

LOCATION: 4 Spaniards End, London, NW3 7JG

REFERENCE: F/05159/13

Received: 05 November 2013

Accepted: 05 November 2013

WARD(S): Garden Suburb

Expiry: 31 December 2013

Final Revisions:

APPLICANT: Mr & Mrs Wright

PROPOSAL: Creation of new basement level including 2no. front light wells.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Site Location Plan; 09-13-858/PL-102 Existing and Proposed First Floor Plan; 09-13-858/PL-103 Existing and Proposed Roof Plan; 09-13-858/PL-104/C Proposed Basement Floor Plan; 09-13-858/PL-105/C Proposed Ground Floor Plan; 09-13-858/PL-106 Existing Front Elevation; 09-13-858/PL-107B Proposed Front Elevation; 09-13-858/PL-108 Existing Side Elevations; 09-13-858/PL-109/B Proposed Side Elevation onto no. 6 Spaniards End; 09-13-858/PL-110 Existing and Proposed rear Elevation- no change proposed; 09-13-858/PL-111 Existign Section AA; 09-13-858/PL-112/B Proposed Section AA; 09-13-858/PL-113 Existing Section BB; 09-13-858/PL-114A Proposed Section BB; Design and Access Statement; John Cromar's Arboricultural Company Limited- Report on tree amenity value and condition

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved;

- basement lighwell grills

Reason:

To safeguard the character and visual amenities of the site and wider area

and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

5. Prior to works commencing, the existing building and ground water levels shall be inspected and a report detailing how the stability of the building during construction will be protected shall be provided by a competent person and submitted in writing to the Local Planning Authority. The construction works shall be implemented in accordance with the recommendations of the approved report.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

1. i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
2. The plans accompanying this application are:

GEA- Desk Study and Ground Investigation Report; Price & Myers- Structural Engineer;s Construction Method Statement; London Basement- Construction Site Traffic Management Plan; London Baement- Construction SGowing & Pursey- Site Waste Management Policy

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013).

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance 2010

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site history for current landparcel :

48835 - 4 Spaniards End, London, NW3 7JG

Case Reference: F/05159/13

Application:	Planning	Number:	C/03639/Y/06
Validated:	14/12/2006	Type:	APF
Status:	DEC	Date:	15/03/2007
Summary:	APC	Case Officer:	Karina Conway
Description:	Erection of a two-storey detached dwelling house (with basement area). Provision of two off-street parking spaces and associated landscaping. (Amendment to approved planning application C03639V/06 dated 17-11-2005.		

Application:	Planning	Number:	C/03639/Z/07
Validated:	23/03/2007	Type:	CON
Status:	DEC	Date:	25/06/2007
Summary:	AP	Case Officer:	Karina Conway
Description:	Submission of details of conditions 2, 8 & 11 (Materials, Landscaping, Temporary fencing - trees & Method statement - trees) pursuant to planning permission C03639Y/06 dated 09-03-2007.		

Application:	Planning	Number:	F/05159/13
Validated:	05/11/2013	Type:	HSE
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Alissa Fawcett
Description:	Creation of new basement level including 2no. front light wells.		

Application:	Planning	Number:	F/01240/14
Validated:	05/11/2013	Type:	S192
Status:	DEC	Date:	20/03/2014
Summary:	LW	Case Officer:	Graham Robinson
Description:	Construction of basement		

Consultations and Views Expressed:

Neighbours Consulted:	14	Replies:	10
Neighbours Wishing To Speak	4		

The views of objectors can be summarised as follows;

- out of scale with existing cottages
- concerns about access into private road and actual site for construction
- structural impact on attached properties
- inappropriate development
- out of keeping / character
- overdevelopment of site
- unfortunate precedent
- structural stability of existing buildings
- noise and disturbance
- impact on historical properties

Internal / other consultations:

HGS CAAC- Objection to size of lightwells.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the eastern side of Spaniards End within Area 17 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a locally listed, two-storey, mid-terrace residential dwelling house. Spaniards End does not have an Article 4

The Conservation Area Character Appraisal notes;

"This cul-de-sac runs off the main road by the Spaniards Inn and drops steeply down the slope to the north-west. At the top end are a group of historic buildings, with newer houses, including some distinguished modern designs, further down the hill.

Apart from the Spaniards Inn, all the buildings are residential, though some have been converted from other uses – such as Casa Maria and the outbuildings to the west of the Public House car park. The Pub itself may have started as a private residence; possibly the house of the Spanish Ambassador to the Court of King James. While this original use is not factually proven, it would explain the name given to the building and the area.

The layout, with low density housing set well back from the road gives a pleasant, verdant environment. The road itself is private, and is a cul-de-sac. There is therefore very little traffic movement or disturbance.

The trees are of particular importance. All are protected by being within a conservation area, ensuring that notice is given to the local planning authority before any works are carried out. In addition, there are a number of Tree Preservation Orders on individual trees including limes, oaks, hornbeam, pine and beech. The more formal garden landscaping around the houses adds to the overall greenery that makes an important contribution to the character of this part of the Conservation Area.

To the left hand side of Heath End House is a later brick building known as Heath End Cottage (Photograph 2), dating from the 19th century. It has a painted brick front and stock brick side wall. It is of two storeys and has a garden wall and railings to the west which, with the Cottage, are listed. The Cottage is part of a row of outbuildings running northwards including 2 and 4 Spaniards End, again 19th century brick with slated roof and sash windows. This symmetrical pair should be on the Local List. "

Proposals:

This application seeks consent for the addition of basement accommodation and two front lightwells.

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council’s policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The principle of basement of accommodation at this site is considered to be acceptable, and it should be noted that the application site has gained consent through a certificate of lawfulness for the construction of the basement under the footprint of the dwelling, without the lightwells under reference F/01240/14 dated 20th March 2014. This is permitted under Class A of the Town and country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. The proposals involve retaining the existing front conservatory and constructing basement underneath. The proposed basement extension would not extend under the conservatory which does not appear to be part of the original house. As such the proposal is considered to be a lawful alteration to the dwelling house. This provides a fall back position for the applicant, allowing them to carry out a basement development without the need for full planning permission.

The basement is proposed under this current application is to be located under the existing dwelling in line with the adopted design guidance. The only difference between the certificate of lawfulness (reference F/01240/14) and this current application is the forward projection proposed under the existing conservatory, which proposes an additional 2m to and 3m to the other side. Furthermore, it must be considered that this could be implemented without any of the conditions suggested. This 'fall-back' position is a material consideration in assessing the current proposals.

It is important that the external manifestations of any basement development does not detrimentally impact on the character and appearance of the existing dwelling, the street scene or the amenity of neighbouring occupiers. There are two lightwells are proposed under this application to the front garden of the application site, which is contrary to the design guidance which requires any external manifestation, usually in form of lightwells, to be located to the rear or side of an application property. However, it is considered that on balance, due to the absence of any rear amenity space at the application site, the rear providing the garden to the adjacent Spaniards Inn public house, and the fact there is a solid brick wall of approximately 2m height forming the front boundary of the site, thus blocking views into the front garden, the location of these lightwells are acceptable as they are not seen from the street.

In addition, the size of the lightwells has been reduced in line with the stipulations of the adopted Design Guidance (2010), which states;

"basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it may be possible to extend under part of the rear garden. It will be necessary to ensure that a mature garden can be established and maintained above the basement; external alterations to bring daylight to basements will generally only be acceptable in the form of grilles or structural glass, rather than open lightwells with railings; lightwells or skylights must be located away from the property boundary to enable a planted boundary to be maintained; structural glass skylights or grilles should not be located at the threshold of doorways from the house to garden"

These proposed basement accommodation is considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

As detailed above the principle of basement accommodation is considered to be acceptable. The scheme has been amended to show a flush lightwell, rather than one with upright railings. This is considered to reduce the visual impact of the proposed development. The basement is proposed to be located underneath the existing dwelling, which is considered to be in line with the adopted design guidance document from 2010.

To address the concerns raised in regards to the structural stability of the neighbouring properties as a result of the basement development the agent has provided additional information in the form of structural engineer's desktop study, construction method statement, construction site management traffic management plan and arboricultural reports. The conclusions of the reports state that the proposed development is unlikely to result in any specific land or slope stability issues, groundwater or surface water issues. These documents have also been reviewed by the Building Control department and conditions suggested.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

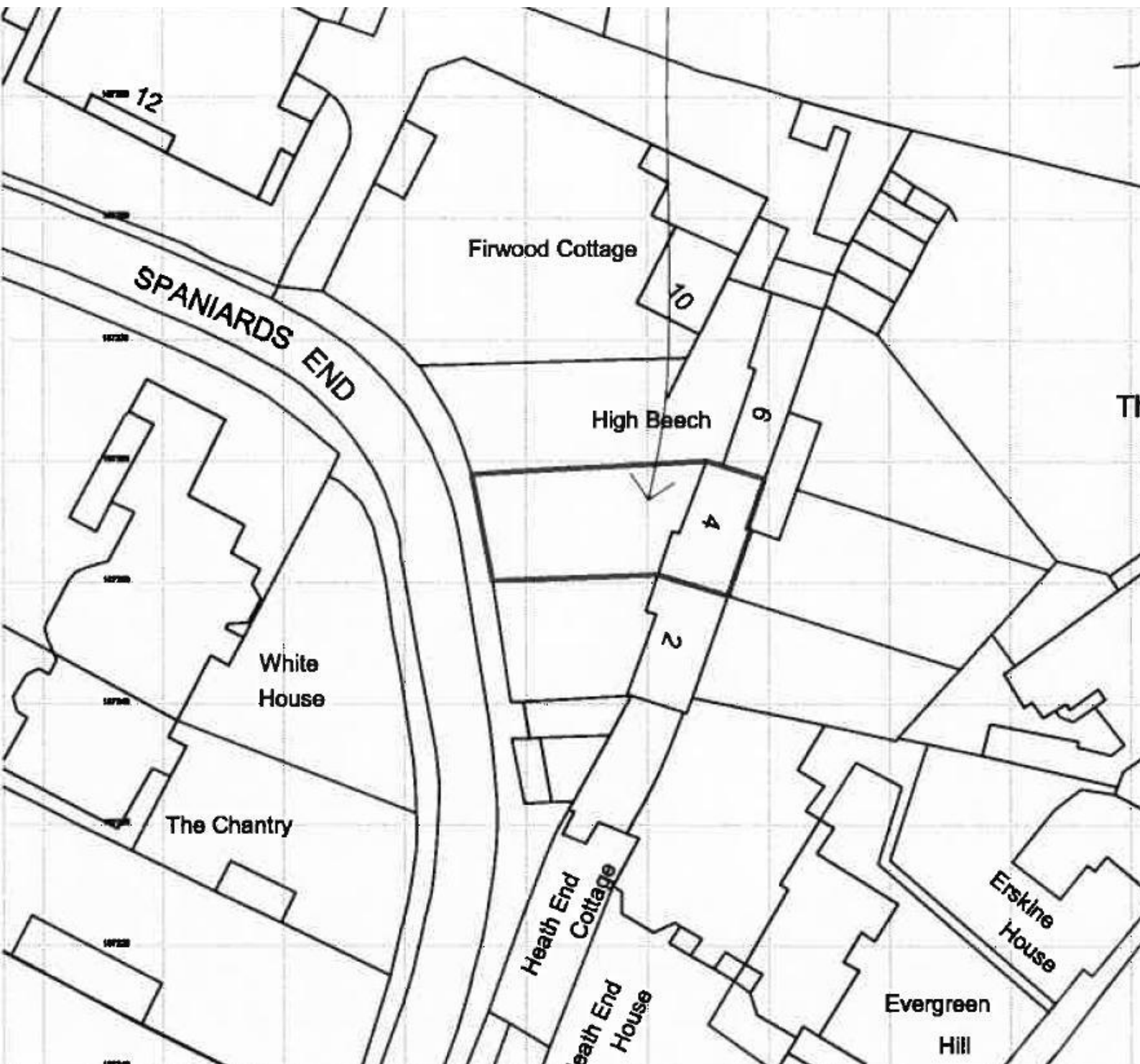
Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character. **APPROVAL** is recommended.

SITE LOCATION PLAN:

4 Spaniards End, London, NW3 7JG

REFERENCE:

F/05159/13



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