

17 Lyndhurst Gardens, NW3
2023/0033/P & 2023/0084/L



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Aerial view of the application site



1. Image of existing dilapidated garden wall
2+3. Existing trees effectively supporting existing wall
4. Existing wall leaning towards neighbours garden

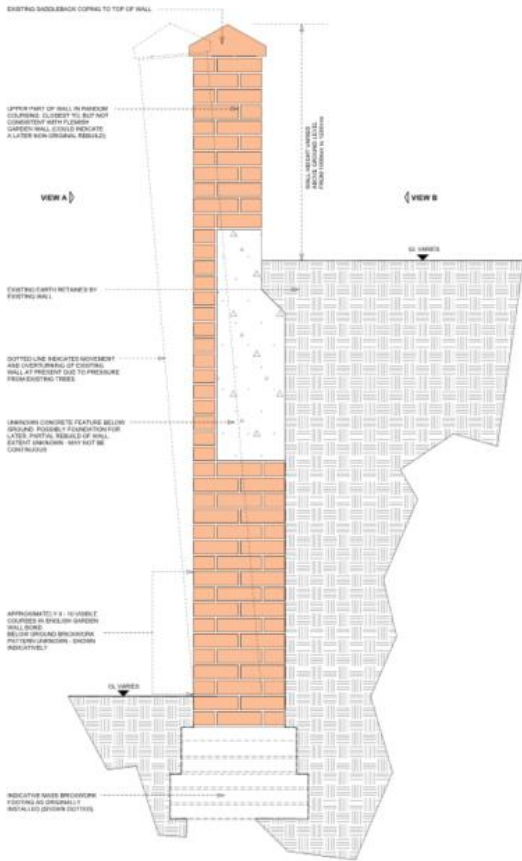


EXISTING NNW ELEVATION (VIEW 'A') SHOWING EXISTING WALL TO SOUTH-EAST BOUNDARY (AS VIEWED FROM NO.15 LYNDHURST GARDENS)
 SCALE: 1:100

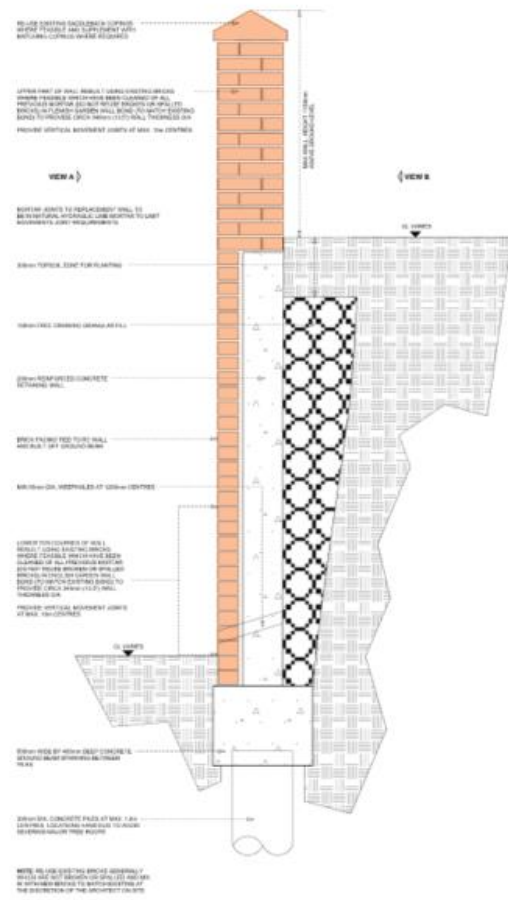


EXISTING SSE ELEVATION (VIEW 'B') SHOWING EXISTING WALL TO SOUTH-EAST BOUNDARY (AS VIEWED FROM NO.17 LYNDHURST GARDENS)
 SCALE: 1:100

WAITING ON REVISED PROPOSED ELEVATION



TYPICAL SECTION DETAIL TO EXISTING WALL TO SOUTH-EAST BOUNDARY
SCALE: 1:10



TYPICAL SECTION DETAIL TO PROPOSED WALL TO SOUTH-EAST BOUNDARY
SCALE: 1:10

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	01/03/2023
		N/A / attached	Consultation Expiry Date:	12/02/2023
Officer			Application Numbers	
Laura Dorbeck			(i) 2023/0033/P (ii) 2023/0084/L	
Application Address			Drawing Numbers	
17 Lyndhurst Gardens London NW3			Please refer to decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
Dismantling and rebuilding of southern boundary wall to match the existing like-for-like.				
Recommendations:		(i) Grant conditional planning permission (ii) Grant conditional listed building consent		
Application Types:		(i) Full planning permission (ii) Listed building consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	0	No. of objections	0
Summary of consultation responses:	<p>The application was advertised in the local press on 19/01/2023 (until 12/02/2023), and site notices were displayed on 11/01/2023 (until 04/02/2023).</p> <p>No responses were received from neighbouring residents.</p>					
Hampstead Conservation Area Advisory Committee (CAAC)	<p>The Hampstead CAAC objected to the proposals for the following reason:</p> <p><i>There is not shown any context to the setting/surroundings. Please have further drawings submitted.</i></p> <p>Officer response:</p> <p>Revised details were submitted at the request of the Council's Conservation Officer to accurately depict the bond and brickwork of the existing walls, to revise the proposed bricklaying pattern of the replacement wall and to ensure existing brickwork is re-used.</p> <p>The Hampstead CAAC were contacted with the revised details to determine whether they addressed their concerns but no response was received.</p>					

Site Description

The application site was previously in use as Class D1 (non-residential institution) use where it was occupied by the NHS as a rehabilitation and recovery centre and a base for mental healthcare teams. Planning permission and listed building consent were granted in 2021 for the change of use to residential use to provide three new homes (references 2019/6151/P and 2019/6305/L granted on 29/09/2021). The current application relates to the southern boundary wall which was not included within these permissions.

The building is grade II listed and is located within the Fitzjohns Netherhall Conservation Area. The building was designed by Horace Field and built in 1889-90 in the Arts and Crafts style, constructed in red brick with a tile hung upper storey. The original building is a fine example of the late 19th Century Domestic Revival Style and is mostly two storeys in height, increasing to three storeys on the east façade. The building runs east-west within the site and is set close to the boundaries on the west, north and eastern edges. The original building was extended to the west in the 1980s, when an existing conservatory was removed to make way for the new extension connected to the original building by a glass linking structure.

The application site is located in a largely residential area and surrounded by a number of Grade II listed buildings to the north and east, which are mostly large domestic villas constructed towards the end of the 19th Century, and inspired by Queen Anne Revivalism. These neighbouring properties rise to four storeys in height and are constructed in red brick with rich detailing.

Relevant History

2019/6151/P - Change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 1 x 5 bedroom unit, 1 x 5 bedroom unit and 1 x 4 bedroom unit, internal alterations, external alterations including a new glass link element and lowering of basement level, hard and soft landscaping including the removal of 10 trees, a summer house with internal cycling parking, a bin store, a cycle store and other associated works. Granted subject to S106 agreement 29/09/2021.

2019/6305/L - Internal alterations associated with the change of use to 3 x residential dwellings, external alterations including a new glass link element and lowering of basement level, hard and soft landscaping including a summer house with internal cycling parking, a bin store, a cycle store and other associated works. Granted 29/09/2021.

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan (2017)

Policy C5 Safety and security
Policy A1 Managing the impact of development
Policy D1 Design
Policy D2 Heritage

Supplementary Planning Policies

Camden Planning Guidance

CPG Design 2021
CPG Amenity 2021

Fitzjohns / Netherhall Conservation Area appraisal and management strategy 2022

1. Proposal

1.1 Planning permission and listed building consent are sought for the following works:

- Dismantling of the existing brick wall, and re-erection with the existing bricks in the same bond to match the existing to stabilise and realign the wall in an upright position.

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring amenity
- Tree impacts

3. Design and heritage

Policy Framework

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Camden's Local Plan is supported by CPG document 'Design' and the Fitzjohns / Netherhall Conservation Area appraisal and management strategy.

3.2 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") provide a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

3.3 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework 2021 (NPPF)

3.4 The NPPF requires its own exercise to be undertaken as set out in chapter 16 - Conserving and enhancing the historic environment. Paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal. Paragraphs 199-202 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 202 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Application site and assessment of significance

- 3.5 The application site comprises the southern boundary wall of 17 Lyndhurst Gardens, bordering Elim Mansions to the south. 17 Lyndhurst Gardens is a grade II listed 1889-90 Domestic Revival style building, with an attached c.1980s annexe which does not contribute to the special interest of the listed building. The building is situated on the west side of Lyndhurst Gardens, with its principal 'garden front' facing south and a secondary elevation facing east, set back from the street behind a boundary wall and hedges.
- 3.6 The building, previously known as 'The Hoo' was designed in 1889-90 by architect Horace Field, as a residence for Russell Scott. It was unique as the only house on Lyndhurst Gardens not designed by architect Harry Measures for Willett. It was designed to be more modest than the houses by Measures, in order to respect the setting of Rosslyn House.
- 3.7 The gardens at the site have been substantially altered during the NHS's occupation. The garden structures were demolished, the pond was infilled, the terrace was adapted to provide ramped access and metal gates and shrubbery were added. The trees and shrubbery are unmanaged and the garden to the south of the house is now very overgrown.
- 3.8 The boundary wall itself is a brick retaining wall with a mixture of bonds, including Flemish bond with bands of English bond at the bottom. It is constructed of handmade red bricks of imperial size.
- 3.9 The curtilage listed status of the wall is unclear, as a historical analysis shows it is not clear whether it belongs to the curtilage of no.15 which is not listed, or whether it belongs to no.17. The wall appears to pre-date 1948, and is likely to be Victorian in original. Although it is likely to have been rebuilt in places, it is considered to make a minor contribution to the significance of the listed building. However, the significance of no.17 lies principally in its historic and architectural significance.

Historic significance

- 3.10 The site derives historical interest from its role in the development of Hampstead as a leafy suburb of north London during the late 19th century. The building also derives historical significance from its association with its architect, Horace Field, who designed many other homes in Hampstead and was renowned for his work in historical revival styles. In addition, the building derives some significance from its former owners, including Sir Thomas Lipton, tea merchant and yachtsman.

Architectural and aesthetic significance

- 3.11 The site is of architectural interest and aesthetic significance as a late 19th century Domestic Revival structure in an eclectic style. Its significance is also derived from the building's bespoke design resulting from 19th century attempts to preserve the setting of Rosslyn House. Although its traditional materials of red brick and tile accord with the streetscape, its appearance is decidedly different to the Queen Anne Revival style houses by Willett elsewhere on Lyndhurst Gardens, as a result of the plot being purchased by Charles Woodd.
- 3.12 The building's architectural interest has been affected by the modern alterations carried out by the NHS. These alterations do not contribute to the building's significance and largely detract from it.

Assessment

- 3.13 Investigations have shown that the boundary wall is in a state of near collapse due to the proximity of a number of trees. The wall acts as a retaining wall to no.17, holding up approximately 2 metres in level change rising to the north. The unrestricted tree growth on both sides of the boundary wall has impacted the stability of the wall.

- 3.14 The upper part of the wall is a 13.5" wall in Flemish Garden Wall bond, but from the south side the bottom 10-12 courses are in English Garden Wall bond. On the north-side, trial pits have revealed evidence of a concrete foundation or support below ground level, apparently sitting upon a widened brick base/foundation. This may be localised and not necessarily along the full length of the wall.
- 3.15 The proposals involve the careful dismantling of the wall and its like-for-like rebuilding using the existing materials. Additional structural reinforcement will be provided to ensure the long term stability of the wall.
- 3.16 Because a number of the trees are not within the ownership of the applicant, it is not possible to carry out strip foundation excavations as would normally be installed. The applicant therefore proposes to insert 200mm mini piles between the roots of the trees, linked by a concrete pile cap which will lie above the tree root depth zone. A reinforced concrete retaining wall built off this cap will be clad to the south in a single leaf skin of facing brickwork to match the existing, up to The Hoo garden level, and above this, topped with the boundary wall in 13.5" brickwork. The visible south elevation of the wall would be rebuilt in a mixture of Flemish and English Garden Wall bond to match the existing wall.
- 3.17 The upper part of the wall will be internally reinforced for structural integrity with a matching brick saddle coping. All existing brick and saddle copings which are suitable for re-use will be cleaned, turned and re-used and mixed in with the new bricks and copings build, with any new bricks to match the existing. The wall will be built using hydraulic lime mortar to reduce the number of movement joints.
- 3.18 Because of its length (38m) one movement joint is required in order to meet modern structural requirements and this joint has been positioned where trees saddle both sides of the new wall. In plan, layout and elevation, the wall will be an exact visual replica of the existing.
- 3.19 Concerns were initially raised by the Council's conservation officer as the submitted drawings did not accurately reflect the details of the existing wall, it was not clear that the existing materials would be re-used and the wall would be rebuilt like-for-like, and details of an appropriate mortar were not provided. Following the receipt of additional details confirming these elements, the Council's Conservation Officer has confirmed the proposals include an appropriate methodology for the rebuilding of the wall to ensure it would be like-for-like in terms of its appearance and re-use of historic materials. Samples of any new bricks which are required shall be secured by condition to ensure they are an appropriate match.
- 3.20 On this basis, the proposals are considered to preserve the character, appearance and significance of the Grade II listed building, its boundary wall, and this part of the Fitzjohns and Netherhall Conservation Area, in accordance with policies D1 and D2 of the Camden Local Plan.

4. Neighbouring Amenity

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 4.2 Given the proposals involve the like-for-like rebuilding of the existing wall, they are not considered to impact neighbouring amenity.

5. Trees Impacts

- 5.1 The existing boundary wall is being removed due to structural impacts from adjoining trees. The existing wall shall be demolished and replaced with a new wall, without requiring the removal of any of the existing trees.

5.2 An Arboricultural Impact Assessment has been submitted with the application which has been reviewed by the Council's Tree and Landscape Officer. The report demonstrates that the impact of the scheme on the trees to be retained will be of an acceptable level provided suitable tree protection measures are employed. As such, permission would be granted subject to conditions securing tree protection measures, and details of proposed foundations to ensure no impact to tree roots.

6. Conclusion and recommendation.

6.1 In conclusion, the proposed works would preserve the significance and setting of the listed wall and building and the character and appearance of this part of the Fitzjohns and Netherhall Conservation Area, and there would be no harm to neighbouring amenity and the trees would be adequately protected to ensure their health and well-being. As such, the proposals are considered to accord with the requirements of policies D1, D2, A1, A2 and A3 of the Camden Local Plan and it is recommended conditional planning permission and listed building consent are granted.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23rd May 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2023/0033/P
Contact: Laura Dorbeck
Tel: 020 7974 1017
Email: Laura.Dorbeck@camden.gov.uk
Date: 15 May 2023

Development Management
Regeneration and Planning
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Lichfields
The Minster Building
21 Mincing Lane
London
EC3R 7AG

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**17 Lyndhurst Gardens
London
NW3 5NU**

DECISION

Proposal: Dismantling and rebuilding of southern boundary wall to match the existing like-for-like.

Drawing Nos: 1128, 1129 rev B, 1130 rev C, Design and Access Statement dated March 2023, Heritage impact assessment dated November 2022 ref. 60656/01/NG/LAy, Cover letter dated 4 January 2023, and Arboricultural Impact Assessment Report ref. JDL/17LDG/AIA/03a.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1128, 1129 rev B, 1130 rev C, Design and Access Statement dated March 2023.

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

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

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

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

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

- 5 Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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>.

Yours faithfully

Chief Planning Officer

Application ref: 2023/0084/L
Contact: Laura Dorbeck
Tel: 020 7974 1017
Email: Laura.Dorbeck@camden.gov.uk
Date: 15 May 2023

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Lichfields
The Minster Building
21 Mincing Lane
London
EC3R 7AG

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
17 Lyndhurst Gardens
London
NW3 5NU

DECISION

Proposal: Dismantling and rebuilding of southern boundary wall to match the existing like-for-like.

Drawing Nos: 1128, 1129 rev B, 1130 rev C, Design and Access Statement dated March 2023, Heritage impact assessment dated November 2022 ref. 60656/01/NG/LAy, Cover letter dated 4 January 2023, and Arboricultural Impact Assessment Report ref. JDL/17LDG/AIA/03a.

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1128, 1129 rev B, 1130 rev C, Design and Access Statement dated March 2023.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 4 Before the brickwork is commenced, a sample panel of the facing brickwork and coping demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 5 The wall shall be rebuilt like-for-like replicating the existing brick bond arrangements, and the existing brickwork and copings shall be re-used in the rebuilding of the wall.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

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:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

DRAFT

DECISION