

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date: 17/02/2022	
		N/A / attached		Consultation Expiry Date: 06/03/2022	
Officer			Application Number(s)		
Josh Lawlor			2021/6266/P		
Application Address			Drawing Numbers		
33 Hampstead Lane London N6 4RT			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Demolition of existing garage and erection of a single storey plus basement dwellinghouse with front lightwell, rear sunken garden and associated alterations, including new boundary wall with gate.					
Recommendation:		Refuse planning permission			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Summary of consultation:		Site notices were displayed near to the site on the 09/02/2022 (expiring 05/03/2022)  The application was also publicised in the local press from 10/02/2022 (expiry 11/02/2022)			
Adjoining Occupiers:		No. of responses	2	No. of objections	2
Summary of consultation responses:		31e Hampstead Lane objected on the following grounds:  1. New dwellings not allowed in a conservation area 2. Noise and disruption that a new basement excavation will create 3. The applicant already owns a substantial property comprising two maisonettes that have been undergoing refurbishment  <i>Officer response:</i>			

	<ol style="list-style-type: none"> <li><i>1. There is no policy against the principle of new dwellings in conservation areas.</i></li> <li><i>2. See the discussion on CMP in the transport section below</i></li> </ol> <p>35 Hampstead Lane objected on the following grounds:</p> <ol style="list-style-type: none"> <li>A basement built up against our joint party wall. The upper floor replaces the current garage. The return wall of my house at 35 is 1 metre away from that party wall. I have a side path between the house and the party wall. This carries foul and surface water drainage to the street.</li> <li>The scheme architecturally is far better than the first one proposed in the original pre-app.</li> <li>No borehole investigations or ground surveys were conducted as part of BIA</li> <li>The party wall between 33/35 is very old and attractive. The applicant's architect has promised to underpin it. Request a planning condition that the wall must be preserved intact.</li> </ol> <p><i>Officer response:</i></p> <ol style="list-style-type: none"> <li><i>1. The proposal creates a new separate dwelling, not an extension.</i></li> <li><i>2. Drainage has been considered in the BIA and would be covered under Building regulations.</i></li> <li><i>3. Borehole investigations have been conducted, and the results analysed</i></li> <li><i>4. The party wall damage is a matter covered under the Party Wall Act</i></li> </ol>
<p><b>Highgate CAAC</b></p>	<p>Highgate CAAC provided the following comments:</p> <p>The gap between 33 and 35 provides an unobstructed and big sky view along with the trees behind the properties. The existing garage is low and does not inhibit that view.</p> <p>It is vital that the gap between the imposing pairs of buildings at 31/33 and 35/37 is maintained. There is a large gap too between 39 and 41. These gaps provide a great sense of openness.</p> <p>Talking of openness, 33 and 35 are within Metropolitan Open Land ("MOL"). HCAAC notes from the pre-application advice that the significance of this fact is recognised by the Council. The Council made it clear that it was concerned to ensure that the development would have no greater impact on the openness of the MOL than the existing garage.</p> <p>In commenting on the second iteration of the proposed development, the Council concluded th the revised proposal was more discrete than the previous scheme. However, the Council went on to say that the proposal should be revised yet further to incorporate a setback from the neighbouring properties so that it appears recessive and subservient to the large Victorian buildings.</p> <p>The extent of the setback is in fact minimal. As a result, the proposed development is not recessive and subservient to the neighbouring properties.</p>

Further, the proposed development, as viewed from the lane, is wider than the existing garage. As a result, the sense of openness is diminished.

We note that the applicant relies upon the building constructed between 29 and 31 to support its proposed development. That building is wholly incongruous with its neighbours and does nothing to maintain the harmony of the run of impressive buildings. That building does not enhance the Conservation Area and should not be used as a satisfactory benchmark against which this application should be judged.

By contrast, there are examples of earlier houses/cottages further up Hamstead Lane (towards the village), which are set well back from the line of the main houses on the lane. It is vital, therefore, that:

1. Any proposed development is recessive and subservient to the neighbouring properties; and
2. The openness of the skyline in the gap between 33 and 35 as viewed from the lane, the general openness of this stretch of the lane, the harmony of the pairs of buildings and the character of the Conservation Area are fully preserved.
3. The proposed development does not achieve those objectives in that:
  1. As seen from the lane, it is wider than the existing garage.
  2. It is set too far forward; and
  3. The glass box appearance, as depicted in the front elevation drawing, is completely out of harmony with the fenestration and fabric of the impressive neighbouring properties.

In Section 8.3 of the BIA (Hydrogeology and Groundwater Flooding) the writer concludes that “there are impacts/no impacts to the wider hydrogeological environment”.

The proposed development does not meet Building Regulations “Optional requirement Part M4(2) – Category 2 - Accessible and adaptable dwelling standards” (“the Requirement”).

The following aspects of the proposed design does not meet the Requirement:

- a) In the gap between the main house and the proposed house, as depicted in drawing no. 291: upper ground floor plan (UGL), there is a footpath with sections marked 1.10 max (which should read 1:10 maximum, i.e. a ramp of 1 in 10). To achieve compliance with 2.10 of the Requirement, the ramp must be between 1:20 and 1:12. That ramped footpath leads to a secondary entrance at the upper level, which is the entrance for people with disabilities.
- b) The design of the “disabled” entrance door does not meet the dimensional requirements set out at 2.20 of the Requirement. There should be a “nib” of 300mm minimum at the door's leading edge so that people can reach the door handle.
- c) At the UGL there is a bedroom and a WC with a wash basin, but no shower.
- d) The internal doors also need nibs to comply with 2.22 of the Requirement.
- e) The width and layout of corridors may not comply with 2.22 of the

Requirement.

- f) There needs to be access to an amenity space. There is possibly an amenity space between the bicycle store and the secondary front entrance
- g) The person occupying the bedroom at the upper level must go downstairs to reach the bathroom, the kitchen/dining living room and the main amenity space. To achieve compliance with 2.23d of the Requirement, the stair must have a clear width of 850mm to allow for the installation of a stairlift. The drawings state one must not scale from the drawing, but the width of the stair between handrails as drawn is only 800mm

For all the above reasons, HCAAC objects to this application.

Officer response:

1. Please see the section of the report on Metropolitan Open Land (MOL)
2. The front building line is considered acceptable in terms of conservation area considerations; please see the design and heritage section of the report for a full response.
3. Policy H6 includes a requirement for 90% of new build homes to comply with M4(2) (accessible and adaptable dwellings). Exceptions can be made in some circumstances, such as where a basement level provides a large proportion of the floorspace. The dimensions and gradients to satisfy M4(2) requirement for access to a residential premises would be checked by the approved Inspector ie the person carrying out the building control function.

## Site Description

The site is a single storey detached garage building located within the Highgate Village Conservation Area used by no.33 Hampstead Lane. There is an undeveloped vegetated area to the rear of the garage. The site is within the 'Beechhwood Private Open Space including ponds' designation, which is classified as Metropolitan Open Land (MOL).

The significance of the Highgate Village Conservation Area is partly derived from its open, semi-rural or village character. The conservation area appraisal describes the garage '*having been constructed between nos. 33 & 35 with little regard to its context*'. Nos. 33 and 35 are four-storey Italianate late Victorian semi-detached buildings. These buildings are identified as positive contributors to the character and appearance of the conservation area. The site is within the Highgate Neighbourhood Plan area.

## Relevant History

33 Hampstead Lane

**Ref. 2020/0484/P** Erection of front and rear dormer, new side entrance to upper ground, alterations to fenestration, installation of bin store in front garden, installation of 3 x rooflights to upper roof. **Granted 05/05/2020**

**Ref. 2020/2194/P** Alterations to fenestration on side and rear elevations, including replacement of existing rear bay windows and installation of new garden access staircase, plus other associated works. **Granted 15/06/2020**

**Ref. 2020/4436/P** Installation of glass box extension at lower ground floor with balcony above at upper ground floor, in conjunction with works granted planning permission dated 29.7.20 ref. 2020/2194/P, namely alterations to windows on side and rear elevations, replacement of existing rear bay windows and installation of new garden access staircase. **Granted 27/10/2020**

The Coach, Hampstead Lane

**Ref. 2020/0188/P** Erection of a first-floor side extension with pitched roof above existing ground floor side extension to dwellinghouse. **Granted 26/03/2020**

31 Hampstead Lane

**Ref. 2005/1113/P** - Erection of a garden outbuilding for use ancillary to the dwelling. **Granted 13/05/2005**

## **Relevant policies**

### **The National Planning Policy Framework 2023**

#### **London Plan 2021**

- Policy G3 Metropolitan Open Land

#### **Camden Local Plan 2017**

- H1 Maximising housing supply
- H6 Housing choice and mix
- A1 Managing the Impact of Development
- G1 Delivery and Location of Growth
- A2 Open space
- A3 Biodiversity
- A5 Basements
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding

#### **Highgate Neighbourhood Plan 2017**

- Policy DH1 Demolition in Highgate's Conservation Areas
- Policy DH2 Development Proposals in Highgate's Conservation Areas
- Policy DH4 Side Extensions
- Policy OS2 Protection of Trees and Mature Vegetation
- Policy DH7 Basements

#### **Camden Planning Guidance (CPG)**

- CPG Design
- CPG Amenity
- CPG Basements
- CPG Housing
- CPG Transport

#### **Highgate Conservation Area Appraisal and Management Proposals 2007 (CA Appraisal)**

## Assessment

### 1. The proposal

- 1.1 The proposal seeks the demolition of the existing garage and the erection of a single storey (with a basement below) two-bedroom dwelling (Class C3).
- 1.2 The proposal retains the massing and volume of the existing garage on the ground floor but would increase the total volume from 56.5 sqm to 86.4 sqm through a new basement level. The above-ground element would be 4 meters in depth and 2 meters in width, and the basement level 16 meters by 5 meters. The development creates an uplift of 9.2 sqm in floorspace terms and 26.9 m<sup>3</sup> (GIA) in volume terms. The roof of the new lower ground floor/basement would have a green bio-diverse platform that sits at the approximate current level of the raised side garden. The bedrooms will be at the front on both levels, with the main living accommodation on the lower ground floor opening onto a new sunken rear garden.

### 2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Principle of development and assessment against Metropolitan Open Land (MOL) policies
- Impact on the street scene and wider Highgate Village Conservation Area (Design and Heritage)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
- Basement assessment
- Impacts on trees

### 3. Open Space

- 3.1. Open spaces help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore, open space can be an important element in the character and identity of an area (its 'sense of place'). MOL provides attractive visual breaks to the built-up area, keeping land permanently open. The Council will protect all designated public and private open spaces as shown on the Policies Map and resist development which would be detrimental to the setting of designated open spaces.
- 3.2. Paragraph 6.43 of the Local Plan states that "there are numerous large private gardens adjacent to the Heath that are designated as open space. We will continue using guidance in conservation area appraisals and management strategies to preserve and enhance the built environment around the Heath and preserve outlooks and views from it."
- 3.3. London Plan Policy G3 (Metropolitan Open Land) affords the same status and level of protection as Green Belt and states that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Local Plan Policy A2.g states that the Council will give strong protection to maintaining the openness and character of MOL. The supporting text to Policy A2 para 6.28 states that the MOL designation is 'broadly equivalent to the Green Belt, meaning development is only permitted in very special circumstances.'

3.4. Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt before providing a number of exceptional scenarios. The exception relevant to the site and development is criterion g):

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

3.5. There is no affordable housing being provided and therefore assessment is focussed on whether the development would impact more than the existing garage on the openness of the MOL. This is considered in terms of the spatial/volumetric assessment (based on physical measurements) and a visual judgment based on the impact on the sense of space.

3.6. The replacement building is materially larger (takes up more MOL space) 9 sqm in footprint and 26.86 sqm in volume than the one it replaces and, as such, would have a greater impact – spatially/volumetrically – on openness.

3.7. The Planning Statement believes the proposed basement would not impact openness ‘given that it would not be visible’. The Planning Statement references the use of “green roofs, flush photovoltaic tiles to reduce ‘glow’ with additional mitigation planting to screen the proposals further and soften the rear of the Site”. As illustrated in the long section below, the development requires the creation of a light well and steps to the front and a considerable amount of excavation to create a large basement, sunken garden and what effectively appears as a large lower ground floor extension. It is considered that this level of excavation and the sunken garden has a spatial impact on openness. The garden level is replaced with a highly engineered sunken level, not characterised by an absence of development but rather an urban and highly planned space.





Long sections (existing top and proposed below)

3.8. The second test is in terms of visual judgment, and this has been considered in case law. In the case, *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 of Turner, the 'Court of Appeal' confirmed that the concept of 'openness of the green belt' was not narrowly limited to the volumetric approach. However, the comparative sizes of the buildings (existing and replacement) are very obviously key. The Court of Appeal recognised that even if the building is not larger (and will not have a greater impact spatially/volumetrically), it may nevertheless still have a greater impact visually (e.g., if it is bulkier, more visually intrusive, or dominant).

3.9. Following on from the above decision, there is a material increase in the footprint at ground level and in terms of a volumetric calculation. Importantly, a bulkier and more visually intrusive form of development is also created through the extent of subterranean development and the associated external manifestations. A Landscape and Visual Assessment, which includes a streetscape assessment, has been provided. The report shows that the front of the building would have similar visibility and prominence as the existing garage; however, this does not address the total reduction in openness across the site through subterranean/lower ground floor development and lightwells. Particularly at the rear of the site and in proximity to the dwelling when seen from the street.

3.10. The Planning Statement references several 'examples' of 'similar development'. However, these are irrelevant as they relate to extensions to existing buildings, including outbuildings and conversions (which have a lower volumetric increase) or historic applications predating the current and previous development plan, London Plan and NPPF.

3.11. The size of the basement and external manifestations are considered to reduce the openness of the MOL. This is in terms of volumetric increase in height, width, depth and the visual intrusiveness of the building. The provision of an additional self-contained unit, despite being the priority land use of the Local Plan, would not constitute exceptional circumstances.

#### 4. Housing including standard of accommodation

4.1. Local Plan Policy D1 (explanatory note 7.32) requires that all housing development is designed and built to create high-quality homes. Local Plan Policy H6 states that the council will seek to

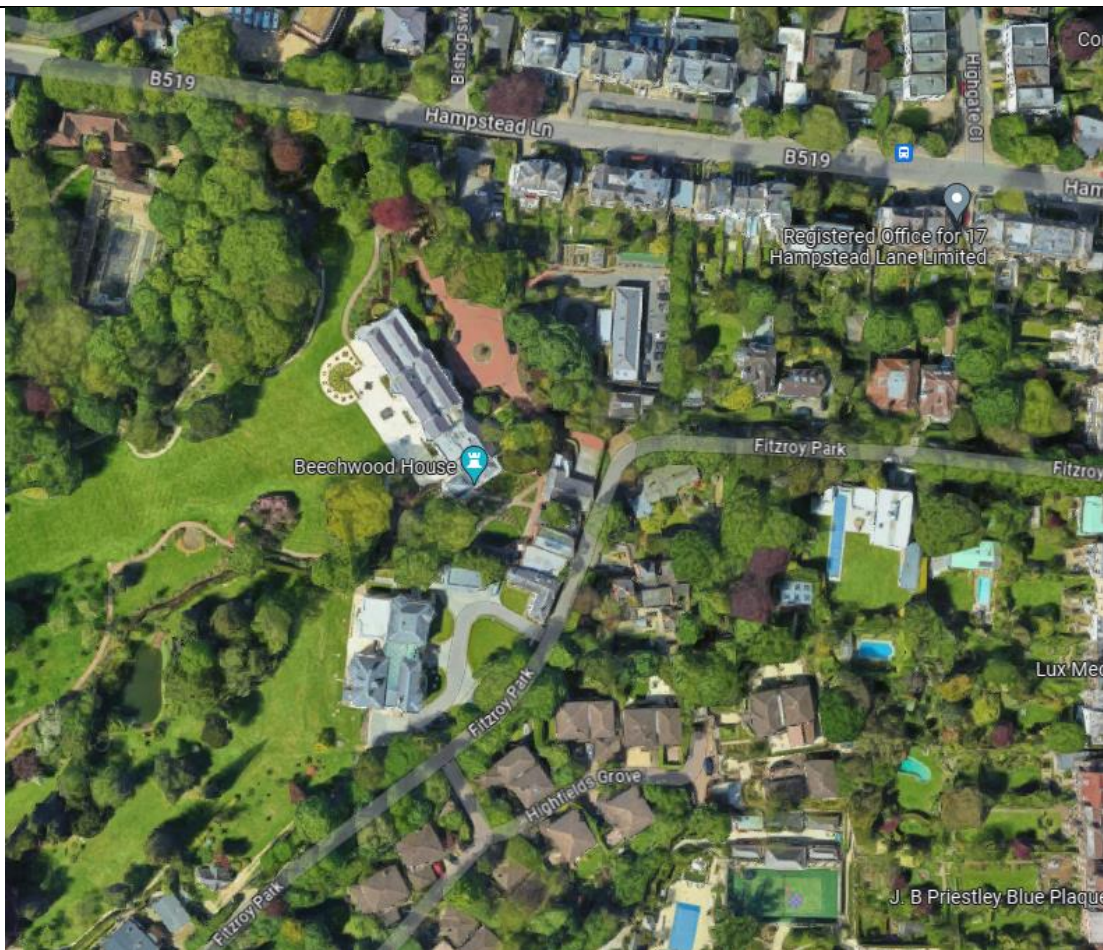


secure high-quality, accessible homes in all developments that include housing. It will encourage all housing to provide functional, adaptable, and accessible spaces and expect all self-contained homes to meet the nationally described space standard.

- 4.2. The two-bedroom dwelling split over the basement and upper ground would have a GIA of 86.2 sqm sqm. This would comfortably exceed the minimum requirement. The dwelling would have front and rear light wells to provide natural light and ventilation to the basement level. The dwelling would be dual aspect with an acceptable outlook for future occupants. The sunken rear exceeds the London Plan standards of 5sqm for 1-bedroom dwellings and an additional 1sqm for each additional occupant.
- 4.3. Policy H6 requires 90% of newly built homes to comply with M4(2) (accessible and adaptable dwellings). Exceptions can be made in some circumstances such as where a basement level provides a large proportion of the floorspace.
- 4.4. Given the residential uplift would be less than 100 sqm, there is no requirement to contribute towards affordable housing provision under policy H4 of the Camden Local Plan.

## **5. Design and Heritage**

- 5.1. Local Plan Policy D1 seeks to secure high-quality design in development which respects local context and character. Policy D2 states that the Council will only permit development that preserves and enhances Camden's heritage assets and their settings, including conservation areas. The Council will not permit development that results in harm that is less than substantial to the heritage asset's significance unless the public benefits of the proposal significantly outweigh that harm. Policy A2 states that the Council will conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets.
- 5.2. The CA Appraisal states that "the whole western boundary of the Conservation Area borders Hampstead Heath which with the wooded landscape of the northern part of Highgate West Hill forms a very rural character."
- 5.3. Fitzroy Park runs parallel to the site and is described in the CA Appraisal as "still retaining its original atmosphere of houses set in large gardens with many mature trees and boundaries in keeping with the rustic character of the lane. Fitzroy Park itself is an important green pedestrian approach to the Metropolitan Open Land of Hampstead Heath, and this quality is enhanced by its informal, unmade style, which give it a rustic appearance rare in the London suburbs. This quality is important for the setting of both the Highgate Conservation Area and Hampstead Heath, and the impact on it of any proposed development will be a major factor in assessing the appropriateness of any development proposals." There are similarities between this part of Hampstead Lane and the character describes above.



Aerial view showing Fitzroy Park and Hampstead Lane, which together create a rural character

- 5.4. The proposal would have a similar height and width as the existing garage on the ground floor but include a significant lower ground floor element. Whilst its scale does not compete with the neighbouring buildings, the detailed design is considered poor and appears incongruous in the streetscene. To the front, the above-ground structure is essentially a rendered box with a single large window the same size as the existing garage doors. It demonstrates no intricacy or attention to detail. The single large window does not reference the proportions of fenestration in the surrounding area and appears as a dominant feature. The design is entirely out of character with the prevailing materials, forms and detailing found in the street. The detailed design is constrained by its attempts to respond to the MOL considerations in terms of scale; however, there is scope to improve the detailed design. The Design and Access Statement provides little in-depth analysis of the character and appearance of this part of the Conservation Area nor any critical analysis of how the established character has informed the proposed design.
- 5.5. The basement level with retaining structure and light well to the front would be visible despite the addition of a strip of soft landscaping. A lightwell of this nature would be anomalous and out of character with the street. In addition to the jarring nature of the design within the established character of the area, it is incongruous that what should be a modest coach-house-type structure should visibly benefit from a basement.
- 5.6. The design of the building and basement manifestations would appear incongruous within the wider streetscape. The development causes less than substantial harm to the Highgate Village Conservation Area. In accordance with paragraph 202 of the NPPF, the development brings minor public benefits through the provision of one two-bedroom dwelling, which would not outweigh this less than substantial harm.

5.7. Considerable importance and weight have been attached to the desirability of preserving or enhancing the character or appearance of the conservation area under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## **6. Residential Amenity**

6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, and impacts caused by the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted by virtue of noise or vibrations.

6.2. The proposed development is not located near neighbouring windows. The proposal would not cause neighbouring occupiers a loss of light or outlook. The development would not create overlooking issues to either 33 or 35 Hampstead Lane. It is considered that the development's location, layout and orientation would not have any undue impact on the surrounding neighbours.

## **7. Basement impacts**

### **7.1. Basement size**

7.2. Policy A5 requires the siting, location, scale and design of basements to have minimal impact on and be subordinate to the host building and property. CPG Basements Table 1 sets out criteria (f. to m.) regarding the size of basements. The criteria include not exceeding 50% of each garden within the property, being less than 1.5 x the footprint of the host building in the area, extending into the garden no further than 50% of the depth of the host building, and being set back from neighbouring property boundaries.

7.3. Whilst the basement policy criteria are aimed at extensions to existing buildings, they are still applied to new build schemes. This part of policy A5 is considered an appropriate tool for regulating the size of basement development, ensuring basements are subordinate to the above-ground development and to avoid overdevelopment of the site.

7.4. Paragraph 6.133 of the Local Plan states that "Criterion h. above states that basements should not exceed 50% of each garden within the property" and that "this criterion applies to gardens as they currently exist and not the gardens of the proposed development. The unaffected garden must be in a single area and, where relevant, should form a continuous area with other neighbouring gardens. Sufficient margins should be left between the site boundaries and any basement construction to sustain the growth of vegetation and trees."

7.5. The basement would not comply with the criterion (f. to m.) if applied to the existing garage form or the newly built above-ground element. Almost the entire site, save for a small section of the front forecourt area, would be excavated. This is an overdevelopment of the site that is contrary to the objectives of policy A5, which aims to limit the scale and impact of basement development.

7.6. Highgate Neighbourhood Plan policy DH7 (basements) reiterates Local Plan policy A5 but also requires under point 3 that basements should normally be expected to allow for a minimum of one metre of permeable soil above any part of the basement beneath a garden to support biodiversity and larger trees/planting. This depth should be greater if necessary to preserve landscaping consistent with neighbouring properties. The basement is contrary to this requirement as there is far less than one metre of soil as the entire site is excavated and made significantly lower than neighbouring properties.

### **7.7. Basement Impact Assessment**

7.8. Policy A5 states that in determining basement applications, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement development that does 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.

7.9. As discussed above the large subterranean garden and front lightwells cause harm to the character and appearance of the Highgate Village Conservation Area.

7.10. The applicant has submitted a Basement Impact Assessment (BIA), subject to independent verification by Campbell Reith in accordance with Policy A5 and CPG Basements. Each stage of the BIA has been carried out by engineering professionals who hold qualifications relevant to the matters being considered.

7.11. Campbell Reith issued their BIA audit report on July 2023, confirming that the submitted BIA and details have been prepared in accordance with the requirements of Policy A5 and CPG Basements (aside from the scale criteria) and would result in negligible impact to the neighbouring buildings. Should the application have been approved, a condition would be attached to require that the basement development is implemented in accordance with the approved BIA construction methods. A condition would have also secured details of a qualified engineer who would inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design to be checked and approved by a building control body.

## **8. Transport/highways**

8.1. The development would need to be car-free in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. A legal agreement would have secured this if planning permission were granted and would prevent future occupiers from obtaining on-street parking permits. The absence of a S106 Legal Agreement to secure car-free development is a reason for refusal.

8.2. Secure, accessible (step-free), and covered cycle parking should be provided in accordance with Policy T1, the cycle facilities section of CPG Transport, and the London Plan. The London Plan standards are shown below. The proposed upper ground floor plan indicates that a bike shed would be provided for two cycles in the shared courtyard entrance area. This is acceptable and would have been secured by condition if planning permission were granted.

### **8.3. Highways Contribution**

8.4. The footway directly adjacent to the site on Hampstead Lane is likely to sustain damage because of the proposed excavation. In addition, the redundant crossover would need to be reinstated with pavement and kerb. The Council would need to undertake remedial works to repair any damage following completion of the proposed development. A highway contribution would need to be secured as a Section 106 planning obligation if planning permission were granted. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage to the public highway near the site. The Council's highways contractor would implement the highway works upon completion of the development. In the event of an

appeal, the Council's Transport Design Team will request a cost estimate for the highway works. The absence of a highway contribution constitutes a reason for refusal.

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

8.6. Due to the amount of basement excavation, a construction management plan (CMP) would need to be secured to minimise the impact on the highway infrastructure and neighbouring community. We would seek to secure a CMP implementation support contribution of £3,920 and a Construction Impact Bond of £7,500 as section 106 planning obligations in accordance with Policy A1 if planning permission were to be approved. The Council has a CMP pro forma which must be used once a Principal Contractor has been appointed. The CMP, in the pro forma, would need to be approved by the Council before any works commence on site. The CMP, in the form of the pro forma, would need to be approved by the Council before any works commencing on site. The CMP pro forma is available on the Camden website. The absence of an agreed CMP obligation is an additional reason for refusal.

### **9. Trees and biodiversity**

9.1. The trees potentially impacted by the proposal are located within a conservation area; therefore, trees with a diameter of 75mm and above have protected status. The applicant has submitted an Arboricultural Impact Assessment (AIA). A 2m high retaining wall separates the sunken garden area from the main garden, where an Apple tree grows. There are no trees within the site. The proposals involve excavation within the potential rooting area of the Apple tree. The extent of the excavations is approximately 12% of the whole tree's root protection area.

9.2. The assessment confirms that the proposal does not involve the loss of any trees on the site and demonstrates how this apple tree will be satisfactorily protected during the construction phase of the development. If planning permission were to be granted, a condition would be attached to require tree protection measures to be installed in accordance with the method statement of the Arboricultural Report.

### **10. Sustainability**

10.1. Policy CC1 aims to promote zero carbon development and requires all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy. The proposed development incorporates photovoltaic panels, is dual aspect and does not rely on mechanical cooling equipment. However, an energy report should demonstrate how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction and to meet London Plan targets as part of Part L1B of Building Regulations. This would be secured by planning condition if planning permission was granted.

10.2. The green roof will promote biodiversity. It would mitigate decreased rainwater permeability through increased built development. The details of the green roof include a section with sufficient substrate depth to support the wildflower species proposed. If planning permission were to be granted, a condition would be added to require the implementation of the green roof in accordance with the approved details. It is considered that the proposed building will incorporate measures to accord with the aspirations of Policy CC1 and should be considered acceptable in this regard.

### **11. Recommendation**

11.1. Refuse Planning permission for the following reasons.

1. Reason for Refusal –

The proposed development, by reason of its size, bulk, detailed design and extent of subterranean development would cause harm to the openness and character of the Metropolitan Open Land of the Beechwood Open Space and the character and appearance of the Highgate Village Conservation Area contrary to policies A2 (Open Space) and A5 (Basements) D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, policies DH2 (Development Proposals in Highgate's Conservation Areas) and DH7 (Basements) of the Highgate Neighbourhood Plan (2017), policy G3 (Metropolitan Open Land) of the London Plan 2021 and the guidance contained under paragraph 149 of the NPPF 2023.

2. Reason for Refusal -

The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities 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.

3. Reason for Refusal -

The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.

4. Reason for Refusal -

The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.