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Planning and Borough Development
London Borough of Camden
5 Pancras Square
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26 September 2024

FAO: Brendan Versluys

Our ref: NTH/CHST/HDA/U0013857

Your ref: PP-13339613

Dear Sir

Boundary wall separating 82 Fitzjohn's Avenue and Spring Walk, London, NW3 6NP

Town and Country Planning Act 1990 (as amended)
Application for Full Planning Permission

On behalf of our Client, Mr Ross ('the Applicant'), we write to enclose an application for Full Planning Permission in respect of the dismantling and reconstruction of part of the boundary wall separating 82 Fitzjohn's Avenue and Spring Walk.

Full Planning Permission is therefore sought for:

"Dismantling of the existing boundary wall and reconstruction using reinforced concrete and reconstituted materials."

The Site and Surroundings

This application relates to the boundary wall separating 82 Fitzjohn's Avenue and Spring Walk. 82 Fitzjohn's Avenue is a residential home situated to the rear of 84 Fitzjohn's Avenue. Spring Walk is a public footpath which connects Fitzjohn's Avenue (B511) to the west with Shepherds Walk and Pilgrim's Place (A502) to the east.

The wall is neither listed nor located within the curtilage of a listed building but is located within the Fitzjohn's and Netherhall Conservation Area.

The boundary wall along Spring Walk consists of a solid masonry construction which is 9 inches thick with piers which vary in spacing between four and five metres. The top of the wall steps at approximately the same location of the piers following the fall of the route as it drops from the western to eastern end. The average height of the wall outside Spring Walk ranges from 2.2m at the top end down to 2.6m at the bottom of the site. Spring Walk drops a total of 4.6m from the front of 82 Fitzjohn's Avenue to the end of the boundary wall over a distance of 100m. This is a gradual fall of 2.2% on average.

Background

On 12 January 2022, Full Planning Permission (ref. 2021/1787/P) was granted for the following: **"Alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and**

erection of new orangery involving basement excavation for new pool, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees.”

On 23 May 2022, a standalone application for Full Planning Permission (ref. 2022/0190/P) was granted for the following to enable Full Planning Permission (ref. 2021/1787/P) to be built out: **“Dismantling of the existing boundary wall for site access and construction purposes in association with development at 82 Fitzjohn's Avenue and like for like reconstruction following completion of works.”** This permission has been implemented.

A number of Non-Material Amendment applications (ref. 2022/5132/P and 2023/1829/P) and a Section 73 application (ref. (ref. 2023/3626/P) to Full Planning Permission (ref. 2021/1787/P) have also been approved at the Site, which are not relevant to this application.

An application for Prior Approval (ref. 2024/3203/P) was submitted on 01 August 2024 and withdrawn on 20 August 2024 on the basis that the works were not considered to achieve all requisite criteria of the Permitted Development Rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Proposals

During the process of the approved works at 82 Fitzjohn's Avenue, it has been identified that the boundary wall separating 82 Fitzjohn's Avenue and Spring Walk is continuing to lean to a point which is considered to be structurally unstable. The Structural Report prepared by Coyle Kennedy Consulting Engineers confirms that a 3D survey of the wall was carried out on 26 June 2024 which shows the wall leaning a maximum of 157mm from top to bottom. A survey had previously been undertaken in 2020 at which point the wall was leaning approximately 130mm. As such, the wall has been consistently moving over the past few years and is now failing. In addition to this, the Structural Report identifies a number of weep holes which had been incorporated into the wall following its construction, which are preventing water discharging sufficiently and contributing to the structural instability of the wall.

The Structural Report confirms Coyle Kennedy have serious concerns about the stability of the wall, which could fail without notice, thereby presenting a health and safety risk to the public using Spring Walk. The extent of the wall lean is clearly documented in the Photographic Report and the Wall Survey submitted in support of this application.

It is therefore proposed to deconstruct the section of the wall which is not already subject to a permission to be rebuilt, and replace it with a strengthened wall. The western most section of the wall is proposed to be rebuilt with a new RC retaining wall with a brick façade on both the internal and external faces in line with the current finish. The RC retaining wall is proposed in this location due to the significant lean at this section of the wall. The middle section of the wall is proposed to be rebuilt without an RC retaining wall but with new foundations to strengthen it. This approach is clearly set out on plan (ref. 496.PL.001) and clarified in the Structural Report and Structural Report Addendum prepared by Coyle Kennedy Consulting Engineers. All sections of the wall will be clad with salvaged bricks to ensure that there is no visual difference between the existing and proposed design. Where the RC retaining wall is proposed, the width of the wall will be minorly increased to compensate but this increase in width will only affect private views from the Applicant's garden and not public views of the Site from the wider Conservation Area.

The rebuilt wall will be built up to the height of the existing wall and not higher noting that the height of the wall varies across the Site as a result of site levels. The existing and proposed heights of the wall and location of the piers are clearly shown on the Existing and Proposed Site Sections drawing submitted in support of this application. The wall will be rebuilt to the same height as existing with piers in the same locations.

In addition, sections of the adjacent contemporaneous wall on the opposite side of Spring Walk have also collapsed as shown in the submitted Photographic Report, although this is outside of the scope of Applicant's ownership and outside the scope of this application.

The relevant licences from Camden Council have been issued by Camden Council from the Structures

Department, Building Licence Department and Transport for the requisite road closures to facilitate the proposed works.

Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

Planning policy operates at national, regional, and local levels. At a national level, Central Government updated the National Planning Policy Framework (NPPF) in December 2023. The statutory development plan for the Site comprises, at a regional level, the London Plan (March 2021) and at the local level Camden's Local Plan (2017), as well as the Hampstead Neighbourhood Plan (October 2018).

Camden Council most recently consulted on a Regulation 18 version of the draft new Local Plan from 17 January to 13 March 2024. The Council are in the process of reviewing all responses received and will publish an updated version of the Local Plan for further consultation later in 2024. The proposed policies therefore currently remain at initial stages and are afforded limited to no weight in planning terms.

Camden Council are also currently consulting on an updated version of the Hampstead Neighbourhood Plan 2025-2024. The consultation is running between 12 August and 8 October 2024.

Planning Considerations

Design and Heritage - Policy

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

Paragraph 205 of the National Planning Policy Framework states 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.

Paragraph 208 of the National Planning Policy Framework 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.

Policy D4 of the London Plan requires development to incorporate exemplary standards of high-quality and sustainable urban design. Policy D1 of the Camden Local Plan seeks to secure high quality design in development, which respects the local context and character, and preserves or enhances the historic environment and heritage assets. The Policy goes on to require the use of high-quality materials which complement the local character and contribute positively to the street frontage.

Policy D2 (Part E) of the Camden Local Plan requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

Policy DH1 of the Hampstead Neighbourhood Plan expects development proposals to demonstrate how they respond and contribute positively to the distinctiveness and history of the area and should respect and enhance the character and local context of the relevant character area.

Policy DH2 of the Hampstead Neighbourhood Plan states that new development should take advantage of opportunities to enhance the Conservation Area by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Area.

Design and Heritage – Assessment

A Heritage Statement has been prepared by Stephen Levrant Heritage Architecture Ltd and is submitted in support of this application. The Heritage Statement assesses the historic significance of the boundary wall and concludes that the wall, as a whole, is of low architectural and artistic, historic and archaeological interest. As such, the Stephen Levrant Heritage Architecture Ltd consider the wall to make a neutral contribution to the Conservation Area.

Furthermore, the wall is not located within a prominent location and there are a number of more significant walls located within the Conservation Area, such as the plot boundaries on Lyndhurst Road.

The proposals have been assessed within a Visual Impact Assessment, which demonstrates that the rebuilt boundary wall will not be perceptible from Fitzjohn's Avenue. In light of this, and as the new wall is proposed to be faced with salvaged bricks from the original wall to replicate the original design, the finished appearance of the new wall will match the existing design.

Consequently, Stephen Levrant Heritage Architecture Ltd consider the proposals to have a negligible impact on the character and appearance of the Conservation Area. Furthermore, whilst there is no statutory requirement to weigh any heritage harm against the public benefits accruing from the proposals (in line with the tests of NPPF Paragraph 208) as it is considered that the proposals do not result in any harm to the Conservation Area, there is a clear public benefit delivered through improved safety to the public utilising Spring Walk. This is particularly pertinent in light of recent collapses of the contemporaneous southern wall of Spring Walk mentioned above.

It is therefore considered that the proposals would uphold the exemplary standards of high-quality design required by planning policy and the tests set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity - Policy

Policy A1 of the Camden Local Plan seeks to protect the quality of life of occupiers and neighbours but clarifies that permission will be granted for development until it causes an unacceptable harm to amenity.

Policy DH4 of the Hampstead Neighbourhood Plan requires construction sites to minimise disruption to neighbouring properties, ensuring that noise, vibration, light pollution and working hours are kept within acceptable limits.

Amenity – Assessment

A Construction Management Plan has been prepared by KRK and is submitted in support of this application. The Camden Construction Management Plan Proforma has already been prepared. The Construction Management Plan identifies and outlines measures to minimise construction impacts including the installation of clear signage and the temporary closure of the passageway whilst works are ongoing for health and safety reasons.

Summary

In summary, it is proposed to deconstruct and reconstruct part of the Spring Walk boundary wall and undertake the strengthening works. This is on the basis of that the existing wall is leaning significantly and has become a health and safety concern to the public utilising Spring Walk. The proposals will ensure that the visual appearance of the wall is not changed from its existing position but the required strengthening works will be able to be undertaken.

Documentation

This application comprises the following documentation which has been submitted online via the Planning Portal, alongside this Covering Letter:

- Completed Application Forms, prepared by Gerald Eve LLP;

- Retaining Wall Sections (ref. 24-065-P-102C), prepared by Coyle Kennedy Engineers;
- Spring Walk Boundary Wall 3D (ref. 24-065-P-052B), prepared by Coyle Kennedy Engineers;
- Spring Walk Boundary Wall Reinforcement 01 (ref. 24-065-C-200A), prepared by Coyle Kennedy Engineers;
- Spring Walk Boundary Wall Reinforcement 02 (ref. 24-065-C-201A), prepared by Coyle Kennedy Engineers;
- Spring Walk Boundary Wall Reinstatement 01 (ref. 24-065-P-050B), prepared by Coyle Kennedy Engineers;
- Spring Walk Boundary Wall Reinstatement 02 (ref. 24-065-P-051A), prepared by Coyle Kennedy Engineers;
- Construction Management Plan, prepared by KRK;
- Heritage Statement, prepared by Stephen Levrant Heritage Architecture;
- Proposed Plan, prepared by Jinny Blom;
- Site Location Plan, prepared by Charlton Brown Architecture;
- Site Sections – Existing and Proposed, Jinny Blom;
- Spring Walk Boundary Wall Report, prepared by Coyle Kennedy Engineers;
- Spring Walk Boundary Wall Report (Addendum), prepared by Coyle Kennedy Engineers;
- Spring Walk Wall Photographic Report; and
- Wall Survey, prepared by Vessell.

The requisite application fee of £363.00 (including the Planning Portal administration fee of £70.00), has been paid online via the Planning Portal.

We trust that the above information is comprehensive for the purposes of registration and validation of this application, and we look forward to confirmation of receipt and validation in due course.

Please do not hesitate to contact Chloe Staddon (0203 486 3417) or Hannah Davies (0207 333 6221) of this office should you have any questions in the meantime.

Yours sincerely



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Encs. As above