

Date: 24/03/2023

Our reference: 2022/4908/PRE

Contact: Miriam Baptist

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Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)**

**Re: 50 Maresfield Gardens, London, NW3 5RX**

Thank you for submitting a pre-application request. The below sets out the council's response to the pre-application scheme at the above site.

Proposed works: Replacement of side extension; basement extension; removal of canopy structure on north elevation; alterations to windows, dormers and rooflights.

**Constraints**

- Fitzjohns Netherhall Conservation Area
- Article 4 Basements (permitted development rights removed)
- Subterranean groundwater flow
- Development constraints - Slope stability
- Hydrological Constraints - Subterranean (groundwater) flow

**Planning History**

**2007/3709/P** - Erection of a two storey rear/side extension to provide accommodation in form of conservatory/library for existing dwelling house. – *Granted 07/09/2007.*

**2007/5156/P** - Details of hard and soft landscaping works including tree survey pursuant to condition 3 attached to the planning permission granted on 07 September 2007 (ref:2007/3709/P) for erection of a two storey rear/side extension to provide accommodation in form of conservatory/library for existing dwelling house. - *Granted 17/12/2007.*

## **Policy**

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

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

A1 Managing the impact of development

D1 Design

D2 Heritage

### **Camden Planning Guidance**

CPG Design (2021)

CPG Amenity (2021)

CPG Home Improvements (2021)

CPG Energy Efficiency and Adaptation (2021)

### **Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan December 2022**

## **Assessment**

### **1. Heritage and Design**

#### **Legislation and site context**

- The application site is located within the Fitzjohns Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character and which preserves or enhances the historic environment and heritage assets in accordance with Policy D2.
- Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- Neighbouring No. 48 Maresfield Gardens, 1939, by Hermann Herrey Zweigenthal is Grade II listed for the following reasons: *Architectural interest: as a domestic building which unusually and successfully blends English sensibilities with those of Viennese modernism; for the building's plan, which includes traditional divisions of space alongside semi-open planning and the creation of spatial flow: aspects of domestic Modernism explored with exceptional creativity and*

*conviction for a house of this date in England; for its elegant detailing and use of materials which sets restrained simplicity against bespoke fittings introducing colour, pattern and texture; for its survival with very little alteration to its exterior envelope and principal interior spaces; Historic interest: the house is one of small group of buildings designed by émigré architects from continental Europe who made an important contribution to the shaping of Modernism in this country; that the house stands in Hampstead places it amongst an enclave of important works of domestic Modernism, a number by the émigrés who settled in this area of North London.*

- To the rear of the subject property, stands Grade II Listed No. 47 Fitzjohn's Avenue, St Mary's Convent School and attached wall with railings and gate. The official listing reads as follows: *House, now a school. 1880. By George Lethbridge for LM Casella with mid C20 attached chapel. Orange brick with all detailing, features and decoration in fine quality gauged and rubbed brickwork. Tiled hipped roof with cresting, dormers, tall slab end stacks, ogee domed belvedere with oculus to a small stair tower, and moulded brick boxed eaves cornice. EXTERIOR: 3 storeys and attics. Irregular frontage of 4 bays. Central porch with arcaded openings in Elizabethan inspired style and carried out in gauged and rubbed brickwork; crowned by a terracotta balustrade. To the right, a double height bay and to left, a double height canted bay; both with panelled pilasters, keystones, floor cornice, swag and mask enriched aprons and crowned by balustrades to top floor windows. Sashes, with patterned glazing to top lights, in moulded architraves. Central 1st floor sashes with enriched pediments. INTERIOR: of good quality and little altered, includes panelling and tiled floors. SUBSIDIARY FEATURES: attached brick boundary wall in stepped sections with piers and panels, cast-iron railings and cast and wrought-iron gates. HISTORICAL NOTE: at nearly »10,000 this was an extremely expensive house to build and its quality is apparent in the fine brickwork. Casella was the inventor of the clinical thermometer; his family sold the house in 1927 to its present owners, St Mary's Convent School. Apart from the chapel, the C20 extensions by St Mary's Convent School are not of special interest.*

The subject site at 50 Maresfield Gardens is located in the Fitzjohns/Netherhall Conservation Area. The site has not been identified as making either a positive or negative contribution to the character of the conservation area, and so is considered to be neutral.

The Conservation Area Appraisal describes Maresfield Gardens as predominantly featuring *'three-to-four storey properties of mixed architectural styles, mainly drawing on Queen Anne influences, but also Arts and Crafts, with some properties having fine detailing and articulation.'*

The subject detached property was constructed in the mid-1990s as part of a development of residential buildings (including nos. 50, 52, 54 and 66) on land formerly belonging to St Mary's School at 47 Fitzjohn's Avenue. This grouping of buildings, although not dating from the area's original development, have been designed in a mixed but sympathetic Arts and Crafts/Neo-Georgian style that aligns with the prevalent architectural typologies of the area. The Conservation Area Appraisal highlights that *'part of the character of the area is based on the group value of buildings which use similar architectural language and materials, but sometimes with individual designs. Replacement of dwellings in the middle of such groupings causes considerable harm.'*

The existing single-story flat roofed side extension with associated basement was granted planning permission in 2001.

Other comments in the conservation area appraisal relevant to the site and proposal include:

- *'...the creation of front garden car parking and the removal of traditional front boundary walls has harmed Maresfield Gardens. The loss of detail, characteristic enclosure and vegetation weakens the established character of the street and thereby the wider Conservation Area'.*

### Acceptable elements of the proposal

The proposed pre-application scheme involves the demolition of the existing side extension and the construction of a new single storey pavilion on a slightly larger footprint. The existing basement will be extended under the full extent of the main dwelling with lightwell to the rear. A canopy structure will be removed from the main building's north elevation with plant and storage additions, and two new dormers and six new windows are proposed. A new pedestrian entrance will be added on the front boundary and front garden re-landscaped.

The following elements of the proposed scheme are in line with the established character values of the area and architectural style of the main building and would be supportable:

- Two new dormers on the front and rear elevations.
- Increase in soft landscaping to the front garden
- Relocated pedestrian entrance (please see subsequent assessment of proposed widening of vehicle entrance).
- New windows to the north, rear and south elevations, including roof lantern to the rear.
- Extension of existing roof skylight to main roof ridge.
- Basement lightwells (not visible from the public realm).
- Removal of side canopy, new window to replace glazed doors, principle of a new plant enclosure (acceptability subject to the plant proposed\* and a Noise Impact Assessment) and storage facilities.
- Lift overrun on northern roofslope will be situated between existing dormer windows and will be clad to match existing roof and therefore, with retention of existing tree cover, is unlikely to be unduly noticeable.

\*Please note that in accordance with policy CC2 of the Local Plan, the Council discourages active cooling. Using active cooling systems increases energy consumption and carbon emissions contrary to the aims and objectives of policy CC1. As a result, air-conditioning units are only permitted where thermal modelling demonstrates that there is a clear need for it after all preferred measures are incorporated in line with the London Plan cooling hierarchy. In addition, passive measures should be considered first. If active cooling is unavoidable, applicants need to identify the cooling requirement and provide details of the efficiency of the system.

### Replacement side extension

The subject site is located in the Fitzjohns Netherhall Conservation Area and within close proximity of two listed buildings, 47 Fitzjohn's Avenue to the rear and 48 Maresfield Gardens to the south. The proposed pavilion addition will be viewed directly in context with the interwar dwelling at 48 Maresfield Gardens and will present as a highly contemporary juxtaposition which is not subservient to the host building and would compete visually with the adjacent Listed building which should read as a primary built volume in the setting.

The materiality of the proposed façade treatments – reeded glass curtain walls, clerestory glazing, timber louvered panels and red metal framing – does not align with established character and appearance of the Fitzjohn's/Netherhall Conservation Area. Extending the footprint of the side extension forward will also add to the addition's prominence on the site and further detract from/ erode the symmetrical composition and group value of nos. 50, 52, 54 and 66. As it is currently proposed, the highly contemporary form, materiality and positioning of the addition cannot be considered to either preserve or enhance the character and appearance of the host building, streetscene and conservation area.

Furthermore, the demolition/replacement of existing structures (that cannot be shown to be in irreparable condition) is not typically supported by Camden on sustainability grounds due to embodied carbon expended during demolition. Retrofitting, adapting and extending the existing structure of the side extension to provide the desired accommodation is highly encouraged.

Going forward, given the form of the existing structure, in principle a single-story flat roofed side addition could be considered acceptable in this location. However, the extension should be subservient to, and better respond to, the existing built form and established material character of the surrounding area. The Fitzjohns/Netherhall Conservation Area Appraisal states:

*6.2.f New build development should complement and be subservient to the townscape character of the surrounding area in height, scale, massing, gaps between buildings and degree of setback from the road.*

*6.3.m Materials should be durable, with a high standard of finish and constructional detail. Use of local, traditional materials is encouraged, including brick and tile with timber windows and detailing.*

*6.4.q Extensions to existing buildings should be subservient in height, scale, massing and set-back. Extensions should complement and be unobtrusive to the existing landscape and townscape character of the Area.*

*6.4.r Alterations and extensions will not be acceptable where they will spoil the uniform elevations of a terrace or group of buildings. Side extensions and infills will be resisted where a gap/view is compromised and the symmetry and composition of a building is impaired.*

We recommend the existing line of the front elevation and brick materiality of the extension be retained. More contemporary treatments (reeded curtain wall glass façades and clerestory glazing etc.) are more likely to be acceptable on the rear elevations that do not face the public realm.

### Widening of vehicle entrance/ boundary treatment

The widening of the vehicular entrance is discouraged/opposed on both transport and heritage grounds. There is an adjacent street parking bay which overlaps with the existing pedestrian entrance, which the proposal seeks to amalgamate with the vehicle entrance for extra width.

It may be possible to apply for permission to temporarily widen the vehicle gateway while construction works are underway with the condition that the original width of the gateway is reinstated post completion of works. Permission for a temporary widened vehicle crossover would need to be applied for via a [Building licence](#) application form (this is separate from the planning process).

In terms of conservation, the existing gate piers/columns match the other boundary treatments in the group of Nos 50-66 and are of heritage value. Any works would need to carefully consider any alterations and, if temporary licence were obtained to aid building works, the reinstatement of any removed hedging and piers would be necessary.

The Conservation Area Character Appraisal highlights the verdant character of the road, giving credit to the '*contribution of the trees and vegetation in private gardens*' and states that '*the loss of detail, characteristic enclosure and vegetation weakens the established character of the street and thereby the wider Conservation Area*'.

## **2. Highways**

### **Construction Management Plan (CMP)**

The site is located in an area with multiple schools, and is within the [Neighbourhoods of the Future Healthy School Street Zone](#). Due to the sensitive location of the site and the amount of excavation, a draft Construction Management Plan (CMP) would need to be submitted at application stage to clarify the details of construction access, and a detailed CMP would need to be secured via a section 106 planning obligation in accordance with Policy A1 if planning permission is granted. A CMP implementation support contribution of £3,920 and Construction Impact Bond of £7,500 would also need to be secured as a Section 106 planning obligation if planning permission were to be approved. The Council has a CMP pro-forma which must be used and would need to be approved by the Council prior to any works commencing on site. The CMP pro-forma is available on the [Camden website](#).

The public highway in the general vicinity of the site is likely to sustain damage as a direct result of the basement excavation. We would therefore need to secure a highways contribution via a legal agreement if planning permission were to be granted in the future. This would allow the Council to repair any damage to the public highway in the general vicinity of the site on completion of the development. This would be assessed if a planning application were to be submitted.

Should a full application be made, it is likely that a planning consent would need to be supported by the following S106 planning obligations:

- Construction Management Plan and associated Implementation Support Contribution of £3,920

- Construction Impact Bond of £7,500
- Highways contribution – to be assessed

### **3. Basement development**

The proposed basement expansion would involve significant excavation, and as such, would require a basement impact assessment (BIA) to be submitted.

Policy A5 of the Local Plan states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a) neighbouring properties;
- b) the structural, ground, or water conditions of the area;
- c) the character and amenity of the area;
- d) the architectural character of the building; and
- e) the significance of heritage assets.

Policy A5 requires basement development to:

- (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.

At present the basement proposed would appear to align with the requirements (f) to (m) of policy A5.

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. The Council will require applicants to demonstrate that proposals for basements:

- (n) do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';
- (o) avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- (p) avoid cumulative impacts;
- (q) do not harm the amenity of neighbours;
- (r) provide satisfactory landscaping, including adequate soil depth;
- (s) do not harm the appearance or setting of the property or the established character of the surrounding area;
- (t) protect important archaeological remains; and
- (u) do not prejudice the ability of the garden to support trees where they are part of the character of the area.

The application site is located in an area subject to a few underground development constraints, including slope stability and subterranean (groundwater) flow. Given this, you are advised to thoroughly examine the requirements of Policy A5 of the Local Plan and CPG Basements prior to submission.

The development would require a comprehensive and accurate Basement Impact Assessment to be submitted with the formal application demonstrating no significant harm to the application site, neighbouring sites or those surrounding. Please see the Council's web pages on basement development for further information on what information should be included and details of the external audit process.

#### **4. Trees**

The Council has a statutory duty to consider the preservation of trees when granting planning permission. The potential effect of development on all trees is a material consideration irrespective of whether they are protected by Tree Preservation Order / conservation area status, or not. Consideration of trees is required for all 'full', 'outline' or 'householder' applications or where works are being undertaken under permitted development rights.

The information submitted would appear to show an acceptable scheme from an arboricultural perspective. The loss of the Sycamore T9 and the Olive T14 is likely to be acceptable as both are category C trees and have relatively low visibility outside the site. A successful planning application would need a full tree report with tree survey, constraints plan, arboricultural method statement and tree protection plan. Details of proposed landscaping including replacement planting would be beneficial.

In terms of the existing high hedge along the front boundary, it is considered to contribute positively to the green nature of the area and to enhance the streetscape. Ideally any replacement should be of such that will grow to a similar height or maturity to maintain the current green presence.

#### **5. Neighbouring Amenity**

In terms of neighbour amenity, the development is not expected to cause any harm by reason of loss of privacy, outlook or light. The replacement extension is in close proximity of No 48 to the south. Although the replacement side extension would be larger in footprint, it will be of a similar height and is not considered to have a harmful impact on the adjacent No.48, which is currently screened by tall vegetation and does not have any windows on its elevation directly facing No 50. Therefore the high level of glazing to the proposed replacement side extension is not considered to increase the risk of overlooking to No 48.

To the north the property shares a boundary with No 52. No 52 is deeper than No 50 extending back into the rear garden further and has a number of windows on its side elevation which overlook No 50's garden and rear facade. The removal of the canopy and replacement of glazed doors with smaller windows are not of concern, but details and a Noise Impact Assessment concerning the new plant enclosure will need to be submitted.



Apart from any noise implications from the plant, to be assessed at application stage, the proposed works are not considered likely to cause any material harm to neighbouring properties.

## **Conclusion**

In conclusion, while many elements of the scheme are found acceptable, the design of the new side extension would not be supported at application stage. This is chiefly due to its visibility from the public realm and its modern design which is not considered to relate to the host building, complement the wider conservation area or to contribute sensitively to the setting of the neighbouring Grade II Listed building. Retrofitting, adapting and extending the existing structure of the side extension to provide the desired accommodation is encouraged instead. The widening of the vehicle gateway would need justification to be supported, instead a temporary widening for the duration of the construction works is suggested.

*Please note that historic extensions (not assessed against current policies) and developments constructed without planning permission (either unlawfully or through permitted development) do not set a precedent for an acceptable form of development at the subject site.*

## **Planning application information**

Should you choose to submit a planning application, I would advise you to submit the following for a valid planning application:

- Completed forms – Householder Planning Application
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and access statement
- Heritage statement
- Arboricultural documents - full tree report with tree survey, constraints plan, arboricultural method statement and tree protection plan.
- Noise Impact Assessment for any proposed plant
- Basement Impact Assessment
- Draft Construction Management Plan (CMP) – *not essential for validation*
- CMP Pro forma – *not essential for validation*
- The appropriate fee
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would put up a notice on or near the site and advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses

to be received. You are advised to contact your neighbours, prior to submission, to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

**This document represents an initial informal view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the council.**

You can apply for planning permission and listed building consent through the [Planning Portal](#) website.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Miriam Baptist  
Planning Officer  
Planning Solutions Team