

Appendix A Legislative Framework

Permitted Development Rights

1. Most basement development will require planning permission but there are certain circumstances where it may be 'permitted development'. These development rights are set out in the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 and amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (*the GDPO*) and they allow certain alterations to be undertaken without the need to make a formal planning application to the Council.
2. In particular Schedule 2, Part 1, Class A of the GPDO gives 'permitted development rights' for certain types of householder extensions, including basement extensions which fall within specific criteria (see para 2.2.8 below). Specific references to 'basements' in the GPDO are no longer included.
3. Permitted development rights apply only to single houses and do not apply to flats/maisonettes. They do not remove the requirement for Listed Building Consent where the works affect the significance of a Listed Building or the legal requirement to preserve trees located within a conservation area or subject to a Tree Preservation Order. In addition where planning permission is not required for the construction of a basement, other Regulations such as the Party Wall Act will still apply and developers will need to make a Building Regulations application.
4. To help explain the scope of permitted development rights and the 2013 Amendments the Government has also published Technical Guidance on 'Permitted development for householders' in October 2013 (http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_Technical_Guidance.pdf) however it does not specifically identify or provide guidance on basements as part of the enlargement of dwellinghouses (Class A).
5. In general, excavation works under the footprint of an unlisted building which involves no external alterations is permitted development. Additionally, converting an existing residential cellar or basement into a living space is in most cases unlikely to require planning permission as long as it is not a separate unit or unless the usage is significantly changed or a lightwell is added, which alters the external appearance of the property.
6. The addition of basement lightwells are classed as an engineering operation rather than the enlargement of a dwellinghouse as defined in the GPDO and as a result, lightwells will require planning permission.
7. For unlisted buildings outside a conservation area, larger extensions may be classed as permitted development under Part 1, Schedule 2, Class A of the GPDO.
8. Class A generally permits the enlargement, improvement and others alteration of a dwellinghouse providing the total area of ground covered by buildings within the curtilage does not exceed 50% of the total area of the curtilage; it is single storey; it is located next to a rear or side wall of the original dwellinghouse (subject to specific size criteria); it is not located within 2m of the curtilage boundary; and it does not front a highway.
9. Development **not** permitted by Class A is set out in <http://www.legislation.gov.uk/ukxi/2008/2362/schedule/made>.

10. The 2013 Amendments to the GPDO includes provisions to extend the 2008 permitted size of extensions set out in A.1(e) to 8m for detached houses and 6m for any other dwellinghouses in A.1(ea) until 30th May 2016. The Amendments also included a new neighbourhood consultation scheme introduced in paragraph A.4 for developments, which exceed the limits in A.1 (e) but are permitted under A.1(ea).
11. Developers are required to provide a written description of the proposed development with plans identifying the site and showing the proposed development to the local planning authority (LPA). In turn, the LPA is required to serve notice on owners or occupiers of adjoining premises about the proposed development with 21 days given for any representations. Where an owner or occupier of any adjoining premises objects to the development, prior approval from the LPA is required and additional information may be sought. The development can be carried out where approval is required in accordance with the details approved by the LPA, and where not required, in accordance with the details sent with the consultation.
12. Formal determination of a development proposed under permitted development rights can also be obtained through a Certificate of Lawful Development or Use (under section 192 or 191 of the Planning Act).

Proposals requiring planning permission

13. Excavating land to create a new basement which involves major works, a new separate unit of accommodation, or a basement added to a dwellinghouse which has previously been extended from its original form, and/or alters the external appearance of the house such as by adding a lightwell, is likely to require planning permission.
14. The statutory requirements for planning applications are limited to completion of application forms and certificates, site location plan and application drawings. Design and Access Statements are not required for householder applications unless in a site of scientific interest or a conservation area.
15. Current LBRuT Local List of validations requirements for householder applications includes a Planning Statement; a Flood Risk Assessment (where located in Flood Risk Zones 1 (over 1 hectare), 2 and 3 for major and minor developments including basements); a Tree Survey/Arboriculture Assessment; and an Archaeology Report (if located in Priority Zone 1). More extensive local requirements are set out for householder applications requiring listed building consent or development in a conservation area.
16. Local list requirements for full/non-householder applications are more extensive and could include additional drawings and sections, a Transport Assessment, parking and access details, Land Contamination Statement, Site Waste Management Plan, Environmental Impact Assessment and other documents.
17. Basement Impact Assessments and Construction Management Plans are not currently identified on LBRuT local list requirements for either full or householder applications; however these can be sought by Planning Officers during pre-application discussions, during the course of determination and/or addressed as conditions attached to planning permissions, listed building and conservation area consents.
18. Pre-application guidance should be obtained from LBRuT to fully scope the extent of supporting documents required as part of any application for basement and subterranean developments and any associated works.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as Amended)

19. LBRuT has nearly 1,200 Listed Buildings and 72 Conservation Areas within the borough and the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out national guidance for development affecting Listed Buildings and Conservation Areas.
20. Part 1, Chapter II Section 7 sets out restrictions on works affecting Listed Buildings and the requirement for Listed Building Consent. In general, any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest requires Listed Building Consent, irrespective of whether planning permission is also needed.
21. It should be noted that for all grades of listed building, the listing status covers the entire building, internal and external, objects fixed to it and sometimes also attached and curtilage buildings or other structures. The development of a new basement and the addition of any lightwells to a Listed Building will require Listed Building Consent. The information requirements for listed building consent applications is similar to planning applications but could also require an Archaeological Statement, Heritage Statement, Design and Access Statements and other documents.
22. Part 2, Section 74 of the 1990 Act sets out controls for demolition in conservation areas with a requirement for Conservation Area Consent. However from 1 October 2013, Section 63 and Schedule 17 of the Enterprise and Regulatory Reform Act 2013 amended the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 so that the need to obtain Conservation Area Consent for the demolition of an unlisted building in a conservation area will be removed. Instead, 'relevant demolition' within conservation areas requires planning permission (rather than two applications including an application for Conservation Area Consent).
23. Normal Tree Preservation Orders (TPO) Procedures apply if a tree in a conservation area is already protected by a TPO. But if a tree in a conservation area is not covered by a TPO, applicants are required to give written notice to the LPA of any proposed works at least six weeks before the work starts. This notice period gives the LPA the opportunity to decide if it is necessary to impose a TPO on the tree in order to discharge its duty to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Article 4 Directions

24. As set out above, minor alterations and additions can be carried out on single family dwelling houses (not flats) without planning permission if they fall within permitted development rights as set out in the GPDO.
25. In some specific areas, such as a street or group of similarly designed properties with many original architectural features and most commonly in conservation areas, minor changes and alterations can significantly impact upon the character and appearance of these buildings. In these cases the Council may use its powers to declare an Article 4 Direction to remove those rights to development which would normally not require planning permission. Under an Article 4 Direction householders would have to apply for planning permission for a development normally falling within Part 1 Class A of the GPDO.
26. There are currently 56 buildings and streets within LBRuT, which are subject to Article (4) Directions (http://www.richmond.gov.uk/1_article_4_list_aug_2010.pdf).

Building Regulations

27. Building Control enforces minimum standards and issues associated with engineering design, structural stability and ensuring construction work undertaken is professional and competent.
28. In addition to planning permission, Building Regulations apply to most 'Building Work' and approval is required for the excavation or enlargement of a basement, and also to convert a cellar into habitable accommodation. Guidance on Building Regulations can be found at: <http://www.planningportal.gov.uk/>.
29. An application is required to the Building Control department or an "Approved Inspector" (the private sector alternative to Local Authority Building Control) before proceeding with any construction related activities - for basement developments a Full Plans procedure should be followed unless the work is of a very minor nature.
30. The procedure involves submitting plans which show full details of the proposed work. These plans are then checked for compliance with the Building Regulations and, if satisfactory, an Approval Notice is issued. The Full Plans procedure also provides greater protection to the building owner.
31. As part of the application it will be necessary to submit a full site investigation and a consulting civil or structural engineers report on the investigation and development proposals.
32. Building Regulations are set out by various technical parts (A-P) and the principal requirements include the following:
 - Part A Structure
 - Part B Fire Safety
 - Part C Site preparation and resistance to contaminants and moisture
 - Part E Resistance to passage of sound
 - Part F Ventilation
 - Part H Drainage
 - Part J Combustion appliances
 - Part K Protection from falling collision and impact
 - Part L Conservation of fuel and power
 - Part M Access and use of building
 - Part N Glazing
 - Part P Electricity safety

Party Wall Act

33. A wall is a "party wall" if it stands astride the boundary of land belonging to two (or more) different owners. Some work carried out to a property may not be controlled by the Building Regulations, but may be work which is covered by the Party Wall etc. Act 1996. This is a separate piece of legislation with different requirements to the Building Regulations.
34. A booklet has been produced by DCLG to explain in simple terms how the Party Wall etc. Act 1996 may affect someone who either wishes to carry out work covered by the Act i.e. the "Building Owner", or receives notification under the Act of proposed adjacent work i.e. the "Adjoining Owner". This booklet can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>
35. The Party Wall Act covers:
 - Various work that is going to be carried out directly to an existing party wall or party structure.
 - New building at or astride the boundary line between properties.

- Excavation for a new building or structure within 3 metres of any part of a neighbouring owner's building or structure, where any part of that work will go deeper than the neighbour's foundations.
- Within 6 meters of the neighbouring structure and which also lies within a zone defined by 45 degree line from that structure.

Duties under the Party Wall Act

36. Duties under the Party Wall Act include that *all adjoining owners must be informed* (our emphasis) of the intent to carry out works listed in section 2 of the Party Wall Act.
- Any additional vertical loads associated with the construction of the basement should be supported independently of the party wall.
 - The new basement structure must provide adequate lateral support for the party wall or for the ground beneath the party wall.
 - The works need to be designed and constructed with the aim of not causing structural damage to the party wall or adjoining building.
 - Any underpinning to the party wall should be symmetrical. It should be no wider than the wall. The underpin should be widened at its base so that it should be at least the width of the original foundation.
 - The Act also states that a Building Owner must not cause unnecessary inconvenience. This is taken to mean inconvenience over and above that which will inevitably occur when such works are properly undertaken.
37. In the event of any dispute between building owner and adjoining owner under the Act, an agreement may be reached to appoint an 'Agreed Surveyor'. The adjoining building owner has the right under the Party Wall Act to disagree with the proposal for an agreed surveyor. They may propose a surveyor as an alternative to the act as "agreed surveyor" or appoint a surveyor to act on their behalf.
38. A principal advantage of the Party Wall process is that it requires the basement promoter to consult adjoining owners.
39. The Party Wall Act is Civil Legislation which means the process is always a private matter between neighbours and the Council cannot get involved in this. Local authorities therefore do not control or enforce the Party Wall Act; they are also not required to inform those seeking planning permission or building regulations approval of the Party Wall Act.

Environmental Health

40. Environmental Health enforces issues related to the Environmental Protection Act and Control of Pollution Act (such as noise and dust). The provisions of the Control of Pollution Act (1974) are the principal mechanisms by which construction noise and vibration is controlled. These are separate from the planning system. Control of dust in the construction phase is dealt with by the Environmental Protection Act (1990). The Environmental Protection Act 1990 enables the council to impose requirements to prevent or abate nuisance from dust and smoke. The Environmental Health team at the local authority responds to all complaints of noise, dust and smoke from building sites on receipt of the complaint.
41. Environmental Health also covers contamination issues. Where development involves excavation the applicant should consider if there could be any source of contamination, e.g. oil storage tanks associated with the heating system or any previous land use. If any unexpected contamination is identified during the basement works developers must contact Environmental Health at the Local Authority.

6.2 Health and Safety - Construction Design and Management Regulations (CDM)

42. Health and Safety legislation is also a factor in that it imposes duties on designers and contractors to work in ways that do not endanger construction workers or the public. For commercial basement developments the Construction (Design & Management) Regulations (2007) apply in full. Amongst other issues, the CDM Regulations impose a duty on commercial clients to ensure that everyone involved in a project is competent and experienced.
43. Under the CDM Regulations, “domestic” clients have no special duties of care over whom they appoint to undertake works and it does not currently require domestic owner-occupied projects to be notified to the Health and Safety Executive (HSE), even though some residential projects can be as large as commercial schemes. The CDM regulations are currently under review and this aspect may be reconsidered, however, it should be noted that Health and Safety legislation deals only with people and not with property, so it cannot be relied on to protect adjoining owners’ property interests.
44. Other council services involved basement construction includes :
- Highways - development control advice, Stopping Up and/or temporary removal of parking bays
 - Licensing - for skips, hoardings Housing etc.

Appendix B Summary of London Borough Approaches

Review of Other London Borough Basement Policies

London Borough	Type of guidance	Details of Policy Guidance (with web Links)
Barking and Dagenham	Local Plan/ DPD	None.
	SPD	
	Emerging Policy	
	None	
Barnet	Local Plan/ DPD	Residential Design Guide SPD (2013) - http://www.barnet.gov.uk/downloads/download/1132/residential_design_guidance Section in chapter 14 (p52) deals with basement extensions and it states that the Council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation.
	SPD	
	Emerging Policy	Sustainable Design and Construction SPD (2013) - http://www.barnet.gov.uk/downloads/download/518/sustainable_design_and_construction_spd_documents Chapter 2 includes a section on Flood Risk, SUDS and Water Quality Design Principles and this includes guidance on basement development Chapter 2 also contains a section on Design Principles (p42) which includes principles on construction management to do with basement excavation and construction. Table 2.18 of the SPD states that applications for basements should prepare and implement a Construction Management Plan prior to commencement of any demolition or construction activities on site.
	None	
Bexley	Local Plan/ DPD	None.
	SPD	
	Emerging Policy	
	None	
Brent	Local Plan/ DPD	LB Brent published a ' Basements Practice Guide ' in October 2013 (http://www.brent.gov.uk/media/4974502/Basements%20Practice%20Guide.pdf) which has been endorsed by the Planning Committee as an interim arrangement for requesting additional information including site surveys, a Construction Statement and a Build Methodology Statement for basement applications. The Practice Guide is a short concise guide which sets information and additional drawings required and the criteria/ range of issues that should be addressed in these documents. The Guide is not supported by a specific evidence base study similar to the Arup and Alan Baxter Reports prepared for RBKC and Camden's
	SPD	
	Emerging Policy	
	None	

			<p>more detailed approach.</p> <p>The Guide and its information requirements will form part of Brent's local list requirements and will formally be incorporated into the Local List of Validation Requirements at its next review. Until the Local List is reviewed applicants will be advised of the benefit of submitting the information to support any planning applications for basement developments.</p>
Bromley	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Camden	Local Plan/ DPD	√	<p>Camden Development Policies (2010) DPD policy DP27 sets out a detailed approach to basements and lightwells and states,</p> <p><i>'In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes.</i></p> <p>a) <i>maintain the structural stability of the building and neighbouring properties;</i> b) <i>avoid adversely affecting drainage and run-off or causing other damage to the water environment;</i> c) <i>avoid cumulative impacts upon structural stability or the water environment in the local area.</i></p> <p><i>The Council will consider whether schemes:</i></p> <p>a) <i>harm the amenity of neighbours;</i> b) <i>lead to the loss of open space or trees of townscape or amenity value;</i> c) <i>provide satisfactory landscaping, including adequate soil depth;</i> d) <i>harm the appearance or setting of the property or the established character of the surrounding area; and</i> e) <i>protect important archaeological remains.</i></p> <p><i>The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. In determining applications for lightwells, the Council will consider whether:</i></p> <p>a) <i>the architectural character of the building is protected;</i> b) <i>the character and appearance of the surrounding area is harmed; and</i> c) <i>the development results in the loss of more than 50% of the front garden or amenity area.'</i></p> <p>Additional guidance is provided in a Basement and Lightwells - Planning Guidance CPG4' (2013) and the Council's approach to basements and lightwells is underpinned by the <i>'Arup - Camden Geological,</i></p>
	SPD	√	
	Emerging Policy		
	None		

			<p><i>Hydrogeological and Hydrological Study'</i> (2010).</p> <p>Applicants for basement developments are required to provide (with regard to the Arup Study):</p> <ul style="list-style-type: none"> • A detailed engineering study undertaken by a chartered engineer/geologist to assess local ground conditions, water movement, subsidence and drainage including through the use of boreholes, potential impacts on adjoining/nearby properties • Identify suitable construction methods and mitigation measures for developments which may affect the stability of the host and neighbouring buildings and/or nearby structures, and hydrology (at the site and within the area), without placing additional pressure on other areas or on the local combined sewer network • Devise a method for monitoring local ground conditions, water movement, subsidence and drainage <p>The Arup Study puts forward a developer-led methodology for undertaking Basement Impact Assessments with specific regard to hydrology, hydrogeology and land stability impacts. It sets out a detailed checklist/-list of issues that should be assessed in Basement Impact Assessments (BIA) and it identifies a 5-stage process for their preparation, similar to the Environmental Impact Assessment process (i.e. (1) screening, (2) scoping, (3) site investigation and study, (4) impact assessment and (5) review and decision making).</p> <p>Additionally the Arup Study provides an audit checklist for LB Camden to assist Officers in reviewing the adequacy of basement impact assessments and whether planning applications should as a result not be validated or refused due a lack of information.</p>
City of London	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
City of Westminster	Local Plan/ DPD		<p>The City of Westminster recently consulted on a single issue City Management Plan (CMP) Revision in October 2013 which sets out a new detailed policy for basement developments within Booklet No.3. Proposed policy guidance for basement developments is as follows:</p> <p><i>'NEW POLICY CM28.7: BASEMENT DEVELOPMENT</i> Basement development to residential buildings or buildings originally built for residential purposes will:</p> <ol style="list-style-type: none"> 1. <i>Provide satisfactory landscaping, incorporating soft landscaping, permeable surfacing, and a minimum of 1.2m soil depth and adequate soil volume above the top cover of the basement;</i>
	SPD		
	Emerging Policy	√	
	None		

		<p>2. Not extend under more than 50% or 4m (whichever is the larger) of garden land, and not result in the loss of trees of townscape, ecological or amenity value;</p> <p>3. Not involve the excavation of more than one storey below the lowest original floor level, unless exceptional circumstances have been demonstrated;</p> <p>4. Be naturally ventilated and lit wherever practicable, especially where habitable accommodation is being provided;</p> <p>5. have no adverse visual impact on the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly sited; and</p> <p>5. Protect heritage assets including significant archaeological deposits and, in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance</p> <p><i>Applicants will be required to demonstrate that basement development will safeguard structural stability and will not increase flood risk on the site or beyond. All applications will be accompanied by a structural methodology statement and appropriate self-certification. A construction management plan demonstrating adherence to the Council's Code of Construction Practice will also be required.</i></p> <p><i>Non-residential development adjoining residential properties and new build residential incorporating basements will also be subject to the criteria set out above where there is potential for similar impact on those adjoining properties.</i></p> <p><i>New or extended basement areas under the adjacent highway will:</i></p> <ol style="list-style-type: none"> 1. Retain a minimum vertical depth below the footway or carriageway of 900mm; and 2. not encroach more than 1.8m under any part of the adjacent highway.' <p>There is a separate Booklet supporting new policy CM8.7. In this, it is noted that Westminster currently requires a Construction Management Plan with applications for basement developments but that planning cannot monitor and enforce all of issues outlined in CMP Revision. To address this and in addition to a planning policy, Westminster is preparing a revised Code of Construction Practice (COCP) which sets out the Councils standards and procedures for managing and reducing environmental impacts of construction projects and to widen the scope of COCP to include basement developments. Compliance with the COCP would then be secured by condition to the planning permission and monitoring funded by a legal agreement.</p> <p>As the CMP Revision basements policy is not expected to be adopted, following Examination, until early 2015 Westminster has also published a 'Basement Development in Westminster – Interim Planning Guidance Note' (October 2013). The Guidance Note will be reviewed following adoption of policy CM28.7 and taken forward as a Supplementary Planning Document, linked to the new policy.</p> <p>The Guidance Note does not contain new policy and is intended to provide advice on the determination of applications for basement developments on an interim basis using existing national, London Plan and local policy and guidance. It will however form a material consideration in the determination of relevant applications.</p> <p>The Guidance Note outlines key issues relating to basement developments and sets out requirements for</p>
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			<p>planning application with a checklist identifying the need for completed application forms, applications drawings, a Structural Statement, Construction Management Plan and CIL liability assessment forms. In some cases a Design and Access Statement, Flood Risk Assessment, Arboricultural Report and Tree Survey, Noise Assessment, Heritage Statement, Archaeological Desk Top Assessment and Site Waste Management Plan will also be required and the Council also identifies evidence of engagement with adjoining occupiers and a schedule and timetable of works as 'other useful supporting information'.</p> <p>Guidance within the CMP Revision/-policy CM28.7 and the Guidance Note are underpinned by the Alan Baxter 'Westminster City Council Residential Basements Report' (July 2013).</p>
Croydon	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Ealing	Local Plan/ DPD		<p>SPD 4 Residential Extensions (2006) - http://www.ealing.gov.uk/downloads/download/2760/interim_guidance</p> <p>The guidance states that proposals to extend dwellings by adding a basement will be assessed in the same way as other extensions. The proposed form and design of the original house will be considered, along with the impact of adding a basement on neighbouring properties and on the structure of the house. It is important to consider the design, materials and windows of the basement extension, as well as the details of any associated lightwell, railings, staircase etc.</p> <p>The guidance also states that Building Regulations approval for the excavation or enlargement of a basement. In addition, if permission is granted, Ealing Council will require a method statement, providing information about structural and construction matters.</p> <p>This document is "interim guidance" pending publication of replacements SPD's.</p>
	SPD	√	
	Emerging Policy		
	None		
Enfield	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	

Greenwich	Local Plan/ DPD		<p>Emerging Core Strategy (submission version, 2013) - http://greenwich-consult.limehouse.co.uk/portal/planning/cs/submission_version/core_strategy_with_proposed_further_modifications_post_eip?pointId=1382962743172#section-1382962743172</p> <p>Policy DH(a) Residential Extensions - Proposals for rear, side and other additions (including basements) should be limited to a scale and design appropriate to the building and locality. They will need to meet the following criteria:</p> <ul style="list-style-type: none"> i. Two storey extensions to the side of semi-detached houses will not be permitted unless they are designed to avoid a 'terracing effect' in conjunction with adjacent extensions. ii. Flat roofs will not be accepted on side or rear extensions when they would be visible from the public highway. iii. All new roof extensions should be designed to respect the scale and character of the host building, the street scene and the surrounding area and respect the amenities of adjacent occupiers.
	SPD		
	Emerging Policy	√	
	None		
Hackney	Local Plan/ DPD		<p>Residential Extensions and Alterations SPD (2009) http://www.hackney.gov.uk/Assets/Documents/residential-extensions-and-alterations.pdf</p> <p>Part 4 Design Principles: Basement Extension: Excavations for front basement lightwells where light-wells are an established characteristic of the streetscape will normally be acceptable provided:</p> <ul style="list-style-type: none"> • 50% of the depth of the front garden is preserved. • the scale, design and external materials are kept in line with the character of the building; adjoining properties and the surrounding area. • the basement light-wells are well set back from the rear edge of the pavement and must not be recessed into the ground floor elevation. • features such as guard-railing, drainage and anti-flood measures, skylights and fire escapes do not add clutter to the front garden resulting in adverse visual impact on the appearance of the property and the street scene. • appropriate security measures such as railings or a safety grille incorporating a fire escape mechanism are taken into account in order to protect people and particularly children from falling into a light well. • the basement headroom should be a minimum of 2.15 M. • a habitable basement room should receive adequate daylight. This is dependant on the size and shape of the basement room, but as a guide a line drawn from the centre of the window at 30° above the horizontal should pass over any obstruction (Figure.4.1). Light-wells should be a minimum distance of 1m from window pane to the retaining wall. • where creation or enlargement of basement window is required, traditional window proportions should be maintained.
	SPD	√	
	Emerging Policy		
	None		

Hammersmith and Fulham	Local Plan/ DPD	√	<p>Specific guidance for basement developments is set out in the adopted Development Management Local Plan (2013) DPD (Policy DM A8) and the Planning Guidance SPD (2013) (Housing Policy 9 and Design Policy 13). Related policies for lightwells and amenity issues are also set out in the SPD.</p> <p>Policy DMA8 of the Development Management states that new basement accommodation in existing dwellings will be permitted where:</p> <ul style="list-style-type: none"> - It does not extend beyond the footprint of the dwelling and any approved extension (whether built or not); - There is no adverse impact on the amenity of adjoining properties and on the local, natural and historic environment; and - It does not increase flood risk from any source. <p>All other new or extended accommodation below street level should be designed to minimise the risk of flooding to the property and nearby properties from all sources of flooding. To minimise the risk of sewer flooding, developments will be required to provide active drainage devices and where there is a medium to high risk of fluvial flooding and no satisfactory means of escape can be provided, new self-contained basement flats will not be permitted.</p> <p>Similar guidance is also set out in SPD Housing Policy 9 with more specific design criteria and a requirement for a Subterranean Construction Method Statement (carried out by a qualified structural surveyor or civil engineer) to be submitted with the planning application and made available to neighbouring owners.</p> <p>SPD Design Policy 13 states that the creation of basement accommodation in existing dwellings beyond the footprint of the property will generally be resisted.</p>
	SPD	√	
	Emerging Policy		
	None		
Haringey	Local Plan/ DPD		<p>Adopted guidance for basements is currently provided in the LB Haringey a 'Basements Guidance Note' as a SPD in July 2012.</p> <p>The Guidance Note identifies key issues that will be considered in determining basement proposals and it provides guidance on appropriate scale and design of basement developments. The Guidance Note sets out requirements for Basement Impact Assessments for boundary to boundary or multi-level basement developments and Management Plan for Demolition and/or Construction for applications proposed in conservation areas or adjacent to listed buildings.</p> <p>Additional guidance is also being prepared as part of the emerging LDF within the Development Management Policies DPD which includes a specific policy for basements alongside other design, flood risk and construction policies.</p> <p>The Draft Development Management Policies DPD was published for consultation in March 2013 and Policy DMP14 states that the Council will require basement developments to meet criteria such as: to maintain the structural stability of neighbouring properties; to ensure no adverse effects on drainage and run-off or cause other damage to the water environment; avoid leading to the loss of open space or trees of townscape or amenity value; provide satisfactory landscaping, including adequate soil depth; and avoid harm to the</p>
	SPD	√	
	Emerging Policy	√	
	None		

			<p>appearance or setting of the property or the established character of the surrounding area.</p> <p>The draft guidance goes on to state that the Council will resist basement development which includes habitable rooms and other sensitive uses in areas prone to flooding and that Construction Management Plans will be required as part of planning applications.</p>
Harrow	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Havering	Local Plan/DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Hillingdon	Local Plan/ DPD	√	<p>No specific adopted policy on basement developments. Officers advised that the Council normally refers applicants to RBKCs guidance on basement development.</p> <p>However there is a policy on basement development in the Hillingdon Local Plan Part 2 – Draft DMDPD (Jan 2014) as follows:</p> <p>Policy DMHB23 – Basement Development</p> <p>A) When determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Developers will be required to demonstrate by methodologies appropriate to the site that their proposals:</p> <p>i) Avoid adversely affecting drainage and run-off or causing other damage to the water environment;</p> <p>ii) Avoid cumulative impacts upon structural stability of the water environment in the local area'</p> <p>And schemes should ensure that they do not:</p>
	SPD		
	Emerging Policy		
	None		

			<p>i) Harm the amenity of neighbours;</p> <p>ii) Lead to the loss of trees or townscape or amenity value;</p> <p>iii) Provide satisfactory landscaping, including adequate soil depth;</p> <p>iv) Harm the appearance or setting of the property or the established character of the surrounding area; and</p> <p>v) Protect important archaeological remains.</p> <p>B) The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.</p> <p>The supporting text to the policy states that the Council will also require assessments including a site investigation, geotechnical and hydrological investigations and modelling, from applicants to ensure that an understanding of the environmental implications are taken into account during the design phase, which can then demonstrate that basement developments do not harm the built and natural environment or local amenity. As a result there may be a requirement for structural engineering information to demonstrate that the proposal can be designed to provide suitable mitigation for any potential wider impacts of subterranean schemes and the impacts of cumulative subterranean development proposals.</p>
Hounslow	Local Plan/ DPD		None but some guidance is in the form of a Report that was issued to the Chiswick Area Planning Committee on basement extensions.- http://democraticservices.hounslow.gov.uk/mgConvert2PDF.aspx?ID=51570
	SPD		
	Emerging Policy		
	None	√	
Islington	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Kensington and Chelsea	Local Plan/ DPD	√	Adopted guidance for basement developments is set out in RBKC Core Strategy (2010) policies CE1, CE2 and CL2.
	SPD	√	
	Emerging Policy	√	Core Strategy policy CL2 set out general design guidance for new buildings, extensions and modifications to existing buildings including basements. Proposals for subterranean extensions must meet the following criteria:

	None	<p>a) The proposal does not involve excavation underneath a listed building;</p> <p>b) The stability of the existing or neighbouring buildings is safeguarded;</p> <p>c) There is no loss of trees of townscape or amenity value;</p> <p>d) Adequate soil depth and material is provided to ensure sustainable growth.</p> <p>Core Strategies policy CL1 sets out requirements for entire dwellings where subterranean extensions are proposed to meet EcoHome Very Good or comparable BREEAM when completed and policy CE2 requires Flood Risk Assessments and SUDS as part of proposals for basement developments.</p> <p>RBKC also has an adopted Subterranean Development SPD (2009) which identifies key planning considerations to be addressed at the earliest stage of preparing proposals and planning applications for subterranean developments. The SPD is underpinned by an Arup 'Subterranean Development Scoping Study' (2008) and it also identifies supporting documents required as part of the validation of applications.</p> <p>The Core Strategy and SPD are currently under partial review and RBKC published a Basements Publication Planning Policy - Partial Review of the Core Strategy document in February 2014. The Partial Review is supported by extensive evidence base studies prepared by RBKC and external consultants to provide reasoned justification for new policy CL7.</p> <p>New policy CL7 outlines restrictions to the extent of basement developments including limits on the size of basements to one storey and no more than 50% of each garden or open parts of the size; no excavations under listed buildings; and requirements for SUDS and energy, waste and water assessment as follows:</p> <p><i>'The Council will require all basements to be designed, constructed and completed to the highest standard and quality. To achieve this basement development should:</i></p> <p>a) <i>not exceed a maximum of 50% of each garden or open part of the site. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Exceptions may be made on large sites</i></p> <p>b) <i>not comprise more than one storey. Exceptions may be made on large sites;</i></p> <p>c) <i>not add further basement floors where there is an extant or implemented planning permission for a basement or one built through the exercise of permitted development rights;</i></p> <p>d) <i>not cause loss, damage or long term threat to trees of townscape or amenity value;</i></p> <p>e) <i>not cause harm to the significance of heritage assets;</i></p> <p>f) <i>not involve excavation underneath a listed building (including pavement vaults);</i></p> <p>g) <i>demonstrate there is no harm to the special architectural and historic interest of the listed building when proposed in the garden;</i></p> <p>h) <i>not introduce light wells and railings to the front or side of the property unless they are already an established and positive feature of the local streetscape;</i></p> <p>i) <i>maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively</i></p>
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			<p><i>designed and discreetly sited;</i></p> <p>j) <i>include a sustainable urban drainage scheme (SUDs), including a minimum of one metre of permeable soil above any part of the basement beneath a garden. Where the character of the gardens in the locality is small paved courtyards SUDs may be provided in other ways;</i></p> <p>k) <i>ensure that any new building which includes a basement, and any existing dwelling or commercial property related to a new basement, is adapted to a high level of performance in respect of energy, waste and water to be verified at pre-assessment stage and after construction has been completed;</i></p> <p>l) <i>ensure that traffic and construction activity does not harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;</i></p> <p>m) <i>ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works;</i></p> <p>n) <i>be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;</i></p> <p>o) <i>be protected from sewer flooding through the installation of a suitable pumped device.</i></p> <p>A specific policy requirement for basements is also contained in Policy CE2, Flooding.</p> <p>RBKC's local list of validation requires the submission of a 'Sustainability Assessment - EcoHomes assessment' and a 'Subterranean Construction Method Statement' for basement developments to existing dwellings, where no new units are proposed.</p>
Kingston-Upon-Thames	<p>Local Plan/ DPD</p> <p>SPD</p> <p>Emerging Policy</p> <p>None</p>	√	<p>Residential Design SPD (2013) http://www.kingston.gov.uk/downloads/file/74/residential_spd</p> <p>Policy Guidance 43 - Basements and Subterranean Development</p> <p>When designing a subterranean development the following guidance will apply:</p> <ul style="list-style-type: none"> ▪ Any new sleeping accommodation must have natural light and ventilation. ▪ Any features associated with subterranean development visible from the street or surrounding properties should be discreet. ▪ Light wells visible from surrounding properties or the street should only be included where they are a characteristic feature of the street. As such proposals to include a light well that is visible from the street will be considered on its merits. ▪ Light wells should not exceed more than one storey underground in order to maintain adequate daylight, sunlight, and ventilation ▪ Where proposed in close proximity to mature trees, every effort should be made to protect and retain trees. Where the removal of a tree is unavoidable, a replacement tree will be expected to be planted adjacent to the proposed development. ▪ Proposals for subterranean development in Flood Zones 2 and 3 (and for sites greater than 1ha in Flood Risk Zone) 1 must be accompanied by a Flood Risk Assessment. ▪ Proposals for subterranean development must be accompanied by a Construction Method Statement (CMS).

			<p>Plan and drawing details for basement or excavations are:</p> <ul style="list-style-type: none"> ▪ Existing and proposed sections ▪ Show light wells and window dimensions on sections ▪ If the proposed works to the basement extend to the front and rear of the property show the distance between basement and boundary on plans and section. <p>Provide specific details of excavation, temporary works & construction techniques, including details of potential impact of subterranean development on existing & neighbouring structures. Must be prepared and signed off by a Chartered Civil Engineer or Structural Engineer.</p> <p>A general statement that addresses the following processes to establish if a Basement Impact Assessment is required:</p> <ul style="list-style-type: none"> ▪ Impact of proposals on surface flow and flooding ▪ Impact of proposals on groundwater flow ▪ Impact of proposals on structural stability <p>The level of technical information required will vary according to the type of development, but is likely to include:</p> <ul style="list-style-type: none"> ▪ Desktop study of existing geological and hydrological conditions of the site and the wider area in order to identify areas susceptible to instability (ground and water movement) and localised flooding (needs to be site specific) ▪ Detail engineering study undertaken by a chartered engineer/geologist to assess local ground conditions, water movement subsidence and drainage including through the use of boreholes, potential impacts on adjoining/nearby properties ▪ Identify suitable construction methods and mitigation measures for developments which may affect the stability (of the host and neighbouring buildings and/or nearby structures) and hydrology (at the site and within the area), without placing additional pressure on other areas or on the local combined sewer network and; ▪ Devise a method for monitoring local ground conditions, water movement, subsidence and drainage <p>All technical reports should be prepared by a suitability qualified chartered engineer or chartered geologist, who is a member of the relevant professional body.</p>
Lambeth	<p>Local Plan/ DPD</p> <p>SPD</p> <p>Emerging Policy</p> <p>None</p>	<p>√</p> <p>√</p>	<p>Residential Alterations and Extensions SPG (2008) - http://www.lambeth.gov.uk/sites/default/files/pl-adopted-residential-alterationsand-extensions-spd_1.pdf</p> <p>Chapter 8 deals with basements, basement areas and lightwells.</p> <p>There is also emerging guidance within the Draft Lambeth Local Plan (Submission Version November 2013) http://www.lambeth.gov.uk/planning-and-building-control/lambeth-local-plan-pre-submission-publication</p> <p>Policy Q11 – Building Alterations and Extensions</p>

			<ul style="list-style-type: none"> ▪ When considering proposals for the alteration or extensions of buildings the Council will expect all proposals: <ul style="list-style-type: none"> (i) To have a design which positively responds to the original architecture, detailing, fenestration of the host building and other locally distinct forms are respected, retained/authentically reproduced. <p>Extensions (inter alia):</p> <ul style="list-style-type: none"> ▪ Subordination with a key consideration when considering proposals for extensions. Development which dominates or overwhelms the host building will not be supported. ▪ In normal circumstances the excavation of basements beneath existing properties is acceptable. However, basement extensions are not considered acceptable if they: <ul style="list-style-type: none"> a. Entail the roofing over or inappropriate enclosure/alteration of existing basement areas; b. Result in the excavation of front gardens or the re-grading of ground in a manner which would not be characteristic of the locality or which would undermine the appearance of the host building; c. Result in development below front gardens which would prevent or severely compromise the ability of plants and soft landscaping to thrive without irrigation. ▪ New basement light well excavations should not have an adverse impact on the design integrity of the host building. They should: <ul style="list-style-type: none"> a. Minimise the size of any excavated area at the front or side; b. Be in keeping with the style and design integrity of host building and wider locality; c. Have detailing that is in keeping with the host building; d. Minimise the visual impact through good design (in many cases, especially heritage assets, this is likely to mean pavement grilles rather than balustrades). <p>The policy also states that the Council will update its SPD on Residential Alterations and Extensions.</p>
Lewisham	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	

Merton	Local Plan/ DPD		<p>Emerging guidance within the Sites and Policies Plan (Submission 2013) http://www.merton.gov.uk/environment/planning/planningpolicy/ldf/sites_policies_plan/sp4.3a_submission_drift_plan_with_amends_incorporated_oct13.pdf</p> <p><i>Policy DM...Basements and subterranean developments</i> <i>b) In addition, proposals for basement and subterranean developments will be expected to meet all the following criteria:</i></p> <ul style="list-style-type: none"> <i>i. Be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings;</i> <i>ii. Not harm heritage assets;</i> <i>iii. Not involve excavation under a listed building or any garden of a listed building or any nearby excavation that could affect the integrity of the listed building, except on sites where the basement would be substantially separate from the listed building and would not involve modification to the foundation of the listed building such as may result in any destabilisation of the listed structure;</i> <i>iv. Not exceed 50% of either the front, rear or side garden of the property and result in the unaffected garden being a usable single area.</i> <i>v. Include a sustainable urban drainage scheme, including 1.0 metre of permeable soil depth above any part of the basement beneath a garden;</i> <i>vi. Not cause loss, damage or long term threat to trees of townscape or amenity value;</i> <i>vii. Accord with the recommendations of BS 5837:2012 'Trees in relation to design, demolition and construction recommendations';</i> <i>viii. Ensure that any externally visible elements such as light wells, roof lights and fire escapes are sensitively designed and sited to avoid any harmful visual impact on neighbour or visual amenity.</i> <i>ix. Make the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan.</i> <p><i>c) The Council will require an assessment of basement and subterranean scheme impacts on drainage, flooding from all sources, groundwater conditions and structural stability where appropriate. The Council will only permit developments that do not cause harm to the built and natural environment and local amenity and do not result in flooding or ground instability. The Council will require that the Design and Access statement accompanying planning applications involving basement developments demonstrate that the development proposal meets the carbon reduction requirements of the London Plan.</i></p>
	SPD		
	Emerging Policy	√	
	None		
Newham	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	

Redbridge	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Southwark	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Sutton	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Tower Hamlets	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	
Waltham Forest	Local Plan/ DPD		None.
	SPD		
	Emerging Policy		
	None	√	

Wandsworth	<p>Local Plan/ DPD</p> <p>SPD</p> <p>Emerging Policy</p> <p>None</p>	<p>√</p> <p>√</p>	<p>Development Management Policies Document (2012) - http://www.wandsworth.gov.uk/downloads/file/5938/development_management_policies_document_dmpd_a_dopted_version_february_2012</p> <p>Policy DMH 5- Alterations and extensions:</p> <p>a. In addition to satisfying the relevant criteria of Policies DMS2, DMH2 and DMH4, proposals for extensions and alterations to existing residential properties will be permitted where:</p> <ul style="list-style-type: none"> i. an extension is well designed, uses appropriate materials and is not so large that it dominates and competes with the original building; ii. an extension, dormer window or other alteration to a roof is confined to the rear of the building but where it is visible from the street or any other public place, it is sympathetic to the style of the building, not visually intrusive and does not harm either the street scene or the building's appearance; iii. side extensions do not cause a terrace effect by in-filling the spaces between detached or semi-detached buildings; iv. extensions or free-standing structures are not erected in front of houses where they would be visible from the highway; v. in the case of conversions, refuse storage enclosures and service boxes are sited unobtrusively and do not detract from the appearance of the building or amenity; vi. at least a depth of 6m of the original rear garden will remain free of buildings and structures including lightwells, in front gardens no buildings or structures will be permitted, and where lightwells are proposed, at least 50% of the original front garden depth will remain and the criteria set out in Policy DMH7 are met; vii. hardstandings do not dominate the appearance of front gardens or cause harm to the character or appearance of the dwelling or the street. In conservation areas, hardstandings are unlikely to be acceptable in line with the relevant Conservation Area Appraisal Strategies. The policy relating to permeable surfacing of hardstandings is set out in Policy DMS6. <p>b. Further detailed guidance on householder development is provided in Supplementary Planning Guidance on Making More of Your Loft, Residential Basement Extensions, Hardstandings for Cars, and will be provided in a replacement Housing Supplementary Planning Document.</p> <p>Housing SPD (2012) - http://www.wandsworth.gov.uk/downloads/file/7525/housing_spd_dec_2012 - Chapter 4 deals with basement extensions.</p>
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Appendix C Compass Appeal Search Results

Search Title: Decisions in London where Basement
or Baseme
P/O No.: 30045 - Richmond
Date: 07/02/2014
Search Ref: 41663
Results Ref: 211130
251 results

1. Flats, 501
DCS Ref: 400-001-730

Written Reps.: 30/08/2013 Inspector: G MCFARLANE

Address: 53 Radnor Walk, London
Appellant: Mrs Margaret Brimble Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

Lawful Development Certificate (LDC) 2 separate dwellings proposed of a 2 room basement flat and ground, second 7 room maisonette. Appeal property a 3 storey terraced house with basement accessed from outside steps and with all facilities for day to day living. 4 year claimed but no tenancy agreements or information provided by appellant. Council tax evidence provided but considers registration does not provide evidence of use or occupation of property and gaps in electricity and gas bills without explanation. 4 year continuous use not established.

2. Restaurants, 122
DCS Ref: 200-000-215

Inquiry: 26/03/2013 Inspector: D MORGAN

Address: 34 Grosvenor Square, London
Appellant: Caprice Holdings Ltd Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

First floor use as A3 restaurant as extension from existing basement and ground floor restaurant. Discussion whether first floor restaurant use would add to existing late night activity and disturbance harming neighbours amenity. Proposal for additional 60 covers. Site in quintessential busy Mayfair street of retail with residential units over within Central Activities Zone. Discussion of policy considering large entertainment premises of over 500sqm unacceptable as would harm neighbours amenity. Notes analysis suggesting acceptable additional 16 traffic and 7 pedestrian movements from proposal but considers total number of covers and difficult to assess 'spiky noise' of slamming car doors, salutations and conversations. Decides absence of material harm a suitable exception to outweigh policy.

Abstract:

The change of use of a first floor above an existing restaurant in central London was approved notwithstanding the council's concern over noise and disturbance to local residents.

The ground and basement floors had been in use as a restaurant for over 15 months and the appellant proposed to add a further 60 covers on the first floor. The council recognised that the area contained a mix of retail, food and drink and residential uses. However, it argued that large entertainment uses in excess of 500m2 would be likely to generate unacceptable levels of noise and disturbance and no exceptional circumstances had been put forward to permit a development contrary to its policies. It also argued that while the additional covers might not increase average noise levels significantly, it would result in 'spiky noise', involving intermittent events such as car doors slamming, the starting of engines, people laughing and talking and other potentially boisterous activity.

In contrast the appellant had sought to assess the increase in noise associated with extra pedestrian and vehicular movements set against the prevailing noise climate. This had involved examining CCTV coverage, a detailed survey of existing customers including their mode of transport, prevailing traffic conditions and acoustic analysis.

The inspector decided that on first examination the appellant's analysis, which demonstrated that 60 covers would equate to only 16 additional traffic movements and seven pedestrian movements in the late evening, would occur. But this did not address 'spiky noise' and while the council therefore alleged that the analysis was less than useless, in his opinion it required an informed subjective assessment of the likely impact. As a consequence of his site visits coupled with the predicted increase in customers' movements, underpinned by a management plan which would be secured by condition, he decided that the 60 covers would not significantly add to existing late night activity, noting that there did not appear to be any complaints from existing residents in respect of the ground floor restaurant use.

A full award of costs was made in favour of the appellant. The planning officer had not undertaken a site visit and although he was familiar with the area having dealt with the previous application for the use of the basement and ground floor as a restaurant, his senior officers did not review his recommendation with their own visits to the locality. The council's environmental health officer had not been consulted and no technical advice had been received in respect of noise and the likely impact on residents living in flats above the first floor. In the inspector's opinion the council had failed to furnish a respectable basis for its objection and had failed to consider whether appropriate conditions, including a potential trial run, would overcome its concerns.

3. Conventional houses, 500
DCS Ref: 100-078-922

Hearing: 06/08/2012 Inspector: J GRAHAM

Address: 48B FOXTON MEWS, FRIARS STILE ROAD, RICHMOND, SURREY
Appellant: HAREPATH LLP Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent b) 2 x 3 storey semi detached houses and parking. Backland site at rear of high quality residential terraced mews, part identified as of Townscape Merit, in conservation area with range of architectural styles. a) Present former employment buildings now vacant and in poor condition but notes lack of marketing for suitable employment or alternative mixed use. Proposal of similar height to existing and parking acceptable with Agreement for car club and giving up right to Permits, but would lose characteristic central courtyard layout harming character of conservation area and not provide adequate outdoor amenity space to meet occupier needs whilst insufficient evidence provided to justify loss of employment. Basement bedroom would not receive adequate daylight. b) As an historic element, still contributes to conservation area character which proposal would not equal or exceed.

4. Basements to houses or flats, 525
DCS Ref: 100-075-618

Written Reps.: 04/01/2012 Inspector: R SHRIMPLIN

Address: 40 CHEPSTOW ROAD, LONDON W2 5BE

Appellant: MR T CHUNG **Authority:** WESTMINSTER
Summary of Decision: DISMISSED

Description:

Basement extension to listed terrace building sub-divided into flats, in inner urban residential area Conservation Area. Harm to historic floor layout from removal of partitions on lower ground floor to create open plan living space. Potential harm to fabric of Listed Building from excavation of basement. Proposal not essential for refurbishment of lower ground floor flat.

Abstract:

Listed building consent for the construction of a basement at a grade II listed terrace property in a west London conservation area was denied because it would unacceptably harm its historic form and layout.

The lower ground floor comprised a self-contained flat and this was set well below street level. At the rear the flat benefited from a small private garden while access at the front was via a flight of stairs. The appellant wished to open up the whole of the ground floor by removing internal partitions and by creating a new floor of living accommodation to provide bedrooms and bathrooms by excavating below an existing semi-basement which lay below the ground floor area.

An inspector agreed that the separation of the lower ground floor had altered the character of the building because it was no longer linked to the upper part of the house. However, the appeal proposal would undermine the historic floor layout and the fact that the flat needed to be refurbished and repaired did not justify the extent of the proposed works. Additionally, the extent of the works could have severe consequences for the fabric of the existing building and its neighbours if not designed and executed with the utmost care. The submitted information did not demonstrate that the scheme was reasonably practicable and this added to the inspector's concerns.

5. Basements to houses or flats, 525, Residential hardstanding, including patios, decking and domestic land raising, 553

DCS Ref: 100-071-770

Hearing: 12/05/2011 **Inspector:** C.S KIRKBRIDE

Address: 32 EVELYN AVENUE, LONDON
Appellant: MR R PANCHAL **Authority:** BRENT
Summary of Decision: ALLOWED

Description:

Unauthorised a) basement b) hardstanding for off street parking from frontage garden at dwelling in suburban residential area. a) Departure from approved plans as basement constructed twice the size of permitted and resulted in excavation of whole of rear garden of property. No material harm as minimal outward sign of basement with underground roof covered by decking and arguably a creative solution for need to extend property. No harm to area character or appearance. b) Alleged visual harm from unrelieved blockwork paving across frontages on streetscene. However evidence of previous hardstanding on site; acceptable with introduction of ameliorating side boundary features and planting. Notes 2008 General Permitted Development Order (GPDO) revision to Class F.

6. Political clubs/social/private members, 741

DCS Ref: 100-066-910

Hearing: 30/03/2010 **Inspector:** P JARRATT

Address: LAND AT 105 UXBRIDGE ROAD, LONDON, W12 8NL
Appellant: AMINEH FIZI **Authority:** HAMMERSMITH & FULHAM
Summary of Decision: DISMISSED

Description:

Unauthorised social club from basement and use of open rear garden area. Nid terraced property in shopping street of mixed retail and commercial area character Claimed Shisha café with use of garden required by smoking legislation. Large numbers congregate in garden area with attendant noise and disturbance. History of complaints and anti social behaviour of customers. Offers of mitigating conditions including 'members only' insufficient to outweigh harm.

Abstract:

An enforcement notice aimed at the use of the rear garden and basement at a restaurant in west London as a shisha café was upheld because it disturbed neighbours.

The property was part of a mid terrace building on a busy road having a wide range of shops, cafés and commercial uses including three other shisha cafés in close proximity. There were flats on the upper floors of the commercial properties.

The council alleged that the basement and garden were used as a social club or meeting place until the early hours of the morning. The appellant stated that the use was that of a shisha café and that the smoking ban in premises had necessitated the use of the garden for the smoking of the shisha flavoured tobacco by customers. She did not dispute the fact that large numbers of people congregated in the garden and accepted that the living conditions of the residents of the flats were affected by noise and disturbance.

The council had received many complaints from neighbours, businesses and the Metropolitan Police concerning antisocial or criminal behaviour from customers of shisha cafés. The inspector held that not all of such activity could be attributed to the appeal site but found that police evidence that it was associated with a significant amount was compelling. He also noted that a noise abatement notice remained in force and that a dispersal zone under section 32 of the Anti Social Behaviour Act 2003 had been in place until earlier in the year.

The appellant suggested that the premises could be alcohol free, it could close at 10pm, it could operate on a membership basis, CCTV could be installed, the TV could be removed and the seating area could be reduced to 10 persons. The inspector decided, however, that some of these measures would not meet the tests for planning conditions and the use of the garden at any time would continue to be a nuisance to local residents.

7. Office developments, small, 304, Conventional houses, 500

DCS Ref: 100-063-372

Inquiry: 07/07/2009 **Inspector:** P CLARK

Address: LAND BETWEEN 165 WILLIFIELD WAY AND 856 FINCHLEY ROAD, LONDON
Appellant: RIGBYWARD LTD **Authority:** BARNET
Summary of Decision: DISMISSED

Description:

Alternative schemes. a) 2 Storey x 3 bed house or b) B1 part ground and part basement office. Suburban conservation area. Within curtilage and setting of nearby listed building Either proposal would lead to a substantial hedge and a tree which appears prominent in streetscene. Poor architectural quality. Harm to suburban conservation area and listed building setting. Amenity space reliant on provision of privet hedge to provide privacy but could be secured by condition but not outweigh overall harm.

8. Flats, 501

DCS Ref: 400-002-868

Written Reps.: 07/01/2014 **Inspector:** D BARNES

Address: Land Adjoining Sandalwood Close, Rowley Lane, Barnet
Appellant: Telisiano Trading **Authority:** BARNET

Summary of Decision: **ALLOWED**

Description:

6 flats in 2 blocks with underground parking on site of farmhouse in Green Belt (washed over?) residential area. Weight to material consideration of extant permission for 2 dwellings of similar siting and size as proposed flat blocks. Decides proposal would not be materially larger, than extant scheme and so not inappropriate in Green Belt, would not conflict with replacement policy and proposed ramp and entrance to basement parking would not harm the visual amenity of Green Belt or surrounding area character and appearance Notes good layout and high quality of design proposed.

9. House extensions, in urban area, 520, Basements to houses or flats, 525

DCS Ref: **400-001-707**

Written Reps.: 22/08/2013 Inspector: G DEANE

Address: 26A Wedderburn Road, London
Appellant: Mr Laurence Kirschel Authority: CAMDEN
Summary of Decision: **DISMISSED**

Description:

Plans by the owner of a flat in a north London conservation area to enlarge the basement were prevented because of the potential risk of flooding and the stability of the foundations.

Abstract:

The appellant planned to create a laundry room, lobby, bedroom, bathroom and storage area which would require the floor to be lowered by approximately 600 millimetres. A ground investigation report using boreholes confirmed that water lay below the basement at a depth of between 1.4 metres and 2.8 metres. To manage the risk of groundwater flowing into the development the appellant planned to grout the permeable soil and to underpin the existing load bearing walls as the basement was lowered. A new reinforced concrete slab would be designed to withstand the water pressure.

The inspector noted the council's concerns regarding the method of construction and those of third party objectors who were alarmed at the impact on the existing basement walls which may be subject to flooding and soil erosion which could in turn affect the upper floors of the building. Indeed the submitted report did not provide detailed calculations of how the foundations would settle after the work was completed and since this was fundamental to the acceptability or otherwise of the scheme the appeal had to fail. A single storey extension was however permitted.

10. Flats, 501

DCS Ref: **400-000-359**

Written Reps.: 15/03/2013 Inspector: G GARNHAM

Address: 47 Great Russell Street, London
Appellant: Mr Roger England Authority: CAMDEN
Summary of Decision: **DISMISSED**

Description:

Residential from part groundfloor retail of 5 floor C17th Listed terraced property in Bloomsbury conservation area and specialist shopping area. Notes extant permission for residential conversion of basement, first to third levels from B1(charity) office and part conversion of groundfloor shop to residential However evidence that no groundfloor retail use present since 1974 but as art gallery to display works of emerging artists. Discussion of Museum Street Local Area serving tourist industry. Decides important to retain retail, non residential presence at groundfloor to retain characteristic area and conservation area quality and function which would otherwise be harmed. Although notes intent to restore building (deconvert?) to original residential use, considers established mix should remain.

Abstract:

The change of use of a grade II listed shop to residential within a central London conservation area and part of a local area focused on the British museum was withheld because it would undermine the vitality and character of the locality.

The council's policy recognised that the area had a special character, in part formed by the clustering of specialist activities including retailing, and sought to encourage independent businesses to locate within existing units. This included, for example, book and coin shops and the council argued that opportunities for such businesses were limited. The scheme would therefore remove an otherwise suitable retail location.

An inspector agreed that the non-residential ground floor use was important in maintaining the character and function of the property and frontage. It retained its original shop front and was located close to the entrance to the museum, an area characterised by ground floor uses that reflected the unique setting and large number of tourists. Since it had not been proven that a shop use was unviable allowing the conversion would erode the vitality and viability of the local area and undermine its diversity and character.

11. DCS Ref: 100-078-425

Written Reps.: 03/08/2012 Inspector: G DUDLEY

Address: 7 ARGYLE SQUARE, LONDON WC1H 8AS
Appellant: MR ANTONIO MEGARO Authority: CAMDEN
Summary of Decision: **DISMISSED**

Description:

Listed Building Enforcement Notice .Unauthorized installation of (large) air handling equipment and timber housing from front basement lightwell area . Listed property in group of similar in Square where basement lightwells appear as prominent and important features of buildings. Notes clear views when walking past . Although design of air handling unit itself acceptable , poor positioning directly in front of basement window unacceptable . Notes alternative location on roof using smaller units not considered .

12. Restaurants, 122, Flats, 501

DCS Ref: **100-075-620**

Written Reps.: 23/12/2011 Inspector: J MURRAY

Address: 129 CITY ROAD LONDON, EC1V 1JB
Appellant: MRS SEMA YILDIZ Authority: HACKNEY
Summary of Decision: **ALLOWED**

Description:

Variation of restaurant operating hours condition attached to 1997 planning permission for extension to existing restaurant and for residential use of upper floors. Condition only relates to restaurant extension and has no sensible meaning, it is therefore invalid. The purpose of the condition goes to the heart of the permission and is not severable, therefore the permission becomes invalid.

Abstract:

An Inspector decided to take no action on an appeal seeking the variation of an hours of opening condition attached to permission for an extension to a restaurant in east London after finding that it made no sense.

The permission related to a ground floor and basement rear extension to the existing restaurant and use of the upper floors as two flats with roof terraces. The condition stated that "the restaurant use hereby permitted shall not be carried out after 2400 hours on Sundays to Thursdays and 0030 hours on Fridays and Saturdays". The parties agreed that the condition made no sense and was consequently invalid. However, they suggested that it

was severable. In particular, the council argued that as the condition only related to the extension it did not go to the heart of the permission. The inspector took a different view, however. Whilst "the restaurant use hereby permitted" could only relate to ground floor and basement extensions, the permission was also for the use of the upper floors as flats. The purpose of the condition was to prevent disturbance to adjoining occupiers and this must go to the heart of a permission for extended restaurant and residential use, he judged. The planning permission was invalid, he decided, and he could therefore take no action on the appeal.

13. Basements to houses or flats, 525

DCS Ref: 100-072-176

Written Reps.: 05/05/2011 Inspector: J MILLARD

Address: 37 KENSINGTON PARK GARDENS, LONDON
Appellant: SOCOMEX PROPERTIES LTD Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

Listed Building Consent (LBC) Downward extension of lightwell and create new sub basement level beneath listed terraced house in residential conservation area for ancillary accommodation and gym. Proposal contrary to Subterranean Development SPD specifically excluding basements beneath listed buildings. Weight to detailed engineers report regarding land stability where no harm established but no evidence provided that sub basements were ever a normal part of these listed houses. Decides proposal would introduce a disruptive and historically inappropriate element that would alter building's historic form and hierarchy of internal spaces and harm unity of listed terrace. Harm not outweighed by fact that proposal would not be visible to public.

Abstract:

The excavation of a sub-basement at a listed house in west London was turned down because it would harm its historic and architectural interest. The house was one of fourteen grade II listed mid 19th century stuccoed terrace houses on three storeys plus attic and basement. It was proposed to excavate beneath the rear two thirds of the existing basement to create a new sub-basement gymnasium accessed by way of a new staircase beneath the existing basement access stair. In addition, the proposal included a vertical extension of part of the rear lightwell, down to sub-basement level to accommodate two new sash windows to light the gymnasium. An inspector explained that apart from its plan form and external appearance, the special interest of the building included such features as the disposition and hierarchy of rooms and floor levels, the foundations, the size and location of the original basement, the relationship between the building and its site and the integrity of the historic structure, all of which contributed to the building's historic character. He considered that the addition of a sub-basement storey would introduce a disruptive and historically inappropriate element that would materially alter the building's historic form and detract from its established hierarchy of spaces and floor levels. Similarly, he considered that the formation of a sub-basement level lightwell would introduce an alien element into the plan form and the formal composition of the rear elevation, to the detriment of its historic integrity and the unity of the terrace, where single storey depth lightwells were the norm, in a repeating and rhythmic pattern.

14. Flats, 501, Residential hardstanding, including patios, decking and domestic land raising, 553

DCS Ref: 100-069-486

Hearing: 25/10/2010 Inspector: V MAHER

Address: 206 GREAT PORTLAND STREET, LONDON W1W 5QJ
Appellant: AMAZON PROPERTIES PLC Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

a) Breach of condition requiring whole of parking area to be retained permanently for occupiers regarding planning permission for 16 flats conversion over A1, A2, B1 b) 2 bed flat from conversion of rear ground floor basement City centre location within wide ranging Controlled Parking Zone and excellent access to facilities with PTAL of 6B. a) Discussion whether condition necessary, relevant or reasonable. Allocated area had been part used for storage and low take up of Permits noted. Mechanical / cantilevered stacker arrangement to provide 10 spaces difficult to implement and condition, could not actually be implemented as in approved plan and not enforced against despite Council being aware from 2003. Effect from loss of off street parking spaces on residents considered; acceptable as adequate on street available noting below 80 percent occupancy and payment for car club membership for all 16 flats. b) No harm to Harley street conservation area and a small contribution to Supply.

15. Flats, 501

DCS Ref: 100-063-353

Hearing: 06/07/2009 Inspector: T WOOD

Address: 81B VIVIAN AVENUE, LONDON NW4 3EL
Appellant: MR JOSEPH DEWINTER Authority: BARNET
Summary of Decision: DISMISSED

Description:

1 self contained 2 bed flat unit from ancillary residential basement. Sole lighting by rooflights with no other form of outlook. Wholly unacceptable. Although of acceptable size, and adequate daylight received, appears oppressive, not providing an acceptable standard of accommodation. Outside access door and enclosure stand separate from main building, appearing awkward and as an ill conceived after thought. Intrusive, incongruous and out of place unsympathetic feature

Abstract:

In refusing to grant retrospective planning permission for the conversion of a basement into a self contained flat in north London, an inspector concluded that the resulting living conditions were wholly unacceptable. The flat contained two bedrooms, a living room, a kitchen and a bathroom. Domed roof lights provided the only source of natural light, the inspector noted, and in his opinion the living conditions of residents would be adversely affected by the lack of any outlook and poor internal lighting. In his view, the flat was oppressive which despite its size provided an unacceptable standard of accommodation. This harm was compounded by the adverse impact the conversion works had had upon the character of the area, the domed rooflights and an external stairway being particularly intrusive, he opined.

16. Cafes/snack bars, usually unlicensed, 120

DCS Ref: 200-001-474

Hearing: 06/01/2014 Inspector: R BOYD

Address: Fatoush Express, 193 Edgware Road, London
Appellant: Mr Mofid Hamze Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

Mixed sandwich bar/cafe(sui generis) with 9 external tables and 18 chairs for shisha smoking on 2 frontages. Effect on late night area character and function; loss of retail; effect on neighbours and highway safety. 6 storey plus basement building, in Central Activity Zone, of groundfloor commercial and flats over. Council considers proposal an entertainment use in Stress Area. Although potential to weaken retail function, decides several material considerations outweigh. Proposal a modest scale scheme in terms of type, size and scale of business with shisha element appropriate and of low

impact in context of length of Edgware Road frontage. Weight given to local support of well run enterprise operating since 2003. However decides presence of tables and chairs on other, Star street, return frontage, would amount to an encroachment with inevitable associated late night activity harming residential area character of street and so tables and chairs precluded by condition.

17. Flats, 501, Curtilage extensions, 529
DCS Ref: 200-000-860

Hearing: 22/08/2013 Inspector: J.M TRASK

Address: 765 Finchley Road, Childs Hill, London
Appellant: Finchley Road (Smiths) Limited Authority: BARNET
Summary of Decision: ALLOWED

Description:

Removal of condition requiring provision of annex garden on planning permission for 80 flats with 110 space basement car park and 1402sqm flexible B1, D1 floorspace as redevelopment of existing office block. Annex garden, from nearby grassland, on site relatively remote from scheme, to provide the outdoor community area but decides proposed provision of balconies and terraces adequate and loss would not harm but rather enhance open and tranquil area character and appearance

18. Hotels under fifty beds, 401
DCS Ref: 200-000-126

Hearing: 08/03/2013 Inspector: S BROWN

Address: The King's Cross Hotel, 60 Argyle Street, London
Appellant: Stallion Estates Ltd Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

Listed Building Enforcement Notice. Unauthorised installation of UPVC replacement windows to rear elevation, basement to fourth floor and front elevation at third floor of listed hotel within Bloomsbury conservation area and area of similar, uniform and elegant terraced properties in urbane Square. Decides although of sash form, would appear substantially different to remaining and nearby traditional timber sash windows noting material, frame depth and use of false astragals or absent altogether on units at rear. Decides proposal an alteration which has significantly affected listed building appearance

19. Window alterations, balconies and fenestration alterations at dwelling, 531
DCS Ref: 100-075-191

Hearing: 13/12/2011 Inspector: S EMERSON

Address: FLAT 321, PRINCESS PARK MANOR EAST WING, ROYAL DRIVE, LONDON, N11 3GX
Appellant: BROOKSTREAM PROPERTIES LTD Authority: BARNET
Summary of Decision: ALLOWED

Description:

Continued use of basement flat but with alterations to improve daylight levels in residential block in suburb. Poor outlook to retaining wall but when taken in context of other amenity would not create living condition unacceptable to all potential occupiers. No harm to protected tree given mitigation work and pressure to top could be resisted by improved daylight levels.

20. Shop/small group of shops, up to four units, 010, Flats, 501
DCS Ref: 100-072-135

Written Reps.: 04/05/2011 Inspector: K WARD

Address: 292 WALWORTH ROAD, LONDON
Appellant: BOWER TRADING LTD Authority: SOUTHWARK
Summary of Decision: DISMISSED

Description:

4 storey building plus basement on overgrown garden site of former Police station since converted to flats. Proposal for basement and groundfloor A1 or A3 with 3 storeys of 9 residential over flats would introduce a new and distinct element into streetscene but decides height, scale and bulk in keeping and no harm to conservation area setting. Loss of openness and visual amenity of site in private ownership which contributes to area character but outweighed by benefit of development. No significant harm to outlook of existing flats as already affected by existing retaining wall. Notes strength of local public opposition but not outweigh.

21. Hotels under fifty beds, 401
DCS Ref: 100-069-228

Written Reps.: 06/10/2010 Inspector: L COOP

Address: LAND ADJACENT 228 AND 228 TUNNEL AVENUE, GREENWICH, LONDON SE10 0PL
Appellant: MR JOGINDER CHANA - CAMEO PROPERTY DEVELOPMENT LIMITED Authority: GREENWICH
Summary of Decision: ALLOWED

Description:

47 bed hotel and restaurant. 6 storey with basement. Triangular site with redevelopment of end of terrace dwelling in mixed residential and industrial area near Waterfront. Although of greater scale than surrounding buildings and extent planning permission for hotel; would not appear dominant and indeed high quality design would improve streetscene and area character and appearance Weight to contribution towards tourist accommodation needs of 2012 Olympic Games. 13 parking spaces proposed in area of existing roadside parking pressure, however located near public transport facilities and bus route. Acceptable with Travel Plan.

Abstract:

In allowing an appeal involving the construction of a 47 bedroom hotel in south-east London an inspector decided that it would contribute towards meeting demand for accommodation in 2012.

The site was located within the Greenwich waterfront area and close to the O2 arena. The inspector accepted that the council's UDP policies supported enhanced provision and noted that only 18 car parking spaces would be provided. In his opinion, given the site's good accessibility by public transport, such a low level of on-site parking provision would not undermine highway safety or lead to excessive levels of on-street parking. It would contribute to the need for accommodation needed to support the Olympics in 2012 and this added to his support for the scheme.

22. Museums, 606

DCS Ref: 100-066-515

Written Reps.: 15/02/2010 Inspector: J WILDE

Address: THE FAN MUSEUM, 12 CROOMS HILL, GREENWICH, LONDON, SE10 8ER
Appellant: THE FAN MUSEUM Authority: GREENWICH
Summary of Decision: DISMISSED

Description:

Variation of condition on planning permission for Fan museum in residential terrace. Condition restricts occupation of ground, first and basement floors to museum use. Intent to use for hospitality and functions for 40 events per annum, use of outdoor patio area and max of 70 guests to end at 23.00pm. Elevated patio adjoins residential gardens and use for 40 events per annum would result in unacceptable overlooking of residential gardens and windows. Planting would not mitigate all overlooking or noise and disturbance generated. Even a reduction in number and hours would still result in unacceptable amenity loss in a private and relatively secluded area. Notes adequate evening onstreet and public parking available nearby and no evidence of traffic congestion harm but not outweigh amenity loss.

Abstract:

A museum in south-east London was prevented from holding private functions because the events were likely to undermine the amenity of local residents.

The appellants wished to hold no more than 40 events a year with each event limited to a maximum of 70 people and each finishing no later than 11pm. In the case that the finishing time was unacceptable, an earlier time of 8.30pm limited to 30 gatherings was acceptable, they claimed. They also stated that unofficial events in the past had not led to complaints from residents.

The inspector noted that the garden associated with the museum abutted another property and views into the garden could be obtained. In his opinion, a gathering of up to 70 people would lead to unacceptable levels of noise and, particularly in the summer months, an undesirable reduction in the privacy and seclusion enjoyed by existing residents due to overlooking of adjacent gardens. Even a sedate function could result in a relatively high degree of background noise, he decided, and the proposed controls would fail to ensure that residential amenity was protected.

23. Office developments, large purpose built, more than 1000sqm, 300, Warehousing; internal storage and distribution including cold stores and repositories, and cash and carry not open to general public, 360, Community centres, 602

DCS Ref: 100-063-164

Inquiry: 02/07/2009 Inspector: C NEWMARCH

Address: LAMBETH COLLEGE, KNIGHTS HILL, LONDON SE27 0TX
Appellant: MR RAHUL DESAI Authority: LAMBETH
Summary of Decision: DISMISSED

Description:

Outline. 3 and 4 storey B8 Cash and Carry warehouse (4 tills), B1 offices, and D1 community hall above. 33 space basement parking. Site within Key industrial business area (KIBA) . Community hall breakout noise acceptable with conditions but related pedestrian patrons and traffic noise disturbance discussed, with alleged increase owing to present parking congestion situation. Increased height and mass from community hall on top of warehouse acceptable as well set back, not harming streetscene. External staircase unusual, but would not appear discordant in streetscene. Overall scale mass and design of building acceptable in streetscene. No area character or appearance harm. No harm from traffic generated by B1 element. Cash and Carry would replace approved health and fitness but acceptable as would generate similar trips. However possible highway safety risk from queuing right turning hgv's and high average vehicle flows and speeds without ameliorating works as no Sec106 offered

24. Flats, 501

DCS Ref: 400-002-790

Written Reps.: 31/12/2013 Inspector: D FITZSIMON

Address: 149 Hainault Road, London
Appellant: Mr M A Khan Authority: WALTHAM FOREST
Summary of Decision: ALLOWED

Description:

1 bed flat conversion of basement; extension to basement floor and create lightwells to front and rear at 7 flat converted semi detached house in residential area of similar. Main issue was whether adequate occupier living conditions would be provided as although internal floorspace adequate, proposal living and dining area would only receive light from front lightwell which would be covered by a flush metal grill, inhibiting light received. However decides acceptable if grill replaced by railings. Rear amenity space in rear lightwell acceptable with railings rather than grill.

25. Flats, 501, Conversions; subdivision of dwelling to form flats, 539

DCS Ref: 400-001-636

Written Reps.: 19/08/2013 Inspector: D LEWIS

Address: 14D Iverson Road, London
Appellant: Ms Catherine Boyle Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

Lawful Development Certificate (LDC) for a) second floor flat and b) basement flat at single dwelling mid terrace property in urban residential area. 4 year rule claimed. Defines property as a house in multiple occupation (HMO) Discussion whether a) a self contained flat. Only evidence a 1980 Chartered Surveyor letter stating conversion plans had been prepared but Surveyor had not visited since also electricity bills from 2007 and 2008. However Council's Private Sector Housing Team evidence of self containment between December 2011 and January 2012 by inserting door at foot of stairs; bedrooms had locks on doors and occupied separately. Decides physical separation took place within 4 year period. b) Council's Private Sector Housing Team evidence that property formally licensed as an hmo in December 2011 with basement being 2 bedsits with shared bathroom and kitchen. No evidence provided regarding tenancies or letting. Appellants evidence insufficiently precise and unambiguous.

26. House or flat alterations, 53

DCS Ref: 200-000-092

Hearing: 06/03/2013 Inspector: T WOOD

Address: 27 Pembridge Square, London
Appellant: Kulik Investments (H) IC Ltd Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

a) Listed Building Consent (LBC) b) Formation of lift shaft to basement levels of detached listed classical grand Villa designed house facing garden Square in residential conservation area. Notes extant permission for deconversion from 5 flats to single dwelling, large basement with sub basement, and internal lift to groundfloor level with stairway below. Proposal to extend to basement levels but decides would lose distinction between floors of old and new.

Abstract:

The installation of a lift to provide access to basement levels at a grade II listed house in a west London square was turned down because it would harm the special interest of the building.

An inspector remarked that the five storey house was a fine example of a grand villa of a classical design. Work had started on the implementation of a permission which had been granted to convert the building from five flats into a single dwelling, along with a basement extension over two underground floor levels. The basement would provide extensive accommodation including a double garage accessed by a car lift, laundry, plant rooms, stores, steam room and sauna, staff accommodation, gym and wine cellar. The basement levels would not intrude under the existing building and would be accessed by a stairway. The proposal entailed the extension of an already approved lift down to the basement levels.

The inspector considered that the approved stairway would ensure that a clear distinction was made between the character of the original building and the new accommodation. As a result of the appeal scheme, however, the lift would extend vertically below part of the original building. He judged that the impression given by the lift, linking the original and new accommodation in this way, would be quite different from that experienced by use of the stairway. The lift would afford a means of direct access into the new accommodation with the result that there would be a blurring of the distinction between the original and new elements, which would unacceptably dilute the simple and strong form and layout of the original building. The inspector concluded that the proposal would have an unacceptable effect on the special interest of the listed building.

27. Flats, 501

DCS Ref: 100-078-302

Written Reps.: 25/07/2012 Inspector: W FABIAN

Address: 344 HARROW ROAD, LONDON W9 2HP

Appellant: MR MOHAMMED ISMAIL Authority: WESTMINSTER

Summary of Decision: DISMISSED

Description:

Creation of lightwell from basement to ground, with railings and external stair access in front of shop within 4 storey terrace of similar properties with basement accommodation. Notes area in front of shop already a pinch point between bus stop, fixed rubbish bin and property. Evidence that narrowed footway area still within Council standards, however notes significant numbers in bus queue would stand on footway reducing width and free flow from creating obstruction hazard to passing pedestrians and creating unacceptable highway safety risk.

28. Pubs or bars, 200, Storage buildings; B8 uses, small ancillary, 370

DCS Ref: 100-075-384

Written Reps.: 09/12/2011 Inspector: S MILES

Address: 10 FAIRHOLT STREET, LONDON SW7 1EG

Appellant: MS T ECCLESTONE Authority: WESTMINSTER

Summary of Decision: DISMISSED

Description:

Extension of existing basement to provide full footprint basement to public house for extended storage area in relatively quiet residential area between active shopping areas. No conservation area or amenity harm noting condition securing use to storage. However Council Building Control objection in relation to Basement Engineering Method Statement regarding assumptions of soil, lack of soil investigation report and limited details provided of retaining wall. Falls through uncertainty of land stability and no response by appellant to Council.

Abstract:

The extension of the basement of a public house in central London was rejected due to concerns about land stability.

The pub was in a mainly residential street a short distance from shops and other commercial uses. The basement was used for storage. A larger basement, an inspector reasoned, might actually lead to a lower frequency of deliveries, thereby reducing traffic and activity at street level. A condition restricting its use to storage would ensure that no significant intensification of use would occur, thereby allaying local concerns about the potential for increased noise and disturbance.

The inspector noted, however, that the council's building control team had raised a number of concerns in relation to a basement engineering method statement submitted in support of the proposal. These related to assumptions made about soil conditions, the lack of a soil investigation report and limited detail regarding a retaining wall. He acknowledged that detailed construction matters were controlled under the building regulations but recorded that national policy contained in PPG14 Development on Unstable Land still required him to have regard to any effect on land stability as a material consideration.

In the absence of appropriate detailed information the inspector could not be sure that the development could be constructed in a manner that would ensure the stability of the appeal property and adjacent buildings and the safety of occupants. These were not matters which could be addressed by means of a condition, he ruled.

29. Flats, 501

DCS Ref: 100-072-166

Written Reps.: 03/05/2011 Inspector: M SEDDON

Address: 16 DOWANHILL ROAD, LONDON

Appellant: MR JOHN CARRIER, HERITAGE SECURED FUNDING LIMITED Authority: LEWISHAM

Summary of Decision: DISMISSED

Description:

3 self contained flats from 2 storey terraced house including loft conversion, rear dormer and front rooflights. Unacceptable loss of small family dwelling as at 124sqm, below 130sqm minimum size threshold for conversion policy to apply. However appellant claims basement 9sqm should be included but decides basement area only storage space as too low and narrow to be considered as a habitable room. Proposal includes a change in roof design from hipped to gable but would harm symmetry of terrace as a whole, harming streetscene area character and appearance.

30. Pubs or bars, 200

DCS Ref: 100-069-621

Written Reps.: 05/10/2010 Inspector: L COFFEY

Address: 57 RUPERT STREET, LONDON, WD1 7PL

Appellant: MR DYAR LALLY Authority: WESTMINSTER

Summary of Decision: ALLOWED

Description:

New basement as storage area and replacement canopy over courtyard area at A4 Bar. Site within commercial West End Stress Area. Intent to replace retractable canopy with glazed roof that would enclose balcony as well as courtyard which would be likely to increase activity of area. Claim of reduced noise benefit. Little weight to alleged increase disturbance from smokers outdoors. Acceptable with Unilateral Agreement to restrict opening hours and patron number to that permitted by Liquor Licence. Meets tests. However £ 1000 sum to meet costs of monitoring unnecessary and unjustified where Authority performs its statutory duty to ensure compliance with terms of licence.

31. Conventional houses, 500, Basements to houses or flats, 525

DCS Ref: 100-066-010

Hearing: 21/01/2010 Inspector: H HIGENBOTTAM

Address: 47/49 FITZALAN ROAD, LONDON N3 3PG

Appellant: AU GROUP LLP Authority: BARNET

Summary of Decision: ALLOWED

Description:

4 houses with basements and lightwells in terrace in conservation area. redevelopment of present bland 3 storey building which fails to relate to nearby agricultural buildings. Proposed basements, terraces and lightwells to rear. Overall a well laid out and high quality design providing adequate daylight, outlook and residential amenity for occupiers and not detract from nearby listed farm complex. Conservation area enhancement.

32. Flats, 501, Roof extensions to houses, 527, D1 Hospitals, churches, schools, community centres, art galleries, dentists, car parks, 6

DCS Ref: 100-063-082

Hearing: 25/06/2009 Inspector: M MOORE

Address: 33 CHATSWORTH ROAD, LONDON, E5 0LH

Appellant: TINTS DIRECT LTD Authority: HACKNEY

Summary of Decision: DISMISSED

Description:

D1 at ground and basement, 4 flats over with additional storey. Currently vacant 3 storey end of terrace building in use as ground floor dentist with 3 flats over. Discordant appearance harmful in streetscene. No harm to outlook or light of adjacent residential but not outweigh harm.

33. Basements to houses or flats, 525, Roof extensions to houses, 527

DCS Ref: 200-001-402

Hearing: 12/12/2013 Inspector: J PAPWORTH

Address: 31 Wilton Crescent, London

Appellant: London Realty Limited Authority: WESTMINSTER

Summary of Decision: ALLOWED

Description:

Roof extension (single storey) and basement alterations to II* listed dwelling in inner urban Conservation Area. No harm to special architectural or historic interest of Listed Building from radical but benign roof alteration to non-original flat roof part of building, and proposed extension enhances Listed Building and Conservation Area. No harm to Listed Building from internal alterations removing non-original partitions.

34. House or flat extensions, 52

DCS Ref: 400-001-668

Written Reps.: 16/08/2013 Inspector: P ASQUITH

Address: 28 Mallord Street, London

Appellant: Mrs S Dunn Authority: KENSINGTON & CHELSEA

Summary of Decision: ALLOWED

Description:

The creation of a cellar underneath a grade II listed house in west London was allowed, an inspector finding no harm to the special interest of the building.

Abstract:

The house was built for the painter Augustus John in 1913-14 and a particular feature was the airy and spacious rear room with gallery designed as his studio. The artist described the building as his new studio with living rooms, using it as his studio for some 20 years at a time when he was a leading practitioner of portrait painting. The council's principal concern was the effect that the introduction of the cellar would have on the historical hierarchy of the floor levels of the building. The inspector remarked, however, that the property was not a traditional 18th or 19th century London townhouse with a firm demarcation between upstairs and downstairs and separation of fine living accommodation on ground and first floors and with plainer staff and functional accommodation in the basement and attics. He pointed out that the cellar was not designed for residential occupation but simply as a plant room for a biomass boiler and would be a subservient and largely discrete element of the property. In these circumstances he disagreed that the cellar would be detrimental to the historic integrity, scale or layout of the building.

35. Conventional houses, 500

DCS Ref: 200-000-087

Hearing: 05/03/2013 Inspector: J REID

Address: 112 Loudoun Road, London

Appellant: Mr C Grey Authority: WESTMINSTER

Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent b) Demolition of existing building and front boundary wall c) Erect 3 storey family house with basement and associated boundary treatment in St Johns Wood residential conservation area; original arcadian suburb of domestic scale. Transitional site in setting of 2 listed dwellings set in leafy gardens on one side and 3 storey post war terrace on other. b) Decides a simple 2 storey post war dwelling in keeping with area character. Considers site provides an important visual break which c) through scale, form, bulk and massing proposal would erode; proposal jarring with scale and hierarchy of adjacent buildings; stark, utilitarian design and balconies appearing out of place; proportions and basement glazing not reflect local distinctiveness and conservation area character. Listed building setting harmed by eroding significance in streetscene b) demolition would cause an unsightly gap as no scheme approved

36. Conventional houses, 500

DCS Ref: 100-078-107

Hearing: 17/07/2012 Inspector: M OROURKE

Address: 100A FELLOWS ROAD, LAND FRONTING KING'S COLLEGE ROAD, LONDON NW3 3JG

Appellant: DR OTTO CHAN Authority: CAMDEN

Summary of Decision: ALLOWED

Description:

3 storey dwelling (basement, ground and street level) on vacant scrubland in residential suburb and Conservation Area . No harm to character and appearance of Conservation Area due to appropriate design and appearance and retention of boundary walls and opportunity to plant frontage character of streetscene. No harm to trees subject to appropriate root barrier protection. Different ground levels with neighbouring dwellings but no harm to residential amenity due to adequate daylight, outlook and ventilation.

Abstract:

The construction of a dwelling on a backland site in north London was permitted despite the council's claim that two garden level bedrooms would provide inadequate light and ventilation.

The design of the dwelling reflected the sloping nature and narrowness of the site and involved semi-basement and basement rooms. The council argued that overall living conditions for future occupants would be unacceptable and highlighted the two basement bedrooms which would not have any outlook apart from skylight windows. In an attempt to address this concern revised plans had been prepared showing some floor to ceiling height windows which looked out on an adjoining fence.

The use of basement accommodation was typical of many houses in inner London, the inspector concluded, and the proposed skylights met the council's adopted standards and would provide adequate ventilation. The council's arboricultural officer had accepted that the scheme would not damage the health of trees adjacent to the site and adequate space was available for additional planting around the site boundaries.

In allowing the appeal the inspector concluded that the council had acted unreasonably in refusing permission. It was clear that discussions on the scheme between the appellant and the council had been tortuous and extended and changes in the appointed case officer were not conducive to providing consistent advice. The council's evidence misinterpreted its own conservation area statement and the appellant and his advisers had struggled to identify exactly what planning officers objected to. The council had also failed to provide empirical evidence to substantiate its claim that the basement bedrooms would have inadequate ventilation. A full award of costs was therefore made.

37. Restaurants, 122

DCS Ref: 100-075-315

Written Reps.: 01/12/2011 Inspector: B HELLIER

Address: 19 RUPERT HOUSE, RUPERT STREET, LONDON, W1D 7PA
Appellant: LONDON TROCADERO LIMITED Authority: WESTMINSTER
Summary of Decision: DISMISSED

Description:

A3 restaurant (897sqm) of 264 covers from vacant basement lmax cinema element of D2 cultural and entertainment complex including casino , night club , cinema and restaurant . Site in West End Stress Area however lack of marketing evidence to demonstrate lack of cinema viability . Decides loss of D2 would harm character and function of this part of city centre. Notes presumption against new late night entertainment uses over 500sqm as may affect quality of life of visitors or residents .

Abstract:

The change of use of a vacant cinema within an entertainment and cultural complex in central London to a restaurant was held to be unacceptable without evidence that the existing use was no longer viable at an appropriate rent.

The Trocadero facility was situated between Leicester Square and Piccadilly. The appellants proposed to change part of the basement and lower basement to a 900m2 restaurant. They explained that the leisure industry was changing with an amusement arcade, a museum and IMAX cinema all having closed and in the process of being replaced with a hotel, restaurants and retail uses. The conversion of the cinema had been approved by the council only on the basis of a scheme that retained the basement cinema as a community performance and arts space which would be let at a peppercorn rent. The permission had not been implemented, however. The appellants asserted that the cinema had been marketed since early 2006 and there was no interest in re-opening it at an appropriate market rent.

The inspector decided that the marketing evidence was based on the premise of attracting an operator who would pay a market rent. However, this was very different from assessing whether an operator could be attracted at a peppercorn rent which might induce a tenant to take the space.

Additionally, it was unclear how active the marketing campaign had been and under these circumstances it would adversely affect the provision of arts and culture facilities.

38. Replacement dwellings; justified as replacement for existing, 503, Rural house where design of exceptional quality or innovative nature, 510

DCS Ref: 100-071-686

Inquiry: 21/04/2011 Inspector: P JACKSON

Address: ATHLONE HOUSE, HAMPSTEAD LANE, LONDON N6 4RU
Appellant: ATHLONE HOUSE LTD Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

Larger replacement 8 bed house with basement. CAC.Demolition of detailed but unlisted , dilapidated Victorian mansion in conservation area on hillside within Metropolitan Open Land . Notes former use as hospital and nursing home but extant permission as dwelling ; identified as PPG2 Annex C Major Developed Site (MDS) site in 1999 but with retention of mansion . Reduced footprint but significantly increased floor area . Inappropriate development with increase in visible bulk diminishing openness even if basement ignored but increased size , massing and setting further back on site acceptable. Existing building a positive asset to conservation area but viable reuse unlikely owing to cost of repair whilst proposal would refurbish historic gardens and contribute a high quality , opulent , contemporary designed replacement with classical elements which would positively contribute to conservation area ; weight given to architect. However not outweigh harm to openness and inappropriateness.

Abstract:

The demolition of a Victorian mansion built in 1871 and lying within a north London conservation area and area of metropolitan open land belt to facilitate the construction of an eight bedroom replacement was rejected because it involved an inappropriate form of development.

Although the original house had been constructed for use as a private dwelling, it was purchased after the Second World War by the NHS and used as a hospital. In 2005 permission had been granted for the alteration, extension and conversion of the property to a seven bedroom dwelling and the erection of 22 flats in the grounds. The latter had been built and occupied as nurses' accommodation. The appellant claimed that replacing the house would not be inappropriate since the land was identified as comprising a major developed site (MDS). In addition, the replacement house would not be materially larger in size.

The inspector rejected the council's claim that the site's status as a MDS was in doubt given that the hospital use had ceased. However, the replacement dwelling would result in a significant increase in built volume which would diminish the openness of the site even if the basement floorspace were excluded. Therefore, although it would have a smaller built footprint it did involve an inappropriate form of development.

The existing property was in a poor state and the loss of architectural detailing caused by a long term institutional use diminished its contribution to the conservation area. The proposed replacement dwelling involved an interpretation of classical architecture designed for the modern day. Although opinions of the design varied, in his opinion it would make a positive contribution to the conservation area giving an impression of opulence and it would not diminish the setting of Hampstead Heath which lay nearby. The need to find an appropriate redevelopment of the site weighed in favour of allowing the appeal. However, the impact on the openness of the land outweighed the benefits associated with the scheme, the inspector concluding that a building of reduced size was no doubt feasible.

39. Shop/small group of shops, up to four units, 010, Office developments, small, 304

DCS Ref: 100-069-357

Inquiry: 29/09/2010 Inspector: J PAPWORTH

Address: CENTURY HOUSE, 82-84 TANNER STREET, 62 RILEY ROAD, LONDON SE1 3PJ

Appellant: L & Q HOUSING ASSOCIATION Authority: SOUTHWARK
Summary of Decision: ALLOWED

Description:

5 to 10 storey building Basement and groundfloor A1 / B1 office (3680sqm), healthclub, 154 flats over, 3363sqm amenity space in courtyard , roof terraces and balconies. Visual benefit from removal of unattractive bldgs on constrained Urban Zone site adjacent conservation area and CAZ. Proposed 29.5m height ; Tall Buildings policy (30m). High 1384hrh density would make efficient use of land if good design. Decides circular plan form acceptable with adequate daylight received and claimed would be seen as a focal point through height , form and materials although not significantly taller than surroundings or appear as a 'marker' . No streetscene character and appearance harm. Acceptable internal and external amenity standards with 47 percent single aspect units overlooking railway and noise with good layout. Improvement over 2008 planning permission fallback with lower density. Overall good design with housing supply ,and visual benefits ; increasing density whilst maintaining amenity

Abstract:

A wide range of uses within a comprehensive scheme in south London was judged to strike the right balance in terms of its design and layout, an inspector holding that it would signal a major investment in the area. The scheme proposed a mixture of retail, office, leisure and residential units in a building up to 10 storeys in height and adjacent to a railway line and viaduct. The building would have a circular form with a maximum height of 30 metres and containing a series of steps and roof terraces. The council claimed that, in delivering 1,384 habitable rooms per hectare outside of four main public transport accessibility zones, it would create an overly dense form of development which would provide inadequate living conditions for local residents. The inspector disagreed. It would provide an adequate range of residential accommodation which generally complied with the council's design standards. Although some kitchens and bathrooms would not benefit from natural light, making most efficient use of land might lead to choices having to be made between natural and artificial lighting systems. Amenity space was acceptable taken as a whole, he decided, and the communal outdoor area was protected from railway noise by part of the building.

40. Office developments, small, 304, Warehousing; internal storage and distribution including cold stores and repositories, and cash and carry not open to general public, 360, Flats, 501

DCS Ref: 100-066-295

Written Repls.: 19/01/2010 Inspector: A LYMAN

Address: 34 COPPERFIELD ROAD, LONDON, E3 4RR
Appellant: MR FARHAN ALI Authority: TOWER HAMLETS
Summary of Decision: DISMISSED

Description:

a) CAC b) building on 6 floors and basement for mixed commercial and 8 flats over a) redevelopment of 3 storey commercial and warehouse building in diverse terrace within conservation area. Notes existing building had a well proportioned presence in streetscene with symmetrical facade. Represents industrial character of conservation area. Loss would harm conservation area. Fails b) Proposed modern design , scale and materials would not preserve or enhance conservation area character noting proposed external rendering, powder coated windows and glazed balconies. Setting of listed Museum , converted from warehouse, harmed as would compete for prominence in streetscene detracting from listed building Notes small windows of proposed acceptable as would permit adequate daylight and adequate amenity space for 3 bed units in the form of balconies and access to communal roof terrace. However unacceptable conservation area and listed building setting harm.

Abstract:

The erection of a six storey building in an east London conservation area was rejected, an inspector ruling that the proposed design was overly monotonous. The site contained a three storey commercial and warehouse building which backed onto a towpath associated with the Regent's canal. The appellant stated that the replacement building would provide a good landmark along the canal and make a more positive contribution to the appearance of the conservation area. He asserted that the building would reflect an adjoining building which had been extended to six floors. The inspector noted that the existing property was well proportioned and had a symmetrical facade of three bays. In his view, it was representative of the former industrial character of the area. Therefore, while it lay adjacent to more modern developments it did make a positive contribution to the street scene. In contrast, the appeal proposal would be higher than adjoining buildings and be topped with a full width glass balustrade which would look incongruous compared with the defined roof cornices. It would also have a relatively domestic facade at ground floor and contain four different types of door opening, he observed. When coupled with the monotonous repetition of basic single pane windows on parts of the upper floors, the result would be an unremarkable building which would fail to respect the historic character of the area. It would also compromise the setting of a listed building, he decided, and the appeals were dismissed.

41. Pubs or bars, 200

DCS Ref: 100-062-898

Inquiry: 11/06/2009 Inspector: L RODGERS

Address: THE TORRIANO, 71-73 TORRIANO AVENUE, LONDON, NW5 2SG
Appellant: SPACES PROPERTY LTD Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

Public house refurbishment including converting ancillary accommodation into 2 self contained flats. Urban residential area. Impact on local community and leisure facilities and effect on housing supply. Basement would be changed from unlicensed entertainment bar also used for community events such as plays , films and live music to kitchen area. Alleged loss of community use but although reference to ' community halls' policy does not refer to drinking establishments and beyond reasonable control of planning system. Loss of ancillary 5 bed residential unit would limit flexibility for occupation by range of household sizes including family. residential conversion would help present shortfall in 2 bed properties and alleged lack of larger properties not supported by evidence. Notes not loss of 3 bed (family) housing as accommodation ancillary and lack of amenity space not beneficial to use as family accommodation

Abstract:

Loss of community space at pub sanctioned
The conversion of an entertainment lounge at a pub in north London to a new kitchen was allowed because it was unreasonable to seek to retain the space for community uses. The existing basement area was used to host a wide range of social and other activities including events organised by the tenant, activities with local community groups and private parties. The council took the view that failing to preserve the basement accommodation as laid out for community and leisure events would result in the loss of a local facility contrary to unitary development plan policies which sought to protect community and leisure facilities. An inspector remarked, however, that there was no mention of drinking establishments. Even though there was some reference to facilities such as community halls he found nothing to suggest that it was intended to include ancillary rooms within pubs. Further, the council accepted that the basement area was ancillary to the use of the pub and as such fell within use class A4. The inspector accepted the appellant's submission that it could therefore be converted into a shop, restaurant, or financial or professional services use without the need for planning permission. In any case, the inspector reasoned, any future tenant might decide to cease the basement activities. He opined that seeking to retain different types of public house went beyond the reasonable control of the planning system. Attempting to insist that a pub offered entertainment, or kept a room available for such purposes, would be neither practical nor reasonable, he decided.

42. House extensions, in urban area, 520, Basements to houses or flats, 525, Roof alterations, 530, Internal alterations to dwelling, 534

DCS Ref: 200-001-381

Hearing: 09/12/2013 Inspector: T PHILLIMORE

**Address: 15 Loudoun Road, London
Appellant: Mr J Kolek Authority: WESTMINSTER
Summary of Decision: DISMISSED**

Description:

a) Listed Building Consent (LBC) b) Single storey side and rear extensions and excavate to create basement with lightwells at detached, 2 storey listed Victorian villa in St John's Wood conservation area. Notes building presently in poor condition but retains original layout and fabric. b) Lightweight glazed nature of proposal would permit demarcation of original rear elevation to remain clearly legible. However proposed green roof would introduce a confusing, strong visual element detracting from vertical proportions. Extended front lightwell with railings would become a more obvious feature, visually separating building from garden; a characteristic feature. Loss of entrance flanking upstands to be replaced by railings unacceptable. Introduction of partitions would harm internal layout. Decides external alterations would harm conservation area character and appearance.

43. Flats, 501

DCS Ref: 400-001-578

Written Reps.: 14/08/2013 Inspector: C HUGHES

**Address: Red Tree Cottage, Bickley Park Road, Bromley
Appellant: Mr Neal Penfold Authority: BROMLEY
Summary of Decision: DISMISSED**

Description:

8 flats in 2 storey block with basement as redevelopment of existing dormer bungalow in spacious, suburban Area of Special Residential Character. Although proposal larger than existing dwelling, would appear in keeping with streetscene of large detached houses. However, extensive hardstanding for parking area across front of site for 8 vehicles, would unacceptably harm streetscene character and appearance. Daylight received and outlook from basement flat, 3m below ground level, would be severely restricted noting bedroom windows would look out onto green walls separated by 1.5m distance, and parking area with manoeuvring vehicles (noise, disturbance and fumes) above. Outdoor amenity space would be awkwardly arranged or lacking, noting increased footprint of building would restrict rear garden communal space to only 16m depth, significantly out of character with area.

44. Flat block addition; to existing flat/flats to create new flat/flats, 502

DCS Ref: 400-000-217

Written Reps.: 28/02/2013 Inspector: M EVANS

**Address: 33-35 Grafton Way, London
Appellant: Mr P Loucaides Authority: CAMDEN
Summary of Decision: DISMISSED**

Description:

Roof and rear extension to form 3 bed maisonette and convert existing flat to 2 bedsits at 2 x unlisted 4 storey over basement Georgian townhouses in Fitzroy Square conservation area. Notes although not prominent in public views, rear of elegant formality and still of architectural merit. Proposal for extension of contemporary design and materials including zinc and extensive glazing, but although below roofline, decides inappropriate design would contrast and appear dominant and discordant with rest of terrace rear; scale such as to no longer to appear subordinate to host. Decides unacceptable harm to host, conservation area and setting of nearby Listed buildings.

45. Flats, 501

DCS Ref: 100-078-230

Written Reps.: 17/07/2012 Inspector: B SCOTT

**Address: 31 DARTMOUTH ROAD, FOREST HILL, LONDON, SE23 3HN
Appellant: RUSTRAMAX PENSION FUND Authority: LEWISHAM
Summary of Decision: DISMISSED**

Description:

2 bed flat from conversion and extension of shop basement and changes to front elevation in built up conservation area. Decides although internal space adequate if one bedroom a study, proposal would have unacceptable outlook and natural light noting 'claustrophobic feel' and proposed light well which might benefit daylight would have little effect on outlook or view of sky through small size.

46. Universities, colleges and other higher/further education centres, 624

DCS Ref: 100-075-102

Hearing: 24/11/2011 Inspector: R HOLLOX

**Address: UNIT 116 & UNITS 110, 120 AND 122 CAVELL STREET, LONDON
Appellant: THE LONDON CHURCHILL COLLEGE Authority: TOWER HAMLETS
Summary of Decision: ALLOWED**

Description:

D1 (foreign student) educational college from 4 basement ancillary B8 storage units (745sqm) of original clothing factory. Loss of employment discussed. Claimed units unsuitable for B1 use; however decides acceptable for occupation by SMEs seeking refurbished accommodation at reasonable rents in accessible location and shortage need identified. Job density discussed with weight to Guide; 55 jobs generated by proposal compared to 124 of potential B1 use. No marketing undertaken and would require time. Temporary, permission for continued use up to August 2014 given.

Abstract:

The change of use of four units within a former clothing factory in East London was permitted for a temporary period notwithstanding the council's preference to retain them for offices.

The first appeal involved seeking retrospective permission for the use of one unit as the appellants' college administration and for some teaching which had been operating since 2007. The second involved three basement units which were proposed to be used as lecture theatres. The college argued that they were not ideal for office use given the absence of air conditioning, the very limited natural lighting and tortuous access. The two appeals would generate 55 jobs which they claimed would be comparable to the council's preferred office use.

The council asserted however that based on recent research on employment densities a total of 125 employees could be supported. It relied on a recently adopted core strategy which advocated taking a long term view of the demand for office floorspace particularly within secondary areas such as the location of the appeal site. It highlighted a requirement for the appellants to have proven through two years of marketing, that the space was unsuitable and this had not been undertaken.

The inspector decided that the use of employment densities was not an exact science and significant variations around the average would occur depending upon the size of the premises, their location, the age of the building, energy efficiency and working practices. In his opinion the basement units were particularly claustrophobic and oppressive which was likely to lead to an appreciably fewer number of employees per square metre. The

appellants could guarantee the jobs and would provide a source for students to improve their skills and qualifications. The draft national planning policy framework urged local authorities to avoid the long term protection of employment land stating that alternative uses should be treated on merit. In the cases before him however the appellants had not undertaken a marketing exercise and in view of the council's policies which sought to protect existing office floorspace, it was necessary for this to be undertaken to see if a permanent change of use was justified. On this basis he allowed the appeals limiting occupation to the appellants only and requiring the use to be discontinued by the end of August 2014.

47. Flats, 501
DCS Ref: 100-072-073

Written Reps.: 21/04/2011 Inspector: C THORBY

Address: 30 DORSET ROAD, WIMBLEDON, LONDON
Appellant: MR T HOLLOWAY Authority: MERTON
Summary of Decision: DISMISSED

Description:
4 flats redevelopment of bungalow adjacent Conservation Area. Harm to character & appearance of streetscene and setting of Conservation Area from out of keeping and overbearing 4 storey mass. Harm to residential amenity from sub-standard rooms and lack of outlook from basement rooms. Private amenity space to the front is not private and therefore inadequate.

48. Office developments, small, 304, Conventional houses, 500, Flats, 501
DCS Ref: 100-069-332

Call In: 27/09/2010 Inspector: O SPENCER

Address: GOLDHAWK INDUSTRIAL ESTATE, 2A BRACKENBURY ROAD, HAMMERSMITH, LONDON
Appellant: LONDON & NEWCASTLE HAMMERSMITH LTD Authority: HAMMERSMITH & FULHAM
Summary of Decision: ALLOWED

Description:
Call in . 4 new buildings ; terrace of 3 x 2 storey houses ; 2 terraces of 21 town houses ; 4 storey block of 8 B1 and 33 flats ; 58 basement parking . Redevelopment of 0.6ha industrial estate adjacent residential conservation area. High quality and energy efficient Code Level 4 design making an efficient use of underdeveloped site in sustainable location. Would provide a 'useful quantity' of housing , including affordable , and small commercial (starter?) units would still contribute to economic vitality of area at density appropriate to location outweighing overall reduction in commercial floorspace . Design , layout and appearance would be compatible with local context and setting of adjacent conservation area preserved. Robust evidence provided that 11 percent maximum reasonable level of affordable would be provided regarding Toolkit and overall mix. Notes adequate playspace provision and no harm to existing amenity regarding outlook , privacy from increased height over existing

49. Flats, 501, House or flat alterations, 53
DCS Ref: 100-065-988

Hearing: 19/01/2010 Inspector: N BURROWS

Address: LAND AT 195 BROOKE ROAD, LONDON, E5 8AB
Appellant: ISAAC IWEHA Authority: HACKNEY
Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

Description:
Unauthorised basement flat ; excavation of front and rear garden for light well. At terraced house in predominantly residential area. Although lightwells acceptable, all works visible in public realm , harm building and disrupt rhythm of terrace. Design of front bay and entrance at basement level unacceptable and harmful to character of Victorian dwelling and appear incongruous in streetscene.

50. Flats, 501
DCS Ref: 100-062-791

Hearing: 04/06/2009 Inspector: F MAHONEY

Address: 32 THURLOW PARK ROAD, LONDON SE21 8JA
Appellant: MR OLA AKINTOLA Authority: LAMBETH
Summary of Decision: DISMISSED

Description:
Flat from excavation and conversion of basement at suburban , terraced dwelling in residential area. Impact from excavation of sloping garden site, insertion of lower ground floor and addition of flight of steps to front door would disrupt the cohesion and terraced house character , harming uniformity of streetscene. Natural daylight discussed. Lack of compliance with BRE guide to good practice given weight. Proposal would appear dim and dark with reliance on artificial lighting. Although outlook onto walls of lightwell acceptable with suitable colours and planting, overall, harm to terraced area character and poor living environment outweighs.

51. Office developments, small, 304, Flats, 501, Basements to houses or flats, 525
DCS Ref: 400-002-559

Written Reps.: 03/12/2013 Inspector: G MCFARLANE

Address: 373a Sandycombe Road, Richmond, Surrey
Appellant: Mr Philip Moody Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:
a) CaC b) 2 bed basement flat, groundfloor office, first and second floor flats as redevelopment of extended Victorian single storey office in Kew Gardens conservation area with proposal additionally excavating a basement flat with light wells to front and rear. Considers conservation area would be harmed by demolition as present building contributes to area character and appearance and spaciousness, through detailing and permitting views through site to trees beyond. However the proposal mass and height would harm spaciousness and design with ridge line lower and a facade of different detailing to neighbours would result in a discordant building in streetscene, lightwell also appearing uncharacteristic. Blank flank wall set close to neighbours windows would harm outlook and reduce daylight but amenity space shortfall for occupiers to decide. Required Undertaking for affordable contribution, absent and inadequate parking provision in area of parking pressure unacceptable.

52. Flats, 501
DCS Ref: 400-001-562

Written Reps.: 08/08/2013 Inspector: P JARVIS

Address: 14 Waldram Park Road, Lewisham, London
Appellant: Mr Hitesh Patani **Authority:** LEWISHAM
Summary of Decision: DISMISSED

Description:

3 and 4 storey building with basement, of modern design and providing 2 maisonettes and 6 x 1 bed flats. Redevelopment of existing dwelling in residential area of substantial, Victorian villas near local centre. Although some elements of modern design would reflect nearby, decides overall, noting lower roof parapet feature and shape and size of proposed bay windows, proposal would not successfully integrate with existing distinctive streetscene. Notes family dwellings require 9m garden depth but only 6m proposed.

53. Flats, 501, Flat block addition; to existing flat/flats to create new flat/flats, 502, Flat extensions, 522, Roof extensions to houses, 527
DCS Ref: 400-000-105

Written Reps.: 22/02/2013 **Inspector:** L COFFEY

Address: 66 Southwark Bridge Road, London
Appellant: Mr C Brandler **Authority:** SOUTHWARK
Summary of Decision: DISMISSED

Description:

2 maisonettes and 1 bed flat from a) 2 storey roof addition on host retail shop with residential over b) second floor dormer addition on rear extension (intent to retain shopfront and c) convert lawful office in basement to residential 4 storey property with basement on prominent transition site within predominantly residential Victorian conservation area; context of lower terraced neighbours. a) poor design, scale and materials but notes adequate neighbour privacy as 19m window separation distance b) poor design and appearance and living conditions as only unopenable, obscured glazing a) b) Considers prominent extensions would harm area character and appearance and rear roof extension would harm conservation area. c) Notes main living area of basement flat would receive very little outlook, sunlight or daylight as dependant on light from created void (lightwell) and walk on internal glazed roof; no outdoor amenity space provided. Weight to loss of employment as no marketing or attempt to let.

54. House extensions, in urban area, 520
DCS Ref: 100-078-101

Hearing: 16/07/2012 **Inspector:** J REID

Address: 55 COBOURG ROAD, LONDON
Appellant: MRS INNES EBERT **Authority:** SOUTHWARK
Summary of Decision: ALLOWED

Description:

Listed Building Consent (LBC); section 78. a) Erect 4 storey extension in passageway between listed dwellings in listed terrace group in residential area b) reinstate historic front garden c) refurbish external toilet and rear courtyard. Host largely intact early C19th 3 storey dwelling with basement in conservation area a) Present internal layout impractical and proposed revision; simple closet wing design of subservient extension accepted as would sustain historic plan form whilst providing narrow but practically sited accommodation. No visual harm as set back and narrow; scarcely visible from streetscene and visual benefit from removal of modern, external bathroom pipework at rear. Weight to additional visual benefits from returning front parking area to garden and refurbish historic rear toilet building and courtyard contributing to Listed Building spacious setting. Overall, proposal in long term interest in preserving building, group value and conservation area character

55. Flats, 501
DCS Ref: 100-074-830

Hearing: 22/11/2011 **Inspector:** J STILES

Address: 23 PLOUGH WAY, LONDON, SE16 2LS
Appellant: MR F OGNJENOVIC **Authority:** SOUTHWARK
Summary of Decision: DISMISSED

Description:

Lawful Development Certificate (LDC) for three flats from basement, first and second floors (ground floor in use as shop) of property in inner urban residential area. Insufficient evidence to satisfy four year rule in respect of all three flats.

56. Basements to houses or flats, 525
DCS Ref: 100-069-116

Written Reps.: 23/09/2010 **Inspector:** M FOX

Address: 94 SOUTH HILL PARK, LONDON
Appellant: MR NEIL PHILLIPS **Authority:** CAMDEN
Summary of Decision: ALLOWED

Description:

Additions, alterations to semi detached 5 storey dwelling including excavation for basement swimming pool and garden lightwell. residential conservation area. Flood risk and structural stability issues. Volume and flow groundwater noting surface water from ponds. Uncertainty whether site on London Clay with low permeability or porous 'Claygate Beds' with greater risk to structural stability. Notes 'Haycock Report' with alleged likelihood proposal sited on Beds with basement restricting groundwater flows and pond levels; however greater weight to site investigation suggesting not and independent Environment Agency view of little risk subject to ameliorating conditions. Possible alleged destabilisation of nearby dam between ponds unlikely whilst stability of building itself subject to building regs. No harm to area character and appearance on edge of Hampstead Heath

Abstract:

The owner of a dwelling in north-west London secured permission to construct a new basement containing a swimming pool after an inspector examined the likely impact on adjacent properties and a dam between two ponds. The semi-detached five storey dwelling lay within a residential area and its rear garden sloped down from two ponds. The council alleged that the appellant's structural engineer's report was insufficiently detailed to show whether the underlying ground fell within the London clay belt or other strata and this made it difficult to predict whether it would be structurally stable. It also claimed that the development would increase the risk of flooding from the two ponds and have consequential effects on neighbouring properties. The inspector decided that the evidence supported the appellant's contention that the development would be built above London clay and this meant it would be relatively watertight because in this rock, there was less ground water flow. Thus, low groundwater flows during construction could be dealt with through pumping and the danger of flooding through lowering the water level in one of the ponds was minimal. Nor, in his view was there evidence to conclude that the construction of the basement would affect the stability of a dam separating the two ponds.

57. Office developments, small, 304
DCS Ref: 100-065-983

Hearing: 18/01/2010 Inspector: P GRIFFITHS

Address: 17-19 BEDFORD STREET, LONDON WC2E 9HP
Appellant: GMS ESTATES LTD Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

B1 office from Listed former district post office; demolition of existing poor quality modern rear extension and erect 2 storey extension and basement. Urban area. Existing rear extension appears harmful to building and conservation area; proposal would enhance and greater height acceptable as would improve sense of enclosure with nearby. Adjacent residential amenity loss in terms of visual impact, sense of enclosure and daylight discussed but no significant harm. Acceptable with conditions.

58. Flats, 501

DCS Ref: 100-062-810

Hearing: 04/06/2009 Inspector: F MAHONEY

Address: 42 MONTRELL ROAD, LONDON SW2 4QB
Appellant: MR OLA AKINTOLA Authority: LAMBETH
Summary of Decision: DISMISSED

Description:

1 bedroom self contained flat from conversion of residential basement. Suburban residential area. Basement conversions uncharacteristic of Suburban Victorian area. Lightwells proposed to front, side and rear. Those at rear uncontended by Council. Main contention the creation of lightwell at frontage. Vertical form of building would be extended harming area character. Fails. Notes no harm to highway safety from proposed street parking, despite possible congestion from narrowed carriageway as parking available on either side of road.

59. Flats, 501

DCS Ref: 200-001-352

Hearing: 29/11/2013 Inspector: R BOYD

Address: 64 Charlotte Street, London
Appellant: Mr Roger Lass Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

The conversion and extension of offices in central London to six flats was allowed despite the council's concerns over its conflict with the borough's economic strategy.

Abstract:

The scheme would lead to the loss of 381m² of office floorspace and the council explained that its policies sought to ensure an adequate range of premises suitable for small and medium sized enterprises. It explained that relatively un-modernised premises were often the most attractive to small businesses due to their character, low cost and ease of subdivision. The appellants countered, stating that the basement and ground floors of the building would be improved and retained for business use despite the fact that the basement had been vacant since 2011. The first and second floor space had also been marketed for business use without success due to the poor internal layout, extent of load bearing walls, low ceilings and access via two different staircases.

Nonetheless, at his site visit the inspector was able to talk to the three tenants who explained that the space met their requirements for basic accommodation and in his opinion the appellants had not therefore demonstrated that they were no longer suited to office use. However, this had to be assessed in the context of the sub-commercial rents being paid and, in relation to the third floor, only business rates were being paid by the tenant. The marketing exercise, while deficient in some respects persuaded him that the upper floors were unlikely to achieve commercial rental levels and their loss would not undermine the council's economic strategy for small and medium sized businesses. Consequently, he decided that the appeal should be allowed.

60. Shop/small group of shops, up to four units, 010, Flats, 501

DCS Ref: 400-001-489

Written Reps.: 31/07/2013 Inspector: S MILES

Address: 294 Old Brompton Road, London
Appellant: Mountleigh Brompton Ltd Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

12 apartments with ground floor retail space and basement storage by redeveloping public house and club. Adjacent to two conservation areas. Building would be 6 storeys high comparable with built form on opposite side of road junction. Development would dominate adjacent 3-4 storey buildings and engulf adjacent period terrace. Overpowering effect on street scene and important views from both conservation areas.

61. Flats, 501, Flat block addition; to existing flat/flats to create new flat/flats, 502

DCS Ref: 400-000-102

Written Reps.: 22/02/2013 Inspector: N TAYLOR

Address: 65 Compayne Gardens, London
Appellant: Mr Daniel Coen (Trust PLC) Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

3 x 1 bed bedsit flats in basement of large, distinctive, classical 5 storey with semi basement property in current use as 7 flats in leafy residential suburb conservation area. Basement presently used for storage. Discussion whether one basement bedsit would receive adequate outlook with light provided by lightwell and 2 small high level windows in side elevation. Although marginal, decides adequate daylight would be received. However outlook would be through glazed, double patio doors onto lightwell courtyard, set 2m below garden and glazed balustrade. Only restricted views available through high level windows. Externally, proposed glazed balustrades around front lightwells would appear as significant additions with modern appearance and reflectiveness intrusive and incongruous in context, harming conservation area. Inadequate mix as 2 bed sought; decides property as a whole cannot be considered. Notes acceptable site for 'car free'.

Abstract:

The conversion of a basement floor at a five storey building in a north London conservation area to facilitate three bedsits was held to be objectionable because of the adverse impact on the living conditions of future occupiers.

The ground floor was in use as a maisonette and one of the studio units would be provided with natural light via a new lightwell. Patio doors would face onto the lightwell which would extend only 1.8m from the doors and these would be almost a similar height below ground level, an inspector noted. Although this would provide adequate natural light into the unit, outlook from the property would be very restricted with the only external view being one

of vertical walls associated with the lightwell itself. Added to this impact was the provision of glazed balustrades around two lightwells at the front of the property. Their reflectiveness and modern appearance would make them intrusive and incongruous, uncharacteristic of the style and detailing of the host building.

62. Flats, 501
DCS Ref: 100-077-994

Written Reps.: 28/06/2012 Inspector: D WARDEN

Address: 25-27 EAST DULWICH ROAD, LONDON SE22 9BD
Appellant: MR ROGER MANSFIELD Authority: SOUTHWARK
Summary of Decision: ALLOWED

Description:

4 x 1 bed ; 2 x 1 bed flats from basement and groundfloor levels of building in previous sui generis use as taxi office on site set back from busy street in predominantly residential area and provide 4 parking spaces . Notes previous refusal . Objection to loss of employment withdrawn as sui generis use . Main issues of adequate internal floorspace and privacy for occupiers . Decides adequate communal amenity space despite some overlooking by passers by and proposal to include lowering area in front of basement flats to create garden areas and improve outlook and whilst not ' private ' as overlooked by communal space on frontage , would still be dedicated . Internal space for units , small but adequate with minor shortfall in space standards . Decides overall , acceptable living accommodation .

63. Employment related dwellings, 518, House extensions, in urban area, 520, Roof alterations, 530, Window alterations, balconies and fenestration alterations at dwelling, 531, Internal alterations to dwelling, 534

DCS Ref: 100-075-041

Written Reps.: 21/11/2011 Inspector: S EMERSON

Address: 4 TEMPLEWOOD AVENUE, LONDON, NW3 7XA
Appellant: MR AND MRS NATSIS Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

a) CAC for substantial demolition of existing architect designed large house resulting in roofless shell b) Substantial works of replacement roof , chimneys , windows , excavate basement for swimming pool and (staff) living accommodation , rear extensions and new entrance gables and terraces . Site at suburban hillside road junction and liable to surface flooding from overflowing drains ; decides flood risk area and basement accommodation ' self contained ' flat as exterior access . No details of ameliorating works in case of flood event regarding basement occupier safety . Effects from construction works and hgvs on neighbours amenity discussed and could be secured by Construction Management Plan Agreement but signed copy not received.

64. Conference centres or business training, large, 301, Flats, 501, Churches/religious/ethnic uses, 610, Function rooms, including wedding/party venues, 643, Theatres, 744

DCS Ref: 100-071-629

Inquiry: 11/04/2011 Inspector: C BALL

Address: THE FORMER CARLTON CINEMA, 161-169 ESSEX ROAD, LONDON
Appellant: RESURRECTION MANIFESTATIONS Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

D1 and D2 theatre , cinema , banqueting , church , events , conference etc from vacant listed Art Deco cinema building and rear 7 storey extension ; 44 flats in 2 storey roof extension and new 2 storey basement for D1 conference . Car free Flats and new basement to be enabling development but not ' minimum necessary ' . Accessible site in dense built up area straddling adjacent conservation area . No harm from proposed basement but disproportionate rear extension and glazed roof extension unacceptable , latter resulting in significant loss of fabric and appear incongruous harming building ; site overdevelopment . Poor housing mix with overprovision of 1 bed and absence of onsite affordable ; poor daylight in narrow single aspect units . Harmful to streetscene , conservation area and listed building settings . Contributions to be based on escalating sale price over present market value unacceptable ; also refusal of bank as mortgagee to sign noting financial instability of appellant company .

Abstract:

A mixed use scheme involving alterations and extensions to a listed former cinema in north London was rejected because it would harm the special interest of the building and the character and appearance of the area, and would fail to contribute to a balanced and mixed community. The scheme entailed a two-level basement extension, change of use to provide a 2317 seat theatre, a 110 seat cinema, 520 seat banqueting hall, flexible meeting rooms, a two-storey roof extension, a seven storey rear extension and a four storey infill extension to create 44 flats and a day care centre.

An inspector noted that the mix of uses was acceptable in principle and that the opportunity to restore the building was universally welcomed. The cinema building was listed in grade II* and had been designed by an architect celebrated for his Art Deco cinema designs. It had recently been added to the English Heritage At Risk register where it was noted as in poor condition and slow decay.

The inspector considered that the proposed frontage and internal alterations would be beneficial and that the basement addition would have a negligible impact. However, he considered that the rear extensions and the alterations to the roof would cause substantial harm, undermining the integrity and authenticity of the cinema building. He therefore found that the development would have an adverse effect on the character and significance of the former cinema as a building of outstanding architectural and historic interest.

The inspector observed that the building was much larger in size and scale than the surrounding buildings and was to a large extent an impact building, intended to stand alone. He judged that the new extensions would substantially increase its size and impact and held that the overdevelopment of the site would not represent a real improvement of the local environment.

In addition, he noted that the new residential units would all be open market dwellings, clearly aimed at what would sell most quickly rather than meeting local housing needs in an area where the shortage of affordable housing was a serious problem.

He recognised that there was a clear need to secure the future of the building and that it was accepted that the costs of repair and restoration might need to be offset by some form of enabling development. However, he found that the inclusion of the basement extension in particular had led to an unnecessarily high level of residential enabling development which would be harmful to the cinema building and the area surrounding it.

65. Flat extensions, 522, Window alterations, balconies and fenestration alterations at dwelling, 531

DCS Ref: 100-069-087

Written Reps.: 22/09/2010 Inspector: D LEEMING

Address: 6 WALDEMAR AVENUE, LONDON SW6 5NA
Appellant: MR DMITRI KESSELEV Authority: HAMMERSMITH & FULHAM
Summary of Decision: ALLOWED

Description:

a) Lawful Development Certificate (LDC) Replacement of windows (PPC folding sliding windows) to rear elevation of annex and formation of new windows. Planning issues not material . Succeeds b) New rear basement extension with front and rear lightwells and staircase. Basement would

extend underground under whole of rear garden but only 14sqm above permitted under extant 2008 permission and would not be overdevelopment
Notes no policy restricting basement extensions to footprint. No significant harm from loss of onsite tree not covered by Tree Preservation Order (TPO)
or harm to area character or appearance

66. Conventional houses, 500, Plot subdivision to create new building plot, 507

DCS Ref: 100-065-868

Hearing: 22/12/2009 Inspector: M JONES

Address: LAND ADJACENT TO 36 ALEXANDRA PARK ROAD, HORNSEY, LONDON

Appellant: MR PIERRE CARBONI Authority: HARINGEY

Summary of Decision: DISMISSED

Description:

Family house with basement as redevelopment of row of unused lockup garages . 2 alternative schemes. 0.02ha Former rear garden land in residential conservation area ; Edwardian suburbia . Proposed scale, layout, design and effect on Tree Preservation Order (TPO) Ash Tree considered. Weight to extant planning permission for 2 bed split level dwelling. Proposal for single storey structure scheme but scheme a) 2 storey scheme of increased height and bulk would appear more prominent in streetscene with blank flank wall visually intrusive in streetscene. overdevelopment b) alternative scheme would be of similar height and mass as approved and less visually intrusive with mono pitched roof. Both schemes would have basements larger than approved and may affect TPO tree roots and conservation area character a) and b) No harm to adjacent residential amenity but overshadowing of courtyard amenity space would cause pressure to lop Ash tree. Both fail

67. Night clubs, 742

DCS Ref: 100-062-520

Inquiry: 27/05/2009 Inspector: S HAND

Address: THE PRIORY 16 & 17 THE MALL, EALING, W5 2PJ

Appellant: MR D DEVINE Authority: EALING

Summary of Decision: ALLOWED

Description:

Removal of condition restricting use of basement and first floor offices to be B1 regarding permission for rear extension to night club in town centre. Basement element to be used as extension to existing nightclub. 50 percent increase in floorspace proposed to 748sqm. Significant possibility of increased number of patrons with attendant unsocial noise and disturbance and street congregation. Although condition difficult to enforce , numbers limited by licence and no evidence of breach. Acceptable with material increase in noise and disturbance. Noise transmission from club to flat over discussed and acceptable with noise limiter. Lower noise would not negate permission as only required to be as low as existing club use in main building

68. Flats, 501, Flat block addition; to existing flat/flats to create new flat/flats, 502

DCS Ref: 400-002-512

Written Reps.: 27/11/2013 Inspector: N MCGURK

Address: 122 Drummond Street, London

Appellant: Mrs Julia Pyper Authority: CAMDEN

Summary of Decision: DISMISSED

Description:

Retrospective. Studio flat from basement of 4 storey, end terrace property; create new external steel staircase from street level. Living condition of proposed occupiers in terms of living space and outlook discussed. Notes Council' planning guide requiring 32sqm minimum floorspace considerably below London Plan 37sqm requirement but proposal actually only 24sqm. Little weight to claim for inclusion of 6.9sqm of external storage space as not habitable and 32sqm should be the (very) minimum. Additional weight given it inadequate outlook from single aspect window onto, presently open, storage area.

69. Shop/small group of shops, up to four units, 010, Office developments, small, 304, Flats, 501

DCS Ref: 200-000-764

Hearing: 31/07/2013 Inspector: D SMITH

Address: 24-26 Bow Road, London

Appellant: Magni Developments Ltd Authority: TOWER HAMLETS

Summary of Decision: DISMISSED

Description:

Outline. 5 storey proposal with basement parking and storage, groundfloor retail, 760sqm offices at first floor and 2693sqm of flats over. Redevelopment of locally listed building No Council objection to scheme but considers obligation incomplete. Scheme considered without obligation. Demolition of existing 3,4 storey remnant of historic pattern acceptable as property much altered over time. However 5 storey proposal would curtail neighbours daylight and morning sunlight to habitable rooms of residential neighbour. Absence of affordable provision and contributions to secondary education, health and transport objectives unacceptable.

70. Shop/small group of shops, up to four units, 010, Office developments, small, 304, Flats, 501

DCS Ref: 400-000-026

Written Reps.: 13/02/2013 Inspector: K BARTON

Address: 56 Albion Street, London

Appellant: Rocky Raj Limited (Mr R Patel) Authority: SOUTHWARK

Summary of Decision: DISMISSED

Description:

New 5 storey building with flat roof for basement office, groundfloor retail, and 8 flats on first to fourth floors. Redevelopment of vacant and derelict pub site with cellar at end of residential terrace near street road junction. Considers removal of present eyesore a visual benefit. Site in context of 3 storey terrace in mixed group and 3 storey listed church ; decides proposal would be taller than the listed church. Amenity space provision discussed, noting proposal would provide less than 10sqm outdoor amenity space and no communal space despite likelihood of families in 2 bed flats and nearest public open space a 5 min walk. Notes lack of onsite parking acceptable as accessible PTAL4 site, and limit on parking permits. However decides proposal would harm setting of listed Church and area character whilst making inadequate provision for open space.

71. Shop/small group of shops, up to four units, 010, Flats, 501

DCS Ref: 100-077-566

Written Reps.: 06/06/2012 Inspector: S GLOVER

Address: 276 CALEDONIAN ROAD, LONDON
Appellant: MRS KIYOKO ITO MUSTAFA Authority: ISLINGTON
Summary of Decision: ALLOWED

Description:

Mixed use shop and 2 x 1 bed flats from conversion and refurbishment of long vacant shop unit in conservation area and lively shopping centre to which proposal would contribute. Decides acceptable internal space, outlook and daylight for flat units. Notes privacy loss from views from external staircase into basement flat mitigated by privacy screen.

72. Hotels under fifty beds, 401

DCS Ref: 100-074-993

Written Reps.: 10/11/2011 Inspector: C THORBY

Address: 51 GROVE ROAD, LONDON, E3 4PE
Appellant: MS T MAQSOOD, MILE END GUEST HOUSE Authority: TOWER HAMLETS
Summary of Decision: DISMISSED

Description:

Reinstate original roof and further basement extension to Georgian villa; redevelopment of coach house for 8 hotel bedrooms. Conservation area of high quality Victorian terraced housing. Replacement extension of very different design and materials as curved profile with zinc cladding facing road. Decides too bold for distinctive and consistent area characteristics with unacceptable loss of coach house harming area character and appearance. Notes although roof extension to main house acceptable, fails as part of larger scheme and cannot split.

73. Homeless hostels, 562, Temporary sleeping accommodation, 564

DCS Ref: 100-071-913

Written Reps.: 04/04/2011 Inspector: G POWYS JONES

Address: BRAZEN HEAD, 69 LISSON STREET, LONDON, NW1 5DA
Appellant: MR GARY PENN Authority: WESTMINSTER
Summary of Decision: DISMISSED

Description:

Short term lets hostel from present use of upper floors of public house as staff accommodation. Decides present use of pub's cellar as staff accommodation with no light or outlook not a suitable replacement and conflicts with loss of residential policy. Site in very sustainable mixed use area of 50 percent residential. Upper floors capable of supporting 50 residents in bunks within 9 rooms but would be very cramped with very little amenity space. Outside, pavement congregation and pedestrian movements harm from hostel residents to the amenity of nearby residential from noise and disturbance. No disabled access to hostel but could be ameliorated by condition however not outweigh overall harm.

74. Conventional houses, 500

DCS Ref: 100-068-669

Hearing: 25/08/2010 Inspector: S BERKELEY

Address: LAND AT 40A CAMBRIDGE PARK, TWICKENHAM TW1 2JU
Appellant: MR MICHAEL FULLER ON BEHALF OF OPPIDAN LTD Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

3 x 3 bed houses with integral garages and 3 x 1 bed in low scale contemporary terraced mews of 3 storey height with basement. Redevelopment of set back house in residential area of mixed character and appearance. Notes previous refusal for flats. Proposal would appear cramped and squeezed onto plot. Poor design and detailing proposed harming area character and appearance and adjacent conservation area setting. Harmful to occupier outlook and light as inadequate daylight received in basement bedrooms with poor outlook facing onto lightwell notes very special circumstances of 19.5 percent where BRE Guide requires 27 percent.

75. Window alterations, balconies and fenestration alterations at dwelling, 531

DCS Ref: 100-065-816

Inquiry: 16/12/2009 Inspector: S BROWN

Address: THE BASEMENT FLAT, 39 RICHMOND WAY LONDON W14 0AS
Appellant: BALWANT BHANIA Authority: HAMMERSMITH & FULHAM
Summary of Decision: DISMISSED

Description:

Unauthorised 2 upvc windows on rear elevation to basement flat in residential suburb. Ground d) fails due to contention that replacement windows for those obscured by ivy growth not borne out, and 4 year rule not met.

76. B1 uses, 30

DCS Ref: 100-062-497

Hearing: 22/05/2009 Inspector: C THORBY

Address: 2-16 PHIPP STREET, LONDON EC2A 4NU
Appellant: PHIPP STREET LIMITED Authority: HACKNEY
Summary of Decision: ALLOWED

Description:

Basement for B1 use (492sqm) in dense mixed commercial with residential over urban conservation area. Recent requirement to provide affordable housing. Commercial proposal with no residential element; unreasonable to require affordable provision. Although uncommon, proposed lightwells would not harm conservation area area character or appearance.

77. House extensions, in urban area, 520

DCS Ref: 200-001-330

Hearing: 26/11/2013 Inspector: J WILKINSON

Address: 25 Drayton Gardens, London
Appellant: Mr Julian Verden **Authority:** KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

a) Listed Building Consent (LBC) b) Construction of basement (for gym) under recently glazed extension and small portion of rear garden. Site at handsome listed terrace in Boltons conservation area. Only manifestation of proposal being a discreet rooflight for basement room set into rear garden. Although no ' in principle' objection, Council required additional information regarding effect on structural integrity of host and adjoining buildings. Notes ARUP scoping study for SPD. Council concerns regarding underpinning and inadequate information supplied in Construction Method Statement. Inspector noted movement cracks in recently decorated walls and structural internal alterations including insertion of new opening at first floor level with potential risk as inadequate certainty.

78. House extensions, in urban area, 520, Basements to houses or flats, 525

DCS Ref: 100-080-817

Hearing: 04/02/2013 **Inspector:** A WOOD

Address: 55 CADOGAN PLACE AND 60 CADOGAN LANE, LONDON SW1X 9RT

Appellant: TIMEWAVE LTD **Authority:** KENSINGTON & CHELSEA

Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

Description:

a) Listed Building Consent (LBC) b) section 78. Glazed link at lower groundfloor; erect part mansard roof extension ; lowering groundfloor of room by 350mm; modify internal doors . Distinctive Italianate Listed 5 storey town house and ancillary 1920s mews building separated by garden in conservation area but basement already linked (underground). Site in densely built up residential area. a) Decides proposed link an ingenious architectural feature however the complexity in modelling and scale of changes required would harm rear elevation of listed building be apparent in views from neighbours and harm separation between buildings. Extension would harm listed building and conservation area .Lowering of room would harm historic internal hierarchy of rooms and required underpinning may affect structural integrity of building. Notes alteration of increasing door heights acceptable

79. House extensions, in urban area, 520, Basements to houses or flats, 525

DCS Ref: 100-077-162

Inquiry: 06/06/2012 **Inspector:** T COOKSON

Address: 15, ST. MARY'S PLACE, LONDON, W8 5UE

Appellant: WILKSON PROPERTIES LIMITED **Authority:** KENSINGTON & CHELSEA

Summary of Decision: DISMISSED

Description:

House extensions . Side , rear and large basement gym and swimming pool partly under rear garden ; fell 20m London Plane Tree Preservation Order (TPO) tree in rear garden and replace with Beech . Dwelling within attractive gated complex of (modern pastiche) Georgian dwellings in residential area . Issues of visual amenity of tree and neighbours amenity loss . Notes Supplementary Planning Guidance (SPG) where no felling should be required to facilitate underground development . Decides loss of healthy 100 year old tree harmful to area character and appearance but replacement Beech inappropriate , incompatible and unsuitable . Amenity loss from construction of basement only short term and acceptable subject to conditions but not outweigh harm to visual amenity from felling of tpo tree .

80. B1 uses, 30, Flats, 501

DCS Ref: 100-074-739

Hearing: 01/11/2011 **Inspector:** D SMITH

Address: 55 ROCHESTER PLACE & 3A WILMOT PLACE, LONDON, NW1 9JU

Appellant: MICAGOLD LTD **Authority:** CAMDEN

Summary of Decision: DISMISSED

Description:

4 flats and B1 in two blocks of three storey plus basement as an addition to end of terrace, redevelopment of vacant B1 building in mixed inner urban area between two Conservation Area 's. previous appeal dismissed. Harm to supply of employment premises despite net gain in floorspace of 20% due to reduction in quality of space. No harm to robust architectural character of Conservation Areas. No costs awarded.

81. Banks, building societies, branch offices, insurance brokers, bureau de change, 100

DCS Ref: 100-071-910

Written Reps.: 31/03/2011 **Inspector:** D RICHARDS

Address: 95-95A PRAED STREET, LONDON, W2 1NT

Appellant: ATTIJARIWAFABANK **Authority:** WESTMINSTER

Summary of Decision: DISMISSED

Description:

A2 Bank from ground and basement shop in District Centre. Loss of A1 in Secondary Frontage issue . Notes 6 retail and 5 non retail presently exist in Parade. Notes some shop units in non A1 units with unauthorised Moroccan Consulate not A1 and tanning studio a sui generis not A1 use . Proposal of little interest to general public or visual interest as no active shopfront (dead frontage ?) but rather adds to non A1 in parade harming vitality & viability.

82. Flats, 501, Flat extensions, 522, Roof extensions to houses, 527

DCS Ref: 100-068-926

Written Reps.: 23/08/2010 **Inspector:** G DEANE

Address: BELSIZE PARK HOUSE, 59-60 BELSIZE PARK, LONDON NW3 4EJ

Appellant: THE KAPOOR GROUP **Authority:** CAMDEN

Summary of Decision: DISMISSED

Description:

2 x 2 bed flats under mansard roof. Substantial 4 storey plus basement building in residential use in predominantly residential conservation area of C19th villas . Proposal to erect an additional floor for 2 flats in mansard. Proposed roof form and fenestration would create an awkward juxtaposition between property and adjoining bldgs. Arrangement of windows and contrasting roof lines would appear obtrusive and out of keeping with area and conservation area character

83. House extensions, in urban area, 520, Roof extensions to houses, 527

DCS Ref: 100-065-688

Inquiry: 01/12/2009 Inspector: P GRAINGER

Address: LAND AT 50 LYNMOUTH ROAD, LONDON N16

Appellant: MISS ROSE B GROSZ AND MISS SARAH SCHLESINGER Authority: HACKNEY

Summary of Decision: DISMISSED

Description:

Unauthorised front and rear roof extension to dwelling on prominent site in terrace of 15 of similar design. Proposal would appear as a box like addition, strikingly crude and insensitive in context harming streetscene frontage. Notes numerous large front dormers in area not set precedent. Claimed inconsistency in application of Policy but decides Council cannot be expected to continue applying policy in exactly the same way regardless of effects. Notes change in flexibility of policy regarding needs of Jewish Orthodox community and large families. Acceptable to retain large rear roof extension with possible alternative accommodation by creation of basement. .

84. Conventional houses, 500

DCS Ref: 100-062-406

Hearing: 19/05/2009 Inspector: P JACKSON

Address: LAND BETWEEN 17 & 22 LUTON PLACE, GREENWICH, LONDON SE10 8QE

Appellant: MR NIGEL BALCHIN Authority: GREENWICH

Summary of Decision: DISMISSED

Description:

a) 2 bed dwelling or b) 2 storey plus basement dwelling and removal of sycamore tree. Convent garden site in residential culdesac where listed and locally listed dwellings present, in semi rural conservation area and near Maritime World Heritage Site. Contemporary, modern design with proposed zinc and sedum roof. Proposed would be of greater, height, bulk and design would distract and diminish character of area. 2 storey height window at rear particularly visible when illuminated. Notes no harm to conservation area from loss of sycamore but not outweigh

85. Shop/small group of shops, up to four units, 010, Restaurants, 122, Flats, 501

DCS Ref: 200-001-304

Hearing: 21/11/2013 Inspector: R BOYD

Address: 61-65 Charlotte Street, London

Appellant: Charlotte Investment Holdings Ltd Authority: CAMDEN

Summary of Decision: DISMISSED

Description:

The provision of a mixed retail and restaurant use on the ground floor of offices in a north London conservation area together with the provision of flats above was refused because the appellants had failed to adequately market the premises as offices.

Abstract:

The main issue related to the loss of office floorspace comprising 837m2 in total. The appellants stated that 317m2 was comprised within a basement which had a complex physical layout and poor provision of natural light. The ground floor also suffered from poor natural light and in any event a mixed retail and restaurant use would provide more employment than offices. While the council did not demur from these conclusions it stated that the site lay within a central activities zone (CAZ) which had been exempted from the recent amendment to the GPDO 2013, the latter allowing the change of use from offices to residential. It claimed that there was a need to preserve such areas in view of the likely cumulative changes of offices to residential which would occur outside the CAZ.

An inspector agreed that the basement and ground floor of the building provided a poor working environment and evidence of marketing this space for office use was unjustified. However, the first floor was occupied by an existing business and the upper floors appeared to provide accommodation suitable for small and medium sized enterprises. There was no indication that the existing business found the accommodation unsatisfactory and in his opinion, given the site's location within the CAZ, the appellants had to demonstrate that the premises as a whole were no longer suitable for continued employment use. Although the appellants asserted that the upper floors did not provide the right features found in modern day office environments some evidence that this had been tested through marketing the premises was required. Despite the fact that other accommodation was available in the area this did not act as a substitute for adequate marketing, the inspector opined. Notwithstanding the acceptability of the retail and restaurant use on the ground floor and that the scheme would not have a detrimental impact on the conservation area, the loss of the upper floors to residential conflicted with the council's employment policies.

86. Conventional houses, 500

DCS Ref: 400-001-417

Written Reps.: 18/07/2013 Inspector: G DEANE

Address: 1 Norfolk Road, London

Appellant: Mr Neil Carr Authority: CAMDEN

Summary of Decision: ALLOWED

Description:

3 storey house, stucco faced villa with large basement and sub basement to replace 2 storey with basement in predominantly residential area in Controlled Parking Zone (CPZ) adjacent St Johns Wood conservation area. Considers an acceptable design assimilating with present pattern and not harmful to conservation area setting. Council allege basement excavations would affect structural stability of neighbouring dwellings and impact on local water environment run off and drainage and doubts Basement Impact Assessment indicating 'negligible' risk to ground stability, no impact on groundwater and mitigation measures. However, following check by third party company, Inspector satisfied that risk falls within acceptable limits and not harm area character and appearance Weight to parking and sustainability obligations; 'car capping' restriction regarding parking permits as risk of exacerbating existing roadside parking pressure; provision of Sustainability Plan requiring Code Level 5 construction

87. Flats, 501

DCS Ref: 100-080-684

Written Reps.: 31/01/2013 Inspector: A WHARTON

Address: 51-53 CANONBIE ROAD, LONDON SE23 3AQ

Appellant: CROWNCHOICE DEVELOPMENTS LTD Authority: LEWISHAM

Summary of Decision: DISMISSED

Description:

8 flats in 2 storey block with basement and Juliette balconies as redevelopment of existing dwelling on wide plot with large garden in urban residential area of mixed type and design. However decides bulk and massing of proposal, with ridge 3m taller than nearby, would appear obtrusive and out of scale with streetscene and site. Considers proposal would overbear neighbour having a dominant and harmful through overlooking from windows and balconies.

88. Flats, 501
DCS Ref: 100-077-156

Hearing: 01/06/2012 Inspector: D MORDEN

Address: 17 STANWAY STREET, LONDON, N1 6RS
Appellant: MR Y SARODIA Authority: HACKNEY
Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

Description:

Unauthorised 5 storey + basement building for 34 apartments not built in accordance with 2005 planning permission for 5 storey + basement building comprising 650 sq m of B1 use and 14 apartments in inner residential area. Ground c) fails as materially different in use and physical appearance and has sig different impact on adjacent residential properties. Ground f) succeeds only in levelling of ground but demolition and removal necessary to remedy breach. Ground g) succeeds to allow existing tenants to find alternative accommodation .

Abstract:

A claim by the developer of a five storey building in North London that it complied with the terms of a planning permission was rejected after an inspector decided to uphold an enforcement notice requiring its demolition. Planning permission had been granted in 2006 for the erection of the building together with a basement containing 650m2 of business space plus 14 flats. Amended plans were approved in 2007 and the appellant stated that this entitled him to complete the development as it currently existed even though it did not precisely reflect either the original or subsequent plans. The inspector decided that the building differed in a number of material respects from those approved in 2006 and in 2007. It had been constructed purely as a residential building containing 34 flats. The number of doors and windows on the north elevation overlooking adjoining occupants had increased from 24 to 48 while increases on other elevations, while not as extensive, were nonetheless significant. These did not amount to minor variations, he decided, and consequently there had been a breach of planning control. Turning to the appellant's claim that the complete demolition of the building was unnecessary and consequently the notice should be amended to comply with the approved plans, the inspector was unconvinced. This was because once the steps for compliance had been achieved by virtue of section 173(11) of the Town and Country Planning Act 1990, a deemed planning permission would exist to which no planning conditions or other restrictions would apply. At the time permission was granted in 2006 a range of conditions had been imposed and in his opinion it was necessary to ensure that these remained in place. Since the appellant had not applied, as part of the appeal, that permission should be granted the appeal had to be dismissed.

89. Conventional houses, 500
DCS Ref: 100-074-499

Written Reps.: 10/10/2011 Inspector: S EMERSON

Address: 1 PARKE ROAD, BARNES, LONDON SW13 9NF
Appellant: MR MICHAEL GLEESON Authority: RICHMOND-UPON-THAMES
Summary of Decision: ALLOWED

Description:

Removal of conditions regarding a) permitted development rights removal and b) condition requiring membership and occupier eligibility of car club for lifetime of proposed new 5 bed replacement house in residential area near High Street . Proposed dwelling in style and character with nearby housing . No residential amenity harm identified . a) Decides no exceptional circumstance to justify removal of permitted development Rights . b) Car club and parking discussed . Dwelling has low (Ptal) accessibility rating . 2 parking spaces proposed to replace existing single in now demolished garage but poor layout proposed in tandem arrangement. Car club membership discussion . However decides adequate roadside present and unlikely to cause congestion or amenity harm ; membership unjustified . Discussion of Floodrisk on 3a site particularly to basement from Tidal and groundwater , but acceptable with mitigating conditions .

90. Affordable/low cost housing, 511
DCS Ref: 100-071-582

Hearing: 31/03/2011 Inspector: C THORBY

Address: 124 - 130 SHACKLEWELL LANE, LONDON E8 2EJ
Appellant: MIZEN DESIGN BUILD LTD Authority: HACKNEY
Summary of Decision: DISMISSED

Description:

Conversion to 5 ' affordable ' flats from ground and lower ground floor levels from vacant office space where rest of 4 and 5 storey block in residential use. Claimed marketed as office from 2007 without interest. Notes oversupply of small office in Borough .Weight to affordable need which would include provision for 2 family units . However poor internal environment for some future residential occupiers unacceptable in terms of outlook and daylight received. Notes mechanism for ' affordable ' could be secured by condition but not outweigh .

Abstract:

Plans to convert part of the ground and basement floors in a recently constructed building in east London failed because of the unacceptable living conditions facing future occupiers. The building contained flats on the upper floors and the appellants proposed to provide five affordable flats. They explained that the site had been marketed since 2007 prior to its construction in 2010. No interest had been shown in occupying the ground and basement floors for offices and allowing the space to remain vacant was unproductive and adversely affected the quality of the finished building, they asserted. An inspector agreed that the marketing exercise was acceptable and the creation of five affordable units would contribute to meeting local housing need. In principle, therefore, the conversion was acceptable. Occupiers in two of the flats occupying two levels would have a restricted outlook with three bedrooms served by an open light well. Some of the interior would be dark since the distribution of light would be poor. The outlook from other windows towards car parking and the side boundary added to the inspector's conclusion that these deficiencies rendered the scheme unacceptable.

91. Flats, 501
DCS Ref: 100-068-873

Written Reps.: 19/08/2010 Inspector: E SIMPSON

Address: BLACK LION PUBLIC HOUSE, 59-61 HIGH STREET, PLAISTOW, LONDON E13 0AD
Appellant: MR TOM FRIEL Authority: NEWHAM
Summary of Decision: DISMISSED

Description:

9 self contained flats for rental ; relocate Boxing Club and redevelopment of Club building at rear of public house in High Street. However uncertainty and inaccuracy of site and location plans inadequate to used as basis for planning permission Poor replacement boxing club in basement as smaller space, with inadequate headroom ;club unlikely to continue. Poor occupier internal environment as adjacent existing beer garden with proposed 1m boundary wall insufficient to ameliorate noise and disturbance harm which would unacceptably require windows to be closed shut ;higher wall would harm groundfloor residential outlook. Potential crime risk as layout would share pedestrian access with pub. Proposed flat block height would overbear nearby residential garden. Contrary to Supplementary Planning Guidance (SPG) internal floorspace standard despite not a conversion. No garden

amenity space provision and inadequate circulation space for disabled ramp provision . Lack of onsite storage space.

92. Flats, 501, Nurseries/playgroups, 620

DCS Ref: 100-065-722

Hearing: 30/11/2009 Inspector: C THORBY

Address: 79 SOUTHBURY ROAD, ENFIELD, EN1 1PJ
Appellant: BRIGHT STARS NURSERY Authority: ENFIELD
Summary of Decision: ALLOWED

Description:

Day nursery for 18 children at basement and ground floor and self-contained flat above from dwelling in residential suburb. No harm to highway safety due to adequate parking and turning. No harm to neighbour residential amenity due to limited hours of operation and subject to noise insulation to flat secured by condition .

93. Office developments, small, 304, Plot subdivision to create new building plot, 507

DCS Ref: 100-062-328

Hearing: 15/05/2009 Inspector: S AMOS

Address: 657-659 GARRATT LANE, EARLSFIELD, LONDON
Appellant: LONDON HERITAGE PROPERTIES LTD Authority: WANDSWORTH
Summary of Decision: DISMISSED

Description:

Two Class B1 office units from basement and dwelling development of curtilage to rear of property subdivided into flats in inner urban area. Harm to character & appearance of area from out of keeping cramped 'coach house' style residential development Harm to residential amenity of the occupiers of the existing ground floor flats due to loss of amenity space. Harm to disabled access from inadequate ramp to offices.

94. Office developments, small, 304, Conventional houses, 500

DCS Ref: 200-001-294

Hearing: 20/11/2013 Inspector: T PHILLIMORE

Address: 29 Charles Street, London
Appellant: County Gate Properties Ltd Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

5 houses and 125sqm of offices on ground and basement levels ; also 2 storey building for parking with flat over. Proposal a redevelopment of garage lockups and commercial repair garage on linear site at rear of traditional housing and in setting of listed church and conservation area in urban area which would not be harmed. Notes previous refusal for similar scheme. No harm to nearby residential outlook. Although proposed small gardens of minimum size on 2 levels and would be overlooked by neighbours, considers not untypical of an urban location. However the inspector found proposed occupier ground and lower ground rooms would be unacceptably overlooked with weight given to perception. Notes ameliorating improvements to busy and very narrow pedestrian access passage would be made in terms of refuse and baby buggy movements with 30m refuse carry out distance presently exceeded. Use of 8 space mechanical car stacker acceptable in area of parking pressure.

95. Conventional houses, 500

DCS Ref: 200-000-657

Inquiry: 11/07/2013 Inspector: P CLARK

Address: 81 Winnington Road, London
Appellant: Ms Miriam Wolkov Authority: BARNET
Summary of Decision: DISMISSED

Description:

a) CaC b) 2 detached dwellings with basements and rooms in roof as redevelopment of single house on sloping site in Hampstead Garden Suburb conservation area; an area of special architectural interest as commented on by Pevsner. However notes large 400acre size of conservation area, over period from 1900s to 1960s and range of styles and type; little consistency in appeal street. Proposed underground parking would benefit area landscaping however ramp would appear prominent and intrusive. Considers larger, narrower neo Georgian 'super houses ' size, depth and height of proposal would appear as bad manners to modest neighbour, disproportionate to plot, reduce garden depth and harmful to streetscene; noting Unwin appraisal. Excessive depth would also overbear small neighbouring garden whilst windows would overlook. Loss of 2 protected trees and unprotected vegetation would have a significant effect on conservation area character a) No acceptable scheme to replace neutral house.

Abstract:

The redevelopment of a house in Hampstead Garden Suburb conservation area with two new houses was rejected, an inspector finding that the scheme was not of high quality design.

Some of the finest examples of early twentieth century domestic architecture and town planning in the world were at the heart of the garden suburb, the inspector remarked. Nevertheless, the conservation area as a whole was varied and the road in which the site lay exhibited a remarkable number of detracting features. He found that the proposal would cause no harm to two positive features recorded in a conservation area appraisal, namely the sweep of roadside vegetation and a group of harmonious houses nearby. The house to be demolished was a layered design of the 1960s, emphasizing horizontal floor and roof planes, but the choice of neo-Georgian style was uncontroversial in the context of the variety of architectural styles nearby. The inspector noted, however, that the original designers of the suburb had referred to the importance of trees, green spaces and landscape, together with the critical relationship between site and design, to the design and philosophy of the suburb. In this respect he found that the desire to construct a level platform on a sloping site, compounded with the greater depth of the two houses proposed, the desire to lower them further below ground levels, to construct a basement in addition, to excavate the rear hillside to a level corresponding to the lowered ground floors proposed, the disproportionate height of the two dwellings, the disproportionately shallow depth of their rear gardens and the consequently restricted potential for substantial tree planting all conspired together to produce an outcome which would be inimical to the fundamental character and appearance of the conservation area. Additionally, the inspector found that the scheme would have an unnecessary and unacceptable effect on protected trees and would harm the outlook of neighbours.

96. House extensions, in urban area, 520, Internal alterations to dwelling, 534

DCS Ref: 100-080-794

Hearing: 29/01/2013 Inspector: P ASQUITH

Address: 33 HEREFORD SQUARE, LONDON, SW7 4NB
Appellant: MR DAVID BASRA Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

a) Listed Building Consent (LBC) b) New groundfloor and basement rear extension ; refurbishment of existing listed mid terrace, classically fronted dwelling facing onto Square in extensively drawn conservation area. Rear groundfloor extension a modern box like conservatory would appear as an inharmonious and jarring adjunct, competing with host, and presence emphasised by light spillage. Proposed extensive light well for basement out of character in area where more a subservient scale predominates; contrary to SPD regarding excessively sized light wells. Internal alterations would harm idiosyncratic layout noting alterations to dividing wall between entrance hall and front room. Decides proposal harmful to listed building and conservation area.

97. Doors, new at house or flat, 533

DCS Ref: 100-077-493

Written Reps.: 29/05/2012 Inspector: A DALE

Address: 38 KING HENRY'S ROAD, LONDON NW3 3RP

Appellant: MR J KORN Authority: CAMDEN

Summary of Decision: DISMISSED

Description:

Unauthorised aluminium metal casement door in front facade replacing timber door with fanlight . Group of 8 , architecturally distinguished semidetached pairs of large , grand , 3 storey over basement , period houses. Proposal appears discordant and an inappropriate alteration harming character and appearance of host and streetscene .

98. Flats, 501

DCS Ref: 100-074-322

Inquiry: 27/09/2011 Inspector: J MILES

Address: 18-20 ELSWORTHY ROAD, LONDON NW3 3DJ

Appellant: MR J A N PRENN Authority: CAMDEN

Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent to demolish existing pair of Victorian villas at residential road junction in streetscene of similar . Demolition acceptable subject to suitable replacement as neutral contribution b) 2 x 5 bed and 2 x 2 bed flats in 3 storey building with basement and sub basement with lightwells and single storey building in garden for 2 flats . Main issue the effect of new building on conservation area character and appearance . Decides importance of distinctive terraced group to conservation area character such that replacement would have to reflect existing consistent scale and basic form of group . However proposal height taller and of different basic form harming group and conservation area despite high quality design proposed and lack of harm from basement and sub basement flats .

99. Replacement dwellings; justified as replacement for existing, 503

DCS Ref: 100-071-823

Written Reps.: 29/03/2011 Inspector: G MCFARLANE

Address: 68 CARLTON HILL, LONDON, NW8 0ET

Appellant: MRS TINA ROSCOE Authority: WESTMINSTER

Summary of Decision: DISMISSED

Description:

Replica house, demolition and rebuilding of house with planning permission to extend in Conservation Area. Harm to the character or appearance of the Conservation Area from demolition of a building of merit with historical significance which makes a positive contribution to streetscene, and which would not be devalued by fallback of approved extensions. No public benefit and limited weight to energy efficiency of replacement building .

Abstract:

A proposal to demolish a house in a north London conservation area and build a replica was turned down, an inspector deciding that it would harm the character and appearance of the area.

The conservation area had originally been envisaged as an Arcadian suburb and the inspector found that it retained a leafy, residential character. The existing house was in the Italianate classical style and was categorised as an unlisted building of merit. Planning permission had been granted in 2009 for extensions including a rear basement, lower basement extension extending beneath the rear garden, side extension and replacement roof at 90cm higher. The new house would be built to match the house as permitted to be extended.

The inspector appreciated that the proposal might have some benefits in that there might be some energy savings but pointed out that these matters would have been taken into account in 2009. She judged that whilst there might be some private benefit there would be no public benefit. Indeed, she considered that greater public benefit would be gained by the implementation of the approved scheme as the historic house would be retained and its appearance enhanced. In contrast, she held that a replica building would be just that, a replica with none of the character or history of the original building. She agreed with the council that the proposal went to the heart of conservation area philosophy. If the proposal were accepted any unlisted building could be demolished and re-built as a replica which would destroy the concept of conservation areas.

100. Restaurants, 122

DCS Ref: 100-068-870

Written Reps.: 19/08/2010 Inspector: R EVANS

Address: 15, 16 & 17 KNIGHTSBRIDGE GREEN, LONDON SW1X 7QL

Appellant: MR J MURPHY Authority: WESTMINSTER

Summary of Decision: DISMISSED

Description:

a) Enlargement of basement area , b) erect full height rear extraction duct and c) use of basement , ground and first floors of adjoining lawful shops; amalgamating as A3 restaurant within parade Primary Shopping Frontage. Notes appellant claims present buildings in actual A3 and B1 office uses but cannot be considered as Lawful Development Certificate (LDC) applications have not been submitted. Contrary to loss of retail policy . Fails . Notes no weight to claimed lack of A1 interest despite marketing since 2009 as no details provided.

101. House extensions, in urban area, 520

DCS Ref: 100-065-233

Hearing: 11/11/2009 Inspector: J CHASE

Address: 40 WINSCOMBE WAY, STAN MORE, MIDDLESEX, HA7 3AU

Appellant: MR AND MRS T J GOODGER Authority: HARROW

Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

Description:

2 storey side and rear extensions; single storey front and side ; new basement , loft conversion and levelling up of garden. At set back dwelling in suburban residential area. Substantial enlargement a complete remodelling of existing house. High standard of design and layout required. Decides satisfactory level of scale and proportion retained, noting need to match form and roof geometry of existing building would justify an exception. Although bulk substantially increased would not appear out of keeping in streetscene with greater roof height not appearing prominent in this location. Succeeds except for increased height of garden which would appear incongruous in pattern and may harm screening trees and vegetation on adjacent land.

102. Basements to houses or flats, 525

DCS Ref: 100-062-232

Hearing: 12/05/2009 Inspector: H ROSE

Address: 37 LANCASTER AVENUE, HADLEY WOOD

Appellant: DR K IFE Authority: ENFIELD

Summary of Decision: ALLOWED

Description:

Basement extension including rear terrace to dwelling in residential suburb. planning permission granted 2007 for substantial extension including rear terrace. Basement is modification to permitted scheme. No harm to neighbour residential amenity despite overlooking of garden due to no material increase in overlooking to that experienced by permitted scheme, and subject to landscaping condition . No harm to character and appearance of area due to unobtrusive siting, design and screening.

103. Flats, 501, Roof terraces, 528

DCS Ref: 400-002-422

Written Reps.: 19/11/2013 Inspector: J CHEESLEY

Address: 27 Linden Gardens, London

Appellant: Mrs Parul Scampton Authority: KENSINGTON & CHELSEA

Summary of Decision: DISMISSED

Description:

a) 5 flat conversion and extension of 5 storey terraced house b) to include construction of sub basement and 1m rear extension at floor level. Appeal building in residential conservation area of terraced with shallow front lightwells a characteristic. b) Considers proposal to excavate front lightwells to greater depth and create rear roof terraces on terrace where none present and contrary to SPD policy document unacceptable. Proposal would appear as an incongruous addition to streetscene and roof terraces out of keeping, harming conservation area.a) Proposal to include enlarge rear lightwell and install clear glazed walls to bedrooms and frosted to ensuites. Decides owing to orientation and size of glazed walls, proposed clear glazing would allow for views between bedrooms creating an unacceptable loss of privacy. Notes as curtains would have to remain shut to preserve privacy, considers proposed layout in relation to rear lightwell unacceptable.

104. Shop/small group of shops, up to four units, 010, Banks, building societies, branch offices, insurance brokers, bureau de change, 100, Flats, 501

DCS Ref: 400-001-209

Written Reps.: 02/07/2013 Inspector: G ARROWSMITH

Address: 301-303 Borough High Street and 1-3 Trinity Street, London

Appellant: ME (Trinity) Ltd (acting through the Joint Fixed Charge Receivers (Stewart George Martin & Paul Samuel Isaacs) acting as agents for the company] Authority: SOUTHWARK

Summary of Decision: DISMISSED

Description:

5, 6 storey 222.5sqm flexible A1 retail, A2 financial, B1 Office in basement and 4 x 2 bed flats as redevelopment of existing building in setting of nearby conservation area where 3 storey building predominates. Outlook and daylight of existing nearby flats reduced as proposal would increase create a sense of enclosure and not achieve balance. Appellant had produced a daylight and sunlight report. Proposed minimalist design would not harm streetscene and as would appear of transitional height on another building streetscene but overall seen as overdevelopment and unacceptable although views out from conservation area unaffected.

105. House extensions, in urban area, 520

DCS Ref: 100-080-752

Hearing: 22/01/2013 Inspector: D PRENTIS

Address: 69 Highbury New Park, London

Appellant: MR SIMON PAGE Authority: ISLINGTON

Summary of Decision: DISMISSED

Description:

a) Listed Building Consent (LBC) b) Alterations and 2 storey side extension to listed semi detached 3 storey house in Victorian suburban conservation area. Proposal to include demolition of side garage and small projection at basement and groundfloor level which would be a loss of historic fabric. Loss of gap and first and second levels (terracing?) harmful to streetscene as would erode sense of spaciousness.

106. House extensions, in urban area, 520

DCS Ref: 100-077-283

Written Reps.: 08/05/2012 Inspector: J WILKINSON

Address: 17 ALEXANDER PLACE, LONDON SW7 2SG

Appellant: MR PAUL WHITTAKER Authority: KENSINGTON & CHELSEA

Summary of Decision: DISMISSED

Description:

Rear basement infill extension to listed house in inner urban Conservation Area. Extant consents for same but with different external finishes. Harm to special architectural or historic interest of Listed Building, listed group and Conservation Area from out of keeping modern cladding and balustrade of bronze anodised aluminium.

Abstract:

Planning permission and listed building consent were denied for a basement extension to a grade II listed building in a central London conservation area due to a lack of information on the final appearance of anodised aluminium cladding which would be affixed to the walls.

The council raised no objection in principle to the extension and had granted consent in 2011 for a similar scheme which excluded the use of the cladding and balustrades, the latter enclosing a ground floor projecting balcony beneath which the extension would be sited. The appellant claimed that specialist contractors would be used to fit the aluminium panels to the side of the extension.

Details of how the sheets would be fixed to the wall and joined together had not been provided, the inspector noted. The balustrade was likely to have a hard machine-made appearance which would be at odds with the traditional materials and textures around it. In her opinion, the use of bronze anodised aluminium was likely to give the balanced and simple design of the extension a visually heavy and 'dark mechanical' feel which would be out of character with the domestic façade. It would not mellow over time and would appear as an overly dominant element in the overall composition of the property which would fail to respect its significance as a heritage asset.

107. Flats, 501

DCS Ref: 100-074-227

Written Reps.: 27/09/2011 Inspector: R YORKE

Address: 68 WICKHAM ROAD, LONDON SE4 1LS
Appellant: MR ABRAHAM MASLO Authority: LEWISHAM
Summary of Decision: DISMISSED

Description:

2 flat (48 and 52 square metres) conversion of 84sqm basement flat with small addition of bay windows ; steps . Conservation area of Victorian villas . Appeal building on 3 floors plus basement with attractive ground level rear verandah , with columns , which appears as a significant feature of property despite unseen from public viewpoints . Present steps from veranda to garden level ; character of building and conservation area prejudiced by new steps at edge and projecting roofs of proposed bays .

108. Flats, 501

DCS Ref: 100-071-509

Inquiry: 17/03/2011 Inspector: G MAPSON

Address: BASEMENT FLAT, 118 CAMDEN ROAD, LONDON, NW1 9EE
Appellant: MR DAVID CRAWFORD-EMERY Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

Lawful Development Certificate (LDC) Use of basement as a self contained residential flat. 3 storey plus basement end of terrace building at street corner . General principles of ' continuous use ' discussed . Flat purchased in 2004 and electricity installed ; receipts and documentary evidence supplied including tenancy agreements however no Council Tax payments until 2010 and evidence of gap of 2 years 11 months between tenancies and continuous use. Weight to 'Swale ' and ' Gabbitas ' court cases. Decides Appellant had failed to discharge burden of proof.

109. Flats, 501, Window alterations, balconies and fenestration alterations at dwelling, 531

DCS Ref: 100-068-598

Inquiry: 06/08/2010 Inspector: K TURNER

Address: EAST WING, PRINCESS PARK MANOR, ROYAL DRIVE, LONDON
Appellant: MR LUKE COMER Authority: BARNET
Summary of Decision: ALLOWED

Description:

Listed Building Consent (LBC) Unauthorised use of east wing of listed former mental hospital for 83 flats ; larger dormers .Departure from approved plans. Original 2004 planning permission for 64 flats; internal layout revised to 83 flats with use of offices. Size of dormers enlarged Although works followed discussion with Council ,no formal approval granted. No Council objection except for a) Whether alterations to Dormers acceptable b) Adequate daylight to basement flats. c) section 106 seeks offsite affordable contribution as ' new ' , not 2004 a) Size and proportions similar in width to those to facade ; appear as principal and conspicuous instead of subservient and set lower on roof slope. Deduct from classical proportions of listed building and setting. However weight to effect of disruption on occupiers from ameliorating works ; acceptable with proposed minor modification. b) Outlook with 1.4m separation to 3.3m retaining wall and received daylight unacceptable c) Sum reduced

110. House extensions, in urban area, 520, Flat extensions, 522

DCS Ref: 100-064-803

Written Reps.: 12/10/2009 Inspector: S BROWN

Address: NO 3 REDCLIFFE STREET, LONDON SW10 9DR
Appellant: CHARLES WHIDDINGTON Authority: KENSINGTON & CHELSEA
Summary of Decision: ALLOWED

Description:

Lawful Development Certificate (LDC) 2 storey rear extension at lower ground and raised ground floor levels to terraced house in Boltons conservation area. Council allege no Part 1 rights as not a dwelling house but 2 flats , one in basement and other above. Notes recent deconversion to single dwelling with installation of connecting staircase and merging of gas supply. On balance of probabilities was in use as single dwellinghouse at time of ldc. Class A Part 1 Rights apply. Notes cubic contents of basement to be included but at 69 cumulative , would be less than permitted 10 percent or original house volume of 870 cumulative Succeeds

111. Flats, 501

DCS Ref: 100-061-893

Hearing: 28/04/2009 Inspector: J HEAD

Address: 14 PECKHAM HIGH STREET, LONDON SE15 5DT
Appellant: METROLIVING LTD Authority: SOUTHWARK
Summary of Decision: DISMISSED

Description:

8 flats from upper floors of pub with addition of mansard roof and rear extension in town centre. ground floor and basement pub use to continue. Harm to street scene from out of keeping wooden cladding materials, step projection of side elevation of extension, bulk of mansard roof. No harm to residential amenity of neighbours or occupiers. No harm to security. Harm not outweighed by efficient use of land.

112. Flat block addition; to existing flat/flats to create new flat/flats, 502

DCS Ref: 200-001-275

Hearing: 15/11/2013 Inspector: M NUNN

Address: 11 Monnery Road, London

Appellant: Mr Andreas Georgiou Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

Separate studio flat from conversion of basement; excavate part of front garden to create window and lightwell. Appeal site an attractive and substantial Victorian mid terrace dwelling in residential conservation area of uniform terraced. Proposal to include lowering of floor of basement to increase headroom. Outlook, privacy and affordable housing provision issues discussed. Decides shallow depth of proposed lightwell reducing from 1.5m to 0.7m would create a claustrophobic, 'hemmed in' oppressive feeling to flat with a very enclosed and restricted outlook and creating a poor internal environment. Effect on occupiers of host considered as new flat occupier would pass close to kitchen window; not ameliorated by obscure glazing and fencing off would further harm the amenity in terms of outlook and creation of very poor outdoor amenity space for basement flat occupier. Affordable contribution required and although 'viability' harm claimed no evidence presented.

113. Conventional houses, 500, House extensions, In urban area, 520

DCS Ref: 200-000-611

Hearing: 02/07/2013 Inspector: C BOWDEN

Address: 2-3 Duck Lane, London
Appellant: Mr Alex Kuropatwa (AK & AK Property Ltd) Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

Redevelopment retaining facade of existing building (facadism?). Proposal to create 2 x 3 bed houses, addition to fourth floor level and basement. Site in dense urban Soho Conservation Area. Decides no harm to streetscene or conservation area from proposed additional storey as sympathetic design and contemporary raked rear roof acceptable in area of variety of roof forms; over wide dormer windows could be addressed by condition.

114. Conventional houses, 500

DCS Ref: 100-080-240

Inquiry: 16/01/2013 Inspector: R MARSHALL

Address: 9, PHENE STREET, LONDON, SW3 5NY
Appellant: MR T FLANAGAN (RAB PENSION TRUST) Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

a) Single dwelling b) Single dwelling with alterations and excavate substantial basement from Victorian public house in conservation area. Building recognised as a non designated heritage asset, however decides does not possess sufficiently strong social or community value to merit. Notes 4 alternative pubs available nearby. However notes pub provide vitality in streetscene without which conservation area would be harmed and although insufficient justification to retain as community facility decides inadequate marketing had been undertaken to establish business viability. Noise and disturbance from present operation discussed noting dramatic fall in complaints following prosecutions. No housing supply need for an additional large dwelling.

Abstract:

In refusing to permit the conversion of a public house to a dwelling in a central London conservation area, an inspector determined that it would detract from the vibrancy and character of the area.

The appellant supplied various reports which sought to demonstrate that the public house was not viable. Based on accounts for 2011, the business showed a loss of £222,000 and on the basis that another tenant was to occupy the property the losses would still be approximately £27,000. The council disagreed with the latter, claiming that certain costs and expenses had been exaggerated and when fairly assessed the business would generate a profit of almost £218,000.

In assessing the various arguments the inspector noted that the property had not been marketed and this reinforced his concerns that the appellant's claim on non-viability had not been adequately demonstrated. In his opinion the public house contributed to the vitality and vibrancy of the area, which together with three others created a pleasant contrast to the more subdued residential streets. Allowing its conversion to a house would create an area of largely unrelieved residential development, the comings and goings of the existing use lost along with the removal of views into the bar. Therefore, although in architectural and historic terms the building did not have substantial significance as a non-designated heritage asset, its current use and function made a positive contribution to the conservation area and this was of paramount importance.

115. Conventional houses, 500

DCS Ref: 100-077-274

Written Reps.: 08/05/2012 Inspector: K G SMITH

Address: 121 MORTIMER ROAD, LONDON N1 4JY
Appellant: MR ANDREW FRASER Authority: HACKNEY
Summary of Decision: ALLOWED

Description:

a) Cac. Demolition of remaining part of existing building to permit extant erection of 3 storey plus basement building to create 2 dwellinghouses in conservation area; conservation area consent now required. However structure certified as dangerous with risk of collapse through extensive underground tunnelling of former occupier over 40 year period; boarded up fire damaged building without roof or gables now blighting conservation area as sited on Focal Point within. However Council alleges building contributes to conservation area character as heritage asset of larger Planned Georgian and Victorian townscape but greater weight to provided structural reports suggesting property beyond economic repair. Paragraphs 126, 130, 132 and 133 of NPPF considered regarding justification to demolish a heritage asset. Decides demolition justified; benefits of bringing site back into active use by extant scheme preferred.

Abstract:

An inspector granted conservation area consent for the demolition of the remains of a dwelling in north London in order to pave the way for the erection of two new houses, despite the harm to the building having been caused by the deliberate actions of the former occupier.

A conservation area appraisal stated that the appeal property was once two properties, it was certified as a dangerous structure as a result of the tunnelling activities of a long-time resident, it was blighting the conservation area as it was boarded up, and it stood at an important focal point. The council argued that the current state of the building was not a justified reason for the permanent loss of a heritage asset, that financial viability was not a decisive consideration, that there was no evidence that the building would have no viable future use or was beyond economic repair and that the building should be retained and used as the basis for a conservation-led regeneration of the site.

The former occupier had spent 40 years tunnelling beneath his home and possibly beyond its boundaries, the inspector recorded. A structural report in August 2011 advised that the building was little safer than an open brick box, that there was a risk of collapse of the external walls in strong winds and that action needed to be taken as soon as possible to prevent them falling outwards and endangering the public. The inspector noted that the NPPF stated that where there was evidence of deliberate neglect of or damage to a heritage asset, its deteriorated state should not be taken into account in any decision. Asking himself how this advice applied in the circumstances of the case, he reasoned that there was no reason to suspect that the damage to the building that had resulted directly from the former occupier's activities over very many years was in any way an aim of the man's compulsive tunnelling. While the damage to the building was an inevitable result, no-one suggested that his intention was to deliberately damage his home. If that had been his aim, he remarked, it could have been done in far easier, quicker and safer ways.

Deciding to allow the appeal, the inspector concluded that the loss of what could be saved of the original building would be outweighed by bringing the site back into use, by the demolition of the dangerous and derelict building and replacing it with the scheme for two dwellings.

116. A2 uses, 10, B1 uses, 30, Flats, 501
DCS Ref: 100-071-425

Written Repts.: 16/03/2011 Inspector: N HARRISON

Address: 62 BARKING ROAD, LONDON, E6 3BP
Appellant: MR HANIF TALATI Authority: NEWHAM
Summary of Decision: DISMISSED

Description:

B1 basement, 4 x A2 units on ground floor, 13 flats on 1st and 2nd floors, redevelopment of inner urban site in mixed residential and commercial uses area adjacent to arterial road. Harm to character & appearance of area from out of keeping bulk due to lack of recessed top floor, forward building line and poor design which fails to create a landmark building. Balconies provide adequate private outdoor amenity space and internal disabled access issues can be overcome with Lifetime Homes condition. S106 secures afford housing provision.

117. Flats, 501, Educational uses D1 uses, 62
DCS Ref: 100-068-588

Hearing: 05/08/2010 Inspector: M ALDOUS

Address: 21 HARRINGTON ROAD, LONDON SW7 3EU
Appellant: MR ALPHONSUS KELLY Authority: KENSINGTON & CHELSEA
Summary of Decision: ALLOWED

Description:

Groundfloor and basement Language School and 5 flats with maisonette over. Redevelopment of pleasant Victorian building in mixed use area at road junction adjacent conservation area. Proposal a building of similar height and mass with grand entrance of existing building retained. A visually acceptable and contemporary redevelopment that would add positively to streetscene and local area character whilst delivering a more functionally efficient building with improved disabled access.

Abstract:

A new building for a language school with residential accommodation above in southwest London was allowed despite the council's misgivings about the design.

An Inspector opined that whilst the existing Victorian building had some pleasing features its demolition could not be readily resisted. He noted that there was no substantive objection to the replacement building in terms of its height and mass, which would be similar to the existing building. However, the council's view was that what was proposed represented an unsatisfactory blend of contemporary and traditional design elements. The Inspector observed, however, that there was no prevailing style or pattern in the area that demanded adherence. He opined that whilst attempting to incorporate local architectural references, the building represented a visually acceptable and contemporary redevelopment of the site that would add to the locally diverse palette of building styles and types. He recognised that considerable effort had been made to achieve this objective whilst delivering a building that would also function considerably more efficiently and satisfactorily in terms of its internal arrangements. It would provide for greatly more efficient movement within by use of stairs and a lift and would therefore be more inclusive. Its design would also permit sustainable features to be incorporated delivering benefits in terms of energy efficiency.

118. Self contained annexes, new build within residential curtilages, e.g. granny annexes, 505
DCS Ref: 100-064-595

Hearing: 06/10/2009 Inspector: P JACKSON

Address: 85 NIGHTINGALE LANE, LONDON SW12 8NX
Appellant: MR SINALI Authority: WANDSWORTH
Summary of Decision: DISMISSED

Description:

2 storey dwelling as staff dwelling annex to rear of listed frontage restaurant takeaway in short terraced parade of flats over shops in urban area. Lower ground floor level (basement) would be excavated so building height similar to ancillary building next door. Poor outdoor amenity space proposed acceptable but with limited sunlight and privacy. Weight to loss of garden area for existing 3bed flat over, suitable for family occupation. Although no public views of site at rear works would appear discordant and harm setting of listed building

119. Conventional houses, 500, Flats, 501
DCS Ref: 100-061-802

Inquiry: 24/04/2009 Inspector: N ROBERTS

Address: 7 CONINGSBY ROAD, LONDON N4 1EG
Appellant: MR S MAVROKORDATOS Authority: HARINGEY
Summary of Decision: DISMISSED

Description:

a) Retention of Unauthorised basement flat; b) Lawful Development Certificate (LDC) for upper floors as dwelling in residential suburb. Appeal for basement flat dismissed 2008. a) Ground d) fails as 4 year rule fails. Ground a) fails due to harm to residential amenity given substandard floorspace and poor natural light, and harm to residential character of area due to subdivision of family home. house in multiple occupation (HMO) licence no bearing on case. Ground f) succeeds due to excessive requirements given fallback as ancillary accommodation. Ground g) succeeds to allow relocation of tenant. b) Section 174 appeal fails and renders use of upper floors as single dwelling resulting from subdivision as unlawful.

120. Conventional houses, 500
DCS Ref: 200-001-191

Hearing: 01/11/2013 Inspector: C BOWDEN

Address: 23-24 King's Mews, London
Appellant: Queen's Gate Holdings Ltd Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

a) CaC b) 2 dwellings in 3 storey building with basement as redevelopment of existing C20th B1, B8 office storage building within Georgian mews in mixed commercial and residential conservation area. a) Acceptable demolition of unattractive building subject to suitable replacement. b) Contemporary designed building on relatively inconspicuous site in streetscene. Decides although an individual design, would appear sympathetic to context, harmonious, well balanced and contributing to conservation area streetscene.

121. Flats, 501

DCS Ref: 200-000-604

Hearing: 01/07/2013 Inspector: D MURRAY

Address: Flat 1-9, 2a Highfield Avenue (237 Golders Green Road), London
Appellant: Mr Zoharh Tsubara Authority: BARNET
Summary of Decision: DISMISSED

Description:

Unauthorised 4 storey side, rear and basement extensions to end of large 3 and 4 storey commercial building with groundfloor shop and residential flats over on street corner in busy local commercial centre. Proposed large extension projects out beyond flank wall of main original building. Decides design and bulk would have a dominating impact on townscape and harms area character and appearance. Considers traffic noise and air pollution acceptable. However size of proposed 'studio' flats of 23sqm, 26sqm and 28sqm floor areas below London Plan recommended 37sqm minimum; deficiency extending to 2 bed units. Decides appear small and cramped, particularly as include all facilities for self containment. Proposal not of exemplary design as to warrant variation in standard. Although evidence of significant local housing need for small units, notes aim of London Plan to also improve the quality of housing stock. Requirement to demolish extension and fill in basement not unreasonable.

122. Conventional houses, 500

DCS Ref: 100-080-236

Hearing: 15/01/2013 Inspector: P DOBSEN

Address: LAND AND GARAGES AT THE REAR OF 34 FOYLE ROAD, BLACKHEATH, LONDON SE3 7RH
Appellant: MR D DIXON Authority: GREENWICH
Summary of Decision: DISMISSED

Description:

a) 4 substantial houses over basements; redevelopment of 18 existing dilapidated lock up garages b) CAC to demolish. 0.14Ha self contained backland site at rear of Victorian terraced and semi detached houses in sylvan conservation area noting several Tree Preservation Order (TPO) trees at open rear of site. Site barely seen from street. Weight to sustainable location for newbuild houses on brownfield site where evidence of pressing need. Decides proposal a well considered and designed scheme which although of contemporary design and layout, would benefit area by bringing a new form of residential character without being aggressively 'modern'. Although 20 trees to be felled, important black poplar to be retained and replacement planting would not harm leafy area character. However notes one proposed dwelling would overbear existing and long, tortuous and very narrow site access would make access by larger delivery or service vehicles very difficult with possible pedestrian conflict risk.

123. Basements to houses or flats, 525

DCS Ref: 100-077-209

Written Reps.: 30/04/2012 Inspector: D PRENTIS

Address: 3 KIDDERPORE AVENUE, LONDON
Appellant: CATHCART LIMITED Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

Excavation of basement beneath and extending under large rear garden of C3 house for additional residential accommodation, swimming pool and underground parking facility with carlift. Sylvan suburban residential conservation area of large detached and semidetached houses. Structural stability of neighbouring dwellings discussed. Notes previous refusal on structural integrity and local hydrology grounds however technical reports now provided including updated report on ground investigations, construction method statement and preliminary damage assessment on adjoining properties concluding 'very slight' and mitigation not required. Weight to supporting independent Council Arup report. No harm to flow of groundwater; sustainable urban drainage incorporating storage chambers proposed. Neutral effect on conservation area character and appearance as existing garden swimming pool building would be replaced by green roof of extended basement improving openness.

Abstract:

Following the failure of a previous appeal the owners of a house in a North London conservation area secured permission for the excavation of the property's basement to create accommodation and a swimming pool, an inspector deciding that sufficient information had been supplied to allow him to conclude that the development would not undermine the stability of adjoining properties.

At the time of the previous appeal the Environment Agency had advised that further ground investigations were necessary and the appellants had undertaken further work in respect of the current appeal. This included a potential damage assessment relating to the two adjoining properties which concluded that some movement of the ground was possible but the likelihood of damage occurring was very slight. This information had been reviewed by consultants on behalf of the council who had generally endorsed these conclusions, recommending that a further assessment should be made at the detailed design stage. The council asserted that there remained sufficient uncertainty about the potential implications for permission to be withheld. A development plan policy stated that any development must maintain the structural stability of neighbouring properties and the inspector decided that sufficient information must be provided to ensure that this test was met. It was not disputed that ground conditions were suitable for the excavation to occur and as a consequence the effects were reasonably predictable. The appellants had produced estimates of ground movement which had been corroborated by engineering software for the design of the retaining wall. A section 106 obligation required the submission and approval of a detailed basement construction plan whose design would be reviewed by an independent engineer. This would be based on structural assessments of adjoining properties and, in his opinion, was sufficient to ensure that their stability would not be compromised.

In terms of the impact on the conservation area, the scheme would retain the existing house which made a positive contribution to the character of the area. The basement would take up most of the rear garden and although a local conservation society stated that this would involve an overdevelopment of the site, the existing garden did not make a positive contribution to the area. The scheme would involve a green roof above the basement which would increase the openness of the site and there would remain some scope for planting trees at the margins. Overall, it would have a neutral impact on the conservation area.

124. Office developments, large purpose built, more than 1000sqm, 300, Flats, 501, D1 Hospitals, churches, schools, community centres, art galleries, dentists, car parks, 6

DCS Ref: 100-074-048

Inquiry: 19/09/2011 Inspector: P DOBSEN

Address: 765 FINCHLEY ROAD, CHILDS HILL, LONDON NW11 8DS
Appellant: FINCHLEY ROAD (SMITHS) LTD Authority: BARNET
Summary of Decision: ALLOWED

Description:

80 flats and 1402 square metres flexible B1/D1 floorspace and basement car park from redevelopment of vacant offices close to urban local and district centres in residential area. Sustainable PTAL 4 site. Positive enhancement of street scene, character & appearance of area with varied scale and mass from in-keeping bulk. No harm to residential amenity from loss of outlook due to overbearing development or from loss of privacy.

Abstract:

The erection of two buildings up to five storeys high in northwest London containing 80 dwellings and flexible office and leisure floorspace was permitted on the grounds that the visual impact of the development had to be assessed in the context of the wider area.

The council accepted that the scheme had been subject to extensive pre-application discussion. However, it maintained that in certain respects the

scheme involved an excessive amount of built development having regard to the scale and height of the buildings when seen in the context of adjoining properties. It asserted that this would give the rise to an overly dominant form of development which would fail to respect the character of the locality. An inspector decided, based on the appellant's evidence, that a cogent case had been made in support of viewing the development in a wider context which contained a very wide variety of building design and heights. Some post-war blocks were up to 11 storeys high and there were many examples of buildings of different heights in close juxtaposition. Thus while one of the proposed blocks would be significantly higher than adjacent flats they would not be out of keeping or out of scale. Any impact would be mitigated by carefully thought out massing, proportion and fenestration which would result in a considerably more handsome building than the rather mundane and forbidding 1980s structure on the site. In respect of the council's second claim that some of the flats would overlook a nearby dwelling, the inspector took a pragmatic view. In his opinion, no policy stated that overlooking from flats was inherently more objectionable than overlooking by users of the existing office block. The impact was dependent on a 'myriad' of factors which governed actual patterns of use. The proposed flats would be set back from the line of the offices and in his opinion this had the potential to ensure that any overlooking was not increased.

125. Flats, 501, House extensions, in urban area, 520, Basements to houses or flats, 525

DCS Ref: 100-068-511

Written Reps.: 05/08/2010 Inspector: A FREEMAN

Address: SWAMI HOUSE, BETWEEN 91 AND 93 ERMINE ROAD, LONDON, SE13 7JJ
Appellant: MR FALGUN PATEL Authority: LEWISHAM
Summary of Decision: DISMISSED

Description:

Extensions to dwelling to create 2 flats and maisonette. However discussion whether basement flat created would be suitable for family accommodation as would outlook onto 8sqm walled patio area through full height windows and glazed door. Unacceptably poor outlook from living / dining and kitchen area onto unduly small area, lacking in depth. Although acceptable views of sky, impression of inadequate daylight remains. Poor internal layout with garden access only through bedroom area. Unacceptable for family use.

126. Conventional houses, 500

DCS Ref: 100-061-767

Hearing: 20/04/2009 Inspector: P CLARK

Address: LAND AT REAR OF 34/36 HATHERLEY GROVE, LONDON W2 5RB
Appellant: FIROZ BADRUDIN Authority: WESTMINSTER
Summary of Decision: DISMISSED

Description:

Dwelling from demolition and redevelopment of vacant storage building in inner urban Conservation Area. Harm to neighbour residential amenity from overlooking due to proximity of elevated entrance to living room window of adjacent basement flat. Harm to residential amenity from disturbance during construction not overcome by conditions. Harm to Conservation Area from demolition of building without satisfactory scheme for redevelopment

127. Flats, 501

DCS Ref: 400-002-294

Written Reps.: 01/11/2013 Inspector: S HOLDEN

Address: 74C High Street, London
Appellant: Venison Foundation Authority: CROYDON
Summary of Decision: DISMISSED

Description:

Flat from basement below shop in inner urban terrace of similar properties. Harm to residential amenity from inadequate daylight and no outlook due to lack of windows.

128. Flats, 501

DCS Ref: 400-001-189

Written Reps.: 27/08/2013 Inspector: M EVANS

Address: 14 Dollis Avenue, London
Appellant: Fusion Residential Authority: BARNET
Summary of Decision: ALLOWED

Description:

6 x 2 bed flats in 2 storey building with basement and single detached poolhouse in garden; redevelopment of detached 4 bed house within suburban residential area where single houses still predominate. Weight to design with single frontage entrance still suggesting a large house rather than a block of flats, scale and design still in keeping, and not overly dominant, with streetscene. Notes basement parking permitting a significantly greater area of soft landscaping and reduces visible activity. No undue overlooking or privacy loss to neighbours. Alleged loss of family housing but decides provision of 6 x 2 bed flats would overall increase family housing supply.

129. House extensions, in urban area, 520

DCS Ref: 100-080-381

Written Reps.: 27/12/2012 Inspector: R HIGH

Address: 42 CHURCH VALE, LONDON, N2 9PA
Appellant: MR ARTHUR ALEXION Authority: BARNET
Summary of Decision: ALLOWED

Description:

2 storey side extension with additional basement level, single storey rear extension and extension to roof to include 3 dormer windows at detached on prominent, spacious but treed site in sylvan, suburban residential area. Notes 2 groups of Tree Preservation Order (TPO) trees within site but not in good health. Justification for replacement trees discussed noting extension would limit area for replanting but trees significantly contribute to streetscene character. Decides required 5 trees could not be established in remaining area provided but 4 replacements acceptable and not harm area character and appearance

130. Basements to houses or flats, 525

DCS Ref: 100-077-223

Written Reps.: 27/04/2012 Inspector: P JARVIS

Address: 82 LADBROKE ROAD, LONDON
Appellant: MRS ASLI ARAH **Authority:** KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

Modification of existing planning permission (vary condition) to permit raising of subterranean front garden extension to give 400mm of topsoil above basement extension under front hardstanding. Substantial Victorian dwelling in predominantly residential , sylvan conservation area . Discussion of effect on frontage trees from underground development with 1m soil depth required over extension to ensure sustainable growth of root systems . Notes no tree survey or protection measures supplied as per Supplementary Planning Guidance (SPG) and decides proposal (400mm) inadequate to ensure retention of frontage trees ; loss harming leafy conservation area character and appearance .

131. Flats, 501

DCS Ref: 100-073-953

Hearing: 01/09/2011 **Inspector:** K.D BARTON

Address: PRINCE OF WALES PUBLIC HOUSE, PRINCE DALE ROAD, LONDON W11 4NJ
Appellant: PRINCE OF WALES INN LIMITED **Authority:** KENSINGTON & CHELSEA
Summary of Decision: ALLOWED

Description:

Residential conversion of 3 storey mid terrace public house to 2 flats ; side and underground basement extension and under beer garden including rooflights . Site in close knit predominantly residential conservation area . No social or conservation area harm from loss of public house as social facility as alternative available nearby despite strong local opinion . Notes pub use not identified as social facility to be retained in 2010 Core Strategy and number of noise and disturbance complaints from local residents when public house in operation ; conditions would restrict public house function and profitability which is presently running at substantial loss . Fear of excavation on stability of adjoining houses discussed but acceptable with Engineers Construction Methodology and Method Statement . Loss to area spaciousness from development of beer garden acceptable with landscaping condition . ' Very Good ' Ecohomes rating required by condition .

Abstract:

The conversion of a public house in west London to two flats was allowed, an inspector noting that there were no development plan policies to protect pubs in the area.

The pub had been purpose built around 1845 and was identified in a conservation area statement as a feature building. The inspector observed that although the proposal would mean the loss of the pub there were other establishments in the area. Whilst these might not all be traditional pubs, and at least one had been described as expensive, they did provide highlights of activity that helped to distinguish the vibrant residential area from a dormitory suburb. He held that the loss of the pub would therefore not have any significant impact on the character of the conservation area. There was strong local support for retaining the pub, the inspector noted. He remarked, however, that there were no policies in the London Plan or saved unitary development plan that sought to protect pubs. The most up-to-date policy was set out in the core strategy and defined social and community uses to be retained, but did not include pubs in the definition. It also noted that the entire borough was served by one or more establishments within a ten-minute walk and concluded that there was too little evidence to resist the loss of pubs at the present time. The proposal would accord with the aims of the recently adopted core strategy, the inspector decided.

132. Political clubs/social/private members, 741

DCS Ref: 100-071-344

Inquiry: 11/03/2011 **Inspector:** H HIGENBOTTAM

Address: 104 STOKE NEWINGTON CHURCH STREET, LONDON N16 0LA
Appellant: MR ERROL CONSTANTINE **Authority:** HACKNEY
Summary of Decision: DISMISSED

Description:

Lawful Development Certificate (LDC) for basement social club. Evidence of a 12 month break in occupation and inadequate evidence of continuous 10 year social club use prior to that. Doubt whether social club use or A3 as food available to non members.

133. House extensions, in urban area, 520, Roof extensions to houses, 527

DCS Ref: 100-068-096

Hearing: 01/07/2010 **Inspector:** D MORGAN

Address: 88 CASTELNAU, BARNES, LONDON SW13 9EU
Appellant: MR AND MRS RICHARD RAMPTON **Authority:** RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

Listed Building Consent (LBC) Side extension for basement , single storey extension with mansard and balcony to listed house ; one of pair of semi detached villas in suburban residential area. Although internal alterations acceptable and design in keeping with simple neo classical appearance of host with no harm from balcony. However scale in relation to frontage elevation discussed as massing especially from mansard element and detailing would harm balance of semi detached pair ; harming listed building and conservation area through loss of ' semi detachedness ' as would Infill roof level space between units .

134. Roof extensions to houses, 527

DCS Ref: 100-064-543

Hearing: 01/10/2009 **Inspector:** H HIGENBOTTAM

Address: WINDSOR WORKS, 68 VENN STREET, CLAPHAM, LONDON SW4 0AT
Appellant: SEDLEY PLACE LTD **Authority:** LAMBETH
Summary of Decision: DISMISSED

Description:

4 storey plus basement flat block on cleared former B1 office site in conservation area. Bulk and height issues from proposed roof addition to extant permitted scheme. Proposal would not visually appear to link with rest of building and would appear as an unrelated element on top of linking masonry bridge to new office block harming character and appearance of immediate buildings and so conservation area.

135. Museums, 606

DCS Ref: 100-061-735

Inquiry: 17/04/2009 **Inspector:** D DYER

Address: LAND ADJACENT TO 52 BOROUGH HIGH STREET, LONDON SE1 1XN

Appellant: MR D T RILEY **Authority:** SOUTHWARK
Summary of Decision: DISMISSED

Description:

Retention of Unauthorised excavation of foundations and basement for museum in archaeological priority zone, Conservation Area and adjacent grade 2 Listed Building in town centre. Ground a) fails due to no justification for retention of works in absence of proper archaeological assessment. Ground f) fails due to absence of any detailed scheme for archaeological investigations notwithstanding that complete removal of structure excessive and has structural issues for adjacent Listed Building and despite unreasonable action of LA not to negotiate a solution.

Abstract:

Enforcement upheld against works in archaeology zone

An enforcement notice directed against excavation and foundation works adjacent to the river Thames in south London has been upheld due to harm to the archaeology of the area.

The appellant aimed to erect a coffee and tea museum together with small flats. He admitted that the works alleged in the notice had been started without planning permission but maintained that the basement and ground floor box needed to be sufficiently advanced to allow accurate site measurements to be obtained. An inspector noted that an archaeological watching brief had been undertaken but this had done little more than identify the existence of archaeological remains on the site. The evidence showed that there was an acknowledged archaeological interest in the area, particularly as the sandy islands on the southern bank of the river were recognised as having been the location for a Roman settlement and that locality had become a medieval settlement later.

The inspector asserted that there could be no cogent justification for retention of the works in the absence of a proper archaeological assessment of the ground below the concrete substructures. He ruled out the appellant's suggestion that holes could be punched through the concrete slab to allow archaeological investigation, due to the limited extent of inspection that would be possible. However, he held that complete removal of all the concrete would be excessive. He reasoned that there would be dangers to the stability of an adjoining listed building and other structures apart from the disturbance to occupants of surrounding premises. He considered that it should not be impossible to devise a scheme that would allow significant areas of the land to be examined and assessed. In the absence of such a scheme, however, he ruled that the appeal must fail.

136. Flat block addition; to existing flat/flats to create new flat/flats, 502, Roof extensions to houses, 527

DCS Ref: 400-002-251

Written Reps.: 28/10/2013 **Inspector:** P JARVIS

Address: 77 Totteridge Lane, London
Appellant: Mr Brendan Breen **Authority:** BARNET
Summary of Decision: ALLOWED

Description:

5 flats in 2 storey block with basement parking in residential area of detached and semi detached houses. Structure incomplete, with proposal a variation of 2011 approved plans to permit roof raise and lift (tower) increasing height of building and slightly increasing eaves height but still overall below the height of adjoining properties. Lift shaft would be visible from streetscene but part hidden and ameliorated by other rooftop features so as not to appear alien or unduly prominent in streetscene. Decides increase in overall bulk not excessive. Notes provision of rear conservatories acceptable.

137. Shop/small group of shops, up to four units, 010, Flats, 501

DCS Ref: 400-001-132

Written Reps.: 21/06/2013 **Inspector:** G GARNHAM

Address: 109-111 Kirkdale, Sydenham, London
Appellant: Mr Bruce Alsen of Wooster & Stock **Authority:** LEWISHAM
Summary of Decision: DISMISSED

Description:

Mixed use development in 3 and 4 storey block. Commercial shop, 5 flats, 2 x 2 bed maisonettes, 3 x 3 bed flats; all with terraced associated amenity space. Redevelopment of 2 existing properties. Considers proposal design would contribute to streetscene. Council allege harm through scale, height, siting and layout of rear 3 storey building regarding living conditions of rear maisonette occupiers. Outlook, natural light and sense of enclosure of basement flat considered as dependant on sunken, shallow courtyard with only 3.5m between glazed doors and outer wall. Notes only area near door, of deep room, would have a view of sky; decides unacceptable outlook and sense of enclosure for basement flat in newbuild scheme.

138. Flats, 501, Basements to houses or flats, 525

DCS Ref: 100-080-149

Inquiry: 20/12/2012 **Inspector:** K WILLIAMS

Address: LAND AT 59 DUNSMORE ROAD, LONDON N16 5PT
Appellant: MR B BRINNER **Authority:** HACKNEY
Summary of Decision: DISMISSED

Description:

Unauthorised (creation of basement flat ?) excavation of front lightwell in front garden of terraced house in residential area and install staircase and railings. Council considers lightwell acceptable in principle and a reduced scheme not harmful but proposal excessive with railings contributing to clutter affecting area character and appearance and a reduced proposal would amount to a substantially different scheme.

139. Office developments, large purpose built, more than 1000sqm, 300, Flats, 501

DCS Ref: 100-076-825

Written Reps.: 04/04/2012 **Inspector:** K MCENTEE

Address: LAND AT THE SOUTH-EAST END OF ARCADIA AVENUE, LONDON, N3 2JU
Appellant: MR T TSIRTISIPIS **Authority:** BARNET
Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

Description:

Unauthorised B1 office building and residential units and basement parking in inner suburb. Ground g) succeeds as claimed more time required due to approved plans unclear and need to agree interpretation with Local Authority Uncontested by Local Authority

140. Flats, 501, Conversions; subdivision of dwelling to form flats, 539

DCS Ref: 100-073-431

Hearing: 24/08/2011 **Inspector:** S FOX

Address: 1 ALDERBROOK ROAD, LONDON
Appellant: MR RASHMI PANCHAL **Authority:** WANDSWORTH

Summary of Decision: DISMISSED

Description:

Unauthorised a) conversion to 6 self contained flats from 5 ; b) use of basements in breach of ancillary use only restriction . Significant weight to standards in emerging DMPD . Notes previous Inspectors assessment that basements would receive inadequate daylight , sunlight or outlook for use as flat ; high rear wall would create a dark and oppressive environment . Represents an overintensive form of development providing an inadequate standard of accommodation compared to approved 2007 planning permission for 5 units .

141. Basements to houses or flats, 525, Garden structures, other., 545, Residential accesses, 552

DCS Ref: 100-068-039

Inquiry: 23/06/2010 Inspector: P WILSON

Address: WITANHURST 41 HIGHGATE WEST HILL, LONDON N6 6LS
Appellant: SAFRAN HOLDINGS LIMITED Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

Listed Building Consent (LBC) a) Repair or reconstruct boundary wall ; Tree Preservation Order (TPO) tree removal. b) Construct 2 level basement and emergency access c) Demolish service wing , remodel front facade and erect Orangery providing ancillary accommodation for dilapidated host II* Listed House in Highgate conservation Area. a) Listed through curtilage. Significant landmark which although could be secured by anchor , would still lean disturbingly which could only be ameliorated by reconstruction. Although some tpo loss harming area character ,could be restored in long term and outweighed by long term benefit of restored wall.b) Extensive construction works for basement but no harm to building or hydrology .Tree loss acceptable and no amenity harm if use of new access limited to emergency vehicles,new opening in boundary wall would not result in loss of important fabric and neutral effect on conservation area c) Loss acceptable and weight to Orangery good design

142. Basements to houses or flats, 525

DCS Ref: 100-064-740

Written Reps.: 28/09/2009 Inspector: P GRAINGER

Address: 4 TURNEVILLE ROAD, LONDON W14 9PS
Appellant: MR & MRS AZIZ MESHIEA Authority: HAMMERSMITH & FULHAM
Summary of Decision: DISMISSED

Description:

Lawful Development Certificate (LDC) Excavation to create an underground room beneath rear garden at dwelling. Decides basement rooms come within Class A Part 1 of Schedule 2 , Article 3 of General Permitted Development Order (GPDO) Falls A1 (e) as projects further back than permitted. A1 (a) discussed. Notes excavation and transportation of material falls with development in section 55 (1) of ACT. Nothing in GPDO to suggest permitted development Ldc Falls

143. Basements to houses or flats, 525

DCS Ref: 100-061-719

Hearing: 16/04/2009 Inspector: R MCCOY

Address: 3 HALSEY STREET, LONDON, SW3 2QH
Appellant: MR P SMITH Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

Listed Building Consent (LBC) New basement with lightwells to front and rear at listed mid terrace dwelling in urban conservation area. Harmful disruption to historic plan form of building by addition which would obscure and confuse vertical hierarchy within. New openings would harm front and rear elevations of listed building and conservation area.

144. Shop/small group of shops, up to four units, 010, Flats, 501

DCS Ref: 400-002-182

Written Reps.: 17/10/2013 Inspector: J MILES

Address: 159 Tottenham Lane, London
Appellant: Crouch Properties Ltd Authority: HARINGEY
Summary of Decision: DISMISSED

Description:

Proposal for 4 storey building over basement. 2 retail units at groundfloor level, 2 office at first and 16 flats over. Appeal seeks to extend time limit for implementation of appeal appeal initially approved in December 2009. 2 main issues of adequacy of proposed accommodation and adequacy of affordable provision. Council states significant and up to date guidance in Mayor's London Plan adopted in Supplementary Planning Guidance (SPG) in November 2012. Decides adequate standard of accommodation would be maintained despite just failing London Plan standards. However since initial approval a higher provision of affordable housing now required as a key objective of policy, which scheme now fails.

145. Developments within curtilage of dwelling, other, 549

DCS Ref: 400-001-023

Written Reps.: 12/06/2013 Inspector: D LEWIS

Address: Parking space 56, Flat 52, Hutchings Wharf, 1 Hutchings Street, London
Appellant: Mr Jason Josefs Authority: TOWER HAMLETS
Summary of Decision: DISMISSED

Description:

An inspector declined to issue a lawful development certificate for the siting of a storage container for bicycles on a car parking space at a block of flats in east London, finding that it was in breach of a condition on the planning permission.

Abstract:

Car parking was provided in the basement of the flats. Planning permission had been granted for the flats subject to a condition requiring car parking spaces which should be retained permanently for the accommodation of vehicles of the occupiers or persons calling at the premises. The inspector explained that a condition should be interpreted benevolently, not narrowly or strictly, and be given its common sense meaning having regard to the underlying planning purpose and reason for its imposition. Whilst the condition referred to vehicles rather than motor vehicles, she found it clear that the purpose of the condition was to ensure that the provision, in the form of car parking spaces, was made and retained for the parking of motor cars. The siting and retention of a storage container in a car parking space, even if for the storage of bicycles, would not retain the accommodation for car parking required by the condition. The siting of the storage container was therefore in breach of the condition. The fact that a bicycle was a vehicle was not sufficient to enable the use to be allowed under the condition. Furthermore, the storage of bicycles was distinct from the

parking of vehicles or bicycles.

146. Replacement dwellings; justified as replacement for existing, 503, Basements to houses or flats, 525
DCS Ref: 100-080-135

Hearing: 19/12/2012 Inspector: T PHILLIMORE

Address: 30 DENEWOOD ROAD, LONDON N6 4AH
Appellant: MR ROBERT CRAIG Authority: HARINGEY
Summary of Decision: DISMISSED

Description:

a) Replacement dwelling with side wings in residential Draft conservation area b) Conservation Area Consent. Spacious sylvan, semi rural residential area. Proposal of grand classical appearance with increased mass, footprint and bulk to rear and large basement extending into rear garden area. Decides proposal out of scale with plot with frontage emphasized by reduced soft landscaping; harmful to conservation area. b) refused as no suitable replacement.

147. Stall markets, 013
DCS Ref: 100-076-948

Hearing: 26/03/2012 Inspector: D SMITH

Address: 141-149 PORTOBELLO ROAD, LONDON, W11 2DY
Appellant: HOLLAND PARK INVESTMENTS LIMITED Authority: KENSINGTON & CHELSEA
Summary of Decision: ALLOWED

Description:

Variation of trading hours from Friday and Saturdays only restriction on 465sqm basement antiques market of 140 fixed stalls on ground and basement within 4 storey building. Proposal to vary to 7 day opening; effect on neighbouring residents amenity and special character of Portobello Road, designated as a Special District Centre and conservation area. Claimed condition ultra vires as unlawfully restricts trading on 5 days per week. Alleged increased 'hustle and bustle' and increased need for deliveries and traffic congestion would harm neighbours amenity but little weight as no evidence of harm provided. Decides special character of area would not be harmed and scale of activity unlikely to change to extent that distinction between different days of week would be eroded.

Abstract:

An inspector deleted a condition which restricted trading at a basement market in London's Portobello Road to Fridays and Saturdays, finding that it was not necessary in order to safeguard neighbours' amenity or to protect the special character of the area. The antiques market occupied the ground floor and basement of the four storey building and there was residential accommodation on the upper floors. The market comprised a series of stalls selling antiques and bric-a-brac, the inspector observed. They were currently only open on a Saturday although forecourt trading took place on other days in association with the stalls that fronted onto the street. There were about 80 stalls on the ground floor and about 60 in the basement. There was also a café in the basement. The intention was to upgrade the antiques centre by extending the times that the arcade was open. In order to do this the appellant indicated that a critical mass was required in order to justify expenditure on security and self-containing the basement. The inspector noted that the premises were part of the wider and world famous Portobello Road market. The main focus of activity was on a Saturday when as many as 65000 people visited. However, some arcades and antique shops were open on other days and forecourt trading took place through the week. The inspector found it difficult to see how transactions and the general movement of people within the basement would adversely affect residents above or nearby if the market operated on seven days a week. This was because it was a subterranean area divided from the flats by concrete floors and another level. Another concern of residents was that the proposal would lead to an increase in hustle and bustle thereby increasing the intensity of activity at other times. The inspector found it a moot point as to whether use of the basement would lead to a noticeable rise in footfall or whether traders would seek to attract existing customers and visitors. Even if it were the former, he considered that the impact of 60 stalls selling goods throughout the week would be insignificant bearing in mind that over 1000 dealers were found within the market area. The council was also concerned that allowing use of the basement for seven days a week would make it more likely that antique traders would be replaced by conventional retail shops thereby detracting from the special character of Portobello Road. The inspector pointed out, however, that permissions given in 1993 and 1995 did not restrict the basement and ground floor to antique-related uses. The planning reality was therefore that the ground floor could be used for other retail purposes at any time and the basement could be legitimately used for storage purposes.

148. A1 Retail, supermarkets, garden centres, petrol stations, 0, A2, A3 Banks, betting offices, travel agencies, restaurants, cafes, 1, B1 uses, 30, Hostels, other eg womens refuge, 563
DCS Ref: 100-073-423

Hearing: 23/08/2011 Inspector: T PHILLIMORE

Address: 120 FINCHLEY ROAD, LONDON NW3 5JB
Appellant: SISEM LTD Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

4 and 8 storey building over 2 basements for sui generis hostel over flexible commercial or industrial floorspace (B1, A1, A2, A3, A4). Site within commercial centre of 5 to 7 storey buildings. 7 th floor would have visual effect of whole building would be as a bulky, top heavy building in setting of Church and harmful in streetscene. Notes fallback of approved scheme without 7th floor.

149. House extensions, in urban area, 520, Roof extensions to houses, 527, Window alterations, balconies and fenestration alterations at dwelling, 531
DCS Ref: 100-071-248

Hearing: 28/02/2011 Inspector: M SAY

Address: 68 HAMILTON TERRACE, ST JOHNS WOOD, LONDON NW8 9UJ
Appellant: MR MARK SHIPMAN Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

Replacement extensions, including mansard roof extension, window alterations and basement extension, to dwelling in residential suburb and Conservation Area. planning permission 2008 for shallower extension. No harm to adjacent Listed Building setting and Conservation Area due to limited depth of extension and integral nature of design, appropriate scale, form, size, location and bulk, avoiding overdominating the host building.

150. Flats, 501
DCS Ref: 100-067-987

Hearing: 16/06/2010 Inspector: C THORBY

Address: 2A PRESTON WAYE, 283 - 287 PRESTON ROAD, HARROW HA3 0QQ
Appellant: ASHMOUNT PROPERTIES LTD **Authority:** BRENT
Summary of Decision: DISMISSED

Description:

33 flats in 2,3 and 4 storey building and redevelopment of 4 existing dwellings in sylvan suburban residential area. Efficient use of land in sustainable location. Design, with large scale, depth, and massing would create a dominant building not easily assimilated in leafy streetscene, noting loss of spacious gardens from backland development. Although no vehicular disturbance to adjacent residential as basement parking proposed, proposal would still harm privacy through overlooking and affect outlook. Occupier crime safety with main entrance through enclosed passage acceptable noting overlooking from nearby windows. Minor shortfall in private amenity space acceptable noting public open space available nearby. Adequate daylight despite some flats facing north. Groundfloor flat outlook acceptable as boundary fencing, although close to windows, would only be 1.5m high. On balance, fails through harm to area character and nearby residential amenity

151. Conventional houses, 500

DCS Ref: 100-064-368

Hearing: 11/09/2009 **Inspector:** C BOWDEN

Address: 21 WINDMILL HILL, LONDON
Appellant: MS NICKY HARPER **Authority:** CAMDEN
Summary of Decision: DISMISSED

Description:

a) 2 storey plus basement house b) CAC Demolition of dwelling and ancillary garage. Neo Georgian residential terrace in conservation area. Conspicuous site on street corner. Existing house would be replaced with one of contemporary design. Significant weight given to white, crisp, simplicity of form with white render enhancing rather than detracting from nearby traditional materials. However, would occupy full width of site abutting adjacent residential boundary and appear as a dominant feature at road junction, losing pleasant, spacious area quality by creating a harder, enclosed urban feel. Fails through context. Notes offer to replace roadside parking in CPZ, lost through site access, nearby but no mechanism offered to secure. b) Fails as no approved replacement

152. Conventional houses, 500

DCS Ref: 100-061-683

Hearing: 14/04/2009 **Inspector:** C BOWDEN

Address: GARAGES ADJ TO 1 BURWASH ROAD AND REAR OF 34 DURHAM RISE, PLUMSTEAD, LONDON
Appellant: MR LIONEL DORE **Authority:** GREENWICH
Summary of Decision: ALLOWED

Description:

Single storey and basement 2 bed dwelling as redevelopment of garage in residential side garden within predominantly residential area. Internal standards discussed. Daylight and sunlight study with reference to BRE guide submitted by appellant and basement bedroom shown to conform with standard. Increased built form would marginally reduce openness but would not overbear, overshadow gardens or harm adjacent residential outlook.

153. Shop/small group of shops, up to four units, 010, Flats, 501, Pool and snooker, 734

DCS Ref: 200-001-091

Hearing: 15/10/2013 **Inspector:** K RIDGE

Address: Appeal A Camberwell Snooker Club, 315-317 Camberwell New Road, London
Appellant: O'Loughlin (Jersey) Leisure Limited **Authority:** SOUTHWARK
Summary of Decision: DISMISSED

Description:

a) CAC b) 5 storey development with groundfloor shop, 36 flats over and 6th storey basement for new D2 snooker hall, as redevelopment of existing 2 storey snooker hall on corner site in mixed use conservation area. Weight to extant 4 storey scheme as fallback. Decides proposed scale and massing would swamp remainder of the block and be out of keeping with nearby facades. Poor bland and featureless design incongruous in conservation area and additional floor prominent in streetscene and nearby listed building setting; fifth storey would have the visual effect of 'squashing down' storeys beneath, particularly shop frontage; at odds with nearby and height creating an oppressive 'canyoning' effect with tall building opposite. Affordable underprovision unacceptable with toolkit viability appraisal components and profits discussed. Inadequate daylight and outlook from some proposed flats unacceptable and Undertakings unreliable as undated and executed under power of attorney.

154. Hotels over fifty beds, 400

DCS Ref: 400-001-015

Written Reps.: 11/06/2013 **Inspector:** J VYSE

Address: 29-37 Red Lion Street, London
Appellant: Arora Management Services Limited **Authority:** CAMDEN
Summary of Decision: ALLOWED

Description:

A claim by a local authority that an office building in a central London conservation area should be used for housing was rejected as being unviable.

Abstract:

The premises comprised an eight storey building built in the 1960's and the appellants proposed to convert it into a 150 bedroom hotel with car and cycle parking in the basement. The council claimed that there was a need to maximise the amount of new housing of various types and size within the borough and it sought to resist alternative development of sites which were considered to be particularly suitable for residential use. The appellant argued however that the least viable option was a mix of affordable and open market housing with upgrading it for offices providing the best return. However the premises had been marketed for office use since 2007 and no interest in resuming the use had been forthcoming. A mixed housing and hotel use would also result in an uneconomic development the appellant argued particularly since a smaller hotel would be economically unsuccessful. The inspector was largely persuaded by the appellant's evidence noting that even partial residential use would present difficulties in terms of adverse impact upon existing residents in terms of privacy, noise and disturbance. The council had also been able to meet its annual housing targets and this had to be set against the mayor of London's economic development strategy which sought to increase the amount of hotel accommodation in sustainable locations. During the past six years the council had failed to deliver the number of new hotel rooms required within a hotel demand study. The government's growth agenda required a more responsive, pragmatic approach to development management with favourable consideration given to projects such as the appeal scheme which should not be over-burdened with planning policy expectations. With regard to the potential impact on local residents, the site lay in a city centre location with numerous uses which operated into the evenings. A significant number of guests would arrive and depart on foot and a great volume of activity was unlikely to occur in unsocial hours. The proposed restaurant, coffee lounge and bar would be located in the basement and was unlikely to generate much passing trade. In terms of a submitted planning obligation the inspector agreed that various highway, environmental, construction, servicing, provision of open space, training, production of a travel plan and labour procurement were reasonable and necessary. In particular it required that not less than 20% of the

workforce were to be comprised of local residents sourced from one of the borough's training centres.

155. Flats, 501, Outbuilding conversion to self contained residential units, 506, Conversions; subdivision of dwelling to form flats, 539
DCS Ref: 100-079-896

Written Reps.: 26/11/2012 Inspector: I MCCRETTON

Address: THE STUDIO, 8A ALEXANDRA GROVE, LONDON N4 2LG
Appellant: MR AND MRS G COPEMAN Authority: HACKNEY
Summary of Decision: DISMISSED

Description:

Retrospective. Use of house basement as separate 15.19sqm studio flat from use as internally unconnected guest room at 2 storey cottage attached to rear of 3 storey house. Original house below 120sqm minimum threshold for conversion. However claimed proposal akin to conversion of outbuilding as internally unconnected however little weight given and notes studio below minimum 25sqm threshold in Supplementary Planning Guidance (SPG) and less than half 37sqm minimum standard in interim London Plan table for 1 bed. Decides provides very cramped, claustrophobic accommodation with poor daylight.

Abstract:

Retrospective permission for the conversion of a basement in a dwelling in north London was denied because it provided inadequate space and a sub-standard living environment.

The basement had been converted to a studio flat and the council estimated that the overall floor area was approximately 15m2. This was well below the minimum requirement of 25m2 set out in its supplementary planning guidance. Moreover it failed to provide a partition between the eating and sleeping area and provide an entrance not directly into a main room. The council also stated that the London Plan sought to ensure that all one bedroom flats had a minimum of 37m2 of floor area.

An inspector noted that access to the property was via steep, winding steps and the basement contained a bedsitting room beyond which lay a small kitchen and a shower. The outlook was very limited and irrespective of whether the unit had been let for a number of years, it provided cramped and claustrophobic accommodation with poor natural lighting and inadequate space. It was not of an exemplary design and accordingly the minimum space standards set out in the London Plan had to prevail.

156. B1 uses, 30, Flats, 501

DCS Ref: 100-076-765

Written Reps.: 22/03/2012 Inspector: M DAKEYNE

Address: 55 ROCHESTER PLACE, LONDON NW1 9JU
Appellant: CHRISTOPHER PLOUTARHOU Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

2,3, 4 storey plus basement contemporary designed building for 278sqm flexible B1 on 2 floors with 4 flats over . Redevelopment of 2 storey workshop in Victorian mews of similar workshops ; area noted for creative industries despite lack of off street parking and servicing and demand for small workshop units noted . Supply of employment land discussed . Decides no loss of employment as replicates existing but with flat addition ; proposal would make an efficient use of site for priority use in a sustainable location . Likelihood of light industrial as well as office use but both able to operate without harm to residential amenity . However policy requires mixed development to be in separate blocks not in vertical arrangement . Decides vertical separation and provision of 50 percent of B1 in basement would result in poor working environment , reduce natural light and harm supply of employment premises .

Abstract:

The erection of a building containing 278m2 of flexible class B1 floorspace at ground floor with flats above was rejected in a north London mews, an inspector highlighting concerns about the ability to attract potential businesses.

The inspector accepted that class B1 uses should be capable of being operated within a residential area. The council's policies required that in mixed use schemes the employment and residential uses should be contained in separate blocks on the basis that ground and basement areas might prove difficult to let. Potential occupiers might be put off from complaints by residents above and the inspector noted that no other examples of vertically separated uses were evident in the mews.

The scheme also envisaged providing half of the commercial floorspace within a basement which was inferior to provision at ground floor. The working environment would be less pleasant with no outlook and restricted circulation and daylight. The council's policies rated such accommodation as being heavily compromised. Consequently, the scheme would compromise the supply of employment floorspace through the demolition of an existing workshop due to the drawbacks and disadvantages of the replacement space.

157. Betting offices., 102

DCS Ref: 100-073-688

Written Reps.: 16/08/2011 Inspector: D SMITH

Address: 93-95 DEPTFORD HIGH STREET, LONDON, SE8 4AZ
Appellant: DONE BROTHERS (CASH BETTING) LTD Authority: LEWISHAM
Summary of Decision: ALLOWED

Description:

Removal of ' building society use only ' restriction for ground and basement building society in primary core of District shopping centre . Open A2 sought . Intent for occupation by betting office (Belfred); vitality & viability discussed Alleged loss of shop harmful to centre vitality & viability however loss of shop to A2 had previously been given noting 70 percent of remaining in centre retained as A1 . Weight to C 03 / 2005 where flexibility within A2 and ' free interchange ' required . Although 5 other betting offices within core , would still be less than 6 percent of total ; no harm to centre vitality & viability . However likelihood of anti social behaviour, disturbance and crime making centre a less safe place for residents and those ' passing through ' contrary to PPS4 . Acceptable to vary and include other forms of A2 but not Betting Office .

Abstract:

An inspector redrafted a condition restricting the use of premises in southeast London to a building society in order to allow other A2 uses, but refused to sanction its use as a betting shop because it would increase antisocial behaviour.

The inspector pointed out that the proposal would not lead to the loss of a retail use and so would not harm the vitality or viability of the high street, as feared by the council. However, he noted that there was a strong body of evidence from local residents and shopkeepers that the five other betting offices in the core shopping area gave rise to antisocial behaviour, crime and disturbance. Representations referred to feelings of being intimidated and threatened by groups of people hanging around outside betting offices. There was a persistent thread of concerns about associated drinking, drug taking and begging as well as reports of verbal abuse, fighting and shouting. The appellant company regarded these views as subjective and prejudiced. The inspector acknowledged that the information provided was anecdotal but he reasoned that the frequency of the views being expressed painted a clear picture of the nature of the problems being experienced.

The local police sergeant also believed that another such venue would add to crime in the area. The inspector found that the evidence, such as that provided by the licensing officer, showed that betting offices in the area were associated with crime. However, it had not been established whether it was abnormally serious. He found the accounts of people familiar with the area more persuasive and judged that the evidence that premises in the high street acted as a magnet for miscreants was compelling.

The inspector concluded that the proposal would be likely to increase antisocial behaviour and disturbance although the implications for crime were less certain.

158. Pubs or bars, 200
DCS Ref: 100-070-915

Written Reps.: 14/02/2011 Inspector: A FUSSEY

Address: DON'T TELL FRED, 40 SHEEN LANE, EAST SHEEN, LONDON SW14 8LW
Appellant: MR NICOLAS THEATO Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

Retrospective . A4 Bar and restaurant from groundfloor and retaining use of basement as bar in predominantly residential conservation area . Noise and disturbance amenity loss to nearby residents discussed. Notes basement bar and music venue appears to have little functional relationship with groundfloor restaurant noting separate external access and toilet facilities despite claim as overflow eating area. Weight to pavement congregation and noisy , boisterous and unruly behaviour at unsocial hours outside door , with evidence of police involvement and CCTV presence. Smoking area in rear yard to reduce congregation would focus noise upwards further disturbing amenity of neighbours . Late night Entertainment licence clearly not able to retain amenity . Unacceptable harm to conservation area and neighbours amenity not ameliorated by midnight or 00.30 hours of closing condition .

159. Conventional houses, 500
DCS Ref: 100-067-644

Hearing: 09/06/2010 Inspector: M JONES

Address: 14 WILDWOOD ROAD, LONDON NW11 6TB
Appellant: MR HARVEY BROWN Authority: BARNET
Summary of Decision: ALLOWED

Description:

a) 6 bed x 2 storey dwelling with rooms in basement and roofspace as redevelopment of existing dwelling in suburban residential area. b) CAC to demolish existing large dwelling on detached plot in suburban residential conservation area. adjacent residential outlook and visual amenity discussed. Arts and Crafts design , scale, bulk and appearance acceptable and would enhance, not over dominate streetscene but would be more akin to nearby than existing dwelling . Notes previous refusal. Proposal lower , with reduced bulk and not harm neighbours outlook or visual amenity. b) Demolition acceptable as suitable replacement proposed

160. Basements to houses or flats, 525
DCS Ref: 100-064-302

Inquiry: 08/09/2009 Inspector: A.M WOOD

Address: 18 FROGNAL WAY, LONDON, NW3 6XE
Appellant: MR STEVE FITZPATRICK Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

Construction of basement below existing house and permitted extension. Notes had been minded to permit subject to section 106 for ' Construction Management Plan ' but had not been offered. Highway safety issues but culdesac of short length with controlled vehicle access. Private residential culdesac to 13 dwellings. Notes only 3 to 4 heavy goods vehicle movements per day with use of Banksman at barrier to control access. Unlikely to generate a hazard to pedestrian traffic despite being well used , particularly by school children on way to school. No harm to amenity of neighbours regarding noise, hours of construction , vibration, dust and air pollution with suitable conditions attached. Registration with Considerate Constructors Scheme by condition. Little weight to ' New Basement ' Guidance Notes as document not yet formally adopted. section 106 Agreement not required as conditions sufficient.

161. Flats, 501
DCS Ref: 400-002-165

Written Reps.: 14/10/2013 Inspector: J REID

Address: 22 Richmond Avenue, London
Appellant: Mr Martin Church of Islington Council Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

Listed Building Consent (LBC) Works to fill in basement vaults of C19th listed flats, converted from dwelling, in listed terrace of linked semi detached villas within conservation area. Proposal to use Benefil pre expanded structural resin which had been used in different circumstances in another London Borough. Decides vaults at the front of the main part of the appeal villa important as intrinsic to appeal building's significance as a heritage asset. Notes English Heritage requires vaults to be left intact. However weight given to appellants engineer's report stating evidence of cracks and out of plumb walls. Evidence of other nearby vaults being repaired and in use. Although proposed works reversible, proposal considered as permanent, making vaults unusable and harming villa's historic plan and value as a historic asset.

162. Flat block addition; to existing flat/flats to create new flat/flats, 502
DCS Ref: 400-001-016

Written Reps.: 11/06/2013 Inspector: M CHAMPION

Address: 82 Railton Road, London
Appellant: Mr Anthony Thomas Authority: LAMBETH
Summary of Decision: DISMISSED

Description:

Additional storey, extensions to part single and 3 storey building to provide 8 flats on first, second and third floors and 2 x A3, A4 units in ground and basement levels. Site in predominantly residential area. Inspector deciding the roof form would be different to surrounding, additional size and bulk at high level appearing out of keeping, discordant and over dominant in area of modest scale buildings harming area character and appearance Weight given to loss of neighbours amenity through visual impact, overlooking and loss of privacy.

163. Conventional houses, 500
DCS Ref: 100-079-739

Hearing: 14/11/2012 Inspector: L COFFEY

Address: VACANT LAND FRONTING NORTHGATE AND ADJACENT TO OAKHURST, NORTHGATE, NORTHWOOD

Appellant: MR LANG, PC BERNAYS AND GFR BERNAYS **Authority:** HILLINGDON
Summary of Decision: ALLOWED

Description:

Detached dwelling including basement in sylvan Estate Area of Special local Character. Previous High Court decision regarding harm from development of appeal site in frontage of dwelling; no harm as side garden curtilage had been severed. Effect on Tree Preservation Order (TPO) oak tree. Notes former garden area had been used as compound for building materials during construction of adjacent dwellings and no longer has appearance of residential garden. No evidence that site would be returned to curtilage use if appeal failed. Considers tpo oak tree would not unduly dominate or overshadow garden with attendant risk of call to lop or fell.

Abstract:

Planning permission was granted for the erection of a dwelling within an existing garden in west London, notwithstanding the council's concern about the overshadowing cast by an oak tree.
A previous appeal had been dismissed in 2011 on the basis that the existing dwelling would be left with a substandard garden which would be dominated by the protected oak tree. However, the appellants stated that this position had been factually incorrect since the existing dwelling and the appeal site had been in separate ownership since 2009, and as a consequence the size of the retained garden would not alter even if the appeal were dismissed. The council disagreed, stating that the only value of the appeal site as a separate plot was if permission for a new dwelling were granted, otherwise it was likely to be assimilated back into the original garden.
The inspector noted that the oak tree formed a prominent feature in the garden of the original house. However, the garden was not unduly dominated by it and there was adequate space for occupants to enjoy the grassed areas. The outlook from the existing house would not change and, in his opinion, most occupiers would see the tree as an attractive feature and would not wish it to be felled or lopped. Consequently, the scale and use of the remaining garden area was sufficient to meet the needs of residents in the existing dwelling notwithstanding the subdivision of the plot.

164. Conventional houses, 500

DCS Ref: 100-076-611

Inquiry: 14/03/2012 **Inspector:** O SPENCER

Address: 18 REDINGTON ROAD, LONDON NW3 7RG
Appellant: MR ALEX MIDGEN **Authority:** CAMDEN
Summary of Decision: ALLOWED

Description:

a) CAC to demolish existing house b) larger replacement with basement in Edwardian suburban streetscene in conservation area . a) Building much altered over time with later additions appearing cluttered . b) Redevelopment would benefit setting of adjacent listed building and enhance conservation area . Hydrogeology discussed given basement works within nearby dwellings and hole opening in road but weight given to Structural Engineers Report and extensive investigation.

165. Combination of residential units; amalgamation of dwellings to form smaller or larger unit, 508

DCS Ref: 100-073-499

Written Reps.: 22/07/2011 **Inspector:** S HOLDEN

Address: 67 OXFORD GARDENS, LONDON W10 5UJ
Appellant: MR RICHARD FUCHS **Authority:** KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

Single family dwelling from 3 lawful dwelling units (used as 8 units of accommodation) within large detached property in inner urban residential area. No harm from loss of unlawful sub-standard house in multiple occupation (HMO) . Harm to supply of affordable housing from loss of over 5 residential units, even though in poor condition and unoccupied.

Abstract:

The change of use of a property in west London to a single family dwellinghouse was denied permission on the basis that it would undermine the council's objective of maintaining an adequate supply of smaller units.
The property provided accommodation over four floors and had been initially constructed as a single family dwelling. In 1967 permission had been granted for the conversion of the basement into two self-contained flats. The upper floors were subsequently converted in the 1970s into self-contained and non self-contained flats but without the benefit of planning permission. The appellant asserted that these units would not be continued in the event that the appeal was dismissed.
The inspector decided that the council's claim that the scheme would result in the loss of a house in multiple occupation was inconclusive since the upper parts had in part been used as self-contained accommodation rather than facilities which were shared amongst a series of occupiers. However, its conversion into a family dwellinghouse containing six bedrooms and three bathrooms together with a range of reception and living rooms would result in the loss of seven units of accommodation. The council's core strategy explicitly sought to resist development which led to the loss of five or more smaller residential units due to the acute shortage within the borough. On this basis the scheme was unacceptable.

166. Students residence, 561

DCS Ref: 100-070-790

Inquiry: 03/02/2011 **Inspector:** J KINGABY

Address: 10 AND 10A BELMONT STREET, CAMDEN TOWN, LONDON NW1 8HH
Appellant: MR DYAR LALLY OF RISETALL LTD **Authority:** CAMDEN
Summary of Decision: DISMISSED

Description:

7 storey student flats (158 students) and 2 basement floors for B1. Redevelopment of 5 storey Victorian building in use as offices and rear servicing area on constrained site in tight urban residential area . Existing building would require investment but presently provides economic accommodation for 12 small to medium businesses providing 350 jobs. Proposed basement offices would have restricted daylight, lightwells in car park area impact on adjacent business operation and scheme would overall result in reduced employment harming local economy. Student accommodation would generate late night noise and disturbance and overlooking privacy loss to adjacent dwellings conflicting with ' inclusive communities ' policy . Demolition and construction of replacement building would result in unacceptable disturbance to neighbours and even if an acceptable construction management plan secured , would not result in materially higher quality commercial floorspace but would put at risk 360 jobs.

Abstract:

The redevelopment of an office block in north London with a seven storey block of student flats was rejected because it would harm the local economy and residential amenity.
The proposal included two basement levels which would cater for B1 use. The building currently on the site was a Victorian former piano factory. It contained 12 business units, with some 360 people employed on the site. The appellant argued that the building would inevitably reach the end of its useful life and it was important to plan for the next stage before it became dilapidated. However, the inspector accepted the council's view that the converted industrial building was offering office units which provided practical, cost-effective and flexible spaces for small businesses not looking for a more formal corporate environment. She also noted that the new office floorspace would have restricted natural lighting. She concluded that the proposal would not result in the provision of commercial floorspace of a significantly higher quality than already existed on the site. Further, it could adversely affect existing businesses and would necessitate the relocation or loss of 360 jobs, which would be potentially harmful to the future local economy.

The site was close to a large number of residential properties. The inspector judged that there was every prospect that some of the 158 students would keep late hours and create noise at night which would disturb neighbouring residents on more than an occasional basis. On this issue she concluded that the proposal would give rise to significant harm to neighbours' living conditions.

167. Office developments, large purpose built, more than 1000sqm, 300
DCS Ref: 100-067-745

Written Reps.: 28/05/2010 Inspector: A FUSSEY

Address: TILEMAN HOUSE, 131-133 UPPER RICHMOND ROAD, LONDON SW15 2TR
Appellant: TILEMAN HOUSE INVESTMENTS (PUTNEY) LTD Authority: WANDSWORTH
Summary of Decision: DISMISSED

Description:

2417sqm commercial on ground and first floor ; 1600sqm B1 office ; 89 flats over . Redevelopment of existing 7 and 9 storey office and flat block on sustainable edge of town centre and near high street. Weight to good design proposed , however tall central tower element would be twice existing height and appear out of scale in context; uncompromising modern building looming over traditional residential terrace harming adjacent conservation area and listed building Condition under deed of variation to require appellant to enter into a Unilateral undertaking regarding affordable provision unacceptable as contrary to Circular 11 / 95 . Contribution for Railway station improvements unjustified. Fails on area character harm

Abstract:

Despite support from CABE for a mixed use development in southwest London, an inspector concluded that it would create an uncompromisingly modern building which would be incompatible with the character of the area.

The scheme proposed a mixture of retail, commercial and food and drink uses on the ground floor, 1,600m2 of offices, 89 residential apartments and basement car parking. An existing building, varying up to nine storeys, would be demolished and the appellants proposed to erect a wider and deeper structure with a 15 storey tower in the centre, a 12 storey tower at one end, with a further 10 storey high tower at the rear. Council officers together with the Greater London Assembly and CABE supported the design concluding that it would break up the massing of the existing building along the frontage and produce a more varied roofline.

The inspector agreed with this but concluded that the central tower would be double the height of the existing building and this had to be assessed in the context of the prevailing townscape. While the smaller towers would be of a similar scale to adjacent office blocks, taken as a whole it would loom over a traditional residential terrace and be visually harmful by virtue of its scale, mass, design and materials. Added to this, he opined, would be its impact on a grade II listed building.

In dismissing the appeal the inspector decided that a planning obligation dealing with various matters was acceptable. In his opinion, the council had failed to prove a need for a £350,000 contribution towards improving a nearby railway station. In addition, he concluded that the appellants were not responsible for paying the council's costs for considering the planning obligation and commenting upon it.

168. Professional offices open to public, 108
DCS Ref: 100-064-127

Hearing: 03/09/2009 Inspector: J MILES

Address: 90-92 BISHOPS BRIDGE ROAD, LONDON
Appellant: MR RAHAIL MIRZA Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

A2 from A1 on ground and basement floors. vitality & viability of district shopping area discussed. Site on secondary outer edge of district centre. New shopfront and refurbishment would benefit area. Controlled window display would prevent dead frontage in busy and attractive shopping centre . Proposal would create improved space for customers visiting Insurance business. Would enhance centre' s character and function. No harm to area character or vitality & viability

169. B8 uses, 36
DCS Ref: 100-061-430

Inquiry: 06/04/2009 Inspector: I RADCLIFFE

Address: BASEMENT, WILLIAM COURT, 6 HALL ROAD, ST. JOHN'S WOOD, LONDON NW8 9PA
Appellant: FORT BOX SELF STORAGE LIMITED AND GOODVIEW LTD Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

Self storage (B8) from basement in general industrial (B2) use under residential block of flats in inner urban residential area adjacent Conservation Area no harm to residential amenity from noise subject to control over operation. Weight given to reasonable prospect of fallback of implementation of planning permission granted on appeal for motor service and repair garage with lax noise conditions attached.

170. Office developments, small, 304, Conventional houses, 500
DCS Ref: 400-002-121

Written Reps.: 11/10/2013 Inspector: T SMITH

Address: 3 Gerak Mews, London
Appellant: Mrs Joanna Hansard Authority: WESTMINSTER
Summary of Decision: DISMISSED

Description:

Basement/ground floor office/workshop and residential accommodation in basement to second floor from demolition and redevelopment of mews property part of II Listed Building in inner urban area. Extant planning permission for similar on appeal. No harm from change in design creating additional mass from another storey and mansard roof but harm to neighbour residential amenity from sense of enclosure.

171. Conventional houses, 500
DCS Ref: 400-000-956

Written Reps.: 31/05/2013 Inspector: G POWYS JONES

Address: 10 Plantagenet Road, Barnet, London
Appellant: Park Investments Authority: BARNET
Summary of Decision: ALLOWED

Description:

Creation of dwelling from 2 storey side and basement extensions to dwelling in residential area. No harm to character and appearance of area. Harm to amenity of residents of the proposed dwelling due to inadequate daylight, outlook and amenity space

172. Conventional houses, 500
DCS Ref: 100-079-612

Written Reps.: 13/11/2012 Inspector: P DOBSEN

Address: THE FORMER JOB CENTRE SITE, BATTERSEA PARK ROAD, LONDON SW11 4NB
Appellant: MR J AMOS (SHANLY HOMES LTD) Authority: WANDSWORTH
Summary of Decision: ALLOWED

Description:

Variation of condition requiring construction to Code Level 4 standard regarding approved scheme 9 townhouses on cleared former Job Centre site in 4 storey blocks with basement parking. Variation to Code Level 3 sought. Members had overridden Officer and had imposed Code Level 4. Scheme on point of commencement before requirement change. No evidence given why higher level required and below 10 unit threshold that London Plan requires for Major development requiring 25 percent increase in 2010 Building Regulations. Decides no sound basis to require.

Abstract:

An inspector replaced a condition requiring nine townhouses in southwest London to be built to level four of the code for sustainable homes with a condition requiring level three, finding no sound basis for the requirement of level four. The council referred to a policy statement in the London Plan which required major development to achieve a 25 per cent improvement on the 2010 building regulations, which it stated was equivalent to CSH level four. The inspector agreed with the appellants, however, that nine dwellings did not meet the ten dwelling threshold which was applicable in that definition. He found, firstly, that negotiations between the applicants and the council on the planning application had been conducted on the basis that level three should be achieved and the scheme had therefore been designed with that in mind. Secondly, the imposition of a higher level requirement at a late stage would require significant and costly changes to the scheme design and would therefore be unduly onerous and possibly delay its implementation. Thirdly, he found that as it was not a major development by any planning policy definition, there was no sound basis, derived from development plan policies, for seeking a higher CSH level than level three. Given these findings he concluded that CSH level three would meet all the tests for conditions in circular 11/95 The use of conditions in planning permissions.

173. Conventional houses, 500, Roof alterations, 530
DCS Ref: 100-076-577

Hearing: 09/03/2012 Inspector: L COFFEY

Address: 60 DRAYCOTT PLACE, LONDON, SW3 3BP
Appellant: MR MICHAEL HAMER Authority: KENSINGTON & CHELSEA
Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

Description:

a) Cac to demolish 4 storey , plus cellar , house b) Erect 4 storey , plus attic and basement , house at road junction in ' red street ' of Sloane Square conservation area of highly detailed 4 and 5 storey terraced . Notes extant planning permission for similar , but proposal includes an additional storey in faceted roof . a) Decides demolition of undesignated heritage asset of Brutalist design but in poor condition acceptable , noting extant planning permission for demolition subject to suitable replacement . b) Storey heights similar to adjoining dwellings in terrace . Proposed brick faceted roof would extend from parapet walls and include provision for small roof garden . However decides shallow pitched roof design would introduce a roof form which would weaken parapet line with adjoining dwellings ; appear unrelated to neighbours and prominent in public views . Poor quality of design harming streetscene on sensitive corner site .

174. Banks, building societies, branch offices, insurance brokers, bureau de change, 100, Flats, 501, Roof terraces, 528
DCS Ref: 100-072-962

Hearing: 14/07/2011 Inspector: T PHILLIMORE

Address: THE ELEPHANT AND HIPPO, 1 BOWLING GREEN STREET, LONDON SE11 5BY
Appellant: H & R PROPERTIES Authority: LAMBETH
Summary of Decision: ALLOWED

Description:

6 storey building with groundfloor and basement A2 ; 9 flats over . redevelopment of disused 2 storey public house in context of 1930s flat blocks . Increase in height acceptable . Part timber cladding in keeping although distinct from nearby uniform flat blocks ; minor breach of building line ; fenestration and balconies would enliven streetscene . Overall , proposal would not appear dominant or incongruous but an enhancement to area character and appearance . Proposed trellis on rear elevation (roof terrace ?) acts as balustrade to balconies and privacy screen but not unacceptably harm neighbours outlook by enclosure harm . Site in ' middle consultation zone ' of Gas Holder as ' major accident hazard ' , HSE ' advise against ' response generated by computerised PADHI system but results from number of flats above 2 . Advice only to be overridden after very careful consideration but weight to public opinion supporting removal of pub on amenity grounds ; decides small risk outweighed

Abstract:

The redevelopment of a public house in south London with a six storey building to accommodate a commercial unit and nine flats was allowed despite concerns about its proximity to a gas holder station. The gas holder was designated as a major accident hazard establishment under an EU directive due to the quantity of natural gas allowed to be present. The Health and Safety Executive had advised against the proposal. The inspector recognised that, as set out in circular 04/2000, the advice of the HSE should not be overridden without the most careful consideration. However, he reasoned that although currently vacant the use of the public house could lawfully resume. In addition, the upper accommodation was currently occupied as bedsits. In this context the proposal would involve a significantly smaller increase in population at risk than from the development considered on its own, which was how the HSE had based its advice. In addition, there was local support for the removal of the public house which had been a source of problems in the past, the scheme would improve the security of public areas due to overlooking, and the design would bring about a visual improvement. The inspector decided that the proposal would bring about significant regeneration benefits that would enhance the quality of local life. These amounted to particular circumstances which outweighed the small risk to safety.

175. House extensions, in urban area, 520, Basements to houses or flats, 525, Roof extensions to houses, 527, Roof terraces, 528
DCS Ref: 100-070-729

Hearing: 28/01/2011 Inspector: P CLARK

Address: 73 & 75 CHARDMORE ROAD, LONDON N16 6JB
Appellant: MR D BERGER Authority: HACKNEY
Summary of Decision: DISMISSED

Description:

Basement , ground , first and second floor rear extensions at dwelling ; erect identical rear extensions on adjoining dwelling together with roof raise and installation of 2 rooflights in front roof slope and excavation of garden for lightwell . Site within residential conservation area of Victorian housing with rhythm of squared bays. Notes particular needs of local (Jewish) Community of exceptionally large families with need to be within walking distance of place of worship . Proposal to infill area of flat roof between bays with pitched acceptable however flat roofed rear extension would harm distinctive rear roofscape of original eaves and roof pitch and so conservation area. Front garden excavation , basement and groundfloor rear extensions acceptable

in area of similar in street. No harm to neighbours privacy , light or outlook with condition preventing use of flat roofs as terraces . However conservation area harm from rear extensions outweigh .

176. House extensions, in urban area, 520
DCS Ref: 100-067-765

Written Reps.: 25/05/2010 Inspector: C JARVIS

Address: 62, DURLSTON ROAD, LONDON, E5 8RR
Appellant: MR A KLEIN Authority: HACKNEY
Summary of Decision: DISMISSED

Description:

Unauthorised single storey rear extension with 3 air conditioning units to Edwardian terraced dwelling. Erected under pre revised General Permitted Development Order (GPDO) Part 1 Class A. Cubic content within permitted 10 percent , however basement volume not constructed as part of original dwelling and so as post Appointed Day should be included in overall volume which would preclude proposal. Notes air conditioning units not ' minor development ' as have visual and aural impact. Extension creates a cramped environment with unacceptable overshadowing, dominating effect on neighbour, whose amenity also reduced by noise from a c units.

177. Hotels over fifty beds, 400
DCS Ref: 100-064-039

Hearing: 25/08/2009 Inspector: T WOOD

Address: THE MANDEVILLE HOTEL, 8-14 MANDEVILLE PLACE, LONDON W1U 2BE
Appellant: THE MANDEVILLE HOTEL Authority: WESTMINSTER
Summary of Decision: DISMISSED

Description:

Installation of glazing over 4 basement lightwells to create an external seating area in connection with existing hotel in Harley Street conservation area terrace. Contrary to Supplementary Planning Guidance (SPG) and significant weight given. Unacceptable loss of conservation area characteristic.

Abstract:

Planning permission was denied for the installation of glazing over four lightwells associated with a hotel occupying a grade II building in a central London conservation area because it would undermine the visual character of the structure. The building had a series of lightwells separated from the street by metal railings. The appellants proposed to erect four freestanding structures within the lightwells which would be used for seating and the consumption of food and drinks. They stated that the glazed decks would not touch the face of the building and would be separated on all sides by a small gap. The inspector accepted that the scheme would leave parts of the lightwells uncovered so that passers-by could obtain glimpses of the basement. In addition, the structure would not physically touch the listed building and no accommodation was proposed beneath them, he noted. However, in his opinion the development would undermine one of the intrinsic components of the building's character removing views of the basement and, while contemporary in approach, it would be at odds with the historic design.

178. Flat block addition; to existing flat/flats to create new flat/flats, 502
DCS Ref: 100-061-211

Inquiry: 20/03/2009 Inspector: M ALDOUS

Address: 43-48 FAIRLAWN MANSIONS, NEW CROSS ROAD, LONDON SE14 5PJ
Appellant: MR P FELDMAN Authority: LEWISHAM
Summary of Decision: DISMISSED

Description:

2 flats from basement of substantial flat block in urban Conservation Area. Harm to residential amenity from inadequate natural light and little weight to precedent of similar conversions. No harm to residential amenity from inadequate amenity space due to access to space shared with residents of existing flats.

179. Wine bars, 201
DCS Ref: 400-002-088

Written Reps.: 07/10/2013 Inspector: GJ ROLLINGS

Address: Plus One Wine Bar, 20 Stoke Newington Road, London
Appellant: Mr Ali Erdogan Authority: HACKNEY
Summary of Decision: DISMISSED

Description:

A4 winebar from groundfloor cafe as extension of ,and consolidation with, basement winebar with late night opening. Winebar and cafe possessing separate accesses. Site in quiet residential street with flats over but also late night uses which are not in designated areas. Weight to Council concern of cumulative negative impacts of late night uses which proposal may exacerbate noting difficulty in controlling street noise and disturbance generated by patrons..

180. Office developments, small, 304, Warehousing; internal storage and distribution including cold stores and repositories, and cash and carry not open to general public, 360
DCS Ref: 200-000-401

Hearing: 16/05/2013 Inspector: J MILES

Address: 24-28 Vale Royal, London
Appellant: Shaun Property Ltd Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

6 storey building with basement. 927sqm office, 3945sqm B8 selfstorage in area of mixed character and designated in emerging plan for industrial use. Notes lapsed permission for 6 storey building without basement. Although proposal would be taller than nearby properties; weight given to greater height of lapsed permission and support for intensification by height on key employment site. However proposed form and green cladding out of keeping in streetscene of simpler buildings with disparate elements lacking design cohesion; appearing jarring in streetscene and harming area character and appearance Energy reduction discussed as proposal unlikely to achieve emerging Policy required BREEAM 'excellent' rating; highest feasible 'very good' although proposal to now include LED lighting. Decides reasonable to require payments for public footpath but reduced as benefits public realm. Validity of contributions for employment training and monitoring discussed and acceptable but design outweighs.

181. Flats, 501
DCS Ref: 100-079-570

Written Reps.: 02/11/2012 Inspector: J.M TRASK

Address: 12 NORTHBROOK ROAD, ILFORD, ESSEX IG1 3BS
Appellant: MR ASH RAHMAN Authority: REDBRIDGE
Summary of Decision: **DISMISSED**

Description:

4 self contained flats from 2 non self contained flats from converted end terrace house. However no evidence of lawful conversion and property remains suitable for single family accommodation Site close to but outside town centre in urban area of converted properties. Claimed that over 51percent in area converted but Council records indicate 35percent; suggests rest unlawful and only lawful conversions to be considered; decides property inappropriate for conversion and approval would harm balance of housing types and sizes. Discussion of adequacy of internal space; decides basement cannot be included as not habitable space and fails internal space standards. Notes no greater amenity loss than that of an unconverted house but not outweigh.

182. Roof extensions to houses, 527
DCS Ref: 100-076-301

Written Reps.: 27/02/2012 Inspector: R YORKE

Address: 16 VIEW ROAD, LONDON N6 4DB
Appellant: MRS K KYRIACOU Authority: HARINGEY
Summary of Decision: **DISMISSED**

Description:

Proposal a variation of approved plans to permit a set in third floor pavilion with elevations of timber and glass on permitted modern flat roofed 5 bed , 2 storey with basement , replacement for 1960's original in overall traditional residential conservation area . Decides pavilion would appear as a highly visible , incongruous extension in conservation area streetscene . Increased likelihood of overlooking of neighbours rear garden over approved scheme as higher level views and potential for noise and disturbance . Little weight to claimed land stability benefit from removal of basement element of approved scheme.

183. House extensions, in urban area, 520, Basements to houses or flats, 525
DCS Ref: 100-072-928

Hearing: 12/07/2011 Inspector: J MILES

Address: 44 MARKHAM SQUARE, LONDON SW3 4XA
Appellant: MR GRANT BROWN OF LUNE BLUE Authority: KENSINGTON & CHELSEA
Summary of Decision: **DISMISSED**

Description:

a) Conservation area consent b) section 78 . Proposed demolition of remaining building fabric whilst retaining facade . Mid terrace property on side of Square in Chelsea conservation area . Notes extant 2010 permission for construction of new basement below house and garden and rear extensions ; net effect the demolition and rebldg of the building whilst retaining facade . Rear of terrace part of overall character and integrity of Victorian group which would be lost through demolition. Notes a Cac will not normally be granted unless a suitable replacement scheme approved ; however decides approval of extant permission not ' an approved development scheme ' . Claim of improved building quality not outweigh harm from demolition and redevelopment proposal noting loss of historic fabric and harm to integrity of terrace and its contribution to conservation area . Discussion of nearby residents Article 8 human Rights claim regarding impact on daily lives and structural effect on their homes

Abstract:

The demolition of the main part of a terrace house in a west London square was turned down because it would be detrimental to the conservation area.

An inspector noted that the net effect of a 2010 permission and the current proposal would be the complete demolition of the existing building apart from the front facade, followed by reconstruction to create an extended building. She accepted that the more imposing public frontage of each terrace was of greatest significance in purely visual and stylistic terms. However, she held that the Victorian terraces as a whole also had a fundamental integrity and character as historic structures, which was part of their significance. The loss of the majority of the property would diminish the integrity of the terrace as a whole, she decided.

The appellant maintained that the demolition and rebuild would facilitate an improved build quality, compared with the approved scheme, including in terms of sustainability performance. However, the inspector noted the advice in PPS5 and its practice guide that heritage assets were themselves a non-renewable resource, that adapting them to respond to climate change need not be more expensive or difficult than replacement, and that adapting and keeping such assets in use avoided consumption of building materials and energy, and waste generation.

The inspector concluded that the scheme would not deliver sustainability benefits of such significance as to outweigh the harm that it would cause.

184. Conventional houses, 500
DCS Ref: 100-070-410

Inquiry: 13/01/2011 Inspector: J PAPWORTH

Address: 9 DOWNSHIRE HILL, LONDON NW3 1NR
Appellant: RINGLINE PROPERTIES Authority: CAMDEN
Summary of Decision: **ALLOWED**

Description:

a) Listed Building Consent (LBC) Listed building demolition b) Single dwelling replacement with new basement and lightwells for derelict listed building in setting of adjoining listed buildings in urban conservation area. a) Condition of building irretrievable noting poor initial construction and materials but weight to intent to replicate existing building and reuse external architectural features. Demolition justified subject to b) Effect on neighbouring properties with discussion of 1996 Party Wall Act . Visual impact of new building acceptable in regards to setting of listed building and conservation area ; and ' an enhancement ' compared to current derelict building Ground stability and movements ; and groundwater discussed . Proposal likely to lead to movement under adjoining dwellings with some attendant damage but acceptable with proposed safeguards in Agreement and conditions. Succeeds.

185. Flats, 501
DCS Ref: 100-067-534

Hearing: 17/05/2010 Inspector: D LEEMING

Address: 8A TOLLINGTON PLACE, LONDON N4 3QR
Appellant: MR MARK JONES Authority: ISLINGTON
Summary of Decision: **DISMISSED**

Description:

a) 4 x 2 bed self contained flats ; 4 storeys including basement b) Cac . Demolition of existing 6 bed house within terrace of imposing Victorian properties. a) Unacceptable loss of family housing. Daylight and outlook of basement occupiers discussed as only sources from front lightwell and residential stairwell and only very limited outlook available ; conservation area character and appearance harmed from proposed design which although imaginative would appear incongruous in context and disrespectful in setting . b) Fails as no appropriate scheme to replace

186. Restaurants, 122, Office developments, small, 304, Night clubs, 742

DCS Ref: 100-063-845

Hearing: 07/08/2009 Inspector: J COHEN

Address: BAR FLUX, 1-4 STATION BUILDINGS, SOUTHEND ROAD, BECKENHAM, KENT BR3 1SD

Appellant: MR. D. PATEL Authority: BROMLEY

Summary of Decision: DISMISSED

Description:

3 storey building for basement Night Club (sui generis) , groundfloor and first floor restaurant and second floor B1 office. Redevelopment of existing Night Club on isolated site in residential area. Appropriate scale but design inappropriate for context and a lost opportunity to improve townscape and area character and appearance increased traffic generation acceptable as adequate public parking available nearby and unlikely to increase pressure on nearby residential streets but not outweigh

187. Conventional houses, 500

DCS Ref: 100-060-953

Hearing: 05/03/2009 Inspector: C THORBY

Address: LAND TO THE REAR OF 66 GREAT THRIFT, PETTS WOOD, ORPINGTON BR5 1NG

Appellant: HOLLWOOD DEVELOPMENT LTD Authority: BROMLEY

Summary of Decision: DISMISSED

Description:

Single storey 4 bed dwelling on rear garden land in 1930s spacious residential area of large dwellings of striking Mock Tudor design. Designated Area of Special Residential Character . Proposal not unattractive but of different design to established and siting on smaller plot would appear out of keeping with existing layout and character Notes inadequate information provided as to light levels to be received in basement habitable rooms from use of sun pipes and internal lightwells.

188. Office developments, large purpose built, more than 1000sqm, 300, Students residence, 561

DCS Ref: 200-001-057

Inquiry: 04/10/2013 Inspector: P DOBSEN

Address: Magnet Ltd, 65-69 Holmes Road, Kentish Town, London

Appellant: Mr. Dyer Lally Authority: CAMDEN

Summary of Decision: DISMISSED

Description:

A mixed use development involving student accommodation and office floorspace in north London failed to deliver an appropriate type of employment use an inspector concluded, supporting the council's claim that it would undermine its economic policies.

Abstract:

In 2011 following appeal permission had been granted for a building between three and six storeys to accommodate 268 student rooms with storage and distribution at lower basement and ground floor levels together with a coffee shop. The appellant however proposed to alter this scheme to provide an additional storey, a further 133 bed spaces with the whole of the commercial floorspace devoted to office use. The council raised a range of objections to the revised scheme and in particular highlighted the absence of any Class B8 space. It stated that this was contrary to its planning policies and argued that the demand for office space was weak in contrast to storage and warehousing, with good quality space finding occupiers. The appellant asserted that the site was not well placed for industrial or warehousing use and claimed that offices would be easier to let.

The inspector found the council's evidence more cogent noting that Magnet Ltd had operated a warehouse and showroom on the land for over 40 years without difficulty. The council's policies gave a low priority to safeguarding office space given the over-supply particularly in secondary locations. The impact changes to permitted development rights supporting the change of use of offices to residential had yet to be fully felt he concluded and in any event this did not justify allowing further office space when the council had demonstrated the need for good quality warehouse and storage space. Turning to other matters the inspector agreed that the scheme would increase the number of students living in the area and he could not say categorically that an additional 133 students, would be harmful to the amenity and character of the area. He was cautiously inclined to believe that it might cross an 'ill defined threshold' which would increase noise and disturbance. Students were not liked or disliked by all other sectors of the community and the impact on social cohesion and inclusiveness was difficult to define with any certainty he opined concluding that it might give rise to adverse impacts.

This was coupled to the increased quantum of built development on the site particularly a significant reduction in on site amenity space compared with the approved scheme which would incorporate fewer students. Although the council did not have any adopted standards for student amenity space it 'smacked' of an undesirable design compromise which was intended to maximise the number of student bed spaces. Nonetheless a partial ward in favour of the appellant was made in respect of the council's claim that a financial sum of £200,000 should be paid towards off-site transport and pedestrian improvements.

189. Conventional houses, 500, Basements to houses or flats, 525

DCS Ref: 200-000-412

Hearing: 16/05/2013 Inspector: P GRIFFITHS

Address: 30 The Boltons, London

Appellant: Mr Paul Burdell Authority: KENSINGTON & CHELSEA

Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent to demolish b) section 78 . Replacement buildings in setting of large listed building within The Boltons conservation area. Notes previous refusal. Proposal to largely recreate existing in largely same format, on same footprint as existing building but with 3 level basement. Proposal intent is for property to be read as something separate to The Boltons, although reasonable, doubts whether proposed contrast of design would be sufficient noting front elevation treatment adopts format and proportions of nearby buildings; notes dissonant confusion of classical frontage but layout failing to follow geometry of ' The Boltons'; harming conservation area and setting of listed building Notes proposed multi level basement contrary to Core Strategy review .limiting basements to single storey to avoid structural risks and complexity.

190. Office developments, large purpose built, more than 1000sqm, 300, Flats, 501

DCS Ref: 100-079-669

Hearing: 29/10/2012 Inspector: P CLARK

Address: 77-91 HARTFIELD ROAD, WIMBLEDON, LONDON SW19 3TJ
Appellant: MR STEPHEN SEXTON OF NEWRIDGE TRADING LIMITED **Authority:** MERTON
Summary of Decision: ALLOWED

Description:

53 flats and 1511 square metres office floorspace with basement car park redevelopment of office and dwellings in inner urban area. No harm to character & appearance of area or setting of Conservation Area. No harm to neighbour residential amenity from loss of light, outlook or privacy and reduction in noise and disturbance due to development of open car park area.

191. House extensions, in urban area, 520, Basements to houses or flats, 525
DCS Ref: 100-076-141

Written Reps.: 14/02/2012 **Inspector:** M OROURKE

Address: 38 RIDGWAY, LONDON SW19 4QW
Appellant: JTB LIMITED **Authority:** MERTON
Summary of Decision: ALLOWED

Description:

Basement extension under front drive, plus rear extension, and loft conversion at locally listed dwelling in conservation area. No unacceptable harm to trees or to setting of locally listed building or to character and appearance of conservation area, with conditions.

Abstract:

Plans by a company to excavate a basement and undertake a rear extension and loft conversion to a locally listed dwelling within a southwest London conservation area were approved, an inspector ruling that they would not undermine the character of the property or area.

The plans involved excavating a basement approximately eight metres long at the front of the property under a paved forecourt. The appellants supplied an arboricultural assessment which indicated that only one tree which was in declining health would need to be removed. Further information on the structural integrity of the excavation works was also provided to demonstrate that the host property and two adjoining dwellings would not be undermined.

The inspector was satisfied with the information submitted by the appellants. There would be no harmful impact on the conservation area from the basement works and although the council considered additional information was required for this assessment to be made she was unclear what this referred to. A suitable condition would ensure that details of the basement's construction were approved prior to the development commencing. Inserting rooflights would not detract from the conservation area and the council's supplementary planning guidance made clear that locally listed buildings could be extended provided the extension was sympathetic in nature. The rear extension would stretch across the width of the house and be set within a sunken area of the garden. Whilst of contemporary design this would be of high quality and would, in accordance with the council's own guidance, have a sense of 'honesty' about it. The appeal was allowed.

192. Flats, 501
DCS Ref: 100-072-897

Hearing: 04/07/2011 **Inspector:** C HUGHES

Address: THE OLD FIRE STATION, 199 PERRY VALE, FOREST HILL, LONDON SE23 2JF
Appellant: MILESAHEAD PROPERTIES LTD **Authority:** LEWISHAM
Summary of Decision: ALLOWED

Description:

13 self contained flats and maisonettes from upper floors, ground and basement floors house in multiple occupation (HMO) formerly ancillary to listed fire station in conservation area. Vacant, imposing building in need of repair. Main issue the lack of affordable provision despite proposal above 10 unit threshold. Appellant Viability Statement demonstrates only modest profit despite absence and rental alternative also unviable. Proposal would bring listed landmark building on present 'at risk' register with urgent need to refurbish and repair back into viable use with enhancement to conservation area; decides benefit outweighs affordable provision.

193. Flats, 501, Multiple occupation, 565
DCS Ref: 100-070-496

Written Reps.: 10/01/2011 **Inspector:** D BRIER

Address: 17 COLLEGE CRESCENT, LONDON NW3 5LL
Appellant: THE BRODIE GROUP LIMITED **Authority:** CAMDEN
Summary of Decision: ALLOWED

Description:

Lawful Development Certificate (LDC) Internal rearrangement (flat ?) 9 bedsits (presently each with kitchen and shower room but with shared bathroom facilities) and 2 self contained flats in 5 storey terraced block. Flats in in basement and groundfloor and bedsits in subdivided 3 floors over. Effectively ensuite toilet and bathroom facilities to be provided in each bedsit. Decides no appreciable change in activity or occupation. Notes that to a large extent, bedsits already function as self contained units with independant cooking and washing facilities and locks on doors but essential character as bedsits would not be changed, but would be with enhanced facilities. Number of units would not be changed and would still be let as Assured Shorthold Tenancies. Decides as a matter of fact and degree, addition of ensuite facilities to bedsits would not materially alter character of existing use or have significant planning consequences.

194. Flats, 501
DCS Ref: 100-067-491

Hearing: 12/05/2010 **Inspector:** J CHASE

Address: 93 UNION ROAD, LONDON, SW4 6JD
Appellant: MR JAMES KING **Authority:** LAMBETH
Summary of Decision: DISMISSED

Description:

5 self-contained flats from dwelling as extended in inner residential suburb and Conservation Area. No harm to amenity of future residents due to adequate daylight and appropriate layout at basement level. existing dwelling makes positive contribution to Conservation Area and despite creating a slightly better balanced building, the extension would harm character and appearance of host building and Conservation Area due to loss of visual separation between properties and alterations out of keeping with traditional appearance of dwelling.

195. Garden structures, other., 545
DCS Ref: 100-063-610

Hearing: 28/07/2009 **Inspector:** M JONES

Address: FLAT 1, 27 BOLTON GARDENS, LONDON SW5 0AQ
Appellant: MR OLIVIER ROUGET **Authority:** KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

Retrospective . Erection of rear garden room within rear garden of basement flat at flat converted Victorian residential terrace in dense urban conservation area. Larchwood framework with glazed roof and walls. Would appear as a detached building at bottom of garden, incongruous and dominant in mature area of rear gardens and out of context with surroundings. Alleged harm to neighbours through noise, privacy loss and outlook but little weight given but falls as conservation area harm .

196. A2 uses, 10

DCS Ref: 100-075-890

Hearing: 27/01/2012 **Inspector:** J FELGATE

Address: 72-74 EDGWARE ROAD, LONDON W2 2EG
Appellant: MR HESHAM SALEM OF EURO GULF LIMITED **Authority:** WESTMINSTER
Summary of Decision: ALLOWED

Description:

High Court Remit. Retention of A2 from A1 shop in city centre Central Activities Zone. Enhancement of vitality & viability of retail function in light of long term vacancy and adequate marketing campaign to secure A1 occupier. An A2 use is less harmful to vitality & viability than another period of vacancy. Significant weight to Planning for Growth and potential harm to established local business and economy of refusal of planning permission .

Abstract:

Following the High Court's decision to quash a previous decision relating to the change of use of a shop to an estate agent's in west London, a second inspector decided that reinstating a retail use was unlikely to be viable.

The company had applied for permission for the change of use in 2008 and had initially operated as an estate agency. Subsequently, the premises had been subdivided and used as an estate agent's, travel agency, shipping agency, for mobile phone sales, a solicitor's practice and a bureau de change. The appellant accepted that the site lay within a central activities zone which favoured the retention of retail uses. However, the premises had been marketed for almost 10 months in 2007 and no retail business had been identified. This had occurred at a time when the economy had been strong and in the inspector's opinion it was very unlikely given the economic climate that a retail use would be found.

The inspector decided that a marketing campaign of nine to ten months in 2007 had been adequate to demonstrate that the premises were not suitable for retailing. If the appeal were dismissed there was a risk that the unit would be vacant for a long period of time. The appellant operated a well established local business and its various sub-tenants generated employment and income meeting the needs of a very diverse ethnic community. Putting jobs at risk would undermine the government's aim of stimulating the economy and this also weighed in favour of allowing the appeal.

In so deciding the inspector made a partial award of costs in favour of the council. The appellant had produced a statement on the day of the hearing. This amounted to unreasonable behaviour and resulted in an adjournment lasting 30 minutes which involved the council in unnecessary expense.

Court Case Information: APPEAL FOLLOWS COURT REMIT

197. Guest houses, boarding houses, bed and breakfasts, 402

DCS Ref: 400-002-104

Written Reps.: 03/10/2013 **Inspector:** H LOCK

Address: 135 – 137 Leytonstone Road, London
Appellant: Mr Ashfaq Bari **Authority:** NEWHAM
Summary of Decision: DISMISSED

Description:

Retention . C1 15 bed, Bed and Breakfast and alterations to rear elevation. Site in sustainable urban area of mixed commercial and residential properties. However policy encourages location of new visitor accommodation outside Central Activities Zone to be in defined centres or opportunity areas. Decides location of proposal outside a designated area would direct investment away from target areas and undermine policies and wider regeneration. Shared housing supply discussed as permission had already been granted for 14 unit house in multiple occupation (HMO) from ground floor shop, basement and first floor flat, which would be lost, harming balance of house types and tenures. Notes poor accessibility for disabled with stepped stairs, corridors and fire route including steps at rear of premises.

198. Conventional houses, 500, Basements to houses or flats, 525, Garden Structures, free standing incidental buildings in domestic gardens, 544

DCS Ref: 200-000-375

Hearing: 13/05/2013 **Inspector:** E FIELDHOUSE

Address: 21 Broadlands Road, London
Appellant: Mr Andrew Rosenfeld **Authority:** HARINGEY
Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent to demolish existing Arts and Crafts house b) Jacobean style replacement with basement and rear garden pavilion. Loss of original house with historic relevance in suburban residential conservation area discussed; In setting of listed house and adjacent to conservation area. Although proposal design of interesting detailing and high quality materials however considers pays little regard to the character and form of nearby dwellings, failing to harmonise with neighbouring group. Proposed pitched roof not in proportion with host and symmetrical frontage would appear disproportionately large, discordant and alien in streetscene; disrupting row of dwellings of consistent style and harming conservation area character and appearance Proposed substantial pavilion, 14m x 7m x 5m facing Metropolitan Open Land (MOL) would harm open garden landscaping and of intrusive height. Notes basement unlikely to harm drainage.a) Risk of gap in frontage with no suitable scheme.

199. Basements to houses or flats, 525

DCS Ref: 100-079-263

Hearing: 16/10/2012 **Inspector:** J CHASE

Address: 12 CHAMBERLAIN STREET, LONDON, NW1 8XB
Appellant: MR LUKE GILLAM **Authority:** CAMDEN
Summary of Decision: DISMISSED

Description:

Listed Building Consent (LBC) . section 78 . Excavation to create sub basement level within footprint and extend existing staircase to existing listed dwelling , part of 6 dwelling terrace within Primrose Hill conservation area . Notes Basements SPD . Council considers internal layout integral to historic status of building . Claimed hierarchy of rooms maintained with basement retaining functional character but weight to alleged increase in proportion of building below ground which would be more likely to promote basement as principal living area fundamentally harming hierarchy by drawing living functions from upper levels. Risk to building stability discussed noting a structural weakness could be turned into a serious fault by intervention ; risk

could not be wholly eliminated and inadequate public benefit or compelling need to permit potential harm to listed building fabric and integrity .

Abstract:

The construction of a sub-basement at a listed terrace house in north London was rejected because it would harm the integrity of the building as a heritage asset.

The council accepted that a further basement would not have a direct effect on the external appearance of the property. However, a much larger proportion of the building would become subterranean, the inspector remarked, especially in conjunction with a basement extension which had already been permitted. He considered that the transfer of utility space to the sub-basement level would be more likely to promote the role of the basement as a principal living area, fundamentally altering the balance of the hierarchy of rooms by drawing living functions away from the upper levels. He concluded that the scheme would alter the hierarchy of the internal spaces in the house, which formed part of its historical significance, with a detrimental effect on its integrity as a heritage asset. He found that this in itself would be sufficient to conclude that the scheme would not preserve the special architectural and historic character of the listed building. He also found that the fundamental nature of the structural work and interference with the existing fabric would have the potential to affect the physical integrity of the building. He had regard to recent government moves to avoid obstruction of new building projects, which had a beneficial effect on the economy, linking to the central objective of the NPPF to create a presumption in favour of sustainable development. He pointed out, however, that part of the definition of sustainability in the NPPF was the protection and enhancement of the historic environment, which the scheme would not achieve. Overall, he found no benefit of such substance as to outweigh the harm to the listed building.

200. Flats, 501

DCS Ref: 100-076-031

Written Reps.: 01/02/2012 Inspector: T PHILLIMORE

Address: 252 FINCHLEY ROAD, LONDON NW3 7AA
Appellant: GAPLAND LTD Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

14 flats in 5 storey plus basement block . Redevelopment of 1930s dwelling on spacious plot in residential area bordering conservation area of Edwardian mansion blocks and in setting of listed church . Proposal of sympathetic design and in scale and character with townscape and listed building . However mass would affect daylight received through church stained glass windows affecting significance of heritage asset . Discussion of impact of basement element on land stability with significant level of deep excavation proposed close to adjoining buildings ; notes history of previous ground movements in the vicinity and no survey of these properties undertaken . Uncertainty of hydrogeology and whether groundwater can freely drain around basement ; inadequate information available to assess potential harm .

201. Apart hotels including serviced flats, 406

DCS Ref: 100-072-823

Hearing: 23/06/2011 Inspector: T WOOD

Address: 5 BENTINCK STREET, LONDON
Appellant: HOWARD DE WALDEN ESTATES LTD Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

C1 Apart hotel and single dwelling from B1 offices and residential (includes use swap) . Terraced property over 7 floors including basement . Vacant property last used as offices and residential in Harley Street conservation area and Core Central Activity Zone . Area of mixed but predominantly commercial use . Proposal includes 24 hour manned reception facility and staff to oversee arrival , departure and supervision of guests . Unlikely that use as apart hotel any different in terms of noise and disturbance than extant approved use as hotel ; noting neighbouring property in residential use . Conditions discussed . Condition requiring family accommodation still necessary to meet UDP policy aims ; groundfloor accessibility for disabled ; parking ; support facilities by management plan and limits to length of stay .

202. Sui generis A1, 03

DCS Ref: 100-070-512

Written Reps.: 07/01/2011 Inspector: L GRAHAM

Address: 33 THAYER STREET, LONDON W1U 2QX
Appellant: MR T ANBAR Authority: WESTMINSTER
Summary of Decision: DISMISSED

Description:

Beauty therapy rooms (sui generis use) from A1 retail at basement of retail unit in principal frontage of district centre and Conservation Area . Harm to vitality & viability of area due to loss of basement area and retail storage area making principal ground floor retail unit harder to let and increased pressure for non-retail use.

Abstract:

The change of use of a basement in a central London district centre was denied permission because it would undermine the vitality and viability of a core shopping frontage.

The basement was linked to the use of ground floor premises as a shop which would be retained. The council claimed that the basement area was necessary to ensure a viable retail use whereas the appellant stated that most shops in the city reduced stock levels to avoid using excess amounts of capital. He claimed that a health and beauty parlour would support the overall vitality of the area and the basement did not comply with building regulations.

An inspector noted that a viability study undertaken in 2007 recommended that the council should prevent the loss of retail floorspace and at that time the proportion of non-retail uses had reached 28 per cent which was close to the maximum of 30 per cent adopted by the council. The ground floor unit was relatively small, she noted, and in her opinion the removal of the basement could lead to it being more difficult to let with longer periods of vacancy and pressure to allow it to change from retailing. This would undermine the retail character of the frontage and centre as a whole.

203. Flats, 501

DCS Ref: 100-067-386

Inquiry: 28/04/2010 Inspector: G BAILEY

Address: LAND AT 545 ROMAN ROAD, LONDON E3 5EL
Appellant: QUANTUM SECURITIES LTD Authority: TOWER HAMLETS
Summary of Decision: DISMISSED

Description:

Unauthorised residential flat from ancillary basement storage area of groundfloor shop in long commercial parade with residential flats over in District Centre conservation area. Single planning unit has now been split to present green grocers and separate residential flat in basement. Material change. Adequacy of living conditions for flat occupier discussed. Cramped and unattractive for 2 persons but just adequate for single. Notes oppressive outlook with poor daylight from north facing windows. Noise between shop and flat. No harm to viability of shop unit or vitality of District Centre; character and appearance of conservation area preserved . However not outweigh poor environment . Notes Article 8 Human Rights but refusal would

not have a disproportionate effect.

204. Flats, 501
DCS Ref: 200-001-013

Hearing: 26/09/2013 Inspector: A LEA

Address: 84 Hatton Garden, London
Appellant: Uniheights Ltd Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

The conversion of the upper floors of a commercial building in London's Hatton Garden to five flats was allowed after an inspector concluded that it would not result in the loss of employment floorspace with a reasonable prospect of occupation by the jewellery sector.

Abstract:

The front part of the ground floor of the building was occupied by a jewellery shop, whilst the rear part, the basement and the five upper floors were vacant. The council stated that the marketing had been insufficient. The inspector noted, however, that all of the vacant floors had been marketed for more than two years, and some parts for more than five years. The appellant provided details of the marketing, which included a visible letting board, publication on the internet, and reasonable rents and lease terms. The inspector found it difficult to see what further marketing measures the appellant could have taken. She reasoned that requiring part of the upper floors to be retained for jewellery workshop use would be likely to result in further sterilisation of the building. She noted the proliferation of estate agents' boards in Hatton Garden and did not doubt the appellant's evidence that there was an oversupply of premises. The appellant suggested that this was due to a decline in jewellery manufacturing and an increase in importing from other countries. The inspector noted that this was reflected in a conservation area statement which stated that most of the jewellery sold in the retail outlets was no longer made locally.

Local planning policy stated that where the provision of workspace was not possible a financial contribution would be sought towards support for the jewellery industry. The appellant submitted that this amounted to a tax on the change of use. Given that it had been shown that there was no reasonable prospect of the premises being used by the jewellery sector the inspector found it difficult to see how a financial contribution to the jewellery sector was justified. Furthermore, other than referring to established practice, the council was unable to clarify on what basis the requested figure of £50000 had been calculated. The inspector decided that an obligation requiring the making of a contribution of £50000 would fail the tests set out in the CIL regulations.

205. Office developments, small, 304
DCS Ref: 400-000-748

Written Reps.: 10/05/2013 Inspector: G DEANE

Address: Flat 5, St James House, 13 Kensington Square, London
Appellant: Ms Anna Douglas Authority: KENSINGTON & CHELSEA
Summary of Decision: ALLOWED

Description:

Temporary change to B1 office from C3 2 bed flat on third floor of 4 storey listed block in conservation area square with basement, ground and first floor already in B1 office use and flats in remaining block including accommodation in roof. Proposal sought for temporary use ceasing on or before 24 December 2014. Main issue the effect on the living conditions of flats in block in terms of noise and disturbance generated by proposal. Considers modest size of unit limits occupation to 2 employees; unlikely to cause more noise and disturbance than residential use. Employees and visitors would share entrance and stairs with existing employees and residents; little weight to allegation of increased movements caused by waiters and visitors as no evidence provided and possible deliveries unlikely to cause nuisance. Decides occupier amenity preserved and conservation area and listed building character and appearance preserved.

206. Flats, 501
DCS Ref: 100-079-323

Written Reps.: 05/10/2012 Inspector: T WOOD

Address: 123 WESTMINSTER BRIDGE ROAD, LONDON SE1 7HR
Appellant: MR KARL DE LEEUW Authority: LAMBETH
Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent . b) section 78 . Erection of new 8 storey building (including basement) for 2 floors of offices and 6 floors for 5 flats ; replacing 4 storey office on site in conservation area and setting of adjacent listed building . Notes existing large contemporary building cramps listed building and proposal would of same 7 storey height ; dwarfing listed building and harming setting. Notes modest , positive contribution of existing 4 storey B1 office building and retention outweighs .

Abstract:

The demolition of a four storey office building in a central London conservation area to facilitate the erection of an eight storey building containing offices and flats was denied because of the adverse impact on the setting of a grade II listed building. An inspector noted that the appeal building was recorded in the council's conservation area appraisal as making a positive contribution to the character of the area and he agreed that it allowed the adjacent listed building to retain its setting. By allowing the erection of a taller building the listed building would be somewhat dwarfed and would be cramped between two taller buildings which would fail to preserve its heritage value and setting.

207. Flats, 501
DCS Ref: 100-072-812

Hearing: 22/06/2011 Inspector: J CHASE

Address: 2 ST PAULS ROAD, ISLINGTON, LONDON, N1 2QN
Appellant: ST PAULS ROAD LIMITED Authority: ISLINGTON
Summary of Decision: ALLOWED

Description:

a) Conservation Area Consent to demolish existing building b) Construct single and 3 storey building for 7 flats . Prominent site at road junction within conservation area and in setting of Grade II* listed church building and nearby locally listed houses . No loss of plain , unremarkable building making little contribution to conservation area . However clear need for good quality replacement which Council allege Proposal would not achieve noting use of fair faced brickwork instead of painted render and brickwork and first floor windows to be the same size as groundfloor and so not align or materials not conform with other buildings in group harming streetscene . Decides proposal would preserve conservation area character and listed building setting . Acceptable daylight and outlook for basement occupiers and privacy of groundfloor occupiers from close proximity of public to habitable rooms could be ameliorated by acoustic windows and use of curtains or blinds .

208. Public car parks, 640

DCS Ref: 100-070-268

Written Reps.: 17/12/2010 Inspector: G MAPSON

Address: 75-91 SHAFTESBURY AVENUE AND 52-53 DEAN STREET, LONDON W1D 5DU
Appellant: ABERDEEN PROPERTY INVESTORS Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

Lawful Development Certificate (LDC) Use of 10 basement residential car parking spaces for commercial parking, in breach of continuing requirement condition on development of flats. Noted that a LDC granted in such a case does not have the effect of discharging the condition, it merely provides protection against enforcement as long as that particular breach continues. 10 year rule satisfied due to evidence that occupiers of the flats have never been permitted access to the spaces which have been managed on a commercial basis over the relevant period.

209. Flats, 501

DCS Ref: 100-067-388

Inquiry: 28/04/2010 Inspector: G BAILEY

Address: 543 ROMAN ROAD, LONDON E3 5EL
Appellant: MR AHMEDUR R CHOUDHURY Authority: TOWER HAMLETS
Summary of Decision: DISMISSED

Description:

Unauthorised residential flat use of basement from ancillary storage area to above shop in District Centre. Planning unit has been split. For appellant not Council, as claimed, to prove. Notes appellants refusal to take oath. Some weight to unsworn evidence provided by appellant yet notes lack of knowledge of critical period, claimed tenants not called by appellants, no other documentary evidence such as bills provided or entry on Electoral Register. Fails 4 year claim

210. Pubs or bars, 200, Flats, 501

DCS Ref: 100-063-559

Hearing: 23/07/2009 Inspector: P DIGNAN

Address: THE TOURNAMENT PUBLIC HOUSE, 344-346 OLD BROMPTON ROAD, LONDON
Appellant: EARDLEY LIMITED Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

9 flats and retention of pub use at groundfloor and basement in 4 storey block. redevelopment of existing 3 storey red brick building of little architectural merit in urban residential area adjacent conservation area. Proposal in scale with surroundings, however poor design with top 3 floors of flats appearing discordant on prominent corner site within traditional streetscene harming area character and conservation area setting. Inadequate occupier amenity of poor outlook, with proposed extension appearing oppressive and dominant.

211. Flats, 501

DCS Ref: 100-060-490

Hearing: 17/02/2009 Inspector: H RUSSON

Address: LAND AT 216 EARLSFIELD ROAD, LONDON SW18 3DX
Appellant: LONDON HERITAGE PROPERTIES LTD Authority: WANDSWORTH
Summary of Decision: DISMISSED

Description:

Unauthorised 2 flats from groundfloor and basement of end of terrace house in sustainable residential area. Adequate internal space one flat despite shortfall in bedroom size. However clear conflict with 1 bed x 45sqm floorspace policy as 37sqm unit. Cramped accommodation with no outdoor amenity space. Notes present occupation by couple with baby. Basement space would not necessarily 'wasted' as could be used for commercial or live work arrangement.

212. Flats, 501, Conversions; subdivision of dwelling to form flats, 539

DCS Ref: 400-001-966

Written Reps.: 25/09/2013 Inspector: D BOARD

Address: 12 Brecknock Road, London
Appellant: Mr Leibl Waldman Authority: ISLINGTON
Summary of Decision: ALLOWED

Description:

Retention. Refurbishment and extension to property in terraced group. Proposal to change mix to 2 x 1 bed flats of ground and basement levels rather than permitted maisonette regarding recent permission for conversion of property to 3 flats and erect mansard roof. Single north east aspect of flats to rear with frontage in commercial use. Decides neither flat cold, dark or gloomy but of reasonable size and well lit. Concern of groundfloor flat being overlooked by garden users on higher level but evidence of drawings that views would be blocked by proposed Juliet balcony. Limited views from basement flat onto rear courtyard area acceptable and not oppressive as views of trees and sky beyond available. Effect of an additional 1 bed unit to housing mix discussed and acceptable noting previous permission for maisonette had already breached 120sqm housing conversion threshold although accepts an opportunity had been missed to create a family unit with direct access to rear garden.

213. Taxi hire, 313

DCS Ref: 400-000-728

Written Reps.: 07/05/2013 Inspector: S MILES

Address: Basement Unit, 237 Upper Street, London
Appellant: Mr Suleyman Demir Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

The use of part of a basement in north London as a minicab office was denied permission because it would harm highway safety.

Abstract:

The site was in a shopping parade where there was a mix of commercial and residential uses. An inspector observed that although the road was designated as a red route where stopping was prohibited between 7am and 7pm on Monday to Saturday, a bus stop and loading bays were located

very close to the site. Pay and display parking was also available further along the road. He considered that it would be all too easy for minicabs to call in at the office or to collect fares. This would obstruct the legitimate use of the bus stop, loading and parking bays, thereby increasing traffic and parking congestion and the potential for conflict and confusion along a busy section of the highway network. The appellant argued that the site would serve as a remote base only. The inspector considered, however, that it would be very difficult to monitor such irregular and transitory manoeuvres. He was therefore not persuaded that the office could be effectively controlled. The development would have a significant adverse effect on highway safety, he concluded.

214. Conference centres or business training, large, 301, Flats, 501, Function rooms, including wedding/party venues, 643
DCS Ref: 100-079-142

Hearing: 20/09/2012 Inspector: R J PERRINS

Address: 89-93 CENTRAL STREET; 61 LEVER STREET; 35-39 SEWARD STREET, LONDON EC1V 8AB
Appellant: MOUNT ANVIL PLC Authority: ISLINGTON
Summary of Decision: ALLOWED

Description:

6 and 7 storey building over basement for total of 161 flats; 2492sqm sui generis conference centre and Masonic meeting venue ; use for weddings, fairs, parties, music and dancing etc; 595sqm flexible B1, A1 etc. Proposal to redevelop industrial estate in CAZ. Notes extant permission for residential and 2500sqm B1 for possible use by SMEs on highly accessible PTAL 6a site. Proposal a severe reduction in B1 with no actual dedicated floorspace. Employment Density Ratio discussed regarding jobs creation. Appellant however claims little SME interest despite marketing for 2.5 year period and little prospect of takeup; Inspector notes office vacancy nearby. Decides not a primary employment location and proposal would create at least 52 jobs. Owing to exceptional circumstances, decides not an unacceptable loss of B1 office.

Abstract:

The construction of a six and seven storey building in East London to accommodate 161 residential units with a conference centre, masonic meeting venue, community and leisure space was permitted despite the council's concern that employment floorspace on the ground floor was to be preferred. The site was being developed in accordance with a permission which authorised 2,500m² of Class B1 floorspace and the appellants proposed alternative uses on the ground and basement floors. They asserted that there was a clear need for conference and training facilities including assisting the number of apprenticeships available to local people. There was also a need to provide more community space to be used to hold fairs, wedding and funeral receptions, private parties and bar mitzvahs. The council, however, claimed that the site's location within a central activities zone meant that the majority of floorspace on the two floors must be devoted to traditional employment uses which would create a greater number of jobs. An inspector reviewed the anticipated employment projections associated with the permitted and appeal schemes. The appellants estimated that approximately 150 jobs would be created if the space were used for Class B1 uses although in his opinion this was likely to be an underestimate. Other Class B1 floorspace in the area had been marketed for approximately 2 1/2 years and this supported the appellants' claim that the economic uncertainties made letting the permitted space challenging. The conference centre was likely to generate 52 jobs with a further 42 within the rest of the scheme and since there appeared to be a proven demand, these levels were more likely to be realised. Moreover, the uses would generally be consistent with the council's aspirations for mixed use developments and the need for economic growth within the area.

215. Flats, 501
DCS Ref: 100-075-894

Hearing: 27/01/2012 Inspector: J GRAY

Address: 35 BEDFORD ROAD, LONDON, SW4 7SG
Appellant: DYNAMIC PROPERTY CAPITAL LLP Authority: LAMBETH
Summary of Decision: DISMISSED

Description:

Residential and B1 floorspace in 2 new buildings in residential area. Decides inadequate daylight received in basement flats with access balconies above windows noting ADFs well below recommended 2 percent required for kitchens and 1 percent for bedrooms. However neighbours daylight and sunlight received acceptable despite below standard very special circumstances (Vertical Sky) and ADF shortfalls.

216. Conventional houses, 500, Floodlighting, 757
DCS Ref: 100-072-807

Hearing: 22/06/2011 Inspector: P CLARK

Address: LAND TO THE REAR OF 217-219 PARK ROAD, KINGSTON-UPON-THAMES, LONDON
Appellant: ECO LAND AND NEW HOMES LTD Authority: KINGSTON-UPON-THAMES
Summary of Decision: DISMISSED

Description:

Erect 6 x 4 storey dwellings on former allotment land in urban residential area. 2 detached and 4 semi detached with rooms in roof and basement. Outdoor amenity space discussed according to whether basement lightwells and awkwardly shaped areas around buildings included or not. Although generally acceptable one large dwelling with 9 bedrooms would have a particularly small and irregular amenity space and not be. Neighbours amenity loss from traffic noise generated ameliorated by solid fence and nuisance from lighting of access road can be ameliorated by condition. Similar height to nearby housing with 4th storey in roof and 1st in basement. Design and 20 percent higher roof ridges than nearby acceptable in area of mixed type. Hedgerow and significant trees retained benefitting area character and bats latter aided by bat box condition However inadequate surface water drainage by perimeter trench as low permeability of soil and site subject to flash floods.

217. Youth centres, 603, Ethnic cultural/support centres, 614
DCS Ref: 100-070-233

Written Reps.: 13/12/2010 Inspector: R TAMPLIN

Address: 73 PORTLAND ROAD, SOUTH NORWOOD, LONDON
Appellant: MR S MUHAMMAD Authority: CROYDON
Summary of Decision: DISMISSED

Description:

Retention of Unauthorised sui generis use (youth club/employment/cultural activity centre) from offices (Class A2) at ground floor and basement in mixed commercial and residential area near local centre. Notice not identify correct planning unit (distinct from upper floor residential units) and not accurate or precise - can be corrected without injustice. Ground a) fails due to harm to residential amenity caused by noise and disturbance given unsuitable small nature of premises for extent of mixed use involved, proximity to residential dwellings, with additional activity and noise overspilling into surroundings. Ground g) fails due to serious harm caused by use and compliance period appropriate.

Abstract:

An enforcement notice requiring the use of premises in south east London to cease use as a youth and cultural club and advice centre was upheld because of the significant impact it had on local residents. The premises were used as an advice centre during weekday mornings with afternoons being used to provide training in curriculum vitae writing, job search and interview skills. In the evenings youth activity sessions were provided including some culture sessions. The site was located within a mixed commercial and residential area, an inspector noted, and the premises themselves were extremely small for the

nature and extent of the mixed uses involved. Effectively, they consisted of two large rooms in a small terraced property within a dense urban area where dwellings were "cheek by jowl" with commercial uses and where parking was at a premium. Many local residents objected to the evening activities with young men congregating, drinking, talking and shouting in and around the rear yard with disturbances occurring almost every night. Litter within some gardens was attributed to users of the centre while other residents spoke of being intimidated by groups of men outside the premises. The inspector decided that these impacts were unacceptable even though they were confined to the evening sessions. The appellant confirmed that the viability of the use depended upon all activities being maintained and although some restriction on the hours of operation was suggested, to 11.30pm each day, this represented only limited improvement over the existing situation. The scale and nature of the mixed use was not suited to the location and size of the premises and therefore, while many elements of the businesses benefited the local community, overall the scheme's impact on residential amenity was overriding.

218. House extensions, in urban area, 520
DCS Ref: 100-067-170

Written Reps.: 27/04/2010 Inspector: C CHECKLEY

Address: 4 RADCLIFFE ROAD, LONDON, N21 2SE
Appellant: MR S SOTIRIOU Authority: ENFIELD
Summary of Decision: DISMISSED

Description:

2 storey side extension including basement storage area for parking and conservatory. 2 storey semi detached house with pitched roof in quiet residential area. Proposed side extension, flush to frontage, would unbalance semi detached 'pair' with failed attempt at creating hipped roofline appearing incongruous in streetscene and harming area character and appearance with extension not appearing subservient. Noise from proposed mechanical parking lift likely to cause significant noise, vibration and disturbance in quiet residential area noting structural noise transmission to adjacent dwelling. Notes full noise and vibration assessment required before any ameliorating conditions could be attached but not available. Falls.

Abstract:

A two storey side extension incorporating a hydraulic lift to store the appellant's cars in the basement of his house in north London was denied permission because of its visual impact and harm to neighbouring residents. The appeal property comprised a two storey semi-detached dwelling and in addition to the extension the appellant proposed to add a rear conservatory. He stated that a car lift would be constructed within the side extension. He supplied information from the lift manufacturer which suggested that the noise level generated from its operation would not adversely affect the amenity of residents in the adjoining dwelling. The inspector accepted that the conservatory would not have an adverse impact on the street scene. However, the two storey extension at the side would adversely affect the pleasing proportions and symmetry of the existing pair of semi-detached dwellings giving rise to an incongruous addition. The installation of the lift would also create harm, he ruled, because he could not be certain that the noise and vibration of its use would not impact upon the appellant's neighbours.

219. Flats, 501
DCS Ref: 100-060-202

Hearing: 05/02/2009 Inspector: P DOBSEN

Address: 207-208 HIGH STREET, BRENTFORD TW8 8AH
Appellant: TABIS PROPERTIES AND DEVELOPMENTS Authority: HOUNSLOW
Summary of Decision: ALLOWED

Description:

1 bed flat from residential basement in high street. Substandard internal accommodation discussed. Daylight with no natural light of kitchen, hall and bathroom acceptable. Lack of outlook acceptable. Lack of personal amenity space with only 25sqm of communal acceptable.

220. Restaurants, 122, Flats, 501
DCS Ref: 200-000-977

Hearing: 20/09/2013 Inspector: J PAPWORTH

Address: 74 Charlotte Street, London
Appellant: KCB Geotechnics SND BHD Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

a) CAC b) 5 storey building with mansard; retain full 4 storey facade of original house and excavation to form basement with lightwell for restaurant with 4 flats over in commercial area. Notes previous use as nightclub and existing building an undesignated heritage asset in conservation area. Decides essential to retain front elevation to preserve conservation area character and appearance and works unlikely to harm neighbouring listed building. Council refusal on grounds of height, mass and bulk. However weight to public and visual benefits of lightwell and railings reinstatement, unattractive groundfloor replaced by shop frontage and mansard to replace dormers and benefit listed chimneys. Concludes proposed demolition and redevelopment acceptable as would secure viability of building, preserve conservation area and provide much needed residential accommodation in a sustainable location with units constructed to Code Level 4 and lifetime homes standard and fostering economic growth.

221. Conventional houses, 500
DCS Ref: 200-000-336

Hearing: 01/05/2013 Inspector: D RICHARDS

Address: The Studio, 7 Hill Road, London
Appellant: Mr Alastair Mellon Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

a) Conservation Area Consent to demolish studio (office) building in former grounds of flat converted listed house in conservation area b) Erect house with basement and demolish existing studio building, a commercial building on severed rear garden land site within settlement. Notes previous refusal on intervisibility grounds noting only 15m separation; proposal an improved revision including use of obscure glazing, replacement of glazed doors and use of brise soleil and planting of semi mature trees. Possibility of lack of privacy if door open mitigated by use of self closing mechanism. No overall loss of neighbours privacy by overlooking. Noise and disturbance from proposed garden area discussed but considers no greater than other neighbours and breakout less than current onsite B1 building noting proposal to be built to Code Level 4 standard of insulation. a) Contract required. Studio a C20th building of little interest. No material harm from demolition with suitable contract.

222. Flats, 501
DCS Ref: 100-079-122

Inquiry: 17/09/2012 Inspector: J WILDE

Address: 50-52 TRUNDLEYS ROAD, LONDON, SE8 5JQ

Appellant: MR MICHAEL HUGHES ACTING ON BEHALF OF CRITERION CAPITAL **Authority:** LEWISHAM
Summary of Decision: ALLOWED

Description:

Retention . 138 flats , comprising 1 and 2 bed with basement parking for 91 cars . Notes following inquiry a suitably revised contribution for £1.5million to facilitate 50 percent affordable and mitigate loss of employment space , received . Notes originally appellant claimed any provision unviable . Viability discussed with developer profit range of 15 to 20 percent ; decides contribution in accord with CIL tests . Full costs awarded to Authority .

223. House extensions, in urban area, 520, Basements to houses or flats, 525, Roof extensions to houses, 527, Roof terraces, 528, House or flat alterations, 53

DCS Ref: 100-075-581

Hearing: 17/01/2012 **Inspector:** T WOOD

Address: 46 CHENISTON GARDENS, LONDON W8 6TH
Appellant: AVIDA LTD **Authority:** KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

a) Listed Building Consent (LBC) b) section 78 . Additional basement extension , rear bay window extension , roof terrace with conservatory and parapet wall ; internal lift and external disabled lift , demolition of external front steps . 1885 Queen Ann style listed house in use as offices in conservation area . Basement requiring enlarged and deeper lightwells , uncharacteristic and out of place . Increased bay height would dominate rear elevation of host . Conservatory would appear awkward and an incongruous roof level feature . Loss of existing stair arrangement would confuse internal hierarchy of layout ; losing subservience of upper floors and new basement extension would confuse the internal hierarchy of floors and contrary to Core Strategy . Roof terrace element acceptable as lower and degree of overlooking no worse than similar roof terraces nearby ; new parapet wall would screen activity .

224. Restaurants, 122, Pubs or bars, 200

DCS Ref: 100-072-409

Hearing: 08/06/2011 **Inspector:** T PHILLIMORE

Address: SUGAR CANE, 247-249 LAVENDER HILL, LONDON SW11 1JW
Appellant: MR ARDIAN MUSARAJ **Authority:** WANDSWORTH
Summary of Decision: ALLOWED

Description:

Variation of restaurant and bar hours condition . Sought to vary to midnight and 02.00am from 23.30 restriction . Notes restaurant has been operating in breach . Site the groundfloor of terrace with flats over within town centre . Busy area of late night uses . Impact of patrons outside premises and late night disturbance discussed . Decides 01.00am closing an acceptable balance between residential amenity and business viability in town centre location .

Abstract:

Extended opening hours were allowed at a bar and restaurant in southwest London after an inspector gave weight to the economic benefits of the proposal .

A condition required the ground floor and basement premises to close at 1130 pm daily . The council was concerned about the impact of patrons outside the premises, particularly on departure on Friday and Saturday nights . The evidence indicated to the inspector that the operators took measures aimed at minimising such impact . These allowed not allowing drinking or eating on the forecourt after 10 pm, use of security staff to regulate and control departing customers, and assisting with taxi arrangements . The location was not identified by the police as a trouble spot . Nevertheless, it was clear to the inspector that there was a significant number of nearby residents, including those of flats above the premises, whose living conditions had been adversely affected by external late night activity . He reasoned that notwithstanding how well the exterior of the premises was managed there was little scope to control the behaviour of customers as they moved away .

He decided, however, that the economic benefits of the proposal should be balanced against this harm . The business employed 20 to 25 people and large sums had been invested in it . He noted that the recent written ministerial statement on Planning for Growth was clear that significant weight should be attached to the need to secure economic growth and employment . Only a small percentage of the takings of the business was on Sunday to Thursday nights and with lower customer numbers it was unlikely, he reasoned, that a midnight closing on these days would have a significant adverse effect on amenity . Having regard to what residents could reasonably expect in the town centre he considered that an 0100 am restriction on Friday and Saturday nights would be an appropriate balance between safeguarding residential amenity and providing the opportunity for a viable business . He therefore amended the condition on this basis .

225. House extensions, in urban area, 520, Basements to houses or flats, 525, House or flat alterations, 53

DCS Ref: 100-070-205

Written Reps.: 08/12/2010 **Inspector:** G MCFARLANE

Address: 15 CORINNE ROAD, LONDON, N19 5EZ
Appellant: MS RAQUEL CHURBA **Authority:** ISLINGTON
Summary of Decision: ALLOWED

Description:

Lawful Development Certificate (LDC) Use of basement as Granny Annexe with external spiral staircase on rear wall of dwelling in conservation area . Discussion whether staircase within General Permitted Development Order (GPDO) ; decides acceptable as within Part 1 Class A .

226. Garages at existing dwellings, 540

DCS Ref: 100-067-142

Written Reps.: 22/04/2010 **Inspector:** P BARTON

Address: 29A LINKSWAY, NORTHWOOD, MIDDLESEX HA6 2XA
Appellant: MR PRAFUL LAKHANI **Authority:** HILLINGDON
Summary of Decision: ALLOWED

Description:

Construction of basement car park and car elevator (mechanical parking lift) in residential area Special Local Character of large detached houses in large plots within wooded setting . Notes presence of Arts and Crafts and Modernist houses . Extant permission for garage but proposed would benefit front elevation and improve balance and symmetry of design as a whole . Visual harm of elevator in raised position as would appear utilitarian and alien in area context ameliorated by condition .

Abstract:

A basement car park and car elevator were allowed at a house in Middlesex after an inspector found that they would not harm an area of special local character .

The inspector observed that the area was typified by large detached dwellings in a mature wooded setting with numerous fine examples of arts and crafts houses punctuated by a few exceptional modernist designs . He judged that it was this architectural variety in its wooded setting that created the

area's special local character. Noting that the proposal would be installed instead of a previously approved garage, he considered that it would reinforce the regular pattern of the fenestration and improve the symmetry of the design as a whole. The council was concerned with the effect of the car elevator in its raised position, when much of the structure would be visible above ground level. The inspector noted that, according to the manufacturer's promotional material, the structure was very open when raised and would appear similar to a car port. He was satisfied that, in isolation, the elevator would not appear alien or out of character with the dwelling or the area. However, he shared the council's concern that a vehicle parked on the raised upper deck would introduce a commercial flavour to the locality, which would appear incongruous. He considered, however, that this was a matter which could be addressed by means of a condition. He granted permission for the elevator subject to the condition that no vehicle should remain parked on its upper deck while it was being raised or lowered.

227. Flats, 501

DCS Ref: 100-063-509

Hearing: 20/07/2009 Inspector: E LAWRENCE

Address: 14 - 15 ANGLESEA AVENUE, WOOLWICH, LONDON, SE18 6EH
Appellant: LAND & GENERAL INVESTMENTS LTD Authority: GREENWICH
Summary of Decision: DISMISSED

Description:

4 storey block of 9 flats. Redevelopment of 4 flat block on prominent site in accessible urban context. Mixed town centre area. Proposal taller, with flat roof design, with balconies projecting forward of building line and basement parking presenting uncharacteristic dead frontage in streetscene with minimal opportunity for landscaping. Visually discordant in streetscene exacerbated by bland flank wall, appearing overbearing and incongruous.

228. Flats, 501

DCS Ref: 400-001-959

Written Reps.: 19/09/2013 Inspector: A DALE

Address: Units A and B Westside Court, rear of 77-79 Southgate Road, Islington, London
Appellant: Katie Joakim Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

An enforcement notice requiring the use of basement office units in north London as two flats to cease was upheld, an inspector deciding that residential use would have adverse implications for the supply of business floor space.

Abstract:

The new building had been completed in 2011 and replaced an industrial building. The two units at basement level were permitted for B1 office usage and there were three flats on the floors above. The basement units had never been put to office use and works to convert them into two residential units were completed in early 2012. A core strategy policy sought to safeguard existing business spaces throughout the borough and to protect units which were suitable for small and medium enterprises. In exceptional circumstances loss of employment floor space might be acceptable where clear and robust evidence demonstrated no demand. The inspector noted that the units had been marketed for short periods but judged that without evidence of more sustained marketing it was not possible to fully assess market signals or establish whether there was no reasonable prospect of the site being used for business purposes.

The inspector noted the appellant's reference to the relaxation of planning rules for change of use from commercial to residential. He explained, however, that under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, if a building had never actually been in use for a purpose falling within Use Class B1(a), offices, at any time immediately before 30 May 2013 it would not qualify for change of use to residential. He was therefore not convinced that the appellant had a fallback in the form of permitted development rights. The inspector concluded that there were strong economic reasons why the development would be inappropriate.

229. Flats, 501, Basements to houses or flats, 525, Roof extensions to houses, 527

DCS Ref: 400-000-657

Written Reps.: 30/04/2013 Inspector: C CHECKLEY

Address: 125 Sunny Gardens Road, Hendon, London
Appellant: Mr Graham Valentine Authority: BARNET
Summary of Decision: DISMISSED

Description:

4 flats and extensions from and to extended family house in residential area. Clear overdevelopment harming area character and appearance and host. Activity, noise, parking discussed in area of predominantly single family housing; could be occupied by up to 16 people with significant increase in noise and disturbance. Notes front garden area had been lost to parking harming area character and appearance and proposed 4 spaces on garden land at rear of inadequate length; may harm health and vitality of onsite tree and cause noise and disturbance from comings and goings to and from parking area. Proposed rear dormer extension would create an unsympathetic top heavy feature, dominating rear elevation of host. Flat roofed ground floor extension would appear out of scale and keeping and new basement, although below ground, would create an incongruous large excavation in rear garden; apparent in neighbours views. Notes proposed bedroom windows would receive inadequate daylight.

230. Conventional houses, 500

DCS Ref: 100-079-120

Hearing: 17/09/2012 Inspector: C BOWDEN

Address: THE CROSS KEYS, 1 LAWRENCE STREET, LONDON SW3 5NB
Appellant: CKPH LTD Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

C3 dwelling from A4 public house; new basement, roof extension. Mid terrace 4 storey property, ceased trading and vacant in predominantly residential area and urban Chelsea Village conservation area. Loss of social facility and its contribution to wider area discussed. Notes 3 other public houses recently lost in Borough as evidence of increasing pressure. Although other pubs available within 10 minute walk decides a simple spatial distribution not of itself a reliable guide to value. Weight given to substantial public opinion and effect on vibrancy of local streets and value as an undesignated heritage asset and local landmark. Clear that property had not been marketed by appellant as a public house. Material harm to heritage asset and conservation area character and appearance.

Abstract:

The change of use of a vacant public house in west London to a dwelling was denied because it would adversely affect the range of community facilities.

The council's core strategy, in recognising the importance of public houses, also accepted that there was little evidence to resist their loss. It accepted that this approach contrasted with the London plan which sought to retain community facilities and social infrastructure and agreed that it had embarked on producing new policies which sought to restrict the loss of public houses where a use contributed to the character and significance of the surrounding area.

Before the premises closed it was clear that the pub contributed to meeting the needs of the local community, an inspector noted, with one resident

describing the area as being "eerily quiet". A public house had existed on the site for over 300 years and local residents regarded it as having heritage interest even though it was not listed. Therefore, its heritage value went beyond matters of physical form and it contributed to a sense of identity in the local area. It also contributed to the vibrancy and character of the conservation area which would be harmed if it were to be lost permanently. The property had not been marketed and the appellant had accepted that in 2009 when he purchased it, the business was breaking even. Indeed, there was no dispute that a public house would be profitable if operated by a reasonably efficient operator. Other establishments operated successfully in quiet streets with limited passing trade. Consequently, the appellant had not proven that it was unviable.

231. Conventional houses, 500

DCS Ref: 100-075-561

Hearing: 12/01/2012 Inspector: M ALDOUS

Address: 8 WOODFALL STREET, LONDON SW3 4DJ
Appellant: MR MARKTAVENER Authority: KENSINGTON & CHELSEA
Summary of Decision: DISMISSED

Description:

a) CAC b) Larger replacement dwelling within terrace in suburban residential culdesac . Atmosphere of mews . Property originally a 1930s artist studio with flat over and Art Deco styling to rear ; eccentricity of building contributing to conservation area character and appearance . Proposed replacement unashamedly modern and noticeably taller than existing , interrupting fall of roofscape ; and width , appearing as a building of greater mass and scale which would not sit comfortably in streetscape ; promoting an undue prominence . Overall proposal would appear unsympathetic , incongruous and bulky with discordant features in sensitive townscape context . Notes no harm to adjacent amenity in terms of privacy and overlooking . a) CAC fails as existing building contributes to conservation area as a heritage asset worthy of retention.

Abstract:

Conservation area consent to demolish a 1930s art deco house within a terrace of predominantly mid-nineteenth century houses in south west London was denied thereby preventing the erection of a contemporary replacement dwelling.

An inspector determined that despite some alteration to the original front elevation, the building made a pleasing contribution to the street which exhibited many of the qualities of a mews with its own particular ambience and quality. Although the quality manifested itself in an eclectic mix of properties of no consistent design, height or material the Inspector considered that the appeal building, originally built as a sculptor's studio, contributed to the ambience. It was therefore a heritage asset worthy of retention.

By contrast, the unashamedly contemporary replacement dwelling would be noticeably taller than the present building, interrupting the downward transition of the terrace from one end to the other. It would impose a much greater mass and scale which would adversely affect the street scene. He also considered that the significantly different fenestration to both front and rear elevations would be discordant in terms of their size and positioning compared with existing properties.

A partial award of costs was made because the council refused consent on the basis of works to form a basement for the new house. The council conceded at the appeal that revised plans had been submitted sufficient to address these concerns two months before its refusal. This had caused the appellant to incur additional work and a partial award of costs was therefore justified.

232. Affordable/low cost housing, 511

DCS Ref: 100-072-212

Written Reps.: 17/05/2011 Inspector: R MCCOY

Address: 118 WESTERN ROAD, SOUTHALL, MIDDLESEX, UB2 5EA
Appellant: MR H S GILL Authority: EALING
Summary of Decision: DISMISSED

Description:

11 Affordable residential units in 2 blocks . 0.06ha Timber yard site on busy road in predominantly residential area. Proposal a revised scheme . Unacceptable inter visibility and occupier outlook alleged but decides acceptable in dense urban residential area as 1m shortfall at 20m separation and 0.7m below threshold of Council internal space standards , acceptable. Underprovision of onsite parking provision acceptable with single car club space and contribution to travel plan. However basement bedrooms of groundfloor flats would only have poor, single aspect outlook to blank wall creating an oppressive sense of enclosure. Undersized garden spaces proposed but type of affordable tenure likely to be attractive to family occupation and lack of under 5s onsite playspace and nearest play area 350m distant unacceptable.

233. Shop/small group of shops, up to four units, 010, A3 uses, 12, Office developments, small, 304, Residential or nursing homes for the elderly, 423, Flats, 501

DCS Ref: 100-069-971

Inquiry: 25/11/2010 Inspector: R FOSTER

Address: FORMER INLAND REVENUE SITE, BESSANT DRIVE, KEW, RICHMOND TW9 4DW
Appellant: PARKWAY LUXEMBOURG SARL Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

111 flats, care home (C2) and 1388 square metres of B1/A1/A3 and basement car park development of cleared site of former office building in inner urban mixed use area. No harm from 449hra density as makes effective use of urban land. Landscape and play space provision acceptable subject to conditions. Inadequate affordable housing provision but viability doubt not resolved by unclear evidence. S106 infrastructure contributions meet CIL regulation tests. Harm to character & appearance of area from out of keeping height and flat roof design giving 'canyon' effect which also impacts upon residential amenity in terms of adequate light.

234. Conventional houses, 500, Flats, 501, Housing; intensive residential units, 56

DCS Ref: 100-067-316

Hearing: 19/04/2010 Inspector: K PEERLESS

Address: ARZU HOUSE, 1 NEW ROW, DOLLIS HILL AVENUE, LONDON NW2 6BF
Appellant: MR & MRS S NAZIR Authority: BRENT
Summary of Decision: DISMISSED

Description:

a) Lawful Development Certificate (LDC) Dwelling with 11 bedrooms b) 2 flats from detached house a) Newly constructed detached house on 4 floors in residential street of semi detached. Notes although has external appearance of approved 3 bed house; changed internal layout to accommodate additional bedrooms. Appellant claim permission not required for internal changes however Council allege that that permission had not been implemented as internal layout varied from approved. Decides a substantial deviation from approved plans with alterations undertaken before building substantially complete. LDC fails. b) Each flat would be on 2 floors(maisonettes). Internal amenity space discussed and acceptable and lack of garden space for one unit for market to decide noting easy walk to public open space nearby. Contribution to local services and facilities discussed. Reasonable for education, open space and transport but no provision . Only parking for 1 unit but adequate availability on roadside

Abstract:

The owners of a new dwelling in north London failed to secure an inspector's decision granting them a LDC confirming that the provision of 11 bedrooms within the building was lawful. A second appeal involving its conversion into two flats was also dismissed. The council had granted planning permission in 2006 and the approved plans showed three bedrooms with living accommodation on basement, ground and first floor levels. However, the appellants had converted the loft space to provide four bedrooms accessed by a new staircase and on the lower floors some rooms had been subdivided to create a further seven bedrooms. The appellants alleged that the internal alterations did not involve development because they only affected the interior of the property. In contrast the council, while acknowledging this point, stated that the house as built was materially different from the approved plans and since it appeared that the appellants always intended to provide 11 bedrooms, it was not authorised by the permission granted in 2006. The inspector agreed that a house providing 11 bedrooms raised different planning considerations from one with three bedrooms. The staircase had been lowered into the roof space before the tiling had been completed and this suggested that alterations were undertaken before the property had been substantially complete and ready for occupation. Although no external changes had occurred, in her opinion, the building had to be completed in accordance with the approved permission before internal changes could be made and therefore taken as a whole the development was unlawful. With regard to the change of use to two flats she concluded that they would provide adequate living conditions and would not undermine highway safety. However, the creation of an additional unit of accommodation containing at least four bedrooms would impact upon the use of local services particularly education and transport. Accordingly, a financial contribution towards mitigating the additional use was justified and in the absence of a signed planning obligation agreeing to payment the scheme had to fail.

235. Shop/small group of shops, up to four units, 010
DCS Ref: 100-063-653

Written Reps.: 15/07/2009 Inspector: R SHRIMPLIN

Address: LAND AT 62 AND 63 PALL MALL, 2 ST JAMES' STREET AND 2 PICKERING PLACE,
Appellant: B B & R SPIRITS LIMITED Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

Removal of requirement for groundfloor retail provision on redevelopment behind facade for hospitality suite at basement and sub basement levels and offices at ground and sixth floors; use of groundfloor as hospitality suite and wine tasting area. Fine Wines enterprise in area of specialist shops in setting of conservation area in heart of London. (Sui generis) Business occupies a special and important niche in economy of Capital and significant weight given to contribution. Notes previous use as a property marketing office. Site in mixed overall character and on balance scheme accords with Development Plan with an acceptable omission of retail element.

Abstract:

The owners of a well established wine merchant's in central London secured the removal of a condition which required them to provide a shop unit on the ground floor of their premises.

The company had applied for permission to redevelop part of the site behind the main facade to create a hospitality suite in the basement and sub-basement with offices at ground to sixth floor levels and the provision of a hospitality suite and wine tasting area also on part of the ground floor. In granting permission the council had imposed a condition which required them to submit an amended floor plan showing how a shop unit could be provided on the ground floor in order to maintain the retail character of the area.

An inspector noted that there were a range of retail premises in the vicinity of the site including specialist shops. The company had sold fine wine and spirits on the site since 1698. The business had some of the characteristics of a retail outlet although it was accepted by both parties that the provision of a wine tasting hospitality suite was sui generis.

Although the scheme would lead to the loss of some retail floorspace, the site was not in a prime shopping location, he opined. Given the long standing nature of the business, the quality of the service provided and the nature of the design which would if necessary allow the re-introduction of a shop at ground level in the future, the inspector decided that the scheme complied with the council's policies even without the disputed condition. Consequently, it was not necessary to retain it and the appeal succeeded.

236. Office developments, small, 304, Flats, 501
DCS Ref: 200-000-938

Hearing: 12/09/2013 Inspector: N FREEMAN

Address: 2 DUMPTON PLACE, LONDON
Appellant: Sarena Limited Authority: CAMDEN
Summary of Decision: ALLOWED

Description:

An enforcement notice requiring the owners of a building in a north London conservation area to remove a car lift and underground spaces, was struck down because it would not materially affect the supply of employment floorspace or compromise the council's sustainability objectives.

Abstract:

The council had granted permission for six residential units and approximately 500m² of Class B1 floorspace, some of which was located in the basement. However the appellants proposed to install a car lift which would also access four basement parking spaces. This would lead to the loss of approximately 200m² of commercial space which the appellants argued would not materially harm the overall supply in the borough. They stated that the basement level space was unattractive to potential occupiers given the limited amount of natural daylight and this had been confirmed by a marketing campaign which attracted limited interest.

The inspector noted that the proposed lift shaft would also remove a proposed service bay but in his opinion this would not prejudice the ability to attract employment users to the remainder of the commercial space. An internal passenger and goods lift would provide access to all floors. The marketing campaign had some weaknesses but overall demonstrated that the basement floorspace was unlikely to prove attractive when added to the lack of on-site parking and restrictions on parking permits in the area. Since the council had not demonstrated that there was a strong unmet demand for B1 floorspace this did not justify refusing permission on this ground.

Nor did the provision of on-site parking for the residential units he concluded. Although the council promoted car free developments, the site was not in a location with high public transport accessibility. Indeed based on its location and the council's parking standards, a total maximum of six spaces was permissible. Consequently the provision of four spaces would not undermine the council's objective of promoting sustainable travel choices.

In allowing the appeal the inspector made a partial award of costs in favour of the appellants. The council had misplaced the appeal documents and this had prejudiced the ability of third parties to examine the evidence prior to the hearing. As a consequence this had necessitated an adjournment. Since the council had issued an enforcement notice it was not unreasonable for the appellants to address the issues in full with detailed evidence.

Anyone visiting the council's web site would have been unaware that the appellants had submitted statements on time and consequently this led to the initial hearing being adjourned.

237. Conventional houses, 500
DCS Ref: 200-000-299

Hearing: 22/04/2013 Inspector: T WOOD

Address: The Gateway, 16a Lyndhurst Gardens, London
Appellant: Lyndhurst Gardens LLP Authority: CAMDEN
Summary of Decision: DISMISSED

Description:

a) Bungalow with basement and sub basement as redevelopment of existing dwelling on backland garden site in suburban residential area b) Conservation Area Consent to demolish existing bungalow. a) Larger replacement to have modern flat roof design and much reduced garden area

compared to existing pitched roof and larger garden. Owing to falling site levels, proposal would be set 5.5m higher than neighbours garden level with severe overlooking harm as proposal would be only 1m from boundary of neighbour and overlook adjacent school's science garden. However proposed 3m high boundary wall to mitigate would result in an unacceptably overbearing feature. Decides proposed form and size and poor design with flat roof would result in an abrupt appearance, strongly out of keeping with spacious conservation area character, streetscene and setting of nearby listed building b) refused as site lacks suitable replacement.

238. Shop/small group of shops, up to four units, 010, Flats, 501
DCS Ref: 100-079-034

Hearing: 31/08/2012 Inspector: P CLARK

Address: 1 DUCK LANE, LONDON W1F 0HT
Appellant: MR ALEX SARGESON Authority: WESTMINSTER
Summary of Decision: ALLOWED

Description:

a) CAC. Demolition of 3 storey terraced office and warehouse building b) Construct basement and groundfloor A1 and 2 x 1 bed flats over in third floor and mansard on narrow plot. Site in within long narrow culdesac within SOHO conservation area where buildings of Georgian scale and broadly consistent height. Main issue the effect of increased height of 4 storey building with mansard on conservation area character and appearance. a) Notes agreement between parties that existing building need not be retained b) Notes proposal would be viewed in backdrop of taller buildings and those of varying heights whilst adding diversity to area and preserving conservation area character.

Abstract:

The development of a replacement building in a central London conservation area was held to be appropriate to the character of the area notwithstanding the mixed architectural styles within the locality. The scheme involved the demolition of a three storey building to facilitate the provision of a new building containing a basement, ground floor commercial space and three apartments above. The council stated that its approach to its demolition was pragmatic reflecting the poor condition of the structure. Nonetheless it argued that the replacement building must have an appropriate impact on the character of the conservation area and stated that the proposed height which also involved a mansard roof was excessive and inappropriate. An inspector noted that the character of the conservation had a 'louche and edgy feel' reflecting not only the design of the buildings but the uses to which they were put. The architectural character was mixed caused by successive waves of development across the area with few instances of homogenous architecture with an industrial character to many of the buildings and mews. The proposed design would have more in common with the neighbouring property than those to the south he concluded and discounting the mansard roof the building did not rise to more than four storeys and its design reflected the narrow width of the plot. Overall it would contribute to the diverse range of uses in the locality so that it would preserve the character of the conservation area.

239. Flats, 501
DCS Ref: 100-075-545

Inquiry: 11/01/2012 Inspector: R EVANS

Address: 197 PLASHET GROVE, LONDON, E6 1BX
Appellant: MR M K AHMED Authority: NEWHAM
Summary of Decision: DISMISSED

Description:

Unauthorised 3 flat conversion of 2 storey terraced house with basement in residential area. 4 year claim. Appellant evidence of occupation in February 2007 uncertain as other evidence that works not completed until March and inconsistent with Council Tax records. Had obviously considered in own best interest not to Enforcement Officer about conversion. Apparent and unexplained dishonesty undermines Appellants credibility as a witness with 'recollections' unsubstantiated and letter provided a deception and other evidence riddled with inconsistency, imprecision and doubt.

240. Shop/small group of shops, up to four units, 010, A3 uses, 12, A4, A5 Pubs, bars, takeaways, drive throughs, 2, Flats, 501
DCS Ref: 100-072-283

Inquiry: 17/05/2011 Inspector: C THORBY

Address: 307 BURDETT ROAD, LONDON E14 7DR
Appellant: TRILLIUM (PRIME) PROPERTY GROUP LTD Authority: TOWER HAMLETS
Summary of Decision: ALLOWED

Description:

a) 6 and 11 storey building for 56 flats at ground and 658sqm basement floors in retail, A3 or A4 use. b) Conservation Area Consent to demolish vacant unemployment benefits office; unnecessary as Court Order quashed conservation area designation; building since cleared. Area of wide mix of development type and height; proposal would be in scale and keeping with nearby warehousing and canal-side development. Striking, contemporary design imaginatively composed on site and would contribute to area character. High residential density proposed appropriate on sustainable site and with groundfloor commercial would be a key driver for regeneration area. Notes outdoor amenity space of garden and child play space to provided on roof of 6 storey block acceptable with boundary treatment. Restriction on car parking permits and 30 percent affordable secured by section 106.

Abstract:

The redevelopment of an unemployment benefit office in east London with 56 residential units and 658 square metres of commercial floor space was allowed, an inspector finding that it would have a positive effect and upgrade the appearance of the area. It was proposed to erect a part six and part 11 storey building adjacent to a canal. The inspector observed that the site was part of a wider area where significant changes in the nature and character of development had taken place following the demise of the docks and their associated industries. There was a wide mix of development in the area ranging from low rise commercial development to modern high rise flats and older more transitional buildings. She observed that the canal was of significance to the area, linking the river Thames to the river Lea. Together with its warehouses and factories, it was an important historic reminder of the former industrial nature of the area, contributing significantly to local distinctiveness. The inspector considered that when viewed from the towpath the proposal would be seen as part of a cluster of modern blocks which punctuated and enclosed the waterway, framing views along its length. In respect of design she judged that the building would be striking in appearance, contemporary in style and shape. She found that it had been carefully considered and imaginatively composed to fit within the site. The elevation facing the canal would be animated with windows and balconies and a food and drink outlet opening onto the towpath would add visual interest. Communal and children's play space was proposed on the roof of the six storey part of the building. The inspector held that the location of amenity space on a roof top would not be uncommon and it would be of sufficient size and quality to ensure a satisfactory external residential environment.

241. Office developments, small, 304, Conventional houses, 500, Flats, 501
DCS Ref: 100-069-929

Hearing: 19/11/2010 Inspector: C BOWDEN

Address: 283 LONSDALE ROAD, LONDON SW13 9QB
Appellant: MR PANI PATSALOS, ANDRAOS ASSOCIATES LTD Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

3+ 1 storey with basements ; 2 x 5bed townhouses, office , studio flat and 1 bed penthouse redevelopment of 3 storey property in mixed use within residential area of 2 storey terraced in conservation area facing Thames River. Striking and contrasting contemporary design proposed filling full width and side gaps of site ; would appear prominent in riverside setting. Additional height acceptable as set back. conservation area character preserved. However increased bulk to 3 storey level, would appear visually intrusive and not mitigated by intervening landscaping and harmful to neighbours outlook despite no harm to privacy or daylight. Education contribution discussed as would be net gain of 3 dwellings. Accepted but 5 percent 'monitoring' fee unjustified as no details of Obligation or set up costs and Council just carrying out its statutory duty. Transportation contribution payment also reasonable but again no Agreement to secure. Falls Notes car club requirement unnecessary as 4 spaces

242. House extensions, in urban area, 520, Garages at existing dwellings, 540, Walls, fences, gates, accesses, hardstanding and radio aerials in curtilage of dwelling, 55

DCS Ref: 100-067-028

Written Reps.: 01/04/2010 Inspector: M MUSTON

Address: 29A LINKSWAY, NORTHWOOD HA6 2XA
Appellant: MR PRAFUL LAKHANI Authority: HILLINGDON
Summary of Decision: ALLOWED

Description:

Construction of non habitable basement car park to dwelling suburban Estate Area of Special Local Character (ASLC) of large detached dwellings on spacious plots. Notes would appear different to surroundings through excavation of ramp and glass side balustrading but not out of keeping or particularly noticeable from any public viewpoints. Acceptable subject to details and exact effect on front elevation

Abstract:

The construction of a basement car park at a house in Middlesex was allowed, an inspector finding that it would not appear intrusive in the street scene.

The house was in an area of special local character which was characterised by large houses set back from the road and mature trees. It was proposed to alter the front elevation by digging out a ramp leading down towards garage doors at basement level. The inspector acknowledged that the lack of underground garages elsewhere on the estate meant that the proposal would be bound to make the house different from the others in the road. However, he reasoned that being different was not the same as being harmful, and he did not consider that the changes would make the property appear out of keeping with its neighbours or that they would be particularly noticeable from any public viewpoint.

243. Flats, 501

DCS Ref: 100-063-417

Hearing: 10/07/2009 Inspector: I MCCRETTON

Address: 16 FORTIS GREEN, LONDON N2 9EL
Appellant: MR L DOUKAKI Authority: BARNET
Summary of Decision: DISMISSED

Description:

5 self contained flats from 3 scale or mass flats at mid terraced dwelling and basement. residential area. Notes extant permission for lightwells. However would be poor outlook for proposed basement occupiers. One gloomy as north facing and the other towards parking area and busy main road. Notes lack of amenity space acceptable noting public park nearby but not outweigh inadequate internal environment.

244. Flats, 501

DCS Ref: 400-001-795

Written Reps.: 30/08/2013 Inspector: D RICHARDS

Address: 2 Sans Walk, Islington, London
Appellant: Sans Walk Ltd Authority: ISLINGTON
Summary of Decision: ALLOWED

Description:

Listed Building Consent (LBC) Removal of condition requiring the installation of airbricks or metal grilles for ventilation regarding proposal to block up 3 openings in basement wing between parts of listed former prison basement on at risk register. Claimed ventilation works unnecessary and would compromise historic fabric. Decides Council's allegation of need for ventilation unsupported and speculative; effectiveness of provision of 3 grilles questionable as no information of other openings to permit flow of air and attachment of conditions unduly onerous and unreasonable. Notes provision might mean company would be unable to let (as basement flats) as risk of gas leaks or leaking drains from part of basement not in control of appellants.

245. Conventional houses, 500, Flats, 501

DCS Ref: 400-000-485

Written Reps.: 08/04/2013 Inspector: J CHASE

Address: Site adjacent to Thames Eyot Flats, Cross Deep, Twickenham
Appellant: Thames Eyot Flats Ltd Authority: RICHMOND-UPON-THAMES
Summary of Decision: DISMISSED

Description:

a) Conservation Area Consent to demolish onsite air raid shelter and dilapidated building in grounds of 4 storey flat block of Townscape Merit and Thames frontage b) 3 storey building of 4x2 bed flats and 2x2 bed houses plus basement for vehicle storage. a) Setting of adjacent listed building and Building of Townscape Merit in suburban mixed area character Demolition would harm conservation area, buildings and present landscape quality, suitable replacement required. b) Proposed design and brick material would not appear out of keeping but would incur loss of trees, harming sylvan area character and open basement would appear as an alien feature. Proposal scale and form on a prominent site would unacceptably dominate streetscene, harming conservation area. Although adequately separated by 14m from existing dwellings, parapet at 10m above ground level would overbear single aspect neighbouring flats harming outlook. Notes although no 1 bed in mix, decides acceptable as small family units.

246. Flats, 501

DCS Ref: 100-078-562

Written Reps.: 24/08/2012 Inspector: A HARWOOD

Address: 7 CARDWELL TERRACE, LONDON, N7 0NH
Appellant: MR P PATEL Authority: ISLINGTON
Summary of Decision: DISMISSED

Description:

Self contained 1 bed flat from lower ground floor storage area of shop unit in accessible parade of shops with residential over within residential area . Vibrant groundfloor shop would be retained and function not harmed by loss of storage area . Notes basement area of acceptable size at 53sqm but largely unlit by natural daylight and unacceptable for occupancy .

Abstract:

The conversion of a basement storage area at a shop in north London to a flat was rejected because it would provide unsatisfactory living conditions. The basement area was largely unlit by natural means, an inspector observed. He considered that the low ceiling height gave the rooms a claustrophobic feel. The proposal included digging out the ground to create increased headroom. The access to the rear yard would be widened with a patio door onto a small courtyard which would be created by the demolition of outbuildings. The inspector recognized that the courtyard would provide some external space but it would be enclosed by the surrounding high buildings and directly overlooked from upper floor flats. He judged that the new kitchen would have a reasonable amount of daylight from the new door and some daylight would reach into the living area. However, he found that the living area would have a gloomy feel and no external outlook. In dismissing the appeal the inspector acknowledged that basement flats with little natural light or outlook had been accepted traditionally in London, but found that the core strategy and the local plan were clearly trying to improve standards.

247. Restaurants, 122

DCS Ref: 100-075-719

Written Reps.: 06/01/2012 Inspector: C THORBY

Address: 33-34 HAYMARKET, LONDON, SW1Y 4HA

Appellant: MR JOHN MURPHY, WEST END PROPERTY COMPANY LTD Authority: WESTMINSTER

Summary of Decision: DISMISSED

Description:

A3 restaurant from ground floor shop and basement of two listed buildings in Town Centre Central Activities Zone. Harm to retail character and function from loss of shop. Harm to special architectural or historic interest of Listed Building from loss of internal original shop fittings and fixtures and accommodation of kitchen in basement and extraction ducting.

248. Conventional houses, 500

DCS Ref: 100-072-280

Hearing: 16/05/2011 Inspector: I MCCRETTON

Address: BROOKSIDE, WINDSOR ROAD, LONDON N3 3SN

Appellant: MR ABBE POORIAN Authority: BARNET

Summary of Decision: DISMISSED

Description:

Single family detached house with basement as replacement for extended bungalow in suburban residential culdesac. Effect on neighbours outlook and daylight discussed . Modern design of proposal would reflect nearby dwellings but awkward proportions , irregular window sizes and complexity of roof form would result in building appearing to sit uncomfortably with surrounding traditional housing . Increased mass and bulk would be obtrusive in streetscene , detracting from area character and appearance

249. Flats, 501

DCS Ref: 100-070-178

Written Reps.: 17/11/2010 Inspector: D LEEMING

Address: 10 MAUDE ROAD, LONDON SE5 8NY

Appellant: MARWAN MUSA Authority: SOUTHWARK

Summary of Decision: DISMISSED

Description:

Unauthorised conversion of house to flats and construct rear basement extension in residential area. Conversion acceptable as no change of use but full width rear basement extension bulky ; out of keeping with premises and area character , provided inadequate daylight to lounge area and no access to outdoor garden amenity space. Fails

250. DCS Ref: 100-063-392

Inquiry: 09/07/2009 Inspector: L DRAKE

Address: 20 BUSBY PLACE, LONDON, NW5 2SR

Appellant: MR N B ZONE Authority: CAMDEN

Summary of Decision: DISMISSED

Description:

Unauthorised a) 4 storey building plus attic b) roof extension c) section 78 4 storey building plus basement and sub basement with side extension as self contained unit. Former school site at end of residential terrace of 4 storey dwellings on sloping site in residential area. 6 storey structure built on site a substantial departure from approved plans ; larger, and includes different roof form and new sub basement room. a) and b) fail c) section 78. Notes Council accepts dwelling at side , single front dormer and 2 at rear as in keeping with streetscene ; however excessive scale , form and detailing bear little relation to rest of terrace or setting. Wider , taller , significant infilling of side gap and loss of boundary wall and railings to create frontage parking harmful to area character and adjacent residential outlook. Hardstanding for parking contrary to car free section 106, unattractive, poorly designed with inadequate manoeuvring space and reversing conflict with pedestrians.

251. A2 uses, 10

DCS Ref: 100-075-890

Hearing: 27/01/2012 Inspector: J FELGATE

Address: 72-74 EDGWARE ROAD, LONDON W2 2EG

Appellant: MR HESHAM SALEM OF EURO GULF LIMITED Authority: WESTMINSTER

Summary of Decision: ALLOWED

Description:

High Court Remit. Retention of A2 from A1 shop in city centre Central Activities Zone. Enhancement of vitality & viability of retail function in light of long term vacancy and adequate marketing campaign to secure A1 occupier. An A2 use is less harmful to vitality & viability than another period of vacancy. Significant weight to Planning for Growth and potential harm to established local business and economy of refusal of planning permission .

Abstract:

Following the High Court's decision to quash a previous decision relating to the change of use of a shop to an estate agent's in west London, a second inspector decided that reinstating a retail use was unlikely to be viable. The company had applied for permission for the change of use in 2008 and had initially operated as an estate agency. Subsequently, the premises had

been subdivided and used as an estate agent's, travel agency, shipping agency, for mobile phone sales, a solicitor's practice and a bureau de change. The appellant accepted that the site lay within a central activities zone which favoured the retention of retail uses. However, the premises had been marketed for almost 10 months in 2007 and no retail business had been identified. This had occurred at a time when the economy had been strong and in the inspector's opinion it was very unlikely given the economic climate that a retail use would be found. The inspector decided that a marketing campaign of nine to ten months in 2007 had been adequate to demonstrate that the premises were not suitable for retailing. If the appeal were dismissed there was a risk that the unit would be vacant for a long period of time. The appellant operated a well established local business and its various sub-tenants generated employment and income meeting the needs of a very diverse ethnic community. Putting jobs at risk would undermine the government's aim of stimulating the economy and this also weighed in favour of allowing the appeal. In so deciding the inspector made a partial award of costs in favour of the council. The appellant had produced a statement on the day of the hearing. This amounted to unreasonable behaviour and resulted in an adjournment lasting 30 minutes which involved the council in unnecessary expense.

Court Case Information: APPEAL FOLLOWS COURT REMIT

Appendix D Ground & Groundwater Technical Note

Job Name: Options for Basement Development for
London Borough of Richmond upon Thames

Job No: 30255/001

Note No: 001 (Rev01)

Date: 28/03/2014

Prepared By: Arie Zamler

Subject: Ground and Groundwater Conditions in the London Borough of Richmond Upon Thames and Potential Impacts of Basement Developments

Introduction

Peter Brett Associates LLP (PBA) is instructed by the London Borough of Richmond upon Thames (LBRuT) to prepare a Report outlining the Council's policy and development management options for basement and subterranean developments in the Borough.

This Technical Note presents a high level review and preliminary assessment of how policy and guidance can be formulated in respect of ground and groundwater impacts and land instability that will need to be considered for new residential basement developments generally, and specifically to the LBRuT.

In preparing the Note we have used available published records including topographical, geological and hydrogeological maps, geological memoirs and other information and data available in the public domain in order to undertake a preliminary review of ground conditions in the Borough.

The Note also includes a review of the technical aspects of ground and groundwater related planning policies for new basements in other London Boroughs and their supporting technical reports where these are available. This note should be read alongside a separate Technical Note on flooding and drainage at Appendix 5 of the main report.

Main Impacts

The design and construction of basement developments or basement extensions in a dense urban environment is challenging but is likely to be feasible for most locations provided that suitable structural and technical assessments are undertaken and that the basement is designed and constructed in accordance with current industry guidance, and the works are carried out by experienced and qualified engineers and contractors.

Notwithstanding the above, basement developments can affect the environment and nearby structures in a number of ways. A summary of the environmental impacts relating to ground and groundwater conditions are presented below:

Groundwater Impacts Basements that are constructed just above or below the groundwater table

DOCUMENT ISSUE RECORD

Technical Note No	Rev	Date	Prepared	Checked	Reviewed (Discipline Lead)	Approved (Project Director)
30045/002/TN001	0	6.03.14	az	rht	rht	rht

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can act as barriers in the ground diverting groundwater flow around them with the risk of causing a build-up of groundwater on the upstream site and depletion downstream. Spring flows can be affected and the disruption to groundwater flow can cause new springs to emerge (groundwater flooding), waterlogging in gardens, and water quality changes in spring fed streams and ponds.

Land Instability Changes to the groundwater regime, excavation into weak sidelong ground, and removal of vegetation as part of basement construction can all affect the inherent stability of the ground and that can increase the risk of large scale ground instability such as landslide.

Temporary Works During temporary works, abstraction (dewatering) of water by pumping in excavations below the groundwater table is necessary to maintain a dry working environment. Dewatering may have an impact on the groundwater regime in the vicinity of the basement. Even temporary groundwater lowering may induce settlement under and in the near vicinity of the excavation. Excavations will always cause some movement in the surrounding ground potentially impacting the overall stability of slopes in the vicinity of the basement and adjacent structures and infrastructure. All of these aspects are required to be addressed by the designer of the scheme and the contractor that carry out the works.

Topography, Drainage and Urban Development

The River Thames meanders through the Borough with the western and eastern parts of the Borough situated to the north and south of the river, respectively. The majority of the Borough is situated on the historical flood Plain of the River Thames with the exception of an area of higher topography in the south-east of the Borough including Richmond Hill and Richmond Park, East Sheen and parts of Richmond Town Centre.

Ground level in the western part of the Borough generally falls gently from west to east towards the River Thames. Levels are about 20 m OD in the west falling to about below 5 m OD along the River Thames. In some eastern parts of the Borough the ground levels are below 10 m OD falling gently towards the River Thames and its tributaries. The ground levels at Richmond Park are about up to 56 m OD falling gently to the north towards the River Thames, and to the east towards the Beverley Brook. Ground level along the western side of Richmond Hill and parts of Richmond Park fall relatively steeply to the west.

The River Thames is the main watercourse that crosses the Borough. River Crane and Beverley Brook are its main tributaries in the western and eastern parts of the Borough, respectively. The River Thames is tidal downstream of Teddington Lock, and has a maintained level upstream of the weir.

The Borough includes a number of heritage features both in the built form and in open spaces including Richmond Park, Bushy Park, Hampton Court Palace and Park, Royal Botanic Gardens and Ham Lands. The scope of new basements to listed buildings are generally more restrictive due to requirements set out in the Planning (Listed Buildings/Conservation Areas) Act 1990 and the need to ensure that there is no substantial harm or loss of significance to those designated assets. As such, these areas are not considered significant in the context of this review.

An extract of the OS map is presented as **Figure 1**.

Published Geology

The Borough is situated within the London Basin which is dominated by thick strata of the London Clay Formation underlying the basin. The London Clay Formation is covered by younger strata throughout the majority of the Borough. Throughout the Borough the London Clay is underlain at depth by the Lambeth Group and the Seaford and Newhaven Chalk Formations (formerly denoted the Upper Chalk). The thickness of the London Clay Formation in the Borough is between about 50 to 60 m thick, as such, the strata below the London Clay Formation are not considered relevant to basement developments.

Above the London Clay, most of the lower land in the Borough is covered by superficial soils comprising mainly River Terrace Deposits of Pleistocene Age. Recent Alluvium is present alongside



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the River Thames and its tributaries across the Borough and a veneer of Langley Silt locally overlies the River Terrace Deposits. Head Deposits formed by natural geomorphological processes and consisting typically of weathered and softened London Clay intermixed with superficial soils are locally present on higher ground.

The natural soils are locally overlain by Made Ground associated with the former and present developments.

A summary of the ground conditions at the Borough are presented in the table below.

Strata	Typical Description	Typical Thickness (m)	Occurrence
Superficial Deposits (Recent and Pleistocene)			
Alluvium	clay, silt, sand and peat	up to 3	Alongside the River Thames and its tributaries
Head Deposits	Intermix of clay, silt sand and gravel	Up to 5	Locally present on higher ground
Langley Silt	Silt and clay	Typically 1 to 3 locally up to 5	Locally present in Twickenham and Richmond
River Terrace Deposits	Predominately sand and gravel with lenses of silt, clay and peat.	Up to 10, but much thicker where infilling deep hollows in the Surface of the London Clay.	Present across the majority of the lower ground across the Borough (Taplow Gravel and Kempton Park Gravel Formations) and on the higher ground in Richmond Park (Black Park Gravel Formation).
Solid Geology (Eocene Age)			
London Clay Formation	Fissured clay with thin beds or partings of silt and little fine sand.	50 to 60	Present throughout the Borough underlying younger deposits and outcrops in and around Richmond Park. The Claygate Member, which is the top member of the London Clay Formation locally outcrops at the higher ground of Richmond Park adjacent to the southern boundary of the Borough.

Solifluction processes caused by periglacial conditions during the Pleistocene glaciations created solifluction¹ and downhill movement in the near surface soils. Solifluction may have left sub-horizontal sandy and silty layers in the near surface soils, and as a result incipient shear surfaces (or planes of weakness) can be present in natural slopes formed in the London Clay Formation leaving them in a marginally unstable (meta-stable) condition.

An extract of the geological map is presented as **Figure 2**.

Hydrogeology

The London Basin comprises two main water bearing strata (aquifers). The Upper Aquifer comprises the groundwater within the River Terrace Deposits. The Lower Aquifer comprises the groundwater within the Thanet Sand and Chalk, which lie beneath the London Clay and the Lambeth Group Formations. The London Clay Formation acts as a very low permeability barrier (an aquiclude) between the groundwater in the near surface deposits in the Upper Aquifer, and the Lower Aquifer. As such, the Lower Aquifer is not considered further in relation to basement construction in the Borough.

¹ Solifluction - a gradual downhill movement of the near surface soils occurring at the edge of areas affected by glaciation



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The London Clay Formation has typically low mass permeability, however, groundwater flow through the formation, although imperceptible, does take place and may need to be considered for basement development. The hydraulic properties of the London Clay Formation are well documented. Overall groundwater flow rates in the London Clay Formation are expected to be very low. However, slightly higher horizontal permeability may exist in the near surface soils where solifluction and weathering processes have left sub-horizontal sandy and silty beds.

The permeability of the River Terrace Deposits is high. The River Terrace Deposits and the Alluvium are usually in hydraulic continuity with the River Thames, modified locally to some extent by man-made structures such as river walls etc. The water level in the River Thames whether tidal or maintained by Teddington Weir is the overriding control on the groundwater level in the Alluvium and the River Terrace Deposits. The groundwater flows from the higher ground towards the River Thames and its tributaries with limited local variations associated with factors such as surface water infiltration from areas of hard standing and leaking drains. The groundwater levels downstream of Teddington Weir may fluctuate as a result of the tidal influence of the river.

Basement Developments and Major Impacts

A summary of the major impacts potentially caused by basement construction is presented in the table below.

Condition	Occurrence	Potential Major Impacts
Groundwater	Dewatering is likely to be required for basements constructed below the groundwater table in higher permeability soils.	<ul style="list-style-type: none"> Any dewatering required for basement construction will create groundwater drawdown in the surrounding ground that can have an adverse impact on existing springs, streams and ponds. (Temporary) Lowering the groundwater level may induce settlement in soils (and any structures founding them) around and below the excavation. (Permanent) Dewatering can also induce settlement due to loss of fines, if the groundwater lowering system continually pumps silt and sand sized particles in the discharged water. (Permanent)
	Basements can obstruct the natural groundwater flow resulting in a local rise in groundwater level up the gradient side of the basement and a fall in groundwater level on the down gradient side.	<ul style="list-style-type: none"> Existing subterranean structures (basements, tunnels, sewers etc.) can get flooded due to groundwater rise. Spring flows can be affected or the disruption to groundwater flow could cause new springs to emerge (groundwater flooding), waterlogging in gardens, and water quality changes in spring fed streams and ponds.
	Changes in the groundwater regime in the vicinity of a basement may mobilise contaminants.	<ul style="list-style-type: none"> Changes in the groundwater regime as part of temporary works (dewatering) or as a result of a completed basement (groundwater rise or fall) may introduce contaminants in the soil (leaching) or mobilise contaminants that exist in the aquifer but are relatively immobile, and benign. In extensive case the flow path of contaminant plumes in groundwater may be altered.
Land Stability	Changes to the groundwater regime, excavation into weak sidelong ground, and removal of vegetation as part of basement construction could all affect the inherent stability of the slopes and could trigger instability in clay soils.	<ul style="list-style-type: none"> Slope in particular where solifluction processes or past failures have created incipient planes of weakness are prone to instability. As a rule of thumb, slopes steeper than 8 degrees on the London Clay and the Claygate Member are potentially unstable in which case the excavation for a basement could trigger large scale land instability.



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Groundwater Impacts Any subterranean structure that is situated just above or within the groundwater table may be prone to groundwater flooding, however, provided that basements are designed and constructed in accordance with industry guidance, groundwater ingress into a completed basement is not likely to be an issue.

The majority of the residential areas within the Borough are situated on relatively low lying land where the River Terrace gravels are present near surface, underlain by the London Clay Formation, below.

A basement constructed below the groundwater table in these ground conditions will locally obstruct the natural groundwater flow resulting in a local rise in groundwater level on the up gradient side of the basement and a fall in groundwater level on the down gradient side. However, for a small isolated basement this impact is likely to be very localised because it is a relatively small volume of structure in a large expanse of aquifer with a relatively high permeability. Therefore, the groundwater will still be able to flow around and potentially below the basement. As such, in general the impact of isolated small single storey basements are unlikely to have a significant effect on the groundwater regime in the Borough.

Changes in the groundwater regime may introduce or mobilise contaminants in the Upper Aquifer. A rise in the groundwater level may cause leaching of contaminants from soils that are normally above the groundwater table into the groundwater. Furthermore, changes in the groundwater flow patterns may cause remobilisation of contaminants that are already within the aquifer but are relatively stable. It is possible the changes in groundwater flow and contaminants plume patterns may give rise to new hazards.

The cumulative effect of incremental development of a number of basements in close proximity can potentially have a significant impact on the groundwater regime in the/at locality. This is more likely when the basements are large, and if the cumulative impacts are not identified in the design stage.

Land Stability Changes to the groundwater regime, excavation into weak sidelong ground, and removal of vegetation as part of basement construction can all affect the inherent stability of the ground and may trigger instability in clay soils particularly where solifluction processes or past failures have created incipient planes of weakness. As a rule of thumb, slopes at steeper angles than 8 degrees to the horizontal and comprising soils of the London Clay and the Claygate Member are potentially unstable.

Most of the land in the Borough has ground slopes at much shallower than 8 degrees. However, locally steeper slopes are present along the western edge of Richmond Park. The majority of this land is not used for residential development with the exception of the western part of Richmond Hill. There are historical records of landslides in the Terrace and Buccleuch Gardens areas situated on the western slopes of Richmond Hill.

It should be noted that this Note only addresses the stability hazard in the area around the property and the risk of large scale site wide ground instability such as landslide as a result of a proposed basement. Movements of the closely surrounding soil and nearby structures as a result of the excavation and the basement construction is reviewed separately in Section 4 of the main Report provided to LBRUT.

The potential hazards and impacts described above are by no means unique to LBRuT, and can occur elsewhere in the Greater London Area. Therefore this Note has includes consideration on how other London Boroughs have addressed these matters for consideration during the determination of planning applications for basement developments.

Planning and Basement Developments in other London Boroughs

London Borough of Camden (LBC) The shortage of development land and high property values in LBC has given rise to the extensive development of basements in residential areas. The topography, ground and groundwater conditions in parts of LBC are prone to land instability and local flooding if the natural conditions are adversely disturbed. Therefore, LBC has adopted Policy DP27 in its Camden



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Development Policies DPD (2010) supported by Camden Planning Guidance CPG 4 (a Supplementary Planning Guidance) and the 'Camden Geological, Hydrogeological and Hydrological Study Guidance for Subterranean Development' by consultants Arup that sets out a rigorous Basement Impact Assessment (BIA) process that has to be undertaken to support any new planning application for a basement development in the Borough.

The BIA follows the format of the Environmental Impact Assessment (an EIA) process. The stages are as follows:

- Screening
- Scoping
- Site investigation and study
- Impact assessment
- Review and decision making

The first stage of the BIA is screening and identification of any matters of concern that may be required to be investigated. The outcome of the screening process dictates whether further assessment is required, i.e. if a full BIA including a ground investigation and assessments is likely to be required to support the planning application.

Where a full BIA is required the assessment process covers all the impacts described above supported by a ground investigation, geotechnical and structural engineer's reports and preliminary design calculations where necessary for the retaining walls and any temporary support systems.

Royal Borough of Kensington and Chelsea (RBKC) RBKC adopted Core Strategy Policy CL2 (g) (2010) sets out the Council's existing policy on basement development. The Council also has an adopted 'Subterranean Development SPD' (2009). The Core Strategy and SPD are currently under Partial Review and the Council published a 'Basements Publication Planning Policy - Partial Review of the Core Strategy' document for consultation in February 2014.

In 2013 a scoping Study was completed by Alan Baxter that considers a range of issues in relation to residential basements in the Borough. These include the geology, groundwater, structural and civil engineering considerations, the Party Wall Act, sustainability and construction issues. The Study proposes a restriction on the plan area of a basement in a garden and requires a minimum thickness of topsoil above a basement in a garden to be 1 m thick.

The Study sets out the work that should be submitted with a planning application for a basement development. The work includes a desk study and ground investigation to establish the ground conditions in relation for the basement development. An Engineering Design and Construction Statement (EDCS) is required to be completed by a Chartered Engineer to cover various aspects of basement design including: ground conditions, groundwater, surface water, structural and other potential impacts. In addition, there are a number of other statements to be included in submission of a planning application including: Construction and Demolition Management Plan (CDMP), Construction Traffic Management Plan (CTMP), Sustainability Statement, Landscape and Planting Statement.

Westminster City Council (WCC) Applications for basement developments are currently determined with reference to the Core Strategy (adopted 2011) and 'saved' policies in the Unitary Development Plan. Westminster recently consulted on a single issue City Management Plan (CMP) Revision in October 2013 which sets out a detailed policy for basement developments.

A Scoping Report by Alan Baxter was completed in 2013 considering the main issues related to basement construction and proposed the scope of work required to support a planning application for basement development. It is recommended that a Structural Methodology Statement (SMS) including self-certification of contents from a Chartered Civil or Structural Engineer will accompany every application. The SMS should include a desk study, ground investigation and demonstrate how the design will address the ground conditions, groundwater, drainage, existing trees and infrastructure, structural engineering of existing structures and the proposed basement. In addition, a Construction Management Statement (CMS) is recommended to be included in the package of



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documents required for planning applications. The CMS should address the issues likely to impact on neighbours and those who use the surrounding roads.

Brent Council Brent published a 'Basements Practice Guide' in October 2013 which has been endorsed by the Planning Committee as an interim arrangement for requesting additional information including site surveys, a Construction Statement and a Build Methodology Statement for basement applications. The Local List of Validation Requirements will be formal amended to include these documents. In general the minimum requirements to accompany a planning application for a basement development includes the following:

- Desk Study
- Site Survey.
- Construction Statement
- Build Methodology

At this stage, it is envisaged that any residential basement development in Brent will be required to be supported by a report by a qualified structural engineer which details the proposed construction and build methodology and how this relates specifically to the site. It is anticipated that this will involve a detailed site survey of buildings, levels and landscaping. It would also require a desk study of any site specific geological or hydrological considerations with appropriate site investigations if this is then required.

Hammersmith & Fulham Council Specific guidance for basement developments is set out in the adopted Development Management Local Plan (2013) DPD (Policy DM A8) and the Planning Guidance SPD (2013) (Housing Policy 9 and Design Policy 13). Policy DMA8 and the SPD requires that a new or basement extension should meet specific criteria set out in the document. The SPD requires that a Subterranean Construction Method Statement carried out by a qualified structural surveyor or civil engineer is submitted with the planning application for a basement development.

Conclusions and Recommendations

The nature of the residential development in LBRuT differs from that in parts of Central London where the density of development and heritage constraints are such that there is more limited opportunity to extend existing residential properties in height or plan laterally. The ground and groundwater cumulative effect of basement developments (some large and multi-level) in close proximity to each other and a number of construction "incidents" in the past has resulted in some London Boroughs adopting prescriptive policies and guidance for all planning applications for basement developments. Some of the measures set out in these policies include requirements to control potential ground and groundwater related risks. One disadvantage of this approach is the cost to the Council and resources needed to review all of the technical assessments submitted. In some cases external consultants are required to review these documents on behalf of the LPA.

At this stage it is envisaged that for ground and groundwater impacts could be managed through an initial screening process which will dictate the level of supporting information required for a planning application for a basement development. A Construction Management Plan type document stating how the basement is going to be constructed, and addressing the potential issues of temporary works and the construction method could be required for each basement development, however, large or deep basements in areas identified as of higher ground related risk may require much more detailed ground and groundwater technical studies in support of the application.

Detailed ground and groundwater assessment will be required mainly for basements that are situated in a high risk zones for groundwater hazard, slope instability, ground contamination or if the area is located in an area of high density basements. It is possible that a basement larger than a certain plan area or more than a single storey in depth could also trigger the requirement for a more detailed assessment.

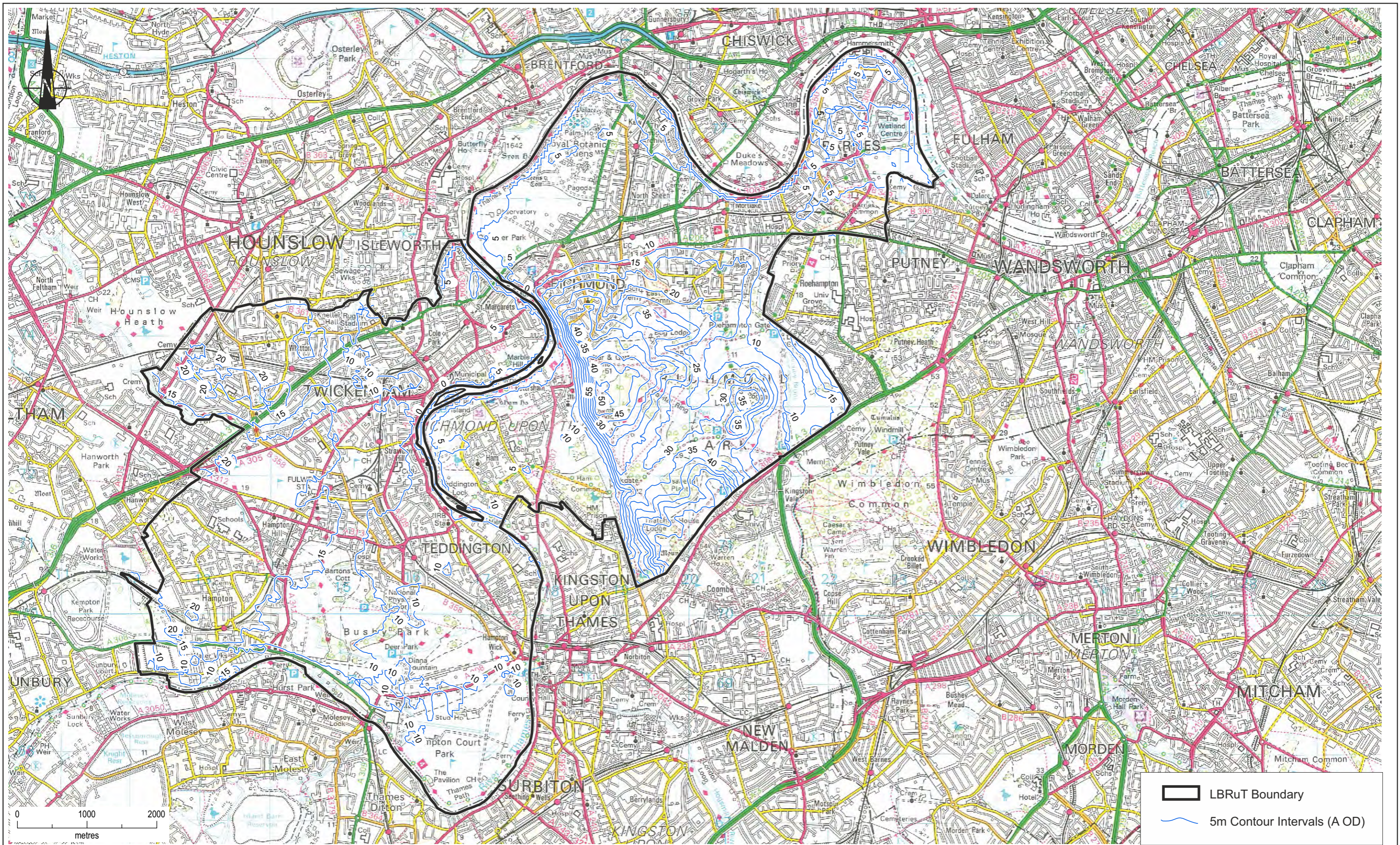
To facilitate formulation policy and guidance based on this approach, it is recommended that a detailed review of the main issues that are related to ground, groundwater and contamination impacts related to basement development is undertaken for new basement development in the Borough. The



TECHNICAL NOTE

detailed review will include information on the geology, groundwater levels, groundwater flow direction, contamination risk, natural slope angles, historical records of ground instability at the Borough, and intensity of basements at the Borough. The output of the Study will be presented in a series of plans possibly in a GIS platform interface or as a resource on the Council's website for utilisation by various users

The Study will zone the Borough into areas of higher risk of impact where further assessment relating to ground and groundwater hazards, and ground contamination for basement development is required and zones of relatively low risk, where detailed assessment can be screened out. The Study will describe the level of information required for basement planning applications in risk category identified from the screening process. The Study will also list the information required as part of the detailed ground and groundwater assessment required to support a basement development situated in a higher risk ground, groundwater zone or stability zonal area.



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Client

London Borough of Richmond upon Thames

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RICHMOND BASEMENT POLICY

ORDNANCE SURVEY MAP WITH CONTOURS

- LBRuT Boundary
- 5m Contour Intervals (A OD)

Date 06.03.2014

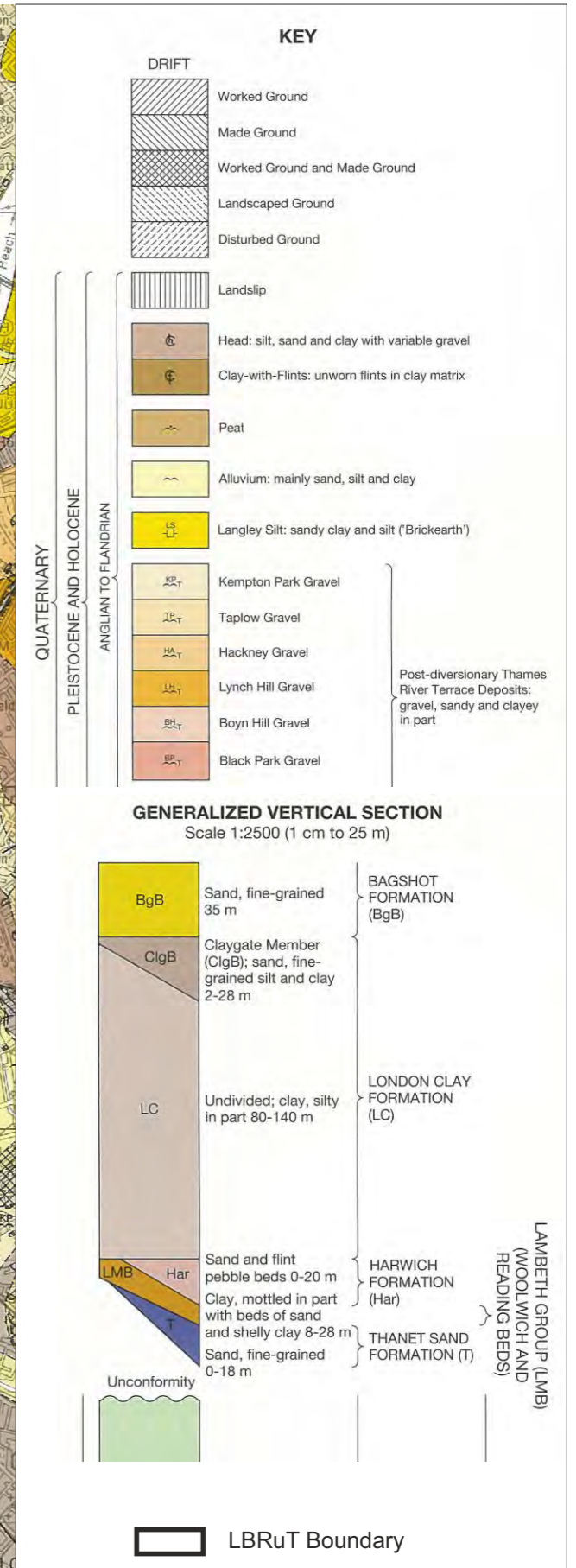
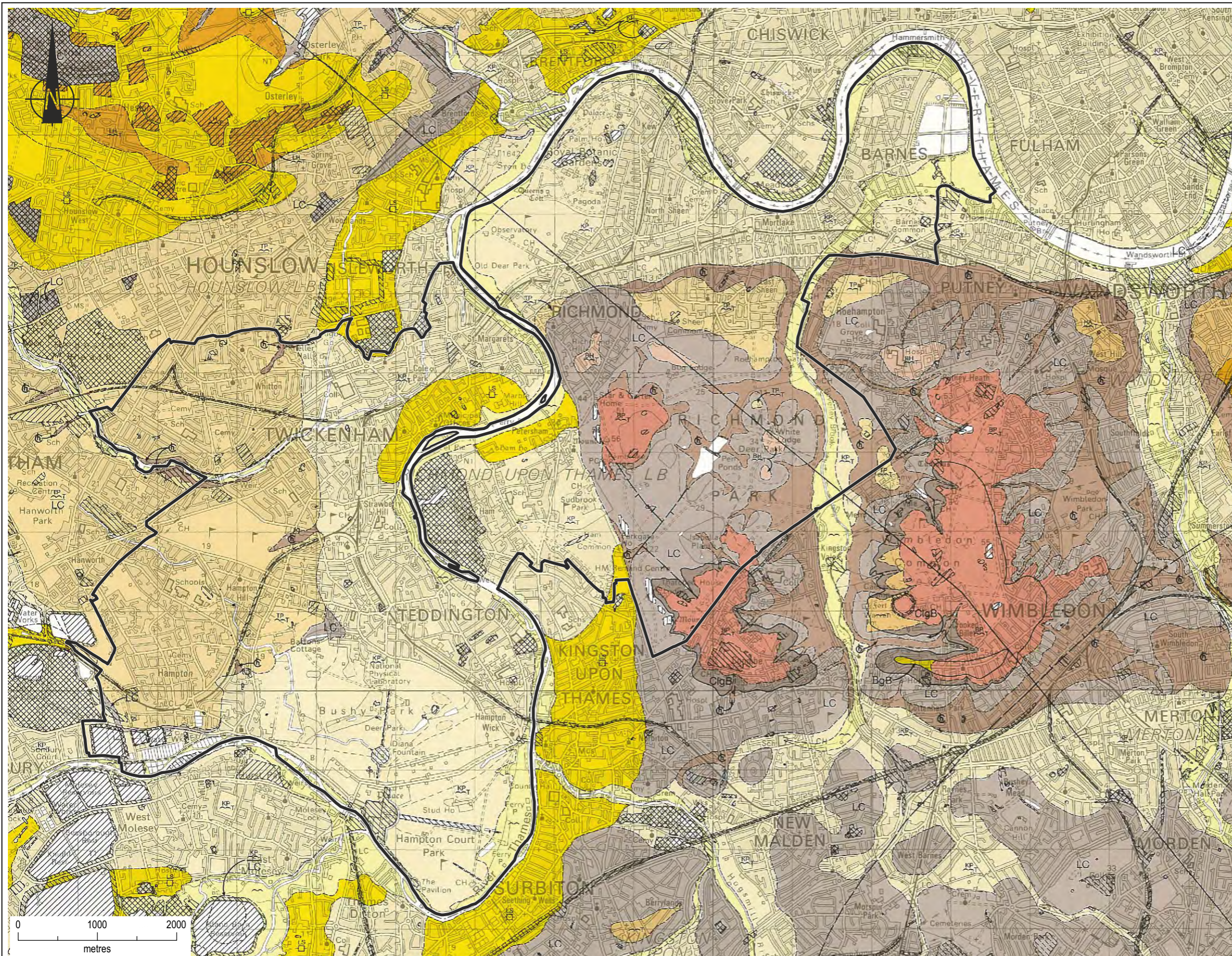
A3 Scale 1:50 000

Drawn by davco

Checked by AZ

Revision -

FIGURE 1



Client
London Borough of Richmond upon Thames

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RICHMOND BASEMENT POLICY
PUBLISHED GEOLOGY

Date	06.03.2014
A3 Scale	1:50 000
Drawn by	davco
Checked by	AZ
Revision	-

FIGURE 2

Appendix E Flood & Floodwater Technical Note

TECHNICAL NOTE

Job Name: Options for Basement Development for
London Borough of Richmond upon Thames

Job No: 30045/001

Note No: 001

Date: 10/03/2014

Prepared By: John Pulsford

Subject: Flooding and Drainage in the London Borough of Richmond Upon Thames and Potential Impacts of Basement Developments

INTRODUCTION

PBA is instructed by the London Borough of Richmond on Thames (LBRuT) to prepare a Report outlining the Council's policy and development management options for basement and subterranean developments in the Borough.

This Technical Note presents a high level review and preliminary assessment of how policy and guidance can be formulated in respect of 'hydrology' which in this context is taken to include flood risk and drainage, including groundwater flooding that will need to be considered for new residential basement developments generally, and specifically to the LBRuT. A separate Technical note is provided on ground and groundwater impacts of basements developments.

The Note also includes a review of the technical aspects of hydrology related planning policies for new basements in other London Boroughs and their supporting technical reports where these are available.

FLOOD RISK TO BASEMENTS

It is important that the design and construction of basement developments investigates all sources of flooding. These sources can give rise to a flood risk at the site and for some types of flooding the basement can also give rise to an increase in flood risk elsewhere.

The sources of flooding are:

- Groundwater
- Fluvial – rivers and watercourses
- Tidal
- Public sewers (foul, surface water or combined)
- Private drains on or adjacent to the property
- Highway drainage
- Culverted watercourses

DOCUMENT ISSUE RECORD

Technical Note No	Rev	Date	Prepared	Checked & Reviewed (Discipline Lead)	Approved (Project Director)
30045/001/TN001	1	27.03.14	John Pulsford	Andy Robertson	John Parmiter

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- Man-made navigations or canals (including failure of retaining structures)
- Lakes and Ponds
- Reservoirs (as currently defined in the Reservoirs Act, i.e. greater than 25,000m³ in volume above surrounding ground. This will reduce to 10,000m³ when the FWMA 2010 is enacted).

In general, a Flood Risk Assessment (FRA) accompanying planning applications for basements developments should address all these forms of flooding in accordance with the requirements of NPPF. In some cases the forms of flooding in combination will need to be assessed.

The potential flooding impacts of basement and subterranean developments include direct groundwater flooding of the basement by ingress through the base or walls or water inundation through overtopping of property thresholds.

The Technical Note for Ground and Groundwater Conditions at Appendix 3 of the main report, details the management of direct groundwater flooding. Typically, this is prevented by appropriate structural design and detailing to 'waterproof' (tank) the basement. This Technical Note deals with water that overtops the threshold level of the property from the sources described above.

FLOOD RISK AND TIDAL RISK IN RICHMOND

The evidence base for the addressing the specific sources of flood risk and how they are assessed within LBRuT are set out below:

Strategic Flood Risk Assessment

LBRuT have prepared a Strategic Flood Risk Assessment (SFRA) to appraise the risk of flooding in the area. The aim is to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk.

The Level 1 SFRA was originally produced for the Council in June 2008 and was updated in 2010 it has been used as background evidence document for the Council's Local Development Framework, and in particular for the Core Strategy. The SFRA is used to inform land allocations, to facilitate the application of the Sequential Test and in particular, advise Development Management, Emergency Planners and developers on flood risk matters.

The SFRA addresses and identifies the following sources of flood risk in Richmond:

- Fluvial and Tidal Flooding - Delineation of the PPS25 Flood Zones
- Delineation of Zone 3b Functional Floodplain
- Delineation of Zone 3a High
- Delineation of Zone 2 Medium Probability
- Delineation of Zone 1 Low Probability
- Assessment of Risk to Life (Flood Hazard)
- Surface water
- Areas Susceptible to Surface Water Flooding
- Local Drainage Issues
- Groundwater
- Sewer flooding
- Climate Change
- Residual Risk of Flooding

The SFRA is located at the following link: http://www.richmond.gov.uk/flood_risk_assessment



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The SFRA includes detailed mapping for key areas within the Borough (Figures 01 to 11) and shows the extent of the area protected by flood defences. Figure 1, shows the Overview Map of the LBRuT SFRA extracted from this document.

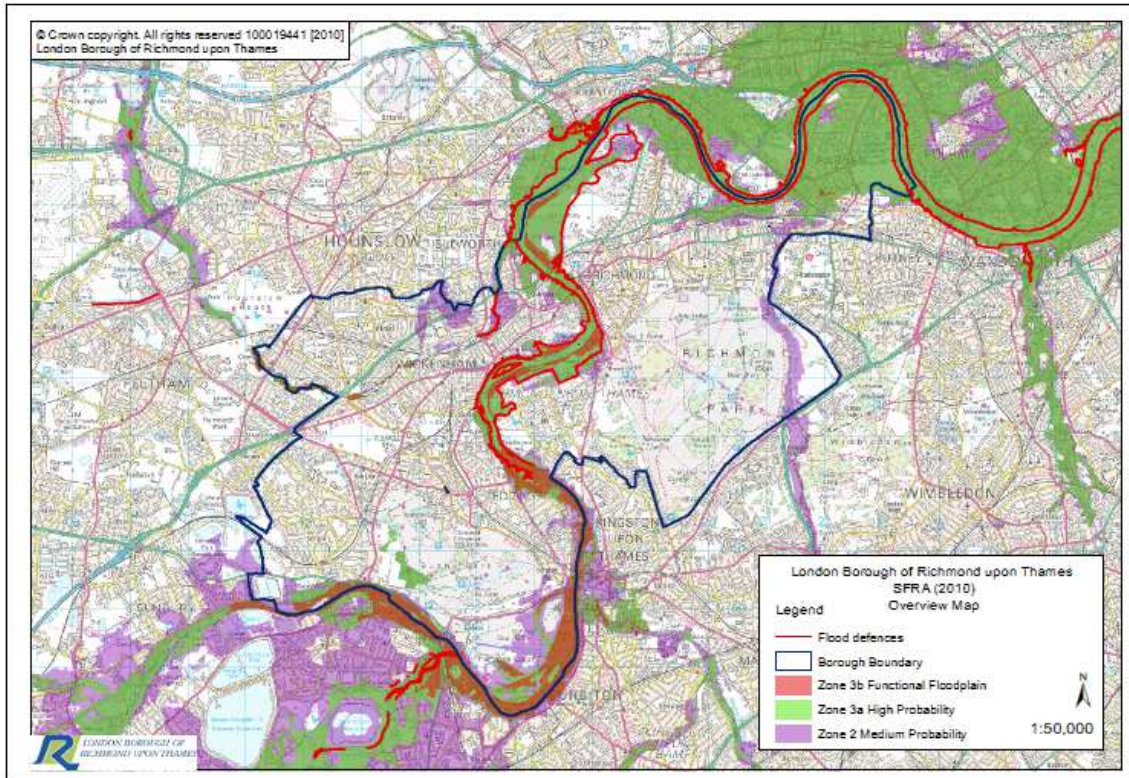


Figure 1: London Borough of Richmond upon Thames SFRA Overview Map

The SFRA confirms a large proportion of the LBRuT is situated in close proximity to the River Thames and its tributaries. The River Thames, River Crane, Duke of Northumberland River and Beverley Brook are all key features of the Borough, and all pose a potential risk of flooding to some degree. The upstream extent of tidal influence within the River Thames is Teddington Weir, and therefore there is not only fluvial flooding but also tidal flooding. Groundwater and surface water (flash) flooding also pose a risk.

The SFRA also confirms that reported localised flooding incidents are typically as a result of blocked gullies and/or culverts, sewer flooding or surface water flooding.

The SFRA also says the LBRuT is very susceptible to surface water flooding. This is of concern within the Council, particularly within areas situated at the base of steep escarpments (e.g. at the foot of Richmond Park) where runoff drains downhill very quickly during heavy rains, and the local drainage system is unable to cope.

Surface Water Management Plan

A Surface Water Management Plan (SWMP) has been produced for the London Borough of Richmond upon Thames, along with the Preliminary Flood Risk Assessment, as part of the 'Drain London' project.

This assesses the surface water flood risk across an area using both historical information and undertaking pluvial modelling to determine the future flood risk for a range of rainfall events. These

TECHNICAL NOTE

identify the areas of significant surface water and groundwater risk and options to address the risk of flooding.

The SWMP addresses and identifies the flood risk from the following sources:

- Surface Water Flooding
- Ordinary Watercourse Flooding
- Groundwater Flooding
- Sewer Flooding
- Other Influences
- Critical Drainage Areas

The SWMP is located at the following link:

http://www.richmond.gov.uk/surface_water_management_plan

Preliminary Flood Risk Assessment

The Preliminary Flood Risk Assessment (PFRA) is a high level summary of the significant flood risk for the LBRuT and is a coarse assessment for identifying potential local sources of flood risk. It is based on readily available information and describes the probability and consequence of past and future flooding.

The PFRA considers flooding from the following sources;

- surface runoff,
- groundwater,
- sewers
- ordinary watercourses; and
- any interaction these have with main rivers and the sea.

The PFRA is located at the following link:

http://www.richmond.gov.uk/pfra_richmond_incl_all_appendices.pdf

Other Sources of Information

There are a large number of information sources available to identify flood risk for any area in the country. For some time the initial data available from the EA was in the form of web-site based Flood Maps that defined the fluvial and tidal flood risk in terms of the probabilities set out in PPG25/PPS25, These were based on hydraulic modelling outputs using various modelling techniques or recorded flooding extents.

In addition to fluvial and tidal flood probabilities, information was provided by the EA for groundwater in the form of aquifer designations and identification of groundwater source protection zones. Local Authorities have produced Strategic FRAs (SFRA) as required under PPS25 and these are often based on EA modelling and usually include 'development control' recommendations.

This EA information has been supplemented recently with more information in the form of interactive maps on surface water flooding, and flooding from reservoirs. These are available from the EA 'What's in my Backyard?' web-site and relevant maps include:

- Flood Map for Planning (Rivers and Sea)
- Risk of Flooding from Rivers and Sea
- Risk of Flooding from Reservoirs
- Risk of Flooding from Surface Water
- Flood Warning Areas
- Groundwater.



TECHNICAL NOTE

Local authorities including LBRuT have also produced Surface Water Management Plans (SWMP) that outline the preferred surface water management strategy for their area, Preliminary Flood Risk Assessments (PFRA) that provide a high level screening to identify areas at risk of flooding from all sources.

Further information is available to applicants from the British Geological Survey (BGS) on surface and deep geology, possible water wells and groundwater flooding risk and from mapping.

Thames Water provides details on historic public sewer and water main flooding.

A summary of sources available for applicants within LBRuT are covered in the Table 1 below:

Source	Description	From	Covers	Reference	Comment
EA	Flood Map for Planning (From Rivers and Sea)	EA web-site	NPPF Flood Zones		Flood zones assume no defences present
EA	Aquifers	EA web-site			
EA	Risk of Flooding from Rivers and Sea	EA web-site	Probabilities		
EA	Risk of Flooding from Surface Water	EA web-site	Probabilities and depths		
EA	Risk of Flooding from Reservoirs	EA web-site	Area of inundation due to 'worst case' combined reservoir failures		Parts affected by failure of large water supply reservoirs via Thames plus Pen Ponds in Richmond Park
EA	Groundwater	EA web-site			
EA	Flood Warning Areas	EA web-site			
EA	Product 4 Data	On request from EA	Flood history, flood zones, flood levels from modelling and flood defences		
LBRuT	Geology Overview	SFRA	Groundwater	Figure B	
LBRuT	Groundwater Flooding Incidents	SFRA	Groundwater	Figure D	
LBRuT	Fluvial Flooding	SFRA	Fluvial	Figures 01-11	Covers specific areas within the Borough
LBRuT	Fluvial Flooding	SFRA	Flood Defences	Figure D	
LBRuT	Areas susceptible to Surface Water Flooding	SFRA	Surface Water (pluvial)	Figure G	
LBRuT	Flood Hazard	SFRA	Fluvial and Tidal	Figures C-1 and C-2	
LBRuT	Surface Water Flooding Incidents	PFRA	Surface Water	Figure 1	
LBRuT	Fluvial Flooding Incidents	PFRA	Fluvial	Figure 1	
LBRuT	Groundwater Flooding Incidents	PFRA	Groundwater	Figure 2	
LBRuT	Sewer Flooding	PFRA	Public Sewers	Figure 3	
LBRuT	Surface Water Flooding Potential	SWMP	Surface water flooding for 1% AEP	Figures 3.8.1 - .6	Covers Critical drainage areas in detail
LBRuT	Surface Water Flooding Hazard Rating	SWMP	Surface water hazard rating for 1% AEP	Figures 3.8.1 - .6	Covers Critical drainage areas in detail
Ordnance Survey	Mapping	OS	Adjacent topography and springs		



TECHNICAL NOTE

BGS	Geology Maps	BGS	Surface and deep geology		
BGS	Geoindex	BGS web-site	Water wells		
Thames Water	DG5	TW Public Utilities	Public sewers and water mains		

Table 1: Sources available for applicants within LBRuT

REVIEW OF EXISTING GUIDANCE & LEGISLATION

National Planning Policy

Basement development falls under the Party Wall Act 1996 that was designed to control development either side of a party wall to ensure that the integrity and function of any shared wall is preserved. The Party Wall Act sits outside of the planning process and therefore the main method of controlling basement development available to the planning authority is planning policy, both national and local.

The main national policy guidance with respect to hydrology (i.e. flood risk) is the National Planning Policy Framework (NPPF) and this replaced various Planning Policy Statements (PPS). For flood risk, PPS25 Development and Flood Risk is now superseded by guidance in the NPPF. PPS25 was supported by a Practice Guide that remains in place and has not been formally withdrawn or superseded when the NPPF was published.

Within the NPPF, flood risk is addressed within paragraphs 100-108. Paragraph 103 is particularly relevant and states:

‘When determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- a) *Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- b) *Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems’.*

Paragraph 104 also states:

‘For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site specific flood risk assessments’

The Technical Guidance to the NPPF provides more detailed technical guidance on Flood Risk and Minerals policy and essentially carries forward guidance from the main body of PPS25. It covers the definition of flood zones (Table 1), flood risk vulnerability classification (Table 2) and the compatibility between the flood zones and vulnerability (Table 3).

In the Technical Guidance Table 2, basement dwellings are classified as ‘highly vulnerable’ uses. Guidance with Table 3 suggests that these should not be permitted in Flood Zones 3a and 3b and only permitted in Flood Zone 2, if the Exception Test is satisfied.

Paragraph 9 of the Technical Guidance sets out the requirements of site specific Flood Risk Assessments (FRA) and in particular it requires FRAs to *‘identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account.’*

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The recommended allowances for the impact of climate change into account (paragraphs 11 – 15). Net sea level rises in Table 4 are not relevant to LBRuT as the area is protected by the Thames Barrier various other tidal and fluvial defences to a high standard. The impact of climate change on levels in the River Thames prepared by the Environment Agency (EA) is taken into account within the published level information.

Table 5 includes the recommended precautionary sensitivity ranges for peak river flows and rainfall for various time horizons and these taken into account in any submission for basement development. The design life of basement developments will normally be taken as 100 years and therefore the 2085-2115 time horizon should be taken for climate change impacts.

Regional Planning Policy

The London Plan (2011, updated October 2013) includes Policy on Flood Risk Management (5.12) and Sustainable Drainage (5.13). The October 2013 Revisions updated the policies to refer to NPPF guidance rather than the now superseded PPS25 guidance.

London Plan guidance essentially refers back to NPPF for flood risk management and the sustainable drainage policy requires development to utilise sustainable drainage techniques in accordance with a hierarchy from storing water on site for re-use at the top to discharging to sewers at the bottom.

Additional guidance on 'flooding' is set out Section 3.4 of the Mayor's Draft Sustainable Design and Construction Supplementary Planning Guidance (July 2013). Basement development is specifically addressed within sections 3.4.34 to 3.4.36.

Local Planning Policy

The adopted LBRuT Core Strategy includes guidance under Spatial Policy CP3 – Climate Change – Adapting to the Effects and policies 3.A and 3.B.

Policy 3.A requires the impact of climate change to be taken account including flood risk from the River Thames and its tributaries and Policy 3.B states the following:

'Development in areas of high flood risk will be restricted, in accordance with PPS25, and using the Environment Agency's Catchment Flood Management Plan, Borough's Strategic Flood Risk Assessment and site level assessments to determine risk.'

The adopted LBRuT Development Management Plan has two policies relevant to basement developments. - Policy DM SD6: Flood Risk and DM SD7: Sustainable Drainage.

Policy DM SD6 sets out clear requirements for the land use, the need for Sequential Test, Exception Test and FRAs for development within each of the flood zones in NPPF. Under this policy, basements, basement extension and conversions to a higher vulnerability classification or self-contained units are not permitted in Flood Zone 3b (the functional floodplain) and self-contained residential basements and bedrooms at basement level are not permitted in flood zones 2 and 3a. In these two zones all basements, basement extensions and basement conversions must have internal access to a higher floor and use flood resilient and resistant techniques.

It is stated within the supporting information that around 2,500 properties (2.6%) are in Flood Zone 3b. DM SD7 sets out the requirements for the use of SuDS drainage within new developments following the recognised hierarchy of techniques with the following requirement: 'Any discharge should be reduced to greenfield run-off rates wherever feasible'.

The policy also requires applicants to demonstrate that if the development is to discharge to a public sewer, then evidence that the spare capacity exists should be provided.

OTHER LONDON BOROUGH APPROACHES TO FLOODING & BASEMENTS

A review of the approach of other London Boroughs have taken to identify and manage the flooding impacts of basements developments has been undertaken and is summarized below.



TECHNICAL NOTE

For the purposes of this review the term 'hydrology' is taken to cover flooding from all sources including groundwater, but excludes the impact of the basement on groundwater movements (covered in the geotechnical review).

The review is focussed on the 'technical' aspects of the proposals and the requirements for technical submissions to accompany a planning application, in particular aspects that fall under the broad umbrella definition of 'hydrology'.

Documents were reviewed from the following London Boroughs: City of Westminster, Camden, the Royal Borough of Kensington and Chelsea, and Brent.

Westminster City Council

Applications for basement developments are currently determined with reference to the Core Strategy (adopted 2011) and 'saved' policies in the Unitary Development Plan. Westminster recently consulted on a single issue City Management Plan (CMP) Revision in October 2013 which sets out a detailed policy for basement developments.

The CMP Revision is underpinned by a 'Residential Basement Report' (July 2013) by Alan Baxter Associates (ABA) which considers the main issues related to basement construction and proposed the scope of work required to support a planning application for basement development.

As part of the CMP Revision and Interim Planning Guidance has been published Basements – Developing Westminster's Local P– this refers to flood risk and suggests that flood risks can be overcome by appropriate design, including surface water flooding. Interestingly, the draft CMP Revision policy does not specifically mention flood risk at all.

The ABA Report is a comprehensive (50 pages) summary of the issues and covers planning policy, legislation and technical aspects. The 'hydrology' aspects are covered in Section 4.0: Flooding and various figures in Appendix B.

The document is very thorough and provides good technical evidence to support the proposed planning policy. The section on flooding covers the broad categories, however not all sources of flooding are discussed, nor where the information can be readily obtained to assist the applicant in drawing up the submission.

The CMP Revision and Interim Guidance Note suggests that planning applications should be supported by a Structural Methodology Statement (SMS) should be prepared by a chartered engineer alongside a Construction Management Statement (SMS). The overall scope of the SMS are considered appropriate although it assumes that an intrusive site investigation has been carried out. Flooding is not covered in great detail and reference is made to a 'full flood risk assessment' being required if the site is in Flood Zone 3. This is a narrow definition of the area at risk that may affect the basement and could be broadened out to cover the critical drainage areas, for example.

There is no consideration of a phased approach to flood risk assessment in the document unlike the Camden guidance (see below).

Camden

LBC has adopted Policy DP27 in its Camden Development Policies DPD (2010) specifically relating to basements, policies DP22 and DP23 specifically relate to flood risk.

The DPD is also supported by Camden Planning Guidance CPG 4 (a Supplementary Planning Guidance) and the '*Camden Geological, Hydrogeological and Hydrological Study Guidance for Subterranean Development*' by consultants Arup.

Within the Development Management DPD:



TECHNICAL NOTE

- Policy DP22 requires development not to locate 'vulnerable' uses in basements in 'flood prone' areas without defining these terms. It is reasonable to assume that 'vulnerable' uses could be defined as per NPPF Table 2, although NPPF uses the term 'highly vulnerable' for basement dwellings and flood prone areas could be tightened up to define the areas in terms of probability (as NPPF Table 1 and critical drainage areas).
- Policy DP23 addresses run-off from the development and the impact on receiving sewers and mentions groundwater flood risk although specifically in areas where historic underground streams are known to have been present. These requirements could be better defined, for example by setting a target for run-off compared with the greenfield or brownfield run-off and more in line with the London Plan.
- Policy DP27 is the specific basement (and lightwell) policy. The flood risk to the development is covered by stating that it 'should not result in flooding' in the main text, avoid adversely affecting drainage and run-off (point b) and not include habitable rooms and other sensitive uses in areas prone to flooding (concluding basement point). Again these terms are not defined and slightly different to the terms used in DP22.

The Camden CPG4 guidance and Arup Study outlines a rigorous Basement Impact Assessment (BIA) process that has to be undertaken to support any new planning application for a basement development in the Borough.

The BIA follows the format of the Environmental Impact Assessment (an EIA) process. The stages are as follows:

- Screening
- Scoping
- Site investigation and study
- Impact assessment
- Review and decision making

The first stage of the BIA is screening and identification of any matters of concern that may be required to be investigated. The outcome of the screening process dictates whether further assessment is required, i.e. if a full BIA including a ground investigation and assessments is likely to be required to support the planning application. The BIA process identifies three main critical issues identified: groundwater flow, land stability and surface flow and flooding.

Where a full BIA is required the assessment process covers all the impacts described above supported by a ground investigation, geotechnical and structural engineer's reports and preliminary design calculations where necessary for the retaining walls and any temporary support.

Kensington and Chelsea

RBKC adopted Core Strategy Policy CL2 (g) (2010) sets out the Council's existing policy on basement development. The Council also has an adopted 'Subterranean Development SPD' (2009). The Core Strategy and SPD are currently under Partial Review and the Council published a 'Basements Publication Planning Policy - Partial Review of the Core Strategy' document for consultation in February 2014.

Policy CL2(g) requires subterranean extensions to meet four criteria, none of which cover flooding.

Policy CL7 sets out a list of 14 requirements for basement developments, however only two cover flood risk – the use of SuDS and the need to protect the development from sewer flooding.

Policy CE2 includes the following with reference to basements – '*resist vulnerable development, including self- contained basement dwellings in Flood Risk Zone 3 as defined in the Strategic Flood Risk Assessment*'. The need for a site specific FRA for developments in Flood Zones 2 and 3 and critical drainage areas is included.



TECHNICAL NOTE

Guidance for basement development is underpinned by a 'Residential basement Study Report' (March 2013) prepared by Alan Baxter Associates (ABA). This covers a range of issues in relation to residential basements in the Borough. This is very similar to their report for Westminster in style and content and is even more comprehensive (106 pages). It includes case studies and a Q & A section.

The Study sets out the work that should be submitted with a planning application for a basement development. The work includes a desk study and ground investigation to establish the ground conditions in relation for the basement development. An Engineering Design and Construction Statement (EDCS) is required to be completed by a Chartered Engineer to cover various aspects of basement design including: ground conditions, groundwater, surface water, structural and other potential impacts. In addition, there are a number of other statements to be included in submission of a planning application including: Construction and Demolition Management Plan (CDMP), Construction Traffic Management Plan (CTMP), Sustainability Statement, Landscape and Planting Statement.

Brent

Brent published a 'Basements Practice Guide' in October 2013 which has been endorsed by the Planning Committee as an interim arrangement for requesting additional information including site surveys, a Construction Statement and a Build Methodology Statement for basement applications. The Local List of Validation Requirements will be formal amended to include these documents. In general the minimum requirements to accompany a planning application for a basement development includes the following:

- Desk Study
- Site Survey.
- Construction Statement
- Build Methodology

The Interim Planning Guidance recommends that a 'Construction Statement' that includes details of drains and sewers in the area and proposals to deal with surface water and a Build Methodology that should include a Flood Risk Assessment (FRA) for sites within Flood Zones 2 and 3. The guidance is very simplistic and does not give any guidance on the level and detail of information required to be included in the submission, the data sources where the information can be located or the minimum level of professional or technical expertise required.

The LB Brent guidance is not sufficiently detailed and would almost inevitably lead to applicants submitting insufficient information for a full assessment of the flood risk to be undertaken and requiring the planning authority to request further information. It is too 'light touch'.

The ABA reports for Westminster and Kensington and Chelsea are very comprehensive and in our opinion the RBKC version probably overlong. Although lengthy they do not cover all the sources of flood risk and give little guidance of the sources of information to assist applicants. The submission process is not phased and could lead to either insufficient information being submitted or the applicants obtaining information that could be scoped out early as not being required.

The best compromise, in terms of flood risk impacts, in our opinion, is the Camden approach which strikes the best balance between the detail required and background information and setting out what applicant's should submit with the application. The phased approach similar to EIAs is a sensible and balanced approach. We would generally recommend that a similar guide in form and content to the Camden CPG4 is produced and the phased approach adopted.

One disadvantage however of this approach is the cost to the Council and resources needed to review all of the technical assessments submitted. In some cases external consultants may be required to review these documents on behalf of the LPA.

Conclusions



TECHNICAL NOTE

The main potential risks of flooding in the LBRuT are fluvial, tidal, groundwater and surface water.

In terms of national planning policy, NPPF gives a clear direction that basement dwellings should not be permitted in Flood Zones 3a and 3b. In Flood Zone 2 basement dwellings are permitted subject to the Exception Test being passed. The Exception Test (NPPF paragraph 102) includes the requirement that 'a site specific FRA to demonstrate that the development will be safe for its lifetime taking into account the vulnerability of the users without increasing flood risk elsewhere and where possible, will reduce flood risk overall'.

The NPPF approach of precluding basement developments in certain flood zones is reflected in Policy DM SD 6, however self-contained residential basements and bedrooms in Flood Zone 2 are also not permitted, i.e. a slightly more 'robust' approach.

A Basement Impact Assessment (BIA) could be prepared to support any new planning application. The BIA should follow the format of the EIA process as follows, screening, scoping, site investigation and study, impact assessment, review and decision making. The impact assessment should be supported by a ground investigation, geotechnical and structural engineer's reports and preliminary design calculations where necessary for the retaining walls and any temporary support.



Appendix F Risk Assessment

	Short Term Tasks (6-12 months)	Medium Term Tasks (12-18 months)	Long Term Tasks (18 months & beyond)
Planning Policy, Development Management & LBRuT Cross Service Response	Set up working group within LBRuT with one representative from relevant service lines (i.e. Planning, Building Control, Environmental Health etc.) to encourage joined up approach and report back on issues dealt with. The working group could meet once a quarter and feedback could be fed into SPD policy and webpage.	Aligned with guidance set out in the basements webpage - Prepare a Good Practice Guide for developers and local residents.	Update basements webpage and Good Practice Guide periodically to reflect changes to the policy context or best practice
	Prepare specific basements webpage on LBRuT website.	Consult on SPD and adopt.	Prepare DPD level guidance as part of new Local Plan
	Commission detailed geotechnical study of LBRuT (to inform SPD but also to provide as a resource to applicants)		Revise local list to correspond with any DPD policy which may be prepared by the Council in the long term.
	Update local list of validation requirements (as interim arrangement until SPD is prepared and adopted). Consult on revised list.		
	Prepare SPD Update with specific basements policy setting out key planning issues and supporting documents required with planning applications.		

(Key: green- low risk; orange - medium risk; red - high risk)