

Application ref: 2023/1914/PRE
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Dear Sir/Madam

Pre-application Minor Development Pre-application Advice Issued

Address:

**Land Adjacent to 63 Netherhall Gardens
London
NW3 5RE**

Proposal: Demolition of garage/storage building and erect a detached 2 bedroom, single dwelling house arranged over three floors. Proposed external amenity space, car parking, bin and bike storage and landscaping

Site constraints

- Article 4 Direction Basement Development
- Fitzjohn's Netherhall Conservation Area
- Hampstead Neighbourhood Plan
- Underground development constraint – Slope Stability
- Underground development constraint – subterranean ground water flow
- Underground development constraint – hydrological constraints
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Relevant planning history

Flat B 63 Netherhall Gardens London NW3 5RE

2020/3279/P - Proposed roof extension and sunken roof terrace to the top floor. (Granted 25/10/2020)

Relevant policies and guidance

National Planning Policy Framework (NPPF) 2021

The London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A3 Biodiversity
A4 Noise and vibration
A5 Basements
D1 Design
H1 Maximising housing supply
H6 Housing choice and mix
H7 Large and small homes
E1 Economic development
E2 Employment premises and sites
CC1 Climate Change Mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC5 Waste

Hampstead Neighbourhood Plan (2018)

Policy DH1: Design
Policy DH2: Conservation areas and listed buildings
Policy NE2: Trees
Policy NE3: Biodiversity Corridors
Policy NE4: Supporting biodiversity
Policy BA1: Basement Impact Assessments
Policy BA2: Basement Construction Plans
Policy BA3: Construction Management Plans
Policy TT4: Cycle and car ownership

Camden Planning Guidance

CPG Access for all
CPG Design
CPG Amenity
CPG Water
CPG Energy Efficiency and Adaptation
CPG Transport
CPG Developer contributions
CPG Housing
CPG Basements
CPG Biodiversity

Site and surroundings

The site is located adjacent to No.63 Netherhall Gardens, close to the junction with Fitzjohns Avenue. It is a predominantly residential (C3 Use Class) area within the Fitzjohns & Netherhall Conservation Area.

No.63 Netherhall gardens was originally built as a Victorian semi-detached Villa which was subsequently converted into three flats in the 1950's. A single flat is arranged over the ground

and basement floors (No.63), a single flat to the first floor (No.63a) and a single duplex flat arranged over the second and loft floor areas (No.63b).

Adjacent to No.63 and separated by a modest pedestrian access pathway - which provides access to the existing flats - the site is loosely rectilinear in form and currently comprises an open space at ground floor level used for ad-hoc storage & potted planting and an existing below ground / basement garage / storage structure.

ASSESSMENT

The principal planning considerations are the following:

- Principle of Development
- Design and Heritage issues
- Basement
- Neighbouring amenity
- Standard of Accommodation
- Transport
- Site Contamination
- Trees and Landscaping
- Sustainability

1. PRINCIPLE OF DEVELOPMENT

Loss of existing garage

Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport. All these measure are in place to ensure the Council meets their zero carbon targets.

Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. This will be done through not issuing car permits and resisting development of front gardens.

The proposal will result in the removal of storage facilities for two cars and therefore is in line with the policies above. The principle of this removal is therefore supported.

Provision of a new dwelling house

Housing is the priority land use of the Local Plan. In policy terms the proposal would comply with policy G1 and H1 of the 2017 Local Plan providing new residential. Issues of trees, amenity, and standard of accommodation, efficiency, sustainability and transport need to be overcome and are attended to in the sections below.

In relation to the location, whilst within the fitzjohns/netherhall conservation area, the site is big enough to take a small dwelling house which can be some form of structure that has a more reserved character compared with the original buildings on the street. Therefore the principle of the development is accepted.

Affordable Housing

Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution towards affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.

A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity.

Where development has the capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. The payment-in-lieu would be calculated by applying the affordable housing target to the total floorspace and applying a multiplier of £5,000 per sqm.

The expected provision is then calculated as a percentage of the overall uplift of residential floor space. The residential unit provides an additional 112sqm GIA of floor space which equates to a capacity for 1 additional homes at a 2% contribution. The Council’s current adopted multiplier for calculating a payment-in-lieu (PIL) with market residential schemes is £5,000 per sqm. Using the sliding scale formula and multiplier (2% of 112 GIA x £5,000 per sqm), this means that £11,200 would be required as payment-in lieu for affordable housing. This may change if there are any changes to the size of the residential dwelling to overcome design issues highlighted in section 2 above.

Housing Choice and Mix

Policy H7 of the Local Plan aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. The policy requires that all housing development, including conversion or extension of existing homes and non-residential properties contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT) (see below); and includes a mix of large (3 or more bedrooms) and small homes.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

Again, considering the site constraints a three bedroom market property falls in line with Council housing priorities. However further issues of design and standards are discussed below.

2. DESIGN AND HERITAGE ISSUES

The site is located in the Fitzjohn’s/Netherhall Conservation Area which contains a mixture of architectural styles including neo-gothic, classical Italianate and Queen Anne amongst others. The area also contains numerous gradients and long views along avenues create an imposing district. The contribution of the streetscape is also significant with large trees, vegetation and large private gardens.

Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Hampstead Neighbourhood Plan also

have policies in relation to design (DH1 and DH2) which need to be considered as part of the design process.

As outlined in the Conservation Area appraisal, new build development should complement and be subservient to the townscape character of the surrounding area in its height, scale, and massing; and maintain consistent gaps between buildings and the degree of setback from the road. As detailed, the proposed height, scale and setback of the new dwelling is such that it will appear as sufficiently secondary to the positively contributing dwellings along Netherhall Gardens and the Listed building adjacent. No significant architectural features of neighbouring dwelling at No. 63 will be substantially obscured. On this basis, the principle of the proposed new dwelling is supported. During the meeting the principles of the design and rationale for the approach was explained in which the architect aimed to create a building which was a 'calm' and 'quiet' presence, matching the materiality and character but incorporating slightly different finishes and elements in a design that was ultimately of high quality. This is supported as an approach and agree that these principles are appropriate for the site and Conservation area location

However the current design does not fit comfortably in the site or in the streetscene. The singular window and shape of the building means that it has a distinctly non-residential character and efforts should be made through detailed design to create a more residential-looking building. The height of the building, along with the width of the site does not help this and so it would probably help if the first floor was removed to leave a basement and ground floor building.

The building is set right on the boundary with no.63. This close relationship is predicated on the small site but also the main access of the property which is a side door facing no.63. This means the door has to be accessed the side passage of no.63. Having a relationship like this creates an awkward and difficult relationship with the neighbour. New residential development should not have to use other sites for access so as a starting point this should be changed. There is plenty of space to the front but also to the other side of the site and therefore these locations should be where the main access door is. The side alley stretches from the front to the back and there is a question regarding the need for this. This alley currently impacts the access but also the form quite considerably and it is not clear why it is needed. The rear garden can be accessed from the property. Removing this element would provide more flexibility for the design.

The Council recommends that the form and shape of the building be altered and further developed; this could be played with to create courtyards or stepped building lines to break up the mass and increase the residential nature of the property. Additional façade modulation, setbacks, and projecting bays could also be considered so that the bulk does not just present as a plain rectilinear mass to the street – specifically along the blank side elevations. Incorporating smaller windows brings the scale down and breaks up the monolithic style.

The brick and coloured cast stone materiality is appropriate and the proposed differing treatment of brickwork at the plinth and upper section is a step in the right direction. The palette and detail however could be articulated with more pronounced variation to aid in breaking up the massing of the structure and better link to the surrounding material detailing of the Conservation Area. For example, drawing on how the front boundary wall

has a combination of stone, different coloured bricks and the rotation of course, to create horizontal banding and layered visual detail.

The detailed design elements including the use of glazed arched windows, stepped brick detailing are positive moves in trying to provide a high quality material approach. However these need to be incorporated at residential scale. The precedents provided are good examples of how these elements along with fenestration details contribute to the residential nature of the building. The windows, in reality may look contrived and awkward as they cover the two above ground floors. There would undoubtedly be a break where the floor is and could end up looking less seamless than shown on the CGI's and elevations. More also could be done in an attempt to respond to the area's context in terms of introducing these design elements. One example is stucco banding or features which are on the properties along the same side of the street. This is shown in one of the examples but not actually included within the design and would also help break up the form of the building.

One of the problems is that, as the proposal is for a three bedroom house, the site and building is having to be pushed in order incorporate minimum space standards. The site is small, constrained and is not typical of the streetscene which means that a smaller sized unit with a lower number of bedrooms than what is typical of the area would be accepted and represents a better approach to the site. Achieving a high quality residential building which successfully fits in the site would be easier with a one or two bedroom property.

Putting aside the Council's Car Free policies (which are discussed in section 7) the front of the property remains unacceptable from a Conservation perspective. The application should seek to enhance the front garden area of the site to better align with the identified verdant character of the Conservation Area. It would be seen as a heritage benefit of the scheme if more area of the front garden was devoted to green garden space and planting and hard surfacing reduced/omitted.

Any hard surfaces proposed should be permeable – using clay brick paving, tiles, stone pavers or setts (York stone or granite) or stone gravel. Asphalt or concrete casts, slabs or paving would not be supported.

It should be clarified that the existing boundary wall and piers are to be retained and unaltered by the works.

3. BASEMENT

As per policy A5 (Basements) in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan. The Council, along with the independent auditors Campbell Reith, will need to be satisfied that the basement would not cause harm to neighbouring properties, amenities and structural conditions among other aspects. Advice in the Basements CPG and relevant policies in the Hampstead Neighbourhood Plan should also be strictly adhered to.

The policy requires the basement to remain subordinate to the host property and not contribute to overdevelopment. No BIA has been submitted but will need to support any forthcoming application.

4. NEIGHBOURING AMENITY

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight, and overshadowing; artificial lighting levels; noise and vibration; odour, fumes, and dust; and impacts of the construction phase, including the use of Construction Management Plans.

In relation to outlook and sense of enclosure, the building would be very close to no.63 and the rooms along the eastern side of the building. The pre-app document demonstrates that the elevation contains small windows which serve non-habitable rooms. This needs to be confirmed however if true means that the impact on outlook is not significant. These issues are less pertinent with the neighbouring properties and sites within this design iteration however throughout the process this should be considered.

In terms of privacy and overlooking, the few windows means that, within this design iteration, the issue is not considered significant. One large window to the front and rear means that there will be little increase in overlooking or loss of privacy.

In terms of the daylight/sunlight impact, the pre-app document demonstrates that the property is due north of the closest building (no.63) and means that it would not harmfully impact the building. The other neighbouring properties are sufficiently set away as to not be impacted significantly.

There should not be any additional noise increase, however if Air Source Heat Pumps (ASHPs) are being proposed then appropriate noise enclosure/noise assessments should support the application.

5. STANDARD OF ACCOMMODATION

CPG Housing & CPG Design highlights the importance of high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. The unit over three floors (including the basement) is measured at 112sqm. Three bedroom units over three floors have a minimum requirement of 108sqm and therefore the building does meet the technical requirements. There is 14.5sqm of rear garden provision which is welcomed.

In terms of internal configuration, the unit has a constrained layout only having access to a singular window either to the front or to the rear. The result is that all of the rooms are quite small with sometimes limited access to daylight/sunlight and the building's internal space is dominated by the core and staircase. You are advised to explore other options for the internal layout to create a well-functioning dwelling.

There appears to be an acceptable level of privacy due to the limited windows however this does call in to question the amount of daylight that can get into the rooms. Confirmation of this needs to be explored. Any formal application should be accompanied by a sunlight and daylight assessment.

In terms of waste storage and collection, the following capacities should be incorporated into the residential elements:

Waste collection in Camden

- 8.10 The Council currently offers waste collection of the following minimum volumes per dwelling with three bedrooms or less, per week:
- 120 litres of bin, box or sack volume for general waste or 'refuse'
 - 140 litres of mixed dry recycling
 - 23 litres of food waste

The waste and bike storage seem acceptable and appropriately placed.

6. TRANSPORT

In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For residential units with 2 or more bedrooms the requirement is for 2 spaces per unit. The submitted plans indicate that a 2 space cycle store will be located within the front garden area, which meets the required standard. The cycle store should be an enclosed secure unit and this should be confirmed with the applicant. The provision of the cycle store will be secured by condition.

In accordance with Policy T2 of the Camden Local Plan, we expect car free development across the Borough. The site currently comprises an off-street parking space and a garage/storage unit. The proposed front garden parking space should be removed from the proposals as it is contrary to policy and the front garden area landscaped and a suitable brick boundary wall installed instead. The new property will need to be secured as on-street Residents parking permit (car) free by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. Failure of the applicant to enter into such an agreement or to remove the front garden parking space will result in any future application being refused.

Given the location of the site in a predominantly residential area and the amount of excavation required for the basement, it will be necessary to secure a Construction Management Plan and associated Implementation Support Contribution of £4,075.60 and Impact Bond of £7,874 by means of the Section 106 Agreement. This will help ensure that the proposed development is carried out without unduly impacting neighbouring amenity or the safe and efficient operation of the local highway network, in accordance with Policy A1 of the Camden Local Plan.

As the existing vehicular crossover to the site will become redundant as a result of removing the off-street parking space and garage, a Section 106 highways contribution for removing the crossover and reinstating the footway over will be necessary. The cost of this (likely to be in the order of £3,000) will be confirmed at the application stage.

Whilst the proposals involve basement construction, it is considered that they are located far enough away from the public highway to not require the imposition of an Assessment in Principle contribution for ensuring that the structural integrity of the public highway is maintained throughout the construction process.

The submitted plans indicate that suitable bin storage would be provided within the front garden area.

7. SITE CONTAMINATION

As the site has been/is used for garages it will be necessary to submit a Site Contamination Survey which should identify and make provision for the need for intrusive investigation and if necessary, remediation. This will be assessed by the Council's Environmental Health (Pollution Control) Team to assess the impacts on the health of future residents from contaminants.

8. TREES AND LANDSCAPING

Policy A3 aims to protect and enhance sites of nature conservation and biodiversity. The Council will do this through protect and designate conservation sites, assess developments against the ability to improve biodiversity and its impact upon and secure management plans where appropriate. This policy also includes the protection of trees and the Council will seek to resist the loss of trees and vegetation of significant amenity, historic, ecological or cultural value but also promote incorporating trees within any proposal. There is also an expectation, where developments are near trees, the relevant documents should be provided.

The scheme is located next to multiple trees of varying condition and quality however as these trees are in a Conservation Area, they are protected. During the meeting it was agreed that because of the existing garage below ground, the roots probably would not be impacted by any new structure taking its place. However this assumption cannot be accepted and Arboricultural Impact Assessment must be submitted in support of the application, especially considering there will be excavation works for a basement level.

The level of hardstanding to accommodate parking spaces is not considered an appropriate approach and the front landscaping scheme should aim to incorporate more vegetation and soft landscaping. Where possible SUDs should be incorporated and investigation should be carried out into whether this is possible.

9. SUSTAINABILITY

All new development should comply with the Local Plan policies for sustainability and climate change. Further guidance is available in the CPG Energy Efficiency and Adaptation 2021. A Sustainability Statement will be required to demonstrate how the development in its entirety (construction and operation) would reduce carbon dioxide emissions through following the steps in the energy hierarchy.

In the CPG Energy Efficiency and Adaptation 2021 it is noted residential developments of up to 4 new dwellings or 500 sq m should achieve carbon emission reductions of at least 19% below Part L of 2013 Building Regulations would be required.

From the pack and subsequent meeting, the building will incorporate passivhaus principles. The design provides PV panels on the flat roof which is all welcomed but the Council would urge the design to incorporate as much sustainable/renewable technologies as possible and demonstrate the proposed rating alongside any future iterations of the design so this can be assessed alongside the design of the building.

CONCLUSION

It is considered the principle of the new residential unit is acceptable however issues still remain over the form, scale and detailed design elements of the building. Parking would not be allowed on site and the front garden needs to be altered significantly. More information is also required in relation to the basement and trees.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable, nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

If you have any queries about the above letter or the attached document, please do not hesitate to contact **Ewan Campbell**

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