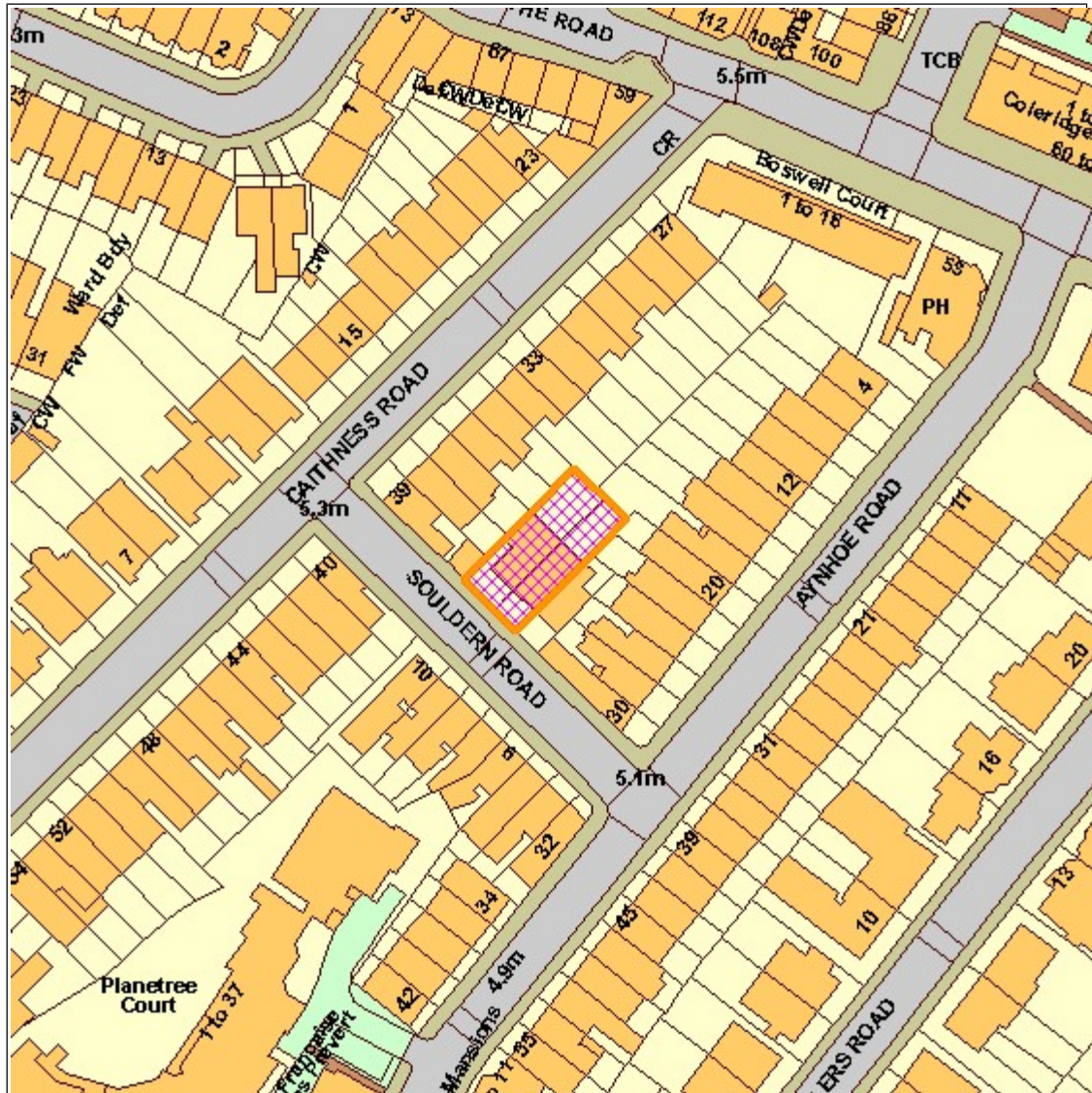


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**Ward:** Brook Green

**Site Address:**

1 - 2 Souldern Road London W14 0JE



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

**Reg. No:**

2022/01384/FUL

**Case Officer:**

Sian Brown

**Date Valid:**

16.05.2022

**Conservation Area:**

Constraint Name: Brook Green Conservation Area  
- Number 3

**Committee Date:**

08.11.2022

**Applicant:**

Mr Charles Piccin  
1 - 2 Souldern Road London W14 0JE

**Description:**

Excavation of part of the rear garden to form a lightwell in connection with the creation of a new basement with internal swimming pool; erection of a glazed structure to the rear to house an internal staircase providing access between ground and basement levels; installation of intake and exhaust grilles.

Drg Nos: 254.213 P04; 254.442 P04; 254.444 P04; 254.331 P04 revised 19/10/2022; 254.332 P04; 254.333 P04; 254.464 P04; 254.472; 254.474 P04; 254.475 P04; Flood Risk Assessment, ref.254 13 P4; Construction Management Plan, ref.254 13 P4 CMP

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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.

**Conditions:**

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

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. 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, DC11 and DC8 of the Local Plan (2018).

- 4) No part of the basement hereby approved shall be occupied or used until the rear lightwell has been constructed in accordance with the approved plans and the approved walk on glass to the rear lightwell has been fitted flush with the surrounding ground level. The 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 satisfactory external appearance, in accordance with Policies DC1, DC4, DC8 and DC11 of the Local Plan (2018) and Key Principles BL1 and BL2 of the Planning Guidance Supplementary Planning Document (2018).

- 5) The size of the basement and rear lightwell hereby approved shall not exceed the dimensions as indicated on approved drawings and the basement and lightwell shall be implemented and completed in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4, DC8 and DC11 of the Local Plan (2018) and Key Principles BL1 and BL2 of the Planning Guidance Supplementary Planning Document (2018).

- 6) The floorspace at basement level hereby approved shall only be used in connection with, and ancillary to, the use of the existing property as a single family dwelling. The basement accommodation shall not be occupied as a self-contained flat that is separate and distinct from the use of the remainder of the application property as a single family dwelling.

The use of the basement level as a self-contained flat, separate from the use of the remainder of the application property as a dwelling, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies HO1, HO2, HO4, HO11, T1, T4, T6, CC11 and CC13 of the Local Plan (2018).

- 7) Prior to commencement of the development hereby permitted, a detailed Construction Logistics Plan in accordance with the Transport for London Guidance on Construction Logistics Plans shall be submitted to, and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway in accordance with Policies T1, T6, T7 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 8) The development hereby permitted shall be implemented in accordance with the approved Construction Management Plan, ref.254 13 P4 CMP.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy D14 of the London Plan (2021), Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 9) Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 10) Prior to use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that [machinery, plant/ equipment] [extract/ ventilation system and ducting] are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 11) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4, DC8 and HO11 of the Local Plan (2018).

- 12) The development shall only be carried out in accordance with the flood mitigation measures set out in the approved Flood Risk Assessment, ref.254 13 P4. The measures shall be implemented in accordance with the approved details, and permanently retained and maintained in accordance with the approved details.

To reduce the impact of flooding for future occupants and the development and to make the development more resilient in the event of flooding in accordance with Policy CC3 of the Local Plan (2018), and to prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policies CC2 and CC4 of the Local Plan (2018).

- 13) Prior to occupation of the development hereby permitted, the installation/commissioning reports of the Zero Emission MCS certified Air/Water Source Heat Pumps or Electric boilers for the supply of space heating and hot water for the self-contained residential unit (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 14) The landscaping works shall be carried out in accordance with the approved details during the next available planting season following completion of the development and shall be permanently retained in this form. Any trees, shrubs or planting associated with the soft landscape details that is removed, or seriously damaged, dying, or diseased within five years of the date of planting shall be replaced in the next planting season with a similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance of the development and to preserve the character and appearance of the Conservation Area in accordance with Policies DC1, DC4, DC8, DC8 and OS5 of the Local Plan (2018).

## **Justification for Approving the Application:**

- 1) The proposals would be of an acceptable appearance, and would not harm the character or appearance of the Brook Green Conservation Area. Subject to conditions the proposals would not have an unacceptable impact on the amenities of any neighbouring properties; and would be acceptable in terms of highways matters, flood risk and air quality. In these respects, the proposals comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D3, HC1, D14, SI12 and SI13 of the London Plan (2021), Policies DC1, DC4, DC8, DC11, HO11, CC1, CC3, CC4, CC10, CC11, CC13, T6 and T7, and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).

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## **LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS**

### **All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 13th May 2022

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:**

Thames Water - Development Control

#### **Dated:**

19.05.22

### **Neighbour Comments:**

#### **Letters from:**

#### **Dated:**

28 Caithness road London W14 0JA	28.05.22
21 Sinclair Road London W140NS	06.06.22
36 Caithness Road London W14 0JA	15.06.22
28 caithness road London W14 0JA	14.06.22
24 Aynhoe Road London W140QD	15.06.22
24 Aynhoe Road London W140QD	15.06.22
20 Aynhoe Road London W14 0QD	13.06.22
71 Bute Gardens London W6 7DX	05.06.22
39 Caithness Road London W14 0JA	11.06.22

30 caithness road basement, Caithness Road london W140JA	10.06.22
22 Aynhoe Road London W14 0QD	13.06.22
Flat 2 39 Caithness Road London W14 0JA	20.06.22
39 Caithness Road London W14 0JA	30.05.22
26 Aynhoe Road London W14 0QD	30.05.22
56A Sinclair Road London W14 0NH	21.06.22
Basement Flat 21 Sinclair Road London W140QD	06.06.22
26 Aynhoe rd London W14 0QD	13.06.22
The Garden Flat 39 Caithness Road London W14 0JA	30.05.22
Flat 2 21 Sinclair Road London W14 0NS	08.06.22
29 Caithness Road London W14 0JA	09.06.22
43 Caithness Road LONDON W140JD	24.08.22
28 Caithness Road London W140JA	15.06.22
38 Caithness Road London W14 0JA	13.06.22

## 1.0 SITE CONTEXT, CONSTRAINTS AND PLANNING HISTORY

### + Site Context:

- 1.1 The subject site comprises a large three storey dwelling made up from two properties, situated within a short terrace of three buildings on the northern side of Souldern Road. The planning history indicates the amalgamation of no.s 1 and 2 Souldern Road occurred in connection with external works approved in 2006, and at the time would have been considered permitted development. The site is in the Brook Green Conservation Area. The property is located within Flood Risk Zone 2.

### + Relevant planning history

2006/00464/FUL - planning permission granted for the erection of part one, part two storey side and rear extension including a roof terrace at first floor level; installation of a dormer window to the rear roofslope; alterations to fenestration at rear. All works in connection with the amalgamation of the two properties into a single dwelling house.

2007/03078/FUL - planning permission granted for the erection of a new trellis fence on top of the side and rear property boundary walls, creating a total height of 2.6 metres.

2019/02162/FUL - planning permission granted for the installation of a glass canopy above the side entrance door at lower ground floor level to the front elevation.

2019/00157/FUL - planning permission granted for the erection of an the infill extension at to rear elevation at upper ground floor level; replace glazing to match existing glass extension style.

2020/02674/FUL - planning permission granted for the erection of a single storey extension to replace the existing canopy above the side entrance door to the side of the main building at lower ground floor level.

2021/03156/FUL - planning permission refused for the excavation of part of the rear garden to form a lightwell in connection with the creation of a new basement with

internal swimming pool; erection of a glazed structure to the rear to house an internal staircase providing access between ground and basement levels; installation of intake and exhaust grilles, and an air conditioning unit at ground floor level.

This application was refused under delegated powers for the following summarised reasons:

- 1) Overdevelopment: the proposed excavation would be in excess of 50% of the depth of the rear garden; would extend up to the party boundaries; would be excessive in height (comprising more than one storey); and would give rise to a precedent for similar inappropriate development in the area to the detriment of the character and appearance of the Brook Green Conservation Area
- 2) Highway amenity: failure to demonstrate that the excavation/construction works would not prejudice the effectiveness of this local access road in terms of parking availability, traffic flow, road safety, residential amenity and pedestrian convenience.
- 3) Residential amenity: failure to demonstrate that the proposal would not result in an unacceptable impact in terms of noise and disturbance, vibration and odours during and post construction phase.

## 2.0 PROPOSAL

- 2.1 The current application seeks planning permission for the excavation of part of the rear garden to form a lightwell in connection with the creation of a new basement with internal swimming pool and supporting accommodation; erection of a glazed structure to the rear to house an internal staircase providing access between ground and basement levels; and installation of intake and exhaust grilles.
- 2.2 The proposals have been amended from the previous refused planning application to address the reasons for refusal. In summary, the key changes comprise:
  - o Reduction to the depth and height of the basement
  - o Submission of a Construction Logistics Plan; Construction Management Plan and an Acoustic Report regarding the highways and environmental nuisance impacts of the development.

## 3.0 PUBLICITY AND CONSULTATIONS

- 3.1 A site notice and press advert were published to advertise the application, and notification letters were sent to the occupants of 38 neighbouring properties. 23 representations have been received all objecting to the proposals.

The concerns have been summarised as follows:

- o Increased risk of subsidence and damage to neighbouring properties as a result of the excavation
- o Increased risk to flooding from changes to the groundwater levels
- o Noise and disruption during the construction phase for a long period, impact on those working from home



- o Estimated construction time is underestimated
- o Risk to safety of children walking to school, impact to all schools not considered
- o Not enough space for construction vehicles to manoeuvre
- o Damage to parked cars caused by construction vehicles, pollution from construction vehicles
- o Loss of on-street parking spaces during the construction phase
- o Setting unwanted precedent
- o Excessive in size and depth
- o Harm to conservation area
- o Loss of biodiversity in the garden and impact to ecology
- o Noise and odours from the grilles and vent
- o Lack of consideration of the cumulative effect with other developments within the Borough such as Olympia
- o Increased energy/water use from the swimming pool
- o Previous refusal on the site for a similar proposal, current proposal does not address reasons for refusal
- o Loss of light from temporary structure in connection with construction phase
- o Loss of privacy caused by builders overlooking neighbouring properties

3.2 Thames Water raise no objection subject to the inclusion of informatives relating to water pressure, and the need for a Groundwater Risk Management Permit.

#### 4.0 POLICY FRAMEWORK

4.1 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.

4.2 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).

4.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

#### + National Planning Policy Framework (2021)

4.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and 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.

4.5 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.

## + London Plan

- 4.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

## + Local Plan

- 4.7 The Council adopted the new 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.

## 5.0 PLANNING ASSESSMENT

### VISUAL AMENITY

- 5.1 The NPPF (section 12) states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF (section 16) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness.
- 5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 5.3 London Plan Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.
- 5.4 Local Plan Policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets.
- 5.5 Policy DC4 (Alterations and Extensions) states: "The council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
- o compatible with the scale and character of existing development, neighbouring properties and their setting;
  - o successfully integrated into the architectural design of the existing building; and

- o subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design."

5.6 Local Plan Policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas. This is supported by Planning Guidance SPD Key Principle CAG3.

+ Basement excavation underneath rear garden:

5.7 Alongside the above policies Local Plan Policy DC11 (Basements and lightwells) states: "New basements and extensions to existing basements will only be permitted where they:

- a. do not extend into or underneath the garden further than 50% of the depth of the host building measured from the principal rear elevation;
- b. do not extend into or underneath the garden further than 50% of the depth of the garden;
- c. are set back from neighbouring property boundaries where it extends beyond the footprint of the host building;
- d. do not comprise more than one storey. Exceptions may be made on large sites;
- e. do not result in an unacceptable impact on the amenity of adjoining properties or on the local, natural and historic environment during and post construction;
- f. are designed to minimise the risk of flooding to the property and nearby properties from all sources of flooding;
- g. include a minimum of one metre of soil above any part of the basement beneath a garden;
- h. ensure that the basement helps reduce the volume and flow of surface water run-off through appropriate use of SuDS and will provide active drainage devices to minimise the risk of sewer flooding;
- i. ensure that lightwells at the front and side of the property are as discreet as possible and allow the scale, character and appearance of the property, street or terrace to remain largely unchanged;
- j. are designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure;
- k. provide a Construction Method Statement (CMS) (carried out by a qualified structural or civil engineer) to be submitted with planning applications for all basement projects; and
- l. 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."

- 5.8 Assessment of matters of residential amenity; highway safety and amenity and flood risk are considered later in this report.
- 5.9 In line with Policy DC11 SPD Key Principle BL1 states 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.
- 5.10 The application seeks the excavation of part of the rear garden to form a lightwell, in connection with the creation of a new basement beneath the rear garden to provide a swimming pool and associated leisure area, a small shower room, store and pool plantroom. The additional space is intended to be used only in connection with the remainder of the property as a single dwelling.
- 5.11 The basement proposed under the previous refusal was considered to constitute overdevelopment of the site, primarily due to its overall projection and height which failed to comply with the above policies, specifically the basement criteria set out under Policy DC11 criterion (b), (c) and (d).
- 5.12 The current proposals have revised the basement proposal to ensure it complies with the above policies. In more detail, in accordance with Policy DC11 criterion (b) and Key Principle BL1, the basement now extends up to 50% of the depth of the garden measured from the existing rear elevation to the outside of the basement structure, as opposed to 55% previously proposed. The basement would also now be set in from the southern boundary with no.3 Souldern Road and no.s 20 and 22 Aynhoe Road by approximately 0.9metres. It is noted part of the basement would still extend up to the northern boundary with nos.35 and 36 Caithness Road, however evidence has been submitted to show that there is currently a small outdoor plunge pool in this location which extends below the ground level. The proposed staircase leading into the new basement will be confined to the footprint of the outdoor pool, and beyond this the basement will be set back approximately 0.8metres from the party boundary. On this basis the proposal is judged to accord with Policy DC11 criterion (c).
- 5.13 Under the previous refusal the proposed basement in part was more than one storey, contrary to criterion (d). Para. 12.64 of Policy DC11 defines a single storey to be one that "cannot be subdivided in the future to create additional floors", and being "generally about 3 to 4 metres floor to ceiling height". It does state that there is a "small extra allowance for proposals with a swimming pool."
- 5.14 The revised plans show the overall depth of the basement including the swimming pool and outer walls being reduced some 2 metres from 7.4metres to 5.4metres at the deepest point. In more detail, the main basement floor has been reduced from 4.6metres to 3.7metres below the current ground level. Whilst this would be more towards the recommended height limit of 4metres, this is required in order to accommodate the required 1metres of topsoil above. Finally, the swimming pool is now proposed to be 1.1metres deep reduced from 1.99metres. In view of the above, officers are satisfied the proposal now accords with Policy D11 criterion (d). It would be difficult for the new space to be subdivided to create more than one usable floor, and the swimming pool would be considered to be fall within the definition of a "small extra allowance" under Para. 12.64.

- 5.15 In accordance with Policy DC11 criterion (g) the garden area beyond the deck will include 1metre of soil on top which will be replanted with lawn and plants to replicate the existing situation and also mitigate surface water runoff. The five trees located along the rear boundary wall will be retained. A condition will secure the implantation of the landscaping.
- 5.16 In respect of the basement works and as required by policy, the applicants have submitted a Construction Method Statement prepared by a qualified engineer. Officers have reviewed this submission and have no reason to question the conclusions of the report. This is a matter that will be dealt with under the Building Regulations, should planning permission be approved and the development is implemented.
- 5.17 On this basis officer conclude the proposed basement excavation beneath the rear garden is acceptable. The overall scale of the basement would remain subservient to the main dwelling, in the interests of biodiversity the proposal would now sustain the growth of vegetation and trees, and together with its location to the rear of the property whereby views of the lightwell would be concealed by surrounding buildings the proposed basement would not result in any harm to the character and appearance of the Brook Green Conservation Area. The proposals comply with the NPPF, s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan Policies HC1 and D3, Local Plan Policies DC1, DC4, DC8 and DC1 and SPD Key Principles CAG3, BL1 and BL2.

+ Glazed rear extension and installations:

- 5.18 Alongside Local Plan Policies DC1, DC4 and DC8 Key Principle HS4 (Rear Extensions) of the Planning Guidance SPD states: The council will have regard to the existing established rear building lines of adjoining properties in determining applications for rear extensions which project beyond the rear building line of the property as originally built. However, planning permission will not normally be granted for any extension if:
- (i) The proposed extension is more than 3.5 metres in length or, where the original property has already been extended, if the combined length of the existing and the proposed extensions would project more than 3.5 metres beyond the rear building line of the back addition as it was originally built; or
  - (ii) The proposed extension would extend to within 4 metres of the rear boundary of the application property; or
  - (iii) The proposed extension would cover more than 50% of the open area at the rear of the property as originally built or, where the original property has already been extended, if the cumulative area of the existing and proposed extensions would cover more than 50% of the open area at the rear of the property as originally built.
- 5.19 A modest glazed extension would be erected to the rear along the northern boundary to house the staircase leading to the new basement. This extension would measure approximately 4.1metres deep by 1.5metres wide by 2.37metres high. Whilst the extension would marginally exceed 3.5metres in length as prescribed by Key Principle HS4 due to its modest size (limited width and height) and its location along the side boundary, significantly more than 50% of the open area to the rear of the property would be retained and the extension would be

more than 4metres from the rear boundary. The extension by virtue of its size, siting and glazed design would remain subservient to the main building, be in keeping with the architectural treatment of the existing glazed two storey rear extension, and would not impact upon the openness of the site. For these reasons officers consider that the proposal would not harm the character and appearance of the subject property or the character and appearance of the Brook Green conservation area.

5.20 The intake and exhaust grilles for the pool would be located at ground level and would not impact upon the visual amenity of the subject property or the character and appearance of the Brook Green conservation area.

5.21 For these reasons the above works accord with the NPPF, s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan Policies HC1 and D3, Local Plan Policies DC1, DC4, DC8 and DC11 and SPD Key Principles CAG3 and HS4.

## IMPACT TO RESIDENTIAL AMENITY

5.22 Local Plan Policies HO11, DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness, with particular regard to privacy, daylight and sunlight, outlook and openness between properties. In this case Planning Guidance SPD Housing Key Principle HS6 sets out a more detailed means of assessment.

5.23 The proposal would not result in any significant harm to the amenities of neighbouring properties in terms of light and outlook. The only visible changes to the existing garden would be the sealed glass box extension over the staircase and the rear lightwell, the latter being flush with the ground level. The proposed glazed extension would not exceed the height of the existing boundary with the adjoining rear garden of no.36 Caithness Road, and would therefore not result in undue loss of daylight/sunlight, outlook or privacy to those occupiers.

5.24 During the course of the construction works, the Construction Method Statement confirms a fully sheeted and roofed temporary enclosure would be erected over the working area in the rear garden so as to help contain any dust that may arise, and to minimise delays during the construction period which may otherwise be caused by the weather. The scale of this structure and its potential impact to the amenity of neighbouring properties has been raised by some residents as a concern.

5.25 In response a plan has been submitted which confirms the structure would extend to just inside the side boundaries with no.s 35 and 36 Caithness Road to the north and no. 3 Souldern Road and nos. 20 and 22 Aynhoe Road to the south, and would project beyond the rear wall of the house by 8.0m, leaving approximately 2.7m clear to the rear boundary to retain the existing trees. The structure has been kept as low as is practical and would project above the existing 2.6metre high boundary structures by just under 0.9metres. This would be a temporary measure only, to try to mitigate against the effects of the construction works.

5.26 The structure would be visible from the adjoining properties and would technically fail Key Principle HS6 (breaches 45 degree line taken from adjoining ground

level), however the existing boundary structures currently breach HS6. Nevertheless, due its modest height above the boundaries and its temporary nature, together with the benefit to residents in respect to containing dust, it is not considered the temporary structure would cause demonstrable harm in terms of loss of light or outlook. It would be unreasonable to refuse planning permission on these grounds.

#### + Environmental Nuisance

- 5.27 The previous application was refused on account of its failure to demonstrate that the proposal would not result in an unacceptable impact in terms of noise and disturbance, vibration and odours during and post construction phase.
- 5.28 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life. Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. Local Plan Policy DC11 criterion (e) states new basements will only be permitted where they do not result in an unacceptable impact on the amenity of adjoining properties during and post construction.
- 5.29 The site is surrounded by residential properties on all sides. Due to the nature of the works and the length of the expected construction phase there is potential for noise and disturbance. The application is supported by a Construction Management Plan (CMP) which has been assessed by the Environmental Protection Team. It is considered the CMP provides sufficient mitigation, including acceptable working hours, adherence with the relevant legislation and code of practice, as well as neighbour liaison. The implementation of the CMP is secured by a condition.
- 5.30 The current application is also supported by further information in respect to post construction noise, vibration and odours from the use of the basement swimming pool and the associated plant and equipment. Ventilation for the pool would be by means of ducts terminating in grilles installed in the replacement barbecue counter, located along the southern boundary with no.3 Souldern Road and nos.20 and 22 Aynhoe Road.
- 5.31 In terms of odour from the swimming pool, it is proposed to use activated filter material and ultraviolet disinfecting as a substitute for chlorine use. The pool will be fitted with a cover to ensure that evaporation and thermal loss is reduced as far as possible. Should the property be vacated for periods such that normal maintenance of the pool is suspended for any reason, then the pool will be drained so that water does not become stagnant and odorous.
- 5.32 An Acoustic Report has been prepared by an acoustical consultant and as requested by the Environmental Protection Team was checked before issue by a full member of the Institute of Acoustics. The applicant's initial report refers to the lowest Background Sound Level of L90 28 dB(A). According to the Local Planning

Authority's requirement, the noise limit at a neighbouring dwelling is 18 dB(A), which in practice is a very low level. The applicant states the indicative noise estimates from the inlet and outlet at the nearest neighbouring dwelling, no.3 Souldern Road, will be 19 dB(A). However, it is considered by officers that a residual noise impact of one decibel is considered acceptable at this very low magnitude. The difference is not audible. Notwithstanding this, as added precaution a post installation noise assessment is secured by a condition to allow officers to check noise levels prior to the development coming into use, and the condition would allow additional steps to be taken to ensure compliance with the standards. Details of anti-vibration measures will also be secured by a condition.

- 5.33 On this basis, subject to the attached conditions, it is considered that the proposal would not adversely affect the amenity of occupiers of the surrounding properties in respect to noise and disturbance, vibration and odours during either the construction phase or during the operational phase, in accordance with London Plan Policy D14 and Local Plan Policies CC11, CC13, DC4 and DC11.
- 5.34 As stated earlier, Local Plan Policy DC11 criterion (j) and (k) requires applications for basement excavation to provide a Construction Method Statement (CMS) (carried out by a qualified structural or civil engineer) to ensure the proposals are designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure. The application is supported by a CMS which considers how the structural integrity of the existing building and neighbouring properties is to be maintained. This will be subject to final approval under Building Regulations if planning permission were to be granted and the works proceed.

## HIGHWAYS

- 5.35 The main impact of the development in highway terms would be at the construction stage. The previous application failed to demonstrate that the excavation/construction works would not prejudice the effectiveness of the local access road in terms of parking availability, traffic flow, road safety, residential amenity and pedestrian convenience.
- 5.36 Local Plan DC11 sub criteria (l) states basement extensions will only be permitted where they 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. Local Plan Policy T7 states the council has a duty to ensure that the local network, including its users and local neighbours are not adversely impacted by development. It states that where a development includes any excavation works a construction logistics plan will be required to help mitigate the impact on local parking and footways. Local Plan Policy T6 states: "Tier 4: Local access roads: Development will not be permitted if it would prejudice the effectiveness of these roads to provide safe and convenient access to individual properties, or result in their use by through-traffic." These are supported by Planning Guidance SPD Key Principle TR21.
- 5.37 Residents have concerns about the impact of the construction on the local highways network, as well as the impact on pedestrian safety, particularly of schoolchildren, when construction vehicle movements are taking place. In comparison to the previous refusal a more detailed construction logistics plan (CLP) was submitted that supports the proposals; this has been revised during the



course of the application in response to advice from the Highways Team and Network Management. Officers are now satisfied the works would not cause undue disruption to the network as well providing the most reasonable safeguard of pedestrian safety.

- 5.38 Of particular relevance to residents' concerns a covered walkway will maintain a minimum 1.2metres wide pedestrian route underneath to ensure the continued safe passage of pedestrians; and deliveries and collections are to be scheduled to avoid peak hours as well as school pick up drop off times.
- 5.39 In terms of the loss of on-street parking spaces during the construction phase, the CLP confirms parking suspensions will be required. To accommodate large vehicles, a total of three parking bays would be suspended outside the site frontage, increasing to four bays when concrete is delivered so as to accommodate a concrete pump. An additional two parking bay suspensions will be required, one at the western end of Souldern Road and one on Aynhoe Road, when large vehicles need to access the site. This number of bays will not need to be suspended for the duration of the project as there will be days when no deliveries take place or only light vans need to access the site. The appointed contractor will apply for parking suspensions and will minimise their extent and duration. Whilst it is accepted this may be an inconvenience to residents this is not unusual when building works occur and in any case any inconvenience would be temporary. It would be unreasonable to refuse planning permission for this reason.
- 5.40 A final CLP is secured by a condition. The CLP will remain live a document with ongoing consultation with the Council's Highways Officers and Network Management. On this basis it is considered that the proposal accords with Local Plan Policies DC11, T6 and T7 and Planning Guidance SPD Key Principle TR21.

## FLOOD RISK AND SUSTAINABLE DRAINAGE

- 5.41 London Plan Policy SI12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, river quality, biodiversity and recreation.
- 5.42 Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and to promote the use of water efficient fittings and appliances.
- 5.43 Local Plan Policy DC11 criterion (f) and (h) require basements to be designed to minimise the risk of flooding to the property and nearby properties from all sources of flooding; and to ensure that the basement helps reduce the volume and flow of surface water run-off through appropriate use of SuDS and will provide active drainage devices to minimise the risk of sewer flooding.
- 5.44 The site is in the Environment Agency's Flood Zone 2. A Flood Risk Assessment (FRA) has been submitted with the application and has been considered by specialist officers, who were satisfied with the mitigation measures proposed (storm water/attenuation crates for example). Amongst other measures the FRA

confirms the inclusion of structural water-proofing measures in the basement as well as pumped drainage which will help protect against sewer surcharge. Provision has also been made for managing surface water run-off including the provision of 1metre of topsoil where the basement projects beyond the terrace. The inclusion of water efficiency measures is confirmed, including for the swimming pool. The implementation of the measures outlined in the FRA will be secured by a condition. For these reasons the proposal is acceptable in terms of flood risk and sustainable drainage, in accordance with London Plan Policies SI12 and SI13 and Local Plan Policies DC11, CC3 and CC4.

## AIR QUALITY

5.45 The development site is within the borough wide Air Quality Management Area (AQMA). As such further mitigation measures are required to make the development acceptable in accordance with London Plan Policy SI1 and Local Policies CC1 and CC10.

5.46 On this basis, details of the installation of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers for the supply of space heating and hot water are to be secured by a condition.

## 6.0 CONCLUSION

6.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

6.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.

6.3 In summary, the proposals would be of an acceptable appearance, and would not harm the character or appearance of the Brook Green Conservation Area. Subject to conditions the proposals would not have an unacceptable impact on the amenities of any neighbouring properties, and would be acceptable in terms of highways matters, flood risk and air quality. In these respects, the proposals comply with the NPPF (2021), and relevant Policies of the London Plan (2021), the Local Plan (2018) and relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

6.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed.

## 7.0 RECOMMENDATION

7.1 Therefore, officers support the proposals in line with the recommendations at the start of the report.