

Delegated Report		Analysis sheet		Expiry Date:		04/07/2022	
		N/A / attached		Consultation Expiry Date:		12/06/2022	
Officer				Application Number(s)			
Sofie Fieldsend				2022/1137/P			
Application Address				Drawing Numbers			
13 Kemplay Road London NW3 1TA				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of a replacement two storey dwelling with basement following demolition of existing							
Recommendation:		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	1	No. of objections	1
				No. electronic	00	No. of comments	00
Summary of consultation responses:		<p>Site notices were displayed on the 18/05/2022 and the consultation period expired on the 11/06/2022. A press notice was advertised on 19/05/2022 and expired on 12/06/2022.</p> <p>1 objection was received from a neighbouring property and their objections are summarised as follows:</p>					

	<ol style="list-style-type: none"> 1) Design/scale: Poor quality design, its form, bulk and detailed design is unsympathetic. Fails to preserve or enhance the terrace conservation area and setting of listed chapel 2) Loss of outlook and overbearing impact to No.15 Kemplay Road 3) Basement: Needs to be independently audited. The previous basement was structurally acceptable as it was 1m away from No.15's boundary which is not the case now 4) Other: Agree with officer's pre-app findings
CAAC and other community groups	The Hampstead Neighbourhood Forum and Hampstead CAAC were consulted but no responses were received.

Site Description

The application relates to a single dwellinghouse at the end of a small terrace on the south side of Kemplay Road. The house forms part of a group of two-storey, post-war houses bookended by larger and grander 19th century Victorian dwellings. The terrace is split by a driveway leading to the rear of the Grade II listed Rosslyn Hill Chapel.

The site lies within sub-area 3 of the Hampstead Conservation Area and the terrace is considered to make a neutral contribution to the character and appearance of the conservation area. The terrace is not covered by the Article 4 Direction for the wider Hampstead Conservation Area. It is also located in the Hampstead Neighbourhood Plan Area.

Relevant History

Application site

2014/7433/PRE –Erection of 2 semi-detached dwellings following demolition of existing house –
Advice issued 18/01/2016

2015/4373/P– Erection of a 2 storey plus basement dwelling following demolition of existing house.
Granted 121/08/2018

2020/2609/PRE - Demolition and erection of a two storey with basement and roof level single family dwelling house. **Advice issued 23/11/2020**

Summary of advice:

Maximum floorspace/scale has already been achieved on site in the approved scheme and extension beyond this previously approved envelope would not be supported.

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden's Local Plan (2017)

- G1 - Delivery and location of growth
- H1 - Maximising housing supply
- H4 - Maximising the supply of affordable housing
- H6 - Housing choice and mix
- H7 - Large and small homes
- C1 - Health and well-being
- C5 - Safety and security
- C6 – Access for all
- A1 - Managing the impact of development
- A2 - Open space
- A3 - Biodiversity
- A4 - Noise and vibration
- A5 - Basements
- D1 - Design
- D2 Heritage
- CC1 - Climate change mitigation
- CC2 - Adapting to climate change
- CC3 - Water and flooding
- CC4 - Air quality
- CC5 - Waste
- T1 - Prioritising walking, cycling and public transport
- T2 - Parking and car-free development
- T3 - Transport infrastructure
- T4 – Sustainable movement of goods and materials
- DM1 - Delivery and monitoring

Supplementary Guidance (2018/2019/ 2021)

- CPG Home Improvements
- CPG Design
- CPG Amenity
- CPG Basements
- CPG Biodiversity
- CPG Developer contributions
- CPG Energy efficiency and adaption
- CPG Housing
- CPG Transport
- CPG Trees
- CPG Water and flooding

Hampstead Conservation Area statement (2001)

Hampstead Neighbourhood Plan (2018)

- Policy DH1: Design

- Policy DH2: Conservation Areas and Listed Buildings
- Policy NE2: Trees
- Policy NE4: Supporting biodiversity
- Policy BA1: Basement Impact Assessments
- Policy BA2: Basement Construction Plans
- Policy BA3: Construction Management Plans
- Policy TT1: Traffic volumes and vehicle size
- Policy TT4: Cycle and car ownership

Assessment

1.0 Proposal

1.1 Planning permission is sought for the following:

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

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land Use
- Design and Heritage
- Quality of Accommodation
- Impact on the amenity of neighbouring occupiers
- Affordable Housing
- Basement Impact
- Transport
- Trees and biodiversity
- Sustainability

3.0 Land Use/Demolition

3.1 Housing represents the priority land use of the adopted Local Plan and, in order to meet (and exceed) the objectively assessed needs of the Borough, the Council seeks to maximise the delivery of new housing. While no additional units are created, the residential use is retained to provide a larger family home which is supported in terms of land use and Policy H1.

3.2 The principle of demolition and replacement with a single family dwellinghouse was established under planning ref. 2015/4373/P. This application expired August 2021 and is a material consideration.

3.3 The terrace (5-21) is identified in the conservation area statement as making a neutral contribution to the conservation area. The post-war design is of no particular architectural merit, and although part of the character of the conservation area is derived from its rich mix of building types, the loss of no. 13 is not considered harmful to the character or appearance of the conservation area as long as a suitable high quality replacement is proposed of appropriate scale, form and design.

4.0 Design and Heritage

Policy

4.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance Design and Home Improvements are also relevant.

4.2 CPG Design recommends that development should respond positively and sensitively to the existing context and integrate well with the existing character of a place, building and its surroundings.

4.3 It further adds that good design should respond appropriately to the existing context by:

- ensuring the scale of the proposal overall integrates well with the surrounding area
- carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area; and
- positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in conservation areas

4.4 Policy DH1 of the Hampstead Neighbourhood Plan states that development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported. Policy DH2 states that new development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas. In addition development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area.

4.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant, and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

4.6 Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Background:

4.7 The scheme previously granted on site (Ref. 2015/4373/P) attracted a lot of local interest and went through multiple revisions before it reached a scheme officers could support. It is a constrained site which had to respect views of the church and character of the street and conservation area.

4.8 It was noted that the scheme granted on site previously took on a conservative design approach, following the architectural vocabulary of the existing 1950s houses in the terrace as much as possible whilst also providing the biggest floor area and volume possible under tight constraints in a very sensitive location adjacent to and framing views of the rear elevation of Rosslyn Unitarian Chapel.

4.9 It should be noted that the comparison outline shown in the design and access statement and consented overlay provided by the agent is incorrect and misleading, no side element was granted in this scheme. The previously approved plans are shown in appendix 1 and the ground floor comparison is shown in image 1 below.

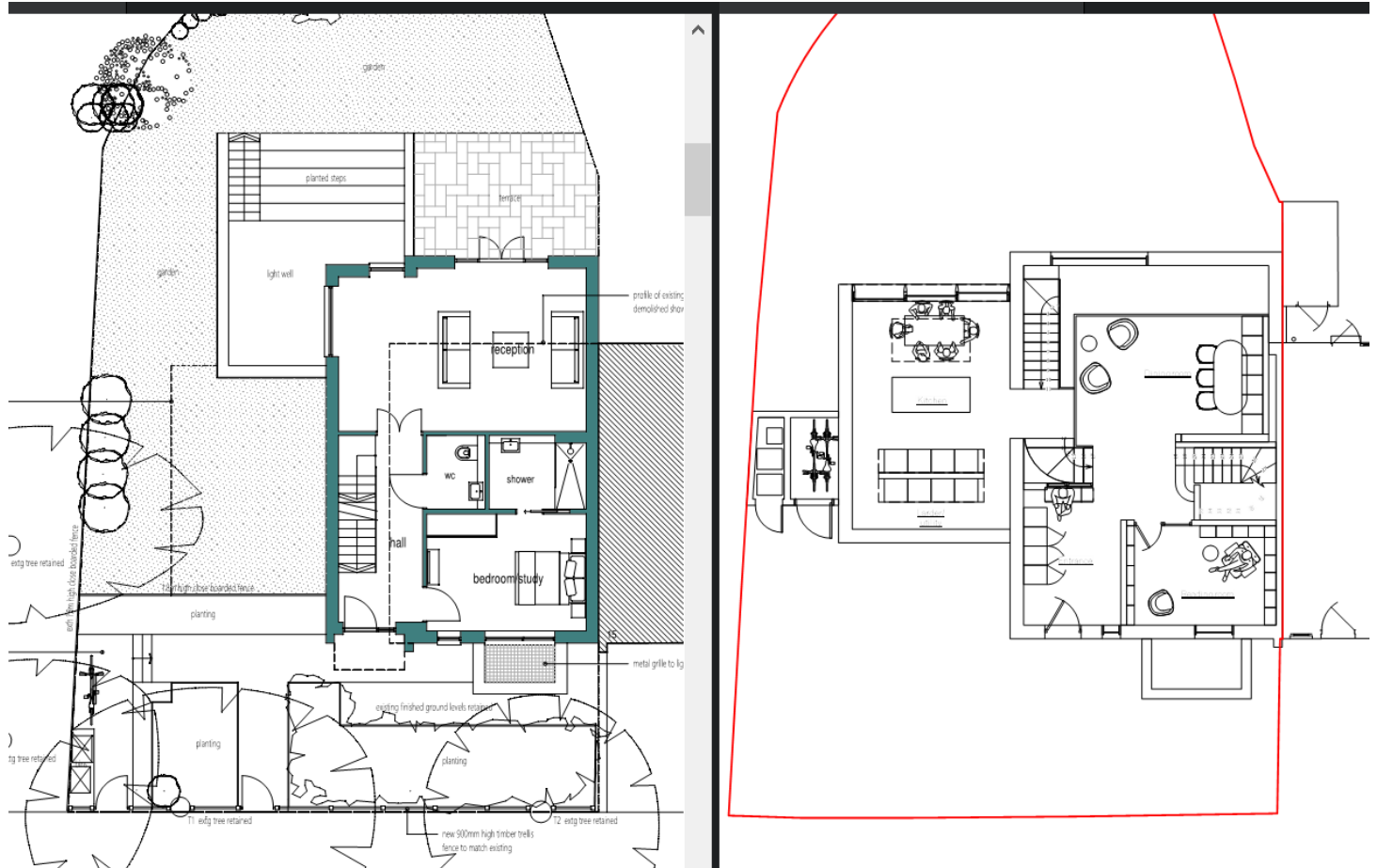


Image 1: 2015 approved scheme shown left and current proposed ground floor shown right.

Assessment:

4.10 The Council requires development to respect local context and character. Development should consider the impact on existing rhythms, symmetries and uniformities in the townscape. New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines and roof lines.

4.11 The existing dwelling on the site will be demolished and replaced with a two storey end terrace dwelling with a basement.

4.12 The frontage of the proposed house as seen from the street is wider than the existing house and neighbouring houses in the terrace. The front elevation of the house is fenestrated to emulate the windows and doors of the neighbouring houses, but as a result the proportions of the proposed façade jar with the rest of the terrace. In the previously approved scheme, the front elevation was slightly broken down and articulated so that the existing house width is copied in most part with a

slightly recessed element on the southern section representing additional width. This current application does not do this.

4.13 In order to create a larger internal volume, primarily at attic level, the roof ridge and main eaves line of the house continue those of the adjacent house to the north, meaning the house does not appear to step down the hill like the existing house and its neighbours do. As such, the house appears out of context due to its size and bulk. Furthermore, the design breaks from the rest of the terrace with the addition of a number of brick courses above the first-floor windows and the main roof eaves, whereas the existing house and its neighbours have window immediately below the eaves. The result is a front elevation which is out-of-scale and out-of-context, with ill-proportioned and out-of-scale openings which sit unharmoniously next to the fenestration pattern of adjacent properties in the terrace.

4.14 A ground floor that occupies the full plot width would not be supported in principle, the Council advised the applicant to remove this element during previous pre-app discussions. It more than doubles the width of the existing dwelling and does not appear as a subordinate feature but rather an incongruous and out of character addition to the modest terrace.

4.15 There are also concerns that its bulky scale and location negatively impacts on the setting of the listed church (discussed in more detail below in the heritage section).

4.16 The basement is smaller scale than that previously approved, but it does now adjoin the boundary with No.15 Kemplay Road and does not include a sunken terrace, however from the section drawings provided it appears that the entire plot would be significantly excavated. The front garden would be lowered by 1.1m and the rear by 2.2m to allow for generous internal head heights across the new dwelling. Even though the applicant has tried to hide the level changes behind a new low height front brick boundary wall, it is considered that the volume of excavation particularly in the front garden would be harmful to the character of the street and conservation area.

4.17 CPG basements sets out that 'Where basements and visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the architectural character of the host building, or the character and appearance of the surrounding area'.

4.18 The previously approved application went through revisions to reduce the front lightwell as it was considered oversized and it was conditioned to be flush with a grill to minimise its appearance. The proposed light well is 2.9sqm and the previously granted although in a similar location was 1sqm smaller at 1.9sqm. Officers considered given the number of revisions the basement was subject to decrease the lightwells scale that the maximum was achieved and this increase while modest would disrespect this and appear oversized. It is unclear the final finish of the lightwell, however if the development was acceptable a details condition would be secured showing the lightwell as covered with a flush grill.

4.19 The design and access statement outlines that a red brick similar to the existing terrace will be used with a concrete tile used on the main roof and zinc for the 'dormer'. A green roof will be used on the ground floor side element of the dwelling which is welcomed. The chosen palette of materials appear to be taking cues from the existing house and terrace, which would be acceptable. If the development was acceptable detailed drawings, samples and manufactures specifications would be secured by condition to ensure their quality and that they complement the existing terrace.

Heritage Impact

4.20 The significance of the existing view of the eastern end of the historic Grade II listed Rosslyn Chapel as seen from Kemplay Road through the gap between the houses on its western side has been discussed in detail in the previously approved application. The Kemplay Road frontage houses act as 'bookends' to this gap and the church is experienced as a kinetic view as one passes the site. Any erosion of this view has been strongly resisted by the Council as it would adversely affect the setting of the listed church. It is for this reason that great care is needed in the design of a replacement building in terms of its overall footprint, height, bulk, form, materiality and detailed design and how they impact on the existing gap between the houses.

4.21 As such, the one-storey element on the south side of the site was considered harmful to its setting, as it erodes this important gap in the buildings. Although the currently proposed ground-floor extension has been kept to a minimum height and reads as a simple box from the street, its existence within the scheme is considered to be unacceptable in principle, as it will screen views from Kemplay Road of the back of the historic Rosslyn Chapel.

4.22 The existence of the gap offers views of the flank wall of the application property looking up Kemplay Road from the south, meaning this wall is especially prominent. The existing house has a simple gable-end which reflects the section of all the houses in the terrace. However, the current proposals show an architecturally-contrived 'mansard'-style asymmetric gable which makes no reference to the existing terrace or to the buildings in the wider conservation area context, and manifests the additional bulk and volume created by the proposed attic accommodation which far exceeds the size of the adjacent houses.

4.23 At the rear of the house facing onto the Rosslyn Chapel and its grounds, a dormer window is proposed at roof level. Whilst the principle of a dormer was established by approval ref 2015/4373/P, the consented design is simple and proportionate in size to the main roof slope and constitutes a mansard-element much bigger and bulkier than a conventional dormer. The currently proposed design makes too much of architectural statement at high level and jars with the low-key design of the rest of the terrace, as well as being visible from the grounds of the listed chapel.

4.24 The rear of the building projects some distance back from the established building line in the terrace including at upper-floor level. Whilst this forms part of the consented scheme ref 2015/4373/P, it is considered that this projecting building line would be an unfortunate characteristic of the proposed design, which results in a much bulkier building with an over-dominant presence in views from Kemplay Road due to excessively large flank wall.

4.25 Although the works may not be visible from the surrounding area, it appears from the drawings that the back of the proposed dwelling will be set much lower at ground/basement level than the existing house and adjacent properties, involving a notable amount of excavation most to allow light into the basement space. Although in proposed section B-B the back garden is shown as sloping down towards the building, the excavation is not shown on the proposed ground or basement plan drawings.

Conclusion:

4.26 The proposed replacement building due to the design issues outlined above, fails to preserve or enhance the character and appearance of the Hampstead Conservation Area by not providing a design of equal or greater quality than the existing house with regard to footprint, height, bulk, scale, form and detailed design. It also has a negative impact on the important view from Kemplay Road of

the grade II listed Rosslyn Chapel as well as views from the south of the flank wall of the terrace. The harm to the setting of this listed building is considered less than substantial.

4.27 The principle of a modest basement would be acceptable, however the scale of the front lightwell and excavation of the whole site in general is considered out of character within the streetscene and they would be visible from the street. This is considered to detract from the character and appearance of the host property and conservation area.

4.28 Paragraph 202 of the NPPF states that 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. In this instance, there are no public benefits but it is acknowledged that it would result in a modest improvement in accommodation. It is considered that this does not outweigh the great weight given to the heritage harm identified. The proposals are therefore contrary to policies D1 and D2 of the Camden Local Plan 2017 and the Hampstead Neighbourhood Plan, and this forms a reason for refusal.

5.0 Quality of Accommodation

5.1 Overall, the standard of living accommodation for the prospective occupiers is acceptable in terms of light, outlook, privacy and amenity for the new dwelling. The floorspace proposed would exceed the minimum floorspace standards.

6.0 Impact on neighbouring Amenity

6.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.

6.2 Concerns were raised about loss of outlook and a sense of overbearing to No.15 Kemplay Road created by the proposed new dwelling. It is noted that the previous approval is a material consideration and the case officer allowed a depth of 2.2m at first floor but this application did not include a large scale roof projection but simply a modest rear dormer.

6.3 At ground and 1st floor the new dwelling would project 2.3m from the existing rear building line. While had ground floor both the application site and the neighbour at No.15 have identical sheds close to their rear elevations and a rear projection at ground floor would have a similar outlook. However, at 1st floor, its depth could result in a loss of outlook to this property especially when coupled with the oversized roof extension. On balance it is considered that the dwelling would be imposing, unneighbourly and overbearing and would materially harm the living conditions of No.15 Kemplay Road in terms of outlook.

6.4 In terms of light, a daylight/sunlight report was submitted, it assessed No.15 and 17 Kemplay Road. The report when looking at the vertical sky component (VSC) concluded that the development would have minor or no loss of light with reductions of between 0-2.65. Internal daylighting has been assessed in six (6) rooms using the Average Daylight Factor (ADF) and No Sky Line (NSL) methodologies. All six (6) rooms meet the BRE recommended ADF and NSL level, equating to a 100% pass rate for both tests. All windows assessed were found to be BRE compliant.

7.0 Affordable Housing

7.1 Policy H4 (Maximising the supply of affordable Housing) seeks to secure affordable housing contributions in certain circumstances it is not considered applicable here. The policy only requires a contribution from developments that provide one or more additional homes and more than 100sqm of additional residential floorspace, so although there would be an uplift of more than 100sqm of residential floorspace, the development replaces an existing dwelling and therefore does not provide any additional units.

8.0 Basement Impact

8.1 Policy A5 requires basements, by way of their siting, location, scale and design, to have minimal impact on and be subordinate to a host property.

8.2 A number of criteria is set out in the policy:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. avoid the loss of garden space or trees of townscape or amenity value.

8.3 Policy BA2 of the Hampstead Neighbourhood Plan requires a Basement Construction Plan to be submitted when demonstrated as necessary by the BIA for a basement proposal. It should include information, including drawings, which illustrate how the construction will overcome any potential harm to neighbouring properties, the water environment, ground conditions and stability, the character and amenity of the building or wider area, the significance of heritage assets, or any other identified potential harm.

8.4 Policy BA3 of the Hampstead Neighbourhood Plan requires proposals for basement development should be accompanied by a Construction Management Plan which includes adequate information to assess the impact of the construction phase, should the proposal be approved.

8.4 The basement in the new dwelling will have a front lightwell and occupy the majority of the ground floor footprint. It is noted that the proposed basement will extend further forward than the basement proposed on the existing property and further forward of No.14's front building line. The basement is not considered to be proportionate and instead appears oversized in relation to the proposed new dwelling.

8.5 The basement to the existing dwelling will also manifest itself with a front lightwell and occupy the entire footprint of the property and project beyond the proposed extensions to form a raised rear patio with skylight. The original ground floor (excluding the conservatory extension) has a footprint of 102sqm, while the proposed basement would have a footprint of 157.8sqm. This would be more than

1.5 the times of the original footprint of the host building, the proposed extension would therefore not appear as a subordinate addition.

8.6 It is acknowledged that this is a new development rather than a standalone basement extension so it would not be subject to the host property size criteria set out in CPG basements, nonetheless it is considered that scale and extent would be contrary to the provisions of policy A5. It is considered to harm to the character and amenity of the area.

8.7 The application is supported by a Basement Impact Assessment (BIA). This was subjected to an independent audit by Campbell Reith. Following revisions to the BIA, Campbell Reith found it to comply with Policy A5 and CPG Basements. If the development were recommended for approval a compliance condition with this BIA methodology and a condition securing details and qualifications of the basement engineer to oversee the project would be secured.

9.0 Transport

9.1 Cycle parking is proposed within ground floor side element's bike store which could facilitate 2 cycles. This complies with policy. If the development was acceptable the cycle parking would be secured by condition.

9.2 The site does not benefit from any existing on-site car parking and the proposal does not create any new car parking in line with Policy T2. The site however should be car capped, normally the Council would expect the current owner to be named with a S106 legal agreement to allow them access to off-site car parking permits as with the current situation. However, if the site is sold on the new owner would not be entitled to on-street permits.

9.3 A full CMP would need to be secured by means of a section 106 together with an Implementation Support Contribution of £3,920 and Construction Impact Bond of £7,500, if permission were to be granted.

9.4 A Highways Contribution would also need to be secured by means of a section 106 in order to remove the existing dropped kerbs and repair any damage that occurs to the footway as a result of construction. The contribution estimate is £4,629.96..

9.5 As the application is being refused, the failure to enter into a legal agreement and secure a car-capped development; a CMP (with contributions); Construction Impact Bond and Highways Contribution would all form reasons for refusal.

10.0 Trees and Biodiversity

10.1 There are mature trees present on the site's northern boundary and adjacent to the site's eastern boundary in the neighbouring Rosslyn Hill Chapel car park.

10.2 A Tree Survey and Arboricultural Method Statement and Tree protection plan were submitted and were reviewed by the Council's Tree Team who found it satisfactory. T2 will be removed as approved under ref. 2020/1015/T. If the development was acceptable a condition securing the tree protection measures be installed prior to construction and details and planting of at least two replacement trees would be attached.

10.3 The new dwelling would incorporate a green roof on the ground floor side element which is welcomed, if the development was acceptable details and its installation would be secured by condition.

11.0 Sustainability

11.1 Local Plan policy CC1 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policies CC2 and CC3 are also relevant with regards to sustainability and climate change.

11.2 The new dwelling incorporates a green roof, sustainable materials and water saving fittings and appliances shall be installed and it is proposed to target a maximum water consumption of 110 litres per person per day. Although guidance outlines that the maximum target is 105litres per person per day and this would be conditioned if the development was acceptable. The glazing strategy design within the proposed building has carefully considered orientation and window size to maximise daylight while controlling excessive solar gains.

11.3 Their sustainability statement sets out that it is proposed to incorporate Air Source Heat Pumps and carbon savings are estimated to be 66.36%. This would be policy compliant. Sustainability details outlined in their statement would be secured by condition if the scheme was acceptable. A condition would also be attached ensuring that the ASHP could only be used for heating and not for cooling.

11.4 If the development was acceptable a condition would be attached ensuring that 95% of demolition waste is diverted from landfill and compliance with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site.

12.0 Waste

12.1 A dedicated bin store is proposed within ground floor side element and complies with CPG Design.

13.0 Heads of terms

13.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. The obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought if permission were to be granted:

- New dwelling to be secured as car-free
- Construction Management Plan and implementation support contribution of £3,920
- Construction Impact Bond of £7,500
- Highway works contribution of £4,629.96.

14.0 Community Infrastructure Levy

14.1 This site would be subject to CiL payments.

15.0 Recommendation

15.1 Refuse Planning permission