

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	28/09/2022
		N/A		<b>Consultation Expiry Date:</b>	16/10/2022
<b>Officer</b>			<b>Application Number(s)</b>		
Ewan Campbell			2022/3201/P and 2022/3937/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
5 Chamberlain Street London NW1 8XB			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>					
(i) Excavation to provide extension at rear of existing basement floor for an additional room with retained lightwell					
(ii) Excavation to provide extension at rear of existing basement floor for an additional room with retained lightwell, plus new internal staircase from basement to ground floors and other internal alterations					
<b>Recommendation(s):</b>		1. Refuse Planning Permission 2. Refuse Listed Building Consent			
<b>Application Type:</b>		1. Full Planning Permission 2. Listed Building Consent			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notices			
<b>Informatives:</b>					
<b>Consultations</b>					
		No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Neighbour Consultation</b>		A site notice was put up on 12/05/2022 expired on the 05/06/2022 and an advert was placed in the local press on 06/05/2022 and expired on 30/05/2022.  No objections or comments have been made from neighbours			
<b>Primrose Hill CAAC</b>		No objection was made; however comments include  - Regret loss of smaller unit - No objection to basement.  <i>Officer Comment: The application is not for a loss of a smaller unit and issues around the basement are covered under section 3.</i>			

## Site Description

Chamberlain Street, located within Primrose Hill conservation area, is a short cul-de-sac lined on both north and south sided by mid-19th century terraced housing (three storeys plus basements). All the houses in the street are Grade II listed.

The application site contains a single dwelling house and basement flat which covers the entire basement floor. To the front is an open lightwell which acts as an entrance into the basement and is a feature which is mimicked along the terrace. To the rear is a small lightwell covered by a walk-on metal grille.

## Relevant History

2004/2509/P and 2004/2510/L - Extension of existing dormer window to rear. Demolition and reconstruction of existing single storey rear extension at ground floor level with external staircase. New timber framed doors to first floor rear elevation to replace existing sash window, replacement framed doors to ground and first floor terraces and internal alterations . (Refused 16/08/2004)

2005/0080/P and 2005/0081/L - Construction of 2 dormer windows to rear. Demolition and reconstruction of existing single storey rear extension at ground floor level with external staircase. New timber framed doors to first floor rear elevation to replace existing sash window, replacement framed doors to ground and first floor terraces and internal alterations. (Refused 04/04/2005)

2005/3219/P and 2005/3221/L - Demolition of existing single storey timber extension and existing dormer window at the rear, with the construction of two dormer windows to rear roof, reconstruction of existing single storey extension at ground floor level, new timber framed doors to rear elevation to existing terraces at ground and first floor level. (Granted 03/10/2005)

2021/0292/P and 2021/2003/L – Erection of a single storey basement level extension and installation of replacement balustrade at first floor level. (Granted 22/07/2022)

## National Planning Policy Framework 2021

### The London Plan 2021

### Camden Local Plan 2017

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Policy A5 Basements

### Camden Planning Guidance (CPG)

CPG Home Improvements (January 2021)

CPG Basements (January 2021)

CPG Biodiversity (March 2018)

CPG Amenity (January 2021)

### Primrose Hill Conservation Area Statement (2000)

## Assessment

## 1. PROPOSAL

1.1. The applicant seeks the following:

- Excavation to create a full width basement extension at rear
- New windows facing onto existing rear lightwell
- Double doors at rear ground level
- New internal staircase to connect basement and ground floors
- Further internal alterations including new partition walls to create bathrooms to the front and middle of basement

## 2. CONSIDERATIONS

2.1. The material considerations for this application are as follows:

- Design and Heritage
- Basements
- Amenity

## 3. ASSESSMENT

### Design and Heritage

3.1.1. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) provide a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

3.1.2. The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

3.1.3. The NPPF requires its own exercise to be undertaken as set out in chapter 16 - Conserving and enhancing the historic environment. Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal. Paragraphs 199-202 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 202 states:

*‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*

3.1.4. The Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; 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.

3.1.5. The houses in this road have existing basements contained within the footprint of each

dwelling; however this application seeks to extend the basement at No.5 beyond the footprint and out beneath the patio area to the rear of the house. The extension is subterranean, and its presence is signalled solely by the presence of a grille that caps a small existing lightwell located immediately behind double doors to the kitchen at the rear.

3.1.6. The footprint of the basement extension is some 50% that of the size of the house and extends out into the garden beyond the building line of the existing ground floor extension currently occupied by the kitchen.

3.1.7. Within the street, other basement extensions have previously been granted consent. However, the majority of these consents are 'historic', ie. date from more than a decade ago. The one at no.10 dating from 2014 cannot be considered as a precedent as it is a non-comparable scenario. It can therefore be argued that none of these cases can be taken as a precedent due to either the age of the decision (ie. taken under a different regulatory framework) or are a completely different scenario.

3.1.8. A previous permission in July 2022 (2021/0292//P and 2021/2003/L) was approved which opened up a rear lightwell and provide an access down to the lower ground floor.

3.1.9. Guidance taken from the Primrose Hill Conservation Area Statement states:

- PH25 Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced.
- PH26 Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability.
- PH27 Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances.
- PH39 Infill or extension of basement lightwells will not normally be acceptable. These works are often unduly prominent, detract from the original design of the building, the established character of the street or involve the loss of significant garden space or historic fabric.

3.1.10. The buildings have a clear historic planform which provides direct light and direct ventilation. This is also adhered to in recent permissions on the same street which provide plot wide lightwells at basement level which provide light and ventilation to the basement rooms. This remains a critical characteristic to the listed nature of the building.

3.1.11. However with this proposal, the proposed basement extension to provide a bedroom fails to maintain this, thus creating a dark and atypical feature of this listed building. Whilst the development cannot be seen from public views, policy D2 requires development to enhance or preserve the borough's heritage assets which this proposal does not do. This is also reiterated in Policy A5 (Basements) which ensures development does not impact on the architectural character of a building and heritage assets. Considering this listed building as a heritage asset will have its architectural character adversely impacted as a consequence of the proposal, then this proposal is also contrary to this policy. As the extension is entirely subterranean with no external manifestation, there will be no impact on the character and appearance of the conservation area.

3.1.12. Extensions can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, can so adversely affect the architectural integrity of the building to which they are attached, that the character of the listed building is prejudiced.

Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building.

- 3.1.13. Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. This basement, excessive in its projection beyond the original building footprint, deviates from this original form and adversely disrupts the uniformity that exists. The proposed changes to the plan form are harmful to the listed building's historic layout, spatial quality, composition and proportions; they neither preserve nor better reveal or enhance the architectural significance of this listed building. It also results in disrupting the pattern of rear development to the wider listed terrace. The granting of a further basement extension here will also set a precedent for all the listed houses within the street.
- 3.1.14. This is therefore considered to cause 'less than substantial' harm and, according to NPPF advice, must be weighed against the public benefit of the proposal. As stated in paragraph 3.1.3 above, the Local Planning Authority must assess this harm to the designated heritage asset against the public benefits of the development. As there is no public benefit in providing an additional private bedroom to this house, the 'less than substantial' harm caused by this excessively sized extension is not outweighed by any benefit and therefore planning permission should be refused.
- 3.1.15. An exception to this conclusion was the scheme implemented at No.6 adjacent (2014/2446/P + 2014/2590/L), which it was suggested could provide some inspiration to the current scheme. In this scheme there is a plot-wide open lightwell at basement level that, in addition to providing light and ventilation to the basement rooms, also helps in the mitigation of damp, a problem so often found in basements. The scheme at No.6 also includes a bridge from the rear ground floor doors to the back garden as well as steel steps for garden-access for the basement. However this scheme is not the same as that proposed now at no.5 and therefore cannot be seen as setting a precedent.
- 3.1.16. In terms of the proposed internal alterations, the re-introduction of an internal staircase and modification of the layout of the lower floors is considered acceptable. The new staircase is to be constructed in timber. Joinery details should replicate historic details found elsewhere in the house and could be conditioned in the event of approval.
- 3.1.17. The property's basement was previously self-contained with an entrance to the front through the lightwell; however the introduction of the internal staircase to the basement means that the building is now used as a single family dwelling house. This alteration is acceptable in heritage terms. The amalgamation of 2 units into one dwelling house is also not considered development requiring planning permission.
- 3.1.18. The proposal therefore fails to comply with D1 (Design) and D2 (Heritage) of the 2017 Camden Local Plan.

### Basements

- 3.1.19. Policy A5 (Basements) requires proposals that include basement development to demonstrate that it would not cause harm to neighbouring properties, structural conditions, character of the area, architectural character of the building and significance of heritage assets. A Basement Impact Assessment, assessing its impact on drainage, flooding and structural stability is required to be submitted. There are also certain dimensional requirements for basements to ensure their impact is minimised.
- 3.1.20. Policy A5 contains the following criteria for basement development:

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. avoid the loss of garden space or trees of townscape or amenity value.

Exceptions to f. to k. above may be made on large comprehensively planned sites.

3.1.21. In response to point (h) the basement will be over 50% of the area of the garden as it measures 9.0sqm compared to 15.0sqm of the overall garden. In response to point (j) measuring the plans the depth of the garden is 3.9m, the full width basement will extend 2.0m from the original building line. Finally in relation to point (l) the basement will be flush with neighbouring boundaries at no.6 and therefore not set in. This demonstrates that the basement fails to comply with points h, j and l of policy A5 of the 2017 Local Plan.

3.1.22. In addition Policy A5 also requires the submission to demonstrate certain details in relation to the basement development. This includes:

The Council will require applicants to demonstrate that proposals for basements:

- n. do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';
- o. avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- p. avoid cumulative impacts;
- q. do not harm the amenity of neighbours;
- r. provide satisfactory landscaping, including adequate soil depth;
- s. do not harm the appearance or setting of the property or the established character of the surrounding area;
- t. protect important archaeological remains; and
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.

3.1.23. No Basement Impact Assessment (BIA) has been submitted and no details have been submitted to demonstrate that any of the points have been adhered to, let alone even considered.

3.1.24. These points remain crucial in ensuring that the excavation has no harmful impact on local ground and hydrology conditions as well as stability of neighbouring properties. This proposal does not provide any information in relation to this and, in the

absence of any BIA to demonstrate otherwise, the excavation is likely to harm local conditions and amenity and thus is contrary to policy A5 of the Local Plan.

### Amenity

3.1.25. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.

3.1.26. Because of the underground nature of the proposal, there will be impact on neighbouring amenity in terms of outlook, daylight, sunlight or privacy.

## **4. RECOMMENDATIONS**

4.1. Refuse for the following reason:

### *Planning Permission Reasons for Refusal-*

1. The proposed basement extension to the rear, by reason of its size, width, layout and location, would fail to be a subordinate addition to the host listed building and would disrupt the pattern of rear development to the wider listed terrace, to the detriment of the significance and character of the host building, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The proposed basement extension, by reason of its disproportionately large size and the absence of an appropriate Basement Impact Assessment to demonstrate otherwise, would be likely to cause harm to the stability of neighbouring properties and the local hydrogeological environment, contrary to policy A5 (Basements) of the London Borough of Camden Local Plan 2017.

### *Listed Building Reason for Refusal-*

1. The proposed basement extension to the rear, by reason of its excessive size, width, layout and location, would fail to be a subordinate addition to the host listed building, harming its historic layout and spatial quality and disrupting the pattern of rear development to the wider listed terrace, to the detriment of the significance and character of the host building and setting of adjoining listed buildings, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.