

Planning & Heritage Statement

5th Sept 2024

Flat 1

62 Fitzjohn's Avenue

London

NW3 5LT

INTRODUCTION

This Planning Statement has been prepared by Adara in support of a planning application submitted on behalf of Gal Maller for the erection of a single storey rear extension at Flat 1, 62 Fitzjohn's Avenue, London, NW3 5LT.

This statement sets out the planning justification for the proposed development and assesses the proposals against national planning policy and the development plan.

SITE & SURROUNDING CONTEXT

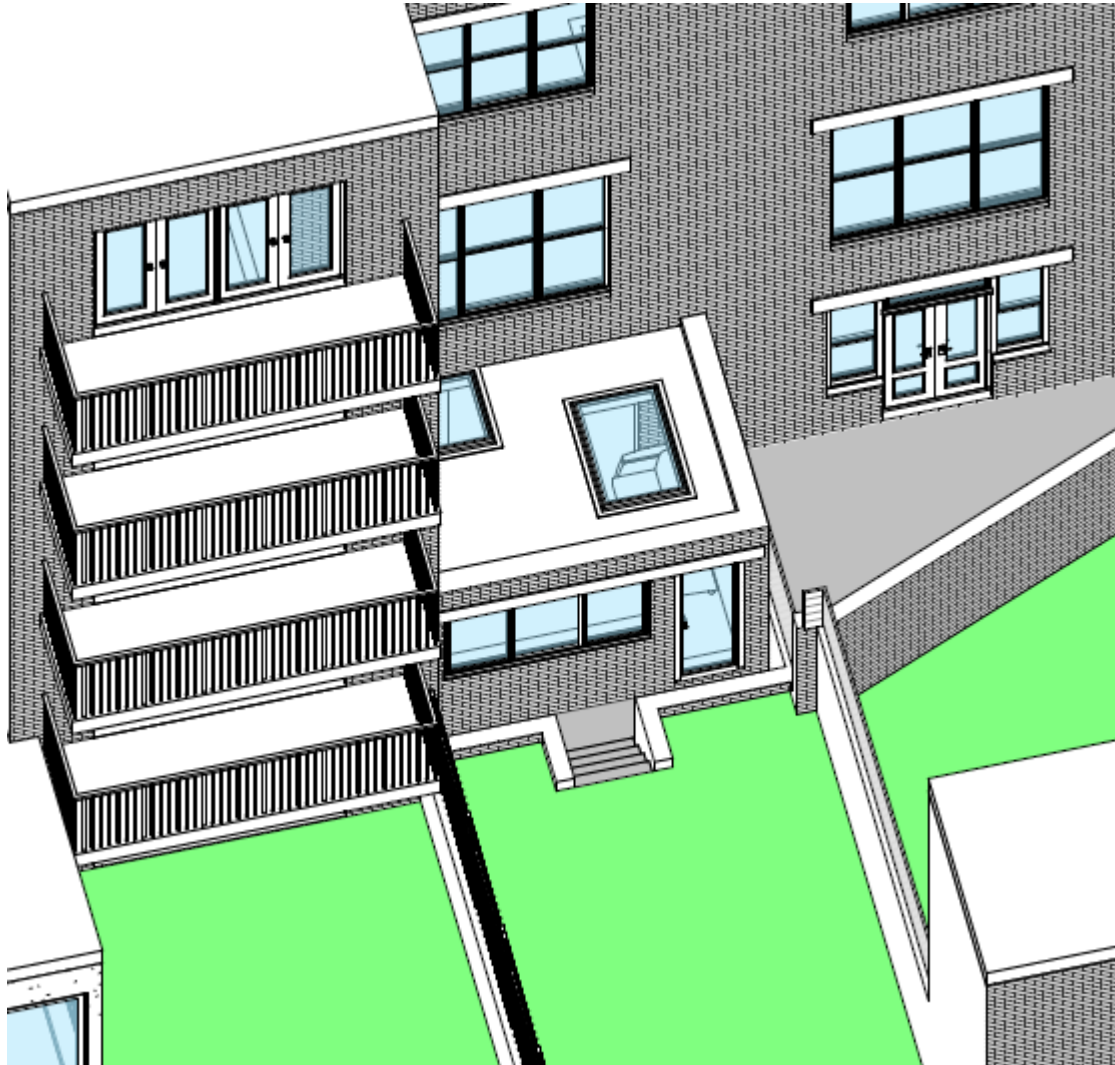
In terms of context the application site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The application site is located within the administrative ward of Hampstead Town; a mixed residential and commercial neighbourhood in inner London.

The ward of Hampstead Town covers most of Hampstead Village, the western half of Hampstead Heath, North End, the Vale of Heath and part of Belsize Park and is described by the Office for National Statistics as a 'prospering metropolitan' neighbourhood.

The application site is located within the Hampstead Conservation Area. This is a substantial conservation area stretching beyond Hampstead village to encompass not only its urban form but the wider expanse of open space beyond its built-up boundaries. There are numerous sub-areas with a combination of characteristics, contrasting between the dense urban heart of Hampstead and the spaciousness of its outer areas. It is that wide ranging character, identified by the Council's Conservation Area Statement, which makes the important and valuable contribution to the conservation area as a whole.

THE PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single storey rear extension.



PLANNING POLICY CONTEXT

This Section provides an overview of national and local planning policy relevant to the determination of the planning application proposal, as well as any other relevant national or local planning guidance.

LEGISLATION

Planning (Listed buildings and Conservation Areas) Act 1990 Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in formulating local planning policies and taking decisions on planning applications.

At the heart of the NPPF is a presumption in favour of sustainable development (paras 7-14) and paragraphs 8, 9 & 11 are helpful in applying this presumption.

Paragraph 11 sets out how this is to be applied. It states that, for decision-taking, this means:

Approving development proposals that accord with an up-to-date development plan without delay; or Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF introduces three dimensions to 'Sustainable development' (Economic, Environmental & Social - para 8), and advises that they are interdependent and need to be pursued in mutually supportive ways. The applicant considers that the development meets all three threads of sustainable development.

Further, the decision-taker is required to consider whether the development accords with an up-to-date development plan – and if it does planning permission should be granted unless material considerations indicate otherwise. The applicant considers that the development accords with the development plan.

Finally, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, that are out-of-date and if not, grant permission unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The following sections of the NPPF are relevant to the consideration of this application:

- Section 5 (Housing)
- Section 8 (Promoting Healthy and Safe Communities)
- Section 11 (Making Effective Use of Land)
- Section 12 (Achieving Well-Designed Places)
- Section 15 (Conserving and Enhancing the Natural Environment)
- Section 16 (Conserving and Enhancing the Historic Environment)

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was launched in March 2012 as a web-based resource to bring together planning practice guidance for England in an accessible and usable way.

The NPPG sets out guidance on a wide range of topics including, but not limited to, the historic environment; design; the determination of applications; flood risk; health and well-being; housing; the natural environment; open space and local green space; planning obligations; transport; and planning conditions.

To conclude, the golden thread running through the NPPF is a presumption in favour of sustainable development. The proposed development is located on an inherently sustainable site making the best use of land available. It is therefore, subject to the detailed consideration in section 7 of this statement and all other supporting documents, wholly in keeping with the concept of sustainable development detailed within the NPPF.

LOCAL PLANNING POLICY

For the purposes of this application, the adopted Development Plan for the London Borough of Camden comprises the London Plan (2016), the Local Plan (2017), the Hampstead Neighbourhood Plan (2018) and the Camden Planning Guidance Documents.

London Plan

The London Plan is the spatial development strategy for London. It recognises the pressing need for more homes in London in order to promote opportunity under policy 3.3 and identifies a need to take into account local context and character in optimising housing output.

The Plan, under policy 7.8, requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Other London Plan Policies of relevance to this application are:

- Policy 3.4: Optimising Housing Potential
- Policy 5.2: Minimising Carbon Dioxide Emissions
- Policy 5.3: Sustainable Design and Construction
- Policy 5.11: Green Roofs
- Policy 6.9: Cycling
- Policy 6.10: Walking
- Policy 7.1: Lifetime Neighbourhoods

- Policy 7.2: An Inclusive Environment
- Policy 7.3: Designing Out Crime
- Policy 7.4: Local Character
- Policy 7.6: Architecture
- Policy 7.8: Heritage Assets
- Policy 7.21: Trees and Woodlands

Camden Local Plan 2017

The Camden Local Plan sets out the Council's planning policies and covers the period from 2016-2031.

- Policy A1 aims to manage the impact of development in terms of residential amenity; transport impact and general community impacts. This covers a wide range of matters including visual privacy and outlook; sunlight, daylight and overshadowing; noise and vibration levels, odour impact, contaminated land etc.
- Policy A5 states that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area; and the significance of heritage assets.
- Policy D1 seeks to ensure high quality design in all development and requires development to respect local character and the historic environment amongst a number of other criteria.
- Policy D2 refers to heritage and states that the Council will preserve and, where appropriate, enhance Camden's heritage assets and their settings, including conservation areas.
- Policy CC1 states that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.
- Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.

Camden Planning Guidance Documents

Camden Planning Guidance (CPG) provides advice and information on how the Council will apply planning policies. The documents are largely linked to policies in the Local Plan and the following are relevant to the consideration of this application:

- CPG Altering and Extending Your Home (2019)
- CPG Design (2019)
- CPG Trees (2019)
- CPG Amenity (2018)
- CPG Basements (2018)
- CPG Developer Contributions (2019)

Hampstead Neighbourhood Plan 2018

The Council formally adopted the Hampstead Neighbourhood Plan on 8 October 2018.

The Plan is part of the statutory ‘development plan’ for the area and therefore should be used alongside the Council’s own adopted planning documents when making decisions on planning applications in the neighbourhood area. The policies of the Neighbourhood Plan are largely in conformity with the Local Plan. Specifically;

- Policy DH1 refers to design and requires all development to respond to local characteristics and context.
- Policy DH2 refers to the historic environment and requires all development within conservation areas to accord with any associated conservation area appraisal and the NPPF in preserving the existing characteristics of the area.
- Policy NE2 requires the protection of existing trees and Policy BA1 requires all basement development to be supported with a Basement Impact Assessment.

PLANNING ASSESSMENT

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Section 12 of the NPPF refers to well-designed places. Paragraph 127(c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Further, paragraph 130 states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy D1 of the local plan provides further detail on local requirements and, importantly, requires development to have particular regard to design and visual impact and to the context within which it is placed, and the contribution it makes to the landscape qualities of the area, guidance that is consolidated by Camden Planning Guidance on Design and home extensions. The policy is clear that high quality contemporary design which responds to its context is welcomed.

Camden Planning Guidance on Design (March 2019) reiterates support for high quality contemporary design and comments that materials may not need to replicate surrounding development, however they should nevertheless be high quality and not detract from the existing qualities of the area.

HERITAGE IMPACT

Case law dictates that decision makers are required to give great weight to any harm to the significance of a heritage asset and how this should be applied is set out under section 16 of the NPPF. This refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset. If the application would cause substantial harm, paragraph 195 sets out that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm. If the application

would cause less than substantial harm paragraph 196 requires that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In respect of the design considered in its own right, and the relationship between the proposed development and its surroundings, the effect will be entirely positive. The proposed development will enhance the quality of its host dwelling and by proxy therefore, the way it functions as a residential property. There will be no effect on the setting of any listed buildings and as stated in the pre-application advice from the Council, the proposed development would preserve the original plan form and proportions of the host property and would not serve to harm the conservation area. The proposed development therefore accords with the development plan and national planning policy requirements as set out in section 6 of this report with regard to the impact on the designated heritage assets identified locally.

IMPACT ON RESIDENTIAL AMENITY

Policy A1 of the Local Plan seeks to ensure that standards of amenity are protected. This requires the highest standards of design to ensure the amenities of existing and future occupiers are safeguarded and this is echoed in guidance contained within the NPPF and the London Plan. Further guidance is provided in CPG Amenity which sets specific standards of development.

The host dwelling benefits from a well-proportioned amenity area. The proposed development would not erode that space to an unacceptable extent and the proposal would not therefore represent an overdevelopment of the plot.

The relationship of built development has been carefully considered in the context of the topography and distances between buildings and the absence of clear relationships with sensitive windows that could suffer substantive reductions in outlook means that there are unlikely to be any detrimental effects on levels of sunlight/daylight.

Given the limited size of the proposed development, it would not lead to an adverse impact on neighbouring residential occupiers by virtue of an overbearing impact, loss of light or loss of outlook and is therefore considered acceptable in this regard.

SUMMARY & CONCLUSION

The proposals have been prepared through a detailed pre-application process. The proposed development has evolved in response to the feedback received and seeks to meet both local and national planning policy requirements.

Careful consideration has been given to the nature of the site including its relationship to its immediate surroundings, and the amenities of neighbouring occupiers. The proposed development is a high quality, site specific response that will enhance the appearance and function of the site and its contribution to the local area.

The proposed development would accord with the general principles of the National Planning Policy Framework. The site is located within an inherently sustainable location in close proximity to existing public transport services and is consistent with the objectives of the NPPF and the development plan.

In summary, the proposed development fulfils the three dimensions of sustainable development as defined by the NPPF and therefore the presumption in favour of sustainable development applies. The proposal is fully in accordance with national and local planning policy.

This Planning Statement should be read alongside the other supporting documentation and drawings which have been submitted as part of the Full Planning Application.