

Address:	50 Maresfield Gardens London NW3 5RX		8
Application Number(s):	2023/3017/P	Officer: Miriam Baptist	
Ward:	Belsize		
Date Received:	24/07/2023		
Proposal:	Replacement side extension behind new brick wall, basement extension with lightwells to the rear, new fenestration and roof form, soft and hard landscaping, garden shed/bike store and plant enclosure to house Air Source Heat Pumps.		
Background Papers, Supporting Documents and Drawing Numbers:			
<p>Existing Drawings: Location Plan P0200, Existing Basement Floor Plan P0599, Existing Ground Floor Plan P0600, Existing First Floor Plan P0601, Existing Second Floor Plan P0602, Existing Roof Plan P0603, Existing Front Elevation P0700, Existing Front Street Elevation P0701, Existing Rear Elevation P0702, Existing Side Elevation (North) P0703, Existing Side Elevation (South) P0704, Existing Section A-A P0800, Existing Section B-B P0801.</p> <p>Proposed Drawings: Demolition & Proposed Basement Floor Plan P1399-D, Demolition & Proposed Ground Floor Plan P1400-D, Demolition & Proposed First Floor Plan P1401-D, Demolition & Proposed Second Floor Plan P1402-D, Demolition & Proposed Roof Plan P1403-D, Demolition & Proposed Front Elevation (West) P1500-D, Demolition & Proposed Street Elevation (West P1501-D, Demolition & Proposed Side Elevation (North) P1502-D, Demolition & Proposed Rear Elevation (East) P1503-D, Demolition & Proposed Side Elevation (South) P1504-D, Proposed Front Elevation (Pavillion) P1505-C, Demolition & Proposed Section AA P1600-D, Demolition & Proposed Section BB P1601-D.</p> <p>Documents: RIBA Stage 03 Design and Access Statement 22022 dated 29.06.2022, Heritage Appraisal June 2023 by The Heritage Practice, S940-J2-R-3 REPORT regarding the impact on trees of proposals for development at 50 Maresfield Gardens London NW3 5RX, Flood Risk Assessment and Drainage Strategy J5106 50 Maresfield Gardens Ref: J5106-C-RP-0001-00 including Appendix A, Planning Compliance Report 26643.PCR.01 Rev D by KP Acoustics, Construction sequence (1 of 4) J5106-S-SK-0031-01, Construction sequence (2 of 4) J5106-S-SK-0032-01, Construction sequence (3 of 4) J5106-S-SK-0033-01, Construction sequence (4 of 4) J5106-S-SK-0034-00, Development programme by Corrigan Gore dated 26 January 2024, J5106-S-GA-1080_02, J5106-S-GA-1090_01, J5106-S-GA-1095_01, J5106-S-GA-1100_01, J5106-S-SE-1200_01, Basement Impact Assessment by A-squared Studio Engineers Ltd Ref 2588-A2S-XX-XX-RP-Y-0002-02 Revision 05 dated 21 March 2024, Memorandum - 50</p>			

Maresfield Gardens - Response to Planning Consultation Comments by A-squared Studio Engineers Ltd Ref 2588-A2S-XX-XX-MM-Y-0001-01 (undated).

RECOMMENDATION SUMMARY: Grant conditional planning permission subject to a Section 106 Legal Agreement

Applicant:	Agent:
Chi Chung Cheung and June Ng C/O Agent 70 St Mary Axe London EC3A 8BE	Montagu Evans LLP 70 St Mary Axe London EC3A 8BE

ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
C3	Dwellings (single family dwelling)	475.9	740.1	264.2
Total	All uses	475.9	740.1	264.2

EXECUTIVE SUMMARY

- i) The application site comprises a two-storey plus basement single family dwelling, located within Fitzjohns Netherhall Conservation Area. Planning permission is sought for a replacement side extension, excavation to extend the existing basement underneath the host building, lightwells in the rear garden, new fenestration, minor roof form alterations, garden shed/ plant enclosure for ASHPs, garden landscaping and a new garden wall.
- ii) The site shares part of its side boundary with No. 48 Maresfield Gardens and part of its rear boundary with St Mary’s School. Both of these are Grade II listed. Careful consideration has been applied in ensuring the proposed development would not result in harm to the heritage assets and their setting, as required by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).
- iii) In line with Camden Local Plan policies, the proposal is accompanied by a Basement Impact Assessment (BIA), independently assessed by Council’s third-party auditors Campbell Reith. The applicant’s team has revised the BIA during the life of the application to address the audit queries and make the development compliant. The final Campbell Reith audit confirms the development complies with

Local Plan policies and guidance. Due to the proximity of the adjacent listed building, a number of mitigation measures have been outlined in the revised BIA to reduce any negative impact of the works. With the inclusion of these measures, and a condition added to ensure the appointment of a qualified engineer to inspect, check for compliance and monitor critical elements throughout the duration of construction, Campbell Reith deem the proposal acceptable.

- iv) The replacement side extension features floor-to-ceiling glazing, a limited extent of which is found on the side elevation facing the boundary with No 48. There is an obscured bathroom window at the first-floor level of No 48 which would be visible from this new window. The windows would be approximately 4m apart and would not directly face each other but would be at 45 degree angles from each other. It is important to note the existing bathroom window in question is obscured. Although there would be a sightline into the bathroom were the window to be ajar, it is not considered to be harmful at this angle and the window is unlikely to be opened any wider than is necessary for temporary ventilation. For these reasons, there is not considered to be any material harm to amenity.
- v) As such, the proposed development is considered to comply with the requirements of local and national policies and guidance and it is recommended that conditional planning permission is secured subject to a section 106 legal agreement to secure a Construction Management Plan (CMP) with an implementation support fee and impact bond.

Reason for Referral to Committee: The Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members (Clause 3(vii)).

- the impact of the basement extension on the adjacent heritage asset, Grade II Listed No. 48, and
- the impact of the proposed side extension's floor-to-ceiling window on the amenity of the first-floor bathroom window of No. 48.

OFFICER REPORT

1. SITE AND BACKGROUND

1.1 *Designations*

The following are the most relevant designations or constraints:

Designation	Details
Conservation Area	Fitzjohns Netherhall
Underground development constraints and considerations	- Subterranean water flow - Slope stability - Hydrological constraints layer

Table 1 - Site designations and constraints

1.2 *Description*

The site is located on the east side of Maresfield Gardens to the rear of St Mary's School at 47 Fitzjohn's Avenue. The house was constructed in the mid-1990s as part of a development of four residential buildings (50, 52, 54 and 66) on land formerly belonging to St Mary's School. The site covers an area of approximately 1230sqm.



Figure 1 – The existing site

- 1.3 The host building is a three-storey red-brick detached house used as a single family dwelling with garden space to the front and rear.
- 1.4 The site is located in the Fitzjohns/Netherhall Conservation Area and is not identified within the Conservation Area Appraisal as making either a positive or negative contribution to the conservation area, and therefore is considered to make a neutral contribution. The adjacent single-family dwellinghouse immediately to the south, 48 Maresfield Gardens, is Grade II Listed, and the school to the rear, St Mary's, is also Grade II Listed.
- 1.5 Maresfield Gardens is one of the four parallel north-south avenues, based around Fitzjohn's Avenue. The particular group of houses of which the site is a part, although not dating from the area's original development, have been designed in a mixed but sympathetic Arts and Crafts/Neo-Georgian style that aligns with the prevalent architectural typologies of the Area. The area is predominantly residential, apart from the school to the rear. The prevailing scale of the surrounding houses on Maresfield Gardens is 2-3 storeys, while on Fitzjohn's Avenue to the rear the immediate buildings are 3-4 storeys.

2.0 THE PROPOSAL

- 2.1 The proposal is for a single-storey replacement side extension behind a new garden brick wall, a basement extension with lightwells to the rear, new fenestration, alteration to roof form, garden shed/bike store, a plant enclosure to house Air Source Heat Pumps, and soft/hard landscaping.

- 2.2 The existing (non-original) ground-level side extension of 38sqm would be replaced with a new extension of approximately 83sqm. The existing extension is a single-storey red brick structure with brick detailing, while the new single storey extension would be modern in appearance and entail a high level of glazing. The new extension would be largely obscured from view from the public realm behind a new red brick garden wall with similar detailing to the existing extension. The new side-extension would be marginally wider (approx. 30cm) than the existing extension, the increase in area is largely achieved by extending back further into the rear garden.
- 2.3 The basement level would include a swimming pool, gym area, games/media room, shower/changing room, laundry room and areas for plant, and would be used as part of the single-family dwelling above.
- 2.4 The basement would be extended from 46.5sqm to 337.6sqm, extending out from the ground-floor footprint of the building to the east and south. The basement extension would come within 1.7m distance of the adjacent listed building, 48 Maresfield Gardens, which is two-storeys high with a partial lower ground floor.
- 2.5 The following revisions have been made during the course of the application:
- The new brick wall in front of the side extension has been set back from the main elevation of the house and also reduced in height (from 2400mm to 2000mm) to align with the balcony line of neighbouring No 48 and to reduce its dominance.
 - The new brick wall to the northern side passage has also been reduced in height (now 2000mm).
 - The basement was reduced in size by 5.7sqm following Officer scrutiny in regard to the existing ground floor footprint and the proposed basement footprint. These two measures were reviewed in order to ensure the extended basement meets policy requirement A5 part (i) (basement being less than 1.5 times the footprint of the building). The basement has now been reduced in size and is policy compliant.
 - The design of the replacement side extension has been improved in terms of solar shading, the eaves have been enlarged and an external blind has been added to the east elevation facing the rear garden.
 - The active cooling condenser unit (air-conditioning) has been removed from the scheme, and subsequently the external plant enclosure has been reduced in size.

3.0 RELEVANT HISTORY

The site

3.1 **PWX0103437** - The erection of a basement and ground floor side extension to provide ancillary residential accommodation – Granted **10/09/2001**.

3.2 **2007/3709/P** - Erection of a two storey rear/side extension to provide accommodation in form of conservatory/library for existing dwelling house. – Granted **07/09/2007**.

3.3 **2007/5156/P** - Details of hard and soft landscaping works including tree survey pursuant to condition 3 attached to the planning permission granted on 07 September 2007 (ref:2007/3709/P) for erection of a two storey rear/side extension to provide accommodation in form of conservatory/library for existing dwelling house. – Granted **17/12/2007**.

3.4 *The area*

N/A.

4.0 CONSULTATION

Local groups

4.1 Fitzjohns Netherhall Conservation Area Advisory Committee

No response was received by the Fitzjohns Netherhall Conservation Area Advisory Committee.

4.2 The Netherhall Neighbourhood Association

Objection covering the following issue(s):

- The structure of the swimming pool would extend well below the basement floor, effectively creating a double basement, contrary to policy. It would also widen the basement beyond the existing footprint of the building.
- The depth of the foundations and the proximity of the pool to the adjacent building at 48 Maresfield Gardens would pose a significant risk to the stability of that property, already damaged by the earlier basement excavation at No 50. The nature of No. 48's construction makes it particularly vulnerable to structural damage.
- The high wall between the two properties (new wall in front of new side extension) would give the appearance from the road of a visual link, thereby undermining the setting and character of No 48 as a detached house.
- The application will have no public benefit. Contrary to the applicant's claims it does not reflect the National Planning Policy Framework (5

September 2023) for sustainable development: the environmental objective includes minimising waste and mitigating climate change.

- The site is in a Healthy School Streets Scheme zone. These proposals will involve major construction works which would be likely to damage the immediate vicinity and put at risk the health of our residents and the many children who attend our local schools.

Officer response: The Council's independent auditor, Campbell Reith, has reviewed the application in detail and confirms the basement is aligned with Council policy/guidance, please see Section 7. The Council's independent auditor has looked into the submitted documentation in detail in light of the multiple consultation responses received from 48 Maresfield Gardens and have requested extra information and revisions throughout the process to mitigate this risk, appreciating the previous damage. These changes and further mitigation measures have been included in the revised documentation. A condition has also been added to the permission if granted to ensure that the mitigation measures within the memorandum and main BIA document are complied with, as well as one requiring a suitably required professional to oversee the basement works. The wall has been reduced in height since the first submission, and the new side extension is far enough away from No 48 that the two buildings will not appear as one mass. The scheme is considered compliant with policy and would not involve the demolition of an existing building or the emission of excess embodied carbon. The Healthy Streets zone has been considered and the planning permission will be subject to a S106 legal agreement for a Construction Management Plan to mitigate against harm and disruption to neighbouring occupiers and the adjacent highway network.

Adjoining occupiers

- 4.3 Site notices were displayed near the site from 23/08/2023 until 16/09/2023 near the following properties: 48 Maresfield Gardens, 52 Maresfield Gardens and 45 Fitzjohns Avenue. The application was also advertised in the local press on the 24/08/2024 (with the consultation end date of 02/06/2024).
- 4.4 Objections were received from 3 local households. The objections received by the Council are on the Council's website. The key issues raised are:

Basement

- Concern raised in relation to the construction of such a large basement in close proximity to their listed property which suffered movement and damage from the initial, modest basement excavated at 50 Maresfield Gardens.
- The latest reports both come to the conclusion that the impact on neighbouring buildings will not exceed Burland category 1, that is, Very Slight Damage resulting in fine cracks that can easily be treated during

normal decoration. In our view, this conclusion is the result of the BIA not accurately modelling the position of our house relative to the basement excavation for the swimming pool.

- The settlement that occurred to our house as a result of the previous basement excavation in 2001 was in fact greater than 1mm width so it exceeded the Very Slight category which the basement impact assessment predicts from the proposed development which is both closer and deeper. Not only did the walls suffer cracking but the floor in the living room dropped on the north side of the house together with the first floor balcony, resulting in the ground floor of the house now being at a slant.
- The Damage Mitigation Strategy was set out in the Covering Letter attached to the revised BIA but this has not been published on the Council's planning website. However, it has been included at paragraph 4.19 of the Basement Impact Assessment Audit dated June 2024.
- The pool structure extends considerably further down below the proposed basement floor level. This is a double basement, therefore should not be permitted. The basement extends beyond the existing footprint of the building and therefore should not be permitted.

Officer response: The Council acknowledge the concerns raised. The Council's independent auditor, Campbell Reith, has looked into the submitted Basement Impact Assessment in detail in light of the multiple consultation responses received from 48 Maresfield Gardens and have requested extra information and revisions throughout the process to mitigate this risk, appreciating the previous damage. It is noted the existing basement and ground floor side extension was granted on 10/09/2001 before the Council adopted its BIA policy in 2015. These changes and further mitigation measures have been included in the revised documentation. A condition has also been added to the permission if granted to ensure that the mitigation measures as outlined within the memorandum and main BIA document are complied with (published on the Council's planning website), as well as one requiring a suitably required professional to oversee the basement works. The basement meets the CLP basement policies and guidance – please see Section 7.

Amenity: Overlooking

- Objection to the glazing on the south flank elevation of the new kitchen (side extension) which may result in loss of privacy to ground-floor living room as well as first-floor bathroom window of 48 Maresfield Gardens.

Officer response: The new side extension is single-storey and there is no proposed alteration to the existing property boundary (fence) with No 48 which would continue to protect privacy to the living room window of No 48. As mentioned, there is also a bathroom window at first-floor level to the rear of 48 Maresfield Gardens on a projecting wall on the side elevation which is currently visible from the rear garden of the application site. The window is

already obscured (as can be seen in Image 9 of the accompanying photos) to protect amenity and therefore new glazing to the new side extension will not result in any harmful overlooking.

New Garden Wall (in front of new side extension)

- Objection to the wall being erected on the south side of the building, it will look overbearing and change the current view of trees and foliage from the street.
- The wall will visually link No.50 to No.48 as seen from the road, creating an attachment, which reduces the detached character of the Grade II Listed House at No 48.

Officer response: The new wall is designed appropriately and will contribute to the garden character of the area. It has been reduced in height and so will be less dominant but still serves to screen the modern side extension which may otherwise compete visually with the adjacent listed building and conflict with the character of the conservation area. The current foliage, change in material palette and topography mean that the two properties are not viewed or perceived in conjunction with each other.

Trees

- Objection to any trees being felled.

Officer response: The landscaping/tree proposals have been reviewed by the Council's Tree Officer and are considered acceptable. Please see section 11.

5.0 POLICY

National and regional policy and guidance

[National Planning Policy Framework 2023 \(NPPF\)](#)

[Draft National Planning Policy Framework 2024 \(DNPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[London Plan 2021 \(LP\)](#)

[London Plan Guidance](#)

Local policy and guidance

[Camden Local Plan \(2017\) \(CLP\)](#)

[Policy A1 Managing the impact of development](#)

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy A5 Basements](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy CC1 Climate change mitigation](#)

[Policy CC2 Adapting to climate change](#)
[Policy CC3 Water and flooding](#)

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

[Amenity - January 2021](#)

[Basements - January 2021](#)

[Biodiversity - March 2018](#)

[Design - January 2021](#)

[Developer Contribution - March 2019](#)

[Energy efficiency and adaptation - January 2021](#)

[Transport - January 2021](#)

[Trees - March 2019](#)

[Water and flooding - March 2019](#)

Other guidance:

[Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan \(2022\)](#)

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

6.0 ASSESSMENT

6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Basement Excavation
8	Impact on Neighbour Amenity
9	Design & Heritage
10	Sustainability
11	Trees & Biodiversity
12	Construction Management Plan
13	Community Infrastructure Levy (CIL)
14	S106 Agreement Legal Agreement

7.0 BASEMENT EXCAVATION

Statutory Framework

- 7.1 Policy A5 (Basements) states that the Council will only permit basement development where it is demonstrated that it will not cause harm, structurally, in amenity terms, environmentally or in conservation/design terms. It also requires that a Basement Impact Assessment (BIA) has to be submitted and independently audited.
- 7.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to preserving a listed building or its setting or any features of special architectural or historic interest it has. More detail on the statutory and policy framework for designated heritage assets is covered in section 10 of this report.
- 7.3 This section deals with the basement and amongst other issues, considers impact and potential damage to the heritage assets insofar as the physical works are concerned. The Design & Heritage section of the report (section 9) follows on from this and looks at the heritage impacts of the proposal more broadly.

Basement proposal

- 7.4 The proposal includes the extension of an existing single-storey, non-original basement which provides a gym and WC, and is served by a lightwell in the rear garden. The existing basement is situated below part of the footprint of the non-original side extension and measures 37sqm (46.5sqm sqm including the lightwell). It is 7m wide at its widest and 5.3m long in plan from front to back (7.6m including the lightwell). The proposed basement would extend to the footprint of the main house and also extend out to the rear (east) and towards No 48 (south). It would measure 280sqm. It is 20m wide at its widest and 15.5m long in plan from front to back.
- 7.5 The new basement would extend to a depth of 4.50m below ground level (at the formation level of the slab) and 7.60m below ground level at the pool area. The basement would be constructed using a combination of contiguous pile wall and underpinning the existing ground beams.

Basement technicalities

- 7.6 In order to demonstrate compliance with the requirements of policy A5, CPG Basements, a Basement Impact Assessment (BIA) has been submitted and assessed by third party auditors Campbell Reith (CR). As part of the initial audit, the auditors have questioned the impact of the basement on the land stability, hydrology of the area, the presence/absence of adjacent or nearby basements, ground movement assessment and mitigation measures, structural stability of the host building and neighbouring ones, drainage and run-off, and the damage scale.

- 7.7 The basement is fully compliant with Local Plan Policy A5 criteria in terms of its location, scale and size (as set out below in para 7.8). The basement would comprise a single storey (with an area of deeper excavation for a swimming pool, as allowed by policy), it would not be built underneath an existing basement, and it would be less than 1.5 times the footprint of the host property.
- 7.8 Policy A5 stresses that the siting, location, scale and design of basements must have minimal impact on and be subordinate to the host building, by meeting the following limitations:
- (f) Not comprise more than one storey; **complies** - single storey basement with deeper area for swimming pool as specifically allowed by policy.
 - (g) Not be built under an existing basement; **complies** – this is a single storey basement.
 - (h) Not exceed 50% of each garden within the property; **complies**.
 - (i) Be less than 1.5 times the footprint of the host building in area; **complies**. *The footprint area of the existing building at ground floor is 225sqm. The area of the proposed basement is 337.3sqm. It is therefore just under 1.5 times the footprint of the host building in area (1.5 times being 337.5sqm).*
 - (j) Extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation; **complies**.
 - (k) Not extend into or underneath the garden further than 50% of the depth of the garden; **complies**.
 - (l) Be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; **complies**. *The basement wall is set 1.5m away from the boundary of 48 Maresfield Gardens.*
 - (m) Avoid loss of garden space or trees of townscape or amenity value; **complies**. *Overall 2 low quality trees will be removed from the rear garden and there would be a condition added to the permission for 2 replacement trees.*
- 7.9 Concerns were raised from neighbouring occupiers and the Netherhall Neighbourhood Association, both in terms of meeting the requirements of basement policy and in relation to the potential impact on the immediate listed building, No.48, which would be within a couple of metres of the excavation and has suffered damage from the previous basement excavation at No.50. Planning officers and Campbell Reith have considered these objections within the assessment of the basement information and as part of the audit.
- 7.10 Additional information and BIA revisions have been requested as considered necessary by Campbell Reith throughout the process in order to address the sensitivity of the adjacent Grade II Listed property. The BIA revisions (and proposed Damage Mitigation Measures- see section 7.10) are now received as acceptable and appropriate for the safeguarding of the adjacent property, and a condition would be attached to the permission to ensure strict compliance with these and the BIA more generally. There would also be a

condition requiring the appointment of a qualified chartered engineer with membership of the appropriate professional body to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of the basement works.

Basement Construction Plan

- 7.11 A Basement Construction Plan would be required via Section 106 agreement to give the Council the opportunity to confirm that the mitigation measures are properly implemented.

Damage Mitigation Measures

- 7.12 The Burland Scale assumes that the assessed buildings are in good structural condition, and does not take into account structures which are already showing signs of damage, as is the case with No.48. For this reason, a number of Damage Mitigation Measures have been put forward to protect the adjacent property. These mitigation measures are considered adequate by the independent auditors. The measures are as follows:

- The proposed retaining walls will be designed so that vertical and horizontal deflections are within the limits set out in the Ground Movement Assessment (GMA). The contractor will be encouraged to design the wall for lesser deflections where possible.
- Subject to agreement by the owner of No.48, a structural inspection of 48 Maresfield Gardens will be undertaken prior to and following construction which will include a visual report of the development of any cracks that may have occurred during construction.
- An allowance will be made by the contractor for making good of any damage incurred to 48 Maresfield Gardens as a result of the proposed development, as per the requirements of the Party Wall etc. Act 1996.
- The construction sequence and methodology will be reviewed on the basis of the inspection and a robust monitoring strategy will be developed and implemented to ensure ground movements specified in the GMA are not exceeded.

Issues Raised by adjacent No.48

- 7.13 No.48 raised a number of specific issues with the basement documentation. The applicant's basement engineer has acknowledged and responded to these points. The main issues raised in the objections in relation to the basement excavation works are outlined below with a response from the independent auditors.

- Issue: The Ground Movement Assessment doesn't take in to account the existing damage/condition of No.48.

Campbell Reith Response: *It is not really possible to predict a Burland category of damage for a building in poor condition as there are so many unknowns and variables. Section 4 – Damage Mitigation Strategy of the A-Squared ‘Response to Planning Consultation Comments’ acknowledges this weakness in their assessment and sets out steps to minimise and control ground movement and, hence, building damage. The strategy also commits the applicant to carrying out a structural inspection of No.48 (if permitted access) before construction and reviewing the construction methodology as necessary. They have additionally committed to inspecting the property again at the end of construction and making good any damage they have caused. All of this will be controlled by the Party Wall Act.*

- Issue: The modelling was not correct in relation to the depth of the foundations of No.48, which are 2m deeper than modelled.

Campbell Reith response: *The BIA author, A-Squared, confirms that modelling of the foundations to be at a shallower depth is conservative. (A-Squared: ‘all neighbouring properties have been modelled at ground level which is more conservative than modelling them at 2m below ground level, as the soil becomes stiffer with depth, resulting in less ground movement.’)*

- Issue: The modelling is not correct in terms of location. No.48 is closer to the site than is modelled.

Campbell Reith response: *The BIA author confirms that the modelling was updated with the correct relative positions of the buildings but this was not updated in the documentation. A-Squared issued an updated BIA (27/08/2024) to show this (in the Ground Movement Assessment appended) and address other concerns raised in relation to No.48. Further note from A-Squared: The distance between the extended basement and No.48 has been modelled at 1m which is considered conservative.*

- Issue: Challenging the conclusion that the impact on the neighbouring building will not exceed Burland category 1- Very Slight Damage in light of previous damage to the property. The settlement that occurred to our house as a result of the previous basement excavation in 2001 was in fact greater than 1mm width so it exceeded the Very Slight category which the basement impact assessment predicts from the proposed development which is both closer and deeper.

Campbell Reith response: *It is important to note that Campbell Reith are auditors rather than checkers and so are not able to conclude on the impact to neighbouring buildings. In our audit we report that the BIA identifies the impact will not exceed Burland category 1. Our audit reviewed the BIA and we were satisfied that the assumptions made, and approach adopted, to predict ground movement (the cause of building damage) were robust and*

reasonably conservative. We cannot comment on why or how the previous basement excavation may have caused such magnitudes of movement to No 48. We can confirm however that our audit of the BIA for the current basement proposals showed a robust, transparent and logical approach had been taken to predicting likely ground movements associated with excavation and construction. The predicted ground movements are in the range of what would be anticipated for the proposed construction method. The BIA adopted a widely used piece of software to predict damage to neighbouring properties resulting from those ground movements. The outcome of the analysis indicated that, on the basis of those ground movements, a building in good condition would not be expected to experience damage worse than Burland Category 1. Noting the questions raised over the condition of No 48 MG and the need to control ground movements, a Damage Mitigation Strategy was provided.

- 7.14 Overall, the submitted Basement Impact Assessment (BIA) has been externally audited by the Council's consultants, Campbell Reith, and revised where considered necessary to ensure the protection of the Grade II Listed property next door. The Audit reviewed the Basement Impact Assessment for potential impact on land stability and local ground and surface water conditions in accordance with the Council's adopted policies and technical procedures. It has been satisfactorily demonstrated that structural stability would be maintained for the subject property, neighbouring properties (including adjacent listed building) and adjacent highway and that the proposed development would not impact the hydrogeological environment. The proposed basement is found acceptable in relation to CLP Policy A5 and CPG Basements.

Cumulative impacts

- 7.15 The BIA considered cumulative impacts to stability and the water environment from surrounding basements.
- 7.16 With respect to stability, the scheme has been designed recognising the structural arrangements and condition of the surrounding properties, so that there are no cumulative effects.
- 7.17 With respect to the water environment, the BIA includes modelling of the impact of the basement proposals on groundwater flow. It conservatively assumed that basements were present beneath 48 and 52 Maresfield Gardens. The modelling indicated only a small rise in groundwater levels to the north (50mm) and a small fall to the south (110mm), neither of which impacted the neighbouring properties. As changes to groundwater level reduce with distance, significant cumulative impacts are not anticipated.

Conclusion

- 7.18 Overall, the physical works are not considered to cause any harm to the nearby listed buildings with the Damage Mitigation Measures in place. The BIA documentation and CR Basement Audit have considered the potential impacts to the listed neighbour in detail and identified no harmful impact on the stability of the host building and neighbouring ones, ground and water conditions or wider hydrogeological environment.

8.0 IMPACT ON NEIGHBOURING AMENITY

- 8.1 CLP policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. The thrust of the policies is that the quality of life of current and future occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

Overlooking

- 8.2 There is a bathroom window to the rear of 48 Maresfield Gardens on a projecting wall of a side elevation which is visible from the rear garden of the application site. Although the window is in fairly close proximity, approximately a 4.3m separation distance, the bathroom window is already obscured to protect amenity and therefore new glazing to the new side extension will not result in any loss of privacy. It is also noted that the new glazing does not directly face the bathroom window but is at a 45-degree angle. It also is noted that even if the obscured window were ajar for ventilation purposes, the view into the room would be limited and therefore a reasonable sense of privacy would be maintained.
- 8.3 There will be three new windows to the side elevation of the property facing No 48 at first-floor level, and two at first floor level at the rear facing the garden. These would be new windows in the side elevation facing No.48. There are no windows in the flank wall of No 48 and therefore there would be no overlooking of any rooms at the side of no. 48. To the rear, although these windows are additional, there are existing windows at this level and no significant increase in overlooking would result.
- 8.4 Neither the proposed new windows to the side elevation at first-floor level, nor the glazing of the replacement side extension, are considered to cause harmful overlooking to No.48's living room floor-to-ceiling glazing on the rear elevation, or the first-floor bathroom window aforementioned. It is noted that at present the living room windows are obstructed from view from the garden of No.50 by the existing boundary fence and vegetation.
- 8.5 The new dormers would be a sufficient distance away from nearby windows of habitable rooms, and are modest in scale, and therefore are not

considered to pose any additional overlooking threat. It is also noted there are already dormers with a similar outlook at both the front and rear of the property on the main roofslope.

Loss of light & Outlook

- 8.6 Due to the size and projection of the above-ground proposals there would be no material harm in terms of light or outlook to surrounding properties. The new dormers are modest in size and are not expected to cause any material harm to neighbour's light levels or outlook. The replacement side extension would be higher than the existing side extension, and a new garden wall would be erected in front, however neither of these features are considered overbearing and would sit to the north of adjacent property No 48 Maresfield and therefore will not have any material impact in terms of loss of light or outlook. No 52, to the north of the site, similarly would not suffer any material harm in terms of loss of light or outlook. On this side of the house an existing canopy/portico would be removed and lower plant enclosure/shed structures would be erected. These changes are considered minor in nature and the change in ground level (the land rises from south to north) serves to minimise any impact.

Noise

- 8.7 Regarding the plant enclosure along the northern boundary of the site, a Noise Impact Assessment was submitted. This has been assessed by the Council's Environmental Officer and found to be acceptable. Conditions would be attached to the permission if granted to protect neighbouring amenity in regard to noise and vibration and ensure suitable acoustic enclosure is provided.

Construction

- 8.8 The planning permission would be subject to a Construction Management Plan to ensure harm and disruption to neighbours and the nearby school is minimised during construction.

Conclusion

- 8.9 Overall, no significant negative impact on neighbouring amenity is expected from the proposed works in terms of loss of daylight, sunlight, privacy, outlook, noise or disturbance. The scheme is thus considered to be in accordance with CLP Policy A1 and A4.

9.0 DESIGN & HERITAGE

Designated and non-designated heritage assets

- 9.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest. Section 72 of the same Act sets out that special regard must be given to

preserving or enhancing the character and appearance of a conservation area.

Local plan design policies

- 9.2 The Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 9.3 The Home Improvements CPG also states that "materials are integral to the architectural design, appearance and character of a building. The choice and use of materials and finishes therefore plays a crucial role in any alteration and extension given their impact on the appearance and character of a home (and Conservation Area if applicable)". In order to be acceptable, materials should be contextual (in terms of the existing property and the wider built environment).

Site

- 9.4 The application site is located within the Fitzjohns/Netherhall Conservation Area and is considered a neutral contributor to the character and appearance of the Conservation Area. The Conservation Area Appraisal describes Maresfield Gardens as predominantly featuring '*three-to-four storey properties of mixed architectural styles, mainly drawing on Queen Anne influences, but also Arts and Crafts, with some properties having fine detailing and articulation.*' The road is known for its verdant character maintained through the contribution of the trees and vegetation in private gardens. Properties which are negative contributors to the road are highlighted due to their absence of characteristic detail, enclosure and vegetation, all of which contribute to the established character of the area.

Proposal

- 9.5 The proposed side extension, which is modern in design, has been intentionally set back behind a new garden wall. The garden wall would match the character of the existing house (and existing side extension) and would be in red brick with horizontal brick detailing with a timber garden gate, in line with the character of the area. This new feature is considered to complement the verdant, garden character of the conservation area and the characteristic sense of enclosure. The wall would be set back from the front wall of the main house and would extend from the house towards the boundary with No 48. The brick wall would be a modest addition to the front façade and would not compete architecturally with the modernist house next door, but it would be in line with the character of the wider conservation area, and for these reasons it is considered appropriate to the setting of the Grade

- II Listed building. There would also be a matching red brick wall on the northern side of the property with timber garden gate.
- 9.6 As for the subterranean development, although the basement would be substantial in size, the lightwells are positioned in the rear garden, and therefore its presence would not be perceived from the public realm/conservation area.
- 9.7 It is noted that the structural implications of the excavation and construction of the basement extension to the heritage asset are assessed in section 7.
- 9.8 A number of new windows are proposed. To both the front and rear elevations, there would be one new dormer window on the set back roof slopes. To the rear this would replace two rooflights. The dormers would be modest and the same style as the existing dormers on the main roof slopes. They would be positioned centrally on the roof slopes and would be in line with Council guidance on Home Improvements. To the northern side elevation there would be fenestration alterations where the existing canopy/portico structure is. The double French doors and window would be replaced by a window and single door giving access to the side passage. To the rear, two new windows at first floor level would be inserted, matching and aligned with those below. Overall, the new windows are considered to be appropriately placed and would not appear incongruous in light of the design of the original house.
- 9.9 To the side elevation there would be a slight alteration to the roof form to accommodate the lift overrun. The overrun would be positioned between two dormers on the side elevation of the house and no taller than the dormer ridge lines. It would also be finished to match the main roof. For these reasons, the lift overrun is considered to be acceptable and would not be conspicuous from the public realm. There would also be three small SVP vents to the main roof which would be cast iron painted black in line with the character of the conservation area.
- 9.10 To the rear the existing roof lantern and the bay window below would be replaced. The timber bay windows would be replaced like-for-like, while the glazed roof lantern would be replaced with a solid tiled roof, which is considered more traditional and would be akin to the one on the main roof slope. These changes are considered in line with the character of the property and acceptable.
- 9.11 To the north of the property, on the side elevation, there is an open canopy/portico structure with two supporting brick columns. This would be demolished and instead a new plant enclosure and bike store/shed would be erected alongside the northern boundary.

- 9.12 A new pedestrian gate would be inserted in the front boundary which would run directly to the front door. This is considered acceptable. In terms of landscaping, the changes to the front garden would mean a significant increase in the area of soft and permeable surfacing which is welcomed. To the rear garden, the new basement would sit under approximately 12.8% of the garden.

Impact on heritage assets

- 9.13 The nearby designated and non-designated assets, and the impact of the proposal on their significance, is summarised below.

No 48 Maresfield Gardens, Grade II Listed – no harm

- 9.14 No 48 Maresfield Gardens is a modernist house, dated 1939, designed by Hermann Herrey Zweigenthal. The property has significance for a number of architectural reasons (blends English sensibilities with those of Viennese modernism, it's plan, its detailing and use of materials, and its survival with very little alteration) and also historic reasons: that the house is one of small group of buildings designed by émigré architects from continental Europe who made an important contribution to the shaping of Modernism in this country and that its siting in Hampstead places it amongst an enclave of important works of domestic Modernism, a number by the émigrés who settled in this area of North London.

- 9.15 The proposed works at the host property are not considered to detract from the significance of this designated heritage asset. This is because a large part of the works will not be perceivable from the public realm but are subterranean (and lightwells are to the rear of the property) and the replacement side extension which is modern is single-storey and only semi-visible, set back behind a new garden wall. While there will be some glazing visible from the street over the wall, the wall maintains the dominant material language of the host site – red brick – and this sits in contrast to the adjacent listed building which is different in style and in yellow stock brick/white detailing. For this reason, the proposal is not considered to detract from the listed building but preserves its significance.

St Marys School, Grade II Listed – no harm

- 9.16 The orange brick property to the rear of the application site by George Lethbridge is listed: 'St Mary's Convent School and attached wall with railings and gates'. The property, No47 Fitzjohns Avenue dated 1880, was built as a house for Casella (inventor of the clinical thermometer), but has been used as a school since being sold to its present owners, St Mary's Convent School in 1927. Apart from the mid-C20 attached chapel, the C20 extensions by St Mary's Convent School are not of architectural or historical significance.

- 9.17 The proposal at No.50 Maresfield Gardens is not considered to have any harmful impact on the significance of the asset, the school is diagonally to

the rear to the application site and they are not perceived in conjunction with each other from the public realm. The works are considered to preserve the significance of the designated heritage asset.

Fitzjohns Netherhall Conservation Area – no harm

9.18 The Fitzjohns Netherhall Conservation Area is located in the far north of Camden and encloses an area of Hampstead, to the north-east of Finchley Road. The area is mainly suburban in character, with Fitzjohn's Avenue as a focus. The area was designated in 1984 and then extended in 1988, 1991 and 2001. The area is flanked by other conservation areas. The significance of the conservation area comes from its:

- Landscape, characterised by smaller front gardens and extensive rear gardens, many containing mature trees. The streets often have grass verges and rows of street trees.
- Townscape, and associated townscape characteristics, based on residential buildings set-back behind small front gardens or front courts, with low front walls or hedges. There are also some larger-scale mansion blocks. The scale of buildings varies greatly, from 2 storeys to six storeys or more.
- Architecture, buildings tend to have common features, reflecting their time of construction in the late 19th and first half of the 20th century. These are stylistically diverse, but predominantly draw on Queen Anne Revival and Arts and Crafts influences. In addition, there are a small number of individual buildings of distinctive design quality, sometimes contrasting dramatically with surrounding buildings.

9.19 There are a number of positive contributors in proximity to the application site, including Nos. 43-53 Maresfield Gardens particularly, which need to be considered. These properties are identified in the Conservation Area Appraisal and are significant in terms of enhancing and preserving the character of the wider conservation area.

9.20 Overall, the proposal is not considered to detract from the conservation area, and its positive contributors, as a large part of the works will not be perceivable from the public realm but are subterranean (and lightwells are limited to the rear of the property) and the replacement side extension is single-storey and set back behind a new garden wall which will enhance the character of the area. For these reasons the works are considered to preserve the significance of the designated heritage asset.

Conclusion on Design and Heritage

9.21 Overall, the works are not considered to be unduly noticeable from the conservation area but will contribute in a positive way to the overall character of the townscape, characteristic detail, and the green enclosed setting to the host property and its neighbours. It is noted that although the more significant

elements of the proposal have been referenced above, the more minor alterations proposed, such as alterations to roof form, new dormer windows and landscaping, are considered to be designed appropriately in line with the character of the conservation area and would not have a harmful impact on the host building, nearby listed buildings or wider conservation area.

- 9.22 The proposal is not considered harmful to the character or appearance of the host building, or nearby designated and non-designated heritage assets, in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

10.0 SUSTAINABILITY

- 10.1 In light of the Climate and Ecological Emergency, formally declared in 2019 by Camden Council, CLP Policy CC2 discourages active cooling (air conditioning). Although originally proposed, active cooling has now been removed from the scheme.
- 10.2 Since omission of the active cooling, the design of the new extension has been revised further to limit overheating: the overhanging eaves have been increased and an electronic external blind has been added to the rear façade. The glazing proposed would be high specification glass to mitigate solar gain.
- 10.3 Other proposed changes to the building would work to improve the thermal performance of the building and limit energy consumption. Mechanical Ventilation Heat Recovery (proposed to the basement), and low carbon heating, in the form of Air Source Heat Pumps, will serve the house and would replace the existing boiler. These changes will be made alongside fabric upgrades to the building including improving insulation, and high g-values of glazing and high u-values of new fabric. In this manner the efficiency of the building envelope will be improved.
- 10.4 The ASHP low carbon heating would be located in an external plant enclosure on the north side of the house adjacent to the boundary with No 52. A condition has been added to the application requiring the settings on the ASHP to be disabled so the pump cannot be used for cooling.
- 10.5 Overall, the proposal utilises the latest techniques in sustainable development including energy saving features as described, improving the environmental performance of the building as a whole. For this reason, the proposal is considered 'sustainable development' as required by the NPPF and CLP policy.

11.0 TREES & BIODIVERSITY

- 11.1 CLP Policies A3 and D1 advise that the Council will seek to protect gardens, and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. In terms of open space, Policy A2 advises that the Council will seek to resist development which would be detrimental to the setting of designated open spaces, conserve and enhance the heritage value of designated open spaces and other elements of open space which makes a significant contribution to the character and appearance of conservation areas or to the setting and heritage assets.
- 11.2 The Council has a duty to consider the preservation of trees when granting planning permission. The potential effect of development on all trees is a material consideration and trees in conservation areas are protected irrespective of having Tree Preservation Orders or not.
- 11.3 The scheme involves the removal of two category C (low quality) trees, they are of low visibility from the public realm and are not considered to significantly contribute to the character and appearance of the conservation area. The most significant trees are proposed to be protected and retained. The loss of canopy cover and amenity can be mitigated against through replacement planting, at least two replacement trees are required by condition.
- 11.4 The impact of the scheme on the trees to be retained will be of an acceptable level and within the tolerable limits. The tree protection details are considered sufficient to demonstrate the trees to be retained will be adequately protected in accordance with BS5837:2012. However, a full schedule of arboricultural monitoring has not been submitted and has been required by condition.
- 11.5 A large increase in the permeability of the front garden is proposed which is welcomed, with an increase in soft landscaping and permeable hard surfacing. This will be secured by condition.
- 11.6 The application is exempt from biodiversity net gain requirements as it is not “major development” and the application was made or granted before 2 April 2024.

12.0 CONSTRUCTION MANAGEMENT PLAN

- 12.1 Construction management plans are used to demonstrate how developments will minimise impacts from the movement of goods and materials during the construction process (including any demolition works).
- 12.2 The basement excavation is substantial, extending beneath the footprint of the house and southern extension, and the extra depth required for the swimming pool will mean there would be substantial waste to be exported

from the site. The site is located in a sensitive residential location and within proximity of local schools.

- 12.3 A CMP document will be secured by Section 106 agreement in accordance with Local Plan Policy A1 if planning permission is granted. This will be prepared using the Council's CMP proforma. The applicant is requested to visit [LB Camden guidance on construction management](#).
- 12.4 The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.
- 12.5 An implementation support contribution of £4,194 and impact bond of £8,000 will be secured by Section 106 agreement in accordance with Local Plan Policy A1 if planning permission were granted.

13.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 13.1 The CIL applies to all proposals which add 100m² of new floorspace or an extra dwelling. The amount to pay is the increase in floorspace (m²) multiplied by the rate in the CIL charging schedule. The final CIL liability will be determined by the CIL team.
- 13.2 231.8sqm of new floorspace is proposed at this stage so the proposal would be CIL liable.
- 13.3 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (MCIL2) with an estimated liability of **£21,409.89**.
- 13.4 The proposal will also be liable for the Camden Community Infrastructure Levy (CIL). The site lies in Zone C where CIL is calculated using rates based on the relevant proposed uses. The estimated Camden CIL liability is **£170,285.55**.

14.0 SECTION 106 LEGAL AGREEMENT

- 14.1 Heads of terms will be as follows:
- Construction Management Plan with implementation support fee - £4,194
 - Construction Impact Bond - £8,000
 - Basement Construction Plan

15.0 CONCLUSION

- 15.1 The proposed scheme including basement excavation, replacement side extension and other works, would comply with Local Plan policies. The BIA in support of the basement excavation by the applicant, as well as neighbours' objections, have been considered by Officers and Campbell

Reith in their assessment and audit. When applying the statutory duty of preserving the heritage assets and their setting and in line with NPPF requirements, there is no harm identified from the proposed basement excavation. As such, the proposed basement excavation would preserve the significance of listed buildings and their settings, and preserve the character and appearance of Fitzjohns Netherhall Conservation Area. The proposal complies with the development plan policies.

- 15.2 The recommendation to grant permission is subject to further details to be provided by condition of a suitably qualified chartered engineer to inspect, approve and monitor the permanent and temporary basement construction works, and for works to be completed in accordance with the BIA documentation and proposed Damage Mitigation Measures, as well as a the requirement for a Basement Construction Plan. As such, it is recommended that planning permission is granted subject to conditions and section 106 legal agreement.

16.0 RECOMMENDATION

- 16.1 Grant conditional Planning Permission subject to a Section 106 Legal Agreement with the following heads of terms:

- Construction Management Plan with implementation support fee - £4,194
- Construction Impact Bond - £8,000
- Basement Construction Plan

17.0 LEGAL COMMENTS

- 17.1 Members are referred to the note from the Legal Division at the start of the Agenda.

18.0 CONDITIONS

Standard conditions

1 Time limit

The development hereby permitted must be begun not later than three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Approved drawings

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

Location Plan P0200, Existing Basement Floor Plan P0599, Existing Ground Floor Plan P0600, Existing First Floor Plan P0601, Existing Second Floor Plan P0602, Existing Roof Plan P0603, Existing Front Elevation P0700, Existing Front Street Elevation P0701, Existing Rear Elevation P0702, Existing Side Elevation (North) P0703, Existing Side Elevation (South) P0704, Existing Section A-A P0800, Existing Section B-B P0801, Demolition & Proposed Front Elevation (West) P1500-A, Demolition & Proposed Street Elevation (West P1501-A, Demolition & Proposed Side Elevation (North) P1502-A, Demolition & Proposed Rear Elevation (East) P1503-A, Demolition & Proposed Side Elevation (South) P1504-A, Proposed Front Elevation (Pavillion) P1505, Demolition & Proposed Basement Floor Plan P1399-A, Demolition & Proposed Ground Floor Plan P1400-A, Demolition & Proposed First Floor Plan P1401-A, Demolition & Proposed Second Floor Plan P1402-A, Demolition & Proposed Roof Plan P1403-A, Demolition & Proposed Section AA P1600-A, Demolition & Proposed Section BB P1601-A, RIBA Stage 03 Design and Access Statement 22022 dated 29.06.2022, Heritage Appraisal June 2023 by The Heritage Practice, S940-J2-R-3 REPORT regarding the impact on trees of proposals for development at 50 Maresfield Gardens London NW3 5RX, Flood Risk Assessment and Drainage Strategy J5106 50 Maresfield Gardens Ref: J5106-C-RP-0001-00 including Appendix A, Sustainability Energy & Overheating Report J5106 Maresfield Gardens Ref: J5106-E-RP-0001-02, Planning Compliance Report 26643.PCR.01 Rev D by KP Acoustics, Construction sequence (1 of 4) J5106-S-SK-0031-01, Construction sequence (2 of 4) J5106-S-SK-0032-01, Construction sequence (3 of 4) J5106-S-SK-0033-01, Construction sequence (4 of 4) J5106-S-SK-0034-00, Development programme by Corrigan Gore dated 26 January 2024, J5106-S-GA-1080_02, J5106-S-GA-1090_01, J5106-S-GA-1095_01, J5106-S-GA-1100_01, J5106-S-SE-1200_01, Basement Impact Assessment by A-squared Studio Engineers Ltd Ref 2588-A2S-XX-XX-RP-Y-0002-06 Revision 06 dated 27/08/2024, Memorandum - 50 Maresfield Gardens - Response to Planning Consultation Comments by A-squared Studio Engineers Ltd Ref 2588-A2S-XX-XX-MM-Y-0001-02 (undated).

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

3 Matching materials

All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Pre-start conditions (any works)

4 Appointment of qualified engineer

The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

5 Tree protection details

Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". Details shall include a full auditable schedule of arboricultural monitoring for the duration of the development including demolition. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

Prior to above ground works

6 Landscaping details

Prior to commencement of above-ground works, full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been

submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels, and shall include details of at least two replacement trees. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

Prior to occupation or use

7 Anti-vibration isolators for plant

Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

8 ASHP disabled for cooling

Prior to first use of any of the air source heat pumps hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pumps shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.

9 Acoustic Enclosures and Report Measures

Prior to use, the ASHPs shall be fitted with acoustic enclosures of the performance specified in the Planning Compliance Report 26643.PCR.01 Rev D by KP Acoustics. The recommendations of the report shall be adopted in full, unless relating to the condenser units (active cooling) which have since been removed from the scheme.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Compliance conditions

10 BIA including damage mitigation measures

The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement

Impact Assessment by A-squared Studio Engineers Ltd Ref 2588-A2S-XX-XX-RP-Y-0002-02 Revision 05 dated 21 March 2024 hereby approved (including the damage mitigation measures specified in section 4 of the memorandum and section 7.2.6 of the main document) and in accordance with Basement Impact Assessment Audit Project No. 14006-32 date July 2024 rev F2 by Campbell Reith, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

11 Approved landscape details

All hard and soft landscaping works, including the permeable surfaces and at least two replacement trees, shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development, prior to the occupation for the permitted use of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

12 Noise limits for plant

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

19.0 INFORMATIVES

1	Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and
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	<p>emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).</p>
2	<p>This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.</p>
3	<p>All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.</p>
4	<p>Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.</p>
5	<p>You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at https://beta.camden.gov.uk/web/guest/construction-management-plans or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should</p>

	<p>be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.</p>
6	<p>Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.</p>
7	<p>Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.</p>
8	<p>This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.</p>
9	<p>Biodiversity Net Gain (BNG) Informative (1/2): The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.</p> <p>Based on the information provided, this will not require the approval of a BGP before development is begun because the application is not "major</p>

development” and the application was made or granted before 2 April 2024.

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not “major development” and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a “Biodiversity Gain Site”.
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

10

Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

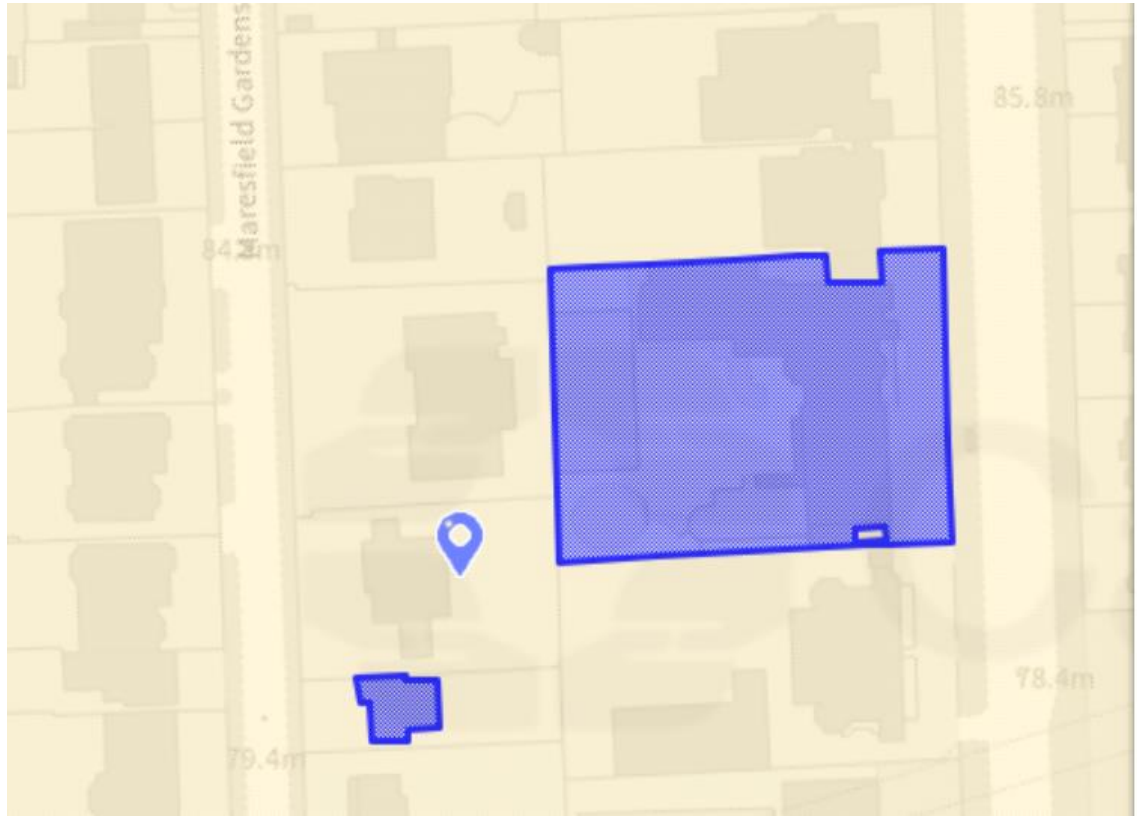
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be

regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.





Registered Historic Park Or Garden

Local List

Listed Building

I

II

II*

Conservation Area Carto





















As Existing



As Proposed



