

 **Planning Committee Map**
Site address: 24 Windermere Avenue, London, NW6 6LN
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This map is indicative only.

RECEIVED: 6 August, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 24 Windermere Avenue, London, NW6 6LN

PROPOSAL: Creation of a basement level to include lightwells to the front and rear garden of dwellinghouse

APPLICANT: Mr & Mrs HOPKINS

CONTACT: STUDIO CAD PROJECTS

PLAN NO'S:
See Condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

James Denselow

Date and Reason for Request

24 October 2014. Local residents have objected to this basement proposal and Councillors have taken up their concerns

Details of any representations received

- The disruption caused by the building works
- The risk to other properties in the street. I understand that properties sharing a wall can be insured but in streets (like this one) where houses are fairly close together residents feel that this is far from adequate.

Name of Councillor

Eleanor Southwood

Date and Reason for Request

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Name of Councillor

Cllr Neil Nerva

Date and Reason for Request

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Details of any representations received

- The disruption caused by the building works
- The risk to other properties in the street. I understand that properties sharing a wall can be insured but in streets (like this one) where houses are fairly close together residents feel that this is far from adequate.

RECOMMENDATION

Approval with conditions set down after paragraph 17.

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL) as the total amount of extended floor space is less than 100sqm.

CIL Liable?

Yes/No: No

EXISTING

The property is a two storey mid-terrace dwellinghouse located on the south side of Windermere Avenue. The area is predominantly residential in character. The site is within the Queens Park Conservation Area; and is not a listed building.

Neighbouring properties: To the east of the application site is no. 22 Windermere Avenue which is not extended to the rear wall or at basement level; but has a rear dormer window which has the benefit of planning permission 00/0971. To the west of the application site is 26 Windermere Avenue, which has not been extended to the rear.

PROPOSAL

See above

HISTORY

06/2722 - *Granted*, 13/11/2006

Certificate of lawfulness for a existing single storey rear infill extension to dwellinghouse

02/3056 - *Granted*, 16/01/2003

Rear dormer window and front roof-light to dwelling house

Of relevance are 2 other basement applications approved on Windermere Avenue:

13 Windermere Avenue: 07/3043 - Granted by Committee on 17/01/2008. The proposal entailed the 'Excavation to create a basement level with lightwells to front and rear elevations of dwellinghouse, and new hard and soft landscaping to front garden'

32 Windermere Avenue: 09/1770 - Granted by Committee on 17/09/2009. The proposal entailed the 'Erection of single-storey side infill extension and rear dormer window, installation of 1 rear and 1 front rooflights, creation of basement cellar and replacement of windows to front of dwellinghouse'

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

All development has a presumption in favour of sustainable development. Brent's planning policies are found to be compliant with the NPPF

London Plan (2011)

For the purposes of Section 38 (2) of the Planning and Compulsory Purchase Act 2004, the statutory spatial development strategy for the area is the London Plan, which was formally adopted in 2011.

The following policies within the London Plan are relevant to this decision:

Policy 7.1 Building London's neighbourhoods and communities - Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.

Policy 7.6 Architecture - Buildings and structures should be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Local Policy

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 - Townscape: Local context & Character

BE7 – Public Realm: Street scene

BE9 – Architectural Quality

BE25 - Development in Conservation Areas

BE26 - Alterations and Extensions to Buildings in Conservation Areas

Queens Park Conservation Area Design Guide (2013)

Generally, basement applications to create additional space for an existing house or flat can be supported where they are considered to have minimal visual impact. Design principles include the placement of light wells to the rear of the property; and where they are required to the front of the property, the light well should project no more than 800mm from the front elevation or measure no more than half the length of the front garden. On bay fronted houses, the light well is required to follow the profile of the bay and be no wider than the bay or windows above.

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

Dated: 06 Aug 2014

Site Notice: 08/08/2014

Press Notice: 18/08/2014

Mr Richard, Johnson, Queens Park Area Residents' Association (East), 21 Carlisle Road, London, NW6 6TL

1. The Owner / Occupier, 21 Hopefield Avenue, London, NW6 6LJ
2. The Owner / Occupier, 23 Hopefield Avenue, London, NW6 6LJ
3. The Owner / Occupier, 25 Hopefield Avenue, London, NW6 6LJ
4. The Owner / Occupier, 19 Windermere Avenue, London, NW6 6LP
5. The Owner / Occupier, 20 Windermere Avenue, London, NW6 6LN
6. The Owner / Occupier, 21A Windermere Avenue, London, NW6 6LP
7. The Owner / Occupier, 21B Windermere Avenue, London, NW6 6LP
8. The Owner / Occupier, 22 Windermere Avenue, London, NW6 6LN
9. The Owner / Occupier, 23 Windermere Avenue, London, NW6 6LP
10. The Owner / Occupier, 24 Windermere Avenue, London, NW6 6LN
11. The Owner / Occupier, 25 Windermere Avenue, London, NW6 6LP
12. The Owner / Occupier, 26 Windermere Avenue, London, NW6 6LN
13. The Owner / Occupier, 27 Windermere Avenue, London, NW6 6LP
14. The Owner / Occupier, 28 Windermere Avenue, London, NW6 6LN

Dated: 01 Sep 2014

Neighbours/Representees:

15. The Occupier, 18 Windermere Avenue, London, NW6 6LN
16. The Occupier, 16 Windermere Avenue, London, NW6 6LN
17. The Occupier, 30 Windermere Avenue, London, NW6 6LN
18. The Occupier, 32 Windermere Avenue, London, NW6 6LN

9 objections received including 2 from QPRA.

Objection	Officers Response
The proposal is contrary to design policies for Queens Park	The Queens Park Design guide does allow for basement construction; within specific parameters

These properties were never designed or built for the level of development proposed	This issue is commonly raised and is covered through the Party Wall Act(1996), not Planning legislation. Nevertheless, the council does require further information about basement developments. As such, plans drawn by an engineering firm have been submitted to illustrate correct underpinning for the property. The plans have been considered acceptable by an officer in the council's building control team
The light well will alter the appearance of the house	The proposed light wells, the one to the front in particular, is within design principles for set out for Queens Park and is consistent with other approvals in the road. The front lightwell will be covered with a grille
Long term harmful damage to neighbouring properties may occur in relation to the water table, trees and soil; as well as unknown consequences as a result of the basement	This issue is commonly raised with basement applications but is not a conventional planning considerations. Nevertheless, there have been a number of basement applications within the borough and in other London boroughs; but as of yet there is no evidence which states that basement developments cause problems with the water table,trees and soil.
The construction will result in noise, dirt and damage which affect the quality of life of local residents. It is important that the peaceful occupation of homes is ensured whilst work is implemented.	Building developments do create noise, dust and can be a general nuisance to neighbouring occupiers. There are specific times at which building works can take place which is set under <i>s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4</i> . The Planning Decision Notice will set these times out for the applicant to abide with. Additionally, the applicant will need to join the Considerate Contractors Scheme to ensure neighbouring amenity is protected as far as possible from building works.

REMARKS

Summary and proposal description

1. Previous decisions for basement applications that were approved by Planning Committee essentially looked at the practical matters surrounding their construction and issues of their design and visual impact to the conservation area. These include:

- Disturbance from the construction process, assurance of structural stability in relation to adjoining properties, impacts to drainage etc. which are applicable to any development of this nature across London; and
- The design of the basement, particularly where a front lightwell is to be constructed. It is required that a front lightwell have a ground level treatment to screen its visual presence within the conservation area and from neighbouring outlook.

2. To help assuage these two key issues, the council has produced a *Basement Practice Guide (2013)* which sets out detailed requirements for a planning application; and the *Queens Park Conservation Area Design Guide (QPCADG)* has stipulated a ground level treatment for front lightwells in particular, to minimise visual impacts.

3. The proposal entails creation of a basement space to provide a play room/TV room to the rear, a bathroom and a bedroom to the front. Access to the basement will be from under the existing internal staircase of the house. Access to the rear garden will also be provided by way of a rear stairwell. In relation to proposed 'users' of this development, the basement is to provide extra space to the existing dwellinghouse and as such will constitute an ancillary space for the existing property. The proposal will involve:

- *Excavation:* The basement proposal will span the existing footprint of the whole house as currently extended to a depth of approx. 2.75m below ground. Plan 14038/101 Rev P1 indicates underpinning along party walls, front and rear building lines. To the front face of the basement two glazed doors will be placed in profile to the shape of the bay window with sash windows to the sides. To the rear face of the basement, glazed sliding doors will be placed.
- *Front light well:* This will project 800mm around the profile line of the bay window and will have a walkable grille placed above for safety reasons. This is similar to the feature introduced elsewhere in Windermere Avenue. The depth of the lightwell will be 2.7m below ground. The front garden has a depth of approximately 3.5m and an existing mature privet hedge to the front of the house is to be retained. Plans also indicate 50% of the hardstanding will be landscaped in line with the QPCADG.
- *Rear light well:* This will project 1m from the main rear building line of the house and will have a grille placed above for reasons of safety.
- *Rear stairway:* This will facilitate access to the rear garden from the basement space. It will be placed along the western side of the basement light well along the shared boundary with no. 26 Windermere Ave, but not abutting the boundary. The steps will have a length that projects a total of 4.220m from the main rear building line of the house.

Key Considerations

4. The main issues in relation to this development are considered to be:

- Principle of basement developments in the Queens Park Conservation Area (QPCA)
- Whether the proposal preserves or enhances the Queens Park Conservation Area
- Whether the proposal has an acceptable impact on neighbouring amenity

Principle of basement developments in the Queens Park Conservation Area

5. As members may be aware, there is currently no adopted, or emerging, policy or guidance that discourages the development of basements.

6. The *Queens Park Conservation Area Design Guide* sets out that basement applications to create additional space for an existing house or flat are supportable where they are considered to have minimal visual impact. Design principles include the placement of light wells to the rear of the property; and where they are required to the front of the property, the light well should project no more than 800mm from the front elevation or measure no more than half the length of the front garden. On bay fronted houses, the light well is required to follow the profile of the bay and be no wider than the bay or windows above. It is also required that screening be provided in the form of landscaping to the front garden.

7. As such, the principle of developing a basement in the QPCA is considered acceptable, but must also be assessed on their individual merits.

Whether the proposal preserves or enhances the Queens Park Conservation Area

8. There is understandably a sensitivity with which Officers treat basement extensions in terms of the emphasis placed on measures to mitigate the impact on the established street character given the location within the conservation area.

9. The revised plans show the front lightwell projecting 800mm from the front of the bay window within the forecourt area. The maximum depth of the front lightwell will be 2.7m from the base of the bay window wall. Two glazed door panels will be placed centrally along the basement profile bay area with sash windows to the flank of the bay. A walkable grille over the front lightwell is proposed, set flush with the existing ground level and following the profile of the bay window at the front. Officers find that these aspects are in keeping with the property and also as set out below, the front garden will effectively screen the lightwell from the street.

10. Currently the front garden does not comply with the QPCADG or UDP(2004) policy BE7 because of the extent of hard surfacing that is present; but it does contain a front boundary hedge which is well maintained at a relatively high height and which screens the bins. It is acknowledged that the front gardens of properties along Windermere Avenue are not large (3.5m depth), but are similar to other properties where front lightwells have been approved both by Officers and at Planning Committee (eg: similar schemes at Nos.32 and 14 Creighton Road). As such, it is inevitable given the restricted depth of the front garden that the potential impact of a front lightwell will, relatively speaking, be increased when compared to a larger plot,

11. Nonetheless, proposed plans do indicate the reinstatement of 50% soft landscaping to the forecourt as

well as retention of the existing hedge. As such, Officers feel that the proposal will mitigate the visual impacts of the front lightwell and grille to the conservation area and will fulfil the purposes of the QPCADG and policy BE7. A condition requesting further details for the 50% landscaping will be added to the decision notice to ensure a quality landscaping scheme that successfully mitigates visual impacts is to be implemented.

12. Given the above, your Officers consider that the proposed basement will comply with the design principles set out in the QPCADG and as such will enhance and preserve the quality of the QPCA.

Whether the proposal has an acceptable impact on neighbouring amenity

13. Excavation to any property in a street can have an unintentional impact to neighbouring sites, particularly if there are adjoining properties. As such, the council requires an applicant to demonstrate that from the outset of a basement proposal, consideration has been made towards the structural stability of their proposal. Members will be aware of the Council's *Basement Practice Guide (2013)* which in relation to neighbouring amenity, requests suitable detail of the construction and structural stability of a basement proposal. In this case, 24 Windermere Avenue is a mid-terrace building having shared walls with nos. 26 and 22 Windermere Avenue.

14. *Construction stability*: The applicant has submitted structural information in the form of a plan prepared by a suitably qualified Structural Engineer which illustrates points about stability. The submitted plan, *14038/101 Rev P1*, is considered to adequately demonstrate that the stability of the building and adjoining structures has been considered and can be safeguarded. Furthermore, the submitted plan shows that the foundation work will be carried out entirely within the applicant's land.

15. *Construction process*: Neighbouring occupiers have expressed concern about the construction work which can be disruptive to the whole street in terms of noise from machinery and mess from soil excavation which can affect quality of life on the street. A planning condition will be attached to the decision notice requiring the applicants builder to be a member of the Considerate Constructors Scheme. This should provide sufficient comfort for neighbouring residents to ensure that the impact of the construction works will be minimised as far as possible.

16. *Stairwell*: The proposed back garden stairwell that will allow access from the rear of the basement directly to the back garden and will be sited along the shared boundary with no.26 Windermere Avenue. There will be a set-in of approximately 0.6m from the shared boundary, but since the stairs do not project higher than the existing ground level, it is not considered that there will be a problem with overlooking and that the existing boundary treatment will suffice to prevent issues related to neighbouring amenity. For example, in relation to outlook and views from the rear 1st floor neighbouring habitable room windows, it is unlikely that the stairwell will be viewed as an unsightly addition given its will mostly be below existing garden level and will not be on full view to neighbours. As such, the stairwell is considered unlikely to have a significant impact on neighbouring amenity.

17. Overall, the applicant has shown consideration to the construction and building process of the basement in relation to neighbouring amenity and as such is considered unlikely to have a significant impact to the amenity of adjoining neighbours.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Queens Park Conservation Area Design Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

14038/101 Rev P1;
2140406-1 Rev A.

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) The proposed basement hereby approved shall not be used as a self contained residential unit. Any change, or intensification of use, will require planning permission. The works shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (5) No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (6) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the occupation of the premises. Such details shall include:

- (i) planting of the front garden area with shrubs;
- (ii) the retention of existing hedges and shrubs;
- (iii) waste and recycling storage facilities;

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the Queens Park Conservation Area

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) You are advised that that construction and demolition work is controlled by the Council under

Section 60 and 61 of the Control of Pollution Act 1974, and the British Standard Codes of practice 5228:1997 Parts 1 to 4. In particular, building work that is audible at the boundary of the site shall only be carried out between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

- (3) The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Councils Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

REFERENCE DOCUMENTS:

Queens Park Conservation Area Design Guidance

Any person wishing to inspect the above papers should contact Harini Boteju, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5015