

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	16/10/2023
		N/A		<b>Consultation Expiry Date:</b>	03/12/2023
<b>Officer</b>			<b>Application Number(s)</b>		
Kristina Smith			1. 2023/3422/P 2. 2023/4690/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
5 Holly Mount London Camden NW3 6SG			<i>Refer to Draft Decision Notice</i>		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Removal of pavement lights and erection of railings over existing covered lightwell to form an open lightwell					
<b>Recommendation(s):</b>		1. Refuse planning permission 2. Refuse Listed Building Consent			
<b>Application Type(s):</b>		1. Householder application 2. Listed Building Consent			

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>			
Informatives:				
<b>Consultations</b>				
Adjoining Occupiers:	No. of responses	<b>00</b>	No. of objections	<b>00</b>
Summary of consultation responses:	<p><u>Planning permission</u></p> <ul style="list-style-type: none"> <li>• A site notice was displayed between 03/11/2023 and 27/11/2023</li> <li>• A press advert was published on 09/11/2023 and expired on 03/12/2023.</li> </ul> <p><u>Listed Building Consent</u></p> <ul style="list-style-type: none"> <li>• A site notice was displayed between 31/03/23 and 24/04/23</li> </ul> <p>No responses were received.</p>			
Local Groups:	No comments received from Hampstead Neighbourhood Forum or Hampstead CAAC			

## Site Description

The site comprises a four storey mid-terrace residential property on the west side of Holly Mount (off Holly Hill) situated opposite the top of the Holly Bush Steps. It is Grade II listed and situated in the Hampstead Conservation Area. It is also situated in the Hampstead Neighbourhood Plan area.

## Relevant History

**2015/2381/P and 2015/2431/L** - Removal of non-original pre-cast concrete pavement light over the front basement light well and installation of new cast iron railings to the front elevation. – **Planning permission and Listed building consent granted 23/06/2015**

## Relevant policies

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

### **London Plan 2021**

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

A1 Amenity

D1 Design

D2 Heritage

C6 Access for all

T1 Prioritising walking, cycling and public transport

#### **Camden Planning Guidance**

CPG Design 2021

CPG Amenity 2021

### **Hampstead Neighbourhood Plan 2018**

DH1 Design

DH2 Conservation areas and listed buildings

TT2 Pedestrian environments

### **Hampstead Conservation Area Appraisal and Management Strategy (2011)**

## Assessment

### 1 Proposal

- 1.1 The proposal entails the removal of modern concrete pavement lights over an existing vault to form a lightwell which would be bounded with black metal railings. No excavation is proposed. The lightwell would increase the amount of natural light to the existing basement level kitchen.
- 1.2 The proposed development has obtained planning permission and listed building consent previously in 2015; however, since this time the policy context has changed together with how officers appreciate and interpret harm. As such, the new application provides an opportunity for fresh assessment.

### 2 Assessment

2.1 The main considerations in the determination of the application are:

- Design and Heritage
- Amenity of neighbouring occupiers
- Transport and Highways

2.2 As the application site is situated within a Conservation Area and the building is Grade II listed, the following statutory provisions are relevant to the determination of these applications are Section 16, 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.3 Section 16 of the Act requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

2.4 Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

2.5 Section 72 of the Act requires that in considering whether to grant planning permission for development in a conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

2.6 The NPPF terms listed buildings designated heritage assets. Section 12 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 134 states that "less-than-substantial harm" to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.

### 3 Design and Heritage

3.1 Policy D1 (Design) of the Local Plan expects development to comprise details and materials that of high quality and complement the local character whilst Policy D2 (Heritage) relates to designated heritage assets including conservation areas and listed buildings. Policy DH1 (Design) of the Hampstead Neighbourhood Plan requires development to respond and contribute positively to the distinctiveness and history of the character areas whilst Policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan requires development to take advantage of opportunities to enhance the Conservation Areas by protecting and, where

appropriate, restoring original architectural features. The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

3.2 The acceptability of the proposal relies on it recreating a historic situation. An historic map from 1896 shows the property without a lightwell area, in contrast to its larger and grander neighbours at no's 3 and 4 Holly Mount which both benefit from a front lightwell. No evidence that contradicts this has been forthcoming from the applicant.

3.3 The addition of a railed area to the façade of a house that did not historically feature one would therefore be speculative and would create a new and probably inaccurate feature on its principal elevation. The proposed lightwell is also atypically small meaning that if there was an open area in front of the property, it is likely this would have been enclosed with a pavement level iron grate, rather than being open and surrounded by railings.

3.4 The creation of a lightwell would alter the perceived scale of the property, exposing the lower ground floor level that is currently subterranean and concealed. Consequently, the lightwell would disrupt the subordinate relationship it currently has to its neighbours with lightwells which provide these properties with a greater sense of scale and grandeur.

3.5 As a result, due to its impact on the architectural form of the listed building, and its relationship with its listed neighbour, the proposal would bring about less-than-substantial harm to the Grade II listed building.

#### **4 Amenity**

4.1 Owing to the nature and location of the proposal, there would be no impact on surrounding residential occupiers.

#### **5 Highway impact**

5.1 Policy T1 promotes sustainable transport by prioritising walking, cycling and public transport in the borough. As such, the Council seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. It follows that the Council would not support development that compromises the function of the public realm. Policy C6 expects spaces and routes to be designed to be fully accessible to ensure people can move through streets and places easily and safely.

5.2 Policy TT2 (Pedestrian environments) of the Hampstead Neighbourhood Plan promotes the permeability of roads, encouraging ease of walking and resists unnecessary street furniture, signage and segregation.

5.3 The proposed development would result in the narrowing of the footway in an already very narrow location. The railings would create a pinch point by the lamp column, leaving a gap of just 700mm, which would be particularly obstructive to wheelchair users and pushchairs. The development is not considered to be conducive to a pedestrian environment that encourages walking.

#### **6 Planning balance**

6.1 Less than substantial harm requires corresponding public benefit to flow from the development if planning permission and listed building consent is to be granted. In this case, there are negligible public benefits, and the proposal is therefore contrary to policies D1 and D2 of the Camden Local Plan as well as policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

#### **7 Recommendation**

7.1 Refuse planning permission on the following grounds:

- The proposed open lightwell and associated railings would introduce a speculative and prominent feature resulting in 'less than substantial harm' to the listed building and the Hampstead Conservation Area which is not outweighed by any planning benefits, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.
- The proposed open lightwell and associated railings would reduce the effective footway width in an already constrained location and fail to promote accessible routes and walking as a sustainable transport choice contrary to policies T1 (Prioritising walking, cycling and public transport) and C6 (Access for all) of the Camden Local Plan 2017 and policy TT2 (Pedestrian environments) of the Hampstead Neighbourhood Plan 2018.

#### 7.2 Refuse Listed Building Consent on the following grounds:

- The proposed lightwell and associated railings would introduce a speculative and prominent feature to the detriment of the architectural significance of the listed building contrary to policy D2 (Heritage) of the Camden Local Plan 2017 and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.