

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b> 08/05/2024	
		N/A		<b>Consultation Expiry Date:</b> 16/06/2024	
<b>Officer</b>			<b>Application Number(s)</b>		
Ewan Campbell			2024/1001/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
The Horseshoe 28 Heath Street London NW3 6TE			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
New rear external staircase for fire escape, replacement of rear windows with access doors.					
<b>Recommendation(s):</b>		<b>Refuse Planning Permission</b>			
<b>Application Type:</b>		<b>Householder Application</b>			
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>					
<b>Consultations</b>					
		No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Neighbour Consultation</b>		<p>A site notice was put up on 22/05/2024 and expired on the 15/06/2024. A press advertisement was placed on 23/05/2024 and expired on 15/06/2024</p> <p>One comment was received from a neighbour. Concerns include:</p> <ul style="list-style-type: none"> <li>- Technical housing standards issues</li> <li>- Impact on residential amenity</li> </ul> <p><i>Officer comments: issues of amenity are discussed and the proposal remains only for the items within the description of development</i></p>			
<b>Hampstead CAAC</b>		No comments			

**Hampstead  
Neighbourhood  
Forum**

No comments

### **Site Description**

The property is an attractive Red Brick Victorian corner property with three storeys. It has stone corning and window cill horizontal banding. Georgian Style box sash windows with rubbed soldier arches to the upper floors and stone parapets and decorative pediments to the mansard roof. To the Corner Elevation there is a feature Oriel window on the second floor with a decorative stone balcony above.

28 Heath Street is not statutorily listed or locally listed. It is however located in the Hampstead Conservation area, and is described in the Hampstead Statement

“The Section south of Hampstead High Street, built in the 1880’s, are red brick four storey properties with shops on the ground floor forming a homogenous group. ( Nos. 1- 47 Heath Street). Most have dressings of stone or terracotta, ornate gable, turrets or other enrichments”

Hampstead is a Conservation Area of considerable quality and variety. A range of factors and attributes come together to create its special character. These are principally; its topography; the Heath; the range, excellence and mix of buildings; the street pattern and Hampstead’s historical association with clean water and fresh air.

This part of Hampstead Conservation Area demonstrates its late Victorian development, when the area was rebuilt as part of the slum clearance of the 1880s. The property makes a positive contribution to the area, with the ornate front and side façade addressing the commercial character of Heath Street. Whilst the rear elevation is much plainer, the façade is well ordered, largely uncluttered and ties with the rest of the buildings backing onto Oriel Place.

### **Relevant History**

Relevant planning history on the application site:

N/A

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

#### **The London Plan 2021**

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

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Policy C4 Public Houses

#### **Draft Camden Local Plan**

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

**Hampstead Neighbourhood Plan 2018**

Policy DH1 Design

Policy DH2 Conservation Areas and Listed Buildings

**Camden Planning Guidance (CPG)**

CPG Home Improvements (January 2021)

## Assessment

### 1. PROPOSAL

1.1. The applicant seeks the following:

- New rear external staircase for fire escape,
- replacement of rear windows with access doors

### 2. CONSIDERATIONS

2.1. The material considerations for this application are as follows:

- Design and Heritage
- Amenity

### 3. ASSESSMENT

#### Design and Heritage

3.1.1. The 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. Neighbourhood Plan policy DH1 and DH2 requires proposals to be well integrated into their surroundings and reinforce and enhance local character, and draw upon key aspects of character from the surrounding area.

3.1.2. Within policy D2 (Heritage) it states:

*The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets...*

*Other heritage assets and non-designated heritage assets The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.*

3.1.3. The proposed staircase faces onto Oriel Place, a public space and it would therefore be clearly visible. The existing fire escape stair is utilitarian in appearance but does have a harmful impact on the conservation area. By replacing the section at the upper levels, with something larger and more visible, it will only increase the level of harm to the conservation area.

3.1.4. Looking through the submission, the only justification is in the Design and Access Statement which says it will provide a secondary means of escape from the upper floors. No other mention is made as to why the staircase is required now and therefore it is not

clear why this is required.

- 3.1.5. However, on the point which they have raised, it is not clear to Officers which part of the Building Regulations they are seeking to comply with. The building is not taller than 18 metres, so under the March 2024 amendments to part B of the Building Regulations is not required to have a second common stair. In consultation with the Council's Building Control team the Council, at this point cannot determine whether the stairs are required or not. The applicant has to provide a 'Planning Fire Safety Strategy' with the application (non-major development) then they would have to show in the 'Planning Fire Safety Strategy' that the external stairs is the only viable 'solution' and that the principal designer has determined is necessary for the scheme
- 3.1.6. The NPPF in Section 16 provides guidance on the weight that should be accorded to harm to a heritage asset and in what circumstances such harm might be justified. Para 202 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Local Plan policy D2 states 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.
- 3.1.7. This proposal is considered to lead to 'less than substantial' harm to the significance of the conservation area as a designated heritage asset and would not create any public benefit. In accordance with the NPPF balancing exercise outlined above, it is considered that this harm is not outweighed by any benefit and thus the scheme should be refused permission. No justification or public benefit argument has been supplied by the applicant to outweigh this identified harm.
- 3.1.8. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.1.9. Overall the poor and bulky design, which has a lack of respect for historical style, details and proportions in a publically visible location, means that the rear staircase harms the character and appearance of the host building and conservation area. Therefore the proposal fails to comply with Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.

#### Amenity

- 3.1.10. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.
- 3.1.11. In relation to amenity, the staircase is not considered to increase amenity impact in terms of noise, outlook, privacy or daylight/sunlight
- 3.1.12. Therefore the proposal complies with policy A1 of the 2017 Camden Local Plan.

## **4. RECOMMENDATION**

- 4.1. Refuse Planning Permission for the following reason:

The proposed staircase, by reason of its location, poor and bulky design and incongruous design and materiality, would be harmful to the character and appearance of the host building, streetscene and conservation area. The proposal is therefore contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.