

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0222/P	Peter Weatherhead	04/04/2024 09:42:32	OBJ	<p>We are instructed by the owners of 50 Downshire Hill, a grade II listed house in the Hampstead Conservation Area which is directly adjacent to the proposed development site to object strongly to the above planning application.</p> <p>The proposed building is an overdevelopment which because of its siting and massing would be damaging to the character of its setting and the wider neighbourhood and conservation area. It would result in an overbearing sense of enclosure and loss of privacy which would be seriously harmful to neighbouring amenity. We request that the planning officer visits our client's house in order to properly assess the impact.</p> <p>We consider that the proposed development is in conflict with Camden Local Plan policies D1 (Design), D2 (Heritage) and A1 (Managing the Impact of Development). As such it is contrary to the statutory development plan and should be refused planning permission. It is also contrary to the guidance of the National Planning Policy Framework and the Planning (Listed Buildings and Conservations Areas) Act 1990.</p> <p>Background</p> <p>The site is occupied by a low open sided car port which was used by the police for car maintenance and cleaning.</p> <p>Our client's family has owned 50 Downshire Hill for almost 50 years. In all those years they tolerated a car port immediately outside their four storey Georgian home because it was part of a police station and the family could appreciate the police's need for an off-street structure where they could clean and service their police vehicles. A private home does not have any such need.</p> <p>Our clients do not believe that there is any justification for the car port to be rebuilt as part of a new residential structure. The back of their home is virtually all historic windows, many of them floor to ceiling. The house was clearly built to have a large space behind it. At some point an earlier owner gave or sold the land to the police. The present owners should not be punished for that generous community act by a previous owner.</p> <p>We agree with the Heath and Hampstead Society's comments on the initial application for conversion of the stables building to a house that the garage structure should be removed and incorporated in that project's amenity area.</p> <p>We do not consider that the Council's decision in May 1998 to raise "no objection" to the proposal by the police to install an open fronted timber framed bicycle store and covered way between the car port and the family's boundary wall to be any form of precedent for development in a gap that protects the amenities of the residents of 50 Downshire Hill. As you will be aware, at this time Government departments such as the police did not require planning permission but were required to notify the Council of their intentions.</p> <p>Our clients do not support any development of this area. However, in a spirit of cooperation we advised the applicant prior to submission of our views that any redevelopment should be no higher and wider than the existing car port.</p> <p>Adverse Impact</p>

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## Design and Heritage

We are aware of the Council's pre-application advice in a letter dated 13/4/2023 and note that the proposed development conflicts with some essential parts of this advice. In particular, the letter advises that any development should not have a larger footprint than the existing structure as a larger building "would obscure yet more of the façade of the listed building". The Council advised that a structure with the same dimensions as the existing building and with a flat roof might be considered acceptable.

The proposed development is some 1.7m wider than the existing structure and protrudes 1.1m further towards our client's house. It is thus both wider and longer than the existing car port. The Council's concerns about impact on the listed building have not been addressed. As such the proposed development will fail to preserve or enhance the character and appearance of the conservation area and is contrary to the statutory test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Plan policy D1 (Design) seeks to secure high quality design in development that respects local context and character and preserves or enhances the historic environment and heritage assets. The explanatory text states that development should take account of the form and scale of neighbouring buildings.

Local Plan policy D2 (Heritage) advises that 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. It is evident that the Council considered a larger building than the current car port would result in harm to the significance of the designated heritage asset.

The proposed development conflicts with Local Plan policies D1 and D2.

## Residential Amenity

Local Plan policy A1 Managing the impact of development states that the Council will seek to protect the quality of life of occupiers and neighbours. They will grant permission unless the development causes unacceptable harm to amenity. Factors to be considered include: visual privacy and outlook; sunlight, daylight and overshadowing; and artificial lighting levels.

The Council's pre-application advice specifically drew attention to the close proximity of 50 Downshire Hill and expressed concern at the increasing sense of enclosure and loss of light from the rear windows of both our client's house and southern accommodation in Hampstead Hill Mansions. It recommended that any impact on our client's house should be assessed further but no such assessment has been submitted.

The roof plan also indicates the intention to position 4 large roof lights which will inevitably result in light spillage into what is currently a dark space. This will damage the amenities of our clients and the quiet enjoyment of their house and small garden area. The National Planning Policy Framework advises that planning decisions should ensure that new development is appropriate for its location taking account of likely effects on living conditions, including limiting the impact of light pollution from artificial light on local amenity (paragraph 191 c).

The proposed development involves an array of 16 solar panels projecting above the flat roof. The projecting

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solar panels would be an eyesore when viewed from our client's house.

We have already suggested to the applicant that if solar panels are considered to be essential he should investigate positioning them on the sloping side of the stables roof where they would be more effective. If that is not possible the panels should be positioned flat on the roof surface and should not project. We strongly object to the development as proposed.

The increased bulk of the proposed structure will be visually dominant and overbearing and create an unacceptable sense of enclosure. This development is a larger building than the existing open sided car port and encroaches into the gap between the car port and our client's boundary wall. As such it is contrary to policy A1.

The proposed development conflicts with Local Plan policy A1.

#### Other Issues

Whilst the proposed building is presented as an annex to the main house it could easily become a separate letting suite or dwelling with its own entrance. We consider that this would be inappropriate and would request a commitment from the Council that should they be minded to grant permission for redevelopment a condition should be imposed that the annex should not be separately let or occupied and should be used as ancillary accommodation in connection with the main house.

#### Conclusion

The proposed development is contrary to statutory local plan policies D1, D2 and A1, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such planning permission should be refused. The development by virtue of its siting, massing and bulk would be fail to enhance or preserve the character and appearance of the conservation area and would cause harm to the significance of the setting of a number of listed buildings.

The proposed development incorporates an array of projecting solar panels that are unsightly and roof lights that would cause light spillage. The development would be overbearing and result in an unacceptable sense of enclosure and as such would cause unacceptable harm to residential amenity.

We ask that the planning officer contacts us to arrange access to our client's house in order to properly assess the impact of the proposal.

Yours sincerely

Peter Weatherhead FRICS MRTPI  
Independent Town Planning Consultant