

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	26/12/2022
		N/A / attached	<b>Consultation Expiry Date:</b>	19/02/2023
<b>Officer</b>			<b>Application Number(s)</b>	
Christoper Smith			2022/4765/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Flat 1st And 2nd Floor 34 Compayne Gardens London NW6 3DP			Please refer to 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>				
Conversion of 5 bed upper maisonette to create four 2 bed flats with roof extension.				
<b>Recommendation(s):</b>		Refuse Planning Permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
<b>Consultations</b>				
Summary:	No. of responses	06	No. of objections	06
Summary of consultation responses:	<p>A site notice was displayed on 20/01/2023 which expired 13/02/2023. A press notice was published on 26/01/2023 which expired 19/02/2023.</p> <p>Five residents responded to public consultation and objected to the proposals. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Loss of large homes</li> <li>• Excessive increase in height</li> <li>• Negative impact on character and appearance of area</li> <li>• Negative impact on local heritage</li> <li>• Loss of day/sunlight</li> <li>• Loss of outlook</li> <li>• Loss of privacy and increased overlooking</li> <li>• Negative health impacts</li> <li>• Loss of parking</li> <li>• Negative impact on local services</li> <li>• Loss of a view</li> <li>• Right to light impacts</li> <li>• Inappropriate consultation</li> </ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> <li>• <i>Quality of proposed residential accommodation and residential mix is a material planning consideration and is addressed in section 5 of the report</i></li> <li>• <i>Design and impact on local character and heritage is a material planning consideration and is addressed in section 6 of the report</i></li> <li>• <i>Impact on residential amenity and health is a material planning consideration and is addressed in section 7 of the report</i></li> <li>• <i>Impact on local transport and parking is a material planning consideration and is addressed in section 8 of the report</i></li> <li>• <i>Impact on local services from the proposed number of additional occupants is not expected to be significant</i></li> <li>• <i>Loss of a private view is not a material planning consideration and is therefore not considered in the sections of the report below</i></li> <li>• <i>Rights of light is a private legal matter and not a material planning consideration and is therefore not considered in the sections of the report below</i></li> </ul>			

	<ul style="list-style-type: none"> <li>• <i>The Council cannot control the applicant's undertaking of their consultation requirements and as such this is not a material planning consideration that has affected the assessment of this application</i></li> </ul>
<p><b>CAAC/Local groups comments:</b></p>	<p>The Hampstead Conservation Area Advisory Committee (CAAC) were consulted on the application and have not responded with any comments.</p> <p>The Combined Residents Association of South Hampstead (CRASH) responded to public consultation and objected to the proposals. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Negative impact on character and appearance of area</li> <li>• Negative impact on local heritage</li> </ul> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> <li>• <i>Design and impact on local character and heritage is a material planning consideration and is addressed in section 6 of the report</i></li> </ul>

## Site Description

The host site is a three-storey plus lower ground floor terraced property sited on the northern side of Compayne Gardens. It is divided into two flats. No. 34 occupies the ground and lower ground floors and No. 34A occupies the first and second floors. This application relates to No. 34A only, which is a five-bedroom maisonette.

The property is not listed or locally listed. It is located within the South Hampstead Conservation Area and is noted within the Conservation Area Appraisal as making a positive contribution to the character and appearance of the area. The property is also subject to an Article 4 Direction which has removed some permitted development rights in order to preserve historic character, detail and appearance of the host conservation area.

## Relevant History

**2020/1733/P** - Conversion of 5 bed maisonette into one 2 bed flat and one 3 bed maisonette, erection of rear dormer roof extension with inset roof terrace and installation of 2 front roof lights and 2 rear roof lights. [Lawful Development Certificate for an Existing Use/Operation] **Refused 09/06/2020.**

**2014/5359/P** - Conversion of 5 bed maisonette into 1 x 2 bed flat and 1 x 3 bed maisonette, erection of rear dormer roof extension, inset rear roof terrace and installation of 2 front roof lights and 2 rear roof lights. **Granted Subject to a Section 106 Legal Agreement 21/07/2015.**

**2014/2119/P** - Erection of rear dormer roof extension, inset rear roof terrace and installation of 2 front roof lights and 2 rear roof lights. **Granted 06/06/2014.**

**2014/2118/P** - Erection of a rear dormer roof extension and installation of 2 front roof lights and 2 rear roof lights. **Granted 05/06/2014.**

**TP40977/11112** - The conversion for a limited period of each of the basement and ground floors of 34, Compayne Gardens, Hampstead, into self-contained flats. **Granted conditional approval 29/01/1949.**

**TP40977/6191** - The Conversion of 34, Compayne Gardens, Hampstead, into four self-contained flats. **Refused 27/11/1948.**

## Relevant policies

### National Planning Policy Framework 2023

### The London Plan 2021

### Camden Local Plan 2017

G1 Delivery and location of growth

A1 Managing the impact of development

A2 Open space

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

D1 Design

D2 Heritage

CC5 Waste

T1 Prioritising walking, cycling and public transport

T2 Parking and car free development

DM1 Delivery and monitoring

## **Camden Planning Guidance**

Design (2021)

Amenity (2021)

Home Improvements (2021)

Transport (2021)

Housing (2021)

## **South Hampstead Conservation Area Character Appraisal and Management Strategy (2011)**

### **Assessment**

#### **1.0 Proposal**

- 1.1 Planning permission is sought to extend and convert the existing upper maisonette, currently in use as a single five-bedroom dwelling, into four separate residential units.
- 1.2 Each new unit created through the works would be a private two-bedroom flat.
- 1.3 The works would include the erection of a roof extension to create two floors of additional habitable space with associated new fenestration at third floor and the installation of roof lights and a dormer window to the roof.
- 1.4 A new private amenity terrace would be created at fourth floor within the rear roof slope, accessed via the new inset dormer.

#### **2.0 Assessment:**

2.1 The main planning considerations in the determination of this application are:

- Land Use
- Affordable Housing
- Quality of Accommodation
- Design and Heritage
- Amenity
- Transport and Waste

#### **3.0 Land Use**

- 3.1 Housing represents the priority land use of the Local Plan and in order to meet (and exceed) the objectively assessed needs of the Borough the Council seeks to maximise the delivery of new housing. This is supported by policies H1 (Maximising housing supply) and G1 (Delivery and location of growth).
- 3.2 In the context of this site being within a location of mixed uses including residential uses, the principle of new housing is generally supported at this site, subject to all other relevant material considerations also being acceptable as discussed below.

#### **4.0 Affordable Housing**

- 4.1 Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involve an increase in residential floorspace of 100m<sup>2</sup> Gross Internal Area (GIA) or more.
- 4.2 The proposed development would lead to a residential floorspace uplift of 357sqm, thereby triggering the requirement for an affordable housing contribution from the scheme. No

financial contribution has been provided as part of this application.

- 4.3 The lack of a section 106 agreement to secure an affordable housing contribution therefore forms reasons for refusal and the application is unacceptable due to its lack of contribution towards affordable housing.

## **5.0 Quality of Accommodation**

- 5.1 Policy H6 of the Local Plan states that the Council will seek high quality accessible homes where all homes meet nationally described space standards. Policy H7 of the Local Plan states that all housing development including conversions shall provide a mix of large and small homes and shall contribute to meeting the priorities as set out in the Council's Dwelling Size Priorities Table. Policy A2 of the Local Plan requires 9sqm of open space per occupant for residential schemes, and states that developments should provide amenity space that meets residents' needs.
- 5.2 The proposed new residential units would be created on the first to fourth floors, providing two-bedroom flats with floor areas as follows: 1st floor 92.8m<sup>2</sup>; 2nd floor 92.9m<sup>2</sup>; 3rd floor 92m<sup>2</sup>; and 4th floor 93.4m<sup>2</sup>. Each of these would be above the nationally described space standards.
- 5.3 Not all dwellings would have private outdoor amenity space however it appears there is a communal terrace to the rear as well as a large shared outdoor space beyond that, and further to the rear.
- 5.4 The proposal would include four two-bedroom properties when a mix of large and small homes is usually required within new developments. However, the layout of the property and its floor areas dictates the size of properties achievable in this case and also the Council's Dwelling Size Priorities table identifies that two-bedroom market properties are in high demand in the borough.
- 5.5 As such, it is considered that the quality of the accommodation would be acceptable.

## **6.0 Design and Heritage**

- 6.1 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, including conservation areas and listed buildings.
- 6.2 The application site is within the South Hampstead Conservation Area, as such the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 6.3 The approach to considering potential impacts on heritage assets is set out in paragraphs 205 to 209 of the NPPF, which state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.4 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. 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.

- 6.5 The host property is a positive contributor to the South Hampstead Conservation Area (SHCA). The houses on Compayne Gardens were originally between 1886 and 1894 by local builders, James Tomblin and E. Michael. The houses are generally of three main storeys and mansions blocks form the corner of the street grid and as such are of greater height. Although it is semi-detached to a mansion block neighbour the host property was built as a house rather than a mansion block and as such is of a similar design to the other houses on the street.
- 6.6 The guidelines for roof level development in the SHCA are as per paragraphs 7.15 and 7.15 of the SHCA Character Appraisal and Management Strategy. These paras state the following: in April 1988, guidelines for roof alterations in the area were formally adopted by the Council, prior to the area's adoption in November of that year as a conservation area. The wide variety of roofs – from simple decorated gables, to elaborate Dutch gables and pediments, to steep French style hipped and mansard roofs, turrets and ogee-shaped domes, are noted to play a very important role in maintaining the character of the conservation area.
- 6.7 In recent years, largely due to the increased intensity of residential use and resulting trend for residential conversion, there have been a number of planning applications to alter roofscapes and insert new dormer windows to the front and rear of buildings in the conservation area. These can be damaging to the character of the area if what is proposed does not take into account the careful design of the original building, including its front elevation and traditional roof form and the pattern of neighbouring buildings as a whole. The variety of roof forms in the area means that each proposal must be carefully judged on its design merits; alterations should not result in increased visual bulk to the roof, nor should they draw more attention than existing to the roofslope. Where a building forms one of a harmoniously composed terrace or group, or indeed is a prominent corner building with a carefully designed hipped roof, insensitive alterations can be particularly damaging to the design of the host building and the street as a whole.
- 6.8 Rooflights inserted insensitively in the front or visible side roofslope, even when they are flush fitting, also erode character and upset the careful balance of solid to void on the principal elevation.
- 6.9 The SHCA Character Appraisal and Management Strategy continues to state, in paragraph 13.36, that proposals which alter existing roof profiles will generally be resisted unless to replace unsightly later additions with less visually disruptive alternatives.
- 6.10 The host building is part of a relatively uniform group of houses. The proposal seeks to increase the height of the building to a level closer to that of the mansion block to which it is attached. However, the existing discrepancy in the two rooflines is the historic condition of the sites, i.e. it is the established character of the area and holds historic townscape value and evidential significance.
- 6.11 The typology and scale of the mansion blocks is different to that of the houses in Compayne Gardens and alteration of the latter to in order to 'match' the former would not preserve or enhance the character and appearance of the conservation area. None of the other houses/former houses in this section of Compayne Gardens has been extended by an additional storey, whether adjoined to a mansion block or not. The prevailing scale and roofline of the street, with the exception of a mid-C20th block, is essentially exactly the same as it was in the late C19th and it is partly that character which the Council is obliged to seek to preserve or enhance here.
- 6.12 As such, it is considered that the proposal fails to preserve the character and appearance of the conservation area through its alteration of the historic scale-relationships

of differing building typologies, the erosion of historic uniformity of scale of the houses within the same section of street and the resultant disruption to the historic roofline which is in itself a positive aspect of the local townscape character. The provision of two additional storeys, and the additional features within it including the new windows and roof lights, front bay, and rear dormer are also unacceptable in their proposed locations in design and heritage terms.

### Planning balance

- 6.13 The NPPF states that great weight should be given to the conservation of heritage assets and the more important the asset, the greater the weight should be irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF also 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.
- 6.14 The proposed development would cause less than substantial harm to the heritage assets (the conservation area and the host property's positive contribution to that conservation area) through the disruption to the historic roofline of the host positive contributor, through the degradation to this positive aspect of the local townscape character within the surrounding conservation area, through the erosion of historic uniformity of scale of the houses within the same section of street and through the alteration of the historic scale-relationships between differing building typologies.
- 6.15 Although the proposal would provide four (three additional) residential properties it is considered that the less than substantial harm identified above is given great weight in the planning balance which would not be outweighed by the benefits of additional housing in this case.
- 6.16 Therefore, on balance, the proposal is unacceptable in design and heritage terms for the reasons as described above.

## **7.0 Amenity**

- 7.1 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. The CPG Amenity supports this.
- 7.2 The proposed development would create new views from upper floors towards private residential windows both to front and rear, and towards residential gardens at the back of the property. However, the existing arrangement of properties facing each other means that there are already several windows which have views towards other private properties, not least from the host site in use as a maisonette. Furthermore, there are also rear dormers in the vicinity which include recessed balconies similar to that proposed at the extended roof level. Despite the additional height proposed the balcony proposed at roof level would not lead to increased overlooking compared to those existing rear balconies.
- 7.3 The siting of the additional storeys above those of the existing house means that nearby properties would not be significantly affected in terms of a loss of outlook or day/sunlight. There are no properties immediately to the rear of the site and those to the west would be affected only slightly by marginally reduced levels of outlook and sun/daylight to a degree which would not constitute a reason for refusal in this case.
- 7.4 Given the nature of the proposed development, the proposals would therefore not give rise to concerns regarding impacts on neighbouring amenity in terms of a loss of light, privacy or outlook. Noise and light-spill from the development is expected to be consistent with

other existing residential properties in the local neighbourhood.

7.5 As such, the development would be acceptable in terms of its amenity impacts on neighbouring properties.

## **8.0 Transport and Waste**

8.1 Policy T2 of the Local Plan seems to limit the availability of parking in the borough and requires all new developments to be car-free. Were the scheme recommended for approval, any new residential dwelling would be secured as car free by means of a section 106 legal agreement, meaning future occupiers would not be able to apply for a parking permit.

8.2 Cycles and bins would be stored in the front hardstanding area which is a similar arrangement to other properties in the area and throughout the borough. As such, this arrangement is not opposed in principle though in the event of an approval the detailed design and siting of these stores, and appropriate screening through measures such as planting, would have been secured by condition.

8.3 However, the lack of a section 106 agreement to secure the new dwelling as car-free forms reasons for refusal. As such, the application is unacceptable in terms of its failure to comply with transport policies.

## **9.0 S106/CIL**

9.1 If the proposal had been considered acceptable for all other reasons, the following heads of terms would have needed to be secured by S106 Legal Agreement:

- Affordable housing contribution
- Car-free development

9.2 The proposal would have been liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as it involves the creation of new residential floorspace.

## **10.0 Recommendation**

### **Refuse Planning Permission for the following reasons:**

- 3.1. The proposed roof extension by virtue of its siting, scale, bulk and design would appear as an incongruous addition to the host building, disrupting the harmony of the group of buildings of which it would form a part to the detriment of the character and appearance of the street scene and wider South Hampstead Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
- 3.2. The proposed development, in the absence of a legal agreement for affordable housing, would fail to reasonably contribute to maximising the supply of affordable housing in the borough contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.
- 3.3. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy T2 (Parking and car free development) of the Camden Local Plan 2017.