

<b>Address:</b>	<b>11 Netherhall Gardens London NW3 5RN</b>		
<b>Application Number:</b>	2011/3471/P	<b>Officer: Gavin Sexton</b>	
<b>Ward:</b>	Frognaal & Fitzjohns		
<b>Date Received:</b>	<b>11/07/2011</b>		
<b>Proposal: Erection of building comprising basement, ground and first to third floor plus roof to provide 1 x 1-bedroom, 3 x 2-bedroom and 5 x 3-bedroom self-contained flats (following demolition of the existing building except party wall to 9 Netherhall Gardens).</b>			
<b>Drawing Numbers:</b> Site Location Plan (000-01); 001-001F, -100 F, -101 F, -102 F, -103 F, -104 F, -105 F, -110 F, -111 F, -112 F, -113 F, -114 C, -115 D, -116 C, -117 C, -118 D, -121 F; D01 A; DE01 A; EX01; EX02; EX03; 1108/SK/01; 1108/SK/02; Basement Risk Assessment by Price&Myers Sept 2011; Sustainability statement by Eight Associates Aug 2009; The Code for Sustainable Homes (Preliminary Assessment) by Dan Hilsdon July 2009 RevA; Arboricultural Constraints report 9/2/2009 by Landmark Trees; Letter from Watts Group dated 1/8/08; Letters from Andrew Firebrace Structural and Civil Engineering Partnership dated 2/1/2001 and 29/08/2001; Correspondence from Network Rail dated 14 March 2008 with attached conditions and requirements; Envirocheck survey by Price & Myers July 2009; Daylight Study by Delva Patman Associates Aug 2009; Transport statement by WSP July 2009; Lifetime homes matrix; Structural Inspection Report by Price&Myers dated May 2011;			
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission subject to S106 agreement</b>			
<b>Related Application</b>	<b>Yes</b>		
<b>Date of Application:</b>	<b>11/07/2011</b>		
<b>Application Number:</b>	<b>2011/3477/C</b>		
<b>Proposal: Demolition of existing building (with the exception of the party wall with 9 Netherhall Gardens).</b>			
Drawing numbers: As above			
<b>RECOMMENDATION SUMMARY: Grant conditional conservation area consent</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Avonhead Investments Ltd c/o Christo & Co 148 Kentish Town Road London NW1 9QB		PKS Architects LLP Mr Selwyn Lowe 10 Deane House Studios Greenwood Place LONDON NW5 1LB	

## ANALYSIS INFORMATION

Land Use Details:			
	Use	Use Description	Floorspace

	Class		
Existing	C3	<i>Dwelling House</i>	1045m <sup>2</sup> GEA
Proposed	C3	<i>Dwelling House</i>	2385m <sup>2</sup> GEA

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>	3	5	2						
Proposed	<i>Flat/Maisonette</i>	1	3	5						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	3	0
Proposed	8	1

## OFFICERS' REPORT

**Reason for Referral to Committee: The development entails the demolition of a building in a conservation area [Clause 3(v)].**

### 1. SITE

- 1.1 The property is situated on the west side of Netherhall Gardens, within the Fitzjohns/Netherhall Conservation Area and is recognised in the conservation area statement as making a positive contribution to the Conservation Area. The house has been substantially extended in the past and converted from a single dwelling into 10 flats (3 x 1-bed, 5 x 2-bed and 2 x 3-bed) some decades ago.
- 1.2 This substantial late Victorian detached house is typical of a swathe of development in the area characterised by steeply pitched tiled roofs, red brick, terracotta, brick and ironwork decoration, and timber sash windows with leaded lights. This part of the CA is generally well maintained and attractive, featuring very large and quite grand houses and buildings on substantial plots, some of which are now in institutional (private school and other educational) usage.
- 1.3 The property is set in generous grounds with mature trees and planting, and shares a front building line with many other properties in the street. The house is two storeys high plus roof with dormers and gable. Originally double-fronted, the house was substantially extended in the early 20<sup>th</sup> Century with a full depth, full height side addition to the North and a narrower two-storey side extension to the South. The current width of the property is twice that of the original house and occupies nearly the full width of the plot.
- 1.4 To the north lies no. 13, a 3-storey residential building separated from the site by a large open garden; to the south lies no. 9, a part 2-/3-storey single dwelling house,

directly abutting the site. To the front is a mix of residential and educational buildings of similar heights and styles and to the rear open land.

## 2. THE PROPOSAL

- 2.1 The application seeks to demolish the existing building containing 10 flats and replace it with a building containing 9 flats. The application differs *in only one respect* from the application which was granted permission in January of this year which is that the application seeks to demolish all of the building (with the exception of a single party wall share with number 9 Netherhall Gardens) and the re-instatement of the front elevation in brick. The previous consent was for *substantial* demolition of the structure with the retention of the front (rendered) and north elevations and some internal walls.
- 2.2 The replacement building would be modelled on the existing, with a reinstated original front elevation but also with substantial rear additions, together with an additional storey of accommodation within the roof. A basement/rear lower ground floor would include an element of residential accommodation, but would be primarily for the provision of parking and an ancillary leisure facility for occupiers of the new flats.
- 2.3 The only significant change in material considerations between the previously approved application and the current proposals is the extent of the demolition.

## 3. RELEVANT HISTORY

- 3.1 **January 2011:** Permission **granted** subject to s106 and conditions (2010/3183/p) for “Additions and alterations including a full width rear extension at ground level, a rear extension at first and second floors, a roof extension with dormer windows and an enlarged basement excavation to comprise 1 x 1-bedroom, 3 x 2-bedroom and 5 x 3-bedroom self-contained flats to the existing residential building, following substantial demolition of the existing property.” Conservation Area Consent was also **granted** (2010/3568/C) for “The substantial demolition of the existing property.”
- 3.2 **October 2009:** Permission was **refused** (2009/3889/P) for “Additions and alterations including a full width rear extension at ground level, a rear extension at first and second floors, a roof extension with dormer windows and an enlarged basement excavation to comprise 1 x 1-bedroom, 3 x 2-bedroom and 5 x 3-bedroom self-contained flats to the existing residential building, following substantial demolition of the existing property.” The decision was appealed and following the Hearing the Inspector concluded that the only reason for refusal which could be maintained related to the provision of affordable housing. The affordable housing issue was overcome in the January 2011 approval.
- 3.3 **June 2009:** Applications were withdrawn for additions and alterations including a full width rear extension at ground level, a rear extension at 1<sup>st</sup> and 2<sup>nd</sup> floors, a roof extension with dormer windows and an enlarged basement excavation to comprise

1 x 1-bedroom, 2 x 2-bedroom and 6 x 3-bedroom self-contained flats to the existing residential building.

- 3.4 In **March 2007** applications (2006/0742/P & 2006/0745/C) for the demolition of the existing 3-storey building and erection of a new 4-storey plus basement block to provide 14 new self-contained flats plus basement parking for 22 cars were withdrawn.
- 3.5 In **December 2004** applications for planning permission and conservation area consent (2004/4214/P & 2004/4215/C) for the demolition of the existing building and erection of a new building to provide 14 flats with basement parking were withdrawn.
- 3.6 In **April 2003** applications for planning permission and conservation area consent (references PWX0202527 & CWX0202528) for the demolition of the existing 3-storey residential building and redevelopment of the site by the erection of a 4-storey block of 14 flats, including roof terraces and the provision of forecourt parking were refused. A subsequent appeal was withdrawn.

## **4. CONSULTATIONS**

### **Statutory Consultees**

#### **4.1 English Heritage**

The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

### **Conservation Area Advisory Committee**

#### **4.2 Fitzjohns CAAC:**

Not convinced that demolition and rebuilding are preferable to refurbishment and adaptation. However if demolition and rebuild is environmentally acceptable then do not object.

#### **4.3 Local Groups**

Heath & Hampstead Society - object.

- Some documents are incapable of downloading from your website. Deplore this denial of public access to information which ought to be available for inspection.
- Object to
  - Overdevelopment of the site, specifically by encroachment into large areas of rear garden space, and by additional floors beyond that of the existing building;
  - Unnecessary basement construction largely for car parking contrary to Camden's policies on discouragement of car use and
  - Loss of many trees.
- Character and appearance of our Conservation Area would be damaged in each respect.

- Concerned at the continued proliferation of on-site car parking provision especially in a basement.
- Many of the trees previously identified have since been felled, with or without approval.
- There is no Basement Risk Assessment.
- The site also sits directly over the Belsize New Tunnel; Network Rail's requirements on structural safety are not addressed.

#### 4.4 Other groups

Network Rail were not consulted on this or the previous application, however the applicant has submitted details of correspondence with NR in which the Network Rail engineer acknowledges the development proposals, identifies the proximity of the Belsize tunnels and sets out NR requirements for work in proximity to the tunnel zone of influence.

#### 4.4 Adjoining Occupiers

A site notice was displayed for three weeks from 27 July 2011 and a press notice was placed on 11 August 2011.

	Original
<i>Number of letters sent</i>	116
<i>Total number of responses received</i>	3
<i>Number of objections</i>	2

4.5 Comments (1) and objections (2) were received from three residents (7A and two flats at 19 Netherhall Gardens):

- Will new building be in keeping with surrounding homes?
- Believe it would be in everybody's interest to permit the demolition subject to the condition that it is returned to its appearance when it was first built, with red face brickwork matching that of the great majority of the buildings locally
- Existing rendering is wholly out of character with Conservation Area
- The existing party wall with 9 Netherhall Gardens should be retained
- Work involved will be very lengthy and noisy on what is a calm and pleasant street – would not object if work was restricted to 9am-5pm Monday to Friday and no work before 10am on a Saturday or Sunday.

## 5. POLICIES

### 5.1 Local Development Framework Core Strategy and Development Policies 2010

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)

CS16 (Improving Camden's health and well-being)

CS17 Making Camden a safer place)  
 CS18 (Dealing with our waste and encouraging recycling)  
 CS19 Delivering and monitoring the Core Strategy)  
 DP2 (Making full use of Camden's capacity for housing)  
 DP3 (Contributions to the supply of affordable housing)  
 DP5 (Housing size mix)  
 DP6 (Lifetime homes and wheelchair homes)  
 DP17 (Walking, cycling and public transport)  
 DP18 (Parking standards and the availability of car parking)  
 DP19 (Managing the impact of parking)  
 DP20 (Movement of goods and materials)  
 DP21 (Development connecting to the highway network)  
 DP22 (Promoting sustainable design and construction)  
 DP23 (Water)  
 DP24 (Securing high quality design)  
 DP25 (Conserving Camden's heritage)  
 DP26 (Managing the impact of development on occupiers and neighbours)  
 DP27 (Basements and lightwells)  
 DP28 (Noise and vibration)  
 DP29 Improving access)  
 DP32 (Air quality and Camden's Clear Zone)  
**Camden Supplementary Planning Guidance (2011)**

## 5.2 The London Plan July 2011

## 5.3 National policy:

**PPS5:** Planning for the Historic Environment

## 6. ASSESSMENT

- 6.1 This application follows approval of Planning Permission and Conservation Area Consent for this property in January 2011 (see Site History). As set out in the proposal section the form of the replacement building is identical to the previously approved with the only difference being the increased extent of demolition and the re-instatement of the front elevation in brick.
- 6.2 Permission is sought for total demolition of the building and its replacement building incorporating basement, 4<sup>th</sup> storey within a reconfigured roof (so that the roof contains two levels of accommodation) and extensions across the width to the rear. The key consideration for this assessment therefore relates to the principle of demolition and design of replacement.
- 6.3 The only relevant material changes in the planning circumstances since the consents of January 2011 are the adoption of CPG and the London Plan. Where relevant these are discussed in the sections below (see paragraphs from 6.21 onwards), while mindful of the fact that the scheme itself has not changed.
  - Land use and mix of units
  - Affordable Housing
  - Amenity of neighbours and occupiers

- Basement proposals
- Access and lifetime homes
- Transport
- Landscaping & Trees
- Land contamination
- Sustainability

### **Principle of demolition**

6.4 The applicants propose to demolish all of the building with the exception of part of the party wall with 9 Netherhall Gardens. The need for the demolition has arisen because of structural issues with retaining the front façade. The applicant has provided the following reports :

- Structural inspection report with particular reference to the retention of the front and side facades – by Price & Myers
- Feasibility budget cost estimate
- Revised Conservation Area Appraisal and PPS5 analysis

6.6 The building owners have not yet started to implement their recent consents (ref 2010/3183/P and 2010/3568/C), but further inspections of the front façade have revealed more severe structural problems than previously identified. Although structural engineers Price & Myers were originally appointed in 2009, they recently revisited the building and have updated their observations.

### **Demolition: background**

6.7 The house was altered in the immediate postwar period (late 1940s/early 1950s) when it was converted into flats. At this time the house was out of date stylistically and was considered too large to continue to be used as a single family dwelling. The loadbearing external red brick was already showing signs of deterioration (the bricks are constructed from a very soft clay). All external brickwork was therefore covered in a hard cementitious render and painted white in accordance with the architectural fashion of the time. The terracotta dressings, timber and metal decoration were left *in situ*, allowing much of the original character of the building to remain. As the Planning Inspector stated in his appeal decision “*Much of the addition and remodelling work that was undertaken ... was not done very sympathetically, although several attractive and interesting architectural features remain on the original parts of the main elevations.*”

6.8 The Inspector stated that both the house and its grounds have been seriously neglected in recent times resulting in the current form of the building detracting from the visual qualities of this part of the conservation area. He also noted that the buildings in the conservation area share the consistent use of materials for external construction, with red brick prominent. The Inspector noted “*Although varied in nature, size and design the buildings therefore enjoy a broad coherence which leads to a pleasing visual effect from which the appeal building, I conclude, detracts.*”

6.9 The construction of the property comprises load-bearing masonry walls, floors predominantly of timber and a roof of timber construction with a clay tile finish. The

building is located on a level site on high ground, founded on the London Clay formation of a high swelling and shrinkage potential. This has resulted in subsidence issues which have caused cracking and movement in the front elevation of the house (as elsewhere in the rest of the property which already has consent for demolition). The structural movements have occurred in various positions across the front façade, with cracks generally running between penetrations in the façade, such as windows, doors and ventilation grilles). It has been calculated that on the north side of the frontage (the early 20<sup>th</sup> Century extension) the building has moved by approximately 80mm.

**Demolition: justification**

- 6.10 Under normal circumstances, these structural issues could be rectified allowing the façade to be retained and restored to its original brick finish. This would normally be achieved by underpinning and the use of a retention system which would support the façade externally and would involve retaining sections of side returns with internal knee braces (as recommended by Price & Myers in their structural report). Price & Myers have expressed some concern, however, that this would not be viable for the building in question due to the poor stability of the bay windows on removal of the internal floors and the fragility of the high-ridged gable over the south bay window due to the poor condition of the Bressemer beam supporting it. They also consider for health and safety reasons it would not be possible to retain the bays and high gables of the front façade, which on demolition would leave very little of the historic frontage intact.
- 6.11 Nonetheless, the overriding issue in this case is the poor condition of the brickwork right across the front façade of the property, which is so poor that it probably would not withstand major repairs structurally or aesthetically. The render applied to the front elevation in the mid 20<sup>th</sup> Century, was typical of that time and 'sealed' the brickwork so that it could not breathe. The render did not protect the surface of the bricks which were manufactured from very soft clay, and would have been more compatible with a traditional lime-rich mix (particularly in the light of the original lime-rich mortar mix). It is most likely that the render was applied primarily for functional reasons as it is understood from historic records and from recent observations on site by the Conservation Officer that the bricks were already in a poor condition and deteriorating on the surface. During the recent site inspection it was noted that the bricks are constructed from very soft red clay which crumbles easily, and that the lime-rich mortar mix of the original pointing is also very weak and deteriorated. On the removal of several small areas of render from the front facade, the surface of each brick behind came away with the render.
- 6.12 It is therefore concluded that the stripping away of the existing render which would be essential to undertake the structural repairs would seriously damage already badly deteriorated bricks. Although it is accepted that the bricks could be repaired to give a structurally sound front wall, aesthetically they would be less than pleasing due to the deterioration of their front surfaces which would be difficult to repair and would be vulnerable to further damage from weathering. Given that the building already detracts from the conservation area due to its much altered appearance (as outlined by the Planning Inspector and stated above), it would be inappropriate to re-render this façade, even with a lime-rich render.



- 6.13 A further consideration is that the Council has already granted conservation area consent for the substantial demolition of the building behind the front façade, including the main front roof slope immediately above the front façade. It is concluded that this further element of demolition will not result in further harm to the conservation area, especially since the front has already been insensitively altered and can be reconstructed as a scholarly replica using a replacement red brick to match the original finish and where possible re-employing original 19<sup>th</sup> Century architectural components from the existing front façade.

**Demolition: PPS5 assessment**

- 6.14 The applicants have submitted a full justification in terms of *PPS5: Planning for the Historic Environment* (published 23 March 2010), prepared by an architect with historic buildings expertise. PPS5 policy HE9 relates to designated heritage assets which would include the Fitzjohns/ Netherhall Conservation Area. Policy HE8 relates to No 11 Netherhall Gardens itself, which is considered to be an undesignated heritage asset. Although No 11 was identified as a positive contributor in the conservation area statement, it has been so much altered that its contribution to the conservation area is of marginal significance (this view is supported by the Planning Inspector). The Inspector's view was that the proposed re-development of number 11 (involving substantial demolition and remodelling) would enhance the conservation area. Given the limited contribution of the front elevation of the property to the character and appearance of the conservation area it is considered that no further significant harm would be caused by the total demolition of the building. The proposals are acceptable in terms of PPS5 policy.

**Design: Replacement building**

- 6.15 The design of the replacement building formed a reason for refusal in October 2009 (see site history). Officers considered that the existing building had the potential to accommodate only modest levels of extension and a 4<sup>th</sup> storey could not be accommodated successfully without harm to its appearance. Furthermore, officers considered that the proposed roof was unduly bulky and lacking in an appropriate level of form, articulation, variation, depth and shadow characteristic of the late Victorian roofscape of the existing building. The detailing on the front elevation would become lost within the roof mass, and further compromised by the many competing dormers, including a rather heavy bay extension into the roof zone.
- 6.16 However, following the appeal the Inspector assessed the Council's objections to the design proposals and concluded otherwise. He noted that the local buildings are largely redolent of the Victorian period and, although varied in nature, size and design, the buildings enjoy a broad coherence which leads to a pleasing visual effect. He stated that "*the replacement building would have a greater mass and bulk and would extend significantly further into the plot. Its design has however been carefully formulated, utilising a range of architectural features and local design references that have been interpreted in a contemporary manner*".
- 6.17 With respect to the roof, he concluded that "*the remodelled roof would undoubtedly be more pronounced as the building would be considerably increased in footprint and mass. However, the new roof would not be higher than the existing, although it would be extensively changed. To the front, the most visible elevation would ... feature a better proportioned range of openings within the roof form when*

*compared with the rather uncoordinated dormer features found in the extended part of the existing arrangement.” Furthermore “to the rear the roofline would be significantly remodelled featuring prominent gables whilst repeating the central projecting bay which is a feature of the building in this area.”*

6.18 Overall the Inspector concluded that he did not consider “*the revised arrangement to be visually uncharacteristic or discordant*” and the development would “*form a building of some presence and distinction that would sit comfortably within a road which already exhibits a number of other buildings of comparable size, mass and bulk.*”

6.19 The re-instatement of the brick finished front elevation would offset some of officers’ original concerns about the resultant design. The Inspectors findings were a material consideration in reaching the decision to approve the proposals in January 2011 and the replacement building design has not changed in form since that decision.

#### **Demolition and design: conclusion**

6.20 Overall the proposal has demonstrated exceptional circumstances for demolition works which outweigh the case for retention. The demolished building would be replaced by a suitably detailed replica of the original front elevation which would therefore ensure that the replacement would enhance the appearance of the conservation area. The proposals therefore comply with DP25, subject to a number of conditions to ensure that a schedule of retained architectural features for reinstatement has been approved and that a contract has been let for the entire scheme of proposed works.

6.21 The demolition and rebuild will need to be of the highest standard of design in order to respect local context and character and to comply with policy CS14. There is an implemented precedent for such demolition and rebuilding works at 16-18 Netherhall Gardens (approved in 1991) immediately opposite the site. The implemented scheme has been scholarly and sensitively detailed as a replica. It is considered that such an approach may also be ensured by use of sufficiently detailed planning conditions. The conditions would secure full details, including sample panels, of all external finishes (including terracotta decoration, ironwork, joinery and roofing materials) and details of all elements of the replacement elevations. Furthermore method statements for the construction or manufacture of all new architectural components would also be secured. Finally a condition would be added to ensure that all items listed on the schedule of retained architectural features have been properly incorporated into the development.

6.22 **Land use, mix of units :** The proposal would result in the loss of a single dwelling unit. The loss of fewer than two units is acceptable under LDF policy DP2. The proposed mix of units with a predominance of 2- and 3- bedroom units meets the need for market housing identified in LDF policy DP5. All of the units would be spacious and would be well provided for in terms of access to daylight, sunlight and outdoor/balcony amenity space.

6.23 **Affordable Housing :** The proposed development would reduce the number of units in the property from 10 to 9. The proposed floorspace figures are given in

table 1. The previous application was approved without a contribution to the provision of affordable housing for the reasons set out below.

	Existing	Proposed (non-habitable floorspace in brackets)	Habitable floorspace uplift
Internal unit areas of flats	824	1480	656 Net internal
Gross internal area (includes shared circulation space and communal areas)	933	2157 (c.500)	2157 -500 -933 <hr/> 724sqm Gross Internal
Gross external area	1045	2385 (c.550)	2385 -1045 - 550 <hr/> 790sqm Gross External

**Table 1:** Floorspace figures

- 6.24 LDF policy DP3 states that an affordable housing contribution is only required for “*residential developments with a capacity for 10 or more **additional** dwellings*”. Supporting text in the LDF sets out that 1000sqm gross may be considered as the equivalent to 10 units. Supporting text (para. 3.18) and CPG2 (housing: para 2.23) states that only *habitable* floorspace (excluding communal and shared circulation space) contributes to considerations of housing capacity.
- 6.25 The floorspace figures demonstrate that net internal uplift is 656sqm and the gross internal increase is 724sqm. These figures are insufficient to trigger the affordable threshold set by DP3. On the basis that officers have previously argued that the building cannot reasonably accommodate any additional habitable floorspace, it is considered that the building is not being underdeveloped in order to avoid passing the 1000sqm threshold.
- 6.26 The leisure facility at rear basement level and a small element of the adjoining parking area could potentially form an additional 100-150sqm of habitable floorspace. This would provide for a total of 806sqm (656 + 150) which would potentially be a marginal case for crossing the affordable housing threshold. However, the leisure facility is a reasonable amenity facility for the occupants of such a high-end development. It is considered that the development does not come sufficiently close to the threshold to enable affordable housing to be sought in this instance. Accordingly the proposals are considered to accord with LDF policy DP3. However, it is considered reasonable to secure a S106 head of term which would seek affordable housing provision in the event that development on the site crosses the threshold of affordable provision by way of sub-division or extension, beyond the current proposals.

### **Amenity of neighbours**

- 6.27 The site directly abuts no. 9 Netherhall Gardens and shares a party wall to the rear. Various windows on the south elevation also overlook the north elevation of no. 9. The party wall is proposed to be retained, and extended towards the west and then

continued with a 1.8m timber fence. Neighbours previously raised concerns about overlooking into an existing large rooflight in the top level north-facing roof slope of no. 9. The 2<sup>nd</sup> floor large hall window already overlooks this window, but is proposed as obscured together with other windows at that level and within the recessed dormer windows in the roof slopes above. Other windows to the rear of the side extension (flat 3) are located to protect amenity to no. 9, and further potential for overlooking to nos. 9 and 7a has been removed by introducing a screen to the rear terrace of flat no. 4, which would be secured by planning condition.

- 6.28 These measures are considered acceptable and would protect the amenity of neighbouring dwellings. The Inspector concurred with this view by stating *"I am content that the proposal would not have the effect of causing any harmful additional overlooking to adjoining properties. New window openings on the southern elevation at upper levels are shown to be fitted with obscured glazing, and a condition could be applied requiring all work to be undertaken in strict accordance with the approved plans. The current party wall in this area will also be retained."* The distance from the side, north facing elevation of the site, to no. 13 is some 17m. This is considered a considerable distance in the context of the urban environment in the area together with the presence of existing mature trees and no concerns of overlooking are raised.
- 6.29 A daylight and sunlight study was carried out to assess the impact on the proposed development on 5 windows at nos. 9 and 13. No loss of daylight and sunlight has been concluded to result. Overall the proposals are in accordance with LDF policy DP26.
- 6.30 An area of plant with no external noise breakout is proposed in the basement. The requirement for further plant in the future has not been out ruled but it is considered that for this type of size development the allocated area should be sufficient. No noise emission is likely from this area and no further control is considered necessary at this point.

### **Basement proposals**

- 6.31 As noted by the H&H Society in the consultation section above CPG4 (Basements and lightwells) has been adopted in the period since the previous approval. The current application submission has therefore been augmented by the inclusion of a Basement Impact Assessment, in addition to the details which were previously submitted. The site investigation involved 3 boreholes and three trial pits. The soil conditions were found to be Made Ground to a depth of c. 1.45m with soils typical of London Clay below to a depth of at least 9.5m.
- 6.32 The falling topography would allow the construction of a basement with habitable rooms overlooking the rear garden by excavating no deeper (approx 3m) than the general recommendation of the basement guidance, although the swimming pool would require an extra depth of approx 1m. The basement would extend into the rear garden by approx 15m at its furthest point (swimming pool) from the main rear elevation. The garden itself is very extensive and the majority of the existing site's rear garden would remain untouched by the basement works.

- 6.33 The basement would be contained within 300mm reinforced concrete walls, with underpinning along the boundary with number 9. The basement vehicle entrance ramp would be parallel to and approx 1m from the boundary with no. 9 Netherhall Gardens. The bulk of the basement excavation taking place would be approx 3-4m from the neighbouring rear elevation within the garden. The basement work would be just under 2m from the garages and around 14m from the main building at no.13. On the west side there would be party wall structures connected with no. 9. The basement works would be generally at least 3-4 metres from the dwelling at no. 9 to the south. It is therefore considered that there is limited risk to the neighbouring properties and the submitted BIA identifies that maintaining the stability of the adjacent buildings is a primary driver of the final basement design.
- 6.34 The site is in close proximity to the Belsize New Tunnel, and works for the basement would be within the zone of influence of the tunnel lining which lies approx 14-16m below ground under the site. The applicant has been in contact with Network Rail and protection of railway assets has formed a consideration in the design of the proposals. The applicant has advised that preliminary engineering advice suggests no piling should be undertaken due to the railway tunnel running below. An informative would be added advising the applicant to undertake further detailed discussions with Network Rail on safeguarding the tunnels.
- 6.35 Some limited groundwater was encountered on site in one of the boreholes but it is not expected that this would give rise to any significant issues. Netherhall Gardens does not feature in the basement guidance as being a location of surface water flood risk. Whilst the basement footprint would be substantial at 600sqm in size, it would be approx 15m from the nearest residential property to the north and 3-4m from the nearest to the south. It is considered that the location of the basement would allow underground water flow, should it be present, to divert within the undeveloped ground space around the unbuilt perimeter of the site. As limited details of the post-construction site drainage have been provided a condition would be added to secure further details of SUDs arrangements to offset the loss of permeable surfacing lost to the relatively extensive basement, in accordance with policy DP27.
- 6.36 The basement would retain significant margins to both front and rear of the site to allow the retention of the identified trees as well as new growth. The relationship between the basement and trees on site is examined below. The BIA does not assess the likely level of risk to the structural stability of neighbouring buildings, however the party wall would be retained on the boundary with 9 Netherhall Gardens and the residential property at 13 is some distance away. A condition would be added requiring the engagement of a suitably qualified engineer to oversee the works of demolition and temporary and permanent works to the basement. It is considered that sufficient information has been provided to allow assessment of the basement proposals in accordance with policy DP27.
- 6.37 The removal of the need to retain the front elevation would result in the excavation of a basement on a cleared site rather than within a site constrained by the temporary structures required for façade retention. This should result in the on-site construction works being significantly simplified, with a reduction in associated risks, for example from working on site confined by temporary propping to the

retained elevation. Other than the removal of the front elevation the basement proposals themselves have not changed in any way from the approved scheme of March 2011. Overall, the basement proposals are acceptable, subject to conditions to secure an engineer and for further details of SUDs.

### **Access and Lifetime Homes**

- 6.38 Details have been provided of how the proposals would meet the Lifetime Homes criteria and these include a wheelchair adaptable flat (unit 2). The proposed front access ramp may not provide sufficiently shallow gradient to be fully compliant however a requirement for further details of the proposed access ramp have been included within the condition requiring landscape details. An informative would be added stressing the need for a DDA compliant access route. The proposals comply with LDF policy DP6.
- 6.39 The previous refusal raised concerns about the provision of level access to the rear garden space. In addition to the terraces and balconies provided as primary amenity spaces for individual flats, the rear garden would provide an additional area for communal use. The applicant has examined options for providing level access to the rear garden from the basement, but this has proved impractical due to the sloping nature of the site and the configuration of proposed development. Level access to the rear garden would be provided instead via the side of the property. This element of the scheme has not changed from the approval of January 2011 and is acceptable in terms of LDF policy DP29.

### **Transport**

- 6.40 The site is located in the Frognaal and Fitzjohns area, close to South Hampstead Town Centre. This site currently has two vehicular crossovers off Netherhall Gardens, which will be retained, allowing two or three cars to be parked on the drive. The proposals involve the excavation of a large basement to provide underground parking for 9 cars instead of the surface parking. The application states that there are two parking spaces on site which is considered to be a conservative estimate of the available space. The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent).
- 6.41 The proposals include significant and extensive site workings and are therefore likely to give rise to considerable construction activity, with a potential impact on the local transport network and amenity of neighbours. This would necessitate a Construction Management Plan to be secured by S.106 legal agreement. The agreement shall state that the Construction Management Plan shall be approved prior to any works starting on site and the approved plan shall be followed, unless otherwise agreed with the Highway Authority concerned.
- 6.42 There would be no increase in the number of residential units on the site. CPG7 (Transport) states that car-free development may be sought where there is the creation of new net additional units, which is not the case here. The proposals include a single car space per dwelling and it is recommended that in order to ensure that local parking pressures are not exacerbated the development be car-capped (i.e. off-street parking is allowed, but no access to on-street residential permits). This is considered reasonable as, although 1 less unit will be provided, overall there will be 6 more bedrooms in total as most of the units will be larger.

Therefore, there could potentially be more people parking on-street and therefore an impact on parking contrary to policy DP19. Although the submitted drawings show provision of 9 cycle spaces the requirements of the recently adopted London Plan require an additional cycle space per 3 bed unit. This would bring the total provision on site to 14. There is ample space in the basement to accommodate this and a condition would be added requiring details of the final provision to meet this requirement. The proposals comply with policy DP17.

### **Landscaping and trees**

- 6.43 An Arboricultural Report has been provided and four trees are identified for removal:
- a young Serbian Spruce (T5) within the rear garden, of limited amenity value
  - a Poplar growing at the edge of a woodland adjacent to the site for the reason that it is at risk of failure due to decay; and
  - a Cherry (T3) and a Hawthorn (T8) due their poor condition and having reached the end of their safe, useful, life expectancy.
- 6.44 The Report identifies three trees on site which are potentially affected by the proposals that are covered by a TPO. They include a Hawthorn (T8) and four category B trees:
- two Sycamores to the north side (T6 and T7); and
  - two Horse Chestnuts at the front and (T1 and T2).
- 6.45 The Arboricultural Report is considered to provide sufficient detail and justification for the removal and retention of trees on and around the site. The landscaping proposal is also considered to acceptable in principle; however a condition would be added requiring a method statement for the protection of trees to be retained and also hard and soft landscape details including replacement planting for those trees to be removed. With regard to the landscaping and trees, the Inspector noted that *“a new landscaped scheme, which could be the subject of a planning condition... would also provide a distinct improvement over the current situation which impairs the visual qualities of the conservation area”*.
- 6.46 There are no green roofs proposed; however, given the style of roof proposed, in context with the area and the substantial landscaping surrounding the site this is not considered a requirement.

### **Land contamination**

- 6.47 An ‘Envirocheck’ study accompanying the application identifies the potential for local land contamination. The report recommends further site investigation with trial pits to establish the ground conditions. The Environmental Health Service has recommended that a condition to address potential land contamination be attached to any planning permission for the site.

### **Sustainability**

- 6.48 Previously elements of the building were to be retained and this would have led to a combination of refurbished and new dwellings, falling under different categories for sustainable assessment. The current scheme would be entirely new and would be expected to achieve Level 3 of the Code for Sustainable Homes. The submitted



preliminary assessment indicates that the scheme could achieve these targets, which would be secured through the S.106 legal agreement.

- 6.49 The sustainability statement identifies measures to reduce energy use through efficiency measures and to provide renewable energy production on site. The report recommends the provision of a communal gas boiler for heating, with the facility to connect to a future district heating network. Solar thermal panels have also been identified as appropriate additions to the roof to provide hot water.
- 6.50 The applicant has indicated a willingness to consider grey water recycling in order to maximise the water efficiency provided by the scheme. It is considered appropriate to secure final clarification of the resource efficiency and renewables measures by S.106 legal agreement.

## **7. CONCLUSION**

- 7.1 The development proposals are almost identical to the previously approved scheme, with the exception that the entire building would now be demolished, rather than the front elevation being retained. The justification for this increased scale of demolition has been carefully considered and is acceptable. The new building would re-instate the original brick façade which has been covered for 50 years by render that has contributed to the erosion of the structural integrity of the retained fabric. In the context of the justified demolition this reinstatement would be welcomed.
- 7.2 The proposals are acceptable in all other respects subject to conditions and a S.106 legal agreement to secure the following Heads of Terms:
- Construction Management Plan
  - Car-capped development
  - Highways works
  - Code for Sustainable Homes Level 3
  - On-site renewables
  - Contribution to affordable housing to be considered in the event of further extension or subdivision reaching the threshold

## **8. LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.