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Planning Statement

Athlone House, Hampstead Lane, London

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1. Introduction

1.1 This statement has been prepared in support of the development proposal submitted to the London Borough of Camden by Athlone House Ltd at Athlone House, Hampstead Lane, London.

1.2 Full planning permission is sought for the following development:

“Demolition of Athlone House and the erection of an 8 bedroom single dwelling house (Class C3) together with ancillary underground parking, plant and landscaping”

1.3 This is a revised proposal further to the refusal of application ref: 09/3413/P, which proposed a larger replacement dwelling house at the site. That proposal, whilst dismissed at appeal in 2011 due to the overall size resulting in a harmful impact on the Metropolitan Open Land (MOL), was found to be of a high quality and acceptable design that would not harm the character and appearance of the Highgate Conservation Area, nor any views from Hampstead Heath.

1.4 Adam Architecture have responded to the Inspector’s decision by designing a dwelling of similar character, albeit significantly smaller than the previous proposal. The proposed dwelling will be set in restored historic gardens, providing a high quality landscaped setting. The proposed building sits in the same position as the existing building and is of a similar height, with the tower element slightly lower than the existing.

1.5 Further commentary is provided in respect of the appeal decision and subsequent revisions and design approach in Sections 2 and 3 of this statement.

Supporting Documents

1.6 This planning statement outlines the application proposals in more detail and relates them to local, regional and national planning policy. It should be read in conjunction with a number of specialist reports, which have been prepared to address the specific issues arising and cover the following topics:

- Arboricultural Implications Assessment – Catherine Bickmore Associates Ltd;
- Design and Access Statement – Adam Architecture;
- Heritage Statement – Dr Mervyn Miller
- Ecology Statement – Catherine Bickmore Associates Ltd;
- Historic Landscape Statement – Catherine Bickmore Ltd
- Sustainability and Energy Statement – Slender Winter Partnership;

- Basement Impact Assessment – Geotechnical and Environmental Associates;
- Flood Risk Assessment – Price and Myers;
- Landscape and Visual Impact Assessment – JFA Environmental Planning;
- Statement of Community Involvement – Quatro;
- Transport Statement – SKM Colin Buchanan;
- Market Evidence Report – Knight Frank; and
- Building Conditions Report – Savills

Structure of the Statement

1.7 This statement takes the following structure:

- Section 2 provides the background to the proposals;
- Section 3 details the development proposals;
- Section 4 sets out the relevant planning policy framework;
- Section 5 sets out consideration of the material planning considerations arising from the application proposals; and
- Our conclusions are provided in Section 6.

1.8 The appendices referred to in the text are contained at the end of the statement.

2. Site Context and Background

The Site

- 2.1 Athlone House is situated on the south side of Hampstead Lane, directly opposite Highgate School's playing fields. The overall site of Athlone House is bounded to the south and west by Hampstead Heath, and to the east by a private residence known as Beechwood. It is screened on these sides by mature trees. Part of the site's northern boundary abuts Hampstead Lane and is screened by a brick wall and mature trees and shrubs. The site entrance is located in the middle of the wall between outbuildings. The main house and part of the grounds and other buildings are visible from various locations on Hampstead Heath and Hampstead Lane, albeit views in all directions are partially obscured by trees.
- 2.2 The overall site is now divided, with the eastern part in separate ownership. This consists of the three new blocks of flats (Caenwood Court) developed as part of a 2005 consent, plus the Coach House (still vacant, but recently granted permission for extensions and alterations). The western part, in the ownership of the applicant, contains Athlone House itself in its centre, and Caen Cottage and the Gatehouse on the road frontage - all these buildings are still vacant. The west side of the site contains lawns and there is a tree and shrub belt along the southern boundary. The entrance to the house is located between the Gatehouse and Coach House, and shared with the access to Caenwood Court.
- 2.3 Full details of the site's historic evolution are included within the supporting Historic Statement.
- 2.4 The topography of the whole site is varied. The main buildings are located on the north east area of the site. This comprises a relatively flat plateau from which a rolling lawn sweeps south and slopes in terraces to the west, where there is another pond. There is a mixture of significant trees and trees which are of lesser significance in arboricultural terms.
- 2.5 Athlone House sits within LB Camden's Highgate Conservation Area, which is diverse in character. It is not statutorily listed, nor is it in close proximity to any listed buildings. It has been considered for listing on several occasions in recent years, the latest being in 2010. On each occasion it has not been found suitable for listing.

Surrounding Area

- 2.6 The application site is located about 1km from both Highgate High Street and Highgate Tube station and is served by regular buses. The surrounding area to the north and east is mainly residential. The northern boundary of the site on Hampstead Lane abuts the Borough of Haringey, and lies opposite Highgate School and its playing fields which are designated as part of the LB Haringay Conservation Area, and also as Metropolitan Open Land (MOL). To the west on the Heath lies Kenwood House (a Grade I listed building) and several associated buildings and structures (which are Grade 2 listed), and the Kenwood estate (a Grade II* registered landscape) all managed by English Heritage. To the east, some distance from the site lies Beechwood House, a Grade 2 listed mansion within extensive grounds.

3. Planning History

- 3.1 A full account of the site's planning history is provided within Appendix 1. This section will focus on the two planning applications most relevant to this proposal: the 2009 application that was subsequently appealed and dismissed in 2011 ("The Appeal Scheme"); and the 2005 consented application.

The Appeal Scheme

- 3.2 A planning application (ref 2009/3413/P) was submitted to the London Borough of Camden on 13th July 2009 for the erection of a replacement 8 bedroom single dwelling house (Class C3) together with ancillary staff and guest accommodation and underground parking. A conservation area consent application (ref 2009/3422/C) was submitted at the same time.
- 3.3 The planning and conservation area consent applications were refused by Camden Borough Council on 12th April 2010. An appeal was subsequently lodged (refs APP/X5210/A/10/ 2135359 and APP/X5210/A/10/ 2135357), but was dismissed by the Inspector on 21st April 2011. A summary of the Inspector's decision is as follows:

The Inspector's Conclusions

- 3.4 The Inspector found that the principle of the demolition of the existing house and its replacement with a single large residence was acceptable; that the proposed design approach of Professor Robert Adam was appropriate; and that the proposed development would not harm the character and appearance of the conservation area or views from the Heath. However, because the proposed house was substantially larger than the existing one, he found that the proposal constituted inappropriate development in Metropolitan Open Land, and that there were insufficient special circumstances to outweigh the harm by reason of inappropriateness.
- 3.5 Some key points established by the decision are as follows:
- The principle of the existing building's demolition and replacement with a large dwelling was considered acceptable, subject to it being designed to a high architectural standard;
 - The principle of a modern classical design was accepted;

- It was accepted that a scheme of the dimensions of the original appeal scheme did not harm any views from Hampstead Heath or harm the character and/or appearance of the Highgate Conservation Area;
- Whilst the footprint was considered acceptable, the increase in floorspace (particularly above ground) combined with the perceived increase in bulk and mass when viewed from key points on the Heath, rendered the proposed building inappropriate development and harmful to the openness of the MOL, which was not fully justified by very special circumstances.

3.6 It follows that a smaller and less apparently bulky building, of similar architectural style and quality, ought to be acceptable, all other things being equal. This has been the starting position in preparing the revised scheme.

3.7 The Inspector lauded many aspects of the appeal scheme's design, and the revised scheme therefore retains the architectural language and overall design approach.

The 2005 Consented Scheme

3.8 Planning permission and conservation area consent (refs 2003/2670/P & 2003/2671/C) were granted on 5th October 2005 for part conversion and part redevelopment of the overall Athlone House site for 27 residential units including:- alterations, extensions and conversion of Athlone House to 1 x 7 bed house; The Coach house to 2 x 2 bed units; The Gatehouse to 1 x1 bed house; and Caen Cottage to 1 x 3 bed house; demolition of all remaining postwar buildings and erection of 3 new blocks to provide 22 flats with underground parking (9 x 2 bed, 10 x 3 bed and 3 x 4 bed); donation of 0.98 hectare of land as an extension to Hampstead Heath; and substantial landscaping works.

4. Pre-Application Consultation

- 4.1 In order to seek the views of local stakeholders and local residents on the revised proposals, public consultation was carried out in July 2012 and comprised;
- A meeting with Highgate Ward Councillors
 - A meeting with members of the Athlone House Working Group
 - A two-day Public Exhibition at the United Reformed Church
- 4.2 Full details of the programme and feedback received are set out in the Statement of Community Involvement, which forms part of this submission. In summary, some support was received, though most consultees were resistant to redevelopment. Many continued to wish to see the existing house retained, though others accepted that the Inspector had concluded that there was no sustainable objection to its replacement; and people had a typically wide range of views on the architectural style of the proposed new building. No new issues were raised.
- 4.3 A formal pre-application submission was also made to planning officers at LB Camden. The Council's response letter dated 5th November 2012 may be summarised as follows;
- Officers considered the building as then proposed to harm openness by way of its visible form, bulk and style. They considered a more fundamental review of the building's form, profiling and style was required to mitigate harm to the MOL;
 - Officers noted that a 10% increase in total floorspace over the appropriate benchmark could be considered non-material and thus in line with the first bullet point of para 89 of the NPPF, but found that the proposed increase in floorspace was over 10% in all scenarios (taking the basement floorspace into account) and so concluded the proposal would constitute inappropriate development.

5. Details of the Proposed Development

- 5.1. A modern classical approach to the building's design within an enhanced landscape setting is proposed, which is consistent with that endorsed as an appropriate design response to the site by the Inspector. The accompanying Design and Access statement sets out the design approach in detail. This statement focuses on the changes that have been made to address the only reason for the appeal being dismissed – namely overall size and scale.

Reduction in Size and Scale

- 5.2. There have been fundamental changes to parts of the building from that proposed by the appeal scheme and the revised scheme presented to LB Camden in 2012. These changes address the Inspector's decision in respect of the impact on Metropolitan Open Land (MOL), and also the pre-application feedback from LB Camden officers (summarised above). They are summarised as follows:

- The basement has been significantly reduced in size and completely enclosed; the pool terrace and external steps have been removed. It is therefore now completely invisible from all external viewpoints.
- The visible rooms at second floor level between the stair wells on the east and west sides have been removed. In their place will be pitched copper roof slopes. Thus the perceived height of the main body of the building when viewed from the east and west will be two storeys rather than three or four.
- The extensive guest and staff wing buildings have been removed, which further reduces the mass as viewed from the Heath, and particularly from the Kenwood gazebo.
- The second floor sitting room on the southern elevation has been removed. Thus, once more, the perceived height of the main body of the building will be two storeys.

In addition the following detailed design changes have been made:

- A projecting rounded bay to the dining room on the east side has been added.

- The lid of the dome to the central ballroom space is expressed on the second floor deck with a low level flat top lantern light that is no higher than the height of the 1100mm balustrades to the external second floor terrace.
 - There have been detailed changes to the fenestration of the tower, the belvedere fanlights, and the west and east stair well windows and doors, all of which have the effect of creating additional articulation. No elevations will be the same.
 - The column order has changed to Corinthian from Doric. The front door arrangement has been revised to include a pedimented door surround set within a more ornamented glazed screen. Detail has been added to the column capitals of the belvederes.
- 5.3. The resulting development is a highly articulated building that has a similar scale and bulk to the existing building. It is 17.5% smaller than the appeal scheme in terms of footprint, 12.5% smaller in above-ground floorspace, and 35% smaller in floorspace overall. Further commentary on areas and additional relevant comparisons are referred to in Section 7 of this statement.
- 5.4. Although not forming part of this application, it is anticipated that staff accommodation will be provided within the existing Caen Cottage and Gatehouse buildings, which have planning permission for conversion and extension to provide residential accommodation.
- 5.5. The landscape design for the site forms an intrinsic part of the proposals. It is essentially the same as that incorporated within the appeal scheme, and continues to involve additional planting in appropriate locations and the restoration of some of the historic landscape which includes the north western Pond and James Pulham's rockwork and fernery. The new scheme also incorporates enhanced eastern boundary planting, introduced in response to concerns expressed by residents of Caenwood Court. Full details of the landscape and ecological improvements are provided within the Design and Access Statement and Catherine Bickmore's Historic Landscape Statement.
- 5.6. Overall, the design approach is the one endorsed by the Inspector, but applied to produce a significantly smaller building. The smaller building will be of exceptional architectural quality, sitting comfortably in its landscaped setting.

Access and Circulation and Parking

- 5.7. Access to the site will be via the existing apron shared with Caenwood Court, which is accessed from Hampstead Lane. A total of 4 car parking spaces are proposed in part of the basement, which will be accessed via a lift discretely located on the courtyard

adjacent to the house. The platform's surface will sit flush with the main courtyard and be finished in resin bound gravel, so it blends comfortably into it.

Sustainability and Renewable Energy

- 5.8. The proposed building has been designed to achieve Level 4 of the Code for Sustainable Homes. It will provide a thermally efficient building that will also incorporate energy-generating renewable technology in the form of Solar thermal panels at roof level. These will achieve a 39% CO2 reduction over Building Regulations Part L1A 2010. These energy efficiency measures greatly exceed those secured by the 2005 consented scheme.

Servicing and Refuse

- 5.9. Servicing vehicles will access the site via the proposed driveway. Refuse bins are proposed to be located adjacent to the entrance gates, comfortably within the required distance for bin collection.

6. Planning Policy Context

- 6.1. The adopted Development Plan framework for the site comprises the following:
- (a) The London Plan 2011;
 - (b) Camden's Core Strategy 2010-2025 (adopted November 2010);
 - (c) Camden's Development Policies DPD 2010-2025 (adopted November 2010);
 - (d) London Borough of Camden Replacement Unitary Development Plan adopted June 2006 – saved policy LU1 and saved Land Use Proposals. Athlone House is site no.1 in the schedule of Land Use Proposals, and is identified for redevelopment for C2/C3 use; and
 - (e) The London Borough of Camden Local Development Framework Proposals Map 2010.
- 6.2. A full account of the relevant policies is included at Appendix 1.
- 6.3. National planning guidance, emerging development plan documents (DPDs), supplementary planning guidance notes (SPGs) and supplementary planning documents (SPDs), among other matters, are all relevant material considerations.

National Planning Policy Framework

- 6.4. Since the appeal decision, The Department for Communities and Local Government (DCLG) has published the National Planning Policy Framework (NPPF) (March 2012). This framework replaced the previous portfolio of PPSs and PPGs. The draft National Planning Practice Guide has now been published and provides guidance on some parts of the NPPF policy.

Presumption in favour of sustainable development

- 6.5. One of the overarching objectives of the NPPF is the encouragement of growth and acknowledgement that decision-makers should adopt a presumption in favour of sustainable development. Paragraph 14 of the document states:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted”*

6.6. The Government expects the planning system to deliver the homes, business, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. Paragraph 17 sets out the Core Planning Principles. It includes the requirement that planning should proactively drive and support sustainable development, whilst contributing to conserving and enhancing the natural environment.

6.7. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. For present purposes, this can be taken as referring also to Metropolitan Open Land. Whilst the construction of new buildings will normally be considered inappropriate, exceptions are made (para 89) for:

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Other Material Considerations

6.8. The London Borough of Camden has produced the following documents which are of relevance as material considerations to this proposal.

- Camden's Planning Guidance (2011)
- The Highate Conservation Area Appraisal and Management Plan (2007)

- The Planning Brief for Athlone House (1999)

7. Planning Considerations

7.1. National policy towards Green Belt is contained in the NPPF, and the London Plan (Policy 7.17) confirms that MOL is to be treated as though it were Green Belt. The fundamental aim of the NPPF with respect to Green Belts is to prevent urban sprawl by keeping land permanently open; openness is their prime attribute. There is a general presumption against inappropriate development.

7.2. Para 89 of the NPPF provides that local planning authorities should generally regard the construction of new buildings as inappropriate in Green Belt but lists exceptions to this. There are two exceptions relevant to this proposal:

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*

7.3. These are now dealt with in turn.

Assessment - Replacement building

7.4. It is necessary to consider whether the replacement building is “materially larger” and therefore inappropriate development in MOL.

7.5. There is no Government guidance on how “materially larger” is to be assessed. However, the Courts have provided guidance. The general intention (See Appendix 3 for a summary) is that the replacement dwelling should be similar in scale to that which it replaces. Size is the primary test, but not the only one. The addition of “materially” allows for the exercise of judgement and commonsense. Such judgement must focus upon the purpose of the Green Belt/MOL: i.e. to maintain openness. LB Camden consider, as a rule of thumb, that more than a 10% increase over the relevant benchmark is materially larger. This is not grounded in any case law or policy.

- 7.6. It is therefore necessary to consider the proper baseline against which the comparison is to be made and the appropriate approach in that respect as part of the overall judgement as to the materiality of any relative increase in measurement.
- 7.7. The Inspector's decision is relevant and, at paragraphs 25 and 26, considers the building as it existed in 2003(A)¹ or 2005 as the baselines against which comparisons can be made.
- 7.8. However, the Inspector's decision (paras 17 and 61) also accepts that there is no realistic prospect of forcing the owner to develop the 2005 permission, and that if it were to be fully implemented significant alterations would be required as the 2005 consent would be highly unlikely to provide the space or room layout demanded.
- 7.9. The condition of the building has not improved since the appeal. As set out in the accompanying building conditions report, market viability report, and costing plan, the works associated with refurbishing and restoring the building as per to the 2005 permission would be so extensive, and the quality and amount of accommodation so unsatisfactory for the likely end occupier, that there is little realistic prospect of it being implemented without significant alterations to increase and improve the amount of accommodation.
- 7.10. For these reasons We therefore do not consider the 2005 consented scheme to be a realistic baseline scenario against which the replacement dwelling should be assessed; instead, the 2003(A) scenario is considered to be the appropriate baseline.
- 7.11. As agreed at the Inquiry, scenarios can be compared with reference to footprint, floorspace (above and below ground) and hardstanding, although overall floorspace (GEA) was afforded the greatest weight. The relevant comparative measurements are set out as follows:

Athlone House Measurements October 2013			
Floor	Size of Scheme (sq m)		
	2003 (A) - Building without	Appeal	Current

¹ Without the single storey hospital wards

	institutional extensions	scheme	Proposal
Basement (GIA)	226	1918	585
Footprint (GEA)	1450	1307	1078
GEA Total without basement (GIA)	2751	3145	2751
GEA Total including basement (GEA/GIA)	2977	5063	3336
Hardstanding		1838	1846

% Difference

	Appeal Scheme compared with 2003 (A)	Current Proposal compared with 2003 (A)	Current Proposal compared with Appeal Scheme
Footprint Total	-10%	-25.6%	-17.5%
GEA Total (without basement in GIA)	14.3%	0%	-12.5%
GEA Total (including basement in GIA)	70%	12.1%	-34.1%

7.12. The proposed building represents a reduction **of footprint** of 25.6% compared with the 2003(A) baseline, and a reduction of 17.5% compared with the appeal scheme.

7.13. It sees the **total floorspace** reduced by 34.1% from the appeal scheme. **Above ground floorspace is** no greater than the 2003(A) scenario and there is only a 12.1% increase in **total floorspace** from the 2003(A) scenario - an increase only slightly over the LB Camden 'rule of thumb'. Given that the additional floorspace is entirely within a basement, directly below the house, and with no external manifestation, we would argue that the additional floorspace within the basement can be disregarded anyway, noting that the Courts have established, when considering how to deal with a basement, the fact that it is below ground (and thus may have no effect on openness) will be a matter to be taken into

account in the exercise of the judgement (see **Appendix 4 and 5**). If this approach is accepted, there is no increase in floorspace, and the 'rule of thumb' does not even become relevant. There is a 9.5% reduction in **hardstanding** from the 2005 consented scheme to the current proposal - from 2021 sqm to 1,846 sqm.

- 7.14. Further, the proposed building has seen its scale, bulk and mass reduced, and articulation increased from the appeal proposal, which directly responds to the Inspector's comments in para 27 of his decision in relation to the harm from the appeal scheme on the openness of the MOL.
- 7.15. Overall, the proposed replacement building will have no harmful impact on the openness of the MOL, given that it would occupy substantially the same site and be of substantially the same scale, mass, bulk and height. Only a 10% increase in floorspace is proposed over the appropriate benchmark and this has no external manifestations, being entirely invisible in the basement. The proposal is therefore in accordance with the first exception as provided by para 89 of the NPPF, and also the London Plan and local planning policy.

Limited infilling or the partial or complete redevelopment of previously developed sites

- 7.16. Although LB Camden's pre-application response letter considers this exception of para 89 of the NPPF not to apply to the site due to the imminent removal of its allocation as an MDS, we consider this to be an incorrect interpretation of the position. Quite apart from the fact that the MDS is still in existence as part of the development plan, even if it is subsequently removed, there will be no difference: the NPPF essentially applies the approach that used to be reserved for MDSs designated in development plans to all Green Belt land that can properly be said to constitute a previously developed site (which this clearly can).
- 7.17. The test is whether the proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing/previous development. It is therefore firstly necessary to consider the relevant comparative measurements for the site as a whole. In this instance it is considered appropriate to include both the areas as they existed in 2003 and the 2005 consented figures as baselines on the basis that the flats approved as part of the consented scheme have been fully implemented (Caenwood Court).
- 7.18. The comparative measurements are set out as follows:

	2003	2005 Permission	Appeal Scheme	Current
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				Proposal
Footprint	4962	3788	4099	3870
Floorspace	7418	10015	12586	10859
Floorspace without basement		9791	10668	10274

% Difference

	2005 consent compared with 2003	Appeal Scheme compared with 2003	Appeal Scheme compared with 2005 permission	Current Proposal compared with 2003	Current Proposal compared with 2005 permission
Footprint Total	-24%	-17%	8%	-22%	2%
GEA Total	35%	70%	26%	46%	8%
GEA Total (without basement in GIA)	n/a	n/a	9%	n/a	5%

7.19. These show that in 2003, the total footprint was 4,962 sq m with total floorspace at 7,418 sqm. The scheme consented in 2005 involved a total footprint of 3,788 sq m which was only 76% of the 2003 footprint but its floorspace was 10,015 sq m, a 35% increase over the 2003 total floorspace. The effect of the appeal scheme was to increase the footprint up to 4,099 sq m which at 82% was still nearly a fifth smaller than the starting figure and 8% larger than the 2005 consent. The current proposal sees a 22% reduction in footprint from 2003 and only a 2% increase over the 2005 consented scheme. In terms of total floorspace the appeal scheme saw an increase of 70% over the 2003 floorspace and an increase of 26% over the 2005 consent. The current proposal sees only an 8% increase in total floorspace over the 2005 consent. When the basements are removed from this, which we consider entirely appropriate given that impact on openness is the key test here and both are invisible, then there is only a 5% increase.

7.20. Further, as set out in the Landscape Visual Impact Assessment, the perceived visual impact from the proposed building is negligible or small magnitude for all but one of the

views, and moderate only when viewed from Highgate school, as a result of the close proximity of the two sites, the loss of landscape structure from the north of the site along Hampstead lane and different roof form in the proposed building, which allows it to be seen.

- 7.21. The proposed development is therefore considered to accord with the exception criterion, and thus constitutes appropriate development in MOL.

Other Planning Considerations

Principle of Development	
Policy Provision	Comment
<p>The NPPF Has introduced a presumption in favour of sustainable Development</p> <p>LB Camden's Core Strategy Policy CSstates that the Council will aim to make full use of Camden's capacity for housing by maximising the supply of additional housing to meet or exceed Camden's target of 5,950 homes from 2007-2017, including 4,370 additional self-contained homes.</p>	<p>The Inspector's decision accepts at paragraphs 17, 20, 44 and 61 the principle of replacing existing unlisted building with a single dwelling, and further that there is no realistic prospect of forcing the owner to carry out refurbishment of the building or implementing the 2005 permission in its entirety. This remains the case as set out in the building condition report, budget costings (Appendix 2) and market evidence statements submitted with this application.</p> <p>The principle of the demolition of the existing dwelling and the construction of a replacement dwelling has therefore been established through the Inspector's decision. There have been no material changes to the site or to planning policy since the appeal decision that would warrant an alternative conclusion in respect of the principle of the site's development for a Class C3 residential dwelling.</p> <p>The site has long been identified as a</p>

	<p>suitable site for an impressive mansion. The predecessor of Athlone House was such, and Athlone House was clearly built (in 1871) to impress. This application proposes an equally impressive mansion house and the principle of a residential dwelling on the site is in accordance with the Council's priority land-use, and will contribute towards the housing targets within the Core Strategy.</p>
Impact on the Character and Appearance of the Conservation Area	
Policy Provisions	Comment
<p>London Plan Policy 7.6 seeks to ensure that buildings are designed to the highest architectural quality.</p> <p>Camden Policy CS14(a) seeks both to preserve and enhance the Borough's heritage assets and their settings, and to support "development of the highest standard of design that respects local context and character"</p> <p>Policy DP24 echoes CS14(a) in seeking the highest standard of design.</p> <p>Policy DP25 sets criteria against which the Council will have consideration in other to maintain the character of the Borough's conservation Areas. A full list of these criteria is provided in Appendix 1.</p>	<p>The Appeal Decision concluded that the significance of Athlone House, as an undesignated heritage asset had been severely depleted, and that the development which was proposed within the appeal would preserve and enhance the character and appearance of the Highgate Conservation Area. The Inspector's decision thus confirmed that the principle of the demolition and replacement of Athlone House of the design and form proposed was acceptable in heritage terms.</p> <p>The Council's Heritage Policy has not evolved since the Inspector's decision, nor have any site circumstances changes. The Council should be in no doubt, that the case for the principle of demolition has been made and accepted.</p> <p>A Heritage Statement has been submitted with</p>

	<p>this application. It concludes that the proposed development would not have harmful impact on the conservation areas: the proposal constitutes a committed and deliverable development of modern classical architecture with landmark quality in views from within and out with the conservation area and from Hampstead Heath. The proposal has appropriate form, massing materials and details, which will complement and not intrude upon views towards it and together with the restoration of its historic grounds it will bring significant enhancement of the character and appearance of its immediate setting, the Highgate Conservation Areas, the Kenwood Registered Historic Park and Garden and Hampstead Heath.</p> <p>The application is therefore considered to comply with the provisions of the Camden Core Strategy and Development Policies; the London Plan; supplementary planning guidance, the obligation under s. 72 of the 1990 Act, and the National Planning Policy Framework.</p>
Impact on Character, Appearance and Setting of Surrounding Open Space	
Policy Provisions	Comment
<p>The appeal site is located in proximity to several significant open spaces: Hampstead Heath to the south; the open space represented by the grounds of Athlone House itself; and the playing fields of Highgate School to the north. These spaces are protected by various</p>	<p>The Inspectors Decision, at para. 53 and 57 concludes that the views from the Heath or other nearby open space would not be unacceptably affected.</p> <p>This revised proposal sees a reduction in the building's scale and bulk which serves to reduce the visual impact of the proposed</p>

<p>policies.</p> <p>Core Strategy Policy CS15 seeks to preserve and enhance the historic, open space and nature conservation importance of Hampstead Heath and its surrounding area by various measures, including protecting MOL, public and private open space and protecting views from the Heath and across it and the surrounding area.</p>	<p>building from the heath and other nearby open space, and make it further blend into the wooded landscape than the appeal scheme.</p> <p>A Landscape and Visual Impact Assessment has been prepared by JFA Environment Planning and considers the impact of the proposed dwelling on surrounding key views. The views assessed have been agreed with LB Camden.</p> <p>The assessment concludes that the proposed development will not be of significantly larger mass when viewed from different areas from within the local streets and from the Heath and, in fact, that the proposed dwelling has a smaller mass when viewed from certain locations.</p> <p>The overall conclusion is therefore that the proposed dwellings impact on the character, appearance and setting of the surrounding open space is not harmful. Rather it will preserve and enhance the historic, open space and nature conservation importance of Hampstead Heath and complies with the relevant national, regional and local planning policies.</p>
Affordable Housing Provision	
Policy Provision	Comment
<p>Core Strategy Policy CS6 and Development Plan Policy DP3 expects affordable housing contribution to be made from developments that add fewer than 10 dwellings but more than</p>	<p>The 2005 consented scheme secured 880 sqm of off-site affordable housing provision, which has been delivered across three sites in the Borough.</p> <p>The appeal scheme proposed more than 1,000</p>

1,000 sqm of additional built residential floorspace.	sqm of residential floorspace over the 2005 consented dwelling and so triggered an affordable contribution. The dwelling now proposed comprises less than 1,000sqm of additional floorspace than the 2005 consented building and so does not trigger an affordable contribution.
Transport, access and parking	
Policy Provision	Comment
<p>Policy 6.3 of the London Plan which seeks to ensure that development considers the impact on transport capacity on the transport network and does not adversely affect the safety.</p> <p>Core Strategy Policy CS11 outlines the promotion of sustainable and efficient travel. Through this policy, the Council aims to improve strategic transport infrastructure to support growth, promote sustainable travel and make private travel more sustainable.</p> <p>Policy DP18 of the Development Policies DPD sets maximum parking standards.</p>	<p>A Transport Statement has been prepared by SKM Colin Buchanan, and has assessed trip generation from the proposed redevelopment of Athlone House, access to public transport, and considered parking and vehicular access arrangements.</p> <p>It concludes that the scheme will have a negligible impact upon the local transport network. The scheme will provide 4 parking spaces within the basement, which will have vehicular access via a car lift within the entrance courtyard. Provision for cycle parking will also be provided within the basement.</p> <p>The parking provision is in excess of the standards set forward within Policy DP18 of the Development Policies DPD. However, the site only has a PTAL of 1b (very poor) and it is not within any Controlled Parking Zone. Therefore it is not appropriate to require the development to be car-free as there is no viable transport alternative to the use of private vehicles parking on-site, and the provision of 4 spaces is considered to be an appropriate</p>

	level of parking for the occupiers of the house.
Landscape proposals and Impact on Ecology and Biodiversity	
Policy Provision	Comment
Policy DP24 of the Development Policies DPD which seeks to secure high quality design with the provision of appropriate hard and soft landscaping including boundary treatments, the provision of appropriate amenity space; and accessibility.	<p>The submitted Ecology Appraisal, prepared by Catherine Bickmore Associates concludes that the proposals respect the ecological interest including the retention of areas of acid grassland, the woodland and the pond. The grounds would be maintained and enhanced for the benefit of wildlife, amenity and the historic landscape interests, and would be subject to a landscape management plan, details of which could be secured by way of condition. Mitigation measures are proposed to enhance the overall biodiversity value of the grounds, and accommodate the requirements of protected species such as grass snake, bats and nesting birds.</p> <p>All trees identified of high quality are to be retained.</p> <p>Overall the proposals would conserve and positively enhance the wildlife interest of the grounds as part of the Site of Metropolitan Importance for Nature Conservation.</p>
Sustainability	
Policy Provision	Comment
Policy 5.2 of the London Plan requires	As set out in the accompanying Energy

<p>development to make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy: Be lean: use less energy, Be clean: supply energy efficiently; Be green: use renewable energy.</p> <p>Building Policy 5.7 provides that within the framework of the energy hierarchy major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. Policy 5.3 seeks to ensure that development demonstrates that sustainable design standards are integral to development.</p> <p>Core Strategy Policy CS13 requires all development to take measures to minimise the effects of, and adapt to, climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy DP22 promotes sustainable design and construction and will expect 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.</p>	<p>Statement, a highly sustainable and energy efficient building is proposed with the following key provisions:</p> <ul style="list-style-type: none"> • Building thermal elements to be specified to exceed minimum building regulations 2010 by 25%. • Installation of a ground source heat pump. • Installation of 10m² solar thermal panels. • Installation of 60m² Photovoltaic panels. <p>Theses measures along with other sustainability measures will enable the dwelling to achieve Sustainable Homes Code Level 4 and to reduce its carbon emissions by approximately 39 % compared to the target emissions rate (TER) set by Building Regulations Part L1A 2010.</p> <p>The provisions of the London Plan and LB Camden's Development Plan policies are therefore met in this respect.</p>
<p>Noise</p>	

Policy Provision	Comment
<p>Policy DP28 provides that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate noise pollution; or development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided.</p>	<p>A noise impact assessment has been submitted with the application that considers the impact to the future residents from existing background noise, and also the impact from the proposed plant. It concludes that the building location falls into Noise Exposure Category A. Appropriate internal noise criteria have been proposed that are achievable using single glazing and with open windows. The report also recommends plant noise emission criteria based on the results of the noise survey and in conjunction with the Local Authority.</p>
<p>Section 106 Heads of Terms</p>	
<p>It is anticipated that a section 106 agreement will be negotiated with the Local Planning Authority during determination of the application.</p> <p>It is envisaged that the Heads of Terms for the S.106 agreement will provide for:</p> <ul style="list-style-type: none"> • The future protection of the Metropolitan Open Land. <p>Other planning obligations will be negotiated with the Council where they are necessary during the course of the application.</p>	

- 7.22. In addition, the proposed development offers the opportunity for environmental improvement through the replacement of a degraded building of little architectural value, with a new building of the highest architectural credentials, built from the finest materials; and the associated restoration/upgrading of the landscape around the house.
- 7.23. A highly sustainable dwelling is proposed of the highest architectural quality. It will serve to preserve and enhance the character and appearance of the conservation area and views from the Heath and provide this site with a beneficial and viable use.

8. Conclusion

- 8.1 The appeal scheme established that the principle of the redevelopment of Athlone House with a new building of the general nature of that then proposed, was acceptable. However, the building then proposed was considered by the inspector to represent too great an increase in size to be acceptable within MOL.
- 8.2 The current scheme is in the same architectural style, by the same architect, but is substantially smaller. It has been sized to represent appropriate development under both the two relevant exception clauses contained within NPPF para 89. Despite the reduced size, it would deliver essentially the same planning benefits as the appeal scheme.
- 8.3 This revised proposals see a comprehensive response to the site that fully addresses the only criticism of the appeal scheme in that the previous proposed dwelling was too large. The dwelling now proposed is 35% smaller than that presented at appeal and represents only a 10% increased in floorspace over the building as it existed in 2003 (all of which is below ground and invisible). The building's articulation has been increased, whilst its overall bulk and mass and scale reduced. This is especially noticeable from key views from the Heath.