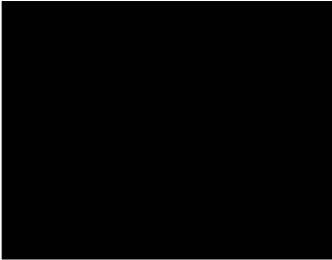




Planning Solutions Team
Regeneration and Planning
 Supporting Communities
 Directorate
 London Borough of Camden
 2nd Floor
 5 Pancras Square
 London
 N1C 4AG

Date: 08/06/2023
Our ref: 2022/5367/PRE
Contact: Sam FitzPatrick
Direct line: 020 7974 1343
Email: sam.fitzpatrick@camden.gov.uk



www.camden.gov.uk/planning

Re: 34a Netherhall Gardens, London, NW3 5TP

I refer to your pre-planning application enquiry 2022/5367/PRE at 34a Netherhall Gardens, London, NW3 5TP. Thank you for sending the documents detailing the proposed alterations to the property, as well as the site visit conducted on [REDACTED]

1. Proposal

The proposal involves the complete demolition of the existing dwellinghouse and the erection of a detached dwellinghouse. The new building would have three storeys and would slightly increase the footprint of the existing structure by extending to the front and side (south) elevations. The works would also involve landscaping to the front and rear gardens, including the planting of trees and the construction of a driveway.

2. Site description

The site is a two-storey dwelling with three garages at ground floor level and a living area above. It was constructed in the 1950s in the former garden of no.34 Netherhall Gardens and a result takes up a large amount of the plot and has a very small rear garden.

The site lies on the north side of Netherhall Gardens within the Fitzjohns Netherhall Conservation Area and is recognised as being a negative contributor to the area. The surrounding area is primarily residential, though with a range of small-scale independent schools and occasional other uses, including employment, religious, and educational. The area is flanked by retail and commercial areas on Finchley Road to the south-west and Rosslyn Hill to the north-east.

3. Relevant planning history

No relevant history.

4. Relevant policies and guidance

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

- **G1** Delivery and location of growth
- **H1** Maximising housing supply
- **H4** Maximising the supply of affordable housing

- **H6** Housing choice and mix
- **H7** Large and small homes
- **A1** Managing the impact of development
- **A2** Open space
- **A3** Biodiversity
- **A4** Noise and vibration
- **A5** Basements
- **D1** Design
- **D2** Heritage
- **CC1** Climate change mitigation
- **CC2** Adapting to climate change
- **CC3** Water and flooding
- **T1** Prioritising walking, cycling, and public transport
- **T2** Parking and car-free development
- **T4** Sustainable movement of goods and materials
- **DM1** Delivery and monitoring

Camden Planning Guidance

- CPG Access for all
- CPG Amenity
- CPG Basements
- CPG Biodiversity
- CPG Design
- CPG Developer contributions
- CPG Energy efficiency and adaptation
- CPG Home Improvements
- CPG Housing
- CPG Transport
- CPG Trees
- CPG Water and flooding

Fitzjohns Netherhall Conservation Area Character Appraisal and Management Plan (2022)

5. Assessment

The principal planning considerations are considered to be the following:

- Land use
- Design and conservation
- Affordable housing
- Housing quality
- Neighbouring amenity
- Transport
- Energy and sustainability
- Trees and landscaping
- Basement considerations
- Community Infrastructure Levy

6. Land use

Policy H1 of the Local Plan identifies housing as the priority land use in the borough, and Policy H3 seeks to protect existing homes, resisting the loss of two or more dwellings. Therefore, no objection is raised to the principle of replacing the existing house with a larger single-family dwelling in land use terms.

7. Design and conservation

Local Plan Policies D1 and D2 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; 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.

The existing building is identified within the Fitzjohns Netherhall Conservation Area Plan as making a negative contribution to the conservation area and is one of only two such properties on Netherhall Gardens. Otherwise, Netherhall Gardens consists of large-scale properties (usually between five-to-six storeys) that are stylistically and architecturally diverse. The wider Conservation Area is also diverse in this way, though buildings predominately draw on Queen Anne Revival and Arts and Crafts influences, and as such tend to have common features. Unlike its neighbours, no.34a is clearly of mid-20th century design and does not match with adjacent properties or the wider Conservation Area in design, materials, appearance, or character. Given the negative contribution that it makes, no objection is raised to the demolition of the existing building in design or heritage terms subject to the provision of an appropriately designed and high-quality replacement development.

As noted at the site visit, careful consideration needs to be given to preserving the character and appearance of the Conservation Area. It was also noted that the constraints of the site and its plot do place some limitations on the footprint of any proposed building. With that in mind, the siting of the proposed building is acceptable, as well as the slight increase in width and depth (towards the south elevation and rear garden, respectively), especially given that views into the rear gardens, which are considered an important feature of properties in the area, are maintained and the impact on the rear garden is minimal due to it already being a marginalised space.

However, the increase in depth to the front elevation should be more carefully designed; the proposed new front building line is shown to line up with the side extension of no.34, however it should really match with no.32 so that it would read as a continuation of the buildings to the side of the site. More consideration could be given to the front elevation so that it appears subordinate to the established building line pattern. The proposed height of the building is acceptable, as the structure would line up with the eaves of no.32, which has a large pitched roof and gable ends. As such, it would ensure that the new building appears subordinate to the historic architecture on the street. Therefore, the massing of the proposed building is acceptable, but the applicant's design team would be encouraged to reconsider some elements of the siting (particularly at the front boundary).

As currently proposed, it is not altogether clear how the design of the building relates to the character and appearance of the surrounding area. The submitted design and access statement outlines a number of architectural features that define or are common in the area, such as modulation, bay windows, and porches – however it is not altogether clear that this has informed the design that has been proposed. The building does not immediately appear to match the context of its location, and there is not sufficient justification to explain this. Elements of the supplementary information that show how the design of the front door takes inspiration from no.2 Willow Road, but it is not apparent how and why that building is relevant to this location. Any future application would need to provide further context studies and a lengthier statement explaining how the design was reached.

In addition to this, there are some elements of the proposal that would be worth reconsidering. The main concern is the domed roof to the property; the design of this roof does not have any relationship to the surrounding architecture and appears at odds with the character and appearance of surrounding properties. It is recommended that the design of the roof is revised to consider the surrounding area better. Whilst it is noted that the dome is in part to facilitate the installation of solar PV, it is not considered that this is sufficient justification for the domed design, as other approaches could also allow for solar PV to be installed. Similarly, the design of the fenestration combined with the simple shape of the building result in a bulky building that appears somewhat inelegant. The new building should not necessarily try to replicate surrounding properties, but it should appear to integrate and respond positively to them. The dominant scale of the glazing in the front elevation, as well as the minimal design, creates a frontage that appears imposing and is not subservient to the surrounding properties. Although the size of the building itself is acceptable, the design of the front elevation in particular creates the impression of a more dominant mass.

Whilst it is not recommended that this design is replicated, the approved scheme at no.9 Lyndhurst Terrace provides an example of a new dwellinghouse that increases the scale from the existing building but softens the appearance of the front façade by incorporating features that reflect the surrounding area (in that instance, arches). In a similar way, it would be good to see how the context study of the conservation area and surrounding properties has informed the design of the proposed building, including features and massing.

Overall, there needs to be a better understanding of how the context has informed the design approach. Changes to the roof and front façade would be aided by reflecting on the character and appearance of the surrounding area and showing how these studies have contributed to the design.

8. Affordable housing

Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution towards affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floor space of 100sqm GIA or more. Regardless of the additional floor space created as a result of any works, only one dwelling is proposed to replace the demolished dwellinghouse. Therefore, there would be no net increase in units, so the proposal would not be subject to affordable housing contributions.

9. Housing quality

The residential dwelling would exceed the national space standards in terms of overall GIA. Technical guidance states that 4 bedroom properties over three storeys should have a GIA of 130sqm (assuming there is space for eight persons). The unit would well exceed this, so there is no concern in this regard.

Similarly, the ceiling height of the building is considered to be acceptable. Camden's 'Housing' CPG states that applicants are strongly encouraged to provide new homes with a ceiling height of 2.5m for at least 75% of the gross internal area. From the section drawings, it appears that the ground and first floor have a ceiling height of 2.7m, and the second floor has a height of over 2.4m in most places, though this increases above most of the floorspace due to the domed roof. Any revisions to the roof (as recommended in the previous section) should take ceiling heights into account.

Amenity space for the dwelling is provided by the existing garden and balconies at first and second floor level, as well as potentially through the landscaping of the forecourt area. This is considered acceptable, as it would be in excess of the recommended amenity space.

All bedrooms within the proposed building would be acceptable in size, and the unit would provide dual aspect and satisfactory levels of daylight and outlook.

10. Neighbouring amenity

Local Plan Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring that the impact of development is fully considered; they seek 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 loss of privacy through overlooking, loss of outlook, and implications on daylight and sunlight and noise. CPG (Amenity) provides specific guidance with regards to these factors.

There are only two windows proposed to the north elevation and three to the south elevation (which are the two sides of the building that directly face neighbours). Of these, three are bathroom windows, which would be obscure-glazed anyway and so would have limited privacy or overlooking impacts. One of the non-bathroom windows is at ground floor and would face the fence and hedge to the north, so would not provide any opportunity for harmful impacts on privacy or overlooking, and the last window is at first floor level looking to the south. The close proximity here to no.32 could create a loss of privacy for neighbours, so it may be sensible to remove this window, especially as it does not serve a habitable room, but what appears to be a storage room. Given the modest size of the proposed balconies and their positioning to the front and rear elevations, it is not considered that they would create harmful opportunities for overlooking or negatively impact the privacy of neighbours to a significant degree.

The design and access statement shows that the impact on outlook would be limited due to the distance of the building from its neighbours, though there is some impact on the ground floor of no.32. It is agreed that this outlook is already impacted by the existing building, and the new proposal would not create any harmful outlook impacts that do not already exist. Nevertheless, any future application should provide evidence that the impact on amenity (especially outlook) has been fully considered, and a daylight and sunlight assessment should be submitted to demonstrate that the new house and the existing properties either side would receive satisfactory levels of daylight and sunlight.

11. Transport

Policy T1 aims to promote sustainable transport by prioritising walking, cycling, and public transport. This is achieved by making pedestrian-friendly public realm improvements, improving road safety and crossings, and contributing to cycle networks and facilities, and improving links with public transport. All these measures are in place to ensure the Council meets their zero carbon targets.

Policy T2 limits the availability of parking in the borough and requires all new development in the borough to be car-free. This will be done through not issuing parking permits, resisting development of boundary treatments, and using legal agreements to secure these actions.

Although the proposal includes a garage space that would not normally be considered acceptable, the Council does provide clarity in CPG 'Transport' that returning occupiers may be allowed re-provision of the parking available to them. Given that the existing building currently includes three integrated garages (so the proposal would entail a net reduction of two parking spaces) and the applicant would be returning to the site, the parking space would be considered acceptable. However, as explained in para 5.12 of the aforementioned guidance, "*A mechanism set out in the Section 106 agreement will require returning owner-occupiers to provide evidence that they intend to continue to occupy their home as their principal residence before any temporary relaxation of car-free status can take place. Such properties would be car-free to future occupiers who would be ineligible for on-street parking permits*". In accordance with this and Policy T2, such a mechanism

would be sought as part of a Section 106 legal agreement attached to any possible grant of permission. It would also be recommended that the maintained parking space is located in the forecourt of the building rather than within the structure itself, though this would not constitute grounds for refusal.

The location of the site within a predominantly residential area and the nature of the demolition and construction works proposed would also mean that it is considered that any future application of this nature should be subject to a Construction Management Plan and associated Implementation Support Contribution of £4,075.60 and Impact Bond of £7,500, which would both be secured through a Section 106 agreement. These would help mitigate the impact of the construction works on neighbouring amenity whilst ensuring the continued safe and efficient operation of the local highway network. It will also likely be necessary to secure a Highways Contribution to repair and repave the adjacent footway following construction works, which would also be secured through the legal agreement. The cost of this contribution would be determined at the application stage.

In line with Policy T1, cycle parking at developments should be provided in accordance with the standards set out in the London plan. For residential units with two or more bedrooms, the requirement is for two spaces per unit. A cycle store for two cycles is shown on the ground floor plan, adjacent to the front boundary wall, which meets the requirement for cycle parking. The provision of the cycle parking spaces would be secured by a condition attached to any potential grant of permission.

12. Energy and sustainability

The Council requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The Council promotes zero carbon development and requires all development.

Policy CC1 requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy, supports and encourages sensitive energy efficiency improvements, and expects all developments to optimise resource efficiency. Additionally, all proposals that involve substantial demolition should demonstrate that it is not possible to retain and improve the existing building and should be fully justified in terms of the optimisation of resources and energy use in comparison with the existing building.

Policy CC2 requires all development to adopt appropriate climate change adaptation measures such as protecting existing green spaces, promoting new green infrastructure, not increasing and wherever possible reducing surface water runoff through increasing permeable surfaces, and the use of Sustainable Drainage Systems.

As established in the design and access statement, a full sustainability and energy report has not been provided at the pre-application stage but would be at the planning application stage. This report should clearly demonstrate that the difference in carbon emissions/savings associated with the option of retaining and refurbishing the building against the demolition and rebuilding option justifies the proposal. Additionally, the report would be expected to show that renewables would be incorporated such as solar PV and Air Source Heat Pumps (ASHPs), and wider performance against carbon reduction targets should be included. If ASHPs are proposed, the application would need to be accompanied with a noise impact assessment to evaluate the noise impacts on residents. Active cooling, especially for residential units, is rarely supported, and should not be included in this proposal, with the building being designed to reduce potential overheating from the outset.

The site is not in an area of poor air quality so is suitable for residential use without the need for mitigation. Provided that the proposal does not include any additional parking or combustion plant (such as gas fired boilers), an air quality assessment is not required as the proposal is considered to be air quality neutral.

Policy CC3 requires development not to increase flood risk and to reduce the risk of flooding where possible, through the incorporation of water efficiency measures. Development must therefore be designed to be water efficient, such as through the installation of water efficient fittings and appliances (which can help reduce energy consumption as well as water consumption) and by capturing and re-using rainwater and grey water on-site. Residential developments will be expected to meet the requirement of 110 litres per person per day (including 5 litres for external water use). Any new paving, such as that proposed in the forecourt, should be permeable and Sustainable Urban Drainage Systems should be incorporated if required.

13. Trees and landscaping

The proposal does not appear to involve the removal of any trees and does include landscaping to the forecourt area. All details of landscaping, both hard and soft, should be submitted in the form of an arboricultural assessment, that should also provide information regarding the details of all trees within or close to the site, how they may be affected in any way by the proposed development, and what measures will be used to protect them. It is also noted that there are two trees nearby that are covered by Tree Protection Orders – one to the front garden of the property, and one to the front garden on no.32, close to the boundary with the application site. Any application should demonstrate that particular care has been taken with regards to these.

14. Basement considerations

No objection is raised in principle to the proposed excavations to lower and level out the ground floor, however care would have to be taken to ensure it complies with the requirements of Policy A5 of the Camden Local Plan; although the policy refers specifically to basements, it also concerns any underground development, including excavation. Any subsequent planning application should be accompanied by a Basement Impact Assessment which will need to be audited by the Council's third party structural engineers if excavation is 500mm or deeper. Please see Policy A5 and the Basements CPG for more information.

15. Community Infrastructure Levy

If the proposal was deemed acceptable it would likely be liable for both Mayoral and Camden CIL. Due to the creation of the additional storey (which is approximately 110sqm) and the increase from the existing building's footprint, there would likely be an increase in floorspace of at least 100sqm. Therefore, this would be based on Mayor's CIL2 (MCIL2) and Camden's latest CIL charging schedule from 2020. Final payable contributions would be calculated (following any potential approval of the scheme) by the Council's CIL officers, should it be CIL liable.

16. Conclusion

It is considered that the principle of the demolition and replacement dwellinghouse is acceptable subject to justification of the proposed demolition in sustainability terms, however the currently proposed design requires further justification, particularly with evidence to show how the character and appearance of surrounding buildings and the conservation area inform the design approach. The domed roof in particular would be an unwelcome element that would not be supported, and there are components such as the front building line and appearance of the front façade that could be reconsidered in order to produce a more subservient and integrated design. It is recommended that you seek further pre-application advice relating to the detailed design of the front façade. The impact of the development on the amenity of occupiers and residents is generally considered to be

acceptable, though there are some concerns with overlooking/loss of privacy resulting from the first floor south window.

You are encouraged to submit amendments to try to address these concerns. Any further advice or feedback and/or meetings would require additional fees to be paid. Please check the Council's website for a list of fees associated with this type of proposal.

17. Planning application information

If you submit a planning application which addresses the outstanding issues detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed form – Application for Planning Permission and for relevant demolition of an unlisted building in a conservation area;
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red;
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed';
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed';
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed';
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed';
- Design and access statement;
- Energy and sustainability statement;
- Basement impact assessment;
- Arboricultural assessment including tree survey;
- Daylight and sunlight assessment;
- Noise impact assessment (if ASHP proposed);
- The appropriate fee of £462;
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would put up a site notice on or near the site and, advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received. Whilst no consultation with interested parties is undertaken as part of the pre-application process, it would be in the applicant's interests to discuss this with neighbours and local groups such as the Fitzjohns Netherhall Conservation Area Advisory Committee before an application is submitted.

It is likely that that a proposal of this size would be determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document, please do not hesitate to contact Sam FitzPatrick through the email or number above.

Thank you for using Camden's pre-application advice service.

Yours sincerely,
Sam FitzPatrick
Planning Officer