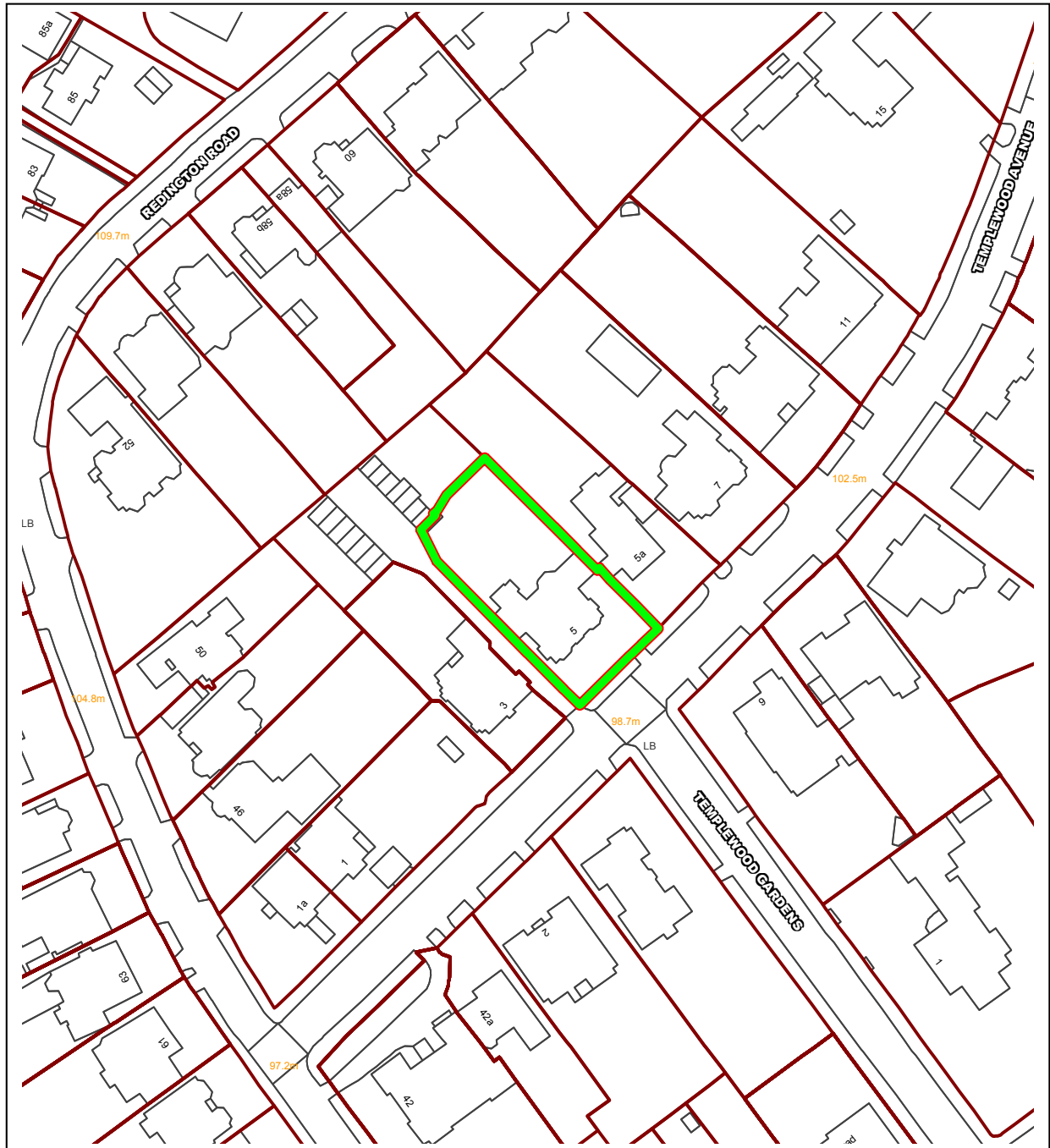


# 2017/1229/P - 5 Templewood Avenue



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Photo 1 – Front elevation showing existing two storey side extension



Photo 2- Rear elevation showing existing side extension



Photo 3 – View of rear garden

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b> N/A / attached	<b>Expiry Date:</b> 26/05/2017
			<b>Consultation Expiry Date:</b> 27/09/2017
<b>Officer</b>		<b>Application Number(s)</b>	
Kristina Smith		2017/1229/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
5 Templewood Avenue London NW3 7UY		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>			
Conversion of 3 existing units to provide 2 units (1 x 7-bed; 1 x 2-bed) (C3); erection of rear extensions with terrace above and part replacement side extension; installation of plant enclosure to rear; excavation of single storey basement with lightwells and car lift for 1 vehicle; alterations to fenestration on all elevations; and hard and soft landscaping works			
<b>Recommendation(s):</b>	<b>Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement</b>		
<b>Application Type:</b>	<b>Full Planning Permission</b>		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
<b>Consultations</b>				
Adjoining Occupiers:	No. of responses	04 00	No. of objections	04
<p>Summary of consultation responses:</p> <p><i>Officer Response in Italics</i></p>	<p><u>A site notice was displayed between 05/04/2017 and 26/04/2017</u>  <u>A press advert was published between 06/04/2017 and 27/04/2017</u></p> <p>The application was subsequently reconsulted on between 06/09/2017 and 27/09/2017.</p> <p>Cllr Spinella and Cllr Baille (Ward Councillors) and no's 5a Templewood Avenue, 7 Redington Gardens and 42 Redington Road objected on the following grounds:</p> <p><u>Design and heritage</u></p> <ul style="list-style-type: none"> <li>Proposals would adversely impact the Redington Froggnal Conservation Area</li> <li>The height of the extension will be very damaging to the setting and access to light received by no.5a Templewood.</li> <li>Harmful to the setting of 5a Templewood, an important building in its own right</li> <li>Replacement of wooden sash windows with large glazed doors would be harmful to CA</li> </ul> <p><i>Please refer to 'Design' section of report</i></p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> <li>Daylight / sunlight assessment includes inaccuracies regarding 5a Templewood Avenue</li> <li>Outlook from 5a will be significantly impacted</li> </ul> <p><i>Please refer to 'Amenity' section of report</i></p> <p><u>Basement</u></p> <ul style="list-style-type: none"> <li>Cumulative impacts of basements not assessed</li> <li>Submitted BIA does not meet Camden's guidelines</li> </ul> <p><i>Please refer to 'Basement Considerations' section of report</i></p> <p><u>Housing</u></p> <ul style="list-style-type: none"> <li>Proposed accommodation does not meet dwelling size priorities – replaces high priority dwellings with low priority dwellings.</li> </ul> <p><i>Please refer to 'Land Use and Housing Mix' section of report</i></p> <p><u>Other</u></p> <ul style="list-style-type: none"> <li>Site cannot be accessed by construction vehicles without using garden of no.5a</li> </ul> <p><i>A Construction Management Plan will need to be approved by the Council prior to works starting and will address issues concerning construction logistics. If access through next door is required this is likely to be subject to an agreement outside the remit of the planning system.</i></p>			

- No prior consultation with neighbours

*Applicants are not obliged to consult with neighbours. The Council displayed multiple site notices and a press advert was published.*

- Little regard to emerging Local Plan 2017

*Officers consider that revisions sought have enabled the application to comply with the Camden Local Plan 2017.*

**CAAC/Local groups\*  
comments:**

\*Please Specify

Redington Froggnal Neighbourhood Forum, Hampstead CAAC and The Heath and Hampstead Society objected on the following grounds:

Design and heritage

- Increased massing of side extension is a harmful addition to the street scape and the setting of building and would compromise view between buildings
- Oversized glazing and glass balustrade negate the traditional detailing of the rear elevation
- Proposed lightwells are contrary to CA policy and will add to light pollution within green corridor
- Rear and side extensions are out of character with rest of house

*Please refer to 'Design' section of report*

Amenity

- Acoustic report should accompany proposed car lift which likely to lead to noise and vibration
- Loss of privacy to 5a Templewood Avenue
- Side extension will overshadow no.5a Templewood Avenue.
- Car lift would be noisy and unsafe

*Please refer to 'Amenity' section of report*

Transport

- All new residential developments in the borough should be car-free
- Car lift will increase quantity of car parking

*Please refer to 'Transport' section of report*

Basement

- BIA is not readable

*Officers or auditors have not found there to be an issue with downloading the document*

Housing

- Application reduces three units to two and creates very large 7-bed unit and small one-bed unit. The one-bed unit will likely be converted into the main house in the future.

*Please refer to 'Land Use and Housing Mix' section of report*

Other

- Increased heating and air conditioning requirements are not sustainable

*There is no policy that prevents such plant equipment for existing buildings*

## Site Description

The site comprises a very large three storey detached residential property containing three flats (with one unit located at each floor level) located on the northern side of Templewood Road. It includes a large rear garden that rises up away from the property. To the south of the property is a private road that leads to an area of private garages. The two neighbouring properties are 5a Templewood Avenue to the north, a single storey modernist development to the north east, and no.3 Templewood Avenue, another large detached property of similar neo-Georgian architectural sensibilities, to the south west.

The property is within Reddington Frogna Conservation Area and identified as a positive contributor. It is also located within an Archaeological Priority Area.

## Relevant History

### Application Site

- **TP81727/22869** - The erection of a single-storey dwelling house with car port, the erection of a boundary wall and the formation of a new means of access to the highway on the site adjoining 5 Templewood Avenue, Hampstead. **Granted 10/04/1959**
- **26202** - The construction of a carport in the front garden area, adjoining the flank elevation of the building. **Granted 08/06/1978**
- **22716** - The erection of an additional storey to the ground floor side garage to provide an additional room to an existing ground floor flat. **Granted 09/07/1976**
- **14590** - The conversion and extension of the existing garage premises to provide a two storey dwelling unit at No.5 Templewood Avenue – **Refused 05/01/1973**
- **13481** - The erection of a bungalow in the rear garden at 5 Templewood Avenue – **Refused 09/06/1973, Appeal Dismissed 24/10/1973**
- **12604** - Conversion of 5 Templewood Avenue N.W.3. into three 3-bedroom and two 2bedroom flats. – **Granted 08/03/1972**
- **PW9802688** - The formation of bay windows to the front and flank elevations at ground floor level and the replacement of an external staircase, as an amendment to the planning permission granted on 4th August 1995, for the conversion of the existing ground floor garage to provide additional residential accommodation for flat 1, as shown on drawing numbers; **Granted 17/11/1998**
- **9500436** - Renewal of planning permission dated 18 April 1990 (Ref. 8905349/R1) for the conversion of existing ground floor garage to provide additional residential accommodation for Flat 1 as shown on unnumbered plan – **Granted 30/03/1995**
- **8905349** - Conversion of existing ground floor garage to provide additional residential accommodation for flat 1 as shown on drawing no. **Granted 23/03/1990**
- **2007/3887/P** - Replacement of the windows of the end dormers at rear second floor level with French doors and the formation of "cockpit" terraces to them, together with the installation of a conservation rooflight above one of the dormers and another rooflight to an area of flat roof. **Granted 24/09/2007**
- **2008/2555/P** - Change of use from 2x flats at first floor level to 1x flat first floor level. – **Granted 26/08/2008**
- **2013/1121/P** – Use of ground floor as a five bedroom flat (Class C3) – **Granted 23/04/2013**

### 4 Templewood Avenue

- **2010/5119/P** - Excavation and enlargement of existing basement to provide a new swimming pool, gym, utility spaces and associated light wells; erection of a ground floor rear extension, new terraces at ground and first floor levels, new replacement roof, works to chimneys, new dormer windows, new entrance gates and associated external alterations and landscaping to single dwelling house (Class C3). **Refused** on the grounds of poor habitable accommodation at



basement level and failure to secure section 106 legal agreement

- **2011/1710/P** - Excavation and enlargement of existing basement to provide a new swimming pool, gym, utility spaces and associated light wells; erection of a ground floor rear extension, new terraces at ground and first floor levels, new replacement roof, works to chimneys, new dormer windows, new entrance gates and associated external alterations and landscaping to single dwelling house (Class C3) following works of demolition to dwelling. **Granted subject to s.106 20/10/2011**

### **Relevant policies**

#### **National Planning Policy Framework 2012**

#### **The London Plan March 2016**

#### **Camden Local Plan 2017**

G1 Delivery and Location of Growth

A1 Managing the impact of development

A3 Biodiversity

A5 Basements

D1 Design

D2 Heritage

H4 Maximising the supply of affordable housing

H5 Protecting and improving affordable housing

H6 Housing choice and mix

H7 Large and small homes

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

DM1 Delivery and Monitoring

#### **Camden Planning Guidance 2011/2015**

CPG1 (Design)

CPG6 (Amenity)

CPG (Basements)

CPG (Transport)

CPG (Planning Obligations)

#### **Redington Froggal Conservation Area Statement (2003)**

## Assessment

### 1.0 Proposal

1.1 The applicant seeks permission for the following works:

- Conversion from 3 (1 x 5 bed; 1 x 3 bed; and 1 x 4 bed) to 2 units (1 x 7 bed house and 1 x 2-bed flat)
- Erection of part replacement two-storey side extension measuring 5.3m wide, 12.5m deep and 5m at eaves level, 7.8m high at highest point of pitched roof.
- Erection of rear extension measuring 4m wide x 1.8m deep x 3.7m high
- Excavation of new basement level with 1 x rear and 2 x side lightwells
- Excavation of car port in front driveway for 1 vehicle
- Installation of 3m x 2m rooflight on main roof.
- Alterations to front, rear and side fenestration
- Alterations to front boundary treatment

1.2 During the course of the application the following revisions were negotiated:

#### Design/ heritage related changes

- Reduction in height of rear and side extension by 0.3m
- Change in materials of rear balustrade from glass to black metal balustrade
- Reduction in size of lightwell on south west elevation

#### Transport-related changes

- Soft landscaping of driveway to reduce car parking provision by 1 space
- Widening of vehicle crossover and entrance gates removed from proposal

#### Amenity related changes

- Change from doors to opaque, fixed windows between swimming pool and lower ground floor lightwell to protect privacy of 2-bed flat's amenity area
- Opaque treatment to window on north east elevation of side extension

#### Housing related changes

- Conversion of 1-bed property to 2-bed property over lower ground and ground floor levels

### 2.0 Assessment

2.1 The planning considerations material to the determination of this application are as follows:

- Land use and housing mix
- Quality of residential accommodation
- Design (and impact on the Conservation Area)
- Basement considerations
- Amenity
- Transport
- Trees
- Archaeological considerations

#### **Land use and housing mix**

2.2 The application seeks to convert 3 self-contained dwellings into 2 self-contained dwellings. The

existing units on site comprise 1 x 5 bed flat (ground floor), 1 x 3 bed (first floor) and 1 x 4 bed (second and third floor) and the proposed mix is 1 x 7 bed house with a 2-bed flat to the south west of the site which would have its own separate access via an entrance way to the side.

2.3 Policy H3 states that the net loss of one home is acceptable when two dwellings are being combined into a single dwelling and therefore the reduction in number of units is acceptable in this instance. The Council will resist the subsequent loss of the two-bedroom unit should a future planning application seek to do so.

2.4 2-bed flats are identified as high priority and 4-bedroom (or more) as lower in the Dwelling Size Priorities Table in the Local Plan. The proposal therefore seeks to replace one high priority and two lower priority units with one high priority and one lower priority unit. The proposed unit mix is therefore compliant with H7.

### **Quality of residential accommodation**

2.5 The 2-bed flat would be 86sqm and compliant with the minimum gross internal floor area of 79sqm for a 2b4p unit that spans over two floors. It would benefit from dual aspect, with good levels of daylight and outlook. It would also have 16sqm of private amenity space in the form of a rear lightwell.

2.6 The 7-bed house would be a very large property and would comfortably comply with the Council's design criteria for high quality accommodation. The basement excavation would provide only non-habitable rooms including a swimming pool, gym and home cinema and therefore low levels of daylight at this level are acceptable.

### **Design (and impact on the Conservation Area)**

2.7 The application site is located within the Redington Frogna Conservation Area, wherein the Council has a statutory duty, under section 72 (Conservation Areas) of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### Erection of replacement two storey side extension with 4 no. dormers to front, side and rear

2.8 It is proposed to replace an existing two storey side extension with a new two storey side extension that would see the existing incongruous roof form replaced with a pitched roof with 4 x dormer windows to the front (1), south flank wall (2) and rear (1). The increase in height of the highest existing point compared to the highest proposed point would be approx. 1.6m. Although the increase in height would be read from the streetscene, the extension would be well set back from the principal elevation and so the additional massing would have little prominence. As viewed from the front elevation, officers consider that the extension would maintain the subservient relationship with the large three storey host property. The massing would be more evident from the rear, where the extension would project approx. 2.8m from the existing rear building line creating a northern wing that aligns with the building line of the existing wing on the south west side of the property. This additional massing would be prominent in private views from 5a Templewood Avenue, although the mature vegetation along the boundary would soften the impact.

2.9 The properties along Templewood Avenue are all very large and located within very generous plots, and so whilst the side extension would add significant massing to the rear of the property, it is considered that the site can accommodate it. Non-original side extensions and wings are evident at all properties along Templewood Avenue including a particularly large 3 –storey wing at neighbouring property, no.3 Templewood Avenue. The proposed extension would therefore not increase the size of the property to a size out of scale with the surrounding context.

2.10 In terms of detailed design, the side extension would carry forward the traditional architectural language of the main property and would be constructed in matching materials including brickwork, slate roof and timber sliding sash windows. The extension would have full height aluminium framed glazed doors on its rear elevation which are considered acceptable in this location as they would have limited prominence. The dormers would not be in strict accordance with the CPG1 design guidance; however, the guidance is less applicable in this instance as the side extension and dormers have been designed as a whole composition, rather than the dormers being a later addition to an existing building. The shallow roof with dormer also helps to reduce the appearance of scale compared to a full two storey brick extension with pitched roof above.

#### Erection of rear extensions with terraces

2.11 It is proposed to erect a single storey rear extension that would be situated between the existing and proposed wings. The extension would be 3.7m high by 4m wide by 1.8m deep. The extension would dispose of the bay window; however, officers consider this feature makes little contribution to the character of the property given its very limited visibility from the wider environment. Furthermore, it does not appear to be a feature consistent with other properties in the building group and is only evident on one other property. The extension would be built in matching brickwork and have large aluminium framed glazed doors which would appear coherent with the doors on the new side extension/ north wing. A terrace would be provided on the flat roof above the extension with black metal railings for a balustrade. It would be nestled between the two wings and therefore not legible in the wider environment. No.7 Templewood Avenue also comprises a first floor level terrace and so the proposal would not introduce a feature that is out of character with the pattern of rear development.

2.12 An existing low quality appendage to the existing wing on the south side of the property would be incorporated as floorspace and increased in height to provide an additional terrace at first floor level. A small terrace would be installed on the flat roof which, like the other terrace, would comprise black metal balustrades.

#### Excavation of enlarged basement level with side and rear lightwells

2.13 It is proposed to excavate an enlarged basement level to provide an additional several non-habitable rooms including a swimming pool, gym and home cinema. The external manifestations of the basement would consist an open lightwell to the north side and rear, part open/ part closed to the south side and two closed rear lightwells within the hard landscaped area of the rear garden. The open lightwells would be surrounded with black metal balustrade and landscaped to conceal or soften their appearance, in accordance with CPG4.

2.14 The two side lightwells would be well set back from the principal elevation. The lightwell on the east of the property would be fully concealed behind a landscaping and cycle storage. It would also be located in front of the new side extension and therefore would not be harmful to the appearance of the original house.

2.15 The property benefits from a large rear garden and due to the large expanse of existing hard landscaping to the rear, no additional green space would be lost in association with the lightwells.

#### Creation of car lift for 1 vehicle

2.16 A car port measuring 3.1m x 6.1m x 2.25 deep would be installed in the south east section of the driveway. It would be finished with bound gravel to match the rest of the driveway and so would not be read as distinct.

### Installation of rooflight on main roof

2.17 The rooflight would be installed towards the rear of the flat roof element of the main roof and would measure 3m x 2m. By virtue of the pitched roof and building height, the rooflight would not be a visible feature. The rooflight would be obscure glazed to prevent an unacceptable level of light spillage.

### Alterations to front and rear fenestration

2.18 A number of alterations are proposed to the windows to the front, rear and south elevation. All proposed alterations are considered to preserve the appearance of the property, and some would enhance, for instance the reinstatement of original features to the front elevation including an original window and replacement of aluminium with timber windows. Where original glazing bars are missing, especially on windows to the rear, they would be reinstated. To the rear, the windows at first floor levels would be converted into doors that lead on to the rear terrace. The width of the existing openings would be respected which would maintain the existing hierarchy of windows which should reduce in size moving up the building. Two large projecting rooflights are to be removed to the benefit of the appearance of the rear roof slope.

### Replacement of front boundary treatment

2.19 The application seeks to respect the existing vehicle openings, retain the low brick wall and install new black metal railings of a very similar height. The existing brick plinths would be finished with new stone copings that are considered appropriate for the property and correspond with copings seen on nearby properties. The hedges behind the railings would be retained. Two sliding metal railing gates that match the rest of the railings would be installed in the existing openings. The alterations to the front of the property are considered to be sensitive to the host building and wider streetscene.

### **Basement considerations**

2.20 Policy A5 notes that the Council will only permit basements and other underground development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. The policy requires basements to:

- not exceed 50% of the garden
- be less than 1.5 times the footprint of the host building in area
- extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation.
- be a single storey in height.

2.21 The soft landscaped garden to the rear of the host property measures approx. 395sqm and the basement would occupy approx. 62sqm of this area. The depth of the host building is 18.5m and the proposed basement would extend approx. 8.5m beyond the rear building line with approx. 4m of this depth being under the garden. The height of the basement would vary from 3.3m under the original house to 7.8m for the swimming pool and associated plant room below the pool. Whilst the Local Plan resists basements that are over 1 storey deep, allowances are made when the proposal comprises a swimming pool as it is recognised the additional depth is a requirement for servicing purposes. The substrate depth would be 1100mm which is sufficient for mature planting to continue above and is in accordance with CPG4 (Basements and Lightwells). Officers therefore consider that the proposed basement is compliant with policy A5.

2.22 The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith, in line with the requirements of CPG4. After an initial

review, Campbell Reith requested further information to seek clarity on a number of impermeable site areas and SUDS proposals. Following a further review of additional information, the final audit report was issued confirming all issues had been closed out.

2.23 The conclusions of the final audit report confirmed the following:

- The BIA was undertaken by an author with qualifications in accordance with CPG4 requirements.
- The basement excavation will encounter Made Ground, Weathered Claygate Member and Unweathered Claygate Member/London Clay. Groundwater will be encountered.
- It is accepted that the proposed basement construction will not impede groundwater flow and that the contiguous bored pile retaining wall will permit flow between the piles below basement level.
- A Ground Movement Assessment (GMA) and Damage Impact Assessment was performed for neighbouring properties, The assessment predicts a damage category of 0 (Negligible) for No. 3 and a damage category of 1 (Very slight) for the nearest property at No. 5a Templewood Avenue.
- The documentation recommends suitable movement monitoring and condition surveys to be undertaken.
- It is accepted that the site is not at risk from surface water flooding but proposals to protect the basement entrances and lightwells from surface water ingress are endorsed.
- A SUDS strategy to reduce peak off-site discharge flow rate by 50% of the current rate is included as part of the revised submission.
- It is accepted that the surrounding slopes to the development are stable and that no known ponds, springlines or wells are in close vicinity to the site, which lies outside the Hampstead pond chain catchment area.

## **Amenity**

### Privacy

2.24 There are no concerns with views from the terrace in the centre of the rear elevation as it would be located between the two wings which would shield views outwards. The smaller terrace would be located above the rear lightwell associated with the 2-bed unit and some views downwards will be possible; however these would only be possible if the user of the terrace was actively peering over the balustrade and down into the lightwell. No views would be possible into windows or the area of the lightwell closest to the house.

### Daylight and sunlight

2.25 The applicant has submitted a daylight/sunlight assessment with the application in association with the side extension as the proposed development slightly exceeds a 25 degree angle taken from the centre point of the lowest window at the neighbouring property no. 5a Templewood Avenue.

2.26 VSC is generally considered the most appropriate way of measuring of daylight to existing neighbouring properties and will be the primary methodology referred to in the assessment of impact. BRE guidance considers that daylight may be adversely affected if, after development the VSC is both less than 27% and less than 0.8 times its former value.

2.27 All windows would be BRE compliant with the exception of two living room windows, which would experience 50% and 57.1% alterations. This loss is misleading however, as the existing VSC values are less than 1% and so the loss refers to approx. 0.5% VSC. In reality, the change in daylight levels will be imperceptible to the occupant. Furthermore, the affected windows serve a second living room

area which has an open plan relationship with the main living room. The main living room area has five windows, of which only one is impacted but remains BRE compliant as the ratio of impact is below

2.28 With respect to measuring sunlight and the Annual Probable Sunlight Hours (APSH) test, the BRE guide explains that sunlight availability may be adversely affected if the centre of the window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March and; receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. The impact on sunlight is dependent on existing window orientation in relation to the new development. The BRE sunlight test was applied to all habitable rooms which have a window which faces within 90 degree of due south. The submitted assessment shows that all windows would be compliant.

### Outlook

2.29 The enlarged side extension would involve increased massing along the boundary with no.5a Templewood Avenue. The extension will be set away from the boundary by 1m and the distance between the flank wall of the extension and the nearest windows of 5a Templewood Avenue would be approx. 7.5m. The room that would be affected is a secondary living space to the main living room which would continue to benefit from dual aspect unobstructed outlook. Furthermore, the existing outlook of this room is towards dense vegetation along the boundary which would remain thereby softening the impact of the extension. The proposed situation is therefore not considered substantially worse than the existing.

### Noise and vibration

2.30 The application is accompanied by a noise report associated with the proposed plant equipment at basement level and the proposed acoustic enclosure in the rear garden. The Council's Environmental Health officer has reviewed the proposal and has requested that a condition is imposed that requires details of the external noise omitted and mitigation measures to be submitted and approved by the Council prior to the use of the development.

2.31 The car lift would be a hydraulic pump operation and it is not considered that it would result in a level of noise that would justify requesting an acoustic report. It is likely to be used only occasionally given the other more accessible car parking spaces.

### **Transport**

#### Cycle parking

2.32 Policy T1 requires a development to provide cycle parking facilities in accordance with the minimum requirements of Camden's cycle parking standards and the London Plan. The proposal includes two covered cycle spaces for each unit in an accessible location at ground floor level. They would be secured with a Harrogate stand. The cycle parking is compliant with Camden's requirements.

#### Car Parking

2.33 The proposals include the excavation of a car lift within the front courtyard which initially increased the level of car parking on site from four spaces to five spaces. This was considered to be unacceptable and contrary to policy T2 which seeks reduce parking provision where possible. As a solution, part of the front driveway will be soft landscaped to reduce the potential for parking. The landscaping will be retained thereafter via a planning condition. As the converted units will have

different occupants once the development is completed, the two units will both be car-capped to prevent on-street parking permits from being sought. Overall, this is a reduction compared to the existing situation wherein occupiers can apply for on-street parking permits.

### Construction Management Plan

2.34 Given the extent of construction work, which includes a basement excavation, a Construction Management Plan (CMP) will be secured by Section 106 legal agreement to ensure the proposed development does not create traffic congestion and lead to a loss of amenity for surrounding occupiers in accordance with policy A1. A CMP Implementation Support Contribution of £1,140 would also need to be secured as a Section 106 planning obligation if planning permission is granted

### Highway Works

2.35 A financial contribution of £5,310 for highway works directly adjacent to the site will be secured as a s.106 planning obligation which will allow for any damage causing during construction of the proposed development to be repaired and enable the proposal to comply with policy A1.

### **Trees**

2.36 It is proposed to remove T7, an early mature Norway Maple tree in the rear garden in association with the excavation of the rear lightwell. The tree has been pruned heavily in the past which has effected the form of the tree, T7 is likely to require re-reducing back to these pruning points if it were to be retained. The tree is just visible from the public realm between properties but it is not considered to significantly contribute to the street scape or the character of this part of the conservation area. It is considered that the loss of visual amenity and canopy cover the tree provides could be mitigated against through replacement planting. The applicant's arboricultural consultant has identified the T7 as cat. C in line with BS5837:2012- "Trees in relation to design, demolition and construction". It could be argued that the tree is cat. B. However, this is considered academic as the removal of T7 is considered acceptable in planning terms provided details of a suitable replacement are secured via a landscaping condition for the reasons stated above. If a s.211 conservation area tree works notification were to be submitted to remove the tree it is considered highly unlikely that the council would serve a tree preservation order in order to object and protect the tree. Providing there is a high quality replacement planting, the removal of this tree is acceptable given it has limited visibility in the streetscene. A condition will require details of the replacement tree to be submitted to the Council for approval.

2.37 Of more significance to the amenity value of the site is a mature English Oak Tree (Category B3) in the front driveway. After receiving revised drainage plans, the tree officer is now satisfied that the proposed works will not interfere with the Root Protection Zone of the tree.

### **Archaeological considerations**

2.38 Given the application site is located in an Archaeological Priority Area and basement works are proposed, GLAAS were consulted on the proposals. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and made available in connection with this application, GLAAS have stated that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and therefore no further assessment or conditions are necessary.

## **3.0 Conclusion**

3.1 Grant Conditional Planning Permission subject to s.106 Legal Agreement



***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16<sup>th</sup> October 2017, 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'.***

Montagu Evans LLP  
5 Bolton Street  
London  
W1J 8BA

Application Ref: **2017/1229/P**

12 October 2017

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:  
**5 Templewood Avenue**  
**London**  
**NW3 7UY**

Proposal:

**DECISION**  
Conversion of 3 existing units to provide 2 units (1 x 7-bed; 1 x 1-bed) (C3); erection of rear extension with terrace above and part replacement side extension; installation of plant enclosure to rear; excavation of single storey basement and car lift for 1 vehicle; hard and soft landscaping works; and alterations to fenestration on all elevations.

Drawing Nos: 1046-S01; 1046-S02; 1046-S03; 1046-S04; 1046-S05; 1046-S06; 1046-S07; 1046-S08 (Rev A); 1046-S09; 1046-S10; 1046-S11; 1046-S12; 1046-S13; 1046-AP01 (Rev D); 1046-AP02 (Rev C); 1046-AP03 (Rev E); 1046-AP04; 1046-AP05; 1046-AP06; 1046-AP07; 1046-AP08 (Rev D); 1046-AP09 (Rev C); 1046-AP10 (Rev A); 1046-AP11 (Rev A); 1046-AP12 (Rev A); 1046-AP13; 1046-S14 (Location Plan); Planning, Heritage, Design and Access Statement Prepared by Montagu Evans LLP in association with Brod Wight Architects dated February 2017; February 2017 Daylight and Sunlight dated 12/05/2017 (prepared by GIA); Historic Environment Desk-Based Assessment (Heritage Statement) Archaeology South-East Issue 3 (dated October 2016); Environmental Noise Assessment prepared by Acoustics Plus dated 10/10/2016; Report on the impact on trees of proposals for development at 5 Templewood Avenue prepared by John Cromar's Arboricultural Company Limited dated 24th January; Letter from John Cromar's Arboricultural Company Limited to Brod Wight Architects dated 17th May 2017; Basement Impact Assessment (BIA) dated November 2016 by Chelmer Consultancy Services; Structural Engineering Report (SER) and Subterranean Construction Method Statement dated December 2016 by Elliot Wood; M&E Services and Sustainability Report, ref JB/625

dated January 2017 by ME7 Ltd; Outline Substructure Temporary Works Sketches (SK/TW/01-04) rev P1 dated June 2017 by Elliott Wood Partnership Ltd.

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 1046-S01; 1046-S02; 1046-S03; 1046-S04; 1046-S05; 1046-S06; 1046-S07; 1046-S08 (Rev A); 1046-S09; 1046-S10; 1046-S11; 1046-S12; 1046-S13; 1046-AP01 (Rev D); 1046-AP02 (Rev C); 1046-AP03 (Rev E); 1046-AP04; 1046-AP05; 1046-AP06; 1046-AP07; 1046-AP08 (Rev D); 1046-AP09 (Rev C); 1046-AP10 (Rev A); 1046-AP11 (Rev A); 1046-AP12 (Rev A); 1046-AP13; 1046-S14 (Location Plan)

Reason:

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

- 4 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant and mitigation measures as specified. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be

implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations.

- 5 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 A1 and A5 of the Camden Local Plan 2017.

- 6 The development hereby approved shall be carried out strictly in accordance with the BIA compiled by Chelmer Consultancy Services dated November 2016 and the recommendations in the Campbell Reith Audit dated August 2017 specifically insofar as it relates to a detailed works programme, condition surveys of neighbouring properties, movement monitoring and trigger values, trial pitting, groundwater monitoring, protection of the party wall, and boundary drainage.

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.

- 7 Before the development commences, details of secure and covered cycle storage area for 4 cycles as shown on drawing no.1046-AP03 (Rev E) shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, 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.

- 8 All hard and soft landscaping works, including but by no means limited to the soft landscaped area of the front driveway, shall be carried out in accordance with the approved landscape details prior to the occupation of the development. Any trees or areas of planting 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, A5, T1, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 9 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

- 10 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 and A3 of the London Borough of Camden Local Plan 2017.

- 11 The window to the swimming pool area on the southwest elevation at lower ground floor level shall be obscure glazed and fixed shut. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To prevent unreasonable overlooking to the lightwell area associated with the 2-bed unit in accordance with policy A1 of the Camden Local Plan 2017.

- 12 The rooflight on the flat roof element of the main roof shall be obscure glazed and shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To prevent unacceptable levels of light spillage at high level in accordance with the requirements of D1 and D2 of the 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). 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS

(Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

**DRAFT**

**DECISION**