

Application ref: 2022/1137/P
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Date: 19 May 2023

Development Management
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MRPP
21 Buckingham Street
London
WC2N 6EF

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:

**13 Kemplay Road
London
Camden
NW3 1TA**

Proposal:

Erection of a replacement two storey dwelling with basement following demolition of existing

Drawing Nos:

EX-00-009; EX-00-010; EX-00-100; EX-00-101; EX-00-102; EX-00-103; EX-00-201; EX-00-202; EX-00-301; EX-00-302; EX-00-304;

PR-00-011; PR-00-099; PR-00-100; PR-00-101; PR-00-102; PR-00-103; PR-00-201; PR-00-202; PR-00-203; PR-00-301 Rev.A; PR-00-302 Rev.A; PR-00-303;

Supporting documents:

Tree protection plan by Tretec; Tree survey and arboricultural method statement dated Feb 2022 by Tretec; Life Cycle Carbon Assessment dated 17.2.22 by JAW Sustainability; Energy & Sustainability Statement dated 21.12.21 by JAW Sustainability; Basement impact assessment & Structural Method Statement dated 18.3.22 by Constant Structural Design; Basement Impact Assessment Rev.6 dated 3.11.22 by H Fraser Consulting and daylight and sunlight assessment dated 20.1.22 by Anderson Wilde and Harris.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed new dwelling, by reason of its detailed design, siting, footprint, height, scale, bulk and excavation of garden space would harm the character and appearance of the streetscene, Hampstead conservation area and the setting of the Grade II listed Rosslyn Church, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 (design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan (2018).
- 2 The proposed new dwelling, by reason of its siting and scale, would result in a loss of outlook to the residential property at no. 15 Kemplay Road contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 3 The proposed development, in the absence of a legal agreement securing a Construction Management Plan, associated monitoring fee and construction bond, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety and neighbour amenity contrary to policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017 Policy BA3 (Construction Management Plans) of the Hampstead Neighbourhood Plan (2018).
- 4 The proposed development, in the absence of a legal agreement securing financial contributions towards highways works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of London Borough of Camden Local Plan 2017 and Policy TT2 (Pedestrian environments) of the Hampstead Neighbourhood Plan (2018).
- 5 In the absence of a legal agreement for car-free development, the proposed development would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and Policy TT4 (Cycle and car ownership) of the Hampstead Neighbourhood Plan (2018).

Informative(s):

- 1 Without prejudice to any future application or appeal, the applicant is advised that reasons for refusal nos. 3-5 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is centered on the page.

Daniel Pope
Chief Planning Officer