

Delegated Report		Analysis sheet	Expiry Date:	15/08/2023
		N/A	Consultation Expiry Date:	23/07/2023
Officer			Application Number(s)	
Edward Hodgson			2023/2258/P	
Application Address			Drawing Numbers	
20 Crediton Hill London NW6 1HP			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of existing building and erection of part single part two storey plus basement dwellinghouse and associated works				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Application		

Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	35	No. of objections	35

**Summary of
consultation
responses:**

Site notices were displayed on 23/06/2023 which expired 17/07/2023.
A press notice was published on 29/06/2023 which expired 23/07/2023.

A total of **35 letters of objection** were received from neighbouring occupiers at various addresses and include responses from **the Hampstead Cricket Club and Girl's Day School Trust**.

Their objections can be summarised as below:

- Inappropriate and incongruous design that is out of keeping and harmful to the character and appearance of the conservation area, including the scale and materials.
- Obstruction of the view of and impact of the setting of the cricket field
- Transport obstruction during construction
- Overlooking concerns into cricket field which is used by children
- Loss of daylight and sunlight in neighbouring gardens
- Impact on cricket players including dazzling from glazed windows and damage to the building from balls
- Removal of wall between application site and cricket club
- Change of use from office to residential
- Incremental development of the site and precedent for more garden development
- Loss of trees and danger to birds from reflective screen
- Increase in environmental strain
- Increase in light pollution
- Parking and access to site and existing garages
- Impact on community safety and increase in residents and the impact on access and transport

Officer's Response:

- *Issues on design and conservation are material planning considerations and are discussed in section 3 of the report.*
- *Transport and parking are material planning considerations and are discussed in section 8 of the report*
- *Amenity, including overlooking, privacy, loss of light and light pollution is a material planning consideration and is discussed in section 3 of the report*
- *Sustainability is a material planning consideration and is discussed in section 6 of the report*
- *Trees and landscaping is a material planning consideration and is discussed in section 7 of the report*
- *Issues around ownership of land are not considered to be material planning considerations and are private matters.*
- *The impact on the safety of cricketers or damage from cricket balls is not considered to be a planning consideration*
- *The proposal does not include a change of use as the building is an established residential use*
- *The proposal does not include the removal of the existing boundary wall*

- *The existing building is in use dwellinghouse and although the proposal involves a larger house with more bedrooms, this would not significantly increase the density of the area.*

The **West End Green Conservation Area Advisory Committee** raised the following objection:

- Proposal is out of keeping with the proposed location, the neighbourhood plan and general planning guidelines for this area.

Officer Response:

- *Design and heritage are discussed in section 3 of the report*

The **Fortune Green and West Hampstead Neighbourhood Forum** raised the following objection:

- The proposal will detract from the special character of the conservation area. The plan has specific notes on infill and garden developments stating that infill development should be to the same scale and be of similar materials to the existing stock. Garden development should be avoided and have a much lower profile.

Officer's Response:

- *Design and heritage are discussed in section 3 of the report*

Cllr Sharon Hardwick raised the following objection:

- Overlooking of cricket pitches used by Hampstead Cricket Club and South Hampstead Girl's School.
- Unclear that the applicant has ownership for the access to the land or the trees that are being removed
- Potential use of the site as an office and not purely for residential means
- Proposal is out of keeping and would be contrary to the neighbourhood plan and conservation area statement.

Officer's Response:

- *Amenity, including overlooking and privacy, is discussed in section 4 of the report.*
- *Design and heritage are discussed in section 3 of the report.*
- *Ownership is not a material planning consideration and is a civil matter*
- *The proposed use of the property is residential (Class C3). Any room used as home office space would be ancillary to the residential use.*

Sport England raised the following objection:

- Following consultation with the England and Wales Cricket Board (ECB), it is considered that the building is comfortably within potential ball striking range.
- An assessment should be undertaken and appropriate mitigation provided to ensure that cricket can continue to take place without risk to the safety of future occupants of the proposed development
- Mitigation, such as ball strike fencing can be up to 25m high and so this assessment and mitigation plan should be done prior to planning permission being granted
- Hampstead Cricket Club are the only affiliated cricket club within the borough with its own ground, and failure by the applicant to provide effective mitigation would represent an existential threat to the cricket club.

Officer's Response:

- *The impact on the cricket ground is discussed in section 5 of the report*

The **Greater London Authority (GLA)** were consulted on the application, as the cricket ground is over 2ha in size. It was considered that the proposals do not give rise to any strategic planning issues.

A Stage 1 referral was made, and the GLA have stated that the Council can proceed to determine the application without further reference to the GLA.

Site Description

The application site consists of a single storey residential property which is laid out in an 'L' shape with an ancillary garage to the south of the site. The existing building is constructed of brick with extensive glazing on the east and west elevations. The property is accessed via a communal drive that is located between nos. 20 and 22 Crediton Hill. Immediately to the west of the application site are a number of attached garages that are ancillary to the main house of no. 20. Immediately to the east is the Hampstead Cricket and Cumberland Clubs which is private open space designated in the Camden Local Plan. The site was originally used as office space ancillary to no. 20; however it is now occupied as a standalone single dwellinghouse (please see relevant history).

The site lies within the West End Conservation Area and the Fortune Green and West Hampstead Neighbourhood Plan Area. The main house at no. 20 is part of a group (nos. 2 to 76 even) that make a positive contribution to the conservation area although the existing garages are not specifically identified in the statement. The building is however not listed.

Relevant History

Application Site:

TP35804/14481 - Erection of a range of six lock up garages at no. 20 Crediton Hill, Hampstead and the formation of a new means of access to the highway. **Granted – 23/10/1961**

8803674 - The erection of a first floor flat on top of existing garages on land to the rear of 20 Crediton Hill as shown on drawings No.3017/3(A) 3017/2(A) and 3017/1(A) as revised on 10th June 1988. **Refused - 08/12/1988**

Reasons for refusal:

- 1) The proposed scheme exceeds the Council's plot ratio standards for the area and is considered to be overdevelopment of the site.*
- 2) The proposed extension is considered to be undesirable as it would obstruct the light to adjoining properties to the detriment of their amenities.*
- 3) It is considered that the proposed development would represent a bulky intrusion into the back land area to the detriment of the character of the area.*
- 4) The proposal would not comply with the Council's policies for the provision of car parking space as set out in The Environmental Code*
- 5) The proposed extension is considered to be undesirable as it would overlook the garden and rear windows of 20 Crediton Hill to the detriment of its amenities.*

2018/1012/P - Provision of a new basement extension below existing single-storey premises, minor amendments to elevations and formation of new landscaped patio garden. **Granted – 02/10/2018. A condition (condition 4) was attached to this permission that the premises should not be used as a standalone property.**

2022/0743/P - Provision of a new basement extension below existing rear single-storey premises, minor amendments to rear ground floor, formation of new landscaped patio garden and use of the premises as a self-contained, stand-alone residential property. **Granted – 12/04/2023**

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

H1- Maximising Housing Supply

H6 -Housing Choice and Mix

H7 -Large and Small Homes

D1 - Design

D2 – Heritage

A1 – Amenity

A2 – Open Space

A3 – Biodiversity

A5 – Basements

CC1 – Climate Change mitigation

CC2 – Adapting to climate change

T1 – Prioritising walking, cycling and public transport

T2 – Parking and car-free development

DM1 – Delivery and Monitoring

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 1 – Housing

Policy 2 – Design and character

Policy 3 – Safeguarding & enhancing conservation areas & heritage assets

Policy 7 – Sustainable transport

Policy 16 – Local Green Space

Policy 17 – Green/Open Space

Policy 18 – Trees

Camden Planning Guidance

CPG Design (2021)

CPG Transport (2021)

CPG Housing (2021)

CPG Energy efficiency and adaptation (2021)

CPG Trees (2019)

CPG Basements (2021)

West End Green Conservation Area Appraisal and Management Strategy 2011

5.6 Local Details

5.8 The contribution to the character and appearance of green spaces

7.2 Generic Guidance

7.5 Trees, green spaces and biodiversity strategy

Assessment

1.0. Proposal

- 1.1.** Planning permission is sought for the demolition of the existing single-storey dwelling and the erection of a part-single, part-two storey dwelling with a basement. The proposal would have a similar overall footprint compared to the existing. The basement and ground floors levels would have the same footprint and the first-floor part-storey would be located towards the north part of the building. The overall floorspace would be 300sqm, which would be an

increase of approx. 195sqm compared to the existing. The proposal would consist largely of aluminium framed windows with grey aluminium louvres in front that can be closed and opened and fixed grey aluminium cladding. It would have flat roofs at both ground and first floor, with a green roof at ground floor level and PV solar tiles and rooflights at first floor level. It would be accessed from the communal driveway on the west elevation. The existing boundary wall between the east elevation and the cricket pitch would be retained and a lightwell would be created in order to provide light to the basement level.

1.2. The proposal would not involve a change of use as the property has an established use as a single dwellinghouse (Class C3).

1.3. Assessment

The relevant planning consideration for this application are:

- 1) Land Use
- 2) Quality of Accommodation
- 3) Design and Heritage
- 4) Open Space and Leisure
- 5) Amenity
- 6) Basements
- 7) Sustainability
- 8) Trees
- 9) Transport
- 10) Planning Balance
- 11) S106/CIL

2.0. Land Use

2.1. Policy H1 of the Local Plan states that self-contained housing is the Council's priority land use. Although there is no change of use proposed, the continued use as a self-contained dwelling is considered acceptable. Policy H6 requires new housing to meet the Nationally Described Space Standards and requires housing to be functional, adaptable and accessible. Policy H7 requires housing to contribute to the Council's dwelling size priorities. The proposed house would be multi-aspect and would receive acceptable levels of light in the habitable rooms. The proposed bedrooms would be acceptable size with regards to floorspace and floor to ceiling heights and would be in line with the Nationally Described Space Standards. The dwelling would be a three bedroom house which meets the Council's dwelling size priorities as three bedroom houses are a high priority.

2.2. As such, there is no objection in terms of land use or quality of accommodation. The proposal is thus considered to be in accordance with policies H1, H6, H7 of the Camden Local Plan and policy H1 of the Fortune Green and West Hampstead Neighbourhood Plan.

3.0. Quality of accommodation

3.1. Policies D1 and H6 of the Local Plan seek to ensure that development for housing provides adequate standards of accommodation, including meeting the nationally described space standards, and providing good levels of natural light and outlook.

3.2. It is considered that the proposal would offer an acceptable standard accommodation as all habitable rooms would be of an appropriate size in terms of floorspace and floor to ceiling

heights and receive sufficient levels of sunlight and daylight. It would incorporate sufficient storage space and outdoor amenity space through balconies and the access to the communal garden at no. 20. As such, it is considered that the proposal would provide an acceptable standard of living accommodation.

4.0. Design and Heritage

- 4.1.** Section 72(1) of the Act requires that with respect to any building or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area when considering applications relating to land or building within that area. The effect of this section of the Listed Building and Conservation Areas Act is that there is a statutory presumption in favour of the preservation of the character or appearance of the Conservation Area. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified.
- 4.2.** Policy D1 of the Camden Local Plan requires development to respect local context and character, preserve the historic environment, be sustainable in design and construction, comprise of details and materials that complement the local character, integrate well with surrounding streets and open spaces and preserve strategic and local views. Policy D2 builds on this by requiring development to preserve or enhance the character and appearance of the conservation area. Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan requires development to be human in scale, regard the form, structure and heritage of its context, including scale mass and pattern and grain of surrounding buildings, and new buildings should respect the height of existing buildings in their vicinity. It states that development of new dwellings in private gardens should be avoided, and at least should maintain a much lower profile than housing existing housing stock. Infill development should be in character and proportion with its context, including the relationship to any adjoining properties. Policy 3 requires development to enhance or preserve the conservation area.
- 4.3.** The West End Green Conservation Area Management Strategy states that new work should reflect the materials, colour palette, scale and character of the area. It also states that gardens are almost hidden from the street but glimpses between buildings are a precious quality of the area. Although located next to adjacent to positive contributors, the existing structure is of little architectural or heritage merit and so there is no objection to its loss with regards to the impact on the conservation area.
- 4.4.** The character of Crediton Hill is defined by two to three storey Arts and Crafts semi-detached properties, with gaps between the buildings offering views behind to green and leafy gardens. The prevailing material palette in the vicinity is brick, white render, timber framed windows and doors and tiled roofs. The existing building and neighbouring garages are visible in public views from Crediton Hill. It is however discreet by virtue of it being single storey allowing the canopies of the trees and foliage to rise higher than the building. The CAAMS notes that the glimpses of rear gardens between the gaps in buildings forms an important part of the conservation area and its overall character. The proposed building, due to the increase in height, would be significantly more visible in views from Crediton Hill than the existing. The use of grey aluminium cladding and louvres and the use of glazed balustrades would be at odds with the Arts and Crafts materials of nos. 20 and 22 and would thus appear discordant

when viewed from Crediton Hill which is framed by these properties. Such materials are non-traditional and are not found within the area. The height and scale is considered to be inappropriate for a back land and garden location. The two-storey part would rise above the foliage and would add a built form where there currently isn't one. The existing building reads as being subordinate and ancillary to the main house of no. 20, and the increase in the height and mass would result in a building that would no longer read as being subordinate or ancillary. It would thus appear as an incongruous building that would not relate to any adjoining properties. Indeed, the Council has previously refused an application involving the increase in height in this location as it would be out of character with the local context and inappropriate for a back land development.

- 4.5.** The proposal would also be significantly more visible when viewed from rear gardens along Crediton Hill and from the Hampstead Cricket Club, which is a designated private open space. When viewed from the cricket ground, the height, massing and materiality would fail to integrate with its surroundings and landscape which has a green and garden character. The proposal would compete in terms of height and massing with the cricket pavilion, which is the only building in the foreground when viewing from the cricket field. The proposal would thus not be in keeping with the grain and pattern of development. The proposed materiality would be at odds with the white render and tile roof of the cricket pavilion. The proposal would be visible in private views within the conservation area, in particular from the main house and garden at no. 20 and from no. 22. The proposal would appear as an incongruous and alien feature within the landscape when viewed from the rear of the properties on Crediton Hill, the Hampstead Cricket Ground and in views from Lymington Road and Albanley Gardens. This would especially be the case in winter months when there is less foliage to provide screening. As such, the proposal by virtue of its design, materials, siting and scale, is considered to result in less than substantial harm to the West End Green Conservation Area.
- 4.6.** Aside from the local character and context, the proposal offers little architectural merit. With the louvres open, the large panels of glazing are exposed and offer little articulation or interest. With the louvres closed, the building would appear as a plain and defensive looking metal box, with very little fenestration or articulation. The basement, ground and first floor would not relate well to each other, with different window sizes, floor heights and louver widths across the different floors that results in an inconsistent and incoherent appearance.
- 4.7.** Overall, it is considered that the proposal by virtue of its height and massing would be inappropriate in a back land garden development. The materiality would be unsympathetic to the prevailing palette of the surrounding area. As such, the building would fail to preserve the character or appearance of the West End Green Conservation Area and wider setting and context including the Hampstead Cricket Ground, contrary to policies D1 and D2 of the Camden Local Plan and policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan.

5.0. Open Space and Leisure

- 5.1.** Policy A2 of the Local Plan seeks to protect, enhance and improve existing open spaces, which means resisting development which would be detrimental to them and their setting. Policy 16 of the Fortune Green and West Hampstead Neighbourhood Plan identifies local green spaces and states that they have a vital role in providing an essential amenity space. The cricket ground is a designated private open space within the Camden Local Plan and as Local Green Space within the Fortune Green and West Hampstead Neighbourhood Plan,

used by the Hampstead Cricket and Cumberland Clubs and South Hampstead Girl's School. As such, it is an important space which as well as making a significant contribution to the character and appearance of the area also has significant amenity value in terms of its use by the local community. It is considered that the proposal, by virtue of the increase in massing and use of inappropriate materials, would be detrimental to the amenity and character of the open space due to its incongruous, imposing and alien design and would detract from the users' enjoyment of this space. In addition, the proposed development is within ball striking range from the cricket square, which would pose a hazard to the occupiers of the property especially given the extensive glazing proposed. Sports England were consulted and that have raised concern about the design of the development and its proximity to the cricket pitch. No mitigation to protect the building from ball striking has been proposed. As such, there is concern that the cricket club may not be able to operate and continue playing in fear of damaging the proposed building. Sports England are of the view that appropriate mitigation would need to be considered as part of the scheme. It is possible that the mitigation needed might raise other concerns in terms of its visual impact and that in reality what is required is for the mass and design of the proposed dwelling to be amended. In view of the above it is considered that the proposed development would detrimentally impact use of the designated open space, contrary to policy A2 of the Local Plan and policy 16 of the Fortune Green and West Hampstead Neighbourhood Plan.

6.0. Amenity

- 6.1.** Policy A1 of the Local Plan seeks to protect the amenity of neighbouring occupiers with regards to privacy, outlook, loss of sunlight and daylight, light pollution, noise and contaminated land and will seek to mitigate against the impact of construction through construction management plans (CMPs).
- 6.2.** The east elevation of the existing building which faces onto the cricket field consists largely of the glazed panels, offering unobstructed views on to the pitch and thus there is established overlooking. It is considered that the proposal, despite the additional part-width first floor, would not introduce more significant opportunities for harmful overlooking from ground and first floors. The basement level would be screened through the existing retaining wall which would be retained. The existing communal garden that serves the flats in no. 20 contains a terrace which is located adjacent to the south elevation of the proposed building. The proposed south elevation consists of large, glazed windows and sliding doors to access this terrace. This would introduce significant overlooking opportunities from the proposed house onto the communal terrace and would impact on the privacy of the terrace users given the proximity of the doors. This is considered to be harmful to the amenity of neighbouring occupiers.
- 6.3.** The proposed part-width first floor element would be located adjacent the boundary with the rear garden of neighbouring no. 22 which is approx. 19m long. It is considered that this increase in height of 2.8m, and 1.8m above the boundary wall, would result in increased shadowing in the rear garden and the additional storey would appear as an imposing and dominating feature against the boundary. This would have a detrimental impact on this amenity space at no. 22 contrary to policy A1. The provision of a reflective finish on the north elevation would not sufficiently mitigate against this as the additional storey would still be read and the west elevation of the first floor would not be finished in the reflective material. It is considered that the development would not result in harmful light pollution due to the predominantly solid roof and the provision of the louvres which would reduce light spill especially when closed.

6.4. The application site is located in close proximity to a former pit and two large ponds, which may be a potential source of contamination including ground gases, especially given the proposal involves excavation of a basement. The Council's Contaminated Land Team deem the proposal to be acceptable in principle subject to further details. Although there is no objection on contaminated land grounds, had the Council been minded to approve the application, conditions requiring a preliminary risk assessment and remediation method statement would have been attached.

6.5. Overall, it is considered that the proposal, by virtue of its design, materiality and massing, would introduce increased overlooking opportunities to the communal terrace, and be an imposing and dominant feature that would be harmful to the amenity of the occupiers at nos. 20 and 22, and detrimental to the setting and amenity of the cricket club, contrary to policy A1 of the Camden Local Plan and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

7.0. Basements

5.1. Policy A5 seeks to ensure that basement development does not impact on neighbouring properties, the structural, ground or water conditions of the area, and the character of the building and the area including heritage assets. The proposal involves the excavation of a basement level. A Basement Impact Assessment has been submitted which has been assessed by the Council's independent auditors, Campbell Reith. The basement would be single-storey and would not be constructed under an existing basement. It would not extend beyond the footprint of the existing house and would thus not take up more than half of the garden. The audit confirms that the BIA complies with the requirements of the CPG Basements and would be in accordance with policy A5 of the Local Plan. As such, there is no objection to the excavation of the basement. Had the Council been minded to approve the application, conditions requiring confirmation of the use of a certified engineer and for the basement to be built in line with the BIA would've been attached.

6.0. Sustainability

6.1. Policy CC1 of the Camden Local Plan promotes zero carbon development and requires the steps in the energy hierarchy to be followed. It also requires all proposals involving substantial demolition to demonstrate that it is not possible to retain or improve the existing building and expects all development to optimise resource efficiency. Policy CC2 ensures development will be resilient to climate change, including measures to reduce the impact of urban and dwelling overheating, including the application of the cooling hierarchy, and encourages the incorporation of green roofs. Active cooling will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all the measures in the cooling hierarchy have been followed. Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan seeks development for housing to meet or exceed national and environmental standards for zero-carbon homes.

6.2. Although a sustainability and energy statement has been submitted as part of the application, no evidence or supporting documents have been provided with regards to retaining or improving the existing structure. It appears that no options for retaining the existing structure have been explored. The Council therefore cannot be satisfied that it is not possible for the existing structure to be retained or improved. As a result, there is insufficient information to support the demolition of the existing building justification for the demolition of the existing building, contrary to policy CC1.

- 6.3.** An overheating assessment has been submitted as part of the application, which concludes that the dining space at ground floor level will overheat due to the large percentage of glazed areas in the proposed design. The first two steps of the cooling hierarchy as stated in policy CC2 include minimising internal heat generation through energy efficient design and reducing the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls. It is considered that the proposal has not been designed in a way as to minimise internal heat generation, given it is the large portion of glazing that is resulting in overheating. Therefore, the cooling hierarchy has not been followed appropriately and steps have not been taken to reduce internal heat gains through energy efficient design.
- 6.4.** Although steps have been taken to promote sustainability, such as the inclusion of green roofs, the use of sustainable materials and PV solar tiles, these measures would not outweigh the carbon-intensive process of demolition nor the use of active cooling which contributes to urban overheating and is energy intensive.
- 6.5.** Overall, the insufficient evidence to justify the demolition of the existing structure and the use of active cooling would result in an unsustainable development that would be contrary to policies CC1 and CC2 of the Camden Local Plan and policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan.

7.0. Trees and Landscaping

- 7.1.** Policy A3 of the Camden Local Plan will resist the loss of trees and vegetation of amenity or historical significance, require retained trees to be protected, and expect replacement or additional trees and vegetation to be provided. Policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan seeks to protect existing trees, provide equivalent replacement trees where lost, and provide additional trees where possible.
- 7.2.** The proposal involves the loss of various palm trees within the rear garden of no. 20, although it is not clear which trees are to be removed. Given that the palm trees are not anatomical trees, are of low visibility from the public realm, are non-native and of low biodiversity value, it is considered that the loss of the amenity and canopy cover they provide can be mitigated against through the planting of replacement trees. However, the proposed planting is off-site between the site and the cricket ground, and it is not clear how this planting would be secured if the land they are proposed to be planted on falls under separate ownership. Had the Council been minded to approve the application, further details and conditions would have been secured in order for adequate replacement trees to have been planted within the site. Further conditions would have been attached requiring retained trees to be adequately protected during construction, as well as details of the hard and soft landscaping.
- 7.3.** The proposal also includes the installation of a number of green roofs. Had the Council been minded to approve the application, a condition would have been attached requiring details of the substrate depth, planting species and maintenance schedule.
- 7.4.** As such, no objection is raised with regards to the loss of trees or the protection of the existing trees. Therefore, the proposal is in general accordance with policy A3 of the Camden Local Plan and Policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan.

8.0. Transport

- 8.1.** Policy T1 of the Camden Local Plan aims to promote sustainable transport by prioritising walking cycling and public transport. Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. Policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan also seeks car-free or car-capped development. The new unit would need to be car-free in accordance with this policy, which would be secured by a legal agreement if planning permission were to be granted and would prevent future occupiers from obtaining on-street parking permits. In the absence of a legal agreement, this constitutes a reason for refusal.
- 8.2.** It is considered that there would be sufficient space within the ground floor area to accommodate cycle parking which is acceptable in this instance. This would be in accordance with policy T1 of the Local Plan which ensures that development provides accessible and secure cycle parking facilities.
- 8.3.** The basement development, in accordance with policy A5 of the Local Plan, and the general construction of the building in a constrained site, would require a Construction Management Plan (CMP) if planning permission was granted in order to protect the amenity of neighbouring occupiers and reduce the traffic impact on the road network during construction, which would be secured through a legal agreement. This would involve an Implementation Support Contribution of £4,075.60 and Impact Bond of £7,874. In the absence of a legal agreement to secure a CMP, this constitutes a reason for refusal.

9.0. Planning Balance

- 9.1.** The proposal is identified as causing less than substantial harm to the designated heritage asset, in this case, the West End Green Conservation Area. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal. The Council is unable to identify any significant public benefits, other than additional accommodation for a private single family dwelling and a small number of construction jobs, that would outweigh the less than substantial harm caused to the designated heritage asset – the West End Green Conservation Area.

10.0. S106/CIL

- 10.1.** If the proposals were supported, the following heads of terms would need to be secured by a S106 legal agreement:
- 1) Car-free development
 - 2) Construction Management Plan
- 10.2.** The proposal would be liable to the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as it involves the creation of new residential floorspace.

11.0. Recommendation

- 11.1. Refuse Planning Permission for the following reasons:**
- 11.2.** 1) The proposed development, by virtue of its scale, design, materiality and siting, would be harmful to the character and appearance of the West End Green Conservation Area and the wider streetscape, including the Hampstead Cricket Ground, contrary to policies A2 (open

spaces) D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies 2 (design and character) and 3 (safeguarding and enhancing Conservation Area and heritage assets) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 11.3.** 2) The proposed development would result in harmful overlooking of communal gardens and would be imposing on neighbouring gardens and the Hampstead and Cumberland Clubs and would thus be detrimental to the amenity of neighbouring occupiers and designated open space, contrary to policy A1 (managing the impact of development) of the Camden Local Plan 2017 and policy 1 (housing) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 11.4.** 3) The proposed development, in the absence of suitable mitigation against ball strikes from the Hampstead Cricket Club, would be at risk of damage and as such would detrimentally impact on the ability of users to play cricket within the designated open space, contrary to policy A2 (Open Space) of the Camden Local Plan 2017 and policy 16 (Open Green Space) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 11.5.** 4) The proposed development, by virtue of insufficient evidence to justify the demolition of the existing structure and the use of active cooling, would result in an unsustainable development contrary to policies CC1 (climate change mitigation) and CC2 (adapting to climate change) of the Camden Local Plan 2017 and policy 1 (housing) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 11.6.** 5) The proposed development, in the absence of a legal agreement securing car-free housing, would 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 Camden Local Plan 2017 and policy 7 (sustainable transport) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 11.7.** 6) The proposed development, in the absence of a legal agreement securing a construction management plan, would be detrimental to the amenity of neighbouring occupiers contrary to policies A1 (managing the impact of development) and A5 (basements) of the Camden Local Plan 2017.