

Delegated Report		Analysis sheet	Expiry Date:	19/01/2022
		N/A / attached	Consultation Expiry Date:	03/02/2023
Officer			Application Number(s)	
Kate Henry			2021/5750/P	
Application Address			Drawing Numbers	
8A Hampstead Hill Gardens London NW3 2PL			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Single storey rear extension, with basement below (including car lift and parking), garden roof terrace above and single storey link to main dwelling, to replace existing single storey garage building; 3rd floor front extension to main dwelling; creation of 4th floor roof terrace on roof of main dwelling, including access thereto; external alterations to front of main dwelling, including re-pointed brickwork, new timber doors, window and cladding and replacement of garage doors with fenestration; creation of garden to front to replace driveway parking				
Recommendation(s):		Refuse planning permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	31	No. of objections	20
Summary of consultation responses:	<p>Site notices were displayed near the site on 10/12/2021 (consultation expiry date 03/01/2022) and a notice was placed in the local press on 16/12/2021 (consultation expiry date 09/01/2022).</p> <p>20 letters of objection have been received from addresses on Hampstead Hill Gardens (2; 2a; 3; 4 flats within No. 4; 2 flats within No. 6; all 8 flats within No. 8; 10; 12 and an unspecified address on the street), summarised as follows:</p> <p><u>Impact on the local area</u></p> <ul style="list-style-type: none"> • Detrimental impact on Hampstead Conservation Area. • Scale of harm to conservation area does not outweigh any public benefits. • Backland development is unacceptable in conservation area. • Overdevelopment of the plot. • Garage to rear was built in garden space, should be returned to garden. • The fact the existing house has been neglected is not reason to allow the proposed works. • Glazed extensions to No. 8a are not appropriate to the streetscene. • Light pollution from glazed extensions to No. 8a. <p><u>Impact on neighbouring properties</u></p> <ul style="list-style-type: none"> • Overlooking to Nos. 2, 2a, 6, 8, 10, 12. • Loss of light to lower flats at No. 8. • Boundary treatment between Nos. 10 and 8a would be very high and overbearing. • Noise impact of people using the roof of the extension (large area suitable for large gatherings). • Impact from artificial lighting on terraced area. • Disruption during construction period, particularly to lower flats at No. 8. Flats will become unliveable for extended period. Inability to work from home etc. • Unneighbourly development, particularly given the arc shape of the street whereby rear of properties all face each other. <p><u>Basement</u></p> <ul style="list-style-type: none"> • Basement is much too large in comparison to host building, contrary to Policy A5 criteria. • Excavation works may damage No. 8 (too many caveats in the BIA). • Would set a bad precedent for other basement applications. • Impact on flooding and drainage. 			

Biodiversity

- Planters not sufficient to provide proper biodiversity benefits.

Transport

- Impact on local highway network – removal of material from site, heavy construction vehicles etc.
- Draft CMP is incomplete in some areas.

Non-planning issues

The following comments are not relevant planning considerations and cannot therefore be taken into consideration in the determination of the application:

- Pre-application advice suggested the proposals would not be acceptable but have submitted application regardless.
- Question whether applicant has the funds to complete the work, neighbouring occupiers don't want to be left with a building site.
- Impact on property values.
- Initial application for garage at rear was to enable each flat to have a space, but the applicant at the time retained all the spaces. The owner of No. 8a shouldn't now be allowed to develop the whole rear for themselves.
- The garage is an eyesore but no one imagined it would become a development site for an extension to serve No. 8a.
- None of the letters of support are from people actually living on the road.
- Concern about asbestos.

11 letters of **support** have been received from addresses on Antrim Grove, Belsize Lane, Ellerdale Road, Fellows Road, Goldhurst Terrace, Hermitage Lane, Keat's Grove, King Henry's Road, Langeland Gardens, Lyndhurst Road, Willow Road and an unspecified address on the other side of the Royal Free Hospital, summarised as follows:

- Existing building is dilapidated and ugly / improvement to current situation.
- Good to see the house restored and the terrible garage behind transformed.
- Considerate and thoughtful design.
- Likely to be an exemplar piece of architecture.
- Rear development would be significant improvement on existing garage and provide a large amount of welcome greenery.
- Clever way to transform backland site.
- Basement does not seem disproportionate for the size of property.
- Should be welcomed that parking is moved underground.
- Basement is better than building upwards.
- Council have allowed a basement under an outbuilding elsewhere on the street (No. 3).

<p>Hampstead Neighbourhood Forum</p>	<p>Objection, summarised as follows:</p> <ul style="list-style-type: none"> Proposed basement would extend to virtually the entire available site behind 8 and 8A. Policy NE2 of the Hampstead Neighbourhood Plan states that where there are no existing trees on a site, <i>“unless it can be demonstrated as unfeasible or non-viable, development should allow space for the future planting of trees well suited the local conditions.”</i> Policy NE4 encourages new development to increase canopy cover as part of any landscaping scheme. The proposed plantings, in pots or in terraces, would be subject to the tastes of the current occupier and could not be relied upon to support biodiversity over the long term. In planning terms, the existing garage comes under the heading of “outbuildings and garages” and is covered by different planning rules than other types of buildings such as residential dwellings. The proposed basement and extension, therefore, are too large. Following the logic of the legal opinion submitted, any garden shed could justify a basement development without reference to the existing dwelling or guidance. The glass box extension on the roof would be incompatible with the conservation area and would cause light pollution, thereby damaging the Plan area contrary to Policies DH1 and DH2 of the Hampstead Neighbourhood Plan.
<p>Heath and Hampstead Society</p>	<p>Objection, summarised as follows:</p> <ul style="list-style-type: none"> Question planning legality of subdivision of plot (original house divided into 8 flats with new dwelling to side and access for all to garden). Double basement not acceptable (existing garage is below level of neighbouring gardens). Impact of excavation on ground water movement / ground movement. Impact on structural stability of nearby listed buildings – Nos. 2 + 2a Hampstead Hill Gardens. Impact on biodiversity due to building over all of garden. Impact on nearby trees. Additional height to No. 8a is not acceptable as already taller than neighbours.
<p>Hampstead Hill Gardens Resident’s Association</p>	<p>Objection, summarised as follows:</p> <ul style="list-style-type: none"> Welcome renovation of main house, addition of greenery to site and applicant’s attempts to minimise impact neighbour’s privacy etc. Concern at loss of amenity to neighbouring properties – overlooking into gardens and rear windows. Noise from use of rooftop terrace. Light pollution from glazed extensions to main house. Loss of light to flats at No. 8 and potentially other neighbouring buildings. Impact on trees. Overdevelopment / scale / density. Agree with pre-app advice that

“the extension would occupy almost the entire plot, would not match the pattern of development in the wider area and would not be subservient to the host building”.

- Would be preferable for garden to be reinstated at rear rather than replacement of garage.
- Setting a bad precedent for future basement applications.
- Flood risk.
- Disruption during construction period.
- Lack of detail in draft CMP.
- Likely future application to subdivide the property into 2 dwellings.

Site Description

No. 8a Hampstead Hill Gardens is a 5 storey, red brick, single family dwellinghouse dating from the 1970s, attached to an older building (No. 8) which has been subdivided into flats. The building benefits from an integral garage at lower ground floor level, accessed via a downwards sloping driveway. Steps lead up to the main entrance of the property at upper ground floor level and there is a front roof terrace at level 3. To the rear of Nos. 8 and 8a there is a large single storey garage structure with room for 8 cars, which is in the sole ownership of No. 8a.

The application site is within the Hampstead Conservation Area. No. 8 (the façade of which was altered in the 1970s) is identified as making a neutral contribution to the character and appearance of the conservation area. The Hampstead Conservation Area Statement (2001) does not make specific reference to No. 8a, but with regards to modern additions to the street notes: *“A few small modern houses and flats have been added in recent years, which, although in marked contrast to the older villas, do not detract from the character of the area.”* It is not clear whether No. 8a falls within this category; however, officers do not consider that No. 8a detracts from the conservation area.

The surrounding area is residential in character. The application site has a PTAL rating of 4 (moderate).

Relevant History

8a Hampstead Hill Gardens

2022/3234/P: Third floor extension to front; creation of roof terrace on main roof; elevational alterations. **Granted 09/02/2023.**

Land to rear of 8 Hampstead Hill Gardens

2010/1905/INVALID: Erection of a four bedroom single dwellinghouse to include basement, ground and first floor levels following the demolition of existing garage at land to the rear of site. **Withdrawn before validation.**

2010/1944/INVALID: (Conservation Area Consent) Erection of a four bedroom single dwellinghouse to include basement, ground and first floor levels following the demolition of existing garage at land to the rear of site. **Withdrawn before validation.**

8 Hampstead Hill Gardens

2019/2293/P: Creation of terrace at main roof level with associated glazed balustrade and roof access hatch. **Refused 13/06/2019. Appeal allowed 09/10/2019.**

2013/8077/P: (Flat 7) Installation of rooflight to front roof slope. **Granted 12/03/2014.**

27133: The construction of a balcony at the rear. **Granted 08/12/1978.**

10280: The reconstruction of the front and rear elevations. **Granted 30/06/1971.**

9785: Alterations and improvements to the front elevation. **Refused 30/11/1970.**

7680: Conversion of existing house into 8 self-contained 2 roomed flats and the erection of an extension to form 4 roomed town house. **Granted 20/11/1969.**

TP32010/NW: Continued use for a limited period of No. 8 Hampstead Hill Gardens, Hampstead, as one non-self-contained maisonette and one non-self-contained flat. **Granted 06/01/1961.**

32010/C: The continued use for a limited period of No. 8, Hampstead Hill Gardens, Hampstead, as three non-self-contained flats. **Granted 13/02/1956.**

32010/S.R.51/1042: The continued use, for a limited period, of No. 8, Hampstead Hill Gardens, Hampstead, as three non-self-contained flats. **Granted 06/03/1951.**

TPBR32010: The execution of internal alterations at 8, Hampstead Hill Gardens, Hampstead, and the conversion for a limited period of the premises into three non-self-contained flats. **Granted 17/08/1945.**

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

G1 Delivery and location of growth

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

A5 Basements

D1 Design

D2 Heritage

CC3 Water and flooding

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

Hampstead Neighbourhood Plan (2018)

DH1 Design

DH2 Conservation areas and listed buildings

NE2 Trees

NE3 Biodiversity corridors

NE4 Supporting biodiversity

BA1 Basement Impact Assessments

BA2 Basement Construction Plans

TT4 Cycle and car ownership

Camden Planning Guidance

Amenity (2021)

Basements (2021)
Biodiversity (2018)
Design (2021)
Developer Contributions (2019)
Home improvements (2021)
Public open space (2021)
Transport (2021)
Trees (2019)
Water and flooding (2019)

Hampstead Conservation Area Statement (2001)

Assessment

1. The proposal

1.1. Planning permission is sought for the following:

- Single storey rear extension, with basement below (including car lift and parking, gym and cinema room), roof terrace above and single storey link to main dwelling (No. 8a), to replace existing single storey garage building;
- Planting within concrete structure to front of main dwelling to replace sloping driveway (in association with conversion of integral garage to living accommodation);
- Third floor front extension to main dwelling;
- Creation of 4th floor roof terrace on roof of main dwelling, including access thereto;
- External alterations to front of main dwelling, including re-pointed brickwork, new timber doors, window and cladding and replacement of garage doors with fenestration.

1.2. The single storey rear extension at lower ground floor level would occupy the majority of the rear of the plot (which extends to the rear of Nos. 8 and 8a). It would be an irregular shape to accommodate a courtyard at the western end and a cut-out to the north-eastern corner. It would extend to the rear (western) edge of the plot as well as the northern and southern edges. The main part of the rear extension (i.e. excluding the link to the host building) would measure up to 14.3 metres deep and between 13.2 and 18 metres wide (due to the tapering nature of the rear garden). The overall rear extension (including the link element and the courtyard) would have a footprint of approximately 220 square metres. At its closest point, the new single storey rear extension would be within 1 metre of the rear elevation of No. 8 (as the existing garage building is currently).

1.3. The single storey link to the main dwelling would measure between 2 and 2.8 metres wide and 4 metres long. The northern elevation would be blank and the southern elevation, facing onto the driveway, would feature double doors. The flat roof would feature planting and a circular skylight.

1.4. Above the single storey rear extension would be a roof terrace with seating / dining areas and planting. The main seating area would be screened from view from No. 8 by a stepped landscaped feature that would rise up to 2.3 metres above the level of the terrace and approximately 5 metres above the adjacent ground level.

1.5. A car lift would be located at the western end of the driveway, in front of the new rear extension. This would allow cars to be lowered into the basement below which provides approximately 120 square metres of parking space, as well as a plant room, stairs to access

the level above and a separate gym and cinema room (which can also be accessed separately from the lower ground floor level). The entire basement would have a footprint of approximately 248 square metres.

- 1.6. Within the main dwelling, the existing integral garage at lower ground floor level would be converted to living accommodation (a kitchen) (which does not require planning permission) and the sloping driveway to the front would be altered to accommodate planting within a concrete structure.
- 1.7. The 3rd floor front extension would extend out over the existing third floor front roof terrace by between 1.5 and 2.3 metres and it would measure 4 metres wide. Part of the existing roof terrace would be retained to the front (as a planter) and side (as a terrace). The extension would be timber framed and would feature vertical timber boarding on the front and side elevations, to align with the brickwork at lower levels. It would feature a flat roof.
- 1.8. A roof terrace would be created on the existing main roof, accessed via a new staircase from level 3. The existing walls on the rear part of the building would be built up to create a parapet wall around the new terrace.
- 1.9. The elevational changes to the main building include re-pointing the brickwork; replacement timber windows; a replacement garage door; and a new ribbed concrete parapet to the front of the existing third floor level roof terrace (to replace an existing metal balustrade).
- 1.10. It is noted that the works mentioned in paragraphs 1.7 – 1.9 have also been approved pursuant to planning permission reference 2022/3234/P, dated 09/02/2023.

2. Revisions

- 2.1. The plans have been amended during the course of the application to reflect the approved works to the main building (No. 8a) approved pursuant to application reference 2022/3234/P, dated 09/02/2023 (namely the 3rd floor extension, the 4th floor roof terrace and external alterations to No. 8a). That application was submitted separately to allow works to the main dwelling to proceed ahead of this particular application being determined.
- 2.2. The third floor fenestration was amended to align with fenestration on the other floors and vertical timber boarding was added to the elevations.

3. Planning considerations:

3.1. The key considerations material to the determination of this application are as follows:

- Principle of development (demolition)
- Heritage and design
- Basement
- Trees and landscaping
- Biodiversity
- Impact on neighbours
- Transport considerations
- Contamination

4. Principle of development (demolition)

- 4.1. Policy CC1 of the Camden Local Plan requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The existing garage structure to the rear would be demolished and replaced with a single storey extension with a similar above ground footprint. On the basis that the garage structure detracts significantly from the character and appearance of the Hampstead Conservation Area (see

next section of the report), its demolition is supported, on heritage grounds. However, the proposal to replace it with a larger structure is not supported, particularly given that no evidence has been provided to suggest the existing structure could not be re-used instead, in the interests of resource efficiency.

5. Heritage and design

- 5.1. The application site is located within the Hampstead 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).
- 5.2. Policy D1 of the Local Plan seeks to secure high quality design in development which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2 (Heritage); is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation; is of sustainable and durable construction and adaptable to different activities and land uses; comprises details and materials that are of high quality and complement the local character; is secure and designed to minimise crime and antisocial behaviour; responds to natural features and preserves gardens and other open space; incorporates high quality landscape design and maximises opportunities for greening for example through planting of trees and other soft landscaping; incorporates outdoor amenity space; and provides a high standard of accommodation.
- 5.3. Policy D2 of the Local Plan seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including conservation areas. The policy notes that, in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.
- 5.4. Policy DH1 of the Hampstead Neighbourhood Plan requires development proposals to demonstrate how they respond and contribute positively to the distinctiveness and history of the character areas identified in the plan. The policy notes that development proposals should demonstrate how they respect and enhance the character and local context of the relevant character area(s) by: ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges; and, responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings. The application site is within Character Area 3: "*19th Century Expansion*" of the Hampstead Neighbourhood Plan. Appendix 2 of the Plan notes that the suburban neighbourhoods to the south and east of Hampstead's village core can be clearly distinguished by their planned appearance and typical urban streets lined by rows of houses. The area is generally more spacious than the later, higher density, Victorian areas.
- 5.5. Policy DH2 of the Hampstead Neighbourhood Plan requires that planning applications within conservation areas have regard to the guidelines in the relevant Conservation Area Appraisal(s) and it notes that new development should take advantage of opportunities to enhance the conservation areas.
- 5.6. The Hampstead Conservation Area Statement (HCAS) divides the conservation area as a whole into 8 sub-areas. The application site is located within the "*Hampstead Hill Gardens*" character zone of Sub Area 3: "*Willoughby Road / Downshire Hill*". The HCAS identifies No. 8 Hampstead Hill Gardens (the façade of which was altered in the 1970s) as making a neutral contribution to the character and appearance of the conservation area. No specific mention is made of No. 8a, but with regards to modern additions to the street the HCAS notes: "*A few small modern houses and flats have been added in recent years, which, although in marked contrast to the older villas, do not detract from the character of the area.*" It is not clear whether this applies to No. 8a; however, officers do not consider that No. 8a detracts from the

conservation area.

5.7. The HCAS outlines current issues in the conservation area, which include the use of inappropriate materials; inappropriate extensions and poor quality backland development.

Works to main dwelling

5.8. The proposed works to the main dwelling (namely the 3rd floor extension, the 4th floor roof terrace and external alterations) have all been approved pursuant to planning permission reference 2022/3234/P, dated 09/02/2023, which remains extant. As such, these elements of the proposal are considered to be acceptable.

Planting to front

5.9. To the front, the existing sloping driveway would be altered to provide planting in a concrete structure. This is considered to represent an improvement to the character and appearance of the front of the host building and the street scene along Hampstead Hill Gardens. If the application was otherwise considered to be acceptable, a planning condition could require the submission of further details relating to this element.

Single storey rear extension and link element

5.10. The HCAS sets out guidelines for development proposals in the conservation area. With regards to rear extensions, Guideline H26 states: *“Extensions ... can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability.”* (emphasis added) (page 62).

5.11. Guideline H27 states: *“Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances.”* (page 62); and Guideline H30 states: *“The infilling of yards and rear spaces between buildings will generally be unacceptable.”* (page 62).

5.12. With regards to roof terraces, Guideline H34 states: *“The formation of roof terraces/gardens can be an opportunity for external space. Care should be given to locating gardens so that they do not have a detrimental impact on the street scene, surrounding buildings or on the architectural quality of the building. They can be successfully concealed, for example behind parapet walls. The introduction of a roof terrace/garden should not result in an unreasonable amount of additional overlooking or impact on long views in particular...”* (page 63).

5.13. As noted, the existing single storey garage structure at the rear detracts from the character and appearance of the application site and the Hampstead Conservation Area as it is a large, incongruous and unattractive feature that contrasts markedly with the abundance of greenery in neighbouring gardens (see image below). Its demolition is therefore supported on heritage grounds.



Fig. 1. Aerial view of application site (source: Google Earth)

- 5.14. The proposed single storey rear extension would have a similar above ground footprint to the garage building which it would replace; however, this is not considered to be acceptable for an extension to a single family dwellinghouse, particularly given that No. 8a is itself a later addition to No. 8 and the existing garage structure is unusually large and an anomaly in the local area which detracts from the area. The footprint of No. 8a is approximately 42 square metres, whereas the proposed extension and link element would have a footprint of approximately 220 square metres, which is significantly larger. This means the extension would fail to appear subservient to the host building. It would also fail to respect the surrounding pattern of development, contrary to the aims of Policies D1 and D2 of the Local Plan and Policies DH1 and DH2 of the Neighbourhood Plan.
- 5.15. The lack of subservience is made worse by the fact the stepped landscaped feature on the eastern side of the extension would measure up to 5 metres above the adjacent ground level, thereby making the extension appear greater than one storey in height as viewed from the flats at No. 8, from other neighbouring properties, and in glimpsed views from the street (see picture below which shows the gap between Nos. 8a and 10). As noted above, the HCAS specifically guides that rear extensions in the conservation area should be as unobtrusive as possible and should generally only be one storey in height. However, this is not the case.



Fig. 2. View between Nos. 8a and 10 Hampstead Hill Gardens

- 5.16. It is recognised that Guideline H27 of the HCAS suggests that larger extensions may be acceptable in particular circumstances; however, the same guideline also states that extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the group of buildings. None of the neighbouring buildings in Hampstead Hill Gardens have extended to the rear to such a degree as proposed in this application. As noted, the existing garage structure is an anomaly and is contrary to Guideline H30 which states that the infilling of yards and rear spaces between buildings is generally unacceptable. Therefore, its replacement with a similarly sized, yet taller, structure should not be supported as this would fail to enhance the conservation area, but instead would cause harm thereto.
- 5.17. It is also recognised that the proposed rear extension would feature planting on its roof which would be an improvement on the hardstanding on the existing garage roof; however, it is not considered that the development is taking full advantage of the opportunity to respond to natural features and preserve gardens and open spaces or to maximise greening (i.e. the extension is still occupying the majority of the plot) and it is considered that the stepped landscape feature would actually detract from the character and appearance of the application site by making the rear extension look larger in scale.

Basement

- 5.18. Policy A5 of the Local Plan requires that basement development does not cause harm to:
- c. the character and amenity of the area;*
 - d. the architectural character of the building; and*
 - e. the significance of heritage assets.*
- 5.19. The proposed basement would manifest itself above ground by way of the skylight within the planting in the north-eastern corner cut-out and the car-lift at the end of the driveway. Although the skylight in the north-eastern cut-out would not be visible in the wider public realm, it would be visible from flats within No. 8 that overlook the rear. The car-lift would be visible from the street as it would be located at the end of the driveway. These elements both highlight the existence of below ground development and would thereby add to the perception of the proposed rear extension being overly large in relation to the modestly sized host building. For this reason, the proposed basement is considered to cause harm to the character and amenity of the area, contrary to Policy A5. (See further comments in the basement section of this report).

Heritage and design conclusion

5.20. Paragraph 199 of the National Planning Policy Framework (NPPF) guides that: “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*” (emphasis added). In this case, the designated heritage asset is the Hampstead Conservation Area and, for the reasons outlined above, the proposed development is considered to result in “less than substantial harm” to the character and appearance of the conservation area.

5.21. Paragraph 202 of the NPPF guides 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 case, the public benefits of the scheme are very limited (for example, there would be no net gain in residential units and the development would mostly benefit the private homeowner). Therefore the very limited public benefits (possible economic activity from construction, for example) do not outweigh the harm that would be caused and the application is recommended for refusal on this basis.

6. Basement

6.1. Policy A5 of the Local Plan sets out criteria against which to assess proposed basement development. It states that basement development should:

- 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.*

6.2. It then states that exceptions to f. to k. may be made on large comprehensively designed planned sites (which this is not).

6.3. The applicant has provided a legal opinion with their application, which suggests that the land to the rear of No. 8 (the location of the existing garage structure) is not “garden” for the purpose of the policy; instead the single storey garage building should be considered as the host building under which the basement is proposed. However, the Council disagrees with this assessment as the existing garage building has clearly been built within the former garden of No. 8 / 8a and it is being fully demolished before being replaced with a new extension to the main building, No. 8a, as part of the proposals.

6.4. The proposed basement fails to comply with the above criteria insofar as it would exceed 50% of the rear garden area (criterion h); it would be more than 1.5 times the footprint of the host building in area (criterion i); it would extend into the rear garden further than 50% of the depth of the host building measured from the principal rear elevation (criterion j); it would extend underneath the rear garden further than 50% of the depth of the garden (criterion k); and it would not be set back from neighbouring property boundaries (criterion l). Paragraph 2.5 of CPG Basements clearly states that the criteria in Policy A5 must be considered together and that the area where a basement may be developed is the smallest of the areas. It is

recognised that this is an unusual site as No. 8a is a later addition to No. 8 and is a relatively narrow building that benefits from a disproportionately wide plot to the rear. Nevertheless, the fact the proposal fails so many of the Policy A5 criteria indicates that the proposed basement is too large, and therefore unacceptable, and the application is recommended for refusal on this basis.

- 6.5. Policy A5 of the Local Plan also requires a Basement Impact Assessment (BIA) to be submitted to assess the impact on drainage, flooding, groundwater conditions and structural stability. Similarly, Policy BA1 of the Neighbourhood Plan requires that all proposals for basements must undergo a thorough BIA and that any impact must not exceed “very slight” on the Burland Scale 1; and Policy BA2 requires a Basement Construction Plan to be secured, if planning permission is granted for a basement.
- 6.6. A BIA was submitted with the application and has been independently audited by Campbell Reith. The BIA indicates that there will be no impact to the wider hydrogeological environment and hydrological environment as a result of the proposed basement and the anticipated damage can be limited to Burland Category 1 (very slight). Campbell Reith are satisfied that the BIA complies with the requirements of Policy A5 of the Local Plan.

7. Trees and landscaping

- 7.1. Policy D1 of the Local Plan requires development which incorporates high quality landscape design and maximises opportunities for greening, for example through the planting of trees and other soft landscaping.
- 7.2. Policy A2 seeks to protect non-designated spaces with nature conservation, townscape or amenity value, including gardens. The supporting text to the policy notes that development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area; and gardens provide a setting for buildings, provide visual interest and support natural habitats.
- 7.3. Policy A3 seeks to protect and secure additional trees and vegetation. The policy notes that the Council will require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development. It also expects development to incorporate additional trees and vegetation, wherever possible.
- 7.4. Policy A5 requires applicants to demonstrate that proposals for basements:
- r. provide satisfactory landscaping, including adequate soil depth;*
 - u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.*
- 7.5. Policy NE2 of the Neighbourhood Plan seeks to protect trees in the area as the canopy can reduce the risk of flooding and also supports biodiversity in the area. The policy requires development to provide space for future planting of trees. Policy NE3 requires proposals to include measures to protect and assist in the restoration of Hampstead's tree lines and biodiversity corridors. The rear gardens of Hampstead Hill Gardens are specifically identified in the policy as being a designated Biodiversity Corridor (2.F). Policy NE4 supports biodiversity enhancement by encouraging permeable surfaces and increased canopy cover.
- 7.6. There are no trees or planting to the rear of Nos. 8 and 8a currently as the existing garage building occupies the majority of the plot and is impermeable. As such, there would be no loss of trees or planting as a result of the proposals and there would be no impact on water and flooding.
- 7.7. It is recognised that the roof terrace would incorporate planting in the form of raised planters and the stepped landscape feature on its eastern edge, and that this represents an improvement on the existing situation in terms of biodiversity levels at the application site;

however, it is not considered that the proposal provides satisfactory landscaping, in line with the requirements of the Local Plan and Neighbourhood Plan. The proposal to replace the large garage building with another large structure that occupies almost the entire plot represents a failure to maximise opportunities for greening at the site and the proposed extension would continue to detract from the character and appearance of the local area, which is otherwise characterised by heavily-planted rear gardens, and would continue to prejudice the ability of the garden to properly support trees. This is all contrary to the aims of Policies D1, A2, A3 and A5 of the Local Plan and Policies NE2, NE3 and NE4 of the Neighbourhood Plan.

7.8. With regards to protecting retained trees in neighbouring gardens, a tree survey and arboricultural report were submitted with the application. Tree protection measures are outlined and if the application was otherwise considered to be acceptable, final details and compliance could be secured by planning condition.

8. Impact on neighbours

8.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed.

8.2. The main properties that are likely to be affected by the proposed works are the flats within No. 8 and the properties that adjoin the application site, namely Nos. 2, 4, 6, and 10 Hampstead Hill Gardens.

8.3. The proposed single storey rear extension would have a similar footprint to the garage structure it would replace but, although it would essentially be single storey in height, the stepped landscaped feature on the edge nearest to No. 8 (eastern edge) would add to its overall height as it would measure between 3 and 5 metres high above the adjacent ground level. It is considered that the stepped landscape feature would impact on the outlook from the lower windows at No. 8 due to its proximity (the separation distance between No. 8 and the new extension would range from 1 metre to 4 metres) and height; however, it is also recognised that the stepped element would step upwards and away from No. 8 in order to limit the visual impact, and the planting would provide interest. Furthermore, the existing garage building is already impacting on the outlook from the lower windows at No. 8. On balance, the impact over and above the existing situation is not considered to be so severe as to warrant a refusal of the application on this basis.

8.4. A daylight and sunlight assessment has been provided with the application which assesses the impact on No. 8. The report concludes that all windows and rooms assessed would be fully compliant with the BRE Guidelines and the proposed development would have a negligible impact upon the existing daylight and sunlight at No. 8. Whilst the Vertical Sky Component (VSC) levels in the lower and upper ground floor windows at No. 8 would not be significantly impacted by the proposal, it is worth noting that the existing VSC levels in the lowest windows at No. 8 are already quite low (the lowest is 21.98, whereas the BRE guidance suggests that to provide a good level of natural daylight, the VSC of the main window of a room needs to be 27% or greater). Therefore, any reduction in VSC, even if small, is likely to contribute to the feeling of the lower windows feeling overshadowed and "hemmed in" by the proposed rear extension. Nevertheless, this is already the case with the existing garage building and the impact over and above the existing situation is not considered to be so severe as to warrant a refusal of the application on this basis.

8.5. With regards to overlooking, the only external window proposed would face on to the cut-out in the north-eastern corner of the extension and would therefore not directly face any neighbouring properties. With regards to the roof terrace, the stepped landscaped feature would prevent direct overlooking into the lower windows at No. 8 as it would measure 2.3 metres above the floor level of the terrace. The planting to the edges of the roof terrace would

also prevent harmful overlooking into neighbouring properties as it would prevent users of the terrace being able to stand right next to the shared boundaries. There would be external steps close to the southern boundary with No. 10; however, if the application was otherwise considered to be acceptable, a planning condition could require the submission of details of screening for this part of the new roof terrace, in order to prevent any unreasonable overlooking towards that property and its garden.

- 8.6. Concerns have also been raised about noise generated from the use of the roof terrace; however, insofar as the existing garage use could be used as a terrace by the occupiers of No. 8a, and on the basis that the terrace would only serve a single private dwelling, this is not considered to warrant a reason to refuse the application.
- 8.7. With regards to artificial lighting, as noted, the only external window proposed would face on to the cut-out in the north-eastern corner, and should therefore not impact on neighbouring properties. No external lighting is proposed for the roof terrace or the external walls of the extension and if the application was otherwise considered to be acceptable, a planning condition could require the submission of details of any external lighting, if applicable, to ensure no harmful impact on neighbouring properties.
- 8.8. If the application was approved, it is likely that there would be an impact on neighbouring properties during the construction period. However, a Construction Management Plan (and associated implementation support contribution and Construction Impact Bond) could be secured by legal agreement, in order to ensure that the development could take place without unduly impacting on neighbouring amenity. The lack of a legal agreement to secure the CMP, implementation support contribution and Bond forms a reason for refusal.

9. Transport

- 9.1. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of car parking in the borough. The Neighbourhood Plan also seeks to reduce motor traffic and improve pedestrian environments.
- 9.2. The application site has a Public Transport Accessibility Level (PTAL) of 4, which means it is reasonably accessible by public transport. The application site is located within the Hampstead and Vale of Heath Controlled Parking Zone (CA-H), which operates between 0900 and 2000 hours Monday to Saturday.
- 9.3. No. 8a currently benefits from 1 parking space in the integral garage and 8 spaces within the garage building to the rear (9 spaces in total), which is considered to be excessive for a single family dwellinghouse. The Design & Access Statement suggests that the proposal would involve a reduction in the number of parking spaces at the site; however, the proposed basement (accessed by car lift from ground level) would provide approximately 120 square metres of space for parking (a standard parking space is approximately 12 square metres), which means it would still be possible to park 9+ cars at the site, if desired. This would not promote or encourage trips by sustainable modes of transport, contrary to the aims of Policies T1 and T2 of the Local Plan.
- 9.4. Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road. Given the backland nature of the proposed development, the relatively narrow means of access and the proximity of surrounding residential properties, as noted above, if the application was otherwise considered to be acceptable, a Construction Management Plan (and associated implementation support contribution and Bond) could be secured by legal agreement, in order to ensure that the development could take place without unduly impacting on the operation of the local highway network or neighbouring amenity.

9.5. Policy A1 of the Camden Local Plan seeks to protect the quality of life of occupiers and neighbours and the policy notes that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and will require mitigation measures where necessary. If the application was otherwise considered to be acceptable, the Council would also seek to secure a contribution towards repairs to the public highway in the vicinity of the application site, required as a result of the development. The highways contribution would be £4,599.09.

9.6. The lack of a legal agreement to secure the CMP, implementation support contribution and Bond and highways contribution form reasons for refusal.

10. Contamination

10.1. Policy A1 of the Local Plan seeks to manage the impact of development and requires contaminated land to be properly considered. The supporting text notes that the Council will expect proposals for the redevelopment of sites that are known to be contaminated, have the potential to be contaminated, or are located in close proximity to such sites to submit relevant assessments and take appropriate remedial action to the Council's satisfaction if required.

10.2. In this case, the site has not been subject to any potentially contaminative historical land use apart from the on-site domestic garage. A railway tunnel dating to c. 1860 is located approximately 20 metres to the south. The nature of the geology means that there is no realistic risk to controlled waters and no potential ground gas sources are evident. As a basement is proposed below the existing garage, this would remove any localised impacted soils in the relatively unlikely instance that they should be present. On this basis a full contamination study is not required and instead, if the application was otherwise considered to be acceptable, a planning condition could require works to cease on site in the event that any visual and/or olfactory evidence of contamination was found.

11. Conclusion

11.1. The works to the main dwelling and to the front are considered to be acceptable.

11.2. At the rear, the demolition of the existing garage building is supported on heritage grounds, albeit no evidence has been provided to suggest the existing structure could not be re-used instead of being re-built; however, the proposed single storey rear extension with basement below to replace the garage building is not considered to be acceptable due to the size, siting and design, lack of subservience to the host building, No. 8a, and the failure to respect the surrounding pattern of development. For these reasons, it is considered that the single storey rear extension and basement below would cause harm to the Hampstead Conservation Area and there are no public benefits that would outweigh the harm.

11.3. Given the size in relation to the plot, the proposed rear extension and basement would also fail to maximise opportunities for greening at the site and would continue to prejudice the ability of the garden to properly support trees and vegetation.

11.4. The proposed basement, due to its disproportionately large size in relation to the host building and the plot, would also promote car ownership and therefore fail to promote or encourage trips by sustainable modes of transport, which is unacceptable.

12. Recommendation

12.1. Refuse planning permission for the following reasons:

- The proposed rear extension and basement below, by reason of size, siting, design and lack of subservience to the host building, would fail to respect the surrounding pattern of development and would cause harm to the character and appearance of the Hampstead Conservation Area,

and would also fail to maximise opportunities for promoting and supporting greening, contrary to the aims of Policies D1 (Design), D2 (Heritage), A2 (Open space), A3 (Biodiversity) and A5 (Basements) of the Camden Local Plan 2017 and Policies DH1 (Design), DH2 (Conservation areas and listed buildings), NE2 (Trees), NE3 (Biodiversity corridors) and NE4 (Supporting biodiversity) of the Hampstead Neighbourhood Plan 2018.

- The proposed development, as a result of the basement and associated car lift, would increase the capacity for on-site parking provision and would therefore promote car ownership and fail to promote or encourage trips by sustainable modes of transport, contrary to the aims of Policies T1 (Prioritising walking, cycling and public transport) and T2 (Parking and car-free development) of the Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, implementation support fee and Construction Impact Bond, would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to Policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement to secure a highways contribution to undertake repair works outside the application site, would fail to restore the pedestrian environment to an acceptable condition, contrary to Policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport) and T3 (Transport infrastructure) of the Camden Local Plan 2017.