Thuairé

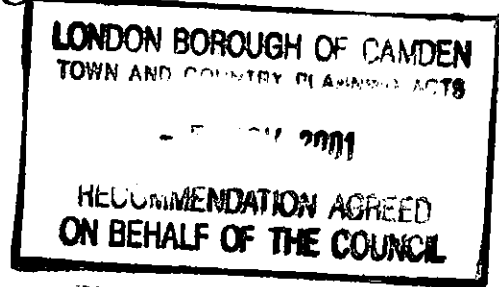
Application Number: PWX0103579R2

Address: 6 Wedderburn Road NW3.

Proposal: Creation of 2 lightwells in front garden with associated railings and elevational alterations, in connection with excavation of basement cellar to create additional habitable space for the maisonette on the lower floors.

Drawing Numbers: EX001,2; PL001B,2B

Recommendation Summary: Grant planning permission (FPC)



1. SITE

- 1.1. 3 storey plus basement and attic house divided into flats, including a 3 bedroom maisonette on the ground floor with a storeroom and cellars in the basement. The front garden is at a higher level than the road (by approx 1.8m) and bounded by a 1.5m high retaining wall surmounted by an equally high hedge.
- 1.2. Located in Fitzjohns/Netherhall CA. The north side of the street is characterised by large redbrick Edwardian houses with cellars and front gardens raised above the street level. None have forecourt hardstandings or lightwells (except 2) and all have their original retaining front garden walls.

2. PROPOSAL

- 2.1. Creation of 2 lightwells in front garden with associated railings and elevational alterations, in connection with excavation of basement cellar to create additional habitable space for lower floors maisonette.

Revision 1:

- 2.2. Various options for alternative lightwell designs, revised design of patio doors, correct notification of flat leaseholders in building.

Revision 2:

- 2.3. Clarification of option to be used, railings around lightwells.

3. RELEVANT HISTORY

- 3.1. 8.8.58- pp conversion to 3 flats
- 3.2. 6.9.96- pp rear extension
- 3.3. 24.1.97- pp new front garden wall

4. RELEVANT POLICIES

4.1. UDP:

EN1- design
EN13- design
EN31- conservation areas
EN21- alterations
EN22- extensions
EN27- basements
EN11- unstable land

4.2. SPG:

3/13- external alterations

4.3. Fitzjohns Netherhall Conservation Area Statement: F/N25

5. CONSULTATIONS

5.1. Adjacent Occupiers

	Orig	R1	R2
<i>Number of Letters Sent</i>	14	03	00
<i>Number of responses Received</i>	01	00	00
<i>Number in Support</i>	00	00	00
<i>Number of Objections</i>	01	00	00

- 5.2. Objections from: neighbour (member of Wedderburn Rd Res Ass) concerned that issue of unstable land and policy EN11 should be taken seriously, esp. in light of recent Ombudsman report on similar excavation proposal elsewhere in Hampstead.

5.3. Conservation Area Advisory Committee:

CAAC object: this side of the road portrays a character of elevated houses; to penetrate it with courtyards and lightwells will set a very unfortunate precedent and to destroy this character should not be permitted.

R1: object as before.

5.4. Local groups:

Wedderburn Road Res.Ass. object: loss of architectural integrity of area and precedent set for whole road by new basements, loss of front gardens by 50%; does not preserve

or enhance CA; this part of Hampstead well known to be unstable and excavation on whole road could have serious consequences.

R1: continue to object as before.

Heath and Hampstead Society object: contravenes policy on basements, precedent set for whole road and impact on CA character, loss of front garden landscaping and consequent impact on streetscene.

6. ASSESSMENT

- 6.1. The proposal is aimed at increasing the headroom of the 2 front cellar rooms in the basement from 1.4m to 2.5m to create an additional bedroom, bathroom and living room for the ground floor flat. The existing basement store will be rearranged to create a utility room. 2 lightwells will be excavated at the front garden to provide light and amenity space for the 2 front rooms. The lefthand one has been reduced in size to the minimum possible (2m depth), to match the extent of the right hand bay, and simple metal railings will be erected around the perimeter. Patio doors will be provided for the left hand living room and sash windows for the right bedroom. The revised design of these alterations is now acceptable and appropriate to the overall design of the property.
- 6.2. There is no clear precedent for lightwells in this road. Only 2 properties have small lightwells in their front gardens: no.22 had 2 approved in 1988 which predates UDP policies, no.20 had 2 approved on 28.5.98 in the context of UDP policies. However the latter lightwells are totally invisible from the street due to the raised nature of the garden, and only railings and upper parts of windows of those at no.22 are visible. It is considered that lightwells proposed at no.6 would be acceptable as the configuration of the front gardens set behind high retaining walls means that they cannot be visible from the street; in particular in this case, the retaining wall is very high and is topped by an equally high evergreen hedge so that none of the garden, which is above eyelevel, is visible and in consequence no lightwell walls would be visible either (unlike the situation at no.22). In the event of the hedge being removed subsequently, over which there is no control, only the proposed railings would be visible and they would be acceptable as lightweight and ancillary structures in the streetscene. Also, the lightwells have been reduced to their minimum size possible to reduce any impact of the railings or lightwell walls behind them on the streetscene. The lightwells only occupy a small portion of the garden- one sixth of it rather than half of it as asserted by the local group- and would have no detrimental impact on the landscaped character of the street.
- 6.3. In response to the comment made by Heath and Hampstead Society regarding High Court action against similar development in this road, this refers to 20 Wedderburn Road. The situation here is that an appeal was allowed in 1997 for a conversion of the property into flats plus extensive basement excavations but later quashed for technical reasons by the High Court following an appeal made by local residents. The property was subsequently converted into a single house. Planning permission was granted in May 1998 for 2 front lightwells as part of the extension of the basement rooms of this house and these were considered satisfactory in the context of the most current UDP policies, on the basis that they were not visible from the road. These lightwells are

identical, in terms of size, depth and setback from the road, to those proposed at no.6; moreover the level of the garden and boundary wall adjoining the road here is lower than that at no.6 and yet the lightwells remain totally invisible from pedestrians in the road. It follows therefore that the situation at no.6, where the garden is even higher, should be more acceptable in terms of its impact on the streetscene.

- 6.4. It is concluded that in these circumstances, the lightwells would have no detrimental impact on the appearance of the house or the streetscape and that it would preserve the character/appearance of the CA. It is also considered to comply with UDP policy EN27 and the new CAS policy F/N25 which states that "extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting". It is also considered that any precedent set by this proposal for small lightwells and railings would not necessarily damage the character of the street, if other properties followed suit, depending on individual circumstances of ground levels, wall heights and design- for instance, many properties at this end of the street would have their lightwells totally masked by the high retaining walls in the same way as no.6 will.
- 6.5. In relation to the issue of unstable land, the development merely proposes excavation of existing cellar rooms to improve headroom rather than creating new basement areas. However, Building Control officers advise that this road is not in an area known for problems of land instability and experience of dealing other extensions in this road has shown that there are no known problems at this stage, thus it is considered that the proposal complies with policy EN11. Officers consider that such issues of subsidence etc. can be addressed at the stage of Building Regulation approval.

7. RECOMMENDATION

- 7.1 Grant planning permission (FPC), subject to following conditions:

Conditions:

1. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified on the approved application. (CD03)
2. The development shall be constructed in strict accordance with the drawings hereby approved. (CD07)
3. The new basement rooms hereby approved shall only be used in conjunction with the ground and basement floors maisonette and shall not be used a separate self-contained dwelling unit.

Reasons for Conditions:

1. To ensure that the Council may be satisfied with the external appearance of the building in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000. (DD01, AMENDED)

2. To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000. (DD04, AMENDED)

3. To ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised purposes in order to ensure compliance with policies HG18 and 19 of the LBC UDP 2000. (DF04)