

# 2021/6286/P - 52 Aberdare Gardens



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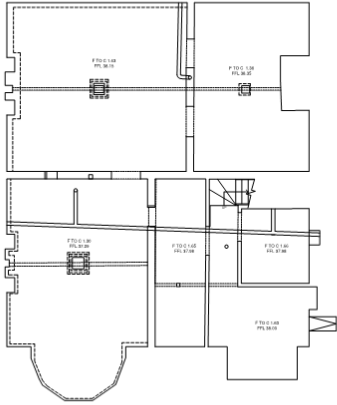


1. Street view - front

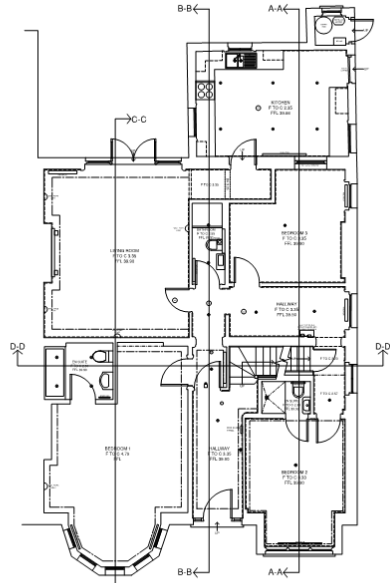


2. Aerial view - rear



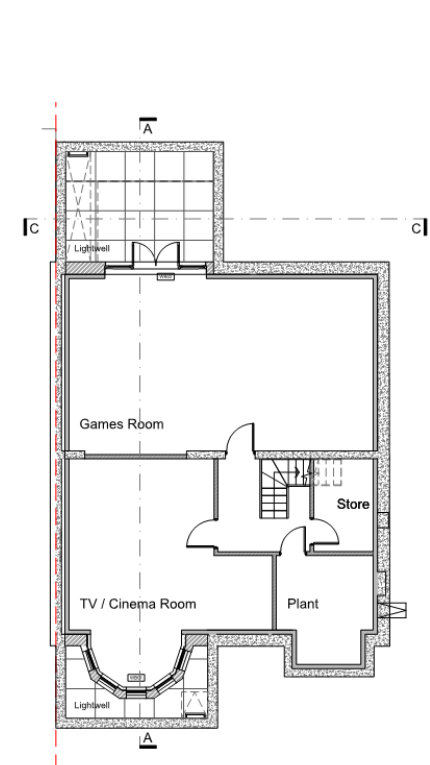


1 Basement  
Scale: 1:50

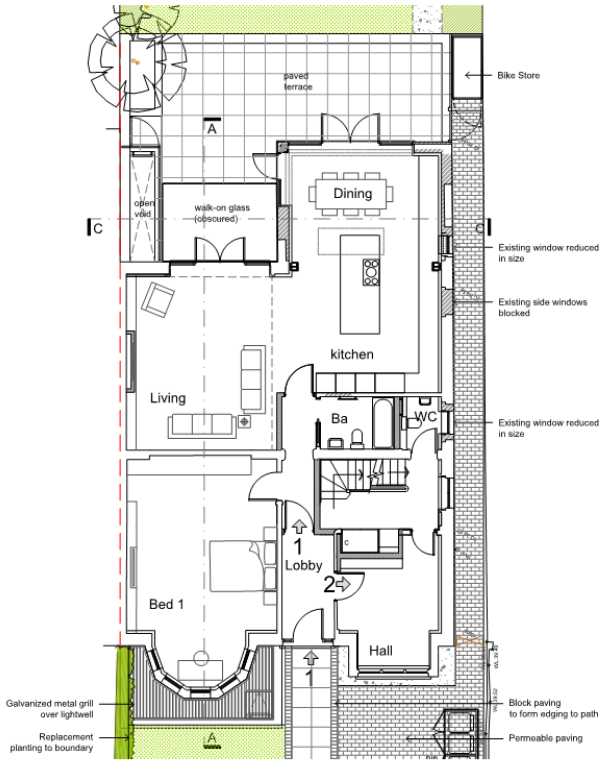


2 Ground Floor  
Scale: 1:50

3. Basement & ground floor - existing



BASEMENT PLAN



GROUND FLOOR PLAN

4. Basement & ground floor - proposed



① Front Elevation  
SCALE 1:50



② Side Elevation  
SCALE 1:50



③ Rear Elevation  
SCALE 1:50



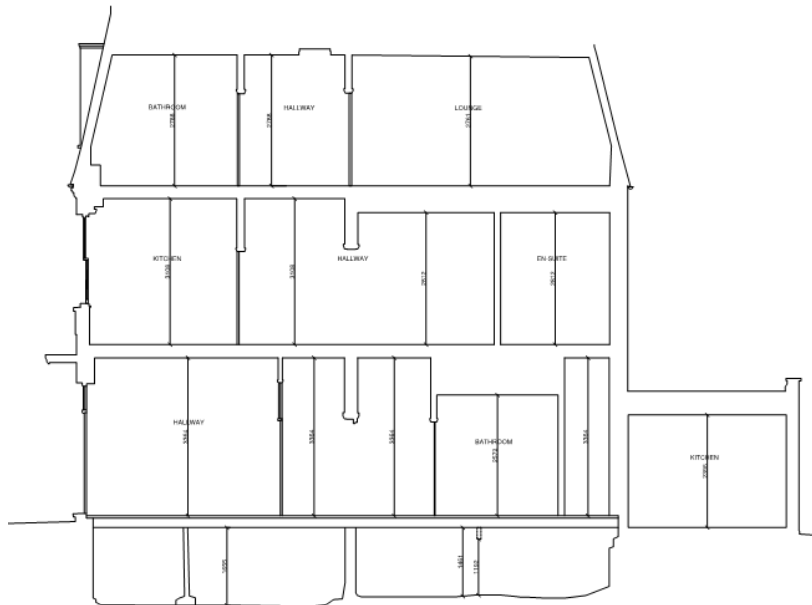
5. Front, rear and side elevation - existing



SOUTH WEST ELEVATION

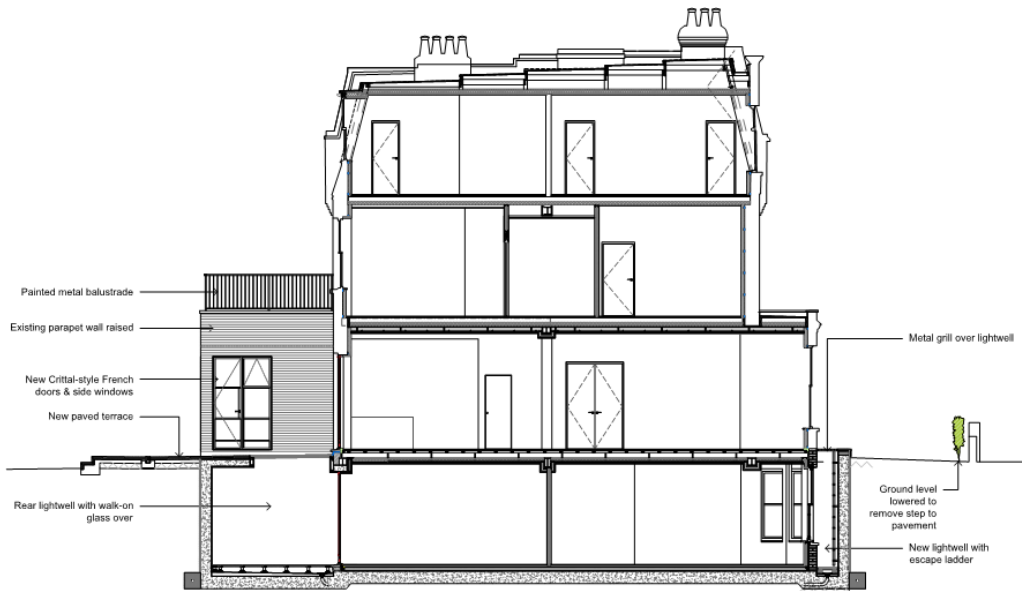
SOUTH EAST ELEVATION

6. Front and rear elevation - proposed



2 Section B-B  
Scale: 1:50

8. Side section - existing



SECTION CC

7. Side section - proposed



9. Site plan - proposed

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		28/04/2022	
		N/A		<b>Consultation Expiry Date:</b>		03/04/2022	
<b>Officer</b>				<b>Application Number(s)</b>			
Nathaniel Young				2021/6286/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
52 Aberdare Gardens London NW6 3QD				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>							
Amalgamation of 3 dwellings to 2 dwellings; creation of basement extension and associated lightwells; alterations to existing single storey rear extension to include new roof terrace above, alterations to fenestration and forecourt, removal and replacement of trees, new bin store, and installation of solar panels to the roof.							
<b>Recommendation(s):</b>		<b>Grant Planning Permission subject to S106 agreement</b>					
<b>Application Type:</b>		<b>Full Planning Permission</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>7</b>	No. of objections	<b>2</b>		
<b>Summary of consultation responses:</b>		<p>Press notice: 10/03/2022 – 03/04/2022 Site notice: 09/03/2022 – 02/04/2022</p> <p>Five support comments were received from 50 Aberdare Gardens, Flat 2 54 Aberdare Gardens, Flat 9 12 Canfield Gardens, 67 Greencroft Gardens and Flat 5 73 Greencroft Gardens.</p> <p>Two objection comments were received from 61A Aberdare Gardens and 118 Goldhurst Terrace raising the following concerns:</p> <ol style="list-style-type: none"> <li>1. Tree removal unacceptable.</li> <li>2. Air source heat pump will generate noise.</li> </ol> <p><i>Officer response:</i></p> <ol style="list-style-type: none"> <li>1. <i>The trees to be removed are not considered to be of high quality nor do they significantly contribute to the character and appearance of the conservation area. The proposed replacement trees will mitigate the</i></li> </ol>					

*loss of amenity and canopy cover provided by those proposed for removal, and details of those would be secured by condition.*

- 2. The condenser/air source heat pump has been removed from the proposal.*

**Combined Residents' Association of South Hampstead (CRASH):**

Objection:

1. Basement excavation and intensification of use is considered inappropriate – will result in disruption to adjoining property.
2. Front lightwell unnecessary, metal grille considered unsightly and inappropriate – should be replaced with glass.
3. Lack of permeable paving.
4. Insufficient details provided regarding replacement trees.
5. Insufficient details provided regarding air source heat pump.

Officer response:

- 1. The proposed basement is policy compliant, there is no policy which prohibits basements in principle. There is a net decrease in the number of units on the site so it would not result in an intensification of the use. Noise/disturbance caused as a result of construction work is not a material planning consideration. Construction work is to be managed via a construction management plan (CMP) in order to minimise disturbance.*
- 2. The flush metal grille is in accordance with the Council's lightwell guidance, generally metal grilles are preferred to modern walk-on glass for front lightwells in conservation areas. (See section 4.0 for further information).*
- 3. The proposal has since been revised to include permeable paving in the forecourt.*
- 4. Sufficient details have provided for the purpose of recommending planning permission and are available to view on the Council's website. These details are considered acceptable by the Council's trees and landscaping officer. (See section 8.0 for further information). Full details are to be provided by way of condition (and are to be provided prior to tree works commencing).*
- 5. The condenser/air source heat pump has been removed from the proposal.*

**Site Description**

The property contains a three-storey semi-detached single family dwelling (Class C3). The property is not listed but is located within, and make a positive contribution to, the South Hampstead Conservation Area.

**Relevant History**

Site

**2022/2253/P:** Amalgamation of 3 dwellings to 2 dwellings; alterations to existing single storey rear extension to include new roof terrace above, alterations to fenestration and forecourt, removal and replacement of trees, new bin store, and installation of solar panels to roof. **Approved 12.08.2022.**

**Relevant policies**

**National Planning Policy Framework 2021**



## **The London Plan 2021**

### **Camden Local Plan 2017**

H3 Protecting existing homes

A1 Managing the impact of development

A3 Biodiversity

A4 Noise and Vibration

A5 Basements

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC5 Waste

T1 Prioritising walking, cycling and public transport

T2 Parking and car free development

### **Camden Planning Guidance 2021**

CPG Amenity

CPG Design

CPG Home improvements

CPG Basements

CPG Trees

CPG Transport

## **South Hampstead Conservation Area Appraisal and Management Plan 2011**

## **Assessment**

### **1.0 Proposal**

1.1 Planning permission is sought for:

- Amalgamation of 3 dwellings to 2 dwellings;
- Creation of basement extension and associated lightwells (excavating existing cellar);
- Alterations to existing single storey rear extension to include new roof terrace above;
- Alterations to fenestration and forecourt;
- Removal and replacement of trees;
- New bin store;
- Installation of solar panels to the roof.

1.2 Revisions:

- Removal of air source heat pump in rear garden;
- Additional trees retained/replaced and further details provided;
- Addition of permeable paving to forecourt.

### **2.0 Assessment**

2.1 Material considerations:

- Principle of conversion
- Design and conservation

- Basement
- Quality of accommodation
- Residential amenity
- Trees and landscaping
- Transport and waste

**2.2 All of the works proposed, with exception of the basement excavation (and associated lightwells), have recently been approved under application ref: 2022/2253/P dated 12.08.2022. The assessment of all previously approved works (all non-basement related proposals) will remain high level as they do not require re-assessment.**

### **3.0 Principle of Conversion**

3.1 The proposal involves the conversion of 3 flats into 2 flats. This complies with Local Plan policy H3 (protecting existing homes) as there would be a loss of only one unit and no loss of residential floorspace.

### **4.0 Design and Conservation**

4.1 All external alterations are considered to be acceptable in terms of design. The single storey rear extension would remain subordinate to the host building in mass and would be made up of appropriate materials. The window alterations would be in keeping with the design and style of the existing windows and would respect the hierarchy of fenestration. The new terrace above would be appropriately surrounded by black painted metal railings with dense planting and a trellis to act as a screen, similar to existing terraces in the surrounding area, including the immediate neighbouring property, No. 50. The new bin store, fencing and landscaping works are all considered to be appropriate to their setting and in keeping with the established pattern of development.

4.2 The proposed solar panels would lay flat (not mounted) and sit on the flat roof of the property, they would not be readily visible from the public realm and are supported by the Council's climate change policies. The design, scale, siting and materials of the external works would be in keeping with the character and appearance of the host property and wider conservation area, and as such the character and appearance of conservation area would remain preserved.

4.3 The basement level front bay would appropriately replicate the ground floor bay above. The new lightwells would be of an appropriate siting and scale. They would not extend excessively into the forecourt of rear garden and would be in proportion to the windows to which they surround/adjoin. The use of a flush metal grille is considered to be the appropriate method for a front lightwell in a conservation area in Camden. CPG Basements states the following:

*“2.19. In order to comply with Building Regulation standards, lightwells should be secured by either a railing (1,100mm high) or a grille. In gardens that front a street, railings can cause a cluttered appearance to the front of the property and can compete with the appearance of the front boundary wall, or obscure front windows. This is particularly the case in shallow gardens. Where front light wells are proposed, they should be secured by a grille which sits flush with the natural ground level, rather than railings (refer to Figure 10 on the following page). In certain publicly accessible locations grilles should be locked to prevent lightwells being misused (e.g. for casual sleeping or drug use). In most cases metal is the preferred material for grilles and railings. Glass railings or grilles are unlikely to be acceptable.”*

4.4 In light of the above, the works would preserve the character and appearance of the host building and 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.

### **5.0 Basement**

5.1 The Council's Basement policy A5 includes a number of stipulations for proposed basement development within the Borough. These include upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling (paras.(f) – (m)), but also the express requirement for applicants to demonstrate that the excavations/works proposed would not result in harm to:

- a. neighbouring properties;
- b. the structural, ground, or water conditions of the area;
- c. the character and amenity of the area;
- d. the architectural character of the building; and
- e. the significance of heritage assets

5.2 Parts (n) – (u) of this policy continue to expand upon this requirement and together, set the parameters for the assessment of proposed basement development. These parameters are expanded upon with CPG Basements. The Council will only permit basement development where it has been satisfactorily demonstrated that the works would accord with these criterion.

5.3 The proposed basement development complies with all of the relevant criteria mentioned above. The basement would be a single storey, sit entirely beneath the footprint of the host building, and would be sufficiently inset from neighbouring property boundaries. The applicant has submitted a satisfactory basement impact assessment (BIA) which has been audited by the Council's external engineering consultant Campbell Reith, who have concluded that it would be compliant with Camden's Local Plan policies. Works are to be supervised by a suitably qualified engineer throughout the construction process and carried out in strict accordance with the submitted BIA, Campbell Reith's audit report recommendations and any other relevant documents.

## **6.0 Quality of Accommodation**

6.1 The newly created flats would meet space standards and provides good quality accommodation. The basement floor would not contain any bedrooms/primary habitable rooms. It would contain a games room and cinema room and is only to be used incidentally with Flat 2. Incidental use is to be secured by way of a condition.

## **7.0 Residential amenity**

7.1 It is not considered there would be any significant detrimental impact to residential amenity. There is no significant increase in bulk or mass, above ground level, which would result in an undue loss of light or outlook. No new views would be afforded into any neighbouring habitable windows beyond what is existing. The new rear terrace would be appropriately screened by 1.8m high dense planting and a trellis on the more sensitive side of the terrace (nearer to No. 50). A construction management plan (CMP) will be secured by way of planning obligation in order to minimise any noise and disturbance which is caused as a result of construction works (particularly the basement excavation).

## **8.0 Trees and Landscaping**

8.1 The Council's trees and landscaping officer has assessed the submitted arboricultural and survey and impact assessment and considers it to be acceptable. The scheme involves the removal of 8 trees (2 in front garden, 6 rear garden) in order to facilitate development. The trees are not considered to be of high quality nor do they significantly contribute to the character and appearance of the conservation area. The proposed replacement trees will mitigate the loss of amenity and canopy cover provided by those proposed for removal, and details of those would be secured by condition. The tree protection details are considered sufficient to demonstrate that the trees to be retained will be adequately protected throughout development.

## **9.0 Transport and Waste**

9.1 The proposal would result in a reduction on parking pressures given it's a reduction in units. As such a car free obligation is not considered necessary in this instance. There is adequate provision for waste and cycle storage in the forecourt and rear garden. Adequate cycle storage is to be secured by way of a condition.

## **10.0 Recommendation**

10.1 Grant planning permission subject to S106 agreement.

10.2 Planning obligations:

- Construction Management Plan and Implementation Fee (£3,920)
- Construction Impact Bond (£7,500)

### ***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 31<sup>st</sup> October 2022, 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'***

Application ref: 2021/6286/P  
Contact:  
Tel: 020 7974  
Date: 25 October 2022

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Hume Planning Consultancy Ltd  
Innovation House  
Discovery Park  
Innovation Way  
Sandwich  
CT13 9ND  
United Kingdom

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

## **DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**52 Aberdare Gardens**  
**London**  
**NW6 3QD**

**DECISION**  
Proposal: Amalgamation of 3 dwellings to 2 dwellings; creation of basement extension and associated lightwells; alterations to existing single storey rear extension to include new roof terrace above, alterations to fenestration and forecourt, removal and replacement of trees, new bin store, and installation of solar panels to the roof.

Drawing Nos: Existing: LGA-392-01, LGA-392-02, LGA-392-03, LGA-392-04, LGA-392-05

Proposed: P01, P02 P1, P03 P1, P04 P1, P05 P1, P06 P1, P07 P1, P08 P1, P10 P1

Supporting: Arboricultural Survey & Impact Assessment (Ref: AIA/MF/0153/21/revA) dated July 2022, PJCE letter ref: L2630 dated 23.10.22, PJCE Basement Impact Assessment Rev 02 dated Nov 2021, Paddock Geo Engineering BIA ref: P21-302bia\_V2 dated Nov 2021, Campbell Reith BIA Audit Report Rev F1 dated Sept 2022, Flood Engineering Basement Construction Methodology dated 22.11.2021, Flood Engineering drawings 100 P01, 102 P01, 103 P01

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.



The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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: LGA-392-01, LGA-392-02, LGA-392-03, LGA-392-04, LGA-392-05

Proposed: P01, P02 P1, P03 P1, P04 P1, P05 P1, P06 P1, P07 P1, P08 P1, P10 P1

Supporting: Arboricultural Survey & Impact Assessment (Ref: AIA/MF/0153/21/revA) dated July 2022, PJCE letter ref: L2630 dated 23.10.22, PJCE Basement Impact Assessment Rev 02 dated Nov 2021, Paddock Geo Engineering BIA ref: P21-302bia\_V2 dated Nov 2021, Campbell Reith BIA Audit Report Rev F1 dated Sept 2022, Flood Engineering Basement Construction Methodology dated 22.11.2021, Flood Engineering drawings 100 P01, 102 P01, 103 P01

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

- 3 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 in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the works take place, full details of hard and soft landscaping have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels, , and details of all new trees. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development, or prior to the occupation for the permitted use of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of relevant works on site, tree protection measures shall be installed and working practices adopted in accordance with the Arboricultural Survey & Impact Assessment (BS5837:2012) ref. AIA/MF/0153/21/revA dated July 2022 by Marcus Foster Arboricultural Design & Consultancy. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The proposed terrace at first floor level shall be used as amenity space, only after the installation of the trellis and planting at that level.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 and D2 of the Camden Local Plan 2017.

- 8 The development, hereby approved, shall have its basement construction works inspected, approved and monitored throughout its duration by Pringuer-James Consulting Engineers Limited in accordance with the submitted letter ref: L2630 dated 23.10.22. 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.

- 9 The basement development shall be constructed in accordance with the method and recommendations set out in 'PJCE Basement Impact Assessment Rev 02 dated Nov 2021, Paddock Geo Engineering BIA ref: P21-302bia\_V2 dated Nov 2021, Campbell Reith BIA Audit Report Rev F1 dated Sept 2022, Flood Engineering Basement Construction Methodology dated 22.11.2021, Flood Engineering drawings 100 P01, 102 P01, 103 P01' and any other associated documents.

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.

- 10 The basement hereby approved shall only be used for purposes incidental to Flat 2, 52 Aberdare Gardens and shall not be used as a self-contained residential or commercial unit.

Reason: To ensure that the future occupation of the building does not create inappropriate and substandard accommodation or adversely affect the amenities of the immediate area, in accordance with policies D1, A1 and H6 of the London Borough of Camden Local Plan 2017.

- 11 Prior to first occupation of the development, secure and covered bicycle parking spaces for 4 long stay bicycles (2 spaces for each flat) shall be provided, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 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).
- 2 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.
- 3 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](http://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.

- 4 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.
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate