

**Ward:** Hammersmith Broadway

**Expiry Date:** 10th February 2022

**Site Address:**

98 Brackenbury Road London W6 0BD



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**For identification purposes only - do not scale.**

**Reg. No:**

2021/04014/FUL

**Date valid:**

16.12.2021

**Recommendation Date:**

01.07.2022

**Committee Date:**

20.07.2022

**Case Officer;**

Nastassja Lazarus

**Conservation Area:**

Constraint Name: Bradmore

Conservation Area - Number 25

**Applicant:**

Isabel Pigem  
98, Brackenbury Road London W6 0BD

**Description:**

Erection of a single storey rear extension to the side of the existing back addition; excavation to lower the existing lower ground floor level; and excavation of the front garden and part of the rear garden to form lightwells, in connection with the creation of a new basement.

**Application type:**

Full Detailed Planning Application

**Officer Recommendation:**

1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission subject to the conditions listed below;

2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

1) Time Limit

The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) Drawings

The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings listed, other than where those details are altered pursuant to the conditions of this planning permission:

Drg. Nos: GA/102 Date: 12/22 GA/100 Rev: C Date: 12/22 GA/101 Rev D Date 13/06/22: GA/200 Rev: B Date: 13/06/22 GA/201 Rev: B Date: 13/06/22 GA/202 Rev: B Date: 12/22 GA/204 Rev: C Date: 13/06/22 GA/205 Date: 13/06/22 Flood Smart Report, prepared by GeoSmart Date 2022-04-08; SuD Smart report by GeoSmart Date 22/2/2021; 581-GA-054B Status: Stage 3 Rev: B Date: 07/04/2022

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

### 3) Materials

The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

- Walls: Yellow London stock brick to match the existing building in terms of brick and mortar colour and bond pattern.

- roof of single storey extension: Grey tiles.

- replacement windows: To replicate the existing window fenestration and opening style, timber framed, painted white with horn features (where existing).

- rear elevation bi-fold doors and fixed window (ground and basement levels): Metal, powder coated white.

- sash windows to basement level front lightwell: Timber framed, painted white.

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

### 4) Implemented in accordance with plans

No part of the basement hereby approved shall be occupied or used until the front and rear lightwells have been constructed in accordance with the approved plans and the approved metal grille and walk on glass to the front and rear lightwells have been fitted flush with the surrounding ground level. The metal grille and walk on glass shall be permanently retained in place thereafter. At no time shall railings or any other vertical element be constructed around the lightwell.

To ensure a suitable residential environment for future occupiers and a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4, DC8 and DC11 of the Local Plan (2018) and Key Principles BL1 and BL3 of the Planning Guidance Supplementary Planning Document (2018).

### 5) Plant equipment

No water tanks, water tank enclosures or other structures shall be erected upon the roof of the extension hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC4 and DC8 of the Local Plan (2018).

6) Construction and Demolition Logistics Plan

Prior to commencement of the development hereby approved, a Construction and Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

**Justification for approving application:**

- 1) It is considered that the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, and would be of an acceptable visual appearance in context of the subject property and wider Conservation Area. In this respect the development is judged to be acceptable in accordance with Policies CC3, CC4, DC1, DC4, DC6, DC8, DC11 and HO11 of the Local Plan (2018) and Key Principles BL1, BL3, CAG2, CAG3, FR1, HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

**That the applicant be informed as follows:**

- 1) In determining this application, the local planning authority has worked in a proactive and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2021).
- 2) As set out in Condition 2, compliance is required with the approved plans set out in this decision notice. Nevertheless, your particular attention is drawn to the fact that the height of the wall on the boundary with No. 100 shall not exceed a height of 2m when taken from the ground level of this neighbour.
- 3) As set out in Condition 2, compliance is required with the approved plans set out in this decision notice. Nevertheless, your particular attention is drawn to the size of the front and rear lightwell which shall not exceed the dimensions as indicated on approved drawings and the lightwells shall be implemented and completed in accordance with the approved details.
- 4) WASTE:

We would expect the developer to demonstrate what measures will be

undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

5) WATER:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 6) Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.
- 7) At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.
- 8) Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition.
- 9) No waste materials should be burnt on site of the development hereby approved.
- 10) Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

## Officer Report

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### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

#### **All Background Papers held by case officer named above:**

Application form received: 15th December 2021  
Drawing Nos: see above

**Policy Documents:** National Planning Policy Framework (NPPF) 2021  
The London Plan 2021  
LBHF - Local Plan 2018  
LBHF - Planning Guidance Supplementary Planning Document  
2018

#### **Consultation Comments:**

Comments from:

Dated:

#### **Neighbour Comments:**

Letters from:

Dated:

94 Brackenbury Road W6 0BD	11.01.2022
94 Brackenbury Road W6 0BD	10.01.2022
96 Brackenbury Road W6 0BD	11.01.2022
100a  Brackenbury W6 0BD	02.01.2022
100 Brackenbury, Flat A W6 0BD	11.01.2022
106 Brackenbury W6 0BD	01.02.2022
115 Brackenbury Road W6 0BQ	12.01.2022
117 Brackenbury Road W6 0BQ	06.01.2022
119 Brackenbury Road W6 0BQ	12.01.2022
59 Carthew Road W6 0DU	11.01.2022
61 Carthew Road W6 0DU	02.01.2022

#### 1. SITE AND SURROUNDINGS

- 1.1 The application site includes a mid-terrace three-storey house (plus accommodation at roof level) ~~house~~ in use as a single residential dwelling on the western side of Brackenbury Road. The property is not a listed building or a locally listed building of merit but it is located within the Bradmore Conservation Area.
- 1.2 Brackenbury Road consists predominantly of two and three storey Victorian terraced houses. Typically, the houses have raised ground and lower ground floors.

1.3. The site is within Flood Risk Zone 3 and within a noise nuisance zone.

## 2. RELEVANT PLANNING HISTORY

2.1 In October 2021, planning permission was refused (Planning reference: 2021/02794/FUL) the erection of a single storey rear extension to the side of the existing back addition; excavation to lower the existing lower ground floor level; and excavation of the front garden and part of the rear garden to form lightwells, in connection with the creation of a new basement. The application was refused on the following grounds:

- excessive excavation to the front garden would have resulted in an oversize grille serving the lightwell that extended beyond either side of the bay window, which would be an overly dominant feature that would be visually harmful to the parent building, the street scene and the Bradmore Conservation Area
- the excessive excavation to the front of the building and lack of set back from neighbouring property boundaries would fail to provide adequate space for planting to either side of the rear lightwell and cause significant disturbance to neighbours during the construction process due to the excessive nature of the excavations. This would result in a significant adverse impact upon the amenity of neighbouring occupiers.

2.2 In 2006, planning permission was granted (Planning reference: 2006/01560/FUL) for the erection of a rear roof extension. This has been implemented.

## 3. CURRENT APPLICATION

3.1. The current application follows on from the recent refusal and also seeks planning permission for the erection of a single storey rear extension to the side of the existing back addition; excavation to lower the existing lower ground floor level; and excavation of the front garden and part of the rear garden to form lightwells, in connection with the creation of a new basement.

3.2. The application has been amended to address the previous reasons for refusal and includes a smaller basement with a reduced front lightwell and setbacks away from the party boundary to allow for planting. The application does not seek to change the use of the building. The building will continue to be used as a single family dwelling.

## 4. PUBLICITY AND CONSULTATION

4.1. In addition to site and press notices, 26 individual notification letters were sent to neighbouring properties. In response, 11 objections were received, including 2 from the same address. submission. In addition, a former ward Councillor, also raised similar concerns in a separate objection.

The issues raised are summarised below:

- Insufficient time for consultation (over Christmas period)



- Prolonged construction period due to nature of works - not neighbourly
- Construction noise, vibration, mess.
- Potential loss of parking due to construction, pedestrian safety.
- Flood Risk
- Structural risk - instability
- Precedent for similar development
- Development at no. 108 Brackenbury is different - former shop.
- Basement works are not in keeping with character and appearance of area.
- No issue with rear extension
- Impact on conservation area

Officer response:

- In line with statutory requirements the application has been subject to public consultation and objections received after the deadline have been taken into account
- in addition to conditions and informatives that would be attached to any permission, the Council has separate powers under environmental protection legislation to minimise dust and other disturbance related to temporary works during the construction period.
- The temporary loss of parking during construction period is not a sufficient reason to withhold consent
- Regarding structural stability, this is addressed in the main body of the report
- A Flood Risk Assessment has been submitted with the application and forms part of the planning assessment.
- The impact of the proposed basement on the conservation area is considered as part of the planning assessment

## 5. POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.2 In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018. National Planning Policy Framework (NPPF)
- 5.3 The NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.4 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise

## The London Plan

- 5.5 The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

## The Local Plan

- 5.6 The Council adopted the Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles

## 6. PLANNING CONSIDERATIONS

- 6.1 The main planning considerations in the assessment of this application include the following:-
- Impact on the character and appearance of the host building and Bradmore Conservation Area
  - Residential amenity
  - Flood Risk
  - Highways

## CONSERVATION AND DESIGN

- 6.2 Local Plan (2018) Policies DC1 (Built Environment) and DC4 (Alterations and Extensions) require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of its bulk, scale, materials, and design. The supporting paragraph 12.20 to Policy DC4 acknowledges that there will be changing needs and requirements of occupiers' and the policy 'seeks to ensure that extensions and alterations, even the most minor ones, do not affect the inherent qualities of existing properties
- 6.3
- 6.4 Policy DC6 (Replacement Windows) states that replacement windows should respect the architectural character of the building with regards to their design and use of materials, matching the original windows as closely as possible. Policy DC8 (Heritage and Conservation) seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's historic environment including its conservation areas and is supported by Key Principle CGA2 and CAG3 of the Planning Guidance SPD (2018).
- 6.5 The site lies within the Bradmore conservation area, and as such, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area,

together with the requirements set out in the NPPF.

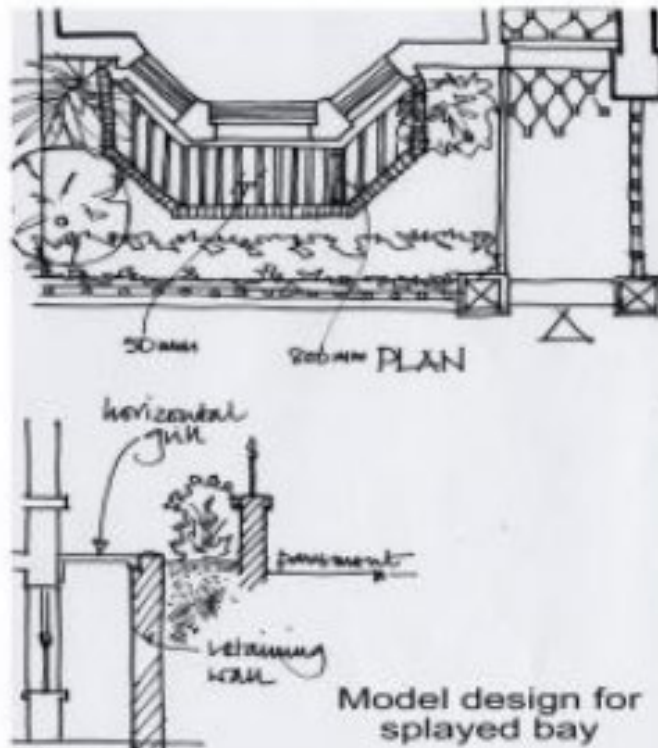
- 6.6 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para 190).
- 6.7 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF states that "...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...any harm or loss should require clear and convincing justification.
- 6.8 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 195 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 196 of the NPPF.
- 6.9 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Bradmore conservation area.

Context:

- 6.10 Bradmore Conservation Area was initially designated in April 1989, and extended eastward as part of a review of boundaries on 9th April 1991. Following a further review, a further extension was approved in October 2014.
- 6.11 Brackenbury Road is in the northeast sector of the conservation area and can be seen on the Ordnance Survey map of 1863 where Bradmore Farm covered almost the entire area - no remnants of the farm remain. This street consists predominantly of two and three storey Victorian terraced houses, constructed in 1869, with raised ground floors reached by external stairs, and a semi-basement. The facades are brick with ornamental bay windows, decorative plaster mouldings over porches, lintels and bracketed sills. Some have roofs behind parapets, while others have eaves with corbels at the party walls.
- 6.12 Brackenbury Road is a wide street with some recently planted trees. Property boundaries vary; some of the original gate piers and low walls, which would have originally contained railings, remain and provide some cohesion, otherwise, there is a mixture of modern railings, brick walls, rendered walls and horizontal timber fences.
- 6.13 The application property forms part of the original architectural composition of the application terrace and the surrounding area. This Victorian building with front bay is finished in materials that broadly match the terraces nearby and the brickwork includes some attractive detailing around the windows and front porch. As such, the building is of local interest and significance and worthy of retention. The proposals would ensure the retention of the building.

## Basement and lightwells

- 6.14 Both the Local Plan and London Plan allow extensions into the basement below the building, providing there is no adverse impact on the amenity of neighbouring properties (such as flooding) or negative impact on the street scene due to the need for the provision or alteration of lightwell.
- 6.15 London Plan 2021 Policy D10 relates to basement development and states that 'Boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.' The supporting paragraph (3.10.3) makes clear that the Mayor supports boroughs in restricting large-scale basement excavations under existing properties where this type of development is likely to cause unacceptable harm. Significantly, paragraph 3.10.6 states that the Mayor considers that 'smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space without the costs of moving to a new house. In areas where basement developments could cause particular harm, boroughs can consider introducing Article 4 Directions to require smaller-scale proposals to obtain planning permission.' There is an existing borough-wide Article Direction which requires a planning application for all proposals that involve a basements.
- 6.16 Local Plan Policy DC11 sets out basement and lightwell requirements in Conservation Areas and is supported by Key Principles BL1 and BL3 of the Planning Guidance SPD (2018).
- 6.17 Policy DC11 (Basements and Lightwells) states that new basement accommodation will be permitted only where [inter alia] it does not extend into or underneath the garden greater than 50% of the depth of the host building, or garden; does not comprise more than one storey; there is no unacceptable impacts on the amenities of adjoining properties or the historic or natural environment during and post construction; and does not increase the chance of flood risk. The supporting paragraph 12.67 states that excessively large lightwells will not be permitted in any garden space – Key Principles BL1 and BL3 provide detailed guidance on the circumstances under which lightwells are acceptable.
- 6.18 Under Key Principle BL1 (Assessment of Lightwells) applications are treated on their individual planning merits, taking into account local circumstances, impact and the proposed size of the excavated area. The following key points are taken into account:
- if the whole of a front or rear garden would be lost this would normally be refused permission.
  - Front lightwells should be designed in accordance with the model designs for lightwells in figure BL1 (see below)



-Rear lightwells should not be excessive in size and should not either on its own or in combination with a basement excavation result in the loss of more than 50% of the rear garden area in accordance with Local Plan Policy DC11.

-Where they are not part of the original design, proposals to insert stairs into the front lightwell would normally be resisted.

-Where a basement is being excavated to form additional living space, lightwells may be formed in the rear and/or side garden, where one exists

6.19 Under Key Principle BL3, front lightwells should be as discreet as possible, and allow the scale, character and appearance of the property, street or terrace to remain largely unchanged. The design of any basement elevation, in its form and fenestration [and in particular the material, opening style and subdivision of any fenestration], should relate to the design of the ground floor elevation. The following key points should be considered:

- retain a significant amount of accessible and usable planting area at ground level.
- Fences, glazed screens or vertical railings to surround the lightwell should be avoided, except, to put a railing from the front to back adjacent to the garden path in order to give protection.
- the lightwell should follow the shape of the bay window on the ground floor.
- All excavations should not exceed 800mm from front to back
- A horizontal metal grille flush with the surface of the garden should be used to achieve protection over the excavation
- Where a lightwell is used as a means of escape, a ladder will also need to be provided to affect the escape arrangements from the basement

6.20 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing the

character or appearance of that area.

- 6.21 The application site is situated in the Bradmore Conservation Area and the host building occupying the site does not benefit from any listing designation.
- 6.22 The proposal seeks to introduce a basement beneath the footprint of the existing lower ground floor level, erect a side infill extension together with excavations beneath part of the existing front and rear gardens to create lightwells. The proposed excavation would not exceed 50% of the depth of the existing rear garden, nor would it extend into or underneath the garden further than 50% of the depth of the host building when measured from the principal rear elevation.
- 6.23 With the exception of the proposed front and rear lightwells the proposed single storey basement would be wholly beneath the existing and proposed ground floor building footprint. The lower ground floor level of the existing building is already below street level and would be lowered by a further 300mm. Unlike the previous refusal, the new basement would be set back from the side boundaries and the front lightwell would follow the shape of the bay window at the existing lower ground floor.
- 6.24 The front lightwell design would have a maximum projection of 800mm (when measured from the external wall of the bay). The front lightwell is considered to be acceptable as it would benefit from a metal grille and would follow the preferred (splayed) that would be sympathetic to the host dwelling and wider application terrace. The front lightwell would feature timber framed sash windows, painted white, replicating the fenestration of the existing front bay windows at lower ground floor level.
- 6.25 The rear lightwell would be located to the rear of the back addition (and proposed side infill extension). This lightwell would have a rectangular shape and a rear projection of 1.8m when measured from the external wall of the proposed side infill extension. The proposed rear lightwell would be modest in scale and due to the location would be screened behind the bulk of the host building and proposed extension. The lightwell would be accessed via multi-pane sliding doors.
- 6.26 Apart from the lightwells the basement would not be visible from the street due to the proposed excavation being largely beneath the footprint of the existing original lower ground floor. The proposed front and rear lightwells would be modest in scale when compared to the original building.
- 6.27 Overall, officers consider that the excavation works are in accordance with Policy D10 of the London Plan 2021, Policy DC11 of the Local Plan 2018 and Key Principles BL1 and BL3 would result in an acceptable impact on the amenity of adjoining properties or on the local, natural and historic environment.

#### Basement - Structural Stability

- 6.28 Basement excavation often raises concerns about the structural stability of adjacent properties because of works to party walls and foundations, in particular. These issues may be properly dealt with by means of a party wall agreement
- 6.29 The NPPF places significant weight on ground conditions, land stability and local

environmental issues (eg. Paragraphs 109, 120 and 121) as material considerations in determining planning applications. In accordance with this Policy DC11 sub-criteria (k) requires that a Construction Method Statement (CMS) be carried out by a qualified structural or civil engineer and be submitted with all basement applications.

- 6.30 The applicant submitted a CMS (June 2021) which was carried out by a qualified structural and civil engineering consultant and sets out a design philosophy for the proposed works that aims to ensure a safe and proper construction with no adverse effects to the existing or neighbouring structures. The report considers a range of structural drawing and calculations which detail both the temporary and permanent design stages of the basement development. The engineers report states that there would not be 'any structural damage to adjoining structures or public road as a consequence of the works if they are carried out in accordance with the approved manner - there should not be any impact on the integrity of the adjoining structures.' Officers have considered the report and accept the conclusions that that the proposed works can be carried out within a safe and cost-effective manner by a suitable contractor.

Side extension.

- 6.31 The proposed side extension to the existing back addition would be 2m in height on the boundary with No. 100 Brackenburg Road, with a pitched roof (23 degrees) that rises to a maximum height of 3m. The roof of the extension would be finished in grey roof tiles and would include two, large glazed panels. The side and rear elevations of the extension would be constructed from matching yellow stock London bricks. The rear elevation would include a powder coated white, fixed metal frame window.
- 6.32 Side extensions are a common feature within the application terrace – the neighbouring properties No. 88 (2019/00307/FUL), No. 92 (2001/01398/FUL) and No. 96 Brackenburg Road (2006/03414/CLP) also benefit from similar side extensions. The proposed side extension would be a modest addition to the host building and would not be out keeping with existing development in the application terrace and wider conservation area.

Other alterations

- 6.33 The proposals include the following other minor alterations: -
- installation of metal framed patio doors, powder coated white. This element is minor in nature, and in keeping with the parent building and would not be visible from public vantage points.
  - Lower the existing lower ground level by some 320mm, to provide an improved internal floor-to-ceiling height of 2.7m (existing average height of 2.38m). This alteration would be internal to the building and would therefore not be visible to the street.
- 6.34 These alterations are considered modest and would not result in any harmful

visual impact to the parent building, the application site or the Conservation area.

#### Conclusion - Design and Heritage

- 6.35 The proposed alterations and additions would be modest in nature and would preserve the character and appearance of the host building and the wider terrace. The proposals would maintain the residential character of the street scene. As a result, the development would not result in any harm to the Bradmore Conservation Area or other nearby heritage assets. The proposals are therefore considered to be in accordance with Policies DC1, DC4, DC6, DC8 and DC11 of the Local Plan (2018) and key principles CAG2, CAG3, BL1, BL2 and BL3 of the LBHF SPD (2018). The development would also preserve the character and appearance of the Bradmore Conservation Area in accordance with the statutory provision of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### RESIDENTIAL AMENITY

- 6.36 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. Local Plan Policy HO11 makes clear that extensions will be acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties including privacy, daylight and sunlight, and outlook. SPD Housing Key Principles, HS6 and HS7 contain safeguards to protect the residential amenities of neighbouring occupiers.
- 6.36 Key Principle HS6 states that 'Any proposed new development and/or extensions to existing buildings should as a general rule, not result in an infringing angle of more than 45 degrees. In this case, the existing rear garden is approximately 5.1m in depth, and in accordance with SPD Key Principle HS6(i) the proposed side infill extension would not infringe a 45-degree line taken from the rear property boundary. The proposals would therefore be of an appropriate scale and mass that would not be detrimental to the residential amenity of adjoining occupiers to rear of the application site.
- 6.37 Key Principle HS7(ii) requires that side infill extensions should not exceed 2m in height on the boundary (when measured from the neighbour's property) and the roof of the extension shall not exceed an angle of 45 degrees. Exceptions to this rule may apply if there is an existing extension at the neighbouring property. In this case, the side extension would be 2m high on the boundary to No. 100 Brackenbury Road and would have a pitched roof at an angle of 23 degrees. Notably, the adjoining property at No. 100 does not have an existing side infill extension. The proposed height and siting of the side extension would have an acceptable impact in terms of light and outlook as the proposals comply with Key Principle HS7(ii) of the LBHF Planning SPD.
- 6.38 Key Principle HS7(iii) requires that any new windows should be positioned at least 18 metres from existing habitable room windows. This distance should be measured from an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met then windows should be designed to ensure that no loss of privacy will occur.



- 6.39 The proposal includes the installation of new doors within the ground floor rear elevation of the existing back addition and the rear elevation of the proposed side infill extension. Although proposed openings would be located within 18m of existing habitable rooms at the rear of properties in Carthew Road, the proposed new windows would be located at ground floor level and screened behind an existing brick boundary wall. In these circumstances, the proposed openings would not result in overlooking or loss of privacy to neighbouring properties.

#### NOISE AND DISTURBANCE

- 6.40 Policy CC13 (control of potentially polluting uses) states that all proposed developments will be required to show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties, particularly where commercial and service activities will be close to residential properties. In this case, the proposed works would not result in any change in land use - the application site will continue to be used as a single family dwellinghouse and the enlarged property would not have a detrimental impact on adjoining occupiers in terms of noise
- 6.41 The Control of Pollution Act 1974 gives the Council powers to control noise on construction sites through restrictions on the hours of work, the type of machinery and how / where it can be used to allow works to be completed without any unreasonable nuisance to neighbours. The applicants Construction Method Statement (CMS) submitted in accordance with Policy DC11 (k) acknowledges the statutory obligations with respect to dust, noise, and vibration generation.
- 6.42 Officers have considered the submitted CMS and accept that the approach outlined in the document is acceptable in line with Policy DC11 (k). Various informatives would be attached to any planning permission, outlining construction hours and best practice means with respect to the generation of noise and vibration.
- 6.43 The proposals accord with Policy CC13 and DC11 (k) of the Local Plan.

#### Conclusion - residential amenity:

- 6.44 The proposed extensions and alterations (inclusive of the basement) would not result in detrimental residential impacts to neighbouring occupiers in terms of loss of daylight, sunlight, overlooking, sense of encroachment or loss of privacy. The proposed development would therefore comply with HO11 of the Local Plan (2018) and Key principles, KHS4, KHS6 and KHS7 of the SPD (2018).

#### FLOOD RISK

- 6.45 Local Plan (2018) Policy CC3 requires that new development reduce the use of water and is designed to take account of increasing risks of flooding. Local Plan (2018) Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances. These policies are supported by the relevant Key Principles within

Section 15 of the Planning Guidance SPD which requires the submission of information relating to flood risk.

- 6.46 In accordance with the Council's Environmental Policy team's comments, a revised Flood Risk Assessment (Flood Smart and SuD Smart reports), were subsequently submitted to the Council and reviewed by the Council's Environmental Policy team.
- 6.47 Environmental Policy Officers have advised that the latest Flood Smart Report (detailing specific measures to be implemented) and ancillary drawings detailing the location and extent of waterproofing, pump locations and sustainable urban drainage measures to be implemented is considered to be acceptable. The Flood and SuD smart reports plus ancillary drawings clearly demonstrate flood risk measures that would be implemented to a degree that would be acceptable. The submission has therefore demonstrated compliance with Policies CC3 and CC4 of the Local Plan (2018). It is recommended that the Flood Risk Assessment (Flood Smart and SuD Smart reports and ancillary drawings) be secured by condition to ensure that all aspects of the Flood Risk Assessment are adhered to accordingly.

## TRANSPORT

- 6.48 The basement policy DC11(L) states that applicants to provide a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety. This is in accordance with transport Policy T7 which requires, all construction, demolition, utilities and major logistic activities within the borough will be required to work with the council to mitigate the impact of any additional traffic or potential disruption to the network, careful planning and co-ordination with the council is required to ensure the smooth operation of the highway network. In support of this Key Principle TR21 (reducing the impact of new development on the highway) requires that all new developments that has the potential to have a detrimental impact during the construction phase will require a Construction Logistics Plan (CLP)
- 6.49 The Council's Highway's team have considered the proposals and raise no objections subject to a a condition being attached to any permission that Demolition and Construction Logistics Plan be submitted and approved.
- 6.50 The plan would be based upon the TfL Construction Logistics Plan (2017) and the details shall include control measures for delivery locations, numbers, size and routing of construction vehicles and other matters relating to traffic management to be agreed. Subject to the condition, the proposals accord with the Policies DC11(L) and T7 of the Local Plan and Key Principle TR7.

## 7. CONCLUSION

- 7.1. The proposed development would be in keeping with the character and appearance of the host building, the wider terrace of buildings and would not result in any harm to the conservation area. There would be no undue harm to the residential amenity of neighbouring occupiers. The proposal is therefore

acceptable and in accordance with Policies, DC1, DC4, DC6, DC8, DC11, CC3, CC4 and HO11 of the Local Plan (2018) and Key Principles CAG2, CAG3, BL1, BL3, FR1, HS6 and HS7 of the LBHF SPD (2018).

## 8. RECOMMENDATION

- 8.1 Grant planning permission, subject to conditions.