

<b>Address:</b>	<b>Worsley Court 45 Pilgrims Lane London NW3 1SR</b>	
<b>Application Number:</b>	2011/6199/P	<b>Officer: Amanda Peck</b>
<b>Ward:</b>	Hampstead Town	
<b>Date Received:</b>	<b>09/12/2011</b>	
<b>Proposal: Erection of 5 storey building to provide four residential units (Class C3) comprising two dwelling houses over all floors and two studio flats at part lower ground floor, including works of excavation at lower ground floor level, following the demolition of existing building.</b>		
<b>Drawing Numbers:</b> Site Location Plan; A5; A10 A; A50; A51; A52; A61; A60; A62; A63; A90; A91; A92; A93; S50; S51; S52; S80; S90; S91; S92; S93; A100 A; A101 A; A102 A; A103 A; A104 A; A105 A; A150 B; A151 A; A152 A; A153 B; A160 A; A161 A; A162 A; A163 A; SKK150 B; SKK151 A; SKK152 A; SKK153 B; SK20 (proposed bicycle store); SK20 (scheme footprint comparisons); SK21; SK22; Savills Daylight and Sunlight letter dated 5 April 2012 JL050412(DW); Savills Daylight/Sunlight Report 4 December 2011; dMFK Design and Access Statement; Tomlinson Tree Surgeons Pre-development Arboricultural Report 29 November 2011; Cundall Sustainability & Energy Statement 10 November 2011 1005078 issue 2; LPP Planning Statement December 2011; Elliott Wood Basement Impact Assessment February 2012 211621.1 rev P1		
<b>RECOMMENDATION SUMMARY: Grant Planning Permission subject to a S106 agreement</b>		
<b>Related Application Date of Application:</b>	<b>09/12/2011</b>	
<b>Application Number:</b>	2011/6421/C	
<b>Proposal: Demolition of existing building.</b>		
<b>Drawing numbers:</b> S50; S51; S52; S80; S90; S91; S92; S93		
<b>RECOMMENDATION SUMMARY: Grant Conservation Area Consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Mr & Mrs D Hudaly c/o Agent	Savills The London Planning Practice Lansdowne House 57 Berkeley Square London W1J 6ER	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		399m <sup>2</sup> (GIA)
Proposed	C3 Dwelling House		547m <sup>2</sup> (GIA)

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

## **OFFICERS' REPORT**

**Reason for Referral to Committee:** The application is being reported to the Committee as it involves demolition of a building in a conservation area [Clause 3(v)]

**This item was deferred from the 10<sup>th</sup> May 2012 Development Control Committee through lack of time.**

### **1. SITE**

- 1.1 The application site relates to a four-storey (including lower ground and mansard roof levels) end of terrace building which currently comprises 5 residential flats. The site is located on the northwest side of Pilgrims Lane close to Hampstead Heath and is within the Hampstead Conservation Area.
- 1.2 The building is not identified as a building that makes a positive contribution to the character and appearance of the conservation area, nor is it listed. The surrounding area is predominantly residential in character.
- 1.3 The adjoining property to the south, No 43 Pilgrim's Lane, is a four storey plus basement building displaying motifs of middle eastern design. This building appears to be a storey higher than the application building due to the sloping nature of Pilgrims Lane. Princess Court, a five storey, brick built mansion block is located opposite the application site at No. 68 Pilgrims Lane. No's 66 and 64 Pilgrims Lane also contain 5 storey residential properties. These properties also appear to be a storey higher than the application site.
- 1.4 The application site is flanked to the north by the rear gardens of properties located along Willow Road. The properties along Willow Road contain 3 and 4 storey plus basement, dual aspect houses with some of the properties also displaying rear extensions. The property adjoining the application site to the north, No. 8 Willow Road has an existing ground and lower ground floor side extension and two garages located along its rear boundary with the application site.

### **2. THE PROPOSAL**

#### **Original**

- 2.1 This application follows a number of recent applications at the site, which comprised the demolition and redevelopment of the site and a recent approval for various extensions to the existing building (2010/5567/P see relevant history). This most recent extant permission to extend the building will result in the creation of a 5 storey building (including lower ground and mansard roof level).
- 2.2 The proposal being considered now is to demolish the existing four-storey building which comprises 5 residential units (4 x 2 bed and 1 x 1 bed) and replace it with a five-storey building (lower ground, ground, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels) to provide 4

residential units (2 x 5 bed and 2 x studios). The proposal when compared to the most recent extant planning application will result in a slightly larger building footprint at LG, G, 1<sup>st</sup> and 2<sup>nd</sup> floor levels to the side of the existing building line and at 3<sup>rd</sup> floor level will have a slightly reduced footprint to the rear and front of the existing building line.

## Revisions

- 2.3 The applicant has amended the scheme during the course of the application to reduce the width of the side extension by 300mm (so it will be 300mm further away from the side boundary than originally proposed), amend the front elevation and has submitted additional information with a further sunlight/daylight for the properties that were not included in the original document (8 and 9 Willow Road), a basement impact assessment and plans comparing the scheme with the refused scheme and consented scheme.

## 3. RELEVANT HISTORY

### Application site

- **2010/5567/P** - Additions and alteration to existing block of flats (Class C3) to include removal of the existing mansard roof and exterior rear stairwell, the erection of a new second storey with new mansard roof at third floor level, erection of side, part rear extension at lower ground level and rear extension at ground, first and second floor level, all in association with reconfiguration of existing 5 no. flats to provide 1 x 1 bed, 3 x 2 bed and 1 x 3 bed flats. Granted subject to a S106 10 May 2011
- **2010/0636/P & 2010/0751/C**: Demolition of existing building and erection of a four-storey and two level basement building to provide 4 (2 x 2-bed and 2 x 3-bed) residential units (Class C3), following demolition of existing four-storey building. Withdrawn 14/05/2010.
- **2008/2714/P & 2008/3167/C**: Demolition of existing building and erection of a four-storey building with two levels basement to provide 2x 2-bedroom and 2x 3-bedroom residential units. Refused 31/10/2008. Appeals (Ref no's APP/X5210/A/09/2098025 & APP/x5210/E/09/2098026) dismissed 08/06/2009.
- **2007/1796/P & 2007/1801/C**: Replacement of the existing 3 storey and basement property (containing 5 flats) by a 5-storey building with two basements containing 5 self-contained flats with basement parking for 6 cars, plus balconies at rear and roof terrace to front/side elevations. Withdrawn 27/08/2007.
- **2007/6314/P & 2008/0755/C**: Demolition of the existing property and the erection of a replacement four storey building with two levels of basements containing 5 self-contained flats and basement parking, plus balconies to front and roof terrace to front/side. Refused

### 8 Willow Road

- 2012/1036/P - Erection of single storey garage fronting Pilgrims Lane following demolition of existing garage associated with residential dwelling (Class C3). At the time of writing the report this application was in the process of being assessed.

## 4. CONSULTATIONS

### Statutory Consultees

#### 4.1 English Heritage

- We have commented on previous proposals for this site, raising concerns over the bulk and height of the proposed replacement building. Those elements of the proposals have now been agreed in the existing consented scheme. As such we would not reiterate our previous view.
- In the event of you being minded to grant consent, we would urge the local authority to ensure that particular care is taken in the choice of materials, finishes and front boundary treatment of the proposed new scheme in order to preserve the character of the CA

### Conservation Area Advisory Committee

#### 4.2 Hampstead CAAC – Object:

- The Council should consider carefully whether the demolition of the existing building is justified
- As to the new design proposed we object to the overlooking caused by the rear balconies, to the brick colour, the hard landscaping and design of the rear lower windows. We do not think the proposals are in style with the street

### Local Groups

#### 4.3 Heath and Hampstead Society – comments/objections:

- Unhappy with balconies at the rear 2<sup>nd</sup> floor level due to overlooking and possible noise pollution (OFFICER NOTE: there are no balconies proposed)
- Main windows at g and 1<sup>st</sup> floor level garden size are excessively large. Such windows are unsustainable and we are unclear how these rooms would be ventilated
- Architectural design is of quality, but why are grey/brown bricks proposed? The traditional local brick is red.

#### 4.4 68 Pilgrim's Lane Residents Association – Object

- The developer has approached local residents saying that they would prefer to demolish rather than refurbish Worsley Court, arguing that the proposed new building would 'enhance' the environment.
- Their disparaging comments about the architecture of Worsley Court are hardly calculated to impress the residents of Princes Court as the two blocks date from the same period and are of a similar style
- The increase in bulk and loss of light may be little different from that involved in the last application which was approved but it does seem retrograde step to replace 5 medium sized flats with 2 apparently large and expensive houses with minimal studio flats.
- This new scheme would be more disruptive and less acceptable than the approved scheme.

- The only point on which we are grateful is that there is no talk of a double basement excavation.

### **Adjoining Occupiers**

<i>Number of letters sent</i>	36
<i>Total number of responses received</i>	12
<i>Number of electronic responses</i>	0
<i>Number in support</i>	1
<i>Number of objections</i>	11

- 4.5 A site notice was displayed from 19 January to 9 February and a press notice was in place between 26 January to 16 February
- 4.6 One letter of support was received from 43 Pilgrims Lane:
- Proposal far superior to consented scheme in terms of design
- 4.7 10 objections were received from 8, 9, 10, 11 and 12 Willow Road; 14 Denning Road; flats 7, 8 and 10 Princes Court; and 58 and 64 Pilgrims Lane for the following reasons
- The overbearing impact/impact on outlook on properties on Willow Road from the 2m change in the location of the building
  - The quality of the existing building and superiority of consented scheme
  - Unacceptable increase in size of building on the site (by 140%)
  - Poor quality design of proposed design:
  - Impact of the new building on the streetscene and CA. ugly design, brick proposed is uncharacteristic, size of proposed windows, design of windows on side elevation
  - Overlooking from windows on the rear elevation
  - Loss of sunlight/daylight from the proposal on properties on Willow Road and Pilgrims Lane. Specifically it has been raised that windows in 8 and 9 Willow Road have not been included in the daylight/sunlight report
  - Principle of demolition of building unacceptable
  - Damage to trees at adjacent properties on Willow Road. Not assessed in arboricultural report.
  - Proposed mix of units unacceptable as they are essentially 2 large units with granny annexes. Consequent loss of smaller more affordable units in area and loss of unit numbers on the development which is contrary to policy
  - Impact on properties on Willow Road which have been constructed without any foundations
  - No information submitted re impact of basement excavation
  - Construction impact
  - CMP required.
  - Sheer number of applications at site
- 4.8 Cllr Chung has objected to the application, but has not given any specific reasons for this objection.

## 5. **POLICIES**

### 5.1 **LDF Core Strategy and Development Policies**

CS1 (Distribution of growth)  
CS5 (Managing the impact of growth and development)  
CS 6 (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)  
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 (Homes of different sizes)  
DP6 (Lifetimes Homes and wheelchair housing)  
DP16 (The transport implications of development)  
DP17 (Walking, cycling and public transport)  
DP18 (Parking standards and limiting 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)

### 5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011  
Hampstead CAS  
NPPF 2012

## 6. **ASSESSMENT**

6.1 The principal consideration material to the determination of this application are summarised as follows:

- Demolition
- Design, scale and appearance
- Amenity
- Land use, mix and amenity of units
- Transport
- Other issues – Trees, Basement, Sustainability, CIL

### Demolition

- 6.2 The existing dwelling is not considered to be of any architectural merit. It is considered to be out of character with the area due to its squat appearance, unusually wide plot and age (it is a early/mid 20<sup>th</sup> century building which does not form part of a significant phase of development in the area) and over hanging eaves (atypical of the area in general). In this regard it is *not* highlighted as a building which makes a positive contribution to the character and appearance of the Conservation Area and its demolition would be acceptable subject to a suitable replacement.
- 6.3 It should be noted that the inspector in the appeal decision for 20118/2714/P concluded that because the proposed building was unacceptable the resulting vacant site in this prominent location would harm the appearance and character of the Conservation Area and therefore permission was refused to demolish the building. He did however note that permission for demolition should not be granted until a replacement scheme had been approved.

#### Design, Scale and Appearance

- 6.4 It is worth acknowledging the proposed scheme should be considered in relation to the consented scheme which would add a storey to the existing building (the success of which depends precise matching on brickwork and detailing).
- 6.5 The proposed is considered to be a sensitive and high quality response to the site which enhances the character and appearance of the area compared with the existing (and approved) building on the site.
- 6.6 The development takes into account the rhythm, scale and vertical emphasis of the neighbouring buildings on this part of Pilgrim's Lane. This is especially important given the plot is double the width of the adjoining properties and because the Inspector's decision particularly mentioned that a characteristic feature of the terraced properties in the street is 'their vertical emphasis'. The Inspector's report goes on to state that the buildings in the vicinity have a vertical emphasis, with an appearance of solid buildings punctuated by vertical glazed openings.'
- 6.7 The existing plot is 12m wide. The proposal divides the plot in two to create 6m wide dwellings which are more consistent with the plot widths of the neighbouring buildings and emphasise the vertical aspect rather than horizontal. The division of the proposed townhouses and typography of the land is further reinforced by the north plot stepping down the hill.

#### *Detailed design*

- 6.8 The proposed design is a considered to be a contemporary response to the traditional Hampstead townhouse and houses on Pilgrim's Lane and in the immediate vicinity. Vertically emphasis is created through the alignment of window. The fenestration pattern incorporates traditional punctured window opening as well as hierarchy (the floors and window height reduce as you travel up the building). The projecting bays add three dimensional depth and order which relates to the rhythm of the terrace townhouses adjoining the site. The facades design correspond to the language of dwellings which surrounding the site and make-up the prevalent character and appearance of the area.



### *Materials*

- 6.9 The facades incorporate both modern and traditional materials including handmade gault brick (chalk clay found beneath the London basin) with flush pointing; lead mansard; timber doors; green roofs and metal framed windows. The simple, high quality palette of materials proposed is considered to be appropriate for the area. The use of brick relates to predominant use of red brick in the street whilst the gault colour seeks to respond to the many stock brick, painted and stucco render dwellings on Pilgrim's Lane. The large expanse of brick to the flank elevation is broken with subtle use of 'blank window' and trellis vegetation.
- 6.10 At the rear double height glazing and larger window afford views of rear gardens and the benefit of natural light. Solar gain would not be an issue given the NW orientation. In this regard it is not expected that mechanical ventilation would be needed to cool the rooms during summer months.
- 6.11 It is considered that the success of the scheme is very much dependant on the precise execution of the scheme in terms of high quality materials, detailed design and finished appearance. Thus conditions are recommended which seek full details/samples of all external surfaces of the extension to be provided prior to any development taking place. A S106 clause is also recommended to retain the existing architects.

### Amenity:

- 6.12 Permission has already been granted under 2010//5567/P for:
- The removal of the existing mansard roof and the erection of a new brick built second storey with new mansard roof at third floor level - The approved new second floor would follow the existing rear building line displaying a setback along the rear north eastern corner. The approved mansard roof extension had a similar angle as the existing mansard roof extension and also displayed two dormer windows along the front elevation and a single dormer to the side elevation. The overall height of the building as a result of this part of the approved scheme would mean that the application site would match the height of the adjoining building at No 43 Pilgrim's Lane.
  - Erection of a side, part rear extension at lower ground level - This extension was hidden behind the existing fencing along the boundary with the properties on Willow Road.
  - Erection of a rear extension at ground, first and second floor level - The removal of the external stairwell to the rear of the building as part of this application meant that these extensions at ground floor would not have projected beyond the existing building line along the northern boundary with the rear gardens of properties along Willow Road.
- 6.13 The assessment on amenity impacts have therefore been considered in the context of this previously approved scheme which can be implemented until 10 May 2014.

### *Daylight and Sunlight:*

- 6.14 It is acknowledged that the 25 degree 'rule of thumb' preliminary test has been breached and in line with BRE guidance more detailed checks have been carried out and a daylight and sunlight report has been submitted. This report details the impact of the proposed development on daylight and sunlight to neighbouring

residential properties at 8, 9, 10, 11 and 12 Willow Road and 64-66 Pilgrim's Lane. For the previously consented scheme the daylight/sunlight report also examined the impact on the adjacent property at 43 Pilgrim's Lane. The rear building line currently proposed is no different to the consented scheme at LG, G, 1<sup>st</sup> and 2<sup>nd</sup> floor and is set back at 3<sup>rd</sup> floor level. It is therefore considered that as this property was not affected by the previous proposal it does not need to be tested for this proposal.

- 6.15 Local residents have raised concerns that the daylight/sunlight consultants did not visit the adjacent residential properties to ascertain the specific layout or room sizes. They are concerned that the daylight/sunlight report does not accurately portray the issue and there could be greater reductions in daylight/sunlight levels if the correct room measurements are used. It should be noted that the principle tests (VSC and APSH) are carried out independent of room layout, making it unnecessary to conduct detailed site inspections of neighbouring properties and it is the norm for daylight/sunlight reports to be carried out without an internal inspection of neighbouring properties. The original daylight/sunlight report confirms that the tests were all run based on the updated BRE guidelines bought out in October 2011 and confirms that survey data has been used to model the adjacent properties (including Willow Road).
- 6.16 In terms of daylight, The VSC test in the BRE guidance states that if a window already receives a good level of daylight then any reduction below 27% should be kept to a minimum and that where they already receive lower levels of light any reduction to less than 0.8 times its former value will result in a noticeable affect on amenity. This does not occur and in no location does VSC fall below 0.92 times its former value to properties along Willow Road or below 0.94 times its former value to properties along Pilgrim's Lane, which is considered to be indiscernible.
- 6.17 The No Sky Line has also been carried out. The BRE guidance states that daylight may be adversely affected if after the development the area of the working plane in a room which can receive direct sunlight is reduced to less than 0.8 times its former value. The room layouts of the properties on Willow Road and Pilgrim's Lane are unknown so the test has been carried out on all windows. The NSL does not fall below 0.83 times its former value to properties along Willow Road or below 0.94 times its former value to properties along Pilgrim's Lane, which is considered to be indiscernible.
- 6.18 The ADF test sets the following recommended levels for habitable room uses: 1% bedroom, 1.5% living room and 2% kitchen. This test has been carried out for adjacent properties even though the exact use of each room is unknown. The results show that some windows do not achieve 1% or 1.5% but these are all already underneath these targets and would only marginally decrease as a result of the development.
- 6.19 With regard to sunlight the APSH test states that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours or less than 5% of winter sun and receives less than 0.8 times its former value during either period and has a reduction over the whole year of greater than 4%. Because of the location of the buildings this test only needs to

be carried out on the Willow Road properties. The results show:

- That two windows to the ground floor of 11 Willow Road will receive less than 25% of annual probable sunlight hours or less than 5% of winter sun however these windows are all already below the 25% or 5% figures as existing, do not receive less than 0.8 times their former value and do not have a reduction over the whole year of greater than 4% (one window is unaffected and one window receives 0.82 times its former value for the total and 0.82 times its former value for winter sun).
- There is another window at 11 Willow Road which will receive less than 0.8 times its former value at 0.76, however this window still achieves the 25% and 5% figures at 52% and 13%.
- That two windows at 9 Willow Road (basement and ground floor level) will receive less than 25% of annual probable sunlight hours however these windows are all already below the 25% as existing, do not receive less than 0.8 times their former value and do not have a reduction over the whole year of greater than 4% (one window is unaffected and one window receives 0.9 times its former value).

6.20 The report concludes that there will be very little noticeable impact on daylight or sunlight levels to the surrounding residential properties. This is supported by the data provided in the report. It is considered that the daylight and sunlight report submitted demonstrates that the impact of the proposal would not be such as to justify a refusal on these grounds.

6.21 It should be noted that the inspector in the appeal decision for 2008/2714/P concluded that there would be no unacceptable impact in terms of daylight levels. He thought that there could be overshadowing issues because the sunlight impact has not been assessed and this formed one of the reasons that the appeal was dismissed. The current proposal has included a full assessment of the sunlight impact and it is considered that this issue has therefore been overcome.

*Overlooking:*

6.22 The rear gardens of properties along Willow Road at 8-12 are already overlooked to varying degrees by the 10 windows in the side elevation of the existing building (7 of which serve living rooms, bedrooms or kitchens, 3 being at lower ground floor) and the external fire escape stair. The proposed development will result in a reduction in the number of windows in the side elevation to two at the top floor. Only one of these windows will serve a habitable room (a bedroom) and this is set back from the floor below and is a distance of 18m from the properties on Willow Road. In respect of the side elevation the possible amount of overlooking into gardens or habitable rooms to properties on Willow Road will be reduced with this proposal (in the approved scheme 5 windows were proposed to this side elevation).

6.22 The rear gardens of properties at 11-16 Willow Road, at 47 and 49 Denning Road and at the adjacent terrace at 43 Pilgrims Lane are already overlooked to varying degrees by the 8 windows in the rear elevation of the existing building (7 of which serve living rooms, bedrooms or kitchens, 2 being at lower ground floor) and the existing external fire escape stair. The proposed development will result in an increase in the number of windows to the rear elevation to 19 (14 of which serve living rooms, bedrooms or kitchens, 4 being at lower ground floor level) and the

removal of the external staircase. Full height windows are proposed at lower ground and ground floor to serve the kitchen/diner and living rooms to the proposed larger units. These are either proposed at lower ground floor level and will therefore only look over the applicant's garden area, or at ground floor level they include an internal set back of the living accommodation to reduce any potential overlooking (the living room being set back approximately 1.2m from the windows). Given that the rear garden areas of properties along Willow Road, Denning Road and at 43 Pilgrims Lane are already overlooked by habitable room windows in the existing building and that the larger windows include a set back internally it is considered that the proposed development will not result in an unreasonable amount of additional overlooking into rear garden areas or habitable rooms of these properties.

- 6.23 It should be noted that the inspector in the appeal decision for 2008/2714/P thought that there could be overlooking issues from proposed full height glazed windows at the front of the side elevation, but that this could be overcome with the use of obscure glazing. The inspector did think there would be an uncomfortable degree of elevated overlooking from the proposed terrace on the top floor and this formed one of the reasons that the appeal was dismissed. This terrace element and large glazed windows to the side elevation do not form part of the current proposal and it is considered that this issue has therefore been overcome.

*Overbearing impacts*

- 6.24 The proposed building will be one storey higher than existing, but the same height as previously approved under 2010/5567/P. The proposal when compared to this most recent extant planning permission will result in a slightly larger building footprint at LG, G, 1<sup>st</sup> and 2<sup>nd</sup> floor levels to the side of the existing building line (being 1.8m closer to the side boundary towards the front of the property) and at 3<sup>rd</sup> floor level will have a slightly reduced footprint to the rear and front of the existing building line. The proposal will, however, be smaller than the scheme that was refused and dismissed at appeal (2008/2714/P) as that scheme had a larger building footprint at LG, G, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels to the side and to the rear and a reduced footprint at 3<sup>rd</sup> floor level to the front (to accommodate the terrace). The Inspector in the appeal decision for 2008/2714/P thought that there would be an increased overbearing effect as a result of the greater proximity, height and bulk of the new building to 9, 10, 11 and to a lesser extent 12 Willow Road and this formed one of the reasons that the appeal was dismissed.
- 6.25 When considering amenity the Inspector assessed the sunlight impact, overlooking impact and overbearing impact and concluded: "In combination the various adverse effects upon these neighbouring properties would become such as to be unacceptable". As outlined above the scheme differs from this refused scheme and the applicant has amended the scheme, or has provided additional information, to overcome the sunlight and overlooking impacts. It is considered that the proposal to in effect extend to the side of the property by 1.8m would not result in any overbearing impacts on the neighbouring properties.
- 6.26 It is noted that there is a planning application currently under assessment to rebuild the existing garages located to the rear of 8 Willow Road and adjacent to the application site. This involves an increase in the footprint size of the garages and

an increase in height to the front elevation of 300mm. The works to extend these garages are not considered to add any further harm when taken in combination with the application proposal.

Land use, mix and amenity of units

- 6.27 The existing building is split into 5 flats which consist of 4 x 2 bed, 1 x 1 bed (which at 29sqm could be considered to be a studio). The 2011 permission reconfigured the property to create 1 x 1 bed, 3 x 2 bed and 1 x 3 bed units. The proposed arrangement involves 2 x 1 studios (at part of the lower ground floor level), and 2 x 5 bed units spanning lower ground, ground, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels, i.e. resulting in the loss of 1 residential unit.
- 6.28 Policy CS6 (providing quality homes) and DP2 (Making full use of Camden's capacity for housing) seeks to minimise the net loss of Camden's existing housing stock through resisting developments that would involve the net loss of two or more homes. The proposal, as mentioned above would result in loss of a single unit, in line with policy provision and is therefore considered acceptable.
- 6.29 Policy DP5 (Homes of different sizes) indicates that Camden expects a mix of large (3+ beds) and small homes (2 beds or fewer). 1 bedroom and studio units are given '*lower*' priority, 2 bedroom units are given a '*very high*' priority and 3 and 4+ bedroom units are given '*medium*' priority. It is noted that the existing property provides a mix of '*very high*' and '*lower*' priority units and the 2011 scheme provided a mix of '*very high*', '*medium*' and '*lower*' priority units and whilst the proposal is not as ideal as these mixes it is considered to comply with the policy as it still provides a mix of large and small homes. It is noted that there is concern by local residents that the studio are likely to be used ancillary to the larger units, rather than independent flats, however the planning authority can only consider the application on face value. Refusal of permission on these grounds is therefore considered to be unreasonable.
- 6.30 Turning to residential standards: Space and room sizes are provided in CPG2 (Housing) and the minimum internal floorspace (sq m) for studios is 32sqm (the London Plan gives 37sqm). The proposed studios would have an internal floorspace of approx. 33sq m and thus comply with the CPG minimum and are just under the London Plan standard. The studio units are both single aspect, south east facing, looking onto a lightwell at the front of the property (with between 1m and 2m depth) The applicant has set out in their interior daylight analysis (ADF test) that the basement units would provide a good standard of daylighting for the habitable rooms (achieving 1.5%).
- 6.31 The internal arrangements as shown on the proposed plans meet size requirements for both individual room sizes and the total floor area of the proposed dwellings. The proposed residential units are therefore considered to provide residential accommodation of an acceptable standard.
- 6.32 Policy DP6 of the LDF encourages new housing to be accessible to all and built to 'Lifetime Homes' standards. The applicant submitted a Lifetime Homes statement in the submitted Design and Access document outlining how the proposed dwellings will adhere to 'Lifetime Homes' standards. Stepped entrances are

proposed to all 4 units because of the inclusion of a raised ground floor level to the 2 larger units and the location of the 2 studio units at lower ground floor level. This has purposely been designed so as to tie in with the other properties within the street and to be sympathetic to the character and appearance of the Conservation Area. Building Regulations permission would not normally be given for stepped access into the new units unless there is a site reason why level access cannot be provided (normally a steep site from site entrance to front door) or planning requirement for the floor to be raised because of a conservation reason. In this instance it is considered that there is an important conservation reason to require stepped access. Further details are required with regard to the proposed bathroom dimensions, potential for stairlift installation and through-the-floor lift; provision of shower facilities at entry level; and level accessible thresholds and a condition has therefore been recommended requiring the submission of this information.

### Transport

- 6.33 The proposal entails the reduction in the number of units from five to four and the site is located in an area with a PTAL rating of 3 (indicating moderate access to public transport). There is therefore no requirement to make these residential units car-free.
- 6.34 Policy DP17 require development to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. The London Plan also adopts the Transport for London cycle parking standards. The requirement is for 1 storage or parking space per residential unit with units of 3 bedrooms or more requiring 2 spaces and the requirement is therefore to provide 6 cycle parking spaces. The proposal is for these spaces to be provided in vertical hanging spaces at lower ground floor level within the lightwell. Whilst this location is not ideal it is acknowledged that there is space within the rear gardens to the larger properties as well.
- 6.35 A Construction Management Plan is considered to be necessary in this instance owing to the scale of works proposed and the need to protect the local highway network and neighbouring amenity during the construction period. Therefore, the submission of a Construction Management Plan is recommended to be secured through a Section 106 Agreement.
- 6.36 The proposed demolition, excavation and construction works are likely to lead to damage to the footway adjacent to the site during the course of works. A financial contribution is recommended to be sought through a Section 106 Agreement to repave the footway at this point of Pilgrim's Lane.

### Other Issues

#### *Risk of flooding and impact on water table:*

- 6.37 Permission is sought to lower the depth of the existing lower ground floor level, by between 0.3m and 0.7m and the site is located within an area identified within Policy DP23 as being susceptible to surface water flooding a Basement Impact Assessment has therefore been submitted. Policy DP27 and CPG4 relate to all basement and underground development in the borough, including those developments which include an extension to existing lower ground floor accommodation.

- 6.38 It is considered that the scheme complies with policies DP27 and DP23. The applicant has submitted basement screening flowcharts which look at the characteristics of the proposal, its location and the potential impacts on the surrounding environment and these confirm that there are no matters of concern which should be investigated using a Basement Impact Assessment. Specifically the site does not include slopes greater than 7 degrees, is not within 100m of any watercourse or spring lines, is not within 50m of the Hampstead Heath ponds, the proposal will not result in a change in the proportion of hard surfaced/paved areas, and the proposal will not result in more surface water being discharged to the ground.

#### *Trees*

- 6.39 There are no trees present on the development site. There is a tree located in the rear garden of No. 14 Willow Road near the shared northern boundary with the application site (Golden Acacia). There is another tree located to the east of the development site approximately 6.5m away (Common Lime). This tree is separated from the proposed development by the two garages along the eastern boundary. The applicant has submitted a Pre Development Arboricultural Report which concludes that the retaining wall at the boundary with 14 Willow Road which will act as a barrier between the two sites. Due to the location of the retaining wall it is not considered that there is any rooting near the boundary of the development site. The site is outside of the root protection area to the other tree. The proposed development is therefore not considered to have any detrimental impact on the nearby trees.

#### *Sustainability*

- 6.40 The overall approach to energy should be in line with the Mayor's Energy Hierarchy i) using less energy; ii) supplying energy efficiently; iii) using renewable energy. With regard to the third element of the hierarchy there is a requirement for a 20% reduction in CO<sub>2</sub> through the use of on-site renewable technologies.
- 6.41 In line with the first element of the hierarchy the energy strategy shows how the building has been designed to be more energy efficient than Building Regulations Part L minimum standards. In terms of CO<sub>2</sub> usage the dwellings will perform between 6.6% and 8.5% better than part L.
- 6.42 With regard to the third element of the hierarchy the proposal is to use solar thermal collectors to utilise solar radiation to heat water air and PV panels to generate electricity. These will provide a 20% reduction in CO<sub>2</sub> emissions in line with policy (18sqm of Solar Water Heating panels and 14sqm of PV panels). The implementation of the sustainability measures detailed in the renewable energy strategy will be secured via a S106 legal agreement.
- 6.43 In line with policy the applicants have submitted a Code for Sustainable Homes pre assessment that shows the site can achieve a code level 3 rating. The CPG states that developments should achieve 50% of the available credits in each of the energy, water and materials and resources sections. The pre assessment shows that 74% is expected in the energy section, 83% is expected in the water section and 12% is expected in the materials and resources section. The applicant has

stated that the detailed specification has not yet happened and it is likely that the score for the materials section will be higher when this is carried out. The code level 3 rating and minimum specific scores in each category in line with the CPG will be secured with a S106 legal agreement.

#### *CIL*

- 6.44 The proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £7,400 (148sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

## **7. CONCLUSION**

- 7.1 The demolition of this building in a conservation area is considered acceptable. The proposed building is considered respect the rhythm, scale and vertical emphasis of the neighbouring buildings on this part of Pilgrim's Lane and provide a suitable mix of residential units of different sizes. There is not considered to be a detrimental impact on the character and appearance of the Hampstead Conservation Area. The proposed building is not considered to have a negative effect on the residential amenity of existing neighbours. Subject to the recommended planning conditions the proposal is considered to be compliant with policy.
- 7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- A full Code for sustainable homes assessment and a post construction review;
  - £4,540.46 highways works contribution;
  - Construction Management Plan;
  - Restriction requiring further drawings and implementation of the scheme by dMFK architects only

## **8. LEGAL COMMENTS**

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