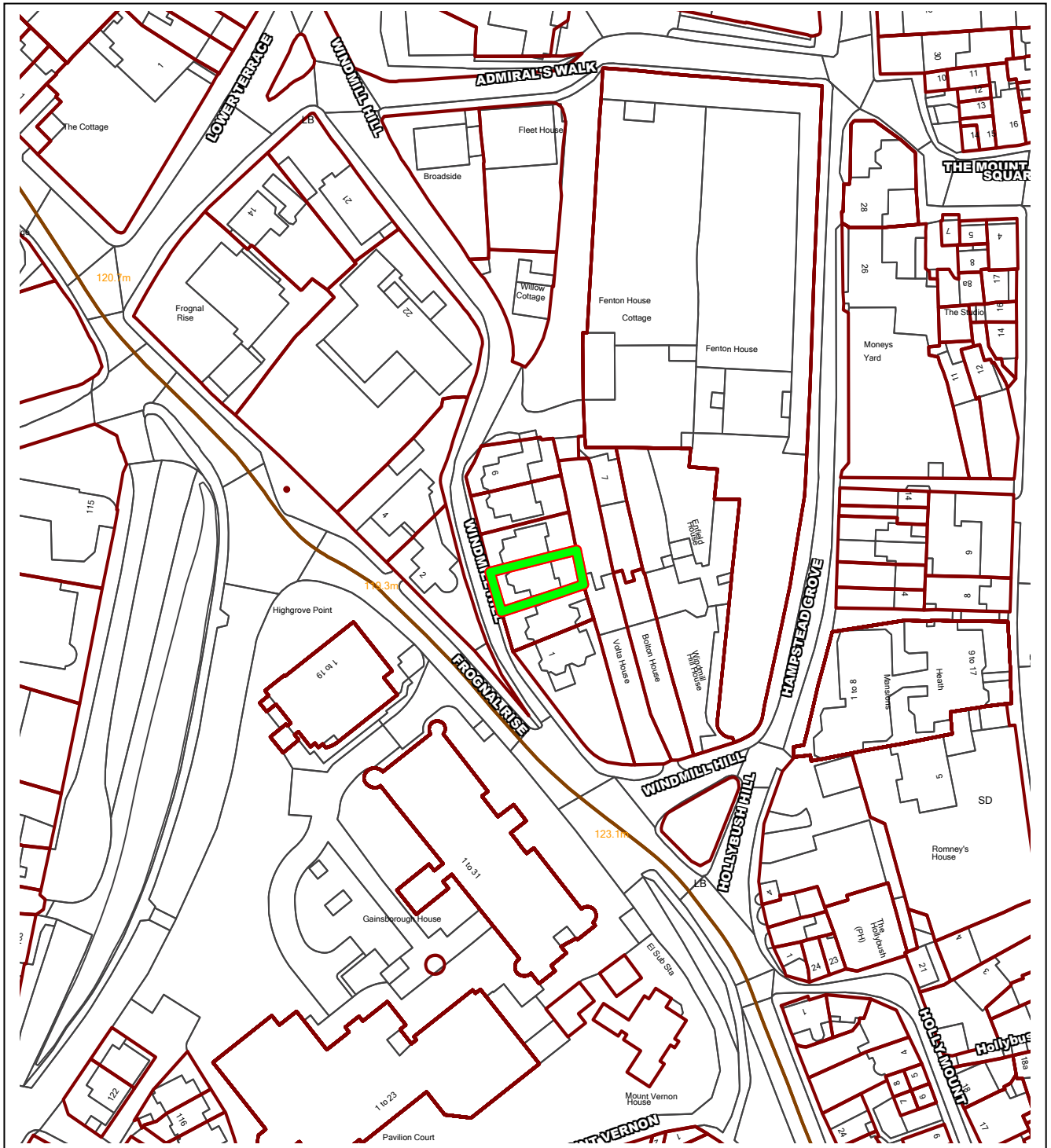


2024/0903/P - 3 Windmill Hill, NW3 6RU



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Image 1 (above): Aerial view looking northwards (source: Google 3D)



Image 2 (above): Aerial view looking towards the front elevation (source: Google 3D)



Image 3 (above): View towards the property from the street (source: Google street)



Image 4 (above): Close-up view towards the roof terraces from the street (source: Google street)

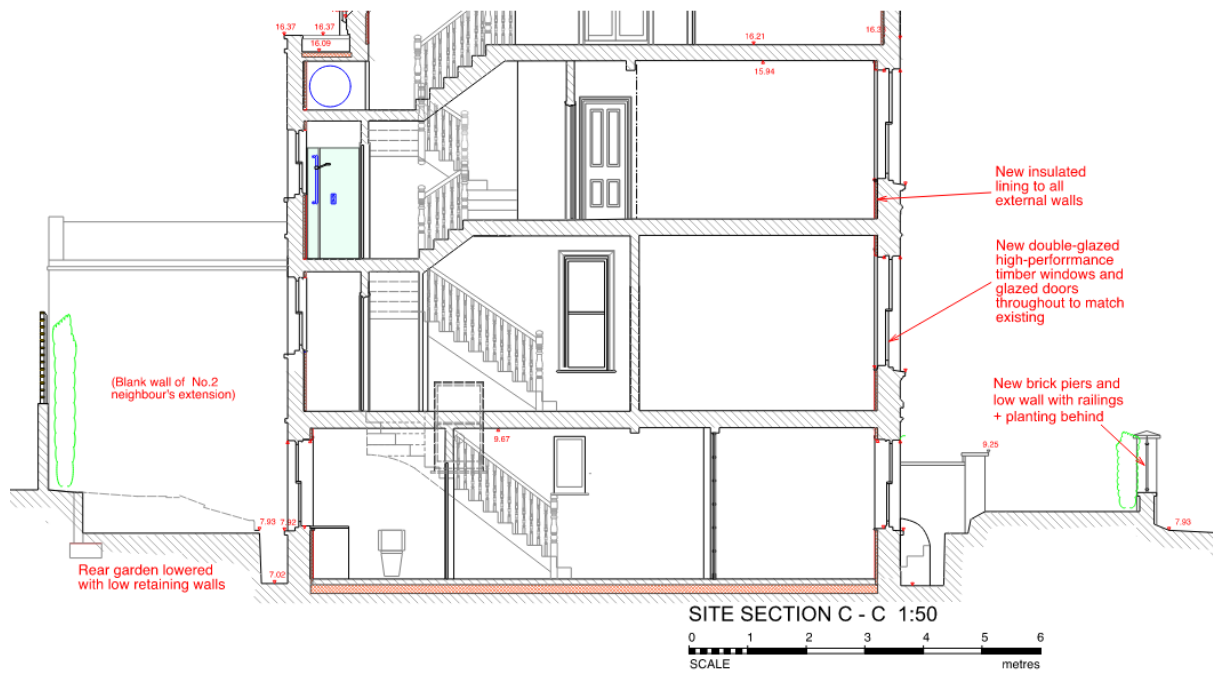


Image 5 (above): Proposed section showing relationship between lower ground floor flat and front/rear gardens (source: application drawings)

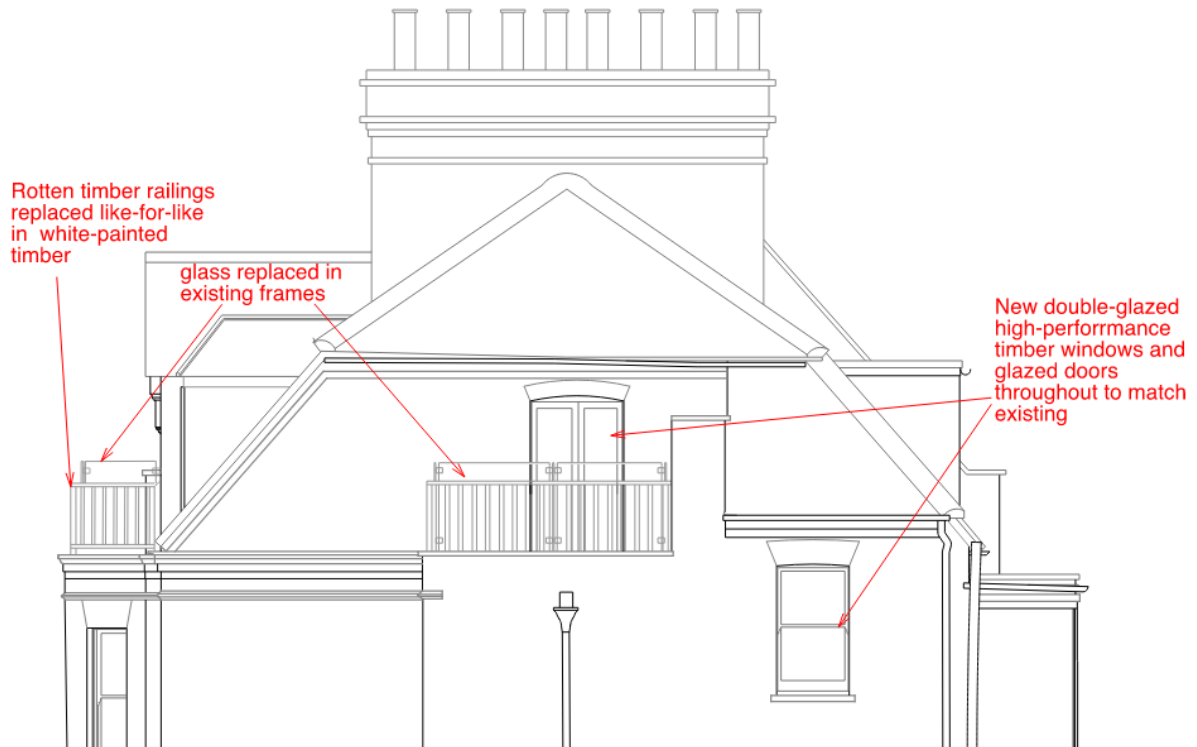


Image 6 (above): Part of the side elevation (south) showing works to roof terrace balustrades (source: application drawings)



Image 7 (above): Street elevation showing existing and proposed front boundary (source: application drawings)

Delegated Report		Analysis sheet	Expiry Date:	01/05/2024
(Members Briefing)		N/A / attached	Consultation Expiry Date:	02/06/2024
Officer			Application Number(s)	
Miriam Baptist			2024/0903/P	
Application Address			Drawing Numbers	
3 Windmill Hill London NW3 6RU			See Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Amalgamation of basement flat with rest of property to form a single family dwellinghouse. Installation of low brick front boundary wall, like-for-like replacement of wooden balcony railings and replacement glass behind, and replacement of single-glazed timber windows throughout with double-glazed timber windows of identical external appearance. Minor landscaping works to level rear garden.				
Recommendation(s):		Grant conditional planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed near the site from 08/05/2024 until 01/06/2024. The application was also advertised in the local press on the 09/05/2024 (with the consultation end date of 02/06/2024).</p> <p>No consultation responses or objections were received from any neighbouring properties or members of the public.</p>					
Hampstead Neighbourhood Forum:	<p>The Hampstead Neighbourhood Forum commented as follows:</p> <p>We question why the applicant is not installing a heat pump now during the course of this major restoration instead of making the house 'heat pump ready for when energy prices change'. We currently are seeing many applications for heat pumps in other older homes, some less thermally efficient and undergoing more minor renovation than in this application.</p> <p>Both the draft Camden Local Plan and the draft Hampstead Neighbourhood Plan are supportive of retrofitting older homes to make them more sustainable. The Neighbourhood Plan, which has gone through its Reg 14 consultation and a health check, states:</p> <ol style="list-style-type: none"> 1. The Plan supports circular economy principles: reuse and refurbishment in preference to demolition and new construction and retrofitting existing buildings over new build. Development proposals will be supported where they include: <ol style="list-style-type: none"> a. The sensitive retrofitting of energy efficiency measures and use of micro renewables, including in listed buildings, where these are sited and designed to minimise impact on amenity, and where they do not result in the loss of historic fabric or otherwise affect the significance of the building or its setting. b. Use of low embodied energy materials and technologies, such as timber, timber products, lime, etc. 2. The Plan supports net-zero carbon development and expects all development to achieve the highest environmental standards possible, whilst preserving the significance of any heritage asset. Development proposals will be supported where: <ol style="list-style-type: none"> a. They include the reduction of greenhouse gas emissions through minimising both annual and peak energy demand by following the steps of the Energy Hierarchy. Major development should demonstrate how it achieves greenhouse-gas reduction targets at least equal to the New London Plan 2021 targets under Policy SI 2. b. They include measures to achieve at least net zero carbon where feasible and where possible to be net energy positive within the constraints of existing development policies. 					

c. Include measures that aim to achieve operational net zero carbon for conversions or extensions of 250sqm.

Draft Local Plan CC5 encourages all conversions to be fossil free and use low-carbon heat and to maximise the generation of renewable energy on-site.

We would urge the homeowner to reconsider this aspect of their proposal.

Officer response: The applicant intends to install a heat pump as part of the works, but it has been removed from this application in the interests of time as any approval of a heat pump would require the submission of a Noise Impact Assessment.

Site Description

The host building is on the eastern side of Windmill Hill and forms part of a group of six semi-detached red brick 1880s houses, which stand in semi-detached pairs. The houses are three storeys with habitable roof levels and include small front and rear gardens. The host property is part of a pair with No 4.

The site lies within the Hampstead Conservation Area and the Hampstead Neighbourhood Forum/Plan area. The area is largely residential in nature.

Relevant History

Application site

TP/29158/NW/2779 – Conversion of the basement at No.3 Windmill Hill, Hampstead, into a self-contained flat. **Development permitted 01/06/1959.**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

Hampstead Neighbourhood Plan (2018)

- Policy DH1: Design
- Policy DH2: Conservation areas and listed buildings
- Policy HC1: Housing mix

Camden Planning Guidance (2021)

- CPG Amenity
- CPG Design

Hampstead Conservation Area Statement (2001)

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 which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1.0. Proposal

1.1. The application seeks permission to amalgamate the basement flat with the maisonette that forms the rest of property to create a single family dwellinghouse. The proposal also includes the replacement of the brick front wall with brick piers and iron railings and to level the rear garden. The wooden balcony railings to the front and side roof terraces would also be replaced, as well as the safety glazing behind. Existing single-glazed timber windows throughout would be replaced with double-glazed timber windows of identical external appearance.

1.2. Key planning issues are as follows:

- Loss of a small dwelling unit
- Design & Heritage
- Neighbouring Amenity

2.0. Loss of a small dwelling unit

- 2.1. The amalgamation of two existing units to form a single dwellinghouse would result in the net loss of one residential unit. Policy H3 of the Camden Local Plan states that the Council will aim to ensure that existing housing continues to meet the needs of existing and future households by resisting development that would involve the net loss of two or more homes. Policy HC1 of the Hampstead Neighbourhood Plan separately advises that conversions that result in the loss of small self-contained dwellings would only be supported in exceptional circumstances.
- 2.2. The lower ground floor of the host building is currently a separate one-bedroom dwelling. This application seeks to amalgamate the lower ground floor with the rest of the property which is in use as a maisonette, in order to create a single family dwelling.
- 2.3. It is considered that this proposal would constitute exceptional circumstances; both the rear and front gardens, though particularly the rear garden, belong to the maisonette unit and provide significant opportunities for overlooking into the lower ground floor flat, presenting a privacy issue. This is particularly pertinent given that the windows to habitable spaces are immediately adjacent. The lack of distance and immediacy of this relationship means the overlooking is considered of material harm.
- 2.4. Given that the conversion would result in the loss of only one unit, and exceptional circumstances are identified in terms of overlooking harm, the proposal would not be contrary to either Local Plan Policy H3 or Neighbourhood Plan Policy HC1.

3.0. Design & Heritage

- 3.1. Local Plan Policy D1 seeks to achieve high quality 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. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 3.2. Policy DH1 (Design) of the Hampstead Neighbourhood Plan (HNP) states that development within the Neighbourhood Area should demonstrate how it responds and contributes positively to the character and local context of the area, including through "*ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges*".
- 3.3. Policy DH2 of the HNP (Conservation areas and listed buildings) outlines the need for new development within a Conservation Area that falls within the Neighbourhood Area to "*take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas*".
- 3.4. The Home Improvements CPG also states that "*materials are integral to the architectural design, appearance and character of a building. The choice and use of materials and finishes therefore plays a crucial role in any alteration and extension given their impact on the appearance and character of a home (and Conservation Area if applicable)*". In order to be acceptable, materials should be contextual (in terms of the existing property and the wider built environment).
- 3.5. The front boundary garden wall which is currently plain brick would be replaced with a low wall topped with iron railings and with brick piers. This is not considered to divert from the

established character of the area and is already found at nearby Nos 2, 4, and 5. This change is also considered to align the front boundary treatment with that of No 4, the neighbouring house to which the host property is attached. For these reasons this change is considered acceptable. Minor landscaping works will take place in the rear garden to level the ground, which would also be acceptable.

- 3.6. There are roof terraces on the front and sides of each of the properties in this group of six, and this is part of the established architecture of the group. The balustrades are white timber and those to the front elevation above the bay are referenced in the Conservation Area Appraisal. The proposal originally was to replace the timber balustrades with metal ones, but the scheme has now been revised in light of recognition that this is an architectural feature of the group. There are two properties in the group which have replaced these timber balustrades with metal ones, but these appear to have been replaced without planning permission and therefore may be subject to enforcement action. The like-for-like replacement of these timber balustrades is welcome and will ensure the balustrades continue to contribute to the character and appearance of the group of houses and the wider conservation area.
- 3.7. Behind the timber balustrade, the property has some taller steel-framed glazing. This already exists and has been erected in the interest of safety concerning children, and in the context of building regulations. The glass will be replaced as the existing is chipped and cracked. The repair is considered acceptable.
- 3.8. Timber single-glazed windows throughout the property will be replaced with timber double-glazed windows to improve the thermal efficiency of the property. This is considered acceptable as the windows will remain identical in terms of material and external appearance and therefore will preserve and enhance the appearance of the property, group of properties, and the wider conservation area.
- 3.9. 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 3.10. The detailed design proposed is considered acceptable. Overall, the proposal is not considered harmful to the character or appearance of the host building, street of which it is part of, or the wider Hampstead Conservation Area, in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

4.0. Neighbouring Amenity

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 4.2. Due to the nature of the proposed changes, the works are not considered likely to cause material harm to neighbouring amenity, and in fact the amalgamation of the two dwelling units is considered to greatly reduce the existing overlooking/loss of privacy to the lower ground floor flat. As existing, this flat suffers significant overlooking particularly from the small rear garden which is associated with the flat on the upper floors of the property.
- 4.3. The alterations proposed to the balustrade and glazing of the roof terrace to the front of the property does not change the nature of the roof terrace, which already exists, and therefore no new amenity harm is introduced. The replacement windows will all replace existing windows and therefore no new sightlines or opportunities for overlooking will be introduced. The changes to the front boundary are also minor in nature and do not create any amenity issues.
- 4.4. Overall, no significant negative impact on neighbouring amenity is expected from the proposed

works in terms of loss of daylight, sunlight, privacy, or outlook. The scheme is thus considered to be in accordance with Policy A1 of the Local Plan.

5.0. Recommendation

5.1. Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 8th July 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/0903/P
Contact: Miriam Baptist
Tel: 020 7974 8147
Email: Miriam.Baptist@camden.gov.uk
Date: 2 July 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

JF Architects
5 Tredegar Square
London
E3 5AD

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**3 Windmill Hill
London
NW3 6RU**

DECISION

Proposal:

Amalgamation of basement flat with rest of property to form a single family dwellinghouse. Installation of low brick front boundary wall, like-for-like replacement of wooden balcony railings and replacement glass behind, and replacement of single-glazed timber windows throughout with double-glazed timber windows of identical external appearance. Minor landscaping works to level rear garden.

Drawing Nos:

Design and Access Statement (dated March 2024); Location Plan (dated 06-Mar-2024);
3WH-PL-02, 3WH-PL-03, 3WH-PL-04, 3WH-PL-05, 3WH-PL-06, 3WH-PL-07, 3WH-PL-08,
3WH-PL-09, 3WH-PL-10, 3WH-PL-11, 3WH-PL-12, 3WH-PL-13, 3WH-PL-14, 3WH-PL-15,
3WH-PL-21A, 3WH-PL-22A, 3WH-PL-23A, 3WH-PL-24A, 3WH-PL-25A, 3WH-PL-26A,
3WH-PL-27A, 3WH-PL-28A, 3WH-PL-29A, 3WH-PL-30A, 3WH-PL-31A, 3WH-PL-32A,
3WH-PL-33A, 3WH-PL-34A, 3WH-PL-35A, 3WH-PL-37.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan dated 06-Mar-2024; 3WH-PL-02; 3WH-PL-03; 3WH-PL-04; 3WH-PL-05; 3WH-PL-06; 3WH-PL-07; 3WH-PL-08; 3WH-PL-09; 3WH-PL-10; 3WH-PL-11; 3WH-PL-12; 3WH-PL-13; 3WH-PL-14; 3WH-PL-15; 3WH-PL-21A; 3WH-PL-21A; 3WH-PL-22A; 3WH-PL-23A; 3WH-PL-24A; 3WH-PL-25A; 3WH-PL-26A; 3WH-PL-27A; 3WH-PL-28A; 3WH-PL-29A; 3WH-PL-30A; 3WH-PL-31A; 3WH-PL-32A; 3WH-PL-33A; 3WH-PL-34A; 3WH-PL-35A; 3WH-PL-37.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION