



# **PLANNING STATEMENT AND HERITAGE IMPACT ASSESSMENT**

**34a Netherhall Gardens,  
London NW3 5TP**

Prepared for

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## 1 INTRODUCTION

- 1.1 This statement is written in support of an application for planning permission for the construction of a replacement dwelling house and associated works at the site known as 34a Netherhall Gardens, Hampstead.
- 1.2 This statement should be read in conjunction with the following:
- Architectural drawings of Studio Three Architects;
  - Design and Access Statement dated September 2024;
  - Basement Impact Assessment of A-squared Studio dated August 2024 (and Appendices including FRA);
  - Daylight & Sunlight Report of Hollis dated 23<sup>rd</sup> July 2024;
  - Arboricultural Impact Assessment Report of John Cromar's Arboricultural Company Ltd dated 12<sup>th</sup> August 2024; and
  - Whole Life Carbon Assessment of RS MEP Design Ltd dated December 2024 and associated documents.
- 1.3 This statement firstly deals with preliminary matters and describes the application site and its surroundings; identifies any relevant planning history; and briefly describes the proposed development. Section 3 provides the planning policy framework in which this application needs to be assessed. Section 4 provides an overview of the Fitzjohn's/Netherhall Conservation Area (in which the site is located) and its significance as a designated heritage asset and provides an assessment of the impact the proposed development would have on that significance. Section 5 demonstrates why the proposals comply with planning policy and Section 6 draws on the conclusions reached.

## 2 PRELIMINARY MATTERS

### The Application Site

- 2.1 The application site extends to 0.3ha and comprises a detached two storey building comprising garages at ground floor level and habitable accommodation at first floor level with a living room, kitchen, two bedrooms and a bathroom.
- 2.2 The pitched roof building was constructed in the 1950's in the former garden of no. 34 and as a result takes up much of the plot with a small rear garden.



*For full details of the planning history and how the building has evolved in the intervening years from initial construction to the present day, please refer to the Design and Access Statement of Studio Three Architects.*

### The Surrounding Area

- 2.3 The area is characterised by large red brick buildings of the Victorian era. Mostly are semi-detached with front and rear gardens. The application site and building sit at odds within the local street scene and prevailing pattern of development in the locality.
- 2.4 The application site and surrounding area lies within the Fitzjohn Netherhall Conservation Area, first designated in 1984, and extended in 1988, 1991 & 2001.

Camden's Character Appraisal of the Conservation Area identifies the application site as "*a building that causes harm*" to the character and appearance of the area. This matter is addressed in the following sections of this Statement.

### **Relevant Planning History/Pre-Application Advice**

- 2.5 Pre-application advice was sought by others in 2022 (LPA ref. 2022/5367/PRE) for a replacement building of contemporary design. Whilst the principle of demolition and construction of a replacement dwelling house is acceptable by the Council, concern was expressed as to the design of the proposed dwelling and its impact on the local street scene and character and appearance of the Conservation Area.

### **The Proposed Development**

- 2.6 Planning permission is sought to construct a replacement dwelling following demolition of the existing building. The replacement dwelling would be on a similar footprint and comprise two storeys with accommodation in the roof space and a new basement level underground.
- 2.7 Taking account of the advice given previously for redevelopment of the site, this proposal is for a replacement dwelling which has been designed to sit more comfortably into its surroundings and would consist of a new red brick building of two storeys over basement with accommodation in a hipped roof form covered in slate tiles. Windows would be timber framed. The ground floor would comprise the living accommodation with the kitchen/family room having direct access to the rear garden. The upper floors would comprise the sleeping accommodation with en-suite facilities. The new basement level would provide ancillary accommodation and a further bedroom.
- 2.8 The siting of the replacement dwelling, to respect the front building line, leaves a generous front garden providing sufficient space for off-street parking, cycle storage and waste and recycling facilities.
- 2.9 Parking would be retained forward of the property and the existing vehicular access would be unaffected by the proposed development. A separate pedestrian access would be formed with construction of new front boundary treatment.

*Please refer to the architectural drawings and Design and Access Statement of Studio Three Architects for full details of the scheme proposals.*

### 3 PLANNING POLICY FRAMEWORK

#### 2024 National Planning Policy Framework (NPPF)

- 3.1 At the heart of the revised Framework is a presumption in favour of sustainable development which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.2 To achieve sustainable development, there are three overarching objectives:
- **Economic** by helping to build a strong, responsive, and competitive economy;
  - **Social** by supporting strong, vibrant and healthy communities; and
  - **Environmental** by protecting and enhancing the natural, built and historic environment and mitigating and adapting to climate change including reducing waste and pollution and moving towards a low carbon economy.
- 3.3 The NPPF recognises that the planning and development process is fundamental in achieving the creation of high-quality buildings and places in which to live and work and that good design is a key aspect of sustainable development. Paragraph 135 advises development proposals should be visually attractive as a result of good architecture, sympathetic to local character and history, and add to the overall quality of the area.
- 3.4 The NPPF identifies the importance of heritage assets (includes conservation areas) both in terms of local historic value and highest significance such as World Heritage Sites and that they are an irreplaceable resource. Great effort should be made therefore to conserve such assets in a manner appropriate to their significance.
- 3.5 Paragraphs 40-42 of the NPPF recognises that early engagement with the Council can significantly improve the efficiency and effectiveness of the planning application system for all parties and that LPA's have a key role to play in this regard and also in encouraging applicants to engage with the local community advising "*The more issues that can be resolved at pre-application stage.... the greater the benefits.*"
- 3.6 The revised NPPF makes clear that the starting point for decision making is the development plan and a presumption in favour of sustainable development does not change that statutory status. Applications for development proposals that accord with an up-to-date Local Plan should therefore be approved without delay.

## **Development Plan**

- 3.7 Having regard to the revised NPPF and Planning Practice Guidance, the proposal has been assessed in relation to relevant policies contained within the Mayor's London Plan dated March 2021 and the London Borough of Camden's Local Plan adopted on 3<sup>rd</sup> July 2017 where this is in general conformity with the revised NPPF.

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

- 3.8 The London Plan is a spatial development strategy for London which provides guidance to assist local authorities when preparing their local plans. Policies within local plans thus need to be in general conformity with the London Plan.

### ***Camden's Local Plan 2017***

- 3.9 One of the main objectives identified in the Council's Local Plan is to manage change and growth in a manner that respects the character, heritage, and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.
- 3.10 The application site lies within the Fitzjohn's/Netherhall Conservation Area. The following policies are therefore considered to be directly relevant in the determination of this application:

- A1 - Managing the impact of development;
- A3 – Biodiversity;
- A5 – Basement Development;
- C1 – Health and Wellbeing;
- D1 - Design;
- D2 – Heritage;
- H1 – Housing;
- H4 – Affordable Housing;
- H6 – Housing Choice and Mix;
- H7 – Mix of Dwelling Sizes;
- T1 – Prioritising walking, cycling and public transport;
- T2 – Transport;
- CC1 – Climate Change Mitigation;
- CC2- Adapting to Climate Change;
- CC3- Water and Flooding;

### ***Supplementary Planning Guidance***

3.11 The following supplementary documents have also been considered:

- CPG – Energy Efficiency and Adaptation;
- CPG1 – Design;
- CPG2 – Housing;
- CPG6 – Amenity;
- CPG7 – Transport; and
- CPG8 – Planning Obligations

### ***Camden's Draft Local Plan – January 2024***

3.12 In January this year the London Borough of Camden published its new Draft Local Plan and the first round of public consultation was carried out between January and March. It is thus too early for the Draft Plan to carry any weight in the consideration of this application.

3.13 However that said, we note policies relevant to this application have not altered so significantly in the new draft Plan.

### ***Planning (Listed Buildings and Conservation Areas) Act 1990***

3.14 Whilst the NPPF and development plan are material considerations, the approach to conservation areas is underpinned by the statutory requirements in Section 72 of the Town and Country Planning (Listed buildings and Conservation Areas) Act 1990 (1990 Act) where; in determining development proposals, Local Planning Authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.

## 4 THE HERITAGE ASSET AND ASSESSMENT

4.1 Paragraph 207 of the revised NPPF requires applicants to describe the significance of a heritage asset and advises “The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

4.2 When reviewing development proposals, it is important to establish the heritage significance of an asset in question and an informed judgement needs to be made. This process is discussed in a publication produced by Historic England entitled “*Managing Significance in Decision-Taking in the Historic Environment*.” Of note in page 2 of the document:

- *Understanding the **nature of the significance** is important to understanding the need for the best means of conservation....*  
*Understanding the **extent of that significance** is also important because this can.... lead to a better understanding of how adaptable the asset may be....*
- *Understanding the **level of significance** is important as it provides the essential guide to how policies should be applied.*

4.3 It is therefore important to keep in mind that the heritage asset in this instance is the Conservation Area in which the application site is located, and not the building itself.

### ***Fitzjohn’s/Netherhall Conservation Area***

4.4 The Conservation Area was first designated in 1984 and extended in 1988, 1991 and 2001. It is in the far north of Camden and encloses an area of Hampstead to the east of Finchley Road. The area is largely suburban in character and has two distinct sub-areas which are defined by their periods of development. Fitzjohn’s Avenue is the focus for the first sub-area that runs on a north/south axis. The area was developed in the late 19<sup>th</sup> century and is dominated by Queen Anne and Domestic Revival architecture.

4.5 The second sub-area is characterised by a street layout with a smaller and more intimate character with buildings constructed earlier in the mid-19<sup>th</sup> century.

4.6 Camden’s Character Appraisal (December 2022) identifies Netherhall Gardens as one of the four parallel north-south avenues based around Fitzjohn’s Avenue comprising well established rear gardens. The road inclines steeply from Finchley Road to the south and wraps around at the north end close to the application site to meet Fitzjohn’s Avenue to the east.



The application site

- 4.7 Netherhall Gardens comprises larger scale buildings with many being five-six storeys high. The buildings consist primarily of formal Victorian architecture with Queen Anne Revival influences. The local vernacular is presented using red brick and plain clay tiles.
- 4.8 The Character Appraisal identifies several buildings within the conservation area which cause harm and detract from the character of the area. Not surprisingly, the application property is included in the list. The existing building sits at odds within the street scene in terms of design and materiality and hence why the Council raised no objection in principle to demolish the existing building.



Above: Red brick buildings either side of 34a Netherall Gardens and those opposite in the photograph below



- 4.9 Fitzjohn's/Netherhall Conservation Area has historic interest for its planned development in the mid-late 19<sup>th</sup> century of suburban housing. It has architectural interest for being diverse with an eclectic mix of styles and with dominant influences of the Queen Anne Revival. Buildings on Netherhall Gardens are large scale and comprise lower ground/basement levels with front lightwells.

***The Proposed Replacement Dwelling***

- 4.10 The replacement dwelling would be two storeys over basement with accommodation in a hipped roof form. Consistent with the pre-application advice given in May 2023, the front elevation of the dwelling house would align with its immediate neighbour to the south, no. 32 Netherhall Gardens to ensure the general front building line is protected. Lightwells at the front of the building affording natural light and ventilation into the basement level are in keeping with the prevailing pattern of development in the locality where basement levels and front lightwells are a characteristic of the street scene and wider area.
- 4.11 The replacement dwelling is founded on principles of good design, with the use of traditional materials prevalent in the locality, and is well articulated with the footprint only marginally larger than the existing dwelling.
- 4.12 Whilst Netherhall Gardens itself comprises much larger scale buildings than the existing property on this site and of which currently sits at odds in the street scene, the proposed replacement building nevertheless has been designed to a lesser scale than neighbouring buildings to ensure it sits comfortably on its plot retaining spaciousness between buildings thereby ensuring the prevailing pattern of development in the surrounding area is safeguarded. The historic value and significance of the conservation area would thus be preserved.
- 4.13 Paragraph 215 of the 2024 NPPF advises that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.14 Taking account of the Council's character appraisal for the Fitzjohn's/Netherhall Conservation Area and in assessing this against the proposed development, it is held that the replacement dwelling would not result in any harm to the historic value and significance of the conservation area and therefore public benefits do not need to be demonstrated.
- 4.15 Notwithstanding this, the proposed replacement building would be far superior in architectural design and construction resulting in a far more energy efficient building

thereby reducing CO2 emissions which overall will assist in tackling the effects of climate change on the environment. These are significant positive and public benefits which are material considerations and should be considered in the assessment of the application.

### ***New Boundary Treatment***

- 4.16 Construction of a new front boundary wall with pedestrian access would be in keeping with the pattern of development in this part Netherhall Gardens where low walls, gates and hedges are prevalent within the street scene and thus form part of the character of the local area. Further, the use of traditional materials would respect the host dwelling and local context.

### **Summary Conclusions**

- 4.17 The significance of the heritage asset (the Conservation Area) lies in historic interest for its planned development in the mid-late 19<sup>th</sup> century of suburban housing; and for its architectural interest for being diverse with an eclectic mix of styles and with dominant influences of the Queen Anne Revival.
- 4.18 The construction of a replacement dwelling; a highly sustainable building of exceptional quality in architecture and design will not harm the historic value or significance of the heritage asset. Similarly, the new front boundary treatment would be in keeping with the character of the street scene. The conservation area will be preserved and enhanced as a result of the proposed development in compliance therefore with the overarching objectives of the NPPF and relevant development plan policies.



**The proposed building within its context**

## 5 THE PROPOSALS AND POLICY COMPLIANCE

### NPPF

#### *Engagement with the Local Planning Authority*

- 4.19 To improve the efficiency and effectiveness of the planning application system for all and in accordance with the NPPF, regard has been had to the pre-application advice received by others in connection with a redevelopment scheme for construction of a replacement dwelling on this site. The advice given in 2023 supported redevelopment of the site in principle with demolition of the existing building being acceptable due to the negative contribution it makes to the character and appearance of the conservation area in which it is situated. Concern was however expressed in respect of the design of the proposed dwelling house sitting at odds with the character and appearance of the surrounding area.

#### *Engagement with the Local Community*

- 4.20 The opportunity has also been taken to consult with owner/occupiers of adjacent buildings nos. 30-32; 34 & 36 Netherhall Gardens about the scheme proposals and the imminent submission of a planning application to the Local Planning Authority.

### Local Plan Policies

- 4.21 As required by planning law, applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.22 Camden's Local Plan policies relevant to this application are in general conformity with the revised NPPF. Providing the proposals comply with the aims and objectives of the development plan, then planning permission should be granted. We demonstrate below why the proposed development complies with the Local Plan.

#### *The existing Building*

- 4.23 The existing building is two storeys and comprises three garages with residential accommodation above. The post war building was constructed in the former garden of no. 34 Netherhall Gardens and sits at odds in the street scene being of poor design quality and wholly out of keeping with the character of buildings in the locality consisting of Victorian architecture with Queen Anne Revival influences.
- 4.24 Indeed, the building is recognised by the Council as being a negative building and is identified in Camden's Character Appraisal for the Fitzjohn's/Netherhall Conservation

Area as "*a building that causes harm*" to the character and appearance of the area. As such, its demolition would not be objected to and this is evidenced in the Council's advice note of 2023 (2022/5367/PRE).

### ***The Proposed Building and Design***

- 5.1 The Government's policy on design is set out in paragraphs 126-136. The importance of good design is a key aspect of sustainable development. Paragraph 130 states that local authorities should ensure development is visually attractive because of good architecture, layout, and landscaping. Paragraph 134 advises that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability.
- 5.2 Local plan policy D1, amongst other criteria requires development to be sustainable, high quality in design, respecting local context and character; and comprise details and materials that complement local character.
- 5.3 The replacement dwelling would be two storeys over basement with accommodation in a hipped roof form. Consistent with the pre-application advice given in May 2023, the front elevation of the dwelling house would align with its immediate neighbour to the south, no. 32 Netherhall Gardens to ensure the general front building line is protected. Lightwells at the front of the building affording natural light and ventilation into the basement level are in keeping with the prevailing pattern of development in the locality where basement levels and front lightwells are a characteristic of the street scene and wider area.
- 5.4 The replacement dwelling is founded on principles of good design and would be far superior in architecture and design quality to the one it replaces.
- 5.5 The high-quality building has been carefully considered and sensitively designed to ensure it would sit comfortably within its setting and comprises details and materials found in the locality thereby respecting local context and character. The building is well articulated with the footprint only marginally larger than the existing dwelling thereby ensuring there is sufficient external space including that for garden and landscaping.
- 5.6 Whilst Netherhall Gardens itself comprises much larger scale buildings than the existing property on this site and of which currently sits at odds in the street scene, the proposed replacement building nevertheless has been designed to a lesser scale than neighbouring buildings to ensure it sits comfortably on its plot retaining spaciousness between buildings thereby ensuring the prevailing character of the

surrounding area is safeguarded.

- 5.7 The replacement dwelling is an attractive building that would enhance the character and appearance of its surroundings.
- 5.8 Policy H6 of the adopted Local Plan relates to housing choice and mix. The single-family dwelling has been designed to provide functional and adaptable spaces consistent with Policy H6(a) and would meet the Government's Nationally Prescribed Space Standards in accordance with Policy H6(b).

### ***Impact of the Proposals on the Conservation Area***

- 5.9 Although not a statutorily listed building, the application property lies within a designated heritage asset, being the Fitzjohn's/Netherhall Conservation Area. It is important therefore to keep in mind that the heritage asset is the conservation area in which the building is located, and not the building itself. Section 72(1) of the 1990 Act states that special attention must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 5.10 Consistent with Section 72(1) of the 1990 Act and the NPPF, local plan policy D2 requires development to preserve and where possible, enhance the character and appearance of the Conservation Area. This matter has been discussed in the preceding section of this Statement.

### ***Sustainability***

- 5.11 A climate change emergency has been declared and sustainability sits high on the agenda of both central and local governments.
- 5.12 The NPPF and Camden's development plan policies CC1 & CC2 place considerable emphasis on the drive towards sustainable forms of development and mitigating the effects of climate change by reducing CO2 emissions. To that end, a detailed professional assessment has been undertaken by RS MEP Design Ltd to consider the proposed redevelopment of the site and the impact such development would have upon climate change including resource efficiency, limiting carbon dioxide emissions from new development and achieving carbon dioxide reduction targets.
- 5.13 The replacement building would offer significant sustainability advantages over a refurbishment. The professional assessment demonstrates that the replacement dwelling would achieve substantially better standards of insulation and embrace other sustainable forms of construction which cumulatively would result in a significant reduction in carbon emissions when comparing against benchmark figures in Part L of

the Building Regulations.

*Please refer to the Energy Report and Appendices of RS MEP Design Ltd for full details.*

- 5.14 Critically, the net reduction in both energy demand and carbon emissions is inevitably substantially greater when compared to the existing property which pre-dates current legislation. As such, the proposal would achieve significant reductions and make substantial advances in accordance with the objectives of the Framework. Having regard to the significant improvements to the sustainability credentials of the property on site and the weight given to such in the Framework, this attracts substantial weight in favour of the proposal, as afforded by Inspectors in their findings for appeals APP/Q5300/A/13/2204402 and APP/V3120/A/12/2188869 (copies appended).
- 5.15 Whilst the existing building will be demolished, the project follows the principles of achieving a truly sustainable development with the re-use and recycling of existing materials where possible as demonstrated in the SWMP appended to the report of MEP Design Ltd.

#### ***Basement Development***

- 5.16 Policy A5 of Camden's local plan permits basement development where it has been demonstrated there would be no harmful impact to neighbouring properties; ground or water conditions in the area; the character and amenity of the area; or to the significance of heritage assets, in this instance, the conservation area.
- 5.17 The policy is a permissive policy and providing the proposal complies with the aims and objectives of all criteria in the policy, the provision of additional accommodation underground would be acceptable in planning policy terms. The Council recognise the impact construction of such development can have on the quality of life of neighbouring occupiers and to that end the policy restricts the extent of basement excavation on individual sites to no more than half the garden or open part of the site and limits the depth to a single storey to ensure the construction phase is kept to a minimum which in turn lessens the number of construction lorries through a smaller amount of spoil being removed.
- 5.18 The proposals include excavation works to form a single basement level to provide additional ancillary accommodation. The new structure would be constructed under the existing building footprint and part of the open area of the site. Lightwells at the front afford natural light and ventilation to the new basement level.
- 5.19 The structural scheme has been developed having regard to site constraints including

ground conditions and to address the impact of the development upon the stability of neighbouring structures. The design and construction technique proposed would ensure the form and stability of adjacent structures is maintained and safeguarded during the works and thereafter.

- 5.20 The Basement Impact Assessment (BIA) of A-squared Studio and associated documents demonstrates the proposed development complies with the requirements of policy A5 and the Council's CPG in respect of basement development.

*Please refer to the BIA and appendices for full details.*

### ***Flood Risk***

- 5.21 Camden Local Authority has a statutory duty to investigate flood events and to cooperate with other authorities in ensuring efficiency in how flood risk can be managed.
- 5.22 Policy CC3 of the local plan seeks to ensure development does not increase flood risk and, where possible, reduces the risk of flooding.
- 5.23 The application site falls within Flood Zone 1 having a low risk therefore of fluvial flooding. Netherhall Gardens and the surrounding streets are not identified by the Council as being within any critical drainage area whereby there could be a risk of surface water and/or sewer flooding.
- 5.24 Notwithstanding this, the scheme proposal includes a sustainable drainage strategy to mitigate the risk of flooding from surface water. Further, a pumped device incorporated into the structural design ensures the basement will be safeguarded from sewer flooding.
- 5.25 The proposed drainage strategy will result in an improvement upon the existing situation by reducing the risk of flooding within the site and surrounding area and provides a betterment and relief to the public sewer at which it currently discharges. The proposals thus ensure the effects of any potential for surface water or sewer flooding are mitigated in compliance therefore with local plan policy CC3.

*Please refer to the FRA and Drainage Report of PJCE for further detailed information in this regard. (Appendix D of the BIA).*

### ***Trees and Landscaping and Biodiversity***

- 5.26 All trees which make a positive contribution to the visual amenity of the area will be retained and adequately protected during construction works to ensure they are

safeguarded in the long term. Whilst some trees/hedges will be removed, this loss is mitigated by significant new tree and hedge planting as part of a comprehensive landscaping scheme following practical completion of the development. The Arboricultural report of John Cromar concludes that the overall impact on existing trees will be negligible.

*Please refer to the full report of John Cromar for further details.*

- 5.27 The proposed development provides an ideal opportunity to improve the immediate landscape by removing hard surface areas and planting new soft landscaping which would enhance the natural assets of the area whilst contributing positively to enhancing biodiversity and natural habitats.

### **Transport and Parking**

- 5.28 To further mitigate the impacts of climate change and reduce the impacts of air pollution and congestion, Local Plan policy T2 limits the availability of parking and requires all new development to be car free.
- 5.29 The proposal is not “new” development per se, but construction of a replacement dwelling wherein the owner/occupiers are eligible for a parking permit. It stands therefore that should permission be granted for the construction of a replacement dwelling, there would be no material increase in parking pressure and the right for the owner/occupiers of the replacement dwelling to apply for a resident parking permit would remain.
- 5.30 However, should the Council consider the proposal is a “new” development wherein any owner/occupier of the dwelling house would not be eligible for an on-street parking permit, we understand this can be secured by legal agreement.
- 5.31 Camden is well connected and most areas benefit from essential day to day services such as shops, healthcare and educational facilities which are within easy walking distance. Further, the application site is within an area with a high PTAL rating of 6B with excellent transport facilities and the absence of a car therefore will not impinge accessibility.

### **Impact on Existing Residential Amenity**

- 5.32 Local Plan policy A1 seeks to protect the living conditions and quality of life of existing occupiers and neighbours.
- 5.33 The replacement dwelling is not considered to have a detrimental impact on the day

to day living conditions of neighbouring occupiers in terms of loss of daylight/sunlight or loss of privacy/overlooking due to existing site conditions and the development of a detached building.

- 5.34 Specialist Consultants have carried out a survey to assess the impact the proposed replacement dwelling would have on neighbouring buildings. The Daylight/Sunlight Report of Hollis demonstrates that overall the proposed development is considered to satisfy the relevant tests set out in the BRE Guidelines, such that the development will not have a significant harmful effect on the living conditions of neighbouring occupiers in respect of loss of daylight/sunlight or overshadowing, concluding that the replacement dwelling will not adversely affect residential amenity in respect of the quality of light received to surrounding dwellings in compliance therefore with local plan policy A1.

*Please refer to the Daylight and Sunlight Report of Hollis for full details.*

- 5.35 Regarding overlooking and loss of privacy, any side facing upper floor windows will be obscurely glazed to safeguard the living conditions of neighbouring occupiers in this respect.
- 5.36 Whilst some disruption is inevitable during construction work, every effort will be made to ensure this is kept to a minimum. We understand the Council will require a comprehensive Construction Management Plan to be secured by legal agreement.
- 5.37 Once completed, the continued use of the site as a family home will safeguard existing residential amenity.
- 5.38 The proposed development therefore complies with policy A1.

### **To Summarise**

- 5.39 As demonstrated above, the proposed development is in accordance with the aims and objectives of relevant local planning policies.

## 6 CONCLUSIONS

- 6.1 The replacement dwelling house would be a new building of superior architectural quality to the one it will replace. The principles of sustainable design and construction lay at the heart of the design concept to incorporate the use of renewable energy and low carbon technologies to contribute to mitigating the effects of climate change. The proposed development would meet the needs of the present without compromising future generations to meet their own needs.
- 6.2 The proposed development would conserve the significance of the Fitzjohn's and Netherhall Conservation Area and enhance its character and appearance. The proposal would not result in any harm to the designated heritage asset, rather it would provide significant environmental benefits.
- 6.3 The proposal would not cause harm to neighbouring amenities and would provide a good standard of amenity for future occupants. Highway safety would not be prejudiced.
- 6.4 The proposed development is in accordance with Section 72 of the 1990 Act and complies with the aims and objectives of the development plan and with central government advice in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement no other material considerations weigh against it.
- 6.5 Accordingly, we trust that the London Borough of Camden will determine that the application for planning permission can be approved.

## **7 APPENDICES**

1. Appeal decisions APP/V3120/A/12/2188869 & APP/Q5300/A/13/2204402