



Design, Planning & Heritage Statement (DPH&S)

Proposal: Demolition of Existing
House & Erection of
Two Storey Building
plus Basement
Dwelling

Site: 5 Kemplay Road
London NW3 1TA

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1. Introduction

2. In May 2006 the government introduced changes to the planning system and particularly changes to the development control system. One of the requirements from the Circular 08/2005, and titled Guidance on the changes to the development control system is that certain types of planning application require a Design and Access Statement. Guidance on Information Requirements and Validation is contained in the DCLG publication of the same name.
 3. The statutory requirements for a Design and Access Statement are detailed in Town and Country Planning (Development Management Procedure) Order 2010. Part 2. This submission is made in accordance with this Statutory Instruction. This DPH&S also takes account of the advice contained in CABE's supplementary guidance which is intended as a best practice guide to the writing and using of such statements.
 4. This statement covers both the design principles, regard to heritage, other planning considerations and concepts that have been applied to the proposed development and how the access to the development has been provided.
- 1.5 This guide explains the thinking behind the application and the statement accompanies the application. The statement can be linked to the decision by virtue of any planning conditions.

2.0 National Design Guidance

- 2.1 The Government published on 27th March 2012 new advice in the form of National Planning Policy Framework (NPPF) which was produced to make the planning system less complex and more accessible, to protect the environment and promote sustainable growth. The NPPF provides some design comments;

The Government attaches great importance to the design of the build environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

2. With reference to decision making the NPPF comments;

Planning policies and decisions should aim to ensure that developments:

- **Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
- **Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;**
- **Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and public space as part of developments) and support local facilities and transport networks;**
- **Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;**

- **Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and**
- **Are visually attractive as a result of a good architecture and appropriate landscaping.**

Local planning authorities should consider using design codes where they could help delivery high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relations to neighbouring buildings and the local area more generally.

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Although visual appearance and the architecture or individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

3. The approach to design is therefore to ensure quality and improvement in all forms of development.

3.0 Proposal and Assessment

3.1 The application comprises of the following plans/documents:-

Location Plan	126_5KR_S00
Ground Floor Plan Existing	126_5KR_S1C
First Floor Plan Existing	126_5KR_S2C
Loft Plan Existing	126_5KR_S3C
North Elevation Existing	126_5KR_S5C
South Elevation Existing	126_5KR_S6E
East Elevation Existing	126_5KR_S8C
Section A - Existing	126_5KR_S9C
Site Plan / Roof Plan Existing	126_5KR_S11D
Photographic Survey	126_5KR_S20A
Street Panorama	126_5KR_S21A
Street View Existing	126_5KR_S51B
Ground Floor Plan Proposed	126_5KR_P1A
First Floor Plan Proposed	126_5KR_P2A
Second Floor Plan Proposed	126_5KR_P3A
Basement Plan Proposed	126_5KR_P4A
North Elevation Proposed	126_5KR_P5A
South Elevation Proposed	126_5KR_P6C
West Elev. / Section C Proposed	126_5KR_P7A
East Elev. / Section B Proposed	126_5KR_P8A
Section A Proposed	126_5KR_P9A
Site Plan / Roof Plan Proposed	126_5KR_P11A

3.2 The proposal seeks permission for demolition of the existing modest house and the erection of a similar scaled mass for three storey replacement dwelling. The new dwelling has a basement but this has no impact visually on the Conservation Area.

4.0 Design Considerations

Layout

- 4.1 The proposed dwelling would have 5 bedrooms and detail room provision is provided. The house complies with the Council's and the London Plan's Residential Development Standards.

Scale

- 4.2 The proposed building would have 5 Bedrooms and Basement with a floor space of 287sqm. The dwellings height and width is shown on plan 126 P7. This provides a cross section of the proposed and neighbouring dwellings.

Landscaping

- 4.3 The landscaping and the areas to be landscaped are shown as the front and rear curtilage areas on plan 126 P1. In addition the two rear areas have flat roofs that are sedum roof areas. These are shown on plan 126P11. Some details of the landscaping (for example the front perforated pavements) are provided and further details can be conditioned.

Appearance

- 4.4 The dwelling would be dual aspect with regular shaped and sized rooms, and with good access to natural light and ventilation. The property would also benefit from amenity space in the form of terraces and a garden.
- 4.5 The Materials/Palette are detailed below and needs to read in conjunction with the submitted plans as listed above.

Front Facade:

Fair faced 'rubbed' brickwork;

White polymer render to small areas;

Plate glass windows in coated metal framing;

Natural cedar wood trim to the main entrance;

Mid-grey coated metal to the main sloping roofing OR mid-grey man-made slate;

Rear Facade:

White polymer render;

Plate glass windows in coated metal framing;

Natural cedar wood trim to the rear pergola;

Plate glass guarding to balcony/terrace;

Mid-grey coated metal main sloping roofing OR mid-grey man-made slate;

Sedum cover the the rear flat roofs;

Side Facades:

White polymer render

Plate glass windows in coated metal framing;

Front Drive:

Permeable grass paving;

Areas of gravel;

Rear Patio (outside grass areas):

Natural stone;

Access and Parking

- 4.6 The front parking area is shown on plan 126 P11. This area can accommodate two car parking spaces and is similar to the existing parking arrangement. The proposal can provide vehicle and cycle parking to accord with the Development Plan and Supplementary Planning Guidance.

5.0 Development Plan

- 5.1 The relevant documents are;
- 5.2 Camden Development Policies Adopted Version 2010 and the Conservation Area Statement for Hampstead.
- 5.3 The Conservation Area Statements are supplemented by Conservation Streetscape audits. The Kemplay Road audit has the following comments;

**Kemplay Road TNP's corner of Pilgrims Lane set in wall,
ditto corner of Willoughby Road.**

No. 2, iron archway over gate; very delicate Iron Gate

Nos. 4-8 iron coal hole covers

No. 10-12 metal shoe scrapers

No. 30 original iron work on front boundary wall

Timber fencing and gates to Rosslyn Hill Chapel

Huge trees in the church garden and in front gardens of

**No. 7-21 (which was formerly part of the church garden
form a striking feature of the street.**

- 5.4 It makes no reference to 5 and 7 having a positive effect on the Conservation Area. In the pre app correspondence the planning officer comments;

It is acknowledged that the existing house and wider terrace do not make a positive contribution to the conservation, by virtue of their lower scale and simpler appearance they do not compete with adjacent houses and the church behind.

- 5.5 It is not disputed that the site has no positive impact on the Conservation Area. It therefore follows that the relevant policies are;
- 5.6 Policy DP6 Lifetime Homes and Wheelchair Housing, which states;

All housing developments should meet lifetime homes standards. 10% of homes developed should either meet wheelchair housing standards, or be easily adapted to meet them.

5.7 Policy DP22 Promoting Sustainable Design and Construction, which states;

The Council will require development to incorporate sustainable design and construction measures. Schemes must;

- a) Demonstrate how sustainable development principles, including the relevant measures set out in paragraph 22.5 below, have been incorporated into the design and proposed implementation; and**
- b) Incorporate green or brown roofs and green walls wherever suitable.**

The Council will promote and measure sustainable design and construction by:

- c) Expecting new build housing to meet Code for Sustainable Homes Level 3 by 2010 and Code Level 4 by 2013 and encouraging Code Level 6 (zero carbon) by 2016.**
- d) Expecting developments (except new build) of 500 sq m of residential floorspace or above or 5 or more dwellings to achieve "very good" in EcoHomes assessments prior to 2013 and encouraging "excellent" from 2013;**
- e) Expecting non-domestic developments of 500sqm of floorspace or above to achieve "very good" in BREEAM assessments and "excellent" from 2016 and encouraging zero carbon from 2019.**

The Council will require development to be resilient to climate change by ensuring schemes include appropriate climate change adaption measures, such as;

- f) Summer shading and planting;**
- g) Limiting run-off;**

- h) Reducing water consumption;**
- i) Reducing air pollution; and**
- j) Not locating vulnerable used in basements in flood prone areas.**

5.8 Policy DP25 details the tests to Conserving Camden's Heritage. It requires;

Conservations Areas

In order to maintain the character of Camden's conservation areas, the Council will:

- a) Take account of conservations area statements, appraisals and management plans when assessing applications within conservations areas;**
- b) Only permit development within conservation areas that preserves and enhances the character and appearance of the area;**
- c) Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;**
- d) Not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and**
- e) Preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.**

Listed buildings

To preserve or enhance the borough's listed buildings, the Council will:

- e) Prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention.**

- f) Only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and**
- g) Not permit development that it considers would cause harm to the setting of a listed building.**

Archaeology

The Council will ensure that remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.

Other Heritage Assets

The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.

5.9 The most relevant criteria is (c). The supporting text in the plan, makes reference to replacement buildings being, "*appreciably greater,*" at para 25.8. It is, however NOT part of the development plan policy. Advice is also given in respect of basements.

5.10 Policy DP27 Basements and Lightwells, states;

In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes:

- a) Maintain the structural stability of the building and neighbouring properties;**
- b) Avoid adversely affecting drainage and run-off or causing other damage to the water environment;**
- c) Avoid cumulative impacts upon structural stability or the water environment in the local area;**

and will consider whether schemes

d) Harm the amenity of neighbours;

e) Lead to the loss of open space or trees of townscape or amenity value;

5.11 The basement has no impact on the conservation area. In association with the Development Plan is the Supplementary Planning Guidance. This is a material consideration.

5.12 Policy CPG4 deals and provides advice on basement extensions, states;

The Council will only permit basement and underground development that does not:

cause harm to the built and natural environment and local amenity;

result in flooding; or

lead to ground instability.

You should submit information relating to the above within a Basement Impact Assessment (BIA) which is specific to your site and particular proposed development.

5.13 A BIA is being prepared and will be submitted pursuant to the application.

5.14 Policy CPG6 sets out the Council's approach to Amenity Considerations;

- **We expect all buildings to receive adequate daylight and sunlight**
- **Daylight and sunlight reports will be required where there is potential to reduce existing levels of daylight and sunlight**
- **We will base our considerations on the Average Daylight Factor and Vertical Component.**

5.15 The proposal does not cause a loss or harm to amenity and this was not a criticism levelled at the proposal in the pre application

process. The fenestration and level of overlooking arising from the proposal is not materially different from the existing dwelling.

6.0 National Planning Policy Framework (NPPF)

6.1 Before considering the scheme in relation to the development plan national planning policy has changed and provides a different emphasis for planning decisions.

6.2 The National Planning Policy Framework (NPPF) alters the determination of planning applications. It provides a presumption in favour of sustainable development. The core principles are for a planning system that:

- Assumes the default answer is yes
- Responds positively to growth
- Take account of quality in design

6.3 The NPPF provides detailed advice on design matters;

Local planning authorities should consider using design codes where they could help delivery high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relations to neighbouring buildings and the local area more generally.

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

6.4 This is particularly relevant to this application;

Although visual appearance and the architecture or individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

- 6.5 It is vital and very important that individual architectural preferences, not imposed and innovative designs should be allowed. With reference to the historic environment the Framework states at paragraphs 129 and 131;

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In determining of planning applications, local planning authorities should take account of:

- **The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- **The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- **The desirability of new development making a positive contribution to local character and distinctiveness.**

- 6.6 The LPA have a detailed Conservation Statement which has been referred to. Having regard to S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regard to the Sections 16(2) and 66(1) the issue is whether the proposal preserves the character of the Conservation Area.

- 6.7 As part of the proposed the applicant made a pre application submission. The Planning Officer in his conclusion commented;

There is no objection in principle to the proposed development, the proposal causes no harm to amenity

- 6.8 The assessment now considers the principle and details behind the proposal. A concern was raised in relation to the design and the junction of the proposal with 7 Kemplay Road by the Planning Officer in the pre application correspondence. This has now been addressed and revised in this submission.

7.0 Planning Assessment

Character of Area

- 7.1 The character of the area is highly varied along Kemplay Road. The south side has a mixture of styles, design and scale of properties which define this mixed character of the area. The opposite side of the road has a very distinctive and different character. It is 4-5 storey and terraced and provides a distinct and contrasting style of development to the other side of the road. The application would be unable to replicate this character and indeed a pastiche of this form would detract from the originality of the terrace in the conservation area.
- 7.2 Close to the application site and, in the front of the adjacent dwellings are a number of mature trees that have the benefit of Conservation Area protection. These trees provide some attractive greenery in the street scene and form part of the character of the Conservation Area.
- 7.3 The site is in the Hampstead Conservation Area and 5 Kemplay Road does not have a positive contribution on the Conservation Area. This is agreed and is consistent with the Conservation Area Statement and the individual street assessments which sit behind the Conservation Area Statement.
- 7.4 The site does therefore provide an opportunity to improve the character of the Conservation Area. The concept of a contemporary style building could add to the streets on going evolution, however it is more fundamental planning matter than that. It is an opportunity to visually enhance the street scene and provide a much more significant improvement and enhancement to the character of the street scene.

- 7.5 It is accepted that the existing building does not add positively to the character of the area, consequently the assessment as to whether the building can be demolished is a lot easier to answer. In simple terms the principle of demolition is accepted and the decision maker can move to the second issue. The second part of the assessment is then to assess whether the replacement development makes a positive contribution to the character of the conservation area as a whole. In cases where the existing building provides a negative or neutral impact then it is easier for a replacement design to achieve the required statutory test of preservation or enhancement.
- 7.6 The key characteristics of the proposal are now detailed. The design of the proposal is contemporary, but it has a restrained element in that the fenestration, scale and form respect the former proportions of the coterminous property.
- 7.7 The building is stepped forward to provide a link between the 3 and 7 Kemplay Road. The ridge is consistent with 7 Kemplay Road. The simplicity of the elevation need not be compromised by altering the relationship with 7 Kemplay Road.
- 7.8 The rear scale of the bulk is entirely proportionate and at the second floor it is consistent with 3 Kemplay Road. The architect has employed a use of roof details and design techniques to soften the appearance of the rear. It is also material that the existing dwelling would have the benefit from some General Permitted development rights to the rear.
- 7.9 This is a proposal and a location that can accept some additional development which can enhance the character of a Conservation Area. The rhythm and proportion of the dwelling remain intact. In addition its rectangular form respects the rectangular form of the existing dwelling.

- 7.10 Where the proposal is viewed from the rear it is seen against the rear of the property and therefore seen in context of the built form. The visual improvement that accrue as a result of the rear design is a significant or appreciable improvement.

8.0 Design Conclusions

- 8.1 The proposal has creatively and sympathetically been designed to enhance the character of the Conservation Area. The proposals are screened from view and have no adverse impact on the character of the locality.
- 8.2 The proposed has been designed to respect the setting and character of the Conservation Area. This has been achieved by way of attention to scale, layout, and proportion, use of materials and details of openings. It is a scale and form consistent with the Conservation Area.
- 8.3 The proposal meets the statutory test set out in the act and the requirements of the development plan.
- 8.3 It is for these reasons that Planning Permission and Conservation Area Consent should be granted.