

Address:	48b Netherhall Gardens Hampstead London NW3 5RG	
Application Number:	2010/1946/P	Officer: Rob Tulloch
Ward:	Frognaal & Fitzjohns	
Date Received:	13/04/2010	
Proposal: Erection of 3-storey dwelling house with partial basement, including creation of pedestrian entry and re-paving of driveway, following demolition of existing dwelling house (Class C3)		
Drawing Numbers:		
Site Location Plan; Site Plan; 1:100-101; 1:100-103; 1:50-00-1; 1:50-000; 001; 002; 003; 101; 102; 103; 104; 105; 202; 203; 204; 205; 206; 207; 208; X1:100-101; X1:50-000; 001; 002; 101; 102; 103; 104; 106; 206; View 01; 02 ; 03		
Photographs x6; Contextual Analysis; Design Strategy; The Proposed Scheme; Detailed Planning Matters; Lifetime Homes Statement; Tree Report; Visual Privacy & Overlooking		
RECOMMENDATION SUMMARY: Grant Planning Permission subject to a S.106 Legal Agreement		
Date of Application:	13/04/2010	
Application Number:	2010/1963/C	
Proposal: Demolition of existing dwelling house (Class C3)		
RECOMMENDATION SUMMARY: Grant Conservation Area Consent		
Applicant:	Agent:	
Mr Patrick Gilmartin 48b Netherhall Gardens Hampstead London NW3 5RG	Woollacott Gilmartin Architects 48b Netherhall Gardens Hampstead London NW3 5RG	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3	<i>Dwelling House</i>	143m ²
Proposed	C3	<i>Dwelling House</i>	335m ²

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

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	2	
Proposed	1	

OFFICERS' REPORT

Reason for Referral to Committee: The application proposes the complete demolition of an existing building within a conservation area [Clause 3 (iv)].

1. SITE

- 1.1 The site is occupied by one of a pair of semi-detached infill houses built in the 1950's. It comprises 2-storeys in a modern design and is constructed in yellow stock brick. The site is situated at the northern end of Netherhall Gardens near the junction with Fitzjohns Avenue. It lies within the Fitzjohns/Netherhall Conservation Area, but is not listed as a building that makes a positive contribution to the conservation area.
- 1.2 To the east is no. 50 Netherhall Gardens, a large Grade II listed house by Shaw. Opposite are other equally large Victorian houses set closely together (nos. 49 through to 63). To the west the context is one of early 20C houses and infill (up to no. 42), none of which are recognised as positive contributors.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a 3-storey dwellinghouse with partial basement, with additions and alterations to include creation of pedestrian entry and re-paving of driveway.
- 2.2 Conservation area consent is sought for the demolition of the existing semi-detached dwellinghouse.

3. RELEVANT HISTORY

- 3.1 The erection of an additional storey at 2nd floor level with a roof terrace at the rear. Refused 14/11/1974.
- 3.2 The erection of a 2-storey extension at the rear of no. 48B Netherhall Gardens. Granted 10/07/1964.

- 3.3 The erection of 2 x semi-detached, 3-storey houses with ancillary private garages and the formation of two new means of access to the highway on a site between nos. 48 and 50, Netherhall Gardens. Granted 09/08/1956.

48C Netherhall Gardens

- 3.4 2007/1147/P Erection of a 2-storey glazed extension to front of existing dwellinghouse plus erection of sliding vehicular entrance gate and other alterations to the front and rear elevations. Granted 27/04/2007.
- 3.5 2006/1483/P The erection of a 2-storey timber-framed front extension to the dwellinghouse and other external alterations, plus erection of new vehicular entrance gate. Granted 01/06/2006.

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage do not wish to offer any comments.

Conservation Area Advisory Committee

- 4.2 Fitzjohns/Netherhall CAAC supports the concept of a new property but is concerned at the loss of one of a semi-detached pair.

Officer response

Previous planning applications have concluded that nos. 48B & 48C are no longer read as a pair; as such it is considered that the loss of one of the houses would not harm the appearance of the remaining dwelling.

4.3 **Adjoining Occupiers**

	Original
<i>Number of letters sent</i>	27
<i>Total number of responses received</i>	3
<i>Number of electronic responses</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	3

- 4.4 48 Netherhall Gardens objects on the grounds of possible subsidence, flooding as a result of drains being blocked, noise and disruption affecting their working from home, and the proposed dwelling is too tall.

Officer response

These are not strictly planning issues, as structural concerns and drainage are dealt with under the Building Regulations, and noise and disruption from construction is dealt with by Regulatory Services. Although the proposed dwelling would be taller than the remaining adjoining building, the height of the proposed

dwelling is considered appropriate in the context of larger and taller surrounding dwellings.

- 4.5 48C Netherhall Gardens object that the proposed dwelling is out of scale when compared to its pair.

Officer response

Previous planning applications have concluded that nos. 48B & 48C are no longer read as a pair. It is considered that, although the proposed dwelling is larger than the existing building that is to be replaced, each building will retain its integrity and the difference in scale would reflect the diversity of the surrounding buildings.

- 4.6 48A Netherhall Gardens object on the basis of overdevelopment and the risk of damage to neighbouring properties.

Officer response

The proposal replaces a 3-bedroom house with a 4-bedroom house and, although larger, is not considered to be overdevelopment. The proposed partial basement would only cover the central section of the house, not the whole width of the house, and structural issues are dealt with under the Building Regulations.

5. **POLICIES**

Replacement Unitary Development Plan 2006

- 5.1 SD6 Amenity for occupiers and neighbours
H1 New housing
H7 Lifetime Homes and wheelchair housing
B1 General design principles
B3 Alterations and extensions
B7 Conservation areas
N8 Ancient woodland and trees
T3 Pedestrians and Cycling
T7 Off-street parking
T8 Car free housing and car capped housing
T9 Impact of parking
T12 Works affecting highways

Supplementary Planning Policies

- 5.2 Fitzjohns/Netherhall Conservation Area Statement
Camden Planning Guidance 2006

LDF Core Strategy and Development Policies

- 5.3 DP6 Lifetime homes and wheelchair homes
DP17 Walking, cycling and public transport
DP21 Development connecting to the highway network
DP18 Parking standards and limiting the availability of car parking
DP20 Movement of goods and materials

DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

CS5 Managing the impact of growth and development
CS8 Promoting a successful and inclusive Camden economy
CS11 Promoting sustainable and efficient travel
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

As the draft LDF Core Strategy and Development Policies documents have now been published they are material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis

6. ASSESSMENT

- 6.1 The main considerations material to the determination of this application are as follows:
- Principle of demolition
 - Design
 - Standard of accommodation
 - Transport Issues
 - Sustainability
 - Trees

Demolition

- 6.2 The Council's policies favour keeping all buildings that make a positive contribution to the character and appearance of a conservation area. In such cases Planning Policy Statement 5 - Planning for the Historic Environment (PPS5) requires certain criteria to be met for the demolition of a heritage asset to be acceptable.
- 6.3 The house is of little architectural value and is not recognised in the Fitzjohns/Netherhall Conservation Area Statement as making a positive contribution to the character or appearance of the conservation area. Therefore the principle of demolition is accepted, subject to an appropriate scheme, and a PPS5 assessment of demolition will not be necessary.

Design

- 6.4 The proposed dwelling is a modern design and would comprise 2-storeys plus attic. It would be clad in handmade soft red clay tiles with an asymmetrical zinc roof. The clay tiles are the same colour as the surrounding red brick properties and the zinc

roof would patina to a dull grey. Windows would be timber framed. A sample panel of the materials will be required by condition.

- 6.5 The proposal would lose the garage but retain the hardstanding in front. The front boundary wall would be rebuilt in red brick to a similar height as existing.
- 6.6 The proposal would result in an increased footprint, height and mass and a building line closer to the street. The scale of proposed development in itself is not considered to be out of character. The existing buildings are small by comparison to many of the valued buildings in the area, and the proposed building line will relate to neighbouring set backs. Above ground level the building is set back from the western boundary, thus retaining the separation between properties.
- 6.7 There are concerns regarding the redevelopment of one of a semi-detached pair of houses and the potentially incongruous nature of two conjoined buildings of different forms and architectural language. However, the pair of houses are a late addition to Netherhall Gardens, and no. 48C has been granted permission for alterations to the front, notably a 2-storey glazed extension in 2007 (2007/1147/P), which has not been implemented. In assessing this application it was noted that *“Although nos. 48C and 48B were in all probability originally designed as a pair, their front elevations do not match now. Therefore the proposed alterations will not detract from the symmetry of the pair, as the two buildings do not currently ‘read’ as a pair.”*
- 6.8 Physical separation from the neighbour is usually the solution when redeveloping one of a pair; however, in this circumstance, the proposed and existing designs are clear and complete enough in their own forms, particularly with their perpendicular roof planes, to lessen any potential awkwardness. Although attached, the proposed and remaining existing buildings, due their individual asymmetry, will have integrity in their own right, with neither reading as half a building. Taking into consideration the mature tree planting at the front of the plot, tightness of the site and the different building lines, the opportunities to read these properties as a pair is lessened further.
- 6.9 In terms of design and materials, the proposed new building is more characterful than the existing building with consideration towards domestic revival and Arts and Crafts principles, and as such could be considered to enhance the character and appearance of the conservation area in line with policy B7 (Conservation areas) of the UDP. Materials are traditional and textures and natural finishes are expressed. The tile hanging of the front elevation will add richness, and the fenestration contributes to the asymmetry and informality typical of the context.
- 6.10 A basement development that is modest in size such that it does not extend beyond the footprint of the original building and is no deeper than one full storey below ground level (approximately 3m in depth) is often the most appropriate way to extend a building below ground, provided that the internal environment is fit for the intended purpose (See Residential Development Standards below), and there is no impact to any trees on or adjoining the site, or to the water environment. The basement element of the building is therefore considered to be acceptable.

- 6.11 The Town and Country Planning (General Permitted Development) Order 1995 (as amended) confers certain permitted development rights on dwellinghouses. The proposed new dwelling is recommended for approval based on the submitted design. If the new building were to continue to benefit from permitted development there would be potential for extensions and alterations that would be beyond the control of the Council and could harm the character and appearance of the conservation area or the amenity of adjoining occupiers. Therefore it is considered reasonable to remove the right to alter or extend the new dwelling without the prior approval of the Council.

Standard of accommodation

- 6.12 Lifetime Homes
As the proposal is for a new building, Approved Part M of the Building Regulations will apply to all elements of the proposed development. In addition, policy H7 requires all new dwellings, whether new build, additions to existing buildings, conversions, or changes of use, to be built to Lifetime Homes standards.
- 6.13 The applicant has submitted a lifetime homes statement which addresses all 16 criteria points. Off-street parking is 3300mm wide and gently sloping toward the house, it cannot be level due to the root protection zone of the trees at the front. Otherwise, the entrance to the house has a 15mm threshold upstand and is illuminated. Internal doorways are 900mm wide and there is adequate space for turning a wheelchair in most rooms. At ground floor level there is a living room, space that could be used as a bedspace, and an accessible WC with drainage provision for a future shower. There is also space for future stairlifts and hoists.
- 6.14 The proposal is considered to have sufficiently addressed Lifetime Homes standards, and the proposed dwelling, due to its internal layout, is also considered to meet the Council's own residential development standards.

Transport

- 6.15 The site is located on Netherall Gardens, north-east of Finchley Road town-centre. There is vehicular access to the site and it is proposed to retain this to one existing off-street car parking space. The site has a Public Transport Accessibility Level (PTAL) of 4 (good).
- 6.16 Cycle Parking
Policy T3 of the UDP requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and policy T7 states development must comply with Camden Parking standards. The London Plan also adopts the Transport for London cycle parking standards.
- 6.17 Camden's Parking Standards for cycles, states that 1 storage or parking space is required per residential unit, however for larger residential units (3+ beds); the London plan requires 2 cycle parking spaces per unit. The proposal is for 1

residential unit with 4 bedrooms; therefore 2 cycle storage/parking spaces are required.

- 6.18 The applicant has included provision for the storage of two cycles in the proposed design, but at 1.5m x 1m the proposed arrangement does not meet the Council's Parking Standards for cycles. However, there is sufficient space within the proposed layout of the front garden to adequately accommodate the required cycle parking; therefore provision for a minimum of 2 cycle storage/parking spaces designed to Council specifications can be required by condition.
- 6.19 Off-street parking
The proposal includes provision for one off-street parking space. Given that there was an existing parking space on the site, and that the proposed use is of a very similar use to the existing, it is appropriate to allow this space to be retained.
- 6.20 Car-free and Car-capped Development
Given that the proposal is similar in scale and use to the existing use on the site, it is appropriate to protect the existing parking rights for this site. Therefore it would be inappropriate to require this development to be car-free/car-capped.
- 6.21 Construction Management Plan (CMP)
The proposal involves construction of a significant scale including the excavation of a basement. Therefore there is likely to be a significant impact on the local transport network in terms of vehicle movements, therefore a CMP is required to manage these impacts. This can be secured via a S.106 Legal Agreement.
- 6.22 Highways Works Immediately Surrounding the Site
Major construction works usually causes damage to the highway. In order to tie the development into the surrounding urban environment, a financial contribution should be required to repave the footway adjacent to the site and the vehicular crossover. This can also be secured via a S.106 Legal Agreement.

Amenity

- 6.23 The roof ridge of the proposed building would be approximately 2.1m higher than the existing roof ridge; however due to the asymmetrical design of the roof and the angling of the rear elevation where it adjoins 48C, it is considered that the proposed building would not affect daylight or sunlight to habitable rooms in nos. 48 or 48A Netherhall Gardens.
- 6.24 The existing rear 2-storey extension extends 3.5m further than the rear of the other house in the pair, no. 48C. The proposed rear building line would extend 1.75m beyond the rear of no. 48C with an angled corner; as such, the proposed building should reduce overshadowing to no. 48C and improve the outlook from the other adjacent houses.
- 6.25 The proposed dwelling has been designed to minimise overlooking to adjoining properties. Due to the number of windows in the side elevations of the existing property and its proximity to its neighbours, there already exists a high degree of overlooking. The two high level windows at 1st floor level on the western (side)

elevation would start at 1.7m above floor level to prevent overlooking. The terrace at 2nd floor level would include a timber screen also rising to 1.7m to prevent overlooking. The provision of this screen should be secured by condition.

- 6.26 Two large windows at first floor level to the rear of the existing house would be replaced in the new building by three smaller windows at 1st floor level. One of these would be high level, with another one on the angled corner. At 2nd floor level the proposed window would also be on the angled corner, preventing direct overlooking to either 48C or 48 Netherhall Gardens. Therefore it is considered that the design of the proposed building would reduce the amount of overlooking that currently exists, and would be acceptable in this regard.

Sustainability

- 6.27 Policy SD9 refers to resources and energy. This states that the Council will seek developments that conserve energy and resources through designs for energy efficient, renewable energy uses, optimising energy supply and the use of recycled materials. The proposal includes:
- Local sourcing of materials
 - Re-use of rubble from demolition as hardcore for the build up of sub-floors of the new building.
 - Automatically opening rooflights with heat and humidity sensors to provide solar gain and passive ventilation to the kitchen and bedrooms.
 - Photovoltaic panels and solar water heating panels to be located on the roof. Air source heat pumps to be located in the attic terrace.
 - Concrete hardstanding at the front to be replaced with a mixture of planting and porous granite and yorkstone paving to reduce water run off and help maintain moisture levels in the soil.
 - Energy efficient lighting
 - Improved thermal efficiency of the walls, windows and roof
- 6.28 Although the Council only requires developments of 5 or more dwellings to meet the Code for Sustainable Homes, the applicant has indicated a willingness to meet Level 4 of the Code. This can be assessed by a post-construction review which can be secured via a S.106 Legal Agreement.

Trees

- 6.29 There are three relevant trees on site. Two lime trees in the front garden, which are subject to Tree Preservation Orders, and a birch tree in the rear garden.
- 6.30 The lime trees contribute to the amenity of the site and need to be protected during demolition and construction. A plan showing the protection method for these trees should be submitted to and approved by the Council before demolition begins.
- 6.31 The excavation of the basement has been configured to avoid the root protection zone of the two lime trees to the front garden.
- 6.32 The birch tree is close to the rear of the existing house and would be likely to suffer from the construction of the proposed dwelling. The applicants have indicated their

intention to remove the tree. There is no objection to the removal of the birch, as long as it is replaced with a tree of a similar size and species. A replacement tree can be secured by condition.

7. CONCLUSION

7.1 In conclusion it is considered that the proposed development is acceptable in terms of design and scale and would enhance the character and appearance of the street scene and the wider conservation area. The proposed accommodation is of a good standard for future residents and would incorporate welcome sustainable measures. The proposal would not prejudice the amenities of neighbouring occupiers. The demolition of the existing building is considered acceptable. The proposal is considered to have due regard for the requirements of the UDP and is considered to be suitable for support.

7.2 Planning Permission is recommended subject to a S.106 Legal Agreement to secure the following:

- Post construction review of sustainability measures
- Associated highways works (precise figure to be obtained)
- Car capping
- Construction management plan

8. LEGAL COMMENTS

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

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