

Application ref: 2023/4481/PRE
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Dear Sir/Madam

Pre-application Medium Development Pre-application Advice Issued

Address:

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

Proposal: Erection of new detached dwellinghouse. Follow up from pre-application 2023/1914/PRE with new design 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

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) 2023

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 138 GIA x £5,000 per sqm), this means that £13,800 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 two bedroom market property falls in line with Council housing priorities.

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.

The previous pre-app in terms of its built form 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 design approach was supported and was seen as appropriate for the site and Conservation area location.

However, in terms of its scale the previous design was considered not to fit comfortably in the site or in the streetscene and have a distinctly non-residential character. Issues of scale and height of the proposed building in relation to the size of the site was a concern and officers concluded that the building should look more residential. Officers recommend removing the first floor, breaking up the mass and providing more articulation as well as reducing the scale of fenestration details.

The initial design of this subsequent pre-app did not address the fundamental points raised within the first pre-app regarding scale, form and overall architecture and still felt contrived and at odds with the suburban character it was located in. The building's form was of particular concern seemingly designed from the inside out in order to accommodate certain spaces.

Following this, Option 5 of the latest design pack sent over, is much more successful in its approach to these issues. The windows are suitably sized and located and to the front there is a more asymmetric form which appears more expressive yet more in line with the character of the Conservation area. This asymmetric angled front elevation and gabled roof profile, while taller and projects forwards compared with previous iterations, will better align with the established roofscape pattern and provides a level of relief that will sufficiently mitigate the additional bulk and massing.

However, whilst there are some positive moves in this design, the building is still large for the plot size and therefore the Council would urge further investigation into what can be done to reduce the scale of the building as a whole. Maybe bringing some of the asymmetry from the front to the rear may help or more articulation on the sides and rear. A continued problem with the building during the pre-app is that it is too big and 'box-like' and officers would stress that the form has a key role to play in reducing this aspect. Overall the new dwelling house reads a lot better on the street scene but more work is needed to refine the overall scale.

The material palette as confirmed before, is acceptable and Option 5 has been proposed with a simplified material appearance. Whilst this isn't itself a major problem, the appearance seems to have less of a rich appearance, lacking detailing and should be further developed. The side window is a good example of incorporating these kind of elements. The CA contains a mixture of architecture styles but all have a high level of detail as part of the character and it seems that this proposal could incorporate some of that within the design. Further information and specifications will need to be provided at

application stage regarding the material palette for the cladding – brick and tiles etc., joinery and roofing.

Further detail would be required regarding the “simplified” front boundary treatment. It would be expected that the existing structure is retained. However, if partial-demolition is demonstrated to be required to facilitate construction then the wall should be reinstated like-for-like with the same detailing (angled upper string course, lower black horizontal banding) to maintain the established wall line with 63 Fitzjohn’s Avenue.

The building line has been shifted forwards by 0.5m and now aligning to the corner of the bay window of no.63. Whilst a slight movement forward could be accepted, it needs to be careful and not compete with the existing building. Because of the smaller site and therefore smaller building, it should have less prominence along the street.

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 (BIA) 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 given in the Council’s Basements CPG and the relevant policies in the Hampstead Neighbourhood Plan should also be strictly adhered to.

The principle of a basement extension in this location is accepted; considering there is an existing garage partly below ground on site, this can be extended.

From the pre-application drawings, the current basement design complies with points (f) to (m) of policy A5. No BIA has been submitted but will need to support any forthcoming application. In line with Council policy this will be externally assessed by auditors Campbell Reith which contains a separate cost which the applicant has to pay.

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. You are advised to provide evidence of what these rooms serve for further assessment.. 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. However impacts on daylight will need to be tested. A sunlight and daylight assessment would need to be submitted for further assessment.

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 in line with Policy A4.

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 136sqm. Two bedroom units over three floors do not have a minimum requirement but can be averaged out at around 95sqm. Therefore the building easily meet the technical requirements. There is 17.0sqm of rear garden provision which is welcomed.

In terms of internal configuration, the ground floor appears fairly rational and open plan and provides a good level of accommodation. The first floor provides two ensuite bedrooms which is also acceptable.

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. See the waste section in CPG Design for further information.

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. Details of the store including elevation and materials should be provided. 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.

Option 5 shows increased level of soft landscaping and planting to the front which is supported. A landscaping plan should support any formal submission but the principle of these moves are supported. Where possible Green roofs and SUDs should be incorporated and investigation should be carried out into whether this is possible.

9. SUSTAINABILITY

Policy CC1 (Climate Change Mitigation) requires all development stop minimise the effects of climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. This will be done through promoting zero carbon development, reach London Plan targets and support and encourage energy efficiency improvements to existing buildings

Policy CC2 requires all new development to be resilient to climate change by protecting existing green spaces and promoting new green infrastructure, not increasing surface water run off and promoting Sustainable Urban Drainage systems, incorporating green and blue roofs where possible and attempting to reduce the impact of urban and dwelling overheating by applying the cooling hierarchy

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 30% below Part L of 2021 Building Regulations would be required.

From the pack and subsequent meeting, the building will incorporate passivhaus principles. Camden's Local Plan (section referring to CC1) requires all developments to achieve incorporate renewables wherever feasible. The design has now omitted PV panels on the pitched roof however further solutions should be looked into and the possibility if these can be provided. 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 and the design has substantially improved however issues still remain over the form, scale and detailed design elements of the building. In addition the principle of the unit having car parking is unacceptable. More information is also required in relation to the, site contamination, basement , daylight/sunlight 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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